

WELLINGTON DISTRICT PLAN REVIEW

Building Mass Control Provisions

URBAN DESIGN REPORT DRAFT

Prepared for Wellington City Council by

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1 INTRODUCTION

Wellington City Council is undertaking a review of the District Plan, which entails an appraisal of all District Plan chapters. As part of this review, the Council has commissioned Urban Perspectives Ltd to carry out an evaluation of the massing control provisions in the Central Area (Chapters 12 & 13). These provisions dictate the siting, design and appearance of new building developments within the Central Area so that the existing urban form is preserved and enhanced.

BACKGROUND

The current (operative) 'building mass' provisions (a combination of policies, rules and standards) were introduced into the District Plan on 23 September 2006 through Plan Change 48 (Central Area Review).

The introduction of the building mass provisions was in response to a major concern that the provisions in the then operative District Plan, that were introduced in the mid-1990s, did not specifically address site intensity and building bulk and that enabling up to 100% site coverage / building mass compromised the Council's ability to manage some potential adverse effects of new buildings including:

- appropriate levels of daylight to new buildings;
- impact of new building work on listed heritage buildings (both on-site and on adjacent sites);
- ground level wind effects; and
- negative urban design outcomes including 'flat' facades.

To address these issues, PC 48 introduced new provisions, based on specifying a maximum permitted activity building mass at 75%, to enable these potential effects to be more effectively managed, while also enabling building mass above 75% when it could be demonstrated that daylight, wind, heritage and urban design effects could be dealt with adequately on site.

Plan Change 48 was made operative on 16 October 2013.

Scope & Purpose of the Review

The purpose of the present review is to establish whether:

- the current massing provisions are working as intended and good design outcomes are being achieved; or
- they need to change in response to current issues or deficiencies and/or in response to the anticipated growth and densification of the Central Area and the associated need to manage adverse effects.

The scope of the review is focused on:

- Evaluating "...the effectiveness of the current District Plan Central Area Chapter's massing policies, rules and standards in terms of their ability to enable new buildings which provide for an efficient use of land parcels, without causing adverse on-site amenity effects or effects on surrounding public environments"¹
- Identifying key issues and concerns associated with the application/implementation of the current provisions
- Establishing whether or what changes to the current provisions are needed and identifying possible high-level options for managing future building form/mass.

¹ Reference to Policy 12.2.5.2, Policy 12.2.5.3 and Policy 12.2.5.10; Mass Standards/13.6.3.2, 13.3.8.5 and 13.3.8.14; and Site Coverage Standard 13.6.3.8.1.

The review is carried out based on the current height provisions. However, where relevant it refers to anticipated future heights (under the Spatial Plan).

Methodology

The review methodology includes the following:

- (a) review of a sample of recent resource consents (for the last 7 years) where massing was a relevant matter - analysis and data interpretation of findings;
- (b) a survey completed by relevant Council staff and external advisors, consultants and developers to gain an insight on the massing provisions from a range of perspectives - analysis and interpretation of results;
- (c) compiling the findings of (a) & (b) above to develop high-level options for addressing any current issues and managing future building mass; and
- (d) workshop with Council staff to discuss the high-level options to inform the final recommendations.

2 OPERATIVE PROVISIONS

The operative provisions subject to the current review include an 'overarching objective' supported by specific policies, rules and standards.

The overarching objective is Objective 12.2.5 - "Effects of New Building Works":

12.2.5 Encourage the development of new buildings within the Central Area provided that any potential adverse effects can be avoided, remedied or mitigated.

The specific policies addressing building mass are:

Policy 12.2.5.2 Manage building mass to ensure adverse effects of new building works are able to be avoided, remedied or mitigated on site.

In the explanatory statement to Policy 12.2.5.2 it is stated, *inter alia*, that:

Managing building mass is important in ensuring that new building works do not create adverse environmental effects. The total mass and bulk of a building on site, and the location and placement of the mass relative to adjoining buildings and structures, will determine how successfully potential adverse effects relating to wind, amenity (access to light), impacts on adjacent heritage items, viewshafts, and urban design can be managed.

It is also stated that:

In relationship to building mass it is noted that while access to daylight is required to be addressed in building design, access to direct sunlight is not an effect to be specifically considered except with respect to sunlight protection of identified public spaces under standard 13.6.3.4.

The explanatory statement to Policy 1.2.2.5.2 also notes that:

Increases in building mass above the specified standards will be contemplated when it can be demonstrated that the additional mass will not compromise the development's ability to avoid, remedy or mitigate adverse environmental effects relating to wind, preserving access to daylight, heritage and urban design. Consideration may also be given to whether the function, location and prominence of the proposed building are such that it is appropriate to utilise additional mass to help create a landmark building.

The anticipated 'environmental result' will be:

... buildings that are capable of effectively managing an adverse effect on the environment.

Policy 12.2.5.3 **Manage building mass in conjunction with building height to ensure quality design outcomes.**

The explanatory statement to Policy 12.2.5.3 states:

The Central Area rules link building height and building mass together to provide increased flexibility in managing the effects of new buildings. Providing for height increases as a discretionary activity (restricted) subject to compliance with the specified standards for building mass, will allow greater ability for new buildings to respect and respond to their context.

By controlling building mass but at the same time providing for a greater degree of flexibility in relation to building height, the Council anticipates that there will be increased quality, variety and vitality in the built form of the City, and greater capacity to negotiate positive heritage and urban design outcomes throughout the Central Area.

The environmental result will be buildings of a height and volume that ensure quality urban design outcomes.

Policy 12.2.5.4 **To allow building height above specified height standards in situations where building height and bulk have been reduced elsewhere on the site to:**

- **provide an urban design outcome that is beneficial to the public environment, or**
- **reduce the impact of the proposed building on a listed heritage item.**

Any additional height must be treated in such a way that it represents an appropriate response to the characteristics of the site and surrounding area.

The explanatory statement to Policy 12.2.5.4 states:

In situations where building height and building mass are reduced to achieve a positive heritage or urban design outcome, the Council will consider applications for consent to provide additional building height elsewhere on the site. For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:

- *provision of sunlight to an identified public space, or any public space of prominence or space where people regularly congregate*
- *provision of a publicly accessible through block link*
- *provision of high quality, public open space*
- *retention of an identified view shaft*

Any additional building height must be able to be treated in such a way that it maintains the integrity of the building's design and respects the characteristics of the site and the surrounding area.

The environmental result will be building work that is designed to provide a positive public environment and heritage outcomes.

Permitted Baseline

In the period prior to PC 48 one of the concerns with the operative provisions that did not restrict site intensity or building bulk was the case law concept of the 'permitted baseline' which created the situation where a building built up to the permitted standards, including, in principle, a maximum volume of 100% (site area x maximum permitted height), and therefore restricted the Council's ability to manage some of the potential adverse effects of new buildings.

However, in an acknowledgement that building mass exceeding 75% may be appropriate, depending on the specific site context, Policy 12.2.5.10 provided for a consideration of 'permitted baseline' scenarios:

Policy 12.2.5.10 Provide for consideration of 'permitted baseline' scenarios relating to building height and building bulk when considering the effect of new building work on the amenity of other Central Area properties.

The explanation statement to Policy 12.2.5.10 notes, *inter alia*, that:

It is inevitable that new building works will impact to some degree on surrounding properties in terms of daylight, outlook and privacy. For this reason, 'permitted baseline' scenarios (informed by building height and mass standards in the Plan) are appropriate when considering the impact of the height and mass of new buildings in the Central Area on the amenity of surrounding properties. Occupiers of adjoining properties should be aware that the emphasis on protection of amenity in the Central Area is significantly less than applies in the city's Residential Areas.

The number of residential units in the Central Area is forecast to increase over the life of the District Plan. When new developments are proposed they will be expected to be self-sufficient in the provision of on-site amenity, so that they are not reliant on neighbouring properties for sunlight, daylight, outlook and privacy. This will help to mitigate the impact of new buildings on the amenity of adjoining properties.

Building Mass Rules and Standards

Standard 13.6.3.2.1 states:

No building (or buildings) shall have a mass exceeding the total building mass (volume) for the site. Total building mass (volume) is calculated using the following formula:

A. *In areas where building heights are measured above ground level:*

$$\text{Total mass} = \text{site area} \times \text{height} \times .75$$

B. *In areas where building heights are measured above sea level:*

$$\text{Total mass} = \text{site area} \times (\text{height} - \text{assessed ground level}) \times .75$$

hence the 75% building mass 'permitted activity' standard.

New Central Area Buildings

All new Central Area buildings, with a few exceptions, require consent under Rule 13.3.4 for a discretionary activity (restricted) in respect of:

- *design, external appearance and siting; and*
- *the placement of building mass.*

Building Mass Above 75%

New Central Area buildings that exceed the 75% building mass standard require consent under Rule 13.3.8 for a discretionary activity (restricted). The matters for discretion listed in 13.3.8.5 are effects of building mass on:

- *the amenity of the surrounding streets, lanes, footpaths and other public spaces; and*
- *the historic heritage value of any listed heritage item in the vicinity; and*
- *the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings; and*
- *whether the proposed building will have on-going access to daylight; and*

- any adjacent Residential Area.

Under Rule 13.3.8.14, building mass can be exceeded by up to 15% (i.e. 86.25%); above 15% consent is required under Rule 13.4.10 for a discretionary activity, but maximum building height must not be exceeded by more than 35%.

For Central Area buildings that exceed the maximum building height by more than 35%, no matter what the achieved building mass is, consent is required under Rule 13.5 for a non-complying activity.

3 RESOURCE CONSENTS REVIEW: MAIN FINDINGS

For the purposes of the 'mass provisions' evaluation, a sample of 23 consents were reviewed (refer Appendix 1: Assessment Tables). The sample was selected from the 408 consents from the last 7 years that were analysed in the Council's Central Area Monitoring Report (Dec 2019), but also included several more recent consents processed in 2020.²

Council Central Area Motoring Report, 2019

- The Central Area Monitoring Report (Monitoring Report) found that most of the reviewed consents (45% or 185 consents) related to additions/alterations and only 9% related to new buildings (37 consents).
- From the 37 consents for new buildings, only half breached the height or mass provisions and from the 185 additions/alterations consents only 4% had mass and/or height breaches.
- From all the consents relating to building development (additions/alterations + new buildings) only a small percentage (approximately 6%) breached the mass provision, with the mass breaches most often relating to new buildings and most often involving a height breach as well.

CONSENT SAMPLE

To evaluate the effectiveness of the current District Pan mass provisions a sample of 23 consents were reviewed. These included 12 consents with mass or mass/height breaches, 8 consents with height breaches only (complying mass), and 3 consents with a complying volume (height/mass).

Consents with mass/height breaches

- The review found that:
 - on the whole, mass breaches are not a recurring issue. There was only a small number of consents with a mass breach (3/12), most of which were for additions/alterations to existing buildings.
 - the vast majority of the mass breaches (9/12) involved a height breach and most of those related to new buildings
 - height breaches on their own are typically associated with building mass that is lower than the allowable mass.

Consents with mass/height breaches: development type and location

- The majority of the consents with mass or mass/height breaches (7/12) were for residential developments.
- All of the consents for height-only breaches were also for residential developments or incorporated a significant residential component as part of a mixed-use development.
- All of the reviewed residential development consents were located in the 'low city', with the majority located within Te Aro or within areas around or close to the Central Area zone boundary (Mt Vic, Te Aro Corridor, Thorndon) (see map showing distribution of the consents TO BE ADDED).

² 1 Whitmore Street (SR 468656), 2-12 Aitken Street/NZ Archives (SR WCC No.45) and 212 Willis Street (SR 453162).

- Only 5 of 20 consents with mass, mass/height or height breaches were for commercial/office developments, with three of those located in the 'high city' and remaining two in the 'low city' (one in Thorndon and one in Te Aro).
- Many of the significant mass breaches occurred in developments on corner sites or sites with more than one street/open frontage.

Extent of mass breaches

- About half of the mass breaches were within the discretionary limit (up to 86%)³ and typically varying between 79%-85.5%. The other half exceeded the discretionary limit (varying between 87%-117% range) with most of the consents having a building mass volume above 90%.
- Where the mass breach included a height breach, the height breach in all but one case, was within the 35% discretionary height limit.

Extent of height-only breaches (when the mass is complying)

- For all consents with a height-only breach:
 - the height breach was within the 35% discretionary height
 - mass was below the allowable standard of 75% (varying between 40% -73%, with most consents having a mass of 67% or less).

Consent activity status

- All but one of the consents were non-notified consents for a discretionary activity (with approximately half being in the 'discretionary unrestricted' category). One consent was publicly notified.
- The review showed that none of the consents with mass breaches raised any significant issues or adverse effects associated with the proposed additional mass that could not be mitigated, and all consents were approved.

CONSENTS WITH COMPLYING BUILDING VOLUME

- 2 consents with a fully complying building volume, 2 consents with only a technical height breach/complying mass, and 1 consent in a heritage area (where the mass standard does not apply) were reviewed with the aim of establishing the effectiveness of the mass provisions, with a special focus on internal amenity (daylight/outlook).
- Outcomes re relationship to context, including heritage, showed that the provision in the respective cases worked generally well with the CAUDG providing the key method for assessing those aspects of the proposals.
- Regarding on-site amenity (daylight access and outlook), the outcomes of all of the above consents were considered acceptable. However, the review of the plans showed that the outcomes re on-site amenity for 3 of the proposals were not ideal for a good number of units in each development and that daylight and outlook would have been compromised or further worsened if/when development on adjacent sites occurred.
- The review showed that amenity outcomes are heavily influenced by the site's characteristics and that compliance with building mass does not necessarily guarantee a reasonable level of amenity, either at present or if adjacent sites are to be developed in the future.

EFFECTS OF ADDITIONAL MASS (RE MATTERS UNDER RULE 13.3.8.5)

Effects arising from the additional mass in all consents, as recorded in the Council decision reports, were able to be appropriately addressed and were considered acceptable. Findings on how the specific effects

³ Discretionary building mass: allowable mass (75%) + 15% of allowable mass = 86.25%)

with regard to matters under Rule 13.3.8.5 for a discretionary activity were addressed are summarised below:

- *Effects on the amenity of the surrounding streets, lanes, footpaths and other public spaces - these effects are focused primarily on shading and in all cases were considered minor based on assessment of shading studies accompanying resource consents applications.*
- *Effects on the historic heritage value of any listed heritage item in the vicinity - in all cases the planner's conclusions in the decision report have been that these effects will be acceptable or no more than minor. Note that the heritage advisor's comments (in some of the decision reports) point out that the recommended setbacks as per G3.5 under 'Siting, height, bulk and form' (CAUDG) have not always been followed and additional mass/overall scale of proposed buildings did not always relate well to adjacent or nearby heritage items.*

The difficulty in the application of the recommended setbacks in the CAUDG re adjacent heritage buildings might be partly because: (a) the setbacks are referred to under the 'explanation' to the G3.5 rather than contained in the actual guideline; and (b) the recommended setbacks, which refer to specific measurements, feature only in the Design Guide but are not backed up by any other District Plan provisions.

- *Effects of additional mass/bulk on the character of the surrounding neighbourhood, including form and scale of neighbouring buildings - these effects were typically mitigated by adherence to the CAUDG (through massing and articulation of building form/façade composition/treatment) and assisted, in most cases, by the characteristics of the site (e.g. corner site) and its context (e.g. other nearby buildings of similar bulk/scale). This suggests that the CAUDG is generally effective in dealing with impact of building bulk on the character of the surrounding context. Further to this, all over-mass proposals involving a height breach passed the test for 'design excellence', as assessed by the Council's urban designer.*
- *Effects of additional mass/bulk on on-going access to daylight to the proposed over-mass building - these have been satisfactorily addressed through the provision of light wells or setbacks from side boundaries, and/or further assisted by the site's context and location (e.g. corner site or a site with more than one street frontage). Adherence to the specific guideline (G3.9, CAUDG) under 'Siting, height, bulk and form' was sometimes referred to in the decision reports (urban design assessment) re achieving daylight access. Note that daylight access for some of the reviewed over-mass buildings was not always specifically referred to in the decision report. This might have been based on the planner's assumption that if the over-mass proposal satisfied the CAUDG this provided an assurance that daylight access has been addressed (see also comments under 'effects of mass on on-site amenity on next page)*
- *Effects of additional building mass on any adjacent Residential Area - where applicable, these effects were largely mitigated by distance and by the design of the building and assessed as acceptable.*

Effects of additional mass on the wind environment

- *In cases where only mass has been exceeded there is no specific reference to or clear understanding of the relationship between the proposed mass and the resultant wind effects.*
- *Where mass/height have been exceeded (2 consents) but the building height was under 18.6m, no wind assessment has been required and therefore no conclusions can be drawn.*
- *In most of the mass/height breach consents wind effects were considered to be either not significantly different from the existing (even in cases with a significant mass breach (up to 117%) or resulting in a relatively small change.*
- *Only two of the consents with mass/height breaches resulted in worsening the wind environment and required mitigation. In one of the consents the mass was 76% (only marginally above the allowable 75%) and the proposal included a large open space. In the other consent, the development sat on an 'island' site and replaced an existing low building within an already windy environment. In both cases mitigation was achieved through off-site measures rather than through amendments to building form/design.*

- *As general observation, there does not appear to be a direct link between wind effects and mass or mass/height breaches. Rather, wind effects seem to be influenced by the specific characteristics of the development site and its context.*

Design excellence

All of the developments with a height/mass breach appear to have passed the test for design excellence required for buildings which exceed the permitted height limit. That said, design excellence for some of the developments with small height breaches (e.g. relating to plant rooms or less than a storey) has not been discussed/referred to in the respective decision reports.

