

# Speaking Notes Submission of Roland Sapsford re Hearing Stream 4

28 June 2023

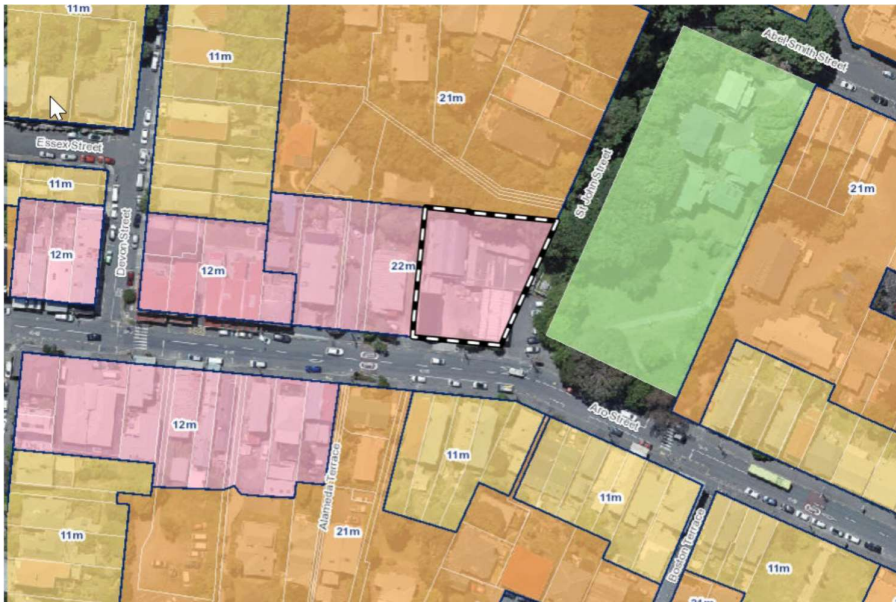
## Links to previous presentations

In Hearing Stream 1, I spoke about the need to consider *the quality of the urban environment* and the ability of people and communities to provide for their needs as *objective matters*, and noted that NPS-UD is silent on this, as opposed to those aspects of amenity which are purely a matter of opinion. I proposed a number of ways to address this, including that shading and/or topography is in fact a qualifying matter. The proposals I made then are summarised in Appendix 1.

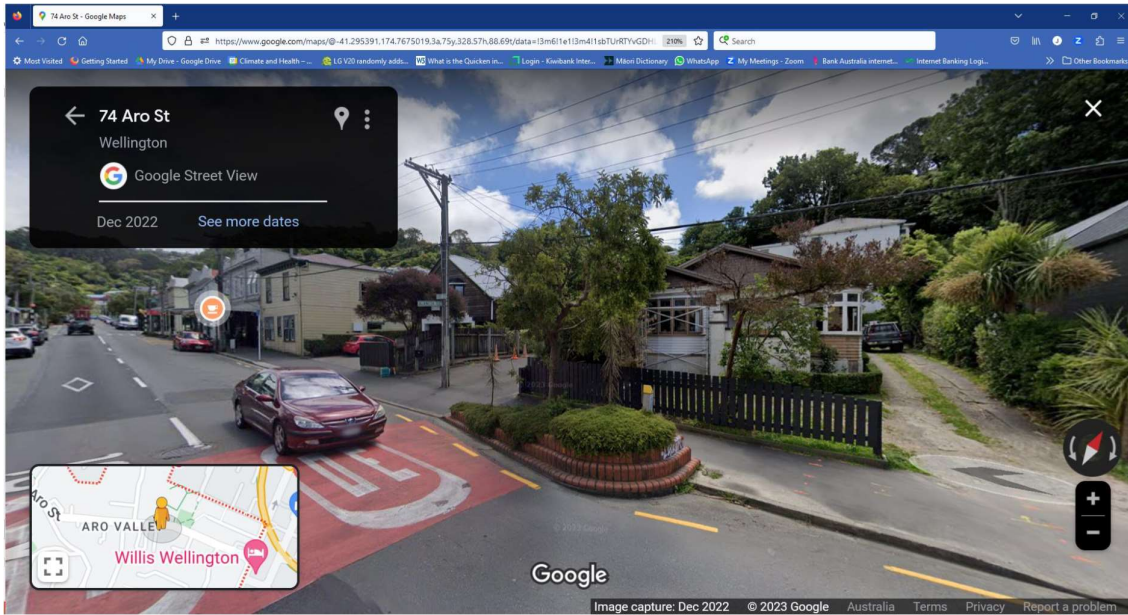
In Hearing Stream 2, I spoke about the need for granular shading studies in the Aro Valley in order to use height limits to maintain and enhance the quality of the urban environment and gave examples of how the proposed changes could seriously undermine the quality of the environment (eg an 8-storey building immediately in front of the residential care facility at 95 Aro St). Appendix 1 also sets out some NPD-US consistent solutions for Aro Valley.

## Focus for this presentation

This submissions focusses on the zoning of **68-72 Aro St, and the Garage Project site – loosely 68 Aro St – as show in dots below**. Together this presentation relates to the two sites zone 22m facing onto Aro St between the 12m zone and Aro Park. This map is from the S42a report.



The s42A report also includes photos of these sites. However images in the S42a report do not clearly illustrate the long-established residential nature of the sites at **68-72 Aro St**. The image from my Hearing Stream 2 presentation does this more clearly.



