

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

FRANK KITTS PARK

PROPOSED REDEVELOPMENT OF EXISTING OPEN SPACE

1 INTRODUCTION

1.1 BACKGROUND

Wellington City Council (City Shaper) has applied for resource consent for the redevelopment and modification of the existing waterfront open space known as Frank Kitts Park, including the installation of a 'Chinese Garden'.

The purpose of this report is to describe the proposal and provide an Assessment of Effects on the Environment (AEE).

1.2 REPORT STRUCTURE

After this introduction, the report provides the following information:

- Section 2 provides a description of the site and the proposal.
- Section 3 outlines the District Plan objectives, policies and rules applicable to the proposal and identifies the resource consents required.
- Section 4 describes the consultation undertaken.
- Section 5 provides a resource management assessment of the proposal.
- Section 6 provides a conclusion.

This AEE (inclusive of Appendices), plus the Application for Resource Consent (Form 9) and its attached drawings, address the requirements of Rule 3.2 of the District Plan, which identifies what information is to be supplied with a resource consent application.

1.3 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

An assessment of environmental effects (AEE) is required under s88 of the Resource Management Act 1991 (the Act) for an application for resource consent, as specified in Schedule 4. In turn at Clause (3)(c) of Schedule 4, it is stated that an AEE must include:

"... such detail as corresponds with the scale and significance of the effects that the activity may have on the environment".

This AEE has been prepared in response to this requirement.

1.4 SCOPE OF ASSESSMENT OF ENVIRONMENTAL EFFECTS

1.4.1 Clause 6 - Information Required

Schedule 4, as amended by the Resource Management Amendment Act 2013, lists at Clause 6 the information required in an assessment of environmental effects as follows:

1(a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity

The proposed modification to the existing open space will not result in any significant adverse environmental effects.

Accordingly, it is not necessary to give consideration to alternative locations (it is not proposed to 'relocate' Frank Kitts Park) or methods.

1(b) an assessment of the actual and potential effect on the environment of the activity

The AEE at Section 5 provides an assessment of the actual and potential effects on the environment in relation to:

- open space effects
- visual amenity effects, including effects on public viewshafts
- urban design effects
- heritage effects
- public safety and security (CPTED) effects
- earthworks effects
- demolition and construction effects
- positive effects

1(c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use

Not applicable. No hazardous substances will be stored on site.

**1(d) if the activity includes the discharge of any contaminant. A description of -
(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;
and
(ii) any possible alternative methods of discharge, including discharge into any other receiving environment**

Not applicable. There will be no discharge of contaminants associated with the redeveloped Frank Kitts Park following completion of the works. During the construction phase procedures will be in place to avoid/mitigate any effects associated with construction activities, including earthworks.

1(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to prevent or reduce the actual or potential effect

It is not considered that it will be necessary to implement any mitigation measures (post construction), aside from the implementation of a Frank Kitts Park 'public safety and security plan'.

1(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted

Pre-application consultation with Council planning, landscape/open space and urban design advisors has been undertaken, and also with the Council's technical advisory group for waterfront developments (TAG).

Public consultation was undertaken as part of the wider consultation on the Proposed Waterfront Development Plan 2015-2018.

Refer Section 4 of the AEE.

1(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved

In the Applicant's opinion no on-going monitoring is required.

1(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group)

No protected customary rights will be affected. Initial consultation has been undertaken with iwi (Port Nicholson Block Settlement Trust, Wellington Tenth's Trust and Te Runanga o Toa Rangatira Inc).

1.4.2 Clause 7- Matters to be Addressed

Schedule 4, as amended by the Resource Management Amendment Act 2013, lists at Clause 7 the matters that must be addressed by the assessment of environmental effects.

1(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects

This matter is addressed in Section 5 of the AEE.

1(b) any physical effect on the locality, including any landscape and visual effects

This matter is addressed in Section 5 of the AEE.

1(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity

Not applicable. Frank Kitts Park was 'developed' as a primary open space on the waterfront in 1989. Previously the site was tar-sealed and principally used for shipping container storage and assembly by CentrePort. The site does not contain any 'natural' plant or animal ecosystems.

1(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations

This matter is addressed in Section 5 of the AEE.

1(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and the options for the treatment and disposal of contaminants

Post construction there will be no discharge of contaminants into the environment associated with the 'redeveloped' Frank Kitts Park.

During construction of the redeveloped park, including when earthworks are in progress, measures will be in place to ensure that there is no unreasonable discharge of dust, sediment or construction 'litter' or debris to adjacent public spaces or to the coastal marine area.

1(f) any risk to the neighbourhood, the wider community, or the environment through natural hazard or the use of hazardous substances or hazardous installations

The proposed redevelopment of Frank Kitts Park will not change the level of risk to the public associated with any natural hazard event.

2 SITE AND PROPOSAL

2.1 SITE

The 'site', Frank Kitts Park, is one of two major green open spaces on the Wellington Waterfront, the other being Waitangi Park.

Frank Kitts Park comprises an area of some 20,000m² and is bounded by Jervois Quay, the Hunter Street access and TSB Bank Arena (at the north end), the waterfront promenade, and the Whairepo Lagoon promenade at the south end.¹

The existing park is made up of a children's playground, lawn areas and an amphitheatre. At the south end, the park is elevated above a street-level carpark which provides space for 99 cars. The carpark is 'roofed' with lawn areas.

At the south-eastern end, with frontage to the waterfront promenade and the Whairepo Lagoon promenade, are a number of small 'boatshed' tenancy spaces

The site is within the Lambton Harbour Area which is an identified 'precinct' within the Central Area (Planning Map 17).

On the city side of Jervois Quay are a number of Central Area 'high rise' office buildings.



PHOTO 1: Frank Kitts Park - from the northern end looking south

¹ 'Whairepo' is the Maori name for the eagle ray that feed and shelter in the lagoon and are considered *kaitikai* (guardians). The name Whairepo was confirmed by the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa in December 2015 following a joint submission by the Wellington City Council and the Port Nicholson Block Settlement Trust.

2.2 PROPOSAL

The proposal is to redevelop and modify Frank Kitts Park, including the installation of a Chinese Garden.

A full description of the proposal is contained in the Landscape and Architectural Design Statement (refer **Appendix 1**).

Principal 'components' of the redevelopment are:

- expansion and enhancement of the children's playground (at the north end);
- creation of a central lawn ('harbour lawn')
- installation of the Chinese Garden
- re-establishment of a lawn ('city lawn') on the roof of the existing carpark building
- establishment of a 'green' edge to Jervois Quay, including raingardens
- Jervois Quay promenade and entrance to the Chinese Garden

The existing waterfront promenade and the Whairepo Lagoon promenade are retained in their current dimensions and form.

