

Wellington City Proposed District Plan

Stream 2 – Part 3, Residential Zones – Part 4: Character Precincts

Mount Victoria North Townscape Precinct Character Precincts Design Guide Mount Victoria North Design Guide

Section 42A of the Resource Management Act

Part 4: Character Precincts and Design Guides

1.0 Introduction

1. This section of the S42A report for the Part 3 – Residential Zones addresses the submissions relating to the Character Precincts (MRZ-PREC01), the Mount Victoria North Character Precinct (MRZ-PREC02) (**MVNT Precinct**), and the following appendices to the Residential Design Guide:
 - i. Character Precincts
 - ii. Mount Victoria North
2. This report should be read in conjunction with the information in the following appendices to the S42A report:
 - a. Appendix A – Recommended Amendments to the Residential Chapters (Character Precincts and Design Guides)
 - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Residential Chapters (Character Precincts and Design Guides)

And the following appendices to this Part 4 – Character Precincts and Design Guides section of the report:

- c. Appendix 1 – Character Precincts: Mapping
- d. Appendix 2 – Character Contribution: Mapping
- e. Appendix 3 – Minor Addition to Mt Victoria North Townscape Precinct: Mapping
- f. Appendix 4 – Mt Victoria North Urban Design Review 22 April 2022
- g. Appendix 5 – Property Economics Character Areas Capacity Modelling February 2023
- h. Appendix 6 – Mapping Methodology

2.0 Author of Part 4 - Qualifications and Experience

3. My name is Mitch Lewandowski and I have prepared Part 4 of the S42A Report for the residential zones.
4. I am a Resource Management Consultant and Director of Building Block Planning Limited, a Wellington based planning and resource management consultancy.
5. My role in preparing this report is that of an expert in planning.
6. I hold the qualifications of Bachelor of Resource Studies from Lincoln University, Master of Resource and Environmental Planning from Massey University, and a Post Graduate Diploma in Management from Massey University. I am a Full Member of the New Zealand Planning Institute and an accredited Resource Management Commissioner.
7. I have 21 years' experience in planning and resource management. I was employed by the Wellington City Council for five years between 2014 and 2019 as Principal Advisor Planning. In that role, I was a lead in the preparation of the Council's first Housing and Business Capacity Assessment. I was also involved in a range of work relating to the management and review of the ODP.

8. Following my departure from the Council, I was a resource management consultant at Urban Perspectives Limited for a period of 3 years. During that time, I was engaged by the Council to assist with the development of the Character Precinct provisions, and had input into character considerations in the finalisation of the Spatial Plan for Wellington City 2021. My input into this topic has continued through the plan development process, and following staff departures I also took on the MVNT Precinct provisions. In addition, I assisted the Council with the development of the Special Purpose Corrections Zone chapter.
9. I was also a member of the Technical Review Panel convened by the Council to assist with developing the PDP, and was involved in chapters relating to the natural environment and historic heritage, and the City Centre Zone, Special Purpose Hospital Zone and Special Purpose Tertiary Zone.

3.0 Code of Conduct

10. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
11. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
12. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
13. I note that I may also present evidence to the wider hearing process in respect of other topic areas, on behalf of submitters. These topic areas will likely include the City Centre Zone, Rural Zone, Three Waters chapter, Transport chapter and Centres and Mixed Use Design Guide. In respect of the residential chapter, I may present written evidence on behalf of Stratum Management Ltd. Any evidence I do present in respect of the residential chapter will not relate to any matter within the remit of my reporting role for the Council. Consequently, I do not consider there to be any real or perceived conflict of interest.

4.0 Supporting Evidence

14. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report is as follows:
 - i. Boffa Miskell Pre-1930s Character Area Review, dated 23 January 2019
[Pre-1930 Character Area Review \(wellington.govt.nz\)](https://www.wellington.govt.nz/~/media/2019-01-23-boffa-miskell-pre-1930s-character-area-review)
[Wellington City Council: Pre-1930 Character Area Review \(arcgis.com\)](https://www.wellington.govt.nz/~/media/2019-01-23-boffa-miskell-pre-1930s-character-area-review)
 - ii. Urban Perspectives Limited Mt Victoria North Townscape Precinct Urban Design Review, dated April 2022
[Mt Victoria North Townscape Precinct Urban Design Review April 2022 \(wellington.govt.nz\)](https://www.wellington.govt.nz/~/media/2022-04-08-urban-perspectives-limited-mt-victoria-north-townscape-precinct-urban-design-review)
 - iii. Property Economics WCC Capacity Modelling – Character Areas and Kilbirnie HDRZ Memo, dated February 2023 (refer to Appendix D)

- iv. Property Economics Wellington City Qualifying Matters Capacity Assessment, dated November 2022:
[Wellington City Qualifying Matters Capacity Assessment November 2022](#)
- v. Wellington City Commercially Feasible Residential Capacity Assessment – Urban Edge and Property Economics’ dated June 2022:
[wellington-city-commercially-feasible-residential-capacity-assessment.pdf](#)

5.0 Submissions on Character Provisions

15. There were 901 submission points in relation to the Character Precincts and an additional 10 on the associated sections of the Residential Design Guide (Character Precincts: 9, Mount Victoria North: 1).
16. There were 521 further submissions in relation to character and 1 further submission with respect to the Character Precincts Design Guide. who collectively made XXX further submission points.
17. These submissions are categorised and assessed as follows:
 - i. Character Precincts as a Qualifying Matter
 - ii. Pre-1930s Character Review 2019
 - iii. Spatial Extent of Character Precincts
 - iv. Specific Changes to Character Precinct Boundaries
 - v. Transition/Interface with Character Precincts
 - vi. Relationship between Heritage and Character
 - vii. MRZ-PREC01: Character Precincts
 - viii. MRZ-PREC02: Mt Victoria North Townscape Precinct

6.0 Format for Consideration of Submissions

18. For each identified topic, the consideration of submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
19. As noted above, the recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
20. Where necessary, for example where I have recommended a significant departure from the notified PDP provisions, I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
21. Where no submissions have been made in relation to provisions in the MRZ-PREC01 and MRZ-PREC2 provisions and applicable Design Guides, I recommend that these provisions are retained as notified. I have not assessed any such provisions further in this report.

7.0 Consideration of Submissions Overview of Character Precincts

22. The ODP identifies a range of character areas across the inner suburbs of the city which the PDP seeks to carry over, albeit significantly reduced in size, as Character Precincts. The background to these areas is provided in more detail in the section 32 evaluation¹ for this topic.
23. The Character Precincts, as proposed, have attracted a large number of submissions and divergent viewpoints. The following sections address these submissions across a number of themes that in my view provide a logical sequence of considerations that are relevant to addressing the breadth of submission points made. The following themes are raised by submitters:
 - (a) Character Precincts as a Qualifying Matter;
 - (b) Pre-1930's Character Area Review 2019;
 - (c) Spatial extent of Character Precincts;
 - (d) Specific changes to Character Precinct boundaries;
 - (e) Transition/Interface with Character Precincts;
 - (f) Relationship between Heritage and Character;
 - (g) Provisions;
 - (h) Character Precinct Appendix to the Residential Design Guide; and
 - (i) General Submissions.
24. I note that in the following sections my use of 'Character Precincts' refers to the areas proposed in the PDP. My use of 'character areas' relates to the current character areas in the ODP.

8.0 Character Precincts as a Qualifying Matter

25. As detailed in the section 32 evaluation for this topic, the Character Precincts are proposed as a qualifying matter² in order to not fully apply the requirements of the NPS-UD and the Enabling Act in respect of density and other development standards. I note that the bulk and location standards proposed for the Character Precincts, as part of the MRZ, align with the provisions of the MDRS in Schedule 3A of the RMA.

Matters raised in submissions

26. Submissions have addressed this approach, along with related aspects for how the application of qualifying matters may affect growth requirements, affordability and urban form.
27. Submissions that support the identification of Character Precincts as a qualifying matter include those from James and Karen Fairhall [160.2], Karen and Jeremy Young [162.2], Kane Morrison and Jane Williams [176.2], Historic Places Wellington [182.25], Athena Papadopoulos [183.1], Lara Bland [184.1], Geoff Palmer [188.1], Dougal and Libby List [207.2], Nick Humphries [223.1] who seeks greater use of qualifying matters, Moir Street Collective – Dougal List, Libby List, Karen Young, Jeremy Young, James Fairhall, Karen Fairhall, Craig Forrester, Sharlene Gray [312.2], The Property Council New Zealand [338.10], Anna Kemble Welch [434.5] and Christina Mackay [478.5]. These submissions are variously supported or opposed by further submitters as detailed in Appendix B.

¹ <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-2-character-precincts-and-mount-victoria-north-townscape-precinct.pdf?la=en&hash=A8C2B4988367011ECE57B23804683964B1265BA5>

² As defined in section 771 of the Act and Clause 3.32 of the NPS-UD.

28. Some submitters including Alan Fairless [242.17], Josephine Smith [419.1], Carolyn Stephens [344.7] and Elizabeth Nagel [368.13] consider that the Council should adopt a holistic definition of character as a qualifying matter, thereby enabling greater scope for its application. Richard Murcott [322.11] seeks that qualifying matters in the MRZ be more inclusive of character values. The Lower Kelburn Neighbourhood Group [356.12], opposed by Kāinga Ora [FS89.93], seeks wider application of character as a qualifying matter within the HRZ.
29. Wellington Heritage Professionals [412.71] consider that there is insufficient evidence to support the character content of the PDP, and that reducing the current character protections will unnecessarily sacrifice character and liveability while not achieving the desired housing outcomes.
30. Conversely, a number of submitters oppose the identification of Character Precincts as a qualifying matter, or seek further consideration and reassessment of whether the Character Precincts can and should be implemented as a qualifying matter. These submitters include The Ministry of Housing and Urban Development [121.3 and 121.5], opposed by Onslow Residents Community Association [FS80.37], Mt Victoria Historical Society [FS39.9], WCCT [FS82.98], LIVE WELLington [FS96.50] and Historic Places Wellington [FS111.90]; Victoria University Students Association [123.46], opposed by WCCT [FS82.93]; Craig Erskine [325.1], VicLabour [414.28], Garvin Wong [432.2] and Jonathan Marwick [490.16].
31. Other submitters, including Grant Buchan [143.16], Matthew Gibbons [148.2 and 148.4] opposed by WCCT [FS82.91]; and Wellington City Youth Council [201.30], consider that modern and fit for purpose housing should prevail over character protection or extending character protection beyond what is proposed in the PDP. VicLabour [414.9] opposes the Character Precincts on the basis that they restrict redevelopment potential, hindering future mass transit opportunities.
32. Generation Zero [254.2], supported by Kāinga Ora [FS89.65], considers that further assessment needs to be provided that the PDP complies with section 77L of the RMA in its application of a qualifying matter to Character Precincts.
33. Waka Kotahi [370.258 and 370.259] seeks that:
 - a. further evaluation is undertaken to determine the extent of protection required, balancing character protection against the requirements of the NPS-UD;
 - b. such further evaluation results in zoning adjustments based on walkable catchments and provides for special character as an overlay;
 - c. demolition restrictions be removed, or only be provided for as part of a replacement development proposal; and
 - d. special character should be managed by design controls within an overlay approach, allowing for special character values to be considered and incorporated in the design of new development while enabling the level of development anticipated by the residential zone.
34. Kāinga Ora [391.313 and 391.316] variously opposed a range of further submissions as detailed in Appendix B, opposes the proposed Character Precincts and seeks their removal. Instead, Kāinga Ora proposes the introduction of a new Character Areas chapter into the PDP to address character considerations, by way of an overlay approach, as a district-wide chapter. The submission provides a draft chapter for consideration.

35. Kāinga Ora [391.315] requests that a full review of the use of Character Precincts as a qualifying matter be undertaken. Kāinga Ora considers that the section 32 analysis undertaken has not sufficiently considered the requirements of sections 77L and 77R of the RMA and accordingly that the Character Precinct may not satisfy qualifying matter requirements.

Assessment

36. The PDP responds to the requirements of the NPS-UD and the Enabling Act in providing for intensification and providing for MDRS provisions. The general approach of the PDP to development capacity, and to the use of qualifying matters, has been outlined in Hearing Stream 1. The requirements of both the NPS-UD and the Enabling Act are set out in the section 32 evaluation for this topic.
37. In respect of qualifying matters, section 77I of the Act provides for a territorial authority to make the MDRS and the relevant building height or density requirements of the NPS-UD less enabling in relation to an area, to the extent necessary to accommodate a qualifying matter. Section 77I then lists a range of qualifying matters, of which sub-section (j) provides for “any other matter that makes higher density housing inappropriate in an area, but only if section 77L is satisfied”. It is section 77I(j) that has been utilised by the Council as the basis to identify proposed Character Precincts.
38. Section 77J sets out additional requirements that must be considered in an evaluation report under section 32 of the Act. These requirements are that:
- a. a territorial authority demonstrates why an area is subject to a qualifying matter, and that the qualifying matter is incompatible with the level of development permitted by the MDRS or provided for by Policy 3 of the NPS-UD;
 - b. the territorial authority assess the impact of limiting development capacity on the availability of development capacity; and
 - c. the territorial authority assess the costs and broader impacts of imposing those limits.
39. Section 77L then outlines further requirements to allow for the use of section 77I(j) in identifying a qualifying matter. These requirements have been addressed by the section 32 evaluation for this topic. By way of brief summary, the section 32 evaluation has:
- a. identified the special characteristics of the Character Precincts, being their collective character value as informed by the Pre-1930’s Character Area Review;
 - b. considered why demolition controls are integral to the maintenance of this character and that the level of development enabled by the MDRS and Policy 3 of the NPS-UD would be incompatible with the maintenance of the character created by the existing housing stock; and
 - c. considered the appropriate controls for bulk and location matters and ensuring new development is responsive to the character outcomes sought for the Character Precincts. I note that the bulk and location provisions have fundamentally aligned with the provisions of the MDRS.
40. Further information on the impact of limiting development capacity in these areas has been provided in the report for Hearing Stream 1. Evidence supporting the requirements of sections 77I through 77L of the Act with respect to costs, benefits and impacts on development capacity of qualifying matters can be found at:
<https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/whats-in-the-proposed-district-plan/supporting-documents>.

Please also see the report at titled ‘Wellington City Qualifying Matters Capacity Assessment’, dated November 2022:

[Wellington City Qualifying Matters Capacity Assessment November 2022](#)

And the report titled ‘Wellington City Commercially Feasible Residential Capacity Assessment – Urban Edge and Property Economics’ dated June 2022:

[wellington-city-commercially-feasible-residential-capacity-assessment.pdf](#)

These reports identify the costs, benefits and impacts on development capacity of qualifying matters that are not otherwise required under the Act.

41. The assessments found that the proposed Character Precincts would lead to a reduction in development capacity of some 3,942 feasible dwellings, and 2,106 realisable dwellings. The latter represents a 1.9% reduction in realisable dwellings across the development capacity enabled by the PDP. At an overall level, the PDP provides for 61,750 realisable dwellings against a demand of 31,242 over the 30 year timeframe assessed.
42. The support for the use of qualifying matters for the identification of Character Precincts by a number of submitters is noted and acknowledged. I am of the view that the use of a qualifying matter for the identification of Character Precincts is appropriate, having considered the required tests prescribed by the Act.
43. The Character Precincts are identified based on concentrations of consistent and coherent character that stems from the age of buildings, those buildings generally retaining their original condition and form, and the resultant streetscape and amenity that is created as a product of those factors. They are valued for the resultant character that they create. This is reflected in the definition of ‘character’ in the PDP, which is:

Character

for the purposes of Character Precincts

means 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 are typically comprised of a combination of the following attributes:

- a. Streetscape level development form contributed to by topography, street pattern, public open space, street trees, land use, lot size and dimension, garage type and location, and the presence (or otherwise) of retaining walls; and
- b. 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.

44. It is this point that forms the basis for the identification of these areas as a qualifying matter. Given that their character is derived from the originality and condition of these dwellings, and their collective coherence as being of a particular era, their demolition and/or redevelopment in a manner provided for by the MDRS or density and height requirements of Policy 3, makes them incompatible with the level of development anticipated by these requirements due to the impact this would have on their character.

