

**Before the Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Wellington City District Plan

**Stream 3 Reporting Officer Right of Reply of Anna Stevens on behalf on
Wellington City Council**

Date: 5 July 2023

INTRODUCTION:

1. My name is Anna Stevens. I am employed as a Team Leader in the District Planning Team at Wellington City Council (the Council).
2. I have prepared this Reply in respect of the matters in Hearing Stream 3 raised during the hearing.
3. I have listened to submitters in Hearing Stream 3, read their evidence and tabled statements, and referenced the written submissions and further submissions relevant to the Hearing Stream 3 topics.
4. The Stream 3 Section 42A Report section 1.3 sets out my qualifications and experience as an expert in planning.
5. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.
6. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the relevant part of my evidence to which it relates. Where I have set out opinions in my evidence, I have given reasons for those opinions.

SCOPE OF REPLY

7. This reply follows Hearing Stream 3 held from 9 May 2023 to 19 May 2023. Minute 23: Stream 3 Follow-up released by the Panel requested that Section 42A report authors submit a written Right of Reply as a formal response to matters raised during the course of the hearing. The Minute requires this response to be submitted by 5 July 2023.
8. The Reply includes:

- (i) Responses to specific matters and questions raised by the Panel in Minute 23.
- (ii) Commentary on additional matters that I consider would be useful to further clarify, or that were the subject of verbal requests from the Panel at the hearing.

Viewpoint Scope Issues:

9. I refer to Mr Whittington's separate Right of Reply¹ to address questions raised by the panel regarding changes proposed in my Section 42A report, supplementary evidence and addendum evidence. Based on the supporting views expressed by Mr Whittington in paragraphs 6.1 to 6.12 of his Right of Reply, I consider that there is sufficient scope within the relevant relief sought to provisions within the Viewshafts chapter to support the changes I have proposed. I address this in the subsequent section below, including identifying the submission points relevant to the questions raised by the panel.
10. Regarding the question put to Mr Whittington as to whether there is scope to alter the right-hand side of Viewshaft 8 in the manner proposed, I consider that the answer to this is yes for the following reasons:
 - WCC [(266.7) supported by Wellington's Character Charitable Trust [FS82.297] and Historic Places Wellington Inc [FS111.65]] considers that the mapped viewshaft 8 (Panama Street) does not match with the VS8 description and picture in Schedule 5 as it extends over Customhouse Quay and Jervois Quay. In the maps, it dog-legs inwards at the boundary with Customhouse Quay. The submission

¹ Wellington City Council, Proposed District Plan Hearing Stream 3, [Nick Whittington Right of Reply](#), 2023

sought to extend the VS8 (Panama Street) in the Planning Maps to be an even fan (i.e. remove the cut out from the Intercontinental Hotel) over Jervois Quay and Queens Wharf to the water's edge.

- I consider that the intent of this submission was to amend the right-hand margin as it requests the removal of the cut out from the Intercontinental hotel and to show an even fan. I consider this provides sufficient scope to align the Viewshaft Overlay mapping for VS8 with what is shown in the picture and detail in Schedule 5. I consider that the intent of the submission was to align with the Schedule 5 detail, noting that the change sought directly mirrors that of the viewshaft frame in the schedule.
- This change is discussed in Ms Popova's Statement of Evidence² where Ms Popova notes that the submission seeks amendments to the graphic representation of the VS8 overlay on the PDP planning map, which has been inaccurately plotted relative to the viewshaft descriptions. Ms Popova notes that the proposed amendment is warranted as it matches the viewshaft description and will remove confusion in interpreting the viewshaft planning map overlay.
- Ms Popova notes that in order to match its description, the right hand margin needs to move inwards in a straight line defined by the north-east corner of the Intercontinental Hotel octagon tower, shown in Figure 1 below. The intent of the corrected margin is that it applies only to the part of the view above the podium, noting that the right hand margin for the lower part of the viewshaft is defined by the north/east corner of the hotel podium. This is also addressed in section 5.9 of my S42A Report.³

² Wellington City Council Proposed District Plan Hearing Stream 3, [Deyana Popova Statement of Evidence](#), 2023

³ Wellington City Council Proposed District Plan Hearing Stream 3, [Viewshaft S42A Report](#), 2023

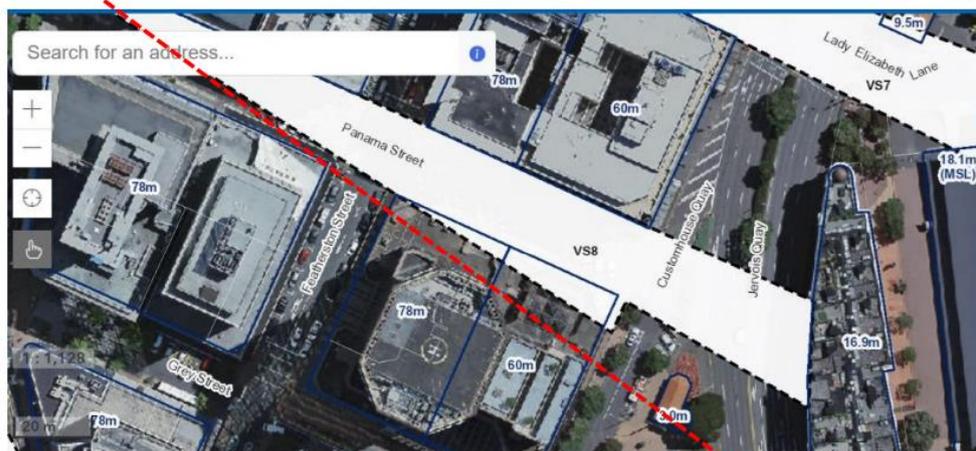


Figure 1: Indicating the corrected position of the right margin defined by the north-east corner of the Intercontinental Hotel Octagon Tower.

- If the Panel arrives at the view that there is insufficient scope to enable the correction to the right-hand margin of PDP-VS8 to align with the photo and detail in Schedule 5 of the PDP, I would draw the Panel’s attention to the recommendatory powers available to it under clause 99(2) of Schedule 1 of the RMA, noting that the Viewshaft Chapter is an IPI topic.

11. Regarding the questions put to Mr Whittington as to whether there is scope to apply viewshafts outside the City Centre Zone (CCZ) and Waterfront Zone (WFZ) generally, and to the extent proposed, and would a reader of the notified Plan have reasonably understood it had that effect, I consider that the answer to these questions is yes for the following reasons:

- The notified PDP Viewshaft chapter refers to the CCZ and WFZ in the introduction and ‘other relevant District Plan provisions’ section, and the ‘City Centre’ is mentioned in VIEW-P1 and CCZ-S8 is referred to in VIEW-R1.1.a. I note however that the CCZ and WFZ are not specifically referred to in any objective, policy, rule or standard in the chapter. Given the absence of specific zone references in these provisions, I consider that plan readers would understand that to be because the provisions apply on a district-wide level, and are not restricted to particular zones.

- VIEW-R2 and VIEW-S1 refer to viewshafts 'identified in Schedule 5', instead of specific rules. Schedule 5, through the supporting viewshaft photos (and frames) and accompanying detail within each viewshaft table, describes the location, focal elements, continuum elements (this should be context elements) and what each viewshafts entails. It is clear to me, and I believe readers would also appreciate that based on all of these different forms of information in Schedule 5, that the viewshafts are not solely restricted to the CCZ and WFZ and extend into other zones as well.

- The PDP notified ePlan maps clearly identify that some viewshafts begin and end outside the CCZ and WFZ (see Figure 1 below). Whilst I acknowledge, as traversed in the hearing, that some mapping errors are evident (i.e., that the maps do not currently cover all of the focal elements and context elements associated with the viewshafts and minor fixes are required to align with Schedule 5 detail), it is clear that these viewshafts traverse multiple zones. For example:
 - Figure 2 below illustrates that although Viewshafts 13-15 originate in Kelburn in the Medium Residential Zone (MRZ), they traverse a range of zones including the High Density Residential Zone (HRZ), Tertiary Education Zone (TEDZ), Open Space Zone (OSZ), CCZ and WFZ before terminating in Mount Victoria, Roseneath or Somes Island respectively.

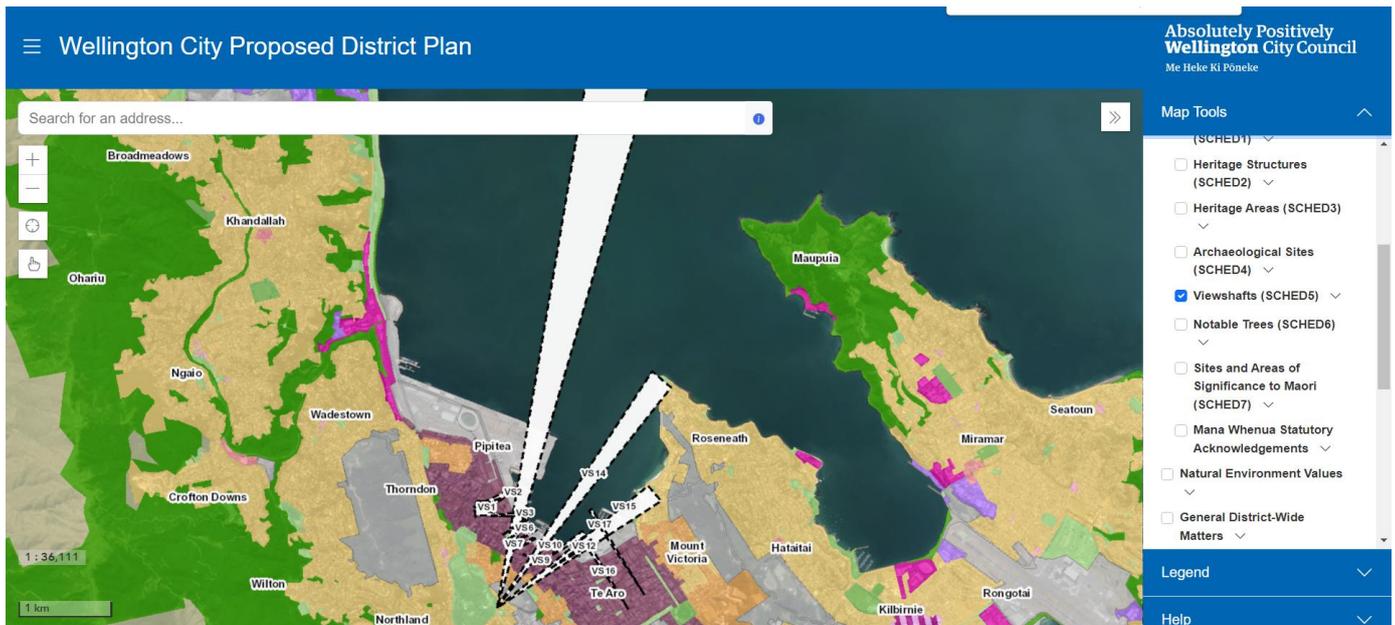


Figure 2: Showing notified PDP ePlan Viewshafts Overlay (Sched 5)

- The inclusion of an explicit ‘Viewshafts (SCHED5)’ layer in the ‘Map Tools’ section of the ePlan maps (see Figure 2 above) clearly links the overlay back to the supporting detail, including the respective spatial extent of each of the viewshafts in Schedule 5.
- The supporting photos in Schedule 5 show the full extent of each view, including its associated focal and context elements, as opposed to terminating where the CCZ and WFZ ends. Respective examples of this include VS2, VS10 and VS15 (in sequential order) in figure 3 below:

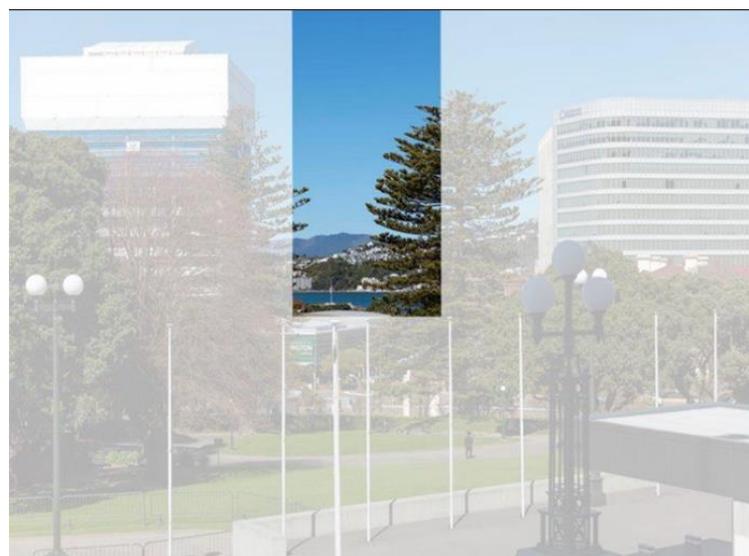




Figure 3: Showing VS2, VS10 and VS15 photo frames as shown in PDP Schedule 5.

- It is clear in several submission points that submitters have assumed that the notified PDP Viewshaft Chapter and Viewshaft Overlay ePlan mapping and Schedule 5 apply beyond just the CCZ and WFZ. Examples of this include:
 - David Walmsley (229.1 and 229.2) regarding the application of PDP-VS14 to Mr Walmsley’s Medium Density Residential Zoned site :

- *Considers that the ⁴site at 1 Carlton Gore Road is at the very end of the view shaft and that any development within this residential area will have no effect on the views out from the Cable Car location to the hill.*
- *Considers that as the **viewshafts did not apply to the residential zones in the ODP this cannot be the case for the residential zones.***
- ***Remove the viewshaft from 1 Carlton Gore Road.***
- I note that Ian Leary (who alongside Cameron de Leijer gave evidence on behalf of David Walmsley) noted in Hearing Stream 3, once advised about my rebuttal evidence changes to enable development in MRZ up to the maximum height limits (MRZ-S1 11m and MRZ-S2 14m excluding Kelburn properties) including on Mr Walmsley’s site a 1 Carlton Gore Road, noted that he *“accepts these changes to allow development to zone maximums are appropriate”*.
- Claire Bibby (329.1):
 - *Considers that the survey mark used for the construction of the **Tawa tunnel** has a **view worthy of preservation as a viewshaft.***
- Wellington City Council (266.89 and 266.93):
 - *Add the following sentence to the end of the last paragraph in the introduction: The associated rules apply to sites within the City Centre Zone, Waterfront*

⁴ Note: Certain sections of submissions used as examples are bolded for emphasis.

Zone and the Viewshaft Control Area identified on the District Plan maps, and only to development that impinges on the specific parameters of each view set out in SCHED5⁵.

➤ **Considers zoning boxes should be added to the left of the rules, so it is clear where the viewshaft provisions apply. Considers this rule relates to more significant views out to long range focal elements over the harbour.**

➤ **Amend VIEW-R2.2 (Construction of new buildings and structures, and alterations and additions to existing buildings, within a viewshaft), to add a zones column for the Restricted Discretionary rule category as follows:**

City Centre Zone

Waterfront Zone

Viewshaft Control Area

▪ Wellington City Council (266.37):

➤ **Considers the mapping of the viewshafts needs to be amended to provide clarity and certainty around the rule framework.**

➤ **Amend the ePlan by adding a new specific control mapping layer 'Viewshaft Control Area' that dissects through TEDZ (Tertiary Education Zone), MRZ (Medium Density Residential Zone) and HRZ (High**

⁵ Note: I have boldened this submission for emphasis because the submission was made underlined.

***Density Residential Zone) properties under
Viewshafts 13-15.***

- Kāinga Ora Homes and Communities (391.769)
 - *Considers that it is an option to create and identify a viewshaft managing **significant public views to the monastery and the maunga (Mt Victoria) as an alternative to MRZ-PREC03.***

- Jonathan Markwick (490.30)
 - *Considers that six storey high density residential buildings should be **allowed in all of Kelburn** (with a viewshaft protection from **the top of the cable car**).*

- The Operative District Plan (the ODP) only includes viewshaft provisions within the Central Area due to the way the plan is structured, with district wide matters included in relevant zone chapters. However, I note that this structure was established prior to the National Planning Standards, with Standard 7 District-wide Matters Standard now directing that district wide topics, like viewshafts, are contained within their own separate chapter. I also note that Chapter 13 (Appendix 11 of the ODP) shows the visual representation/mapping of viewshafts, which clearly shows viewshafts extending beyond the Central Area into Residential Areas to cover their focal elements and context elements.

12. With regards to the categorisation of Viewshafts 11 and 12, in my opinion, the following submissions provide scope to alter the categorisation as they speak to the significant public views to the monastery and Mt Victoria, and the importance of viewshafts to protect the views to important and connecting landmarks in the city:

- Kāinga Ora Homes and Communities (391.769):

- Considers that it is an option to create and identify a viewshaft **managing significant public views to the monastery and the maunga (Mt Victoria)** as an alternative to MRZ-PREC03.
 - Seeks to create and identify a viewshaft managing **significant public views to the monastery and the maunga (Mt Victoria)**.
- Juliet Broadmore (471.1)
 - Support viewshafts to protect the views to **important and connecting landmarks in the city**.
13. Through providing reference to ‘more significant views’ and ‘views to important and connecting landmarks in the city’, I consider that Juliet Broadmore’s [471.1] submission point provides scope to extend the protection afforded by VS11 and VS12 in the PDP by elevating them to a higher category - Category 1 (Iconic and Landmark views). In this regard I note that these viewshafts share the same focal element as VS15, ‘St Gerard’s Monastery’, with this being a well-established Category 1 (Iconic and Landmark) viewshaft.
14. Appendix 3 includes a statement from Dr Farzad Zamani, which supports the re-categorisation of these viewshafts from Category 1 to Category 2. I agree with Dr Zamani’s sentiments. As such I consider it is appropriate that VS11 and VS12 are afforded similar Category 1 (Iconic and Landmark) status as VS15.
15. This is further supported by the relief sought by Kāinga Ora Homes and Communities (391.769) to ‘identify a viewshaft managing significant public views to the monastery and maunga (Mt Victoria)’. As Ms Popova notes in her evidence, significant key public views to St Gerard’s Monastery, Mt Victoria North and the Town Belt from within the city have been identified and their protection recognised through the PDP Viewshafts (Schedule 5). Note that Oriental Bay, St Gerard’s Monastery and Mt Victoria feature as focal and/or as context elements in eight of the 18 PDP Viewshafts with VS11 and VS12 being two of

these. I am of the opinion that this submission gives extra weight to elevating VS11 and VS12 to Category 1 due to its recognition of the importance of the monastery and maunga (Mt Victoria) and the protection of viewshafts to these elements.

Viewshaft Issues:

Please advise the Officer response to the Argosy submission regarding 7 Waterloo Quay – does the ePlan map correctly capture the intended viewshaft?

16. I consider that the PDP ePlan map correctly captures the intended viewshaft for VS3 North Queens Wharf and Inner Town Belt – Whitmore Street as it mirrors the graphic representation (mapping) of the same viewshaft illustrated in Appendix 11 Viewshaft – No.4 (Whitmore Street) of the Central Area chapter of the ODP as shown in Figure 4 below.

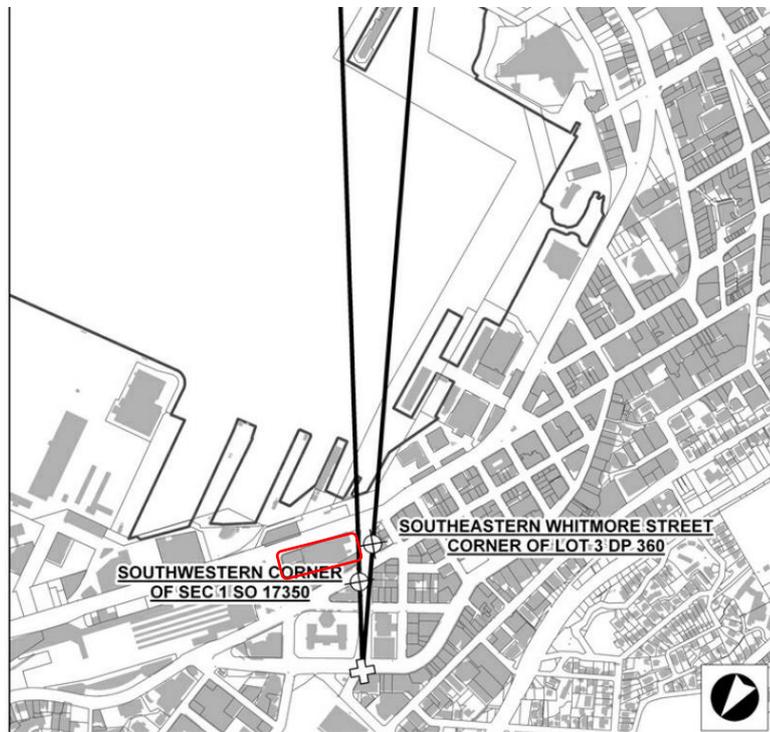


Figure 4: Showing ODP VS4 graphic representation as shown in ODP Chapter 13. The red rectangle identifies 7 Waterloo Quay.

17. The PDP ePlan mapping has not changed from that in the ODP, and captures the viewshaft as intended whilst noting that the graphics (not the margins) have changed from the ODP to PDP as shown in Figure 5 below.

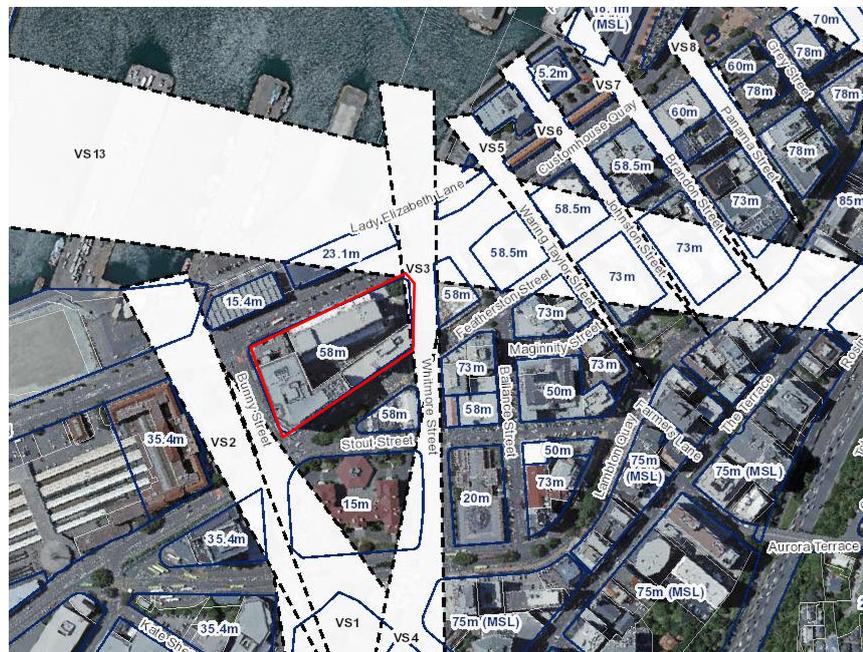


Figure 5: Showing the notified PDP ePlan mapping of PDP-VS3. 7 Waterloo Quay is identified in red.