3 DISTRICT PLAN PROVISIONS

This section of the AEE provides a brief overview of the key District Plan objectives, policies and rules that are applicable to the proposal.

3.1 DISTRICT PLAN MAPS

The site is located in the Lambton Harbour Area (Planning Map 17) under the operative District Plan (as amended by DPC 48 - Central Area Review).

Note: although Frank Kitts Park is 'open space' it is not zoned as Open Space. The zoning is Central Area.

3.2 DISTRICT PLAN OVERVIEW

The Lambton Harbour Area (aka Wellington Waterfront) is effectively an identified 'precinct/character area' within the Central Area.

3.2.1 Central Area Objectives & Policies

The objectives and policies for the Central Area are contained in Chapter 12 of the District Plan and include the following objective and related policies which are specific to the Lambton Harbour Area:

- Objective 12.2.8* To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront.
- Policy 12.2.8.1* Maintain and enhance the public environment of the Lambton Harbour Area by guiding the design of new open spaces and where there are buildings, ensuring that these are in sympathy with their associated public spaces.
- Policy 12.2.8.2* Ensure that a range of public open spaces, public walkways and through routes for pedestrians and cyclists and opportunities for people, including people with mobility restrictions, to gain access to and from the water are provided and maintained.
- Policy 12.2.8.3* Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.
- Policy 12.2.8.4* Maintain and enhance the heritage values associated with the waterfront.
- Policy 12.2.8.5* Recognise and provide for developments and activities that reinforce the importance of the waterfront's Maori history and cultural heritage.
- Policy 12.2.8.6* Provide for new development which adds to the waterfront character and quality of design within the area and acknowledges relationships between the city and the sea.
- Policy 12.2.8.7* Maintain and enhance the Lambton Harbour Area as an integral part of the working port of Wellington.
- Policy 12.2.8.8* To provide for and facilitate public involvement in the waterfront planning process.
- Policy 12.2.8.9* Encourage and provide for consistency in the administration of resource management matters across the line of mean high water springs (MHWS).

In addition to the Lambton Harbour Area policies, from the objectives and policies applicable to the Central Area as a whole, the following objective and policy are considered to be relevant to the redevelopment of Frank Kitts Park:

Objective 12.2.2 To facilitate a vibrant, dynamic Central Area by enabling a wide range of activities to occur, provided that adverse effects are avoided, remedied or mitigated.

Policy 12.2.3.2 Promote a strong sense of place and identity within different parts of the Central Area.

3.2.2 Central Area Rules - Lambton Harbour Area

In the Lambton Harbour Area the development of new, or the modification of existing open space is a Discretionary Activity (Unrestricted) under Rule 13.4.5.

The rule lists the following policies as relevant policies when preparing resource consent applications:

12.2.3.2
12.2.8.1 - 12.2.8.9

In terms of new buildings and structures, consent is required for a Discretionary Activity (Unrestricted) under Rule 13.4.7.

Again the policies listed as relevant policies are:

12.2.3.2
12.2.8.1 - 12.2.8.9

Other rules that will be applicable include:

- (a) the construction of buildings and structures in the Lambton Harbour Area that do not meet one or more of the standards outlined in 13.6.3, including 13.6.3.1.2 'Height control for sites in the Lambton Harbour Area' and 16.3.3 'View Protection'; and
- (b) earthworks rules.

Any necessary consents required in relation to the above matters would be for a Discretionary Activity (Restricted) under Rule 13.3.8 (non-compliance with 13.6.3 standards) and Rule 30.2.2 (earthworks).

3.3 DISTRICT PLAN SUMMARY

The proposed redevelopment of Frank Kitts Park will require consent under the following rules:

1. Rule 13.4.5 for a Discretionary Activity (Unrestricted) for the modification of existing open space;
2. Rule 13.4.7 for a Discretionary Activity (Unrestricted) for new structures;²
3. Rule 13.3.8 for a Discretionary Activity (Restricted) in relation view protection; and
4. Rule 30.2.2 for a Discretionary Activity (Restricted) in relation to earthworks.

² *Structure: means any equipment, device, or other facility made by people and which is fixed to the land; and includes fences and walls. For the purposes of the District Plan, this definition excludes any building or any utility structure.*

3.5 PRELIMINARY EVALUATION

Drawing on the relevant objectives, policies and rules a number of questions can be 'posed' for s104 evaluation. Those questions are:

- Question 1: will the proposed modification of the existing open space (Frank Kitts Park) maintain and enhance the 'sense of place' and overall public amenity of the waterfront generally and Frank Kitts Park specifically?
- Question 2: what adverse effects, if any, will there be on the 'character' of Frank Kitts Park / will Frank Kitts Park retain its role as a unique and special component of the wider Wellington Waterfront?
- Question 3: will the redevelopment of Frank Kitts Park have any adverse effects on the heritage values associated with the waterfront?
- Question 4: will the proposed structures associated with the children's playground and the Chinese Garden result in a diminution of the open space qualities of Frank Kitts Park?
- Question 5: will the redevelopment of Frank Kitts Park have any adverse effects on the Hunter Street and Willeston Street public viewshafts?
- Question 6: what will be the temporary construction-related effects and how will these effects be managed and mitigated?

Answers to these questions are provided in the resource management assessment to follow (refer Section 5).

4 BRIEFINGS AND CONSULTATION

Pre Application Meetings

The Applicant has consulted the Council planning, open space/landscape and urban design advisors in the lead-up to lodging the application.

A record of the meeting is attached - refer **Appendix 2**.

Consultation has also been undertaken with the Waterfront Technical Advisory Group (TAG).

Minutes of the TAG meetings are attached - refer **Appendix 3**.

Public Consultation

Wider consultation was undertaken by the Council as part of the public consultation process on the Proposed Waterfront Development Plan 2015-2018.