45. In respect of the submissions from Alan Fairless [242.17] and Josephine Smith [419.1] who seek that the Council adopt a more holistic definition of character in considering qualifying matters, and Richard Murcott [322.11] who seeks qualifying matters are more inclusive of character values, I consider that the PDP has achieved an appropriate balance in its approach to qualifying matters and character. The identification of Character Precincts aligns with the National Planning Standards as a spatial tool and is based on an assessment of the current character areas in the ODP. The Character Precincts have been subject to a comprehensive assessment of the character contribution of each property within them through the Pre-1930's Character Area Review. The indicative areas identified by the Pre-1930's Character Area Review were then subject to refinement and the development of potential Character Precinct boundaries. This then resulted in the identification of areas of high concentration of coherent character values.
46. The submission from Lower Kelburn Neighbourhood Group [356.12] seeks that a wider application of qualifying matters to character values in the HRZ be undertaken. In my opinion, the application of qualifying matters to character values needs to be undertaken in a consistent and methodologically sound way. It should not be a zone-based approach, rather the use of Character Precincts, and underlying zoning, should respond to clearly identified and defensible character values. Where a Character Precinct has not been identified, the proposed zoning of the area responds to the PDP approach to zoning and the application of the NPS-UD. I address the spatial application of Character Precincts in the following section.
47. In regard to the submission from Wellington Heritage Professionals [412.71], I do not consider that there is insufficient evidence to support the character content of the PDP. The PDP, in response to the requirements of the NPS-UD and Enabling Act has needed to apply the requirements for increased density and intensification, noting that there is provision for any relevant qualifying matters available but only to the extent necessary to enable these matters to be accommodated. I note that the provision of Character Precincts as a qualifying matter is not a requirement, but rather an option³. The use of qualifying precincts must be justified, and I consider that the threshold for that justification has been reached. But I disagree that 'rolling over' the current character areas, for instance, would be justifiable based on the assessment of the character values of each site within the existing character precincts.
48. I disagree with those submitters, including The Ministry of Housing and Urban Development [121.3 and 121.5], Victoria University Students Association [123.46], Craig Erskine [325.1], VicLabour [414.28], Garvin Wong [432.2] and Jonathan Marwick [490.16] who are opposed to the identification of Character Precincts as a qualifying matter. In firstly developing the Spatial Plan, the DDP, and in turn the PDP, the Council decided to proceed with the identification of Character Precincts, as provided for by the Act and NPS-UD. In my view, the assessment underpinning the identification of these areas has considered the incompatibility of these areas with the provisions of the MDRS and NPS-UD, has assessed the character value of the areas and removed protection over a large number of dwellings where demolition controls currently apply, has considered the impacts on development capacity of their use, and has assessed the broader costs of their use.
49. Of the above submitters who seek further consideration of the use of the qualifying matter provision in section 77I(j) to identify a Character Precinct, I consider that the additional assessment provided in this report, coupled with the existing section 32 evaluation, satisfies the statutory requirements for their identification and use. It is also important to note that Character Precinct provisions do not preclude further development, and that the standards

³ Sections 77G(6) and 77I of the Act.

applicable to them are broadly aligned with the MDRS. Rather, these areas seek to control the demolition of existing dwellings (as a restricted discretionary activity⁴), and to ensure new development responds positively to the existing character of these areas⁵, through a resource consent process.

50. My response to the submissions from Generation Zero [254.2] and Waka Kotahi [370.258 and 370.259] is similar. In my opinion, the Character Areas proposed satisfy the requirements of the Act, including those of section 77L. I consider that the PDP has achieved an appropriate balance in its use of a qualifying matter to identify Character Precincts, firstly by ensuring that the development capacity it provides for exceeds the anticipated demand for housing. Secondly, the PDP significantly reduces the spatial extent of existing character areas based on a comprehensive assessment of the character values of these areas. In areas where protection is proposed to be removed, the PDP fully implements the requirements of the NPS-UD and the MDRS.
51. I disagree with the submission of Waka Kotahi [370.259] and Kāinga Ora [391.313 and 391.316] that special character should be provided for as an overlay. The use of a Precinct tool has been evaluated in the section 32 evaluation, and it is the appropriate spatial layer with reference to its purpose and to the National Planning Standards. The approach proposed by submitters including Waka Kotahi and Kāinga Ora of managing character through design controls would not achieve the fundamental purpose of the Character Precincts which is to protect the pre-1930 housing in these areas and to maintain the character that is derived from these buildings. It would not do so as the retention of these buildings is a principal outcome sought by the provisions. An overlay approach that considers the design response of new development accepts that the demolition of the existing stock is appropriate in the first instance.
52. I do not agree with submissions from Grant Buchan [143.16], Matthew Gibbons [148.2 and 148.4] and Wellington City Youth Council [201.30]. The Character Precincts contain many fit for purpose dwellings that have been renovated and brought up to more modern standards. The Character Precinct provisions do not preclude renovation and upgrading works, nor the construction of new dwellings, but do seek to assess the impacts of additions and alterations, and new buildings, on existing character values. The proposed reduction of the existing character areas by over 70% (as notified in the PDP) from what is presently protected, will enable greater development potential in these areas in line with the MDRS and Policy 3 of the NPS-UD.
53. In respect of the submission from VicLabour [414.9], I agree that Character Precincts restrict development potential from the level that would otherwise be available in their absence. I do note however that the Character Precincts do not freeze development potential. Rather, they require consideration of the effects of new development on the character values of a given Precinct, and provide restrictions on the demolition of existing building stock which is the source of their character. I consider that based on the assessment of these character values, it is appropriate to continue with this approach, albeit on a reduced scale as compared to the ODP. I also again note that the development capacity provided by the PDP, as evidenced in Hearing Stream 1, exceeds the expected demand over the timeframe assessed.

⁴ Rule MRZ-PREC01-R4.

⁵ Rule MRZ-PREC01-R5.

54. I disagree with the submission of Kāinga Ora [391.315] requesting that a full review of the use of Character Precincts as a qualifying matter be undertaken. In my view, the use of a qualifying matter to identify Character Precincts has been done to maintain the character of areas that would be incompatible with the level of development contemplated by the MDRS and the NPS-UD. That character is particularly concentrated in the Character Precincts and this concentration of consistent character is considered to be of sufficient value to specifically manage in the PDP. The identification of these areas has been assessed and justified with respect to the requirements of the Act, as set out in the section 32 evaluation for this topic and this report. In my opinion, the Character Precincts satisfy the qualifying matter requirements.

Summary of recommendations

55. HS2-P4-Rec1: That the use of and reliance on section 77I(j) of the Act to identify Character Precincts as a qualifying matter within the PDP is confirmed.
56. HS2-P4-Rec2: That submissions are accepted and rejected on the use of qualifying matters to identify Character Precincts as detailed in Appendix B.

9.0 Pre-1930's Character Area Review 2019

57. In reviewing the ODP Character Areas, the Council commissioned a Pre-1930 Character Area Review of existing character areas in the ODP in 2019. The report is available here: <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/whats-in-the-proposed-district-plan/supporting-documents>.
58. Further detail on this review is also available in the section 32 evaluation for this topic: <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-2-character-precincts-and-mount-victoria-north-landscape-precinct.pdf?la=en&hash=A8C2B4988367011ECE57B23804683964B1265BA5>

Matters raised in submissions

59. Submitters Peter Preston [42.1], Phil Kelliher [58.1], Vivienne Morrell [155.1], Ros Bignell [186.1], Jonothan and Tricia Briscoe [190.10], Angus Hodgson [200.1], Kim McGuiness, Andrew Cameron, Simon Bachler, Deb Hendry, Penny Evans, Stephen Evens, David Wilcox, Mary Vaughan Roberts, Siva Naguleswaran, Mohammed Talim, Ben Sutherland, Atul Patel, Lewis Roney Yip, Sarah Collier Jaggard [204.1], Matthew Plummer [300.5], Roland Sapsford [305.4], Penelope Borland [317.7], Hilary Watson [321.1], Richard Murcott [322.1], Mt Cook Mobilised [331.1], Kerry Finnigan [336.1], Jane Szentivanyi [376.3], Murray Pillar [393.1], Kat Hall [430.1] and Anna Kemble Welch [434.2] express support for the Pre-1930 Character Area Review.
60. Conversely, Wellington Heritage Professionals [412.11] consider that the Pre-1930 Character Area Review is flawed as it overly elevated the importance of original built form over pre-1930 character.

Assessment

61. In respect of the submissions expressing support for the Pre-1930 Character Area Review, I note the support for the review from these submitters.
62. In respect of the submission from Wellington Heritage Professionals [412.11], I do not agree that the Pre-1930's Character Areas Review is flawed. The review sought to assess the character contribution of individual dwellings in existing character areas based on a defined methodology⁶. Having considered the methodology adopted by the review, I note that one of the considerations of property specific character was building age. It is also instructive that the definition of 'character' proposed by the review does not mention original built form. Instead, modifications to a dwelling are considered in assessing the contribution of a particular building, noting that these do not preclude its inclusion in a Character Precinct but may impact on its classification as either primary, contributory, neutral or detractive. Primary properties are described as being largely intact and predominantly exhibiting the characteristics of a given area. Contributory dwellings are described as those where modification has occurred, but most of the characteristics of the area are still visible. It is therefore the degree of modification that is important in assessing character contribution, rather than whether any modification has occurred.
63. I consider that built form is an important factor in determining character value, but I do not agree that the Pre-1930 Character Areas Review overly elevated the importance of original built form over pre-1930 character. The methodology of the review clearly outlines the range of factors that were considered in the assessment. I also note that the assessment found that of all of the 4507 pre-1930 properties assessed, 74% were classified as either primary or contributory.

Summary of recommendations

64. HS2-P4-Rec3: That submissions are accepted and rejected in relation to the Pre-1930's Character Areas Review as detailed in Appendix B.

10.0 Spatial extent of Character Precincts

Matters raised in submissions

65. The spatial extent of the Character Precincts has attracted a large number of submissions. Submitters have sought additions to the Character Precincts at a range of scales. Some have sought to maintain the existing extent of the character areas in the ODP, others have sought a return to the extent of Character Precincts recommended by Council officers in finalising the Spatial Plan, while others have sought bespoke areas in their submission or in the submissions of others. Some submitters, including Historic Places Wellington [182.15], have sought a two-tier or hybrid approach to the management of character values.
66. Additionally, a number of submitters are concerned that the extent of Character Precincts as proposed do not achieve a suitable scale or 'critical mass'.

⁶ Section 1.3, Pre-1930 Character Area Review, Boffa Miskell Ltd.

67. Identification of the spatial extent of the Character Precincts as presently proposed is described in the section 32 evaluation, with the area proposed representing a 72% reduction in area compared to the current character areas in the ODP.
68. As part of finalising the Spatial Plan, Council officers revisited the areas proposed to be included as Character Precincts. This was done in part as a response to a large number of submissions opposing the proposed reduction in character protection, and in part as a means to test and reassess the methodology used to identify them. This led to some further refinements to the methodology which are outlined in Appendix 6.
69. Based on this reassessment Council officers recommended that larger Character Precinct boundaries be included as part of the finalisation of the Spatial Plan. However, this recommendation was not accepted by the Council, with a majority preferring to prioritise the provision of greater development capacity, and the areas subsequently proposed in the PDP were confirmed.
70. Submitters including Regan Dooley [239.4], Khoi Phan [326], Garvin Wong [432.1] and Miriam Moore [433.12] seek that the Character Precincts are reduced in their extent or removed entirely.
71. Jonathan Marwick [490.16] considers that the Character Precincts applying to Mt Victoria should be reduced to match the boundaries of heritage areas proposed within Mt Victoria, and that the areas where character protection is removed should be rezoned to HRZ.
72. Generation Zero [254.15] and Paihikara Ki Pōneke Cycle Wellington [302.35] seek that the Character Precincts be retained as notified, but only as they apply to high concentrations of character, or where they can be justified on the basis of a rigorous and site-specific assessment.
73. A large number of submitters⁷ seek significant additions to the proposed Character Precincts. The extents of the additions sought are variously based on the indicative character contribution areas from the Pre-1930's Character Area Review, the Character Precinct boundaries recommended by Council officers during the finalisation of the Spatial Plan, or areas identified by other groups such as Heritage New Zealand. Some submissions seek amendments to all Character Precincts, while others are specific to a given Character Precinct.

⁷ Submitters Mark Tanner [24], Peter Preston [42], Robert and Chris Gray [46.10, 46.16], Owen Watson [51], Phil Kellier [58.4] supported by Historic Places Wellington [FS111.39], Judith Bleach [60.1] supported by Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland and Lee Muir [FS68.42], Heritage New Zealand Pouhere Taonga [70.2] opposed by KāingaOra – Homes and Communities [FS89.1], Tim Bright [75.5], Judith Graykowski [80.4], Anna Malinson [81.3], Joanna Newman [85.1], Kirsty Wood [109.1], Allan Olliver and Julie Middleton [111.2 and 111.3], Gael Webster [114.1] supported by Historic Places Wellington [FS111.188], Jocelyn Ng [130.1], Alexander Hockley [153.1 and 153.2], LIVE WELLington [154.1 and 154.5], Vivienne Morrell [155.3], John Schiff [166.1 and 166.3], Zaffa Christian [174.1 and 174.2], Jon Gaupset [175.1 and 175.2], Historic Places Wellington [182.15 and 182.19] opposed by KāingaOra [FS89.78 and FS89.80], Ros Bignell [186.4], Jonathan and Tricia Briscoe [190.12], Jonathan and Tricia Briscoe [190.18], Michael O'Rourke [194.7], Avryl Bramley [202.32], Kim McGuinness, Andrew Cameron, Simon Bachler, Deb Hendry, Penny Evans, Stephen Evens, David Wilcox, Mary Vaughan Roberts, Siva Naguleswaran, Mohammed Talim, Ben Sutherland, Atul Patel, Lewis Roney Yip, Sarah Collier Jaggard [204.3], Mt Victoria Historical Society [214.1], Sam Tocker and Patricia Lee [216.1], Nick Humphries [223.1], Mike Camden [226.1], Wellington's Character Charitable Trust [233.14 and 233.4], Alan Fairless [242.18], Cheryl Crooks [243.1], Cherie Jacobson [251.5], Everard Aspell [270.1], Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.15], Bernard Palamountain [278.1], Laura Gaudin [279.1], Matthew Plummer [300.2], Penelope Borland [317.10], Hilary Watson [321.13], Richard Murcott [322.17], Kerry Finnigan [336.4], Mt Victoria Residents Association [342.26], Sue Kedgley [387.2], Grace Ridley-Smith [390.1, 390.2 and 390.4], Murray Pillar [393.13], Josephine Smith [419.13], Paul Rutherford [424.19], Kat Hall [430.3], Peter Fordyce [431.2], Anna Kemble Welch [434.4], Newtown Residents Association [440.20], Rachel Underwood [458.1], Greater Brooklyn Residents Association [459.7], Anita Gude and Simon Terry [461.19], Bruce Hay-Chapman [462.1], Kiri Saul [463.1], Christina Mackay [478.10] and Catharine Underwood [481.4].

These submissions are variously supported, or opposed, by other submitters as detailed in Appendix B.

74. Submitters Dennis Foot [193.1], Avryl Bramley [202.8], Roland Sapsford [305.45], Carolyn Stephens [344.10], Elizabeth Nagel [368.12], Wellington Heritage Professionals [412.15], David Lee [454.3] and Catharine Underwood [481.11], seek that the extent of character areas from the ODP be directly carried over to the PDP as Character Precincts.
75. Anna Kemble Welch [434.10], Newtown Residents Association [440.18], and Dale McTavish [448.4], seeks that the Character Precincts in Newtown be extended to the area identified in the Boffa Miskell pre-1930 Character Area Review or the areas recommended as part of the finalisation of the Spatial Plan. Kirsty Woods [437.2] seeks that the extent of Character Precincts is extended in Newtown.
76. A smaller number of submissions, including Peter Hill [41], Mt Victoria Residents Association [342.17] and Grace Ridley-Smith [390.5] seek changes to the Character Precincts to create more logical boundaries, either specifically to identified areas or at a broader city-wide scale.
77. Cameron Vannisselroy [157.8], and Peter Nunns [196.5 and 196.14] in respect of Berhampore, support the extent of the Character Precincts as notified.
78. James Coyle [307.12] seeks that the Character Precinct boundaries be reassessed with independent voices involved. Jim and Christine Seymour [262.5] seek that new buildings in Character Precincts be designated by one more approved architects.

Assessment

79. I do not agree with those submitters, including Regan Dooley [239.4], Khoi Phan [326], Garvin Wong [432.1] and Miriam Moore [433.12], who seek the removal, or a reduction in area, of the proposed Character Precincts. The proposed Character Precincts are already significantly reduced in extent from the current ODP based on an assessment of their character contribution. While the Council could have chosen to not include Character Precincts, it has instead chosen to exercise its discretion under section 77I(j) of the Act to do so. Therefore, it is important to ensure that their inclusion accords with the requirements of the Act, which I consider they do for the reasons outlined at section 9.0 of the section 32 evaluation and section 8.0 of this report. Importantly, the development capacity enabled by the PDP significantly exceeds expected demand, meeting the requirements of the NPS-UD. Having satisfied myself of their suitability as a qualifying matter, this section considers the appropriate spatial extent of the Character Precincts.
80. Regarding the submission from Jonathan Marwick [490.16], I do not agree that Character Precincts in Mt Victoria should be reduced to match the extent of proposed heritage areas. As a result, I do not agree that the areas in Mt Victoria where Mr Marwick seeks the removal of Character Precincts should be rezoned to HRZ. In particular I am of the opinion that the Character Precinct extent proposed has been determined with regard to a clear and robust methodology, supported and underpinned by a review of character contribution in the area by both Boffa Miskell and then Council officers. As already discussed, in my view the approach to utilising a qualifying matter for this purpose is appropriate.
81. I agree with the submissions of Generation Zero [254.15] and Paihikara Ki Pōneke Cycle Wellington [302.35] to the extent that they seek that Character Precincts apply to areas of high concentrations of character and are justifiable on a site-specific assessment. Similarly, I

acknowledge the submissions of Cameron Vannisselroy [157.8], and Peter Nunns [196.5 and 196.14] in respect of Berhampore, supporting the extent of Character Precincts as notified.