18. Regarding the concern raised by Argosy in their submission (383.130) that a 'small part of 7 Waterloo Quay is subject to VS3: North Queens Wharf and Inner Town Belt – Whitmore Street', I can confirm that a 'small part' of viewshaft VS3 traverses their property along the left-hand margin (northern margin) when viewed from VS3's viewing platform on Whitmore Street.
19. I note here though that the portion of Argosy's site that is within the viewshaft contains notable trees that are scheduled under the PDP (Pōhutukawa – items 242-244 in Figure 6 below) and that the existing building on the site is considerably set back from the left hand margin of VS3. Further, along with these protected notable trees, this area also contains pedestrian accessways and a vehicle accessway, all of which cumulatively reduce the development potential of the site, particularly up to the site boundary.

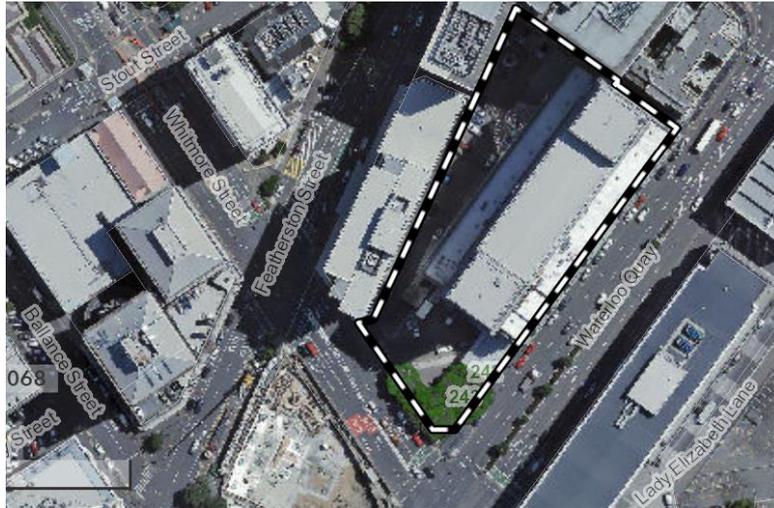


Figure 6: Identifying 7 Waterloo Quay with the dashed black and white lines.

20. As I note in paragraph 130 of my S42A Report⁶, and Ms Popova in paragraph 88 of her Statement of Evidence⁷, changes to the left margin of VS3 would have implications for other sites within the viewshaft. I note that the PWC Centre Building on Site 10, located at 10 Waterloo Quay, was successfully designed and developed to avoid intrusion into the left margin of the viewshaft. Ms Popova at paragraph 88 of her Statement of Evidence⁸ also considers that changing the margin would narrow the extent of the viewshaft frame and reduce the visibility of the inner harbour and Oriental Bay focal areas. I agree for the reasons outlined in Ms Popova's evidence, noting that doing so would reduce visibility of the viewshaft's context and focal elements. Modelling work included in Appendix 6 of my Right of Reply identifies the likely impact on VS3 if a building were to be built to the street edge (thus intruding into PDP-VS3) on 7 Waterloo Quay.

⁶ Wellington City Council Proposed District Plan, [Hearing Stream 3 Viewshaft Section 42A report](#), 2023

⁷ Wellington City Council Proposed District Plan Hearing Stream 3, [Statement of Evidence](#), Deyana Popova, 2023

21. The output of the modelling work is shown in the two diagrams in Appendix 6 and figure 7 below which models 7 Waterloo Quay if it was to be built to the PDP maximum height limit for the site of 58m. One diagram compares a building built to this height placed against existing built form, and the other shows a scenario where all buildings that align with VS3 are built to their respective maximum height limits under the PDP. The notified PDP VS3 photo is placed in the background to show the view.

Wellington City District Plan - View Shaft 3

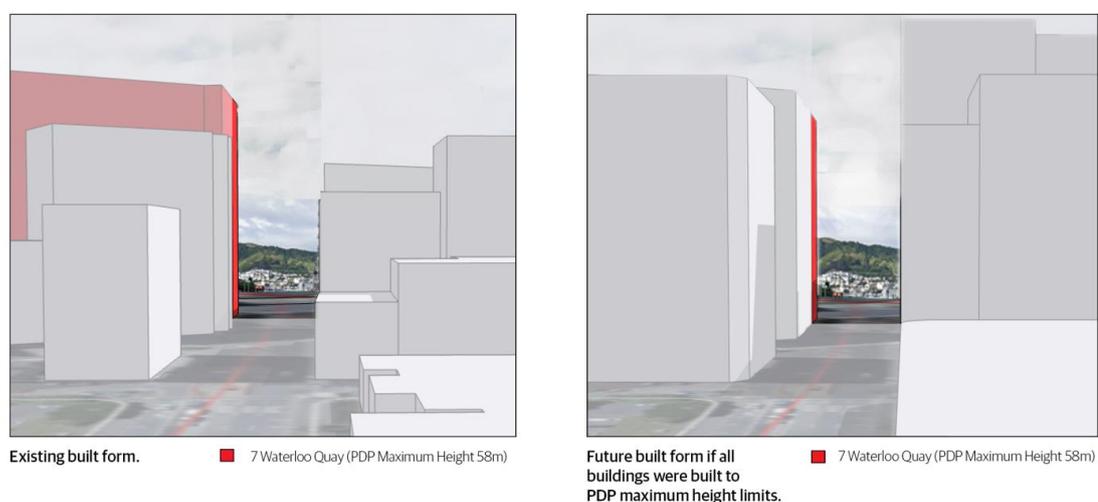


Figure 7: Modelling showing the impacts of development on 7 Waterloo Quay if built to the PDP maximum height limits of 58m.

22. This modelling work identifies that development to the street edge on 7 Waterloo Quay would intrude into VS3 and block a portion of the view of the focal and context elements of Oriental Bay, Inner Harbour, North Kumutoto Precinct, Inner Town Belt/Te Ranga a Hiwi Precinct. As such, I consider it is important to retain the current mapped extent under the notified PDP of VS3 to protect the integrity of VS3.
23. It is also important to note that all viewshafts, to a degree, intersect private property/sites and that this is not just limited to VS3 or 7 Waterloo Quay. Examples include:

- VS2 Oriental Bay from Parliament Steps – intersects across 23 Lambton Quay (Victoria University)

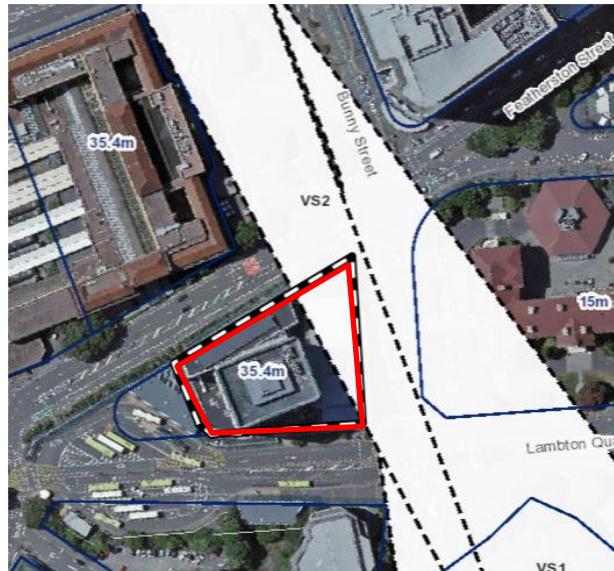


Figure 8: Showing VS2 intersecting across 23 Lambton Quay shown in red.

- VS13 Cable Car Station to Matiu/Somes Island and Mokopuna Island – intersects across multiple properties including (but not limited to) 165 Lambton Quay, 171 Lambton Quay, 179 Lambton Quay, 35 Waring Taylor Street, 128 Featherston Street, 24 Johnstone Street, 40 Lady Elizabeth Lane and 10 Waterloo Quay.

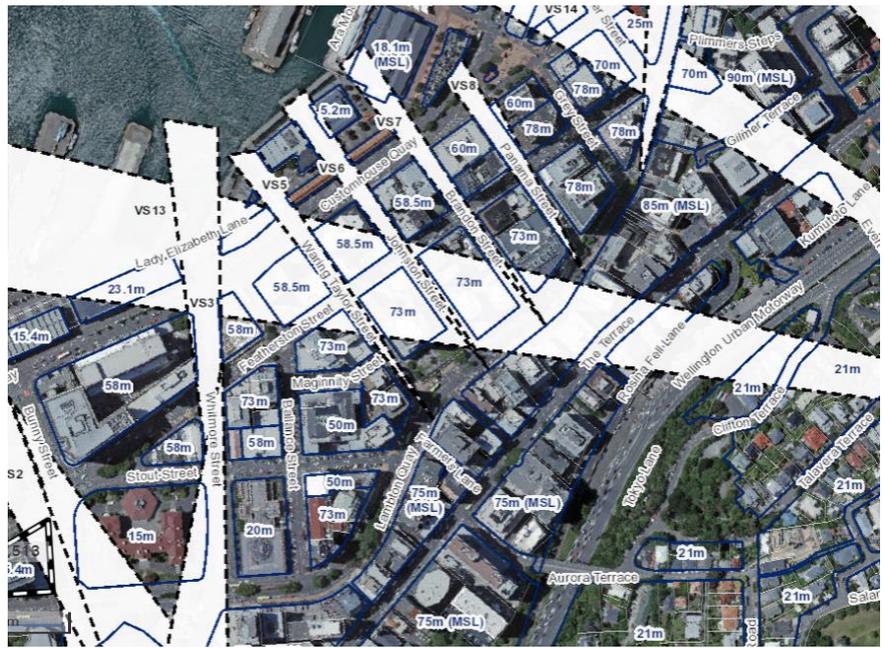


Figure 9: Showing VS13 intersecting various sites across the CCZ.

- VS10 Hunter Street – intersects 1 Victoria Street and 4 Queens Wharf.

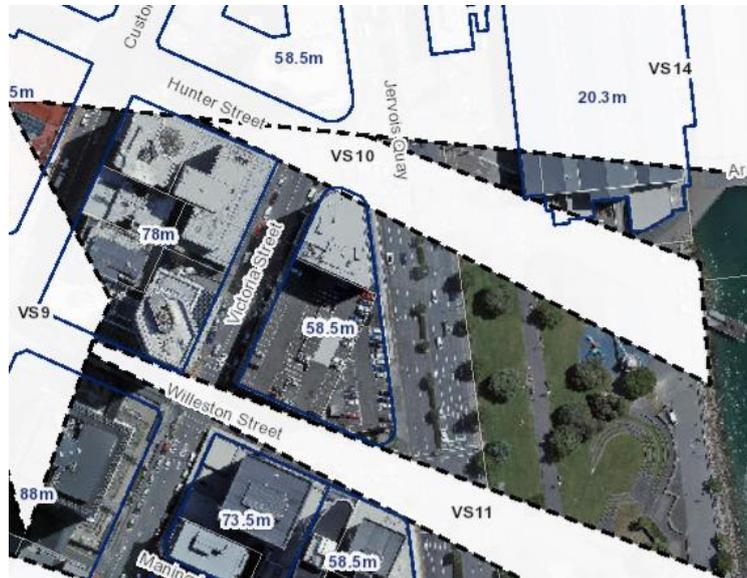


Figure 10: Showing VS10 intersecting 1 Victoria Street and 4 Queens Wharf.

24. Ms Bianca Tree, in paragraph 54 of her submission⁹ on behalf of Argosy, noted that *‘there has been no recent analysis undertaken. Photos of the area show that the building adjoining 7 Waterloo Quay has recently been developed and is encroaching into the viewshaft (as shown in Appendix B). As shown in Figure A below, the left margin of the viewshaft has essentially been realigned by this development so it now follows the road corridor rather than the viewshaft boundary shown in the Proposed Plan... Realigning the boundary of this viewshaft so that it does not encroach on Argosy’s site is justified because there are no implications for doing so; the viewshaft has already been encroached and any development on Argosy’s site, to the property boundary would not further affect the viewshaft. Retaining it simply because of the 2020 review is not fair or reasonable.’*
25. In response, I disagree with Ms Tree that no recent analysis has been undertaken or that retaining this boundary because of the 2020 review is not fair or reasonable. Contrary to the view expressed by Ms Tree the 2020 review comprised a thorough reassessment of all ODP Viewshafts including what is now VS3 in the PDP (ODP VS2). As this review was undertaken less than three years ago I am unconvinced of the necessity for any additional analysis to be undertaken, particularly as Ms Tree neither elaborates on what further analysis she considers is required.
26. Further, Ms Tree in her Submission¹⁰ in paragraph 54 considers that as development has occurred on the adjoining site to the west at 75 Featherston Street (the Rydges Hotel) that, in her view, has encroached into the viewshaft, that there is justification to realign the boundary of VS-3 to not extend over the Argosy site at 7 Waterloo Quay. Figures 11 and 12 below were produced in support of Ms Tree’s position in pages 16 and 22 of her evidence, including two photos down

⁹ ¹⁰ WCC Hearing Stream 3 Viewshafts, [Legal submissions on behalf of Argosy Property No 1 Limited \(submitter 383\)](#), 2023

Whitmore Street entitled 'New development near the harbour changing the viewshaft focal point'.

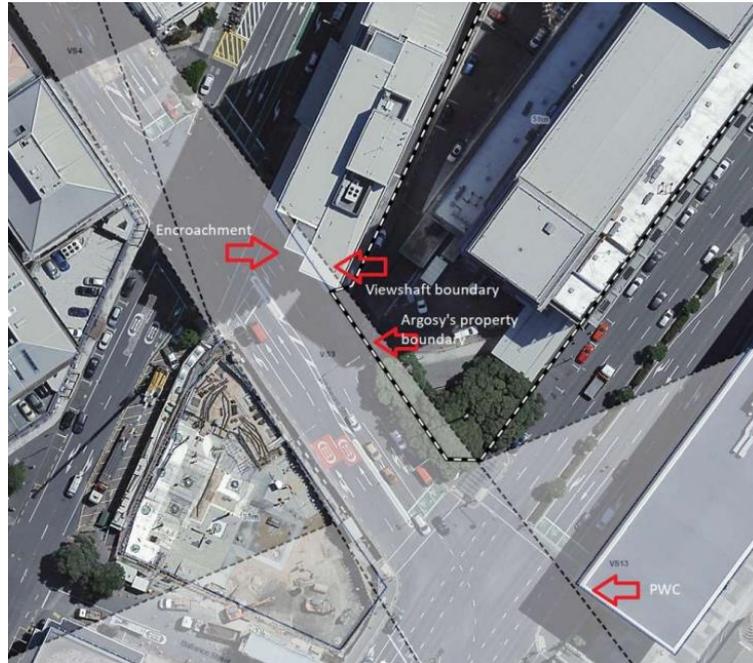


Figure 11: Diagram presented in Argosy Property No 1 Ltd's legal submission.

New development near the harbour changing the viewshaft focal point



Figure 12: Photos presented in Argosy Property No 1 Ltd's legal submission which have been taken at a different location to the actual PDP VS3 viewing location.

27. I strongly disagree with Ms Tree's assertion that there is a justifiable basis to realign the VS-3 boundary that intersects with the Argosy site for a variety of reasons including:

- The photos in Figure 12 (page 22 of Ms Tree's Legal Submission) are taken from the wrong viewing point and, as such, inaccurately reflect VS3 as they show a different view. In contrast to the viewing platform or location indicated in the associated entry in Schedule 5, these photos are taken further

along Whitmore Street towards 7 Waterloo Quay and on the opposite side of the road. This is illustrated in Figure 13 below.

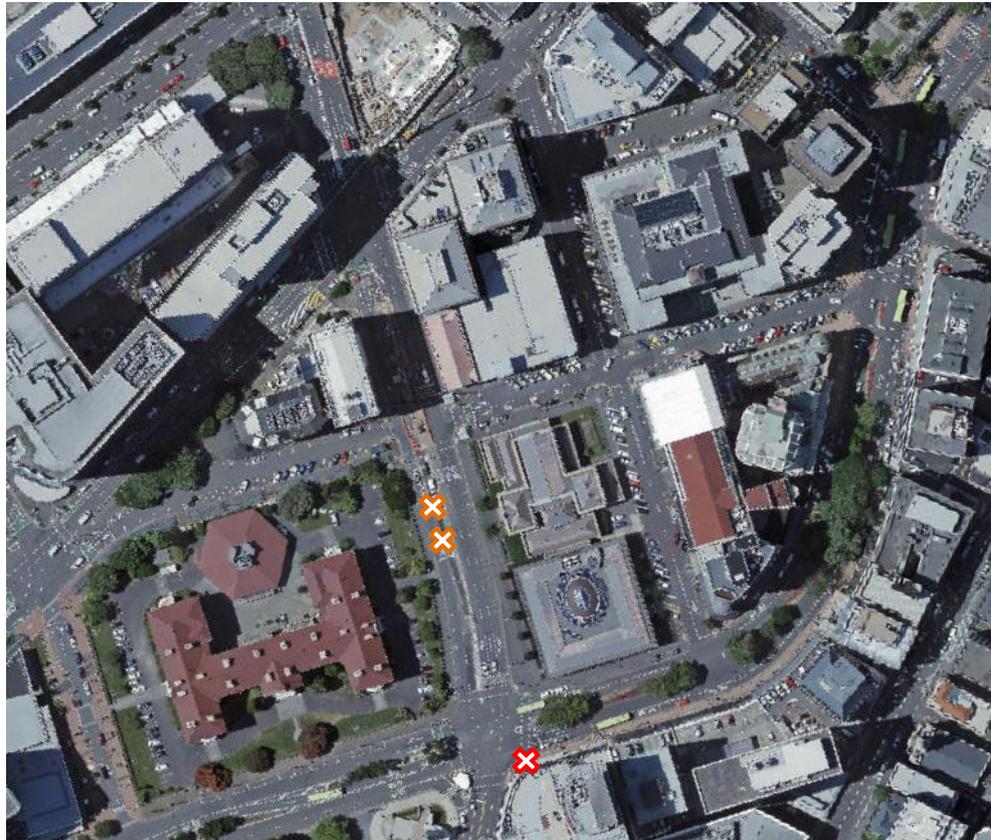


Figure 13: Roughly showing PDP-VS3's actual viewing platform in red and the approximate locations of where Argosy's photos were taken in orange.

- Consequently, the photos show more of the Rydges Hotel, the building at 75 Featherston Street that Ms Tree describes as blocking 7 Waterloo Quay from being able to be seen in VS3, than what is actually visible in the VS3 viewshaft photo and frame and viewing locations contained in Schedule 5. The relevant viewshaft frame is shown in Figure 14 below and, as this photo illustrates, only a small portion of the roof of the Rydges Hotel intrudes into VS3 (not the bulk of the building as suggested), thus 7 Waterloo Quay is still very much visible and any development on this site would impact the viewshaft. The reason only a small portion of the roof is visible (and not the whole building) is because it is obscured by the building at 70 Featherston Street, with the red circle in Figure 14 identifying

the small portion of the Rydges Hotel visible in VS3. As such, I am of the opinion that there is insufficient justification to support changing the left margin of VS3 as the viewshaft is not compromised by the Rydges Hotel.



Figure 14: Showing VS3 as shown in PDP notified Schedule 5. Circle in red shows the top of the Rydges Hotel and circle in orange shows the BNZ in construction with construction materials poking out which are not evident now.

- In terms of 'new development near the harbour changing the viewshaft focal point', Figure 15 shows that whilst the BNZ building at 1 Whitmore Street has developed a lot more since the VS3 photo in Schedule 5 was taken, only a minor intrusion into the viewshaft is evident. When Figure 15 is compared with Argosy's photos in Figure 12 above, I consider the impact from the part-complete building at 1 Whitmore Street reduces the impact on the viewshaft more than that shown in PDP-VS2 as notified, noting the temporary structure circled in orange no longer exists there.
- As noted previously, Argosy's photos in figure 12 above were not taken from the VS3 viewing platform and thus does not accurately reflect the viewshaft dimensions, including the right margin. Thus it appears in the photos that Argosy assessed that the BNZ building at 1 Whitmore Street has more of an impact

on the viewshaft than it actually does. Appendix 7 and figure 15 below shows a new VS3 photo taken in July 2023. This was taken to reflect the current view in VS3 noting that the development at 1 Whitmore Street (BNZ Building) is more advanced than when the notified PDP VS3 was taken. This shows the effect on VS3 from the new development is very minor, and with the construction material being removed the intrusion into the viewshaft has been reduced.



Figure 15: Showing an updated VS3 Photo recommended to be included in Schedule 5.

28. I also note that Ms Tree inferred during Hearing Stream 3 that no new photos of viewshafts had been taken since the ODP. I can confirm that new photos of the viewshafts contained in Schedule 5 of the PDP were taken by a professional photographer, with each of these conforming with the detail set out in the schedule relating to their respective viewshaft base, location and margins.

29. Regardless, I consider that replacement of the existing photos of VS3 and VS5 (Waring Taylor Street) in the PDP with new photos (within the same Schedule 5 frame details) would be a constructive consequential amendment for the Panel to consider given the recent development that has occurred relative to these viewshafts in the form of 1

Whitmore Street (BNZ building) and the Bell Gully Building on Lady Elizabeth Lane on the Waterfront. Currently the notified PDP photos show earlier stages of construction for these buildings. Suggested VS3, VS5 and VS9 replacement photos are attached as Appendix 7 to my right of reply for new photos. The recommended new photo for VS3 is shown in Figure 15 above.

30. I have recommended in the Right of Reply Appendix A Schedule 5 changes that these new VS3, VS5 and VS9 photos replace the notified viewshaft photos as they represent the current view within these viewshafts.
31. I have included Ms Popova's summary draft speaking notes for HS3 in Appendix 9 of this Right of Reply which provides useful context and information to the review Urban Perspectives Ltd undertook in 2020 of the ODP Viewshafts and the reports findings. Ms Popova's draft notes also provides her commentary on submissions raised on the Viewshaft Chapter, namely her comments on the Argosy Property No 1 submission and legal submission for both 7 Waterloo Quay and their property on Lambton Quay.
32. In relation to Argosy Property No 1 Ltd's legal submission in paragraph 19 Ms Popova makes two points about the outcomes sought. Ms Popova notes that:
 - The encroachment of the adjoining building (the Rydges Hotel) into the viewshaft's margin as referred to by Ms Tree cannot be relied upon alone to make an accurate assessment, in Ms Popova's opinion, without a 'verified' 3D view showing the potential impact of new development built to the street edge at 7 Waterloo Quay.
 - The photos in Ms Tree's legal submission (shown in figure 12 above) show the viewshaft corridor and the

encroachment of the adjoining building (the Rydges Hotel). However, in Ms Popova's opinion, it is not clear: (a) what is the exact viewpoint location for the photos and (b) whether the photos are verified views (e.g. surveyed in terms of viewpoint location and margins or certified by a registered surveyor).

