

District Plan Variation 18: Oriental Bay Heights
Submission by Wellington Civic Trust

1. The Trust's Submission (Number 51 in the Officers Report) focus was on:
 - a. introduction of certainty, and
 - b. prevention over time of incremental building height creep.

2. The Trust notes that these issues were raised by 14 other submitters and have been analysed in some detail in the Officers Report. The Trust is pleased to note the changes proposed in that report are that :
 - a. the 20% height discretion be removed and be replaced by a two metre discretion, and
 - b. that between 166 and 174 Oriental Parade the height limit set shall not be exceeded.

3. While the Trust fully supports this change it does not believe it will necessarily achieve by itself, the desired effects. This is based on the premise that developers cannot from a regulatory perspective be regarded as altruistic but that they develop for private benefit. The regulatory environment therefore has to be framed around the scenario of a developer using every possible device to maximise the return on the development thus seeking the maximum height that can be wrung from a regulatory authority..

4. On this basis it is believed that despite the assertions that developers will have to make a substantive case to gain the extra two metres the height limit plus two metres will gradually become the mean as design factors are used to push the boundaries. In order that the intent of the change in 2b. above be fully realised and that opportunity for building height creep is reduced is believed that the height limit for between 144 and 164 should remain at 21 metres as in the McDonald Report. While the argument that as McDonald based his assessment on a measurement that was .8metre out and the height limit should be adjusted to meet that limit is logical what it does in effect is provide a higher baseline for height creep. In this context it is important to note that McDonald based the height on parapet height not the overall building height. The objective of the discretion is to avoid a straight line effect overall and provide for appropriate design discretion. In applying this the height limit ipso facto becomes a mean. If overall height creep therefore is to be kept to a minimum then it would seem logical to lower the limit by half the discretion, i.e. one metre. Then provided the process remains as robust as the Officers Report states the design objectives sought will be achieved without significant height creep.

5. This argument is equally applicable to 166-176 Oriental Parade where the developers pressures for exercise of the discretion will not be lessened by the greater stringency applied.

6. Application however of it to the numbers 110 to 142 is more complex and therefore the optimum way of minimising height creep in that section would seem to be to make it subject to the same control regime as 166 to 176. The arguments developed in submissions and encapsulated in the Officers Report for retaining the existing 16 metre limit would support this approach. The Civic Trust recommends therefore:
 - a. **That the 20% discretion proposed in the Variation be replaced by a two metre discretion.**
 - b. **That the Standards and Terms for rule 5.3.3 be amended so that properties 110-142 and 166 to 176 Oriental Parade be added to the list of properties where the height limits specified shall not be exceeded.**
 - c. **The height Limit for properties 144 to 164 Oriental Parade remain at 21 metres as proposed in the Variation.**
 - d. **The height Limit for properties 166 to 176 Oriental Parade be reduced to 25 metres.**