

# SECTION 32 REPORT - PROPOSED PLAN CHANGE 19 20<sup>A</sup> ORIENTAL TERRACE, ORIENTAL BAY

## 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 subsection three 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.*

This proposed Plan Change would remove the property at 20<sup>A</sup> Oriental Terrace from the Oriental Bay Height Area, and incorporate it into the adjoining Inner Residential Area. The property would then be subject to the Objectives, Policies, Rules and Methods associated with the Inner Residential Area.

Under the current District Plan rules the ability to redevelop the property at 20<sup>A</sup> Oriental Terrace is significantly limited by the height limit of 19 metres above mean sea level (amsl). The property has ground levels of between 13-17 metres amsl providing a possible building envelope with a maximum height of 6 metres, tapering to 2 metres at the rear of the site. This raises issues of fairness as at present 20<sup>A</sup> Oriental Terrace is subject to development controls that are significantly more restrictive than those applying to any other residential area in the City. To provide increased development options for the property it is proposed that 20<sup>A</sup> Oriental Terrace be removed from the Oriental Bay Height Area, and incorporated into the adjoining Inner Residential Area which has a maximum building height of 10 metres above ground level.

## 2. Process & Consultation

The proposed Plan Change is the result of a planning study undertaken in the Oriental Bay area from 2000-2003. 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**

- € **Urban Design Evaluation, Oriental Bay, Wellington:** Prepared by Urban Perspectives Ltd. (June 1999).
- € **Site Levels at 20<sup>A</sup> Oriental Terrace:** Prepared by Spencer Holmes Limited (December 2000).

### **Key discussions/briefings**

- € **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 sets the general scope and agenda for the planning study.
- € **7 December 2000:** Site levels for 20<sup>A</sup> Oriental Terrace sent to property owner.
- € **12 March 2001:** Letters sent by Council to the body corporates of Jerningham Apartments and the apartments at 22/24 Oriental Terrace. Council sought to gain access to these properties to help assess to potential impact on them of possible increases in the height of 20<sup>A</sup> Oriental Terrace.
- € **2 May 2001:** Letters sent by Council to the owners of Units 1, 2, 3, 12, 13 & 14, 22 Oriental Terrace requesting the opportunity to meet and discuss the options for 20<sup>A</sup> Oriental Terrace.
- € **7 May 2001:** On site meeting at 20<sup>A</sup> Oriental Terrace between Matthew Paetz (Council officer) and Mr. Beasley (representing owner of 20<sup>A</sup> Oriental Terrace). Mr Beasley reiterated that he wished the maximum height of the property at 20<sup>A</sup> Oriental Terrace to be reinstated at 25 metres amsl.
- € **7 May 2001:** On site meeting at 14/22 Oriental Terrace between Matthew Paetz (Council officer) and Mr. Ewart (owner of 14/22 Oriental Terrace). Mr Ewart was concerned that any development of No. 20<sup>A</sup> above 19 metres amsl would adversely affect his property. In particular he felt his property would be subject to over bearing and loss of light if No. 20<sup>A</sup> was able to build higher, up to the boundary with No. 22.
- € **10 May 2001:** On site meeting at 15/22 Oriental Terrace between Matthew Paetz (Council officer) and Mr. O'Brien (owner of 15/22 Oriental Terrace). Mr O'Brien noted that the 19 metre height limit at No. 20<sup>A</sup> influenced his decision to purchase his property. He was concerned that any increase in building height at No. 20<sup>A</sup> would have significant effect of increasing the immediacy and dominance of the building on his property. He considered that excavation should be explored as a means of increasing development potential at No. 20<sup>A</sup>.
- € **12 May 2001:** On site meeting at 1/22 Oriental Terrace between Matthew Paetz (Council officer) and Ms. Gaskell (owner of 1/22 Oriental Terrace). Ms Gaskell emphasised the amenity that she derived from the existing view shaft that runs from her property, between No. 20<sup>A</sup> and Clifton Tower Apartment Block, to the inner harbour, waterfront, quayside buildings and town belt above. She opposed an increase in building height at No. 20<sup>A</sup> to 22 or 25 metres amsl on the grounds that it would have significant impact on this view.
- € **8 January 2002:** Alternative building height proposal put forward by Council. Proposed height was defined by the roof line of the existing house at the front of the site (approx 22 metres amsl) with a step up to 25 metres amsl at the rear of the property to reflect the increased ground level height. Details were sent to the owners of 20<sup>A</sup> Oriental Terrace and adjoining neighbours for comment. All responses were opposed to the proposed alternative building height with adjoining property owners requesting the retention of the status quo. The owner of 20<sup>A</sup> Oriental Terrace suggested that Council investigate the option of including their property in the adjoining Inner Residential Area.
- € **11 March 2003:** Meeting of the Oriental Bay Working Group to restart the planning study after a substantial delay.

