

# Stream Two Hearings

## Introduction

1. My name is Andrew JW (Andy) Foster. I am appearing to provide evidence on behalf of Live Wellington.
2. From October 1992 until October 2022 I was an elected member of Wellington City Council, including being Mayor for the last three years.
3. Over that period I chaired many committees, generally responsible for Transport, Urban Planning, Infrastructure and overall City Strategy. I was intimately involved in the current ODP including being a member of or chairing many subject area hearings and the special sub-committee tasked with resolving appeals. I was equally heavily involved in most of 94 Plan Changes and Variations to the Operative District Plan. I have also been involved in the Spatial Plan and the PDP until its notification.
4. A key focus of the Proposed District Plan is to provide for more housing. You will be well aware that the theoretical capacity is far in excess of predicted demand. That theoretical capacity you will have already noted changes dramatically with changes in construction costs and interest rates.
5. You will also be aware that projected growth rates are lower than they were, and actual growth rates slipped into negative territory over the last two years.
6. I encourage you to interrogate closely the ever changing evidence.
7. The NPSUD and RM (Enabling Housing Supply) Act require enormously greater development capacity than previously across all tier one districts and cities. They also considerably limit tier one Councils ability to target development to areas of least financial and environmental cost. However between them they do allow some discretion. Council has the ability to send the development market signals through its investment programmes. Development contributions regimes should reflect the variable cost between geographic areas of providing community and physical infrastructure as a result of development. Council and / or possible new Water Service Entities also have the responsibility to intervene to ensure development does not result in infrastructure being overwhelmed. The other area of discretion is through using such powers as zoning and the qualifying matters provided for under the NPSUD. Here the decisions you make as Commissioners are critical to shaping our city.
8. While the NPSUD requires provision of development capacity in the short term (broadly up to 3 years), the medium term (broadly 3 – 10 years) and the long term (10 – 30 years). The District Plan as currently set out does not take this phased approach. It provides enormously greater capacity up front than is considered to be required over 30 years, and that was at pre COVID projected numbers. We have seen population reduce in Wellington City over the

last two years, and projections be adjusted to lower in the 50,000 – 80,000 range. We should not assume that patterns of where people live and work will revert to pre-COVID patterns. The extensive experience of working from home means fewer people need to work in the central city which is a very significant risk to Wellington. Along with improved transport links to the hinterland it means proximity becomes less important, and cheaper further distant housing becomes increasingly attractive, so population growth is more distributed than it was. The recent census data should also assist when it becomes available. It is also worth noting that as a nation we are now below replacement level (births per woman)

<https://www.macrotrends.net/countries/NZL/new-zealand/fertility-rate#:~:text=The%20current%20fertility%20rate%20for,a%200.59%25%20decline%20from%202020>. and the vagaries of immigration 'strategy' and relative performance as a nation will be the major driver of national population change.

It is important that Commissioners seek updated projections, and interrogate the assumptions behind them.

9. The question here is whether it is necessary to sacrifice the much loved character of large areas of inner suburban Wellington to accommodate potential growth, and whether that is necessary now. Again I note there is no phasing in this plan, but there could be, encouraging short and medium term focus on lower impact, lower cost areas, and as time progresses expand capacity – if necessary. We note that there will be at least two new District Plans over that 30 years. Council's expressed priority areas are: Tawa along the rail lines, Johnsonville metropolitan centre and surrounds, the Central City, and the proposed Mass Rapid Transit route.
10. As Commissioners we encourage you to consider phasing through exercising your discretion around the use of qualifying matters. We consider this the appropriate precautionary approach.
11. My evidence, and that of many other submitters who value the character of our inner suburbs, welcomes Council officers' advice and recommendations to restore the character area protections to larger more coherent areas of our inner suburbs. This advice has been consistent throughout the Spatial Plan and District Plan process. However we consider that the Council's own house by house expert/consultant analysis showing the primary and 'contributing' buildings as well as ensuring coherent areas warrants some modest but important expansion of the officer recommended areas. This submission will detail those requested additions and the reasons for them. We consider that the result will be more in keeping with existing coherent character and ensure more attractive, coherent, liveable communities in the future.

### **Inner Suburban Character – a precious, finite resource**

12. My evidence focuses here purely on the inner suburban character areas, Thorndon, Mount Victoria, Aro Valley, The Terrace, Lower Kelburn, Mount Cook, Newtown and Berhampore.
13. Most, but not all of these areas are within a 10 – 15 minute walking distance of either the edge of the central city zone, the edge of the Central City Zone as proposed to be extended

along Adelaide Road, or will be within 10 – 15 minute walking distance of any future mass transit stations.

14. You will be also well aware that more than any other aspect of the Proposed District Plan the arrangements for the inner suburbs became, a key focus area of political and community debate, and an absolute political football.
15. In my view this was unwarranted and unbalanced, and did not help elected members focus on the finer grain of the Proposed Plan. That is in contrast to their predecessors considering the now Operative District Plan.
16. My focus here is on these character areas, but first I'm going to start with the NPSUD.