82. I do not agree with the submissions from Dennis Foot [193.1], Avryl Bramley [202.8], Roland Sapsford [305.45], Carolyn Stephens [344.10], Elizabeth Nagel [368.12], Wellington Heritage Professionals [412.15], David Lee [454.3] and Catharine Underwood [481.11] seeking that the extent of character areas from the ODP be directly carried over to the PDP as Character Precincts.
83. I do not consider that such an approach is justifiable in terms of meeting the requirements of the Act regarding the MDRS and Policy 3 of the NPS-UD, particularly in relation to satisfying the test that it represents the 'extent necessary' to accommodate Character Precincts as a qualifying matter. There is sufficient variability in the character contribution of the various properties within the current character areas that makes a number of properties unjustifiable based on a site-specific assessment. Further, when then considering concentrations of consistent character, the area that can be clearly and justifiably identified as Character Precincts reduces further. Rather, I prefer and support the adopted approach of identifying areas of concentrated character, based on the Pre-1930's Character Area Review. I consider this provides a strong evidential base for the subsequent identification of the Character Precinct boundaries.
84. In respect of the large number of submitters seeking significant additions to the extent of Character Precincts, either city-wide or specific to certain suburbs, I have considered these submissions with particular reference to the extent of Character Precincts recommended to the Council when finalising the Spatial Plan. I have also considered the areas identified by other submitters.
85. Maps provided in Appendix 1 of Part 4 of the S42A report (ie this report) show the current character areas in the ODP, the Character Precincts proposed in the PDP, and the areas recommended by Officers for the final Spatial Plan. Relatedly at Appendix 2 are maps that show the assessed character contribution of properties in these areas from the Pre-1930's Character Area Review.
86. Having carefully and thoroughly considered these, I consider and recommend that the extent of the Character Precincts should be increased. In my assessment, the methodology that was confirmed and applied in reviewing the spatial extent of the Character Precincts for the Spatial Plan better captures areas of concentrated character formed by primary and contributory buildings. Put another way, the spatial extent of the Character Precincts proposed in the PDP does not sufficiently identify consistent concentrations of character, based on the Pre-1930's Character Area Review. The identification of the proposed Character Precincts does not in my opinion suitably achieve the purpose of MRZ-PREC01, which describes the Precincts as being mapped "based on the consistency and coherence of character of the houses in these areas", noting that large areas of concentrated character are omitted in the PDP Character Precinct boundaries.
87. In my view, the enlarged areas better capture concentrated areas of character contribution, based on the specific methodology. I acknowledge that there are many ways to define the boundaries of the Character Precincts, and that various people could reach various conclusions in defining these boundaries. However, the boundaries I propose have been determined based on a refined methodology developed by a group of suitably qualified Council staff, and included in Appendix 6 of this part of the S42A report.

88. Once confirmed the methodology was applied in a series of targeted workshops to identify draft Character Precinct areas, with these areas subsequently confirmed through further site visits and ground-truthing. As a result of this further re-examination of the Character Precincts and the rigour of the process, I have relied on this methodology and its associated application to determine the recommended Character Precincts boundaries illustrated in Appendix 1. Consequently, I do not support other alternative areas such as the Indicative Character Contribution Sub-Areas from the Pre-1930 Character Area Review, or alternative areas suggested by submitters.
89. I do not support utilising the Indicative Character Contribution Sub-Areas from the Pre-1930's Character Area Review as Character Precincts as they were not intended by the authors of the Review as areas recommended for protection. Rather, they were identified as a starting point for further assessment. It is that further evaluation through a considered methodology that informs my preference. Relatedly, I do not support other suggested alternatives as in my view these lack the specific consideration that has been given to the areas I now recommend. There is an absence of a consistent methodology that has been applied to these alternatives, particularly with reference to the purpose of the Character Precincts, as set out in MRZ-PREC01. I consider that the proposed approach more optimally maps areas of consistent and coherent character, while excluding areas of more variable character and balancing the requirements of the MDRS and NPS-UD.
90. The extent of change I propose is shown in Table 1 below⁸. This shows the current extent of character areas under the ODP, the area proposed by the PDP, and the area now recommended.

Character Area/Precinct	ODP Area (ha)	PDP Area (ha)	Percentage change ODP to PDP	S42A Recommendation Area (ha)	Percentage change ODP to s42A
Thorndon	44	17.5	-60%	20.5	-48%
Mt Victoria	49.8	18.2	-64%	26.1	-45%
Mt Cook	26.4	11.1	-58%	12.8	-45%
Newtown	93.9	24.7	-74%	37	-59%
Berhampore	47.6	6.7	-86%	19.9	-58%
Aro Valley	27.6	7.3	-74%	10.1	-62%
Holloway Road	12.3	0	-100%	0.6	-95%
The Terrace	5.6	0	-100%	0	-100%
TOTAL	307.2	85.4	-72%	135	-56%

Table 1. Area (ha) changes to Character Precincts.

⁸ There is a minor variation between the PDP Area presented in this report, and that presented in the Section 32 evaluation. The Section 32 noted that there were 88.7 hectares proposed to be included in Character Precincts, when the area is 85.4 hectares. This variation was caused by further refinement in the GIS methodology applied. Refer to page 45 of the Section 32 Evaluation.

91. This proposed increase in the spatial extent of the Character Precincts represents a 58% increase on the area proposed in the PDP. It however represents an overall reduction of 56% compared to the extent of the existing character areas currently in place in the ODP.
92. The changes recommended are more pronounced in some areas than others. This is reflective of the degree of change proposed in the PDP. Berhampore, Newtown, and Aro Valley in particular experienced a more significant degree of proposed change. The changes recommended by this report reduce the degree of percentage change across these areas. Excluding Holloway Road and The Terrace, the range is now between -45% and -62% as compared to -58% to -86%.
93. Table 2 breaks this down by the number of properties within Character Precincts:

Character Area/Precinct	ODP (Number of Properties)	PDP (Number of Properties)	Proposed Amendments (Number of Properties)
Thorndon	796	438	528
Mt Victoria	1127	513	705
Mt Cook	619	301	376
Newtown	1719	607	916
Berhampore	868	176	495
Aro Valley	560	172	252
Holloway Road	83	0	21
The Terrace	128	0	0
TOTAL	5900	2207	3293

Table 2. Number of properties comprising Character Precincts.

94. This reassessment also sought to produce more ‘logical’ boundaries to the Character Precincts, within the parameters of the methodology set out in Appendix 6. Consideration of appropriate and clear boundaries addresses the submissions of Peter Hill [41], Mt Victoria Residents Association [342.17] and Grace Ridley-Smith [390.5] who have sought more logical boundaries to the Character Precincts. While this has not always been possible as a result of the fundamental driver of character contribution, boundaries now better respond to street and block layout to create clearer Character Precincts. Application of such an approach invariably results in the inclusion within the proposed precincts of a small number of properties that have been assessed as being neutral or detractive in their character contribution. Excluding such properties would in my view create a ‘piano key’ approach whereby a property in a row of predominantly consistent character housing is subject to a regulatory framework that enables a scale and intensity of development inconsistent with that of its neighbours. It is considered more effective and efficient to enable logical and practical precinct boundaries, acknowledging the existence of a small number of outliers in some areas.

95. Inclusion of neutral and detractive properties does not mean that the regulatory approach seeks to preserve these dwellings for their character contribution. Their modification or demolition is provided for through a resource consent process, with the level to which they contribute to the character of the precinct a key factor in that process as set out in policy MRZ-PREC01-P2.
96. An increase in the extent of Character Precincts will have a consequential effect on development capacity. Property Economics have updated their assessment of development capacity impacts from qualifying matters based on the increased area of Character Precincts recommended. That assessment is provided in Appendix 5.
97. The assessment finds that the additional areas recommended have the impact of reducing total feasible development capacity by a further 894 dwellings, and realisable capacity by 797 dwellings.
98. When considered with all other qualifying matters, the additional areas recommended would reduce total feasible capacity by a further 819 dwellings, and reduce total realisable dwellings by a further 676 dwellings.
99. Therefore in total, accounting for the amendments I recommend to the Character Precincts, overall realisable dwelling supply becomes 61,074 against a demand of 31,242 over the 30 year timeframe considered. I do not consider, given the extent of supply enabled by the PDP when considered against the expected demand, that the additional areas proposed will materially affect the ability of the PDP to meet expected demand.
100. I do not support the relief sought by Historic Places Wellington [182.15] relating to a demolition overlay. The effect of the relief sought by Historic Places Wellington would be to carry over a much larger extent of character protection that is unjustifiable in my assessment due to the lack of concentration of character in the areas that are proposed as Character Precincts. It would also undermine the intent and purpose of the MDRS and NPS-UD requirements, which the PDP is seeking to appropriately provide for, while seeking to balance a reduced extent of character protection.
101. Lastly, I do not agree with submitters James Coyle [307.12] and Jim and Christine Seymour [262.5] who seek further reassessment of the Character Precincts informed by 'independent voices' or that further additions to the Character Precincts be made by 'approved' architects. The proposed Character Precincts have been identified on the basis of an independent review of the existing character areas. From that starting point, a revised methodology was developed to identify the boundaries of Character Precincts I now recommend. Future additions could be made to these areas through a plan change process that is either initiated by Council or independently initiated. I do not agree with the need for properties to be included on the recommendation of approved architects. Such an approach overly elevates the importance of architecture as the sole means of assessing character value and erodes the basis for the identification of the Character Precincts as proposed.
102. For the reasons outlined above, I am of the view that maintenance of the character values identified by the Character Precincts is an appropriate consideration as a qualifying matter. From that starting point, I consider that the appropriate boundaries for the Character Precincts are those recommended in this report, identified in Appendix 1. In my opinion these recommended areas are more appropriate in achieving Objective MRZ-PREC01-O1.

Summary of recommendations

103. HS2-P4-Rec4: That the spatial extent of Character Precincts be amended to the areas identified in Appendix 1 of Part 4 of this S42A report (Character Precincts and Design Guides).
104. HS2-P4-Rec5: That the zoning of all recommended Character Precincts additions be amended to Medium Density Residential Zone.
105. HS2-P4-Rec6: That submissions are accepted and rejected in relation to the spatial extent of the Character Precincts as detailed in Appendix B.

Section 32AA evaluation

106. In my opinion, based on the analysis above, the amendments I proposed to the spatial extent of the proposed Character Precincts are the most appropriate way to achieve proposed Objective MRZ-PREC01-O1, as compared to the notified provisions of the PDP. Specifically, I consider that:
 - (a) The Character Precincts as notified, omit areas of concentrated character in a way that does not suitably achieve the intent of MRZ-PREC01-O1;
 - (b) The Character Precinct boundaries I recommend more appropriately achieve MRZ-PREC01-O1 and have been formulated and implemented with reference to a considered methodology;
 - (c) The development capacity enabled by the PDP remains suitable and in excess of expected demand; and
 - (d) The reduction in area of the operative character areas enables for significant development capacity to be realised in line with the requirements of the MDRS and NPS-UD.
107. The environmental, economic, social and cultural effects of the recommended amendments to the spatial extent of the Character Precincts, as compared to the section 32 evaluation undertaken, are set out below.

Environmental The greater extent of character protection proposed will ensure that demolition of existing housing stock in these areas is controlled and assessed through a resource consent process. It also ensures that the existing character values are not impacted by a level of potential development that has been assessed as being incompatible with those character values. This will have environmental benefits in maintaining the character and resulting amenity values of these areas as a benefit to both residents within these areas and the wider community. It also forecloses potential environmental benefits that could stem from new development, though new development would be considered through a resource consent process and assessed for its impact on the values of these areas.

Economic Increasing the spatial extent of the Character Precincts will impact on development opportunities that are available within these areas from what would otherwise be provided for by the PDP. The use of Character Precincts as a qualifying matter does not provide for the full application of MDRS standards, or High Density Residential zoning in these areas and therefore limits overall development capacity. That restriction impacts on the overall development capacity enabled by the PDP, however the identified demand is still significantly exceeded by the capacity that is enabled by the PDP. An updated assessment of the impact of the recommended amendments to the

extent of Character Precincts shows that the reduction in development capacity is modest. Overall development capacity remains at 61,074 against a demand of 31,242 dwellings.

Economic impacts also relates to the direct costs that would be imposed through a resource consent process for new development or demolition of existing buildings. That cost is considered to be warranted with reference to the purpose of the Character Precincts objective MRZ-PREC01-O1.

There are commensurate economic benefits that result in the overall reduction of existing character areas by 56% from their current extent following the proposed amendments. Those benefits relate to the development capacity enabled by this reduction and the associated removal of demolition restrictions.

Social	Positive social effects relate to the maintenance of the character of these areas as valued by both residents within them, visitors and the wider community alike. It is acknowledged that the value placed on the maintenance of this character differs between various people. Conversely, there are social costs relating to the maintenance of the Character Precincts that apply directly to landowners in the form of restrictions on their use of their property, and the wider community through limitations on development capacity in these areas. These costs have been minimised through a reduction in the spatial extent of their application from what is currently in place.
Cultural	No cultural effects are considered to differ from the original section 32 evaluation.

11.0 Specific changes to Character Precinct boundaries

Matters raised in submissions

108. Some submitters have sought more specific additions or reductions to the Character Precincts, rather than the broader level changes discussed in the previous section. An inferred and consequential change, where not specifically stated, is that where not already zoned MRZ, that inclusion of a property as a Character Precinct would require a zone change to MRZ from its current HRZ zoning.
109. I have set these submissions out according to the area to which they relate.

Newtown

110. Gregory Webber [33.1 and 33.4], supported by WCCT [FS82.213] and HPW [FS111.107], considers that Green Street, Newtown, should be included as a Character Precinct and consequently be rezoned to MRZ.
111. Newtown Residents Association [440.19] seeks the addition of areas identified in the Boffa Miskell Pre-1930 Character Area Review, and the addition of Green Street, Emmett Street, Wilson Street, 74 to 171 Daniell Street and Regent Street, Newtown.
112. Jane Beale and Lisa Terreni [191.1], supported by Claire Nolan, James Fraser, Margaret Franken, Bidy Bunzel, Michelle Wooland, Lee Muir [FS68.30], WCCT [FS82.226] and HPW [FS111.104]; and Kim McGuinness, Andrew Cameron, Simon Bachler, Deb Hendry, Penny Evans,

Stephen Evens, David Wilcox, Mary Vaughan Roberts, Siva Naguleswaran, Mohammed Talim, Ben Sutherland, Atul Patel, Lewis Roney Yip, Sarah Collier Jaggard [204.5] seek that Green and Emmett Streets, Newtown, should be included as Character Precincts.

113. Mike Robbers [264.1] seeks the addition of Lawrence Street, Newtown as a Character Precinct.
114. Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.16 and 275.17] seek the inclusion of a number of specified properties in Newtown as Character Precincts.
115. Hannah Ouellet [466.1] and Therese Reedy [469.1] consider that the exclusion of 290 Rintoul Street, Newtown, from a Character Precinct is appropriate and should be confirmed.
116. Judith Bleach [60.3] supported by Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland and Lee Muir [FS68.44], seeks the addition of 98 Owen Street, Newtown as Character Precinct.
117. Michelle Rose [167.1], supported by Claire Nolan, James Fraser, Margaret Franken, Biddy Bunzl, Michelle Wolland, Lee Muir [FS68.40], WCCT [FS82.233] and HPW [111.101], seeks the inclusion of Donald McLean Street, Newtown, as a Character Precinct.
118. Ros Bignell [186.3], supported by Claire Nolan, James Fraser, Margaret Franken, Biddy Bunzl, Michelle Wolland, Lee Muir [FS68.40], WCCT [FS82.224] and HPW [FS111.102] seeks that Lawrence Street, Newtown, be included as a Character Precinct.

Kelburn

119. Rachel Underwood [458.2] seeks that a new Character Precinct is established in Wesley Road, Bolton Street, Aurora Terrace and Talavera Terrace in Lower Kelburn.
120. John McSoriley and Pierre David [493.2] seek the addition of a Character Precinct at Lower Kelburn, including Easedale, Kinross and Bolton Streets, Wesley Road, Aurora and Clifton Terrace, San Sebastian Road, Everton and Onslow Terrace, Talavera Road, Claremont Terrace, Salmont Place, Salamanca Road (as far as Kelburn Park), Gladstone Terrace and Rahiti Terrace.
121. Jocelyn Brandon [158.1], supported by HPW [FS111.175] and Lower Kelburn Neighbourhood Group [FS123.19], seeks that an area around Wesley Road be included as a Character Precinct.
122. Eva Brodie [217.2] and Lorraine and Richard Smith [230.19], seek the inclusion of Lower Kelburn as a Character Precinct.
123. Jane and Denis Kirkcaldie [455.3] seek that Lower Kelburn be included as a Character Precinct.
124. Murray Pillar [393.15 – 393.18] seeks the addition of Wesley Road, Bolton Street, Aurora Terrace and Talavera Terrace, Kelburn, as Character Precincts.
125. Lower Kelburn Neighbourhood Group [356.2 and 356.6] considers Lower Kelburn should be rezoned from HRZ to MRZ and included as a Character Precinct, and that Wesley Road should be included as a Character Precinct.

Brooklyn

126. Greater Brooklyn Residents Association [459.1] and Catharine Underwood [481] seek that an investigation of character and heritage values is undertaken in Brooklyn.

