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DECISION ON DISTRICT PLAN CHANGE 18: ORIENTAL BAY HEIGHT AREA

1. Purpose of Report

To report to Council the recommendations of the District Plan Hearing Committee concerning District Plan Change 18 – Oriental Bay Height Area.

2. Recommendation

- 1) *That Council approves the recommendations of the District Plan Hearing Committee in respect of District Plan Change 18 – Oriental Bay Height Area as set out in Appendix One to this report.*

3. Background

Proposed District Plan Change 18 was publicly notified on 6 September 2003.

Proposed District Plan Change 18 is a Council initiated plan change and the purpose of the plan change is threefold:

- § Resolve the outstanding issue of building heights from 110-174 Oriental Parade.
- § Implement a design guide to cover new buildings and substantial additions and alterations to existing buildings within the Oriental Bay Height Area.
- § Amend the discretionary height increase for properties within the Oriental Bay Height Area.

All owners and occupiers of properties in and adjoining the Oriental Bay Height Area were notified of the proposed plan change. The Officer's Report on the plan change was distributed to all submitters and further submitters prior to the hearing.

The Hearing for District Plan Change 18 was held at Council Offices over two days on 14 & 17 May 2004.

4. Discussion

Fifty-three main submissions and nine further submissions were received on Proposed Plan Change 18. While the submissions addressed a full range of issues in relation to the proposed District Plan Change, the majority of submissions were focussed on the issue of building heights between 110-174 Oriental Parade. Three submissions generally supported the proposed heights, while four submissions requested that additional building height be provided for between 144-164 Oriental Parade. Forty-six submissions opposed the proposed increase in permitted building height along Oriental Parade.

Fourteen submitters (Bernard Quin, Dorchester Apartments, Grant Corleison, Betty Campbell, Diana Shand, Mt Victoria Residents Association, Aldwyn Cockburn, Clyde Quay Planning Society, Monastery Escarpment Protection Group, Martin Hibma, Wellington Civic Trust, Michael Hibma, Historic Places Trust, and Murray Mexted) attended the hearing and spoke to their submissions.

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the individuals who appeared before the Committee.

The issue of increased building height between 110-174 Oriental Parade generated the greatest response amongst submitters. Having considered all submissions the Hearing Committee agreed that the following heights were appropriate:

- § 110-142 Oriental Parade – retain the existing 16 metre (amsl) permitted height to preserve the existing built scale and character of the area, and protect the iconic views of St Gerard’s Monastery, the escarpment and Mt Victoria North villas.
- § 144-164 Oriental Parade – provide for a maximum permitted height of 22 metres (amsl) subject to setbacks for storeys above 16 metres. The heights have been set to retain views and site lines to the Monastery and escarpment, to retain a suitable building scale at the street edge, and to provide a step up in building height to help incorporate the bulk of the building at 166 Oriental Parade in to the streetscape.
- § 166-174 Oriental Parade – provide a maximum height of 26 metres (amsl) to reflect the height of the existing buildings along this portion of Oriental Parade.

With regards Discretionary Activity height increases the Hearing Committee noted that these are used in the District Plan to provide a degree of flexibility to properties in the Inner and Outer Residential Areas that are subject to generic height rules. This is not the case in the Oriental Bay Height Area as height limits have been set on a site by site basis. The Committee considered that removing the discretionary height provision within the Oriental Bay Height Area was appropriate as the permitted height limits accurately reflected the scale of building that is acceptable around Oriental Parade. They noted that removing the discretion would not prevent applications for resource consent being made to exceed the permitted height limit, but would provide increased certainty to developers and local residents.

In relation to the Oriental Parade Design Guide, the Hearing Committee considered that it is an important management tool for the Oriental Bay Height Area as it will compliment the existing rules and provide Council with the structure to assess the qualitative aspects of future development. Several amendments are recommended to the design guide to improve its clarity and to enhance the protection of those listed heritage items located in Oriental Parade.

Once approved by Council the decision will be publicly notified and served on the submitters. Submitters then have the option of appealing the matter to the Environment Court within 30 working days. If no appeals are made the plan change will become operative.

Report from: Ian Hutchings

Chair of the District Plan Hearings Committee on Plan Change 18 –Oriental Bay Height Area

**APPENDIX ONE
REPORT OF THE HEARING COMMITTEE**

**WELLINGTON CITY COUNCIL
REPORT OF THE HEARING COMMITTEE**

**SUBJECT: PROPOSED DISTRICT PLAN CHANGE 18:
ORIENTAL BAY HEIGHT AREA**

**COMMITTEE MEMBERS: CRS HUTCHINGS
BABER
SIERS**

DATE OF HEARING: 14 & 17 MAY 2004

1. RECOMMENDATIONS

- 1) *Approve District Plan Change 18 – Oriental Bay Height Area (OBHA) as publicly notified subject to the following changes:*
- € *Permitted building heights for the properties from 144-164 Oriental Parade shall be 22 metres (above mean sea level) subject to a requirement to set back from the street frontage that portion of the building projecting above 16 metres (above mean sea level); and*
 - € *Removal of the discretionary activity building height provision from all properties within the Oriental Bay Height Area; and*
 - € *Removal of text from the Standards and Terms, Assessment Criteria and explanation for rule 5.3.3 to reflect the removal of discretionary height increases for OBHA properties.*
 - € *Addition of text to the explanation of Rule 5.3.3 to clarify the absence of discretionary height increases in the OBHA.*
 - € *Additional text being added to Objective 4.2.5 to recognise existing views of the green escarpment and views of McFarlane Street to the inner harbour; and*
 - € *Amendments to Rule 5.3.13 to clarify which additions and alterations to existing buildings shall be assessed against the Oriental Parade Design Guide; and*
 - € *Amendments to the explanation of Rule 5.3.13 to provide guidance for developments that extend across amalgamated lots.*
 - € *Amendments to the content of the Oriental Parade Design Guide to:*
 - Š *clarify its purpose,*
 - Š *emphasise the importance of heritage buildings along Oriental Parade,*
 - Š *promote buildings that enhance the public character of the area,*
 - Š *address the height of retaining walls.*

A copy of the revised plan change is set out in Attachment One to this report.

- 2) *Accept or reject all the submissions and further submissions to the extent that they accord with recommendation (1) above.*

2. INTRODUCTION

This decision relates to Proposed District Plan Change 18 – Oriental Bay Height Area (OBHA).

Proposed District Plan Change 18 is a Council initiated plan change. When notified the plan change covered three key issues:

1. Revised Building Heights (110-174 Oriental Parade)
The plan change proposed a staggered height option based on the recommendations of the 1998 Urban Design Assessment prepared by Chris McDonald. The proposed heights were:
 - 110-142 Oriental Parade - retain the existing 16 metre height limit
 - 144-164 Oriental Parade - 22 metre height limit (currently 16 metres)
 - 166-176 Oriental Parade - 26 metre height limit (currently 16 metres)All heights are measured above mean sea level which is approximately 3 metres below ground level.
2. Revised 20% Threshold for Discretionary Activity Height Increases
The plan change proposed replacing the existing 20% discretionary height increase with a limit of two metres, to better indicate the level of height increase that could potentially be accommodated within the Oriental Bay environment. To help promote positive urban design it was proposed that the two metre height discretion be limited to the provision of building top design features.
3. Oriental Parade Design Guide
The application of a design guide to those properties located within the OBHA. The design guide, which is focused on the impact of medium to high rise apartment style developments, would be included in the District Plan and would be implemented via the Discretionary Activity (Restricted) resource consent process. The design guide would apply to all new buildings, and significant additions and alterations to existing buildings.

All owners and occupiers of properties in the OBHA and the area adjoining the OBHA were notified of the proposed plan change.

Fifty three main submissions and nine further submissions were received on Proposed Plan Change 18.

At the hearing on 14 May 2004 Chris McDonald spoke to his 1998 Urban Design Assessment regarding building heights between 110-174 Oriental Parade, and Deyana Popova spoke regarding urban design issues in Oriental Bay and the Oriental Parade Design Guide. Eight submitters appeared at the hearing and spoke to their submissions:

- € Bernard Quin
- € Dorchester Apartments (represented by Bruce Orchiston)
- € Grant Corleison
- € Betty Campbell
- € Diana Shand
- € Mt Victoria Residents Association (represented by Rosamund Averton)
- € Aldwyn Cockburn
- € Clyde Quay Planning Society (represented by Aldwyn Cockburn, Keith Jeffries and Ian McPherson)

At the hearing on 17 May 2004 seven submitters spoke to their submissions:

- € Monastery Escarpment Protection Group (Gael Webster appeared on behalf of the group, and was also representing the International Catholic Programme of Evangelization)
- € Martin Hibma
- € Wellington Civic Trust (represented by Ian Hunter)
- € Michael Hibma
- € Historic Places Trust (represented by Robert McClean)
- € Murray Mexted
- € Clyde Quay Planning Society (represented by Daryl Cockburn)

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the individuals and expert witnesses who appeared before the Committee.

