

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Wellington City Proposed District Plan

**STATEMENT OF EVIDENCE OF KATE SEARLE
ON BEHALF OF CENTREPORT LIMITED
HEARING STREAM 6 – SPECIAL PURPOSE ZONES (PORT ZONE)
5 February 2024**

STATEMENT OF PRIMARY EVIDENCE OF KATE SEARLE ON BEHALF OF CENTREPORT LIMITED – SUBMITTER 402

QUALIFICATIONS AND EXPERIENCE

- 1 My full name is Kate Michelle Searle.
- 2 I am a Principal Planner with Tonkin & Taylor Ltd (Tonkin + Taylor). I have a Bachelor of Arts degree, majoring in sociology, from the University of Canterbury and a Master of Environmental Policy degree from Lincoln University. I am a full member of the New Zealand Planning Institute.
- 3 I have more than 14 years of experience as a planner in New Zealand. My experience to date includes policy advice and preparation of submissions on plan changes, consent compliance and the preparation and processing of resource consent applications around New Zealand.
- 4 I have been engaged by CentrePort Limited (CentrePort) to provide expert planning advice in relation to the Wellington City Proposed District Plan (the Proposed Plan).
- 5 I am familiar with CentrePort's submission on the Proposed Plan.
- 6 In preparing my evidence I have reviewed:
 - a The relevant parts of the Proposed Plan; and
 - b The Section 42A report for Hearing Stream 6 – Special Purpose Zones: Special Purpose Port Zone and Appendix 10, prepared on behalf of Wellington City Council (WCC) by Hannah van Haren Giles.

CODE OF CONDUCT

- 7 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

- 8 Hearing Stream 6 relates to submissions that were received by the Council on Special Purpose Zones, including the Port Zone.

- 9 My evidence relates to CentrePort's primary submission, which:
- a Generally supported an enabling framework for operational port activities (in the Port Zone) and passenger port facilities in the Inner Harbour Port Precinct (IHPP) and Multi-User Ferry Precinct (MUFP);
 - b Sought clarity that small-scale development in the IHPP would not be subject to a master planning and plan change process; and
 - c Sought amendments to the net lettable floor space for commercial activities and office activities within the IHPP.
- 10 CentrePort made a number of other submissions on the Port Zone chapter, which either Ms van Haren-Giles has recommended are accepted, or which CentrePort no longer wishes to pursue. I have not addressed these submissions further in my evidence.

CENTREPORT

- 11 CentrePort is a Port Company under the Port Companies Act 1988 and is registered under the Companies Act 1993. It is owned by Greater Wellington Regional Council (76.4%) and Horizons Regional Council (23.6%).
- 12 CentrePort is central New Zealand's most strategically situated intermodal hub, linking road, rail, domestic and international shipping services.
- 13 CentrePort has port facilities situated in Thorndon (the main port site), Seaview and Miramar; and provides intermodal freight transport sites throughout the lower North Island and upper South Island.
- 14 The port's facilities comprise a modern, fully equipped container terminal, container repair and storage depot, international cruise ship terminal, and facilities equipped to handle and store specialist cargoes such as cement, forestry products, fresh produce and bulk liquids, including chemicals and petroleum. CentrePort also provides the Wellington infrastructure for two inter-island ferry services.

PASSENGER PORT FACILITIES

- 15 There are existing passenger port facilities located at the northern end of the Port Zone (Interislander ferries currently operate from the MUFP area) and at the southern end of the Port Zone, in the IHPP (Bluebridge).

- 16 Rules PORTZ-PREC01-R4 and PORTZ-PREC02-R2¹ provide for existing passenger port facilities in the MUFP and IHPP, respectively. CentrePort's submissions² provide general support for these rules and more broadly seek to ensure an enabling framework for passenger port facilities.
- 17 These rules are located in the 'building and structure activities' rules for each of the precincts.
- 18 However, there are no rules that provide for new passenger port facilities in the IHPP. This appears to mean that construction of any new buildings or structures for passenger port facilities is a discretionary activity. It is unclear if this is the intention of the rule framework and there is no discussion in the s32 report to why the rules only provide for 'existing' activities.
- 19 The MUFP rule framework provides for construction of some new buildings and structures for passenger port facilities as a permitted activity. While I understand that the possibility of Bluebridge relocating to the MUFP precinct (and away from the IHPP) is being explored, redevelopment at this scale would likely take years to progress.
- 20 It is possible that the use of the word 'existing' is intended to discourage other ferry services from operating at the site, but the wording of the provisions (and location of the rules in the 'buildings and structures' section) instead require that consent is sought for any new buildings or structures for passenger port operations, including for Bluebridge operations.
- 21 The chapeau in the definitions of both 'operational port area' and 'passenger port facilities' refer to the use of land and/or buildings for certain activities. However, rules relating to operational port area have been included under the 'land use activities' rules (in the Port Zone), while rules relating to passenger port facilities are located in the 'buildings and structures' rules (for the MUFP and IHPP). This means that the rules for operational port activities and passenger port facilities apply quite differently to each other.
- 22 In my opinion it is premature and possibly a perverse outcome for the Port Zone chapter not to provide a permitted activity rule for new buildings or structures associated with passenger port facilities in the IHPP. A permitted activity rule, like PORTZ-PREC02-R5 (in the

¹ All provision numbering in this evidence is based on Appendix A to the s42A report, rather than the notified provisions.

