



Submission to the Proposed District Plan Hearings stream 2 – Residential. March 2023.

Presented on behalf of the Newtown Residents' Association by the President, Rhona Carson

An Introduction to our Association

The Newtown Residents' Association has been an Incorporated Society since July 1963. We are residents and business owners from Newtown and the surrounding area, who take a keen interest in the community and local issues. We are in favour of increasing housing and housing density, and we are also in favour of careful planning about where well designed multi unit developments are best situated. We support the proposal that high-quality multi-use developments in Riddiford Street would bring vibrancy and opportunities with trade, commerce, hospitality and entertainment at street level and apartments above.

We support the submissions by Martin Hanley and Anna Kemble Welch, who together are Red Design Architects. They have created a concept plan for apartment blocks situated within the Newtown suburban centre and the Mansfield St escarpment area. They have demonstrated that new buildings on only 45% of this part of Newtown could provide at least 2000 sunny, accessible, comfortable new apartments, while retaining the historic character of the Riddiford St shops. Over the past three years they have refined and developed this concept, with the input of other designers and urban planners. You will hear from them later in these Stream 2 hearings.

Where we disagree with the Proposed District Plan is the requirement, driven by the NPS-UD, that almost all of residential Newtown be opened up to permit developments of 6 storeys – and possibly more. When this development results in the sporadic development of high rise buildings in narrow streets already packed with one or two story homes this has many negative consequences, including increasingly cold and damp homes due to the loss of sunlight, increased wind turbulence, and loss of privacy.

We support the establishment of Character Precincts, and hope to see them extended from the areas in the PDP.

Background to this submission

We refer you to our original submission to the Proposed District Plan.

In Submission Points 1 and 2 we addressed concerns about potential severe shading in open space parks, and that is the issue I will be addressing in my submission to these hearings.

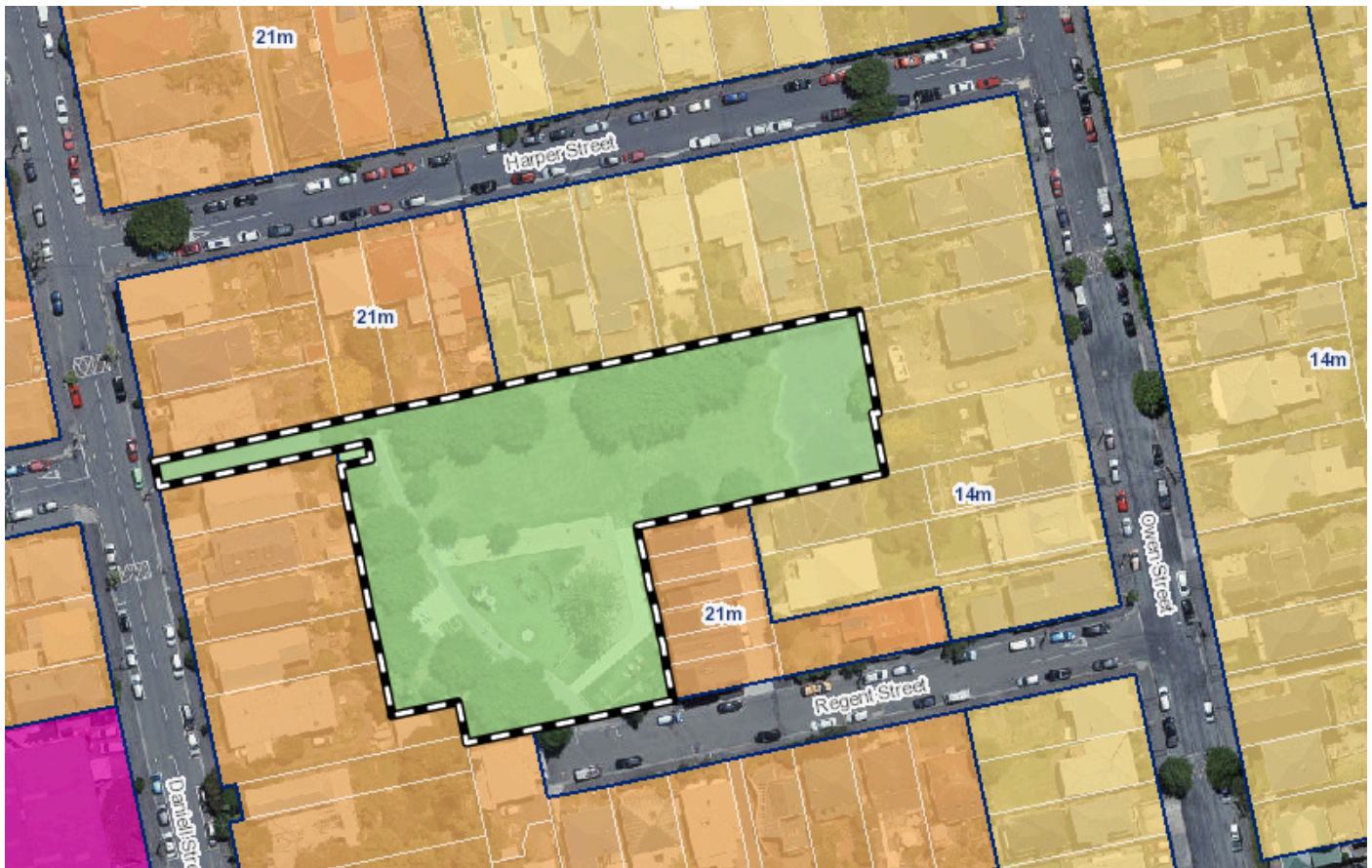
We also expressed strong support for extended character precincts, and we agree with the other submitters who will be making submissions on this point.