The Committee also considered carefully the expert evidence provided by Chris McDonald and Deyana Popova, and the three reports commissioned by the Council prior to preparation of the proposed plan change. These were:

- **McDonald Report – 110-178 Oriental Parade, Height Limits** (Urban Design Assessment)(June 1998)
- **Urban Perspectives - Urban Design Evaluation, Oriental Bay** (June 1999).
- **Boffa Miskell – Landscape Assessment: St Gerard’s Monastery and Escarpment** (November 2001)

The following discussion sets out the key issues and the Committee’s reasons for making its decision.

3. SUBMISSIONS AND DISCUSSION

3.1. Current situation

The Committee acknowledged that Oriental Parade was unique in the Wellington context. It is a key backdrop to Wellington’s city centre and provides an important venue for public recreation and private residential living. The aspect and topography of the area provides a unique opportunity within Wellington for intensive, high quality, medium to high density residential development which has been recognised in the planning provisions that apply within the OBHA. The Committee noted that properties in the OBHA currently enjoy the most unregulated residential ‘zoning’ in the city. This development potential must be weighed against the requirement to maintain and enhance the existing character and public amenity of the area, protect heritage values, and maintain appropriate levels of amenity for surrounding properties.

The Committee noted that the urban design of Oriental Parade is characterised by its diversity of built forms; ranging from the original 2-3 storey villas to 12 storey apartment buildings. It has a linear built edge with a distinctly urban scale and character and in this sense its character is more like the centre of the city, than a traditional suburban setting.

The Committee agreed with evidence that identified changing patterns of development along Oriental Parade. There is a trend for new developments to be built full width across the front of the site to maximise views and sun light. There is also an increasing trend towards site amalgamation (often to facilitate the provision of on-site car parking), which

has the potential to significantly alter the traditional subdivision pattern along Oriental Parade.

The Committee noted that there was almost universal agreement amongst submitters that St Gerard's Monastery, the Clyde Quay escarpment (the escarpment), the Mt Victoria North character villas and the buildings fronting Oriental Parade combine to form one of Wellington's iconic scenes. The key differences of opinion were over which views of this scene were important and therefore worthy of protection in the District Plan. The Committee noted that views considered by submitters included the immediate (footpath) view upwards, the mid range views from say The City to Sea Bridge, and the long range views from say Thorndon. Different angles were also identified.

The Committee agreed with those submitters that identified St Gerard's Monastery as having significant heritage value and acknowledged the recent amendment to the Resource Management Act (RMA) that elevated the protection of historic heritage and its setting (cartilage) to a matter of national importance.

The Committee considered that the escarpment has a key role in providing the setting for the Monastery, and also by providing a visual break between Mt Victoria villas and properties fronting Oriental Parade. While the escarpment receives some recognition and protection by way of viewshafts in the District Plan, it is also a landmark landscape that warrants recognition and protection from a variety of locations.

The Committee agreed that the current iconic status of the Clyde Quay landscape relied heavily on the balance between the Monastery and escarpment. The Committee was persuaded that retention of the balance of built and unbuilt elements above Clyde Quay is fundamental to protecting the quality of the existing landscape.

In relation to building heights the Committee accepted the break-down of the properties between 110-174 Oriental Parade identified in Chris McDonald's Urban Design Assessment. Each grouping has different features and characteristics and are a useful means by which to address streetscape, amenity, heritage and urban design issues in the area. The grouping from 110-142 Oriental Parade covers the properties from the Prince Street steps to (but not including) the Dorchester Apartments. This group features a high proportion of 2-3 storey buildings, and appears at the base of the escarpment in the iconic view of the Monastery and escarpment taken from the western edge of the inner boat harbour.

The group from 144-164 Oriental Parade covers the Dorchester Apartments and the six properties to the east. With the exception of the Dorchester, which dominates views towards the Monastery by virtue of its height (approximately 37 metres), these properties are not highly visible in medium to long term views as they are either view obliquely from the side, or shielded by the Overseas Passenger Terminal. This group is also located in front of the highest portion of the escarpment which impacts on its relationship with the monastery and the residential properties behind.

The group from 166-174 Oriental Parade covers the two apartment buildings that were built up to 26 metres by way of resource consent in the mid to late 1990's.

3.2. Building Heights 110-142 Oriental Parade

At the hearing Chris McDonald expanded on his report and its recommendation that the 16 metre height limit be retained from 110-142 Oriental Parade. His recommendation of

retaining 16 metres was based principally on view protection, particularly the iconic mid range view of the monastery and escarpment across the inner boat harbour. He considered that 16 metres would protect the context of St Gerard's and retain the current equilibrium of built and un-built form along the escarpment. Mr McDonald also noted that 16 metres would keep buildings below the height of the pohutukawa trees that line the northern edge of Oriental Parade. The pohutukawa trees combine with the escarpment to create a green flow from the escarpment to the harbour, which Mr McDonald considered was an important feature of the Clyde Quay landscape.

Mr McDonald and Deyana Popova both noted at the hearing that a maximum height of 16 metres would allow new buildings to remain generally in scale with the existing 2-3 storey buildings along this stretch of Oriental Bay helping to maintain a cohesive streetscape.

Committee noted that no submissions were received requesting that building heights be increased between 110-142 Oriental Parade, and considered that the any course of action other than endorsing the existing 16 metre (amsl) height limit was beyond the scope of the plan change.

Submitter 31 (Nicola Pearce) requested the maximum building heights from 110-128 Oriental Parade be lowered to 13 metres (AMSL). The justification for lowering the heights appears to be the avoidance of perceived negative effects on the amenity of Mt Victoria properties through noise, car parking, views and sun shading. The Committee noted that the suggested height reduction of 3 metres is unlikely to significantly alter the parking situation in the area. Permitted noise levels are controlled by separate rules in the District Plan and are not influenced by the height of buildings. Each of the properties located on the slope above 110-128 Oriental Parade are sited higher than the existing maximum height of 16 metres (amsl). 16 Prince Street is the lowest of the existing dwellings and its front (north facing) wall sits on land between 17-18 metres (amsl). The majority of the other buildings are located above the 20 metre contour. On the grounds that the dwellings to the rear of 110-128 Oriental Parade are elevated above the existing maximum permitted building height, the Committee considered that there was no significant resource management justification for reducing the maximum height to 13 metres as requested by this submission.

In terms of discretionary height increase above 16 metres the Committee considered that there should be none for the properties between 110-142 Oriental Parade. They considered that maintaining building heights of 16 metres (amsl) or below was important in retaining the current streetscape character and amenity along this stretch of Oriental Parade. Buildings above 16 metres (amsl) could adversely impact on the existing balance between built and unbuilt elements in short to medium views, and would erode the pedestal effect of St Gerard's Monastery sitting atop the escarpment. This does not mean that a building with a height above 16 metres could not be contemplated, rather that it would need to be considered as a non-complying activity.

The Committee accepted that the continuous flow of green from the escarpment to the harbour, provided by the pohutukawas along Oriental Parade, was an important landscape feature in medium distance views from the Inner Boat Harbour. They agreed that any building above 16 metres would protrude above the tops of the pohutukawa trees and that any mitigation of the impact of this additional building height could only be contemplated in the context of a specific proposal.

Recommendation:

Make provision in the District Plan for permitted building heights up to 16 metres (above mean sea level) with no discretionary height increases for properties between 110-142 Oriental Parade.

3.3. Building Heights 144-164 Oriental Parade

The issue of building heights between 144-164 Oriental Parade was the most keenly debated aspect of the plan change.

Submitters in favour of additional permitted building height (generally either to match 166 Oriental Parade at 26 metres (amsl), or the Dorchester at 37 metres (amsl)) argued that:

- § The height of the escarpment behind 144-164 Oriental Parade facilitates the development of taller buildings without blocking mid to long range views of the monastery, or adversely impacting on properties to the rear.
- § Close range views of the Monastery from Oriental Parade are of little value, witnessed by few people looking up at the monastery while walking along this stretch of Oriental Parade.
- § A precedent for taller buildings was set when Council approved 166 and 174 Oriental Parade to 26 metres by way of resource consent. There is no justifiable reason not to extend the 26 metre height to the properties east of the Dorchester (up to 166 Oriental Parade).
- § The quality of the streetscape is determined by the quality of the building design, not by building height. Taller buildings with higher stud heights, built in accordance with classical design principles would enhance this stretch of Oriental Parade. Lower building heights encourage low stud heights and result in poor design.
- § The escarpment is unstable and subject to ongoing surface slippage and rock-fall. Taller buildings would screen the retaining work needed to stabilise the escarpment.
- § Additional apartments close to the city centre promotes sustainability by reducing vehicle dependency and freeing up houses in the suburbs for other residents.