### **17. The National Policy Statement on Urban Development**

18. The NPSUD shapes the Proposed District Plan and many of the major points of contention between submitters. A lot of debate is between those who want all limitations on housing development removed, regardless of the consequences, or the viability of housing.
19. The NPSUD is a creature of a time when house prices were rising rapidly, and all the discussion was of housing shortages. We are in a very different environment now with house prices falling, lower population projections, and rapid increases in construction costs.
20. The NPSUD itself is a very blunt instrument. Its principles of densification around significant centres and major transport routes and phasing development were very much in accord with Wellington City Council's successful long term targeted development approach, and with the pre NPSUD Spatial Plan.
21. However the most significant matter in terms of this District Plan is the imposition of 6 storey height limits. Problematically this was not specifically mentioned in the Government's NPSUD consultation document <https://environment.govt.nz/assets/Publications/Files/planning-successful-cities-discussion-document-proposed-nps-on-urban-development.pdf>. That discussion draft (page 44) says in respect to height : *'A national direction tool could require plans to be clearer about the baseline level of development expected for an urban area or zone. For example allow for: 'buildings up to three or four storeys high, across an urban area or in a particular zone' and 'smaller residential properties in lower density zones to encourage innovation in affordable housing'*.
22. In other words the consultation document might have 'allowed for' buildings up to 3 – 4 stories, but the NPS promulgated by the then Minister bears little resemblance to this, preventing Councils from setting height limits any lower than 6 stories in large parts of their cities other than where qualifying matters were invoked.
23. Subsequently I met with Ministry for the Environment officials to ask why this dramatic change between the discussion paper and the final promulgated NPSUD occurred. They advised that it was not based on the Ministry's advice.

24. District Plans are developed involving extensive engagement with their communities and were/are considered as 'owned by their communities'. Therefore it is deeply disturbing that this decision, which will likely have a dramatic impact on all New Zealand's major cities over many decades, was made without being subject to the scrutiny of the legislative process or even being aligned with the discussion document which preceded it. I am sure if it had been mentioned there it would certainly have received significant feedback.
25. In this regard it would also be worth the Commissioners enquiring about the relative economics of developing 6 storey buildings versus 3 or 4 storeys. Taller buildings require lifts, services, additional seismic and foundation costs – especially in Wellington, and usually some space - though obviously land costs per unit will be lower.
26. The blunt instrument of the NPSUD is at the heart of much of the contention between submitters. Some submitters wish to remove all possible constraints and minimise or remove any qualifying matters. Others like us ask that as Commissioners you think carefully about the backdrop to these changes and that where there is a choice about the extent of qualifying matters you take a precautionary approach when considering decisions that may cause irreversible, harmful change, particularly to the carefully nurtured and much loved character of our city. One size does not fit all, but it has been made to try to do so. We have seen a number of Councils essentially revolt against aspects of the NPSUD. Further changes to the Plan can be made later to increase potential development capacity should it be required, but once capacity is given it is harder to remove and if that capacity is used the effects cannot be reversed. That is a phased approach.
27. It is particularly hard to support the approach of Kainga Ora which appears to be essentially to remove any planning inhibitions. KO has unique statutory powers under the Urban Development Act 2020. The Act requires KO to go through a stakeholder and public consultation process up front. The question then is why an organisation with these powers, and just as importantly these responsibilities, has taken this approach with respect to Plans, we understand up and down the country. That even goes to a laissez faire approach to natural hazards. We would have thought that looks incredibly unwise in the light of recent events. Personally I am a fan of Urban Development Agencies which would allow more comprehensive, coherent developments. Those would allow greater development than simply allowing the market to deliver. However it is essential that they are master planned with meaningful community input. We oppose KO's submissions in this regard.

## **The origins of the Character Areas**

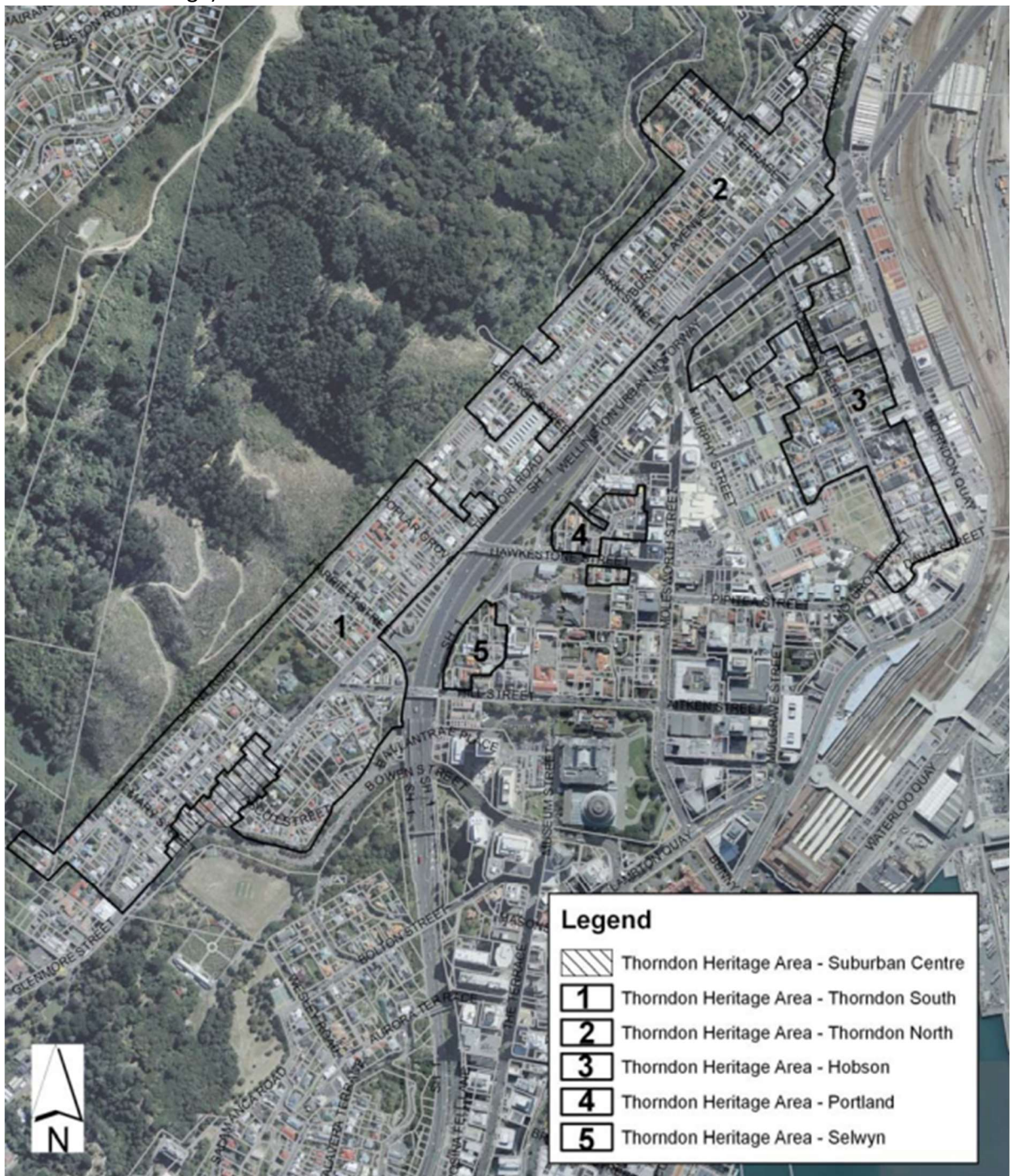
28. The first District Plan introduced in 1967 and made operative in 1972 considered the housing stock in these suburbs 'functionally obsolescent'. High rise development was allowed in Thorndon and Mount Victoria, and a resource consent was required to build single homes.
29. That is very similar thinking to those submitters who decry these suburbs as being full of 'old, cold, mouldy homes.'

