

**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

**Between** **Various**

**Submitters**

**And** **Wellington City Council**

**Respondent**

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**Statement of evidence of Deyana Ivanova Popova on behalf of Wellington City Council (Urban Design)**

**Date: 5 April 2023**

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## **INTRODUCTION:**

- 1 My full name is Deyana Ivanova Popova. I am a qualified urban designer and a Director of Urban Perspectives Limited - a Wellington-based planning & urban design practice, established in 1996.
- 2 I have prepared this statement of evidence on behalf of the Wellington City Council (the **Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Wellington City District Plan (the **PDP**).
- 3 Specifically, this statement of evidence relates to the proposed Viewshafts incorporated in Part 4 of the PDP under Schedule 5.
- 4 I am authorised to provide this evidence on behalf of the Council.

## **QUALIFICATIONS AND EXPERIENCE**

- 5 I hold a degree of Master of Architecture from Sofia University of Architecture, Sofia/Bulgaria (specialising in urban design) and a Master of Architecture/Urban Design from Victoria University of Wellington.
- 6 I have more than 35 years' experience in the urban design field, including work in both the public and private sectors. Projects I have worked on range from urban design assessments, character studies, urban design guidelines and frameworks to master planning schemes and city centre studies. I am a co-chair of the Kainga Ora's Wellington design review panel and a member of the Urban Design Forum New Zealand. I act as an external principal urban design advisor for Hastings District Council. Prior to establishing Urban Perspectives I have worked at Wellington City Council and Hutt City Council as a principal urban design advisor and a part-time lecturer and tutor at both Massey University and Victoria University of Wellington.

## **Code of conduct**

- 7 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the Hearings Panel. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

## **INVOLVEMENT WITH THE PROPOSED DISTRICT PLAN**

- 8 In 2020 Urban Perspectives were engaged to undertake a review of the District Plan Viewshafts. As one of the two principal authors of that review I contributed to developing the assessment methodology and carrying out the viewshafts' assessment.

## **SCOPE OF EVIDENCE**

- 9 My statement of evidence addresses the following matters:
- i. Overview of the District Plan Viewshaft Review (2020) summarising the scope, methodology and assessment process applied to reviewing the Operative District Plan (the **ODP**) viewshaft schedule and outlining the key findings and recommendations.
  - ii. Comments on submissions on Schedule 5 of the Proposed District Plan including:
    - a. Submissions for new viewshafts;

- b. Submissions seeking to reinstate existing ODP viewshafts;  
and
- c. Submissions seeking amendments to viewshaft extent,  
overlay mapping and/or description detail.

## **VIEWSHAFT REVIEW 2020: OVERVIEW**

### **Scope, purpose, methodology**

- 10 The District Plan Viewshaft Review (2020) (the Review) focused on the viewshaft provisions within the ODP Central Area Chapters (Chapters 12 and 13 and associated Appendix 11). The purpose of the Review was to establish: (a) the value and relevance of each viewshaft to Wellington’s urban form and sense of place; and (b) the potential risks of removing any viewshafts from the District Plan if they were deemed to be compromised and no longer worthy of protection.
- 11 Building upon the Council Viewshaft Staff Assessment 2017, the Review was carried out in two parts. Part One covered the core planning and urban design elevation of the individual viewshafts with regard to their current state, value and technical characterises. Part Two addressed the operation of the Operative District Plan provisions. My evidence relates primarily to Part One of the Review.
- 12 The adopted methodology involved review/analysis of relevant documents, field work and setting up assessment reference points. Each of the twenty-three viewshafts contained in Appendix 11 was assessed against a checklist of ‘evaluation points’ created for the purposes of the

Review.<sup>1</sup> Findings and recommendations for each viewshaft were recorded in the same format.

### **Key Findings**

Types/categories of viewshafts and relative significance

- 13 In relation to their spatial character and extent, the Review identified two basic categories of views:
- a. contained views - views with margins defined by physical elements that are typically obtained along the axis of identified street corridors and framed by existing or future buildings that frame/contain the view; and
  - b. vista views - open, typically wide-angle long-distance expansive views obtained from elevated vantage points. Despite the open character of vista views, the viewshafts protect only a small part of the total view, with the protected part of the view defined by 'virtual margins' focused on identified focal elements.
- 14 The Review established that while all views identified for retention were worthy of protection, their relative significance could vary (e.g. the relative significance of vista and panoramic views from the Cable Car was considered higher given these views protect the visual relationship of the city to the wider landscape setting from one of the most popular and accessible 'viewing platforms' in the city. Similarly, the view from the steps of the Parliament Steps (Vs2) and the views towards The Beehive and Parliament Grounds (Vs 1, 3 and 4A) were also considered to have

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<sup>1</sup> The list of evaluation points included: accuracy of technical descriptions (margins, base and viewpoint location) and associated mapping; changes in site/context conditions; contribution of the viewshaft to the city's legibility, identity and sense of place; risk of removing the viewshaft; and potential risk arising from future development that might compromise the integrity of the viewshaft.

an enhanced public significance due to the public/national significance of their viewpoint locations and/or the identified focal elements.

#### Viewshaft risk assessment

- 15 The purpose of retaining the viewshafts in the District Plan is protecting them from inappropriate development (e.g. development with a form/bulk that exceeds permitted development standards). To this end, the Review undertook an assessment of the potential risk of removing viewshafts on the value and integrity of the views they seek to protect. The risk assessment was carried out with reference to the current District Plan height/bulk provisions with the level of risk assessed against a six-point scale (no obvious risk/very low, low, low-to-medium, medium, medium-to-high and high).
- 16 The assessment established that more than half of the viewshafts (14 of 23) were at no obvious/very low or low risk.<sup>2</sup> All but one of the remaining viewshafts (8 of 23) were within the low-medium and medium category.<sup>3</sup> None of the viewshafts fell into the high-risk category with only one viewshaft in the medium-high risk category. The findings of the risk assessment informed the recommendations for possible viewshaft removal.