In the Executive Summary to the subsequent May 2015 report prepared by the Resource Management Group,³ the following points were recorded:

- *general support for the redevelopment of Frank Kitts Park exceeded opposition by 3:1*
- *general support for the Chinese Garden in Frank Kitts Park only marginally exceeded opposition, although it should be noted that many respondents in opposition only oppose its location, with some opponents recommending alternative locations such as the Botanic Gardens or Waitangi Park*
- *while many respondents did not specify the frequency with which they visit Frank Kitts Park, over half of the respondents (58%) visit the park at least monthly. Interestingly, this group expressed notably higher rates of satisfaction and support for the proposed design over the current Park, with almost 80% of this group liking the proposed design.*
- *The features of Frank Kitts Park (existing and proposed) liked by most respondents were the playground and the proposed Chinese Garden, while the qualities of the Park enjoyed by most included its green character, its versatility and the views afforded to the sea. Notably, the proposed redevelopment seeks to enhance these features and qualities valued most by respondents.*

In the body of the RMG Report, it is noted that when asked:

What do you think could be done to improve the current Frank Kitts Park?

under the heading "General Observations" the report records that:

- *the largest proportion of respondents (30% did not specify any improvements to be made to the existing design of Frank Kitts Park*
- *the second most prominent response (8%) expressed that implementing the proposed redevelopment plans would improve Frank Kitts Park*
- *a large portion of responses (35%) proposed improvements to the Park's features (including some features contained in the Park redevelopment proposal), namely:*

³ "Proposed Waterfront Development Plan 2015-2018 - Consultation Process and Results", Report Prepared for Wellington City Council (May 2015) by Resource Management Group Ltd

- more opportunity for play and recreational activities, which included water park features, more play equipment and adult gym equipment;
 - more green space and/or landscaping, with a portion of these respondents expressing a preference for native planting;
 - more opportunities for shelter from the weather;
 - less use of concrete and wall structures; and
 - more facilities, including toilet, barbeque and picnic facilities
- respondents also commented on improvements that could be made to the physical qualities of the Park, which included:
 - opening the views/outlook to the harbour; and
 - increasing safety and connectivity between the city and sea.
 - a small group of respondents considered that the park should be either partially or fully retained in its current state, with a level of support (12 responses) also seeking improved maintenance.

Waterfront Watch - Briefing Meeting

A briefing meeting was requested by Waterfront Watch and held on Wednesday 11 February 2016. Dr Patrick McCombs and Mr Victor Davie chairperson and committee member respectively of Waterfront Watch's executive committee attended the meeting.

Attending on behalf of the Applicant were Michael Faherty Project Director - Waterfront and Martyn Bryant, landscape architect, Wraight & Associates.

Following a PowerPoint presentation of the proposal, issues that were canvassed included:

- the degree of flexibility to make changes following the granting of resource consent
- number of existing trees to be kept/removed
- the proposed wetland
- possible shading from the TSB building on the relocated children's playground
- possible removal of the existing Harris Street pedestrian bridge
- opportunities for pedestrian connections across the park from Jervois Quay to the waterfront promenade (any reduction from the present opportunities)
- 'status' of the Wellington Chinese Garden Society
- overall size of 'flat' area at Frank Kitts Park compared to Waitangi Park
- possibility of a name change from Frank Kitts Park

At the conclusion of the briefing meeting, Dr McCombs posed a 'rhetorical' question along the lines:

It would be interesting to know what the public reaction would be if the proposal was the opposite to what is being proposed - i.e. re-orientating the park away from the harbour toward the city, re-introducing the amphitheatre and putting in a promenade wall along the seaward side of the park.

There was no subsequent feedback to the Applicant following the briefing meeting.

Iwi Consultation

Preliminary consultation has been initiated with:

Port Nicholson Block Settlement Trust
Wellington Tenth's Trust
Te Runanga o Toa Rangitira Inc ("Ngati Toa")

A copy of the letter sent to the here iwi authorities is attached - refer **Appendix 4**.

Playground Consultation

Specific 'user group' consultation was undertaken on the proposed redevelopment of the Playground. The consultation was undertaken by Corydon Consultants Ltd and involved interviews conducted at the playground (of children and their accompanying parent/caregiver), and group interviews conducted with children at Clyde Quay School, Mt Cook School and the Central Crèche.⁴

While not surprisingly there was comment on some of the detail of the proposed redevelopment, as the Croydon Report records:

*The responses were overwhelmingly positive. Almost all respondents were entirely supportive of the concept, and enthusiastically listed the aspects they liked, either general (e.g. larger playground area; provision of specific play zones for different age groups) or specific (i.e. the individual items of play equipment which particularly appealed).*⁵

⁴ Croydon Consultants Ltd, April 2104, "Frank Kitts Park Playground Redevelopment: Results of Public Consultation on Draft Plans"

⁵ Op cit, page 10

5 RESOURCE MANAGEMENT ASSESSMENT

This section of the AEE presents an assessment of the proposed redevelopment of Frank Kitts Park in relation to:

- the District Plan provisions; and
- the statutory requirements of the RMA.

5.1 SECTION 104 OF THE RMA

Section 104(1) of the Act states that, subject to Part 2 and any submissions, when considering an application for resource consent the consent authority must have regard to:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of a national policy statement, other regulations, New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, and a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Each of these matters is now addressed in turn.

At this point, however, it is noted that in relation to s.104(1)(b) it is the Applicant's opinion that the application principally needs to be assessed and determined with reference to the District Plan. The proposed development does not, in the Applicant's opinion, raise any matters of national or regional significance. Nevertheless, comment is made on the consistency of the proposal with the New Zealand Coastal Policy Statement and the Regional Policy Statement for the Wellington Region.

5.2 ASSESSMENT APPROACH

In view of the above matters under s.104(1), the approach taken in this AEE report is as follows:

- assess the environmental effects of the proposal (5.3 below)
- address District Plan objectives and policies (5.4 below)
- address Part 2 (5.5 below)
- assess any "Other Matters" (5.6 below)
- provide a summary s104 assessment (5.7 below)
- national and regional policy considerations (5.8 below)
- outline potential consent conditions (5.9 below).

5.3 Environmental Effects of the Proposal

In terms of actual and potential effects, it is considered that the following matters are relevant and require assessment:

- open space effects
- visual amenity effects (including effects on public viewshafts)
- urban design effects
- heritage effects
- cultural effects
- public safety and security (CPTED) effects
- earthworks effects
- demolition and construction effects
- positive effects

5.3.1 Open Space Effects

Frank Kitts Park is a very important and much valued public open space. It accommodates space(s) for a wide range of both formal and informal public events and activities.

Key features of the proposal include the redevelopment of the children's play area which will incorporate a wider range of activities thereby increasing its overall attractiveness to its client market - young children and their families. For example, a 'flying fox' will be installed which is expected to be a very popular attraction.

The creation of a significant 'green space' ('Harbour Lawn') in the middle portion of the park, which essentially replaces the current 'amphitheatre' space. The Harbour Lawn will be level with its frontages to Jervois Quay and the waterfront promenade thereby opening up views of the harbour for users of the space, as well as pedestrians on Jervois Quay. The Harbour Lawn will continue to act as a 'gathering space' for larger public events.⁶



PHOTO 2: existing 'amphitheatre' and steps and harbour facing wall which are to be removed and 'replaced' by the Harbour Lawn

Towards the south end, generally opposite Willeston Street, it is proposed to install the Chinese Garden. A full description of the 'make-up' of the garden is provided in the Landscape and Architectural Design Statement (refer **Appendix 1**).

