

HEARING STREAM 2

ROLAND SAPSFORD

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NOTES TO ACCOMPANY SLIDES

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RECAP

EMISSIONS [SLIDE 2]

- **Intensification needs to enable reductions in existing emissions as well as reducing growth in new emissions**
- Emissions reduction through intensification occurs largely through changes in the ways and distances people travel.
- intensifying already dense areas has little effect on emissions. Rather it is modest changes in focal density in lower density areas that has the most impact.
- **Reducing emissions requires targeted and focal intensification to create more local nodes or “urban villages” in lower density areas, rather than broad brush upzoning.**

QUALITY OF THE URBAN ENVIRONMENT [SLIDE 3]

- **The quality of the urban environment is about more than amenity alone, and encompasses objective matters relating to the needs of people and communities.**
- **The NPS-UD is relatively silent on this broader concept, but the quality of the environment is central to sustainable management in urban areas**
- **Consider topography and the way this influences effects as a qualifying matter.**

Resources

- The [Urban Design Protocol](#) is still current and offers some guidance around this broader concept
- There is a solid research foundation on the value of sunlight, green space and a sense of connection to place – start with [the Congress for the New Urbanism](#).
- The [Government Policy Statement on Housing and Urban Development](#) elucidates a Government-endorsed approach to a well-functioning urban environment (page 14):

“We will take a place-based approach. Every community has their own housing and urban development challenges and opportunities and a ‘one size fits all’ approach will not work to address them. This is because every place is unique, with different characteristics – including challenges or problems – arising from local history, culture and heritage, geography, economy, and resources.”

Aro Valley is a compact and unusual settlement [SLIDE 4]

- **Sits in a relatively steep east-west Valley**
- **Winter Sunlight is a scarce resource in parts of the Aro Valley.**
- Most major streets run above significant streams and rivers.
- **Over half its area is protected open space or town belt; with mature green space interwoven within the developed area.**
- **Density on the available land is very high, and the population is relatively young and demographically diverse**
- **Heritage character is both distinct and substantially intact.**

Aro Valley has very “restrictive” rules in the Operative Plan [SLIDES 5 AND 6]

- 40% site coverage, a 9 or 7.5m height limit and 45 degree recession planes; these were designed to encourage conservation and restoration through community planning in the 1970s.
- Renovations as well as new builds usually trigger the need for a resource consent. Despite this, Aro Valley has grown steadily through infill housing, largely without comment or controversy.
- The Valley has continuously added new dwellings over the last twenty years at a rate similar to other suburbs across Wellington.
- Current rules serve to enable consideration of site specific effects, and open the door to conversations about shading and other relevant issues.

THE PROPOSED DISTRICT PLAN AND ARO VALLEY [SLIDE 7]

Aro Valley's geography means that the context for development is very site specific.

The broad brush changes in the proposed District Plan lack an evidential foundation grounded in achieving sustainable management within the Aro Valley.

The National Policy Statement on Urban Development (NPS-UD) requires interpretation in a local context in order to enable sustainable management.

Full use needs to be made of:

- provisions for qualifying matters within the NPS-UD and
- the broader statutory framework s

so as to ensure that intensification occurs within the Aro Valley in ways that

- maintain and enhance the environment of the Aro Valley, and
- enables new and existing residents to meet their needs and provide for their health and safety

ENVIRONMENTAL QUALITY: SUNLIGHT AND SHADING [SLIDE 8]

Light is fundamental to human wellbeing, and the ability of people and communities to provide for their needs. Loss of sunlight can and does affect:

- Heating and lighting costs
- Dampness
- The ability to
 - dry clothes outside
 - grow food
 - have time and experience outdoors, especially for children
- Mental wellbeing

Removing the ability to address sun and shading issues on a site-specific basis poses real risks to the existing housing stock. Siting a large building to maximise sun for that building may result in a large number of other dwellings being shaded.

Houses are generally designed for their site and some expectation about what will happen around them.

Houses built over a hundred years ago were built to stay dry through exposure to sun and air movement.

Houses today are encouraged to adopt passive solar design and consider solar power. Intrinsic to such dwellings, new and old, is reasonable access to sunlight.

OVERVIEW [SLIDE 9]

Shading is not a necessary consequence of intensification. However, limiting the ability to manage it means it will become much more likely.

No consent means no assessment, and problems may arise through thoughtlessness or indifference as much as anything else.

Across much of the Aro Valley, integrated alignment of dwellings is essential.

[SLIDE AGAIN]

One inappropriately located six storey building could result in several dwellings getting almost no winter sun.

A very granular masterplan or some form of integrated planning across multiple sites is essential for upzoning to deliver maximum benefits with minimum adverse effects.