Mt Victoria

127. Anita Gude and Simon Terry [461.12] seek the inclusion of 11 Vogel Street, and a cluster of 12 properties on McFarlane Street, Mt Victoria, in the Mt Victoria Character Precinct.
128. Philip Cooke [465.3] seeks the inclusion of Claremont Grove and Austin Street, Mt Victoria, as a Character Precinct. Robert and Chris Gray [46.5] also seek the inclusion of Austin Street as a Character Precinct.
129. Matpor Holdings Ltd [152.1] seeks the removal of any character protection restrictions on their property at Brougham Street, Mt Victoria.
130. Jonothan and Tricia Briscoe [190.13] seek that the eastern side of Limpan Street, Mt Victoria, be included as a Character Precinct.
131. Penelope Borland [317] seeks that the Character Precincts be amended to include all houses on Earls Terrace, Stafford Street, 1, 3, 4 and 8 Port Street, 2-20 (even only) and 26 and 30 Hawker Street, Mt Victoria.
132. Lucy Harper and Roger Pemberton [401.1 and 401.2] seek the addition of Earls Terrace, Port Street and Stafford Street, Mt Victoria, as a Character Precinct and a change to the zoning of these areas from HRZ to MRZ.

Aro Valley

133. Aro Valley Community Council [87] identifies a range of properties that it considers should be added as Character Precincts, and as necessary rezoned to MRZ. The submission is supported by WCCT [FS82] and LIVE WELLington [FS96] and opposed by Generation Zero [FS54].
134. Roland Sapsford [305], supported by WCCT [FS82], LIVE WELLington [FS96], HPW [FS111], seeks the inclusion of a number of specified areas including Holloway Road, 1-10 Mortimer Crescent, 1-9 Durham Crescent, 1-22 Durham Street, the southern side of Aro Street, Adams Terrace, Landcross Street, 139-167 and 166-186 Abel Smith Street, St John Street steps, 21-30 Devon Street and Mortimer Terrace, Aro Valley, as a Character Precinct.
135. Roland Sapsford [305.19] considers that the boundary of the Character Precinct between Waimāpihi reserve and Holloway Road should be adjusted to reflect actual land use. He considers that the land above properties on Holloway Road to the south of Carey Street can be rezoned as Natural Open Space Zone.
136. Kay Larsen [447.4] seeks that the area between Abel Smith Street, Ghuznee Street, The Terrace and including the St John and Abel Smith Street extension be added to the Aro Valley Character Precinct.
137. Josephine Brien and Tim Bollinger [365.3] consider that 43 and 45 Palmer Street, Aro Valley, be included as a Character Precinct.

Mt Cook

138. Angus Hodgson [200], seeks the inclusion of Myrtle Crescent, Rolleston Street, Hargreaves Street, lower Hankey Street as Character Precincts in Mt Cook. The submitter supports the exclusion of Wallace Street from a Character Precinct due to its role as a mass transit route.
139. Pauletta Wilson [257.3] seeks that Yale Road, Mt Cook, is retained within a Character Precinct.
140. Mt Cook Mobilised [331.12] seeks the addition of Myrtle Crescent, Hargreaves Street, Wallace Street, Rolleston Street and the lower section of Hankey Street as Character Precincts.

Oriental Bay

141. WCCT [233.16] seeks that Hay Street, Oriental Bay, is added as either a Character Precinct or heritage area.

Thorndon

142. The Eldin Family Trust [287], supported by Thorndon Residents Association [F69.1] and WCCT [FS82.288] seeks that Selwyn Terrace, Thorndon, be added as a Character Precinct, opposes its rezoning to CCZ and seeks its rezoning to MRZ. The submitter further seeks that numbers 15, 16, 17 and 18 Selwyn Terrace are considered as primary character contributors.
143. Richard Murcott [322.20] seeks the addition of Selwyn Terrace, Portland Crescent, Hawkestone Street, the block bounded by Hobson Street, Davis Street, Moturoa Street, Murphy Street, Turnbull Street and Fitzherbert Terrace, Thorndon, as a Character Precinct.
144. Thorndon Residents Association [333.1] seeks that the area around Selwyn Terrace/Hill Street, and the area around Portland Crescent/Hawkestone Street, Thorndon, be rezoned from CCZ to a residential zoning and become a Character Precinct.
145. Thorndon Residents Association [333.8 and 333.11-333.13] seeks that Goring Street, 220-235 Tinakori Road, 106 and 110 Hill Street, and the 'Thorndon flat' and Hobson Street residential precincts as shown in the submission, are included as a Character Precinct.
146. Garvin Wong [432.3] seeks the removal of Character Precincts in Thorndon.
147. Kathryn Lethbridge [442.1] seeks the addition of Hobson Street, Thorndon, as a Character Precinct.

Assessment

148. Addressing firstly the submissions from Greater Brooklyn Residents Association [459.1] and Catharine Underwood [481] in respect of Brooklyn, I do not support their request for a specific character investigation of Brooklyn. To do so, would invite similar work for other suburbs in Wellington. The proposed Character Precincts have their genesis in the existing character areas of the ODP. These areas are based around inner city suburbs and reflect their early development history. I do not consider that equivalent circumstances apply to Brooklyn. I also note that changes proposed to zoning in Brooklyn and other areas are in response to the statutory requirements of the MDRS and the NPS-UD. On a related note I am also aware that heritage investigations have been undertaken on a city-wide basis as part of the process of

preparing the PDP, with these implemented under a separate workstream, and relevant submissions the subject of a separate hearing stream.

149. For similar reasons, I do not agree with the submission from WCCT [233.16] in respect of Hay Street, Oriental Bay. The area is not presently a character area, and has not been assessed as such. Any assessment of Hay Street as a heritage area is outside of the scope of this workstream and should be considered through the hearing stream relating to heritage matters.
150. Considering the other specific requests made by submitters collectively, I have assessed the appropriateness of the suggested changes with reference to the broader scale changes I have recommended in the preceding section. The Character Precinct boundaries proposed by this assessment have been proposed based on the application of the specific methodology set out in Appendix 6. The specific changes sought by submitters have either aligned with the recommended extent of the Character Precincts, or remain outside of the areas I recommend, noting that in most instances no evidential methodological basis has been provided to support the changes sought. I consider it is more appropriate, and justifiable, to provide for the development requirements of the NPS-UD and MDRS in these areas, balancing the purpose of the Character Precincts against the requirements for greater development capacity. I recommend submissions are either accepted, accepted in part, or rejected on this basis, as detailed in Appendix B.
151. Considering some of these areas specifically to demonstrate the application of the methodology, I make the following comments.
152. A number of submitters have suggested areas in Newtown, including Green Street, Emmett Street and Wilson Street. Emmett Street is a short street where character housing is located only on one side of the street, diminishing its streetscape value and being contrary to the methodology of seeking to include areas where character is evident on both sides of the street. Green Street and Wilson Street would be isolated from other areas of character and their inclusion would create a small 'island' of identified character. Both are also in close proximity to the Newtown commercial centre, lending themselves to accommodating a greater level of intensification.
153. Lawrence Street in Newtown provides a counterpoint. Lawrence Street is proposed to be included as a Character Precinct through this report. Lawrence Street is comprised of predominantly primary contributing dwellings located across both sides of the street. It is contiguous with other areas and forms part of larger Character Precinct as shown in Figure 1 below.

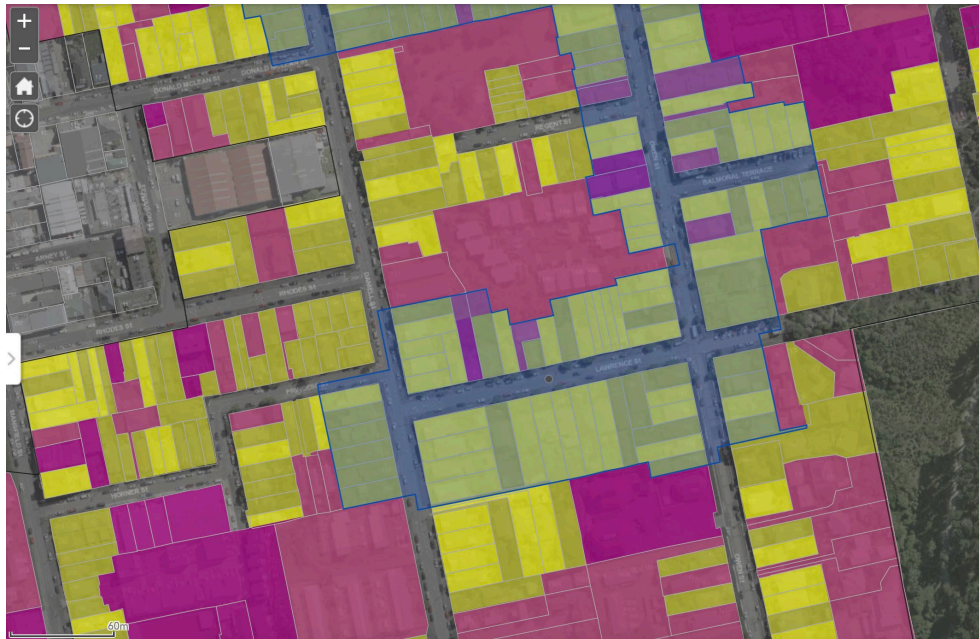


Figure 1. Lawrence Street showing assessed character contributions.

154. Similarly, Judith Bleach [60.3] seeks the addition of 98 Owen Street, Newtown as a Character Precinct. For similar reasons, a wider area in Owen Street is proposed for inclusion, of which 98 Owen Street forms a part.
155. In respect of the submission from Hannah Ouellet [466.1] and Therese Reedy [469.1] who seek the exclusion of 290 Rintoul Street, Newtown, I note that the site is within an existing Character Precinct in the PDP and continues to be under the areas I recommend. This is consistent with the methodology that has been applied and therefore supports its inclusion. The submissions have not offered any evidential basis that changes my view.
156. A number of submitters have sought the inclusion of areas in Kelburn as a Character Precinct. The PDP presently provides for a small block in Bolton Street as a Character Precinct, and I recommend a small extension to the area which would provide for more logical boundaries to take in an entire block where a small area of three properties is presently excluded. This area is identified as forming part of the Thorndon character area under the ODP and I continue to record it as part of the Thorndon Character Precinct area.
157. I do not support a wider application of Character Precincts in Kelburn. The area is not presently identified as a pre-1930's character area, and while an area centred on Talavera Terrace was identified as a potential area through the Pre-1930's Character Area Review, it was not progressed by the Council following further assessment of this area. To include a new small area around Talavera Road in response to these requests would run counter to the position reached by Council and would create a very discreet area that is not otherwise existing. It would also exclude affected property owners from exercising the ability to submit on that proposal, noting that the area is not presently a character area.
158. In respect of the submission from Matpor Holdings Ltd [152.1] which seeks the removal of any character protection restrictions on their property at Brougham Street, Mt Victoria, it is unclear from the submission which property it refers to. I note that some areas of Brougham Street are proposed for inclusion, while others are not, based on the applied methodology.

159. Lastly, in regard to the submission from Roland Sapsford [305.19] in which he considers that the land above properties on Holloway Road to the south of Carey Street should be rezoned as Natural Open Space Zone, I note that such a zoning change is not a matter for this hearing stream, and would more appropriately be addressed as part of the open space topic area.

Summary of recommendations

160. HS2-P4-Rec7: That the spatial extent of Character Precincts be amended to reflect the areas identified in Appendix 1 of Part 4 of this S42A report (Character Precincts and Design Guides).
161. HS2-P4-Rec8: That submissions are accepted and rejected in relation specific changes to the spatial extent of Character Precincts as detailed in Appendix B.

12.0 Transition/Interface with Character Precincts

Matters raised in submissions

162. A number of submitters have expressed concerns regarding the interface of the proposed Character Precincts with neighbouring zoning including the High Density Residential Zone and the City Centre Zone (CCZ). The submitters consider that the provisions of those zones do not adequately consider and manage the potential effects of development within them on the Character Precincts.
163. Anita Gude and Simon Terry [461.17] seek that the height limit for properties bordering the town belt be reduced to minimise any adverse effects on the natural backdrop provided by this area.
164. Submitters Peter Preston [42.2] supported by HPW [FS111.80], Robert and Chris Gray supported by WCCT [FS82.197], Judith Graykowski [80.8], Joanna Newman [85.3], Kirsty Wood [109.3], Alan Olliver and Julie Middleton [111.7], Gael Webster [114.7], Vivienne Morrell [155.11], Jonathan and Tricia Briscoe [190.1], Mt Victoria Historical Society [214.2 and 214.9], Richard Noman [247.6], Roland Sapsford [305.35], Phillip O'Reilly and Julie Saddington [310.1], Hilary Watson [321.18], Jane Szentivanyi [376.2 and 376.4] and Catharine Underwood [481.3] seek changes to HRZ-S1, certain provisions of the CCZ, greater consideration of the effects of intensity on Character Precincts, other amendments to better manage effects on Character Precincts, or through the addition of a buffer of one MRZ property or other transition zone between a Character Precinct and a site zoned HRZ [42.6 and 155.4].

Assessment

165. To the extent such sites are within a Character Precinct, I do not consider that the height limit for properties bordering the town belt needs to be reduced as requested by Anita Gude and Simon Terry [461.17]. Such a matter would need to be considered as a qualifying matter and I do not believe there are grounds to support such an approach, nor the ability to assess that on a site-specific basis. I also note the potential cross-over with the open space hearing stream, and that there does not appear to be an evidential basis supporting this submission point.
166. In respect of the CCZ, changes to that zone are outside of the scope of this hearing stream and therefore this report. Submissions relating to the interface of the CCZ and the Character Precincts will be addressed as part of Hearing Stream 3.

167. In respect of the HRZ, the changes proposed to the spatial extent of Character Precincts will have addressed some of these concerns in certain areas. However, there will always be instances where a Character Precinct interfaces with the HRZ. The PDP provisions for the HRZ, notably HRZ-S3 which controls height in relation to boundary, seek to provide a less permissive development standard in such an instance, as well as other instances such as where the HRZ adjoins a heritage area or listed heritage building.
168. In my view, reducing the base height used to measure height in relation to boundary by 3m is significant and an appropriate recognition of this interface. Such a reduction is also made in the context of directive requirements in the NPS-UD regarding anticipated density standards in the HRZ. Further reductions in this standard, or additional limitations, only serve to dilute the effectiveness of the HRZ for its purpose. Changes in amenity values are expected as a result of these changes, as envisaged by Policy 6 of the NPS-UD. From my perspective as the author of the Character Precinct provisions I am unconvinced that any further changes to the HRZ provisions are necessary.
169. I similarly do not support suggestions of a 'buffer' of an MRZ property (I assume one which is not within a Character Precinct) and an HRZ zone. Such an approach would create something of a 'sacrificial lamb' scenario whereby the 'buffer' property would act as an interface for the benefit of the adjoining Character Precinct site. I also do not think that such an approach would justifiably come within the ambit of consideration as a qualifying matter. The existing restriction to HRZ-S3 is in my view an appropriate response.
170. In my view, development within the HRZ needs to be able to occur in line with its purpose and within the parameters afforded to it, parameters which already provide a degree of concession to neighbouring Character Precincts. Where those parameters are not met, then consideration of the effects of a non-compliance should include the dominance, shading and privacy effects on neighbouring properties. As the PDP already provides for these considerations I do not consider, from my perspective as the author of the Character Precincts provisions, that further changes are necessary.

Summary of recommendations

171. HS2-P4-Rec9: No changes are recommended to the provisions of the HRZ in respect of the interface of the HRZ with a Character Precinct.
172. HS2-P4-Rec10: That submissions are accepted and rejected in relation to transition and interface effects as detailed in Appendix B.

13.0 Relationship between Heritage and Character

Matters raised in submissions

173. The relationship between heritage and character is queried by a number of submitters, including a number that consider that heritage values should be a key consideration in determining the extent of Character Precincts.
174. Peter Preston [42.3] and Robert and Chris Gray [46.9] consider that heritage value should be the most significant characteristic in determining character.

175. Submitter Lucy Telfar Barnard [72], opposed by Mt Victoria Historical Society Inc [FS39.12-FS39.16] and Phil Kelliher [FS57.3], submits that a number of proposed heritage areas could be classified as Character Precincts.
176. LIVE WELLington [154.3] recognises that the PDP has drawn a distinction between heritage and character.
177. Mt Victoria Historical Society [214.4] seeks that heritage is recognised as the most important characteristic in determining character.
178. Lorraine and Richard Smith [230.17], Alan Fairless [242.16], Roland Sapsford [305.7], Carolyn Stephens [344.9], Elizabeth Nagel [368.14], Josephine Smith [419.12] and Paul Rutherford [424.11] seek that the PDP recognise that character is in part derived from heritage.
179. Cherie Jacobson [251.6] and Wellington Heritage Professionals [412.10] seek that the PDP applies Greater Wellington Regional Council's 'Guide to Heritage Identification' to assess the value of character areas.
180. Wellington Heritage Professionals [412.109] seek that the Character Precincts are assessed for inclusion as heritage areas.
181. David Lee [454.4] seeks that Character Precincts should re-classified as heritage areas.
182. Kāinga Ora [391.18] seeks to remove a Character Precinct notation where a heritage area already applies.