- € **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 and 20<sup>A</sup> Oriental Terrace. Having viewed the site they directed Council officers to investigate options for including 20<sup>A</sup> Oriental Terrace in the Inner Residential Area.
- € **1 August 2003:** Supplementary Report on the Oriental Bay Planning Study presented to the District Plan & Reserves Management Subcommittee.

### ***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**

#### **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 this request for private plan change, the Act requires that Council 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*

#### **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:

- |                               |   |
|-------------------------------|---|
| <b><i>Objective 4.2.1</i></b> | <b><i>To promote the efficient use and development of natural and physical resources in Residential Areas</i></b>                                     |
| <b><i>Objective 4.2.2</i></b> | <b><i>To maintain and enhance the amenity values of Residential Areas.</i></b>  |
| <b><i>Objective 4.2.3</i></b> | <b><i>To maintain and enhance the physical character of Residential Areas and identified areas of special streetscape or townscape character.</i></b> |
| <b><i>Policy 4.2.1.1</i></b>  | <b><i>Encourage new urban development to locate within the established urban area.</i></b>  |

Policy 4.2.2.1

Control the potential adverse effects of residential activities.

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.

### 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 purposes of the Act in relation to the management of the effects of development within residential areas.

## 4. Appropriateness of Policies, Rules and Other Methods

The following table assesses the benefits and costs of the four options considered as part of the investigation into 20<sup>A</sup> Oriental Terrace.

**Table 1: Options for managing the development potential of 20<sup>A</sup> Oriental Terrace.**

OPTION	EVALUATION
<p><b>Option 1.1</b></p> <p><b>Do Nothing</b></p>	<p>This option is <b>not recommended</b>. This option would limit the redevelopment options for 20<sup>A</sup> Oriental Terrace to 19 metres amsl, with potential to extend higher over a portion of the site under existing use rights (limited to the envelope of the existing building). The owners would have the option of applying for a resource consent to develop higher than the 19 metres.</p> <p>Benefits</p> <ul style="list-style-type: none"> <li>§ Provides certainty for neighbouring properties. Impact of any future development on these properties would be very similar to the impact of the existing building at No.20<sup>A</sup></li> <li>§ If a resource consent application were made for a specific development proposal, the likely impact on adjoining properties can be assessed with a greater degree of certainty as the height, bulk and location of the proposed building would be known.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>§ 20<sup>A</sup> Oriental Terrace would continue to be subject to development controls that are significantly more restrictive than those applying to any other residential area in the City i.e. approximately 6 metres above ground level at the front of the site, tapering to 2 metres above ground level at the rear.</li> <li>§ Such restrictive development control is inconsistent with Council’s objectives and policies for the development of higher density inner residential areas close to the city centre.</li> <li>§ Any application for resource consent would be forced to overcome the initial position that 19 metres amsl is the appropriate height for development at 20<sup>A</sup> Oriental Terrace.</li> </ul>
<p><b>Option 1.2</b></p> <p><b>Remove 20<sup>A</sup> Oriental Terrace from the Oriental Bay Height Area and reinstate it into the adjoining Inner Residential Area</b></p>	<p>This is the <b>recommended option</b>. 20<sup>A</sup> Oriental Terrace is located on the very edge of the Oriental Bay Height Area and could be readily incorporated into the adjoining residential zone without compromising the intent of the Oriental Bay Height Area. An Inner Residential zoning would permit future development up to 10 metres above ground level (generally sufficient for three storeys), subject to 50% site coverage and sunlight access controls. The existing property at No. 20<sup>A</sup> does not ‘read’ as part of Oriental Bay and makes only a minor contribution to the character of the area, being hidden behind Clifton Towers. The Inner Residential zoning would permit development to a greater height than at present, but the effects of this increased development would be mitigated by the separation with and</p>

