

**Before the Hearings Panel
At Wellington City
Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of The Proposed Wellington City District Plan

Between Philip O'Reilly and Julie Saddington

Submitter [310.2]

And Wellington City Council

**Statement of evidence of Linda Louise Bruwer on behalf of Philip O'Reilly
and Julie Saddington
(Planning Evidence)**

Date: 16 March 2022

INTRODUCTION

1. My name is Linda Bruwer, I am a sole trader and Principal Planner trading as LB Urban, based in Porirua. Prior to this, I was the Planning Manager at Cuttriss Consultants.
2. I have prepared this statement of evidence on behalf of Philip O'Reilly and Julie Saddington in respect of the planning matters arising from their submission (Submitter Ref: 310.2) on the Proposed Wellington District Plan (PDP).
3. Specifically, this statement of evidence addresses:
 - a) Areas of disagreement with Council's reporting officer and experts, being:
 - i. The buffer/ transition area between character areas and the High-Density Residential Zone (HRZ);
4. I was the author of the Philip O'Reilly and Julie Saddington submission to the Proposed District Plan.
5. I am authorized to provide this evidence on behalf of Philip O'Reilly and Julie Saddington.

QUALIFICATIONS AND EXPERIENCE

6. I hold a Bachelor of Science Degree in Town and Regional Planning from the University of Pretoria (South Africa) and a Master's Degree in Environmental Management from the University of Kwa Zulu Natal (South Africa).
7. I am an Associate member of the New Zealand Planning Institute.
8. I have over 20 years' experience in the field of resource management with extensive experience in land development projects and resource consenting. I am familiar with Bidwell Street Character area and undertook a detailed site visit on the 14th of March 2023.

CODE OF CONDUCT

9. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the Environment Court. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
10. My statement of evidence addresses:
 - Policy HRZ P8 as recommended by Council officer's report¹
 - The transition area between High Density Residential Zone (HRZ) and Character Precincts (CP).

SCOPE OF EVIDENCE

11. Our submission points request better interface management between character precincts and the HRZ in general, as well as requesting specific changes HRZ P8 and HRZ S3.3.
12. I have read the Council Section 42A Reports Part 2, 3 and 4. I acknowledge the author's response to our submission point in terms of HRZ R3.3 and acceptance of our changes.
13. In general, I consider the recommendations made by Council to be positive and this will improve the interface between the Character precincts and the HRZ.
14. Therefore, my evidence addresses the planning matters in response to Council Officer's (the Officer) Section 42A report in particular the Section 42A report Part 3 – Residential Zones Part 4 – Character Precincts and Design Guides and Section 42A report Part2 – High Density residential zone.
15. Specifically, my evidence addresses: transition and interface with character zones the

¹ Section 42A Report Part 2 High Density Residential Zone p.45

and the recommended changes to HRZ P8 in the Council officer's report as well as an addition point in managing the interface by providing increase setback standards.

16. My evidence is accompanied by the following attachments:

- a. Attachment One: Photos of the Bidwill Street CP.
- b. Attachment Two: Contour plan of the Bidwill Street CP.
- c. Attachment Three: Proposed zoning Bidwill Street CP.

17. In forming my planning conclusions, I have drawn on the NPS UD and Boffa Miskell's Pre1930 Character Area Review dated 23 January 2019.

EVIDENCE

18. In our submission we proposed Policy 8 to state:

Provide for a range of residential buildings and structures, including additions and alterations, that:

1. *Are of a form and scale that are compatible with the built environment anticipated for the Medium Density Residential Zone;*
2. *Provide healthy, safe and accessible living environments; and*
3. *Contribute positively to a changing urban environment and achieve attractive and safe streets.*
4. *Where these buildings and structures are in a site adjacent to a character precinct, that their form and scale be sympathetic towards the Character Precinct and does not represent development that is over bulk and height.*

19. The Officer accepted this in part and recommended the following:

HRZ-P8 (Residential buildings and structures)

Provide for a range of residential buildings and structures, including additions and alterations, that:

1. *Provide healthy, safe and accessible living environments;*
2. *Are compatible with the built environment anticipated in the High Density Residential Zone; and*
3. *Contribute positively to a changing urban environment; and*
4. *Achieve attractive and safe streets.; and*
5. *Responds to the site context, particularly where it is located adjacent to a heritage building, heritage structure or heritage area, or character precinct.*

20. The officer's analyses states

264. In my opinion, the amendment to the HRZ-P8 is more appropriate in achieving the objectives, specifically the strategic objectives, of the plan than the notified provisions. I consider that:

- *The change recognises that there will be instances where development proposals will involve infringements of the HRZ standards and in such cases, it would be appropriate to consider the site context, in particular adjoining sites containing identified heritage and character values that are of a much lower height and density. The amended policy also provides a clearer policy position to inform the height in relation to boundary standard that applies in relation to sites containing heritage buildings, heritage structures or heritage areas. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan; and*
- *The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.*

21. Although this addition is a significant improvement on the original policy and provide more guidance for applicants and decision makers at the time of development, I am of the opinion that it is not specific enough and leaves to wide a scope for interpretation.