Assessment

183. The introduction to the Character Precincts in the PDP, MRZ-PREC01, is clear that the Character Precincts do not intentionally seek to specifically protect historic heritage values. Rather, their purpose is to recognise concentrations of consistent character, as informed by the Pre-1930 Character Area Review.
184. That character value is derived from a combination of the architectural values of the dwellings in these areas, the patterns of subdivision, and the resultant streetscape qualities these factors produce. They are of course a product of their history, but this is not the sole or primary basis for their inclusion within a Character Precinct. This is acknowledged in the submission from LIVE WELLington [154.3]. Although there are architectural and historical considerations common to both Character Precincts and heritage areas, Character Precincts are not intended to represent an alternative form of 'heritage scheduling' but instead provide a means of managing distinctive, valued elements of natural and built local character as these areas change and evolve over time.
185. Heritage protection requirements have been addressed through a separate parallel workstream, the outcome of which has identified individual heritage buildings, heritage structures, and heritage areas, noting that there are some instances where heritage areas and Character Precincts overlap⁹. Although specifically focussing on heritage this work both complements and supplements the character area review undertaken, underpinning consideration of heritage as a justifiable qualifying matter in terms of statutory requirements in the MDRS and NPS-UD.

⁹ Examples include Moir Street and Elizabeth Street in Mt Victoria.

186. I therefore do not agree with submitters, for example Peter Preston [42.3] and Robert and Chris Gray [46.9], who seek that heritage value be a determining factor in the identification of Character Precincts if the suggestion is that it should have primacy. Heritage values were a contributing factor in the Pre-1930's Character Area Review as the presence of scheduled items informed the location and spatial extent of the indicative areas the review identified. But they were just one factor amongst many. Where heritage values are such that they meet requirements to be addressed as part of the heritage workstream, that has occurred. This is not the purpose of Character Precincts, which is rather to identify concentrated areas of consistent character. Those character values are multi-faceted and not solely determined by heritage considerations.
187. In respect of the submission from Lucy Telfar Barnard [72], areas currently proposed as a heritage area have undergone assessment that has led to them being identified as such. Any reconsideration of their status as a heritage area will be addressed through the heritage hearing stream. To the extent that they should also be identified as a Character Precinct, I have identified recommended changes to the extent of Character Precincts as part of this report. Any areas of resulting overlap will be identified as both. I note that the submitter supports the retention of areas already identified as Character Precincts and I agree with the submission in that respect.
188. Similarly, I do not agree with Wellington Heritage Professionals [412.109] that the Character Precincts should be assessed for inclusion as a heritage area. Work to identify heritage areas has already occurred as part of the heritage workstream and where there is overlap between the two, the areas are identified as both. For similar reasons, I do not agree with the submission of David Lee [454.4] that Character Precincts should be re-classified as heritage areas.
189. In preparing the PDP, the Council has applied Greater Wellington Regional Council's 'Guide to Heritage Identification' in identifying heritage buildings, structures and areas. I do not agree with Wellington Heritage Professionals [412.1] and Cherie Jacobson [251.6] that applying these guidelines to assess the character value of the ODP character areas will aid in the identification of Character Precincts. Their focus is solely on heritage concerns, and is not reflective of the wider considerations relevant to Character Precincts as detailed in the Pre-1930's Character Area Review and the provisions of the PDP.
190. There are limited instances where a heritage area overlaps with a Character Precinct. In developing the PDP, an active point of consideration was how the PDP should approach such circumstances. As a result, where both a Character Precinct and a heritage area overlap the intention is that the relevant requirements of both apply. This recognises that each form of classification seeks to achieve different (albeit complementary) outcomes, with the focus of Character Precincts being on the streetscape values of the area, while the focus of heritage areas being on the protection of heritage values resulting from a collection of buildings, that individually do not necessarily warrant scheduling as a heritage building. Although I recognise and acknowledge that this creates an additional regulatory layer, on balance I am of the view that the approach remains appropriate and therefore disagree with the submission from Kāinga Ora [391.18].

Summary of recommendations

191. HS2-P4-Rec11: No changes are proposed to the Character Precinct provisions in respect of the relationship between heritage and character.

192. HS2-P4-Rec12: That submissions are accepted and rejected on the relationship between character and heritage as detailed in Appendix B.

14.0 MRZ-PREC01: Character Precincts

193. A number of submitters have addressed the provisions of the PDP applicable to the MRZ-PREC01: Character Precincts provisions in the PDP and the associated Character Precincts appendix to the Residential Design Guide. I set out below the submissions under sub-headings based on the relevant provision.

14.1 Submissions relating to MRZ-PREC01: Character Precincts provisions

Matters raised in submissions

194. Submitters Melissa Harward [65.4], Heritage New Zealand Pouhere Taonga [70.32] supported by Onslow Historical Society [FS6.22] and HPW [FS111.21]; HPW [182.20], Craig Forrester [210.4], Anna Kackson [222.9], Hilary Watson [321.12], Kerry Finnigan [336.3], Kirsty Woods [437.1], Newtown Residents Association [440.17], Anita Gude and Simon Terry [461.18] and Living Streets Aotearoa [482.54] express support for MRZ-PREC01 and its approach to Character Precincts. Some of these submitters also seek a wider application of Character Precincts which has been addressed in a preceding section.
195. WCCT [233.15] supports MRZ-PREC01 as notified.
196. LIVE WELLington [154.4], supported by Thorndon Residents Association [FS69.33], seeks an amendment to MRZ-PREC01 to highlight that building age is a key component of character:

MRZ-PREC01 Character Precincts

The purpose of the Character Precincts is to provide for the management of effects on character values within specifically identified residential areas of the City.

...

The Character Precincts do not seek to protect historic heritage values. While some areas may also be identified as heritage areas in the District Plan, the majority of the Character Precincts seek to identify existing concentrations of consistent character and prevent its further erosion. This character is a product of the age of buildings, building materials, architectural styles, size and shape ~~architectural values of the dwellings in these areas, patterns of subdivision and the resultant streetscape. The Character Precincts have been identified and mapped based on the consistency and coherence of character of the houses in these areas.~~

...

197. Kāinga Ora [391.314] proposes an amendment to the introduction to the MRZ chapter to remove reference to Character Precincts and the Mt Victoria North Townscape Precinct, as follows:

Introduction

...

The Medium Density Residential Zone adopts the medium density residential standards from the RMA which allow for three residential units of up to three storeys on a site.

Developments of four or more residential units are also encouraged through the policy framework and provided for through a resource consent process. ~~Multi-unit housing of four or more units is also anticipated through a resource consent process subject to standards and design guidance.~~

There are parts of the Medium Density Residential Zone where the permitted development, height or density directed by the NPS-UD may be modified by qualifying matters. These include the following:

~~Character Precincts and the Mt Victoria North Townscape Precinct (refer to MRZ-PREC01 and MRZ-PREC02).~~

...

The Medium Density Residential Zone accommodates a range of compatible non-residential uses that support the needs of local communities. Incompatible non-residential activities are not anticipated managed or discouraged in this zone.

~~Precincts within the Medium Density Residential Zone include Character Precincts, the Mt Victoria North Townscape Precinct, and the Oriental Bay Height Precinct.~~

Notification

198. Robert and Chris Gray [46.11] seek that provisions of the ODP relating to notification are carried over.

MRZ-PREC01-O1 (ISPP)

199. LIVE WELLington [154.6], supported by Thorndon Residents Association [FS69.35] seeks retention of MRZ-PREC01-O1 as notified.

MRZ-PREC01-P1 (ISPP)

200. Anita Gude and Simon Terry [461.26] seek an amendment to MRZ-PREC01-P1 to require developers to conform to the guiding principles of the Character Precincts Design Guide.

MRZ-PREC01-P2 (ISPP)

201. Joanna Newman [85.2] and Mt Victoria Historical Society [214.6] seek an amendment to Policy MRZ-PREC01-P2 to add a further point of consideration relating to whether the building is an original building on the site and an important element in the wider heritage context of the area. The proposed change sought is:

MRZ-PREC01-P2 Restrictions on demolition

...

1. It can be demonstrated that the contribution of the building to the character of the area is low, with reference to:

...

f. whether the building is an original dwelling on the site and an important element in the wider heritage context of the area.

...

202. Mike Camden [226.6] seeks that Policy MRZ-PREC01-P2 is amended to include consideration of the environmental effects of demolition, removal or salvage.
203. Victoria University Students Association [123.49] seeks an amendment to MRZ-PREC01-P2 to include post-1930 buildings to expressly allow for their demolition.
204. LIVE WELLington [154.7], supported by Thorndon Residents Association [FS69.36] seeks retention of MRZ-PREC01-P2 as notified. Anita Gude and Simon Terry [461.27] also support MRZ-PREC01-P2 as notified and seek its retention.
205. Jonothan and Tricia Briscoe [190.17] and Alan Olliver and Julie Middleton [111.6], seek that MRZ-PREC01-P2 be amended to take into account the status of a building in a wider heritage context.
206. Khoi Phan [326.13] seeks amendments to MRZ-PREC01-P2 to replace reference to pre-1930 with pre-1950 and to clarify the meaning of “poor condition” as referenced in the policy.
207. Wellington Heritage Professionals [412.75] seek an amendment to MRZ-PREC01-P2 that amends a matter of consideration to reference ‘pre-1930’ rather than ‘original’ in considering building form, materials and detailing, as follows:

MRZ-PREC01-P2 Restrictions on demolition

...

1. It can be demonstrated that the contribution of the building to the character of the area is low, with reference to:

...

c. The extent to which the existing building retains its ~~original~~ pre-1930 design features relating to form, materials, and detailing and the extent to which those features have been modified;

...

208. Owen Watson [51.4] supports the presumption against demolition in Character Precincts.

MRZ-PREC01-P3 (ISPP)

209. Victoria University Students Association [123.50], opposed by Mt Victoria Historical Society [FS39.20] and WCCT [FS82.96], seeks an amendment to MRZ-PREC01-P3 as follows:

MRZ-PREC01-P3 Intensification

Enable residential intensification within Character Precincts ~~provided that it does not detract from the character~~ and amenity of the Precinct in which it is located.

210. Khoi Phan [326.13] seeks amendment to MRZ-PREC01-P3 to remove the criteria listed in the policy.
211. VicLabour [414.30] opposes and seeks the deletion of MRZ-PREC01-P3.

MRZ-PREC01-R3 (ISPP)

212. Heritage New Zealand [70.33 and 70.34] supported by Onslow Historical Society [FS6.23 and FS6.24] and HPW [FS111.22 and FS111.23], seeks an amendment to Rule MRZ-PREC01-R3 as follows:

MRZ-PREC01-R3 Demolition or removal of buildings and structures, except those buildings addressed in MRZ-PREC01-R4

1. Activity status: **Permitted**

213. Kimberley Vermaey [348.10] also seeks that MRZ-PREC01-R3 be amended to clarify that it applies to post-1930 buildings.
214. Greater Wellington Regional Council [351.252 and 351.253] supports MRZ-PREC01-R3 but seeks an amendment that requires building and demolition waste be disposed of at an approved facility, giving effect to Policy 34 of the RPS.

MRZ-PREC01-R4 (ISPP)

215. Victoria University Students Association [123.51], opposed by Mt Victoria Historical Society [FS39.21] and WCCT [FS82.97], seeks that MRZ-PREC01-R4 relating to restrictions on demolition be deleted.
216. Historic Places Wellington [182.28], supported by Thorndon Residents Association [FS69.106], supports MRZ-PREC01-R4 relating to the demolition of pre-1930 buildings. WCCT [233.17] also supports retention of MRZ-PREC01-R4 but considers that it should apply to all existing pre-1930s character areas.
217. Avryl Bramley [202.39] seeks that MRZ-PREC01-R4 is amended to ensure that demolition is a last resort and seeks that provision is added to allow alterations to bring a dwelling in line with original plans.
218. Khoi Phan [326.13] seeks amendments to MRZ-PREC01-R4 to replace reference to pre-1930 with pre-1950.
219. Christina Mackay [478.13] seeks the retention of rule MRZ-PREC01-R4 as notified.

MRZ-PREC01-R5 (ISPP)

220. Laura Gaudin [279.4] seeks retention of MRZ-PREC01-R5 as notified.
221. Bruce Rae [334.5] considers that MRZ-PREC01-R5 should be amended to clarify the applicability of the rule and to clarify that the Residential Design Guide applies in addition to the Character Precincts Appendix to the design guide. The suggested change is:

MRZ-PREC01-R5 Construction, addition or alteration of any buildings or structures excluding accessory buildings

...

Matters of discretion are:

1. In cases where there is no compliance with all relevant standards listed below the extent and effect of non-compliance with any of the following standards as specified in the associated assessment criteria for the infringed standard:

...

3. The Residential Design Guide together with its Character Precincts Appendix; and

MRZ-PREC01-R7 (P1 Sch1)

222. Waka Kotahi [370.304] seeks an amendment to MRZ-PREC01-R7 relating to buildings and structure on or over legal road, to require the written approval of Waka Kotahi where the legal road is controlled by Waka Kotahi.

MRZ-PREC01-R7 Buildings and structures on or over legal road

1. Activity status: **Restricted Discretionary**

...

Where the legal road is controlled by Waka Kotahi, written approval has been provided from Waka Kotahi authorising the building or structure.

MRZ-PREC01-S1 (ISPP)

223. Khoi Phan [326.13] seeks an amendment to MRZ-PREC01-S1 to reduce the maximum fence height from 2m to 1.5m.

Definitions

224. LIVE WELLington [154.2], supported by Thorndon Residents Association [FS69.32] opposes the definition of character, considering it to be too loose and encouraging of ‘faux’ replacements.

New MRZ-PREC01 provisions

225. Graham Spargo [211.2] seeks that the provisions be amended to require planning assessments based on infrastructure availability, built form character and heritage, walkability and other good practice ways of identifying areas for intensification.

226. Lorraine and Richard Smith [230.1] seek the addition of a new objective that states “Reflect the essential contributions made by heritage, character and quality design, giving us the ability to remember our heritage and to visually enjoy unique urban landscapes which provide character and a sense of belonging to our unique city.” The submitters [230.18] along with Paul Rutherford [424.20] further seek that the PDP enables a more granular level of assessment within extended Character Precincts.

- 227. Alan Fairless [242.4] and Elizabeth Nagel [368.4] seek the addition of a new objective that reflects the positive contribution heritage, character and quality design, and the ability to read stories in the urban landscape, make to wellbeing.
- 228. Peter Fordyce [431.8] seeks that a new rule is added that provides for the protection of original and stained and decorative glass windows.
- 229. Christina Mackay [478.12] seeks amendments to the rules applying to Character Precincts to include advice and input from an urban design panel.
- 230. Historic Places Wellington [182.21 and 182.23] seeks that inclusion of provisions to promote the adaptive reuse of buildings as a lower emission alternative to demolition, and to limit the scope of non-residential uses.
- 231. LIVE WELLington [154.2] considers that provision should be made for upgrading and refurbishment to bring older houses up to modern standards.

General Support for MRZ-PREC01 Provisions

- 232. Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.18-275.20, 275.22-275.34], and Lucy Harper and Roger Pemberton [401], seek the retention of MRZ-PREC01-O1, MRZ-PREC01-P1 to MRZ-PREC01-P6, MRZ-PREC01-R1 to MRZ-PREC01-R7, MRZ-PREC01-S1 and MRZ-PREC01-S2 as notified.
- 233. Waka Kotahi [370] has taken a neutral position in respect of a number of provisions, subject to a wider evaluation of the Character Precincts being undertaken as outlined above.
- 234. The submission from WCC Environmental Reference Group [377] expresses support for a range of provisions relating to Character Precincts and seeks their retention as notified.

General Opposition to MRZ-PREC01 Provisions

- 235. Kāinga Ora [391] seeks the removal of MRZ-PREC01-O1, MRZ-PREC01-P1, MRZ-PREC01-P2, MRZ-PREC01-P3, MRZ-PREC01-P4, MRZ-PREC01-P5, MRZ-PREC01-R1, MRZ-PREC01-R2, MRZ-PREC01-R3, MRZ-PREC01-R4, MRZ-PREC01-R5, MRZ-PREC01-R6, MRZ-PREC01-R7, MRZ-PREC01-S1 and MRZ-PREC01-S2 consistent with its submission opposing the inclusion of Character Precincts.

Standard MRZ-S1 (ISPP)

- 236. The Urban Activation Lab of Red Design Architects [420.12] seeks that the 11m height control area in Newtown Character Precincts is decreased.
- 237. KāingaOra [391.406] seeks an amendment to MRZ-S1 as follows:

MRZ-S1 Building height control 1:

~~1. Where no more than three residential units occupy the site; or~~
~~2. For the construction, addition or alteration of any buildings or structures in a Character Precinct or Mount Victoria North Townscape Precinct.~~

238. I note that these matters are included in this report as they relate to the Character Precincts.

Assessment

MRZ-PREC01 (ISPP)

239. I acknowledge those submitters who have expressed support for MRZ-PREC01 and the approach to Character Precincts that it outlines. I also note the submission of WCCT [233.15] that seeks the retention of MRZ-PREC01 as notified. I agree with its retention as an appropriate introduction to, and descriptor of, the purpose of the Character Precincts.
240. In respect of the amendment sought by LIVE WELLington [154.4], I do not consider that an amendment is necessary. That building age is a factor in the character of the precincts is already recognised in the introduction through reference to pre-1930 buildings. The deletion of *“patterns of subdivision and the resultant streetscape”* also undermines a central contributory element of these areas, and the focus on the streetscape values within these areas. Consequently, I do not support the amendment proposed.
241. Given that I am of the view that Character Precincts should remain in the PDP as evidenced in preceding sections regarding their suitability as a qualifying matter, I do not support the amendment proposed by Kāinga Ora [391.314] to the introduction to the MRZ chapter to delete reference to Character Precincts. I am of the view that the submission from Kāinga Ora has not provided any material justification for the change sought. The change to the introduction sought by Kāinga Ora is reflective of a general opposition to the use of Character Precincts and a differing view of how the NPS-UD and MDRS should be applied. As I have assessed, I consider that the use of Character Precincts is appropriate and can be accommodated while still providing for significant development capacity in excess of expected demand.