	<p>northern orientation of adjoining properties. Overall it is considered that the level of amenity retained by adjoining properties would be appropriate for a medium/high density residential area such as Oriental Bay.</p> <p>Benefits</p> <ul style="list-style-type: none"> <li>§ Property does not read as part of Oriental Parade and could be removed from the Oriental Bay Height Area without compromising the intent of the special height area.</li> <li>§ In terms of future development the rules applying to the Inner Residential Area would provide greater flexibility the owners of 20<sup>A</sup> Oriental Terrace.</li> <li>§ The Inner Residential Area rules have been subject to public process are established within the District Plan. They permit a level of development that has been deemed appropriate for the inner city suburban environment.</li> <li>§ Site coverage in the Inner Residential Area is restricted to 50 percent of the site. This requirement will help to limit the impact of building bulk of any future development, as a large portion of the site will remain free of built structures.</li> <li>§ 20A Oriental Terrace is separated from Units 12-14, 22 Oriental Terrace by a 5 metre wide driveway/accessway. The width of this accessway would ensure that an element of ‘openness’ is retained along the western wall of the apartments. The windows along this wall would preserve reasonable access to light, air and outlook as a result of this separation.</li> <li>§ All of the apartments and townhouses at 22 Oriental Terrace are oriented to the north. The north walls of the apartments in particular are almost entirely glazed to allow the occupants to take advantage of the outlook, sunlight, and almost 180 degree views across Oriental Parade, Oriental Bay foreshore and the harbour. Any increase in building height at No. 20<sup>A</sup> Oriental Terrace would have very little impact on the northern outlook of the apartments, helping to ensure that their principle amenity is retained.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>§ Future development of 20<sup>A</sup> Oriental Terrace could potential reduce secondary side views of adjoining properties at 22 Oriental Terrace (views to the north-west, towards the inner city).</li> <li>§ Any increase in the height of the building at No. 20<sup>A</sup> along the eastern boundary would be visible from the side windows of the apartments at 22. Any increase in the height of 20<sup>A</sup> along this boundary would increase the prominence of that building when viewed through these side windows, and would likely reduce views of the background and sky.</li> <li>§ Increased building height at 20A Oriental Terrace has the potential to impact on the views from Jerningham Apartments towards Oriental Beach and the harbour. The impact would be more pronounced when viewed from the lower floors of the building.</li> <li>§ The plan change process adds an element of uncertainty for adjoining property owners. The resource consent process provides greater certainty in that it involves a specific development proposal.</li> </ul>
<p><b>Option 1.3</b></p> <p><b>Retain 20<sup>A</sup> Oriental Terrace within the Oriental Bay Height Area. Put in place a site specific height restriction that followed the existing house</b></p>	<p>This option is <b>not recommended</b>. This option was put forward by Council officers in an attempt to find a middle ground that would be acceptable to both the owners of 20<sup>A</sup> Oriental Terrace and owners of neighbouring properties. It proved unpalatable to all parties. Neighbours opposed the increased development of the site and the increase in height to the rear of the property. The owners of No. 20<sup>A</sup> opposed the option on the grounds that it did not fully address their situation.</p> <p>Benefits</p>

<p><b>roof line (approx 22 metres amsl) from the street frontage to a point 16 metres back from the frontage. From this point the maximum height would step up to 25 metres amsl.</b></p>	<p>§ Proposal follows the existing building roof line at the front of the site. This would limit the potential impact on the neighbouring apartments at 12-14/22 to those of the existing building.</p> <p>Costs</p> <p>§ Unique nature of the height control would create an anomalous situation within the District Plan and would limit the options for possible future development.</p> <p>§ Proposal was universally unpopular with the consultation parties. There was therefore little reason to progress this option as it was put forward as a potential middle ground that may have been acceptable to all parties.</p>
<p><b>Option 1.4</b></p> <p><b>Retain 20<sup>A</sup> Oriental Terrace within the Oriental Bay Height Area. Increase the maximum building height for the site to 25 metres amsl.</b></p>	<p>This option is <b>not recommended</b>. This option would permit the development of 20<sup>A</sup> Oriental Terrace to a height of 25 metres amsl (approximately 12 metres above ground level at the street frontage) over 100 percent of the site, subject to sunlight access planes which would apply along the southern and western boundaries (because the site adjoins the Inner Residential Area along these boundaries).</p> <p>Benefits</p> <p>§ Provides a substantial increase in the development potential at 20<sup>A</sup> Oriental Terrace.</p> <p>Costs</p> <p>§ A building built to 25 metre amsl over 100 percent of the site would have significant bulk, and could have a significant impact on the residential amenity of adjoining properties.</p>

### **Summary**

Each of the options outlined above have advantages and disadvantages. On balance it is considered that incorporating 20<sup>A</sup> Oriental Terrace into the Inner Residential Area is the most efficient and effective method of providing the property with appropriate development potential (equivalent to that of adjoining properties).

Incorporating the property into the Inner Residential Area is consistent with Council's objectives and policies for the development of higher density inner residential areas close to the city centre. The Inner Residential zoning would permit development to a greater height than at present, but the effects of this increased development would be mitigated by the separation with and northern orientation of adjoining properties. Overall the level of amenity retained by adjoining properties would be appropriate for a medium/high density residential area such as Oriental Bay. Incorporating 20<sup>A</sup> Oriental Terrace into the Inner Residential Area is therefore considered to be the most appropriate method in terms of achieving the objectives of the District Plan.

## **5. Recommended Proposed Plan Change**

It is recommended that Council notify the following District Plan Change No.19:

- § Remove 20<sup>A</sup> Oriental Terrace from the Oriental Bay Height Area and incorporate the property into the adjoining Inner Residential Area.

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