

IN THE MATTER OF **The Resource Management Act 1991**

AND **Application for resource consents made pursuant to Section 88 of the Act -**

TO **Wellington Regional Council:**

WGN060184 - [24997, 24998, 24999 and 24500]

BY **Waterfront Investments Limited**

IN RELATION TO **An application to construct, use and maintain a hotel building on the Outer-T of Queens Wharf, and to undertake associated activities in the coastal marine area.**

Decision of Hearing Commissioners

HEARING DATES: **3-5, 7, 10, 12-14, 17-19, 21, 24, 26 and 31 July 2006**

COMMISSIONERS: **Chris Turver (Chair)**
Chris Laidlaw
David McMahon
Miria Pomare
Stuart Kinnear

DATE OF DECISION: **19 September 2006**

Executive summary

Proposal

Waterfront Investments Limited (the applicant) has applied for resource consent to construct, use and maintain a hotel building on the Outer-T of Queens Wharf on the Wellington Waterfront, and to undertake associated activities solely within the coastal marine area (CMA). The new hotel will be operated by the Hilton Hotels Corporation as a 5-star hotel. The key features of the proposal are:

- Removal of the existing Shed 1 from the Outer-T, and strengthening of the northern arm of the existing wharf structure to meet the current Building Code requirements and the Wellington City Council (WCC) policy on Earthquake-prone Buildings.
- A 5 storey hotel building which will include a restaurant, bar, conference facilities and 142 guest rooms. Decks, for the use of hotel patrons, will extend past the footprint of the hotel building onto the wharf surface.
- The construction and ongoing use of a vehicular access tunnel from the TSB Bank Arena basement car park to the Outer-T of Queens Wharf.

Consents sought

The applicant required four consents from Greater Wellington Regional Council (GWRC) under the Regional Coastal Plan (RCP) for a number of activities including the disturbance and occupation of the seabed, construction of structures, and the potential discharge of contaminants to the coastal marine area (CMA). These activities were considered together as a discretionary activity.

The proposal falls wholly within the CMA; therefore it falls under the jurisdiction of GWRC as the sole consent authority. However, WCC has an overall responsibility for the development of the Wellington Waterfront area. This, along with some statutory linkages between the RCP, the Wellington District Plan and the Wellington Waterfront Framework (a non-statutory document); collectively provide justification for input by WCC officers. This is a distinguishing aspect of this application because it raised a number of land use related effects to be considered in what is essentially a group of coastal permit applications.

Context

The issue at the centre of this decision making exercise relates to the sustainable management of resources. It is clear to the Commissioners that there will be positive effects resulting from the economic benefits accruing from the construction and operation of the hotel and, to a lesser extent, positive outcomes associated with the upgrade to the Outer-T of Queens Wharf, the arrangements for traffic using the wharf, and the improvements to the general amenity of the Outer-T.

Notwithstanding these benefits and positive outcomes, the issue for the Commissioners is whether the proposed Hilton Hotel is environmentally appropriate in resource management terms having regard to both the effects of the proposal and the policy framework that it needs to be considered against. After consideration of the potential

negative effects of the proposal and the extent to which these are capable of being avoided, remedied or mitigated, and the positive effects associated with the development, the Commissioners made an overall evaluation of the proposal.

The key issues considered by the Commissioners are summarised below.

Adverse effects

Short term effects - construction period

The Commissioners have determined that the short term effects are confined primarily to the construction period and relate to effects on the marine environment, construction traffic accessing the site and noise resulting from the works.

The Commissioners accept that these issues can satisfactorily be addressed by way of consent conditions, in particular the requirement for a Construction Management Plan to be submitted to GWRC for approval prior to any works commencing. On this basis the Commissioners concluded that the short term effects are limited in nature and are acceptable in this waterfront context.

Long term effects – operation of the Hotel

For the Commissioners, the long-term effects are associated with the operation of the hotel and are potentially more numerous and have the potential to be significant due to the scale and nature of the proposal.

The Commissioners determined that the adverse effects associated with helicopter operations, natural hazards, public access and open space design, Maori cultural issues, visual amenity, sunlight/shading and lighting will all be no more than minor.

