

Wellington City Proposed District Plan

Hearing Stream 4 – Waterfront Zone

Section 42A Report of the Resource Management Act 1991

Document Information

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SUBJECT:	Wellington City Proposed District Plan – Hearing Stream 4 – Waterfront Zone
PREPARED BY:	Andrew Wharton
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Zone Chapter 47

Executive summary

1. This report considers submissions received by Wellington City Council (the Council) in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Wellington City Proposed District Plan (the Plan) as they apply to the Waterfront Zone.
2. Nine submitters collectively made 101 submission points on the Waterfront Zone. Three further submitters collectively made 56 further submission points. Overall there were 157 total submission points on the Waterfront Zone.
3. No submitters opposed the Waterfront Zone as a special purpose zone chapter in the Plan, nor the qualifying matters that limit the application of NPS-UD Policy 3(c)(i) and (ii) in the Zone. Submission points were focused on the clarity and function of specific Zone provisions. The main issue in contention is the identified Public Open Spaces: their extent, sunlight protection, and the buildings allowed in them.
4. Appendix A is the underline-strikethrough version of my text recommendations in this Section 42A report. My recommended changes to the Plan Maps are incorporated in this report. Appendix B lists my recommendations on all submission points and whether they should be accepted or rejected.
5. My recommendations align with the high-level directions for this Zone, which are generally supported by submitters and outlined in the Waterfront Zone's Section 32 report, such as:
 - a. Buildings being smaller than in the adjacent Central City Zone, balanced with 65%+ of the Waterfront Zone being protected public open space and other open spaces.
 - b. The high public interest and use for any significant development in this area, requiring public notification.
 - c. Recognition of the Waterfront's history, cultural and aesthetic values.
 - d. The Waterfront Zone's current recreational and cultural activities, general vibrancy and high quality design of buildings, structures and public spaces.
6. In section 5 of this report I recommend correcting the following minor errors and alterations of minor effect in the Waterfront Zone:
 - a. Aligning Plan map layers with the coastal rock revetments on Taranaki Wharf and around Te Papa.
 - b. Deleting 'Reclamation' definition – not used in any directive Plan provisions.
 - c. Adding a new WFZ-P1.9 enabling certain demolition activities, to align with the demolition rule.
 - d. Deleting WFZ-P2.5, to remove a policy conflict.
 - e. Renumbering the duplicate WFZ-R13.1 to WFZ-R13.2.

- f. Amending WFZ-R13.1 to enable demolition required to construct permitted buildings.
 - g. Deleting the assessment criteria heading from WFZ-S1.
 - h. Amending Appendix 9 (sunlight access to public spaces) to be measured as at a specific date.
7. From the analysis in this report and the Section 32AA evaluation, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

Abbreviations, acronyms, initialisms

Table 1: Abbreviations, acronyms, initialisms

Abbreviation	Means
The Act / the RMA	Resource Management Act 1991
Civic Trust	Wellington Civic Trust
Council	Wellington City Council
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
FENZ	Fire and Emergency New Zealand
GW	Greater Wellington Regional Council
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
LGWM	Let's Get Wellington Moving
Operative Plan/ODP	Operative Wellington City District Plan
Plan/Proposed Plan	Proposed Wellington City District Plan
RPS	Regional Policy Statement
Spatial Plan	Our City Tomorrow: Spatial Plan for Wellington City 2021
Section 32	Section 32 of the Resource Management Act 1991 – Evaluation Report
Section 32AA	Section 32AA of the Resource Management Act 1991 – Further Evaluation
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika
Te Papa	Museum of New Zealand Te Papa Tongarewa
TROTR	Te Rūnanga o Toa Rangatira

1.0 Introduction

1.1 Purpose

8. This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the Plan); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

1.2 Scope

9. This report considers submissions received by the Council in relation to the Waterfront Zone in the Plan.
10. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and Plan.
11. The Independent Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.3 Author and qualifications

12. My full name is Andrew Wharton. I am a Principal Advisor in the District Plan Team at the Council.
13. My role in preparing this report is that of an expert in planning.
14. I hold the qualification of Bachelor of Resource and Environmental Planning (1st Hons) at Massey University. I am a Full Member of the New Zealand Planning Institute.
15. I have 17 years' experience in planning and resource management. I have had roles at Bay of Plenty Regional Council, Scheffer Andrew (Alberta Canada), Thames-Coromandel District Council and Ministry for the Environment prior to joining the Council. In these roles I have been responsible for district plans, regional water and coastal planning, resource management reform, planning standards, and urban and transport planning.
16. I have been involved with the Wellington City Spatial Plan and the Wellington City District Plan review process since joining the District Planning Team in 2019. This included leading the 2020-21 review of Lambton Harbour Area/Waterfront Zone provisions, and drafting the Waterfront Zone in the Plan and its Section 32 RMA evaluation.

1.4 Code of Conduct

17. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court, which came into effect on 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
18. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

1.5 Supporting evidence

20. This report uses the following expert evidence, literature, legal cases and other material in support of the opinions expressed:
 - a. *Intercontinental Hotel v Wellington Regional Council* [2008] W015/08 (EC).
 - b. *Hilder v Otago Regional Council* [1997] C122/97 (EC).
 - c. Advice from other Council staff from the district plan, urban design, parks sport and recreation, and city development teams.

1.6 Key resource management issue in contention

21. No submitters opposed the Waterfront Zone as a special purpose zone chapter in the Plan, nor the qualifying matters that limit the application of NPS-UD Policy 3(c)(i) and (ii). Submission points were focused on the clarity and function of specific Zone provisions. The main issue in contention is the identified Public Open Spaces: their extent, sunlight protection, and the buildings allowed in them.

1.7 Procedural matters

22. There are not considered to be any other procedural matters to note.

2.0 Background and statutory considerations

2.1 Resource Management Act 1991

23. Since public notification of the Plan and publishing of the related Section 32 evaluation reports on 18th July 2022, the following relevant statutory considerations have changed/been introduced:
 - a. The Spatial Planning Bill and Natural and Built Environment Bill were introduced to Parliament and referred to the Environment Select Committee on 14

November 2022. These Bills have no direct implications on the Waterfront Zone provisions.

2.2 Intensification Streamlined Planning Process content

24. As detailed earlier in the Section 42A Overview Report, the Council has chosen to use two plan review processes:
 - a. The ISPP under Part 6 of Schedule 1 of the RMA for the IPI. There are no appeal rights on IPI provisions.
 - b. For all other Plan provisions and content, the Schedule 1 Part 1 process is used. Schedule 1 Part 1 provisions can be appealed.
25. Different parts of the Waterfront Zone were notified under the ISPP and Schedule 1 Part 1 of the RMA per the Pūroro Āmua | Planning and Environment Committee decision on 12 May 2022. The Plan identifies which provisions are ISPP and which are Part 1 Schedule 1. These are also identified in Appendix A.

2.3 Section 32AA

26. Section 4 of this report is a high-level evaluation of the recommended amendments to the Waterfront Zone since the Plan's section 32 evaluation, in accordance with Section 32AA.
27. The required section 32AA evaluation also encompasses the consideration of individual submission points in this report.
28. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. No re-evaluation has been undertaken where the amendments have not altered the policy approach.

2.4 Trade competition

29. Trade competition is not considered relevant to the Waterfront Zone provisions, and submissions did not raise trade competition issues.

3.0 Consideration of submissions and further submissions

30. There were nine submitters who collectively made 101 submission points on the Waterfront Zone and related map layers. There were three further submitters who collectively made 56 further submission points.
31. This report goes through the Zone provision by provision, summarising the points raised by submitters and further submitters, my assessment of these points, and recommended changes to the Zone. This report structure is possible because of the limited number and

specific focus of the submission points.

32. My recommendations align with the high-level directions for this Zone generally supported by submitters and outlined in the Waterfront Zone's Section 32 report, such as:
 - a. Buildings being smaller than in the adjacent Central City Zone, balanced with 65%+ of the Waterfront Zone being protected public open space and other open spaces.
 - b. The high public interest and use for any significant development in this area, requiring public notification.
 - c. Recognition of the Waterfront's history, cultural and aesthetic values.
 - d. The Waterfront Zone's current recreational and cultural activities, general vibrancy and high quality design of buildings, structures and public spaces.
33. Appendix A has the underline-strikethrough version of my recommendations in the Waterfront Zone. My recommended changes to the mapped area of Public Open Space specific control are shown within this report. Appendix B lists my recommendations on each submission and whether those submissions should be accepted or rejected.
34. This report should be read along with the summaries of submissions and further submissions, and the submissions themselves. Where submitters support Plan provisions with no submitter opposition, I leave these without comment. Where submitters ask for changes, I agree/disagree and explain why. This may include further evaluation within the body of the report.
35. This report only addresses one Plan definition: "reclamation".

3.1 Scope of Fale Malae Trust further submission points (FS59)

36. The Fale Malae Trust is a further submitter [FS59] to the Plan, but did not make an original submission. From my assessment, several of the Trust's further submission points are outside the scope of the original submissions they were attached to. For reference, a summary of these out-of-scope further submission points are below.
 - a. FS59.1: strongly supporting the recognition of mana whenua connections to the Waterfront Area in the Introduction.
 - b. FS59.5, FS59.6: amending WFZ-O3 to provide for appropriate new or replacement buildings and structures in Public Open Spaces.
 - c. FS59.7, FS59.8: requesting that WFZ-P1 have a new P1.9 to enable demolition of buildings as part of redevelopment.
 - d. FS59.9, FS59.10: requesting that WFZ-P2 have an amended P2.5 to manage demolition generally, requesting a new P2.6 managing significant buildings in public open space, and requesting a new P2.7 managing the replacement and

upgrade of buildings and structures.

- e. FS59.11, FS59.12: requesting that WFZ-P3.4 about significant buildings in public open space be deleted.
 - f. FS59.16: seeking amendment from “do not dominate or cumulatively diminish” to “complementary and of an appropriate scale” or similar.
 - g. FS59.23, FS59.24, FS59.25, FS59.26, FS59.27, FS59.28: The parts of these further submission points that ask for WFZ-R14 to include replacement buildings and structures.
 - h. FS59.33, FS59.34, FS59.35, FS59.36: Requesting to change WFZ-R15 activity statuses when replacing existing buildings, or to apply the ‘Entire Zone’ provisions in R15 to ‘Public Open Space’. This is beyond the original submission scope which asks for RD status and changed notification for WFZ-R15.6 only.
37. Under Schedule 1 Clause 8(2), which applies to the Intensification Streamlined Planning Process (ref: Schedule 1 Clause 95), a further submission must be limited to a matter in support of or in opposition to an original submission. The Environment Court decision *Hilder v Otago Regional Council (C122/97)* confirms that further submissions cannot include a new form of relief, and cannot extend the scope of the original submission which it supports or opposes.
38. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 gives the Panel broader scope to address the matters listed above. The Panel may continue the standard approach of disregarding these further submission points to the extent they go beyond support or opposition to the relevant submission. Alternatively, under Schedule 1 Clause 99, the Panel’s recommendations to the Council can cover a matter identified “by the panel or any other person” during the hearing but not limited to being within the scope of submissions on the Intensified Planning Instrument. This option is not available for the Waterfront Zone provisions that are not part of the IPI, identified in the Plan as Appendix A by the notation **P1 Sch1**.
39. In this report I have identified these further submission points that I believe are outside scope in **purple text**. In my assessment of these points, I support the Panel extending its consideration under Schedule 1 Clause 99 if the change requested is:
- a. for an IPI provision
 - b. consistent with the Waterfront Zone high level directions such as those listed in para 32 above
 - c. consistent with any specific related Waterfront Zone provisions
 - d. not relating to a high level direction that has been challenged by another submitter.
40. If the change requested through a further submission does not meet these these

parameters, I generally do not support extension of scope because other people have not had the opportunity to support or oppose the change requested.

