

SECTION 32 REPORT - PROPOSED PLAN CHANGE 18 ORIENTAL BAY HEIGHT AREA

1. Introduction

Section 32 of the Resource Management Act stipulates a requirement to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. Under section 32(3) the assessment must examine:

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act: and*
- (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

Resulting from the Oriental Bay Planning Study undertaken from 2000-2003 it is proposed that the following items be addressed by way of a District Plan change:

1. Design Guide for Oriental Parade

The application of a design guide to those properties located within the Oriental Bay Height Area. The design guide is focused on the impact of medium to high rise apartment style developments, would be included in Volume II of 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. The following works would be exempt;

- additions and alterations to existing buildings three storeys or less in height that do not result in additional storeys being added to the building ; or,
- works not requiring a building consent; or,
- works not visible from a public place or which do not alter the external appearance of the building.

2. Revised Building Heights (110-174 Oriental Parade)

It is recommended that Council adopt a staggered height option based on the recommendations of Chris McDonald (Architect, Urban Designer). The proposed heights are:

- 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.

3. Revised 20% Threshold for Discretionary Activity Height Increases

At present there is a 20% discretionary height increase applying to the properties in the Oriental Bay Height Area (there are 3 exceptions to this rule). It is proposed that the 20% limit be revised to two metres which better indicates the level of height increase that can potentially be accommodated within the Oriental Bay environment. To back up the above Design Guide and to promote positive urban design in the Oriental Bay Height Area it is proposed that the two metre height discretion be limited to the provision of building top design features.

2. Process & Consultation

The proposed Plan change is based on a planning study undertaken in the Oriental Bay area between 2000 and 2003. The study comprised the formation of a working group to consider planning issues in Oriental Bay, preparation of a number of reports and documents, a series of public meetings and a number of targeted consultation exercises.

Key documents

- € **Design Guide: Clyde Quay (North East End):** Prepared by the Oriental Bay (Clyde Quay) Planning Society Inc (October 1995).
- € **110-178 Oriental Parade – Height Limits, Urban Design Assessment:** Prepared by Chris McDonald, Architect/Urban Designer (June 1998). The McDonald report assessed the streetscape of 110-178 Oriental Parade (Clyde Quay) and explored the likely impacts of different maximum height options. In recommending maximum heights for the Clyde Quay area the report sought to:
 - € Protect views of Mt Victoria and St Gerards Monastery from frequently used public open spaces.
 - € Retain the building and landscape that provide the physical context for St Gerards Monastery.
 - € Protect views of the harbour from the public reserve below St Gerards Monastery.
 - € Encourage greater visual cohesion along the built edge of Oriental Parade.
 - € Ensure that new development along the parade establish a positive scale relationship with existing houses and with pedestrians.
 - € Allow the potential of high value, high amenity residential sites to be realised.
 - € Recognise the unique linear nature of Oriental Bay and that it is not a typical residential suburb.

The report did not take into account issues of views and sunlight currently enjoyed by private properties in the area.

The report recommended the following height limits, but noted that greater variation and some discretion *may* be possible after more precise impact of the impacts of building heights has been undertaken. All heights are measured in metres above mean sea level.

- a. 16 metres from 110 to 142 Oriental Parade.
- b. 21 metres from 144 to 164 Oriental Parade.
- c. 26 metres from 166 to 176 Oriental Parade

The McDonald report also considered the option for applying a design guide to new developments in the Oriental Bay Height Area. It concluded that the unique characteristics of Oriental Parade, the areas public/private nature, and the need for new development to compliment existing buildings supported the use of a design guide. However it noted that a design control cannot serve as a substitute to fixed height limits.

- € **Urban Design Evaluation, Oriental Bay, Wellington:** Prepared by Urban Perspectives Ltd. (June 1999). The urban design evaluation was undertaken for the whole of the Oriental Bay area including the apartments, houses and landscapes behind Oriental Parade. The study identified that Oriental Bay has a distinctive local

character. Its visual prominence, public character and natural setting meant that the Oriental Bay area makes a significant contribution to the collective identity of the City. The study recommended that a design guide be prepared for Oriental Bay that identified the key characteristics and encouraged new development to acknowledge and respect the surrounding environment.