The submitters that opposed any increase in building height above 16 metres (amsl) argued that:

- § Any increase in permitted building height would simply raise the bar for developers and encourage applications for even more additional height. Council needs to put in place rules that prevent incremental height creep.
- § Additional height would adversely impact on public views, both the iconic view of the monastery and escarpment, and views from McFarlane St out over the harbour and city.
- § Additional height would adversely impact on the pedestrian environment through increased wind at ground level and the loss of the area's existing 'people scale'.
- § Increased height would adversely impact on the existing residential amenity of the Dorchester Apartments which are set back from the road.
- § It is important to retain green elements close to the City. Need to leave some areas unbuilt so that the natural form is visible.
- § The existing balance between the monastery and the escarpment should be retained. Should retain the existing proportions between the built and unbuilt forms along Clyde Quay.
- § It is important to retain the existing character of the area, as it provides significant public amenity and is a tourist draw card. A wall of buildings up to 22-24 metres (amsl) or higher would not maintain or enhance amenity levels or the quality of the environment.
- § The plan change places undue weight on the '*efficient use and development of resources*' to justify the proposed increase in height. The maintenance and

enhancement of amenity values and the quality of the environment should receive greater weight.

- § Greater weight should be given to the Boffa Miskell's landscape assessment of St Gerard's Monastery and Escarpment.
- § St Gerard's Monastery has significant heritage value. The setting of the monastery atop the escarpment is integral to this heritage value. Permitting taller buildings below would alter the traditional relationship between St Gerard's and the surrounding residential dwellings, and undermine the heritage setting.

In relation to views of the escarpment and monastery from this area, the Committee agreed with those submitters that noted that the short range views from the Oriental Parade promenade steeply upwards are not iconic and are largely restricted to the upper reaches of the escarpment and the very top of the Monastery's front façade. However the Committee considered that these glimpses were important in defining Oriental Parade's sense of place, and should not be disregarded when setting building heights.

A number of submitters argued that the height of the escarpment was sufficient to mitigate the effects of buildings up to 34 metres in height (approximately the height of Dorchester Apartments) between 148-162 Oriental Parade. The Clyde Quay Planning Society argued that limiting building heights from 144-164 to 22 metres, would discourage quality design as developers would seek to maximise return by lowering storey heights.

While noting the additional height of the escarpment in this area, the Committee considered that taller buildings (up to 34 metres in height) would significantly alter the character of this area and the scale of the streetscape. They noted that permitting taller buildings would give no guarantees of quality design. With the proposed design guide in place, the Committee considered that quality design outcomes are equally likely with lower building heights. In this regard the Committee noted that there was significant development pressure in Oriental Parade and that developers will seek to maximise return at what ever height is set in the District Plan

The Committee considered that the Dorchester is an anomaly in terms of height, size and siting. The building is a carry over from a previous planning era and is out of step with current resource management thinking. The Dorchester is an obtrusive element in most views of the Monastery and Escarpment, and does not form an appropriate basis for setting building heights along this stretch of Oriental Parade.

A row of buildings built full width, up to the height of the Dorchester would largely obscure close up public views of the Monastery and escarpment. From Freyberg Beach only the Monastery and very top of the escarpment would be visible. Views from the McFarlane Street footpath towards the north/harbour would be restricted to hilltops and sky. Views of the promenade and inner harbour would be obscured by the tops and backs of buildings.

The establishment of buildings up to 37 metres in height would also compromise views of the Monastery from medium to distant locations. The bulk of a row of buildings on Oriental Parade would reduce the visual impact of the Monastery by making it look smaller in comparison. The majority of the escarpment would also be obscured from view, reducing the comparative prominence of the Monastery in its setting, removing its visual pedestal, and reducing the natural character of the area. Such a proposal would be contrary to section 6(f) of the RMA which requires Council to protect historic heritage and its setting as a matter of national importance.

The Committee also considered that buildings permitted up to 34 metres in height would be largely out of scale with adjoining residential properties, in particular the areas of predominantly two storey character villas located on the slopes of Mt Victoria, above Clyde Quay.

With regards stability of the escarpment, the Committee acknowledged that there is likely to be ongoing rockfall and surface slippage on Clyde Quay escarpment, and that this must be managed by property owners to minimise risk. However this in itself is not adequate justification for setting higher building heights.

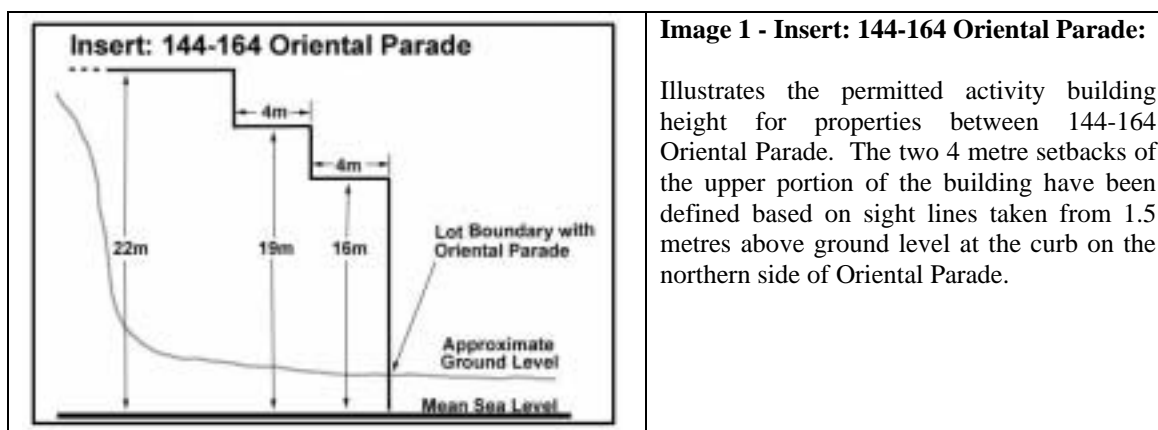
The Committee considered that a continuous facade of buildings at either 26 metres or 34 metres in height between 148-162 Oriental Parade (as requested in submissions) would have a significant impact on the existing character and amenity of that stretch of Oriental Parade. A visit to the site failed to persuade the Hearing Committee that the additional height requested was appropriate given the importance of the escarpment's 'green ribbon' with the Monastery above. The Committee noted that the dark unbuilt space below the Monastery was important in creating the current setting and ensuring the primacy of the Monastery in its setting. The Committee also noted that St Gerard's Monastery had recently been lit at night in recognition of its role as a landmark Wellington building. At night the dark mass of the escarpment is vital to define and highlight the Monastery building above.

The Committee considered at length the merits of the existing height limit of 16 metres (amsl) and the proposed height limit of 22 metres (amsl) for properties between 144-164 Oriental Parade. While acknowledging that these properties have a lesser impact on the iconic views of the Monastery and escarpment (compared to properties from 110-142 Oriental Parade), the Committee considered that they were still an important element in the Oriental Parade streetscape, and make a significant contribution to amenity and character of the area. In this regard the Committee considered that the existing 16 metre height limit should be retained at the street frontage. A height of 16 metres would avoid an unacceptable facade of high buildings at street front level and would help to ensure new buildings are of a scale generally compatible with the existing 2-3 storey buildings long this stretch of Oriental Parade. Retention of the existing 16 metre height would also ensure that an appropriate balance between the built and unbuilt elements along Clyde Quay was maintained, and that views of the escarpment and Monastery from Oriental Parade would be retained.

While the Hearing Committee concluded that permitted building heights should remain at 16 metres (amsl) at the street frontage, they considered that the generally rising ground and consequent increase in the height of the green escarpment did provide scope for additional building height above 16 metres. The Committee considered that any additional building height above 16 metres would generally only be acceptable if it is used to modulate the building façades through set backs and other architectural techniques, and if it did not compromise existing sight lines from Oriental Parade to the escarpment and Monastery. In this regard the Committee saw significant merit in submission 23 (Ben Brenton) that requested that building height be set back above 16 metres to preserve existing sight lines and avoid a high wall effect on the street edge.

