

## **Introduction**

Kia ora, I am Anna Stevens. I am a team leader in the District Planning team. I am the author of the Viewshaft Section 42A report. I have been at Wellington City Council for almost 4 years and prior to my current role I was a Senior Planner and Intermediate Planner before that in the team. I previously worked at consultancies before Council. I have a Bachelor of Arts and a Masters of Planning. I am the reporting officer for Viewshafts and also City Centre Zone, Wind and Stadium Zone, the former topics which will be addressed in Hearing Stream 4.

### **Experts:**

- I am supported by two experts:
  - Ms Deyana Popova, urban design expert from Urban Perspectives Ltd, who has prepared a statement of evidence and supplementary statement of evidence, which will be taken as read.
  - Dr Farzad Zamani for Council's Urban Design team, who has prepared a statement of evidence, which will be taken as read.

**I will allow Ms Popova to introduce herself before I continue.**

**The purpose of the Viewshafts is to identify and maintain significant views within Wellington City that contribute to its sense of place and identity.** All the views covered by the Viewshafts overlay have local significance, providing a means of orientating oneself in the City. Many views are also recognised regionally, nationally or internationally. They are unique to Wellington and offer significant visual amenity to residents and visitors alike.

### **If you will allow me I will provide a brief overview –**

- Firstly, I will give you brief background as to how viewshafts came to be in the Operative District Plan, the approach in the Operative Plan, the District Plan review process and the approach in the Proposed Plan
- Following this I will touch on some of the key recommendations and issues in the Section 42A report
- Then I will talk through the key changes and recommendations in my rebuttal
- Lastly, I will address some matters raised in legal submissions if I may.

### **Origins of Viewshafts pre Operative Plan to the Proposed District Plan approach:**

- **Viewshaft origins pre Operative District Plan:**
  - The protection of public views first came into the Wellington planning context in 1979 when public views from the Cable Car and Carillon were used to establish Central Area building heights.
  - Dispensations from the maximum building height could be granted but Council would take into account the effect of the dispensation upon Category 1 and Category 2 viewshafts shown in the District Plan Scheme (a guide only).

- In 1985 a 'view protection and urban form study' was completed and used as a basis for a review of the building heights. The study advocated that absolute building heights were needed to protect views.
- It also promoted the need to identify important city views to key elements and townscape features that contribute to Wellington's identity and sense of place i.e. the harbour, hills and landmark buildings and places.
- The views were considered in terms of vista, contained views and viewshafts.
- A district scheme change was introduced that modified building height controls as a means of achieving urban form view protection objectives.
- The scheme included an ordinance for view protection which noted that no development shall extend into Category One viewshafts.
- **Operative District Plan:**
  - In July 2000, when Wellington's Operative District Plan became Operative, 27 viewshafts were listed along with one panoramic view, and the high-city/low-city central area urban form was enacted.
  - In 2013 Plan Change 48 amended the viewshaft provisions and schedule - the 27 viewshafts were updated, deleted and/or amalgamated into 23.
  - There are two Operative Plan policies which seek to:
    - Protect the panoramic view from the cable car public viewing point
    - Protect, and where possible enhance, identified public views of the harbour, hills and townscape features from within and around the Central Area
  - There is one Standard (13.6.3.3) no building or structure shall intrude on any viewshaft shown in Appendix 11 (Central Area rule 13.3.8).
  - Appendix 10 Panoramic view and Appendix 11 Central Area viewshafts detail.
  - These provisions are only included in the Central Area chapter and appendices.
- **District Plan review:**
  - A 2017 assessment concluded that some viewshafts required only minor adjustments, whilst others needed further review. Some minor amendments were made under Clause 20A, Schedule 1 changes.
  - In 2020 Urban Perspectives Ltd were engaged to undertake a review to:
    - establish if each viewshaft is still relevant to the city's sense of place and urban form; and
    - Determine what the potential risks were from removing any viewshafts from the District Plan (if deemed to be compromised or not to be protected).
  - I will let Ms Popova speak to this piece of work and its recommendations.
  - A preliminary viewshaft assessment was also undertaken for three potential viewshafts from Mt Vic Tunnel towards Brooklyn, Victoria University to the City and surrounding hills, and Old St Paul's Church.
- **Proposed District Plan**
  - The PDP was notified in July 2022. It was refined to take into account feedback received on the Draft District Plan and gives effect to the NPS-UD.

