

WELLINGTON CITY DISTRICT PLAN

PROPOSED DISTRICT PLAN CHANGE 50 - RESIDENTIAL BOUNDARIES AND BUILDING CONTROLS IN ARO VALLEY

1 Introduction

Before a proposed District Plan change is publicly notified the Council is required under section 32 of the Resource Management Act 1991 (the Act) to carry out an evaluation of the proposed change and prepare a report. As prescribed in section 32 of the Act:

An evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.

A report must be prepared summarising the evaluation and giving reasons for the evaluation. The report must be available for public inspection at the time the proposed change is publicly notified.

This Section 32 reports deals with possible changes to the residential building controls in the Aro Valley area, and the boundaries within which the residential building controls will be applied.

2. Background

The key drivers for the initiation of a review of several of the residential building controls that apply within Aro Valley, and of the boundaries in the District Plan which determine the extent of the areas within which the various rules are applied, are outlined below:

Issues relating to the boundaries of Aro Valley

There are currently three Appendix areas in Chapter 5 (Residential Area) of the District Plan that apply various residential building controls in Aro Valley. They include:

Appendix 8 – this appendix identifies areas within Aro Valley, and other Inner Residential areas, where the construction of two or more household units requires resource consent as a Controlled Activity under Rule 5.2.4. In order to retain Controlled Activity status, a development must comply with all the permitted bulk and location standards for the zone. The generic “character” section of the Multi Unit Development Design Guide is the key reference point for assessing these developments.

Appendix 9 – identifies an area where multi unit developments of two or more units in the Aro Valley area require resource consent for a Discretionary Activity (Restricted) under Rule 5.3.10. Proposals are assessed against the general Multi Unit Development Design Guide, as well as the specific “special character” guidelines for Aro Valley in Appendix 3 to the Guide.

Appendix 10 – identifies an area where more stringent provisions relating to site coverage, maximum height and sunlight access planes apply. These provisions have been carried over from the previous District Plan.

Issues relating to the consistency of the boundaries of Appendices 9 and 10 for the Aro Valley area were identified through decision making process for Plan Change 7 – Aro Valley Character Controls in 2002. Specifically, the Hearings Committee recommended in the decision that:

3. *That further consideration be given to the inclusion of houses in Durham Crescent and Mortimer Terrace within the boundary of the Aro Valley Area shown in Appendix 10 to the residential provisions in the Operative District Plan.*

The recommendation was made in response to concerns by the Committee regarding the inclusion of the more modern houses in Durham Street and Mortimer Terrace within Appendix 10 (in which more stringent provisions relating to site coverage, maximum height controls, and sunlight access planes apply).

In addition, the Aro Valley Community Board lodged an appeal to decision Plan Change 7. As part of the Environment Court settlement the Council agreed that:

Before the end of June 2004 prepare a report on the Plan boundary issues pertaining to the Aro Valley for discussion and consultation with the referrer and the wider community; ...”

Specifically, the need for consideration of the boundaries of Aro Valley with respect to the Environment Court settlement arose from confusion arising from significantly different boundaries for the application of the Multi Unit Design Guide (as identified in Appendix 9 of the District Plan), and the boundaries within which more stringent building controls with respect to site coverage, maximum building height and sunlight access planes apply to single household dwellings (identified in Appendix 10).

Another issue identified with the boundaries of Aro Valley (through the preparation of this proposed Plan Change is an overlap and inconsistency between Appendix 8 (which requires consideration of two or more household units as a Controlled Activity under Rule 5.2.4), with Appendix 9 which requires a resource consent for a Discretionary Activity (Restricted) for two or more household units under Rule 5.3.10.

Protection of Character

APPENDIX 3

The District Plan uses various mechanisms to protect character. This includes by ensuring that new buildings and developments recognise and enhance the character of the suburbs, as well as protecting those buildings, spaces and other features that contribute to the character in each suburb.

Several controls are already in place in Aro Valley to ensure that new buildings and developments recognise and maintain the character of the suburb. This includes (through the adoption of Plan Change 7) the application of the Multi Unit Development Design Guide to two or more new household units, with specific guidance on the character of Aro Valley contained in Appendix 3 to the Design Guide. In addition, area specific bulk and location rules apply to the construction of a dwelling within the core area of the Aro Valley area (as defined by Appendix 10), which are more stringent than in other Inner Residential Areas.

The primary mechanisms used to protect the character of existing buildings include the identification of specific heritage buildings (with different rules applying), and through the Multi Unit Development Design Guide against which development proposals for two or more units are assessed.

An additional layer of protection in relation to the character of existing buildings applies to the suburbs of Mt Victoria and Thorndon, with a significant proportion of older housing stock (like Aro Valley) through Rule 5.3.11. This rule makes the demolition of pre-1930's houses a Discretionary Activity, requiring resource consent from the Council, with the primary purpose being to protect streetscape (i.e. 'the look and feel' of an area). Applications for resource consent to demolish are required to demonstrate that either the existing building does not make a significant contribution to the streetscape character, or that the streetscape contribution made by the proposed replacement building will be as good, if not better, than the original dwelling. Proposed Plan Change 38 has since been publicly notified (on 9 July 2005), which seeks to also apply Rule 5.3.11 (with some modifications) to pre-1930's dwellings in Newtown, Berhampore, and Mt Cook to provide additional protection for streetscape character.