The Committee considered that with appropriate set backs for storeys above 16 metres, buildings from 144-164 Oriental Parade could be built up to 22 metres (amsl). To ascertain the appropriate degree of set back the Committee took sight lines from the curb on the

northern edge of Oriental Parade. Using an average storey height of 3 metres the Committee considered that a set back of 4 metres per storey was appropriate.



The Committee noted that a step-up in building height to 22 metres from 144-164 Oriental Parade would help to better integrate the bulk of 166 Oriental Parade (built to 26 metres (amsl)) into the surrounding built environment, and would help to ameliorate the impact of the blank western side wall of 166 Oriental Parade.

The Committee considered that the set back height regime would provide for a suitable balance of built and unbuilt elements when viewed from Oriental Parade, and would ensure that Oriental Parade buildings do not reduce the primacy of the Monastery in its setting. The setting back of upper storeys would also help to reduce the impact of new buildings on the wind environment at street level.

The Committee was satisfied that proposed 16-22 metre height rule would protect the heritage value of the St Gerard's Monastery and its setting (curtilage) from inappropriate subdivision, use and development.

In recommending permitted building heights up to 22 metres (amsl) from 144-164 Oriental Parade the Hearing Committee gave due consideration to how this would impact on public views from and private properties on McFarlane Street. Following a visit of the area the Hearing Committee concluded that buildings up to 22 metres in height would have no more than minor impact on public and private views from McFarlane Street. The Committee walked the length of McFarlane Street and noted that the top of 154 Oriental Parade, which is already built to 22 metres (amsl), is only visible in glimpses from the northern edge of the carriageway. The Committee was also satisfied that the buildings from 144-164 Oriental Parade fall outside the views from McFarlane Street towards the inner harbour and the city centre that were highly valued by many submitters.

Having considered carefully the appropriate permitted height levels for properties from 144-164 Oriental Parade, the Committee considered that it was appropriate to remove provision for discretionary height increases for these properties.

Recommendation:

Make provision in the District Plan for permitted building heights up to 22 metres (above mean sea level) subject to setbacks from the street frontage for that portion of the building above 16 metres (above mean sea level), for properties between 144-164 Oriental Parade.

3.4. Building Heights 166-174 Oriental Parade

A number of submitters requested that the existing 16 metre height limit be retained for these properties. No submissions requested that additional height be provided above the 26 metres proposed in the plan change.

The Hearings Committee considered that a building height of 26 metres with no discretion for properties between 166 and 178 Oriental Parade was appropriate. The 26 metre permitted height limit reflects both the height of the two existing buildings in the area, and the decreased importance of views of the escarpment and monastery from this location. Views from the promenade in front of 166-174 Oriental Parade tend to be directed more towards the harbour to the north and the sweeping vista across Oriental Bay to the east, than up the escarpment to the Monastery.

The Hearings Committee noted that both buildings at 166 and 174 Oriental Parade were approved by way of resource consent as a non-complying activity and considered that it was appropriate to acknowledge this approval in the setting of building heights. The consent approvals also included an agreement that there would be no further additions sought on the existing structures.

The Hearings Committee agreed with the recommendation in the officers report that there should be no provision for discretionary height increase above 26 metres. These properties were developed to their current heights as non-complying activities, and it was considered appropriate that any application to further increase the heights of building on these sites should also be considered as a non-complying activity.

Recommendation:

Make provision in the District Plan for permitted building heights up to 26 metres (above mean sea level) with no discretionary height increases for properties between 166-174 Oriental Parade.

3.5. Discretionary Height Increase - OBHA

District Plan Change 18 proposed to remove the existing 20 percent discretionary height provision applying within the OBHA, and replace it with a 2 metre discretionary height provision, with all discretionary height increases being restricted to the provision of building top features.

Decisions on the issue of discretionary height increases for properties between 110-174 are outlined in sections 3.2-3.4 above.

The Committee agreed that defining discretionary activity height increases by way of a percentage was inappropriate. Using a percentage measure implies that taller buildings are able to accommodate larger increases in maximum height without adversely impacting on the surrounding environment, yet there is little evidence to suggest that this is the case.

While several submitters supported the proposed amendment, the majority (15 in total) argued that there should be no provision made for discretionary height increases. Many submitters were concerned that discretionary height provisions promoted incremental creep in building heights around Oriental Parade. Submitters sought the removal of discretionary height provisions to provide greater certainty to all parties.

A number of submitters commented that discretion was not required to provide for building top features, as the issue of building tops was addressed in the Oriental Parade Design Guide. They considered that provision of appropriate building tops should be required

within the permitted building height limit, thus removing the requirement for a discretionary increase.

The Committee were concerned that there appeared to be an expectation amongst developers and the public that discretionary activity increases in height are granted as a formality. They noted growing frustration amongst many submitters that the discretionary height limit was viewed by developers as the benchmark for new buildings, rather than as an exception to the rule.

The Committee noted that permitted building heights in Oriental Bay have been considered carefully on a site by site basis to reflect the character of the area, and the location and height of dwellings and properties to the rear. The Committee considered that this situation was significantly different to the Inner and Outer Residential Areas where properties are subject to uniform height rules that take no account of the specific circumstances of any given site. As a result the Hearing Committee considered that sufficient attention had been given to individual property heights to allow the removal of the generic discretionary height provisions applying to the OBHA. The Committee noted that this approach was consistent with the Environment Court decisions in relation to Grass Street/Hay Street (W73/98) and 62-108 Oriental Parade (W74/98). While the removal of discretion would not make building heights in the OBHA absolute (resource consent application could still be made for additional building height as a non-complying activity), the Committee considered that it would provide certainty to all parties and would send an appropriate message regarding the scope for increases in building height above the permitted levels.

Recommendation:

Amend the Standards and Terms for Rule 5.3.3 to the effect that there is no provision for discretionary activity height increases for properties within the Oriental Bay Height Area.

Amend the Assessment Criteria and Explanation for Rule 5.3.3 to reflect the removal of discretionary activity height increases for properties within the Oriental Bay Height Area.

3.6. Oriental Parade Design Guide

From the outset the Committee noted that design guides were an established tool in the District Plan for managing urban design and townscape issues. The Committee agreed that Oriental Parade was a unique environment within the Wellington context, both in terms of its built character and its unregulated planning regime. In this situation the proposed design guide constitutes an important tool to allow Council to manage the qualitative aspect of built form that cannot be provided for through rules managing the bulk and location of buildings.

The Committee noted the support of those submissions that were either fully or generally in favour of the design guide.

The Committee considered the submissions from the Monastery Escarpment Protection Group and the New Zealand Historic Places Trust that requested amendments to the text of the design guide to:

- € clarify its purpose,
- € emphasise the importance of heritage buildings along Oriental Parade,
- € promote buildings that enhance the public character of the area,
- € address the height of retaining walls,
- € provide guidance for developments that extend across amalgamated lots.

The Committee agreed that the changes requested by the Monastery Escarpment Protection Group were appropriate and provided greater clarity to the content of the design guide.

The submission of the Historic Places Trust requested that the design guide be amended to include objectives and guidelines to promote the identification and retention of all historic buildings along Oriental Parade. The Committee noted that the purpose of the proposed design guide is to ensure that future development in Oriental Parade recognises its context and enhances the character of the area. It is not intend to be a tool for the identification, recognition and protection of historic heritage items. The Heritage section of the District Plan (Chapters 20 & 21) fulfils this role and contains criteria for the assessment of potential heritage items. However given the important contribution that listed heritage buildings make to the character of Oriental Parade, the Committee considered it appropriate to include an objective and guide line in the Design Guide covering works on sites containing a listed heritage item.

At the hearing Deyana Popova proposed the inclusion of a three metre minimum stud height in the design guide. This proposal was subsequently supported by a number of submitters. While the Committee saw some merit in this suggestion insofar as it would encourage positive urban design outcomes through the vertical orientation of new building facades, it noted that no submissions requested such a change and that it was beyond the Committee's ability to amend the design guide in this manner.

Three submissions were received in opposition to the proposed design guide. They noted that the design guide would not guarantee quality, and would result in mediocre building design. The Clyde Quay Planning Society considered that the guidelines should be based on proven precedent not theory.

The Committee noted that while the design guide cannot guarantee high quality design neither will it promote mediocrity. The designers and architects involved in projects along Oriental Bay will still be the primary determinants as to the quality of a buildings design, but the design guide and associated rules in the District Plan will provide Council with the ability to influence and control new buildings that fail to adequately consider and respond to the context of Oriental Parade.