Regarding the heights of buildings from 110-174 Oriental Parade the urban design evaluation endorsed the heights proposed in the McDonald Report.

- € **Oriental Bay Design Guide (draft discussion version):** Prepared by Urban Perspectives Limited (January 2001).
- € **Computer Animated Walk By – Building Height Simulation, Oriental Parade.** Prepared by Hunt-Davies-Tennet Architects (May 2001). Computer modelling of a range of building height scenarios as viewed from the seaward footpath on Oriental Parade, and MacFarlane Street. The simulation modelled:
 - a. the existing buildings.
 - b. the existing District Plan maximum heights.
 - c. the McDonald recommendations
 - d. an option of 19m maximum rising to 25m at the eastern end of Clyde Quay.
 - e. the Oriental Bay (Clyde Quay) Planning Society Inc option (38m at the eastern end of Clyde Quay, lowering to follow the line of McFarlane Street as it moves west).
- € **Landscape Assessment, St Gerards Monastery & Escarpment:** Prepared by Boffa Miskell Limited. (November 2001). This report assessed the contribution made by Clyde Cliff escarpment (below St Gerards Monastery) to the Oriental Bay/Mt Victoria landscape, and its role as the setting for the Monastery. The report concluded that the escarpment would rate highly as open space, despite its relatively poor vegetation, simply because of its position in the relation to the city. Its landscape importance increases substantially once its direct association and importance to St Gerard's is taken into account. Given its high visibility and landscape value Boffa Miskell recommended that the maximum possible amount of the escarpment should remain free of obstruction from buildings. To help ensure this they considered the maximum building height limit for properties between 110-178 Oriental Parade should remain 16.0 metres amsl.
- € **Oriental Bay Design Guide (final draft version):** Prepared by Urban Perspectives Limited (July 2003). The guide describes the existing character of Oriental Bay and promotes design ideas and principles to help ensure that new building work enhances the area's streetscape and townscape values.
- € **Oriental Bay Planning Study:** Supplementary Report to District Plan & Reserves Management Subcommittee (1 August 2003). Report contains a summary of the key issues raised during the planning study and provides an evaluation of each in light of the reports, documents, relevant resource consent decisions, and consultation undertaken.

Key discussions/briefings

- € **June –August 1998:** Environment Court hearing on proposed District Plan references. Moeller Street and Clyde Quay appeals withdrawn in lieu of further work being undertaken by Council.

- € **17 October 2000:** Public meeting to discuss Oriental Bay planning review. Interested parties able to participate in the Oriental Bay Working Group.
- € **14 November 2000:** Initial meeting of the Oriental Bay Working Group to set the general scope and agenda for the planning study.
- € **31 May 2001:** Meeting of the Oriental Bay Working group to consider the draft Design Guide for Oriental Bay and computer animated walk-by simulation of building heights along Clyde Quay.
- € **11 March 2003:** Meeting of the Oriental Bay Working Group to restart the planning study after a substantial delay.
- € **14 April 2003:** Draft plan change circulated to the Oriental Bay Working Group for comment.
- € **6 May 2003:** Final meeting of the Oriental Bay Working Group to consider a draft report on the planning study.
- € **13 May 2003:** Report on the Oriental Bay Planning Study presented to the District Plan & Reserves Management Subcommittee.
- € **15 May 2003:** Members of the District Plan & Reserves Management Subcommittee undertook a site visit of Oriental Bay.
- € **10 June 2003:** Meeting with A Wright, S Gardine & M Davies (architects) and Deyana Popova (urban designer) to discuss content of draft design guide and options for setting the Discretionary Activity (Restricted) height increase threshold.
- € **1 August 2003:** Supplementary Report on the Oriental Bay Planning Study presented to the District Plan & Reserves Management Subcommittee.