This submission addresses a recommendation from the WCC S42A reports about shade protection for open space parks.

We were very surprised and disappointed to find, in Appendix A – High Density Residential Zone, that HRZ S3.4 has been crossed out. This read – “For any site where HRZ-S2 applies that is located adjacent to a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone: all buildings and structures must be designed and located to maintain sunlight access to a minimum of 70% of the open space site area during 10am to 3pm at either of the equinoxes (i.e. 21 March or 23 September).” Having this provision in the PDP acknowledged a longstanding concern, although we thought that it didn’t go far enough, as described below.

The process towards protecting open space parks from excessive shading.

Ever since the first draft of the spatial plan was released, showing zoning for 6 storey buildings across wide areas of Newtown, we have been very concerned about the potential for our local park, Carrara Park – the green space here - to be heavily shaded by the construction of apartment buildings around it.



Some of the Wellington City Councillors were equally concerned about this prospect for Carrara Park, and for other open spaces. They sought advice from the city planners, and were advised that applying ‘Minimum sunlight access – public space’ standards would be the best way to provide protection. On the 23rd June 2022 WCC passed this amendment to the PDP - *Apply ‘Minimum sunlight access – public space’ standards to open space zoned parks adjacent to sites zoned High Density Residential Zone instead of height in relation to boundary controls. Sunlight access must be maintained in a minimum of 70% of the area during 10am and 3pm at either of the equinoxes (i.e. 21 March or 23 September).*

This was duly published in the PDP as HRZ S3.4 - For any site where HRZ-S2 applies that is located adjacent to a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone: all buildings and structures must be designed and located to maintain sunlight access to a minimum of 70% of the open space site area during 10am to 3pm at either of the equinoxes (i.e. 21 March or 23 September).

We were pleased that this had been addressed, but our assessment was that it didn't go far enough. For instance, it only applied to properties directly adjacent to a park, but we had demonstrated that high buildings across the road, on back sections or otherwise not directly adjacent could also affect shading. We asked the planners about this and were advised that further amendments could be considered through the submission process, so we duly did this.

Our submission on this is copied here –

Submission:

HRZ-S3.4 was introduced to the plan in response to a motion passed by WCC Councillors - *Apply 'Minimum sunlight access – public space' standards to open space zoned parks adjacent to sites zoned High Density Residential Zone instead of height in relation to boundary controls. Sunlight access must be maintained in a minimum of 70% of the area during 10am and 3pm at either of the equinoxes (i.e. 21 March or 23 September).* The Councillors concerned were responding to community concerns about the potential for open space zoned parks to be heavily shaded by new developments around them. They were advised that this provision would provide this protection, but we believe that the standard is too limited in the way it relates to the surroundings.

1. It only applies to buildings in the HDRZ directly adjacent to a park. However tall buildings across the street or otherwise separated from the park boundary can still cast a shadow across an open space.
2. The days and hours this standard applies are too restrictive. Between 10am to 3pm at either of the equinoxes (i.e. 21 March or 23 September) the standard will often be reached with only minor changes to the maximum permitted height. However it is during the winter that the need for sunlight is most acute, and a building that meets the standard at the solstice will be shading a much bigger area by mid winter. Carrara Park in Newtown is an example of a space that will be affected by this provision. It is surrounded by narrow streets with tightly packed houses and is opposite the Wellington City Council Regent Park Apartments. There are a number of other social housing complexes in the vicinity, as well as other apartment blocks. It is already the main outdoor space for many households with very little if any outdoor space of their own, and this need will of course increase as density increases. It is very well used by local children and families and a popular place for birthday parties. It is also home to the Newtown Community Garden – which consists of four raised garden beds with a variety of flowers and vegetables for community use and enjoyment. If it turns into a cold shady spot during winter these uses will all be compromised, with significant negative effects on well being.
3. In addition to concerns about the days there is concern about the hours the standard applies, particularly on weekdays. The peak usage for primary and secondary school aged children is after school, so 3pm is too early for them; the time should extend to at least 4pm and preferably 4.30pm.
4. HRZ-S3.4 is only for 'sites where HRZ-S2 applies'. Sites where HRZ-S1 applies (ie sites where no more than three residential units occupy the site, occupy the site, with a maximum permitted height of 11m) have a required set back from the boundary, but if someone chooses to build to the maximum permitted height the building will still cast a significant shadow.
5. There are the same concerns for sites within the MDRZ. Carrara Park has two boundaries where adjacent properties are in the medium density zone – ie permitted height of 14m: part of the Harper St boundary and all of the Owen St boundary. There is a height in relation to boundary standard (5m x 60° recession plane) that applies to development on these properties but again this isn't necessarily sufficient to protect the Park from significant shading. We will repeat this point with another entry specific for MDRZ sites.