The overall aim of the work leading up to the preparation of this Proposed Plan Change has been to investigate and resolve all issues relating the various boundaries under which various rules are applied in Aro Valley, while at the same time investigating the need for addition streetscape character protection. In summary, this work has focussed on:

- reviewing the boundary of Appendix 9 (Aro Valley) to Chapter 5 (in which the Multi Unit Development Design Guide applies to two or more household units – under Rule 5.3.10 as a discretionary Activity (Restricted)), to determine whether any additional areas should be included or existing areas excluded;
- reviewing the boundary of Appendix 10 to Chapter 5 (in which the more stringent bulk and location rules apply – under Rule 5.1.3), to determine whether there is a need to either exclude areas currently covered by this appendix or to include areas outside the boundary;
- assessing the relevance of Rule 5.2.4 and Appendix 8 (which provides for two household units as a Controlled Activity) to Aro Valley;
- in relation to the consideration of the three appendices above, identifying what might be an appropriate boundary for the wider Aro Valley area;

- consideration of the need for additional streetscape character protection in terms of the existing building stock (for example, application of the existing pre 1930's demolition rule);
- identifying the need for any subsequent changes to the Aro Valley section of the Multi Unit Development Design Guide; and
- the identification of any other consequential changes arising from the above, in particular to make the appendices more concise and easier to apply.

A range of options have been canvassed in the preparation of this proposed District Plan change to address the issues identified above.

3. RMA Context

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use and development of natural and physical resources to enable people to provide for their health and safety. The Act also contains an explicit obligation for Territorial Authorities to maintain and enhance amenity values and the quality of the environment. Local authorities are also required to protect historic heritage from inappropriate subdivision, use and development.

4. Policy Analysis

The process which led to the development of this proposed District Plan change has been lengthy, beginning in 1995 when an urban design evaluation of the Inner City Areas was undertaken. Other relevant policy documents that have informed the review include a Sense of Place Strategy and the Built Heritage Policy (2005) for Wellington City - both of which make reference to protection of the character of inner city suburban areas.

An urban design assessment of the issues identified with the boundaries of Appendices 8, 9 and 10 and the associated rules (as they relate to Aro Valley) was commissioned as a key input into this Proposed Plan Change. In addition, reference has been made to previous work undertaken in the preparation of District Plan Change 7 – Aro Valley Character Controls, and more recently the preparation of Proposed Plan Change 38 – Residential Character, Newtown, Berhampore and Mt Cook. Other inputs have included information from the Council's monitoring of the level of development activity occurring in the city.

These key pieces of work are summarised below to provide the reasoning for proposing this District Plan change. Copies of the reports referred to are available on request.

Urban Design Evaluation – Wellington Inner City Residential Areas

In 1995, Graeme McIndoe (Architect and Urban Designer), Chris McDonald (School of Architecture) and Christina van Bohemen were commissioned by Wellington City Council to undertake an urban design evaluation of the residential character of Wellington's inner city residential areas. Their report was finalised in December 1995. Their key findings included:

- there are areas of identifiable local character within the inner city suburbs.

- within these areas the substantial retention of original, very old buildings, and their aesthetic coherence and unique streetscape quality warrant area specific development control.

Proportion of residential buildings built before 1919

	Mt Victoria	Thorndon	The Terrace	Aro Valley
Up to 1919	81%	74%	61%	68%

- multi-unit housing is the predominant new development type in the Inner City Residential Areas, and also the form of development with the greatest potential to impact on the visual character of the surrounding neighbourhood. This is because multi-unit developments are generally larger (both height and width) than existing buildings, make use of different design forms and materials, and have different site layouts especially in the pattern of vehicular access and parking provision.

The report concluded that in order to maintain and enhance local identity, special provisions relating to contextual design of new buildings and restrictions on the demolition of character buildings should be applied in Mount Victoria, Thorndon, central and southern parts of the Terrace and Aro Valley.

Wellington City Council Sense of Place Document (2005)

Recognising and acknowledging the importance of the past also contributes to the community's understanding and awareness of a sense of place. This has been acknowledged in the Wellington City Council Sense of Place Document. In this paper the Council's goal for Wellington is quality of life, growth and prosperity. In striving for this goal, the Council wants to ensure that what makes Wellington special is preserved.

In preparing the Sense of Place Strategy, research was undertaken to determine what Wellingtonian's treasure about their city, and what gives the city its unique character or essence. From the range of factors identified, the following are relevant to proposed District Plan change:

- the compact and integrated urban layout
- the distinct character of communities, neighbourhoods, urban quarters and suburban centres – people and buildings – and the city's confident, unpretentious personality, and
- the symbols, images, places and buildings that identify the people of Te Whanganui-a-Tara and Wellington city, and tell their history.

The Council is committed to work to ensure that all new growth respects these values and, if possible, enhances them.