30. I can myself recall flatting in student days in a house on Tinakori Road which had seen better days, so I understand that thinking. However that house and many, many more like it has subsequently been invested in and renovated and if allowed will probably be here for another 100 or more years, as a quality, character home.
31. There was an extended backlash to these 1972 rules. Residents wanted more restrictive, protective rules. They hadn't given up on the existing housing stock.
32. The 1979 Plan review which became the 1984 District Scheme reduced the permitted height limit to 10 metres.
33. In the late 1980s Council was looking for more quality urban design outcomes, moving past simple bulk and location. It developed design guides. We notified a new District Plan (which with all its variations and plan changes is the Operative Plan) under the Resource Management Act in July 1994 following pre consultation. We included extensive use of Design Guides including for inner suburbs, an approach the Environment Court endorsed.
34. However Thorndon and Mount Victoria residents sought greater safeguards of existing character and appealed the subsequent hearings decision. The Court agreed to arbitration and ultimately to settlement by way of a variation to the Plan. Variation 14 brought in the pre 1930s non-demolition rule in 1999, in time for making the Plan operative in July 2000.
35. These character areas recognise the importance of a very significant resource. A substantial area of largely coherent early housing, largely built from the timbers that once covered these lands. That is the kind of resource that is rare in New Zealand cities.
36. In developing these areas Council did not separate character from heritage. Character areas were based on historic heritage. There was no distinction made between heritage and character. The two were woven together.
37. Our focus was on coherence and on streetscape. That is the appearance of the collective groupings of dwellings from the street. Coherence was key. We employed experts to undertake street by street assessment as background to and rationale for Variation 14 (Thorndon and Mount Victoria), Plan Changes 38/39 (Newtown, Mount Cook, Berhampore) and 50 (Aro Valley).
38. All of these suburbs in their totality had in excess of 80% of all buildings dating from 1930 or before.
39. We selected 1930 as a cut-off point, not arbitrarily, but because the level of building activity dropped dramatically with the Depression and the Second World War. Housing development post War was largely in different areas (outer suburbs) and of quite different style. The garage became a common as built feature too!
40. We recognised that allowing buildings to be removed and replacement with something quite different in materials, size and architecture would fundamentally change the appearance of whole streets and neighbourhoods, and therefore the nature of replacement buildings became a key consideration in whether demolition of pre 1930s buildings should be

permitted or not. Demolition was not prevented, but required resource consent, hence the development and expansion of the 'pre 1930s' rule.

41. Variation 14 included the pre 1930s non demolition rule for Thorndon and Mount Victoria, and Design Guides to govern any new building.
42. Plan Changes 38 and 39 were very much developed with the Newtown community – indeed we picked up many excellent suggestions about matters such as side yards and on vs off street parking where a house was divided into two dwellings without addition. The pre-1930s non demolition rule was adopted for Newtown, Mount Cook and Berhampore.
43. PC 50 notified September 2006 adopted Rule 5.3.1.1. (pre 1930s non demolition rule) for Aro Valley too. Hearings were held in March 2007. Of the 29 submissions considered just 2 opposed the plan change in its entirety. Twenty-four submissions supported the plan change but requested amendments to some areas. They considered that the plan change was a positive step in helping to protect the special character of Aro Valley. Two submissions neither supported nor opposed but requested changes to either the rules or assessment criteria. The remaining submission (Victoria University) requested that the proposed plan change be amended to remove a number of properties (in Landcross St) from being subject to the new provisions, which the hearings committee accepted, as being sufficiently separated from the core of Aro Valley.
44. Council subsequently considered going further and putting heritage controls over these areas. We started with Thorndon, and had extensive engagement with the Thorndon community from 2008 – 2011.
45. In August 2010 Council's committee of the whole (Strategy and Policy committee) considered a report titled 'Approach to heritage management in the residential areas of Thorndon'.  
[https://wellington.govt.nz/-/media/your-council/meetings/committees/strategy-and-policy-committee/2010/08/05/files/report\\_1.pdf](https://wellington.govt.nz/-/media/your-council/meetings/committees/strategy-and-policy-committee/2010/08/05/files/report_1.pdf)
46. Its Executive Summary began *'Thorndon is an area of approximately 1100 properties with significant heritage and character - valued by local residents and wider Wellingtonians alike. While the area has great heritage value it is also a 'living' area, where property owners want to be able to take advantage of modern building technologies when adapting and modifying their properties. Public consultation on heritage areas in Thorndon was undertaken from December 2008 to May 2010. While consultation did not achieve consensus on a way forward, it identified a number of considerations and a package of regulatory measures (a change in listing in the District Plan and revised design guides) and non-regulatory measures (a request for clear, consistent and timely consent processes, incentives and greater guidance) to address heritage issues in Thorndon.'*
47. Residents opposed the detail of the controls on matters like window replacement, installing aials, chimney replacement etc, and the cost and bureaucracy which would have been required in the subsequent consenting process. Council decided at that stage not to proceed with the concept, but to consider further work to enhance the planning rules and reduce regulation.