Other projects/consents

- € **164-168 Oriental Parade (granted November 1995):** Resource consent application for resource consent for a Non-Complying building, considered under both the Transitional and Proposed District Plans. At 26.65 metres amsl the building exceeded the 16 metre maximum height in the District Plan. Consent was granted on the grounds that:
 - € The impact on the views of properties to the rear would be minor. While some side views would be lost, the primary views out towards the harbour would not be lost.
 - € Whilst the proposed building was substantially higher than the maximum specified in the District Plan it was appropriate in that location. The decision would not necessarily create a precedent as any future applications would be considered on their merits, based on the characteristics of their site.
 - € Impacts on daylight and sunlight of neighbouring properties would be minor.
 - € Impacts of the additional height on the privacy of the adjoining properties would be minor.
 - € Views of St Gerards Monastery and the escarpment from the Oriental Parade promenade would not be significantly compromised because in this location the monastery views were secondary to the views out towards the harbour.

- € **170-174 Oriental Parade (granted August 2000):** Resource consent application for two apartment buildings to be built to a height of 25.9 metres amsl, considered as a Non-Complying Activity. Consent was granted on the basis that:
 - € The proposed development would lead to a more integrated and enhanced streetscape for Oriental Parade.
 - € The building would not compromise any of the view shafts identified in the District Plan, or views from the Monastery of the harbour or the Parade.
 - € The effects of the associated earthworks would be minor.
 - € The impact on traffic and parking in the area would be minor.
 - € The proposal was consistent with the objectives and policies of the District Plan.
- € **January – September 2003:** Oriental Bay beach improvement works. Details finalised and work undertaken.
- € **May - October 2003:** Council project to spotlight St Gerard’s Monastery due for completion in October 2003. Proposal includes use of spot lights to highlight the northern and eastern facades of the Monastery. Proximity of neighbouring houses prevents the use of light on the western façade. Proposal will increase the visibility of the Monastery at night and ensure that it remains a visual landmark 24 hours a day.

Consultation, in accordance with the First Schedule of the RMA 1991

- € Ministry for the Environment
- € Greater Wellington Regional Council
- € Wellington Tenth Trust
- € Te Runanga O Toa Rangatira Inc

3. Appropriateness of Objectives

Purpose of the Resource Management Act

The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use and development of natural and physical resources to enable people to provide for their health and safety. With regard to the proposed plan change, Council is required to recognise and provide for the following matter of national importance:

(6)(f) the protection of historic heritage from inappropriate subdivision, use and development.

Historic heritage is defined as “*those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures*”. Historic heritage can derive from a variety of qualities including architectural, cultural and historic, and includes “*historic sites, structures, places and areas*”, and “*surroundings associated with the natural and physical resources*”.

The Act also requires that Council have particular regard to:

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

Wellington City District Plan

Chapter 4 of the District Plan sets the objectives and policies for the use and development of Wellington's Residential Areas. With regards this Plan change 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.*

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.*

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.*

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

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.*

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.*

Summary

It is not proposed to change any of the objectives in the District Plan. The current objectives remain relevant and are considered the most appropriate means of achieving the purpose of the Act in relation to the management of the effects of development within the Oriental Bay Height Area. The recent amendment to the Act has increased the importance given to the protection of historic heritage, and placed great responsibility on Council to recognise and protect heritage sites and their surroundings.

4. Appropriateness of Policies, Rules and Methods

Analysis

The following tables assess the efficiency, effectiveness and appropriateness of the proposed Plan change.