33. Ms Popova notes that she has assessed a verified view of the same viewshaft prepared for an Environment Court hearing in relation to the Site 10 waterfront development (PWC Building) which shows that the encroachment of the Rydges Hotel relates only to small portion of the top-level eaves, but the building bulk is not visible from Vs3 viewpoint. I have attached this assessment Ms Popova is referring to in Appendix 10 of my Right of Reply for context. Ms Popova notes that this connects to her initial concern under point (a) (above) which is that without a verified view showing a development at 7 Waterloo Quay that is built to the street edge (as sought by the submission), it would be difficult to make an accurate assessment to whether and/or to what extent this might intrude on/narrow down the viewshaft's frame.

Should the red (in particular) and blue banners visible in the photograph of Viewshaft 9 at the Willis Street end on Lambton Quay be removed so that dimensions of buildings sitting behind them are captured in the viewshaft? If so, would any submission provide scope for that change?

34. I do not consider that there is a need to remove the banners visible within the photograph of VS9 at the Willis Street end of Lambton Quay. Whilst I agree that doing so would show the dimensions of buildings sitting behind them in full and accurately capture these, I consider that doing so could misrepresent the normal view down VS9 as these banners are a frequent feature of Lambton Quay and may be within the view for large periods of time. I note that the content and colour of these banners will change depending on the nature of events being

advertised, although their presence and visibility will remain somewhat constant. They are present much more often than not.

35. Schedule 5 photos provide a visual indication of the extent of the view experienced from the associated viewpoint, with determination of any potential intrusion as a result of new construction, additions/alterations or a verandah subject to a detailed, proposal specific assessment as part of a resource consent application.
36. However, having noted this, Council's professional photographer captured a recent photo (taken in July 2023) of Lambton Quay without these banners, shown in Figure 16 below. Given this question raised by the panel and possible concern from the panel that these flags impact the full view of buildings within the VS9 frame, the new photo shown in Figure 16 could replace the PDP notified VS9 photo in the Appendix A Right of Reply schedule, if thought appropriate.

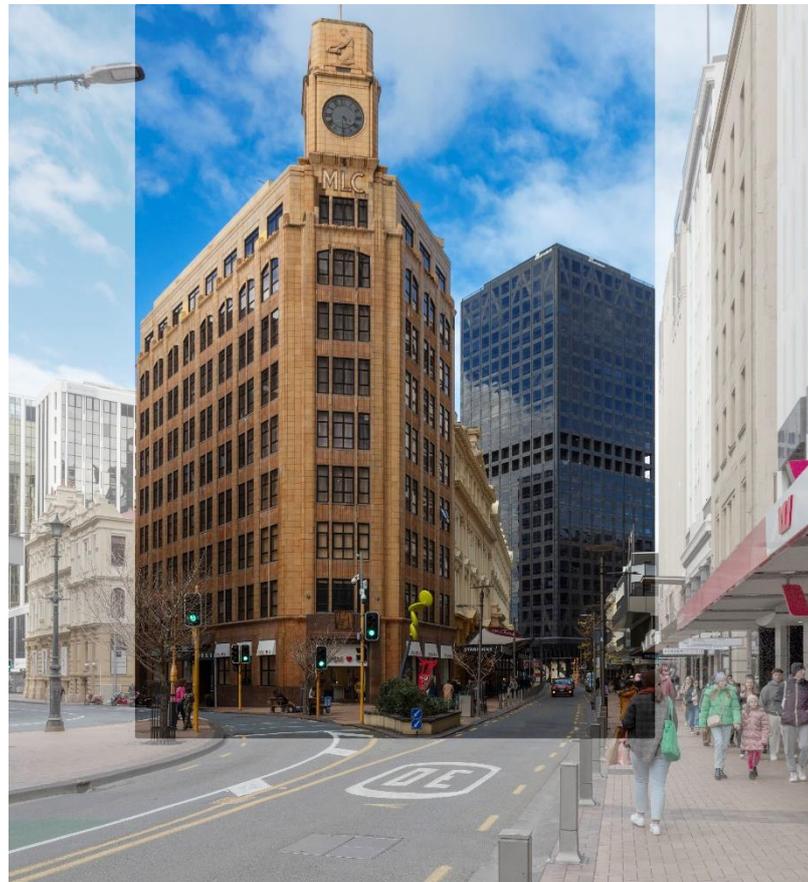


Figure 16: Showing a new PDP-VS9 photo for inclusion in Schedule 5.

37. I also note that this is a matter that was neither raised in relevant submission points or by submitters at the hearing, nor by the panel at the hearing. Regardless, I do not consider that the banners undermine the integrity and/or application of VS9 as I am of the view that it is clear from the photograph, the detail in Schedule 5 and the mapped ePlan Viewshaft Overlay which buildings are contained within this viewshaft and thus subject to the Viewshaft Chapter provisions.

38. I also refer to Ms Popova's draft speaking notes for HS3 included in Appendix 9, which provides her commentary in response to Argosy Property No 1 Limited's legal submission regarding Vs9.

Please advise what recommendations Officers would make if Kāinga Ora's submissions are accepted and a height limit of more than 11 metres is adopted in the Kelburn residential areas below the Cable Car?

39. I note that Mr Patterson, in paragraphs 7-17 of his related Right of Reply¹¹ for Hearing Stream 3, has recommended that the relief sought by Kāinga Ora referred to above is rejected. Mr Patterson provides a comprehensive list of reasons for why he has rejected by Kāinga Ora's height increases including but not limited to:

- That Kāinga Ora Homes and Communities have not given enough consideration to other parts of the NPS-UD and the purpose of the RMA;
- There is no evidence that Kāinga Ora have considered Policy 3(d) of the NPS-UD. In many cases, Kāinga Ora have proposed large height increases and expansions to the high-density zones in and around centres which cannot accommodate the level of intensification proposed;

¹¹ WCC Hearing Stream 2, Residential, [Josh Patterson's Right of Reply](#), 2023

- Policy 3 of the NPS-UD does not sit in isolation and does not elevate recognising the national significance of urban development above broader RMA outcomes. In other words, giving effect to the NPS-UD does not mean that other resource management matters should be ignored; and
- The proposed height increases by Kāinga Ora do not achieve either a well-functioning urban environment or sustainably manage the urban environment.

40. As discussed in my introductory comments at the beginning of Hearing Stream 3, I consider that the 11m, 14m and 22m height limits in MRZ and HRZ zoned Kelburn properties located underneath the Cable Car related viewshafts V13 – V15 need to be modelled to show that building to these heights will not intrude into the base of these viewshafts, thus compromising their effectiveness. This is particularly relevant to VS13 given the close proximity of affected houses to the viewing location.

41. In this regard I note that in paragraphs 36-42 of my supplementary evidence¹² I suggested a rule change to enable development in the MRZ up to the zone's maximum building heights of 11m and 14m and the maximum height of 11m in the HRZ. I noted my concern with properties being directly under the viewing platform that development above the maximum heights of the MRZ and HRZ may potentially compromise the base of the viewshafts. However, I considered that any development above the MRZ and HRZ maximum height limits of 11m and 14m respectively being a Discretionary Activity will enable the effects on viewshafts to be fully considered.

42. I considered 11m and 14m permitted maximum building heights within the MRZ and HRZ areas of the viewshafts would still preserve the

¹² WCC Hearing Stream 3, Viewshafts, [Anna Stevens Rebuttal Evidence](#), 2023

integrity of the viewshafts. As such I recommended that 11m and 14m within the MRZ and HRZ could be a permitted activity in the Viewshaft Chapter. In my rebuttal in paragraph 38 I did not enable HRZ-S2 maximum height limit of 21m (6 storeys) as a permitted activity within the Viewshaft Chapter as I was concerned that development of this height will compromise viewshafts.

43. However, further consideration of my rebuttal response has raised further concerns for me, specifically that enabling development to 11m and 14m in the MRZ beneath viewshafts V13 – V15 could potentially compromise the associated views.

44. To determine whether this could be the case, additional modelling of the sites located beneath the Cable Car, based on the height limits suggested, was undertaken. The results of the modelling indicate that building to the maximum height of 14m in the MRZ (yellow boxed areas) would encroach into the base of VS13. This is illustrated in Figures 17 - 19 below.

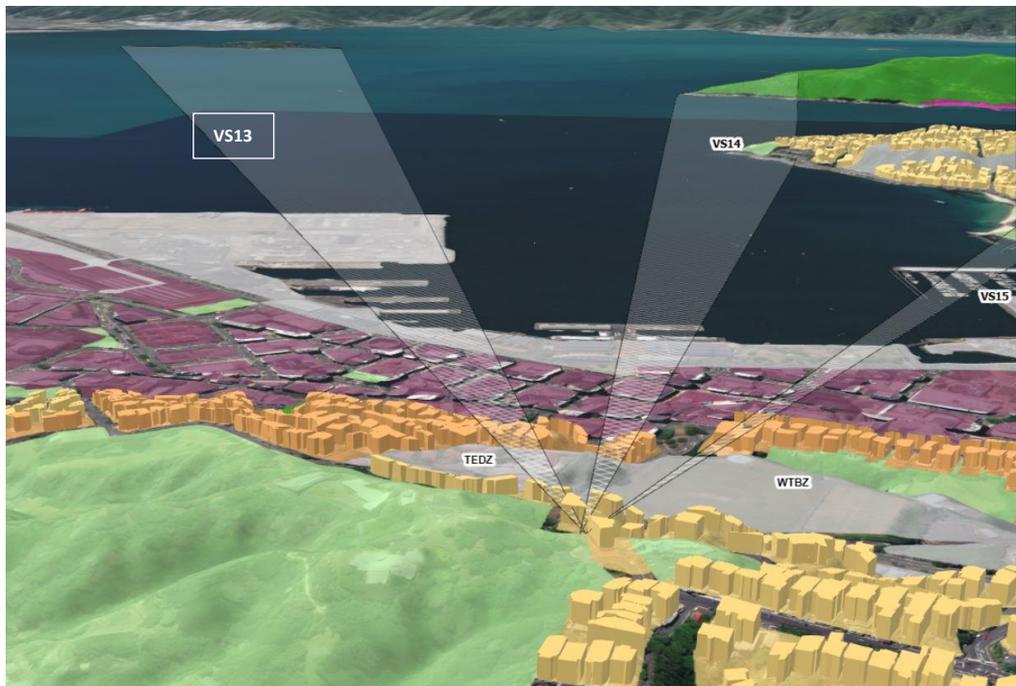


Figure 17: Showing VS13, VS14 and VS15 extending across different zones, with development built to the maximum height limits in each zone. VS13 is shown to be intruded upon by development in the MRZ (yellow blocks) up to 14m. HRZ is represented by the orange blocks.

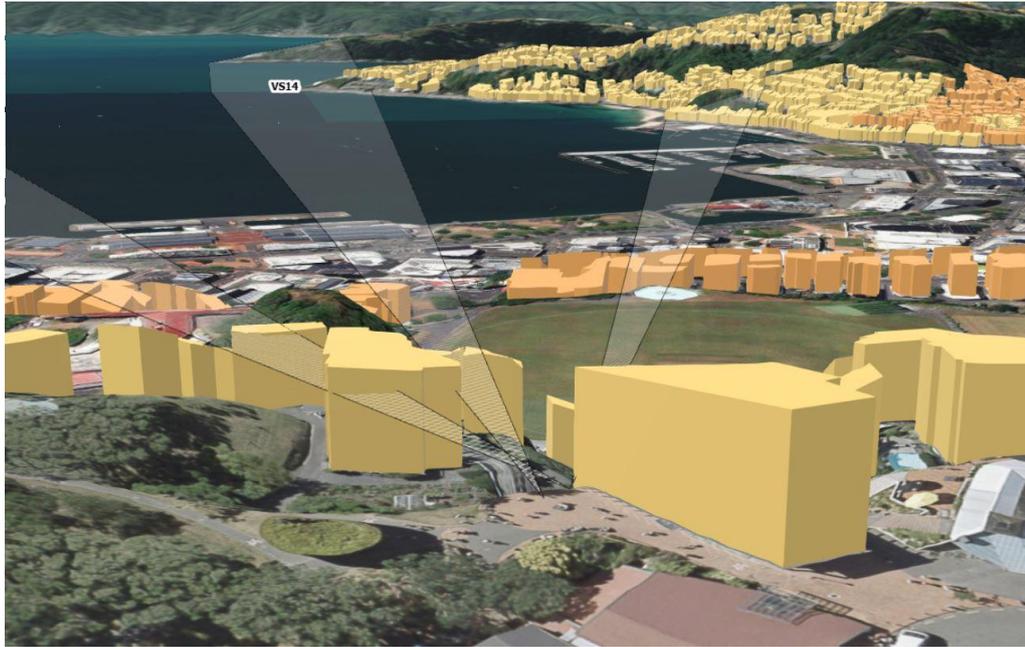


Figure 18: Showing VS13, VS14 and VS15 extending across MRZ (yellow blocks) and HRZ (orange blocks), with development built to the maximum height limits in each zone. VS13 and VS14 are shown to be intruded upon by development in the MRZ up to 14m.

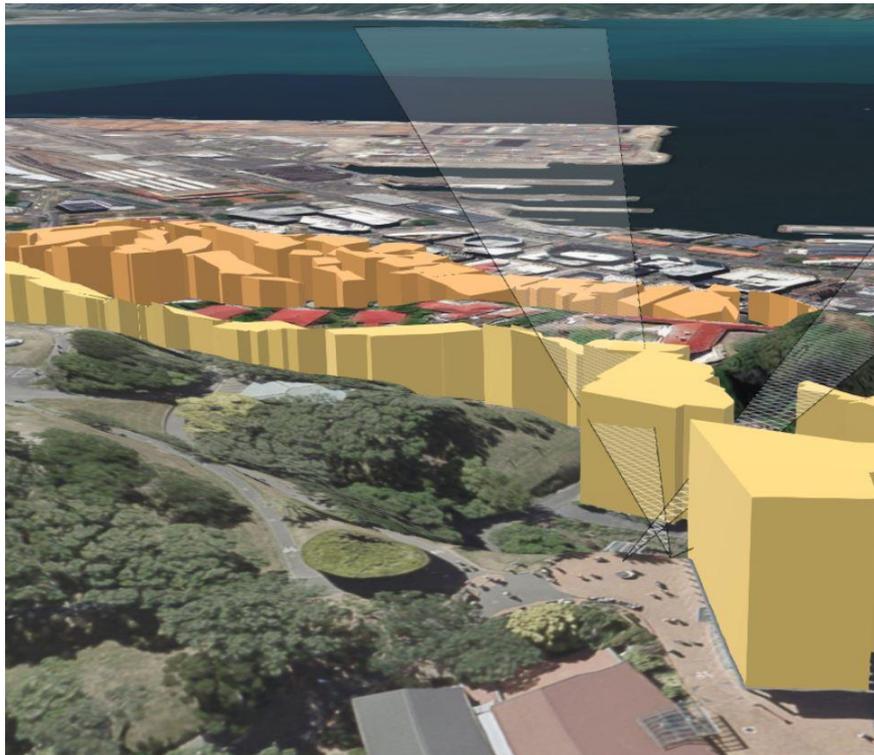


Figure 19: Showing VS13, VS14 and VS15 extending across MRZ (yellow blocks) and HRZ (orange blocks), with development built to the maximum height limits in each zone. VS13 and VS14 are shown to be intruded upon by development in the MRZ up to 14m.

45. The screenshots in Figures 17-19 are derived from Council's 3D Viewshaft viewer and present viewshafts V13 – V15 along with a 3D representation of the height of surrounding buildings based on the proposed maxima in the PDP. What these figures illustrate is that a development built to the suggested 14m height maximum in the MRZ would intrude into VS13, VS14 and VS15.
46. Based on these screenshots it is clear that development above 11m in specific sites in Kelburn risks encroachment into viewshafts VS13 - VS15 due to their close proximity to the Cable Car viewing platform. As such, I have proposed an amendment via my supplementary addendum changes¹³ to VIEW-R2.1 and VIEW-R2.2 that excludes MRZ properties in Kelburn located within the VS13 – VS15 overlays from developing to a maximum height of 14m as a permitted activity. In essence, excluding properties in Kelburn within the Viewshaft Overlay VS13-15 from being able to build to the MRZ-S2 maximum height limit. Instead, any such development would require a Discretionary resource consent, with anything up to 11m permitted as of right in alignment with the MDRS.
47. The application of Discretionary Activity status, rather than Restricted Discretionary, to proposals that exceed the 11m maximum height on affected Kelburn properties reflects that the viewshafts they are located beneath are Category 1 (Iconic and Landmark) viewshafts.
48. Whilst I note that the PDP HRZ zoned Kelburn sites within VS13-15 are located further down the hill and at a greater distance to the MRZ zoned sites, I consider that further analysis is needed to understand if development built to the HRZ-S2 21m height limit would intrude into these viewshafts. Without this evidence, I do not consider it is appropriate to allow any development within HRZ sites within the Viewshaft Overlay above 11m as a permitted activity within the

¹³ WCC Hearing Stream 3, Viewshafts, [Anna Stevens Supplementary Evidence – Appendix A – Viewshaft -Tracked changes \(addendum\)](#), 2023

Viewshaft Chapter rules. As such I consider that only 11m in the HRZ (HRZ-S1) should be a permitted activity within VIEW-R2.1 and that any development above 11m should require a Discretionary Activity resource consent application (given VS13-15 are Category 1 viewshafts). This is reflected in my Right of Reply Appendix A and in paragraph 62 below.

49. Under the notified PDP zoning the only HRZ zoned sites that sit within the Viewshaft Overlays (full extent of Viewshafts as shown in Appendix 5 of my Right of Reply) are those within Kelburn (of which VS13-15 intersect) and a small portion that run along the edge of the proposed extension to VS3 within Mount Victoria (As shown below in Figure 20). I do not consider there is a need to limit the small portion of properties within the HRZ in Mount Victoria because they are within the context elements of VS3 and are a considerable distance from VS3 viewing platform, thus greatly limiting their impact on the views of the context and focal elements protected by the viewshaft. In comparison HRZ properties within Kelburn are right under the viewing platform and base of VS13-15 and will have a far greater impact and intrusion upon these viewshafts if built to HRZ-S2 21m, potentially blocking and reducing the viewshaft integrity.

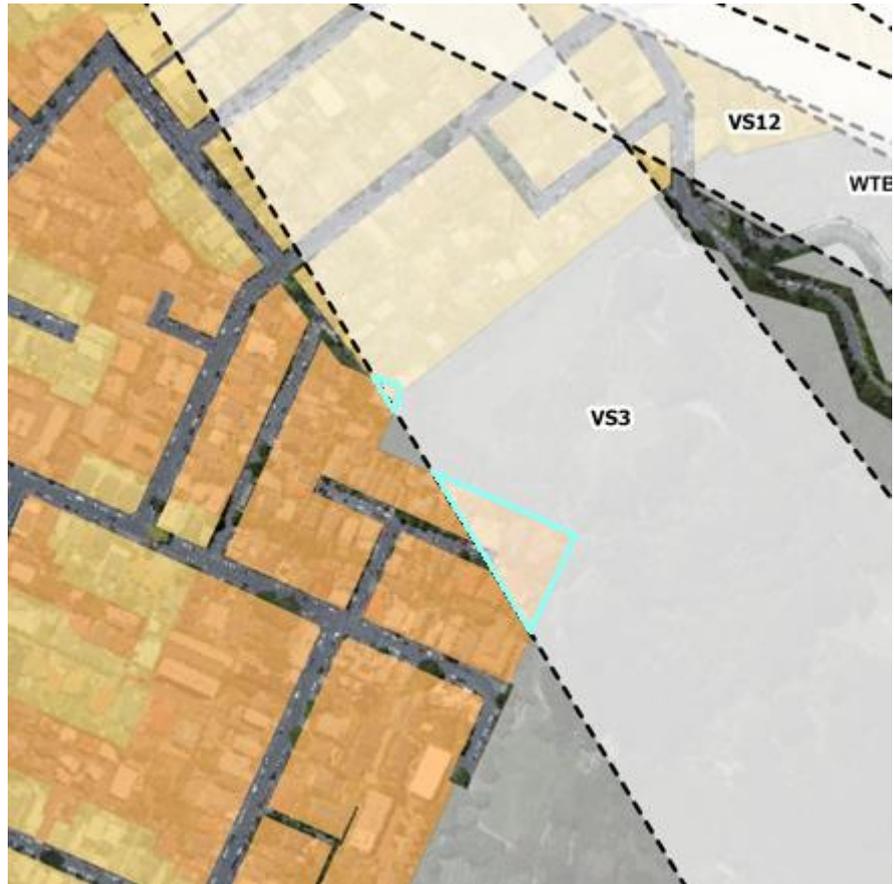


Figure 20: The extent of the proposed extension to VS3 that encompasses High Density Residential Zoning in Mount Victoria

50. To summarise, the Appendix A rule framework based on subsequent changes with regards to Kelburn sites within Viewshafts 13-15 are:
- Permitted activity where MRZ zoned sites are proposed to be developed to MRZ-S1 11m;
 - Discretionary Activity where MRZ zoned sites are proposed to be developed to MRZ-S2 14m or above;
 - Permitted Activity where HRZ zoned sites are proposed to be developed to HRZ-S1 11m; and
 - Discretionary Activity where HRZ zoned sites are proposed to be developed above HRZ-S1.