48. This map shows the significant heritage areas identified in that study. (noting the clear use of the word heritage)



49.

### The Proposed District Plan and Spatial Plan

50. There was extensive, often vitriolic debate on the extent of character areas during the development of the Spatial Plan and the subsequent Proposed District Plan.

51. Again significant work was done by Boffa Miskell on behalf of Council to walk the streets and assess the existing stock.

52. It was generally, but not entirely accepted that not every street in these character suburbs was itself coherent enough to warrant retention of character and non demolition protections – in today’s terms a ‘qualifying matter’ under the NPSUD. Consequently it was a matter of how much of the existing Operative Plan area of 307.1 hectares would remain protected by character and heritage rules.
53. In the June 2021 Spatial Plan, following consultation, Council officials recommended retaining some 127.3 hectares in the Spatial Plan. The majority of Councillors opted for just 88.3 hectares.
54. We are pleased that Council officers advice has remained largely consistent and more in keeping with evidence of coherent character. We support this advice as the basis for discussion. However we think the evidence is clear that there remain some areas left outside the proposed character areas where the high degree of coherence and / or contiguity with existing proposed character areas clearly warrants existing Operative District Plan protections to be continued.
55. Coherence is particularly important because of the immense difference in appearance that 6 story buildings in the middle of these character areas could cause, and because of the shading impact that such tall buildings could have. They could indeed create colder, damper housing and destroy the quality of life and the value of the properties within character areas if this is not done well.
56. On a personal basis I visited these suburbs with residents during the Spatial Plan engagement in 2021. Many of those people have years of heritage expertise and knowledge of their communities, the homes in them, and often some of the fascinating stories related to the homes and the people no doubt that there are strong communities who care very deeply about the places they live.
57. In recent weeks I again visited these suburbs with resident groups, armed with the officers report to see whether there were areas that really stood out as being coherent, valuable character heritage areas that officers have left out. As another example of the strength of community we were invited into several homes, hearing the stories of those homes and often the enormous efforts that have been gone into to look after them.
58. Our first recommendation is that Commissioners visit these areas, as I am sure you will, armed with good information about the dwellings in question. There will be a lot of detailed information provided by many submitters who have enormous knowledge of the history of their suburb and the homes in it.

## **THORNDON**

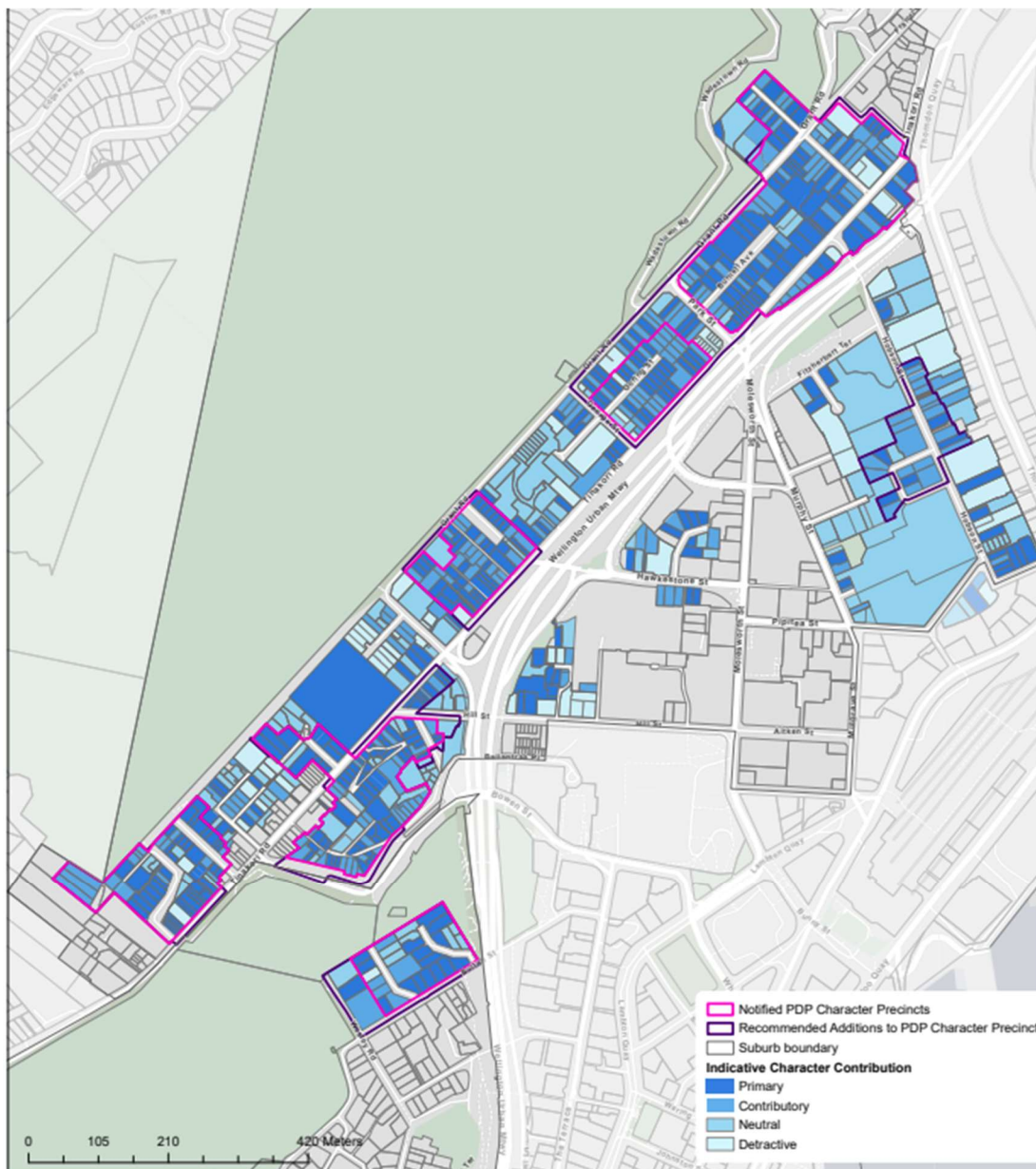
We recommend the inclusion of the following areas as character areas.