By 'definition' the Chinese Garden is an outdoor/open space environment, although one offering a new experience on the Wellington Waterfront; an experience with a significant cultural dimension. The Chinese Garden is expected to be a major attraction for visitors to the waterfront.

⁶ The WCC's City Events Team has endorsed the Harbour Lawn, as the proposed 'levelling' and expansion of the 'green space' will increase its flexibility and capacity for events, compared to the current 'amphitheatre' space.

Viewed 'in the round' the redeveloped Frank Kitts Park will continue to be a "large green park" (Wellington Waterfront Framework (2001), pp 27 and 35) which will continue to be a "centre for outdoor activities".

5.3.2 Visual Amenity Effects

In terms of visual amenities a key consideration is the degree of any 'new' intrusion on the identified public viewshafts.

Two viewshafts cross Frank Kitts Park:

- VS10 Hunter Street
- VS11 Willeston Street

Viewshaft 10 (Hunter Street): the viewpoint location is located at 318-324 Lambton Quay. The Focal elements are Oriental Bay and Te Ranga a Hiwi Precinct. The context elements are Frank Kitts Park, Inner Harbour and the Mt Victoria Ridgeline.

Viewshaft 11 (Willeston Street): the viewpoint location is at 'Stewart Dawson's Corner'. The focal elements are St Gerards and Frank Kitts Park. The Context elements are the Overseas Passenger Terminal (now Clyde Quay Wharf Apartments), and any ships berthed there, Oriental Bay, Roseneath and Te Ranga a Hiwi Precinct.

The District Plan 'information sheets' for the two viewshafts are attached (refer **Appendix 5/1**).

Policy and Rule Context

The policy context for 'protecting' views is set by:

Objective 12.2.6 Enhance the public environment of the Central Area by guiding the design of new building development, and enhancing the accessibility and usability of buildings.

Policy 12.2.6.6 Protect the panoramic view from the public viewing point at the top of the Cable Car.

Policy 12.2.6.7 Protect, and where possible enhance, identified public views of the harbour, hills and townscape features from within and around the Central Area.

In explanation of Policy 12.2.6.7 it is stated that:

Specific views of the harbour, local hills and townscape features are an important part of the cityscape that Council seeks to preserve. Rules in the Plan protect identified viewshafts, making it a Discretionary Activity (Restricted) for developments that intrude upon a listed viewshaft

When assessing an application to intrude on an identified viewshaft Council will consider:

- *whether the development frames the view horizontally or vertically from the edges of the viewshaft. The relationship between context and focal elements should be retained*
- *whether the development breaks up the view vertically or horizontally. This in general will be unacceptable unless the intrusion is minor*
- *whether the development intrudes upon one or more of the view's focal elements. This in general will be unacceptable*
- *whether the development removes existing intrusions or increases the quality of the view. Particularly in relation to focal elements*
- *in the case of proposed verandahs, the extent to which it would be screened by another verandah or building element in the foreground, or contained within the outline of a building (that is not a context or focal element) in the background.*

It is noted that vegetation intruding into a viewshaft will generally be disregarded when assessing applications, particularly where pruning or a plant's deciduous nature would restore the viewshaft's quality.

The environmental result will be the protection of significant public views.

Where there is some element of intrusion on the viewshaft, consent is required under Rule 13.3.8 for a Discretionary Activity (Restricted).

Assessment - Viewshaft VS10 Hunter Street ⁷

Refer attached viewshaft drawings (**Appendix 5/3**) ⁸

Under the redevelopment of the park the existing large pohutukawa trees that are a significant feature in the viewshaft are moved further south and outside the frame of the viewshaft. No new structures are proposed that intrude into the viewshaft. The relocated children's slide is outside the viewshaft (as it is presently).

Following redevelopment of the northern part of Frank Kitts Park, as proposed, the view to Oriental Bay (a focal element of the viewshaft) will be enhanced through the removal of the 'blocking effect' of the existing large pohutukawa trees. There will be no effect on the other focal element Te Ranga a Hiwi (Mt Victoria) Precinct.

Frank Kitts Park itself is one of the three identified 'context elements', with the other two being the Inner Harbour and the Mt Victoria Ridgeline.

Whilst the 'view' of Frank Kitts Park itself will change, the change is not considered to be adverse but rather an enhancement of the viewshaft through the removal and/or relocation of the existing large pohutukawa trees and Norfolk pines.

There will be no effect on the Mt Victoria Ridgeline.

Assessment - Viewshaft VS11 Willeston Street

Refer attached viewshaft drawings (**Appendix 5/4**)

The focal elements of VS11 are St Gerard's and Frank Kitts Park.

While a number of the new structures associated with the Chinese Garden will be located within the frame of the viewshaft, they are an integral component of the redeveloped Frank Kitts Park and therefore part of the focal element of the view.

The viewshaft is from a fixed position (i.e. Stewart Dawson's Corner). However, as one approaches Jervois Quay a wider panorama is available (as opposed to the narrow-focused viewshaft), which enables a more open view to the harbour than presently exists.

In terms of the identified 'context elements' (the Clyde Quay Wharf Apartments aka Overseas Passenger Terminal, Oriental Bay, Roseneath and Te Ranga a Hiwi (Mt Victoria) Precinct) there will be no intrusion.

The overall conclusion is that the viewshafts are maintained and in some respects enhanced.

⁷ The 'technical explanation of the "Verified Simulation Methodology" is attached (refer **Appendix 5/2**)

⁸ Note: the drawing package consists of three 'photographs': a photograph of the existing situation; and photograph showing in 'red outline' the new elements in the viewshaft; and a photograph showing the situation following the redevelopment of Frank Kitts Park.

5.3.4 Urban Design Effects

A key consideration from an urban design perspective is how the proposed redeveloped park integrates into its wider urban setting - in short, Frank Kitts Park is not just a waterfront park but an important element in the city/waterfront transition; notwithstanding the separation of the park from the city centre by the six-lane Jervois Quay.



PHOTO 3: existing western edge of Frank Kitts Park adjacent to Jervois Quay (looking north)

The photomontages included in **Appendix 6** show the nature of this relationship, with a focus on the Jervois Quay edge of the redeveloped park, as viewed from the western (cityside) of Jervois Quay.

Overall the change is considered to be positive, particularly through the 'opening-up' of the view of the harbour across the expansive Harbour Lawn.



PHOTO 4: existing western edge of Frank Kitts Park adjacent to Jervois Quay (looking south)

5.3.5 Heritage Effects

There is one listed heritage object in the vicinity of Frank Kitts Park - the Tanya Ashken Fountain (Symbol Ref 57) on the Whairepo Lagoon promenade immediately south of Frank Kitts Park.