The potential adverse effects resulting from other aspects of the proposal were not so straightforward to assess. These effects related to the following areas:

- Port activities & maritime character
- Archaeological heritage
- Urban form/design/heritage context
- Wind
- Traffic
- Noise

The Commissioners considered the degree to which these effects could be adequately avoided, remedied or mitigated, and concluded that all effects can be appropriately managed, and have imposed conditions of consent to ensure that this occurs. The key conditions include the requirement for the production, approval, implementation and ongoing review of Management Plans for, amongst other matters, the operational traffic using the tunnel and central spine of Queens Wharf.

Overall, and after considering all the evidence presented at the hearing, the Commissioners were of the view that adherence to the conditions of consent will adequately avoid, remedy or mitigate the adverse effects associated with the

construction of the hotel and its ongoing operation to the extent that these effects are no more than minor.

Positive effects

The Commissioners agree that there are four potential positive effects that result from the proposal. However, the Commissioners consider that only one of these four– the economic benefits to Wellington city resulting from the construction and operation of the hotel - is likely to be of any direct significance.

In this respect the Commissioners accepted that there is a point of difference associated with the location of the proposed hotel due to the combination of its position on the waterfront as well as its proximity to the Wellington CBD. As such, the Commissioners concluded that there are some additional benefits resulting from the use of this location by a hotel, which will increase its attractiveness as a tourist destination.

The other potential benefits - improved traffic management, wharf enhancement and wharf upgrading - were largely discounted by the Commissioners given that these could all occur independently of the hotel development

Other matters

The Commissioners wish to record that during the course of the hearing there was much discussion and comment made about two issues; namely, whether the hotel is “iconic” and whether there should be a design competition for any structure/building on the Outer T of Queens Wharf. Whilst these are matters covered in the Wellington Waterfront Framework (Waterfront Framework), the majority of Commissioners concluded that they were not issues that had to be considered under the Resource Management Act 1991 (the Act) from a statutory perspective. More precisely the Commissioners note the following in relation to these matters:

Competition

The majority of the Commissioners find that it is not a statutory requirement that the design competition anticipated by the Waterfront Framework was followed. They note that the resource consent process provides a fall-back position by which public concerns can be addressed.

One of the Commissioners expressed the view that there was, and still remains, a firm and legitimate public expectation that development of the Outer-T site would be further explored through another phase of community consultation (i.e. the competition). In that Commissioner’s view, this intent was expressed by the Waterfront Framework and has not been fulfilled by the process followed by the applicant.

Iconic status of the proposal

Ultimately the Commissioners decided that the ability of the hotel development to achieve iconic status was not a statutory test that the proposal was required to meet. However, they note that a proposal resulting from more rigorous public engagement (for example, a competition) is likely to have produced a development concept that could be considered to be iconic.

Overall position

All Commissioners agree that there will be positive effects associated with the proposal and that of these the economic benefits resulting from the operation of a Hotel in this premium location is the most significant benefit likely to be realised.

Similarly the Commissioners all agree that there will be the potential for negative effects to accrue. In the main, and with the exception of traffic and maritime effects (berthing of cruise ships), the Commissioners were uniform in their findings on this. One Commissioner felt that the potential effects of traffic associated with the tunnel may not be completely mitigated despite the requirement for a traffic management plan, and also had misgivings about the degree to which the proposal would affect cruise ship berthing on the Outer-T. Moreover that Commissioner has expressed disappointment that the intent expressed by the Waterfront Framework for a design competition was not followed by WCC or WWL. The other Commissioners considered that these effects could be appropriately managed through consent conditions.

Notwithstanding these differences in opinion, the Commissioners wish to record that:

- The effects of the proposal can largely be classified as minor as a result of the changes to the proposal that occurred during the hearing (avoidance and remedy) and the mitigation achieved through the conditions to be imposed.
- The Commissioners find that overall, the proposal as modified during the hearing and subject to the proposed conditions, is not contrary to the relevant objectives and policies of the Regional Coastal Plan, the Wellington City District Plan and the Wellington Waterfront Framework.