- Selwyn Terrace



- Portland Crescent
- Extension of Hobson Street (northern side) from #64 to and including Davis Street and the dwellings on the rear sections. If you were minded to include the character dwellings at 82-86 and 88 Hobson Street (across the road from Katherine Mansfield Park) we would support that but acknowledge they are somewhat separated. You might also consider how best to treat 'Lady Freyberg House', a significant building across Hobson Street.

All of these are acknowledged as 'heritage areas' in the 2010 Map above and are almost wholly primary or contributing buildings in the most recent assessment. By our count there are four non-contributing sets of apartments on the eastern end of Hobson Street, but they are of a height that doesn't detract from the overall feel of this significant street.



### Photos - Portland Crescent



8 or 9 very coherent fine houses.

### Selwyn Terrace





Number 16 - Making great use of space in Selwyn – already dense area for a low-rise community

Number 17 - Tiny house on 54 square metres – none of it wasted! Adjacent to neighbouring home.



**Glenberrie Terrace** – We were shown through an example of Design Guides and planning rules working very well. A new house subdivided from the existing Thorndon Character Area building below on Tinakori Road and built in character to very high standard accessed off Glenberrie Tce.



Glenbervie Terrace



Tinakori Road – adjacent to heritage shopping precinct



Barton Terrace off Lewisville Street – behind but slightly separated from Character area. Some character homes but disrupted by majority of newer homes/flats.



View across St Mary Street and Patanga Cres Important streetscape area.

**Hobson Street**



64 Hobson Street nearest camera



82-86 and 88 Hobson St, currently excluded



Rear properties on Hobson Street – the back sections are important to the coherent character of the street and include some particularly fine houses. We learned about the history of some of these original Town Acre properties, developments on them over time and the people associated with them. The one on the left (#52) is also a Thorndon Society ‘Notable Home,’ I am advised the oldest in Hobson Street. Both currently excluded from character area but very much included in the character assessment and the 2010 assessment. Six storey tower blocks would lose significant homes and compromise the street facing houses.



Lower end of Hobson Street – currently excluded but Boffa assessment classed as character buildings, as did the 2010 assessment – right round into Davies Street. There are only 4 low rise apartment blocks along this stretch of Hobson Street which are not pre 1930s character, so the dominant theme is very much character the full length of the northern side of the street from #64 right round into Davis Street.

To note that we have not asked for all pre 1930s buildings to be included in character areas the following are very fine buildings but separated from other character buildings. Nevertheless they have value and are I am advised often admired by tourists, particularly from cruise ships.

Murphy/ Mulgrave Street – excluded



'Dwellington' – Halswell Street – excluded



## Mount Victoria

We are really pleased with Council officers' recommendations which make for a far more coherent and largely logical area rather than the hotchpotch as notified. We are particularly pleased with the substantial inclusions along Austin Street and its side streets without which the Plan would not be coherent. The expert assessment notes that these areas included are almost entirely primary or contributing buildings. We are also very pleased by the inclusion of the middle section of Ellis Street, and we are Council officials' assurance that Tutchen Avenue is included in the character area that wholly surrounds it. The map appears somewhat ambiguous in this regard so it needs to be clarified.