Key observations re design excellence assessment and administration:

- *The assessment comments in the decision reports with regard to design excellence reinforce the lack of specific and clear assessment criteria and illustrate the different approaches taken by the different urban design advisors in assessing design excellence. This creates uncertainty for applicants and questions the consistency and objectivity of a design excellence assessment.*
- *Design excellence assessments tend to focus on the architectural and aesthetic qualities of buildings. In some cases, design excellence has been considered to be achieved regardless of issues relating to on-site amenity (with emphasis on outlook and/or quality of daylight for some units).*

Effect of mass on-site amenity (with emphasis on residential developments)

One of the reasons for introducing a massing standard under PC 48 was to ensure appropriate levels of daylight in new buildings are achieved on-site (should adjacent sites be developed to their full potential). In addition to the 'building mass' policies, internal amenity re daylight and outlook are referred to under Policies 12.2.7.1 and 12.2.7.2 (building amenity). The Central Area Urban Design Guide, along with the massing and building amenity standards, is another method for delivering the outcomes.

In light of the anticipated densification of the Central Area, particularly within the low city, understanding the relationship between building mass and on-site amenity is important, particularly in relation to multi-storey residential buildings.

A high-level assessment of the overall on-site amenity of all residential developments included in the review sample found that:

- *On-site amenity outcomes are highly dependent on a site's characteristics and building layout/design and less influenced by the actual mass calculation. The review found that developments with significant mass breaches in most cases did deliver good amenity outcomes (daylight/outlook and some open space), for most of the units if the development occurred on a corner site, or a site with more than one street/open frontage and/or was part of a larger comprehensive development. Larger sites provide some further benefits.*
- *Conversely, amenity outcomes of developments on internal sites, even if they had a complying mass, were not always ideal and could be potentially compromised or further worsened if adjacent sites were to be developed to their full potential. This suggests that the mass standard alone is not universally effective in managing on-site amenity. Further to this, for developments with a complying bulk, daylight is not a matter for consideration under the relevant rules. This means that the scope for requiring design changes to improve amenity outcomes in buildings with a complying mass is limited.*
- *All of the above suggests that an additional control to manage residential amenity might be appropriate to consider in light of the anticipated densification of the Central Area and associated height increase under the Spatial Plan.*

4 SURVEYS: MAIN FINDINGS

A survey questionnaire was developed and sent to 28 experts to gain insights on the effectiveness of the massing provisions from various perspectives. Experts included Council Staff, external consultants (urban designers and wind experts), architects and developers. Some of the questions for developers, architects and wind specialists were slightly different from those for planners and urban designers to recognise the difference in the technical background of the respective experts.

Council received 19 responses to the survey (out of 28). Respondents included: 6 Council planners, 4 architects, 4 urban designers, 3 developers and 3 wind experts. All of the respondents had a good understanding of the mass provisions and experience in their application.

All the questionnaires were reviewed with answers recorded and summarised under five headings corresponding to the experts' professional background (refer to Appendix 2).

The key findings/observations of the surveys for each expert category are summarised below. These are structured around the key questions of the surveys.

COUNCIL PLANNERS (5 planners + 1 heritage specialist)

- *All respondents have worked with the massing rules and had a good grasp of the issues.*
- *The majority of the consents the respondents were involved in are included in the consent sample reviewed in this report.*
- *In all cases consent was granted. There were only a limited number of applications which were suspended or did not proceed following pre-app meetings, mainly due to height and in one case after a notification decision report was received.*
- *The breaches in all but one of the consents (which was for a non-complying activity) were for discretionary activity (restricted and unrestricted). Building mass was not identified as a recurring issue.*
- *No specific changes to proposals were recorded to have been made re over-mass during the pre-app process or prior to lodging the application. However, some changes to building form did happen during the pre-app process but they were triggered by Design Guide issues rather than made in relation to any proposed extra mass per se.*
- *Addressing massing for sites that are close/adjacent to heritage areas or heritage buildings can be effectively dealt with at the pre-app process which provides opportunities for achieving better heritage outcomes.*
- *Most respondents considered that the mass provisions work as intended and are effective /flexible and assist in achieving good outcomes. However, it was noted that in terms of heritage there is no scope/ability to assess effects on heritage if the development has a complying volume (mass/height).*
- *Regarding the question whether the current standard of 75% building mass is about right - most respondents thought the standard was about right, although some considered this was dependent on the characteristics of the site and nature of the proposal, hence some site-specific provisions for certain types of sites might be appropriate to consider.*
- *Re effectiveness/flexibility of Policy 12.2.5.3 ('Manage building mass in conjunction with building height to ensure quality design outcomes) and associated Standard (13.3.8.14) - most respondents, including the heritage specialist, considered that the subject provisions work well and enable buildings to better respond to their context. An observation was made that the specific flexibility of that policy/standard are rarely used as applicants tend to design to the maximum 'discretionary' height limit".*
- *Opinions on whether mass provisions should be varied to reflect the height variations within the high and low city or stay the same varied. Some respondents thought it might be good to consider a variation in mass provisions to reflect the difference in height, while the remaining respondents did not have an opinion or were unsure.*

- *There was a general agreement that the massing standard should be the same irrespective of the use of the building. However, it was suggested that minimum design parameters for internal amenity need to be considered.*
- *Most respondents thought that the CAUDG seemed to work and was useful in terms of assessing relationship to heritage, except in relation to 'design excellence'. It was noted that the design guide does not provide any guidance on that matter and neither does the District Plan. Also, that to improve the effectiveness of the design guide correlating the policies/rules and design intent needs to be considered.*
- *Suggested improvements/changes to the current provisions:*
 - *Massing provisions need to be reviewed in the context of the increased heights in the Central Area under the proposed Spatial Plan*
 - *Site-specific approach to massing in relation to types of sites with certain characteristics (e.g. "island" sites) might be worth considering.*
 - *Provide discretion to consider effects of buildings with a complying volume on: (a) internal amenity; and (b) adjacent heritage items and include clear guidance on good height/scale relationships in the design guide.*
 - *Re 'design excellence' required for over-height buildings - this needs to be clearly defined with a clear explanation when does it apply. Regarding the latter, consider exempting minor height encroachments (relating to plant rooms or height increase of less than 1m) from requiring design excellence assessment. Provide clear assessment criteria for design excellence and link those to the relevant rule and to the design guide.*
 - *Consider including non-notification clauses in the District Plan where the height and mass are met, the lack of which adds unnecessary complicity to planning assessment reports.*

URBAN DESIGNERS (4 respondents)

- *Assessed breaches were of variable nature and extent but height breaches were largely within the discretionary limit and some very minor.*
- *All consents were granted, noting that most consents with height/mass breaches, which are subject to a design excellence test, have been through at least one version at pre-app stage and sometimes further versions post-approval. Continued achievement of design excellence often challenged for over-height buildings.*
- *An observation in relation to minor height breaches is that "the maximum height requirement leads to constriction of the building top" - a tendency which, when extended across many neighbouring buildings was considered to compromise the skyline of the city. This poses the question whether some flexibility around minor height breaches to allow stronger building tops would be appropriate to consider and whether or not such minor breaches should trigger the need for a 'design excellence' assessment.*
- *Responses regarding the effectiveness/flexibility of the provisions to enable good quality outcomes were varied. Some respondents consider the provisions too blunt an instrument that needs a better connection to height provisions. Other respondents think they are messy and uncertain re urban design outcomes or that they are only partially effective, as they will not be able to ensure the necessary amenity for the planned residential densification of the central city.*
- *Key urban design issues associated with the administration of the provisions relate to: (a) uncertainty of how design excellence required for over-height buildings, which may or may not involve a mass breach, is assessed (it is unclear what design excellence means and what the assessment framework is); (b) a lack of guidance on how to address post-approval changes to an over-height proposal which removes elements that have contributed to its design excellence in the first instance; and (c) a missing link between mass/height provisions and the design guide, noting that a mass breach when not related to a height breach does not require design excellence.*
- *Re design excellence - it was suggested that in addition to aesthetic and architectural quality which are typically on the forefront of the assessment, design excellence should also include a clear reference to the level of internal amenity achieved, especially in relation to residential developments.*

- *No general agreement between the respondents re whether the current 75% mass standard is about right. Some consider it to be a realistic number when balanced with development opportunities and about right if applied rigorously, while other respondents consider it likely to be about right only for commercial development but not for residential (in the context of anticipated densification of the central city if a good level of amenity is to be ensured). An observation was made (with a reference to a specific proposal) that a building with a complying mass, could not always guarantee good amenity outcomes re daylight, especially if it was exceeding the height limit, and could potentially result in a poor outcome.*
- *Agreement that generally Policy 12.2.5.3 ('Manage building mass in conjunction with building height to ensure quality design outcomes) and associated Standard (13.3.8.14) provide flexibility to enable better urban design outcomes.*
- *Split views on whether mass provisions should vary or be the same for the high and low city. An area or block specific provisions were recommended for consideration by one of the respondents.*
- *General agreement that the massing standard should be the same irrespective of the use of the building. This is to ensure consistency of outcomes in converting commercial to residential and avoiding situations where "very large commercial buildings later undergo a pre-planned conversion to residential".*
- *The CAUDG is overall sound in terms of general principles/overall guidance. However, height/bulk should be managed via District Plan standards with design guide assisting to address more fine-grained issues. The Design Guide should be clearly linked to massing/height policies and rules, including those re design excellence, which is not currently the case.*
- *References to other methods for managing building bulk (by two respondents) included FAR in combination with height controls and amenity/outlook requirements with major applications being subject to a Design Panel review.*
- *Suggested improvements/changes to the massing provisions:*
 - *Consider Floor-to-area ratio (FAR) as a refinement and extension of the current volume control. It may be that the current volume control used in combination with amenity/outlook controls for residential activity could achieve positive outcomes. Appropriate levels of daylight/outlook important in the context of the anticipated densification of the Central Area and associated increased heights under the proposed Spatial Plan.*
 - *Suggestion to "test any future mechanism for volume and height control with 3-dimensional digital modelling on a range of typical sites" and consider area or site-specific provisions.*
 - *Ensure there is a better correlation between over-height/over-mass proposals and the design guide.*
 - *Review the 'design excellence' trigger to provide a clear guidance on when 'design excellence' assessment is required and should 'design excellence' be a qualification for additional height. Further to this, define what does it mean and provide a clear set of assessment criteria which, in addition to the basic urban design issues relating to aesthetic and architectural quality, include also residential amenity in light of the anticipated residential densification of the central city.*
 - *Consider an urban design panel review re major CBD matters and projects.*

ARCHITECTS (4 respondents)

- *Nature and extent of the recorded breaches were defined as site/project specific. Breaches in relation to developments on sites with multiple street frontages are easy to address while maintaining a good level of internal amenity.*
- *Breaches are typically required by the client to optimise development potential, but also beneficial in some cases to help enhance the formal expression the building volume.*

- *Mass breaches per se not identified as a key issue in the pre-application process with mass always considered in relation to other issues with emphasis on height and design excellence. Bulk/mass often refined during pre-application process as part of the applicant's internal design review, rather than in response to issues raised by the Council.*
- *Building volume (mass and height) is always considered early in the design process by architects, typically as part of feasibility studies and concept design. Most often client's instructions regarding breaches is to stay within the discretionary limits, especially in relation to height, to allow maximising floor area without triggering notification. Noted that in addition to District Plan provisions, building volume is strongly influenced by other factors such as exponential cost of structure and seismic performance for additional height.*
- *Most architects considered the mass provisions to be effective and flexible enough to manage building volume by striking a successful balance between 'carrot' and 'stick' although it was noted that the effectiveness/flexibility of the provisions tend to be site and project specific. Having a mass provision was considered to provide architects with a sense of freedom/flexibility in negotiating building form outcomes with the client, which was unlikely to be case if such provisions were not there.*
- *Opinions on whether the current standard of 75% mass provision is about right varied. However, most agreed it was about right when combined with the discretionary height limit, but again noting that the standard did not take into account site-specific conditions or attributes (e.g. the standard could be relaxed for sites with multiple street frontages).*
- *Most architects consider that Policy 12.2.5.3 and associated Standard (13.3.8.14) are effective and work well as intended. They enable more bespoke formal and massing response than just extruded plans up to a set constraint, and also enable flexibility in relation to function and amenity. However, noting that in some cases better outcomes could be achieved by increasing the height beyond the discretionary limit (to achieve taller/slimmer buildings or buildings with better proportions), but applicants are reluctant to do that to avoid notification.*
- *Opinions on whether the mass provisions should differ to reflect the different height limit for the high and low city varied. Some considered that the provisions should be relaxed in the high city and reflect the density of the area, while others did see no valid reason to justify that.*
- *Regarding whether mass provisions should vary or stay the same irrespective of the use of the building, architects' opinions differed. Some architects considered that mass provisions should reflect the building use, acknowledging that residential development would always require reduced mass to allow daylight/amenity, while others believed they should stay the same to promote flexibility for any future change in use, while maintaining a consistent level of amenity. This is important given that most conversions are from commercial to residential.*
- *There was a general agreement that the CAUDG is effective in facilitating the outcomes that massing provisions seek to achieve and that the guidelines and massing rules generally work well together. However, noting that rules take precedence over the guidelines and that the approach to balancing mitigating factors and design excellence is sometimes interpreted quite variably. Clarifying the assessment of design excellence with more weight given to the guidelines would provide the ability to assess more comprehensively the outcomes of any breaches by using a TAG or Urban Design Panel)*
- *No alternative approaches (based on experience under different District Plans) to better manage building volume/mass were recommended as suitable. However, using a Design Panel was suggested by one of the respondents.*
- *Suggestions for improvements/changes to the current provisions were made including:*
 - *consider the possibility for mass provisions that reflect site characteristics (e.g. identify types of site and relax provisions for sites with certain attributes such as sites with multiple street frontages/island sites);*
 - *consider higher threshold level for wind speeds in the city and remove the expectation that wind effects need to be fully mitigated on-site for a building to pass the test of design excellence;*

- *provide clear criteria for assessing design excellence in relation to proposals with volume breaches; and*
- *consider design review process where a TAG or Urban Design Panel will assess volume breaches in the context of the proposal as a whole.*

DEVELOPERS (3 respondents)

- *Typical reasons for mass/height breaches include optimising development potential and/or achieving the necessary space required for the internal activities.*
- *None of the developers had to change the building volume re mass beach during pre-application meeting. However, a fair amount of analysis had to be carried out to justify the proposed breaches prior to the formal lodging of the resource consent application.*
- *No issues relating to the administration of the massing provisions were encountered during the resource consent process.*
- *Some developers' instructions to the architect tend to be clearer on height. The typical approach to the overall building volume is to stay within the discretionary limits, especially in relation to height.*
- *For some developers massing is not a determining factor (or far less determining than height) and it is often being considered once the site has been configured with a viable project and after taking into account a raft of other considerations (economic, structural, market related).*
- *Opinions on whether the provisions are effective or flexible enough to deliver the outcomes they were intended for varied. Some considered them restrictive by nature but reasonably easy to breach through appropriate development, while others consider them a constraint (as good design outcomes can be achieved in developments that breach the provisions) and/or believe they are hindering the ability to enhance on-site amenity (e.g. more generous floor to floor height, internal atria and other common space).*
- *Opinions on whether the current standard of 75% mass provision is about right varied. Some developers believed it was striking a balance between quality/amenity and development potential, while others thought it might be about right for internal/land-locked site, but limiting for corner sites or sites with multiple street frontage.*
- *The Policy 12.2.5.3 and associated Standard (13.3.8.14) is not usually taken advantage of as most developments exceed the height limit by more than 15%. It was also noted that the above-mentioned policy/standard do not provide enough freedom/flexibility to promote high quality internal amenity (e.g. generous floor-to floor height, especially at ground level and/or internal common spaces).*
- *Opinions on whether there should be different mass provision for the high and low city varied. One of the respondents considered that a greater volume for lower building form makes sense, albeit from a purely effects-based argument, but most considered there should not be any mass differential between high and low city (that is retain the status quo).*
- *There was a general agreement that mass provisions should stay the same irrespective of the use of the building. This is to promote flexibility for any future change in use while maintaining a consistent level of amenity. However, it was acknowledged that buildings designed for residential use will always have to consider a reduced mass in order to provide daylight and enhance amenity of internal spaces.*
- *Suggestions for improvements in the current operative District Plan mass provisions included:*
 - *consider minimum height/massing provisions;*
 - *consider a floor area-based limit, separate from a volume limit to provide more options for modern, seismically resilient developments;*
 - *consider variation in mass provisions in relation to site characteristics (e.g. retain the current standard for internal sites but relax mass standard for sites with multiple frontages to recognise their inherent advantages re daylight access/outlook); and*

- review massing provisions in light of the needed increase in the supply of affordable housing within Wellington city.