Overall, the Commissioners consider that the proposal is consistent with the purpose and principles of the Resource Management Act 1991, which is to promote sustainable management of natural and physical resources.

On the above basis the Commissioners have resolved to grant consent to Waterfront Investments Limited, subject to conditions, to construct, use and maintain a hotel building on the Outer-T of Queens Wharf on the Wellington Waterfront, and to undertake associated activities solely within the coastal marine area.

Table of contents

1.	Introduction	1
2.	Background	2
2.1	Statutory jurisdiction	2
2.2	Development of the proposal	2
3.	The proposal	4
3.1	Site description	4
3.2	Overview	5
3.3	Amendments to the proposal/further information	7
4.	Consultation and notification	10
4.1	Consultation	10
4.2	Notification and submissions	10
4.2.1	Issues raised by submissions in support	11
4.2.2	Issues raised by submissions in opposition	11
4.2.3	Oral submissions	13
5.	Statutory provisions	13
5.1	Statutory criteria	14
5.2	Planning instruments and other matters	15
5.2.1	National planning instruments	15
5.2.2	Regional planning instruments	16
5.2.3	District Plan provisions	16
6.	Section 104 evaluation	17
6.1	Wellington Waterfront framework	18
6.2	Overview of potential and actual effects	19
6.3	Positive effects	20
6.3.1	Economic benefits	20
6.3.2	Traffic/pedestrian conflict on promenade	21
6.3.3	Wharf upgrade	22
6.3.4	Waterfront enhancement	23
6.4	Adverse effects	23
6.4.1	Marine environment and coastal water quality	23
6.4.2	Construction traffic	24
6.4.3	Construction noise	26
6.5	Long term effects	27
6.5.1	Port activities	27
6.5.2	Helicopter operations	31
6.5.3	Maritime character	32
6.5.4	Archaeological heritage	34
6.5.5	Natural hazards	35
6.5.6	Public access and open space design	36
6.5.7	Māori cultural issues	39
6.6	Land use/DP issues	40
6.6.1	Urban form	40
6.6.2	Urban design	42
6.6.3	Heritage context	44

6.6.4	Visual amenity (private and public views)	47
6.6.5	Wind	48
6.6.6	Traffic	53
6.6.7	Noise	60
6.6.8	Sunlight and shading	63
6.6.9	Lighting	63
6.7	Other matters	64
6.7.1	Competition	64
6.7.2	Integrated approach to the Outer-T of Queens Wharf	65
6.7.3	Iconic status of the proposal	66
6.7.4	Ratepayer contributions to cost of development	66
7.	Part 2 consideration	67
8.	Summary of Commissioners' findings	69
9.	Duration of consent	77
10.	Decision	78

Index of appendices

1. Consent conditions
2. Plans referenced in consent conditions
3. Relevant provisions of statutory documents (New Zealand Coastal Policy Statement, Regional Policy Statement and Regional Coastal Plan)
4. Relevant provisions of non statutory documents (the Wellington City District Plan and Wellington Waterfront Framework)
5. Parties heard

1. Introduction

1. Pursuant to Section 88 of the Resource Management Act 1991 (the Act) Waterfront Investments Limited (the applicant) applied for resource consent to construct, use and maintain a hotel building on the Outer-T of Queens Wharf, and to undertake associated activities solely within the coastal marine area (CMA).
2. The applicant required consent from Greater Wellington Regional Council (GWRC) for a discretionary activity under the Regional Coastal Plan. The application that was lodged and subsequently notified sought consent for four coastal permits covering activities such as the disturbance and occupation of the seabed, construction of structures, and the potential discharge of contaminants to the CMA.
3. The application was heard by a panel which comprised the five Commissioners listed on the cover sheet of this decision document. All Commissioners had delegated authority from GWRC to hear and jointly make a decision on the application.
4. The hearing commenced on Monday 3 July 2006 and continued over various dates for the whole of July, concluding with the applicant's right of reply on Monday 31 July 2006. At this point the hearing was adjourned to allow the Commissioners to accept information from the applicant and submitters that had been requested during the hearing.
5. The hearing was subsequently closed on 8 August 2006 following the receipt of the above mentioned information. The information received did not constitute new evidence, but provided points of clarification on matters raised during the hearing.
6. In addition to the evidence provided at the hearing and oral submissions, the Commissioners took into account all of the documentation provided with the application, the Officer's reports, and the comprehensive summary of the written submissions prepared by Council officers. Full copies of all submissions lodged in regard to the application were available to the Commissioners.
7. The Commissioners visited the Outer-T of Queens Wharf prior to the hearing commencing, on Friday 30 June 2006. An additional visit to assess viewshafts along Lambton Quay was undertaken after the adjournment of the hearing
8. This is the majority decision of the Commissioners. One Commissioner did not consider that resource consent for the proposal should be granted.