Draft Urban Development Strategy

The Council's Draft Urban Development Strategy signals a growth management strategy that directs growth to where the benefits are greatest and where adverse effects are minimised, the long term direction for urban development is intensification along a growth spine from Johnsonville to Kilbirnie. Aro Valley is not located on the growth spine and the additional controls proposed will have little or no impact on Council's ability to realise the growth spine concept.

The Plan Change will contribute to the outcomes of a “stronger sense of place” and “a more compact city” within the Draft Urban Development Strategy by providing a balance between retaining and enhancing the existing character of Aro Valley and the provision for multi unit development.

Built Heritage Policy – Adopted by Council 28 June 2005

The Council’s built heritage policy includes a number of objectives that, together, aim to achieve the vision that “*Wellington is a creative and memorable city that celebrates its past through the recognition, protection, conservation and use of its built heritage for the benefit of the community and visitors, now and for future generations.*”

One objective of the Policy is to protect the city’s built heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration and inappropriate subdivision, development and use. This is relevant to this plan change because one action identified in the Policy is to “*extend the protection of heritage values to suburban areas through identifying more heritage areas and other mechanisms*”.

Aro Valley: Boundary Adjustment Review Urban Design Report – June 2006

Deyana Popova (Urban Perspectives Ltd) was commissioned by Wellington City Council to undertake an urban design evaluation of:

- the appropriateness of the boundaries of Appendices 8, 9 and 10 (to Chapter 5) as they apply Aro Valley;
- the appropriateness of the application of a rule requiring a resource consent for demolition of pre 1930 buildings; and
- the need for any changes to the Design Guide for Multi Unit Developments as it applies to Aro Valley.

The recommendations of the report of particular relevance to this plan change include:

- The revision of the boundaries of Appendix 9 (i.e. the area in which the Multi Unit Development Design Guide applies to two or more household units) to include the additional areas in the following streets:
 - Upper Durham Street
 - Mortimer Terrace
 - Adams Terrace and Landcross Street
 - Palmer Street/Abel Smith Street/Johns Street
 - Ohiro Road/Brooklyn Road.

The main reason for including these areas is due to their visual proximity to the ‘core’ Aro Valley area. In addition, the report recommends the inclusion of Landcross Street as part of the Devon Street sub area, as it has similar character to that area. Landcross Street was formerly part of the Victoria University Institutional Precinct, and for this reason it would not have been included in Appendix 9 which relates to areas zoned Inner Residential.

- That Upper Durham Street and the Council housing area to the east of Ohiro Road be removed from Appendix 10 (i.e. the areas where more stringent site coverage, maximum height and sunlight access provisions apply) as the existing building in these areas are not of the scale provided for by the Appendix 10 rules.

- That the demolition rule be applied to the area within Appendix 9 (that is to the recommended new boundaries) with a number of buildings constructed in this area prior or around the 1930's.
- Various changes are recommended to the Multi Unit Developments Design Guide to reflect the changes made to the extended boundary of Appendix 9.

The report also recommends that the more stringent bulk and location provisions in Appendix 10 provisions be applied to multi-unit development of two or more units within Appendix 9, as an additional tool to manage the impact of multi unit development on existing character and amenity. Consideration has subsequently been given to this specific approach, however, due to issues identified with its workability and consistency with the existing provisions for similar older character suburbs. Accordingly, other means of providing additional protection have been considered through the changes to the rules and the Multi Unit Development Design Guide.

Consultation process – late 2004 to present

Planning for the protection and enhancement of the Aro Valley neighbourhood now spans a period of some 30 years. In the early 1970's studies were undertaken in response to the decay of many houses and other buildings and the desire of the Council to promote the renewal of the area. This work led eventually to the adoption of the Aro Valley Comprehensive Urban Renewal Area Zone or CURA Zone in the former District Scheme. In essence, this zone sought to limit unnecessary demolition of existing houses and ensured that any new buildings reflected the existing architectural character and took full account of their neighbours. To achieve the latter, very strict bulk and location provisions were introduced with height limits for different housing types between 6m and 9m and sunlight access controls based on mid-winter calculations. In addition, the Council also sought to promote more accommodation in the area and apartment houses up to a maximum of 12 m were provided for.

The preparation of the new District Plan under the Resource Management Act in the mid 1990's sought to streamline the residential provisions and promote a more effects based approach to the management or control of residential development. This was achieved by creating an inner residential area, including the Aro Valley and controlling multi-unit development through the application of the Multi-Unit Design Guide. The existing CURA provisions were not carried over into the new plan because these were highly prescriptive use-based controls related to a range of individual building types and as such they did not accord with the new approach.

Between 1994 when the Proposed District Plan was publicly notified and the year 2000 when the Plan was approved there was a concentrated focus on inner residential issues. A range of submissions had been lodged to the proposed inner residential plan provisions seeking more targeted and specific controls to protect and enhance the character of the various neighbourhoods or suburbs. Many of the submissions from the Aro Valley sought the reinstatement of the former CURA provisions. Around the same time the Council initiated an urban design evaluation of the inner city residential suburbs as the basis for further work and conducted a comprehensive consultation exercise.