3.2 General submissions

3.2.1 Matters raised by submitters

General support

41. The Civic Trust [388.4, 388.53] generally supports the Waterfront Zone to be retained, with specific amendments discussed in this Report.

Waterfront zoning

42. CentrePort Limited [402.1, 402.210] supports the Waterfront Zoning over the triangle of land between Lady Elizabeth Lane and Waterloo and Interislander Wharves, on the basis that any redevelopment will be assessed on compatibility with urban form, not that a “zero height limit” means no built structures should occur.

Assessment

43. I confirm for CentrePort Limited that new buildings or structures on their land (excluding smaller permitted ones under WFZ-R15.5) would generally be discretionary and publicly notified, with assessment factors including bulk, height and scale, relevant Design Guide principles and outcomes, and standards WFZ-S1-S6. The note on WFZ-S1 Maximum Building Height confirms that having no maximum building height means each building height must be justified against objectives and policies, particularly Policy 6(b and c) for height.

Public open spaces

44. The Civic Trust [388.2, 388.3, 388.5] asks for the Public Open Space areas to be retained, and extended where possible, including the space between the Circa Theatre and Te Papa.
45. The Civic Trust [388.56, 388.57, 388.58] is concerned that some publicly accessible spaces not identified as Public Open Space, Queens Wharf Buildings and Areas of Change could be encroached by buildings and private use. The Trust wants the introduction and rules to specifically identify and exclude these existing open spaces from new buildings and encroachments, and that rules do not allow for the cumulative effects of buildings filling up publicly accessible spaces.
46. Steve Dunn [288.3] supports new public spaces protected from building development and protected sunlight access. He seeks that Frank Kitts Park and Waitangi Park be vested as reserves under the Reserves Act, and that a Fale Malae should be located between Te Papa and Waitangi Park, not on Frank Kitts Park.

Assessment

47. Regarding the Civic Trust requests to extend Public Open Space Areas to all remaining publicly accessible spaces, these are the types of remaining publicly accessible spaces that I do not support mapping as Public Open Space:

- a. Road corridors: Waterloo Quay, Customhouse Quay, Jervois Quay, Post Office Square (excluding the Square itself), Cable Street, Herd Street. Most structures here are infrastructure, so are managed under the Infrastructure Chapter in the Plan. The main activity here is transport, where the Public Open Space objectives, policies and rules are not appropriate in my view.
- b. The Post Office Square itself is a heritage area where buildings may be appropriate if they fit with its heritage values.
- c. Service lanes and areas, vehicle parking and loading/offloading spaces: for example, Lady Elizabeth Lane, vehicle parking, vehicle loading/offloading spaces. The main activity here is transport and servicing activities in the Zone, where the Public Open Space objectives and policies are less appropriate in my view.
- d. Wharves and other protrusions into the coastal marine area beyond mean high water springs, for example Taranaki Wharf. These are beyond the district plan's jurisdiction.
- e. The "triangle" between the Waterloo and Interislander Wharves. This land previously had no zone in the Operative District Plan. In drafting the Waterfront Zone staff considered whether this should be mapped as an Area of Change. However, the land has not yet been identified for redevelopment into buildings, public spaces or any changes in the medium term. Because of the uncertainty how or whether the area will develop, in my view this triangle of land is best without a specific control managing its future use.
- f. Public open space is not mapped into Te Papa's property as these open spaces are managed effectively by the Museum of New Zealand Te Papa Tongarewa as an autonomous Crown entity under its 1992 Act.
- g. The space between Te Papa and Civic Theatre (above mean high water springs), excluding the vehicle entrance to the Te Papa carpark. The Wellington Waterfront Framework notes that Circa Theatre has long-term rights to stay on its site, either in the existing building or in a new building. Almost half of this space is owned by Wellington Waterfront Ltd/the Council, and the rest by Te Papa.

Given the mixed management of the space and the uncertain redevelopment of Civic Theatre, I do not support extending the public open space specific control into this area.

48. The additional spaces I support mapping as Public Open Space

- a. The small public space on the north end of the new Bell Gully building (40 Lady Elizabeth Lane). This was not identified in the Plan as public open space because the land had not yet been converted into publicly accessible space. Now that the building is complete and the public open space developed (refer Figure 1), I support mapping this small area with the Public Open Space specific control. This is consistent with the Public Open Space specific control facing it south of the PWC building.
 - b. The small public space between the northern Queens Wharf building and the Steamship Building. This area is currently used as a public space with gardens, seating and bollards to stop vehicle entry. It has a similar function to the area between the Steamship Building and the Meridian Building, which is already mapped as Public Open Space. I support mapping this area with the Public Open Space specific control, along with mapping more accurately the public space around the adjacent public toilets. Refer Figure 2.
49. I note that any new buildings (except for minor permitted ones) in the Waterfront Zone outside of Public Open Space specific controls must still go through a publicly notified discretionary resource consent, comply with Waterfront Zone policies and standards, and meet the overall Waterfront Zone site coverage standard.
50. Steve Dunn's [288.3] request for Frank Kitts Park and Waitangi Park to be vested as reserves is outside the scope of this RMA process. I forwarded the request to the Council's Parks Sport and Recreation team. On his Fale Malae proposal, neither the Plan nor the Council is able to direct a third party to place a development on Council land. I have forwarded Mr Dunn's request to the Council's City Development team which is currently assessing whether the Council should give landowner approval for the Fale Malae to be built in Frank Kitts Park, and emailed Mr Dunn about this process.

Residential activities

51. Ara Poutama Aotearoa/Department of Corrections [240.74] supports the "residential activities" provisions in the Waterfront Zone.

Reclamation definition

52. GW [351.45] asks for the Plan's 'reclamation' definition to align with the regional plan definition.

Assessment

53. The term 'reclamation' is used in a description in the Waterfront Zone, and in some property titles listed in the Plan schedules, but not in any directive Plan provisions. I recommend this definition be deleted as an amendment of minor effect as outlined in section 5 of this report.

3.2.2 Summary of recommendations

54. HS4-WFZ-Rec1: That submission points relating to the Waterfront Zone chapter and its spatial layers in the Plan Maps are accepted/rejected as detailed in Appendix B.
55. HS4-WFZ-Rec2: That the Public Open Space specific control be amended in the Plan Maps to include the areas outlined in bright blue and blue shading in Figures 1 and 2.



Figure 1: New Waterfront Public Open Space specific control north of Bell Gully building

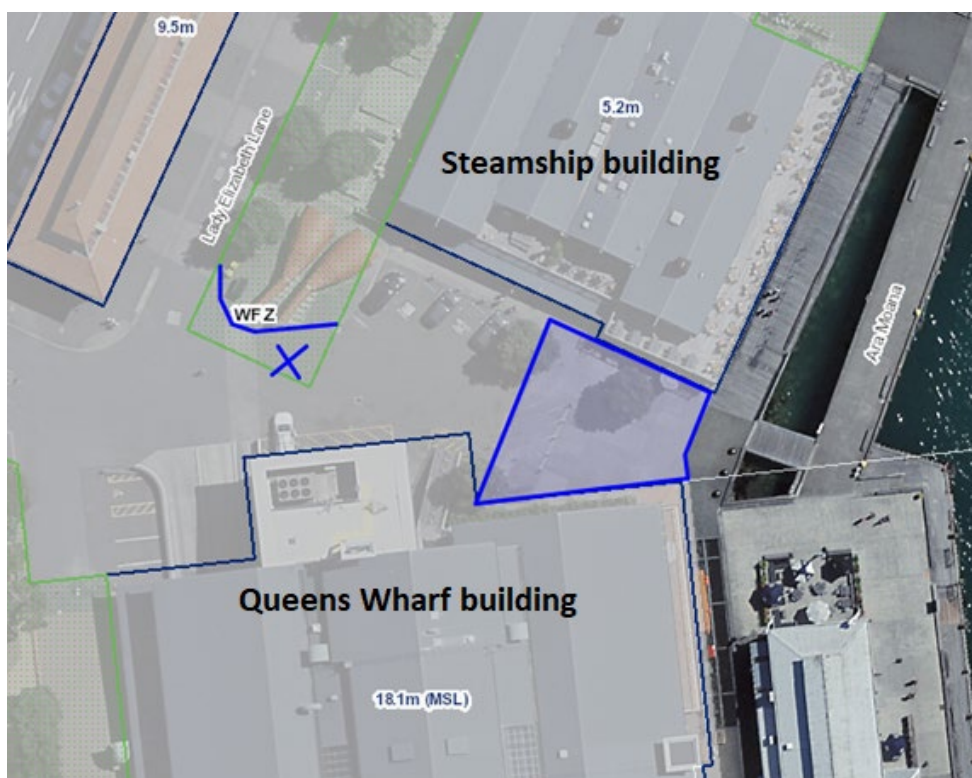


Figure 2: Amended delineation and new area of Waterfront Public Open Space specific control around the Steamship building. X = Area to remove the Public Open Space.

3.3 Introduction text

3.3.1 Matters raised by submitters

56. The Civic Trust [388.54] asks for the Waterfront Zone Introduction after paragraph #4 to state the principles below, taken from the Wellington Waterfront Framework 2001.
 - a. “The waterfront is predominantly a public area.”
 - b. “The public should be consulted – either through the stage two process or through a statutory planning process – about any proposed new buildings and any significant changes to existing buildings.”
 - c. “Ground floors of buildings will be predominantly accessible to the public.”
57. The Fale Malae Trust [FS59.1] supports this point, but is also open to alternative words or Framework principles added directly. *The Trust also strongly supports the recognition of mana whenua connections in the Introduction.*
58. The Civic Trust [388.58] also asks that the Introduction clarify the purpose of areas that aren’t mapped as public open spaces, Queens Wharf buildings and Areas of Change. The aim of the clarification is to ensure open spaces in the Waterfront Zone are not filled up with buildings over time.