Notification

242. The submission from Robert and Chris Gray [46.11] seeks that the ODP provisions relating to notification are carried over. The PDP rules specific to the Character Precincts preclude public notification for the construction of accessory buildings where they are not permitted (MRZ-PREC01-R2.2), the construction of new buildings (MRZ-PREC01-R5), and the construction of fences and walls where they are not permitted (MRZ-PREC01-R6.2). Limited notification is not precluded in any of these instances, so where a notification effects assessment finds that limited notification is warranted, it can occur. I consider this to be an appropriate response to these particular activities whose effects will be localised. Consideration of localised effects can still be made with reference to the relevant standards, and where limited notification is warranted, it can occur.
243. For the demolition of a pre-1930 building, there is no restriction on notification. Therefore, the statutory effects-based tests apply. I consider this to be appropriate threshold given the structure of the PDP and the purpose of rule MRZ-PREC01-R4.

MRZ-PREC01-O1 (ISPP)

244. I acknowledge the submission of LIVE WELLington [154.6] seeking the retention of MRZ-PREC01-O1 as notified.

MRZ-PREC01-P1 (ISPP)

245. I do not agree with the amendment sought by Anita Gude and Simon Terry [461.26] to MRZ-PREC01-P1 to require developers to conform to the guiding principles of the Character Precincts Design Guide. Policy MRZ-PREC01-P1 requires new development and additions and alterations to respond positively to the character values of a given Precinct, as identified in the Character Precincts Appendix to the Residential Design Guide. The Character Precincts Appendix to the Residential Design Guide is then a matter of discretion under Rule MRZ-PREC01-R5 relating to new development. The guiding principles set out in the Character Precincts Appendix are therefore already a point of consideration against which a development proposal would be assessed.

MRZ-PREC01-P2 (ISPP)

246. I acknowledge those submitters who support MRZ-PREC01-P2 and seek its retention. I also note the submission of Owen Watson [51.4] that supports the presumption against demolition in Character Precincts.

247. I do not consider that the amendment sought by Joanna Newman [85.2] and Mt Victoria Historical Society [214.6] is needed as the matter is in my view already addressed. The change sought by the submitters is:

MRZ-PREC01-P2 Restrictions on demolition

...

1. It can be demonstrated that the contribution of the building to the character of the area is low, with reference to:

...

f. whether the building is an original dwelling on the site and an important element in the wider heritage context of the area.

...

248. I note that matter 1(c) of the policy as presently drafted addresses “the extent to which the existing building retains its original design features relating to form, materials and detailing and the extent to which those features have been modified” (emphasis added).

249. Matter 1(b) of the existing policy also addresses “whether the building is consistent in form and style with other pre-1930 buildings that contribute positively to the character of the area” and 1(d) requires consideration of “whether the building is an integral part of a row of buildings that are consistent in form, scale, and siting”.

250. In my assessment, these matters already address the purpose of the amendment sought by the submitters. I also do not support the wording “heritage context” proposed in the amendment, as the term is interpretively ambiguous and heritage matters are not the prime consideration in assessing the impact on a Character Precinct.

251. I do not support the amendment sought by Mike Camden [226.6], to include consideration of the environmental effects of demolition, removal and salvage. The relevant environmental effects relating to demolition in Character Precincts are those relating to character values. The PDP does not otherwise include additional considerations relating to demolition, and I do not consider that further considerations are required here.

252. I do not consider that the amendment sought by Victoria University Students Association [123.49] is necessary. Although I appreciate that the suggestion is made to improve the clarity of how the PDP restricts demolition in Character Precincts. I note that the policy already specifies pre-1930 buildings. Consequently, I consider that a more appropriate place to clarify the application of the restriction is in the relevant rules, and I address this further below.
253. For the reasons outlined above in regard to the submissions from Joanna Newman [85.2] and Mt Victoria Historical Society [214.6], I do not agree with the change suggested by Jonathan and Tricia Briscoe [190.17] and Alan Olliver and Julie Middleton [111.6] seeking that MRZ-PREC01-P2 be amended to take into account the status of a building in a wider heritage context. As I have mentioned, heritage considerations are not an overt factor in the assessment of Character Precincts.
254. Regarding the submission of Khoi Phan [326.13], I do not support the change suggested to amend pre-1930 to pre-1950. The basis of the existing character areas and proposed Character Precincts has long been grounded in a pre-1930 threshold. The change suggested would fundamentally undermine the purpose of, and parameters around, Character Precincts. There is also a risk in making such an amendment on the basis of a single submission, and in the absence of a robust evidential base there is nothing to demonstrably justify extending the existing threshold at this juncture. I also note that there will be consequential effects in how the PDP gives effect to the MDRS and NPS-UD.
255. Regarding the change requested by Khoi Phan [326.13] to clarify the meaning of ‘poor condition’, I consider that the term has a plain and ordinary meaning, which is further clarified by the three matters (2(a)-(c)) listed in MRZ-PREC01-P2.
256. The amendment sought by Wellington Heritage Professionals [412.75] seeks that matter (1)(c) in MRZ-PREC01-P2 be amended to ‘pre-1930’ rather than ‘original’ in considering building form, materials and detailing, as follows:

MRZ-PREC01-P2 Restrictions on demolition

...

1. It can be demonstrated that the contribution of the building to the character of the area is low, with reference to:

...

c. The extent to which the existing building retains its ~~original~~ pre-1930 design features relating to form, materials, and detailing and the extent to which those features have been modified;

...

257. I appreciate the reasoning behind the proposed amendment. In particular I note that it is likely that dwellings within the Character Precincts may have been modified in the period between their construction and 1930, or subsequently incorporating complementary historic design features. However, rather than supporting the amendment as requested, I propose and support an amendment as follows:

MRZ-PREC01-P2 Restrictions on demolition

...

1. It can be demonstrated that the contribution of the building to the character of the area is low, with reference to:

...

c. The extent to which the existing building retains its original or pre-1930 design features relating to form, materials, and detailing and the extent to which those features have been modified;

...

258. I note that there is a risk in relying solely on a pre-1930's reference as this would include an unsympathetic additions and alterations that may have occurred between the time of original construction, and pre-1930. My suggested amendment therefore seeks to accommodate the relief sought, while keeping the underlying intent of the policy.

MRZ-PREC01-P3 (ISPP)

259. I do not support the amendment sought by Victoria University Students Association [123.50]. The purpose of policy MRZ-PREC01-P3 is to support intensification in Character Precincts, provided that it does not detract from the character of the Precinct. This supports the wider aims of the PDP in providing for intensification as directed by the MDRS and NPS-UD. Maintaining the character of the Precincts is however a fundamental aim in giving effect to MRZ-PREC01-O1.

260. The amendments suggested by Khoi Phan [326.13] would effectively delete the policy. I do not support the suggestion as the policy serves a vital functioning in promoting intensification within the parameters of the Character Precincts. For the same reasons as I outline in response to Victoria University Students Association, I also do not support the change sought by VicLabour [414.30]. The policy is seeking to provide for intensification, while balancing that aim with maintaining recognised character values.

MRZ-PREC01-R3 (ISPP)

261. The amendment proposed by Heritage New Zealand [70.33 and 70.34] seeks to amend MRZ-PREC01-R3 as follows:

MRZ-PREC01-R3 Demolition or removal of buildings and structures, except those buildings addressed in MRZ-PREC01-R4

1. Activity status: **Permitted**

262. Kimberley Vermaey [348.10] also seeks an equivalent amendment to MRZ-PREC01-R3.
263. While rule MRZ-PREC01-R4 does provide clarity that it applies to, and restricts, the demolition of pre-1930's buildings, I consider that the amendment sought would provide additional interpretive clarity and therefore support the change.

264. And in respect of the change sought by Greater Wellington Regional Council [351.252 and 351.253], I do not consider that the amendment is practical. It would require a permitted activity standard that building and demolition waste is disposed of at an approved facility. I do not believe the Council could practically and meaningfully monitor and enforce such a standard. This amendment has been sought for all rules in the PDP that permit demolition. Mr Patterson has addressed this matter in respect of the wider residential chapter and I agree with his assessment.

MRZ-PREC01-R4 (ISPP)

265. I acknowledge the submission of Christina Mackay [478.13] seeking the retention of rule MRZ-PREC01-R4 as notified. I also note the support for the rule from Historic Places Wellington [182.28] and WCCT [233.17].

266. I do not support the relief sought by Victoria University Students Association [123.51], seeking the deletion of MRZ-PREC01-R4. The rule is a central aspect of character protection in Character Precincts, with this being achieved through controlling demolition. Given that I consider that the Character Precincts are an appropriate method to manage character, I oppose the removal of this rule.

267. I do not consider that further amendments to the rule are required as suggested by Avryl Bramley [202.39]. In particular I consider that MRZ-PREC01-R4, coupled with MRZ-PREC01-P2, already provide an appropriate regulatory framework to assess any demolition proposal.

268. For reasons already outlined at paragraph 254, I do not support the amendment sought by Khoi Phan [326.13] to replace reference to pre-1930 with pre-1950.

MRZ-PREC01-R5 (ISPP)

269. I acknowledge the submission from Laura Gaudin [279.4] seeking the retention of MRZ-PREC01-R5 as notified.

270. The submission from Bruce Rae [334.5] suggests the following changes:

<p>MRZ-PREC01-R5 Construction, addition or alteration of any buildings or structures excluding accessory buildings</p> <p>...</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none">1. <u>In cases where there is no compliance with all relevant standards listed below</u> the extent and effect of non-compliance with any of the following standards as specified in the associated assessment criteria for the infringed standard: <p>...</p> <ol style="list-style-type: none">3. The Residential Design Guide <u>together with its</u> Character Precincts Appendix; and
--

271. Rule MRZ-PREC01-R5 applies to the construction of any new building or structure (excluding accessory buildings) and to additions and alterations. It requires resource consent as a restricted discretionary activity.
272. Resultingly, the first change sought by Mr Rae is not necessary. The resource consent requirement already exists, and the matters listed in (1) apply where there is a non-compliance. The drafting of the rule is correct in my opinion.
273. Regarding the proposed change to matter (3), the Residential Design Guide is only applicable to multi-unit housing. That linkage is already created in matter (4) of the rule which references policy MRZ-P6 where a multi-unit proposal is applied for, noting further that the policy also references the Residential Design Guide. By contrast non-multi-unit housing need only to address the Character Precinct Appendix. In light of this I do not support the change sought.

MRZ-PREC01-R7 (P1 Sch1)

274. Waka Kotahi [370.304] has sought the following amendment for a range of rules throughout the PDP. I note that there are no roads controlled by Waka Kotahi that are within a Character Precinct.

MRZ-PREC01-R7 Buildings and structures on or over legal road

2. Activity status: **Restricted Discretionary**

...

Where the legal road is controlled by Waka Kotahi, written approval has been provided from Waka Kotahi authorising the building or structure.

275. Mr Patterson has responded to an equivalent submission in respect of the MRZ and HRZ. While he does suggest an amendment in that instance, I do not consider one is necessary in respect of the Character Precincts. Because there is no road that is controlled by Waka Kotahi within a Character Precinct, such an amendment is unnecessary.

MRZ-PREC01-S1 (ISPP)

276. I do not agree with the submission of Khoi Phan [326.13] seeking an amendment to MRZ-PREC01-S1 to reduce the maximum fence height from 2m to 1.5m. The rule already reduces permitted front boundary fence height to acknowledge the importance of streetscape effects in the Character Precincts. Outside of this particular response to the Character Precincts, the rule aligns with the remainder of the residential zones which I consider to be appropriate.

Definitions

277. I do not support the submission from LIVE WELLington [154.2], supported by Thorndon Residents Association [FS69.32] opposing the definition of character. LIVE WELLington considers it to be too loose and encouraging of ‘faux’ replacements.
278. The definition of ‘character’ in the PDP is:

Character

for the purposes of Character Precincts

means 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 are typically comprised of a combination of the following attributes:

- a. Streetscape level development form contributed to by topography, street pattern, public open space, street trees, land use, lot size and dimension, garage type and location, and the presence (or otherwise) of retaining walls; and
- b. 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.

279. I do not consider that an amendment is necessary, nor do I consider it to promote 'faux' replacements. The definition of character is comprehensive and outlines the attributes that contribute to it. I do not see the linkage from this definition to the suggestion that it encourages 'faux' replacements. I note that the controls on demolition, and new development, seek to manage effects on character values through a comprehensive assessment process.

New provisions

280. The submission from Graham Spargo [211.2] seeks amended provisions to require planning assessments based on infrastructure availability, built form character and heritage, walkability, and other good practice ways of identifying areas for intensification. To the extent that the submission relates to Character Precincts, I do not consider any change is necessary. The Character Precincts form one aspect of how the District Plan responds to the requirements of the NPS-UD and MDRS within the overall schema of the PDP. Character Precincts are more restrictive in their application of the NPS-UD and MDRS with particular reference to their character.
281. I disagree with the submission of Lorraine and Richard Smith [230.1] seeking the addition of the following new objective:
"Reflect the essential contributions made by heritage, character and quality design, giving us the ability to remember our heritage and to visually enjoy unique urban landscapes which provide character and a sense of belonging to our unique city."
282. I consider that the themes addressed by the submission are already addressed in the strategic direction chapter of the PDP, for instance by objectives HHSASM-O1 and UFD-O8. For equivalent reasons, I disagree with the suggestion for a new objective made by Alan Fairless [242.4] and Elizabeth Nagel [368.4].
283. I also disagree with Lorraine and Richard Smith [230.18] and with Paul Rutherford [424.20] where they seek that the PDP enables a more granular level of assessment within extended Character Precincts. I consider that the recommended approach to the Character Precincts

strikes an appropriate balance between character protection and giving effect to the MDRS and Policy 3 of the NPS-UD.

284. I do not consider that a new rule protecting original and stained glass windows, as requested by Peter Fordyce [431.8], is necessary. I note that additions and alterations within a Character Precinct already require resource consent approval under MRZ-PREC01-R5.
285. I do not consider that resource consent processes within Character Precincts require input from an urban design panel as sought by Christina Mackay [478.12]. A review of the operability of the existing character area rules, as summarised in the section 32 evaluation for this topic, has not suggested that the urban design aspects of the settings require amendment. An assessment with reference to a design guide remains in my view an appropriate approach.
286. I do not consider that additional provisions are required to promote the adaptive reuse of buildings as sought by HPW [182.21 and 182.23]. The restrictions for the Character Precincts set a high bar for demolition in order to preserve character values. Uses of buildings within Character Precincts are subject to the wider rules within the MRZ, many of which enable a relatively wide range of activities within the zone.
287. Relatedly, I consider that the PDP appropriately provides for upgrading and refurbishment as provided for by LIVE WELLington [154.2]. Where such refurbishment affects the character values of a site, then it is in my view appropriate to consider these works through a resource consent process.

General Support for MRZ-PREC01 Provisions

288. I note and acknowledge those submissions that express support for the Character Precinct provisions as notified, and seek their retention.
289. No changes are recommended in this regard, except those otherwise addressed in this report.

General Opposition to MRZ-PREC01 Provisions

290. I note and acknowledge the submission from Kāinga Ora [391] seeking the removal of Character Precincts provisions, consistent with its submission opposing the inclusion of Character Precincts. For the reasons summarised in this report, in particular those in sections 8.0, 9.0 and 10.0 I do not agree and do not support the relief sought.

Standard MRZ-S1 (ISPP)

291. The Urban Activation Lab of Red Design Architects [420.12] seeks that the 11m height control area in Newtown Character Precincts is decreased.
292. Kāinga Ora [391.406] also seeks an amendment to MRZ-S1 as follows:

MRZ-S1 Building height control 1:

- ~~1. Where no more than three residential units occupy the site; or~~
- ~~2. For the construction, addition or alteration of any buildings or structures in a Character Precinct or Mount Victoria North Townscape Precinct.~~

293. Changes to this standard are within the ambit of Mr Patterson. I note however that the 11m height standard is consistent with the requirements of the MDRS, something that the Character Precincts seek to align with so as to not overly restrict the development capacity of these areas. Insofar as Character Precincts are concerned I consider this approach to be appropriate.
294. Regarding the submission of Kāinga Ora, given that I have recommended above in paragraph 55 that Character Precincts be retained, subject to other changes, I do not support the change sought by this submission point [391.406].

Summary of recommendations

295. HS2-P4-Rec13: I recommend the following change to MRZ-PREC01-P2 in response to submission [412.75] from Wellington Heritage Professionals:

MRZ-PREC01-P2 Restrictions on demolition

- ...
1. It can be demonstrated that the contribution of the building to the character of the area is low, with reference to:
...
 - c. The extent to which the existing building retains its original or pre-1930 design features relating to form, materials, and detailing and the extent to which those features have been modified;
...