The proposed redevelopment of Frank Kitts Park will have no effect on the fountain or the Whairepo Lagoon promenade which provides the curtelage to the fountain.

Other items that have some important historical significance, but which are not listed heritage objects, are:

- Wahine mast
- Memorial plaques

The proposed redeveloped Frank Kitts Park incorporates these items, albeit in different locations from the present situation.

Overall it is concluded that the redeveloped Frank Kitts Park will not result in any adverse effects on any historic heritage items or values.

5.3.6 Cultural Effects

As noted in Section 4 above, initial consultation has been undertaken with iwi.

An initial concern identified by iwi was the potential for any effects on the Whairepo Lagoon. The redevelopment of Frank Kitts Park will take place within the 'footprint' of the existing park, it will not 'encroach' on the waterfront promenade or the Whairepo Lagoon promenade, or the lagoon itself.

During the redevelopment works (demolition, earthworks and construction) measures will be implemented and maintained to ensure that there is no water-borne sediment discharging from the site to either the Wharirepo Lagoon or the harbour. The *mauri* of the lagoon and harbour waters will be protected.

5.3.7 Safety and Security Effects

Improving the design of developments to reduce the actual and potential threats to personal safety and security is a key Central Area policy (Policy 12.2.6.15).

In explanation of the policy it is stated, inter alia, that:

Urban design measures can minimise or reduce threats to personal safety and security. Guidelines for crime prevention through environmental design are used by Council to promote the development of a safe city.

The Applicant commissioned a 'crime prevention through environmental design' (CPTED) report from Dr Frank Stoks - refer **Appendix 7**.

The report assesses the CPTED features of the existing Frank Kitts Park and the CPTED considerations associated with the proposed redevelopment.

The assessment acknowledges that the:

"... safety and security of the proposed landscape redevelopment in Frank Kitts Park is very sensitive to the public realm that it is contained within"

hence, the importance of a careful assessment of CPTED issues.

In relation to the major components of the redeveloped park, aside from the Chinese Garden, the report comments that:

The redeveloped playground, Harbour Lawn, City Lawn and new southern steps to the Lagoon are assessed as likely to make a positive contribution to the safety and security of the park overall and to be an improvement on the existing pre-development areas.

In relation to the other major component of the redeveloped park, the Chinese Garden, the report comments that:

The Chinese Garden of its nature is perhaps the most screened, fragile and vulnerable amenity on a very public waterfront. It has no transitional controllable buffer spaces around it, such as may occur when special gardens of this sort are contained within a securable park. The combination of its detachment from the City, screening from its environs, the through route, a series of 'private' chambers, and vulnerable materials and finishes - all of which are the very purposeful essence of the garden - make the garden itself vulnerable to occasional disrespectful, unintended, disorderly use and damage, and conceivably place vulnerable members of the public at risk when the gardens are lightly occupied.

The intention to lock off the gardens afterhours will go some way to mitigating risk to the public and the gardens themselves. The different types of perimeter walls and gates which allow the gardens to be locked off afterhours have but a nominal access security function. They can be breached with some unusual effort, but importantly, the perimeter screens and walls help to signal precursor behaviour with negative intent. Under these circumstances, the emphasis should be less on preventing determined breaches of the perimeter afterhours than promptly detecting and intervening when clear breaches of perimeter security occur [Note: emphasis in the original]

As a consequence of the identified risks, and accepting that the location and context of the Chinese Gardens on the waterfront along with the essential design elements as givens, Dr Stoks recommended that consideration be given to:

- (a) *how the gardens will be operated and managed to ensure they are not used for unintended purposes;*
- (b) *locking and unlocking regimes;*
- (c) *detecting incursions after the gates are locked - e.g. by use of discrete motion activated and monitored CCTV cameras;*

- (d) *how detected incidents will be responded to promptly;*
- (e) *sustainable appearance retention of vulnerable finishes and materials;*
- (f) *reviewing the detailed design of the perimeter walls and screens with the objective of making them less easily breached while at the same time balancing the need for visual transparency and thematic objectives.*

In addition, Dr Stoks recommends that during the detailed design stage, the following areas are reviewed to make them safer and feel safer:

- (a) *the stairs of the promenade to the upper terrace and Pavilion, in the southwest corner; and*
- (b) *northern entry to the underground car park entry.*

In the conclusion to the report, which is headed "CPTED Statement", the statement is made that:

"... it is Stoks Limited's view the proposed design for the landscape redevelopment for Frank Kitts Park has taken CPTED matters well into account. With the recommendations above, the design, on this site, will satisfy CPTED factors that apply at the level of design detail required in documents for Resource Consent.

Given the recommendations made by Dr Stoks the Applicant accepts that the preparation and implementation of a 'CPTED management plan' for the redeveloped Frank Kitts Park should be the subject of a consent condition - refer Section 5.8 below.

In addition to the CPTED assessment the Applicant also commissioned a lighting assessment (refer **Appendix 7**), as ensuring the installation of appropriate lighting (levels and location) is an important consideration in respect to public safety and security.

5.3.8 Earthworks Effects

Significant earthworks are proposed as part of the park's redevelopment. As stated in the Aurecon Report "Earthworks and Erosion and Sediment Control Measures (refer **Appendix 9**):

The complete site is in the order of 13,500m², all of which will be exposed to some sort of landscaping activity as part of the proposed development. Grassed areas of the site comprise approximately 6,750m². Assuming a topsoil depth of around 150mm across the site, stripping will yield around 1,000m³ for on-site stockpiling and respreading as part of the project. It is envisaged that all of the topsoil stripped will be able to be respread.

Indicative estimates for earthworks volumes (less topsoil, pavers and concrete – solid measure) are in the order of:

- *topsoil cut to stockpile/respread = 1,000m³*
- *cut to fill = 2,610m³*
- *imported fill = 910m³.*

As the Aurecon Report further states, the intention will be to only work areas that require landscape changes so as to minimise disturbance and to only open up areas that are intended to be worked on within a reasonable timeframe, complete and close those areas before opening up further areas.

The relevant District Plan rule under which consent for the earthworks will be required is Rule 30.2.2 for a Discretionary Activity (Restricted). The matters over which discretion is retained are:

- earthworks stability
- erosion, dust and sediment control
- the transport of material

In the Applicant's opinion the principal matter for assessment and appropriate management is 'erosion, dust and sediment control' and the potential for any discharge of sediments to the coastal marine area.

Section 5 of the Aurecon Report addresses the proposed erosion and sediment control measures to be put in place for the duration of the project. The detail is not repeated here, but two important points to note are:

1. the project is proposed to be carried out over one earthworks season and is therefore timed to minimise the risk of exposure to rainfall events and resulting runoff erosion and sediment transfer; and
2. erosion and sediment controls will be the first step in site establishment and will be in place prior to any significant site works.