APPENDIX 3

The decisions on the District Plan submissions in 1996 made no major change to the inner residential rules at that time except for the Aro Valley where some of the key bulk and location provisions from the CURA zone, namely building height, site coverage and sunlight access were reinstated. This was seen as a holding measure until more work could be undertaken. In respect of all inner residential submissions the Council had agreed to initiate further work on the introduction of appropriate character controls. However, Environment Court Appeals were lodged by the Thorndon Society and the Mt Victoria Residents Association. The mediation of these appeals led to the notification of District Plan Variation 14 that included new multi-unit design guide provisions and controls on the demolition of pre 1930's buildings in Thorndon and Mt Victoria. Variation 14 was adopted and incorporated into the District Plan prior to its approval in 2000.

The Aro Valley was not considered for inclusion as part of Variation 14 because no appeals had been lodged by parties in the Valley and the local Community Council was keen to work with the City Council to develop separate provisions for the area. In March 2001 the Council formally confirmed that the general policy direction for character control in the inner residential suburbs should be applied to the Aro Valley and the officers were requested to proceed with the development of options for implementing the policy with the Aro Valley community.

In August 2001 a consultation programme for the Aro Valley was undertaken involving the circulation of a discussion paper on the issues and options for District Plan character controls in the Aro Valley and a series of public meetings. The discussion paper sought feedback on the desirable level of District Plan intervention and the methods for protecting character including the adoption of a demolition rule akin to Thorndon and Mt Victoria. The summary of the resident's comments is available if required.

The debate on the issues that followed was vigorous and at times acrimonious. At one extreme were those who supported a high level of intervention and design control down to the level of individual houses and the adoption of a demolition rule. At the other extreme were those who favoured less intervention and no additional District Plan controls. The polarisation of the community at that time was reflected in the responses to the discussion paper. From the 83 responses received there was a fairly even split between the supporters of high regulation and low regulation and on the specific issue of introducing a demolition control rule 27.5% were in support, 52.5% opposed and 20% were unspecified.

As a result of the divisions within the community a 'middle of the road' plan change was proposed that provided additional design guide control for multi unit housing in the Aro Valley, the adoption of the sunlight access controls applying to other inner residential areas and a lowering of the permitted building height in the suburban centre to 9m. These proposals were publicly notified (on 29 May 2002) as District Plan Change 7.

Plan Change 7 attracted a total of 69 main submissions and 2 further submissions. The submissions addressed a wide range of issues relating to the greater protection of the Aro Valley character. Of these some 34 requested the adoption of a demolition rule. Following the hearing of submissions the Council decided to adopt the plan change generally as notified except that the multi unit design control was extended to cover two

unit developments and the more restrictive mid winter sunlight access provisions were retained. The submissions on the other issues raised were deemed to be beyond the scope of the change and were not accepted.

The Council’s decision on Plan Change 7 was appealed by the Aro Valley Community Council but the appeal subsequently withdrawn following an Environment Court settlement. Of relevance to this proposed Plan Change is that among other matters the settlement required the Council to initiate a review of boundary issues for discussion and consultation with the Aro Valley Community Board and the wider community.

Work in relation to consideration of the boundaries of Aro Valley, as required by the Environment Court settlement on Plan Change 7, commenced in early 2006. Around the same time, the Council surveyed residents (both owners and occupiers) within the boundaries of the existing Appendix 9 and Appendix 10 areas to determine the communities’ current views on the introduction of a rule in the District Plan that controls the demolition of pre-1930 buildings within these areas. The survey was later extended to include the peripheral areas being considered for inclusion into the boundaries of Appendix 9 area (including areas within Upper Durham Street, Mortimer Terrace, Adams Terrace and Landcross Street, Palmer Street/Abel Smith Street/Johns Street, and the bottom of Ohiro Road/Brooklyn Road). The findings of the survey are set out in Figure 1 below, and demonstrate a significant degree of support for greater protection of the early housing stock through a demolition rule. Specifically, there was 76% in support from within the existing Appendix 9 and 10 areas in support, and 68% in support within the peripheral areas being considered for inclusion into Appendix 9.

	Area currently within Appendix 9 and 10		Additional areas potentially to be included into Appendix 9	
Response Rate	30.1%		25%	
Percentage Yes’s	76%		68%	
	Owner Occupier	51%	Owner Occupier	55%
	Absentee Owner	27%	Absentee Owner	28%
	Occupier	22%	Occupier	17%
Percentage No’s	24%		32%	
	Owner Occupier	49%	Owner Occupier	35%
	Absentee Owner	43%	Absentee Owner	65%
	Occupier	8%	Occupier	0%

Figure 1: Response to survey question: Do you want a rule in the District Plan that controls the demolition of pre-1930’s buildings within the Aro Valley Area?

Note: In total 1040 questionnaires were sent out, with 307 responses ie a 30% approx. response rate.

Development Activity in Aro Valley

The Council’s District Plan Monitoring Programme includes a number of indicators relating to urban form and growth, and related residential activities.