WIND EXPERTS (3 respondents, with of 2 those providing a joint response)

- *Building mass is not a key determinant of wind effects (can be detrimental or beneficial depending on the specific situation). Height limits are a more relevant factor in terms of wind than mass per se.*
- *Height both determines and sets up expectations re development potential on a given site and typically building volume/shape would be conceived prior to considering environmental effects. This makes it difficult to negotiate outcomes where, in order to reduce wind effects, mass needs to be reduced (e.g. through setbacks from the sides facing the wind), due to loss of floor area and the unwillingness of developers to breach discretionary height limit in fear of potential notification. The result is squatter broader buildings built for economic reasons which do not necessarily address wind issues.*
- *Changes to the current mass standard would not necessarily improve wind outcomes, noting that the building mass standard was set up to address specific issues which do not include wind.*
- *Being able to alter/redistribute mass across the site can help reduce wind effects. However, Policy 12.2.5.3 ('Manage building mass in conjunction with building height to ensure quality design outcomes) and associated Standard (13.3.8.14) does not refer to wind as a matter for discretion. Providing more flexibility where to deploy the bulk on the site would help to achieve better wind outcomes.*
- *Suggested improvements/changes to the current provisions include:*
 - *consider including wind as a matter of discretion under the massing provisions; and*
 - *allow for a height increase for wind reasons (on the basis of wind tunnel test) provided building bulk is within or below the permitted level to achieve better environmental results (sunlight/daylight wind).*

5 CURRENT PROVISIONS: SUMMARY KEY ISSUES

The consents review and survey responses identified some common themes, issues and considerations. These are summarised below along with recommendations for possible changes to the current provisions.

Issue 1: Effectiveness of current provisions (do they work as intended?)

The operative District Plan mass provisions (with emphasis on the mass standard) are based on the premise that a building with a complying volume (mass/height) will deliver the outcomes sought under Policy 12.2.5.2.⁴ These can be summarised under two broad headings: (a) 'on-site' amenity outcomes (on-going access to daylight); and (b) 'off-site amenity' outcomes, which relate to effects on the surrounding environment (surrounding streets and public spaces; nearby historic heritage, character of surrounding neighbourhood, including the form and scale of neighbouring buildings, and any adjacent residential area). Effects arising from any proposed additional mass are managed through an assessment against the relevant District Plan mass provisions and the provisions of the CAUDG.

The review showed that the current provisions generally work well. However, while the current provisions seem to be effective in managing effects on the surrounding environment, that is not always the case in

⁴ *In the explanatory statement to Policy 12.2.5.2 it is stated, inter alia, that: Managing building mass is important in ensuring that new building works do not create adverse environmental effects. The total mass and bulk of a building on site, and the location and placement of the mass relative to adjoining buildings and structures, will determine how successfully potential adverse effects relating to wind, amenity (access to light), impacts on adjacent heritage items, viewshafts, and urban design can be managed.*

relation to on-site amenity (e.g. daylight and outlook) - an issue that is most relevant for residential developments.

There are two main reasons for that: (a) a complying mass in itself does not necessarily guarantee a good residential amenity outcome; and (b) residential amenity (beyond daylight) is not a specific matter for consideration for over-mass buildings and therefore there is little scope to influence outcomes. Further to this, while the CAUDG⁵ refers to outlook, in addition to daylight, and Policy 12.2.7.2 (Building amenity) refers to daylight and awareness of daylight, the District Plan directs the assessment of these matters to the Building Code⁶.

The review showed that most of the residential developments with mass breaches did not raise any serious amenity issues and many of those developments managed to provide reasonable levels of daylight and outlook for most units. However, this seemed to have been achieved through a careful site selection (e.g. choosing sites with multiple street frontages) and a 'responsible' approach to development initiated by the applicant rather than based on statutory requirements. Nonetheless, not all developers are 'amenity conscious' and on the whole the current provisions are not sufficiently effective to manage residential amenity.

The current provisions were generated in the context of the anticipated at the time housing demand and associated density under the banner of the 'high' and 'low city' approach to building height. In light of the present Spatial Plan objective to accommodate more people in the Central Area by increasing building heights, residential amenity will become more important especially, if the anticipated densification is to be done well. The proposed height increase is concentrated within the low city, a major part of which includes Te Aro with its large blocks and general lack of public open space. These are additional factors that need to be taken into account by any future provisions for managing the outcomes of the high-density residential development promoted in the Central Area.

Possible amendments to the current provisions:

- Acknowledge the importance of residential amenity for the successful outcome of the anticipated densification of the Central Area through appropriate District Plan provisions.

Issues 2: Is the current standard of 75% allowable mass about right? - the review showed that none of the consents with a mass breach (mass only or mass/height) raised any significant effects resulting from the additional mass or effects that could not be appropriately mitigated.

Regarding potential effects of additional mass, the review found that site-specific characteristics, such as size/shape and location within the block and number of street frontages, proved to be primary mitigating factors. E.g. sites with a corner location or multiple street frontages can more easily address effects of additional mass/height, while also providing a generally good level of amenity beyond daylight (e.g. outlook, sunlight). The character of the surrounding context (with emphasis on any surrounding open spaces and the likelihood of adjacent sites being developed) is another factor influencing effects of over-mass buildings.

Conversely, outcomes of developments with a complying mass or mass on internal sites (sites with one or no street frontages) were not always ideal, particularly with regard to daylight and outlook, or with the potential to be compromised if adjacent sites were developed to their full potential.

This leads to the conclusion that urban design and amenity outcomes are heavily influenced by the characteristics of the site and surrounding context and less dependent on the actual mass calculation. Therefore, while about right as a starting point, the current standard and associated provisions do not

⁵ Note that CAUDG includes reference to 'outlook' in addition to 'daylight'. See CAUDG objectives and guidelines under 'Siting, height, bulk and form' (O3.4 & G3.9) re 'natural light, outlook and ventilation'

⁶ Note Building Code standards are for minimum daylight requirement and a requirement for 'awareness of daylight' (a matter that is not clearly defined) and not set up to ensure amenity. In any case, a proper assessment against the Building Code is carried out after a resource consent has been granted.

acknowledge this in the assessment of over-mass buildings, something that some applicants see as an unnecessary limitation for developments with good site attributes. Conversely, it is difficult to negotiate better outcomes on buildings with a complying mass on internal sites.

The review also identified that the current mass standard does not actively promote positive internal features/spaces such as atria or publicly accessible through links, as such features, while referenced under the explanation of Policy 12.5.2.5, are not excluded from the mass calculation.

Possible amendments to the current provisions:

- Consider refining/amending the current massing standard to acknowledge the role of the site and context-specific characteristics (e.g. consider varying the massing standard (or the discretionary limit) in relation to the type and size of site. This could be informed by interrogating a range of typical sites and sizes to establish possible variations of the current standard and determine residential amenity controls under the proposed height increase. Test any mechanism for volume control (mass/height) with 3-dimensional digital modelling).
- Alternatively, retain the current basic standard, but apply it in combination with appropriate amenity controls for residential activity (daylight, outlook⁷, privacy with emphasis on amenity of main living areas). Consider applying the same residential amenity provisions in Heritage Areas where the mass standard does not apply to ensure consistency of design outcomes.
- Consider excluding internal features that enhance the use and public/private amenity of the development from the mass calculation (e.g. atria and publicly accessible through links).

Issue 3: Mass/height relationship - the review established that on the whole mass breaches are not common⁸ and occur most often in association with height breaches.

The current mass provisions have been set up allow greater flexibility in breaching the mass standard compared to height. E.g. exceeding the mass standard beyond the discretionary limit makes the consent discretionary 'unrestricted', however, it does not in itself elevate the activity status to 'non-complying'. This is unlike the height standard, where once it goes over the restricted discretionary limit, no matter what the achieved building mass is (which might lower than the allowable), the activity status is elevated to non-complying, with a risk of public notification.

The operative District Plan acknowledges the relationship between height and mass through: (a) Policy 12.2.5.3 and associated Rule 13.3.8.14; and (b) Policy 12.2.5.4.

Policy 12.2.5.3 ('Manage building mass in conjunction with building height to ensure quality design outcomes'). Policy 12.2.5.3 allows for height increases as a discretionary activity (restricted), subject to compliance with the specified standards for building mass. This is to provide flexibility in enabling buildings to respond better to their context, while managing the overall effects of the proposed building volume (height/mass).

The rule associated with that policy (Rule 13.3.8.14) allows for up to 35% height increase if building mass is complied with, or up to 15% height increase and 15% mass increase.

The review found that the above provisions work well and do provide flexibility that allows buildings to respond better to their context. However, notwithstanding that, the review showed that most of the consents with mass/height breaches do not take advantage of Rule 13.3.8.14. Instead, they opt to maximise the development potential by keeping the height within the discretionary limit while also breaching the mass standard beyond the permitted or discretionary limit (under a discretionary unrestricted activity consent). This seems to be the preferred approach (8 of 12 of the reviewed

⁷ An example of an outlook requirement (outlook space) is included in the Auckland Unitary Plan through a standard for a minimum separation distance between adjacent multi-storey residential buildings in the Central Area depending of their height. Intended to provide visual and acoustic privacy for Central Area apartments, this requirement also addresses light and outlook.

⁸ Council Central Area Monitoring Report showed that only 6% of all consents relating to building development (new buildings + additions and alterations) involved a mass breach.

consents) compared to a much smaller number of consents (4 of 12 consents) that take advantage of Rule 13.3.8.14 (under discretionary restricted consent). The review found that this preferred approach was in many cases chosen to avoid the uncertainty of notification rather than because the effects were to be significant or not being able to be mitigated. This is also the reason for many developments to stay within the permitted height and avoid even minor breaches in fear of potential complications during the resource consent process, thus ending up with less elegant, squatter building forms and utilitarian looking building tops.

Future development approaches to height/mass breaches under the proposed increase in building height are hard to predict, especially when constantly changing requirements for seismic resilience and associated construction costs are taken into account. Therefore, understanding the relationship between height and mass under the new Central Area height regime (with focus on discretionary height limits and their intended application) is important for the effective management of future building volumes.

Considering minimum as well as maximum height/mass standards is also important as the review found that while many developments sought to breach height/mass, there are developments that underutilise development potential and do therefore provide for the efficient use of land in the Central Area.

Policy 12.2.5.4 re additional height can be considered where height/bulk have been reduced elsewhere on the site provides flexibility where mass is lower. As per the reviewed consents, this flexibility has been utilised in larger scale and/or comprehensive developments where outcomes beneficial to the public environment have been achieved (e.g. creating interesting and well-integrated building form and providing publicly accessible space (walkways, plazas). This policy is useful and provides another level of flexibility. Understanding how its application might be affected under the Spatial Plan's increased heights is important (particularly in relation to the intended management of discretionary height limits).

Possible amendments to the current provisions:

- *Review the massing provisions (policies, rules and standards) in the context of the increased heights in the Central Area under the proposed Spatial Plan (and the associated discretionary height provisions) taking into account that most mass breaches relate to a height breach.*
- *Depending on the extent of the discretionary height limit under the Spatial Plan, consider the option of changing the status of height breaches above the restricted discretionary height limit from 'non-complying' to 'discretionary unrestricted' activity to facilitate new development and provide further flexibility.*

Issue 4: Relationship between mass provisions and the Central Area Urban Design Guide (CAUDG) - the review established that: (a) the Central Area Urban Design Guide (CAUDG) works generally well in tandem with the District Plan rules, but by itself cannot effectively manage the effects of building bulk; and (b) there needs to be a stronger correlation between over-height/over-mass proposals and the design guide (currently there is no specific guidance for assessing over-mass proposals).

The review also highlighted the need for possible amendments to the guidelines re relationship to nearby heritage buildings/recommended setback and further clarification on on-site amenity matters (daylight/outlook) as discussed under Issue 1.

Possible amendments to the current provisions:

- *Include guidance over-height/over-mass proposals.*
- *Define the outcomes for daylight and outlook sought by the relevant guidelines and link those to any future District standards (see comments under Issue 1).*
- *Refer the assessment of discretionary matters under Rule 13.3.8.5 to the provisions of the CAUDG with a special reference to the guidelines re 'relationship to heritage' as relevant criteria for assessing effects of over-mass buildings on adjacent heritage items under that rule.*

Issue 5: Design Excellence - Re Policy 12.2.5.5 (which requires design excellence for any building that is higher than the specified height standard) the review highlighted the following issues:

- *Design excellence is not required for over-mass buildings. Also, it does not make reference to the effects of additional mass when this is related to a height breach. Including building mass in any future 'design excellence' criteria for assessing over-height buildings with a mass breach might be appropriate to consider under any future 'design excellence' criteria.*
- *There is a 'disconnect' between the words in the policy and the explanation under the policy - the Policy implies that any height breach, regardless of its extent, will subject the respective building to a design excellence test. However, the explanation to the policy refers to design excellence as a way to manage the effects of 'buildings of unusual height or bulk' and buildings that are 'significantly higher than the surrounding built form'. Regarding 'development of significantly over-height buildings' two likely scenarios are identified - these refer to: (a) buildings of 'exceptional height relative every other building in the city' (in excess of 130m in height/e.g. landmark buildings); and (b) a 'building that is very tall in relation to the scale of surrounding properties.' Under both scenarios the result will be a building of significant visibility and prominence. However, currently, design excellence is required for height encroachments as small as below 1m, which are visually indiscernible and with no obvious effect on the actual building form and/or the surrounding environment. This seems to be a formality which unnecessarily complicates the resource consent process.*
- *There is no clear definition re design excellence and no specific assessment criteria anywhere in the District Plan. This creates inconsistency in assessing design excellence and opens it to subjective interpretation, which is seen by applicants as uncertainty. In addition to a design excellence assessment, over-height proposals also need to be assessed against the CAUDG. However, where design excellence sits relative to the provisions of the CAUDG is unclear - this creates confusion and 'invites' further interpretation. It also unnecessarily complicates the overall assessment of design quality.*
- *In the absence of clear assessment criteria, assessment of design excellence tends to focus on the external form and aesthetic and architectural quality of the building and its contribution to the public realm, but does not typically look at on-site amenity as part of the assessment (the review highlighted cases where the on-site amenity re daylight/outlook for a building that has passed the design excellence test was poor for a large number of units). In light of the anticipated densification of the Central Area as a place for residential development, it would be warranted for design excellence to refer to all aspects of the design in an holistic manner.*
- *Assessing design excellence through a design panel review for important over-height buildings might be appropriate to consider.*

Possible amendments to the current provisions:

- *Review Policy 12.2.5.5 in light of the anticipated height increases under the Spatial Plan.*
- *Re-consider whether 'design excellence' should continue to be a qualification for additional height.*
- *Address the 'disconnect' between the words in the policy and explanations and refine the trigger for 'design excellence' assessment (e.g. re-consider whether all developments that are above the height standard, regardless of the extent of the height breach, should be tested for design excellence). Consider the possibility for exempting minor height encroachments (e.g. up to 1.0m) from the need for a design excellence test).*
- *Provide a definition of design excellence and supplement it by clear assessment criteria that cover all aspects of the design (aesthetic and architectural quality, contribution to the public environment as well as on-site amenity for residential developments + specific criteria for building volume with a mass breach as a result of a height breach).*
- *Clarify the relationship between the CAUDG provisions and any future design excellence assessment criteria. Define the specific objectives/outcomes that design excellence has to deliver in addition to satisfying the objectives of the CAUDG and link those to the relevant policies. Consider integrating design excellence into the CAUDG.*

Issue 6: Wind considerations

The review establishes that changes to the current mass standard would not necessarily improve wind outcomes, but being able to alter/redistribute mass across the site can help reduce wind effects.

However, Policy 12.2.5.3 ('Manage building mass in conjunction with building height to ensure quality design outcomes) and associated Standard (13.3.8.14) does not refer to wind as a matter for discretion. Providing more flexibility where to deploy the bulk on the site would help to achieve better wind outcomes.

Possible amendments to the current provisions:

- *Consider including wind as a discretionary matter for assessment under the massing provisions.*
- *Consider provisions that allow for a height increase for wind reasons (on the basis of wind tunnel test results) provided building bulk is within or below the permitted standard to achieve better environmental results (sunlight/daylight wind).*

Issue 7 - possible alternative approaches to managing building mass to improve effectiveness and flexibility

The surveys sought opinions on alternative methods for managing building mass/volume that would be more effective and/or flexible than the current provisions in delivering amenity and urban design quality outcomes. Three of 19 respondents made a general reference to floor-to-area ratio (FAR) as a possible alternative to the current provisions for volume control. A suggestion was made to consider floor-to-area ratio (FAR) as a refinement and extension of the current volume control to be applied in association with height controls and any residential amenity controls. However, no specific reasons for why this approach might be more effective/flexible than the current provisions were provided. Further to this, it was suggested that the current volume control used in combination with amenity/outlook controls for residential activity could achieve positive outcomes.

No specific research on alternative methods for building volume controls has been undertaken as part of this review. Considering alternative methods for volume control and understanding how they could improve the effectiveness/flexibility of the current provisions to achieve better environmental outcomes, is an option for Council to consider. This will involve further research and analysis.

6 FUTURE MASS PROVISIONS: HIGH-LEVEL OPTIONS

The review found that mass breaches are not common and that the current provisions, except for residential amenity, generally work well. However, they could be improved to make them more effective/flexible; and/or need to be altered to reflect the anticipated densification of the Central Area and associated increase in building height.

It is noted that the proposed height increase is focused on the low city where the vast majority of recent residential development is concentrated, while there will be little change in building height in the 'high city' where opportunities for new development are limited and recent development has been of almost exclusively of a commercial/office type. Therefore, getting volume controls for the 'low city' right under the anticipated densification is a priority.