51. Kāinga Ora’s HS2 Expert Evidence proposes changes to the MRZ and HRZ height limits and zone extents that would affect identified Schedule 5 PDP viewshafts. These proposals are considered as follows:

52. **Amendment of zoning along Tinakori Road:**

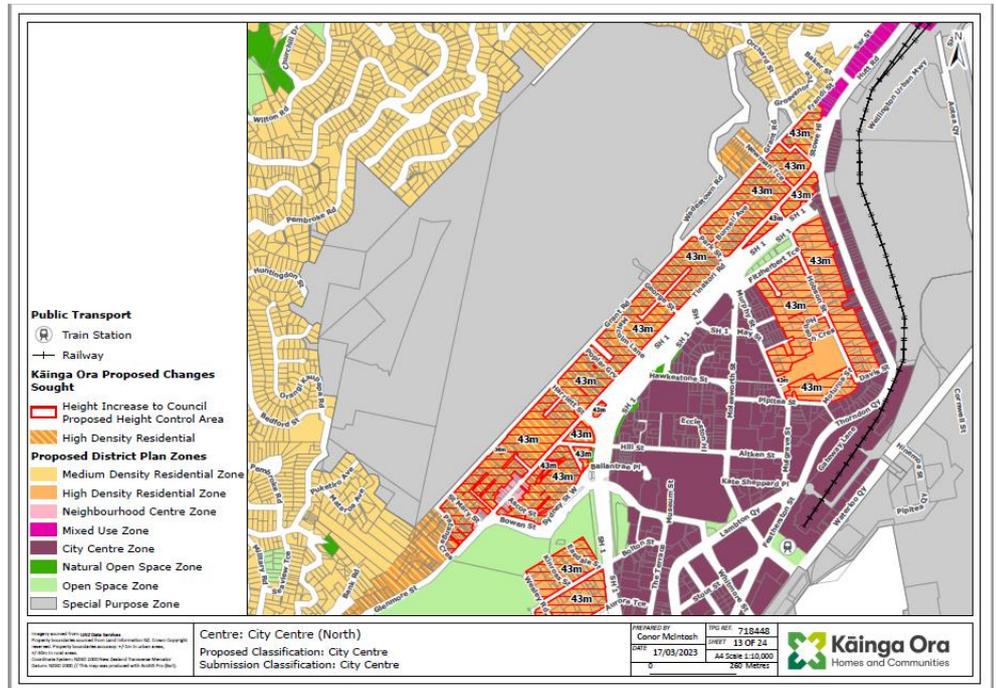


Figure 21: Relief sought by Kāinga Ora to alter PDP zoning for Thorndon (Source: Nick Rae’s expert evidence (on behalf of Kāinga Ora) for WCC Hearing Stream 2).

53. Kāinga Ora seek to amend the entirety of the MRZ in Tinakori Road to HRZ and increase the height control area to 43m across this amended zoning. See figure 21 above.

54. As detailed further down in this report in paragraphs 67-76 and shown in figures 23-26, Benjamin Lamason on behalf of Eldin Family Trust has undertaken modelling on Selwyn Terrace sites to the CCZ-S4 minimum building height limits and the CCZ-S1 PDP maximum height limit for this areas of 27m (approximately 9 storeys).

55. As I discuss in the pre-mentioned paragraphs these models identify that development to these heights, particularly 9 storeys, would have a substantial impact on the view of Te Ahumairangi and I have

recommended that this be addressed through extending VS1 and VS4 to Te Ahumairangi as shown in Appendix 5 of this Right of Reply and addressed in paragraphs 86-94 of my HS4 Rebuttal Evidence¹⁴. If this relief is not given effect to, I have recommended a lower maximum building height for this area as an alternative in my HS4 Rebuttal Evidence.

56. I am concerned with the impact these heights have upon PDP-VS1 and PDP-VS4, particularly 9 storeys, noting that that these two viewshafts are 'Category 1' viewshafts. Through Mr Lamason's modelling we have sufficient modelling to understand the impacts of six storey and nine storey height limits for Selwyn Terrace. However, Mr Rae has not provided any modelling to show the effects of Kāinga Ora's suggested 43m maximum height limit extension for Tinakori Road upon VS1 and VS4.
57. Without comprehensive modelling to assess the relationship of this proposed 43m height limit, it is difficult to assess and understand the scale of impact this height change would have upon the views protected by VS1 and VS4. I consider that given the modelling of Mr Lamason shows substantial intrusion into these viewshafts and the ability to view Te Ahumairangi, I consider that 43m would possibly have a substantially greater intrusion and thus further limit the ability to view Te Ahumairangi, and thus comprise VS1 and VS4.
58. This however could have significant impacts on the views protected by Viewshaft 1 and Viewshaft 4, both of which include Te Ahumairangi as a context element. The effective allowed height would increase from 11m under the proposed plan viewshaft rule framework to 43m which could significantly encroach into the view of Te Ahumairangi from these Viewshafts.

¹⁴ [Statement of supplementary planning evidence of Anna Stevens on behalf of Wellington City Council, paragraphs \[86\] – \[94\]](#)

59. If the Panel were of a mind to accept the zoning changes along Tinakori Road as set out in Mr Rae's evidence on behalf of Kāinga Ora, I believe that the proposed Viewshaft rule framework as set out in my Right of Reply Appendix A would be sufficient. The proposed rule framework, accounting for the changes outlined at paragraphs 41-43 for HRZ properties in Kelburn, would effectively limit the height in this area of HRZ to 22m where they intersect with the Viewshaft overlay.
60. I note that 22m is lower than the height limits enabled in the CCZ within VS1 and VS4 Viewshaft Overlays, i.e. 27m for Selwyn Terrace, (without taking ground level into consideration) and consider this 22m limit to be appropriate. This is consistent with NPS-UD Policy 3 (c) and (d) to enable 6 stories within a walkable catchment of the edge of the City Centre Zone, so a qualifying matter assessment is not necessary.
61. **Amendment of zoning in Mount Victoria and Oriental Bay**

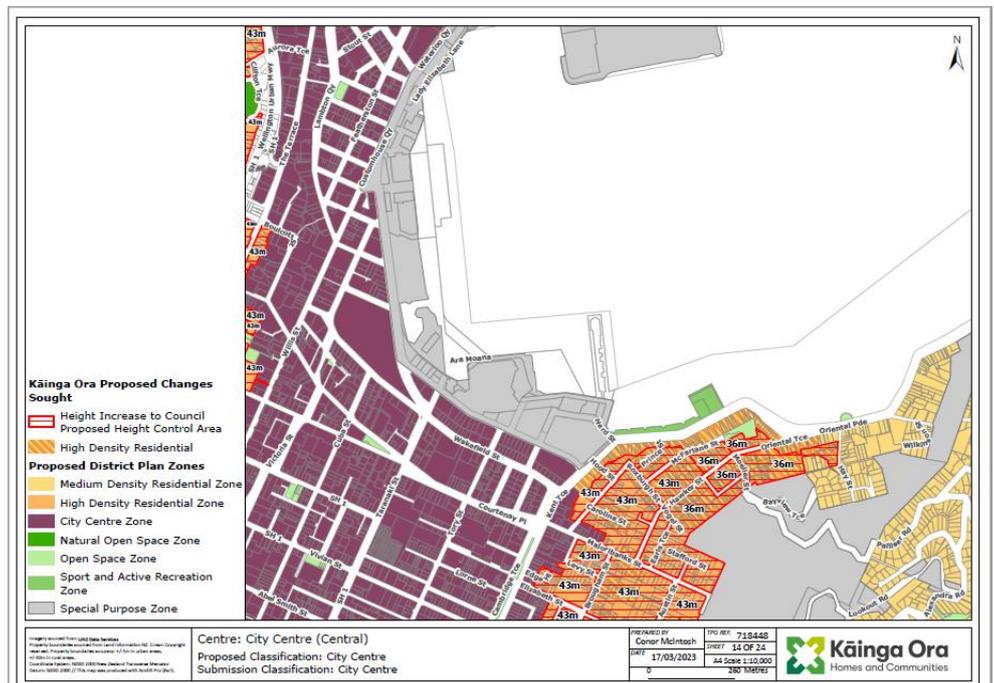


Figure 22: Relief sought by Kāinga Ora to alter PDP zoning for Mount Victoria and Oriental Bay (Source: Nick Rae's expert evidence (on behalf of Kāinga Ora) for WCC Hearing Stream 2).

62. Kāinga Ora have proposed amendments to the Oriental Bay and Mount Victoria area to remove the Oriental Bay Height Precinct, change the zoning to HRZ, and increase the height limit to 43m and 36m. I consider

that these changes would potentially have significant impacts on the views protected by numerous viewshafts, including VS2-VS3, VS5-6, VS8, VS10-12 and VS15. This includes views of the inner town belt, Te Ranga a Hiwi Precinct and Mount Victoria Ridgeline (as a context or focal element) and the viewshafts that protect the view of St Gerard's Monastery (as a focal element). The proposed changes by Kāinga Ora would likely encroach into the view of St Gerard's Monastery, as well as encroach significantly into the view of the inner town belt, limiting the views of both.

63. Under the proposed rule framework, building height in the HRZ within the Viewshaft overlay is limited to 22m. The extent to which the proposed viewshaft extensions intersect with this area would result in an effective height limit of 22m, if the zoning is amended to HRZ.
64. Without comprehensive modelling from Kāinga Ora, the impact on the views protected by the viewshafts that intersect this area cannot be assessed properly. I note that the strip occupied by the Oriental Bay Height Precinct does not have an amended height limit so will be 22m if rezoned and the precinct removed, as sought by Kāinga Ora in their relief sought. Whilst no modelling has been done, it is clear from the photos that St Gerard's Monastery sits a considerable distance above the strip of properties bordering Oriental Parade that possibly a 22m height limit is unlikely to impact the view of St Gerard's Monastery for Viewshaft 15 and 11. However, modelling would need to be undertaken to accurately prove this.
65. The remainder of the area proposed to be rezoned to 36m and 43m will likely further encroach into the view of the inner town belt context element of many of the viewshafts that intersect this area.
66. If the Panel were of a mind to accept the changes proposed in the mapping from Mr Rae on behalf of Kāinga Ora, assessment would need to be done to gauge the impact of 22m on the focal and context elements of the viewshafts that intersect areas with proposed zoning

changes (VS2-VS3, VS5-6, VS8, VS10-12 and VS15). If the impacts on the focal and context elements from this change are shown through further assessment and modelling work to be unacceptable, then a change to the proposed viewshaft rule framework would need to be made to further limit heights within this area to ensure potential intrusions into the viewshaft overlays are mitigated. The basis for limiting development below that required by NPS-UD Policy 3 (c) and (d) is provided at in Appendix 4.

Amendment of zoning in Kelburn

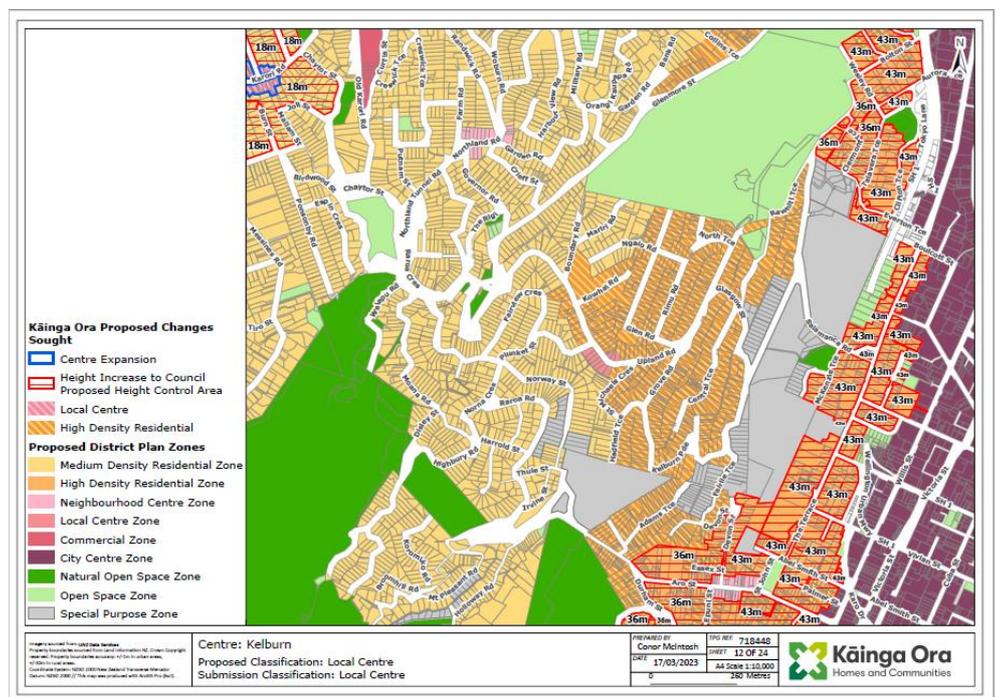


Figure 23: Relief sought by Kāinga Ora to alter PDP zoning for Kelburn (Source: Nick Rae’s expert evidence (on behalf of Kāinga Ora) for WCC Hearing Stream 2).

67. Kāinga Ora seek to amend the zoning below the Cable Car viewing platform to HRZ, with a height limit of 22m. This would have a significant impact on Viewshafts 13, 14 and 15. Modelling has shown that 11m meets the bottom margin of these viewshafts and anything in excess would start blocking these views, with 22m having a significant impact on these views due to their encroachment into the view. See paragraphs 36-47 above in my Right of Reply.

68. The notified PDP walking catchments were consistent with NPS-UD Policy 3 (c). An extension to the HRZ into this area in Kelburn would not necessarily mean that the area is required to be 6 stories under NPSUD Policy 3 (c) because it's not assessed as being within the proposed walking catchment. In my proposed changes to Appendix A in this Right of Reply, I have recommended that only 11m is allowed in HRZ sites within VS13-15 Viewshaft Overlay areas. This is to ensure the protection of VS13-15 is maintained by avoiding intrusion from Kelburn properties into these viewshafts. Given this PDP MRZ zoned sites are not within the walkable catchments (as notified) then I do not consider this amendment to be inconsistent with NPS-UD Policy 3 (c) and (d) and it still allows MDRS.
69. If the panel is of a mind to accept Kāinga Ora's submission to amend the zoning in Kelburn to HRZ, then I have already provided for the subsequent protection of these viewshafts by limiting HRZ to 11m within the Viewshaft Chapter rules, just for the Kelburn area, as per my Appendix A changes.
70. I will note that this assumes HRZ-S1 is retained as notified at 11m. If the panel is of a mind to amend HRZ-S1 from 11m, then consequential amendments to this proposed change would need to be made to ensure that the properties below the cable car in Kelburn are limited to 11m.

VIEW-R2	Construction of new buildings and structures, and alterations and additions to existing buildings, within <u>the extent of the a Viewshaft Overlay</u>
<u>Medium Density Residential Zone</u>	<p>1. <u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with any of the following standards is achieved:</u></p> <p>i. <u>MRZ-S1; and</u></p> <p>ii. <u>MRZ-S2, excluding properties within the Viewshaft Overlay for Viewshaft 13, Viewshaft 14 and Viewshaft 15 in Kelburn.</u></p>
<u>High Density Residential Zone</u>	<p>2. <u>Activity Status: Permitted</u></p> <p><u>Where:</u></p>

	<p>a. <u>Compliance with any of the following standards is achieved:</u></p> <p>i. <u>HRZ-S1; and</u></p> <p>ii. <u>HRZ-S2, excluding properties within the Viewshaft Overlay for Viewshaft 13, Viewshaft 14 and Viewshaft 15 in Kelburn.</u></p>
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Please provide a road map showing how Sections 77J and 77L have been complied with in relation to viewshafts, including if Kāinga Ora’s relief, as above, is accepted. As for heritage, what the Hearing Panel is looking for is a table identifying the relevant sections of the Section 32 Evaluation, and a narrative of the contents thereof.

71. In response to this request I direct the Panel to my Viewshafts related Sections 77J and 77L assessment in Appendix 4 of my right of reply with regards to Viewshafts.

Is there value in a varied more objective version of the Eldin Trust relief noting the role of Te Ahumairangi Hill as providing contrast to the focal points in front of it?

Mr Lamason Expert Evidence:

72. I agree with the Eldin Family Trust that the PDP viewshafts should extend to include the context elements and focal elements as intended in the ODP and PDP, as set out in paragraph 11 of my right of reply and as per my Hearing Introduction notes in Appendix 8.

73. Since Hearing Stream 3 adjourned, I note further expert evidence has been provided by the Eldin Family Trust (submitter 287) courtesy of Benjamin Lamason¹⁵. Paragraphs 86-94 of my Hearing Stream 4 (HS4)

¹⁵ WCC Hearing Stream 4 Commercial and Mixed Use Zones, [Evidence of Mr Lamason on behalf of Eldin Family Trust](#), 2023

rebuttal evidence¹⁶ addresses this evidence provided by Mr Lamason. This evidence is also addressed in the rebuttal evidence of Dr Zamani¹⁷ for HS4 also, at paragraph 17 of his rebuttal evidence.

74. I note that Mr Lamason has provided evidence on behalf of the Trustees of the Eldin Family Trust in the form of a visual simulation of the addition of six and nine storey building envelopes in Selwyn Terrace, Thorndon, from the perspective of VS1 and VS4 in the PDP. I note that this evidence has not identified which Hearing Stream it relates to. I have taken it to apply to both Hearing Stream three and four, as it relates to both viewshafts and heights. See Figures 24-27 below for these visual simulations.



Figure 24: Showing Mr Lamason's visual simulation of development on Selwyn Terrace to 6 storeys within VS1 (Source: Benjamin Lamason's expert evidence on behalf of Eldin Family Trust).

¹⁶ WCC Hearing Stream 4 Commercial and Mixed Use Zones, [Anna Stevens Rebuttal Evidence](#), 2023

¹⁷ WCC Hearing Stream 4 Commercial and Mixed Use Zones, [Dr Farzard Zamani rebuttal evidence](#) on behalf of Wellington City Council, 2023



Figure 25: Showing Mr Lamason's visual simulation of development on Selwyn Terrace to 9 storeys within VS1 (Source: Benjamin Lamason's expert evidence on behalf of Eldin Family Trust).

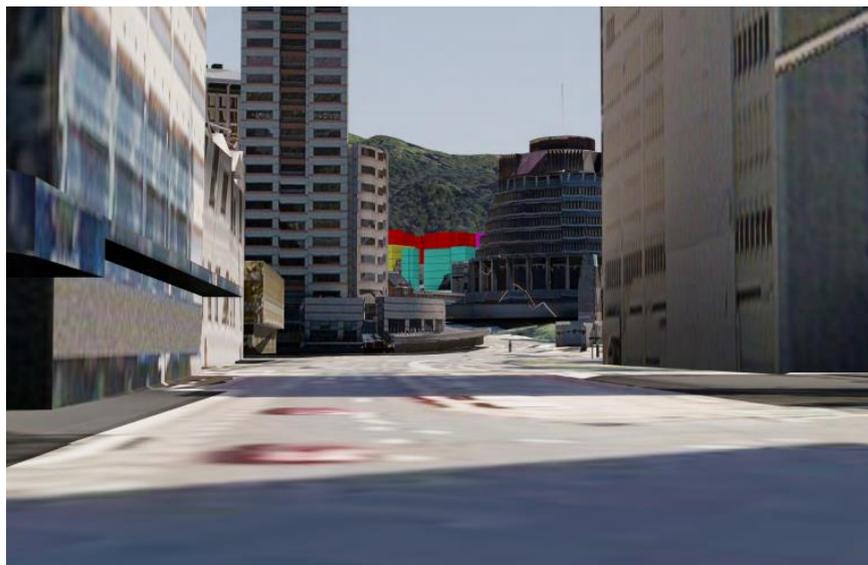


Figure 26: Showing Mr Lamason's visual simulation of development on Selwyn Terrace to 6 storeys within VS4 (Source: Benjamin Lamason's expert evidence on behalf of Eldin Family Trust).

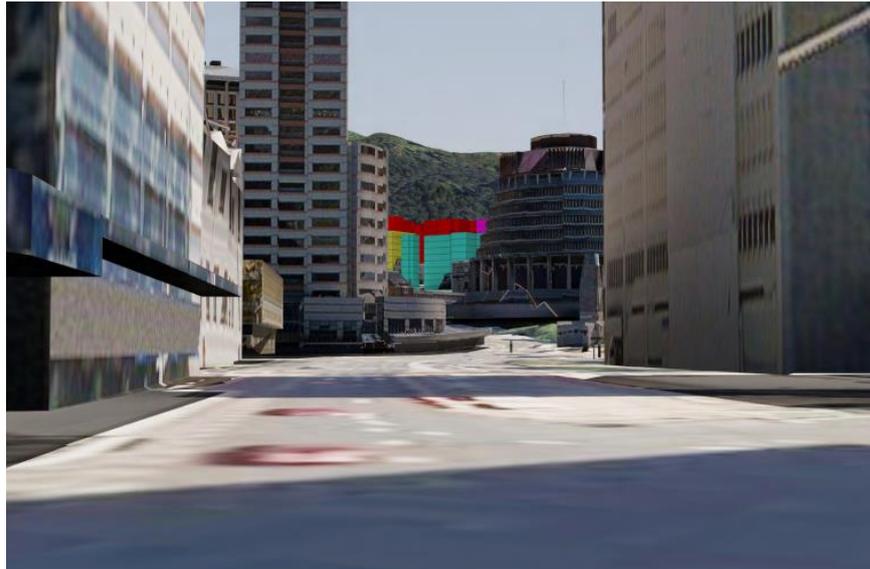


Figure 27: Showing Mr Lamason's visual simulation of development on Selwyn Terrace to 9 storeys within VS4 (Source: Benjamin Lamason's expert evidence on behalf of Eldin Family Trust).

75. I consider this visual simulation to be useful, noting that it models buildings located on Selwyn Terrace under both the notified PDP maximum height limit of 27m for Thorndon (which applies to Selwyn Terrace) under CCZ-S1, as well as CCZ-S4 minimum building height requirement of 22m.
76. There is a marked difference in the effect on VS1 and VS2 based on six storeys (minimum building height) and nine-storeys (PDP maximum height). As the viewshaft S42A officer I am concerned with the impact of these heights on both viewshafts, particularly 9 storeys, noting that that both are 'Category 1' viewshafts.
77. As I have detailed in paragraphs 89 and 90 of my HS4 Rebuttal evidence, my Viewshafts supplementary evidence¹⁸, paragraph 11 of this report, and my hearing introduction notes in Appendix, it was the intent of the notified PDP Viewshaft Chapter's provisions and Viewshaft

¹⁸ WCC PDP Hearing Stream 4, [Anna Stevens Rebuttal Evidence](#), 2023

Overlays to apply to the whole viewshaft (viewshaft itself, the context elements and focal elements).