2. Background

2.1 Statutory jurisdiction

9. The proposal falls wholly within the coastal marine area, and as such falls under the jurisdiction of GWRC as the sole consent authority. However, Wellington City Council (WCC) has an overall responsibility for the development of the Wellington Waterfront area. This, along with some statutory linkages between the Regional Coastal Plan (RCP) and the operative District Plan for the Wellington District (DP), provided justification for some input by WCC officers. This is a distinguishing aspect of this application because it raised a number of land use related effects to be considered in what is essentially a group of regional coastal permit applications. Further discussion on this aspect of the application is provided in section 6.1 of this decision.
10. The proposal is located on land owned by Wellington Waterfront Limited (WWL). WWL is a council controlled organisation owned by WCC. As the Implementation Agency for waterfront development, WWL is responsible for the day-to-day operational management of the waterfront, and until April 2003 was known as Lambton Harbour Management Limited (LHML).
11. The second entity that has responsibility for the development of the waterfront is the Waterfront Development Sub-Committee (WDSC) of the WCC. Its role includes development of performance briefs for individual areas of the waterfront, development and monitoring of annual work plans for waterfront projects, and consulting the public regarding development plans for the waterfront.
12. In April 2001 the WCC (with the input of the WDSC) adopted the *Wellington Waterfront Framework* (the Waterfront Framework). This document sets out the vision, values and principles that guide the development of the waterfront. The Waterfront Framework was referred to extensively during the course of the hearing and consideration of its contents was a pivotal part of the Commissioners' deliberations. More information on this non statutory document is included in section 5.2.3 of this decision.
13. The WDSC has a Technical Advisory Group (TAG), which is a group of independent design professionals appointed by WCC to provide technical design advice on waterfront proposals and to monitor consistency of proposed developments with the Waterfront Framework.

2.2 Development of the proposal

14. The applicant first became involved with a hotel proposal for the waterfront over a decade ago, when in August 1993, its company (then trading as Tinakori Holdings Limited (THL)) was issued with a

short-term, exclusive development licence for the Outer-T of Queens Wharf.

15. In August 1994, and in response to the issuing of the license, THL presented a proposal concept for the development of the Outer-T to the LHML Board. The exact nature of the concept was not clarified for the Commissioners during the hearing but it was confirmed that it did involve a hotel. The LHML Board decided to advertise for registrations of interest and a contestable process was implemented, from which a shortlist of four developers was selected by June 1996. These proposals were from:
 - Chris Parkin
 - Building Solutions
 - James Cook Centra, and
 - Tinakori Holdings Limited (THL)
16. In February 1997 THL was selected as the preferred developer; however an investigation development licence was not entered into until April 1998 due to a moratorium on waterfront development put in place by the LHML in 1996. The 1998 investigation licence was originally issued for a nine-month period, but the expiry date was extended several times to allow for the completion of the Waterfront Concept Plan, which was commissioned by WCC. Although not common knowledge at the time, it seems that the investigation licence formally expired on 30 November 1999.
17. Despite the lapsing of the license, negotiations continued between THL and LHML (and their respective successors, Waterfront Investments Limited (WIL) and WWL). In May 2001, WCC (with input from the WDSC and TAG) passed a resolution giving effect to a further three-month licence period. To facilitate consideration of the WIL proposal WCC also agreed to defer the proposed competition (referred to in the Waterfront Framework, which was adopted by WCC one month earlier in April 2001).
18. Over the next two years there were a series of refinements to the proposal, and consultation with the public via a WCC commissioned opinion poll. This culminated in August 2003 with acceptance by the WDSC of a design proposal from WIL. After lengthy negotiations between WIL and WWL a lease agreement was reached in August 2005. The application now under consideration was lodged with GWRC in December 2005.