The review identified the need for specific refinements/additions to the current provisions in relation to six key issues arising from the review (as outlined in the previous section of this report). Based on that, the following broad high-level options for how the massing provisions could be addressed in the Draft District Plan emerged:

OPTION 1: Status Quo - Retain the current provisions and translate them over the proposed increased building heights

This will involve retaining the current provisions, but adjusting them to align with the proposed building heights.

Pros - the current approach to managing building volume through massing and height standards works generally well and provides a reasonable level of flexibility. The current mass standard and associated

discretionary provisions are relatively easy to apply and administer. Moreover, mass breaches, unlike height breaches, are not a recurring resource consent matter.

Cons - in the absence of on-site amenity provisions beyond daylight, the current provisions will not be sufficiently effective to manage residential amenity in the context of the anticipated densification of the Central Area and associated increase in building height.

OPTION 2: Retain the current mass standard but introduce appropriate on-site amenity provisions for residential activity to be applied in combination with the mass standard

This will involve developing and introducing additional on-site amenity provisions for residential activity in addition to the massing standard.

Pros - while not requiring any substantial changes to the current provisions, this will address residential amenity - a matter which will become more important under the anticipated densification and associated increase in building height. Appropriate amenity controls for residential activity (daylight, outlook, privacy, with emphasis on amenity of main living areas) will need to be developed and incorporated into the current provisions.

Cons - on-site amenity controls for residential activity can potentially reduce development potential (especially on internal sites) which can be seen as a hurdle to densification. Relaxing discretion over height breaches could be a way to counterbalance potential loss of development potential.

OPTION 3: Site-specific approach to massing controls

This will involve refining/amending the current massing standard to acknowledge the role of site and context-specific characteristics by varying the massing standard (or the discretionary limit) in relation to the type and size of the development site. This option will require a thorough analysis to determine typical site categories and undertake analysis on a range of typical sites to establish possible variations to the current standard and any associated residential amenity controls under the proposed height increase.

Pros - will increase development potential on sites with good development attributes and actively promote their development through an easier resource consent path. At the same time, this option will address on-site amenity for residential activity and facilitate public/private amenity features for commercial/office development (e.g. atria and publicly-accessible through links). It will also provide a greater level of certainty.

Cons - might be seen as favouring certain types of sites and limiting development potential on smaller/internal sites. Regarding the latter, as per Option 2, relaxing discretion over height breaches on 'less favoured' types of sites could be a way to compensate for loss of development potential.

OPTION 4: Alternative methods for managing building mass

Considering alternative methods for volume control as adopted in other District Plans is an option for Council to consider. FAR standards in combination with height and outlook space as used in Auckland Unitary Plan were identified as an alternative method for consideration.

This option will involve further research and analysis to establish in what way any alternative method/s would improve the effectiveness and flexibility of the current provisions and/or help to address the key issues identified in this review. Also, what would be the associated costs and benefits.

Research on alternative methods for managing building mass has not been undertaken as part of this review.

For all options - any amended massing provisions under any of the above options need to be considered in the context of the proposed increase in building height in the Central Area while also addressing the identified design guide and design excellence issues.

7 WORKSHOP FINDINGS

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8 SUMMARY OF CONCLUSIONS

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9 APPENDIX 1: ASSESSMENT TABLES

RESOURCE CONSENT REVIEW: ASSESSMENT TABLES

- Discretionary mass provision: building mass can be exceeded by 15% (86% building mass discretionary limit)
- Discretionary height provision: height can be exceeded by 35%

Key

- Residential development or Mixed-use development with a significant residential component
- Commercial/Office development

RESOURCE CONSENTS with MASS BREACHES ONLY (3 consents of total 12 consents involving a mass breach as per Monitoring Report, 2019)

1	172 THORNDON QUAY June 2018	Allowable mass	Proposed mass X	Permitted height	Proposed height ✓	Decision Report: comments & summary effects on breaches
	<p>SR: 424025</p> <p>Apartment Hotel Building (10 storeys)</p> <p>District Plan Area: Low City / Thorndon</p> <p>Activity status: Discretionary (Restricted)</p> <p>Implementation: Not constructed</p>	75%	85.5% (within the discretionary limit)	35.4m	34.6m	<p>Overview: non-notified consent for a 10-storey apartment hotel building (ground level parking + 9 levels accommodation/72 apartments) involving a mass only breach.</p> <p>Urban design: “The proposed development involves, in urban design terms, a skilful delivery of the relevant components of the Central Area Urban Design Guide (CAUDG)”.</p> <p>Further to this, the proposal is “a good response to the desired edge activity and pedestrian environment of the street”. No specific comments provided in relation to the proposed additional mass.</p> <p>Building mass</p> <p>Bulk and dominance (re character of the surrounding neighbourhood including form and scale of neighbouring buildings): Potential effects of bulk and dominance arising from the mass breach have</p>

						<p>not been specifically referred to in the report. However, an assessment regarding the relationship of the building to the street and to adjacent buildings (in both urban design and planning terms) has confirmed that the proposal will not create any adverse visual/streetscape effects.</p> <p>Access to daylight: effects on access to daylight for both the proposed building and adjacent buildings were assessed to be less than minor with daylight to the new building achieved through the provision of light wells along the side elevations.</p> <p>Effects on public spaces: due the context of the proposal adjacent to railway land on one side and Thorndon Quay on the other side (not a major pedestrian route) it was considered that “any shading cast on the public road or adjoining footpath from the development to be a less than minor effect”.</p> <p>Wind: Wind effects are considered to be minor based on the wind assessment and in agreement with certain conditions. It has not been specified whether the additional mass might be a contributing factor influencing the overall wind effects, or the effects are simply a result of constructing a new taller than building on a vacant site, which is taller than its neighbours.</p> <p>On-site amenity: 85% mass, Site with 2 ‘street frontages’ and relatively small footprint (19m x 30m). Overall good amenity: daylight, sunlight and outlook to main living spaces provided. Light to bedroom spaces via 2.5m deep lightwell. Overall a good level of on-site amenity.</p>
2	36 TARANAKI STREET September 2015	Allowable mass	Proposed mass ✘	Permitted height	Proposed height ✔	Decision Report: comments & summary effects on breaches
	<p>SR: 327841</p> <p>Additional and alterations to a heritage building (4 additional storeys)</p> <p>District Plan Area: Central Area/Te Aro</p>	75%	97% (above the discretionary limit)	43.8m	32.3m	<p>Overview: Non-notified consent for a 4-storey addition to an existing heritage building (Valma House) + refurbishment of the existing building in order for the entire building to be used as residential rental accommodation (60 apartments). Mass breach of 22%.</p> <p>Urban design: Proposal was supported on urban design grounds with reference to the relevant provisions of the Central Area Urban Design Guide (CAUDG), “subject to matters of detailing and choice of cladding and window detail”. (Applicant volunteered design conditions to address this)</p>

<p><i>Activity status: Discretionary (Restricted)</i></p> <p><i>Implementation: Not constructed</i></p>					<p>Building mass</p> <p><i>Bulk and dominance (re character of the surrounding neighbourhood/form and scale of neighbouring buildings): Potential effects of bulk and dominance (as well as shading) on the adjacent streets and public space has been assessed concluding that effects will be less than minor.</i></p> <p><i>The urban design comments reference the setback of the addition from the edge of the existing building and the existing street context of taller buildings as factors assisting the integration of the additional mass to the streetscape.</i></p> <p><i>Daylight access - this has been provided through the continuation of the light well from the existing building. A specialist natural light assessment provided by the Applicant confirmed that the internal areas reliant on the light well for natural light will be consistent with the Building Code natural light requirements.</i></p> <p><i>Effects on public space: “In terms of impacts on surrounding streets, lanes, footpaths and other public spaces, the excess mass will have less than minor impact”.</i></p> <p><i>Heritage - while there was a disagreement between the Council’s urban design advisor and the Applicant’s heritage consultant, the effects on heritage were considered less than minor based on the support from both the Council’s and Applicant’s urban design advisors and considering the neighbourhood street context of tall buildings. The assessment does not make specific reference to the impact of the additional mass.</i></p> <p>Wind: <i>The wind assessment concluded that any localised ground level increases in wind speed generated by the proposed addition and the overall mass of the building at ground level would satisfy safety criteria.</i></p> <p>On-site amenity: <i>97% mass, Site with two open frontages (street and lane). Relatively good level of amenity re daylight and outlook for most of the units achieved within a volume determined by the existing heritage building. Small number of units relying on an existing lightwell for daylight but no outlook. Acceptable level of-site amenity within the constraints of the existing building form.</i></p>
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3	149 FEATHERSTON STREET Feb 2018	Allowable mass	Proposed mass X	Permitted height	Proposed height ✓	Decision Report: comments & summary effects on breaches
	<p>SR: 396279</p> <p>A new Central Area office building (12 storeys)</p> <p>District Plan Area: Central Area/High City</p> <p>Activity status: Discretionary (Restricted)</p> <p>Implementation: Under construction</p>	75%	82.95% (within the discretionary limit)	60m	55.7m	<p>Overview: Non-notified consent for a new 12-storey Central Area office building with commercial ground level, involving a mass only breach.</p> <p>Urban design: The Council urban design advisor concludes that the building is: “an appropriate response to both the site and the context’ and “satisfied that the design has considered and responded to the matters required of a new building in the Central Area”.</p> <p>Building mass</p> <p><i>Bulk and dominance:</i> (re character of the surrounding neighbourhood/form and scale of neighbouring buildings): From an urban design perspective: “The building does not unacceptably dominate or detract from the adjoining listed heritage buildings or qualities of the adjoining Heritage Area due to its unfussy design and proportions”. Further to this, the building “agrees with the CAUDG and in particular to the consideration of the building mass” as specified under the relevant CAUDG objectives.</p> <p><i>Daylight access -</i> Daylight access has been achieved though the proposed building layout and location of the vertical core and facilitated by the corner of the site and its relatively small footprint area planner’s conclusion: “the overall effects of the building mass will be less than minor with no persons being adversely affected”.</p> <p><i>Effects on public space:</i> “Given the context of the application site within the Central Area being alongside and neighbouring other multi-storey buildings, the height/scale of the proposed building and the separation distance to (nearby) public spaces, the proposed building mass will not adversely affect these public spaces by either visual dominance or shading”.</p> <p><i>Heritage -</i> the planner’s conclusion: “the overall effects of the proposal on heritage values of the adjoining listed heritage buildings and heritage area will be less than minor” which is generally aligned with the Council heritage advisor’s comment that there is no issues with regard to potential visual dominance of the new building over the adjacent heritage building (although the heritage advisor has noted that there was no strict adherence to G3.5 and G3.7 (CAUDG) which address the</p>

						<p>relationship of new buildings to adjacent heritage buildings through a suggested setback provision.</p> <p>Wind: Any potential for wind effects is considered to be less than minor. No specific reference to building mass.</p>
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RESOURCE CONSENTS MASS + HEIGHT BREACHES (9 consents of total 12 consents involving a mass + height breach as per Monitoring Report, 2019)

4	24-32 WIGAN STREET April 2015	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	<p>SR: 321452</p> <p>Additions to an existing building (2 floors)</p> <p>District Plan Area: Low City /Te Aro</p> <p>Activity status: Discretionary (Restricted)</p> <p>Implementation: Constructed</p>	75%	89% (above discretionary limit)	27m	28.5m (exceed by 5.5%)	<p>Overview: non-notified consent for a 2-storey addition to an existing building, involving mass + height breaches.</p> <p>Urban design: The proposal “achieves an acceptable approach to the key components of the Central Area Urban Design Guide (CAUDG), and therefore can be supported on urban design grounds”.</p> <p>Building height/mass</p> <p><i>Bulk and dominance:</i> The effects have been largely mitigated by the design treatment and use of fenestration in the two additional floors. Additional height is limited to the proposed plant room which is located in the centre of building. The additional height occurs where there is already a significant height difference between the proposal and adjacent buildings. Overall, bulk and dominance effects considered will be more less than minor.</p> <p><i>Daylight access - no discussion on daylight access included in the decision report.</i></p> <p><i>Effects on public space:</i> there is discussion on effects of the additional mass on public space included in the decision report.</p> <p>Wind: Based on the wind assessment supporting the Application, wind effects arising</p>

						from additional mass and height considered to be no more than minor.
5	30 KENT TERRACE March 2017	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	<p>SR: 375887</p> <p>Apartment Building (8 storeys) mix-use</p> <p>District Plan Area: Low City / Mt Victoria</p> <p>Activity status: Discretionary (Unrestricted)</p> <p>Implementation: Constructed</p>	75%	117% (above discretionary limit)	18.6m	25.1m (exceeded by 35%)	<p>Overview: non-notified consent for an 8-storey apartment building (26m high) with parking and commercial space at ground level and 44 residential units on the upper levels, referred to as Alpha Apartments. The proposal involves both height + mass breaches.</p> <p>Urban design: The Council urban design advisor “considers that the proposed design achieves design excellence”. (Design excellence required for over-height buildings and defined as design that goes above and beyond the criteria of the CAUDG).</p> <p>Building height/mass</p> <p><i>Bulk and dominance: (re character of the surrounding neighbourhood/form and scale of neighbouring buildings): With regard to building mass the Council urban designer states that: “in general terms, massing is encouraged on the street frontage for corner lots, primarily focused on the major street. Here, massing is uniformly spread along both road boundaries”.</i></p> <p><i>Overall, the proposed over-height/over-mass building considered to have less than minor adverse effects re potential bulk and dominance effects, shading effects and urban design effects.</i></p> <p><i>Daylight access - there are no specific comments re daylight access included in the decision report. Given the proposal goes above and beyond the criteria of the CAUDG, it is assumed that proposed massing does not compromise the daylight access to the proposed residential units.</i></p> <p><i>Effects on public space and character effects: Considered to be less than minor.</i></p> <p>Wind: Council wind expert has concluded that: “the height of the proposed building has no relationship to the worsening of the wind in Elizabeth Street.” And that: “there are no</p>

						<p>aerodynamic reasons for requiring an alternative design”.</p> <p>Overall, the Council planner considered that “any potential or actual effects as a result of this proposal will be less than minor”.</p> <p>On-site amenity: 117% mass, Corner site with good orientation. Living spaces of all units with good daylight, sunlight access and outlook. Number of the smaller 1-bedroom units with internal bedrooms. Some setbacks/off-sets provide daylight and articulate building form. Overall good level of on-site amenity.</p>
6	ROXBURGH STREET November 2015	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	<p>SR: 341404</p> <p>Apartment Building (4 storeys) mixed use</p> <p>District Plan Area: Low City / Mt Victoria</p> <p>Activity status: Discretionary (Unrestricted)</p> <p>Implementation: Constructed</p>	75%	113% (above discretionary limit)	10.2m	13.8m (exceeded by 35%)	<p>Overview: non-notified consent for an 4-storey apartment with commercial space at ground level + residential apartments at the rear and apartments on the upper levels. the upper levels and the rear of the ground level (total of 30 studio units). The proposal involves both height + mass breaches.</p> <p>Urban design: The Council urban design advisor “considers that both the mixed use component of the building, and the design itself, fit well in the local context” and concludes that “the scheme is of an extremely high quality and will form a valuable precedent for the City”.</p> <p>Building height/mass</p> <p><i>Bulk and dominance:</i> (re character of the surrounding neighbourhood/form and scale of neighbouring buildings): Overall, the proposed over-height/over-mass building considered to have less than minor adverse effects re potential bulk and dominance effects, shading effects and urban design effects. The design of the building and the current street context around the site are considered as factors facilitating the integration of the proposal to its site/context.</p> <p><i>Daylight access</i> - there are no specific comments re daylight access included in the decision report. Given the proposal goes above and beyond meeting criteria of the CAUDG, there is an assumption that proposed massing does not compromise the daylight</p>

						<p>access to the proposed residential units which is also obvious from the approved plans.</p> <p>Effects on public space and residential amenity: ...”the effects attributed to additional bulk are considered to be no more than minor and nor parties are considered to be adversely affected”.</p> <p>Wind: N/A (Proposal below 18.6m)</p> <p>On-site amenity: 113% mass, corner site, setback at the rear (2-5m) to provide courtyards and act as lightwell for rear units. Two thirds of the units with good daylight/outlook and some with sunlight. Rear units - good daylight and sunlight for some units. Outlook towards small internal courtyard with garden. Overall good.</p>
7	268 WILLIS STREET July 2017	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	<p>SR: 341404</p> <p>Apartment Building (4 storeys) adjacent to a listed heritage building</p> <p>District Plan Area: Low City /Te Aro Corridor</p> <p>Activity status: Discretionary (Unrestricted)</p> <p>Implementation: Not Constructed</p>	75%	78.9% <i>(within the discretionary limit)</i>	10.2m	13.5m <i>(exceeded by 32%)</i>	<p>Overview: non-notified consent for a 4-storey apartment building with parking at ground level + 3 levels of residential units above (18 apartments in total). The proposal involves both height + mass breaches.</p> <p>Urban design: The Council urban design advisor “considers that the proposed building will relate well to its contextual setting as the form fits well between the small scale of the buildings south along Willis Street and the dominant form of the adjacent heritage Augusta Apartments”. Overall, the proposal is considered to satisfy the expectations of the CAUDG.</p> <p>The Council urban design advisor considers that the proposal does not strictly meet the ‘criteria’ for design excellence developed internally by the Council urban design advisors. (Design excellence required for over-height buildings and defined as design that goes above and beyond the criteria of the CAUDG). However, taking account of the unique site constraints and the specific street context, the Council urban design advisor considers that the proposal “express design excellence commensurate with the impact on the surrounding area”. Further to this: “..that the additional height of the building has been utilised effectively in regards to façade proportions” and building form (which has been amended during the resource consent process) addresses the heritage value of the</p>

						<p>adjacent listed heritage building.</p> <p>Building height/mass</p> <p><i>Bulk and dominance: (re character of the surrounding neighbourhood/form and scale of neighbouring buildings): The proposed over-height/over-mass building considered by the planner to relate well to the scale and character of the street context without raising potential bulk and dominance issues.</i></p> <p><i>Daylight access - apartments consistent with the minimum levels of daylight required by the NZ Building Code. Due to the building orientation all apartments will receive good levels of direct sun at certain times of the day.</i></p> <p><i>Effects on public space and residential amenity: effects associated with the additional bulk (height/mass) considered to be less than minor with no parties considered to be adversely affected. Potential effects addressed via separation distance and negligible shading effects of the proposal on surrounding buildings and public spaces compared to a compliant development.</i></p> <p><i>Heritage effects - potential effects on historic heritage considered less than minor based on the support of the proposal from both the Council Urban Design and Heritage advisors.</i></p> <p>Wind: N/A (Proposal below 18.6m)</p> <p>On-site amenity: 79% mass, L-shaped site with 1 street frontage. Setback from the rear to provide daylight. Most living spaces will have daylight and outlook with most will have some sun. Number of internal bedrooms related to 1 bedroom open-plan units. Acceptable level of on-site amenity.</p>
8	21-23 CAMBRIDGE TERRACE/8 ALPHA STREET June 2018	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	SR: 392724	75%	99.3% <i>(above the</i>	27m	35.75m <i>(exceeded by</i>	Overview: non-notified consent for an 11-storey apartment building with parking at ground level + 10 levels of residential apartments above (45 apartment units in total).