78. As I note in paragraph 91 of my HS4 rebuttal evidence, if the PDP chapter and Overlay Mapping should be amended to clearly show the full extent of viewshafts to their focal and context elements apart from the exemptions I discussed in my supplementary evidence,(i.e. not extending into the Remutakas etc.), the full overlay mapping would capture Selwyn Terrace as identified in Mr Lamason’s evidence.
79. If the viewshaft overlay and thus viewshaft control was extended to the Te Ahumairangi context element, thus covering Selwyn Terrace, then the Viewshaft Chapter’s provisions would apply to any development in this site. Any application for development within the viewshaft would require a resource consent application as a Discretionary Activity under the Viewshaft rule framework.
80. In paragraph 93 of my HS4 rebuttal, I consider Selwyn Terrace should remain subject to CCZ zoning and the CCZ-S1 height proposal. However, I have noted that, if these changes to the Viewshaft Overlay and Viewshaft rule framework do not occur, I recommend an exemption to CCZ-S1 for Selwyn Terrace should be provided and a maximum height limit of 22m/ six storeys be considered. I am of this view because I am concerned about the potential loss of view to Te Ahumairangi and the dominance that would be created by tall buildings within the Selwyn Terrace area if they were not subject to the Viewshaft Chapter provisions, particularly tall buildings enabled under CCZ-S1 within VS1 and VS4’s background.¹⁹
81. **Note:** In my HS4 S42A CCZ Part 1 Report in pages 91-113 and associated Appendix A chapter tracked changes (and associated rebuttal evidence and supplementary Appendix A), I have recommended that the
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maximum height limits be removed in the CCZ in CCZ-S1 and replaced with City Outcomes Contribution Height Thresholds. I note this because I have referred in sections here and in my S42A and Supplementary Evidence for HS3 to CCZ maximum height limits. However, this does not impact the viewshaft Schedule 5 detail in anyway as the details for each viewshaft remain the same.

VS4 Schedule 5 Description:

82. In paragraphs 14-27 of the Eldin Family Trust's (Inc) Legal Submission, changes to the VS1 and VS4 descriptions are discussed. I note that I accepted as part of my S42A recommendations to amend VS1's description to refer to 'against the backdrop of Te Ahumairangi Hill' as sought by the submitter. However, a change is still sought by the submitter to VS4.
83. Paragraphs 78-84 of Ms Popova's Statement of Evidence²⁰ discusses these changes sought by the submitter. Ms Popova does not consider this change is appropriate or necessary as *"a) it reads as an evaluation of the visual contribution of the context element of the viewshaft - an approach that has not been incorporated into the description of context elements in Schedule 5 viewshafts; and (b) the relationship between The Beehive (focal element) and Te Ahumarangi Hill (context element) has already been referred to in the first sentence of the description"*. I agree with Ms Popova's conclusions.
84. I am of the opinion that there is neither any value nor a necessity in making the requested changes to the descriptions of VS1 and VS4. In particular I consider that such a change could be detrimental because it could create problems for the descriptions of viewshafts generally under Schedule 5 or set a precedent for revision of other viewshafts. I consider this change would create inconsistency in the descriptions for

²⁰ WCC Hearing Stream 3, Viewshafts, [Deyana Popova Statement of Evidence](#), 2023

Schedule 5 as no other viewshafts have such language and could risk creating an interpretation problem/risk if it is not the same approach and wording structure in other viewshafts.

85. There are no other described context elements for other viewshafts in Schedule 5. Hence, this would create an inconsistent approach to PDP Viewshaft descriptions. In particular, I do not think the word 'striking' is appropriate.

Response to points raised in Submitters' Legal Submissions:

86. In addition to the questions addressed above I would also like to respond to a few identified errors raised in legal submissions from Argosy Property No. 1 Ltd and Eldin Family Trust.

Regarding Argosy Property's point on VIEW-P2:

87. The changes I recommended to clauses 3 and 4 of VIEW-P2 were to avoid duplication and to align with the Chinese Garden case law²¹ which, as I understand it, affirmed that the intent of the ODP Viewshaft Policies was to protect views along the viewshaft of the focal elements by avoiding intrusions into 'viewshafts', not to prevent control change to focal elements themselves. However, I note that an unintentional error appears to have been made in recommending removal of the reference to 'intrusions into the focal elements' as, in my view, this remains an important consideration given that the purpose of the Viewshaft Chapter objectives, policies and rules is to avoid intrusions into both and I consider it is important that this is captured in the Viewshaft policy framework. This will help resource consent planners processing applicable resource consent applications.

²¹ Waterfront Watch Incorporated and Michael Peter Cecil Gibson vs Wellington City Council and Wellington City Council – Build Wellington and Wellington Civic Trust [2018] supported by the associated High Court Case Waterfront Watch Limited vs Wellington City Council [2018]

88. Consequently, I consider that retaining a reference to ‘focal elements and context elements’ in clause 3 of VIEW-P2 is necessary for the reasons outlined above, and this is reflected in the change I made in my supplementary evidence²² Appendix A shown below:

VIEW-P2	<p>Maintaining identified viewshafts</p> <p>Maintain viewshafts that reinforce the City’s identity and sense of place by restricting development that could affect these viewshafts, having regard to:</p> <ol style="list-style-type: none"> 1. Whether the development will positively frame the viewshaft horizontally or vertically; 2. The extent to which the relationship between context and focal elements will be maintained; 3. Whether the development will disrupt <u>intrude on</u> the viewshaft, vertically or horizontally, and <u>the extent of this intrusion on identified context and focal elements whether this is of a minor nature</u>; 4. Whether the development will encroach on one or more of on the view's focal elements and whether this is of a minor nature; and 4. 5-The extent to which the development will remove existing intrusions or increase the quality of the viewshaft, particularly in relation to focal elements.
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Regarding Eldin Family’s point on the description of PDP-VS4:

89. I note here that I unintentionally recommended in my addendum supplementary evidence Appendix A²³ deletion of ‘and from’ rather than ‘and to’ in the following sentence in the VS4 description: ‘Additionally, as the Beehive and Cenotaph are important physical reminders of Wellington’s rich history and the views to and from them ...’. An amended version of the Viewshaft chapter incorporating this proposed change is contained in Appendix A of my right of reply, where I have corrected this error, as shown below.

VS4 The Beehive and The Cenotaph – Whitmore Street	
Description	VS4 is one of two viewshafts (the other being VS1) focused on the Beehive from the south and east as set against the backdrop of Te Ahumairangi Hill. Along with the Beehive this viewshaft includes the Cenotaph as an additional focal element. Both of these

²² WCC Hearing Stream 4 Commercial and Mixed Use Zones, [Anna Stevens Rebuttal Evidence](#), 2023

²³ WCC Hearing Stream 4 Commercial and Mixed Use Zones, [Anna Stevens Rebuttal Evidence Appendix A](#), 2023

	<p>viewshafts are individually and collectively significant and promote the image of Wellington as NZ's 'seat of government' and capital city in views from key points. Additionally, as the Beehive and Cenotaph are important physical reminders of Wellington's rich history the views <u>to and from</u> them, as provided by VS4, contribute to the city's sense of place.</p>
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Regarding Eldin Family's point on the Viewshaft Overlay extent needing to cover context elements:

90. I note here that context elements have been inadvertently omitted from the viewshaft overlay mapping. Whilst all of the focal elements were included in the overlay, and thus the rule framework, context elements should have been incorporated in the overlay as well. The intent of the Viewshaft Chapter provisions and viewshaft definition is to protect identified views down an identified viewing corridor (shaft) from a fixed point that is publicly accessible to identified focal elements and context elements. In short, context elements form part of the view to be protected by viewshafts, as shown and detailed in Schedule 5.

VIEWSHAFT	<p>means a view <u>down an identified viewing corridor (shaft)</u> from a fixed point that is publicly accessible <u>to identified focal elements and context elements</u>. <u>Viewshafts are defined by vertical margins and a base which demarcate the extent of the protected view</u>. There are three types of viewshafts <u>that viewshafts protect</u>:</p> <ol style="list-style-type: none"> Contained views <u>that</u> run along street corridors and are vertically framed on either side by <u>physical margins - a building or other structure (existing or future enabled permitted)</u>; Vista views are <u>distant views seen obtained</u> from elevated viewpoints or from areas that allow a wider viewing angle than contained views; <u>and-</u> Panoramic <u>views are expansive wide-angled distant views providing a complete view of an area</u>.
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91. Consequently, most of the context elements identified in Schedule 5 need to be included apart from those that are not within Wellington's jurisdiction or are too far in the distance i.e. VS14'S Remutaka and Orongorongo Ranges. Appendix 5 identifies the mapping changes to the Viewshaft Overlays that are needed, showing viewshafts included in Schedule 5 being extended to cover their context and focal elements. See figure 28 below and Appendix 5.

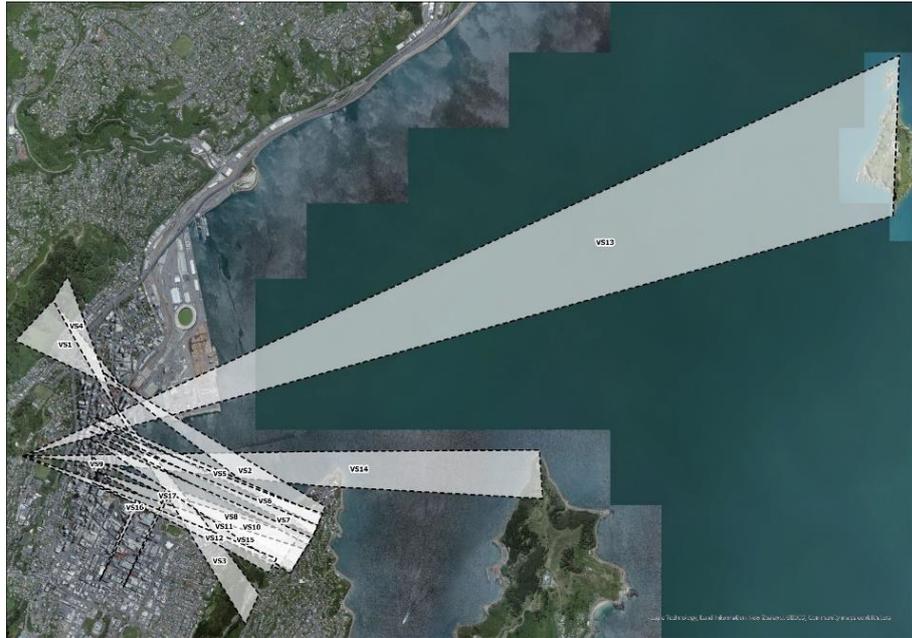


Figure 28: Showing an overview of all Viewshafts with proposed PDP Viewshaft Overlay extensions as included in Appendix 5 of my Right of Reply.

92. Eldin Family Trust's submission (287.10) requests amendment of the descriptions to recognise the 'contributing role of the Te Ahumairangi (Tinakori Hill) backdrop'. WCC's submission (266.7) also relates to context elements of VS8.
93. If the Panel arrives at the view that there is insufficient scope to enable the Viewshaft Overlay mapping to cover all context elements of schedule 5 of the PDP, I would draw the Panel's attention to the recommendatory powers available to it under clause 99(2) of Schedule 1 of the RMA, noting that the Viewshaft Chapter is an IPI topic.

Points of clarification with regards to matters raised at the Hearing Stream 3 Hearing:

Council submissions:

94. I note that during the course of the hearing I was asked what role, if any, I had in relation to the WCC PDP Council submission as well as being the Viewshaft topic lead.

95. Across all topics and workstreams, officers were asked to advise of any errors identified which may have crept in as a result of finalising and notifying the PDP (including rewriting the IPI parts of the plan when Parliament amended the RMA) at pace. This included collating known errors regarding the Viewshaft Chapter and associated Viewshaft Overlay, with potential options to address these errors developed in consultation with team members and myself as chapter author.
96. I have accepted Council's submissions in part on the Viewshaft Chapter, noting that whilst I agreed with the intent of the relevant submission points, I disagreed with the method in which Council proposed to ensure residential areas are captured in the rule framework. I consider that instead of suggested viewshaft control areas which would have required another Viewshaft Overlay beyond the existing one, additional columns with VIEW-R1 and VIEW-R2 are needed to clearly identify applicable zones within the Viewshaft Rules and Standards. As noted earlier in paragraph 11 of my right of reply, it was always the intention of the PDP Viewshaft Chapter and Viewshaft Overlay to apply across multiple zones, not just the CCZ and WFZ.
97. In this regard, irrespective of any input I have had in the preparation of the WCC submission, in my role as an expert witness I have arrived at a different or contrary position.

Technical error in Appendix B in response to WCC (266.37):

98. I note a technical error in Appendix B of my Section 42A Viewshaft report in that the recommendation on WCC submission 266.37 should have, consistent with similar recommendations on related WCC submission points, stated 'accept in part' instead of 'reject' as I agreed with their concerns that *'the mapping of the viewshafts needs to be amended to provide clarity and certainty around the rule framework. This is to avoid impacts on the development potential of residentially zoned properties in the focal element of VS13-15 (i.e. their ability to*

achieve MDRS) for the reasons outlined in paragraph 11 of the section 42A report.

Scope for my recommendation to include an amended version of Viewshaft 21 of the ODP into Schedule 5

99. I note that the question of scope for the proposal outlined in paragraphs 90-111 of my S42A report²⁴ to add an amended version of VS21 of the ODP to Schedule 5 was raised by the Panel during the hearings. The amendments proposed included changing the viewshaft viewing platform location to the Tomb of the Unknown Warrior and raising the base of the viewshaft to above the CCZ PDP maximum height limit of 42.5m above the top of the Century City Apartments and Hotel.
100. In light of this the Panel raised concerns as to whether there was sufficient scope to make the suggested change as opposed to reinstating VS21 as currently shown in the ODP.
101. In response, I consider there is adequate scope to consider this suggested amendment based on the matters raised in the following submission points:
- Heritage New Zealand Pouhere Taonga (70.73 and 70.74)
 - *Opposes SCHED5-Schedule of Viewshafts to the extent that Viewshaft 21 of the Operative District Plan is not included.*
 - *Retain SCHED5-Schedule of Viewshafts with amendment.*
 - *SCHED5 should be amended to include Viewshaft 21 Central Area Viewshafts Appendix 11 of the Operative*

²⁴ Paragraphs [90] – [111] of [Section 42A Report - Hearing Stream 3 - Viewshafts](#)

District Plan (from the former National Art Gallery and Museum).

- ***Considers that this viewshaft is important in maintaining the integrity of views to and from the museum/war memorial site, and the wider Pukeahu area.***
- ***Reinstate Viewshaft 21 (Central Area Viewshafts Appendix 11 of the Operative District Plan) to SCHED5 - Viewshafts.***
- Historic Places Wellington (182.51 and 182.52)
 - ***Supports the viewshafts of significant cultural heritage.***
 - ***Retain SCHED5 - Viewshafts, with amendment.***
 - ***Considers the viewshaft is important public heritage anchoring people in place and identity.***
 - ***Add a new viewshaft to protect views of the Carillon at Pukeahu National War Memorial Park.***
- Harish Ravji (427.1)
 - ***Amend SCHED5 - Viewshafts to add Viewshaft 21 from the Operative District Plan (National War Memorial, out across the central city).***
- Juliet Broadmore (471.1 and 427.3)
 - ***Oppose the removal of viewshaft VS21 (from the Operative District Plan) within the Proposed District Plan.***
 - ***Opposes SCHED5- Schedule of Viewshafts as notified, with amendments.***

- *Considers that **the Viewshaft (VS21) from Te Aro to the National War Memorial Carillon retained in this District Plan from the Operative District Plan.***
- *Amend SCHED5 - Schedule of Viewshafts **to include VS21 (Central Area Viewshaft) from the Operative District Plan.***
- Il Casino Apartment Body Corporate (426.1)
 - *Considers that the **views to the memorial connects residents to the history of the city and promotes remembrance of those who gave their lives in the wars.***
 - *Amend SCHED5 - Viewshafts **to add Viewshaft 21 from the Operative District Plan (National War Memorial, out across the central city).***
- Thomas John Broadmore (417.3)
 - *Opposes the **removal of Viewshaft 21 (in the Operative District Plan).***
 - *Amend SCHED5 - Viewshafts **to add Viewshaft 21 from the Operative District Plan (National War Memorial, out across the central city).***
- Sarah Walker (367.3 and 367.4)
 - *Opposes **the removal of Viewshaft 21 from the Operative District Plan from SCHED5 -Schedule of Viewshafts in the Proposed District Plan.***
 - *Seeks that **Viewshaft 21 of the operative district plan be added to SCHED5 - Schedule of viewshafts.***

102. In relation to the above submission points I consider that those raised by Heritage New Zealand Pouhere Taonga (70.74 and 70.74) and

Historic Places Wellington (182.51 and 182.52), in particular, provide ample scope to enable these changes for the following reasons:

- They seek to amend Schedule 5, particularly the reinstatement of VS21 of the ODP.
- They note that a viewshaft from the former national art gallery and museum are important to maintaining the integrity of views to and from the museum/war memorial site, and the wider Pukeahu area.
- Historic Places Wellington notes that this viewshaft is of significant cultural heritage value, and provides a means of anchoring people in place and identity.
- Historic Places Wellington seeks a new viewshaft to protect views of the Carillion at Pukeahu National War Memorial Park.

103. I also note that Mr Raymond, on behalf of Heritage New Zealand Pouhere Taonga, in his supplementary evidence²⁵ acknowledged my recommendation to include an amended version of VS21 of the ODP at paragraphs 70-71. In particular he notes that *‘the alternative recommended viewshaft is from the Tomb of the Unknown Warrior towards the ‘Western Hills’, and particularly the peak Kaukau, which is directly north of the War Memorial site. In my opinion this amended viewshaft will satisfy the matters raised in the HNZPT submission.’* Further, I note that the recommendation to reinstate an amended version of VS21 was not raised in the supplementary evidence or legal submissions of any other relevant submitter on this matter.

104. I consider that the amended viewshaft as proposed in my Section 42A report²⁶ (paragraphs 90-111) still gives effect to the relief sought in the

²⁵ WCC Hearing Stream 3, [Statement Of Evidence Of Dean Raymond On Behalf Of Heritage New Zealand Pouhere Taonga](#), 2023

²⁶ Paragraph [90] – [111] of [Section 42A report – Hearing Stream 3 - Viewshafts](#)

submissions identified in paragraph 90 above as it still protects the view protected by ODP-VS21. The key change in my amended viewshaft recommendation is the location of the viewing platform and the base height. As discussed in paragraphs 90-111 of my report, I consider this approach provides a balance between meeting the intent of the Viewshaft Chapter's objectives and policies to protect important viewshafts, and give effect to RMA s7(c) maintenance and enhancement of amenity values and s7(f) maintenance and enhancement of the quality of the environment, and Objective 1 and Policy 1 of the NPS-UD for Well-functioning urban environments, whilst providing for more development capacity in the CCZ under Policy 3(a).

105. If the Panel arrives at the view that there is insufficient scope to enable reinstatement of an amended version of VS21 of the ODP into Schedule 5 of the PDP, I would draw the Panel's attention to the recommendatory powers available to it under clause 99(2) of Schedule 1 of the RMA, noting that the Viewshaft Chapter is an IPI topic.

Use of the word 'intrusion' within the Viewshaft Chapter

106. Commissioner Robinson asked the Eldin Family Trust whether the use of the word 'intrude' in the viewshaft chapter is the best term to use and if there is a definition in the ODP or PDP. Legal counsel for the Eldin Family Trust considered in the hearing that 'intrude' adequately captures the intended meaning, noting further that there is good reason to retain this term as there is a common understanding of what it means along with relevant case law on its usage (e.g. the *Chinese Garden* cases). As I agree with this view I am also of the opinion that the term 'intrude' should be retained in the Viewshaft chapter and, given its commonly understood meaning, that no supporting definition is required.

Other matters identified:

Error identified in the left and right margins of PDP-VS6 Johnston Street

107. A technical error has been identified in the notified PDP Schedule 5 left and right margin detail for VS6 Johnstone Street. I realised that potential confusion could be created in that the left margin refers to the ‘*northern edge of Johnstone Street intersecting 20 Customhouse Quay (Lot 1 DEEDS 431)*’ and the right margin refers to ‘*southern edge of Johnstone Street intersecting 36 Customhouse Quay (Lot 6 DP 10768)*’. The left margin should be referring to the ‘southern edge’ of 20 Customhouse Quay building and the ‘northern edge’ of 36 Customhouse Quay’ building as per my recommended Right of Reply Appendix A Schedule 5 change:

VS6 Johnston Street	
...	
Left margin	Northern edge of Johnston Street intersecting the Southern edge of 20 Customhouse Quay (Lot 1 DEEDS 431)
Right margin	Southern edge of Johnston Street intersecting the Northern edge of 36 Customhouse Quay (Lot 6 DP 10768)
Base	Ground level 1.9m at Customhouse Quay (2m at water’s edge)

108. This clarification is needed because the 20 Customhouse Quay building sits to the northern edge of Johnstone Street but it is the southern part of that building which faces Johnstone Street (whereas the northern part of the building faces Waring Taylor Street to the north of Johnstone Street). Likewise the 36 Customhouse Quay building sits to the southern edge of Johnstone Street but it is the northern part of that building which faces Johnstone Street (whereas the southern part of the building faces onto Brandon Street, to the south of Johnstone Street). Figure 29 identifies these two buildings.

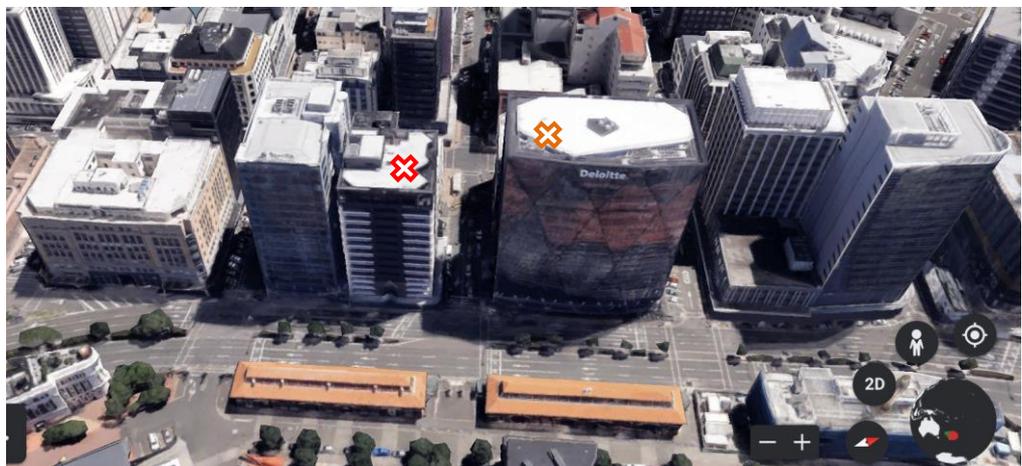


Figure 29: Showing 36 Customhouse Quay in red and 20 Customhouse Quay in orange, with Johnstone Street between them (Source: Google Earth, 2023).