3. The proposal

3.1 Site description

19. The proposed hotel site is located on the Outer-T in an area of Wellington's waterfront generally known as Queens Wharf. The Outer-T was built in 1865 and was substantially increased in size in 1885. The only building currently located on this part of the wharf is Shed 1, which was constructed in 1964 and is located on the northern half of the Outer-T. The southern portion of the Outer-T is void of any building or structures.
20. Queens Wharf is primarily a public space and is used extensively for recreational purposes, including walking, running, cycling, fishing and general open space enjoyment. The space is characterised by heritage buildings and maritime history, pedestrian-oriented open space, strong city to sea linkage, and an active working wharf.
21. In addition to the uses already outlined, Queens Wharf accommodates a variety of commercial uses. These include:
 - Helipro, which operates a helipad at the southern end of the Outer-T and has a hangar and offices inside Shed 1;
 - CentrePort, which uses the Outer-T as a berthing location;
 - Wellington Indoor Sports (WIS), which operates an indoor sports facility in Shed 1;
 - the East by West Ferry company which has an office in Shed 1 and berths ferries adjacent to Shed 5;
 - Dockside Restaurant and Bar (Shed 3); Shed 5 Restaurant and Bar; and
 - Shed 6, which houses Fergs Rocks and Kayaks, the WWL offices and is utilised as an events venue.
22. The site falls within the "Lambton Harbour Development Area" (LHDA) as identified in the RCP and the "Lambton Harbour Area" (LHA) identified in the Operative District Plan for the Wellington District (DP). The LHDA only applies to the CMA, and stretches from the Overseas Passenger Terminal to the south along the waterfront to Tug Wharf in the north. This area does not form part of the commercial port area, which begins at Waterloo Wharf and continues north to encompass Aotea Quay wharf and the interisland ferry terminals. The LHA encompasses the land adjacent to the LHDA, and the wharf structures that are located in the CMA. Essentially the LHA and the LHDA are contiguous areas which partially overlap and are managed under two separate regimes by two separate authorities.

23. The Waterfront Framework describes Queens Wharf as “*the heart of the waterfront. The nature of the working wharf and its mercantile history is paramount in this area... The outer-T of Queens Wharf is a special and unique site – a focus for the waterfront and for vessels entering the inner harbour.*”
24. One of the critical issues for the ongoing development of the waterfront (as defined in the Waterfront Framework) is the use of the promenade. This is a pedestrian pathway, designed to accommodate a wide-range of non-motorised uses, which connects the different precincts of the waterfront. In the vicinity of the Outer-T the promenade is adjacent to the east side of Shed 6 (parallel to the sea), crosses the central spine of Queens Wharf and continues north past Shed 5 (parallel to the Outer-T). The part of the promenade adjacent to Shed 6 is identified in the Waterfront Framework as an area where a potentially dangerous conflict between pedestrians and service vehicles exists.
25. The use of the promenade, along with matters such as urban form/design, heritage and maritime connections, public space usage and other general amenity issues, are all matters that figure prominently in the Waterfront Framework with regard to this site. The Waterfront Framework requires any proposal considered for the Outer-T to be assessed in light of these issues.