With the preparation, approval and implementation of a robust 'Erosion and Sediment Control Plan' for the duration of the site works, any adverse effects associated with the earthworks will be appropriately mitigated

5.3.9 Demolition and Construction Effects

As with any land development and construction project there will be some adverse effects, including, in this case, disruption to public access and enjoyment of the existing park. There will also be noise effects, construction traffic effects, in addition to the effects associated with the earthworks.

However, these effects will be relatively localised and limited to the construction period (which is anticipated to be in the order of 12-15 months).⁹

The focus of the assessment (and the recommended consent conditions) is on mitigation measures which are directed toward minimising the scale, extent and duration of the construction effects, to the greatest extent practicable.

The key 'method' through which the construction effects will be managed will be a demolition and construction management plan (D&CMP), which, in addition to overall construction management, will also address construction noise and construction traffic. This D&CMP will be in addition to the 'Erosion and Sediment Control Plan' referred to in the previous section.

Matters to be covered in the D&CMP, which will be submitted to the Wellington City Council for approval prior to any site works commencing, will include, but not be limited to:

- contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;
- details of appropriate local signage/information of the proposed work including the location of a minimum of four large (greater than 1m²) noticeboards on the site that clearly identify the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
- a communication and complaints procedure;
- safety fencing and associated signage for the construction site;
- details of the locations of any temporary construction hoardings to be erected;
- specific consideration for loading areas, truck waiting areas and access to the site;¹⁰
- measures to ensure dirt, mud or debris or other materials are not left on the road;
- measures to control dust, silt and sediment and to minimise the associated nuisance effects of earthworks (including in relation to the Council's stormwater system); and
- the covering of soil and other material to be trucked on or off the site.

A key consideration will be the retention of safe, unimpeded public access along the waterfront promenade at all times; and also along the Whairepo Lagoon promenade linking the 'city to sea' bridge with the waterfront promenade.

⁹ Subject to Contractor's confirmation following appointment of contractor.

¹⁰ Note: vehicle access to the site should be restricted to the Hunter Street intersection at the north end and the existing carpark access at the south end.

Construction Noise

In addition to the D&CMP, a construction and demolition noise management plan (C&DNMP) will be prepared by a suitably qualified person experienced in Acoustic Engineering or construction management practices. The C&DNMP will be prepared and submitted to Council for approval prior to any works commencing on site and must describe the methods by which noise associated with the work will comply in all respects with the controls set out in NZS 6803:999 and how all persons undertaking day-to-day activity management will adopt the best practical option at all times to ensure emission of noise from the site does not exceed a reasonable level in accordance with s16 of the Resource Management Act 1991.

5.3.10 Positive Effects

Under the RMA there tends to be a focus on the avoidance, remediation or mitigation of adverse effects, given the requirement of s5(1)(c). However, the RMA definition of effect includes 'any positive effect'.

In Elderslie Park v Timaru District Council the High Court stated that:

"To ignore real benefits that an activity for which resource consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity".¹¹

The Project will deliver a number of positive effects, including:

1. enhancing the overall public amenity of Frank Kitts Park, one of two principal 'green area' open spaces on the waterfront;
2. providing an appropriate location of the Chinese Garden which can be anticipated to be a principal drawcard for visitors to the waterfront;
3. enhancing the amenity and attractiveness (especially to young children and their parents/caregivers) of the playground;
4. opening more direct views across the park to the waterfront promenade and the harbour beyond; and ¹²
5. providing a more flexible/useable attractive space for public events.

These positive effects should be had regard to when forming a broad judgement on the overall impact of the Project.

5.3.11 Environmental Effects Conclusion

The overall conclusion is that in terms of 'environmental effects' the outcome is a positive one. Where there is potential for adverse effects these are largely limited to temporary construction-related effects and these can and will be mitigated to the greatest extent practicable through the implementation of a robust demolition and construction management plan.

Potential public safety and security effects will be avoided/mitigated, firstly through design and secondly through the implementation of a "Frank Kitts Park Public Safety and Security Management Plan".

¹¹ Elderslie Park Ltd v Timaru District Council [1995] NZRMA 433

¹² The Wellington Waterfront Framework (at page 35) comments that: *"There is a concern that the park faces the city and does not open out to the water's edge"*.

5.4 DISTRICT PLAN OBJECTIVES AND POLICIES

The relevant District Plan objectives and policies were identified in section 3.2.1 of this assessment.

Referring to them, it is considered that the proposed redevelopment of Frank Kitts Park is consistent with the outcomes sought for the Lambton Harbour Area generally and Frank Kitts Park in particular. The redeveloped/'modified' Frank Kitts Park will:

1. maintain and enhance one of the unique and special components and elements that make up the Lambton Harbour Area [Objective 12.2.8];
2. maintain and enhance the public environment of the waterfront [Policy 12.2.8.1];
3. enhance the overall environmental quality and general amenity of the waterfront [Policy 12.2.8.3];
4. provide a new activity (Chinese Garden) that will add to the waterfront character and diversity of experience [Policy 12.2.8.6]; and
5. reinforce the sense of place and identity of Frank Kitts Park [Policy 12.2.3.2].

For these reasons, it is the Applicant's assessment that the proposal is consistent with the relevant District Plan objectives and policies applying to the Lambton Harbour Area. - aka Wellington Waterfront.

5.5 PART 2 RMA

An assessment under Part 2 of the Resource Management Act 1991 requires consideration of the proposal against the Act's principal purpose as follows:

Section 5

Will the proposal meet the purpose of the Act which is "*promote the sustainable management of natural and physical resources*"?

which in turn means:

"managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

... avoiding, remedying, or mitigating any adverse effects of activities on the environment".

In the Applicant's opinion the proposal is consistent with maintaining and enhancing amenity values and the quality of the environment.

At the same time, any adverse environmental effects, including any public safety effects, will not be significant.

Thus, the proposal is generally consistent with:

- S7(b) the efficient use and development of natural and physical resources;
- S7(c) the maintenance and enhancement of amenity values; and
- S7(f) the maintenance and enhancement of the quality of the environment.

The proposed amendments will enhance public access to and public use and enjoyment of Frank Kitts Park.

The assessment (and conclusion) in its simplest form involves a weighting of the positive effects of the proposal against the adverse effects (post mitigation) to arrive at an overall assessment as to whether the proposal should be approved and, if so, what conditions if any should be imposed to mitigate actual adverse effects.

In making such an assessment, the High Court in *Elderslie Park v Timaru District Council* stated that:

*"To ignore real benefits that an activity for which resource consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity".*¹³

For the reasons outlined above, it is considered that the proposed redevelopment of Frank Kitts Park will result in an overall positive outcome.