Addition of ODP General Chapter note 3.2.2.17 to PDP Schedule 5

109. ODP Chapter 3 District Plan General Provisions Chapter²⁷ contains a note under the heading 'Note in respect of Controlled Activities and Discretionary Activities (Restricted)' at note 3.2.2.17 as follows:

3.2.2.17	Where a development intrudes upon an identified viewshaft, line drawings of the development in relation to the viewshaft must be supplied to demonstrate the level of compliance with the relevant viewshaft standard. The drawings must be of a scale that allows the accurate assessment of the visual effects and must be accompanied by a certificate from a registered land surveyor or person with an appropriate level of professional expertise.
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110. The note requires line drawings of developments in relation to viewshafts to be supplied to demonstrate extent of compliance with viewshafts. I consider that it was a technical omission that this was not included in the PDP with regards to viewshafts. As such I recommend through my Right of Reply Appendix A that this note be added at the beginning of Schedule 5 as follows:

Note: Where a development intrudes upon an identified viewshaft, line drawings of the development in relation to the viewshaft must be supplied to demonstrate the level of compliance with the Viewshaft Chapter Rules VIEW-R1 and VIEW-R2, and standard VIEW-S1. The drawings must be of a scale that allows the accurate assessment of the visual effects and must be accompanied by a certificate from a registered land surveyor or person with an appropriate level of professional expertise.

111. I consider that this is necessary to place the onus of providing this evidence on the applicant to enable consenting officers to have adequate information at hand when processing resource consents

²⁷ WCC ODP [Chapter 3 District Plan General Provisions](#)

where there is a potential intrusion upon PDP viewshafts identified in Schedule 5.

Error identified in my Supplementary Addendum changes to VIEW-R2.3 and VIEW-R2.4²⁸

112. During HS3 hearing it occurred to me that I had made an error in my supplementary addendum changes to Appendix A Viewshaft Chapter rule framework by listing all Category 2 Viewshafts within the rule itself. This was inconsistent with the approach taken in the notified PDP VIEW-R2.1 (now VIEW-R2.3 in my latest Appendix A) which instead of listing Category 2 Viewshafts, refers instead to VIEW-S1 (Category 2 Viewshaft Protection). As such I have recommended two changes to be consistent:

- Change VIEW-R2.4 to refer to 'Compliance cannot be achieved with VIEW-S1 Category 2 Viewshaft Protection'; and
- In VIEW-R2.3 add the standard's title 'Category 2 Viewshaft Protection' next to the reference to VIEW-S1 for clarity purposes to make sure this identifies that this rule relates to Category 2 viewshafts only.

113. I consider these changes will help to provide more consistency and clarity in the Viewshaft Chapter rule framework.

²⁸ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

Date: 5 July 2023

A handwritten signature in blue ink, appearing to read 'A. J. D.', is written on a light blue horizontal line. The signature is stylized and cursive.

.....

Appendix 1 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report, supplementary evidence and addendum, and the recommendations that arise from this Right of Reply:

- s42A recommendations are shown in red text (with underline and ~~strike out~~ as appropriate); and
- Supplementary evidence recommendations are shown in green text (With underline and ~~strike-out~~ as appropriate); and
- Supplementary evidence addendum recommendations are shown in orange text (With underline and ~~strike-out~~ as appropriate); and
- Recommendations from this Right of Reply are shown in purple text (with underline and ~~strike-out~~ as appropriate).

Appendix 2 Amendment to Viewshaft Appendix B

I note that there is one amendment, and that is to submission 266.37 on page 3 of this appendix from "Reject" to "Accept in part", in line with my recommendation in paragraph 98.

Appendix 3 Statement from Dr Farzard Zamani

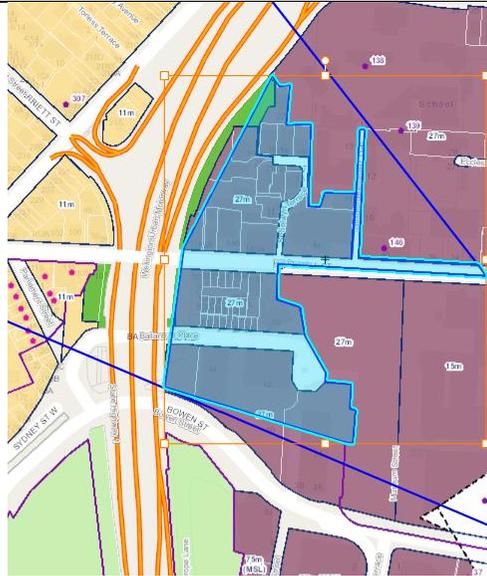
I have examined Ms. Stevens' proposal regarding the Category 1 status and her reasoning behind designating PDP-VS11 and PDP-VS12 as such. After careful consideration, I concur with Ms. Stevens' assessment that these viewshafts share fundamental similarities with VS15, as they all converge on the focal point of 'St Gerard's Monastery'. Additionally, I am of the opinion that these viewshafts contribute to a visual connection between Wellington Waterfront and further enhance pedestrian connections linking the Golden Mile and CBD to the waterfront area. This not only improves the pedestrian network but also enhances the overall urban experience for individuals strolling along the Golden Mile or heading towards the water.

Appendix 4 – Qualifying Matter Analysis

Viewshaft Number & name	Assessment on impacts on MDRS or NPS-UD Policy 3 (a) with regards to Qualifying Matters (QM)
VS1 – The Beehive	<p>VS1 intersects the Old Government Buildings and Parliament area. These areas are already substantially limited with regards to development capacity by heritage building and heritage area status which are qualifying matters under s771(a) and s6(f). Detailed heritage reports exist for all listed places demonstrating why they meet the significance criteria in the RPS, policy 21 and are accordingly a QFM being a s6 matter. See reports at: Plans, policies and bylaws - Hearing stream 3 - Wellington City Council.</p> <p>The portion of the Viewshaft that extends beyond the parliamentary area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS1. The extent of the MRZ along Tinakori Road that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework²⁹ does not amount to reliance on a QM.³⁰</p>

²⁹ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

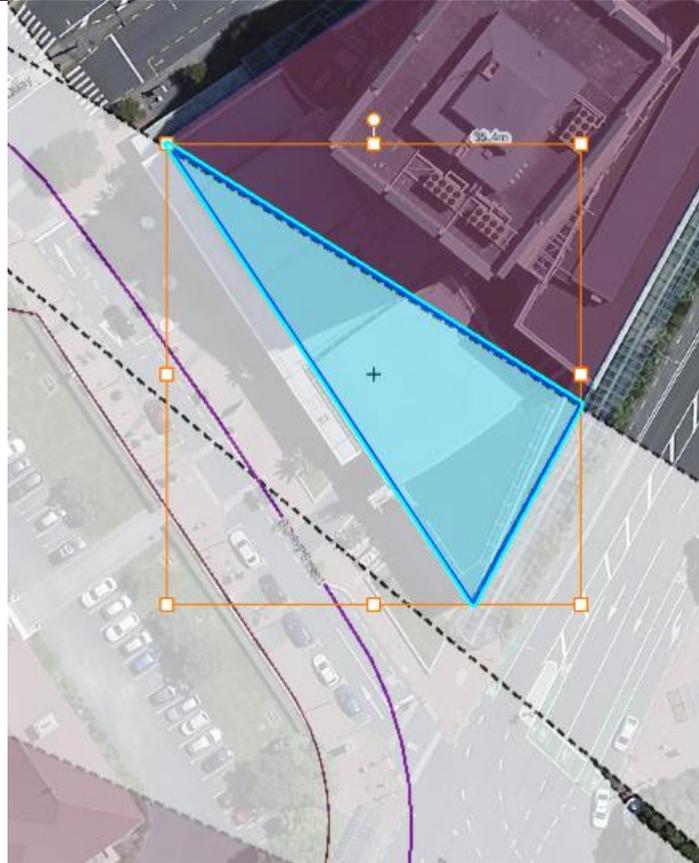
³⁰ **Note:** This is subject to the same detail and approach discussed in paragraphs 47-59 of this report, with regards to the response to Kāinga Ora’s Hearing Stream 2 evidence which seeks to increase heights in the MRZ and HRZ, and the repercussions in terms of changes to Viewshafts and Viewshaft provisions if the panel was to support Kāinga Ora’s relief sought .



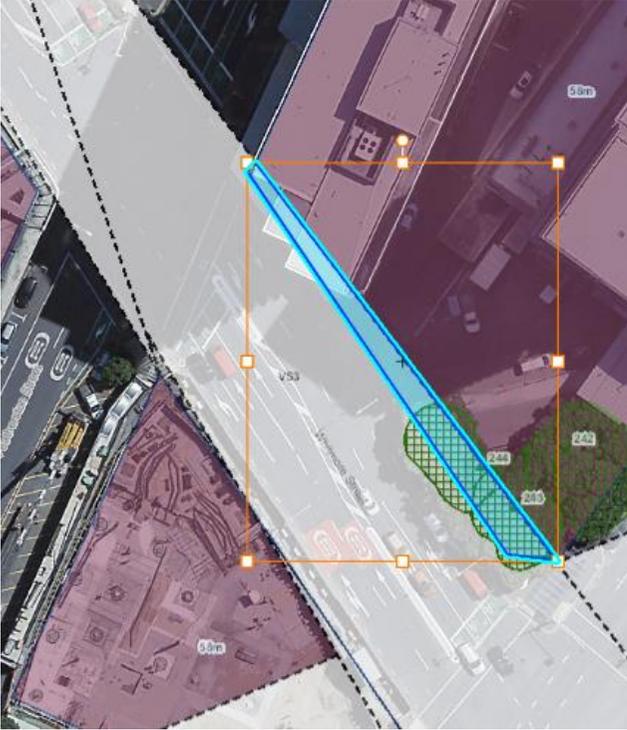
VS1 is also addressed in paragraphs 61-70 of the Right of Reply.

VS2 - Oriental Bay from Parliament Steps

Viewshaft 2 intersects CCZ zoning at 23 Lambton Quay. The same detail as included in VS1 regarding the WFZ applies to VS2.



The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS2. The extent of the MRZ in Oriental Bay that is captured will still be able to build to maximum MDRS heights under the supplementary

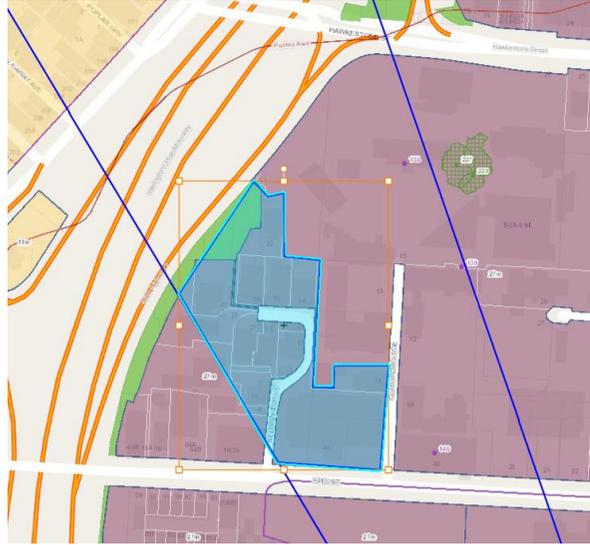
	addendum Appendix A Viewshaft Chapter framework ³¹ so does not amount to reliance on a QM.
VS3 - North Queens Wharf and Inner Town Belt – Whitmore Street	<p>This intersects 7 Waterloo Quay on the left side of the road. The same detail as included in VS1 regarding the WFZ applies to VS2. 7 Waterloo Quay is comprehensively addressed in paragraphs 16-30 of this Right of Reply report.</p>  <p>The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS3. The extent of the MRZ in Oriental Bay and Mount Victoria that is captured will still be able to build to maximum MDRS heights under</p>

³¹ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

	<p>the supplementary addendum Appendix A Viewshaft Chapter framework³² so does not amount to reliance on a QM. Likewise the small extent of HRZ will be able to build to the maximum height limits in accordance with Policy 3(c) given this area is within the CCZ walkable catchment as per my changes in Appendix A of this Right of Reply to enable up to 22m in HRZ.³³</p>
<p><i>VS4 - The Beehive and The Cenotaph – Whitmore Street</i></p>	<p>If extended to context element of Te Ahumairangi, this will encompass a portion of CCZ behind parliament. Parliament CCZ is subject to a QM with heritage area and building status. The MRZ area in Tinakori is a Character Precinct which is a qualifying matter, but even if that is denied by IHP, MRZ can build to maximum extent under Viewshaft framework anyway so this is a non-issue. VS4 is also addressed in paragraphs 61-70 of the Right of Reply.</p> <p>The portion of the Viewshaft that extends beyond the parliamentary area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS4. The extent of the MRZ along Tinakori Road that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework³⁴ so the QFM consideration is not relevant.³⁵</p>

^{32 31} WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

^{33 27} **Note:** This is subject to the same detail and discussed approach in paragraphs 51-70 of this report, with regards to the response to Kāinga Ora’s Hearing Stream 2 evidence which seeks to increase heights in the MRZ and HRZ and the repercussions for Viewshafts and Viewshaft provision changes required if the panel was to support Kāinga Ora’s relief sought.

	
<p>VS5 - Waring Taylor Street</p>	<p>Street corridor only for CCZ. The same detail as included in VS1 regarding the WFZ applies to VS5.</p> <p>The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS5. The extent of the MRZ in Oriental Bay that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework³⁶ so does not amount to reliance on a QM.</p>
<p>VS6 - Johnston Street</p>	<p>Street corridor only for CCZ. The same detail as included in VS1 regarding the WFZ applies to VS6.</p> <p>The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all</p>

³⁶ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

	the focal elements and context elements of VS6. The extent of the MRZ in Oriental Bay that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework ³⁷ so does not amount to reliance on a QM.
VS7 – Brandon Street	<p>Street corridor only for CCZ. The same detail as included in VS1 regarding the WFZ applies to VS7.</p> <p>The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS7. The extent of the MRZ in Oriental Bay that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework³⁸ so does not amount to reliance on a QM.</p>
VS8 – Panama Street	Intersects CCZ zoning on Panama Street right side. The Viewshaft base height sits above the current building height but would prevent further increases as resource consent application would be needed under the Viewshaft Chapter due to due any potential intrusion.

³⁷ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

³⁸ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023



The same detail as included in VS1 regarding the WFZ applies to VS8.

The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS8. The extent of the MRZ in Oriental Bay that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework ³⁹ so does not amount to reliance on a QFM.

VS9 – Lambton Quay/Grey Street

Small overlay within the CCZ that is not already captured by QM. VS9 is discussed in greater detail in Ms Popova’s draft HS3 introduction notes in Appendix 7.

³⁹ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

	
<p>VS10 – Hunter Street</p>	<p>Street corridor only for CCZ. The same detail as included in VS1 regarding the WFZ applies to VS10.</p> <p>The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS10. The extent of the MRZ in Oriental Bay that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework⁴⁰ so does not amount to reliance on a QM.</p>

⁴⁰ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

<p>VS11 – Willeston Street</p>	<p>Street corridor only for CCZ. The same detail as included in VS1 regarding the WFZ applies to VS11.</p> <p>The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS11. The extent of the MRZ in Oriental Bay that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework⁴¹ so does not amount to reliance on a QM.</p>
<p>VS12 – Chews Lane/Harris Street</p>	<p>Street corridor only for CCZ. The same detail as included in VS1 regarding the WFZ applies to VS12.</p> <p>The portion of the Viewshaft that extends beyond the WFZ into Oriental Bay and Mount Victoria area will be captured by the proposed extension of the Viewshaft Overlay to cover all the focal elements and context elements of VS11. The extent of the MRZ in Oriental Bay that is captured will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework⁴² so does not amount to reliance on a QM.</p>
<p>VS13 – Cable Car Station to Matiu Somes Island and Mokopuna Island</p> <p>VS14 - Cable Car Station to Point Jerningham and Point Halswell</p> <p>VS15 - Cable Car Station to St Gerard’s Monastery</p>	<p>Kelburn area residential zoning. CCZ intersect.</p> <p>The portion of the Viewshaft that extends across Kelburn area is already captured by the Viewshaft Overlay mapping in the notified PDP. The extent of the MRZ within VS13-VS15 in Kelburn that is captured by the Viewshaft Overlay will still be able to build to maximum MDRS heights under the supplementary addendum Appendix A Viewshaft Chapter framework⁴³ so the QFM consideration is not relevant at 11m.⁴⁴ However, as discussed in</p>

⁴¹ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

⁴² WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

⁴³ WCC Hearing Stream 3, [Viewshafts Supplementary Addendum Appendix A](#), 2023

	<p>paragraphs 35-60 of my Right of Reply response, ability to undertake 14m in the MRZ is restricted by the requirement to apply for a Discretionary Activity Resource Consent application under my Supplementary and Right of Reply Viewshaft Chapter Appendix A changes. However, the limited number of properties within HRZ will be able to comply with Policy 3(c) and 3(d) under my Right of Reply Viewshaft Chapter Appendix A changes which acknowledge that VS13-VS15 should not be impacted by development up to but not over the 21m HRZ maximum height limit. Any exceedances beyond this require a Discretionary Activity resource consent application as shown in Appendix A. ⁴⁵</p> <p>Development in Roseneath, Oriental and Mount Victoria within the VS13-15 Viewshaft Overlays is enabled up the MRZ and HRZ maximum height limits as detailed in my Supplementary and Right of Reply Viewshaft Chapter Appendix A changes. Anything beyond this would require a Discretionary Activity resource consent application.</p>
<i>VS16 - Taranaki Street</i>	Street corridor only in CCZ. The same detail as included in VS1 regarding the WFZ applies to VS16. VS16's mapping in Appendix 3 of this Right of Reply has not been extended due to reasons canvassed in paragraph 11 of this report.
<i>VS17 - Tory Street</i>	Street corridor only in CCZ. The same detail as included in VS1 regarding the WFZ applies to VS17. VS17's mapping in Appendix 3 of this Right of Reply has not been extended due to reasons canvassed in paragraph 11 of this report.
<i>VS18 Cable Car Panoramic View</i>	Not applicable.

⁴⁵ **Note:** This is subject to the same detail and discussed approach in paragraphs 51-70 of this report, with regards to the response to Kāinga Ora's Hearing Stream 2 evidence which seeks to increase heights in the MRZ and HRZ and the repercussions for Viewshafts and Viewshaft provision changes required if the panel was to support Kāinga Ora's relief sought .

Viewshafts do not qualify for any of the matters listed in s 77I(a) – (i), and therefore does not satisfy the requirements of s77K for the definition of an existing qualifying matter. The next step is to consider whether Viewshafts qualify for “Other matters” under s77I(j). To be captured under this sub section, s77J and 77L apply. The table below explains the evidence base. The nature of the viewshaft overlay makes the analysis of these matters different to that of other qualifying matters discussion.

Viewshafts traverse many spatial layers and zones. The main zones of concern regarding a Qualifying Matter assessment under the Resource Management Act due to the NPS-UD and MDRS direction is the MRZ, HRZ, CCZ, and the WFZ. The other zones to which the Viewshaft Overlay traverses through, and the Viewshaft Chapter provisions apply to, are the Tertiary Education Zone (TEDZ) and the Open Space Zone (OSZ), to which the Qualifying Matter assessment does not apply. The density requirements for each of these zones differs; the MRZ is mandated by the MDRS, whilst HRZ and WFZ are directed by NPS-UD Policy 3(c) and the CCZ is by NPS-UD Policy 3(a). Therefore, the analysis needs to consider the relationship between the viewshaft and each of these relevant spatial layers and how they impact the required density. I have set this out differently, and with more narration, than by reference directly to the s32 and s42A reports as has been done for other QMs.

Section	Council Assessment
77I Assessment	
77I - Qualifying matters in applying medium density residential standards and policy 3 to relevant residential zones	None of the matters listed in 77I (a) – (i) apply to Viewshafts. However, I consider that s77I(j) does apply and an assessment is provided below.
Assessment of Section 77J	
77J(3) The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter -	
<p>77J(3)(a) demonstrate why the territorial authority considers—</p> <p>i. that the area is subject to a qualifying matter; and</p>	<p>Viewshafts 3, 5, 6, 7, 8, 10, 11, 12, 13 and 14 to the extent that they intersect the Waterfront Zone</p> <p>The entire Waterfront Zone has a qualifying matter applied to it as discussed in <u>Appendix 3 of the Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct</u> so the application of these viewshafts is to no practical effect in terms of</p>

ss 77J and 77L.^{46, 47} Within the ODP Chapter 13 (Appendix 11) Viewshafts intersect multiple zones as demonstrated in the graphic representations. However, viewshaft provisions are contained within the Central Area, which includes the Lambton Harbour Area (now called WFZ in the PDP). In particular, VS 5 –12 run along the Golden Mile Street corridors and dissect across the Lambton Harbour Area. Viewshafts are managed within the WFZ to ensure the integrity of viewshafts is maintained to enable views to the inner harbour and other focal and context elements.

This gives effect to s7(c) maintenance and enhancement of amenity values and s7(f) maintenance and enhancement of the quality of the environment of the RMA.

If the hearing panel determines that Viewshafts are not a qualifying matter for the purposes of this hearing and/or within this area, the Waterfront Zone will have its heights limited by qualifying matters that find their basis in s6 RMA – matters of national importance regardless. These matters include:

- Section 6(d) - The maintenance and enhancement of public access to and along the coastal marine area;
- Section 6(e) - The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- Section 6(f) - The protection of historic heritage from inappropriate subdivision, use, and development.

As these viewshafts will not add any further development restrictions over and above those applying in this zone they would not be inconsistent with relevant Policy 3(c) of the National Policy Statement on Urban Development (NPS-UD). The WFZ under WFZ-S1 limits heights for new developments to existing building

⁴⁶ [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct.](#)

⁴⁷ [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct.](#)

heights. Mr Andrew Wharton discusses WFZ heights in his S42A report⁴⁸ and paragraphs 10-11 of his Rebuttal evidence⁴⁹.

Mr Wharton notes that “*Direct referrals for the new buildings on site 9 (Bell Gully building) , site 10 (PWC building), and appeals on district plan provisions applying to the Queens Wharf buildings, all had building heights as key points of contention. There was considerable landscape, heritage, legal, planning and urban design advice about the benefits, costs, and overall outcomes of proposed building heights, relative to the location, building materials and design in each application. The proposed Waterfront Zone continues this approach by providing the high level policy direction, with detailed site and building-specific evaluation to be done at the resource consent stage*”.

I also note the area is predominantly ‘open space provided for public use’. I consider this aligns with the meaning of qualifying matter in cl.3.32 NPS-UD and as such is an appropriate reason for providing for reduced height limits and capacity within the WFZ.

The WFZ is subject to a historic heritage qualifying matter across the whole of the zone. Heights in the WFZ are also restricted to existing building heights. Whilst I acknowledge that viewshafts as a qualifying matter may restrict the extent of development, I note that development is already restricted within the zone based on other controls.