- As noted in Stream 1, it provides more than sufficient residential capacity to meet the expected demand.
- To align with the National Planning Standards the Viewshafts provisions and schedule detail became a standalone Viewshaft Chapter and Schedule.
- The total number of viewshafts from the Operative Plan to the Proposed Plan changed from 23 viewshafts to 18. Operative Plan Viewshafts 9 (Grey Street), 13 (Michael Fowler Centre), Viewshaft 17 (Cuba Street), Viewshaft 20 (Tory Street) and Viewshaft 21 (Carillon) were deleted.
- Proposed Plan Schedule 5 includes 17 viewshafts and 1 panoramic view. These are mapped in the ePlan as 'Viewshaft (SCHED5) Overlay'.
- The Viewshaft Chapter includes:
  - 2 objectives, 3 policies and 2 rules and a standard.
  - Viewshafts are categorized into 'Iconic and Landmark views' or other.
  - View-R1 relates to verandahs and View-R2 relates to construction and adds/alts to existing buildings, within a viewshaft. 'Iconic and landmark views' intrusions are a Discretionary Activity and other viewshafts are Restricted Discretionary.
- The Viewshaft chapter and Schedule 5 received 64 total submission points (44 original and 20 further submission points). These are summarized and contained in Appendix B of my Section 42A Report.
- These submission points have informed my recommended changes to the viewshaft chapter and Schedule 5. I will now summarize the key recommendations for the hearing Panel.
- However, I will take my Section 42A as read so will not go into detail here.

As you will have received from Jazz, yesterday I pulled together two combined documents, one for the Viewshaft Chapter (and definitions) and one for Schedule 5, which combines the Proposed Plan provisions, my S42A Appendix A track changes in red, my supplementary rebuttal evidence changes in green, and my addendum changes in orange. I've provided this to provide an simple way of having all tracked changes in one document.

### **Key Recommendations within my S42A report**

- Overall, I have not recommended significant deviation from the PDP.
- I have recommended various wording relief and some changes to the rule framework. These do not change the PDP significantly but help to improve clarity, plan useability and to ensure the integrity of viewshafts is retained.
- Changes were suggested in response to submissions raised and also as minor and inconsequential amendments.
- Changes to definitions:
  - Addition of Operative Plan's 'Continuum Elements', 'Focal Element', 'Context Elements' and 'Panoramic View' definition
  - Correction to the definition of 'Viewshafts' for clarity purposes
  - Addition of 'View' and 'Termination Point' definitions
- Changes to the introduction:

- Text to connect the use of the Viewshaft Overlay with Schedule 5 and with the restriction of development to ensure viewshafts are not compromised.
- Text to identify that viewshafts traverse (and the rules apply) beyond just City Centre and Waterfront Zones, but also the Medium and High Density Residential, Town Belt, Tertiary Education and Open Space Zones.
- Minor wording changes from 'view' to 'viewshaft' for consistency.
- Changes to Policies:
  - Minor wording changes and amendments to Clauses 3 and 4 of VIEW-P2 to avoid duplication of policy wording.
- Changes to the rule framework:
  - Addition of zone boxes to VIEW-R1 and VIEW-R2 to clarify which zones the Viewshaft Chapter rules apply to.
  - Changes to VIEW-R2 title to acknowledge the rules apply within the extent of the Viewshaft Overlay.
  - Minor wording changes from 'view' to 'viewshaft' for consistency.
- Changes to Schedule 5:
  - Addition of a note to aid clarity when surveying sites.
  - Minor text changes to Viewshaft 1 The Beehive to include Te Ahumairangi.
  - Minor text correction to Viewshaft 4 (The Beehive and Cenotaph).
  - Recommendation to update Viewshaft 5 (Waring Taylor Street) photo.
  - Corrections to Viewshaft 8 (Panama Street) and Viewshaft 9 (Lambton Quay/Grey Street) schedule detail errors.
  - Amendment to Viewshaft 18 (Cable Car Panoramic View).
  - Addition of a new alternative viewshaft to Operative Plan Viewshaft 21.
- Changes to Viewshaft Overlay Mapping:
  - Amendment to overlay extent mapping clipping Viewshaft 14 (Cable Car to Point Jerningham and Point Halswell) back to the road edge off Roseneath.
  - Extension of overlay mapping extent for Viewshaft 2, Viewshaft 3, Viewshaft 6, Viewshaft 8, Viewshaft 10, Viewshaft 11 and Viewshaft 12.
  - Change to Viewshaft 8 (Panama Street) to correct PDP mapping errors.
  - Change to Viewshaft 9, Viewshaft 10, Viewshaft 11, Viewshaft 12, Viewshaft 13, Viewshaft 14 and Viewshaft 15 mapping margins.

### **Key changes and recommendation in my rebuttal:**

- My recommendations with regards to submissions from Heritage New Zealand Pouhere Taonga, Barry O'Donnell on behalf of Claire Bibby, Kāinga Ora have not changed from my S42A report. **Some recommendations have changed in response to Mr de Leijer's submitter expert evidence (on behalf of David Walmsley).**
- I agree with Mr de Leijer's commentary regarding the fact that under the Operative Plan viewshaft provisions do not exist in the Residential Area zone rule framework, instead just the Central Area.
- I also agree that I have been inconsistent in my S42A with regards to the termination points of viewshafts and the Viewshaft Overlay mapping extent.

