

APPENDIX 6

PROPOSED FALE - FRANK KITTS PARK - WELLINGTON WATERFRONT

DISTRICT PLAN AUDIT

Item	Rule /Status	Proposal	Activity Status	Comment	Consent Required	Assessment Matters / Matters of Discretion
Waterfront Zone WFZ ¹						
Land Use: establishment of a community activity in the Waterfront Zone	WFZ-R2 P1 Sch1 Operative	To establish a <i>community activity</i> .	Permitted	WF-R2 was subject to the RMA P1 Sch1 process. There were no appeals against the Council's decision (adopting the Independent Hearings Panel recommendations on the Waterfront Zone provisions).	No	
Building: construction of a new building in the Waterfront Zone (Public Open Space Area)	WFZ-R15.3 ISPP Operative	To construct a new building (Fale) with a building footprint of 708m ² .	Non-Complying	The aggregate area of all new buildings in a contiguous open public space must not exceed 200m ² per hectare [WFZ-R15.1.c]. The Frank Kitts Park public open space area is 1.976ha / the footprint of the proposed Fale is 708m ² which equates to approximately 358m ² per hectare.	Yes Consent required under Rule WFZ- R15.3 for a Non-Complying activity	The assessment of the activity must have regard to: Standards WFZ-S1, WFZ-S2 and WFZ-S6. <u>Note:</u> WFZ-S1 is not applicable as WFZ-S1 relates to "Maximum building height <u>outside</u> of Public Open Space and Areas of Change" [emphasis added]

¹ The majority of the applicable rules were subject to the Intensification Streamlined Planning Process (ISPP) and became operative on 14 March 2024 pursuant to s86F of the Act. In the table they are noted as "ISPP Operative". Others were subject to the RMA Part 1 Schedule 1 process and notated "P1 Sch1 Operative" or "P1 Sch 1". All references are to the Partially Operative District Plan (2024) "Appeals: 17/12/24" on-line version.

						<p><u>WFZ-S2</u> Minimum Sunlight Access - Public Space: all buildings within the Waterfront Zone must be designed and located to maintain sunlight access to any area mapped with the specific control “Minimum Sunlight Access - Public Space Requirements”, during the time periods specified in Table 1 of Appendix 9.</p> <p>For Frank Kitts Park sunlight access must be maintained for 70% of the area between 10.00am and 4.00pm (at 23 September 2023).</p> <p>Where the standard is infringed the matter for assessment is:</p> <ol style="list-style-type: none"> 1. The extent of increased shadowing and any associated adverse amenity effects on the sunlight access area. <p><u>WFZ-S6</u> Waterfront Zone total building coverage. All development must result in the sum of all buildings in the Waterfront Zone having a total building coverage of less than 35% of the whole Waterfront Zone.</p>
Natural Hazards NH ²						
Building: construction of a new building that will contain a hazard sensitive activity in the inundation area of the Flood Hazard Overlay	NH-R6.1 ISPP Operative	To construct a new building (Fale) occupied by a 'hazard sensitive activity' (<i>community activity</i>) within the inundation area of the Flood Hazard Overlay.	Restricted Discretionary	Consent under Rule R6.1 applies when the finished floor level of the building occupied by the hazard sensitive activity located within the Inundation Area of the Flood Hazard Overlay is below the 1% Flood Annual Exceedance Probability level. The lower level (basement) of the proposed building (Fale) is below the 1% Flood Annual Exceedance Probability level.	Yes	<ol style="list-style-type: none"> 1. The impact from the 1% Annual Exceedance Probability flood is low due to either the: <ol style="list-style-type: none"> a. Implementation of mitigation measures; b. The shallow depth of the flood waters within the building; or c. The type of activity undertaken within the building; and 2. The risk to people and property is reduced or not increased.
Building:	NH-R8.1/ NH-R8.2	To construct a building occupied	Discretionary / Non-Complying	Consent under Rule NH-R8.1 (Discretionary) applies when the	Yes	Unrestricted

² All of the applicable Natural Hazard were subject to the ISPP process - refer Footnote 1.

