

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Submissions and Further
Submissions on the
Proposed Wellington City
District Plan

Minute 32

Hearing Stream 3-Viewshafts Follow-Up (2)

1. In Minute 28, we circulated a copy of the independent legal opinion the Hearing Panel had received relating to issues in the Viewshafts Chapter and provided an opportunity for both the Council and any other party to the Viewshafts Chapter to challenge Mr Winchester's reasoning by 18 August. We also requested that the Council provide further information on issues we had identified arising out of Mr Winchester's opinion, together with advice as to the potential effect on Viewshafts 13-15 of high density development on The Terrace.
2. We have now had three separate requests for further directions in this regard. The first, from Counsel for WCCT and the Edlin Family Trust, Mr Ballinger, sought an extension of time for his response by reason of a High Court commitment he has that will occupy his entire attention for most of August. Mr Ballinger sought that the timeframe for his response to Mr Winchester's opinion be extended to 1 September.
3. We acknowledge the issue Mr Ballinger faces and give him leave to respond to Mr Winchester's opinion on behalf of both WCCT and the Edlin Family Trust by 1 September.
4. The second request is from the Council. It notes that staff capacity to process the Hearing Panel's request as regards the effect of development on The Terrace is an issue. Council has separately advised that the Reporting Officer on this Chapter, Ms Stevens has been extensively involved in Stream 4 as lead Reporting Officer and is taking leave in August, and that Counsel for the Council, Mr Whittington is in a hearing in Queenstown until 8 September. The Council requests an extension until 13 September 2023.
5. We appreciate the competing demands on the relevant Council personnel. We grant the extension sought, to 13 September.
6. Lastly, we have been contacted by Mr Peter Coop on behalf of Parliamentary Services who has noted two issues with the end point of Viewshafts 1 and 4. It is suggested that Parliamentary Services only became aware of the fact that the PDP includes an end point to Viewshafts through reading Mr Winchester's opinion.

7. It is said also that had Parliamentary Services been aware of that fact, it would have lodged a submission seeking amendment to these two Viewshafts as follows:
 - The mapped Viewshaft 1 does not extend to include Parliament Buildings and the south-east facade of the General Assembly Library, but should do so as both are listed as focal elements in Schedule 5;
 - The end point of Viewshaft 4 should be amended so that it traverses through the middle of the Beehive.
8. We struggle with the suggestion that Mr Winchester's opinion caused Parliamentary Services belatedly to focus on these issues. Ms Stevens' supplementary evidence contained an extensive discussion of the fact that the mapped Viewshafts did not, in some cases, extend to include the focal elements. While Ms Stevens did not address Viewshafts 1 and 4 in this context, these issues were very firmly on the table in the Stream 3 hearing. We also note that, as Mr Coop acknowledges, Parliamentary Services is not a submitter on the Viewshafts Chapter, either generally, or in relation to Viewshafts 1 and 4.
9. Further, the photograph of Viewshaft 4 in Schedule 5 makes it clear that the Viewshaft is not centred on the Beehive and, to our eye, the mapped Viewshaft appears to correctly represent what is shown in Schedule 5. Accordingly, we do not believe that any further consideration needs to be given to Viewshaft 4.
10. While Mr Coop appears to be correct, that the mapped extent of Viewshaft 1 does not extend to include Parliament Buildings and the General Assembly Library, the unmapped area is within the Parliamentary Precinct and accordingly, there is no potential for a third party building to intrude into that view by reason of the way the Viewshaft is mapped.
11. For the same reason, however, we request that Ms Stevens comments on whether our impression that Viewshaft 1 is not mapped correctly is well founded, and if so, whether correction in the manner suggested by Mr Coop would qualify as a minor matter in terms of Clause 16 by reason of the absence of any effect on any third party.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Trevor Robinson
Chair

For the Wellington City Proposed District Plan Hearings Panel
Dated: 14 August 2023