The design guide is intended to work in conjunction with the rules in the District Plan. The rules in the Oriental Bay Height Area cover quantifiable issues such as building height, location, sunlight access and car parking. The Design Guide addresses qualitative issues that are difficult to integrate into a strictly rule based regime. The design guide is designed to compliment the existing rules rather than act as a substitute for them.

On balance the Committee considered that the design guide is a suitable mechanism for ensuring that future development along Oriental Parade acknowledges and enhances the character of the area. It is recommended that the Design Guide be adopted, subject to the amendments proposed in sections 5.17 and 5.18 above.

The Committee agreed with submission 24 that requested amendments to Rule 5.3.13 to clarify when additions and alterations would be assessed against the content of the design guide. The existing wording of the rule contained a level of ambiguity that would be rectified by the proposed alternative wording.

Recommendation:

Adopt the Oriental Parade Design Guide subject to the following amendments to the text of the design guide:

Section 1.0 Introduction

Delete the last sentence of the second paragraph and replace with the following text:

The intent of this Design Guide is to ensure new development achieves these objectives.

Insert the following text after the second sentence of the fourth paragraph;

Based on the existing character of Oriental Parade, this framework identifies key urban design principles to assist the integration of new development into the context and enhance the character of Oriental Parade.

Section 2.0 Existing Character, Existing Development Patterns.

Replace the existing bullet point under the heading Heritage with the following bullet point:

- *There are a number of buildings on Oriental Parade listed as heritage items in the District Plan. There are two clusters of listed heritage buildings along Oriental Parade. The Charlesworth Houses below Oriental Terrace, and the group from 294-306 Oriental Parade. The Charlesworth Houses in particular are notable for their consistent age, type, design and scale.*

Section 3.0 Street Context, Analysis

Insert the following paragraph after the second sentence of the text regarding 'Relationship to heritage buildings'.

Any additions and alterations to listed heritage items have the potential to undermine their historic heritage values. Rooftop additions, in particular, can compromise the character and heritage significance of existing heritage buildings. To ensure that heritage values are maintained a conservation approach should be adopted to any development associated with a listed heritage building or item.

Section 3.0 Street Context, Objectives

Insert the following objective after Objective 2 (re-number other objectives as required):

- O3 Promote development that integrates, maintains and enhances listed heritage buildings and items. Ensure that additions and alterations to listed heritage buildings are compatible with their heritage values and character.*

Delete the first sentence of Objective 6 (previously Objective 5) and replace it with the following text:

Create buildings of appropriate form and scale, with street elevations that enhance the public character of the area.

Section 3.0 Street Context, Guidelines

Insert the following guideline after Guideline 5 (re-number other guidelines as required):

G6 Additions and alterations to listed heritage buildings should be compatible with the scale, form and character of the building and its heritage values.

Section 6.0 Building Bulk, Guidelines

Replace the first bullet point of Guideline 5 with the following text:

§ *Their height should be lower than the heights of adjacent buildings and should reflect any apparent height differences between neighbouring buildings. This is especially important for sites that mark a change in building height provisions.*

Make the following amendments to proposed Rule 5.3.13:

Replace the text in the first bullet point of proposed Rule 5.3.13 with the following text:

- *Additions or alterations to existing buildings three storeys or less in height (including garaging), provided that the works do not increase the height of the building above the existing highest point of the building. For the purposes of this rule chimneys, flues, ventilation shafts, aerials, spires, flagpoles, or other decorative features shall be excluded from the measurement of the highest point; or*

Insert the following sentence at the end of the second paragraph of the explanation to Rule 5.3.13:

Developments across amalgamated sites must be considered with particular care as they can create buildings with dominating bulk, which are out of scale with their surroundings and have, therefore, the potential to affect the existing character of the street. To this end it is important that the massing and form of such buildings recognise and reflect the traditional sub-division patterns of the area as a means of addressing bulk issues, along with other guidelines.

3.7. Other Issues

3.7.1 Reinstate rear yard and site coverage rules

Several submitters raised concerns about recent developments in Oriental Parade that have made excessive cuts into the escarpment below St Gerard's Monastery, altering the natural landform. These developments also introduced buildings of a bulk significantly different to the existing streetscape character, an effect that is exacerbated when the new building extends across amalgamated sites. These submissions requested that Council install site specific rear yards and site coverage provisions to address these issues.

The Committee agreed that new buildings that are built across amalgamated sites and which obscure the traditional subdivision patterns of the area were one of the main threats to the character of Oriental Parade. However it noted that Council was not able to control the amalgamation of land parcels, so the issue can only be

addressed through the siting and design of buildings. On this basis the Committee considered that the proposal to use the design guide to address buildings on amalgamated sites, was preferable to set rules requiring yards and/or site coverage.

Recommendation:

That no change be made to Plan Change 18 as a result of these submissions.

3.7.2 Protect the Stability of the Escarpment

Submission 18 (Betty Campbell) sought assurances that new development would not compromise the stability of the escarpment and McFarlane Street.

The Committee considered that the existing District Plan rules and Council bylaws relating to earthworks, and the proposed Oriental Parade Design Guide provide an appropriate framework for the management of earthworks. The design guide recommends that new buildings be restricted to the flat area of each site, and would require all new buildings to apply for a Discretionary Activity consent before work may be undertaken. The design guide approach provides flexibility to allow building footprint and retaining wall issues to be assessed on a case by case basis, taking into account the specific circumstance of each property. This approach is considered preferable to the proposal to write specific rules that try to account for the variety of topographical situations found within the Oriental Bay Height Area.

Recommendation:

That no change be made to Plan Change 18 as a result of this submission.

3.7.3 Apply Central Area wind rules to new buildings over 4 storeys in height.

Five submitters requested that new buildings in Oriental Parade over four storeys in height should be subject to the Central Area wind rules.

The Committee noted that there were significant differences between the Central Area and Oriental Parade, both in terms of the character and topography, and also in how each area is used. They also noted that in the Central Area four storeys is taken to equal 18.6 metres above ground level. Heights in Oriental Bay are measured above mean sea level which is general between 2.0 - 3.5 metres below pavement level. If the Central Area wind rules were applied directly to the OBHA they would only apply to properties higher than 21-22 metres (amsl).

At the hearing the Committee heard differing accounts of the winds effects along Oriental Parade. Several submitters stated that the construction of apartments at 166 and 174 Oriental Parade up to 26 metres (amsl) had significantly worsened the wind environment on the southern footpath. They were concerned that further tall buildings around the parade would lead to pockets of excessive wind around the Parade.

Conversely, Aldwyn Cockburn owner of the Parade Café, noted that in his experience wind was not a major factor along Oriental Parade.

Overall the Committee considered that wind effects along Oriental Parade were not sufficiently well researched or documented to justify the inclusion of rules in the District Plan. They also considered that the proposal to apply Central Area wind rules to Oriental Parade was beyond the scope of the current Plan Change.

Recommendation:

That no change be made to Plan Change 18 as a result of these submissions.

3.7.4 Support small scale infill residential development.

Several submitters considered that as Oriental Parade is an inner city suburb Council should encourage small developments on infill sites and additions to existing buildings, provided that do not effect the amenity values of neighbouring properties. They considered that the existing car parking provisions are unsatisfactory as they do not take into account the floor area of the proposed unit. They felt there is a need for greater flexibility for car parking to encourage very small units on infill sites.

The Committee considered that the provisions of the OBHA do support intensive residential development, and that the level of regulation apply in this area was significantly lower than any other residential zone in the City. One of the few requirements applying to developments in the OBHA is that car parking must be provided at a rate of one car park per residential unit. In relation to this requirement the Committee noted that the advice from the Infrastructure unit of Council is that there is significant pressure for kerb parking in Oriental Parade. This demand is generated by both residents and visitors and is likely to increase in the future as a result of ongoing residential development in the area, and the expansion of Oriental Bay Beach. The Infrastructure unit also note that the current District Plan parking provisions contribute to the pressure. They consider that the requirement of one parking space per residential unit does not relate to the actual demand generated from such new units. They anticipate that in the Oriental Parade area, the actual demand would be in the order of at least 1.5 car parks per unit. In addition there is currently no requirement to provide for visitor parking which compounds the effects on local residents and others wishing to use the area's kerbside parking.

The Committee noted that while Oriental Parade is located near the city centre, and would appear to provide opportunities for non-car based residential development, the reality is that the majority of Oriental Parade households own multiple cars. So while there may be sound justification for Council to reconsider the car parking provisions for Oriental Parade properties, the Committee considered there was little scope to reduce or waive the current car parking requirement even for small infill development.