Table 1: Oriental Parade Design Guide

Oriental Parade Design Guide.	
<p>Effectiveness and efficiency in achieving District Plan objectives.</p>	<p>OPTION 1: Do Nothing – rely on existing bulk and location rules to control impact of development.</p> <p>Limited. The District Plan seeks to maintain and enhance areas of special streetscape and townscape character. The Oriental Bay – Urban Design Evaluation noted that Oriental Bay warranted special protection as a result of its distinctive local character, visual prominence, public character and natural setting. The current rules applying to new buildings within the Oriental Bay Height Area are insufficient to ensure that the quality of the Oriental Parade environment is maintained and enhanced.</p>
<p>Effectiveness and efficiency in achieving District Plan objectives.</p>	<p>OPTION 2: Implement design guide to cover properties in the Oriental Bay Height Area. Implement design guide 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, but the following works would be exempt;</p> <ul style="list-style-type: none"> - additions and alterations to existing buildings three storeys or less in height that do not result in additional storeys being added to the building ; or, - works not requiring a building consent; or, - works not visible from a public place or which do not alter the external appearance of the building. <p>This is the RECOMMENDED option.</p> <p>High. The Environment Court and the Oriental Bay Urban Design Evaluation have previously noted that Oriental Bay environment was unique and of sufficiently high townscape value as to warrant a design guide.</p> <p>The proposed Design Guide identifies the key characteristics present in Oriental Parade and provides guidance for future development in the area. The Oriental Bay Design Guide is primarily focused on the potential impact of larger apartment style buildings. The current development trend in the Oriental Bay area is for large apartment buildings, often constructed on amalgamated sites. These buildings bring with them significant bulk and often obscure the traditional sub-division pattern of the area. They have the potential to significantly adversely affect the character and amenity of the area if they are insensitively designed, and do not acknowledge and respect their surroundings.</p> <p>The majority of Council’s existing design guides are implemented by way of a Controlled Activity rule. The justification for this approach was that the Controlled Activity process provided a more suitable mechanism for promoting dialogue between the applicant and Council regarding design. The applicant had the security of knowing that approval would be granted, but Council could attach conditions relating to design. Case law has since evolved placing significant limits on Council’s ability to attach conditions to a Controlled Activity. Council’s ability to influence design outcomes has often proven inadequate as a result. In Oriental Bay it is proposed that the design guide be implemented as a Discretionary Activity (Restricted). As with a Controlled Activity, Council’s discretion is limited (in this case to design, external appearance and siting), but consent can be refused if a design is considered to be entirely inappropriate. The Discretionary Activity (Restricted) rule is therefore considered to be the most efficient and effective means of implementing the design guide and achieving the objectives of the District Plan.</p>
<p>Costs</p>	<p>§ Ability to manage the impact of new residential building work on the character of Oriental Parade severely limited.</p> <p>§ Potential for the public amenity derived from the Oriental Bay environment to be eroded over time due to inappropriate building works.</p>
<p>Benefits</p>	<p>§ Increased compliance cost for property owners and developers wishing to build new buildings or undertake significant additions and alterations to existing buildings.</p> <p>§ Design guides are an established mechanism within the Wellington City District Plan.</p> <p>§ The design guide approach is flexible in nature. It allows applicants to explore design options in</p>

<p>Appropriateness</p>	<p>Limited. In decision W73/98 (Grass Street/Hay Street) the Environment Court noted that <i>“Oriental Bay requires a balanced relationship between the benefits of private developments and the quality of the public environment without compromising its established and valued character patterns. New buildings should be designed as integral elements of the collective public frontage which respects the character of their unique setting of Oriental Parade forming the foreground of prominent public views”</i>. The Court’s finding has subsequently been supported by research and critical evaluation of Oriental Bay’s setting and urban design characteristics. To continue to rely solely on maximum building heights and sunlight access planes to manage the impact of new development in Oriental Bay is considered insufficient and inappropriate in terms of achieving the objectives of the District Plan</p>	<p>response to the circumstance applying to their site. § Provides an opportunity for the design of new buildings to be assessed, to help ensure that they make a positive contribution to the Oriental Bay environment. § The application of the design guide is restricted to those building works that have the potential to significantly alter the character of Oriental Bay. The rule used to implement the design guide has been written to minimise the potential for extraneous applications for consent.</p>
		<p>High. As noted previously Oriental Bay is a unique urban environment. It serves as a venue for both public recreation and private residential activity. The current reliance on maximum building heights and sunlight planes to control development in the Oriental Bay Height Area is considered insufficient to ensure that the areas character and amenity is retained. The implementation of a design guide will provide Council with greater scope to address these issues, and is thus the most appropriate tool for achieving the objectives of the District Plan.</p>