construction of a building that will contain a hazard sensitive activity within the overland flowpath of the Flood Hazard Overlay	ISPP Operative	by a 'hazard sensitive activity' (<i>community activity</i>) within the overland flowpath of the Flood Hazard Overlay.		<p>building, occupied by a hazard sensitive activity, is located within an overland flowpath of the Flood Hazard Overlay, and where the finished floor levels of the building for the hazard sensitive activity is located <u>above</u> the 1% Flood Annual Exceedance Probability level.</p> <p>Where the finished floor level is <u>below</u> the 1% Flood Annual Exceedance Probability level, consent required under NH-R8.2 (Non-Complying).</p> <p>The ground floor level of the Fale which will be occupied by a hazard sensitive activity (community facility) is above the 1% Flood Annual Exceedance Probability level, while the lower level (basement) of the proposed building is <u>below</u> the 1% Flood Annual Exceedance Probability level.</p> <p>However, the basement level does not accommodate a hazard sensitive activity.</p> <p>Consent required under Rule NH-R8.1 for a Discretionary activity.</p>		
Activities: activities in the Liquefaction Hazard Overlay	NH-R15.1 ISPP Operative		Permitted	<p>Although the Fale will be occupied by a hazard sensitive activity (<i>community facility</i>) it qualifies as a permitted activity under Rule NH-R15.1(b):</p> <p><i>b. It involves a hazard sensitive activity that is not an emergency service facility.</i></p>	No	
Coastal Environment						

CE³						
Building: construction of a new building within the coastal environment	CE-R15.2 P1 Sch 1		Restricted Discretionary	Consent required under Rule CE-15.2 given that the Proposal does not comply with the rules and standards for buildings in the Waterfront Zone.	Yes	The matters in CE-P7, PA-P1, PA-P2 and PA-P3.
Building: construction of a new building containing a hazard sensitive activity (<i>community facility</i>) within the medium costal hazard area	CE-R26.1 ISPP Operative		Discretionary	Consent required under Rule CE-26.1 as the Proposal, at the site's 'new' RL level, will be within the medium coastal hazard area.	Yes	Unrestricted
Historic Heritage HH						
New buildings and structures on the site of heritage buildings and heritage structures	HH-R8.3 ISPP Operative		Restricted Discretionary	The current title - i.e. the existing "site" - (prior to the subdivision of the Proposal, which is covered by the Council's resource consent application to be lodged concurrently with the Trust's application) encompasses the Wellington Rowing Club and the Star Boating Club buildings, and the Tanya Ashken Albatross Sculpture.	Yes	The matters in HH-P2 and HH-P8.
Sites of Significance to Māori SASM						
New buildings or structures within the mapped extent of a site or area of significance to Māori in Category A or B	SASM-R4.2 P1 Sch 1 Operative		Restricted Discretionary	The current title - i.e. the existing "site" (prior to the subdivision of the Proposal site, which is covered by the Council's resource consent application to be lodged concurrently with the Trust's application) encompasses a mapped	Yes	The matters in SASM-P4.

³ The Coastal Environment Chapter was notified using both the ISPP and RMA Pt1 Sch1 processes.

				area of significance to Māori, being Category Area A 167 “Te Whanganui-ā-Tara (Wellington Harbour).		
Viewshafts						
Construction of new buildings and structures with a Viewshaft Overlay	VIEW-R2.3 ISPP Operative	New buildings and structures permitted where they do not intrude into any viewshaft with a Category 1 or Category 2 significance identified, in Schedule 5.	Permitted	<p>The Fale does not intrude into Vs11 (Willeston Street) - refer page 51 of the Architect’s Design Statement (Appendix 2 to the AEE).</p> <p>The Vs15 (Cable Car Station to St Gerard’s Monastery) overlay covers the south-west corner of the Fale. However, as it crosses Frank Kitts Park the viewshaft is at a level significantly higher than the Proposal, such that there is no intrusion.</p>	No	N/A
Wind						
Construction of new buildings	Wind-R1 ISPP Operative	New buildings less than 20m in height above ground level are permitted and not subject to a wind assessment.	Permitted	<p>The Fale achieves a maximum height of 13.130m above ground level, such that a wind assessment is not required.</p> <p>A wind assessment has nevertheless been undertaken - refer Appendix 12 to the AEE.</p>	No	N/A
Earthworks EW						
Site earthworks	EW-R4.2 ISPP Operative	<p>Site earthworks associated with the instillation of building foundations.</p> <p>Note: the earthworks associated with the demolition of the existing carpark</p>	Restricted Discretionary	Consent required under Rule EW-R4.2 given that the earthworks associated with the installation of building foundations will be over an area >250m².	<p>Yes</p> <p>Given non-compliance with:</p>	<p>The extent and effect of non-compliance with any relevant standard; and</p> <p>The matters in EW-P3, EW-P4 and EW-P5.</p>