59. The Civic Trust [388.55] asks the Introduction to clarify the circumstances when public notification will occur – as a minimum being any new building, structure or activity requiring a resource consent.

Assessment

60. I do not support the Civic Trust’s proposal to add text from the Wellington Waterfront Framework into the Introduction. The principles proposed are only three out of 42 principles in the Framework, which have not been given priority over the others. The WFZ Introduction states “The Framework has also helped inform the Waterfront Zone content in this District Plan.” These three principles did influence drafting of the WFZ provisions, but do not need to be added in the Plan themselves.
61. I accept the Civic Trust’s point that the Introduction may benefit from a statement about how areas not under a mapped specific control can use provisions in the WFZ. However, I do not support listing the purpose of areas without specific controls, and directions to restrict buildings on them. The WFZ is written to enable limited flexibility for new development in these areas, provided the new development meets the strong directions in the Zone policy, rules and standards – including a maximum overall building coverage standard for the Zone. In my view, this approach is sufficient for areas without specific purpose or controls on them.
62. I do not support the Civic Trust’s request for all resource consents for new buildings, structures or activities to be publicly notified. However, I agree a clarification would be useful about public notification status being set out in specific rules, given the Introduction is meant to be descriptive, not directive, on this matter.
63. The Fale Malae Trust’s support for recognition of mana whenua connections is outside the scope of the original submission. However, the Trust does not ask for any changes, and the Plan text was not opposed by other submitters. In my view this part of the further submission point can be accepted under Schedule 1 Clause 99 without affecting others’ right to comment.

3.3.2 Summary of recommendations

64. HS4-WFZ-Rec3: That the Waterfront Zone Introduction be amended as follows:

When constructing new and redeveloped buildings and public spaces, the Waterfront Zone requires public involvement and weighs the public interest very highly as the Zone is predominantly a public area. Applications for significant new development in the Waterfront Zone are publicly notified, as specified in the relevant rules’ notification status.

The Waterfront has three areas where specific controls apply. These areas of specific controls are identified in the Planning Maps. They are:

1. Areas of change. These are areas identified for redevelopment into buildings and/or public spaces.
2. Public open spaces. These are public spaces specifically mapped within the Waterfront Zone to be retained for public activities with minimal buildings.

3. Queens Wharf buildings. These areas have specific height standards and external alteration and addition rules.

These three specific controls are mentioned in some Waterfront Zone objectives and policies, and are labelled to the left of the relevant rules for building and structure activities. The label “Entire Zone” to the left of a rule or standard means the rule or standard applies to areas both with and without specific controls, unless otherwise specified.

3.4 Objectives

3.4.1 Matters raised by submitters

65. Fabric Property Ltd [425.86] and the Fale Malae Trust [FS59.2] generally support the Waterfront Zone objectives.

Objective 1

66. The Civic Trust [388.59, 388.60] partially support WFZ-O1, with an amendment: “with public spaces, buildings and other structures that reflect the unique location and existing character of ~~and special components and elements that make up~~ the waterfront.”

Assessment

67. I agree with the Civic Trust that WFZ-O1’s reference to “special components and elements” is vague, and that reference to “location and character” is better. I do not support the term “*existing* character”. The Waterfront’s character has evolved over time as described in the Zone Introduction, and will continue to change.

Objective 2

68. Taranaki Whānui [389.127, 389.128] considers that only Taranaki Whānui can be referred to in relation to Ahi Kā, and asks for an amendment to reflect this. TROTR [FS138.66, FS138.67] disagrees and notes Ngāti Toa have a physical presence and significant sites in Wellington City. Vic Labour [414.47] and Fale Malae Trust [FS59.4] support the ahi kā provisions in WFZ-O2.

Assessment

69. I do not agree that only Taranaki Whānui should be mentioned as holding ahi kā and primary mana whenua status in the Waterfront Zone. I agree with Mr McCutcheon’s assessment in the Hearing Stream 1 Section 42A Report para 487 that it would be inappropriate for the Plan to specify different levels of mana whenua status. Treaty of Waitangi settlement legislation identifies both mana whenua as having interests in Te Whanganui ā Tara. Both are acknowledged as mana whenua in the Council’s Tākai Here agreement signed by both Taranaki Whānui and Ngāti Toa Rangatira.

Objective 3

70. The Civic Trust [388.61, 388.62] supports WFZ-O3 but wants it clarified to: “The Waterfront’s public open spaces identified on the planning maps ~~mapped as specific~~

~~controls~~ are protected and maintained for temporary activities and recreational activity only.” The Fale Malae Trust [FS59.5, FS59.6] wants WFZ-O3 amended to ensure scope for appropriate new or replacement buildings and structures in these public open spaces.

Assessment

71. I advise that the term “specific controls” in WFZ-O3 is consistent with the Planning Standards’ District Spatial Layers Standard. I am satisfied that the Plan’s phrasing is appropriate, and helps distinguish the Waterfront’s Public Open Spaces from other mapped layers such as the Open Space Zone.
72. The Fale Malae Trust request to amend WFZ-O3 to provide for new or replacement buildings and structures in Public Open Spaces is contrary to the Waterfront Zone’s policy approach to protect these spaces from large buildings and a proliferation of smaller buildings. This change in approach to managing buildings and structures in Public Open Spaces has not itself been subject to further submissions, and is too significant a change to be made without people having had the opportunity to support or oppose the Trust’s request. For these reasons I do not support the Trust’s amendment.

Objective 5

73. The Civic Trust [388.63, 388.64] partially supports WFZ-O5 but wants it amended to emphasise connectivity: “Connections to Te Whanganui a Tara, public transport and the City Centre and throughout the Zone. Active transport and micro-mobility connections between the edge of Te Whanganui a Tara, public transport and the City Centre are maintained or enhanced and connectivity is provided throughout the Zone.”

Assessment

74. I agree that the Civic Trust’s addition of providing for active transport and micro-mobility *throughout* the Zone is worthwhile. As a consequential amendment, I recommend some tighter phrasing that still meets the intent of the Civic Trust’s requested relief, and is consistent with the proposed revisions to WFZ-O7:

Objective 5 Active transport and micro-mobility connectivity~~Connections to Te Whanganui a Tara, public transport and the City Centre.~~

Active transport and micro-mobility connectivity within the Waterfront Zone, and~~are, is~~ maintained or enhanced.

Objective 7

75. The Civic Trust [388.65, 388.66, 388.67] partially supports WFZ-O7 but wants amendments to include “connectivity” at the end of WFZ-O7.1, and to ensure the validity of items 2. c, d, e and f in WFZ-O7.2 which mention interfaces that may not exist.

Assessment

76. As with WFZ-O5, I agree with the Civic Trust that adding “connectivity” to the end of WFZ-O7.1 is a worthwhile addition. Regarding the Trust’s point on WFZ-O7(2) interfaces:
- a. “(c) Mapped public open spaces” are mapped as specific controls within the Waterfront Zone, so I recommend this remain as a common interface for adverse effects in the Waterfront Zone. As mentioned in the assessment for WFZ-O3, the term could be clearer as “Public open space specific controls”.
 - b. “(d) identified pedestrian streets” is repeated in CCZ-O7, CCZ-P9, HOSZ-O4, HOSZ-P4, and TEDZ-O4. Yet “pedestrian streets” is not a method in the Plan and are not identified in the Planning Maps or elsewhere. I recommend these references be deleted.
 - c. “(e) Residential zoned areas” – in Mt Victoria opposite Waitangi Park, the Waterfront Zone adjoins a Medium Density Residential Zone, and is adjacent to a High Density Residential Zone behind the first row of buildings. Activities in the Waterfront Zone could potentially have adverse effects on this area. I recommend this interface remains listed.
 - d. “(f) Open space zoned areas” – the correct term should have been “Open Space and Recreation zoned areas. The Waterfront Zone adjoins a Sport and Active Recreation Zone over the Clyde Quay Boat Sheds. This is the only relevant interface with the Waterfront Zone. Given the use of the Boat Sheds is similar to other Waterfront Zone activities, I consider that the degree of adverse effect from Waterfront Zone activities on the interface with the Boat Sheds is likely to be less than minor, so the reference can be deleted without affecting the objective’s function.

3.4.2 Summary of recommendations

77. HS4-WFZ-Rec4: That WFZ-O1 is amended as follows:

WFZ-O1	<p>Purpose</p> <p>Activities and development in the Waterfront Zone contribute to Wellington’s identity and sense of place, with public spaces, buildings and other structures that reflect the unique and special components and elements that make up <u>location and character of</u> the waterfront.</p>
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78. HS4-WFZ-Rec5: That WFZ-O5 is amended as follows:

WFZ-O5	<p>Active transport and micro-mobility connectivity Connections to Te Whanganui a Tara, public transport and the City Centre</p> <p>Active transport and micro-mobility connections <u>connectivity within the Waterfront Zone, and</u> between the edge of Te Whanganui a Tara, public transport and the City Centre are, is maintained or enhanced.</p>
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79. HS4-WFZ-Rec6: That WFZ-O7 be amended as follows:

WFZ-O7	<p>Managing adverse effects</p> <p>Adverse effects of activities and development in the Waterfront Zone are managed effectively both:</p> <ol style="list-style-type: none"> 1. Within the zone, including on its role, and function <u>and connectivity</u>; and 2. At interfaces with: <ol style="list-style-type: none"> a. Heritage buildings, heritage structures and heritage areas; b. Scheduled sites and areas of significance to Māori; c. Mapped public open space specific controls; d. Identified pedestrian streets; e. Residential zoned areas; f. Open space zoned areas; and g. The coastal marine area.
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3.5 Policies

3.5.1 Matters raised by submitters

80. Fabric Property Ltd [425.87] and the Fale Malae Trust [FS59.3] generally support the Waterfront Zone policies, especially WFZ-P5.

Policy 1

81. Dept of Corrections [240.76] and FENZ [273.337] support WFZ-P1, and the Civic Trust [388.68] and Fale Malae Trust [FS59.7] support it with amendments.

82. Dept of Corrections asks [240.77] for “and supported residential care activities” to be added to WFZ-P1.8 if Council implements this separate term definition.

83. The Civic Trust [388.69] ask for WFZ-P1.6 (public transport activities) to be deleted and transferred to WFZ-P2, and WFZ-P1.7 visitor accommodation to only be above ground floor.

84. The Fale Malae Trust [FS59.7, FS59.8] ask for a new WFZ-P1.9: “demolition of buildings as part of the development of new buildings or activities that enhance the waterfront.” The Trust notes: “Demolition of buildings that results in creation of unutilised vacant land’ is both an incompatible activity in WFZ-P3, and a managed activity in WFZ-P2.”

