
REPORT 3
(1215/11/IM)

DECISION ON DISTRICT PLAN VARIATION 11: WELLINGTON WATERFRONT RULE AMENDMENTS

1. Purpose of Report

To report to Council the recommendations of the District Plan Hearing Commissioners on District Plan Variation 11 – Wellington Waterfront Rule Amendments.

2. Recommendations

Offices recommend that Council:

- 1. Receives the information.*
- 2. Approves the recommendations of the District Plan Hearing Commissioners in respect of District Plan Variation 11 – Wellington Waterfront Rule Amendments, as detailed in the Hearing Commissioner's Report (attached as Appendix 1).*

3. Background

Proposed District Plan Variation 11 was publicly notified on 1 February 2009 for the purpose of providing a framework for the consideration of new building development within identified areas of the waterfront and more immediately in the North Kumutoto area.

Specifically the Variation provided for the following:

- The removal of references in the policies to the Waterfront Framework being a design guide.
- The inclusion of more detailed policy provisions for future building development within the waterfront and in particular the North Kumutoto area.
- The inclusion of a new policy and rules to ensure that the ground floors of buildings are predominantly accessible by the public and have active edges to adjacent public spaces.

- The inclusion of a specific rule (Rule 13.3.4A) to provide for new development in identified areas on the waterfront as a non-notified Discretionary Activity (Restricted) application in accordance with building height and footprint requirements.
- The inclusion of new design guide provisions to provide for the assessment of applications for new building development and the development of related public spaces within the North Kumutoto area.
- The amendment of Rule 13.4.7 to make it clear that any building development within an identified area that is not covered by the Discretionary Activity (Restricted) provisions will still require consent as a Discretionary Activity (Unrestricted).

A total of 49 main submissions and 47 further submissions were received and a hearing was held on 10-11 August 2009. At the hearing a total of 16 submitters appeared and presented evidence, either on their own behalf or through legal Counsel.

4. The Decision

The primary focus of most submissions was that all development on the waterfront should be subject to public notification processes under the Resource Management Act. However, on this matter the Commissioners were of the view that in identified areas such as North Kumutoto where development options had been fully assessed new building proposals within prescribed limits should reasonably be considered as a Restricted Discretionary Activity without the need for public notification.

After fully considering all of the submissions the Commissioners nevertheless agreed that the proposed provisions required further change or amendment to address some of the concerns raised by submitters or to make the provisions more workable.

The following key changes have therefore been recommended:

- A reduction of the height limit (from 25m to 16m) on the southern end of the development site opposite Shed 13 to encourage an appropriate transition in recognition of the heritage status of this building.
- The deletion of the 15% building height discretion under Rule 13.3.8 to provide a clearer demarcation between Restricted Discretionary Activities and larger developments that would be assessed as a Discretionary Activity (Unrestricted).
- Various amendments to Rule 13.3.4A and the associated Appendix Plan and Policy 12.2.8.6A to make it clear that within the North Kumutoto

area, any building development beyond the specified building height and footprint requirements will be a Discretionary Activity (Unrestricted) and therefore more likely to be subject to public notification.

- The inclusion of *Historic Heritage* as a matter for which the Council will exercise its discretion under Rule 13.3.4A. This is to ensure that appropriate consideration can be given to the effect of new building on all adjacent heritage buildings.
- The inclusion of enhanced policies and specific rules instead of development standards for achieving public accessibility to the ground floor of buildings and the provision of active edges. This is to achieve more workable provisions.

5. Council's Powers

Under the current delegations manual The Council has retained the power to approve recommendations of hearings commissioners on proposed District Plan changes or variations. However, as the commissioners, under delegated authority have considered all submissions and heard the evidence presented at the hearing the recommendations must now be accepted without change. If not a fresh hearing will be required before full Council.

6. Conclusion

In conclusion it is recommended that Council endorse District Plan Variation 11, in accordance with the decision as set out in Appendix 1 of this report. Once approved by Council the decision will be publicly notified and notice served on the submitters. Submitters then have the option of appealing the matter to the Environment Court within 30 working days. If no appeals are made the plan change will become operative.

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Supporting Information

1) Strategic Fit / Strategic Outcome:

Variation 11 supports the outcomes of the Urban Development Strategy and the District Plan.

2) LTCCP/Annual Plan reference and long term financial impact:

Project C533 – District Plan

3) Treaty of Waitangi considerations:

All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).

4) Decision-Making:

This is a significant decision in the context of the waterfront as it provides a necessary framework for assessing future new development.

5) Consultation:

Consultation was undertaken as required under RMA processes.

6) Legal Implications:

The Council's lawyers have been involved as necessary during the preparation and processing of the Variation.

7) Consistency with existing policy:

The plan changes reflect Council policy for the waterfront.