

SECTION 32 REPORT - PROPOSED PLAN CHANGE 20 MOELLER STREET, 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.*

The proposed Plan Change would add Moeller Street to the list of streets that are subject to District Plan Rules 5.3.5.7, 23.3.1.9 and 23.2.1.8. Rule 5.3.5.7 requires that only flat car decks be built on the legal road, on the seaward side of the listed street. Rules 23.2.1.8 and 23.3.1.9 require that utility structures be sited to avoid, remedy or mitigate the impact on views (and particularly harbour views) from the listed streets.

2. Process & Consultation

The proposed Plan Change is the result of 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

- € **Urban Design Evaluation, Oriental Bay, Wellington:** Prepared by Urban Perspectives Ltd. (June 1999).
- € **Moeller Street Topographical Survey and Cross Sections:** Prepared by Spencer Holmes Ltd (March 2000).
- € **Oriental Bay Design Guide (draft discussion version):** Prepared by Urban Perspectives Limited (January 2001).
- € **Landscape Assessment, St Gerards Monastery & Escarpment:** Prepared by Boffa Miskell Limited. (November 2001)

Key discussions/briefings

- € **June –August 1998:** Environment Court hearing on proposed District Plan references. Moeller Street appeal later withdrawn by Consent Order on the basis that Council would investigate a number of issues relating to the Moeller Street environment..
- € **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.

- € **24 April 2001:** Mail out to residents of Moeller Street (No's. 1, 3 & 5) outlining progress in relation to the fulfilling requirements of the consent order.
- € **May 2001:** Meeting with residents of No's. 1 & 3 to discuss addition of Moeller Street to list of streets, and other aspects of the Oriental Bay Planning Study. Residents expressed general support for the work that had been undertaken as part of the 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.
- € **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.
- € **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 the proposed 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:

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

Policy 4.2.3.4 *Maintain and enhance the streetscape by controlling the siting and design of structures on or over roads and through programmes of street improvement.*

Chapter 22 outlines the objectives and policies relating to Utilities:

Objective 22.2.1 *To provide for the efficient development and maintenance of utility networks throughout the city while avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Policy 22.2.1.1 *Avoid, remedy or mitigate any adverse environmental effects of utility networks by requiring resource consents for structures and activities with a significant impact.*

Policy 22.2.1.2 *Have regard to the operational requirements of utility networks when exercising discretion in any resource consent process.*

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 buildings and structures on legal road.

4. Appropriateness of Policies, Rules and Other Methods

The following table assesses the benefits and costs of the proposed Plan Change.

Table 1: Options for managing buildings and structures on legal road.

OPTION	EVALUATION
<p>Option 1.1 Do Nothing</p>	<p>This option is not recommended. Moeller Street shares the common characteristics which apply to the streets current subject to rules 5.3.5.7, 23.2.1.8 and 23.3.1.9. The basic characteristic being city streets from which significant harbour views are obtained from street level.</p> <p>Benefits</p> <ul style="list-style-type: none"> § Ability to place buildings and structures on the Moeller Street legal road without the requirement to avoid, remedy or mitigate any adverse impact on views from the street. <p>Costs</p> <ul style="list-style-type: none"> § Risk that the expansive views available from Moeller Street may be degraded and obscured over time by the installation of buildings and utility structures on the road reserve.
<p>Option 1.2 Add Moeller Street to to the list of streets that are subject to District Plan Rules 5.3.5.7, 23.3.1.9 and</p>	<p>This is the recommended option. Moeller Street is a short street (approximately 150 metres) running from the top of Hawker Street to the intersection of Palliser Road and Bayview Terrace. Moeller Street provides expansive views over Oriental Bay both from the eastern footpath and the properties that front the street. It is considered that Moeller Street should be included in the list of streets to which criteria apply. This is a matter of</p>

<p>23.2.1.8. Rule 5.3.5.7 requires that only flat car decks be built on the legal road, on the seaward side of the listed street. Rules 23.2.1.8 and 23.3.1.9 require that utility structures be sited to avoid, remedy or mitigate the impact on views (and particularly harbour views) from the listed streets.</p>	<p>consistency, as the common characteristics which apply to the streets already on the list, also apply to Moeller Street (i.e. city streets from which significant harbour views are obtained from street level).</p> <p>Benefits</p> <ul style="list-style-type: none"> § Addition of Moeller Street to rules 5.3.5.7, 23.2.1.8 and 23.3.1.9 will help to ensure that panoramic views obtained from street level will be maintained. § The proposed changes will assist Council in achieving the objectives and policies of the District Plan. As the rules are already in place in the District Plan, applying them to Moeller Street is the most efficient and effective method of achieving the Objectives. § The proposed plan change would not increase the occasions on which a resource consent must be sought for buildings and structures on the legal road. The change is limited to the matters that must be considered when a resource consent is lodged. § Moeller Street forms part of the main access road to Mount Victoria. The retention of the views from this portion of road will help to enhance the experience for all persons moving through the area on route to the summit of Mt Victoria. <p>Costs</p> <ul style="list-style-type: none"> § Requirement to avoid, remedy or mitigate adverse impact on views from Moeller Street may make the location of certain buildings or structures on the road reserve impractical.
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Summary

Both of the options outlined above have advantages and disadvantages. On balance it is considered that adding Moeller Street to the list of street subject to Rules 5.3.5.7, 23.3.1.9 and 23.2.1.8 is the more efficient and effective method for ensuring that panoramic views from Moeller Street are retained. It 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.20:

- § Add Moeller Street to the list of streets that are subject to District Plan Rules 5.3.5.7, 23.3.1.9 and 23.2.1.8.

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