Assessment

85. In the Hearing Stream 1 Right of Reply paras 98 and 99, the Reporting Officer recommends removing the supported residential care definition, which I also support. This satisfies the Dept of Corrections WFZ-P1 submission point, and no change is needed in the Waterfront Zone provisions.

86. Regarding the Civic Trust’s request for public transport activities to become a “managed activity”, I note that while the Wellington Waterfront Framework discusses better links to public transport stops, and needing more public transport drop-off points (pgs 16, 22), it

states “there will be no provision for public transport on the Waterfront itself.” (pg 28).

87. The Waterfront Zone encompasses the Waterfront Quays and Post Office Square where a LGWM mass rapid transit route is supported by the LGWM partners including the Council¹. The Wellington City Spatial Plan’s Action Plan action 2.1.6² states: “Support the introduction of a mass rapid transit system through Let’s Get Wellington Moving (LGWM) programme that connects the Wellington rail station to the southern and/or eastern suburbs.”
88. To provide for both these policy approaches, I recommend limiting the permitted public activities to the waterfront Quays, the Post Office Square heritage area, Cable Street and Oriental Parade. In areas seaward of this, public transport would be a managed activity as requested by the Civic Trust. This will enable the planned public transport improvements along these transport spines and keep the focus of other waterfront areas on active transport, micromobility and service vehicles.
89. I do not support the Civic Trust’s request for visitor accommodation to be permitted above ground floor only, to be treated the same as residential. Visitor accommodation on the ground floor is appropriate as an enabled activity because it typically includes reception/lobby areas that are publicly accessible, can include a restaurant/bar or other services ancillary to the accommodation, and short-term visitors tend to be more tolerant of adjacent public activity with fewer reverse sensitivity effects. These ground-level activities add to the overall vibrancy of the Waterfront Zone.
90. I do not support the Fale Malae Trust’s request for a new WFZ-P1.9 on building demolition. Demolition is not an activity specifically enabled to enhance the Zone’s vitality, vibrancy and amenity. It is typically ancillary to buildings and other developments that are enabled or are granted resource consent. The Trust’s proposed addition to WFZ-P1 also cannot be recommended under Schedule 1 Clause 99(2) because WFZ-P1 is a Schedule 1 Part 1 provision.

Policy 2

91. The Civic Trust [388.70, 388.71] partially supports WFZ-P2, and asks for “public transport activities” to be added to the list – as part of the same request to remove it from WFZ-P1. The Fale Malae Trust [FS59.9, FS59.10] supports this submission, and asks for these changes, aligned with their submission on WFZ-P1: “5. Demolition of buildings ~~that results in the creation of unutilised vacant land~~; 6. Significant buildings in mapped public open space; and 7. The replacement and upgrade of existing buildings and structures with new buildings and structures.”

Assessment

¹ Council meeting 6 July 2022, resolution 3. <https://wellington.govt.nz/-/media/your-council/meetings/council/2022/2022-07-06-minutes-council.pdf>

² <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/plans-and-policies/a-to-z/spatial-plan/spatial-plan-action-plan.pdf?la=en&hash=E0FA7F84890BDC0E90E4D474C593783F7C052D61>

92. For the Civic Trust’s submission on public transport activities, refer to my analysis in Policy 1 above, where I recommend that public transport activities be “enabled” only on the waterfront Quays, Cable Street, Oriental Parade and in the Post Office Square Heritage Area.
93. The Fale Malae Trust requests that WFZ-P2.5 be simply about “demolition of buildings”. Along with the Trust’s new WFZ-P1.9 for demolition, this would create a policy hierarchy: enable demolition as part of development that enhances the waterfront, avoid demolition that creates unused vacant land, and manage demolition of buildings generally. The Trust’s WFZ-P2 amendment is different from WFZ-R13 for building demolition and was not itself subject to further submissions, and is too significant a change to be made without people having had the opportunity to support or oppose the Trust’s request. For these reasons I do not support the Trust’s amendment. To resolve the policy conflict identified by the Trust’s further submission, I have deleted WFZ-P2.5 as an amendment of minor effect as outlined in section 5 of this report.

Policy 3

94. The Civic Trust [388.72, 388.73] partially supports WFZ-P3, and asks for ground floor visitor accommodation to be added as an incompatible activity. The Fale Malae Trust [FS59.11, FS59.12] supports this submission point, and asks for “significant buildings in mapped public open space” to be deleted.

Assessment

95. I do not support the Civic Trust’s request for ground floor visitor accommodation to be an incompatible activity for the reasons in the **Policy 1** assessment above.
96. The Fale Malae Trust’s request to delete “significant buildings in mapped public open space” as an incompatible activity is inconsistent with the proposed Waterfront Zone’s policy approach to protect public open space as open space. This policy change was not itself subject to further submissions, and is too significant a change to be made without people having had the opportunity to support or oppose the Trust’s request. For these reasons I do not support the Trust’s request.

Policy 4

97. The Civic Trust [388.74, 388.75] partially supports WFZ-P4, and asks for the word “connected” to be added to WFZ-P4.3.

Assessment

98. I support the Civic Trust’s addition of “connected” to this Policy, consistent with my support for this word to be added in WFZ-O5, as connectivity is part of access and public spaces being well-designed and safe.

Policy 5

99. Fabric Property Ltd [425.88] supports this policy. The Civic Trust [388.76, 388.77] partially

supports WFZ-P5 with amendment to clarify the 35% building requirement by deleting “site” from WFZ-P5.1, or another way to clarify it. The Fale Malae Trust [FS59.13, FS59.14, FS59.15] supports the Fabric Property Ltd point, and the Civic Trust’s point and requested amendment, or similar effect, for example a reference to “building footprint” instead.

Assessment

100. I agree with the Civic Trust’s concern that links to “building” and “site” definitions cause confusion and indicates that individual site coverages and calculations are measured. This standard is unique to the Waterfront Zone and its unusual mix of “sites”, so does not have to be identical to site coverage standards elsewhere in the Plan. I propose replacing “building site coverage” with “total building coverage” which is within the scope of the Trust’s request and the Fale Malae Trust’s support of it.

Policy 7

101. The Civic Trust [388.78] supports WFZ-P7. The Fale Malae Trust [FS59.16] also supports WFZ-P7, but is concerned that phrasing around buildings dominating or diminishing public open space is subjective, and wants phrasing similar to WFZ-P6, like “complementary and of an appropriate scale”.

Assessment

102. Regarding the Fale Malae Trust amendments sought, I view “complementary and of an appropriate scale” to be even more subjective than “dominate or cumulatively diminish”. Site coverage standards and activity statuses in the rules ensure that larger buildings in public open spaces have the site-specific measures and qualitative expert assessment that are guided by this policy. For this reason I do not support the Trust’s request.

Policy 9

103. The Civic Trust [388.79] and Fale Malae Trust [FS59.17] both support WFZ-P9.

Policy 10

104. The Civic Trust [388.80], Fale Malae Trust [FS59.18], and VicLabour [414.48] all support WFZ-P10.

3.5.2 Summary of recommendations

105. HS4-WFZ-Rec7: That WFZ-P1 be amended as follows:

WFZ-P1	<p>Enabled activities</p> <p>Enable a range and diversity of activities that support the role and function of the Waterfront Zone and enhance the Zone’s vitality, vibrancy and amenity during the day and night, including:</p> <ol style="list-style-type: none"> 1. Commercial activities; 2. Community facilities; 3. Recreation activities; 4. Emergency service facilities;
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	<ol style="list-style-type: none"> 5. Marae activities; 6. Public transport activities <u>on Waterloo Quay, Customhouse Quay, Jervois Quay, Cable Street, Oriental Parade and in the Post Office Square Heritage Area</u>; 7. Visitor accommodation; and 8. Residential activities above ground floor.
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106. HS4-WFZ-Rec8: That WFZ-P2 be amended as follows:

WFZ-P2	<p>Managed activities</p> <p>Manage the location and scale of activities which could result in cumulative adverse effects on the vitality, vibrancy and amenity of the Waterfront Zone, including:</p> <ol style="list-style-type: none"> 1. Industrial activities; 2. Construction of apartments and visitor accommodation; 3. New and expanded buildings; 4. New and modified public space; and 5. Demolition of buildings that results in the creation of unutilised vacant land 6. <u>Public transport activities seaward of Waterloo Quay, Customhouse Quay, Jervois Quay, Cable Street, Oriental Parade and the Post Office Square Heritage Area.</u>
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107. HS4-WFZ-Rec9: That WFZ-P4 be amended as follows:

WFZ-P4	<p>Access, connections and public space</p> <p>Require that the use, development, and operation of the Waterfront Zone:</p> <ol style="list-style-type: none"> 1. Provides attractive, safe, efficient, and convenient connections to existing and planned transport networks; 2. Promotes and enhances existing and planned pedestrian and cycle access and connections between to the City Centre Zone; 3. Provides well-designed, <u>connected</u> and safe public space and pedestrian, cycle and micro-mobility access; 4. Provides equitable access to and along the edge of the coastal marine area and structures within it; and 5. Provides a safe environment for people that promotes a sense of security and allows informal surveillance.
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108. HS4-WFZ-Rec10: that WFZ-P5 be amended as follows:

WFZ-P5	<p>Sense of place</p> <p>Require development of public spaces, buildings and other structures to maintain or enhance the sense of place and distinctive form, quality and amenity of the Waterfront Zone including, where relevant:</p> <ol style="list-style-type: none"> 1. A balance of buildings and open space with no more than 35% <u>total</u> building <u>site</u>-coverage over the whole Waterfront Zone to form a sense of openness and transition between the dense city centre environment and the expansiveness of Te Whanganui a Tara; 2. Design relating to the maritime location and activities; 3. Rich Māori and tauīwi/non-Māori history; 4. Sunlight to parks, plazas and other open spaces where people regularly congregate; 5. Visual connections to the City and Te Whanganui a Tara; and 6. Accessibility for people of all ages and mobility levels.
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3.6 Rules

3.6.1 Matters raised by submitters

Rule 1

109. Fabric Property Ltd [425.89] supports WFZ-R1.

Rule 4

110. FENZ [273.338] supports WFZ-R4.

Rule 6

111. The Civic Trust [388.81] wants WFZ-R6 deleted so public transport activities default to discretionary status.

Assessment

112. As discussed for WFZ-P1.6, I support making public transport activities “managed” by resource consents seaward of the main transport corridors. The scale and effects of such an activity could be very small, or extend across most of the Waterfront Zone. Because of this uncertainty, I support the discretionary status requested by the Civic Trust [388.81] for the part of the Waterfront Zone seaward of the main transport corridors and Post Office Square Heritage Area.

Rule 7

113. The Civic Trust [388.82, 388.83] asks for WFZ-RZ to be amended so visitor accommodation is only permitted “Where: a. The activity is located above ground floor level. Cross-reference – also refer to NOISE-R5 and NOISE-S4 for noise-sensitive controls near the Port Zone.”