<p><i>Apartment Building (11 storeys) adjacent to a listed heritage building and adjacent to Courtenay Place Heritage Area</i></p> <p><i>District Plan Area: Low City /Te Aro</i></p> <p><i>Activity status: Discretionary (Unrestricted)</i></p> <p><i>Implementation: Not constructed</i></p>		<p><i>discretionary limit)</i></p>		<p><i>32.4%)</i></p>	<p><i>The proposal involves both height + mass breaches.</i></p> <p>Urban design: <i>The approved design was subject to design modifications made during the resource consent process. The Council urban design advisor considers that “the revised building design meets both the design outcomes sought by the CAUDG and extends to reaching “design excellence” and therefore can be supported on urban design grounds. Regarding the overall building height/bulk it is stated that: “the sitting, height, bulk and form of the building are appropriate to the setting, to the way it will be perceived and to the future development potential of the surrounding area” and that “ the height fits well with the existing buildings to the east and south”. Further to this, “the potential bulk of the building is broken down appropriately through the articulated tower form, fenestration and materials” and that the top of the building is appropriately expressed to create “a visually interesting conclusion to the form”.</i></p> <p><i>The current design meets the standard for design excellence, which is achieved “through the compositional approach, which links the building to the older buildings in the area, and quality of materials”.</i></p> <p>Building height/mass</p> <p><i>Bulk and dominance: (re character of the surrounding neighbourhood/form and scale of neighbouring buildings): The proposed over-height/over-mass building “does not unacceptably dominate or detract from the adjoining listed heritage buildings of qualities of the adjacent Heritage Area”. This conclusion is based on the conclusions reached in both the urban design and heritage assessments.</i></p> <p><i>Daylight access - the Council urban design assessment makes specific reference to the adherence of the proposal to the building mass/height-related objectives of the CAUDG, which include, amongst other matters the importance of daylight access. This was reinforced by the planning comments although the heritage advisor had some concerns re daylight on the adjacent heritage building in relation to the strict application of CAUDG (G 3.5)</i></p> <p><i>Effects on public space, character of surrounding neighbourhood, shading: effects associated with the additional bulk (height/mass) considered to be less or no more than minor compared to a development that complies with height/mass standards. The internal</i></p>
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						<p>location of the site, its context including some tall buildings and the indirect impact of the proposal on the adjacent streets + the approach to the massing and external design of the buildings are the key factors reducing/mitigating potential adverse effects. Further to this, a written approval from owner of the building closets to the proposal has been obtained.</p> <p>Heritage effects - Agreement between Council and Applicant's heritage experts that the effects of the proposal on the heritage values of the Courtenay Place Heritage Area are "acceptable and of no great consequence". Based on that and taking account of the urban design comments and the full heritage assessments of the proposal, the planner concludes that the effects on the adjacent listed heritage building to the south of the site as well as the effects on Courtenay Place Heritage Area (and the public realm) are no more than minor and that the effects on persons are less than minor.</p> <p>Wind: The conclusion of the Wind Tunnel Test Assessment is that "Overall, the proposed development caused a very small change in the local pedestrian wind environment". Based on that the planner's conclusion is that "the potential for wind effects to be less than minor with any change likely to be unnoticeable by pedestrians".</p> <p>On-site amenity: 99.3% mass, internal site with no direct street frontage adjacent to a heritage building. Daylight good, achieved via 2.5-4m setbacks from side boundaries. Outlook and sunlight for north -facing upper level apartments (above level 4) good mainly due to the lower height of neighbouring buildings within the Courtenay Place Heritage Area. However, this might change should those buildings are added to.</p>
9	212 Willis Street December 2019	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	SR: 453162 Apartment Building (11 storeys) District Plan Area: Low City /Te	75%	87.1% <i>(above the discretionary limit)</i>	27m	34.1m <i>(exceeded by 26.3%)</i>	<p>Overview: non-notified consent for an 11-storey apartment building with retail, entrance lobby and carparking parking at ground level + 10 levels of residential apartments above (92 apartments in total). The proposal involves both height + mass breaches.</p> <p>Urban design: The Council urban design advisor who has provided a detailed review of</p>

<p><i>Aro Corridor</i></p> <p><i>Activity status: Discretionary (Unrestricted)</i></p> <p><i>Implementation: Not constructed</i></p>					<p><i>the proposal concluded “that the proposal satisfactorily meets the key requirements of the CAUDG, including the Te Aro Corridor Design Guide, and is convincing in its achievement of ‘design’ excellence’.</i></p> <p>Building height/mass</p> <p><i>Bulk and dominance: (re character of the surrounding neighbourhood/form and scale of neighbouring buildings): Re building height and mass effects on the wider environment the urban design comments are supportive as the proposed over-height/over-mass building is considered to be coherently designed and responds positively to its Te Aro Corridor context its relative siting, height, bulk and form relates positively in scale terms to adjacent building and spaces and the edge treatment and street level activation contribute towards ‘design excellence’. The planner’s conclusion on effects on the wider environment as well as the effects on neighbouring properties is that any such effects will be less than minor.</i></p> <p><i>Daylight access - the report does not include any specific comments re daylight access in relation to the proposed building mass. Given that the proposal has addressed all of the CAUDG objectives (some of which refer to daylight access) provides an assurance that daylight access will not be compromised.</i></p> <p><i>Effects on public space, character of surrounding neighbourhood, shading: as recorded above these are considered to be less than minor.</i></p> <p><i>Heritage effects - Although the application site does not adjoin any listed heritage buildings, an assessment was carried in relation to listed heritage building in the nearby vicinity. Due to separation distance the planner does not consider that the proposal will adversely impact the heritage value of those buildings.</i></p> <p>Wind: <i>Based on the findings of the Wind Tunnel Test Assessment, the planner’s conclusion is the proposal will have effects on pedestrian amenity that no more than minor. Note: The Wind Report mentions an amended design which when tested performed slightly better than the original design. It is assumed that the final approved plans relate to the amended design.</i></p> <p>On-site amenity: <i>85% mass, site with a main street frontage and service lanes on around</i></p>
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						most of the remaining building perimeter. Daylight good and outlook and some sunlight for many of the apartments. Limited number of internal bedrooms primarily associated with single bedroom/studio units.
10	20 CUSTOMHOUSE QUAY May 2015	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	SR: 327889 Office Building (14 storeys) District Plan Area: High City Activity status: Discretionary (Restricted) Implementation: Constructed	75%	85% (within the discretionary limit)	60m amsl	66.2m amsl (exceeded by 10.3%)	<p>Overview: non-notified consent for demolition of an existing building and construction of a new ...Central Area office building with retail, entrance lobby and carparking parking at ground level + 13 levels of offices above + basement. The proposal involves both height + mass breaches.</p> <p>Urban design: The proposal has been supported by the Council urban designer who considers that the building in terms of both form, massing and façade composition not only measures well against the CAUDG but goes beyond the ordinarily acceptable and therefore has achieved design excellence (special reference to specific building/design features such as strong structural concept that responds to its context ‘through deft aesthetic expression’, high level of edge activation enhancing the public realm, innovative structural system, façade design response that based on integration of ESD principles with aesthetic sensitivity).</p> <p>Building height/mass</p> <p><i>Bulk and dominance: (re character of the surrounding neighbourhood/form and scale of neighbouring buildings): Re building height and mass effects on the wider environment the urban design comments are supportive of the proposed building as it is considered to be well integrated with its immediate context and wider townscape setting. It is also considered that the building (including the way the additional mass was distributed on the site) will reinforce the quality of the street edge along the Quays and will contribute positively to the street setting, while also respecting the adjoining buildings (including heritage buildings). The proposal also meets the design excellence threshold required for building exceeding the permitted height limit.</i></p> <p><i>Daylight access - the report does not include any specific comments re daylight access in relation to the proposed building mass. Given that the proposal has addressed all of the</i></p>

						<p><i>CAUDG objectives (some of which refer to daylight access) and taking into account the location of the site which has three street frontages, provides an assurance for sufficient daylight access.</i></p> <p><i>Effects on public space, character of surrounding neighbourhood, shading: The planner's conclusion is that is " the effects of the proposal will be acceptable on: amenity of surrounding streets, lanes, footpaths and other public spaces, the urban form of the city, and the character of the surrounding neighbourhood".</i></p> <p><i>Heritage effects – the Council's heritage advisor's comments are supportive of the proposed building's height and mass and conclude that. "In the wider context, the proposal to remove a modern 11-storey+ground floor + basement building and replace it with a new 13 storey+ ground level+ basement building would not appear to have a particularly significant effect on the (nearby)heritage buildings and having regard to building height and mass". This commercial high-rise character of the existing streetscape is cited as one of the main reasons for the conclusion.</i></p> <p>Wind: <i>Based on the wind assessment and findings of the Wind Tunnel Test, the planner's conclusion is the effects of the proposal relating to the wind environment will be acceptable.</i></p>
11	1 WHITMORE STREET	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	<p>SR: 468656</p> <p>Office Building (13 storeys)</p> <p>District Plan Area: High City</p> <p>Activity status: Discretionary (Unrestricted)</p> <p>Implementation: Under construction</p>	75%	90% (above the discretionary limit)	60m	62.1m (exceeded by 3.5%)	<p>Overview: <i>non-notified consent for demolition of an existing service station building and the construction of a new Central Area office building with entrance lobby/café/servicing/commercial space at ground level/mezzanine level + 12 levels of office above. The proposal involves a minimal height breach and a more substantial mass breach.</i></p> <p><i>The consent was for a change of condition (under section 127) to increase the building height/bulk (and associated design changes) of a previously granted consent which had a compliant height and mass within the discretionary limit.</i></p> <p>Urban design: <i>The conclusion <u>re bulk and mass</u> of the original proposal was that the</i></p>

						<p>proposed building form with its “rounded corners and curving façades assist in reducing visual bulk and will enhance the three dimensional character of the building; and the building will have access to natural light and outlook as a result of the island nature of the site”.</p> <p>The revised proposal has been supported by the Council urban designer who concludes that “the urban design outcomes would be ‘strongly positive’. Visual effects of height increase considered negligible. No specific comments are provided on building mass but overall considered that the modified building would easily surpass the threshold of design excellence expectations. Note the proposal provides generous ground level height and a high-quality usable roof top space for the office workers.</p> <p>Building height/mass</p> <p>Planner’s conclusions based on conclusions of the urban design advisor, is that the effects of the additional height/bulk on the surrounding public environment will be less than minor. Note- the island nature of the site is a key factor in relation to bulk/mass effects.</p> <p>Heritage - the Council’s heritage advisor concludes that the effects of the additional height/bulk will not be significantly different from those of the originally approved building with a complying in height building with bulk within the discretionary limit.</p> <p>Wind - wind effects required mitigation agreed to be provided off site with outcomes negotiated with the Council. Noted that the development is a tall building to replace a lower building in an already windy environment.</p>
12	2 - 12 AITKEN STREET July 2020	Allowable mass	Proposed mass X	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches
	SR WCC SR No.45 New office building (9 storeys) in close proximity to listed heritage buildings	75%	76% <i>(marginally above the discretionary limit)</i>	27m	36.90m <i>(exceeded by 37% above the discretionary limit)</i>	Overview: notified consent for the construction of a new Central Area office building with entrance lobby//commercial space at ground level, a basement for carparking + 8 levels of office above. The proposal involves a height and mass breaches which both are just marginally above the discretionary limit.

<p><i>District Plan Area: Low City/Thorndon</i></p> <p><i>Activity status: Non-complying</i></p> <p><i>Implementation: Not constructed</i></p>					<p><i>The proposal is unusual in that it locates the building mass on half of the site and uses the remaining half to create usable publicly accessible open space.</i></p> <p><i>The effects of mass/height with respect of urban design, heritage and residential amenity were scrutinised during the 'limited notification' hearing.</i></p> <p>Urban Design - <i>the commissioner considered that the urban design effects of the proposal are acceptable subject to the imposition of conditions. Noted that the Applicant's and Council urban design advisors both agreed that the proposal meets the CAUDG requirements and passes the test for 'design' excellence'.</i></p> <p><i>My note (the proposal is an example of the type of flexibility under Rule 12.2.5.4 (re additional height can be considered where height/bulk have been reduced elsewhere on the site.</i></p> <p><i>Heritage - 'effects on heritage items (resulting from proposed height/bulk) in the vicinity are managed to an acceptable level. Note - the placement of the building mass away from the heritage buildings and the provision of open space on the part of the site closer to the heritage items was a key mitigating factor in relation to heritage effect.</i></p> <p><i>Effects on residential amenity - 'the proposed development does not create any significant adverse effects as to residential amenity subject to the conditions imposed'</i></p> <p>Wind - <i>effects required mitigation which was to be achieved through off-site measures specified under consent conditions. Wind effects did not specifically refer to effects of additional height/mass.</i></p>
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RESOURCE CONSENTS HEIGHT ONLY BREACHES (8 consents of total 17 consents involving height-only breach as per Monitoring Report, 2019)

13	109-11 Dixon Street January 2017	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✗	Decision Report: comments & summary effects on breaches

SR: 371051	75%	66% (below permitted mass)	43.8m	59.0m (exceeded by 34.7%)	<p>Overview: non-notified consent for a 20-storey apartment building (ground level commercial + 19 levels of dual-key apartments above/ 114 apartments in total) involving a height breach. The proposal incorporates a 4m wide pedestrian lane along its eastern edge. Applicable rule 13.3.8.14 (mass permitted + height exceeded by 35%)</p> <p>Urban design: “Proposal considered acceptable in terms of the CAUDG”. The proposal also meets the design excellence threshold required for building exceeding the permitted height limit. Council urban designer concluded that “overall the proposal goes over and beyond what would normally be expected to satisfy the Central Area Urban Design Guide” with reference to special features such as mixed use activities,, flexible apartment size, external balconies, a memorable building expression with particular attention given to the top, publicly accessible laneway, features</p> <p>Building height/mass - at 66% the building mass is below the permitted building volume despite the proposed height which exceeds the permitted height by 35% (within the discretionary height limit). This is a result of the proposed footprint which is setback form the side and rear boundaries of the site. Of particular importance is the proposed 4m wide laneway developed as an active pedestrian space providing access to the proposed ground level commercial units as well as access to the apartments above. There is a similar setback from the other/west side boundary. Noted that these setbacks will ensure daylight and for the upper level apartments sunlight access and views (although this might not be the case if the adjacent sites are developed to the discretionary height limit.</p> <p>This suggests that the rule13.3.8.14 providing for 35% height increase for developments which stay within the 75% permitted building volume provides flexibility in achieving outcomes which optimise the development potential of a site without causing adverse effects on the public environment but instead provide public benefits - e.g. public walkway.</p> <p>Shading - shading effects considered to be less than minor compared to the effects generated by a building with a complying height.</p> <p>Wind: Wind effects are considered to be minor based on the wind assessment and Council’s wind expert’s comments.</p>	<p><i>Apartment Building (20 storeys)</i></p> <p><i>District Plan Area: Central Area</i></p> <p><i>Activity status: Discretionary (Restricted)</i></p> <p><i>Implementation: Constructed</i></p>