5.6 SECTION 104(1)(C) OF THE ACT - OTHER MATTERS

One matter to which regard should be had under s104(1)(c) is the Wellington Waterfront Framework (2001) (the "Framework"), the Council's strategic policy for waterfront development.

Not surprisingly given the significance of Frank Kitts Park to the overall amenity of the waterfront, the Framework references the park as one of the waterfront's "key features".

At page 35 of the Framework (4.4 Frank Kitts Park) it is stated that:

This is a large green park and a centre for outdoor activities both on and off the water. There is a concern that the park faces the city and does not open out to the water's edge. However, with the exception of the need for improvements around the quay edge and the water edge, and the end of the Events Centre, work in this area is not seen as a priority.

The current proposal reinforces the 'role' of Frank Kitts Park as a large green park and centre for outdoor activities. It also responds to the concern that the park does not open out to the water's edge, and significantly improves both the quay edge and the water edge either side of the Harbour Lawn.

Given that the adoption of the Framework by Council in April 2001, it is 'silent' on the possible location of a Chinese Garden in Frank Kitts Park.

However, and also relevant as an "other matter" under s104(1)(c) is the 2006 design brief issued for the redevelopment of Frank Kitts Park, as by this time (5 years after adoption of the Framework) the possibility of a Chinese Garden was part of the forward planning for Frank Kitts Park. A copy of the design brief is attached - refer **Appendix 10**.

The design brief was prepared for the Council's Waterfront Development Subcommittee by the Technical Advisory Group (TAG).

The Design Brief's Intention was stated as:

This brief provides criteria for the redesign of Frank Kitts Park, including a Chinese Garden. This is and will remain a major green open space (Framework pp27, 35), complementing the new larger space at Waitangi Park.

5.7 NATIONAL AND REGIONAL POLICY

At the commencement of this section of this AEE it was noted that it is the Applicant's opinion that the proposed redevelopment of Frank Kitts Park does not raise any matters of national or regional policy significance. Nevertheless, s104(1) of the Act requires that a consent authority when considering an application for resource consent must have regard to:

- a national policy statement;
- a New Zealand coastal policy statement; and

¹³ *Elderslie Park v Timaru District Council* [1995] NZRMA 433 (HC)

- a regional policy statement.

The two policy statements that the Applicant considers to be relevant for development on the Wellington Waterfront are:

- New Zealand Coastal Policy Statement
- Regional Policy Statement for the Wellington Region

5.7.1 New Zealand Coastal Policy Statement (2010)

The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment. In the Preamble it is noted that New Zealand's coastal environment is facing a number of key issues, including:

- *loss of natural, built and cultural heritage from subdivision, use and development; and*
- *compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area.*¹⁴

There are seven objectives in the NZCPS, with Objective 4 being particularly relevant in the context of the current application for the redevelopment of Frank Kitts Park:

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the coastal environment is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean that this is not practicable providing alternative linking access close to the coastal marine area; and*
- *recognising the potential of coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

Additional to the seven objectives, the NZCPS outlines a total of twenty-nine policies to guide the sustainable management of the coastal environment.

Policies that are considered to be of actual or possible relevance to an assessment of the proposed redevelopment of Frank Kitts Park include:

- Policy 6: Activities in the coastal environment
- Policy 18: Public open space
- Policy 19: Walking access

Activities

Policy 6(2)(b): Recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area.

¹⁴ New Zealand Coastal Policy Statement 2010, page 6

Public Open Space

Policy 18: Recognise the need for public open space within and adjacent to the coastal marine area. For public use and appreciation including active and passive recreation, and provide for such open space, including by:

- (a) ensuring the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;*
- (b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;*
- (c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;*
- (d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space;*
- (e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.*

Walking Access

Policy 19 (1): Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.

Policy 19(2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:

- ...*
- (b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development;*
- (c) identifying opportunities to enhance or restore public walking access, for example where:
(i) connections between existing public areas can be provided.*

Comment

The proposed redevelopment of Frank Kitts Park is considered to be consistent with the above NZCPS objective and policies in that it will:

- (a) maintain and enhance the overall attractiveness of Frank Kitts Park, a well established open space immediately adjacent to the coastal marine area; and*
- (b) maintain and enhance walking opportunities within the park with linkages to the well established waterfront promenade.*

In the Applicant's opinion there is no aspect of the redeveloped Frank Kitts Park which is contrary to the NZCPS.

5.7.2 Regional Policy Statement for the Wellington Region

The Regional Policy Statement for the Wellington Region (RPS) was made operative on 24 April 2013. Under the heading 'Integrating management of natural and physical resources' in 2.4 it is stated that:

"This Regional Policy Statement for the Wellington region has a key role in integrating the management of natural and physical resources. It identifies the resource management issues of regional significance, recognising the shared responsibility and the need for a common understanding of issues. It then sets out

*objectives, policies and methods that recognise the interaction and connection between different resources, the range of scales in which an issue can be addressed and the need to consider the social, economic, cultural and environmental factors alongside one another. Ultimately, the Regional Policy Statement focuses on the matters that it can influence to make progress towards a sustainable region".*¹⁵

In turn, the RPS organises the Region's resource management issues, objectives, policies and methods under eleven topic headings or themes, including:

- Coastal environment, including public access

Thus, RPS objectives and policies for the coastal environment which are relevant to an assessment of the proposed redevelopment of Frank Kitts Park are:

Objective 3: Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.

Objective 8: Public access to and along the coastal marine area, lakes and rivers is enhanced.

Policy 53 Public access to and along the coastal marine area, lakes and rivers - consideration.

Comment

The redevelopment of Frank Kitts Park as proposed is consistent with these regional policy directives. There is no diminution in public access. Indeed public access is arguably enhanced. In all respects, it is considered that the proposed redevelopment of Frank Kitts Park, including the installation of the Chinese Garden, is 'appropriate' - the redevelopment does not constitute inappropriate use and development. The primary purpose of the redeveloped park is public open space and recreation, activities that are entirely appropriate within the coastal environment.

5.8 SUMMARY S.104 ASSESSMENT

In section 3.4 of this assessment five questions were posed. These questions were in turn derived from the relevant objectives and policies for the Lambton Harbour Area.

It was noted that 'answers' would be provided as part of the overall summary of the s.104 assessment.

The questions were:

Question 1: will the proposed modification of the existing open space (Frank Kitts Park) maintain and enhance the 'sense of place' and overall public amenity of the waterfront generally and Frank Kitts Park specifically?

The redeveloped Frank Kitts Park will continue to provide an opportunity for a wide range of open space and recreation activities, both formal and informal.