#### Conclusions and recommendations

- 17 The Review concluded that:
- 18 Most of the viewshafts have retained their value, relevance and contribution to the 'reading' of the city's urban form and its relationship

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<sup>2</sup> no obvious risk [5]; very low risk [3], low risk [6]

<sup>3</sup> low-medium [4] and medium category [4]

to its wider landscape setting, thereby enhancing the Central City's identity and 'sense of place'.

19 Nineteen of the twenty-three viewshafts required relatively minor amendments to the viewpoint location or to the description of their focal or context elements and/or margins. Up-dating photos and associated maps for all of the viewshafts was also required.

20 A small number of viewshafts could be considered for removal for one or more of the following reasons:

- a. the viewshaft has lost its integrity or has been compromised;
- b. the viewpoint has lost its public significance;
- c. the viewshaft location point is difficult to find and/or not readily accessible by the public; and/or
- d. the viewshaft is at a minimal risk of being lost if not formally protected by the District Plan.

21 On this basis, six viewshafts were identified for possible removal.<sup>4</sup> Alternatively, it was suggested that only three of the six viewshafts could be removed with the remaining three retained, but from an amended viewpoint location.<sup>5</sup>

22 The Review concluded that the continued protection of the identified viewshafts through appropriate District Plan controls, and subject to the review's recommendations,<sup>6</sup> was warranted, if the Wellington's

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<sup>4</sup> Vs3, Vs9, Vs13, Vs17, Vs20 and Vs21.

<sup>5</sup> Vs9, Vs13 and Vs20 removed, and Vs3, Vs17 and Vs21 retained but with an amended viewpoint location.

<sup>6</sup> District Plan Central Area Viewshaft Review, Part One 2020 / Section 4, pages 13-17.

collective identity and sense of place was to be continually promoted and enhanced.

23 The Review included recommendations on the following additional matters:

- a. recognising the different viewshaft categories and acknowledging their relative significance;
- b. using consistent terminology in referencing viewshafts in the District Plan; and
- c. installing a small plaque to mark identified viewpoint locations to facilitate interpretation in preparing photomontages for resource consent applications.

24 Taking into account 'view protection' objectives when reviewing current building height limits for the Central City was also recommended, in situations where potential development sites 'frame' or potentially intrude into viewshafts.

#### **RESPONSE TO SUBMISSIONS**

25 This section of my evidence provides comments on some of the submissions relating to Schedule 5 Viewshafts, noting that I have commented only on some of the submission points raised. My responses are grouped under the following headings:

- a. Submissions for new viewshafts;
- b. Submissions seeking to reinstate existing viewshafts; and
- c. Submissions seeking amendments to viewshaft overlay mapping, extent of existing viewshafts and/or description detail.



## SUBMISSIONS FOR NEW VIEWSHAFTS

### Historic Places Wellington (182.51, 182.52, 182.54, 182.55)

- 26 The submission seeks to:
- a. incorporate additional viewshafts in the PDP to protect views of the Carillon (submission points 182.51, 182.52), and Old St Paul's Church<sup>7</sup> (submission point 182.23); and
  - b. provide enhanced protection of views towards Oriental Bay from the top of Parliament Steps and from the Cable Car viewing platform (submission points 182.54, 182.55).

27 Additional viewshafts to protect views of the Carillon - the submission seeks to identify *'enhanced protected viewshafts for the Carillon at Pukeahu National Memorial Park'* (para 70.7). The submission is unclear about what is meant by an 'enhanced' protected viewshaft. It is also ambiguous about the viewpoint location/s for the additional viewshafts. It seeks, *'..protected views at Pukeahu National War Memorial Park' which can be interpreted to mean 'within' Pukeahu National War Memorial Park, or alternatively it may mean views from within the city.* To provide an accurate response to the submission these matters first need to be clarified. In the meantime, I make the following general observations:

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<sup>7</sup> Note I have not been asked to comment on submission point #182.23. This is because another expert (Jane Black), provided Council with an assessment for potential additional viewshafts to Old St Paul's Church amongst others. I understand the assessment did not recommend an additional viewshaft towards the Old St Paul's Church (refer to [Appendix D of HS3 Viewshaft S42A](#) report).

- 28 If the submission is concerned with views to the Carillon from 'within' the park, I consider that there is no risk of losing and/or compromising existing views as these views are protected by the 'open space' nature of the park (and its Open Space Zoning) where any new buildings on the park are significantly restricted in terms of bulk and form (height, maximum building coverage, and maximum GFA) as per the rules and standards for the Open Space Zone.
- 29 If the submission is interpreted as an invitation to identify additional views from locations within the city, this will require a comprehensive visual assessment to:
- a. identify key public viewing locations from which the Carillon can be seen;
  - b. establish the public significance of those locations; and
  - c. determine whether the views from those locations are worthy of protection (based on their value, extent and the risk of being lost if not formally protected).
- 30 Enhanced views towards Oriental Bay from the top of Parliament Steps and from the top of the Cable Car - the submission seeks that the views towards Oriental Bay from the top of Parliament Steps and from the Cable Car viewing platform receive enhanced protection.
- 31 I note that the meaning of the word 'enhanced' is not clear in the submission point. Similarly, the extent of 'Oriental Bay' which the requested views are to protect is not clearly defined. To provide an accurate response to the submission these matters first need to be clarified. At this point, I make the following observations:
- 32 Re views from the top of Parliament Steps - there is already an established viewshaft from the top of Parliament Steps, being Vs2 in

Schedule 5. This PDP Viewshaft is an existing viewshaft from the Operative District Plan. In this viewshaft the Inner Harbour is listed as a focal element and Oriental Bay as a context element. The viewshaft frame is largely defined by existing city buildings and mature trees within Parliament grounds. I note that listing the Inner Harbour as a focal element (which sits at the foreground of the view) reinforces the protection of the parts of Oriental Bay featuring in the view. In my opinion, Vs2 appropriately and sufficiently protects the 'available' view of Oriental Bay from the established viewpoint.