- some locations could happily accommodate six or more storeys,
- one poorly placed development could not only adversely affect existing dwellings but **effectively deter other new buildings as well.**

SPECIFIC EXAMPLES [SLIDES 10-19]

There are numerous locations within the Aro Valley where misplacement of new developments would create serious problems. A few examples help to illustrate this:

- **Palmer Street** is identified in the Proposed Plan as a “character precinct” with an 11m height limit for new buildings, but, as per the plan, is surrounded on four sides by permitted heights of between six and eight storeys. Palmer Street already experiences significant shading from the existing high rise located between Palmer and Abel Smith Streets.
- In the Proposed Plan, Numbers 2, 4 and 6 **Boston Terrace** are all zoned for at least six storeys as of right. Such a height in this location would adversely affect a large number of existing infill dwellings on Boston Terrace, creating shade, dampness and privacy issues for many people. Many of these people will have only recently bought or rented these dwellings based on the fair and reasonable expectation that development would be managed in a way that shares sunlight fairly.
- **Aro Park** is an intensively used and well-loved community asset which provides an essential open green space that is used by many thousands of people each year. The

existing buildings to the north and west of the Aro Park and community centre site do not significantly shade that area.

Under the Proposed Plan, the site immediately west of Aro Park is zoned “centre”; this zone allows buildings of around 8 storeys as of right. The site that is currently the home of WCC-owned public housing to the north will be zoned “residential” with six storeys allowed as of right.

Development of an 8-storey building to the west of Aro Park would effectively remove a large amount of afternoon sun from a very intensively used park. In winter, the park would get almost no sun after midday. Development to six storeys on the north side would significantly reduce daytime sunlight on the park in the cooler months of the year.

- For the last 30 years, a specialist residential community home operated by the Argo Trust has been located at number **95A Aro Street**. This facility provides a residential and vocational service for six men and women with profound physical and intellectual disabilities. Its permanent inhabitants live in a flatting-type situation with each person supported by paid staff. The dwelling has been designed for maximum wellbeing.

Those living there have north-facing bedrooms overlooking Aro Valley. Immediately in front of these bedrooms is a vacant site that, as per the Proposed Plan, will be zoned for at least six storeys. In addition to this, the properties immediately to the east will also be zoned for at least six storeys. The impact of the loss of sunlight and any outlook on the wellbeing of those living at Argo, and the shade cast across their home making the internal and external spaces much darker, would be severe.

- In the Proposed Plan, **most of both sides of Aro Street to the west of the Aro Valley centre (as well as Adams Terrace, and lower Durham Street) is zoned for at least six storeys**. The exception is a very small number of heritage-listed buildings. While six storeys may be appropriate for structures tucked into the escarpment below Landcross Street or Durham Street, one poorly-placed building towards the front of a site (e.g. on a site directly fronting Aro Street) could have catastrophic effects on winter sunlight for many dwellings, including a large amount of recent infill housing. This is only partially remedied by the changes proposed in the S42A report.

OVERVIEW [SLIDE 20]

Wellington's liveability, and its character and heritage, can be protected at the same time as new housing is added. It's not an either/or situation, and to present it thus is a false dichotomy that further marginalises those who should be at the heart of the planning process and mischaracterises many of those who see the value of heritage protections. Not every old building needs to be retained, but it's important to remember that people's sense of connection and place are fundamental to health and wellbeing, rather than simply matters of opinion.

Aro Valley has a unique heritage and character which makes a significant contribution to overall wellbeing. This manifests not simply as a static preservation of buildings but as a gradual co-evolution of people and structures which enables visitors, long-term residents and new arrivals to orientate, locate and thrive.

Current Council policy and plans recognise the heritage value of the Valley within the wider story of Wellington. The current design guide states:

"Aro Valley is one of the city's oldest suburbs, and is one of the most architecturally distinctive and historically consistent built areas in Wellington."

Aro Valley embodies "living heritage" which values character and heritage and sees them evolving as our communities evolve. Experiences that matter can be shared across generations while creating space for our city's many stories to be told and new stories to be conceived along the way.

PDP APPROACH [SLIDE 21]

The proposals in the proposed Plan lack consideration of the coherence of experience of the Aro Valley from the perspective of people within it, now and in the future. Rather, the Plan provides for isolated clumps of "character", the definition of which is detached from the heritage of the Valley, and its cultural and physical landscapes. While better than nothing, these are manifestly insufficient.

The proposed District Plan needs to be revised to create a more coherent and connected set of sites covered by character protections in the Aro Valley.