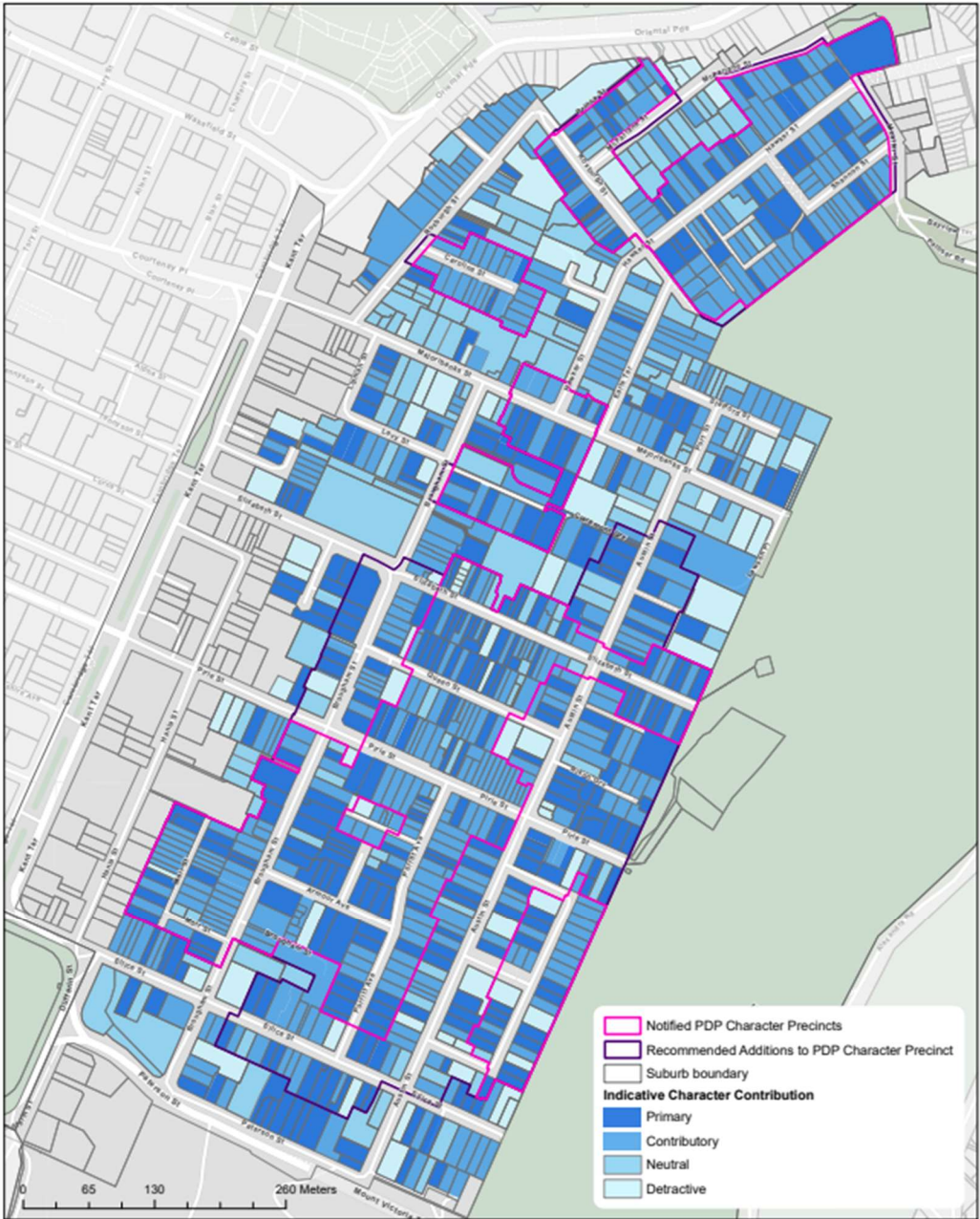
However our site visit and the Council's expert evidence leads us to the view that there are some areas that also warrant inclusion or in one case a different form of protection from large scale development.

We recommend

- The importance of McFarlane Street (upper side) remaining a low-rise street. Given the nature of the housing there we agree with it not being a character area. However its proximity to St Gerard's monastery, and being part of probably the most iconic cityscape in Wellington means it is of great importance that it is not subject to 6 storey heights.

The inclusion in character areas of

- The primary and contributing buildings in Levy and the eastern (uphill) side of Lipman Street
- Earls Terrace
- Stafford Street
- The 3 currently excluded dwellings in Claremont Grove, and the 2-3 Brougham Street dwellings backing onto Claremont Grove.
- Paterson Street
- The lower section of Ellice Street (northern side)



Levy Street



Lipman Street – east side - currently excluded though clearly coherent character (below)



Earls Terrace – entire eastern side of Earl’s Terrace is considered as primary or contributory dwellings in Council assessment but is excluded from being character despite some particularly fine buildings.

Stafford Street – a highly coherent pre 1930s street as seen and assessed, including two dwellings moved here and beautifully restored. We talked to owners investing in and renovating their home. They supported Stafford Street being in a character area.



## Claremont Grove



Claremont Terrace - first house (corner Austin St) is being considered for heritage listing, next three houses are excluded from the character area for some reason despite all being primary or contributing dwellings, and the fourth house (top right) another primary dwelling is included. This does not seem a coherent approach, or in keeping with multiple professional assessments. The opposite side of the road is a large block of flats, but the southern side of Claremont Terrace and the dwellings at the end (accessed off Brougham Street) is coherent and all composed of pre 1930s character buildings.



Claremont Terrace – house on the left is in the character area, houses centre and on the right are not, though they are all 3 primary (right) or contributory according to Council assessment.

## Paterson Street



Turning into Patterson Street – these two buildings assessed as primary and contributing are excluded as is the entirety of Patterson Street, of which 12 of the 13 buildings are assessed as primary or contributing including Ettrick Cottage (1878) – (left) and Waring Taylor’s house (1869) – (below)