296. HS2-P4-Rec14: I recommend the following change to MRZ-PREC01-R3 in response to submission [70.33 and 70.34] from Heritage New Zealand Pouhere Taonga and [348.10] from Kimberley Vermaey:

MRZ-PREC01-R3 Demolition or removal of buildings and structures, except those buildings addressed in MRZ-PREC01-R4

1. Activity status: **Permitted**

297. HS2-P4-Rec15: That submissions are accepted and rejected on the objectives, policies, rules and standards applying to Character Precincts as detailed in Appendix B.

14.2 Character Precinct Appendix to the Residential Design Guide

Matters raised in submissions

298. A small number of submitters have sought changes to the Character Precinct Appendix to the Residential Design Guide, which relates to the MRZ-PREC01.
299. Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland and Lee Muir [275.51] seek to retain the Character Precinct Appendix as notified.
300. Laura Gaudin [279.4] supports consideration of the Character Precincts Appendix as part of the resource consent process in Character Precincts.
301. Roland Sapsford [305.65] considers that an Aro Valley specific design guide should be developed that applies to all new developments within Aro Valley, applying over the same extent as the existing ODP character area.
302. Investore Property [405.46] considers that design guides are reference documents that best sit outside of the District Plan, rather than being incorporated into the District Plan. This submission point is supported by The Retirement Village Association of New Zealand Incorporated [FS126.77] and Ryman Healthcare [FS128.77].
303. The submission from Wellington Heritage Professionals [412.86, 412.87 and 412.88] considers that the focus of the design guide should be on pre-1930 character as opposed to original elements because it is characteristic of many buildings in these areas to have had alterations in the 1920's. The submission identifies a grammatical mistake in paragraph 8 of the design guide; and considers that references to 'originality' and 'original' should be changed to 'pre-1930' throughout the design guide.
304. The grammatical mistake identified is the following:
- Additionally, some buildings in character precincts may for the protection of its heritage values, which is building age and style.
305. And in respect of the Mt Victoria section of the Character Precincts Appendix, Wellington Heritage Professionals [412.1] seek the following change:
- Many of the remaining older buildings have been substantially modified over time and pre-1930 alterations are characteristic of many Mt Victoria buildings. ~~However,~~ their original primary form generally remains apparent.
306. Anita Gude and Simon Terry [461.32] seek that the 'guiding principles' as set out at pages 5-9 of the Character Precincts Appendix to the Residential Design Guide are amended so that conformance with the principles is mandatory. The submission is opposed by both the Retirement Villages Association of New Zealand Inc [FS126.8] and Ryman Healthcare limited [FS128.8].
307. Christina Mackay [478.15] considers that the Character Precincts Appendix is too permissive and seeks a more conservation and preservation-based approach from the design guide.

Assessment

308. I note the support for the Character Precincts Appendix to the Residential Design Guide from Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland and Lee Muir [275.51] and the support from Laura Gaudin for the role of the design guide in the resource consent process.
309. In respect of the submission from Roland Sapsford [305.65], as noted at section 10.0 in discussing the spatial extent of the proposed Character Precincts, the spatial extent of the Aro Valley Character Precinct is recommended to increase, but not to the extent of the current character area. The proposed design guide provides information on the streetscape and site-specific attributes of the proposed Aro Valley Character Precinct. I consider this to be sufficient to inform resource consent processes in this area, and therefore do not consider a specific Aro Valley design guide to be necessary.
310. Where a design guide 'sits' in the scheme of the District Plan (i.e. within the District Plan or outside of it as a non-statutory document) has been addressed by Mr Patterson at a broader scale with the Part 2 – Medium Density Residential Zone section of this S42A report, and the expert evidence prepared by Dr Zamani. Consistent with their recommendations, and for the same reasons, I do not consider that the change sought by Investore Property [405.46], and supported by The Retirement Village Association of New Zealand Incorporated [FS126.77] and Ryman Healthcare [FS128.77] is necessary.
311. In respect of the points raised by the Wellington Heritage Professionals [412.87], I agree with the amendments sought. There is a clear error in the following statement of the Character Areas Appendix:

Additionally, some buildings in character precincts may for the protection of its heritage values, which is building age and style.

312. Consequently, I recommend the following change:

Additionally, some buildings in character precincts may be identified for the protection of their heritage values, ~~which is building age and style.~~

313. I also agree with the following change sought by Wellington Heritage Professionals [412.1], though I propose a minor amendment as follows:

Many of the remaining older buildings have been substantially modified over time. Although pre-1930 alterations are characteristic of many Mt Victoria buildings ~~However,~~ their original primary form generally remains apparent.

314. I agree with Wellington Heritage Professionals [412.86 and 412.88] that references to 'original' and 'originality' can, in certain instances, be replaced with pre-1930's. The intent of the Character Precincts is to protect pre-1930's character, but contextually it is appropriate for references to original or originality to remain in some cases. I suggest amendments to the Character Precincts Appendix to the Residential Design Guide in Appendix 1.
315. In my view, it is not the role of a design guide to be permissive or restrictive. The design guide seeks to provide contextual information on the outcomes sought for an area. The use of

guiding principles seeks to provide direction in the outcomes sought for an area against which a proposal is assessed. It is the role of the policy framework and rules in the District Plan to set out an approach to the management of activities and effects. In my view the PDP strikes an appropriate balance in maintaining the character values of the Character Precincts, while providing for a level of development capacity to occur provided it responds to the character values of the various Character Precincts. I therefore disagree with the submission from Anita Gude and Simon Terry [461.32] and Christina Mackay [478.15].

Summary of recommendations

316. HS2-P4-Rec16: I recommend making the following change to page 8 of the Character Precincts Appendix to the Residential Design Guide, in response to a submission from Wellington Heritage Professionals:

Additionally, some buildings in character precincts may be identified for the protection of their heritage values, ~~which is building age and style.~~

317. HS2-P4-Rec17: I recommend making the following change to page 12 of the Character Precincts Appendix to the Residential Design Guide, in response to a submission from Wellington Heritage Professionals:

Many of the remaining older buildings have been substantially modified over time. Although pre-1930 alterations are characteristic of many Mt Victoria buildings ~~However,~~ their original primary form generally remains apparent.

318. HS2-P4-Rec18: I recommend making changes to the Character Precinct Appendix to the Residential Design Guide to replace the use of 'original' and 'originality' with 'pre-1930's' as set out in Appendix A, in response to a submission from Wellington Heritage Professionals.
319. HS2-P4-Rec19: That submissions are accepted and rejected on the Character Precincts Appendix to the Residential Design Guide as detailed in Appendix B.

14.3 General Submissions on MRZ-PREC01: Character Precincts

Matters raised in submissions

320. Sam Stocker and Patricia Lee [216.1] seek that the Council works proactively to better utilise empty and unused land for housing purposes.
321. Lorraine and Richard Smith [230.14] consider that intensification will be at the whim of developers and that areas such as Lower Kelburn will be the first to be demolished. The submitters oppose high density development with no rights of appeal in character areas.
- 14.4 Alan Fairless [242.21], Josephine Smith [419.8] and Paul Rutherford [424.1] seek that the District Plan identifies opportunities for community-based planning for intensification as a method for increasing housing supply in areas identified for protection.
322. Laura Gaudin [279.3] seeks that a mechanism be added allowing for Character Precincts to be extended, with viewshaft protection given within an extension.

323. Submitters including Tina Reid [341.1], Jane Szentivanyi [376.1], Sue Kedgley [387.4], Kat Hall [430.9] and Stephen Minto [395.3] consider that intensification can occur in more harmonious ways, on vacant and under-utilised areas, or that intensification and development be focussed along main streets in local and neighbourhood centre zones.
324. Matthew Plummer [300.8] considers that the Council has ignored petitions with significant community support in identifying the proposed Character Precincts, also considering that the PDP approach will not incentivise affordable housing.
325. Mt Victoria Residents Association [342.4] seeks that renovation activities are financially supported.
326. Dinah Priestley [495.1] seeks that the provisions of the MRZ be re-written to achieve intensification whilst maintaining and enhancing existing housing stock. The submitter considers that amended provisions will need to recognise residential character and heritage qualities.
327. Jane and David Kirkcaldie [455.2] consider that well-maintained pre-1930 houses should retain protection from demolition.
328. Ben Barrett [479.15] seeks that the PDP encourages protection of character values in Newtown, with particular attention to the height of buildings and structures in these areas.
329. Jonothan and Tricia Briscoe [190.16] consider that there should be a general presumption against the demolition of pre-1930 buildings.
330. Some submitters including John Schiff [166.2] and Cherie Jacobson [251.4], query whether the intensification proposed by the PDP in existing character areas would impact positively on housing affordability. Jim and Christine Seymour [262.3] support more affordable and dense housing in the central city but not at the risk of losing established character areas. Wellington Heritage Professionals [412.12] consider that there is insufficient evidence that heritage and character provisions within the ODP have affected the Wellington housing market.

Assessment

331. I acknowledge the submission of Sam Stocker and Patricia Lee [216.1]. I note that the theme of this submission has been addressed as part of Hearing Stream 1. I do not consider any further amendment is necessary.
332. I agree with Lorraine and Richard Smith [230.14] that intensification will be market led, in response to various market considerations. However, I do not agree that areas such as Lower Kelburn will necessarily be first. Development and investment decisions are based on a myriad of factors including land value, existing improvements, site size and location, building costs and interest rates. There is no evidential basis to suggest that Lower Kelburn will be a development priority. I do not consider any amendments are necessary to the Character Precincts provisions in respect of this submission, noting my earlier discussion on the spatial extent of Character Precincts at section 10.0 of this S42A report (Part 4 – Character Precincts and Design Guides).

333. I do not consider that it is the role of the PDP to specifically provide for community-based planning as suggested by Alan Fairless [242.21], Josephine Smith [419.8] and Paul Rutherford [424.1]. The Council has undertaken a comprehensive development and consultation process in formulating the PDP as identified in Hearing Stream 1. Consequently, I do not recommend any changes in response to these submissions.
334. Addressing the submission of Laura Gaudin [279.3], the mechanism to add to Character Precincts is, appropriately, the plan change process set out in Schedule One of the Act. Any consideration of viewshafts can equally be addressed through this process.
335. In respect of the submission of Matthew Plummer [300.8], as an independent reporting officer it is not within my remit to defend decisions made by the Council in finalising the PDP, including consideration as to whether it took adequate note of petitions supporting character areas. I note however that my recommendation is for the extent of the Character Precincts to be extended as outlined at section 10.0 of this S42A report (Part 4 – Character Precincts and Design Guides).
336. Financial incentives for the renovation of houses within Character Precincts, as suggested by Mt Victoria Residents Association [342.4], are in my view outside of the scope of the PDP.
337. In responding to the submission from Dinah Priestley [495.1], which seeks that the provisions of the MRZ be re-written to achieve intensification whilst maintaining and enhancing existing housing stock, I consider that the provisions for the Character Precincts as amended by my recommendations strike an appropriate balance between providing for the management of development within Character Precincts and ensuring that the PDP still responds to the direction of the MDRS and NPD-UD overall.
338. I acknowledge the submission from Jane and David Kirkcaldie [455.2] and note that the PDP is seeking to strike a balance between achieving character protection where it can be justified and satisfying the requirements of the MDRS and Policy 3 of the NPS-UD. I consider that the provisions, as amended by my recommendations, achieve an appropriate balance.
339. Addressing the submission of Ben Barrett [479.15], the recommendations of this report seek to enlarge the extent of character protection in Newtown. Further, to balance the need to provide for development capacity and provide a consistency across the PDP, proposed building standards in the Character Precincts generally align with the MDRS standards.
340. I disagree with the submission of Jonothan and Tricia Briscoe [190.16] that seeks a general presumption against the demolition of pre-1930 buildings. To the extent that this applies in Character Precincts, I consider it appropriate to implement demolition controls and for demolition to be considered through a resource consent process. A general presumption would add unnecessary regulatory cost, and would not meet the requirements of the MDRS and Policy 3 of the NPS-UD. I therefore agree, in part, with the submitters.
341. I acknowledge those submitters including John Schiff [166.2] and Cherie Jacobson [251.4], Jim and Christine Seymour [262.3] and Wellington Heritage Professionals [412.12] who variously query the likely impact of intensification in existing character areas on housing affordability, support intensification but not at the risk of losing established character areas, or query the lack of evidence that character protections impact on housing supply and affordability.

342. Relatedly, submitters Tina Reid [341.1], Jane Szentivanyi [376.1], Sue Kedgley [387.4], Kat Hall [430.9] and Stephen Minto [395.3] address the impact of upzoning on existing character and consider that intensification can occur in more harmonious ways, on vacant and under-utilised areas, or seek that intensification and development be focussed along main streets in local and neighbourhood centre zones.
343. I note that the overall approach of the PDP to this matter has been addressed in Hearing Stream 1. A key directive in this respect are the requirements of the MDRS and Policy 3 of the NPS-UD. Housing affordability is a multi-faceted issue and district plan settings are but one component to addressing this. The proposed Character Precincts have been framed on the basis of a comprehensive assessment, the requirements of the Act and NPS-UD, and defined through a clear methodology. I do not consider that any changes, beyond those recommended in respect of the extent of Character Precincts, are necessary in respect of these submissions.

Summary of recommendations

344. HS2-P4-Rec20: No changes are proposed to the Character Precincts provisions in respect of general submissions.
345. HS2-P4-Rec21: That general submissions are accepted and rejected as detailed in Appendix B.

15.0 MRZ-PREC02: Mount Victoria North Townscape Precinct

346. The Mt Victoria North Townscape Precinct (MVNT Precinct) is a small Precinct that is based on the existing Mt Victoria North Character Area in the ODP. The purpose of this area, as proposed to be carried over as the MVNT Precinct, is to manage the effects on an area surrounding the St Gerard's Monastery. The area forms the basis for an iconic view towards Mt Victoria from the city centre and waterfront areas.
347. The exterior of the MVNT Precinct largely follows the boundaries of a proposed Character Precinct in this area. A separate Precinct layer is proposed as there are bespoke considerations that apply to the MVNT Precinct. These provisions focus on the townscape effects of potential development in this area. I also note that a central and eastern portion of the MVNT Precinct was not assessed as satisfying Character Precinct requirements under the PDP, due to a concentration of non-primary or non-contributory dwellings. Nevertheless, the management of visual effects on this area was considered to warrant a specific Precinct approach.
348. The development of the MVNT Precinct provisions was informed by an evaluation of the DDP provisions by Urban Perspectives Limited. A link to that assessment is provided at Section 4.0 of this report.

15.1 Mt Victoria North Townscape Precinct as a Qualifying Matter

Matters raised in submissions

349. Waka Kotahi [370.266] seeks further evaluation of MRZ-PREC02 to ensure it is appropriate when considered against the outcomes required through the NPS-UD.
350. Kāinga Ora [391.319] considers that the Townscape Precinct does not fulfil the matters of national importance set out in section 6(f) and the requirements under sections 77L and 77R

of the Act, and therefore is not appropriate as a qualifying matter. Kāinga Ora seeks that MRZ-PREC02 is deleted in its entirety.

Assessment

351. In respect of the submission from Waka Kotahi [370.266], I consider that MRZ-PREC02 is an appropriate response to the management of potential townscape effects on the backdrop encapsulated by the proposed MVNT Precinct. The background to this assessment is detailed in the section 32 evaluation for this topic. Further assessment of the development impacts of the MVNT Precinct have been considered as part of Hearing Stream 1, and detailed above in respect of Character Precincts at section 8.0 of this S42A report (Part 4 – Character Precincts and Design Guides).
352. The purpose of the MVNT Precinct, being to manage the townscape values of the area, is in my view an appropriate qualifying matter under section 771(j). It carries over a long standing approach to the management of effects in this area and the necessity for this approach has been considered by an independent assessment of the proposed provisions. That independent assessment has confirmed the importance of this area, noting that it is one of Wellington’s most iconic and prominent urban landscapes, has city-wide significance, and makes a contribution to Wellington’s collective identity and sense of place.
353. For equivalent reasons, I do not support the relief sought by Kāinga Ora [391.319]. I consider that the management of townscape effects within the discreet area of the MVNT Precinct, already largely within a proposed Character Precinct, addresses an appropriate qualifying matter and satisfies the necessary statutory requirements. Development of the area in line with what is enabled by the MDRS and Policy 3 of the NPS-UD could adversely impact on the townscape outcomes sought to be managed and is therefore incompatible with the area. The spatial extent of the MVNT Precinct has been deliberately constrained to the extent necessary to accommodate the qualifying matter, and the appropriateness of this extent has been tested through the independent assessment commissioned to inform this work.
354. For completeness I note that the requirements of the MVNT Precinct do not seek to prevent development, but rather to consider that development with reference to the outcomes that are sought to be achieved.

Summary of recommendations

355. HS2-P4-Rec22: That the use of section 771(j) of the Act to identify the Mt Victoria North Townscape Precinct as a qualifying matter within the PDP is confirmed.
356. HS2-P4-Rec23: That submissions are accepted and rejected on the use of qualifying matters to identify Character Precincts as detailed in Appendix B.

15.2 Spatial Extent of the Mt Victoria North Townscape Precinct

Matters raised in submissions

357. Glen Scanlon [212.5] seeks that the MVNT Precinct is extended to encompass Earls Terrace, Port Street and Stafford Street.