33 The viewpoint location of PDP Vs2 is from the centre of the top of the Parliament Steps between the two middle pillars. The site visit I carried out showed that even if the viewpoint was moved to the end of the steps (adjacent to the end pillars), the visibility of Oriental Bay will not increase in any significant way due to foreground buildings/trees. In my opinion, the existing Vs2 provides the level of protection sought by the submission, noting that this conclusion is made in the absence of a clear definition of what an 'enhanced' protection means and how 'Oriental Bay' has been defined.

34 Views towards Oriental Bay from the top Cable Car Station - Vs13, Vs14, Vs15 and Vs18 in Schedule 5 are established views from the Cable Car Station viewing platform and have been carried over from the Operative District Plan. As stated in PDP Schedule 5 (Vs13-15 description):

*Originating from the same viewpoint (the Cable Car Station viewing platform), these viewshafts provide sequential views of the city's compact urban form and wider landscape and harbour setting ...*

*..By allowing wide angle expansive views of Wellington's memorable landscape, these viewshafts enable the city's natural and urban context and sense of place to be experienced and enjoyed, and collectively combine to provide a single 'panoramic' view of the city..'*

- 35 While all three viewshafts are from the same viewing location, their orientation and purpose are slightly different as they protect different focal elements within the wider panoramic view - Matiu Somes Island and Mokopuma Island (Vs13), Point Jerningham and Point Halswell (Vs 14) and St Gerard's Monastery (Vs15). Consequently, as vista views, the three viewshafts have a relatively narrow virtual 'frame' defining the visual extent of the protected focal elements. Oriental Bay, although featuring in the actual views (Vs14, Vs15 and Vs18) is not defined as a focal element in any of the viewshafts from the top Cable Car Station. However, it is specifically listed as a context element under Vs15. This is consistent with the purpose of the respective viewshafts.
- 36 Oriental Bay features in the panoramic view (Vs18). Although not specifically identified as a context element, the collective description of the 'continuum elements' implies its presence. For clarity, it could be added to the other 'continuum elements' to further recognise its presence in the view. I understand that the S42A report recommends this change.
- 37 In my opinion, views to Oriental Bay from the Cable Car Station viewing platform are sufficiently protected by the existing viewshafts from that location. This can be further reinforced by adding Oriental Bay to the 'continuum elements' in Vs18 as suggested in paragraph 36 above. All of the views from Cable Car Station are vista or panoramic views and as such have an 'enhanced' protection under the PDP through a discretionary activity status (i.e. any intrusions on vista and panoramic viewshafts are dealt with as a discretionary activity, compared to other viewshafts that are dealt with as restricted discretionary activity).

38 As an additional point, I note that Oriental Bay features as a focal or context element in seven of the 18 views in Schedule 5.<sup>8</sup> Collectively these views protect and enhance its visual presence in views from multiple city locations.

**Submission Kainga Ora (391.769)**

39 The submission relates to the Oriental Bay Height Precinct and seeks that: *‘the Council reviews the methods adopted to manage the identified townscape values in the proposed Oriental Bay Height Precinct’*. More specifically, the submission considers that *‘it is an option to create and identify a viewshaft managing those significant public views to the monastery and the maunga (Mt Victoria)’*.

40 The key methods in the PDP for managing development and identified townscape values in the Oriental Bay Height Precinct (the Precinct) include: (a) building height limits; and (b) design guides/Residential Design Guide. This is supplemented by several of the Schedule 5 viewshafts.

41 Building height limits - *‘Permitted building heights have been set on a site by site basis to maximise residential development potential while at the same time offering protection for the amenity of properties to the rear and the public amenity along Oriental Parade. The heights also serve to protect townscape views of St Gerard’s Monastery and the escarpment below’*. (PDP, MRZ-PRECO3].

42 I note that the PDP height limits for the Precinct are the same as those in the ODP. They have been long established and tested in Environment Court hearings.

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<sup>8</sup> Oriental Bay as context element in Vs2, Vs11, Vs12 and Vs15; Oriental Bay as focal element in Vs3, Vs8, Vs10.

- 43 Design guides - the PDP Residential Design Guide that applies to development in the Precinct covers the same matters as those in the ODP Residential Design Guide and associated Appendix 5 to that guide, but also includes some additional matters. The Residential Design Guide has been applied for many years and overall has proven to work well.
- 44 There have been no significant changes in the PDP approach and methods to managing the townscape and amenity values of the Precinct relative to the ODP. These methods are, in my opinion, appropriate, sufficient and effective in managing the effects of new development within the Precinct, including protecting views to St Gerard's Monastery and Mt Victoria.
- 45 An option to identify a viewshaft as a method for managing townscape values is the key outcome sought by the submission. However, the submission is unclear whether the option of identifying a viewshaft (which I interpret to mean a single viewshaft) to manage the townscape values of the Precinct is sought as an 'alternative' or as an 'additional' method for managing those values. It is noted that the 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.<sup>9</sup> In my opinion, the key public views to these landmark elements in Wellington's townscape have been comprehensively captured by the PDP Schedule 5 viewshafts.
- 46 The location, extent and prominence of Oriental Bay and Mt Victoria, both of which feature in long-distance as well as mid-range and close up views, preclude an option of creating a single viewshaft to manage

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<sup>9</sup> Vs 2, Vs3, Vs8, Vs10, Vs11, Vs12, Vs15 and Vs18.

townscape values as sought by the submission. Even multiple viewshafts alone could not effectively achieve that, as effects change depending on the viewing location. Hence, the PDP bundle of methods (height limits, design guides and viewshafts) designed to collectively manage the townscape and residential amenity values of the Precinct and its setting, thereby protect significant views to St Gerard's Monastery and the maunga (Mt Victoria), as sought by the submission.