22. The proposed policy words *respond to the site context* is very vague and there should be more specific guidance in the Policy to ensure an outcome that enable the character precincts to maintain a sufficient level of amenity internally and provide a sufficient level of amenity to the surrounding environment.

23. I propose the wording of point five to be improved as follows:

Responds to the site context, particularly where it is located adjacent to a heritage building, heritage structure or heritage area, or character precinct by;

- *Presenting a form, design and scale that is sympathetic towards the heritage building, heritage structure or heritage area, or character precinct.*
- *Have façades and landscaping treatments that manage bulk and dominance and reduce overlooking.*

24. The Relevant objectives are:

UFD -07

Development supports the creation of a liveable, well-functioning urban environment that enables all people and communities to provide for their social, economic, environmental, and cultural wellbeing, and for their health and safety now and into the future.

Development will achieve this by:

- *Being accessible and well-designed;*
- *Supporting sustainable travel choices, including active and micromobility modes;*
- *Being serviced by the necessary infrastructure appropriate to the intensity, scale and function of the development and urban environment;*
- *Being socially inclusive;*
- *Being ecologically sensitive;*
- *Respecting of the City's historic heritage;*
- *Providing for community well-being; and*
- *Adapting over time and being responsive to an evolving, more intensive surrounding context.*

UFD – O8

Areas of identified special character are recognised and new development within those areas is responsive to the context and, where possible, enhances that character.

25. I consider that the proposed changes are more efficient and effective than the recommended provisions and leave less space for interpretation. I also consider that the recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.
26. I also consider that this is consistent with the objectives and policies of the NPSUD as this will not impact on HRZ height provisions and will improve residential amenity.
27. We did not provide specific relief in terms of the transition area/ buffer zone with character areas. I am therefore suggesting a way forward as set out below.
28. The Proposed District Plan's Introduction to Urban Form (P1 Sch1) sets out character area's as follows:

In addition to increasing housing supply and choice, the District Plan seeks to ensure that the City remains liveable and functions in a way that enhances people's wellbeing. A quality-built environment is one that is walkable, with well-designed buildings and open spaces (both public and private), supported by good public transport options, and ecologically sensitive development. It extends beyond aesthetic considerations to include a broader range of features that make a liveable, quality-built urban and rural environment.

The Plan also protects areas of special character in the City's inner suburbs. These suburbs are some of the City's original settlements, with pockets of relatively intact streetscape character derived from a range of factors such as building age, architectural style, and site boundary treatment. These are known as 'Character Precincts'. Rules in these Precincts control demolition and significant alterations and additions to buildings built before 1930.

Overall, the District Plan seeks to achieve good design outcomes while providing for innovation and changes in building technologies and design approaches. The Plan includes design guidance for development across the City to support the rules and development standards to achieve good design outcomes.

29. This sets the framework for improved amenity. I am of the opinion that these character areas contribute to amenity of surrounding sites and the wider urban environment and created a “sense of place” as per Dr Greg Vossler’s² report, Character has been defined as;
30. *‘a concentration of common, consistent natural and physical features and characteristics that collectively combine to establish the local distinctiveness and identity of an area, and that contribute to a unique ‘sense of place’ when viewed by the public at large from the street or other public spaces. These contributory features and characteristics include those in both public and private domains, and are typically comprised of a combination of the following:*
- *Streetscape level development form contributed to by topography, street pattern, public open space, street trees, landuse, lot size and dimension, garage type and location, and the presence (or otherwise) of retaining walls*
 - *Site specific built form contributed to by building age, architectural style, primary building type and materials, building siting and boundary setbacks, building height and shape, and site coverage’*
31. Based on this I do think that there is good reason to manage the interface areas more strongly between HDZ and the CPs.
32. Based on my experience as a planner CPs provide interest and variety to the urban form. Character areas can also create visual amenity for neighbouring properties and the wider urban environment.
33. The Bidwill Street CP is unique as it provides particular visual amenity viewing the area from the west and the north (see photos in Attachment 1). This is due to the topography (contours indicated is GIS extract Attachment2) as the area is positioned on a north facing slope.
34. Increasing yard setback of new developments in the HRZ will provide an improved

² Boffa Miskell Limited 2019. Pre-1930 Character Area Review p.1

interface area between HRZ and CPs. I consider a reasonable setback to be 3 metres as this will not render neighbouring site as undevelopable.