The overall coherence of the Valley is also a key reason for retaining a coherent overall design guide for the Valley, irrespective of whether sites are covered by demolition controls. Aro Valley is a relatively coherent whole. Infill housing to date has by and large supported that coherence. Even a six-storey building can be designed to support and reflect its natural and built surroundings. Aro Valley could welcome such buildings as the outcome of a coherent community-based planning exercise.

I can envisage a situation where the underlying zoning may allow appropriately designed and sited six storey buildings on parts of a site, while character controls apply to the existing building on other parts of a site. This type of granularity is exactly what I believe is needed to intensify well in the Aro Valley. Some sites are, for example, capable of holding appropriately designed and orientated six storey buildings to the rear, while also having buildings at the front of a site which are worthy of character protections. Retaining the ability to negotiate good outcomes for density, design quality, heritage and shading effects through the resource consent process is critical in this situation.

SPECIFIC ADDITIONS [SLIDES 22-29]

There are a number of obvious areas of character that have not been identified in the Proposed District Plan. Most of these are identified within the earlier Boffa Miskoll study, and many have been included in the Section 42A report. The following areas should also be included:

- **Lower Aro St**
 - The cluster of four pre-1930s buildings on the North side, facing the end of Ohiro Rd
- **Devon St**
 - Adjust the boundary of the character precinct on Devon Street to 30 Devon Street (to coincide with the start of properties below road level in Devon Gully). This may originally have been a mapping error in the Spatial Plan. The current boundary makes no sense in terms of the actual streetscape, as it omits three properties at street level which are intimately related to the other sites within the character precinct.
- **Mortimer Terrace, Durham Cres and Durham St**
 - the small area covering 1-10 Mortimer Terrace, 1-9 Durham Crescent, and 1-22 Durham Street in the character precinct (covering buildings which may appear to be on or very close to Aro or Epuni Streets but have different physical addresses)
- **Upper Aro St**
 - the north side of Aro Street, west from the new dwellings opposite the bottom of Durham Street, west across Adams Terrace to the end of the housing on Aro Street, adjacent to the Town Belt.
 - The south side of Aro Street, from Durham St as far as the former Wellesley Church at the end of Aro Street adjacent to Polhill Gully.
 - the small area covering 1-10 Mortimer Terrace, 1-9 Durham Crescent, and 1-22 Durham Street in the character precinct (covering buildings which may appear to be on or very close to Aro or Epuni Streets but have different physical addresses)
- **Adams Terrace** – especially the lower reaches on both sides and the West side

- **Landcross Street** – which is functionally part of Aro Valley, visually and aesthetically coherent, and whose rear elevations define a key visual experience within Aro Valley.
- **Abel Smith St** – which is part of Aro Valley on the south side. A coherent character area would include 139-167 (odd), 166-186 (even) Abel Smith Street and St John Street steps (this is the small area at the top of Abel Smith Street, adjacent to Aro Park).

These areas are all of high character value, reflecting the overall coherence of Aro Valley, and need to be included as areas where demolition controls apply.

There are a number of specific boundary issues and omissions in the proposed District Plan which need to be remedied through changes to the Proposed District Plan.

- **Reclassify the sites on the west side of Willis Street between Aro Street and Abel Smith Street from City Centre zone to Aro Valley medium density residential.**
These sites are only included in the City Centre zone due to an historical mapping error repeatedly acknowledged but unaddressed by WCC. In essence this area was covered by the 1960s designation for the Te Aro motorway, but when that designation was removed the boundary was not adjusted. Ten storeys over 100% of the site is not appropriate for this location. These sites would still be zoned up to six storeys once rezoned.
- **Return the zoning of 72-82 Aro Street to residential zoning.** This section of the North side of Aro Street was zoned to reflect its residential nature until rezoned around a decade ago as a result of a further submission by a single land owner (the owner of the Garage Project site). Other affected residents were not even aware of this change until the decision was announced. Subsequent Environment Court case law would have seen this change rejected.

There is no resource management reason to zone this residential section of Aro Street as “centre”. The reason given at the time was to allow for the expansion of the Aro Valley centre. This is not coherent or well-founded. The former service station site (currently leased to Garage Project) is a stand-alone site. An element of mixed use and working from home are permitted under residential rules. There is presently no shortage of capacity in the Aro Valley Centre for commercial space. Indeed, there are at least two shops currently used as flats, one vacant shop, and one shop operating as a ground floor office.