3.2 Overview

26. WIL propose to construct, use and maintain a new hotel on the site. This involves demolishing the existing structure on the site (Shed 1). The new hotel will be operated by the Hilton Hotels Corporation as a 5-star hotel.
27. Under the proposal not only will Shed 1 be removed but the existing wharf structure will be strengthened (northern arm only) to meet both the current Building Code requirements and the WCC policy on Earthquake-prone Buildings. The northern arm of the wharf will be seismically separated from the southern arm of the Outer-T and the central spine of Queens Wharf.
28. The hotel will include a restaurant, bar, conference facilities and 142 guest rooms. Decks, for the use of hotel patrons, will extend past the footprint of the hotel building onto the wharf surface. The public space in the vicinity of the hotel will be enhanced as part of this proposal. These works will entail surface treatments, and the addition of wharf furniture and lighting.
29. The hotel building will have the following physical features;
 - A simple design incorporating strongly defined architectural features at either end of the building. On the northern end of the building there is a plant room and wing walls extending above the

roofline. On the southern end of the building there is a plant room, stairwell lightbox and two masts projecting above the roofline. The entrance is at the southern end and utilises masts and spars as a form of maritime imagery.

- The building is predominantly within the footprint of Shed 1, apart from the dining decks/steps around the northern, eastern and western sides of the building, parts of the front entrance at the southern end and the southern stairwell enclosure. These features extend a maximum of five metres beyond the existing building footprint – this maximum extension occurs along the eastern and western sides of the building, where the new decks will be located.
 - It has a varied roof form, in which the mid section of the hotel is approximately 20.4 metres above existing wharf level, and the higher portions at the northern and southern ends of the proposed building, are up to 22.9 and 32.1 metres above existing wharf level, respectively.
 - The rooms are stacked in a way that is suggestive of containers on a wharf. Each room has a sliding aluminium shutter, the movement of which will constantly alter the external appearance of the building. Exterior cladding comprises aluminium composite panels with steel plate cladding at the northern and southern ends of the building. This will be finished in a rust brown colour.
 - The ground floor will be predominately used as a public space and will have an airy and spacious feeling due to the use of ground floor glazing.
30. A critical part of the proposal is the traffic arrangements associated with the proposed hotel. In this respect, the proposal incorporates the construction and ongoing use of a vehicular access tunnel from the TSB Bank Arena basement carpark to the Outer-T of Queens Wharf.
31. The tunnel structure will be approximately 50 metres long and will function as single lane, light vehicle only facility, with a minimum internal cross-section of 3.5m width and minimum height of 2.2 m. The tunnel will connect to the wharf deck in the vicinity of Dockside restaurant, avoiding the area of the wharf most heavily used as pedestrian thoroughfare.
32. The tunnel will be constructed from pre-cast concrete sections on new piling, built from above the wharf and lowered into place. This necessitates the demolition and reconstruction of the existing wharf deck in this location. Existing services will also need to be relocated.

33. The tunnel will have traffic signals in place at either end and would have an additional barrier control at the entry to the tunnel from the basement to restrict access to authorised vehicles.

3.3 Amendments to the proposal/further information

34. Amendments and additional information with respect to the proposal were announced by the applicant during the course of the hearing. These are outlined below and generally fall into the following three categories:
- a) Built form/design
 - b) Berthing for ships on the Outer-T
 - c) Transportation
35. Before outlining the specific information received and the nature of the amendments made by the applicant, the Commissioners wish to record that these amendments and the provision of information were, in the main, anticipated to be provided during the hearing. In this respect the Commissioners record that the further information and amendments were provided by the applicant in response to two stimuli – namely requests by Council reporting officers and/or in response to matters raised in submissions. The only exception to this was information supplied by both the applicant and the Wellington Harbourmaster in respect to potential conflict between helicopter operations and berthing ships on the Outer-T. In that case the information provided was done so at the request of the Commissioners during the hearing.
36. More importantly, the Commissioners record that none of the new information or amendments had the effect of extending the application envelope. If anything, that envelope was reduced as a result of the amendments made to the application during the course of the hearing. As such, it is the Commissioner's view that no person was disadvantaged by the provision of the amendments or the new information.