Regarding small scale additions to existing buildings the Committee noted that the District Plan contains no Prohibited Activities and resource consent can be sought to undertake 'non-permitted' works in Oriental Parade. The resource consent process allows any proposal to be assessed on its merits based on its effect on the receiving environment. Nothing in this plan change would serve to prevent applications for additions to existing buildings, and the proposed design guide provides additional guidance as to the key resource management and urban design issues to be considered.

Recommendation:

That no change be made to Plan Change 18 as a result of these submissions.

3.7.5 Add daylight access to the criteria in Rule 5.3.3

Rule 5.3.3 is a discretionary activity (restricted) that covers residential buildings and structures that fail to comply with the permitted activity standards for yards, site

coverage, building height and sunlight access that are defined in rule 5.1.3. Protection of daylight is provided for in the residential areas of the District Plan through a combination of yard and sunlight access plane provisions. The Committee noted that Rule 5.1.3 does not contain specific provisions or performance criteria relating to 'daylight', and as a result adding daylight to rule 5.3.3 would be ineffective. However it also noted that daylight is referred to in rule 5.3.3 in assessment criteria 5.3.3.8.

5.3.3.8 Whether new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites.

On balance the Committee considered that this assessment criteria is sufficient to allow Council to consider the issue of daylight for any resource consent application received under rule 5.3.3, and the requested changes would not add to or improve the effectiveness of the rule.

Recommendation:

That no change be made to Plan Change 18 as a result of this submission.

3.7.6 Apply Residential Character Area rules to Oriental Bay

A number of submissions argued that Oriental Bay should be subject to the same rules as the historic areas of Thorndon and Mt Victoria. The District Plan currently contains special provisions covering Mt Victoria North and Thorndon in recognition that these areas contain a high density of older residential dwellings that contribute to the character and identity of Wellington as a whole. Policy 4.2.3.2 provides explanation:

Therefore, Council has incorporated, as part of this Plan, Design Guides for some residential neighbourhoods (eg Thorndon Character Area Design Guide) and placed extra controls on multi-unit housing for others (eg Thorndon and Mt Victoria). The Council has also included rules restricting the demolition of pre-1930 buildings in Thorndon and Mt Victoria. In those places significant concentrations of older buildings create particularly distinctive streetscape character.

The Committee noted that Oriental Bay does not have the uniformity of age and character that is displayed in Mt Vic North and Thorndon Character Areas. Buildings in Oriental Bay are more varied and diverse in terms of age, scale, architectural style and material. The Committee noted that Oriental Parade area has been identified as warranting a design guide because of its unique character and setting, and because it is subject to generally permissive planning provisions. It was not selected on the grounds that it has a strong uniformity of character or a high density of buildings from a certain period. The Committee considered that the planning controls that apply in Mt Victoria North and Thorndon were therefore not appropriate for transferral into the Oriental Bay context.

Recommendation:

That no change be made to Plan Change 18 as a result of these submissions.

3.8. RMA considerations

The Committee noted that the proposed District Plan Change 18 could only be endorsed if they were satisfied that the amended building heights, revised discretionary provisions, and

the implementation of the design guide would better met the requirements of the RMA and the objectives of the District Plan.

The purpose of the Resource Management Act, 1991 (RMA) is to promote the sustainable management of natural and physical resource (section 5). The Council has additional obligations under sections 6 and 7 of the Act. In relation to the Oriental Bay Height Area section 6(f) requires Council to provide for the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance. Section 7 requires that Council, in achieving the purposes of the RMA, have particular regard to:

- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (f) maintenance and enhancement of the quality of the environment:*

The Committee noted that protection of historic heritage had been raised to a matter of national importance in the 2003 amendment to the RMA and should be weighted accordingly. The remaining section 7 matters all carried equal weight under Part II of the Act and Council need to consider how each applied to the situation in Oriental Parade. As discussed above, the Committee was not convinced that the gains made in terms of the efficient use and development of the residential resource (if building heights were increased) were sufficient to outweigh the potential adverse impact on the heritage value of St Gerard's Monastery, the quality of the surrounding environment, and the public amenity derived from Oriental Parade. The Committee was satisfied that the proposed heights and discretionary provisions represent an appropriate balance between promoting intensive residential development, while maintaining amenity values and the quality of the existing environment.

The Committee was satisfied that the proposed Design Guide was consistent with Part II of the Act. It encourage the retention of historic heritage, and provided guidance to new developments to ensure that they enhanced the local environment.

The Committee were also mindful of the implications of 'permitted baseline' which was incorporated into the RMA in August 2003. The permitted baseline is founded on the premise that permitted activities have no effect on the environment. In the case of Plan Change 18 this places a requirement on the Council to exercise caution and set permitted building heights at a level where they are certain that the adverse effects on the environment will be no more than minor.

Recommendation:

Adopt District Plan Change 18 on the grounds that it is consistent with Part II of the RMA.

3.9. District Plan Objectives

Submitters have raised concerns that the proposed Plan Change and in particular the revised building heights are inconsistent with the objectives of the District Plan. Chapter 4 of the District Plan sets the objectives and policies for the use and development of Wellington's Residential Areas.

The Committee noted that the Introduction to the Residential Chapter in the District Plan explicitly identified Oriental Parade as being appropriate for high density residential development, provided that this can be undertaken in a manner that protects existing residential character and amenity.

With regards to proposed District Plan Change 18 the following Objectives and Policies are particularly relevant:

Objective 4.2.1 ***To promote the efficient use and development of natural and physical resources in Residential Areas***

Policy 4.2.1.1 *Encourage new urban development to locate within the established urban area.*

The Committee considered that the proposed building heights are consistent with this objective in that they will provide for a greater level of residential activity within the existing urban area.

Objective 4.2.2 ***To maintain and enhance the amenity values of Residential Areas.***

Policy 4.2.2.1 *Control the potential adverse effects of residential activities.*

Explanation

People expect that the amenity standards of the Residential Areas of the city where most people live will be maintained to a level that sustains the residents' enjoyment of their suburb. For this reason District Plan rules have been imposed.....

Permitted residential activities are allowed with few restrictions. Rules set minimum standards for all dwelling houses and associated buildings. The sunlight access rules are intended to protect people's access to a reasonable amount of direct sunlight. It is accepted that because of Wellington's hilly topography and form of development, full sunlight protection in all cases is not possible....

The environmental result will be the maintenance of reasonable amenity standards for residents.

The Committee noted that the explanation of Policy 4.2.2.1 states that in implementing this policy the District Plan seeks to maintain 'reasonable amenity standards'. They were satisfied that the impact of the revised building heights on adjoining properties would be minimal and that they would retain reasonable amenity standards, appropriate for an area zoned for intensive residential development.

Policy 4.2.2.5 *Manage any adverse effects of earthworks.*

Explanation

Earthworks associated with land development and building is an essential activity throughout the Residential Area. The Plan therefore allows most forms of earthworks but retains controls to prevent unnecessary visual scarring of the landscape. Issues concerning the safety of earthworks are dealt with by the City Bylaws.

The Committee considered that earthworks are a significant issue between 110-174 Oriental Parade. There is the potential for large scale earthworks to significantly alter the form of the escarpment and leave visual scars in a very high profile location. Because earthworks are specific to each development, they have been considered and addressed in the proposed Oriental Parade Design Guide. The Committee considered that the design guide would provide the necessary flexibility to assess earthworks on a case by case basis, and, when used in conjunction with the existing District Plan rules for earthworks and Council's earthworks bylaw, will help to ensure Policy 4.2.2.5 is achieved.

Objective 4.2.3 ***To maintain and enhance the physical character of Residential Areas and identified areas of special streetscape or townscape character.***

Policy 4.2.3.1 Control the siting, scale and intensity of new residential buildings to reflect the differences between older and more recent suburban Residential Areas.

Explanation

The rules for all new residential buildings have been set to recognise the differences between the older, more densely developed Inner Residential Areas and the Outer Areas, including Tawa. The Inner Residential rules are more lenient and acknowledge that development in these areas is more compact and intensive. In both the Inner and Outer Areas the way the rules are applied will permit development in a manner that reflects their general character. The rules include variations aimed at accommodating different development forms in localised areas such as Oriental Bay.

In view of the prominence of the land in Oriental Bay, and in recognition that the development potential of those properties should be sustainably developed, residential structures can be built higher than in other parts of the Inner Residential Area. These properties are subject of specific height limits which reflect the varying topography particularly the escarpment below properties in Roxburgh Street....

Policy 4.2.3.2 Maintain the special character of identified residential character areas.

Explanation

Within Residential Areas particular neighbourhoods have an identifiable or distinct character. Wellington examples include Thorndon and Mount Victoria. Thorndon and Mt Victoria also contain large numbers of older buildings which collectively are important to the identity of Wellington City as a whole. A number of these buildings are listed heritage buildings. Council considers the collective character of these areas is important and they should be more fully protected from inappropriate or unsympathetic development....