						<p>On-site amenity: 66% mass, site with two street frontages. Some of the units provided with small balconies (1.4m x 4m); outlook currently assisted by the lower height of adjacent buildings. This will be lost for most apartments if development of similar height is built to the east and west. The 4m setbacks from the rear/side boundaries will retain daylight even if adjacent sites are built up to the same height.</p>
14	9 Kate Shepard Place October 2016	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✗	<p>Resource Consent Issues</p> <p>Report: comments & summary effects on breaches</p> <p style="text-align: right;">Decision</p>
	<p>SR: 360538</p> <p><i>New 10 storey (+ basement) building, adjacent to a heritage building</i></p> <p><i>District Plan Area: Central Area/ Low City/Thorndon</i></p> <p><i>Activity status: Discretionary (Restricted) Note: Council decision cancelled by the High Court</i></p> <p><i>Implementation: Not constructed</i></p>	75%	<i>Below 53% (below the permitted mass)</i>	34.5m	<i>39.5m (exceeded by 14%)</i>	<p>Overview: non-notified consent for a 10-storey + basement apartment building (ground level - commercial, entrance lobby, hotel rooms and carparking + 9 levels residential - 63 apartments and 39 hotel rooms. The proposal sits adjacent to a listed heritage building and involves a height breach.</p> <p>Urban design: Proposal considered to be consistent with the CAUDG, with particular reference to the changes made to the originally submitted design which was to the and it is noted that the design was revised during the resource consent process The decision report does not include specific comments re “design excellence” which is required for buildings which exceed the permitted height limit.</p> <p><i>Planner’s conclusion on the proposed building with regard to height and building mass is that the “adverse effects from the height breach and the building mass to be less than minor on the urban form of the city.</i></p> <p>Building height/mass: The proposed building volume is below the permitted standard of 75% despite the offsets the proposed height increase (14% above the permitted height). The impact of height has been partly offset by the lower building mass and further addressed via the proposed massing of the building form including height variation and setbacks. Overall, the report concludes that “adverse effects in terms of height and building mass will be minor with no persons adversely affected by the proposal”.</p> <p><i>Internal amenity in terms of daylight has not been assessed as the building stays within and in this case below the 75% permitted massing standard. However, a review of the plans shows that sufficient daylight is ensured for all units.</i></p>

						<p>Amenity of adjacent residential areas and amenity of public space/shading - adverse effects on the amenity of public spaces and character of the neighbourhood considered, including shading, considered less than minor.</p> <p>Heritage - while there was a disagreement between the Council's urban design and heritage advisors, the effects on historic heritage of the listed heritage items were considered acceptable based on the support from both the Council's and Applicant's urban design advisors and considering the permitted height for the area and the presence of other tall buildings.</p> <p>Wind: "The proposal will result in less than minor wind-related effects".</p> <p>On-site amenity: 53% mass, site with two street frontages. Daylight and outlook for most hotel rooms and apartments good and can be maintained (mainly due to the characteristics of the site/three open frontages). No private open space, although mass is below the permitted provision. Setback from western boundary adjacent to a 2-storey heritage building provides good daylight but outlook affected by the nearby tall Environment House to the west.</p>
15	75 Dixon Street (aka 151-165 Victoria Street, 15 May 2019)	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✗	Decision Report: comments & summary effects on breaches
	<p>SR: 424938</p> <p>Mixed use development (3 buildings) adjacent to and including a heritage building (8-16 storeys) partly in Cuba Heritage Area</p> <p>District Plan Area: Central Area/ Low City/Te Aro</p> <p>Activity status: Discretionary (Restricted)</p>	75%	54% (below the permitted mass)	43.8m	59.14m (exceeded by 35% within discretionary limit)	<p>Overview: non-notified consent for a mixed-use development complex comprised of 3 interrelated buildings as part of a wider comprehensive development of a city block (across combined sites). Building height/uses varies - building 1 (8 storeys retail at ground and offices above); building 2 (17 storeys podium & tower building with retail/offices/entrance lobbies up to level 4/podium and 121 apartments above; and building 3 developed as a 3 storey carparking structure.</p> <p>The proposal sits adjacent to a listed heritage building and associated heritage area and involves a height breach.</p> <p>Urban design: Proposal considered to have addressed the objectives of the CAUDG in an exemplary manner and incorporates special features and elements which elevates its outcome over and above what usually be expected to satisfy the CAUDG provisions. Therefore, it passes the test for 'design excellence' which is required for buildings that exceed the permitted height limit.</p>

	<i>Implementation: Under construction</i>					<p><i>Planner's conclusion on the proposed building with regard to height and placement of building mass is that the "adverse effects from the height breach to be less than minor on the urban form of the city, based on the</i></p> <p>Building height/mass: <i>The proposed building volume is below the permitted standard of 75% despite the proposed height increase (35% above the permitted). The impact of height has been addressed by the large-scale massing of the proposal into 3 distinctive building forms and their specific design treatment which assists the integration of the proposal to its setting. Therefore, no concerns expressed re effects on urban form and effects on character of the surrounding neighbourhood including form and scale of neighbouring buildings.</i></p> <p><i>Amenity of public space/shading - adverse effects on the amenity of public spaces and character of the neighbourhood, including shading, considered less than minor.</i></p> <p><i>Heritage - no concerns relating to the proposal in terms of its effects on nearby listed heritage buildings and associated Cuba Heritage Area.</i></p> <p>Wind: <i>Note proposed 'podium and tower' arrangement and building massing/orientation help to mitigate wind effects. Wind effects experienced in public spaces are considered to be minor and effects on specific parties less than minor.</i></p> <p>On-site amenity: <i>54% mass, large corner site comprehensively developed. Good on-site amenity - units with good outlook and sun light access in addition to daylight access + units provided with private balconies. Well-considered approach to massing + site characteristics/context ensure that on-site amenity for all units will be retained regardless of future development. The high-level of amenity is also a result of the comprehensive approach to the development and its podium/tower type arrangement.</i></p>
16	251 Victoria Street September 2018	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✗	Decision Report: comments & summary effects on breaches
	SR 398336 <i>Apartment building</i>	75%	73% <i>(slightly below allowable)</i>	18.6m	24.15m <i>(30% above permitted)</i>	Overview: <i>Non notified consent for new apartment building on corner site 7 storey (64 single bedroom studio apartments with lobby/reception and shared laundry at ground level. Height breach within the discretionary limit and slightly below allowable mass.</i>

	District Plan Area: Central Area/ Low City/Te Aro Corridor Activity status: Discretionary (Unrestricted) Implementation: Under construction		mass)		within discretionary limit)	<p>Urban design - proposed building height/bulk, form and design treatment considered consistent with CAUDG and passing the threshold for design excellence (required to be achieved for over-height buildings). The latter based primarily on the proposal delivering a coherent building design of high quality rather than something beyond and above what the design guide requires. The impact of additional height/resultant bulk/mass considered to be largely mitigated by the context and the corner location of the site adjacent to an open carpark.</p> <p>On-site amenity - mass 75%, corner site. All apartments have small balcony 5sqm and outlook and will receive both day and sunlight access. This is mainly due to the location of the site and assisted by setbacks (approximately 2m) along parts of the site's boundaries. Potentially amenity of the west facing apartments can be reduced (re sunlight/outlook) if/when the adjacent open carpark is to be developed.</p>
17	41-49 Hopper Street August 2014	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✗	Decision Report: comments & summary effects on breaches
	SR 1029628 2 Apartment buildings (3 & 4 storey) District Plan Area: Central Area/ Low City/Te Aro [internal large site] Activity status: Discretionary (Unrestricted) Implementation: Constructed	75%	Not specified but appears to be approximately or below 40%	10.2m	13.4m (within discretionary height limit)	<p>Overview - non notified consent for the construction of new apartment buildings (3 & 4 storey) separated by a courtyard (as part of a comprehensive development). Height breach for the rear building. Building mass almost twice as small relative to permitted.</p> <p>Urban design - outcome considered 'generally positive and supported on urban design grounds'. Small height breach not considered to raise any bulk/dominance effects due to the small infringement, the context including some taller buildings and the proposed large-scale massing into 2 buildings separated by open space/courtyard. No reference to design excellence -</p> <p>On-site amenity - 40% building mass. Daylight/sunlight light/general outlook all good for the street facing apartments. Common open space adds amenity and provides 8+ m separation between the buildings. All units have some form of open space. Street facing building is setback from the street to provide ground level courtyards. Low building mass plus good site planning will ensure good overall on-site amenity regardless of whether or not adjacent sites are built to their full potential.</p>

18	9 Home Street	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✗	Decision Report: comments & summary effects on breaches
	<p>SR 356077</p> <p>Apartment building (6 storey)</p> <p>District Plan Area: Central Area/ Low City/Mt Victoria [small/narrow site with 2 street frontages]</p> <p>Activity status: Discretionary (Restricted)</p> <p>Implementation: Not constructed</p>	75%	73%	18.6m	19.6m (just related to plant room)	<p>Overview -Non-notified consent for a new 6 storey apartment building on a site with 2 street frontages and incorporating an access lane on one side of the building. Small height breach relating to the plant room only. Slightly below allowable building mass.</p> <p>Urban design - proposal supported by the council urban design advisor, citing the provision of the access lane as a positive in terms CPTED and daylight access to that side of the building.</p> <p>Height/bulk - as height breach minimal and only related to plant room no visual bulk/dominance effects are expected. Impact/effects of height (height/scale differences between new and existing), according to the planner's report, need to be considered in relation to the planning context which allows a building of similar height as the proposed to replace the existing single storey building immediately to the east of the proposal.</p> <p>On-site amenity - mass 73%, site with two street frontages and along access lane. As mass not breached there are no comments on daylight access. Most of the apartments will have good daylight and outlook to the main living areas and some have small balconies. However, proposed building setback only 0.2m from the eastern boundary adjacent to an existing single storey building at present (shallow light well provides). Potential development on the adjacent site to the east could be of similar height and will block daylight access to the living areas to several of the apartments which have windows facing to the east. Similarly, the daylight to the east facing bedrooms located in the centre of the building, which is provided through a 1m wide light-well be significantly reduced if adjacent site is developed.</p> <p><i>Note: potential issues could have been addressed through appropriate design (as shown on the original plans submitted with the application which were subsequently altered).</i></p>
19	77 Abel-Smith Street October 2013	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✗	Decision Report: comments & summary effects on breaches

	<p>SR: 291818</p> <p>Apartment building (9 storeys)</p> <p>District Plan Area: Central Area, Low City, Te Aro Corridor</p> <p>Activity status: Discretionary</p> <p>Implementation: Constructed</p>	75%	72% (below the permitted)	27m	27.4m (marginally above the permitted)	<p>Overview - Non-notified consent for a new 9-storey apartment building (24 apartments) on a corner site, (ground level entrance lobby, utility services, storage area + a ground floor apartment). The building has a small height breach (less than half a meter) and is slightly below allowable building mass.</p> <p>Urban design - proposal supported by the council urban design advisor, who considers it an appropriate response to the diverse context. Building described as ‘a hybrid typology: an urban apartment block built to the street edge at the upper levels and ground level largely set back from the street...with variations in plan alignment, fenestration patterns and materiality’. The lack of a retail ‘active edge’ at ground level considered acceptable due to proposed ground level windows and landscaping.</p> <p>Proposal considered to make efficient use of the site providing ‘a good degree of residential density with decent amenity’</p> <p>Height - height encroachment considered negligible and barely discernible. Although overall height will be a dramatic change in the existing low-rise setting, this is an acceptable effect given the 27m height limit for new development in surrounding area.</p> <p>On-site amenity - 72% mass, corner site. As mass not breached there are no specific comments on daylight access. However, proposal considered to provide ‘decent amenity’. The building has two street frontages and incorporates setbacks from the street edges and from parts of the internal boundaries. All apartments will have good daylight access and outlook and will receive sun to their living areas. Small balconies are provided to the upper level apartments with small planted courtyards for the ground level apartment.</p> <p>The corner location of the site and proposed massing are key factors for achieving good on-site amenity re sun and daylight.</p>
20	260 WAKEFILED STREET May 20	Allowable mass	Proposed mass	Permitted height	Proposed height X	Decision Report: comments & summary effects on breaches

<p>SR: 453080</p> <p>New apartment building (8 storeys)</p> <p>District Plan Area: Central Area / Te Aro/ Courtenay Place Heritage Area</p> <p>Activity status: Discretionary (Unrestricted)</p> <p>Implementation: Not constructed</p>	<p>N/A (Heritage Area)</p>	<p>N/A</p>	<p>21</p>	<p>24</p>	<p>Overview: Non-notified consent for a 8-storey apartment building within Courtenay Place Heritage Area (ground level: access/parking, retail, common areas + 7 levels residential above (total of 80 apartments) with a height breach and unspecified mass. Note the mass standard does not apply for new buildings in heritage areas.</p> <p>Urban design: Proposal was supported on urban design grounds with reference to the relevant provisions of the Central Area Urban Design Guide (CAUDG). The proposal, being an over-height building, was considered to be able to pass the test of design excellence. The urban design conclusion reads: “Collectively, the proposal’s considered design approach to the treatment of its long side boundaries and its Wakefield Street frontage – and their effect on the proposals delivery of the Guide’s qualities of coherence and relationship to context – represent a sound delivery of design excellence”. Noted that the design excellence assessment is focused on the external design, scale and context relationship but not refereeing to the internal amenity of the apartments.</p> <p>Heritage: Proposal supported on heritage grounds with reference to Courtenay Place Heritage Area and in relation to adjacent heritage buildings.</p> <p>On-site amenity: 21 of 80 apartments will have outlook, daylight and some sunlight to their main living areas (as they face the street and are orientated to the north).</p> <p>The remaining 56 apartments are oriented to the west and are setback 3.8m from the western boundary of the site (the setback acts as a light well). However, most of those (36 apartments) will have no outlook or sunlight access setback creates a light well defined on the western side by a green wall structure. The units which sit next to the adjacent taller building to the west will be facing directly the existing balconies of that building. The remaining 20 west-facing units will have better access to daylight as the adjacent buildings to west are low-rise but this may change if these buildings are to be added to.</p> <p>Some of the units are provided with a small balcony (approximately 1.2m wide). The amenity of almost half of the apartments, although presumably complying with the building code standard, will have a low level of amenity in terms of daylight and outlook, with the units at the lower levels being most affected.</p> <p>Re policies 12.2.7.2 and 12.2.7.3 (providing appropriate light and awareness of daylight), the decision report acknowledges that considering rear/west facing units (56 of 80) “the achievement</p>
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						<p><i>of these aims is not ideal but is achieved to a low standard through the incorporation of a light well". The planner's conclusion is that that the proposed solution re daylight/amenity is acceptable and that this is supported by the Council's urban designer. The urban designer also considered that the proposal met the test for design excellence.</i></p> <p><i>Although the proposal meets the urban design and heritage objectives, this is not quite the case with providing reasonable level of amenity to a large number of apartments. Note that massing standard not applicable in heritage areas. While this might be appropriate for heritage/urban design reasons, it does not allow scrutiny of on-site amenity. This suggests that a minimum amenity requirement re daylight/outlook to main living spaces might be appropriate to consider (applicable to all development including that in heritage areas) in the context of future densification of the Central City.</i></p> <p><i>The amenity outcome in the proposed development is also influenced by the internal location of the site and its long and narrow shape.</i></p>
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RESOURCE CONSENTS with COMPLYING BUILDING VOLUME (MASS/HEIGHT) 3 consents

21	47 Vivian Street September 2018	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✓	Decision Report: comments & summary effects on breaches
	<p>SR: 407048</p> <p>Apartment building (9 storeys)</p> <p>District Plan Area: Central Area/ Low City/Te Aro</p>	75%	52% (below the permitted building volume)	27m	26.7m	<p>Overview: non-notified consent for a 9-storey apartment hotel building (ground level commercial/vehicle access parking & some residential + 8 levels accommodation/51 apartments potentially 69 household units as some re duel key) within a complying building volume.</p> <p>Urban design: The proposed development, due to site's constraints does not meet some of the guidelines (CAUDG) with regard to ground level street edge definition.</p> <p><i>Although the proposed building volume is lower than that permitted under the current mass standard and notwithstanding the setbacks of the building from the side boundaries of the site (varying between 0.6m to 2.7m) it has been acknowledged that the proposal will affect the level of</i></p>

	<p><i>Activity status: Discretionary (Unrestricted)</i></p> <p><i>Implementation: Under construction</i></p>					<p>daylight in the adjacent residential buildings (by obscuring lightwells and/or side elevation windows)..</p> <p>Overall, the planner's comment is that, on balance, the urban design effects are less than minor and the outcome is considered acceptable with regard to the outcomes sought by both the District Plan and the CAUDG. It was also noted that the design has gone through a number of iterations for both design and wind mitigation reasons.</p> <p>It is noted that there have been several applications for change of condition re external design changes and that these consents have been granted.</p> <p>On-site amenity - the building is setback 3.8m form the street boundary. Daylight and sunlight access and outlook to main living areas will be provided for approximately half as they face the street frontage and are oriented to the north. The remaining half of the units are rear units and will rely on a 2.7 m setback from the side boundaries for daylight access. Given the low height of adjacent buildings there will be a reasonable level of daylight for the rear units and some sunlight and outlook for the upper level units. However, if or when the adjacent sites are redeveloped up to the anticipated height (27m at present which is to be increased in the future), the amenity of the rear units re any sunlight and outlook will be compromised and the level of daylight to the main living areas, although presumably complying with the Building Code standards, will be reduced with the lower level units being most affected.</p> <p>The proposal highlights two important issues: (a) that small internal sites constrain development opportunities and limit the ability to meet some of the urban design guidelines; and (b) even when below the permitted building volume, a development on a small internal site cannot guarantee a good level of residential amenity re outlook and daylight for all units if adjacent sites are to be develop to their full potential.</p> <p>It also confirms that the size and characteristics of the site (in terms of number of street frontages) does affect outcomes even when the building volume is below the permitted mass. Further to that, a complying development can affect the daylight access of existing adjacent buildings but there is no mechanism at present to address these issues.</p>
22	43 TASMAN STREET September 2018	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✓	Decision Report: comments & summary effects on breaches