Assessment

114. As discussed for WFZ-P1.7, I do not support restricting visitor accommodation to above ground floor.

Rule 8

115. Dept of Corrections [240.778] supports WFZ-R8.

Rule 10

116. The Civic Trust [388.84] supports WFZ-R10.

Rule 12

117. FENZ [273.339] and Fabric Property Ltd [425.90] support WFZ-R12.

Rule 13

118. FENZ [273.340] supports WFZ-R13. GW [351.311, 351.312] supports WFZ-R13 and asks for the permitted status to be subject to building and demolition waste being disposed at an approved facility. The Civic Trust [388.85, 388.86] supports WFZ-R13 with this amendment: “ii. Enables the creation of public space ~~or for private outdoor living space;~~ or”.
119. Fabric Property Ltd [425.91, 425.92, 425.93, 425.94] and the Fale Malae Trust [FS59.19, FS59.20, FS59.21, FS59.22] support WFZ-R13 and its notification clauses, and asks that WFZ-R13.2’s activity status is changed to Restricted Discretionary, or if not RD, then Discretionary. The Civic Trust [FS83.3, FS83.4] opposes this change request.

Assessment

120. Consistent with the advice in other Section 42A Reports for the Commercial and Mixed Use Zones, I disagree with the amendment sought by GW relating to the disposal of building waste at approved facilities. It would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this. The submission point states the request gives effect to Policy 34 of the Operative RPS. Yet the RPS Policy 34 is about controlling activities on contaminated land, not disposing of building and demolition waste.
121. I agree with the Civic Trust’s point that allowing demolition to create private outdoor living space as a permitted activity is inconsistent with residential activities on the ground floor being a non-complying activity. Making this demolition purpose require resource consent would be consistent with the overall policy approach.
122. I disagree with Fabric Property Ltd and Fale Malae Trust that a non-complying activity status for demolition not associated with a new building, public space or to avoid imminent threat is too stringent a test because staged demolition and clearing of a site may be needed to enable well-planned development. The Waterfront Zone provisions aim to avoid long-term derelict sites, or buildings being replaced by private outdoor uses such as car parking. Well-planned development is best achieved through resource consents for comprehensive redevelopment of a site, which may include staging over time.
123. The Civic Trust’s further submission pointed out “the expectation of permitted activities” relating to demolition. I note that building demolition could be needed to construct a new permitted building under WFZ-R15, or a permitted building addition/alteration under WFZ-R14. This is a non-complying activity under the current WFZ-R13. For example, demolishing a park shelter and replacing it with another one smaller than 30 m². In my view, this is a perverse outcome. If the building itself is permitted, the demolition of buildings to enable it should also be permitted.
124. This is not a relief directly sought by submitters. The closest is the out-of-scope further submission point by the Fale Malae Trust who asked for a new WFZ-P1.9 to enable

“demolition of buildings as part of the development of new buildings or activities that enhance the waterfront.” These two further submissions have prompted an alteration of minor effect under Schedule 1 Clause 16 to WFZ-R13.1(a)(iii) to enable demolition that is required to construct a permitted activity building. Refer to section 5 of this report for this minor amendment, which is also included in Appendix A.

Rule 14

125. FENZ [273.341] supports WFZ-R14. The Civic Trust [388.87, 388.88, 388.89, 388.93] supports WFZ-R14 with amendment to R14.1 so that the aggregate area of buildings and structures does not exceed 50 200-m² per hectare. The Fale Malae Trust [FS59.23, FS59.25, FS59.24, FS59.26, FS59.27, FS59.28] supports WFZ-R14, but does not support the Civic Trust’s proposal to change the permitted building area/ha from 200 m² to 50 m².
126. The Fale Malae Trust [FS59.23, FS59.24, FS59.25, FS59.26, FS59.27, FS59.28] wants WFZ-R14.2 amended to include replacement buildings and structures, and/or for WFZ-R14.5 and R14.6 to apply to public open space so that there can be replacement buildings and structures that occupy the same or lesser footprint than existing buildings and structures removed.
127. The Civic Trust [388.89, 388.90, 388.91, 388.92] asks for WFZ-R14.2, R14.4, R14.5, R14.6 to include the Wellington Waterfront Framework in the assessment of additions/alterations to buildings and structures. The Fale Malae Trust [FS59.23, FS59.24, FS59.25, FS59.26, FS59.27, FS59.28] supports this change.
128. Fabric Property Ltd [425.95] supports the RD status in WFZ-R14.5 for extending the building footprint by not more than 5%. The Civic Trust [388.89, 388.93, FS83.5] opposes this 5% threshold for RD additions in WFZ-R14.5, and asks for this to be halved or to set a maximum area of floorspace addition.
129. Fabric Property Ltd [425.96] asks for the mandatory public notification clause in WFZ-R14.6 to be removed. The Civic Trust [FS83.6] opposes this request.

Assessment

130. **WFZ-R14.1:** I disagree with the Civic Trust’s request for the permitted building coverage threshold to be decreased from 200 m² per ha to 50 m² per ha. 200 m² per ha is a building coverage of only 2%. Reducing this to 0.5% building coverage would limit the functioning of public open spaces by restricting the number of small buildings that enhance the spaces, such as public toilets, shelters, small cafes, etc, and would significantly add to administration and resource consent costs to establish them once the building coverage limit for a Public Open Space is exceeded.
131. **WFZ-R14.2, R14.5, R14.6:** Regarding the Fale Malae Trust [FS59.23, FS59.24, FS59.25, FS59.26, FS59.27, FS59.28] asking for replacement buildings and structures to be specifically mentioned, this may be enabled by existing use rights under RMA Section 10. If not, these replacement buildings should be subject to a full resource consent

assessment to ensure it meets the Waterfront Zone policies and objectives. The changes requested were not themselves subject to further submissions, and is too significant a change to be made without people having had the opportunity to support or oppose the change. For these reasons I do not support the Trust's request.

132. **WFZ-R14.2, R14.4, R14.5, R14.6:** I disagree with the Civic Trust and the Fale Malae Trust that the Wellington Waterfront Framework be a reference in the Plan's rules. The Waterfront Zone's Section 32 report considered whether the Wellington Waterfront Framework should be a referenced document in the Waterfront Zone's regulatory provisions and recommended against it. The Framework is now a 20 year old document and has not been updated. It was not designed as a regulatory document. The Environment Court deemed previous references to the Framework as *ultra vires* in the Operative Plan³, so its incorporation would need to be done with caution and legal rigour. For the Waterfront Framework to be referenced in the rules, it would need to become a reference document and notified for comments under RMA Schedule 1 Part 3. The relevant parts of the Framework have guided the Waterfront Zone drafting, and also my advice in this report.
133. **WFZ-R14.5:** The building addition standard of 5% comes from the Operative Plan Rule 13.3.5. The 5% standard in the Plan is now measured against building floor space at date of Plan notification, so the effect will be smaller than the Operative Plan's 5% which could have cumulative additions over time. I support retaining WFZ-R14.5 as written, and so agree with Fabric Property Ltd and disagree with the Civic Trust.
134. **WFZ-R14.6:** I disagree with Fabric Property Ltd [425.96] and agree with the Civic Trust [FS83.6] that the public notification clause should remain for building additions/alterations that do not meet the WFZ-R14.5 requirements. The Waterfront Zone has a general policy principle that significant building works in the Zone should be publicly notified. Building works under WFZ-R14.6 are significant in my view.

Rule 15

135. FENZ [273.342] supports WFZ-R15's permitted activity for construction. The Civic Trust [388.94, FS83.15] supports WFZ-R15 in part, with its changes discussed below. The Fale Malae Trust [FS59.29] supports WFZ-R15 generally.
136. The Civic Trust [388.95] opposes WFZ-R15.1's 200 m²/ha building area threshold in Public Open Space, and wants it reduced to 50 m²/ha. The Fale Malae Trust [FS59.30] supports the 200 m²/ha threshold and opposes a reduction to 50 m²/ha.
137. The Civic Trust [388.96, 388.97] wants the Wellington Waterfront Framework to be referred to for discretionary applications under WFZ-R15.2 and R15.6. The Fale Malae Trust [FS59.31, FS59.32] supports this.
138. Fabric Property Ltd [425.97, 425.98, 425.99, 425.100] wants WFZ-R15.6 to be a Restricted

³ ENC Wellington W015/08, 14 March 2008 Intercontinental Hotel v Wellington Regional Council

Discretionary activity status, not Discretionary, and no requirement for public notification. The Fale Malae Trust [FS59.33, FS59.34, FS59.35, FS59.36] supports this, in particular when new buildings and structures are replacing existing ones. *Alternatively, the WFZ-R15.6 'Entire Zone' should also apply to Public Open space, relying on the assessment matters.* The Civic Trust [FS83.7, FS83.8, FS83.9, FS83.10] opposes changes to Restricted Activity status and public notification.

Assessment

139. **WFZ-R15.1:** For the reasons identified in the WFZ-R14.1 assessment above, I disagree with the Civic Trust and agree with the Fale Malae Trust that the 200 m²/ha threshold should remain.
140. **WFZ-R15.2, R15.6:** For the reasons identified in the WFZ-R14.2, R14.4, R14.5, R14.6 assessment above, I disagree with the Civic Trust and the Fale Malae Trust and recommend that the Wellington Waterfront Framework should not be listed for assessment under these rules.
141. **WFZ-R15.6:** I disagree with Fabric Property Ltd and the Fale Malae Trust, and agree with the Civic Trust, that the public notification clause should remain for new buildings and structures that do not meet the permitted activity requirements in WFZ-R14.4 and R14.5. The Waterfront Zone has a general policy principle that significant building works in the Zone should be publicly notified. Building works under WFZ-R14.6 are significant in my view.
142. **WFZ-R15.6:** Regarding the Fale Malae Trust proposing an alternative relief to apply 'Entire Zone' provisions to Public Open Spaces, the Public Open Spaces have a rule requirement that limits the aggregate area of all buildings so that the areas remain open spaces. The 'Entire Zone' provisions do not have this requirement, so would risk many small buildings crowding open spaces over time without a publicly notified resource consent assessing this effect. This alternative relief was not itself subject to further submissions, and is too significant a change to be made without people having had the opportunity. For these reasons I do not support the Trust's request.

Rule 16

143. The Civic Trust [388.98, 388.99] and the Fale Malae Trust [FS59.37, FS59.38] support WFZ-R16 with a request to reference the Wellington Waterfront Framework.

Assessment

144. For the reasons identified in the WFZ-R14.2, R14.4, R14.5, R14.6 assessment above, I disagree with the Civic Trust and the Fale Malae Trust that the Wellington Waterfront Framework should be referenced in WFZ-R16.