Table 2: Maximum building heights, 110-174 Oriental Parade

Review of maximum building height, 110-174 Oriental Parade.				
	OPTION 1: Reduce maximum height – set the maximum height at the level of the existing buildings.	OPTION 2: Do Nothing – retain existing maximum building height of 16 metres amsl.	OPTION 3: Apply a stepped approach with building heights of: - 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 in metres above mean sea level. This is the RECOMMENDED option.	OPTION 4: Increase the maximum height to 38 metres amsl from 174-148, with a gradual reduction in height from 146-110 to reflect the height of McFarlane Street (as per the proposal put forward by the Oriental Bay (Clyde Quay) Planning Society Inc.
Effectiveness and efficiency in achieving District Plan objectives.	Limited. Lowering of maximum building heights would help to ensure that the natural features of the escarpment are maintained and enhanced. It would also ensure that the existing amenity values of properties to the rear of Oriental Parade are maintained. However this option is inconsistent with the District Plan objective to promote the efficient use and development of natural and physical resources in Residential Areas.	Limited. The retention of the existing height limit would be consistent with the District Plan objectives to maintain and enhance the amenity values of Residential Areas and the maintenance and enhancement of the natural features of the escarpment. However it is less appropriate in helping to promote the efficient use and development of natural and physical resources in Residential Areas.	High. In setting height limits for the properties from 110-174 Oriental Parade, Council is required to address a broad range of resource management issues. To this end it is considered that the stepped approach provides the best balance when compared against Council's residential objectives. It addresses resource management issues relating to heritage protection, maintenance and enhancement of the areas residential character, public and private amenity, and the efficient use and development of the natural and physical resources of Oriental Parade. It is considered that the proposed stepped heights provide the most efficient and effective option for achieving Council's objectives relating to Oriental Bay.	Limited. It is considered that buildings heights up to 38 metres amsl would be inconsistent with Council objectives relating to the maintenance and enhancement of the physical character of Residential Areas, the protection of significant escarpments, and the maintenance and enhancement of the city's heritage.
Costs	§ Lowering the existing height limit would significantly impair the legitimate development expectations of property owners between 110-174 Oriental Parade. § Applications for increases in height can be made by way of the resource consent process. If Council does not indicate appropriate building heights as part of a comprehensive review of the planning rules for the area then height	§ Retention of the existing height limit when there is potential to increase heights without significant adverse environment effects would be inconsistent with the objectives of the District Plan. § Applications for increases in height can be made by way of the resource consent process. If Council does not indicate appropriate building heights as part of a comprehensive review of the planning rules for the	§ Some loss of view for properties to the rear of 144-174 Oriental Parade. The increased height of buildings along this stretch of the Parade would impact on views of the Oriental Bay promenade. §	§ A wall of buildings built up to between 30 and 38 metres amsl would largely obscure public views of the Monastery and escarpment from Oriental Parade. From Oriental Beach only the Monastery and very top of the escarpment would be visible. § Substantial loss of view for properties to the rear of 144-174 Oriental Parade. The increased height of buildings along this stretch of the Parade would impact on views of the Oriental Bay promenade. § Views and outlook from from the

	<p>increases may occur over time in a piecemeal way via the resource consent process.</p>	<p>area then height increases may occur over time in a piecemeal way via the resource consent process.</p>		<p>McFarlane Street footpath, would be restricted to hilltops and sky. Views of the promenade and inner harbour would be obscured by the backs of buildings.</p> <p>§ The establishment of buildings up to 38 metres in height would compromise views of the monastery and escarpment from medium to distant locations. The bulk of the 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 be obscured from view, reducing the visual prominence of the Monastery in the setting, and reducing the natural character of the area.</p> <p>§ The buildings permitted by this option would also be largely out of scale with adjoining residential properties. In particular the areas of predominantly two storey villas located on the slopes of Mt Victoria, above Clyde Quay.</p> <p>§ There would be a risk that the 'human scale' of this stretch of Oriental Parade would be lost if a series of 38 metre high buildings were constructed. As a popular venue for public recreation it is considered important that new buildings respect and not overwhelm, the existing scale of the area.</p>
<p>Benefits</p>	<p>§ Would ensure retention of views of St Gerard's Monastery and the escarpment from the Oriental Parade esplanade.</p> <p>§ Would ensure that properties to the rear of Oriental Parade would retain their current levels of amenity in terms of views and outlook.</p> <p>§ Would ensure that the historic heritage value of St Gerard's Monastery and its setting are not reduced by inappropriately tall buildings.</p> <p>§ The concept of permitted baseline requires that Council</p>	<p>§ Maintaining the status quo height limit would ensure that amenity values of properties to the rear are maintained.</p> <p>§ Would ensure that the amenity value and the quality of the Oriental Bay environment are not compromised by inappropriately large buildings.</p> <p>§ Would ensure that the historic heritage value of St Gerard's Monastery and its setting are not reduced by inappropriately tall buildings.</p> <p>§ The concept of permitted baseline requires that Council set the conditions attached to</p>	<p>§ Heights of 16 metres amsl from 110-142 would ensure that the historic heritage qualities of St Gerard's Monastery and its surrounds are retained and are generally accessible via public views along Oriental Parade. Of particular importance are the close up views from the boat harbour beside Herd Street and along Oriental Parade promenade (to a point opposite 120 Oriental Parade).</p> <p>§ Heights of 16m between 110-142 would also promote visual cohesion along the built edge of Oriental Parade, and would ensure that the buildings in this area retain a human scale that compliments the pedestrian</p>	<p>§ Substantially increased development potential for the owners of properties along this portion of Oriental Parade</p> <p>§ An increase in the number of housing units available contained within the existing urban boundary.</p>