Built form/design amendments

37. The public space design for the proposal originally included the construction of two jetties for public use – one fixed low level jetty at the northern end of the Outer-T and one fixed low level jetty on the western side of the wharf; the use of timber inserts and paving details associated with the jetties; concrete paving between the steel rails set inside the wharf surface and the wharf edge; and planting and installation of a steel rail insert along the western side of the wharf.
38. In response to concerns raised by TAG, the applicant deleted the proposed jetties and other elements listed in the paragraph above from their proposal during the course of the hearing,

Berthing information

39. The information provided in the application and further information submitted before the hearing commenced indicated that vessels up to 120 metres in length would be able to berth at the southern end of the Outer-T, and boats of up to 300 tonnes would be able to berth at the northern end.
40. In their opening submission at the hearing the applicant stated that the length of vessels that would be able to berth at the southern-end was in fact 130 metres. Towards the end of the hearing the applicant's structural engineer (Adam Thornton of Dunning Thornton) indicated, in response to questioning by the Commissioners, that vessels up to 1,000 tonnes could probably be berthed alongside the northern end of the wharf, depending on weather conditions, without causing vibration problems to the hotel.

Transportation information/amendments

41. The anticipated additional traffic volumes that will be using Queens Wharf associated with the hotel following its completion were significantly reduced by the applicant during the hearing.
42. The estimates submitted with the application indicated that up to 100 traffic movements an hour could be occurring in the vicinity of the hotel during peak morning times. This figure includes all traffic (including light service vehicles) using the tunnel access route, not just traffic generated by the hotel. However, it excludes heavy service vehicles as the assumption is made that such vehicles will be excluded from using the Shed 6 route between the hours of 07:00 and 09:30 am.
43. The total traffic volume figure was reduced to around 40 vehicles in the evidence presented at the hearing, on the basis of further analysis of the traffic situation at the Hilton Auckland. Similar reductions in traffic volumes were tabled for afternoon and weekend peak hours.
44. Overall traffic movements per day were not calculated by the applicant's advisors; however this information was provided following a request made by GWRC under section 92 of the Act for further information.
45. The additional information provided indicated that around 35 vehicles per day (70 vehicle movements in total) would use the Shed 6 route on a peak weekday. This estimate is reduced to 50 vehicle movements for typical weekdays. As cars and light service vehicles should be using the tunnel access it can be concluded that the majority of these trips would be made by large service vehicles.
46. Mr Donald Petrie, the applicant's traffic expert, presented further traffic assessment evidence at the hearing. In this evidence he refined the original assessment based on survey information and his own

observations of the Auckland Hilton operation. In relation to service vehicles using the Shed 6 route he states that *'there will be a demand for very few large vehicles associated with the hotel, typically two or three per day.'*

47. The applicant also changed its position with regard to the provisions to be made for coaches and taxis associated with the hotel operation. Mr Petrie's evidence indicated that coach access to the hotel would be provided for, but that coach activity would be infrequent. He also advised that a taxi stand would be located on the western side of the hotel building.
48. However, supplementary traffic evidence presented by Ms Eliza Sutton on behalf of the applicant stated that the applicant was willing to amend their proposal further such that coaches associated with the hotel are precluded from accessing the Outer-T and that a taxi-stand will not be provided. This was to address concerns raised by Mr Steve Spence (Chief Transportation Engineer, WCC).
49. Towards the end of the hearing Mr Gary Clarke, a traffic expert acting on behalf of a group of submitters (Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young) raised concerns regarding the ramp gradients associated with the proposed tunnel. He indicated that they did not meet the best practice guidelines for pedestrian safety. The applicant advised the Commissioners that they would be happy to comply with a consent condition that required the gradient of the tunnel for the first 5 metres back from the wharf to be no steeper than 1 in 10. In response to this, and before the hearing was adjourned, the Commissioners requested that information to this effect be provided before the hearing was closed.
50. After the adjournment of the hearing the applicant submitted three alternative ramp designs that each demonstrate compliance with the suggested performance standard. Depending on the option chosen the length of the ramp will increase by 1.0-8.5 metres.

Summary

51. In summary, and in order to reinforce earlier comments, it is the Commissioners position that none of the above alterations nor the provision of additional information extended the envelope of the application as lodged by the applicant. Conversely the alterations reduced the spatial and temporal extent of aspects of the application in some respects, and the information received by the Commissioners was allowed for a proper consideration of the application.