- On the back of this, I made the following recommendations:
  - That the mapped extent of the following viewshafts need to be amended to include all their respective focal elements as detailed in Schedule 5, thus making the mapped extent their original ODP termination point:
    - VS3, VS5, VS6, VS10 and VS14. All other viewshafts were already extended to include their focal elements, apart from VS17.
  - The addition of rule boxes and zone boxes for the Medium Density Residential Zone and High Density Residential Zone and associated Viewshaft rules. This includes a permitted rule where development is enabled up to their respective zone's height limits, and then a restricted discretionary and discretionary viewshaft rule requirement for developments taller than this.
  - Minor and inconsequential changes:
    - Introduction of categories – Category 1 (Iconic and Landmark view) and Category 2.
    - Amendment to 'Iconic and Landmark Views', 'panoramic view' and 'viewshafts' definitions.
    - Addition of 'Category 1' and 'Category 2' definitions.
    - Amendment to the chapter introduction to identify the use of viewshaft categories depending on their 'public significance' and to identify what 'panoramic views' are.
    - Replacement of VIEW-O1 text.
    - Change to VIEW-O2 and VIEW-P3 titles to 'Category 1 (Iconic and landmark views)
    - Change to VIEW-R2 to include reference to 'Category 1 (Iconic and Landmark Viewshafts' and VIEW-S1 to include reference to 'Category 2 viewshaft'
    - Change of category for Viewshafts 11 and 12 to Category 1.
    - Update the Significance description in Schedule 5 for all viewshafts.
- I have made these changes to improve clarity and comprehension and schedule, and to find a balance between preserving the integrity of the viewshafts and trying to enable development capacity surrounding focal elements.

### **Response to legal submissions:**

- I won't go into sufficient detail with regards to responses to matters raised in legal subs now. However, I want to respond to a few identified errors raised:
  - Re. Argosy Property's point on VIEW-P2:
    - The changes I recommended to VIEW-P2 to clauses 3 and 4 were to avoid duplication and to align with the Chinese Garden case law as I understood it, which affirmed that the intent of the Operative Policies were to avoid intrusions into 'viewshafts' and that focal elements themselves could change. However, I've made an error removing the reference to 'intrusions into the focal elements' as this is still important and the purpose is to avoid intrusions into both. I consider

that in clause 3 of VIEW-P2 reference to 'focal elements and context elements'

- Re Eldin Family's point on the description of PDP-VS4, I have made an error and I intended to delete 'and from' rather than 'to and' with regards to the 'Beehive and Cenotaph are important physical reminders of Wellington's rich history and the views to and from them'.
- Re Eldin Family's point on Viewshaft Overlay extent needing to cover context elements:
  - I have made an error not including context elements in the viewshaft overlay mapping. Whilst ensuring all focal elements are included in the overlay and thus the rule framework, I should have also incorporated all context elements in the overlay and thus rule framework.
  - Most context elements need to be included apart from those that are not within Wellington's jurisdiction or are too far in the distance i.e. PDP-VS14'S Remutaka and Orongorongo Ranges.
  - My position still stands on positions I've taken in my S42A for the rest of the matters raised in legal submissions.
- **Note:** I am now of the mind that the 11m and 14m height limits in Medium Density Zone for Kelburn properties underneath the cable car need to be modelled to show that a buildings of these **heights** will not intrude into the base of these viewshafts and thus compromise the viewshafts. Particularly Viewshaft 13.
- **Following further consideration after supplementary evidence changes** where I suggest a rule change to enable development in the Medium Density Residential Zone up to the zone's maximum building heights of 11m and 14m and the maximum height of 11m in the High Density Residential Zone, I am concerned that development of this height underneath the cable car could compromise these views.
- As such I needed certainty from modelling of the sites underneath the Cable Car, built to these height limits, that development on these properties won't intrude into the base of the viewshafts.
- This is different to the treatment in Roseneath, due to Roseneath properties being in the distance and not under the base of the viewing platform.
- Yesterday a colleague shared screenshots for me of our internal Council 3D Viewshaft viewer. The viewer showed all viewshafts under the PDP and also the height of all zones. **The viewer showed that at 14m in the Medium Density Zone there were intrusions in Viewshafts 13, Viewshafts 14 and Viewshafts 15.**
- **As such I have made a change via addendum changes to VIEW-R2.1** that in the Medium Density Zone properties in Kelburn in the Viewshaft Overlay for Viewshafts 13, 14 and 15 be excluded from being able to build to 14m as a permitted activity under the viewshaft chapter. Instead they would require a Discretionary resource consent, but could do MDRS at 11m.