Rule 17

145. FENZ [273.343, 273.344] supports WFZ-R17, with an amendment: 4. The availability and

connection of existing or planned three waters infrastructure, including for firefighting purposes. The Civic Trust [388.100, 388.101] partially supports WFZ-R17, and wants the rule to reference the Wellington Waterfront Framework.

Assessment

146. Consistent with the advice in other Section 42A Reports for the Commercial and Mixed Use Zones, I disagree with FENZ [273.343, 273.344] and advise that the matters relating to fire-fighting servicing are provided for under the Building Act and should not be duplicated in the District Plan for conversion of existing buildings.
147. For the reasons identified in the WFZ-R14.2, R14.4, R14.5, R14.6 assessment above, I disagree with the Civic Trust [388.100, 388.101] that the Wellington Waterfront Framework should be referenced in WFZ-R17.

Rule 18

148. FENZ [273.345] asks for WFZ-R18 to have a new permitted standard: b. Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities. The Civic Trust [388.102, 388.103] wants WFZ-R18 retained, with amendment: a. The storage area is screened by a fence or landscaping of 1.8m in height around its immediate perimeter and from any adjoining road or site; and b. The storage area has a maximum area of 10m². The Fale Malae Trust [FS59.39, FS59.40] opposes limiting permitted activity outdoor storage areas to 10 m².

Assessment

149. Consistent with the advice in other Section 42A Reports for the Commercial and Mixed Use Zones, I agree that screening of outdoor storage areas should not obscure emergency or safety signage or obstruct access to emergency facilities and recommend that the submission point from FENZ is accepted.
150. After talking with Council staff managing the Council's landowner responsibilities on the Waterfront, I disagree with the Civic Trust's amendment to require fencing around the immediate perimeter of storage areas. The Waterfront requires site-specific design solutions for fencing. This may include lower height fencing for safety reasons or to maintain views of paths or the harbour, or placing storage areas under stairs. A standard requiring full fencing 1.8 m high would inhibit these solutions, as the incentive would be to follow the permitted standard instead of an appropriate design.
151. I also do not agree with the Civic Trust that storage areas should be limited to 10 m² as a permitted activity. I agree with the Fale Malae Trust's argument that 10 m² may be inadequate for many of the large buildings in the Waterfront Zone, and that adequate screening is more important. I note that the size and location of storage areas in most of the Waterfront Zone will also be controlled by the Council as landowner and manager of most of the Waterfront Zone.

New rule

152. Dept of Corrections [240.75] considers that if it's necessary to have 'supported residential care activity' as a separate activity, a new permitted rule for it should be included in the Waterfront Zone as provided by the Dept.

Assessment

153. In the Hearing Stream 1 Right of Reply paras 98 and 99, the Reporting Officer recommends removing the supported residential care activity and definition, which I also support. This satisfies the Dept of Corrections submission point.

Standard 1

154. Fabric Property Ltd [425.101, 425.102] asks for the 33 Customhouse Quay Meridian Building to have an increased maximum height from 17.7 m to at least 23.1 m to enable an additional floor. The Civic Trust [FS83.11, FS83.12] opposes this.

Assessment

155. I disagree with the Fabric Property Ltd request for additional building height for 33 Customhouse Quay Meridian Building. I sympathise with the issues the Meridian Building is having with earthquake strengthening, and acknowledge that additional building height would improve the commercial viability of this work. However, I agree with the Civic Trust's point that an increase in height here is contrary to the schema for building heights in the Waterfront Zone. Additional building height must be assessed on the merits of each individual application, through a discretionary or non-complying resource consent, with particular regard to WFZ-P6.

Standard 2

156. Fabric Property Ltd [425.3, 425.103] asks for this standard (minimum sunlight access – public space) to be deleted in its entirety. If not deleted in full, then deleted in relation to Kumutoto Park. The Civic Trust [FS83.13, FS83.14] opposes this request.

Assessment

157. I disagree with Fabric Property Ltd and agree with the Civic Trust that Standard 2 should be retained, including in relation to Kumutoto Park. I concur with the rationale for this in the Section 42A Report – City Centre Zone – Minimum Sunlight Access – Public Space. It is worth noting that the sunlight protection in the Plan for Kumutoto Park applies from 12–2 pm at the equinox. This means only around the southernmost corner of Kumutoto Park at the Meridian Building entrance has its sunlight affected by the Meridian building at this time, and this is only from around 1-2 pm. Also, this very small existing shaded area will not change if the Meridian Building height is increased.⁴

⁴ My estimates on the degree of effect of this standard on the Meridian Building was from using the sun position website suncalc.org, which shows the sun angle and shading at specific day, time, latitude and longitude, and obstacle heights.

Standard 6

158. The Civic Trust [388.104, 388.105] asks for WFZ-S6 to be retained with the word “site” removed, because the standard is meant to apply to the Waterfront Zone as a whole.

Assessment

159. As discussed in the WFZ-P5 assessment, I agree with the Civic Trust and recommend that “site coverage” be replaced with “total building coverage”.

3.6.2 Summary of recommendations

HS4-WFZ-Rec11: That WFZ-R6 be replaced with the following:

WFZ-R6	Public transport activities
	<p>1. Activity status: Permitted</p> <p><u>Where:</u></p> <p>a. <u>The activity is located in one or more of:</u></p> <ul style="list-style-type: none"> i. <u>Waterloo Quay</u> ii. <u>Customhouse Quay</u> iii. <u>Jervois Quay</u> iv. <u>Cable Street</u> v. <u>Oriental Parade</u> vi. <u>Post Office Square Heritage Area.</u>
	<p>2. Activity status: Discretionary</p> <p><u>Where:</u></p> <p>- a. <u>Compliance with the requirements of WFZ-R6.1 cannot be achieved.</u></p>

HS4-WFZ-Rec12: That WFZ-R13 be amended as follows:

WFZ-R13	Demolition or removal of buildings and structures
Entire Zone	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The demolition or removal of a building:</p> <ul style="list-style-type: none"> i. Is required to avoid an imminent threat to life and/or property; or ii. Enables the creation of public space or for private outdoor living space; or iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that has an approved resource consent or resource consent is being sought concurrently under WFZ-R14 or WFZ-R15; or <p>b. The demolition or removal involves a structure, excluding any building.</p>

Entire Zone	<p>1. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance with the requirements of WFZ-R13.1 cannot be achieved</p> <p>The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].</p> <p>Notification status: An application for resource consent made in respect of WFZ-R13.1 is precluded from being either publicly or limited notified.</p>
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HS4-WFZ-Rec13: That WFZ-R18 be amended as follows:

WFZ-R18	Outdoor storage areas
Entire zone	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The storage area is screened by a fence or landscaping of 1.8m in height from any adjoining road or site, <u>and;</u></p> <p>b. <u>Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</u></p>

HS4-WFZ-Rec14: that WFZ-S6 be amended as follows:

WFZ-S6	Waterfront Zone site-total building coverage
<p>1. All development must result in the sum of all buildings in the Waterfront Zone having a <u>site-total building coverage</u> of less than 35% of the whole Waterfront Zone.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which an exceedance is temporary, or is not perceived as a dominant above-ground building (for example, a low-level building with easily accessible public space on top).</p>

4.0 Section 32AA Further Evaluation

160. This Section 32AA further evaluation is high-level, corresponding to the small scale and significance of the recommended changes.

161. In my opinion, based on the analysis above, the amendments in Appendix A are the most appropriate way to achieve the objectives of the Plan compared to the notified provisions. In particular, I consider that:

- The mapped specific controls and policies better align with the existing

activities, public spaces and building use, and help ensure effective long-term public space retention.

- The amendments are clearer and more explanatory.
- The costs of avoiding obstruction of emergency facilities are minor, with improvements to safety and visual enjoyment by the public.

162. Consequently, the amended provisions in Appendix A are more efficient and effective than the notified provisions in achieving the objectives of the Plan.

163. The recommended amendments will not have lesser or greater environmental, economic, social, and cultural effects than the notified Plan provisions as identified in the Section 32 Evaluation Report for the Waterfront Zone⁵.

5.0 Minor amendments

164. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

165. The following minor errors and alterations of minor effect in the Waterfront Zone are identified below and will be corrected.

166. These recommended alterations are also included in Appendix A.

167. **Align Plan map layers with coastal rock revetments in the Waterfront Zone – not yet amended.** While investigating open spaces not covered by the Public Open Space specific control, I found that the Plan’s spatial layers’ boundaries at mean high water springs could be better aligned with the precast concrete and rock revetment walls where the coastal marine area begins. The solid wharves here makes it difficult to locate mean high water springs without an under-wharf survey.

168. Figure 3 below indicates with thicker blue lines the location of seawalls between Whairepo Lagoon and Waitangi Park. These lines are drawn from the seawall asset assessments in 2010 by Cardno and Tonkin & Taylor, and their review in 2020.⁶ Seawalls are a better identification of mean high water springs (and the boundary of district plan jurisdiction) in this part of the City than some of the existing Waterfront Zone boundaries. An example of this is shown in Figure 3.

169. I was not able to get the GIS lines and metadata for the seawalls and the survey methodology before this Section 42A report was circulated. I will provide the Panel with

⁵ Section 32 – Part 2 – City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct: <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-2-city-centre-waterfront-stadium-civic-sqaure.pdf?la=en&hash=09FCB8F319D09C237DCD7299CB26CAF196E6EB2E>

⁶ Sourced from: Tonkin and Taylor. (2021). *Wellington Waterfront Seawalls – Condition assessment and asset management plan review*. Prepared for Wellington City Council, job #1014887.

an updated map when this is available, likely before the hearings begin for Stream 4.