Figure 2 (next page) shows the number of approved residential units in each suburb between 2004 - 2005. Aro Valley is ranked 46th out of 58 suburbs, with only six new dwellings approved between 2000 and 2004. A review of the resource consents granted since that time shows that there has been an increase in the number of dwellings, with

APPENDIX 3

11 new dwellings created through three multi unit developments alone¹. However, regardless of this, in comparison with other suburbs the rate of activity remains relatively low.

To complement these findings, an analysis of the Council's demolition building consents was carried out for a ten year study period (1995 – 2005) to see if any trends emerged relating to the rate of demolition in the Inner Residential Areas. A total of 666 demolition consents were in the sample size. After removing all consents not within the study areas and any consents for demolition of accessory buildings (which are not subject to the 1930s rule), the following results occurred:

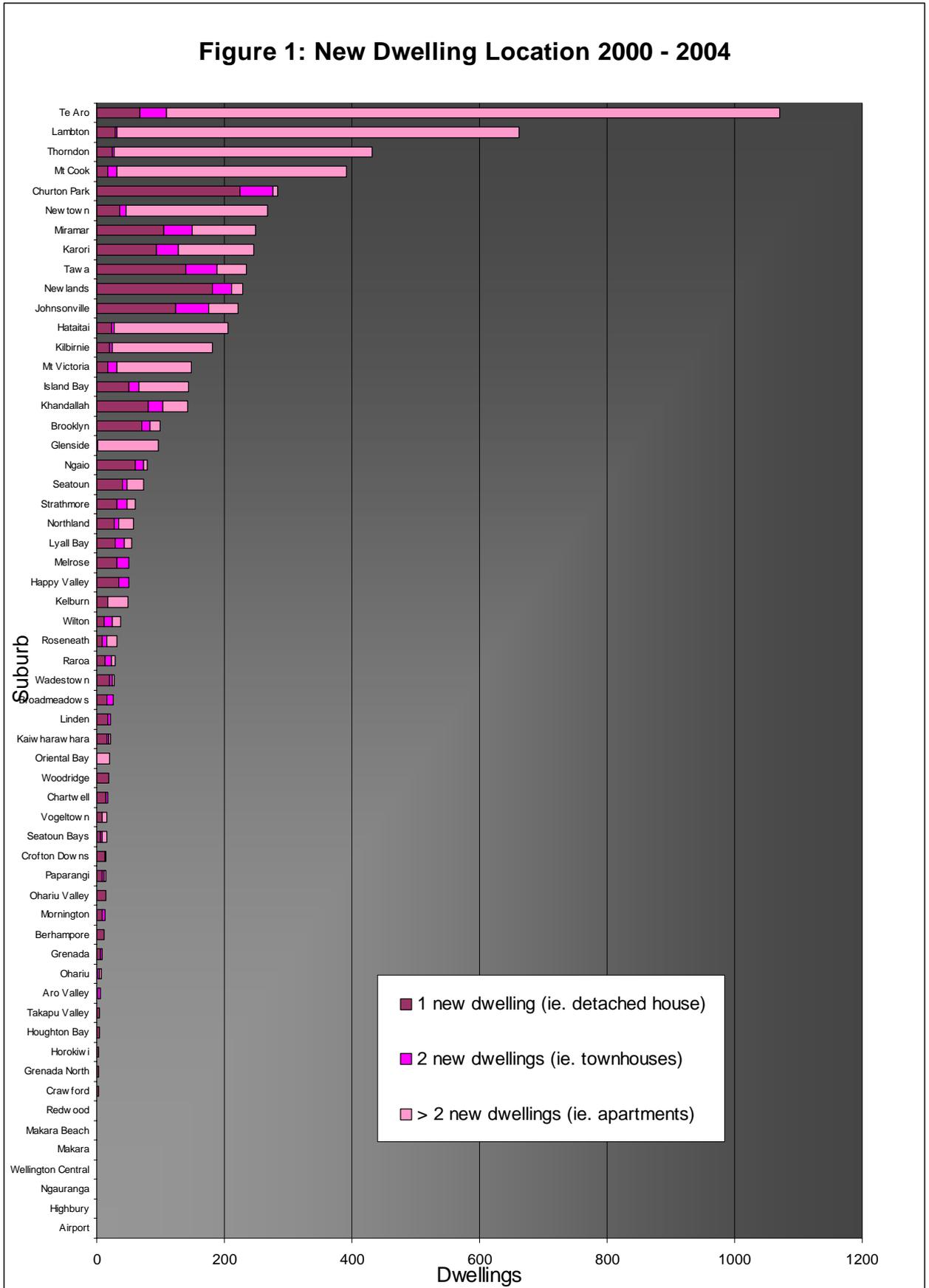
- 21 demolition consents were approved in the Mt Victoria and Thorndon areas in the study period (e.g. Chapter 5, Appendix 9 of the District Plan). This equates to 3.1% of all demolition consents from the sample.
- 45 demolition consents were approved for Newtown, Berhampore and Mt Cook within the study period. This equates to 6.7% of all demolition consents in the study period.
- 3 buildings were demolished in the Aro Valley area within the study period, with all of these being prior to the introduction of the stricter residential building controls under Plan Change 7 (operative 2004).