...The environmental result will be the ongoing development of identified areas in a manner that will maintain their character.

The Committee noted that Oriental Parade is characterised by its built diversity. This diversity is discussed in detail in the proposed Oriental Parade Design Guide, and was a key consideration when the proposed heights were set. The proposed heights are considered appropriate for this area and are consistent with Policy 4.2.3.1.

The Committee also considered that Mt Victoria North is one of Wellington's key central city environments. It helps define Wellington's sense of place and its character and location contributes to the public amenity derived from the centre city, Oriental Parade, Mt Victoria and beyond. The collection of character villas situated above Clyde Quay escarpment is an important component of the Mt Victoria North Character Area, and it is Council policy to manage future development in a manner that maintains the existing character of that area. The Committee considered that if the Oriental Parade properties below McFarlane Street are developed to too greater height and bulk, the separation provided by the escarpment would be reduced and views of the character villas degraded. They noted that the bulk of the Dorchester Apartment building (37 metres amsl) is already an intrusive element that detracts from views across the harbour and considered that additional buildings built to this height would be inconsistent with Policy 4.2.3.2. The proposed building heights are significantly below this level (particularly the retention of 16 metre heights from 110-142 Oriental Parade), and it is considered that they would not detract from the character of the Mt Victoria North Character Area.

Objective 4.2.5 ***To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington’s natural environment.***

Policy 4.2.5.1 Protect significant escarpments, coastal cliffs and areas of open space from development and visual obstruction.

Explanation

The Wellington faultscarp, coastal cliffs, and areas of open space are important components of the city's visual character, which Council seeks to preserve. Where these are not protected by public ownership, Council aims to restrict and avoid, remedy or mitigate the visual impact of any development. The Open Space and Rural rules deal primarily with this issue. However, where possible, Council will seek added protection where subdivision or other non-permitted residential development is proposed.

The environmental result will be the protection of significant features of the Wellington landscape.

The escarpment below St Gerard’s Monastery plays a significant role in defining the character of Oriental Bay and the central city. As such the Committee considered that its maintenance and enhancement is a significant resource management issue under the District Plan. It is considered that the retention of the existing 16 metre building height limit from 110-174 would be the most effective option in terms of achieving this Objective and Policy.

The Committee considered that the following objective and policy from the Heritage Chapter of the District Plan was also relevant on this Plan Change 18 given the proximity of St Gerard’s Monastery:

Objective 20.2.1. ***To maintain and enhance the city’s heritage to ensure continuity with the past in the development of the city.***

Policy 20.2.1.2 Avoid the loss of heritage value associated with listed items.

The Committee concluded that the proposed heights would not compromise the heritage values of the monastery, as sufficient escarpment is retained to provide visual separation and protect the setting for the monastery building. The proposed heights are therefore considered to be consistent with objective 20.2.1 and policy 20.2.1.2 regarding heritage

The Committee noted that the objectives in the District Plan outline the significant resource management issues in Wellington City. The objectives do not always fit seamlessly together, and on occasion they can promote quite different development outcomes. In this instance the Committee considered that the proposed plan change is generally consistent with the Objectives and Policies of the District Plan. The Oriental Bay Height Area was introduced as a means to achieve Council’s resource management objectives of promoting intensive residential development in inner city suburbs (such as Oriental Bay), while protecting reasonable amenity standards for adjoining properties, and maintaining existing built character. The Committee considered that the combination of amended building heights, revised Discretionary Activity provisions and the Oriental Parade Design Guide were an appropriate response to the policy framework outlined in the District Plan.

Recommendation:

Adopt District Plan Change 18 on the grounds that it is generally consistent with the Objectives and Policies of the District Plan.

4.0 CONCLUSION

The key issues raised in written and verbal submissions on Plan Change 18 have been addressed in this decision. After considering all those matters raised through submissions and during the hearing, the Committee noted the consistent recognition that Oriental Parade is a unique environment within Wellington city. This uniqueness relates to its location, layout, mix of uses, diverse built character, mix of public-private spaces and its potential to accommodate high density residential activities.

The issue of increased building height between 110-174 Oriental Parade generated the greatest response amongst submitters. Having considered all submissions the Hearing Committee agreed that the following heights were appropriate:

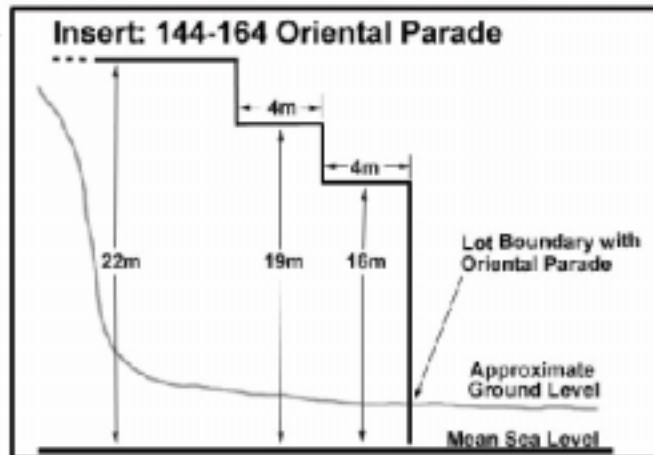
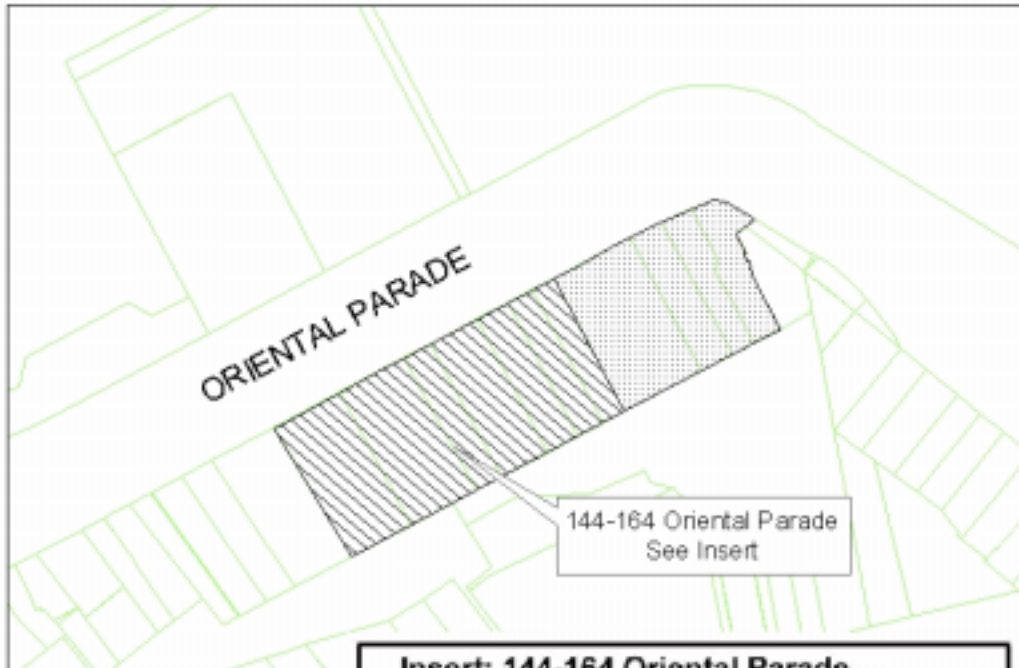
- § 110-142 Oriental Parade – retain the existing 16 metre (amsl) permitted height to preserve the existing built scale and character of the area, and protect the iconic views of St Gerard’s Monastery, the escarpment and Mt Victoria North villas.
- § 144-164 Oriental Parade – provide for a maximum permitted height of 22 metres (amsl) subject to setbacks for storeys above 16 metres. The heights have been set to retain views and site lines to the Monastery and escarpment, to retain a suitable building scale at the street edge, and to provide a step up in building height to help incorporate the bulk of the building at 166 Oriental Parade in to the streetscape.
- § 166-174 Oriental Parade – provide a maximum height of 26 metres (amsl) to reflect the height of the existing buildings along this portion of Oriental Parade.

With regards Discretionary Activity height increases the Hearing Committee noted that these are used in the District Plan to provide a degree of flexibility to properties in the Inner and Outer Residential Areas that are subject to generic height rules. This is not the case in the Oriental Bay Height Area as height limits have been set on a site by site basis. The Committee considered that removing the discretionary height provision within the Oriental Bay Height Area was appropriate as the permitted height limits accurately reflected the scale of building that is acceptable around Oriental Parade. They noted that removing the discretion would not prevent applications for resource consent being made to exceed the permitted height limit, but would provide increased certainty to developers and local residents.