² 402.192, 402.195, 402.197

MUFP) would provide appropriate scope in the IHPP while this area continues to operate primarily as a passenger port facility.

- 23 For better clarity in the plan, I'd suggest including a new rule in the 'land use activities' rules section for each of the IHPP and the MUFP, as follows:

PORTZ-PREC01-RX – Passenger port facilities

1. Activity status: Permitted

PORTZ-PREC02-RX – Passenger port facilities

2. Activity status: Permitted

- 24 As a result, the rules relating to 'existing passenger port facilities' in each precinct could then be deleted:

~~**PORT-PREC01-R4 – Existing passenger port facilities**~~

- ~~1. Activity status: Permitted~~

~~**PORT-PREC02-R2 – Existing passenger port facilities**~~

- ~~1. Activity status: Permitted~~

- 25 Finally, a new rule in PORTZ-PREC01 should be added to provide for some buildings and structures for passenger port facilities as a permitted activity, based on the permitted activity rule provided in the MUFP:

PORTZ-PREC01-RX – Construction of buildings and structures, alterations and additions to buildings and structures for passenger port facilities

1. Activity status: Permitted

Where:

a. The alterations or additions to a building or structure:

- i. Do not alter the external appearance of the building or structure; or
- ii. Relate to a building frontage below verandah level; or
- iii. Do not extend the existing building footprint by more than 10 percent.

b. The activity involves the construction of any new building or structure that:

- i. Will have a gross floor area of 100m² or less; and
- ii. Will result in a building coverage of no more than 20 percent across the precinct;
and

c. Compliance with PORTZ-PREC01-S1 is achieved.

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of PORTZ-PREC01-RX, cannot be achieved.

Matters of discretion are:

1. The matters in PORTZ-PREC01-P1 and PORTZ-PREC02-P2;

2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;

3. Inner Harbour Port Precinct requirements set out in Appendix 10-A;

4. The design, scale and configuration of the proposed building/structure or building additions/alterations, including:

- a. The scale of development anticipated within the precinct and in the vicinity of the site;
- b. The visual and architectural quality based on such factors as the form, scale, design and detailing of the building/structure or building additions/alterations;
- c. The extent of landscaping or other means when viewed from public areas; and
- d. The safe movement of people and vehicles to and from the site and within the site and surrounding transport network.

26 The amendments suggested above would more clearly provide a rule framework that allows for passenger port facilities to continue to operate in the IHPP and gives effect to the enabling policy framework for passenger port facilities, until comprehensive redevelopment of the area is able to occur in the future.

PROVIDING FOR REDEVELOPMENT OF INNER HARBOUR PORT PRECINCT

27 The introductory text of the Port Zone chapter and Ms van Haren-Giles' s42A report make clear that the IHPP precinct provisions intend to provide for continued operational port activities and passenger port facilities until the MUFPP can be developed, with Bluebridge facilities relocating to the MUFPP area. At this point, a vision for the IHPP can be more comprehensively considered, a plan change process initiated and a master plan potentially developed.

- 28 CentrePort's submissions³ on the Port Zone provisions indicate that they generally support this process, but that a master plan should only be considered at the point that comprehensive redevelopment is proposed – i.e. if/when the Bluebridge facilities can relocate. I understand from CentrePort that they intend to consider a plan change and master plan process at this point.
- 29 The land is owned by CentrePort, rather than being publicly owned and accessible land. The provisions have been developed on the presumption of future public development, but this can only happen when CentrePort initiates a redevelopment process.
- 30 In my opinion some clarifications to Policy PORTZ-PREC01-P4 would provide better guidance on when amenity and public interface matters should be considered i.e. when moderate-to-large scale publicly accessible development occurs under PORTZ-PREC01-R7, rather than when consent is sought for activities relating to passenger port facilities or operational port activities. I have described these below.
- 31 Any future plan change would also offer an opportunity to more accurately update the policy and rule framework to reflect new aspirations for the IHPP, once these are confirmed.
- 32 The sections below set out some additional amendments that, in my view, would better differentiate between passenger port activities and possible future development for other purposes, in the IHPP.

POLICY PORTZ-PREC01-P4

- 33 I support the amendments to PORTZ-PREC01-P4 in Ms van Haren-Giles' s42A report, responding to CentrePort's submission (402.171) seeking recognition that the site context includes the adjacent coastal marine area and remainder of the Port Zone.
- 34 In my opinion this policy could be further amended to address CentrePort's submissions (see footnote 3) and to reflect that this should not apply to development for operational port activities and passenger port facilities; the policy appears to be pre-empting comprehensive redevelopment of the IHPP and anticipates that the area is public space, rather than a port facility. Requiring that passenger port facilities, for example, encourage and enhance a distinctive waterfront environment (clause 9) and provides activated frontages adjoining the waterfront (clause 10) does not make sense in an operational port

³ 402.147, 402.148, 402.190

context and doesn't clearly align with the otherwise enabling policy framework for port activities.