### **Submission Claire Bibby (329.6)**

- 47 Submission # 329.6 seeks: (a) heritage listing for a railway survey mark in Glenside (within privately owned land); (b) and setting land aside for a viewshaft from the mark to the Glenside entrance of the Tawa No. 2 tunnel. This is an unusual submission which, in my opinion, would be difficult to fully address for the following main reasons:
- 48 The suggested viewshaft falls outside the City Centre and is associated with a focal element, the heritage value and wider public significance of which is yet to be established. As this matter is outside my area of expertise my comments are focused solely on the suggestion for a new viewshaft, assuming the value of its focal element is worthy of protection.
- 49 The viewpoint of the suggested new viewshaft is located on private land that is not associated with a publicly accessible route or lookout point. The PDP defines a viewshaft as '*a view from a fixed point that is publicly accessible*'. This definition has been consistently applied to all viewshafts in Schedule 5, noting that Vs9 from the OPD/Appendix 11 was removed (and not included in PDP Schedule 5) as its viewpoint was located within a private carpark that was not easily accessible by the public. With a viewpoint on private land, the requested viewshaft does not fit the PDP definition and therefore would be difficult to support.

50 I note that from the images attached to the submission it seems that the submission seeks to identify more than one viewshaft to protect views to the portal as well as views to the railway lines. However, it is not entirely clear whether the intention of the submission is for two viewshafts or for one wider view including both elements. If it is the former, I note that all viewshafts in Schedule 5 protect a single view from their relevant viewpoint.

### **SUBMISSIONS SEEKING TO REINSTATE EXISTING VIEWSHAFTS**

#### **Submission Eldin Family Trust (287.13)**

51 Submission #287.13 seeks to include a further viewshaft from the corner of Waterloo Quay and Bunny Street. This viewshaft was included in the ODP Appendix 11 as Vs3 (refer Fig 1) but subsequently removed from Schedule 5 in the PDP.



Fig 1: Vs3 ODP/Appendix 11



- 52 The submission seeks to reinstate the ODP Vs3 which has The Beehive as a focal element, with the Old Government Buildings and Tinakori Hill/Ahumairangi Ridge as context elements.
- 53 The reasons for removing Vs3 from the ODP are based on findings in the Central Area District Plan Viewshaft Review, Part One Report, 2020 (the Review), pages25/26, which established (summarised):
- a. While Vs3 was still relevant and warranted retention, it was already protected by Vs1 of the PDP as the two viewshafts had the same focal and context elements - The Beehive and Te Ahumairangi Hill respectively;
  - b. Vs3 includes an additional context element - the Old Government Buildings (Government Buildings 1876/VUW Faculty of Law), which is not listed under Vs1. However, the risk of losing the visual relationship/'symbolic link' between The Beehive and the Old Government Buildings in views from the corner of Waterloo Quay and Bunny Street (the identified viewpoint for Vs3) - a concern expressed by the submission - is very low. This is due to the 'heritage listing' of the Old Government Buildings, which limits the height on the site to 15m.
  - c. For the above reasons, the Review suggested that Vs3 could be considered for removal, or, if it was to be retained, its viewpoint needed to be moved to a suggested alternative location<sup>10</sup> (to allow a safer, more intensely used and convenient place to view The Beehive).

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<sup>10</sup> Recommended relocation of the viewpoint - move the viewpoint on the same alignment to the east, on the east side of Waterloo Quay/at the pedestrian crossing immediately to the north of Shed 22.

- 54 Based on the findings, not including a further viewshaft from the corner of Waterloo Quay and Bunny Street (i.e. not reinstating the ODP Vs3) will not, in my opinion, compromise the views to the identified focal or context elements that are currently protected by the ODP Vs3 (Fig 2).



Fig 2: Vs1 PDP/Schedule 5 (the same as Vs1 in the ODP)

- 55 According to the submission, the Waterloo/Bunny viewshaft captures more of the Tinakori Hill/Te Ahumairangi Hill backdrop, noting that *'this striking green bush backdrop is visually significant'*. This observation is not entirely accurate as the extent of the protected view of the Tinakori Hill/Te Ahumairangi Hill backdrop under the ODP Vs3 (as defined by viewshaft 'frame'/margins) is narrower than that in the PDP Vs1 (refer to viewshaft frames in Fig 1 and Fig 2).

**Submission Heritage New Zealand (70.4) and Submissions Sarah Walker (367.3), Thomas John Broadmore (417.3), Il Casino Apartment Body Corporate (426.5), Harish Ravji (427.1), Juliet Broadmore (471.2)**

56 The above submissions relate to the ODP Vs21, which has been removed from Schedule 5 of the PDP. All submissions seek to reinstate Vs21 back into the PDP. However, there are some differences in the reasons cited for the outcome sought (i.e. one submission is concerned solely with the public significance of the Vs21,<sup>11</sup> while the remaining submissions are also concerned with effects on private residential amenity resulting from the loss of the viewshaft).<sup>12</sup>

Background to OPD Vs21

57 Viewshaft 21 (Central Area Appendix 11/ODP) has a viewpoint located at the top of the entrance steps to Massey University (former National Art Gallery and Museum)<sup>13</sup>. The viewshaft looks north towards the Inner Harbour and the Western escarpment (defined as 'focal elements') with Te Aro Basin and Te Papa defined as context elements.