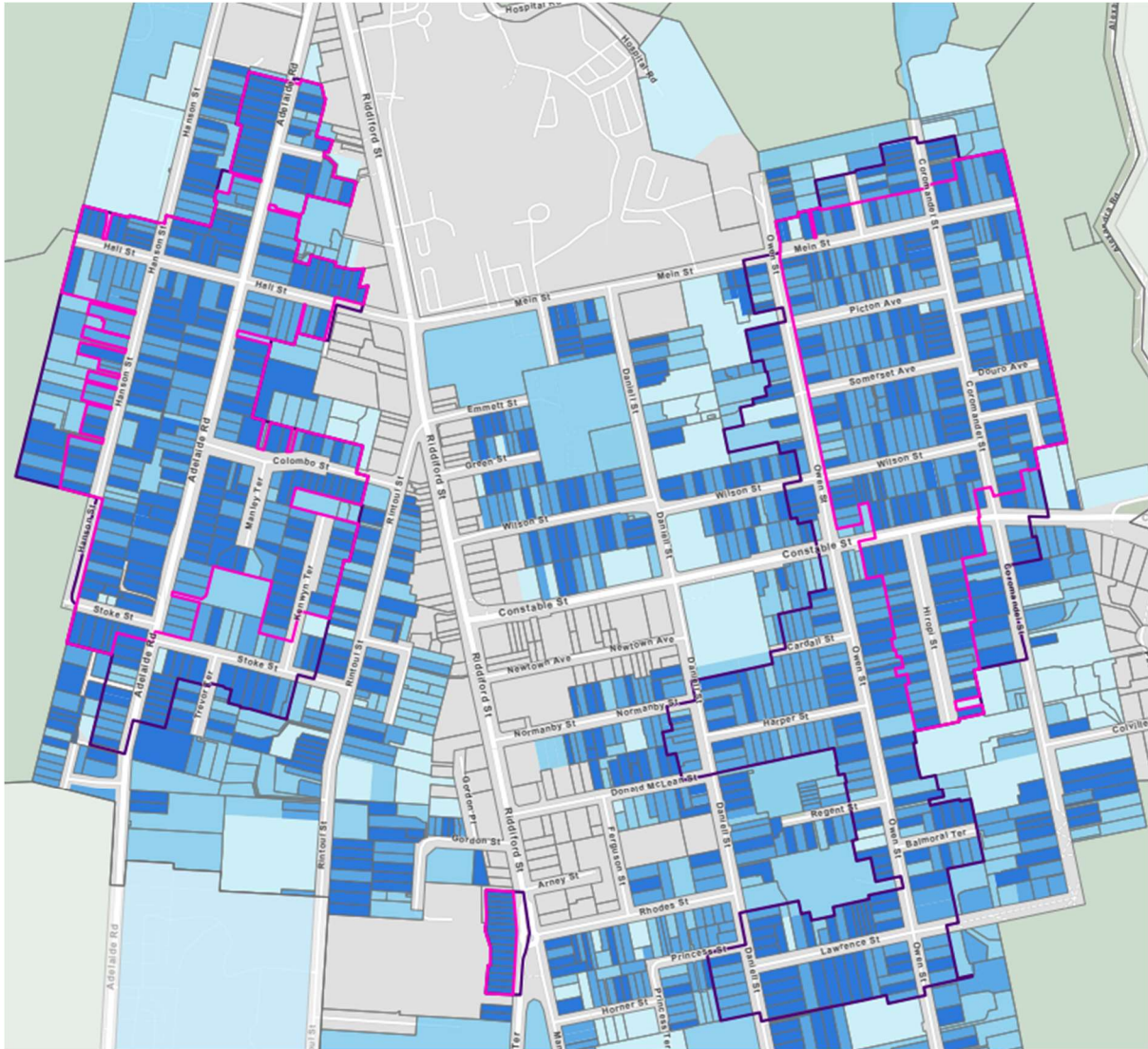
And finally for Mount Victoria - Lower Ellice Street – completely coherent. All of them primary or contributing according to Council’s assessment. Currently excluded from character areas. Again we argue that there is no rationale for exclusion.

## Newtown

Again we are very pleased by officers' recommended restoration of sizeable areas into character areas.

We recommend

- Inclusion of the most coherent areas of Normanby, Wilson, Green and Emmett Streets and three adjacent houses in Owen Street in character areas.





Wilson Street – Newtown



Green Street Newtown



Normanby Street, Newtown – the left hand side part of the lower house dates from 1860, the newer part from the 1890s.