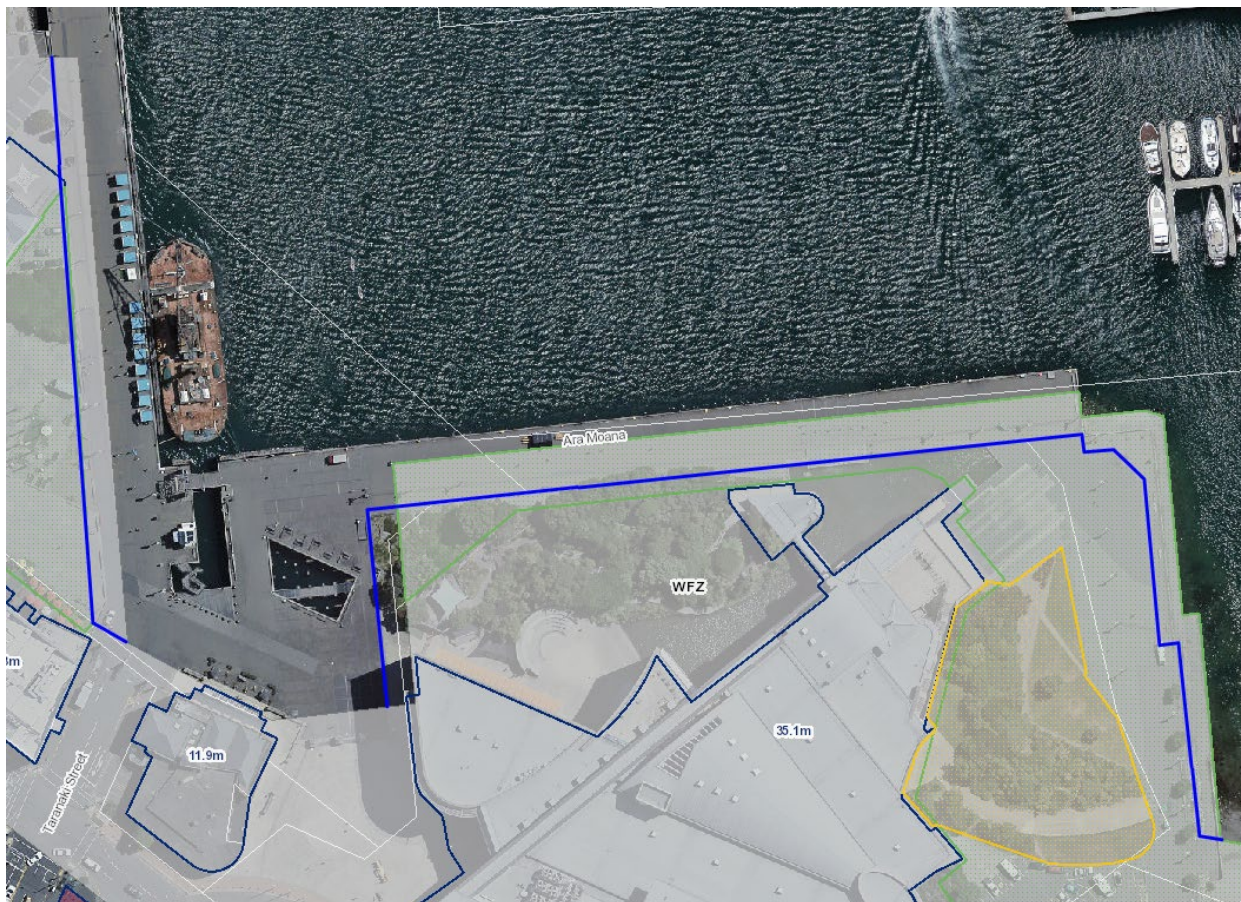


Figure 3: Comparison of the Waterfront Zone (in grey) and the sea walls (in bright blue)

170. **Delete ‘Reclamation’ definition.** The term ‘reclamation’ is used in a description in the Waterfront Zone, and in some property titles listed in the Plan, but not in any directive Plan provisions. This makes the definition unnecessary. GW [351.45] notes that the definition is also different from the ‘reclamation’ definition in the Wellington Regional Natural Resources Plan.

RECLAMATION	<p>means the manmade formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the coastal marine area, and:-</p> <p>a. — includes the construction of any causeway; but</p> <p>b. — excludes the construction of natural hazard protection structures such as seawalls, breakwaters or groynes except where the purpose of those structures is to form dry land.</p>
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171. **Delete WFZ-P2.5.** The need for this was identified by the Fale Malae Trust [FS59.7, FS59.8, FS59.9, FS59.10]: “Demolition of buildings that results in creation of unutilised vacant land’ is both an incompatible activity in WFZ-P3, and a managed activity in WFZ-P2.” These two policy directions conflict.

172. WFZ-P3.2 is, in my view, the correct policy direction. It aligns with the non-complying rule status for demolition in WFZ-R13.2. It is also consistent with the approach in the RMA

Section 32 analysis for the Waterfront Zone⁷. The deletion of WFZ-P2.5 will be practically inconsequential and of minor effect, because if a Council planner has to apply both these policies, the more onerous one (P3.2) will override the less onerous one (P2.5).

WFZ-P2	<p>Managed activities</p> <p>Manage the location and scale of activities which could result in cumulative adverse effects on the vitality, vibrancy and amenity of the Waterfront Zone, including:</p> <ol style="list-style-type: none"> 1. Industrial activities; 2. Construction of apartments and visitor accommodation; 3. New and expanded buildings; 4. New and modified public space; and 5. Demolition of buildings that results in the creation of unutilised vacant land
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173. Delete “between” from **WFZ-P4.2**. This word is a drafting error. The phrasing below is a simple correction.

WFZ-P4	<p>Access, connections and public space</p> <p>Require that the use, development, and operation of the Waterfront Zone:</p> <ol style="list-style-type: none"> 1. ... 2. Promotes and enhances existing and planned pedestrian and cycle access and connections between to the City Centre Zone;
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174. **Enable building demolition required for permitted building construction under WFZ-R13.1(a)(iii)**. Currently, demolition is permitted if required for any structure or public space, or a building that has an approved resource consent, but demolition is a non-complying activity if needed for a new building or addition/alteration that is permitted under WFZ-R14 or WFZ-R15. This is a perverse outcome in my view, as demolition for a permitted building still achieves the policy goal of avoiding unused or privately-used large open spaces. In my opinion, the alteration below is of minor effect because the building demolition could still be completed as a permitted activity if it first “enables the creation of public space”.

ISPP

WFZ-R13	Demolition or removal of buildings and structures	
Entire Zone	<ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p> <ol style="list-style-type: none"> a. The demolition or removal of a building: <ol style="list-style-type: none"> i. ... ii. ... 	

⁷ <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-2-city-centre-waterfront-stadium-civic-square.pdf?la=en&hash=09FCB8F319D09C237DCD7299CB26CAF196E6EB2E>

	<p>iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that <u>is a permitted activity under WFZ-R14 or WFZ-R15, or that</u> has an approved resource consent or resource consent is being sought concurrently under WFZ-R14 or WFZ-R15; or</p>
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175. **Renumber the duplicate WFZ-R13.1 to WFZ-R13.2.** This is a numbering error in the Plan.

WFZ-R13	Demolition or removal of buildings and structures
Entire Zone	<p>1. 2. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance with the requirements of WFZ-R13.1 cannot be achieved</p> <p>...</p>

176. **Delete the assessment criteria heading from WFZ-S1, and add WFZ-S1.2 number.** In the Plan, the maximum building height standards are in a column with the text “assessment criteria where the standard is infringed.” This is a formatting error moving from an earlier Word version to the ePlan version. If the maximum building height is breached, the application has a full discretionary or non-complying consent as per the note, and does not have specific assessment criteria related to the building height standard. The column border and numbering should also be changed as shown in red below so that the formatting can clarify that these are *standards*. As a separate numbering error, the S1 for Queens Wharf Building needs a .2.

ISPP

WFZ-S1	Maximum building height outside of Public Open Space and Areas of Change
Entire Zone, except Queens Wharf Buildings	<p style="color: red;">Assessment Criteria where the standard is infringed:</p> <p>1. The building at any point does not exceed the height of the existing building heights.</p> <p>Note that new buildings outside of existing building footprints and Queens Wharf Buildings do not have a maximum building height. Instead, each building height must be justified through a discretionary or non-complying consent, with particular regard to Policy 6(b and c).</p>
Queens Wharf Buildings	<p>2. The building does not exceed 18.1 metres above New Zealand Vertical Datum 2016 (NZVD 2016).</p>

177. **Add the correct assessment criteria for WFZ-S3.** The assessment criteria where WFZ-S3 (minimum sunlight access) is infringed is copied from the assessment criteria in WFZ-S2, despite being a different standard (outlook space). This is a copying error. The assessment criteria should be the same as that in CCZ-S13 (outlook space) as they both apply to residential apartment units located above ground floor. There are no submission points on WFZ-S3. For CCZ-S13 where the assessment criteria will be copied from, Century Group Limited [238.33] supports it as notified. Kāinga Ora [391.741] asks CCZ-S13 to be deleted

in its entirety because of concern about the standard itself. The CCZ Section 42A report does not support Kāinga Ora’s request.

ISPP

WFZ-S3	Outlook space (per residential unit)
<ol style="list-style-type: none"> 1. An outlook space must be provided for each residential unit as specified in this standard; 2. All habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width; 3. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies; 4. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space; 5. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building; 6. Outlook spaces may be under or over a balcony; 7. Outlook spaces required from different rooms within the same building may overlap; and 8. Outlook spaces must: <ol style="list-style-type: none"> a. be clear and unobstructed by buildings; and b. not extend over an outlook space or outdoor living space required by another dwelling. 	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent of increased shadowing and any associated adverse amenity effects on the sunlight access area.</p> <p>1. <u>The extent to which:</u></p> <ol style="list-style-type: none"> a. <u>Acceptable levels of natural light are provided to habitable rooms;</u> b. <u>The design of the proposed unit provides a healthy living environment; and</u> c. <u>The extent of dominance and privacy related effects on adjoining sites.</u>

178. **Amend Appendix 9 in the Plan to be measured at a specific date.** In the APP9 – City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements table, the heading of the third column is “Time period to be calculated using New Zealand Standard Time at either of the equinoxes (i.e. 21 March or 23 September).” Currently, 21 March 2023 is affected by New Zealand’s daylight saving time and the sun is at its highest point at about 1:29 pm. 23 September 2023 is not affected by daylight saving time and the sun is at its highest point at about 12:15 pm. This is a difference of one hour and 14 minutes.

179. The location of sunlight access under the current Appendix 9 standard will change by:
- a. whether “daylight savings” applies, and if the government changes the dates or time-shift of “daylight savings”
 - b. whether the spring or autumn equinox is used

- c. changes over decades due to the Earth’s orientation and orbit. At Wellington’s latitude, this is only up to a few minutes’ of change.
180. So that the spatial application of the Minimum Sunlight Access standard remains constant over time, the column 3 heading should be changed as follows: “Time period to be calculated using New Zealand Standard Time at ~~either of the equinoxes (i.e. 21 March or 23 September~~ 2023”

6.0 Conclusion

181. No submitters opposed the Waterfront Zone as a special purpose zone chapter in the Plan, nor the qualifying matters that limit the application of NPS-UD Policy 3(c)(i) and (ii). Submission points were focused on the clarity and function of specific provisions, particularly public open spaces.
182. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the plan should be amended as set out in Appendix A of this report.
183. For the reasons set out in this Section 42A report and in the Section 32AA further evaluation above, I consider that the proposed Waterfront Zone, with the recommended amendments, will be the most appropriate means to:
- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the Plan, in respect to the proposed provisions.

7.0 Report recommendation

184. I recommend that:
- a. The Plan is amended in accordance with the changes recommended in Appendix A of this report.
 - b. The Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report.