58 Although recorded as a single viewshaft, Vs21 has two viewpoint locations situated on either side of the Carillion. Together, they provide views across the Pukeahu National War Memorial Park (in the immediate

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<sup>11</sup> Submission Heritage New Zealand Puehere Taonga (70.4).

<sup>12</sup> Submissions from the residents of Il Casino Apartments 38 Jessie Street (Sarah Walker (367.3); Thomas John Broadmore (417.3), Il Casino Apartment Body Corporate (426.5); Harish Ravji (427.1); Juliet Broadmore (471.2).

<sup>13</sup> Viewshaft 21/ODP - viewpoint location at top of entrance steps to Massey University (former National Art Gallery and Museum, top of railing located on the eastern and western sides of the entrance way and elevated above the National War Memorial).

foreground) and across the Te Aro Basin and the CBD to the Inner Harbour and Western Hills.

59 The Review (2020) established that (summarised):

- a. The viewpoint location as identified under Vs21 has lost its public meaning/significance after the construction of Te Papa and the subsequent changed use of the former National Art Gallery and Museum, noting that Te Papa intruded on views to the Inner Harbour (one of the viewshaft's focal elements);
- b. The current value of the existing Vs21 has been compromised by the continuing growth of the existing Pohutukawa trees in the immediate foreground, which, along with new development within Te Aro Basin, (notably the Century City Hotel on Tory Street), have further blocked the view of the Inner Harbour (a focal element of the viewshaft) and obscured Te Papa (a context element of the viewshaft); and
- c. The Review concluded that while Vs21 from its current viewpoint location had been compromised and therefore could be considered for removal, the adjacent area around the Tomb of the Unknown Warrior was a publicly significant location and public views from that location were important. A recommendation was made to consider relocating the viewpoint of the existing ODP Vs21 to a single viewpoint located at the south end of the Tomb of the Unknown Warrior, with the Western Escarpment (Mt Kau Kau) as a focal element and Te Aro Basin as a context element. It was also recommended to remove the Inner Harbour and Te Papa as focal and context elements respectively as they no longer featured in the view.
- d. The PDP has not followed the recommendation to include an alternative viewshaft from a different viewpoint in Schedule 5.

However, I note that there is a City Centre Zone sunlight protection control on development surrounding Pukeahu National War Memorial Park to ensure a minimum of 70% of the park receives sunlight access from 10am-4pm at either of the equinoxes. This will result in reduced heights in surrounding development in order to achieve this standard. Understanding how this will affect the visibility to the focal and context elements of the view from an alternative viewpoint location might be worth exploring.

**Submission 70.74 (Heritage New Zealand Pouhere Taonga)**

60 The submission considers that Vs21 is important in maintaining the integrity of views to and from [my emphasis] the former National Museum and War Memorial site and the wider Pukeahu Area and states this as the main reason for the amendment sought.

61 The purpose of Vs21 (ODP) is to maintain views from the area of the Former National Museum to the north towards the identified context and focal elements. Vs21 has never been intended to allow or maintain views to the former National Museum and War Memorial site, as suggested by submission point 70.4. This is because a 'viewshaft' by definition is a view from a fixed viewpoint providing views in one-direction to specified elements. In the case of Vs21, the viewshaft is from the former National Museum and War Memorial site to the Inner Harbour and the Western Hills. There are no viewshafts in either the OPD or the PDP that seek to protect views to the former National Museum and War Memorial site and the wider Pukeahu Area.

62 As already noted in paragraph 59, the public meaning and relevance of the ODP Vs21 from its current viewpoint location have been compromised and it no longer serves its original purpose. The potential replacement of the current Vs21 with a viewshaft from the

recommended relocated viewpoint, if included by the PDP, will, in my opinion, largely address the concerns expressed by submission 70.74. I understand that the Council is undertaking 3D modelling of building heights with regards to understanding the shading impacts of Te Aro heights under the maximum height limit (42.5m) and with reduced heights to comply with the sunlight control (CCZ-S6), as well as considering the alternative recommended viewshaft through this modelling.

### **Submissions from residents of Il Casino Apartments 38 Jessie Street**

- 63 Submissions from residents of Il Casino Apartments 38 Jessie Street (5 submissions in total, including submission point 367.3, 417.3, 426.5, 427.1 and 471.2) seek to include Vs21 to Schedule 5 of the PDP.
- 64 The concerns and reasons for the outcome sought by the individual submissions are similar and fall into two categories:
- a. Concerns around loosing views of the National War Memorial which are considered by the submitters *'to connect residents to the history of the city and promote remembrance of those who gave their lives in the wars'* and that *'seeing the Carillon from along Jessie Street is one of the things that makes Te Aro feel part of the city fabric'*; and
  - b. Concerns around private amenity (loss of views and sunlight) and the implications of this on property values (e.g. *'Many buildings have been built with the viewshaft in mind and designed accordingly... Most multi-level buildings around Te Aro have been marketed and reference the viewshaft, giving owners and residents a unique view of the harbour and town belt.. Removing the viewshaft would have direct impact on owners' property value... Purchasers of apartments in Il Casino did so on the assumption of the continued existence of the viewshaft. One*

submitter considers *'the best use of the viewshaft is green space'*.

65 For the reasons already discussed in paragraph 61, maintaining reverse views from the city to the National War Memorial has never been intended by Vs21 or any other viewshaft. Vs21 protects views from specified viewpoints within the National War Memorial to the north towards identified focal/contextual elements.