City Centre Zone:

The notified PDP Schedule 5 contains different types of viewshafts, namely Contained Views that run along street corridors, Vista Views that are long-distance viewshafts and Panoramic Views. See my Supplementary Addendum Appendix A for definitions of these views⁵⁰. I consider that viewshafts that run along street corridors have a less than minor effect upon CCZ development capacity as they are largely restricted to the street corridor and only a small portion of the viewshafts left and right margins dissect through the corners of sites. For example, VS3 dissects through a corner of 7 Waterloo Quay. However, this portion of the site is

⁴⁸ [Section 42A Report - Hearing Stream 4 - Waterfront Zone](#)

⁴⁹ [Statement of supplementary planning evidence of Andrew Wharton on behalf of Wellington City Council](#)

⁵⁰ WCC Hearing Stream 3, Viewshafts, [Anna Stevens Supplementary Evidence – Appendix A – Viewshaft -Tracked changes \(addendum\)](#), 2023

covered by PDP notified trees and as such cannot be developed. As such, I do not consider that these viewshafts have any discernible effect upon CCZ development capacity. See paragraphs 16-30 in this report.

Viewshafts 13, 14 and 15 to the extent that they intersect the City Centre Zone and impinge on Policy 3(a) of the NPS-UD:

Viewshafts 13, 14 and 15 all intersect the CCZ and building to the notified PDP maximum heights within this zone would result in slight encroachments into the bottom margin of these viewshafts at points⁵¹, potentially undermining the directive in Policy 3(a) of the NPS-UD to realise as much development capacity as possible in this zone. I note that these viewshafts have been carried over from the Operative District Plan. I consider that these viewshafts' base heights are set at a considerable height at or above the notified PDP maximum height limits. As discussed in paragraph 552 of my CCZ S42A report, the CCZ maximum height limits provide more than sufficient development capacity to meet anticipated demand. The Property Economics Qualifying Matters Capacity Assessment 2022 report⁵² identified that Viewshafts have *'little to no impact on capacity'*.

I also note that the viewshafts only intersect a small extent of the CCZ, thus allowing for unlimited building heights (as recommended in my CCZ S42A report) on either side of these viewshafts. No submissions were raised in opposition to these viewshafts or their impact on development capacity.

Viewshafts applying to the MRZ and HRZ:

- Viewshafts 3-8 and 10-15 intersect across the MRZ and HRZ through Kelburn, Thorndon, Mount Victoria, Roseneath and Oriental Bay to varying degrees as per Schedule 5 descriptions. Not all of these viewshafts intersect the HRZ, mostly just the MRZ. These are identified to some extent in the PDP notified Viewshaft Overlay mapping. This mapping has been amended through my recommendations in my S42A report, Supplementary evidence, Addendum changes and this Right of Reply report to ensure each viewshafts' focal elements and context elements are covered within the Viewshaft Overlay ePlan PDP mapping.

⁵¹ Central City height and viewshaft analysis GIS app.

⁵² Property Economics, Wellington City Qualifying Matters Capacity Assessment, November 2022 Wellington City Qualifying Matters Capacity Assessment November 2022

- My recommended provisions enable MDRS within these zones up to 11m and 14m, except for in Kelburn where 14m is not a permitted activity under VIEW-R2. However, any development above MDRS maximum height limits and up to but not beyond 22m height limit in HRZ is also enabled through VIEW-R2 permitted activity status aligning with NPS Policy 3(c) and 3(d). Any exceedances are treated as a Restricted Discretionary Activity or Discretionary Activity within the Viewshaft Chapter rules depending on whether the viewshaft is a Category 1 or Category 2 Viewshaft.
- Any building within these zones above these height limits need to consider implications upon viewshafts.

Reasons generally that these zones are subject to a Viewshaft Qualifying Matter:

- The District Plan gives effect to s7(c) of the RMA focusing on enhancing the amenity of the public environment through which Viewshafts are a means of achieving this (s7(c) – Other matters to have particular regard to).
- Viewshafts recognise and maintain views that contribute to the City’s identity and sense of place, and that support an understanding of the City’s topography and urban form.
- Provides protection to identified public views of the western hills and townscape features.
- Viewshaft overlays help to preserve viewshafts to important landmarks and monuments, helping to preserve important views for aesthetic benefits to those that live, work or visit Wellington.
- The District Plan gives effect Section 7(f) of the RMA – maintenance and enhancement of the quality of the environment through which Viewshafts are a means of achieving this.
- All the views covered by the overlay have local significance, providing a means of orientating oneself in the City and visual relief from the monotony of continuous built form. Many views are also recognised regionally, nationally or internationally. They are unique to Wellington and offer significant visual amenity to residents and visitors alike.

Applicable viewshafts with regards to effects on development capacity in Kelburn, Roseneath, Oriental Bay and Mount Victoria:

Viewshafts 1 and 4 protect views of the Parliamentary Area and Te Ahumairangi down Whitmore Street. The Beehive and Parliament Buildings are two of the emblems of New Zealand’s capital and key landmarks in the Wellington townscape.

Viewshaft 3 protects a view of the North Kumutoto Precinct and the Inner Town Belt down Whitmore Street at the intersection of Bowen Street and Lambton Quay. I note that regardless of whether VS3 qualifies as a qualifying matter, the area on which it overlaps is covered by notable tree overlays, which are a qualifying matter⁵³. The Viewshaft is adding no more restriction than what already exists.

Viewshaft 13 protects an important well-recognised view from the cable car view platform, across the city to Matiu/Somes Island. This view is symbolic to Wellington. An Urban Design Study in the 1980s identified important viewshafts across the city which resulted in the High City/Low City urban form of the ODP Central Area. VS-13 was one of these views.

Viewshaft 14 protects an important well-recognised view from the Cable Car view platform, across the city to Point Jerningham and Point Halswell, as well as a backdrop of the Ōrongorongo Ranges. This view is symbolic to Wellington. An Urban Design Study in the 1980s identified important viewshafts across the city which resulted in the High City/Low City urban form of the ODP Central Area. VS-13 was one of these views.

- ...

Viewshaft 15 protects an important well-recognised view from the cable car view platform, across the city to St Gerard's Monastery, Mount Victoria and a backdrop of the Ōrongorongo Ranges. This view is symbolic to Wellington. An Urban Design Study in the 1980s identified important viewshafts across the city which resulted in the High City/Low City urban form of the ODP Central Area. VS-13 was one of these views.

The protection of the integrity of VS15 provides for a view from the Cable Car to an important and notable Heritage Building being the St Gerard's Monastery. This viewshaft helps to manage building heights around the monastery to preserve the view of an iconic and landmark building which holds local and national significance. This inadvertently satisfies RMA s6(f)– protection of historic heritage. However, it is important to clarify that this is not the intent of the viewshaft chapter.

Viewshafts 11 and 12 protect important views along Willeston Street and Harris Street/Chews Lane across the CCZ, WFZ to St Gerard's Monastery, Mount Victoria and a backdrop of the Ōrongorongo Ranges. This view

⁵³ [Page 76, Section 32 Report – Historic Heritage, Sites and Areas of Significance to Māori and Notable Trees](#)

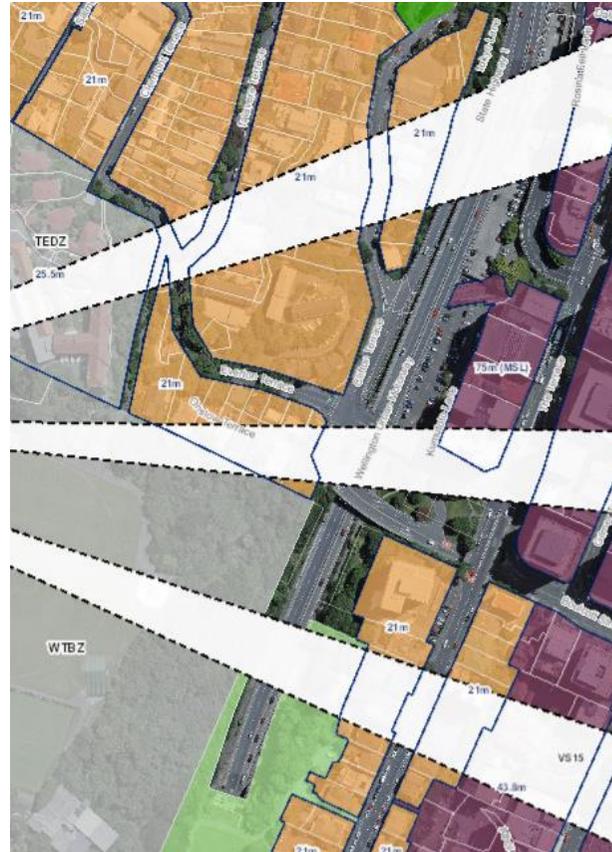
	is symbolic to Wellington. Dr Zamani in Appendix 2 of this report highlights the importance of these viewshafts and the need to re-categorise these as Category 1 viewshafts.
<p>ii. that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and</p>	<p>Viewshafts offer consistency with Medium Density Residential Standards for the Medium Density Residential Zone and NPS-UD Policy 3(c) for the High Density Residential Zone</p> <p>The proposed amendments to the Viewshaft chapter⁵⁴ amend the rule framework to enable MDRS without requiring resource consent for properties within the Viewshaft Overlay.</p> <p>For the MRZ, the VIEW chapter allows building within the Viewshaft overlays to 11m (MRZ-S1) or 14m (MRZ-S2), whatever the given height control area allows. For the HRZ, the VIEW chapter allows buildings up to 11m (HRZ-S1) and 22m through my Right of Reply Appendix A changes. However, I have made an exclusion for HRZ zoned sites in Kelburn not allowing HRZ-S2 as a permitted activity. As a consequence, any development above HRZ-S1 (11m) in Kelburn within the Viewshaft Overlay for VS13-15 will require a Discretionary Activity resource consent under the Viewshaft Chapter rule framework. This is because the viewshafts are Category 1 Viewshafts and any development above 11m, as shown by modelling, may potentially intrude into the viewshaft and block the view which the viewshaft protect.</p> <p>However, for the small portion of HRZ sites in Mount Victoria because they are much further away from the viewing platform as part of context elements, I have enabled development up to HRZ-S2 21m as a permitted activity in the Viewshaft Chapter rule framework. So NPS-UD Policy 3(c) and 3(d) are given effect to in Mt Victoria but not for the HRZ zoned sites in Kelburn within the Viewshaft Overlay due to the risk that development without the application of viewshaft rules could adversely affect the integrity of viewshafts⁵⁵.</p> <p>NPS-UD 3(c) requires district plans to enable building heights of at least 6 storeys within at least a walkable catchment of existing and planned rapid transit stops, the edge of the CCZ and the edge of the MCZ.</p>

⁵⁴ [Statement of supplementary planning evidence of Anna Stevens on behalf of Wellington City Council](#)

⁵⁵ **Note:** This is subject to the same detail and discussed approach in paragraphs 51-70 of this report, with regards to the response to Kāinga Ora’s Hearing Stream 2 evidence which seeks to increase heights in the MRZ and HRZ and the repercussions for Viewshafts and Viewshaft provision changes required if the panel was to support Kāinga Ora’s relief sought .

Any buildings that seek to exceed these height limits will be treated as a Restricted Discretionary Activity in relation to Category 2 viewshafts, and a Discretionary Activity for Category 1 viewshafts.

Therefore, for any site in the MRZ, property owners can build to the 11m enabled by the MDRS, and it is therefore consistent with the MDRS.



The above pictures show the portion of HRZ land in the Mount Victoria area that will be captured under proposed viewshaft extensions of Viewshaft 3, as shown below. The 21m building height limit applying in this area will not impact on the view of the associated context or focal elements of the inner harbour, Oriental

bay, or the Te Ranga a Hiwi Precinct. Unlike Kelburn, where 21m is not enabled, the qualifying matter would be compatible with the level of development provided for by Policy 3(c) and (d) of the NPS-UD.



Consideration of the heights proposed by Kāinga Ora

Kāinga Ora have proposed a 22m height limit across all of the HRZ, with 43m within 400m of the CCZ, amongst other amendments that are not of relevance to Viewshafts. As the areas within Kelburn and Mt Victoria noted above would fall within that 400m corridor, accepting the relief sought by Kāinga Ora would subsequently enable buildings up to 42m in height to be constructed in these areas imposed.

This, in turn, would have a detrimental impact on Viewshafts 13 and 14 because a maximum height of 42m within the HRZ at Lower Kelburn would likely block these views. The way the rule framework has been drafted

to reference HRZ-S1 as the permitted height that can be built to, and because Kāinga Ora’s submission seeks to amend HRZ-S1 to allow 42m within 400m of the CCZ, this would consequentially allow building into Viewshafts up to 42m within the HRZ before it becomes Restricted Discretionary or Discretionary, depending on the categorisation which is unacceptable because it would block the views protected by VS 13 and 14. The extent to which the proposed extension to Viewshaft 3 would capture the HRZ within Mt Victoria, this would significantly encroach into the context element of VS 3 of Te Ranga a Hiwi Precinct. Although the requested height increase would be broadly consistent with the direction in Policy 3(c) and (d) of the NPS-UD, as it seeks to almost double the requirement of 6 stories/21m of the NPS-UD Policy 3(c) and Policy 3(d), this would have an unacceptable adverse impact on Viewshafts and render this qualifying matter incompatible with the level of development provided for.

City Centre Zone and Policy 3(a)

Viewshafts 12, 13 and 14 are incompatible with Policy 3(a) in the CCZ because the extent of the Viewshafts intersects some areas of the proposed heights in the CCZ. I note that the Property Economics Qualifying Matters impact assessment notes that Viewshafts generally have little to no impact on development capacity.

I also note that council officers have recommended removing height limits in the CCZ. Working on the assumption that the notified heights were inconsistent with Policy 3(a) – *building heights and density of urban form to realise as much development capacity as possible* – then Viewshafts restricting further height increases are also inconsistent with Policy 3(a).

Waterfront Zone and Viewshafts

Refer to assessment at page 262 of [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct.](#)⁵⁶

⁵⁶ [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct.](#)

<p>77J(3)(b) - assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity;</p>	<p>Viewshaft 3</p> <p>The extent to which the Viewshaft intersects 7 Waterloo Quay is already occupied by some listed notable trees. Notable Trees are a Qualifying Matter (see paragraphs 16-30 of this Right of Reply report) so this portion of the site to which VS3 applies has its development capacity affected due to other Qualifying Matters. The Viewshaft overlaying the trees therefore does not further reduce capacity at this site.</p> <p>Viewshafts generally</p> <p>Proposed heights already exceed the development capacity needed to satisfy Policy 2 of the NPS-UD. Under an unlimited CCZ height scenario, the development capacity is further in excess. In either scenario, Viewshafts – while they do limit heights in certain areas – still allow an excess of development capacity.</p> <p>Waterfront Zone and Viewshafts</p> <p>Refer to assessment at page 262 of Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct.⁵⁷</p>
<p>77J(3)(c)</p> <p>assess the costs and broader impacts of imposing those limits.</p>	<p>The Property Economics Qualifying Matters impact assessment notes that Viewshafts generally have little to no impact on development capacity⁵⁸.</p>
<p>77J(4) The evaluation report must include, in relation to the provisions implementing the MDRS, —</p>	
<p>77J(4)(a)</p>	<p>The extent to which Viewshaft overlays intersect the MRZ the associated provisions would enable a level of development compliant with the requirements of the MDRS (refer s77J(3)(a)(ii) assessment above), noting</p>

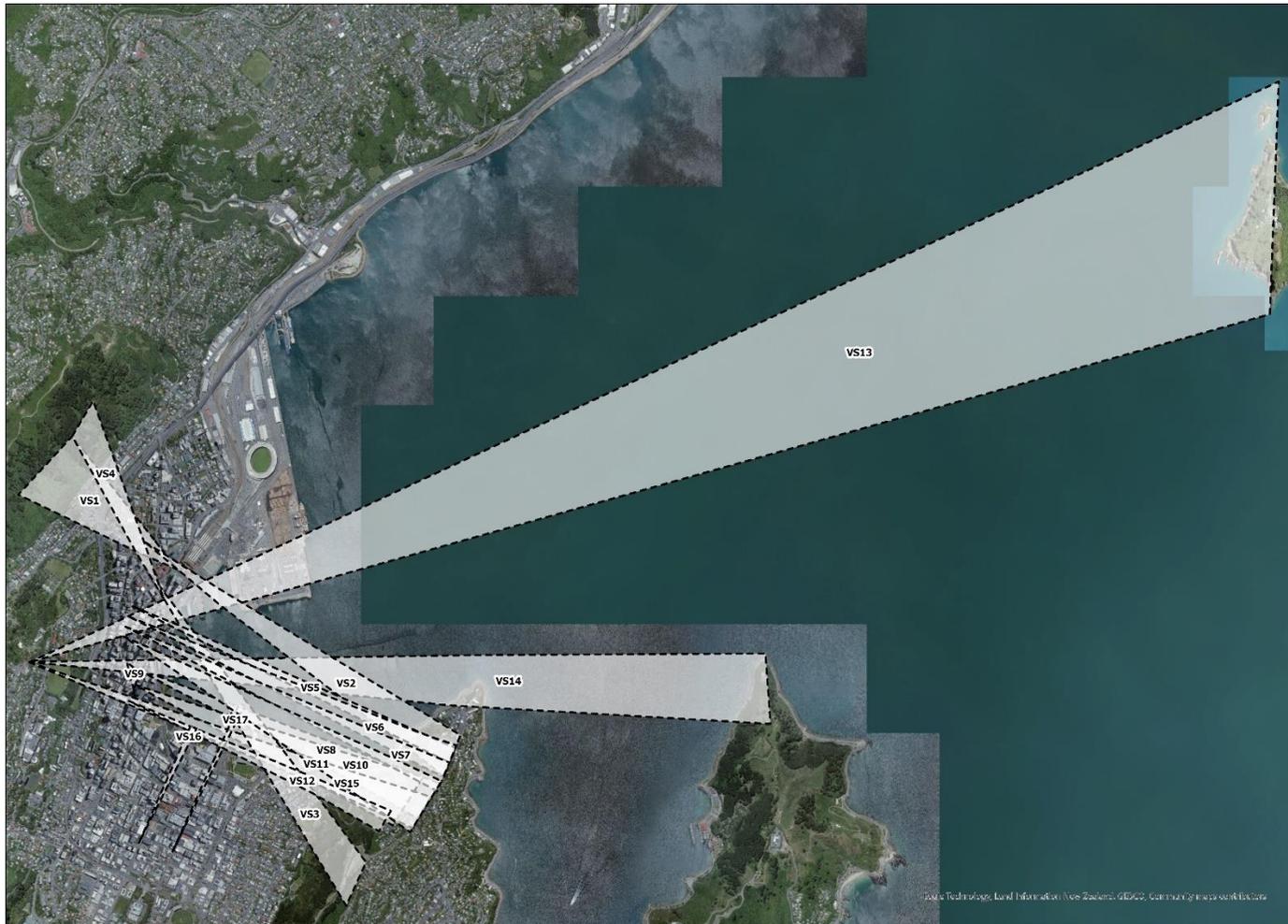
⁵⁷ [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#).

⁵⁸ Property Economics, Wellington City Qualifying Matters Capacity Assessment, November 2022 Wellington City Qualifying Matters Capacity Assessment November 2022

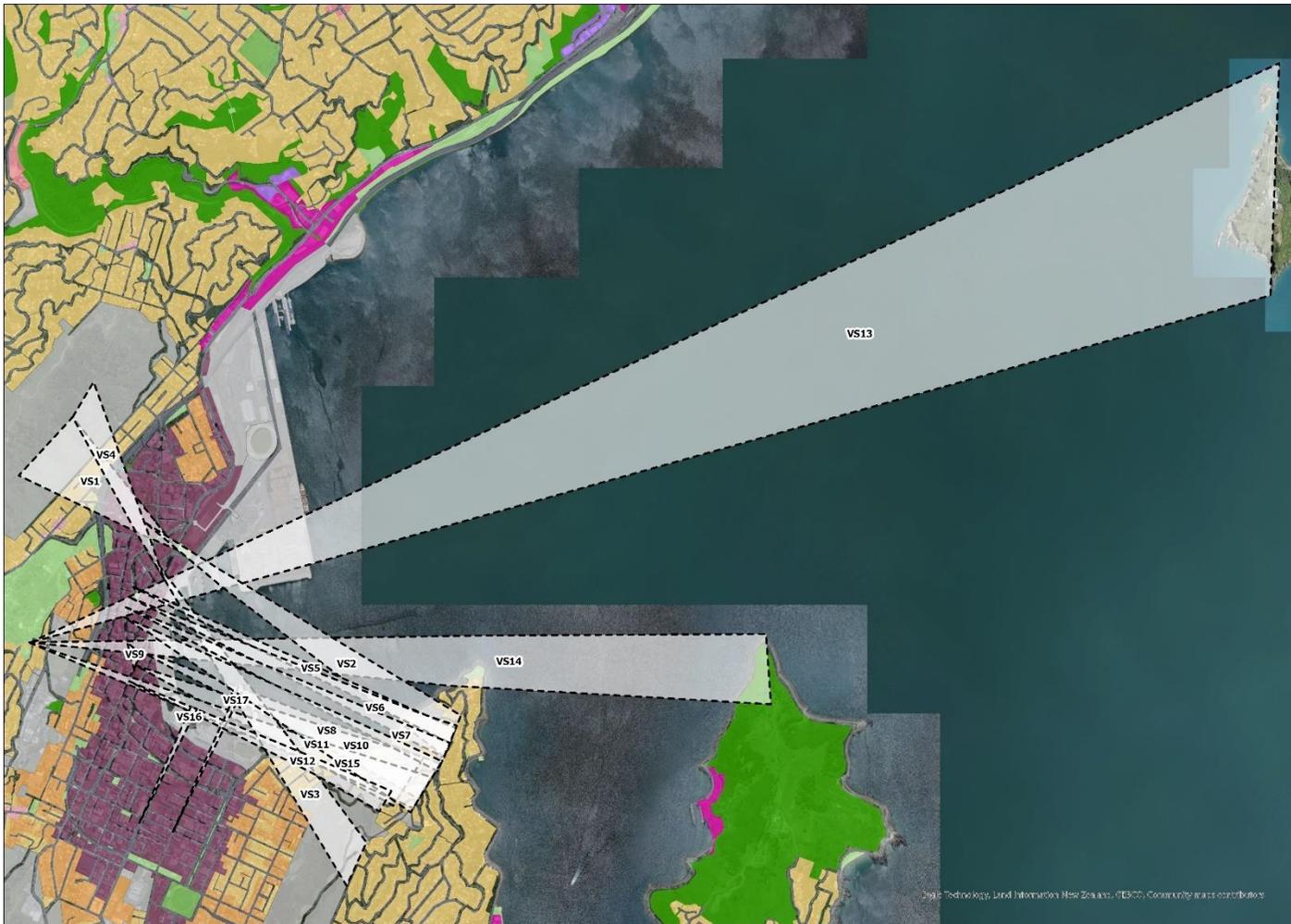
<p><i>a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS</i></p>	<p>that any development beyond this level is still possible via a consent application as a Restricted Discretionary or Discretionary Activity.</p>
<p>77J(4)(b)</p> <p><i>a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—</i></p>	<p>The Viewshaft chapter rule framework allows building to the full extent of the MDRS height standard of 11m so modifications to the MDRS building density standards are not required to accommodate viewshafts as a Qualifying Matter. Additionally, provision is also made within the framework for any proposal that encroaches into a Viewshaft to be assessed on its merits as either a Restricted Discretionary or Discretionary Activity rules.</p>
<p><i>77J(4)(b)(i) - any operative district plan spatial layers; and</i></p> <p><i>77J(4)(b)(ii) – any new spatial layers proposed for the district plan.</i></p>	<p>Refer 77J(4)(b) assessment above. MDRS is not impacted.</p>
<p><i>77J(5) - The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.</i></p>	<p>Refer 77J(4)(b) assessment above. MDRS is not impacted. This is most relevant under Right of Reply Appendix A Viewshaft Chapter VIEW-R2 with regards to Kelburn.</p>
<p><i>77J(6) - The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements.</i></p>	<p>Refer 77J(4)(b) assessment above. MDRS is not impacted.</p>
<p>Assessment of Section 77L</p>	
<p><i>A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—</i></p>	