	<p>SR: 414942</p> <p>A new apartment building (3 storeys)</p> <p>District Plan Area: Central Area/Low City</p> <p>Activity status: Discretionary (Restricted under HASHAA)</p> <p>Implementation: Not constructed</p>	75%	Within the permitted standard	10.2m (But up to 27m under HASHAA)	10.2m	<p>Overview: Non-notified consent for a new 3-storey apartment building (12 apartments)</p> <p>Urban design: The proposal complies with the District Plan standard for bulk and mass. Although resulting in a change to the existing environment is supported urban on urban design grounds given the anticipated outcomes by the zoning of the site under HASHAA.</p> <p>On site amenity - slightly below 75%, corner site. On-site amenity for the main living areas in terms of daylight and outlook and sunlight for some of the apartments is good. This is largely due to the advantages presented by the site – e.g. two street frontages but has also been influenced by the proposed setbacks from the internal boundaries of the site, its relatively low height (3 storeys) and the proposed design and internal layout. It is noted that daylight access will be reduced if the adjacent site to the north is developed and particularly in the context of the anticipated height under the Spatial Plan (minimum of 6storeys). However, this will affect daylight to bedrooms rather than to the main living areas.</p> <p>All units are provided with private open spaces - small courtyards for the ground level units and balconies for the upper level apartments.</p>
23	24 HAINING STREET	Allowable mass	Proposed mass ✓	Permitted height	Proposed height ✓	Decision Report: comments & summary effects on breaches
	<p>SR: 341404</p> <p>Apartment Building (4 storeys) adjacent to a listed heritage building</p> <p>District Plan Area: Low City /Te Aro Corridor</p> <p>Activity status: Discretionary (Unrestricted)</p>	75%	74.7%	27m	26.9m	<p>Overview: Original non-notified consent granted for discretionary unrestricted activity in 2008 for a 10-storey residential development involving height and mass breaches (SR 181968/prior Plan Change 48). (Breaches involved height 29.05m/exceeded by 7.5% and 79% mass/within the discretionary limit).</p> <p>Original consent granted with effects considered more than minor.</p> <p>Subsequently, a consent for change of conditions applied for in 2013 changes (changes relating primarily to ground level uses) which was granted. Further to this, in December 2019 new consent for change/cancellation of conditions was lodged and granted. Changes include reduction of building height to 26.9m (9 storeys) and building mass to 74.7% making the proposal compliant</p>

<p><i>Implementation: Not constructed</i></p>					<p><i>with permitted height/mass standards. Further changes include reduction of number of pedestrian and vehicle entrances from 2 to 1 (for both).</i></p> <p>Assessment of effects (2019 resource consent) - <i>the assessment as evident in the decision report is heavily reliant on the assessment of the original 2008 consent 2008. Overall conclusion: “that the effects associated with streetscape and urban design; transport and vehicle access, contamination, wind and are less than minor and no persons are adversely affected”. No specific comments on mass, height or overall form as proposal is consistent with the permitted height standards”.</i></p> <p>Urban design (2019): <i>The Council urban design advisor “concludes that the proposal has urban design support based on the materiality, detailing and lighting specifications are realised during construction (all details provided as part of the approved plans).</i></p> <p>Building mass - <i>No specific comments provided on building mass and effects on public space or wind as the decision relies on the original consent that was earlier granted.</i></p> <p>On-site amenity: <i>Latest plans mass 76%, internal site with one street frontage. Daylight and outlook for street facing units good. Daylight for the units along internal boundaries rely on setbacks (2-3m). Currently, some, but not all of the adjacent buildings are low-rise buildings, which will allow sunlight to some of the units and provide outlook for some of the upper level units - however, this will change if adjacent sites redeveloped (in which case outlook will be poor and daylight will be reduced. Small open spaces provided.</i></p>
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10 APPENDIX 2 SURVEYS

COUNCIL PLANNERS (5 planners + 1 heritage specialist)

- (1) *Have you had direct experience in assessing Central Area development proposals which breach building mass, mass + height or height provision?*

All respondents have worked with the mass provisions and had a good grasp of the issues.

- (2) *If “yes”, can you identify which development proposals you have assessed (either as resource consent planner, urban designer or peer reviewer). If possible, please identify the name of the development proposal (SR No. link), the nature of the breach/breaches and their effects?*

Most of the identified consents by the Council planners are included in the sample of consents reviewed in Section 3 of this report.

- (3) *If there was a breach/breaches was consent granted? / or alternatively, was the proposal amended - e.g. during the pre-application process prior to lodging the resource consent application?*

Consent was granted in all cases (except for an application which was suspended on receiving a notification decision and another one which did not proceed after a pre-app meeting partly because of height).

The breaches in all but one of the consents (which was or a non-complying activity) were for discretionary activity (restricted and unrestricted). No specific changes to proposals recorded to have been made re over-mass during the pre-app process or prior to lodging the application. However, changes to the building form do happen during pre-app process but they are triggered by Design Guide issues rather than made in relation to any proposed extra mass per se.

Re heritage - massing is an issue for sites that are close/adjacent to heritage areas or heritage buildings. In such cases the pre-app process is the best way to achieve a better heritage outcome through a re-massing of the building.

- (4) *In your experience do the current mass provisions work as intended:*

- (a) *are they effective and flexible in enabling good quality design outcomes and are they easy to administer?*

Responses are summarised below:

Provisions are effective and work as intended but could not be applied if the building is below the mass and height standards but fills in the entire site which might be compromising internal amenity. Also, site-specific provisions for certain types of sites (e.g. island sites, sites with open frontages) might be appropriate to consider.

As a trigger for assessment the provisions work as it is through that assessment that good design outcomes are achieved. There are no cases identified by any of the respondents where the mass alone had caused issues stopping the proposal to go ahead.

One respondent considered that “They are bit limited in my thinking in terms of driving design other than for access to light” but that “generally they have worked and have been administered for generally good outcomes in the CBD”.

Heritage - provisions not considered to work well for heritage as they provide no scope/ability to consider relationship of new building form to heritage if the development has a complying mass/height, noting that sometimes a complying in height/bulk development can have a greater effect on heritage where the bulk and mass have been well considered... compared to a non-complying

- (b) *is the current standard of 75% building mass about right? (please explain why)*

Some of the answers included:

“Yes, they are about right” (4 respondents) but site-specific provisions might be appropriate in relation to sites with certain characteristics (as suggested by one of the respondents).

“Entirely depends on the site and the proposed building” - e.g. with some proposals good outcomes with mass over 75% can be achieved while in other situations getting an acceptable that is less than 75% mass is a real challenge”.

Heritage – “No, it doesn’t give planners discretion to consider effects on adjacent heritage buildings” (if the development has a complying volume).

- (c) *is Policy 12.2.5.3 (‘Manage building mass in conjunction with building height to ensure quality design outcomes) and associated Standard (13.3.8.14) effective in providing flexibility and enabling buildings to respond better to their context and explain why?*

Most responses were ‘yes’ noting that “the policy/standard provide flexibility and give architects scope to better mould the building and fit the context”.

An observation was made that the specific flexibility of that policy/standard are rarely used as applicants tend to design to the maximum ‘discretionary’ height limit”.

Two further observations were made: (a) “building height and mass need to be assessed together to avoid perverse outcomes”; and (b) the provision “on its own it is a bit limited/restricted and “needs to be aligned with other policies and also with requirement to incorporate designs with the 3d model of the city.”

- (5) *Currently, the ‘high city’ and the ‘low city’ have different height regimes but have the same mass provisions, except for the heritage areas where they do not apply. In principle, should the mass provisions in your view:*

- (a) *reflect the variation in height provisions in the ‘high and ‘low’ city and why? (particularly in light of future densification of the Central Area and potential/possible height increases for some parts) and/or*

Not everyone answered that question and some of the respondents were unsure. Some of the provided answers included:

“I think I would agree with that”

“If there are going to be a range of heights within the city then mass could be more staggered to reflect this”

- (b) *reflect the building use - e.g. differ for residential v/s non-residential uses and why?*

Most answered with “no”. Responses included:

“No, I don’t think the use of the building should matter given massing effects are on the wider environment.”

No, but including “minimum design parameters for the internal amenity” could be considered

- (6) *In your experience is the Central Area Urban Design Guide effective enough in facilitating the outcomes that the mass provisions seek to achieve? (please explain why)*

Not everyone answered that question but those who did (including the heritage specialist) agreed that the design guide works generally well subject to some improvements. Some of the answers included:

“Yes, it is really useful as it provides guidance on the height scale relationships between heritage buildings and large developments on adjacent sites and provides a starting point for discussion with applicants/architects. They are used as they are prescriptive and provide clarity on expected positive outcomes”.

“Yes” except for design excellence which is not included in the Design Guide and not defined District Plan.

Not always “have had the tools in the toolkit to really push back where there is a mass breach. The new plan layout might assist in correlating the rule to the policy and then the [design] outcome intent”

- (7) *Are you familiar with and/or have experience in working with different approaches to managing building mass/form (e.g. under other District Plans in New Zealand or overseas) that you consider are more effective and more flexible in delivering amenity and design quality outcomes? If so, do you believe these different approaches would be appropriate for the Wellington context?*

None of the respondents provided any suggestions.

- (8) *Do you have any suggestions for changes to/improvements in the current operative District Plan methods for the managing building mass?*

Suggestions for improvements included:

Massing provisions need to be carefully considered/reviewed if building heights across the Central Area are to be increased.

Design excellence needs a definition. In the District Plan it is required for over-height buildings that are higher than neighbours but this doesn't link to a rule. Currently regardless whether the height is breached minimally (by a plant room or less than 1m) or it reaches the discretionary height limit or goes above it, beyond design excellence is required in either case. Features that contribute to design excellence should include high quality materials, contribution to the public realm, good sustainability features.

Suggestion to include non-notification clauses in the District Plan where the height and mass are met (the lack of this adds unnecessary complexity to planning reports)

Suggestion to take advantage in computer modelling to apply “a more refined approach reflective of the context and scale of the surrounding area” - site/specific provisions

Provide discretion to consider heritage effects for most developments on adjacent sites. Provide a clear guidance on good height/scale relationships in the design guides.

URBAN DESIGNERS (4)

- (1) *Have you had direct experience in assessing Central Area development proposals which breach building mass, mass + height or height provision.*

All respondents had good experience with the application/assessment of mass and height provisions in the past 7 years in a variety of proposals including commercial and residential development in both the high and low city.

- (2) *Nature of the breach/breaches and their effects?*

In summary:

- *Breaches vary from minor to more substantial with the latter almost always within the discretionary height limit. In relation to minor rooftop height breaches - "the maximum height requirement leads to constriction of the building top" - a tendency which when extended across many neighbouring buildings was considered to compromise the skyline of the city.*
- *A proposal with a significant height breach but meeting the 75% volume control was mentioned as an example which illustrates that compliance with the massing rules not always can guarantee good amenity outcomes re daylight (insufficient daylight at the bottom of a deep and narrow lightwell considered unacceptable with the proposal not proceeding to a formal consent application).*
- *In one case it was recorded that the mass breach was employed to allow for greater modulation on the main façade.*

- (3) *If there was a breach/breaches was consent granted? / or alternatively, was the proposal amended - e.g. during the pre-application process prior to lodging the resource consent application?*

Consents for all listed proposals granted, noting that most consents with height/mass breaches which are subject to a design excellence test have been through at least one version at pre-app stage and sometimes further versions post-approval. Continued achievement of design excellence often challenged for over-height buildings.

- (4) *In your experience do the current mass provisions work as intended:*

- (a) *are they effective and flexible in enabling good quality design outcomes and are they easy to administer?*

Answers provided included:

Current provisions "too often taken for granted that they can be worked around, particularly by few applicants"

"Not sure, too blunt an instrument and need better connection with other height provisions?"

Re effectiveness "Yes, partially, however I do not consider they will be effective for ensuring necessary amenity for the planned increased amount of residential in the city"... Further to this, that based on the typical approach to maximising development potential, the current "standards are under stress and are not sufficiently effective in addressing residential amenity"

Re flexibility - current provisions "do provide flexibility". "Effectiveness in achieving good long-term outcomes is in my opinion more important than flexibility, although flexibility for design will be part of achieving good outcomes on any site."

Re ease of administration

- *"standards are always easy to administer if complied with. Administrative complexity arises when they are exceeded .. and "particularly should 'Design Excellence' come into play".*
- *"No, they do not enable good quality outcomes and are not easy to administer i.e. they are messy and uncertain" in terms of urban design.*

- *There is no trigger in the provisions requiring urban design assessment and if such an assessment is requested the framework for this assessment is unclear (i.e. missing link between massing rules and design guide with no clear assessment framework for design excellence required for over-height proposals which may not be over-mass).*

(b) *is the current standard of 75% building mass about right?*

Answers included:

'About right if applied rigorously'

This is" a realistic number - any less and the developer/investor would be crying foul"

"No, not for residential development" but for commercial development " it is likely to be about right". Do not provide " a sufficient level of amenity for parts of the city that are intensifying as residential"

(c) *is Policy 12.2.5.3 ('Manage building mass in conjunction with building height to ensure quality design outcomes) and associated Standard (13.3.8.14) effective in providing flexibility and enabling buildings to respond better to their context and explain why?*

Answers included:

"In principle, yes", but noted that "decision to exceed mass/height controls can lack rigour".

... "does give the discretion to support better context and site responses".

"Yes, this does provide flexibility"

(5) *Currently, the 'high city' and the 'low city' have different height regimes but have the same mass provisions, except for the heritage areas where they do not apply. In principle, should the mass provisions in your view:*

(a) *reflect the variation in height provisions in the 'high and 'low' city and why? (particularly in light of future densification of the Central Area and potential/possible height increases for some parts)*

" same standards should apply for both high and low city"

Massing provisions "should be site and block specific. Auckland Council for example has successfully taken that approach with the Unitary Plan and application of FAR and height".

(b) *reflect the building use - e.g. differ for residential v/s non-residential uses and why?*

Answers included:

"Yes", but this "would conflict with the idea that building use should be flexible over time"

"Potentially yes "- however, the issue is converting building from commercial to residential"

"No. Basic standards might set a universal threshold for any type of building on any site and then each application might be tested on case by case basis for going above that threshold depending on proposed use, site characteristics and application of specific standards".. "The challenge for differentiating between commercial and residential with the basic bulk and form standards is change of use". Should volume controls for residential are more onerous than those for commercial would "open up a loophole for very large commercial buildings to later undergo a pre-planned conversion to residential".

(6) *In your experience is the Central Area Urban Design Guide effective enough in facilitating the outcomes that the mass provisions seek to achieve?*

Answers included:

"Yes,"but it comes often to applicant and their motivations"

Probably not, as there is not direct connection back to the policy or rules" (should be a link from some future policy to design guide imperative)"

“No, not by itself” as the “key underlying method is and should be the standards” with the design guide assisting “to refine and address more fine-grained matters of quality”. “Reliance on the design guide as a primary means of addressing building mass, height and bulk risks inconsistency between projects and potentially arbitrary decisions depending on the design reviewer/reviewers involved in each project”.

- (7) *Are you familiar with and/or have experience in working with different approaches to managing building mass/form (e.g. under other District Plans in New Zealand or overseas) that you consider are more effective and more flexible in delivering amenity and design quality outcomes? If so, do you believe these different approaches would be appropriate for the Wellington context?*

Answers included:

FAR warrants to be revisited in conjunction with height controls

FAR standards in combination with height and outlook space as used in Auckland Unitary Plan with the buildings these provisions apply being usually subject to one or more urban design panel reviews. It is the package of controls + the design review process rather than FAR alone that leads to successful outcomes. The matter of outlook for residential activity is covered with specific outlook requirements which are different in the high-rise part of the city from those in the low-rise zones. While intended to provide for visual and acoustic privacy for apartments, the Central City, outlook space in Auckland Unitary Plan also address the light and outlook for apartments built at the lower levels of development in a high-rise setting.

Re London experience re applications of strategic importance which provide criteria mass/height.

- (8) *Do you have any suggestions for changes to/improvements in the current operative District Plan methods for the managing building mass?*

FAR as a mechanism is worth revisiting.

Need for better correlation between mass provisions and over-height provisions with connection through to the design guide. E.G place more emphasis on a design guide response that comes about through the trigger of the rule that would allow better context and site response ...and for over-height proposal which trigger design excellence it is important to make that connection

Consider FAR (as a refinement and extension of the current volume control). It may be that the current volume control used in combination with outlook controls for residential amenity could achieve positive outcomes. Suggested to “test any mechanism for volume and height control with 3-dimensional digital modelling on a range of typical sites.

The notion of Design excellence questioned as a qualification for additional height (and any associated mass). Suggestion to link Design Excellence (in addition to aesthetic and aesthetic quality) to amenity outcomes re neighbouring buildings as well on-site amenity (sunlight/daylight/outlook)

Consider an urban design panel review re major CBD matters and projects.