8.0 Collated recommendations

HS4-WFZ-**Rec1**: That submission points relating to the Waterfront Zone chapter and its spatial layers in the Plan Maps are accepted/rejected as detailed in Appendix B.

HS4-WFZ-**Rec2**: That the Public Open Space specific control be amended in the Plan Maps to include the areas outlined in blue and blue shading in Figures 1 and 2.



Figure 1: New Waterfront Public Open Space specific control north of Bell Gully building

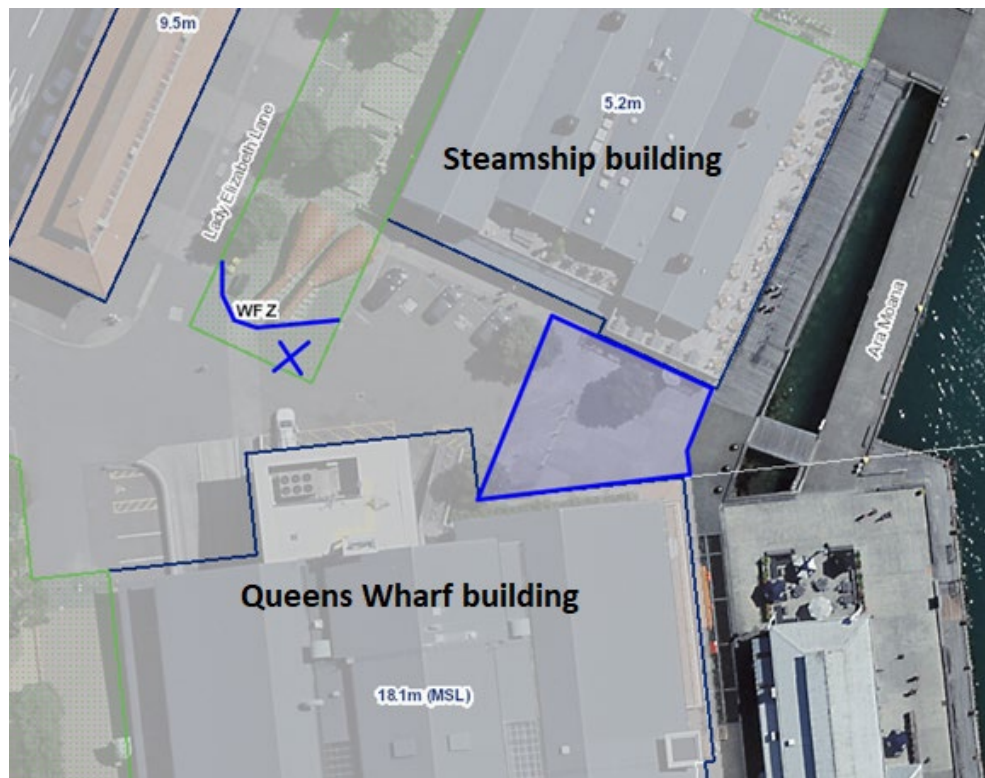


Figure 2: Amended delineation and new area of Waterfront Public Open Space specific

control around the Steamship building. X = Area to remove the Public Open Space.

HS4-WFZ-Rec3: That the Waterfront Zone Introduction be amended as follows:

When constructing new and redeveloped buildings and public spaces, the Waterfront Zone requires public involvement and weighs the public interest very highly as the Zone is predominantly a public area. Applications for significant new development in the Waterfront Zone are publicly notified, as specified in the relevant rules' notification status.

The Waterfront has three areas where specific controls apply. These areas of specific controls are identified in the Planning Maps. They are:

1. Areas of change. These are areas identified for redevelopment into buildings and/or public spaces.
2. Public open spaces. These are public spaces specifically mapped within the Waterfront Zone to be retained for public activities with minimal buildings.
3. Queens Wharf buildings. These areas have specific height standards and external alternation and addition rules.

These three specific controls are mentioned in some Waterfront Zone objectives and policies, and are labelled to the left of the relevant rules for building and structure activities. The label "Entire Zone" to the left of a rule or standard means the rule or standard applies to areas both with and without specific controls, unless otherwise specified.

HS4-WFZ-Rec4: That WFZ-O1 is amended as follows:

WFZ-O1	<p>Purpose</p> <p>Activities and development in the Waterfront Zone contribute to Wellington’s identity and sense of place, with public spaces, buildings and other structures that reflect the unique and special components and elements that make up <u>location and character of</u> the waterfront.</p>
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HS4-WFZ-Rec5: That WFZ-O5 is amended as follows:

WFZ-O5	<p>Active transport and micro-mobility connectivity <u>Connections to Te Whanganui a Tara, public transport and the City Centre</u></p> <p>Active transport and micro-mobility connections <u>connectivity within the Waterfront Zone, and</u> between the edge of Te Whanganui a Tara, public transport and the City Centre are, is maintained or enhanced.</p>
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HS4-WFZ-Rec6: That WFZ-O7 be amended as follows:

WFZ-O7	<p>Managing adverse effects</p> <p>Adverse effects of activities and development in the Waterfront Zone are managed effectively both:</p> <ol style="list-style-type: none"> 1. Within the zone, including on its role, and function <u>and connectivity</u>; and 2. At interfaces with: <ol style="list-style-type: none"> a. Heritage buildings, heritage structures and heritage areas;
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	<p>b. Scheduled sites and areas of significance to Māori; c. Mapped public open space specific controls; d. Identified pedestrian streets; e. Residential zoned areas; f. Open space zoned areas; and g. The coastal marine area.</p>
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HS4-WFZ-Rec7: That WFZ-P1 be amended as follows:

WFZ-P1	<p>Enabled activities</p> <p>Enable a range and diversity of activities that support the role and function of the Waterfront Zone and enhance the Zone’s vitality, vibrancy and amenity during the day and night, including:</p> <ol style="list-style-type: none"> 1. Commercial activities; 2. Community facilities; 3. Recreation activities; 4. Emergency service facilities; 5. Marae activities; 6. Public transport activities <u>on Waterloo Quay, Customhouse Quay, Jervois Quay, Cable Street, Oriental Parade and in the Post Office Square Heritage Area;</u> 7. Visitor accommodation; and 8. Residential activities above ground floor.
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HS4-WFZ-Rec8: That WFZ-P2 be amended as follows:

WFZ-P2	<p>Managed activities</p> <p>Manage the location and scale of activities which could result in cumulative adverse effects on the vitality, vibrancy and amenity of the Waterfront Zone, including:</p> <ol style="list-style-type: none"> 1. Industrial activities; 2. Construction of apartments and visitor accommodation; 3. New and expanded buildings; 4. New and modified public space; and 5. Demolition of buildings that results in the creation of unutilised vacant land 6. <u>Public transport activities seaward of Waterloo Quay, Customhouse Quay, Jervois Quay, Cable Street, Oriental Parade and the Post Office Square Heritage Area.</u>
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HS4-WFZ-Rec9: That WFZ-P4 be amended as follows:

WFZ-P4	<p>Access, connections and public space</p> <p>Require that the use, development, and operation of the Waterfront Zone:</p> <ol style="list-style-type: none"> 3. Provides attractive, safe, efficient, and convenient connections to existing and planned transport networks; 4. Promotes and enhances existing and planned pedestrian and cycle access and connections between to the City Centre Zone; 5. Provides well-designed, <u>connected</u> and safe public space and pedestrian, cycle and micro-mobility access; 6. Provides equitable access to and along the edge of the coastal marine area and structures within it; and 7. Provides a safe environment for people that promotes a sense of security and allows informal surveillance.
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HS4-WFZ-Rec10: that WFZ-P5 be amended as follows:

WFZ-P5	<p>Sense of place</p> <p>Require development of public spaces, buildings and other structures to maintain or enhance the sense of place and distinctive form, quality and amenity of the Waterfront Zone including, where relevant:</p> <ol style="list-style-type: none"> 1. A balance of buildings and open space with no more than 35% <u>total</u> building site coverage over the whole Waterfront Zone to form a sense of openness and transition between the dense city centre environment and the expansiveness of Te Whanganui a Tara; 2. Design relating to the maritime location and activities; 3. Rich Māori and tauīwi/non-Māori history; 4. Sunlight to parks, plazas and other open spaces where people regularly congregate; 5. Visual connections to the City and Te Whanganui a Tara; and 6. Accessibility for people of all ages and mobility levels.
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HS4-WFZ-Rec11: That WFZ-R6 be replaced with the following:

WFZ-R6	Public transport activities
	<ol style="list-style-type: none"> 1. Activity status: Permitted <u>Where:</u> <ol style="list-style-type: none"> a. <u>The activity is located in one or more of:</u> <ol style="list-style-type: none"> i. <u>Waterloo Quay</u> ii. <u>Customhouse Quay</u> iii. <u>Jervois Quay</u> iv. <u>Cable Street</u> v. <u>Oriental Parade</u> vi. <u>Post Office Square Heritage Area.</u>
	<ol style="list-style-type: none"> 2. Activity status: Discretionary <u>Where:</u> <ol style="list-style-type: none"> - a. <u>Compliance with the requirements of WFZ-R6.1 cannot be achieved.</u>

HS4-WFZ-Rec12: That WFZ-R13 be amended as follows:

WFZ-R13	Demolition or removal of buildings and structures
Entire Zone	<ol style="list-style-type: none"> 1. Activity status: Permitted Where: <ol style="list-style-type: none"> a. The demolition or removal of a building: <ol style="list-style-type: none"> i. Is required to avoid an imminent threat to life and/or property; or ii. Enables the creation of public space or for private outdoor living space; or

	<ul style="list-style-type: none"> iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that has an approved resource consent or resource consent is being sought concurrently under WFZ-R14 or WFZ-R15; or b. The demolition or removal involves a structure, excluding any building.
Entire Zone	<p>1. Activity status: Non-complying</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of WFZ-R13.1 cannot be achieved <p>The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].</p> <p>Notification status: An application for resource consent made in respect of WFZ-R13.1 is precluded from being either publicly or limited notified.</p>

HS4-WFZ-Rec13: That WFZ-R18 be amended as follows:

WFZ-R18	Outdoor storage areas
Entire zone	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The storage area is screened by a fence or landscaping of 1.8m in height from any adjoining road or site, <u>and;</u> b. <u>Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</u>

HS4-WFZ-Rec14: that WFZ-S6 be amended as follows:

WFZ-S6	Waterfront Zone site-total building coverage
<p>1. All development must result in the sum of all buildings in the Waterfront Zone having a <u>site-total building</u> coverage of less than 35% of the whole Waterfront Zone.</p>	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. The extent to which an exceedance is temporary, or is not perceived as a dominant above-ground building (for example, a low-level building with easily accessible public space on top).

9.0 Appendices

Appendix A: Recommended Amendments to the Waterfront Zone Chapter

Appendix B: Recommended Responses to Submissions and Further Submissions on the Waterfront Zone Chapter