Daniell Street, Newtown



Emmett Street, Newtown

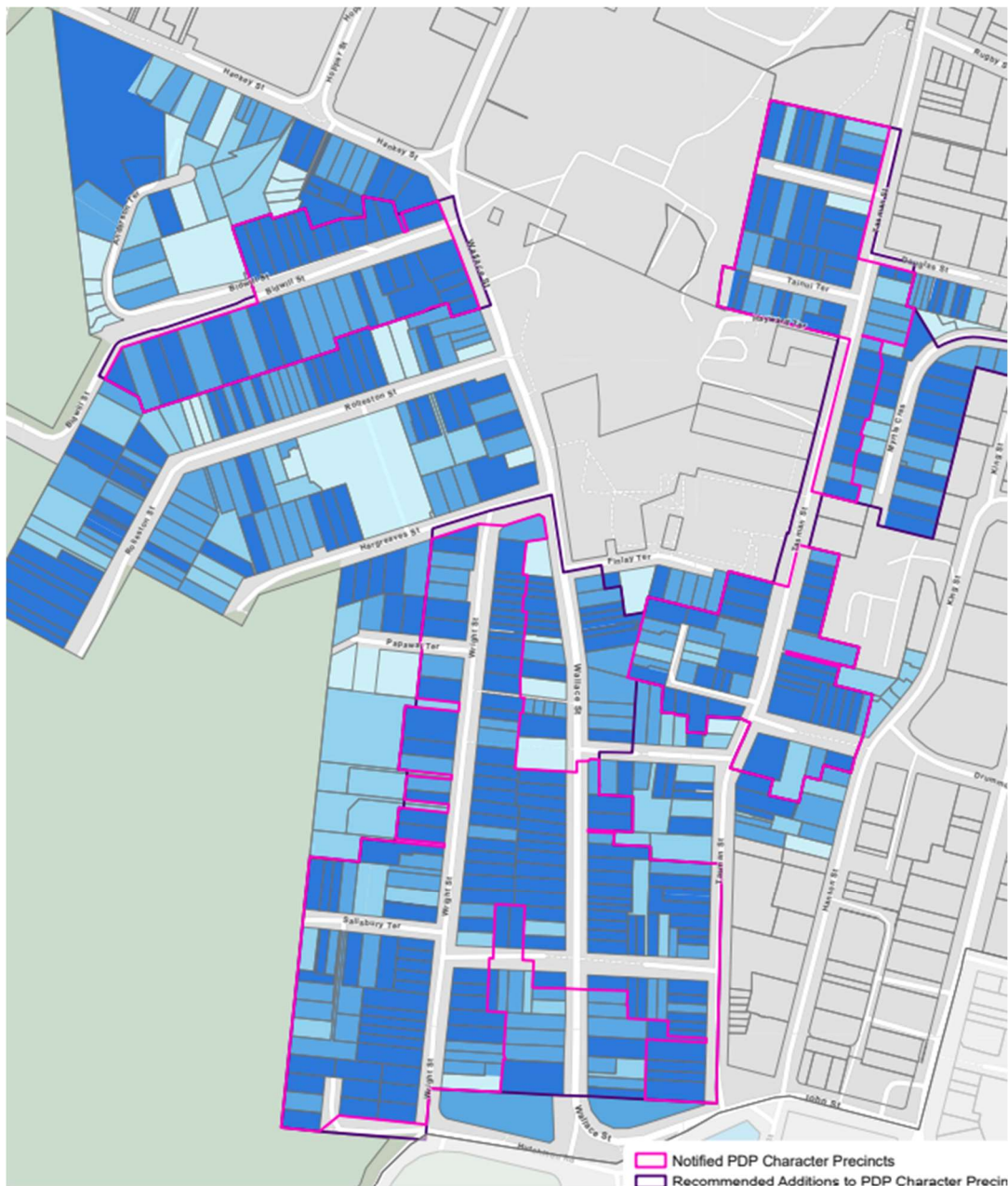
## Mount Cook

Again we are pleased by officers' recommendation to restore some areas, notably on Wallace Street to make more coherent character areas. There remains a significant illogical gap in Mount Cook. Rolleston Street in particular and part of Hargraves Street are highly coherent. Rolleston Street for example has 15 plus almost identical dwellings on its northern side, all dating from around 1900.

There are also some illogicalities at the southern end of Tasman Street and on Howard Street

We recommend including in character areas

1. the identified parts of Rolleston and Hargraves Streets.
2. The identified parts of Howard Street
3. The identified part of Tasman Street







Lower Rolleston Street – north side – high coherence looking both ways



Upper Rolleston St – north side



Hargraves Street – south side



South end Tasman Street – adjacent dwelling to the north is in the character area.



Howard Street – corner building on Wallace Street is in the character area – adjacent character buildings on Howard Street are not.

## Aro Valley

Broadly we agree with Council officers' recommendations and the boundaries of the character areas chosen. Aro Valley submitters will undoubtedly make the case for any changes they consider should be made. We do think that Holloway Road is worth looking at. The proposed character area is at the entrance (northern end) but there are also no less than 16 heritage listed dwellings in Holloway Road which recognises the heritage and character of this small street, which is certainly full of stories. The question we ask Commissioners to consider as you undertake site visits, is how – if development occurs on what are generally small sites, it interacts with heritage buildings. We agree with the height limits being no more than 11 metres, but the concern is for the potential for heritage listed cottages to be overpowered by immediately adjacent new neighbours of completely different style and architecture.

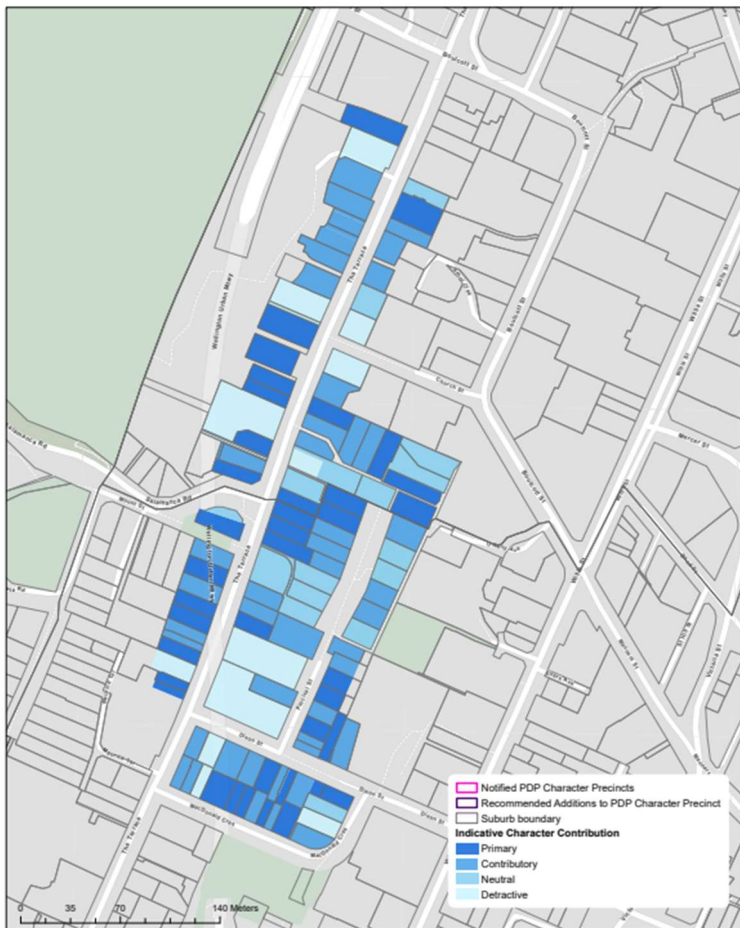
## The Terrace

The Terrace is often forgotten in debate, possibly because it is a smaller area, possibly the Terrace is thought of as a city street – and of course a large part of it is, and because it is not represented by community organisations.

Nevertheless it has some extraordinarily fine, attractive buildings with imposing street presence, many of which have been clearly extensively renovated. The Council's map clearly shows the high level of coherence, primary and contributory buildings. Among them are no less than 10 listed heritage buildings. New buildings are of similar height. Higher development (21 metres is the proposed height limit) would obviously change the environment and the coherence of the environment significantly.

We consider you should in the first instance consider whether there is sufficient coherence of character, particularly in the vicinity of the listed buildings, to warrant character protection.

It is clearly an attractive location for development given proximity to the city and the University. We also consider that you should ask officers for advice as to the economics of redevelopment along the Terrace given the evident value, condition, and size of existing buildings.



Thank you for the opportunity to be heard.

Andy Foster

On behalf of Live Wellington