Question 2: what adverse effects, if any, will there be on the 'character' of Frank Kitts Park / will Frank Kitts Park retain its role as a unique and special component of the wider Wellington waterfront?

Frank Kitts Park will retain its role as a 'large green park' but with an added dimension of a Chinese Garden which will add a new dimension to its 'makeup' and diversity of experience. As the Wellington Waterfront Framework notes (p18), "cultural uses" are particularly appropriate for the waterfront.

¹⁵ Regional Policy Statement for the Wellington Region, 24 April 2013, page 12

Question 3: will the redevelopment of Frank Kitts Park have any adverse effects on the heritage values associated with the waterfront?

There will be no impact on the heritage features and values associated with Frank Kitts Park and the adjacent promenades.

Although the Wahine mast and the numerous memorial plaques have significant historic interest and value to specific groups in the community, they are not listed items. Nevertheless, the redeveloped park provides appropriately for their retention.

Question 4: will the proposed structures associated with the children's playground and the Chinese Garden result in a diminution of the open space qualities of Frank Kitts Park?

No. Both activities are 'open space' activities.

The expanded and enhanced children's playground will strengthen its attractiveness as a 'recreation activity' zone for children and their children.

The Chinese Garden will introduce a new element into the park, but an open space element nevertheless. Although the park will be 'secured' during late evening/early morning hours such that public access through this section of Frank Kitts Park will, to that extent, be restricted. However, public access through the park (outside of the Chinese Garden) and along the adjacent promenades will not be restricted during these times.

The Chinese Garden will be a positive feature and make a significant contribution to enhancing the 'diversity' of open space opportunities and experiences on the waterfront.

The various structures associated with both the playground and Chinese Garden will not adversely affect the visual amenities or open space qualities of Frank Kitts Park. Rather, both will add an opportunity for recreation, one active and one more passive.

Question 5: will the redevelopment of Frank Kitts Park have any adverse effects on the Hunter Street and Willeston Street public viewshafts?

No. The viewshafts will be enhanced through the removal of existing vegetation and the 'opening-up' of views to the harbour and beyond, including the former Overseas Passenger Terminal (now Clyde Quay Wharf Apartments), in the case of the Hunter Street viewshaft; and through the focus on a new major waterfront amenity (the Chinese Garden) in the case of the Willeston Street viewshaft.

The redeveloped Frank Kitts Park, and the new structures, principally those associated with the Chinese Garden, will not intrude on the focal elements or on the context elements identified in the two viewshafts.

In the case of the Hunter Street viewshaft those elements are:

- focal elements: Oriental Bay and Te Ranga a Hiwi Precinct
- context elements: Frank Kitts Park, Inner Harbour, Mount Victoria Ridgeline

In the case of the Willeston Street viewshaft those elements are:

- focal elements: St Gerards, Frank Kitts Park
- context elements: Overseas Passenger Terminal and any ships berthed there, Oriental Bay, Roseneath and Te Ranga Hiwi Precinct

Question 5: what will be the temporary construction-related effects and how will these effects be managed and mitigated?

A comprehensive and robust construction management plan (CMP), including construction noise management plan and construction traffic plan(s), will be in force for the duration of the 12-15 month construction period. The CMP will have a primary focus on ensuring that inconvenience to the public moving through and along this central section of the waterfront is minimised to the greatest extent practicable. Public safety will be a prime consideration.

Another important aspect will be ensuring that a comprehensive earthworks and sediment control plan is in place for the duration of the construction period to ensure that there is no sediment discharge to the adjoining Whairepo Lagoon or to the harbour.

5.8 SECTION 104B CONSIDERATIONS

Section 104B of the Act states that:

After considering an application for a resource consent for a discretionary activity or a non complying activity, a consent authority -

- (a) may grant or refuse consent; and*
- (b) if it grants consent, may impose conditions under section 108.*

Comment:

In the Applicant's opinion, the proposed redevelopment of Frank Kitts Park is consistent with the District Plan's provisions for the modification of existing open space in the Lambton Harbour Area.

Consequently, consent should be granted in the knowledge that any adverse effects on the environment, including any adverse effects on the public amenity of the waterfront, will be acceptable given the imposition of appropriate consent conditions, which in the case of the present application can be limited to:

1. the proposal proceeding in general accordance with the supporting information and plans supplied with the application;
2. the consent holder being required to prepare the following management plans:
 - Demolition and Construction Management Plan, incorporating a Demolition and Construction Noise Management Plan and a Demolition and Construction Traffic Management Plan;
 - Earthworks and Sediment Control Management Plan; and
 - Frank Kitts Park Public Safety and Security Management Plan¹⁶

along with the standard review and monitoring conditions.

¹⁶ The Frank Kitts Park Public Safety and Security Management Plan should 'action' the CPTED recommendations listed in Section 5.3.6 above.

6 CONCLUSION

Wellington City Council City Shaper) proposes to redevelop Frank Kitts Park, including the establishment of a Chinese Garden.

Under the District Plan the required land use resource consent is for a Discretionary Activity (Unrestricted) under Rule 13.4.5 for the "modification" of existing open spaces in the Lambton Harbour Area.

Consent is also required for a Discretionary Activity (Unrestricted) for the structures associated with the Children's Playground and the Chinese Garden under Rule 13.4.7; and for a Discretionary Activity (Restricted) under Rule 30.2.2 for the earthworks.

The overall conclusion is that where there is potential for adverse effects, including effects in relation to public safety and security, such effects will not be significant, and indeed are assessed as being less than minor and therefore acceptable.

Viewed 'in the round', the proposed redevelopment will add significantly to the public amenity of Frank Kitts Park as one of the major 'green' open spaces on the waterfront.

Accordingly, this assessment concludes that the proposed redevelopment of Frank Kitts Park is consistent with:

1. the District Plan's objectives and policies for the Lambton Harbour Area;
2. the Wellington Waterfront Framework; and
3. the purpose and principles of the Resource Management Act 1991.

In these circumstances, the overall assessment is that the proposed redevelopment of Frank Kitts Park can be appropriately granted resource consent.

Public Notification of Application

Pursuant to s95A(2)(b) the Applicant has requested public notification of the application. The conclusion reached in this assessment of environmental effects (AEE) report will therefore be reviewed and evaluated through the submission and hearing process to follow.



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5 May 2016

APPENDICES

1. Landscape and Architectural Design Statement
2. Record of Pre-Application Meeting
3. Minutes of Technical Advisory Group (TAG)
4. Correspondence with Iwi
5. Viewshaft Analysis
6. Photomontages
7. CPTED Statement
8. Lighting Statement
9. Earthworks and Erosion and Sediment Control Measures
10. Design Brief - Frank Kitts Park Redevelopment