The results for Mt Victoria and Thorndon show that the rate of demolition in these suburbs has declined significantly since 1998, and that it is almost certainly a direct result of the 1930s demolition rule being introduced. Demolition in Newtown, Berhampore and Mt Cook continued at a high rate. It is possible that when the demolition rules were applied in Mt Victoria and Thorndon, that some of the pressure for redevelopment shifted to Newtown, Berhampore and particularly Mt Cook (given the high rate of multi-unit dwellings approvals in that area).

These indicators show that there is has been a relatively slow rate of growth in Aro Valley compared with other Inner Residential suburbs. In addition, demolition in Aro Valley is very low in comparison with the other suburbs, but it is acknowledged that Aro Valley area is the smallest of the five suburbs.

¹ Note that this figure does not include any new dwellings that were able to be constructed without a resource consent (i.e. as a Permitted Activity).

Figure 1: New Dwelling Location 2000 - 2004



Key documents

- McIndoe, G, McDonald, C and van Bohemen, C (1995) Wellington Inner City Residential Areas Urban Design Evaluation.
- Aro Valley Character and Development Issues – Discussion paper for residents (2001)
- Aro Valley Character and Development Issues Discussion Paper - Summary of responses (2001)
- District Plan Change 7 – Aro Valley Character Controls (operative 25 June 2004)
- Council Report to Strategy and Policy Committee (June 2005) Monitoring the Efficiency and effectiveness of the District Plan.
- Urban Perspectives Limited, (2006) Aro Valley: Boundary Adjustment Review Urban Design Report.

Key discussions/briefings

Consultation has been undertaken with members of the Aro Valley Community Board on three separate occasions (18 May 2006, 25 May 2006 and 22 June 2006) to discuss the issues and the findings of the urban design assessment.

Consultation, in accordance with the First Schedule of the RMA 1991

The Ministry for the Environment, The Wellington Tenth Trust and Ngati Toa have been informed. The section 32 report will be updated if feedback is received.

4. Options

Objectives

Section 32 requires the Council to be satisfied that the objectives in the district plan are the most appropriate means of achieving the purpose of the RMA. Proposed District Plan Change 50 does not change any of the objectives in the District Plan, so this evaluation is not relevant in this case.

Policies, rules and other methods

Section 32 requires the Council to consider whether the policies, rules and other methods used in the District Plan are the most appropriate method of achieving the plan's objective. In terms of managing the effects of activities in the Aro Valley area (and other residential areas within the city), the District Plan has adopted a rule based regime, based on a limited range of activities, and utilising the Multi Development Design Guide as a tool for assessing the character and streetscape effects of development comprising two or more household units. This approach has been thoroughly considered though the plan preparation, submission and hearing process when the District Plan was originally notified. It is therefore not considered necessary to revisit this approach in its entirety in terms of this report. Rather the options considered below focus on means of addressing the specific issues identified in section 2 of this report (i.e. boundary issues, further streetscape character protection).

APPENDIX 3

Option	Advantages	Costs and Risks
<p>Option 1 – Non-Regulatory Methods</p> <p><i>Eg. advocacy to property owners in terms of protection of streetscape character.</i></p> <p><i>Note that advocacy can not deal with the issues identified with the various boundaries that apply in Aro Valley in the District Plan, and which are a trigger for the application of various rules.</i></p>	<p><u>In terms of protection of streetscape character</u> Will raise general awareness of what the ‘residential character’ is in these suburbs.</p> <p>With this knowledge, some landowners may be more sympathetic to streetscape character when redeveloping a property or doing additions and alterations.</p> <p>It is likely that by identifying that certain suburbs have a special character, the resident’s themselves will take a more active interest in developments occurring in the area.</p>	<p><u>In terms of protection of streetscape character</u> No evidence that advocacy methods will be effective by themselves. It relies on the amenability and ability of property owners to protect characteristics that is valued by the wider community, possibly at the expense of development potential on their site.</p> <p>The majority of property owners are unlikely to demolish their dwelling, but where this is perceived as the ‘only option’ for landowners seeking to maximise development opportunities on their site then advocacy methods alone are unlikely to protect the building.</p> <p>A targeted campaign on this issue could cost over \$40000 in one year. Eg. citywide mail out to ratepayers can cost between \$20,000- \$30,000 depending on mail delivery service used. The cost of a target mail out to Aro Valley would be considerably less than this amount. The cost of developing the material and perhaps obtaining a media profile on the issue will be additional.</p> <p><u>In terms of the boundary issues</u> Issues with the boundaries of the Appendices cannot be dealt with through advocacy, as they are part of the District Plan rule regime. The confusion, and therefore inefficiencies in processing resource consent applications due to the inconsistencies and overlapping Appendices will remain under this option.</p>
<p>Option 2 – Status Quo</p> <p><i>Maintain existing levels of regulation (ie. bulk and location) and do nothing now to provide additional control over the demolition of pre-1930 buildings or to alter the boundaries of Appendices 8, 9 and 10 which provide a trigger for the application of different rules within the Aro Valley area.</i></p>	<p><u>In terms of protection of streetscape character</u> Avoids revisiting the issue of streetscape character in Aro Valley so soon after the issue was addressed by District Plan Change 7.</p> <p>It acknowledges that the existing planning provisions applying in Aro Valley provide a degree of protection for streetscape character, particularly the Aro Valley appendix to the Multi Unit Development design guide which works to ensure that all new developments</p>	<p><u>In terms of protection of streetscape character</u> The demolition of character homes in these suburbs, and the subsequent construction of multi-unit developments on the street frontage could compromise the character of these suburbs.</p> <p>In the event that application is made to demolish an existing character dwelling, there would be no ability for Council to assess the impact of the loss of the building on the character of the neighbourhood.</p>