<p>77L (a) - identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and</p>	<p>Refer s77J(4)(b) assessment above.</p>
<p>77L (b) - justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and</p>	<p>Refer s77J(4)(b) assessment above .</p>
<p>77L (c) – includes a site-specific analysis that –</p>	
<p>77L (c) (i) - identifies the site to which the matter relates; and</p>	<p>Refer s77J(4)(b) assessment above .</p>
<p>77L (c) (ii) - evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and</p>	<p>With regards to any viewshaft overlays that intersect properties within the MRZ and HRZ, the provisions in the Viewshafts chapter enable development to occur within these zones consistent with the NPS-UD and MDRS. Where any encroachment is proposed that is incompatible with this qualifying matter this will be assessed through the resource consent process as either a Restricted Discretionary or Discretionary Activity.</p>
<p>77L (c) (iii) - evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.</p>	<p>Refer s77J(4)(b) assessment above.</p>
<p>Section 77K and 77Q - Alternative process for existing qualifying matters</p>	
<p>Because Viewshafts do not qualify under s 6 – Matters of National Importance, 77K assessment is not necessary.</p>	

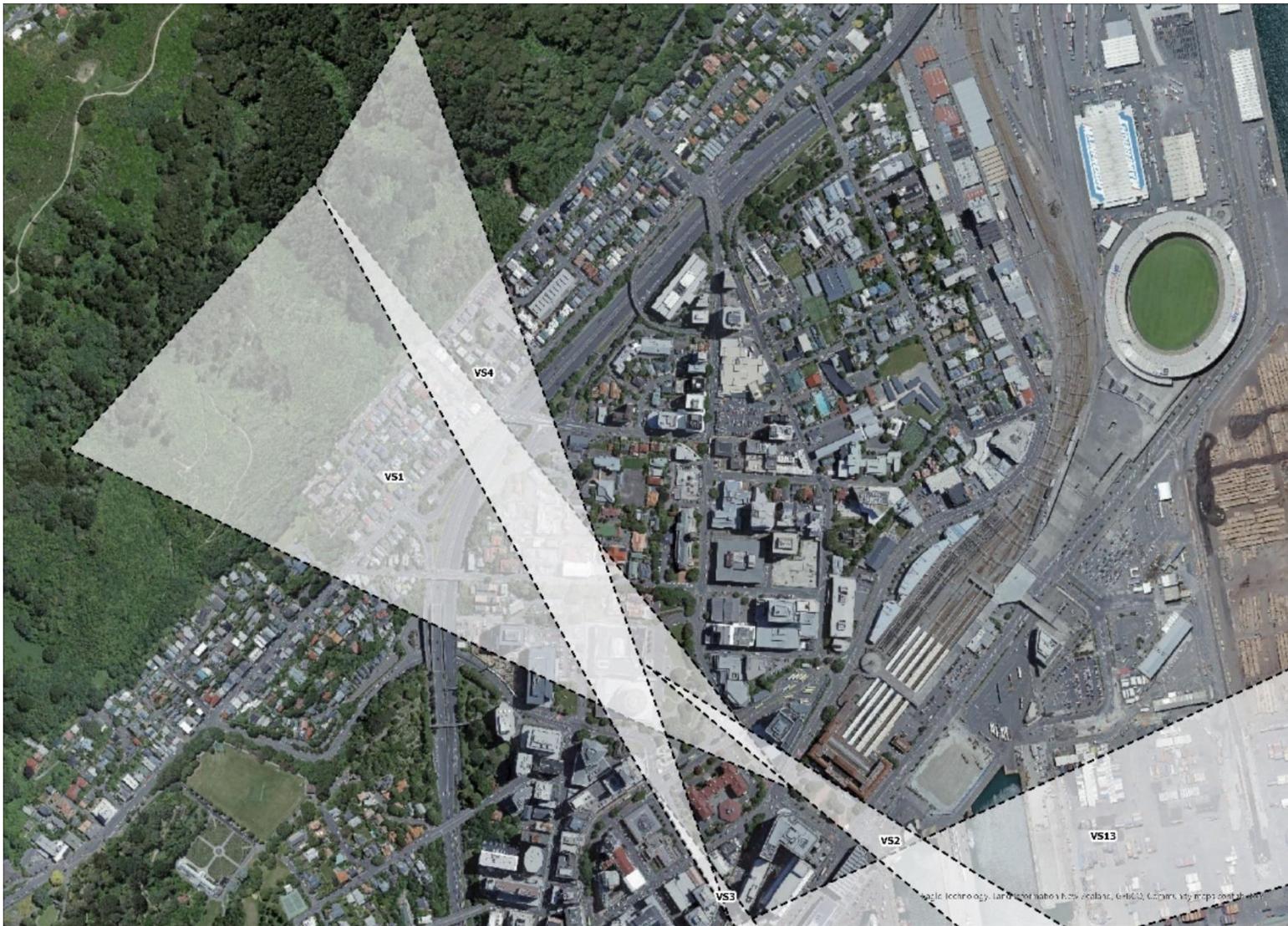
Appendix 5 Mapping changes:



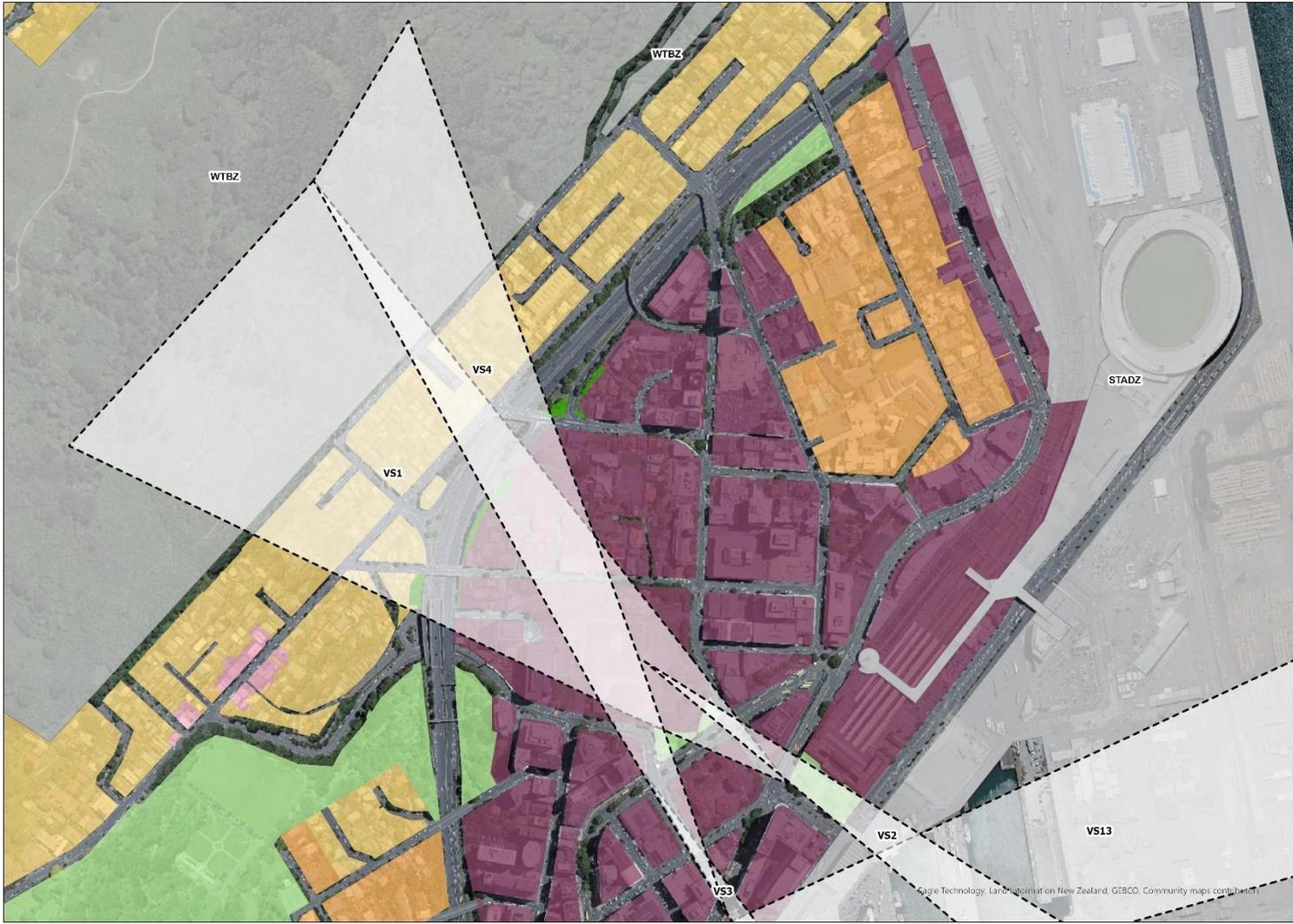
Overview of all Viewshafts with proposed extensions



Overview of all Viewshfts with proposed extensions and zone overlays



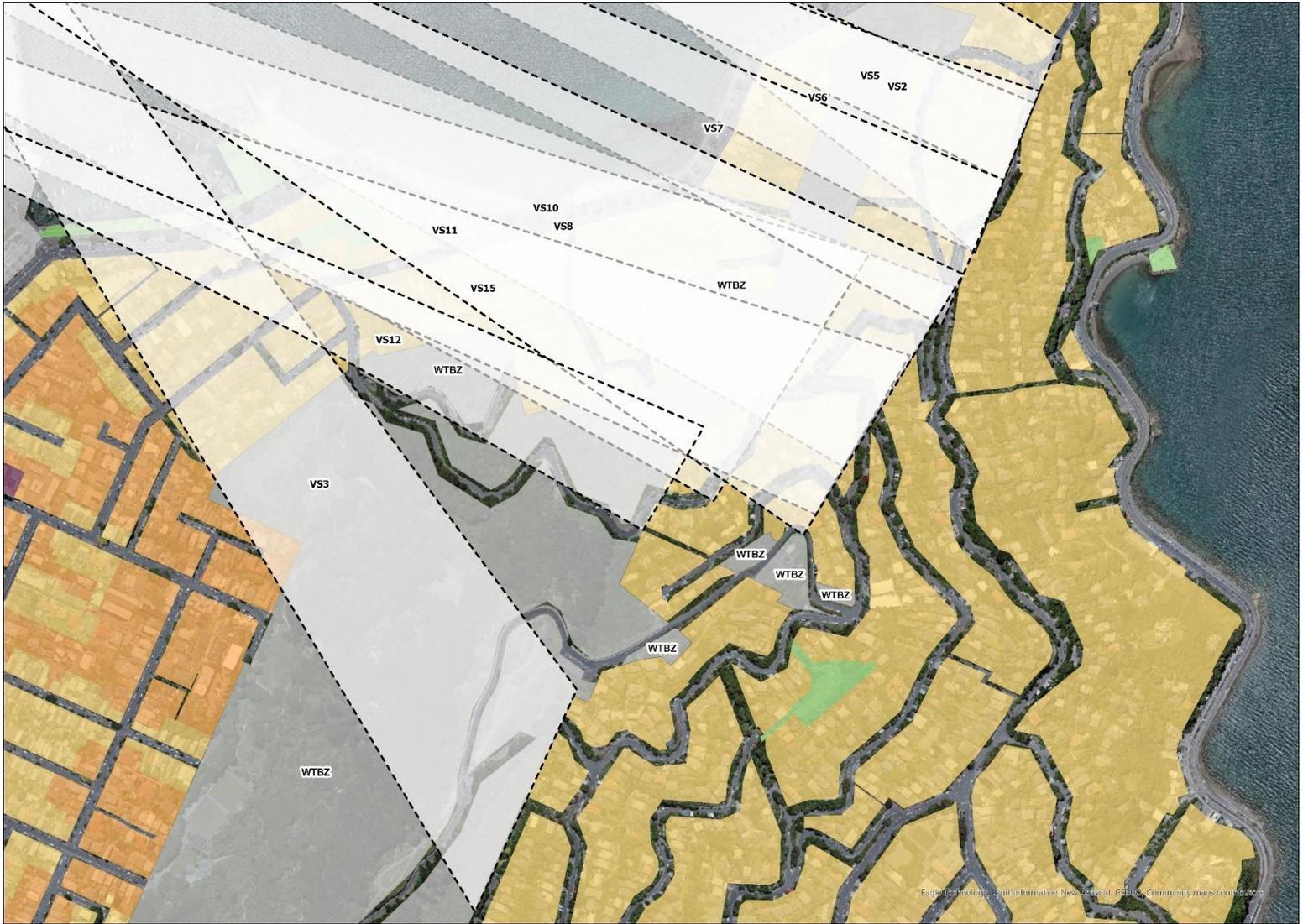
Extensions of Viewshaft 1 and 4 to Te Ahumairangi



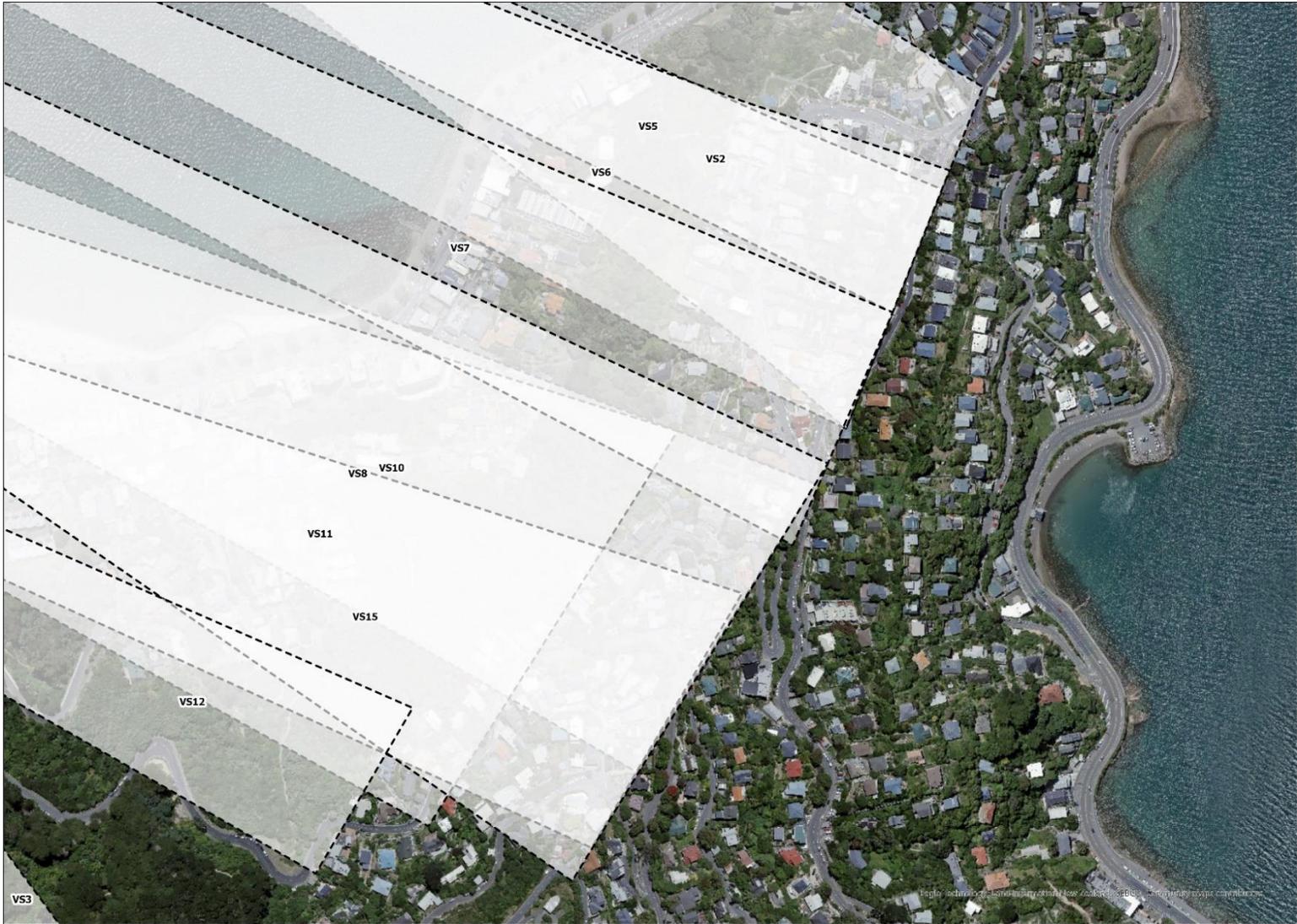
Extensions of Viewshaft 1 and 4 to Te Ahumairangi with zone overlay



Extensions into Mount Victoria and Roseneath



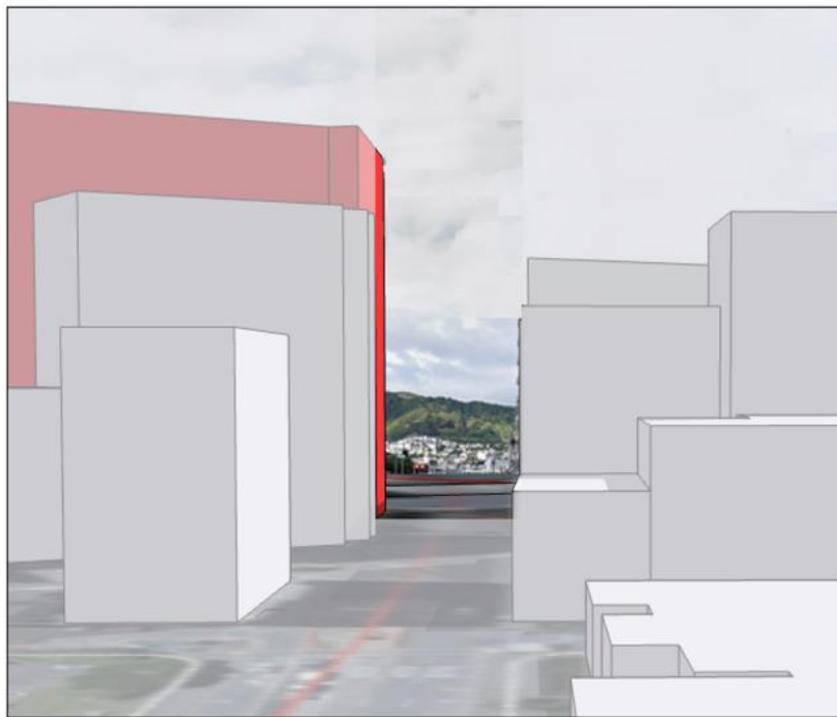
Extensions into Mount Victoria and Roseneath with zone overlay



Extensions into Roseneath

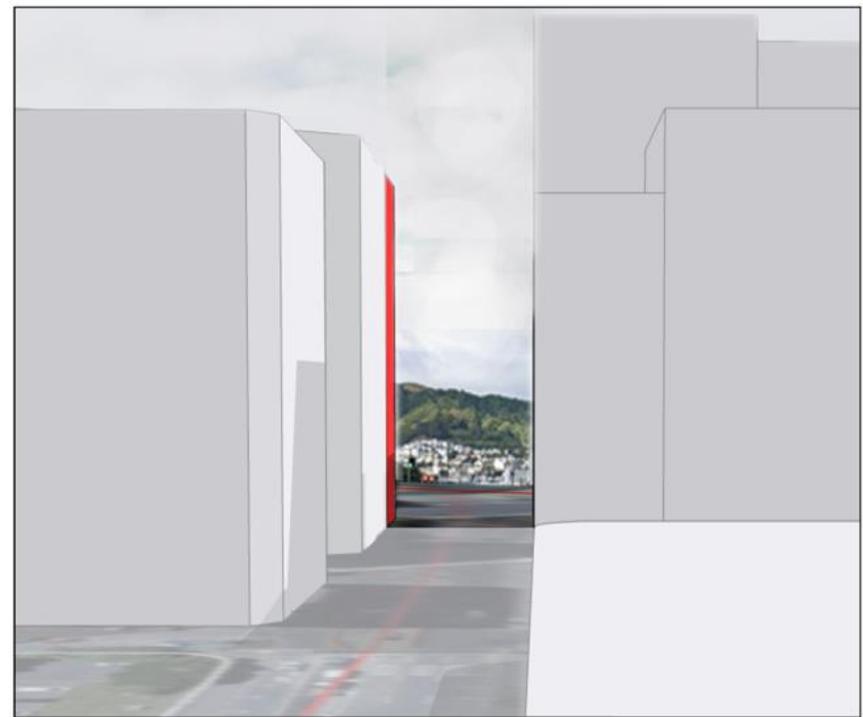
Appendix 6: Potential Viewshaft intrusion if 7 Waterloo Quay was developed to its full edge

Wellington City District Plan - View Shaft 3



Existing built form.

■ 7 Waterloo Quay (PDP Maximum Height 58m)



Future built form if all buildings were built to PDP maximum height limits.

■ 7 Waterloo Quay (PDP Maximum Height 58m)

Appendix 7: New VS3, VS5 and VS9 photos recommended for inclusion in PDP Schedule 5

PDP-VS3:



PDP-VS5:



PDP-VS9:



Appendix 8: My Summary Draft Hearing Introduction Notes

Appendix 9: Deyana Popova's My Summary Draft Hearing Introduction Notes

Appendix 10: ODP VS4 Resource Consent Example: Proposed Site 10 Visual Simulations