	<p>set the conditions attached to Permitted Activities at a level whereby it is satisfied that the effects on the receiving environment will be no more than minor. This requires Council to err on the side of caution when setting maximum building heights. Application can be made for a resource consent to build higher than the Permitted Activity height, but Council must set the permitted height limit at a level that it is certain will have only minor environmental impact. This proposal meets this requirement.</p>	<p>Permitted Activities at a level whereby it is satisfied that the effects on the receiving environment will be no more than minor. This requires Council to err on the side of caution when setting maximum building heights. Application can be made for a resource consent to build higher than the Permitted Activity height, but Council must set the permitted height limit at a level that it is certain will have only minor environmental impact. This proposal meets this requirement.</p>	<p>§ activity along the promenade. The 21 metre height limit from 144-164 Oriental Parade is recommended to protect the views between the Monastery (and the associated WCC reserve) and the Freyberg Beach area. The concept of permitted baseline requires that Council set the conditions attached to Permitted Activities at a level whereby it is satisfied that the effects on the receiving environment will be no more than minor. This requires Council to err on the side of caution when setting maximum building heights. Application can be made for a resource consent to build higher than the Permitted Activity height, but Council must set the permitted height limit at a level that it is certain will have only minor environmental impact. This proposal meets this requirement.</p> <p>§ Increased development potential for the owners of properties between 144-174 Oriental Parade</p> <p>§ An increase in the number of housing units available contained within the existing urban boundary.</p>	
<p>Appropriateness</p>	<p>Overall it is considered that the benefit accrued to the public and adjoining land owners does not justify such onerous restrictions being placed on the subject properties. To lower building heights, when the environmental benefits of doing so are modest, is contrary to Council's responsibility to promote the efficient use and development of natural and physical resources.</p>	<p>This retention of the existing height limits from 110-174 would be consistent with Council objectives relating to the maintenance and enhancement of the physical character of Residential Areas, the protection of significant escarpments, and the maintenance and enhancement of the city's heritage. However to retain the existing height limit when there is potential to increase heights without significant adverse environment effects would be inconsistent with the objective to promote the efficient use and development of natural and physical resources in Residential Areas.</p>	<p>The proposed stepped heights provide an appropriate balance between Council's obligations to protect amenity values and the heritage values of the Monastery (and its surrounds), and the requirement to promote the efficient use and development of the physical resources of Oriental Bay. Combined with the proposed design guide, the heights proposed by this option would allow Council to maintain and enhance the quality of Oriental Bay and the surrounding environment.</p>	<p>Overall this option fails to adequately balance the benefits of private development, with the potential negative impacts on the quality of the public environment, and the existing character and built patterns of the area.</p>