35 I suggest the following amendments to the policy:

PORTZ-PREC01-P4 – Amenity and design

Require development (except for operational port activities and passenger port facilities) within the Inner Harbour Port Precinct to complement and enhance the city centre gateway and contribute positively to the visual quality, amenity, interest and public safety of the Precinct, by...

36 With these amendments, the policy will better align with the rules (particularly PORTZ-PREC01-R7) and will apply in a way that ensures that port activities and small-scale activities continue to be enabled⁴, but any moderate-large scale development for other activities will be considered in light of this policy and Appendix APP-10.

RULE PORTZ-PREC01-R7

37 I generally support the amendments to PORTZ-PREC01-R7 in Ms van Haren-Giles' s42A report and as further amended in my evidence. These provide an appropriate balance between allowing for some limited commercial or office development in this area, while recognising that more comprehensive redevelopment may occur in the future and should be subject to a more formal master planning process.

38 CentrePort's submission (402.196) sought deletion of the notification statement from Rule PORTZ-PREC01-R7. The s42A report recommends rejecting this submission point, stating that it is appropriate 'given the significance and prominence of the precinct neighbouring the City Centre and Waterfront Zones and its long-term vision'.

39 I disagree with this statement. The threshold for triggering resource consent under this rule, even with the amendments provided in the s42A report, remains relatively low. Given the precinct is entirely owned by CentrePort and will be used for port purposes for the foreseeable future, it is unreasonable to require public notification of an application for a small-scale activity with limited effects – for example, alterations to the external appearance of the Customhouse, or a new office building more than 100m² located to the west of Hinemoa St or south of The Boulevard. However, if a larger development was proposed, or full redevelopment of the site undertaken (following relocation of Bluebridge),

⁴ As per submissions 402.147, 402.148

public notification would likely be justified. A case-by-case assessment would be appropriate and sufficient to assess the merits of notification.

- 40 There is no clear reason provided in the s32 or s42A reports for this notification requirement, other than as noted in paragraph 38 above. Section 32 of the RMA requires an assessment of the effectiveness and efficiency of provisions, but there is no discussion of the notification requirement in the s32 report. In my view the requirement in PORTZ-PREC01-R7 would not add any particular value to the council's decision-making process in many cases. The RMA notification provisions in s95 allow for a case-by-case assessment of the significance of a proposal and in my opinion it is more appropriate, and likely more useful for applicants, council officers and decision-makers, to be able to make a notification decision based on the scale and significance of a proposal's effects, rather than because a rule requires it.

- 41 I therefore suggest the following amendments to Rule PORTZ-PREC01-R7 (my amendments in red):

...

Section 88 information requirements for applications:

1. Applications under ~~this rule~~ PORTZ-PREC01-R7 must provide, in addition to the standard information requirements:

a. An assessment that addresses the specific Inner Harbour Port Precinct requirements set out in Appendix 10-A.

~~Notification Status: An application for resource consent made in respect of this rule PORTZ-PREC01-R7.2 must be publicly notified.~~

- 42 The notification requirements of any rules can be revisited in a future plan change for the IHPP, and if redevelopment of the area is proposed, the provisions could be amended for consistency with the adjacent Waterfront Zone.

LAND USE ACTIVITIES IN THE INNER HARBOUR PORT PRECINCT

- 43 CentrePort's submission (402.186) sought amendments to Rule PORTZ-PREC01-R2 to increase the total lettable floor space for office activities in the IHPP from 2,000m² to 10,000m².

- 44 I generally agree with Ms van Haren-Giles' assessment of this matter in her s42A report, and support the proposed increase to 10,000m² for the same reasons outlined by Ms van Haren-Giles.
- 45 I also support retaining Rule PORTZ-PREC01-R1 as drafted, with a 500m² total lettable floor space for commercial activities. This, in combination with changes to Rule PORTZ-PREC01-R7 provides a clearly defined threshold for commercial development as a permitted activity.

CONCLUSION

- 46 In summary, it is my opinion that:
- a Amendments to the rule framework in the IHPP, as described in this evidence, would better enable passenger port facilities, while still ensuring that effects from other activities can be appropriately considered and managed;
 - b The notification requirements in Rule PORTZ-PREC01-R7.2 are overly onerous and the rule should instead rely on the RMA notification framework;
 - c The amendments to the Port Zone chapter are otherwise appropriate and I support the recommendations of Ms van Haren-Giles.

Kate Searle

5 February 2024

p:\1091792\issueddocuments\final evidence - kate searle (centreport) - hearing stream 6 - 050224.docx