66 The purpose of the PDP viewshafts is protecting public views (i.e. views from public or publicly accessible places) to identified specific landscape features or built elements. The viewshafts have never been intended to protect private views or manage residential amenity (e.g. sunlight access) and/or property values. Therefore, concerns about private amenity and property values as expressed in the submissions are not matters protected by viewshafts. I note that there are limited number of windows on the southern wall of the Il Casino Apartments that face the Carillion. I also note that the adjacent site to the south (118 Tory Street/Garibaldi House), can be developed under the ODP height and viewshaft provisions to a height similar to that of the Il Casino Apartments, thereby obscuring any existing views from within the apartment building to the Carillion.

67 The value of current views to the Carillion obtained along Jessie Street is raised in submission 367.3, which states that *'seeing the Carillion from along Jessie Street is one of the things that makes Te Aro feel part of the city fabric'*. I have walked many times along Jessie Street and have found only one public location along the street from which the upper part of the Carillion can be seen. It is situated in the vicinity of 14 Jessie Street around the existing service lane immediately to the east of Prefab café (refer Fig 3). While the openness of the service lane (running between Jessie and Vivian Streets) allows visual links to the Carillion, the main reason it is still visible is because the sites on the southern side of Vivian

Street across the service lane have not yet been redeveloped as anticipated by the ODP height limit of 27m.

- 68 New development on these sites under the current provisions will block the current view to the Carillon. The new development under construction on Haining Street (seen in the photo) indicates the height of an approved development in that area (9 storeys). While seeing the Carillon from a single location along Jessie Street is a pleasant experience, this view is afforded by 'accident', not because it is protected and/or an anticipated result under Vs21.



Fig 3: Photo from the footpath opposite service lane at 14 Jessie Street

## **SUBMISSIONS RE AMENDMENTS TO VIEWSHAFT OVERLAY MAPPING, EXTENT OF VIEWSHAFTS AND/OR DESCRIPTION DETAIL**

### **WCC Submission 266.7**

- 69 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. More specifically, the submission seeks to:

- a. Extend the Vs8 viewshaft overlay on the planning maps over Jervois Quay and Queens Wharf to the water edge and Oriental Bay to acknowledge the views to the context elements; and
- b. Even (or flatten) the outline of the viewshaft overlay along the right margin by removing the cut-out from the Intercontinental Hotel (i.e. remove the areas highlighted in red in Fig 4).

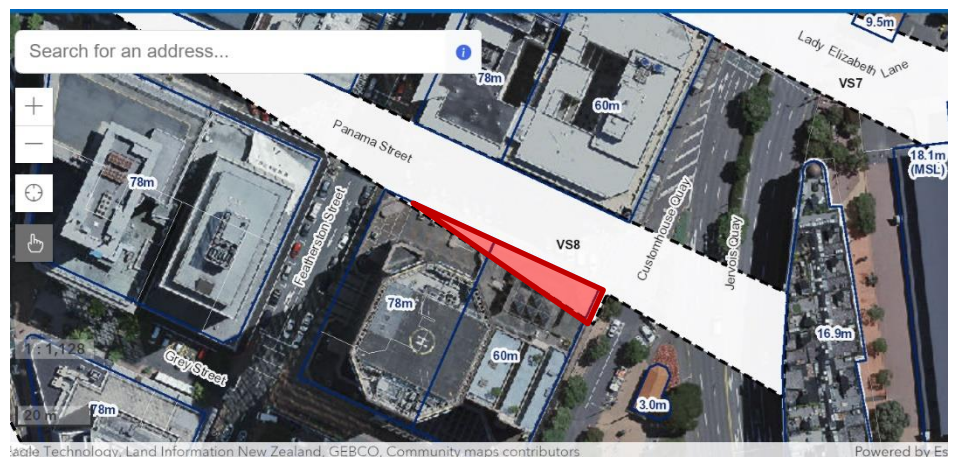


Fig 4: PDP planning map: Vs8 /Viewshaft overlay (parts of the overlay sought to be removed by the submission highlighted in red)

70 The proposed amendment under paragraph 69 (a) is warranted as it matches the viewshaft description and will remove confusion in interpreting the viewshaft planning map overlay.

71 Regarding the outcome sought under paragraph 69 (b), I note that the viewshaft overlay mapping for PDP-Vs8 inaccurately represents the right margin description in Schedule 5 and does not match the outline of the viewshaft 'frame' shown on the respective Schedule 5 photo. Amending the right margin on the planning maps is, therefore, required but not in the way suggested by the submission as shown on Fig 4.

72 In order to match its description, the right margin needs to move inwards in a straight line defined by the north-east corner of the Intercontinental Hotel octagon tower (refer Fig 5).



Fig 5: Red line indicating the corrected position of the right margin defined by the north-east corner of the Intercontinental Hotel octagon tower

73 It is important to clarify that the 'corrected' right margin, as outlined on the 2D map in Fig 5, applies only to the part of the view above the podium, noting that the right margin for the lower part of the viewshaft is defined by the north/east corner of the hotel podium (this is illustrated on the Schedule 5 Vs8 photo frame / Fig 6 where the 'stepping' outline of the right margin in 3D follows the stepping building profile of the tower and podium of the Intercontinental Hotel). I note that the stepped condition of the right margin is not clearly stated in the Schedule 5 Vs8 description, but this could easily be incorporated through minor amendments as suggested in paragraphs 75 and 76 below.



Fig 6: Vs8/Schedule 5 photo (the stepping viewshaft frame/right margin highlighted in red)

74 Suggested amendments to the viewshaft’s description (right margin and base) are included in the paragraphs below, noting that these amendments fall outside the outcomes sought by the submission. Nevertheless, they are important and necessary, in my opinion, to facilitate interpretation by aligning the relevant graphic and verbal information of the Vs8 viewshaft overlay.