358. Penelope Borland [317.16 to 317.19] seeks the addition of all houses on Earls Terrace, all houses on Stafford Street, 1,3, 4 and 8 Port Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 26 and 30 Hawker Street to the Townscape Precinct.
359. Anita Gude and Simon Terry [461.11] seek the inclusion of 31 and 33 McFarlane Street, and 4 Vogel Street in the Townscape Precinct.

Assessment

360. I have considered the submissions of Glen Scanlon [212.5], Penelope Borland [317.16 to 317.19] and Anita Gude and Simon Terry [461.11] with reference to the appended review of the Mt Victoria North Townscape Precinct provisions.
361. I do not support the inclusion of Earls Terrace, Port Street and Stafford Street as I do not consider that there is any evidential basis for their inclusion, particularly in light of the recent review undertaken by Urban Perspectives of the Mt Victoria North provisions. They also do not form a part of the current Mt Victoria North character area.
362. The review did identify the potential to include both 31 and 33 McFarlane Street, as identified by Anita Gude and Simon Terry. These properties are located within the Oriental Bay Height Precinct addressed by Mr Patterson. On the basis of the review undertaken by Urban Perspectives, and in consultation with Mr Patterson, I consider that the properties at 31 and 33 McFarlane Street can be added to the MVNT Precinct while also remaining in the Oriental Bay Height Precinct. These properties are shown in Appendix 3 of this report.
363. The effect of this change is to maintain the height standards that have developed over time for the Oriental Bay Height Precinct, while ensuring that the particular townscape considerations of the MVNT Precinct are applied to these properties.
364. I note that under both Precincts, new development is controlled through a resource consent process as a restricted discretionary activity. Visual impacts and building height are key considerations and therefore the height of any development is assessed for its impact on the visual values of the area. Both properties are small allotments of a residential scale occupied by existing dwellings. Given that both properties are considered to 'read' as part of the MVNT Precinct given their location at McFarlane Street, I consider that it is appropriate to also located them within the MVNT Precinct.

Summary of recommendations

365. HS2-P4-Rec24: Retain the two properties at 31 and 33 McFarlane Street within the Oriental Bay Height Precinct and include them in the Mt Victoria North Townscape Precinct in addition (refer to Appendix 3 - Minor Addition to Mt Victoria North Townscape Precinct: Mapping).
366. HS2-P4-Rec25: That submissions are accepted and rejected on spatial extent of the Mt Victoria North Townscape Precinct as detailed in Appendix B.

15.3 Relationship between Mount Victoria North Townscape Precinct and Character Precinct Provisions

Matters raised in submissions

367. Kirsty Wood [109.2], Alan Olliver and Julie Middleton [111.4], Gael Webster [114.5], Jonothan and Tricia Briscoe [190.15] and Mount Victoria Historical Society [214.8] seek clarification on the relationship between the provisions of MRZ-PREC01 and MRZ-PREC02 where both apply to a site.

Assessment

368. This matter has been addressed by Mr McCutcheon as part of Hearing Stream 1. There, he noted that the Mt Victoria North Townscape Precinct is the only instance in the PDP, as currently drafted, where there is an overlap with a Character Precinct. He highlights that the introduction to the MRZ explains that in such an instance the provisions of both Precincts apply.
369. I note that in response to this he has recommended an amendment to the 'Relationships Between Spatial Layers' chapter that would provide another point of clarification.
370. I agree with his assessment and recommendation, and do not consider that a further change is necessary in response to the submissions.

Summary of recommendations

371. HS2-P4-Rec26: No changes are proposed in respect of the relationship between the Mt Victoria North Townscape Precinct and Character Precincts.
372. HS2-P4-Rec27: That submissions are accepted and rejected on the relationship between the Mt Victoria North Townscape Precinct and Character Precincts as detailed in Appendix B.

15.4 Submissions relating to MRZ-PREC02: Mount Victoria North Townscape Precinct provisions

Matters raised in submissions

MRZ-PREC02 (P1 Sch 1)

373. Owen Watson [51.3], Tim Bright [75.7], Judith Graykowski [80.5], Alan Olliver and Julie Middleton [111.5], Gael Webster [114.4], Vivienne Morrell [155.10], Jonothan and Tricia Briscoe [190.14], Mt Victoria Historical Society [214.7] and Lucy Harper and Roger Pemberton [401.49] seek the retention of MRZ-PREC02 as notified.
374. Historic Places Wellington [182.22] seeks that the provisions of MRZ-PREC02 are amended to specifically acknowledge that the character of inner-city suburbs is in part derived from heritage.
375. Avryl Bramley [202.33] seeks an amendment to MRZ-PREC02 to remove any rules allowing building along boundaries, to reinstate side yards, and remove any provision that allows for demolition.

MRZ-PREC02-O1 (ISPP)

376. Avryl Bramley [202.36] seeks an amendment to MRZ-PREC02-O1 to narrow discretion and clarify meaning.
377. Waka Kotahi [370.269] takes a neutral position in respect MRZ-PREC02-O1 subject to a further evaluation of the appropriateness of the Precinct against the requirements of the NPS-UD.
378. Anita Gude and Simon Terry [461.24] seek an amendment to MRZ-PREC02-O1 by adding a statement to clarify that the objective is seeking to protect further erosion of what is sought to be protected.

MRZ-PREC02-P1 (ISPP)

379. Waka Kotahi [370.283] seeks retention of MRZ-PREC02-P1 subject to a further evaluation of the appropriateness of the Precinct against the requirements of the NPS-UD.
380. Anita Gude and Simon Terry [461.25] seek an amendment to MRZ-PREC02-P1 to require developers to conform to the minimum standards in the design guide.

MRZ-PREC02-R2 (ISPP)

381. Greater Wellington Regional Council [351.254] seeks an amendment to MRZ-PREC02-R2 to require building and demolition waste be disposed of at an approved facility, giving effect to Policy 34 of the RPS.
382. Anita Gude and Simon Terry [461.30] seek an amendment to MRZ-PREC02-R2 to ensure demolition is a restricted discretionary activity.

MRZ-PREC02-R3 (ISPP)

383. Waka Kotahi [370.305] takes a neutral position in respect of MRZ-PREC02-R3 subject to a further evaluation of the appropriateness of the Precinct against the requirements of the NPS-UD.

MRZ-PREC02-R5 (P1 Sch1)

384. Waka Kotahi [370.306] seeks the following amendment to MRZ-PREC02-R5:

MRZ-PREC02-R5 Buildings and structures on or over legal road

3. Activity status: **Restricted Discretionary**

...

Where the legal road is controlled by Waka Kotahi, written approval has been provided from Waka Kotahi authorising the building or structure.

General opposition to provisions

385. Kāinga Ora [391.330] seeks that MRZ-PREC02-O1, MRZ-PREC02-P1, MRZ-PREC02-R1, MRZ-PREC02-R2, MRZ-PREC02-R3, MRZ-PREC02-R4 and MRZ-PREC02-R5 are deleted, consistent with Kāinga Ora's objection to the Townscape Precinct.

General support for provisions

386. Lucy Harper and Roger Pemberton [401.52] seek the retention of MRZ-PREC02-O1, MRZ-PREC02-P1, MRZ-PREC02-R1, MRZ-PREC02-R2, MRZ-PREC02-R3, MRZ-PREC02-R4 and MRZ-PREC02-R5 as notified.

MRZ-R2 (ISPP)

387. Anita Gude and Simon Terry [461.29] seek an amendment to MRZ-R2 in respect of residential activities and request that a restricted discretionary consent process is only available in the Townscape Precinct where the developer satisfies MRZ-P2 and MRZ-P3.

MRZ-S1 (ISPP)

388. Anita Gude and Simon Terry [461.22] seek an amendment to MRZ-S1 to provide for an 8m height limit in the Townscape Precinct.

MRZ-S3 (ISPP)

389. Anita Gude and Simon Terry [461.23] seek an amendment to MRZ-S3 to remove the height to boundary exemption for multi-unit housing.

Assessment

MRZ-PREC02 (P1 Sch 1)

390. I acknowledge the submissions from Owen Watson [51.3], Tim Bright [75.7], Judith Graykowski [80.5], Alan Olliver and Julie Middleton [111.5], Gael Webster [114.4], Vivienne Morrell [155.10], Jonothan and Tricia Briscoe [190.14], Mt Victoria Historical Society [214.7] and Lucy Harper and Roger Pemberton [401.49] seeking the retention of MRZ-PREC02 as notified.
391. Regarding the submission of Historic Places Wellington [182.22], my view is equivalent to that made in my Character Precincts assessment at paragraph 186 - that the purpose of the MVNT Precinct is not solely or primarily focussed on heritage considerations. This is perhaps even more so for the MVNT Precinct, which specifically concentrates on townscape related matters. I do not consider that an amendment to the provisions is required to address this submission.
392. I do not support the relief sought by Avryl Bramley [202.33] to remove any rules allowing building along boundaries, to reinstate side yards, and remove any provision that allows for demolition. I consider that the provisions of the MRZ, as they apply to the MVNT Precinct, are appropriate as a means of enabling development within the bulk and location provisions for the zone and align as far as practicable with the MDRS. I also note that demolition controls are not particular to the MVNT Precinct and are also applied to other qualifying matters such as heritage and character.

MRZ-PREC02-O1 (ISPP)

393. I do not consider that there is discretion inherent within MRZ-PREC02-O1 as identified by Avryl Bramley [202.36]. The objective outlines the purpose of the MVNT Precinct, and I consider it to be appropriate and clear in its meaning.

394. The amendment sought by Anita Gude and Simon Terry [461.24] is to clarify that the objective is seeking to protect further erosion of what is sought to be protected. I consider that the objective is clear in its intent to manage development in the MVNT Precinct with respect to the townscape values of the Precinct. Its purpose is not to prevent development nor protect the status quo. Consequently, I consider that the objective is appropriate as presently drafted.

MRZ-PREC02-P1 (ISPP)

395. The submission from Anita Gude and Simon Terry [461.25] seek an amendment to MRZ-PREC02-P1 to require developers to conform to the minimum standards in the design guide. As I noted in discussing an equivalent submission regarding the Character Precincts at paragraph 245, I do not consider that the Mt Victoria North Appendix to the Residential Design Guide sets standards. Rather, it sets out expected design outcomes and considerations that are to be assessed through a resource consent process. I therefore do not consider that an amendment is necessary.

MRZ-PREC02-R2

396. For the same reasons outlined in considering an equivalent submission for the Character Precincts at paragraph 264, I do not support the submission from Greater Wellington Regional Council [351.254] seeking an amendment to require building and demolition waste be disposed of at an approved facility. This is consistent with Mr Patterson's recommendation in respect of the residential chapter.

397. Unlike Character Precincts, demolition is not intended to be controlled within the MVNT Precinct. However, where there is overlap between it and a Character Precinct, a demolition restriction would apply. In light of this I do not propose any change in response to the submission from Anita Gude and Simon Terry [461.30] in this regard.

MRZ-PREC02-R5 (P1 Sch1)

398. Consistent with my recommendation for an equivalent change regarding Character Precincts from Waka Kotahi at paragraph 275, I do not consider that an amendment is required in this instance. No roads within the MVNT Precinct fall within the control of Waka Kotahi.

MRZ-PREC02-R5 Buildings and structures on or over legal road

4. Activity status: **Restricted Discretionary**

...

Where the legal road is controlled by Waka Kotahi, written approval has been provided from Waka Kotahi authorising the building or structure.

General opposition to MRZ-PREC02 provisions

399. I acknowledge the submission from Kāinga Ora [391.330] opposing MRZ-PREC02-O1, MRZ-PREC02-P1, MRZ-PREC02-R1, MRZ-PREC02-R2, MRZ-PREC02-R3, MRZ-PREC02-R4 and MRZ-PREC02-R5, consistent with their objection to the MVNT Precinct. Given my view that use of the MVNT Precinct is an appropriate method to manage townscape considerations as a qualifying matter in the Mt Victoria area, I do not support the removal of these provisions.

General support for MRZ-PREC02 provisions

400. I acknowledge the submission from Lucy Harper and Roger Pemberton [401.52] seeking the retention of MRZ-PREC02-O1, MRZ-PREC02-P1, MRZ-PREC02-R1, MRZ-PREC02-R2, MRZ-PREC02-R3, MRZ-PREC02-R4 and MRZ-PREC02-R5 as notified.

MRZ-R2 (ISPP)

401. Regarding the submission of Anita Gude and Simon Terry [461.29] seeking an amendment that a restricted discretionary consent process is only available in the MVNT Precinct where a developer satisfies MRZ-P2 and MRZ-P3, I do not consider that an amendment is required in respect of the MVNT Precinct.
402. MRZ-R2 provides for residential activities, of up to three dwellings. Beyond that, a resource consent requirement is provided for as a restricted discretionary activity. Additional to this I note that any construction of buildings in the MVNT Precinct requires resource consent as a restricted discretionary activity under MRZ-PREC02-R3 as presently drafted.

MRZ-S1 (ISPP)

403. I do not support the amendment sought by Anita Gude and Simon Terry [461.22] to MRZ-S1 as it applies to the MVNT Precinct. The submission seeks the imposition of a maximum height of 8m.
404. Notwithstanding the particular consideration through the Precinct to townscape effects, the provisions applicable have been found to be appropriate through an independent assessment of the MVNT Precinct provisions proposed. I also note that the MRZ seeks to align itself with the MDRS standards, including for the MVNT and Character Precincts. Consequently, I consider this to be an appropriate response.

MRZ-S3 (ISPP)

405. I equally do not support the submission from Anita Gude and Simon Terry [461.23] relating to MRZ-S3, seeking to remove the height to boundary exemption for multi-unit housing. In my review of the standard, no such exemption is evident.

Summary of recommendations

406. HS2-P4-Rec28: No changes are proposed to the Mt Victoria North Townscape Precinct provisions.
407. HS2-P4-Rec29: That submissions are accepted and rejected as detailed in Appendix B.

15.5 Mt Victoria North Appendix to the Residential Design Guide (ISPP)

408. As for the Character Precincts, a specific Mt Victoria North Appendix to the Residential Design Guide is proposed in the PDP. This applies to development within the MRZ-PREC02.

Matters raised in submissions

409. Avryl Bramley [202.47] seeks an amendment to include a provision that allows for design alterations that align with original plans when done with materials of the same style.

410. Investore Property [405.49] considers that design guides are reference documents that best sit outside of the District Plan, rather than being incorporated into the District Plan. This submission point is supported by The Retirement Village Association of New Zealand Incorporated [FS126.79] and Ryman Healthcare [FS128.79].

Assessment

411. I do not support the amendment sought by Avryl Bramley [202.47] to include a provision that allows for design alterations that align with original plans when done with materials of the same style. In respect of the MVNT Precinct, as the focus is not on originality or maintenance of the character of the area but its visual appearance when viewed from surrounding public spaces, I consider such an amendment to be unwarranted.
412. And consistent with my recommendation in respect of the MRZ-PREC01: Character Precincts at paragraph 310, and for the same reasons, I do not support the relief sought by Investore Property [405.49] that design guides are reference documents that best sit outside the District Plan.

Summary of recommendations

413. HS2-P4-Rec30: No changes are proposed to the Mt Victoria North Appendix to the Residential Design Guide in response to submissions.
414. HS2-P4-Rec31: That submissions are accepted and rejected on the Mt Victoria North Appendix to the Residential Design Guide as detailed in Appendix B.

15.6 General Submissions in relation to MRZ-PREC02: Mt Victoria North Townscape Precinct

Matters raised in submissions

415. Robert and Chris Gray [46.14] seek that the approach of the District Plan to the notification of neighbours regarding demolition, new buildings and major alterations remain the same.

Assessment

416. I note that there are no demolition restrictions within the MVNT Precinct itself, rather any such restriction is activated where there is an overlap with the Mt Victoria Character Precinct. I have addressed notification provisions in this respect under the Character Precincts section at paragraph 242. In regard to the MVNT Precinct, rule MRZ-PREC02-R3 does not preclude limited notification of a proposal subject to any such decision satisfying the statutory tests of the Act. I consider such an approach to be appropriate.

Summary of recommendations

417. HS2-P4-Rec32: No changes are proposed to the notification provisions of the Mt Victoria North Townscape Precinct in response to submissions.
418. HS2-P4-Rec33: That submissions are accepted and rejected on the notification provisions of the Mt Victoria North Townscape Precinct as detailed in Appendix B.

16.0 Minor and inconsequential amendments – Character Precincts

419. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
420. The following minor and inconsequential amendment relevant to the Character Precincts provisions in the PDP are identified below and will be corrected:
- a. The introduction to the Character Precincts Appendix to the Residential Design Guide, at page 4, notes that the design guide should be read in conjunction with the objectives and policies of specified sections of the PDP. It then lists the High Density Residential Zone on two occasions. This is an error, and the correct reference should be to the Medium Density Residential Zone.
421. The recommended amendments are set out in Appendix A.

APPENDICES TO PART 4

Appendix 1 – Character Precincts: Mapping

Appendix 2 – Character Contribution: Mapping

Appendix 3 – Minor Addition to Mt Victoria North Townscape Precinct: Mapping

Appendix 4 – Mt Victoria North Urban Design Review 22 April 2022

Appendix 5 – Property Economics Character Areas Capacity Modelling February 2023

Appendix 6 – Mapping Methodology