Table 3: Discretionary Height Increase

Excess building height, Discretionary Activity (Restricted) threshold.				
	OPTION 1: Do Nothing – retain existing threshold of 20 percent maximum building height.	OPTION 2: Retain existing 20 percent of maximum building height but limit height increases to the provision of building top features.	OPTION 3: Replace the existing 20 percent threshold with a threshold of 2 metres. Limit height increases to the provision of building top features. This is the RECOMMENDED option.	OPTION 4: Replace the existing 20 percent threshold with a threshold based on average floor height. Limit height increases to the provision of building top features.
Effectiveness and efficiency in achieving District Plan objectives.	Limited. The purpose of the Discretionary Activity (Restricted) threshold is to provide guidance as to the degree of height increase that may be appropriate in some situations. The current approach implies that taller buildings can accommodate larger increases in height without adversely impacting on the surrounding environment. There is little evidence to show that this is the case. A review of Council records indicates that the Oriental Bay Height Area scenario was not specifically considered when the 20% threshold was incorporated into the Proposed District Plan.	Limited. The purpose of the Discretionary Activity (Restricted) threshold is to provide guidance as to the degree of height increase that may be appropriate in some situations. The current approach implies that taller buildings can accommodate larger increases in height without adversely impacting on the surrounding environment. There is little evidence to show that this is the case. A review of Council records indicates that the Oriental Bay Height Area scenario was not specifically considered when the 20% threshold was put forward in the Proposed District Plan. Restricting the height increase to the provision of building top features (and not the development of additional stories) would assist in managing the impact of over height buildings, but the limitations associated with the 20% threshold remain.	High. The purpose of the Discretionary Activity (Restricted) threshold is to provide guidance as to the degree of height increase that may be appropriate in some situations. A threshold of two metres is considered to be the most efficient and effective method for achieving the objectives of the District Plan. In terms of implementation it provides certainty to Council staff, applicants and neighbouring property owners. From an environmental perspective it provides sufficient height for the development of building top features that are in scale with the subject building. It also sends an appropriate message regarding the scale of height increase that may be able to be accommodated in the Oriental Bay Height Area, and that increases in building height will only be considered when the extra height enhances the design of the building.	Limited. The purpose of the Discretionary Activity (Restricted) threshold is to provide guidance as to the degree of height increase that may be appropriate in some situations. A threshold based on average floor height lacks certainty and requires an assessment on a case by case basis. It is considered that adopting this approach could lead to problems regarding Council's ability to differentiate between applications for Discretionary (Restricted) and Non-Complying Activities. On a procedural level a threshold defined by a set height is considered to be a more efficient and effective tool for achieving the District Plan objectives.
Costs	§ Does not resolve the anomaly of properties that have heights measured in metres above mean sea level, but which do not front Oriental Parade.	§ Does not resolve the anomaly of properties that have heights measured in metres above mean sea level, but which do not front Oriental Parade.	§ An expectation has developed over the life of the District Plan that resource consent approval for excess height is almost a formality, provided the building remains below the Discretionary Activity (Restricted) threshold. On this basis there may be a perception that a degree of development potential has been lost as a result of the change from 20% to a set 2 metres.	§ Average floor height for new development in the Oriental Bay Height Area is likely to be between 2.5 metres and 3.5 metres. This is potentially greater than the increased building height appropriate for properties in the Oriental Bay Height Area. § Potentially difficult to administer as the average floor height would have to be calculated for each building. Calculations could be subject to challenge.