75 Suggested additions to the Schedule 5 Vs8 right margin description with additional words shown in red:

*Right margin: North-east corner of the Intercontinental Hotel, following the stepped outline of the hotel tower and associated podium, 163 Featherston Street (Lot 1 DP 91187).*

76 The Vs8 description of the base incorrectly implies that the base steps 12m above the podium [my emphasis]. This does not match the graphic outline of the viewshaft frame defined by the right margin in the relevant photo (Fig 6) where the frame follows the height of the podium, rather than rising above it. If the description is to match the

information in the photo, the description could be amended as suggested below (changes shown in red, deleted text crossed):

*Base: Ground level 2.2m at Jervois Quay adjacent to former Harbour Board Offices and stepped to 12m ~~over~~ following the height of the Intercontinental Hotel podium.*

77 I note as per the S42A report (section 6.0 Minor and Inconsequential Amendments) changes/corrections have been made to respond to errors identified to ensure the mapping and schedule information is accurate and consistent.

**Submission Eldin Family Trust (287.9, 287.10, 287.11, 287.12)**

78 Submission points 287.9, 287.10, 287.11, 287.12 seek to incorporate minor amendments/additional words to the description of Vs1 and Vs4 *‘to place a greater recognition of the international significance of the Beehive as well as the contributing role of the Te Ahumairangi Hill (Tinakori Hill) backdrop’.*

79 Submission points 287.9 & 287.10 seek to include the following three additions (underlined text) to the current description of Vs1 in Schedule 5: *“A view of the Beehive against the backdrop of Te Ahumairangi Hill from a major thoroughfare for commuters. This is one of two significant viewshafts (the other being VS4) which, when combined, promote the image of Wellington as a capital city in views from key points within the northern end of the City Centre Zone. The Beehive and Parliament Buildings are two of the emblems of New Zealand’s capital and key landmarks in the Wellington townscape. They are internationally recognised symbols of New Zealand. VS1, located on a major pedestrian route for commuters leaving the Wellington Rail Station, enhances wayfinding and contributes to Wellington’s sense of place. The backdrop of Te Ahumairangi Hill adds striking contrast and visual interest.”*

80 I agree with the first addition as it is consistent with the description used under Vs4 (which relates to the same elements). The second addition is arguable, in my opinion, and, if it is to be added to the description, it would be more appropriate to be expressed slightly differently and incorporated in the preceding sentence, rather than standing as a statement on its own (as suggested below/new text underlined):

....The Beehive and Parliament Buildings are two of the emblems of New Zealand's capital and key landmarks in the Wellington townscape, often recognised internationally as symbols of New Zealand...

81 I do not believe the proposed last addition (*The backdrop of Te Ahumairangi Hill adds striking contrast and visual interest*) 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.

82 Submission points 287.11 & 287.12 seek to include two additional sentences (underlined text) at the end of the current Vs4 description/Schedule 5: *"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 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 to and from them, as provided by VS4, contribute to the city's sense of place. The Beehive is an internationally recognised symbol of New Zealand. The*

backdrop of Te Ahumairangi Hill adds striking contrast and visual interest.”

83 The statement in the first sentence of the proposed addition (The Beehive is an internationally recognised symbol of New Zealand), which is similar to the addition proposed for Vs1, is arguable in my opinion, as already discussed in paragraph 80. If it has to be added to the description, I suggest it is expressed slightly differently and incorporated into the second sentence of the description as suggested below (new text underlined): ‘...Along with the Beehive, often an internationally recognised symbol of New Zealand, this viewshaft includes the Cenotaph as an additional focal element....’

84 The last sentence of the requested additional text (The backdrop of Te Ahumairangi Hill adds striking contrast and visual interest) is the same as that suggested for Vs1. I do not believe it is appropriate or necessary for the reasons outlined in paragraph 81.

**Submission Argosy Property (383.130 & 383.131)**

85 Submission points 383.130 and 393.131 seek to:

- a. Review the extent of Vs3 so it does not extend onto 7 Waterloo Quay; and
- b. Review the extent of Vs9 so it does not extend onto 360 Lambton Quay.

86 The submitter’s reasons for the relief sought is that only a small part of the subject properties falls within the extent of the respective viewshafts.

87 Excluding 7 Waterloo Quay from the extent of Vs3 - to exclude 7 Waterloo Quay from the extent of Vs3 will require realigning the

viewshaft's left margin. The Review (2020) did not establish the need for any changes to the margins of the viewshaft.

- 88 The PWC Building at Site 10, which 'frames' the viewshaft at the waterfront end, has been set up to respect the left margin of the view. A possible realignment of the left margin, as sought by the submission, would have implications for other sites, and, more importantly, it could potentially 'narrow' the extent of the current viewshaft frame and increase the risk of compromising its intended characteristics. On that basis, there is no sound reason, in my opinion, for excluding 7 Waterloo Quay from the extent of Vs3.
- 89 I note that there are several 'notable' trees (242, 243 and 244) along the southern/street edge of 7 Waterloo Quay which are partly within the extent of the viewshaft. These trees largely limit development within the parts of the site protected by Vs3 (i.e. the protection of the trees protects the viewshaft frame). I note that elsewhere in the submitter's submission (point 383.132)<sup>14</sup> seeks a review to establish the values applying to these notable trees, and remove the tree(s) from the schedule if the re-evaluation does not pass the test for scheduling. I note that that the potential removal of the subject trees, when coupled with the exclusion of 7 Waterloo Quay from the viewshaft, would increase the potential risk of narrowing the viewshaft frame of Vs3).
- 90 Re excluding 360 Lambton Quay from the extent of Vs9 - to exclude 360 Lambton Quay (the recent development at Stuart Dawson's corner) from the extent of Vs9 will require realigning the viewshaft's right margin. Vs9 in Schedule 5 is similar to Vs9A in Appendix 11/ ODP, but has a slightly

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<sup>14</sup> I note that submission point 383.132 is addressed under [Hearing Stream 3 Historic Heritage S42A report](#), not [Hearing Stream 3 Viewshaft S42A report](#).

relocated viewpoint.<sup>15</sup> Notwithstanding the change in viewpoint location, the right margin of the viewshaft which the submission seeks to amend has remained the same as that in Vs9A of the ODP.