APPENDIX 3

	<p>respond to and enhance the character of the surrounding area.</p> <p>Existing bulk and location provision in Aro Valley are stricter than those applying in the remainder of the Inner Residential Area. While these provisions are focused on preserving amenity, they also work to preserve character by limiting development potential of sites.</p> <p>It is an appropriate response given the nature and scale of the issue. Monitoring indicates that the rate of residential building demolition in Aro Valley is low (a total of three since 1995). Significantly there have been no applications to demolish buildings since District Plan Change 7 was notified in July 2002.</p> <p>The streetscape character of Landcross St relates more highly to Kelburn than Aro Valley and therefore was not included in Appendix 9.</p> <p><u>In terms of the boundary issues</u> Avoids the costs of a plan change for both the Council, and the Aro Valley community in terms of possible submissions.</p>	<p>While the existing bulk and location rules applying to Aro Valley would tend to limit pressure for new development in the area, this may change if the pre-1930 demolition is applied to <u>other</u> inner residential areas, but not Aro Valley i.e. the development pressure that has been occurring in other inner city character areas, such as Newtown, Berhampore and Mt Cook could transfer to areas such as Aro Valley.</p> <p><u>In terms of the boundary issues</u> The confusion, and therefore inefficiencies in processing resource consent applications due to the inconsistencies and overlapping Appendices will remain.</p>
<p>Option 3 - Regulation</p> <p><i>Notify a plan change that:</i></p> <p><i>Applies a revised '1930s' rule (rule 5.3.11) to Appendix 9 (new boundaries) in Aro Valley (the same as proposed for the Mt Cook, Newtown, Berhampore areas in Proposed Plan Change 38).</i></p> <p><i>A 1930s demolition rule currently applies to Mt Victoria and Thorndon. The rule requires a resource consent to demolish any building</i></p>	<p><u>In terms of streetscape character:</u> Would provide an additional level of protection to the streetscape contribution made by pre-1930 character buildings. It would provide an opportunity for the effects of demolition on the character of a neighbourhood to be considered via the resource consent process.</p> <p>Process of obtaining resource consent requires developer to consider alternatives and this may identify other acceptable solutions instead of the removal or demolition of the building (i.e. house</p>	<p><u>In terms of streetscape character:</u> Difficult to justify that the plan change is necessary to address a resource management issue, given that the existing Aro Valley Multi-Unit Design Guide, and bulk and location rules already work to protect the streetscape values of Aro Valley.</p> <p>Landowners intending to redevelop their site (by demolishing a pre-1930s dwelling) will lose that right as a permitted activity.</p> <p>Uncertainty will increase as well as the cost of redevelopment due to the requirement to obtain a resource consent. A non-notified multi-unit resource consent fee begins at \$920.00, but</p>