	<p>§ This is the existing rule. There is a benefit in retaining the current mechanism that is understood by property developers.</p>	<p>§ Retention of the existing 20% threshold would retain the status quo. There would be no perceived loss of development potential for property owners.</p>	<p>§ A threshold of two metres provides certainty to all participants in the resource consent process.</p> <p>§ Two metres is sufficient height to develop rooftop features in proportion with a range of building heights.</p> <p>§ The maximum heights in the Oriental Bay Height Area are set at levels that respect the location, heights, views and amenity of properties to the rear. The area is therefore sensitive to any increases in height above the stated maximums. A threshold of 2 metres better reflects the level of increased development that could realistically be sustained by the Oriental Bay environment. Linking height increases to the provision of building top features will help to ensure that any extra height enhances the design of the building.</p> <p>§ Resolves the anomaly of properties that have heights measured in metres above mean sea level, but which do not front Oriental Parade.</p> <p>§ Would not increase compliance costs as the changed threshold will not alter the requirement to lodge a resource consent application.</p>	<p>§ Lacks certainty for neighbouring properties as to the exact scale of height increase that might be put forward.</p> <p>§ Would help ensure that height increases and building tops are in proportion with the remainder of the building.</p> <p>§ Would possibly encourage buildings with higher floor to floor heights. Higher stud heights being a traditional architectural feature of the area.</p> <p>§ Resolves the anomaly of properties that have heights measured in metres above mean sea level, but which do not front Oriental Parade.</p>
<p>Appropriateness</p>	<p>This option lacks the focus required to ensure that the rule contributes to the achievement of the District Plan objectives. The existing 20% threshold does not acknowledge the unique circumstances that apply within the Oriental Bay Height Area. The maximum building heights in the Oriental Bay Height Area are set at levels that respect the location, heights, views and amenity of properties to the rear. The area is therefore sensitive to any increases in</p>	<p>This option lacks the focus required to ensure that the rule contributes to the achievement of the District Plan objectives. The existing 20% threshold does not acknowledge the unique circumstances that apply within the Oriental Bay Height Area. The maximum building heights in the Oriental Bay Height Area are set at levels that respect the location, heights, views and amenity of properties to the rear. The area is therefore sensitive to any increases in</p>	<p>Given the absence of side yard and site coverage standards in the Oriental Bay Height Area the treatment of the building top becomes very important in providing diversity and variety in the built form. To encourage the development of quality building tops it is important that the discretionary activity threshold be set at a level that allows reasonable design freedom and which provides for building top features that are in proportion with the main bulk of the building. Average storey height plays a stronger role in determining</p>	<p>It is considered inappropriate to set the threshold in a way that it varies from property to property. To do so would introduce uncertainty into the process both for neighbouring property owners, developers, and for Council officers who must advise whether an application is for a Discretionary or Non-Complying activity.</p>

	<p>height above the stated maximums. In this situation it is considered that the 20% discretion limit is too blunt a mechanism to ensure positive environmental outcomes and potentially sends the wrong message to potential developers.</p>	<p>height above the stated maximums. In this situation it is considered that the 20% discretion limit is too blunt a mechanism to ensure positive environmental outcomes and potentially sends the wrong message to potential developers.</p>	<p>the appropriate proportions of a building top, than the buildings overall height. Council is therefore able to explore options of defining the limit of discretion instead of relying on a percentage of maximum height. On this basis it is considered that a set threshold of 2 metres is preferable to the existing 20% threshold.</p> <p>A threshold of two metres is considered to be the most appropriate method for achieving the objectives of the District Plan. In terms of implementation it provides certainty to Council staff, applicants and neighbouring property owners. From an environmental perspective it provides sufficient height for the development of building top features that are in scale with the subject building. It also sends an appropriate message regarding the scale of height increase that <u>may</u> be able to be accommodated in the Oriental Bay Height Area.</p>	
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Summary

Oriental Bay is a unique environment in the Wellington context. While it is capable of accommodating higher density residential development than other areas of the City, this potential development must be undertaken in a manner that respects the existing character of the area, acknowledges the importance of the area as a public space for all Wellingtonians, and protects the amenity of surrounding properties.

The current provisions in the District Plan relating to Oriental Bay require refinement in order to better achieve the purpose of the Act, the objectives of the District Plan and to ensure that the natural and physical resources of the area are managed in a sustainable manner.

The implementation of a design guide will help to ensure that the quality of the Oriental Bay environment is maintained and enhanced for present and future generations.

The revised building heights from 144-174 Oriental Parade and the amended discretion for extensions to the maximum heights, are intended to ensure that the built resources of Oriental Bay are allowed to develop efficiently, in a manner that acknowledges and compliments the surrounding environment.

5. Recommended Proposed Plan Change

It is recommended that the Council notify the following District Plan Change No.18:

- § Implement the Oriental Parade Design Guide as a Discretionary Activity (Restricted).
- § Introduce the following maximum building heights between 110-174 Oriental Parade:
 - 110-142 Oriental Parade - retain the existing 16 metre height limit
 - 144-164 Oriental Parade - 22 metre height limit (currently 16 metres)
 - 166-174 Oriental Parade - 26 metre height limit (currently 16 metres)All heights are measured above mean sea level.
- § Replace the existing 20% threshold for over height buildings (Discretionary Activity (Restricted)) with a threshold of 2 metres.

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