		building and the establishment of the Fale site (to basement level) will be subject to a separate application lodged by the Wellington City Council.				
Earthworks on the site of scheduled heritage buildings and structures	EW-R5.2 ISPP Operative	Frank Kitts Park is contained within a larger site (Lot 2 DP 436892) that contains a listed heritage structure (Albatross Sculpture) and two listed heritage buildings: Star Boating Club and Wellington Rowing Club.	Restricted Discretionary	Consent required under Rule EW R5.2 as earthworks will exceed 10m ³ .	Yes	The extent and effect of non-compliance with any relevant standard; and The matters in EW-P7.
Earthworks within sites and areas of significance Category A and B	EW-R7.1 ISPP Operative	The existing title (prior to the subdivision of the site for the Proposal, which is covered by the Council's resource consent application to be lodged concurrently with the Trust's application) encompasses a mapped area of significance to Māori being Category Area A 167 "Te Whanganui-ā-Tara (Wellington Harbour)".	Restricted Discretionary	Consent required under EW-R7.1 for earthworks in an area of significance to Māori (Category A).	Yes	1. The matters in SASM-P5; and 2. The outcome of consultation with mana whenua.

Earthworks within the Flood Hazard Overlay	EW-R15.2 ISPP Operative		Restricted Discretionary	The earthworks are not within a stream corridor; however, the southwest corner of the building marginally impinges on the overland flowpath overlay.	Yes	Matters of discretion are: 1. The matters in EW-P17.
Three Waters THW						
Connection to existing three waters infrastructure	THW-R2.1 ISPP Operative	The Fale, as a non-residential building, can connect to the existing 3-waters infrastructure where: 1. there is capacity within the relevant part of the network; and 2. compliance is achieved with the level(s) of service specified in clause (d) (i) - (iii).	Permitted	Preliminary investigations have identified that some upgrade to existing infrastructure may be required to reach the required level of service - refer "100% Preliminary Design Building Services Design Features Report", Appendix 18 to the AEE - at Section 9.2 "Three Waters Network", pps. 36-41.	No	Consent condition recommended to require Wellington Water Limited confirmation that the required levels of service are reached.
Building materials	THW-R3.2 ISPP Operative	The selected roof material is zinc	Restricted Discretionary	Rainwater from the building's roof will be treated to remove zinc particulates to an acceptable level prior to storage in the underground tanks. The stormwater treatment method to be certified prior to building consent approval.	Yes	1. Building material treatment 2. Stormwater treatment method.
Water sensitive design	THW-R4.1 ISPP Operative		Restricted Discretionary	The proposal is to collect rainwater from the Fale roof in underground storage tanks, with the ability to use the stored water for irrigation purposes within Frank Kitts Park, subject to treatment to remove any residual zinc particulates to an	Yes	1. The relevant sections of the Wellington Water Regional Standard for Water Services. V3.0, December 2021 and Wellington Water Limited's Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2029;

				acceptable level to avoid zinc contamination (refer Rule THW-R3). Stored water above the capacity of the storage tanks will be discharged to the stormwater network.		<ul style="list-style-type: none"> 2. Design, location, efficiency and effectiveness of water sensitive design methods; 3. The feasible area of permeable surfacing; 4. Adoption of best practicable option for stormwater retention and treatment; 5. Ownership, maintenance and operation arrangements; and 6. Any site constraints.
Hydraulic neutrality	THW-R6.2 ISPP Operative		Restricted Discretionary	Runoff from the roof will be captured and stored in an underground tank and, if required to be discharged to the public stormwater infrastructure, will be restricted to 'off-peak' periods.	Yes	<ul style="list-style-type: none"> 1. The extent to which the development incorporates stormwater management techniques or controls to mitigate any increase in its current state peak stormwater runoff; 2. The relevant sections of the Wellington Water Regional Standards for Water Services v3.0, December 2021; 3. Design, location, efficiency and effectiveness of measures to manage peak stormwater flows and volumes; 4. Ownership, maintenance and operation arrangements; 5. Off-site flooding effects; and 6. Any site constraints.
Transport ⁴						
Service access	ODP Rule 13.3.3.3 - vehicle parking, servicing and site access	<p>There is no site access or on-site parking associated with the Proposal.</p> <p>Service vehicles will park in the drop-off/pick-up parking zone on Jervois Quay.</p>	Restricted Discretionary	As confirmed in the Traffic Assessment report (refer Appendix 17, the distance from the drop off zone to the lift is greater than 15m.	Yes	Effects on pedestrians and other road users (Central Area Policy 12.2.15.16).

⁴ The operative Transport rules are from the Operative District Plan (2000). The PDP's Transport Chapter provisions were notified using the RMA Part 1 Schedule 1 process and have not (as at December 2024) been subject to Council decisions. Consequently, the PDP's Transport rules do not have legal effect. The applicable rules are those contained in the ODP (2000).