Relief sought

For any site where HRZ-S2 or HRZ-S1 applies that is located adjacent to within 60m of a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone: all buildings and structures must be designed and located to maintain sunlight access to a minimum of 70% of the open space site area during 10am to 3pm 4.30pm at either of the equinoxes (i.e. 21 March or 23 September) and at midwinter i.e. 23 June.

We then went on to make a similar submission on MRZ S3 asking for the application of minimum sunlight access standards for this zoning as well.

The current concerns

The Section 42A Report: Part 3 – Residential Zones Part 2: High Density Residential Zone says on P7 –

Impacts on adjacent open space and open space provision

43. A number of submitters raise valid concerns relating to the potential impact that the enabled scale of residential development may have on existing open space.
44. The HRZ includes a specific standard, HRZ-S3.4, for the purpose of managing the impact of large-scale buildings on sites adjacent to open space.
45. In general, I consider that there is a need to maintain sunlight access and manage shading effects from new developments on adjacent open space. This is broadly achieved through a HIRB standard in combination with relevant HRZ standards that manage building bulk and dominance. Specific submissions on HRZ-S3 are considered in a subsequent section of this report.

Subsequently the report continues

1. Standards – HRZ-S3: Height in relation to boundary (ISPP)

Discussion starts on p95

Excerpt –

510. In response to various submitters seeking amendments to HRZ-S3 to provide greater protection for sunlight and shading of adjoining sites including parks and open spaces, and adjoining character and heritage areas, I do not consider there is compelling evidence that warrants any amendment. I also note that no section 32AA evaluation has been undertaken to support the relief sought. I suspect that there is a general concern with the change that will occur over time due to increased development potential within the HRZ. However, I do not consider that this is a necessary and sufficient reason to impose more restrictive standards that will impact the ability to achieve the density of development anticipated in the zone.
511. I also suspect that some submitters will not have understood that HRZ-S3.3 applies to HRZ sites adjoining the MRZ, and therefore by default Character Precincts with a medium density residential zoning, with this providing the transitional relief that many submitters are seeking.
512. Similarly, HRZ-S3.4 applies where a site in the HRZ is located adjacent to relevant open space zones and seeks to maintain sunlight access to a minimum of 70% of the open space site. However, I am not convinced that this specific standard achieves a better outcome than if HRZ-S3.3 applied where adjoining a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone as the standard has not been thoroughly tested for a high density residential environment. In response I would suggest amending the PDP as set out below to more a consistent approach that is similar in effectiveness but more efficient as it reduces the complexity of assessment for both applicants and the consideration of resource consent applications in relation to height recession planes and adjoining open space.

We are surprised at this, as the original advice from the city planners was that HRZ-S3.4 would be more effective than height in relation to boundary controls for protecting sunlight.

Our Residents' Association submission (which had been echoed by Anna Kemble Welch) to extend the scope of HRZ-S3.4 to buildings within 60m was specifically rejected, on the grounds that "there is no compelling evidence that the proposed amendments are necessary. They would also require a significant number of consent applications for sites within 60m of a specified open space zone to undertake shading

assessments where in many cases it wouldn't be necessary. ". Picking up the second point first, it is true that consent applications would be required. This is the case now, with the Operative District Plan – currently concerns about potential shading on parks are taken very seriously and looked at carefully. We understand the motivations for removing the delays and costs caused by resource consents, but we believe that this can go too far. It is better to take care to get a good result than to permit a development to go ahead unquestioned and get a permanently problematic result.

We challenge the opinion that the proposed HIRB controls are sufficient to provide the protection needed to keep our local park, and others like it, sunny welcoming spaces for the community.

The recommended control is – “For any site where HRZ-S2 applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along any boundary that adjoins a site in:

The Medium Density Residential Zone; or

The Wellington Town Belt Zone; or

Any Heritage Area; or

Any site containing a Heritage Building; or

Any Character Precinct; or

Any site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone;

Any site occupied by a school”

This is somewhat more helpful than the unmodified HIRB control, which starts the recession plane at 8 metres vertically above ground level, but it still provides very limited protection – particularly in winter, when it is needed the most.

Our request is that HRZ-S3.4 is reinstated, with the amendments as in our original submission.

Rhona Carson

President, Newtown Residents' Association

March 24th 2023.