- (9) *Is there any other issue/matter/point you wish to make?*

“Residential amenity will be increasingly important in an intensifying Wellington CBD”, therefore “an effective mechanism for bulk and amenity control is extremely important. The risk this matter is not addressed is the CBD becoming over-built, cramped and known as a place of low residential amenity” (stated by one respondent)

Seismic resilience is becoming a factor in shaping building form and often used as a justification by developers for extra height/mass due to construction costs. Understanding what the current construction environment is delivering will be useful.

ARCHITECTS (4)

- (1) *Have you had direct experience in designing Central Area buildings in the past 7 years with a particular reference to buildings that breach District Plan building mass, mass + height or height provisions?*

All respondents had designed buildings in the Central Area under Plan Change 48.

- (1) *What was the nature of the breach/es and design reasons for those breaches?*

Answers included (in summary)

Nature/extent of breaches are site and project specific.

In many cases selected sites offered site-specific advantages (multiple street frontages or protected aspects) which inherently provided the amenity value which the mass provisions and accompanying height dispensations set out to protect. Therefore, breaches of mass and height could be easily justified due to lack of actual effects.

Reasons for the breaches typically come from the client's brief and include:

- *maximising the number of floors and floor area*
- *maximising site's potential while maintaining liveability and residential amenity (where applicable) and balancing those with wider urban design issues*
- *to achieve better overall balance of form, massing/articulation, utility, feasibility that would have been possible otherwise*
- *mass breach employed to fully utilise the site area but also to express the unique qualities of the site and using the shape of the building to mitigate wind speeds*

- (2) *If there was a breach, was the design amended with regard to the breach during the pre-application process prior to lodging the resource consent application? Did you encounter any issues relating to the administration of the mass provisions by the Council staff during the resource consent process?*

None of the respondents had to amend the design due to mass breaches per se. However, many other aspects of the building form/design, including design excellence for some projects, have been canvassed and address during pre-application process in parallel with the breaches. Often the building bulk refined as a result of an internal design process on part of the Architect.

Mass breaches in most cases discussed with Council planner at the start of project.

No issues re interpretation of the massing provisions encountered during pre-application process.

- (3) *At what stage of the design process did you consider the building mass provisions? Did the brief from your client provide a direction on the extent of the mass/height breaches to be incorporated in your design?*

Building mass provisions considered very early in the design process as part of feasibility studies and concept design. Most often mass breach is a requirement of the developer's brief with building volume issues considered at the start of the project. Most often height and to a lesser extent mass required by the client to be kept within the discretionary limit to allow to maximise floor area without triggering a notified RC.

The extent of breaches is often a balance between amenity/urban design and financial return but can successfully be resolved if considered early in the process. In addressing building volume issues, in addition to DP provisions varied other factors are considered, including "structural engineering issues, such as foundations/ground conditions and the exponential cost of structure & seismic performance for additional building height can be at least as influential as DP factors" according to one of the respondents.

sensible site selection and sound design decisions make massing and height discussion almost academic /not relevant...However, for developments on single frontage sites/internal sites /extensively hemmed in sites, the massing provisions become valuable tools to achieve a significantly better outcomes than might otherwise have been the case

- (4) *Overall, are the current mass provisions an effective and flexible enough tool to manage building form and achieve good quality design outcomes? Do you consider them enabling or restricting the design process and the quality of the final design outcome?*

Answers included (summarised):

- *“I think they are effective”*
- *Degree of effectiveness and flexibility depends on the nature of the development and the characteristics of the site/context (e.g. for larger sites corner sites or sites with more than 2 street frontages mass provisions not relevant or necessary requirement)*
- *Current provisions considered overall “indeed flexible enough to manage building form” and that they “strike a successful balance between ‘carrot’ and ‘stick’”.*
- *Current provisions enable architects to discuss with clients and justify the need to use some of the site area to allow for architectural expression, daylight access and being able to address the context. “I fear without any provisions commercial developers will push for full occupation of the site area footprint...and giving designers no tools for promoting better design outcomes”*

- (5) *In your opinion/experience:*

- (a) *is the current standard of 75% building mass about right? (please explain why)*

Some respondents considered this to be site and context-related. Answers included: “It could be limiting for some sites/proposals” and “good design outcomes can be found in both over and under massed buildings...A lower building mass might be appropriate next to heritage a heritage building, in which case height restrictions should be eased..”

“75% building mass combined with discretionary height limit looks about right” (provides a ‘balance between preserving land values and achieving better amenity outcomes”)

“it strikes a reasonable balance”

- (b) *is Policy 12.2.5.3 (‘Manage building mass in conjunction with building height to ensure quality design outcomes) and associated Standard (13.3.8.14) effective in providing flexibility and enabling buildings to respond better to their context and explain why?*

“Yes. Because it enables more bespoke formal and massing response than just extruded plans up to a set constraint, as well as better enabling flexibility/feasibility of buildings in relation to function/amenity”.

Yes, as it seems “to add greater flexibility to application of the policy” and this additional flexibility allows development “to better respond to surrounding context without sacrifice to development return”

Considered to be dependent on the specifics of the site. Often height can be extended to create a taller/better proportioned building but there is reluctance on part of the Applicant's in order to avoid possible notification (this was reinforced by most respondents)

- (6) *Currently, the ‘high city’ and the ‘low city’ have different height regimes but have the same mass provisions (except for the heritage areas where they do not apply). Do you have a view on whether, in principle, the mass provisions should:*

- (a) *reflect the variation in height provisions in the ‘high and ‘low’ city and explain why (particularly in light of future densification of the Central Area and potential/possible height increases for some parts)? and/or*

“the massing provisions should be relaxed in the high city”

“yes, massing should reflect the density of the area”

“no reason to vary massing provisions between low and high city”

(b) reflect the building use - e.g. differ for residential and non-residential uses and explain why?

Residential development would always require reduced mass to allow for daylight and other amenity –

“it might be argued that the amenity encouraged by the massing provisions is more applicable to residential development than to commercial or office space” which might suggest that differing the provisions might be justified. However, taking into account potential change of use, which in most cases involves conversion of commercial into residential, “it seems logical that all buildings, regardless of initial intended use, complies with the massing provisions to ensure suitable amenity in perpetuity regardless of use”.

“yes, massing should also reflect the building use. Residential towers should have tower massing provisions” to ensure on site amenity and quality residential living.

(7) In your experience is the Central Area Urban Design Guide effective enough in facilitating the outcomes that the mass provisions seek to achieve? (please explain why)

“Generally yes - although the interpretation of balancing mitigating factors/excellence is sometimes interpreted quite variably”

Rules are more strongly applied but more weight given to the guidelines would provide the ability to assess the outcomes of any breaches - (e.g a TAG or Urban Design Panel to assess against guidelines)

“In short, yes. In my view the CADG provisions when understood by clients and consultants, offer an effective mechanism to achieving the outcomes sought by the massing provisions”. In cases the CADG is ignored or understated “the massing provision offers a ‘second line of defence’ which might be utilised to encourage a reconsideration of the building form/detail”.

CADG sets up some good parameters for designers, but does not provide specific guidance using massing provisions to mitigate adverse effects.

(8) Are you familiar with and/or have experience in working with different approaches to managing building mass/form (e.g. under other District Plans in New Zealand or overseas) that you consider are more flexible and/or more effective in delivering amenity and design quality outcomes? If so, do you believe these different approaches would be appropriate for the Wellington context?

Experience under other NZ District Plans and from UK with boundary setbacks, recession planes, yard rules, and/or site-specific setback related to daylight/privacy for habitable rooms. suggests that these are less flexible compared to the current Provisions for Wellington City. Experience from UK

No suggestions but noting that the respondent has “experienced District Plans that are more restrictive, not as enabling”

TAG or Urban Design Panel

No suggestion for managing building bulk from other District Plan but overall “the mass provisions have been successful in achieving design outcomes that would likely have resulted in their absence”.

(9) Do you have any suggestions for changes to/improvements in the current operative District Plan mass provisions?

No suggestions except that the current provisions might be impacted by the recent Government NPS on housing which appears to undermine circumvent TA process and authority. Poses the question have/can these new policies be taken into account?”

Consider higher level of wind speeds, suggesting that wind effects and their full mitigation should not be a consideration under 'design excellence'. Encourage taller slimmer buildings which provide better wind mitigation.

DEVELOPERS (3 respondents)

- (1) *Can you please list the Wellington Central Area development proposals you have undertaken in the last 8 years (under Plan Change 48). For developments that breached the mass and/or height provisions, please identify the nature of the breach/breaches and the reasons for those breaches?*

Respondents were involved in residential, commercial and mixed-use developments in both the high and low city.

Breaches involved both height and mass. The respondents cited the following reasons for the breaches - optimising amenity in relation to residential development, optimising development potential and/or achieving the necessary space required for the internal activities.

- (2) *Was the proposal amended with regard to the breach/es during the pre-application process prior to lodging the resource consent application? Did you encounter any issues relating to the administration of the mass provisions by the Council staff during the resource consent process?*

Regarding any mass/height breaches, none of the proposals were amended during the pre-app process. However, a large amount of amount of information/analyses were carried out to justify the breaches with regard to effects relating to shading, visual impact, impact on nearby properties.

None of respondents cited issues encountered in relation to the administration of the mass provisions.

- (3) *Did the brief to your architect provide any direction on building height/building mass (i.e. 'bottom lines') to be incorporated in the building design?*

The following answers were provided (summarised):

Respondent 1 - always requests the Architect to undertake height/massing analysis and develop alternative height options to find the best way to configure the site along with consideration market, structural design and site aspects.

Respondent 2 - instructions to Architect are always to stay within the discretionary limits of height/mass. Mass control considered a strong limiting factor.

Respondent 3 - generally briefing to architect includes bottom line of height (20-30% above in the discretionary limit) especially in the low city and attempting to maximize usable floor area. Further briefing (for residential developments) relates to amenity values of individual residential units and mass in itself does not feature. Rather it is retrospectively considered once there is a viable project.

- (4) *Overall, are the current mass provisions an effective and flexible enough tool to manage building form and achieve good quality design outcomes while optimising the development potential of the site? Do you consider them enabling or restricting?*

Respondent 1- mass provisions, as one of many other rules considered "by nature restricting as they set boundaries on site development". However, they provide 'a starting point'. There are ways to work around breaches through analysis and assessment of the effects associated with those carried by the Applicant.

Respondent 2 - height/mass controls considered "restricting" and they "define the quality of the building able to be developed". Mass provisions (while allowing for twin-skin glazing zones) considered to limit the ability to create on-floor-voids, atrium, voluminous winter gardens etc. (atrium connected to the entry to be excluded of the gross floor area control (equal to the mass/height control).

Respondent 3 - "Massing is a constraint to the effective use of central area sites and has the opposite effect of optimising development potential". Good design outcomes quality are easily achieved without the constraints of massing" as demonstrated by the developments undertaken by the respondent where massing provisions have been breached.

(5) In your opinion/experience:

- (a) is the current standard of 75% building mass about right and explain why?
- (b) is Policy 12.2.5.3 ('Manage building mass in conjunction with building height to ensure quality design outcomes') and associated Standard (13.3.8.14) effective in providing flexibility and enabling buildings to respond better to their context and explain why?

Respondent 1 - "the current provisions seek to strike a balance between achieving a high quality urban form and amenity and allowing for appropriate development. The key thing from a development perspective is getting as much certainty as possible and as early as possible in the process so having rules as benchmarks against is, in our view, important."

One question is "whether minimum height/massing guidelines should be in place for all parts of the city" to "deter developments that fail to utilise prime sites to their fullest extent". The respondent notes that the difficulty will be providing a framework for assessing the effects of these under-scale developments as the effects that are currently assessed are largely based on the assumption: "a larger development means more potentially detrimental effects".

Respondent 2 - current provisions might be about right for "internal, land locked 'sites between two adjoining and a rear property" (e.g. site with one street frontage). However, this control considered less suitable and more restricting for sites that are separated by their neighbours (corner, island sites with more than one street frontage). Re Policy 12.2.5.3 and associated Standard (13.3.8.14) is not effective enough in providing/promoting opportunities for good quality internal amenity (e.g. generous floor-to-height or generous internal common spaces) and where these have provided it has been at the cost of additional lettable office space, something that is not typically volunteered by Applicant.

Respondent 3 - in general considered to be a constraint. Re Policy 12.2.5.3 and associated Standard (13.3.8.14) - "there is now a presumption of increased height within most applications and therefore the offset of massing ... appears to play a lesser priority for planners compared to additional height". Further to this that "...the provisions of the NPS on Urban Development now override a lot of the height issues"

(6) Currently, the 'high city' and the 'low city' have different height regimes but have the same mass provisions (except for the heritage areas where they do not apply). Do you have a view on whether the mass provisions should:

- (c) reflect the variation in height provisions in the 'high and 'low' city and why? (particularly in light of future densification of the Central Area and potential/possible height increases for some parts); and/or
- (d) reflect the building use - e.g. differ for residential and non-residential uses and explain why?

Respondent 1 - a greater massing volume makes sense for the low city purely on effects-based argument. Re point (b) - use should not be a driver to ensure flexibility in future use of buildings. If the aim is "to create quality developments, then whether they are residential or office... they should still look to provide good amenity for their occupants and thus they are unlikely to be fully massed on their sites, allowing for good light and outlook.

Respondent 3 - there should not be any mass differential between high and low city, however buildings designed for residential use "will always have to provide a degree of reduced mass in order to provide daylight and other amenity value to the internal spaces".

(7) Do you have any suggestions for changes to/improvements in the current operative District Plan mass provisions?

Respondent 1 - Minimum height/massing provisions are worth exploring, if only to dismiss then unworkable.

Respondent 2- suggest that "a floor area-based limit, separate from a volume limit would provide significantly more options to allow developers of modern, seismically resilient developments to attract tenants and residents"

Respondent 3 - generally massing provisions not required for good design outcomes and increasing the supply of affordable housing within Wellington city.

WIND EXPERTS (3 respondents, with of 2 those providing a joint response)

- (1) *Based on the numerous wind tunnel tests and assessments you have carried out in Wellington, has building mass come up as a recurring issue?*
- *Mass calculations as such are not relevant to the wind assessment/wind tunnel test, but location and shape of building volume is always consideration and has an effect on pedestrian level wind flow. (respondent 1)*
 - *Yes, mass is a recurring issue as building volume (height and mass based) are already conceived by developers, prior to considering environmental impacts. This means that if a wind tunnel test suggests a different form - e.g. less width on the sides of the facing the wind this is difficult to achieve as either the developer is stuck with certain floor area to income ration and/or not keen to go through a notification process by creating a taller but narrower building that might let more light /sun to the street and is less likely to increase wind speeds (respondent 2).*
- (2) *While mass is closely related to height, to what extent do the building massing provisions in themselves influence the outcomes re wind effects?*
- *Mass is one of several factors affecting wind flow on the site across the site not significant enough on its own to justify specific constraints on the building mass limit. Sometimes mass is beneficial in providing shelter form wind. (respondents 1,2)*
 - *The key issue is that breaching the height limit above 35% could trigger notification and that height/massing provisions set up certain expectations in relation to development opportunities on a particular site. This makes it hard to negotiate changes to the building bulk to address wind effects. Were there more opportunities to break the limit provided certain environmental goals and overall bulk were considered, then wind, sun and daylight issues in city streets and particularly city apartments will be lessened. (respondent 2)*
- (3) *Do you consider that the current standard of 75% building mass assists in negotiating better wind outcomes, or does it need to be amended?*
- *Based on experience, there are no changes to the current mass standard that would necessarily improve outcomes for wind (respondent 1)*
 - *It is not the standard per se which need to change as it is set up for other purposes which do not include wind, but rather providing more flexibility where to deploy the bulk on the site is what would help to achieve better wind outcomes (respondent 2)*
- (4) *In your view, is Policy 12.2.5.3 ("Manage building mass in conjunction with building height to ensure quality design outcomes) and associated Standard (13.3.8.14) effective in providing flexibility and enabling buildings to address better wind effects and explain why?*

The above policy/standard can be useful for optimising wind effects of a development as they allow the building mass to be distributed which can mitigate wind effects. However, in practice these provisions are unlikely to have much effect on wind outcomes as building mass is only occasionally altered significantly as a result of adverse wind effects. Typically, more localised wind mitigation is and redistribution of reduction of building mass is less common and less preferred method to reducing wind effects. (respondent 1). Overall, the District Plan provides flexibility and allows for good wind design however, other commercial factors (with height limits being a major one) appear to constrain designs. This tends to force developers to design broader and squatter buildings for economic reasons.

Another respondent considers that these provisions have never been part of the discussion about wind as the policy on massing does not explicitly refer to wind as a matter for consideration.

- (5) *Currently, the 'high city' and the 'low city' have different height regimes but have the same mass provisions (except for the heritage areas where they do not apply). From a wind effects perspective, should massing provisions reflect the variation in height provisions (particularly in light of future densification of the Central Area and potential/possible height increases for some parts)?*

No, distinction between high and low city is necessary for wind reasons as building mass is not a good determinant of wind effects (can detrimental or beneficial depending on the specific situation). Therefore, no specific standards would be necessarily be effective in improving wind conditions.

There is a co-relation between wind speed increase and building height increase, so the potential for buildings to increase wind speeds at street level increases with height. Greater freedom of height and shape within the overall constraints of certain bulk on a site would achieve better wind outcomes (not certain that the 75% mass is the right answer).

- (6) *Do you have any suggestions for changes to/improvements in the current operative District Plan mass provisions?*

Provide a greater/explicit recognition of the potential to build higher on the basis of wind tunnel evidence would be helpful.