The centre zoning here is an anomaly. Aside from these sites, the Aro Valley Centre is a coherent centre and a heritage area, with a 12m height limit.

The specific sites in question were rezoned to Centres as a result of a further submission on an earlier Plan change in a process that would not now be acceptable. This is accurately summarised from my submission in the Section 42a report.

## Analysis

### Consideration of rezoning

The analysis in the S42a report seems to conflate general policy and site specific consideration. S42a Report states that Council hasn't looked at rezoning from Centres in preparing the PDP. That is not in itself a resource management reason not to consider it here. Council is proposing very different height limits for these centres and the impact of those needs to be considered rather than taken as read. The Plan can and should provide different heights in different Centres to address effects arising from the topography of the sites and their surrounds.

### Adverse effects

The S42a report directly acknowledges the potential for adverse effects as a result of applying a 22m height limit to these sites.

*"I agree that the increased heights allowable in this NCZ will likely generate effects such as shading in Aro Park and effects on both public and private amenity experienced within Aro Street."*<sup>1</sup>

However as I set out in my Hearing Stream 1 and 2 submissions, the impacts are not simply on subjective experiences of amenity. Permanent shading is objectively an adverse effect on the quality of the environment and the ability of people and communities to meet their needs and provide for their health and safety. As such it goes directly to certain Part II matters on which the NPS-UD is silent.

<sup>1</sup> Para 50, page 10, Part 4 Neighbourhood Centre Zone

A I set out in Hearing Stream 2 the Winter sun barely raises above the hill-line in Aro Valley. A loss of almost all winter sun on houses on Aro St opposite these sites would be a significant objective adverse effect on the people who live there.

#### Role of the NPS-UD

The S42a report sets these specific effects against the general requirement to enable housing supply. However, and I believe this is not in dispute, there is clear evidence from the Housing Capacity Assessment that the PDP enables more capacity than is needed.

Furthermore the NPS-UD is a national instrument and the decision to upzone particular sites must be considered in the circumstances of these sites. The mechanism to address this is rezoning in recognition of residential character, and/or specific controls to address the specific effects that would otherwise arise from the higher limits. An alternative would be – for example - lower height limits in respect of this Centre zone aligned with those that apply in the rest of the centre zone.

#### Aro Park Shading

The other arm to the s42a report is a somewhat cryptic assessment of shading in which the reporting officer claims that because the Council has not protected sunlight in other inner-city parks, loss of sunlight from adjacent buildings in Aro Park is acceptable. This is not a resource management argument. I doubt the Council has formally undertaken a policy to allow its parks to be shaded. This is simply a consequence of other actions.

I am unable to fully assess the accuracy of the shading calculations in the S42a report. However, taking them as read, loss of sunlight from 4pm at the summer solstice would effectively mean the park is in shade during long summer evenings when it is normally well used. Again the idea that a permanent loss of environmental quality is acceptable in light of a general injunction to enable housing supply seems a mis-application of both the RMA and the NPS-UD.

More generally, as I pointed out in Hearing Stream 2, the Park is already shaded from the East in the early morning in Winter, and the failure to include the specific properties at the top of Able Smith St in the character area means there is significant shading risk from these sites as well. The potential cumulative effect of upzoning in close proximity to the North and West sides of Aro Park is significant.

#### Summary

My submissions is that the potential adverse effects from shading from the proposals to zone the sites in question to 21m are significant. Importantly, these effects are acknowledged by the reporting office, and the point of contention is whether there is any resource management case not to address them.

There are two broad issues – the impact of development of up to 22m on these sites on the quality of the environment in Aro St generally – and

Providing a more reasonable height limit for these sites of around 11-12m (in line with the rest of the Aro Valley Centre) would address these significant site-specific effects without undermining the policies and purpose of the NPS-UD as implemented through the Wellington District Plan.

## APPENDIX 1

### Proposals from Hearing Stream 1:

At the strategic level, an additional objective:

Manage development to maintain and enhance the quality of the built environment

An additional qualifying matter:

“localised impacts of topography on the quality of the urban environment”

More granular, “spot zoning” in Aro Valley, reflecting the Urban Design Protocol, and providing for

- increased permitted heights on specific sites where the quality of the urban environment can be maintained
- resource consent assessments to manage design and effects on sunlight, privacy, wind etc arising from topography on a site by site basis across all sites

These matters are additional and distinct from consideration of character and heritage.

### Proposals from Hearing Stream 2:

NPS –UD consistent Solutions for Aro Valley

- Shading a major environmental quality issue, well-managed at present
- Character distinct and feature of area as a whole
- Large parts of Aro Valley caught up in walkable catchment, which does not allow for topography

One option is to draw on Section 6(f) directly due to Aro Valley’s acknowledged heritage value as a whole.

Instead or in addition, Commissioners could:

- Commission shading and wind report for Aro Valley and use topography/shading overlay to define underlying zone as MDR, despite walkable catchment
- Apply expanded character areas as per 42A and this submission (with underlying zoning MDR)
- Identify areas where HDR can occur without impact on shading and character
- Define transition rules (eg expanded setback, recession planes) between character and MDR, and MDR and HDR
- Apply Aro design guide across all areas of the Valley, rather than just character areas
- Fix legacy issues