The central resource management issues that need to be addressed are that

- Shading is a major environmental quality issue in Aro Valley. While it is well-managed at present, the PDP creates significant risks compared with the Operative Plan.
- Heritage character unique and distinct and is a feature of the Aro Valley as a whole, rather than being limited to specific clusters of buildings
- Large parts of Aro Valley are included in the walkable catchment – especially if it is extended – and which is a broad concept that needs modifying to deal with the specific circumstances of Aro Valley

The Operative Plan identifies that Aro Valley as a whole has significant heritage value. There is the opportunity to use a direct reference to Section 6 as the basis for action on matters raised in this submission, drawing on the need to protect historic heritage from inappropriate use subdivision and development.

Instead or in addition to this approach, Commissioners could:

1. Commission shading and wind report for Aro Valley based on the PDP and Section 42A report
2. Use this as the basis for a topography/shading overlay to define underlying zone as MDR, despite walkable catchment
3. Apply expanded character areas as per 42A and this submission (with underlying zoning MDR)
4. Apply the Aro Valley design guide across all areas of the Valley, rather than just character areas – the existing design guide is suitable for this purpose.
5. On the basis of the above, Identify areas where HDR can occur without impact on shading and character
6. Define transition rules (eg expanded setback, recession planes) between character and MDR, and MDR and HDR
7. Fix legacy issues identified in this submission in line with the evidence from the above analysis.

I **submit** that the proposed District Plan needs to be amended to address the “specific examples” set out above in relation to

- Sunlight and Shading
- Heritage and Character

I **submit** that the proposed District Plan needs to be amended to address the specific legacy issues and adjustments noted above.

I **submit** that the objectives and rules relating to Medium Density and High Density Residential area, as they apply to the Aro Valley in the proposed District Plan need modification so as to provide a far more nuanced and careful consideration of issues such as light, shading, wind, privacy, design quality, retention of green areas, character and heritage within the Aro Valley.

I **submit** that the objectives and rules relating to Medium Density and High Density Residential area, as they apply to the Aro Valley in the proposed District Plan be amended to carefully provide for enhanced sunlight access to outdoor and indoor living areas, the addition and extension of new green space to balance increased residential densities, and take a more sophisticated and nuanced approach to design guidance.

I **submit** that the objectives and rules relating to Medium Density and High Density Residential area, as they apply to the Aro Valley, and the provisions relation to Character in the proposed District Plan need to be amended to

- Retain the capacity within Aro Valley for site-by-site consideration of each development by ensuring that most developments triggers the need for a resource consent, as is currently the case.
- Develop location specific design guides and relevant standards to enable a more granular approach to local character; access to sunlight and shade; the maintenance of personal privacy; the variety and location of green spaces; the location and scale of exterior space and development; the control of heat island effects and the look and feel of the streets we inhabit.
- Modify height limits, site coverage, height in relation to boundary and setbacks for side and rear boundaries so as to trigger the need for a resource consent to enable the management of effects where new developments have a more than minor impact on local character, sunlight, shading and outdoor recreation space.
- Modify building location and bulk standards so as to trigger a resource consent related to the location of buildings on sites and issues of personal privacy and shading within and between multiple developments on a single site so to enable management of these design quality issues.
- Retain existing provisions relating to minimum sunlight in the Operative Plan rather than replace them with the minimum daylight provisions of the proposed Plan.

I **submit** that the objectives and rules relating to Medium Density and High Density Residential area, as they apply to the Aro Valley, and the provisions relation to Character in the proposed District Plan needs to better recognise and provide for the protection of Aro Valley’s natural and built heritage from inappropriate development and better take into account the need to maintain and enhance amenity values. In particular:

- Rather than undertake broad upzoning and removal of demolition controls across much of Aro Valley, amend the proposed Plan to:
 - identify underutilised sites and locations within Aro Valley that are not subject to demolition controls and are suitable for intensification within the existing character areas (as defined in the Operative Plan);
 - identify sites and areas within Aro Valley where more intensive development could occur without adverse effects on sunlight, privacy, heritage and local character.
- Amend the proposed Plan to recognise that character is in part derived from heritage (as set out in the Operative Plan) in pre-1930s character areas (as defined in the Operative Plan), and use a comprehensive, holistic definition of character as a qualifying matter under the National Policy Statement-Urban Development.
- Retain demolition controls in the Aro Valley pre-1930s character areas (as defined in the Operative Plan) while identifying areas of particular character within these (for example as recommended in the revised Draft Spatial Plan with the addition of points noted above) to enable a more granular level of control over demolition and redevelopment.
- Retain an Aro Valley specific design guide which applies to all new developments within the existing character areas (as identified in the Operative Plan).
- Clearly identify community-based planning for intensification as a method for increasing housing supply within areas subject to the revised demolition controls set out above, and provide for this planning to occur so as to be complete prior to significant infrastructure investment.