<p><i>constructed before 1930.</i></p> <p><i>The revised rule would require consent to demolish the 'primary elevation' as well as the 'primary form' of a pre-1930s building.</i></p> <p><i>Amends the boundaries of Appendix 9 and 10 as recommended in the urban design assessment prepared by Urban Perspectives Ltd (except for Landcross St), and amends the Multi Unit Development Design Guide to reflect the changes.</i></p> <p><i>Additional areas will be included into Appendix 9 – in which 2 or more units will require a resource consent for a Discretionary Activity (Restricted) and will be assessed against the Multi Unit Development Design Guide. These areas will include upper Durham Street, the lower part of Mortimer Terrace, part of Adams Terrace, Palmer Street, the southern side of Palmer Street, /Abel Smith Street, the northern part of St Johns Road, and Ohiro Road/Brooklyn Road(at the bottom of Brooklyn Hill). It is noted that some of these areas are currently within Appendix 8 (Upper Durham Street, Lower Mortimer Street and Adams Terrace and require resource for two household units as a Controlled Activity.</i></p> <p><i>Upper Durham Street and the Council housing area to the east of Ohiro Road (at the bottom of Brooklyn Hill) will be removed from Appendix 10 - where the more stringent site coverage, maximum height and sunlight access rules apply. No areas are added into the area where the more stringent bulk and location provisions apply.</i></p> <p><i>Delete from Appendix 8 those areas that are</i></p>	<p>moved further forward on site, and townhouses built behind it).</p> <p>Monitoring of the 1930's rule in Mt Victoria and Thorndon has shown it to be reasonably successful in slowing total demolition of buildings in those areas.</p> <p>Option 3 works within the parameters of the existing District Plan structure. This structure has been tested and confirmed through the plan preparation and appeal processes.</p> <p>Option 3 represents a refinement of the existing District Plan provisions.</p> <p>Removes inconsistencies and overlapping provisions from the District Plan, with a resulting more efficient resource consent process.</p> <p>Provides a greater level of streetscape character protection to properties in upper Durham Street, the lower part of Mortimer Terrace, part of Adams Terrace, Palmer Street, the southern side of Palmer Street /Abel Smith Street, the northern part of St Johns Road, and the northern end of Ohiro Road/Brooklyn Road through Discretionary Activity (Restricted) activity status, and the application of the Multi Unit Development Design Guide, including Appendix 3.</p> <p>The changes to Appendices 9 and 10 will more accurately reflect the existing context and character of the areas.</p> <p><u>In terms of boundary issues:</u> Provides a more definable boundary to Aro Valley with consistency of rules across that area.</p>	<p>could rise to \$3450.00 for a limited notified consent and 6,600.00 for a publicly notified consent. Uncertainty and delays associated with the processing of the application is expected to generate the biggest concerns i.e. whether the consent will be publicly notified and approved.</p> <p>Costs associated with the District Plan change process both for the Council, and the general public.</p> <p><u>In terms of boundary issues:</u> For owners of the properties in Palmer Street, the southern side of Palmer Street, /Abel Smith Street, the northern part of St Johns Road, and the northern end of Ohiro Road/Brooklyn Road, inclusion into Appendix 9 will mean that resource consent will be now be required for two household units (at</p>
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APPENDIX 3

<p><i>already within the amended Appendix 9 boundaries.</i> <i>Removes the duplication in the rules applying to two household units. It will also mean that there is a greater level of control over the construction of two units in the areas shifted into new Appendix 9 (i.e. from Controlled Activity to Discretionary Activity (Restricted)).</i></p>		<p>present resource consent is only required for three or more household units). This will potentially result in additional costs, possible delays and uncertainties with the resource consent process.</p> <p>For the properties in upper Durham Street, lower Mortimer Street and Adams Terrace (which are already subject to Appendix 8 and Rule 5.2.4), inclusion into Appendix 9 will mean a shift in activity status from Controlled Activity (where resource consent cannot be refused) to Discretionary Activity (Restricted) with potentially greater uncertainty, costs and delays.</p>
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5.0 The Risk of Acting or Not Acting

The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposed District Plan approach. In this case, it is considered that there is sufficient information available to analyse the issues and to evaluate the benefits and costs of the policies, rules and methods considered. As a consequence it is also considered that there is a very low risk of any untoward outcomes resulting from the implementation and application of the provisions proposed to address the identified issues.

6.0 Conclusion

The suburb of Aro Valley has a distinctive local character derived from its early settlement and the retention of a high proportion of dwellings dating from the early decades of the 20th century - with 68% of the dwellings constructed before 1919. While the level of development in Aro Valley between 2000 to present has been relatively low (in comparison with other inner city suburbs) and there have been few dwellings demolished in this period, it is considered that a precautionary approach is warranted to ensure that the character of the area is maintained for the future. This particularly as there is a risk that with the existing control over the demolition in Thorndon and Mt Victoria, and the recently introduced Plan Change 38 and 39 which applies greater controls on residential building in Newtown, Mt Cook and Berhampore, that some development pressure could subsequently shift to Aro Valley with its close proximity to the city centre.

Through the consideration of Plan Change 7 several issues were identified with the various boundaries, with the main issues being the confusion resulting from three different appendices with overlapping boundaries, with different rules applied to each appendix.

Three options have been identified to address these resource management issues, including Advocacy (Option 1), the retention of the Status Quo (Option 2) and changes to the existing regulation regime (Option 3).

Of these options, it is recommended that Option 3 be adopted. This option strengthens the existing rules with regard to the protection of streetscape character in Aro Valley, with the application of a demolition rule that has been found to be work successfully in similar older character suburbs. In addition, enhanced protection is provided through the inclusion of some peripheral areas with similar characteristics and a visual relationship with the 'core' Aro Valley area, into the Appendix 9 area (where resource consent is required for two household units as a Discretionary Activity (Restricted)). The amendments to provide greater streetscape protection are supported by an urban design evaluation of the area.

Option 1 (advocacy) is not favoured, as there is a greater risk that it would not successfully achieve enhanced streetscape protection than Option 3. Option 2 (status quo) is not favoured on the grounds that the streetscape character of the area warrants a precautionary approach, particularly as there is a risk that development pressures could arise in the Aro Valley area with the greater control through Plan Changes 38 and 39 in Newtown, Mt Cook and Berhampore. In addition, neither of these options enables the

APPENDIX 3

existing issues with the boundaries and associated rules that apply to Aro Valley to be tidied up.

On balance, it is considered that Option 3 best meets the requirements of section 32 of the Resource Management Act as it represents the most appropriate means of achieving the residential objectives of the District Plan.