In relation to the Oriental Parade Design Guide, the Hearing Committee considered that it is an important management tool for the Oriental Bay Height Area as it will compliment the existing rules and provide Council with the structure to assess the qualitative aspects of future development. Several amendments are recommended to the design guide to improve its clarity and to enhance the protection of those listed heritage items located in Oriental Parade.

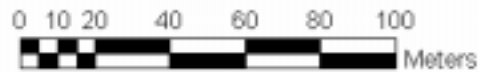
Ian Hutchings
Chair, Hearing Committee
District Plan Change 18, Oriental Bay height Area

District Plan Change 18, Chapter 5 - Residential Area Rules
Appendix 4 - Oriental Bay Height Area
Building Heights, 144-174 Oriental Parade



Legend

- See Insert for 144-164 Oriental Parade above
- Building Height 26 metres (above mean sea level)
- Parcel Boundaries



1:1,500

**Absolutely
POSITIVELY
Wellington**

WELLINGTON CITY DISTRICT PLAN

DISTRICT PLAN CHANGE 18 – ORIENTAL BAY HEIGHT AREA, IMPLEMENTATION OF DESIGN GUIDE FOR ORIENTAL PARADE, REVIEW OF MAXIMUM BUILDING HEIGHTS FOR 110-174 ORIENTAL PARADE, REVIEW OF DISCRETIONARY ACTIVITY FOR BUILDING HEIGHT.

INCORPORATING CHANGES RESULTING FROM HEARING

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN

Detailed below are the alterations to the Wellington City District Plan to incorporate changes to the Residential Areas and Residential Rules sections. To assist the understanding of the new provisions an annotated copy of the Residential Areas (Chapter 4) and Residential Rules (Chapter 5) are attached.

A. ALTERATIONS TO VOLUME ONE, RESIDENTIAL AREAS

Chapter 4, “Residential Areas”. Insert new provisions by making the following **amendments**:

1. **Add** new text to 4.1 “Introduction”, at the end of paragraph 15:

“A design guide applies within the Oriental Bay Height Area in recognition of the areas unique development potential, high visibility, and public/private character. Council seeks to ensure that new building works enhance the existing character and amenity values of the area.”

2. **Add** new text to Policy 4.2.3.1, “Methods”. Add the following below “Rules”:

“Oriental Bay Design Guide”

3. **Delete** from Policy 4.2.3.1, the following text:

“To this end an urban design assessment to assist in the formulation of a possible design guide for the Oriental Bay Height Area (as shown on Appendix 4 of Chapter 5) and/or amendment to District Plan rules to include reconsideration of existing development controls is required. This will be carried out as soon as practicable after the Plan is formally adopted. The timing of this will be dependent on the commitment of resources through Council’s annual plan process.”

4. **Add** to Policy 4.2.3.1, at the end of the third paragraph of the explanation:

“To this end a design guide has been prepared for the Oriental Bay Height Area (as shown in Appendix 4 of Chapter 5). The design guide will be implemented via the resource consent process to ensure that new buildings, and significant additions and alterations to existing buildings in the area make a positive contribution to the streetscape and general amenity of the area.”

5. **Add** to Policy 4.2.5.1, after the first paragraph of the explanation:

“Of particular note is the escarpment below St Gerard’s Monastery in Oriental Bay. The escarpment serves as a prominent backdrop to the City, as well as providing the setting for the monastery, and has been identified as a key open space feature in the area. Building heights within the Oriental Bay Height Area have been set at levels that will ensure the retention of important public views of the monastery and the ‘green ribbon’ of the escarpment above the rooftops of Oriental Parade buildings, maintain appropriate levels of amenity in the surrounding area, and maintain the primacy of the Monastery in its setting (refer to the Oriental Bay Height Area in Appendix 4 of Chapter 5).”

B. ALTERATIONS TO VOLUME ONE, RESIDENTIAL RULES

Chapter 5, “Residential Rules”. Insert new provisions by making the following **amendments**:

6. **Add** to the “Guide to Rules”, under rules relating to “Buildings”, below the details for Rule “5.3.12”:

Construction, alteration of, and addition to residential buildings, including accessory buildings in the Oriental Bay Height Area	5.3.13			•	
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7. **Add** to Rule 5.1.3.1 at the end of the third bullet point:

“New buildings, and significant alterations and additions to buildings, will be assessed against the requirements of the Oriental Bay Design Guide under rule 5.3.13”

8. **Amend** Rule 5.1.3.2.6 to read:

“5.1.3.2.5 and 5.1.3.2.5A do not apply to the Oriental Bay Height Area ...”

9. **Delete** the following text from the second paragraph of Rule 5.3.3, “Standards and Terms”:

“except for properties from 62 to 108, 228 to 234, and 282-300 Oriental Parade where the height limits specified in Appendix 4 shall not be exceeded.”

And **replace** it with:

“except for properties in the Oriental Bay Height Area (Appendix 4) where the height limits specified in Appendix 4 shall not be exceeded.”

10. **Add** at the end of the explanation to Rule 5.3.3:

“In the Oriental Bay Height Area, building heights have been set to maximise potential for residential development, while at the same time offering protection for the amenity of properties to the rear, the public amenity along Oriental Parade, and views of St Gerards Monastery and the escarpment below the monastery from along Oriental Parade and further a field. Because permitted building heights in the Oriental Bay Height Area have been assessed and set on a site by site basis, the flexibility provided by discretionary height increases is not required.”

11. **Delete** from the second paragraph of the explanation to Rule 5.3.4, the following:

“Within the Oriental Bay Height Area (shown in Appendix 4) there is no limit on the number of household units within a residential building.”

12. **Add** after Rule 5.3.12:

“5.3.13 The construction or alteration of, and addition to buildings and structures within the Oriental Bay Height Area (shown in Appendix 4) except:

- € **Additions or alterations to existing buildings three storeys or less in height (including garaging), provided that the works do not increase the height of the building above the existing highest point of the building. For the purposes of this rule chimneys, flues, ventilation shafts, aerials, spires, flagpoles, or other decorative features shall be excluded from the measurement of the highest point; or**
- € **additions or alterations that do not alter the external appearance of the building or structure; or**
- € **additions or alterations that are not visible from public places; or**
- € **additions or alterations that do not require an application for building consent**

(all of which are Permitted Activities)

are Discretionary Activities (Restricted) in respect of:

5.3.13.1 design, external appearance and siting.

Non-notification

The written approval of affected persons will not be necessary in respect of item 5.3.13 and applications need not be notified.

Standards and Terms

All the conditions in rule 5.1.3 must be met.

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

5.3.13.2 The extent to which the proposal will meet the provisions of the Oriental Bay Design Guide.

Oriental Bay serves as a backdrop to the central city and is an integral part of the City's public environment. Council wishes to ensure that new buildings, and significant building alterations and additions, in the Oriental Bay Height Area make a positive contribution to the surrounding environment and streetscape. To assist in achieving this objective new development will be assessed against the requirements of the Oriental Bay Design Guide.

The Oriental Bay Design Guide is tailored towards medium to high rise residential developments which are provided for in some parts of the Oriental Bay Height Area. Due to their increased height, bulk, and with the trend towards developing on amalgamated sites, multi-storey apartment developments have a greater potential to modify, alter, enhance or compromise the character and amenity of the Oriental Bay area. Developments across amalgamated sites must be considered with particular care as they can create buildings with dominating bulk, which are out of scale with their surroundings and have, therefore, the potential to affect the existing character of the street. To this end it is important that the massing and form of such buildings recognise and reflect the traditional sub-division patterns of the area as a means of addressing bulk issues, along with other guidelines.

The design guide is less relevant to the smaller villas that remain along parts of Oriental Parade (mainly two or three storeys in height). Small scale additions and alterations to these villas (i.e. works that do not result in additional storeys) would generally have only minor impact on the collective streetscape and amenity of Oriental Bay, and are therefore not subject to the design guide assessment."

13. **Insert** the attached map titled "District Plan Change 18, Chapter 5 – Residential Area Rules. Appendix 4 – Oriental Bay Height Area. Building Heights, 144-174 Oriental Parade." after Appendix 4, Oriental Bay Height Area.

B. ALTERATIONS TO VOLUME TWO, DESIGN GUIDES

Insert new provisions by making the following **amendments**:

14. **Add** the following design guide "Oriental Parade Design Guide" after "Guidelines for Design Against Crime":