91 The part of 360 Lambton Quay that falls within the Vs9 overlay covers only the parts of the site located around the street corner. If the right margin is amended to exclude the property at 360 Lambton Quay from the Vs9 overlay, as sought by the submission, this will narrow the extent of the protected view and consequently reduce the view to the AON Centre (one of the two focal elements), if or when new development occurs on the site. Although the risk imposed by such a development in the near future is low given that the site has recently been redeveloped, the relief sought by the submission would be difficult to support in my opinion for two main reasons: (a) consistency in the application of other viewshafts affecting properties in a similar way; and (b) future proofing.

92 As a separate point, I note that the Vs9 overlay has been inaccurately mapped and needs to be updated to reflect the relevant detail in the schedule. There are also some errors in the schedule detail which need to be updated as noted in the S42A report, namely the description of the viewshaft location and the viewshaft's left margin. I note as per the S42A report (section 6.0 Minor and Inconsequential Amendments) changes/corrections have been made to respond to errors identified to ensure the mapping and schedule information is accurate and consistent.

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<sup>15</sup> The relocation was suggested by the District Plan Review/Central Area Viewshafts, Part One report (2020) (i.e. to move the viewpoint location slightly to the south and re-adjust the margins to reflect the new location as necessary).



### Submission David Walmsley (229.2)

- 93 The submission seeks to remove the property at 1 Carlton Gore Road from the extent of Vs14. 1 Carlton Gore Road, along with a pocket of adjacent and nearby properties, falls within the viewshaft overlay of Vs14. Vs14 protects the long-distance vista view from the Cable Car Station viewing platform to Point Jerningham and Point Halswell, defined as focal elements, and Roseneath, the harbour and distant hills (Remutaka and Orongoprongo Ranges), defined as context elements. The PDP Vs14 is the same as Vs15 in the ODP.



Fig 7: Vs14 PDP Viewshaft Overlay map, 1 Carlton Gore Road highlighted

- 94 The submission cites multiple reasons for the relief sought including:
- a. The OPD approach to applying viewshafts only to the Central City zone should be continued through to the PDP;
  - b. By extending the viewshafts into the residential zones, the PDP limits development in the respective residential zones;
  - c. Any development within the site at 1 Carlton Gore Road under the MDRS will have no noticeable effect on the long-distance views out

from the Cable Car location to the hills due to its location at the very end of the viewshaft; and

- d. Any future development on the site which exceeds the 11m height limit applicable to the MDRS will in any case require a resource consent.

95 The PDP Vs14 is the same as Vs15 in the ODP. I note that there has been no change to the viewshaft's description detail for Vs14 relative to the same viewshaft in the ODP. Conversely, the Vs14 viewshaft overlay as drawn in the in the ODP (Vs15 Appendix 11) is the same as the viewshaft overlay shown in the PDP for PDP-VS14. This means that 1 Carlton Gore Road has always been included within the viewshaft's overlay. However, the ODP does not have viewshafts mapped in the ePlan. Under the ODP the applicant and resource consent planner have to check if the property sits within a viewshaft by using the Central Area Viewshaft Appendix 11 (Central Area Appendices) map and description for each viewshaft in this appendix. I note that the scale of the maps in Appendix 11 coupled with the graphic representation of the viewshaft margins do affect the accuracy and ease of interpretation.

96 Due to changes in mapping functions and the National Planning Standards introducing 'Overlay' tools, the PDP approach to how viewshafts are mapped and consequently how the viewshaft rules are tagged to a property has changed. The PDP overlay mapping allows a higher level of accuracy in establishing the level of potential intrusion into a viewshaft compared to that under the ODP/Appendix 11. The changed approach in mapping under the PDP, although not changing the characteristics of the viewshafts, makes the location of properties within a viewshaft overlay much more clear and easier to read, thereby facilitating the process of interpretation.

97 As a separate note, a close inspection of the Vs15 map in Appendix 11 shows that the right margin, which the submission relates to, has been inaccurately drawn. This has been amended in the PDP overlay for the equivalent Vs14.

98 Regarding the submitters reasons for the relief sought my comments are:

99 I generally agree, that an 11m tall development at 1 Carlton Gore Road will not have any significant effect on views from the Cable Car to the identified focal and context elements under Vs14. Notwithstanding this, the management of building height for development rising above the 11m would be appropriate to consider the potential impact on the Vs14, noting that the site at 1 Carlton Gore Road also features in Vs18 (Cable Car panoramic view).

100 I understand that any development under the PDP within the overlay of a viewshaft is a discretionary activity for 'vista' views, which VS14 is. I also understand that this 'cancels' the ability to construct a complying development under MDRS without a resource consent. If this is the case, and given that an 11m tall development at 1 Carton Gore will not significantly affect the viewshaft, there could be an option that provides for a 'complying development' under MDRS without a resource consent, while applying the viewshaft considerations only for development which exceed the 11m height limit.

**Date:** 5/04/2023



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