35. I therefore propose amending HRZ S4 as follows:

HRZ-S4 – Boundary Setbacks

1. Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:

Yard	Minimum Depth
<i>Front</i>	<i>1.5 metres</i>
<i>Side</i>	<i>1 metres</i>
<i>Rear</i>	<i>1 metres</i>
<u>All yards adjoining to a heritage building, heritage structure or heritage area, or character precinct</u>	<u>3 metres</u>

36. Although this will slightly reduce the development capacity of the immediate surrounding environment it will significantly improve the wider and immediate surrounding amenity of the area as visually these areas will have improved visibility of the neighbouring CPs while enjoying the sense of place the CP provides.

37. This proposed change is more efficient and effective than just the proposed improvements to the HRZ P8 and the recommended provision leave less space for interpretation.

38. I consider that this is still consistent with the provisions on the NPSUD and the Objective and Policies of the Proposed District Plan. The changes will not reduce the overall height of the HRZ and the proposed will not have any greater environmental, economic, social, and cultural effects than the notified provisions.



Linda Bruwer

Principal Planner

LB Urban

Date: 16 March 2023

ATTACHMENT ONE
Surrounding Area Photos



Figure 1: View from 22 Bidwill street (top floor) to the West



Figure 2: View from 22 Bidwill street (top floor) to the north.

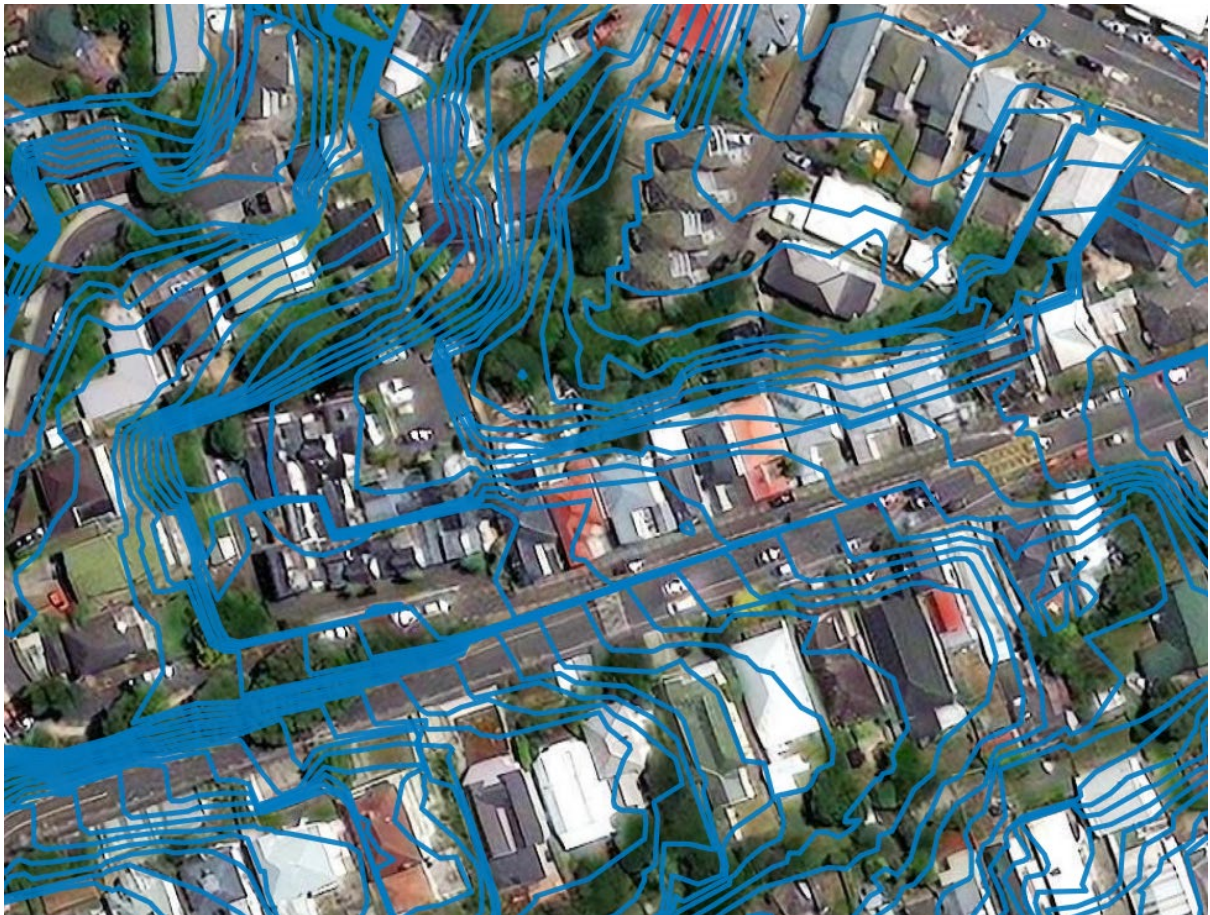


Figure 3: View from 12 Anderson Terrace to the South



Figure 4: View to 22 Bidwill Street from the Bottom of Oak Grove

ATTACHMENT TWO Surrounding Area Contours



ATTACHMENT THREE

Zoning Map Bidwill Street CP