4. Consultation and notification

4.1 Consultation

52. The applicant consulted with TAG prior to submitting their application. The level and detail of consultation was not well documented in the application, or in the information provided at the hearing. However it is understood that the applicant first undertook consultation with TAG in December 2001.
53. After lodging their application, the applicant undertook further consultation with TAG and some key stakeholders, including CentrePort Limited (CentrePort) and Wellington Waterfront Limited (WWL).
54. Some submitters felt that the applicant had undertaken inadequate consultation regarding their proposal. The Commissioners acknowledge the frustration felt by some submitters in this regard, and have commented further on the matter of the 'competition' in section 6.7.1 of this report. Further to this the Commissioners note that consultation is not a mandatory requirement of the Resource Management Act 1991.

4.2 Notification and submissions

55. In accordance with Section 93 of the Act, the application was publicly notified in the Dominion Post on Saturday 9 January 2006. In addition, three signs were placed around the site, and notice of the application was served on 32 affected/interested parties.
56. 994 submissions were received, of which 51 arrived after the close of submissions. Of the submissions:
- 155 were in support,
 - 3 were in conditional support,
 - 834 were in opposition, and
 - 2 neither supported nor opposed the application.

A summary of the issues raised by these submissions is included in sections 4.2.1 and 4.2.2 of this decision.

57. Under Section 37(1)(b) of the Act, a consent authority may waive a requirement to comply with a time limit for the service of documents (e.g. submissions). In making such a waiver, the consent authority is required by section 37A(1) of the Act to take into account:
- a) *The interests of any person who, in its opinion, may be directly affected by the waiver;*
 - b) *The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement or plan;*

c) *Its duty under section 21 to avoid unreasonable delay.*

58. The Commissioners discussed the matter of late submissions at a meeting held on 30 June 2006. During this meeting they agreed to accept the late submissions as they were made in the correct manner and form, they did not raise any new issues, and their acceptance wouldn't disadvantage the applicant or any other party.
59. The Commissioners stated their position on the late submissions at the commencement of the hearing on 3 July 2006. No party objected to that ruling.

4.2.1 Issues raised by submissions in support

- The economic benefit to Wellington
- The creation of employment
- The further enhancement of the waterfront
- The need for a 5 star hotel to encourage tourism
- The design of the building
- That the hotel does not impose on views
- That the height is not over bearing on the landscape
- The area being more public
- The need for a restaurant with panoramic views
- The removal of Shed 1 which detracts from the aesthetics of Queens Wharf
- Replacing the existing uses which provide limited value to our city
- The under wharf tunnel will improve access to the area
- Problems finding accommodation for guests every time a large event is held
- The Hilton Hotel in Auckland has been a key to the success at Princess Wharf
- This is the best development opportunity that Wellington will have
- That public access is retained
- The construction of jetties¹ for public use
- The ability of Wellington to host more international events e.g. Rugby World Cup 2011
- Proposal provides competition between hospitality establishments on Queens Wharf
- The hotel should also include a casino

4.2.2 Issues raised by submissions in opposition

Traffic

- Conflict between vehicular and pedestrian traffic
- The lack of thorough assessments on traffic
- Disruption to the traffic along the quay
- The site as being inappropriate for a hotel due to the restrictive access

¹ The Commissioners note that these jetties have been deleted from the proposal

- That all vehicles should be prohibited from using the Shed 6 route from 7am-7pm, seven days a week
- The hotel relying on the reservation of public car parking in the Queens Wharf basement car park
- Not the space for transport and logistical infrastructure
- The access as not being suitable for Fire and Ambulance services
- Mitigation measures should include barging of construction materials

Building

- The design not being iconic or fitting in with surroundings
- The building being too large and out of scale for the site
- The height of the building
- Not allowing for viewshafts
- The loss of opportunity to open up the new viewshafts
- The design of the hotel
- The design not keeping in with other more traditional buildings
- The adverse effects on structures of architectural or historic merit
- That the design will break the stepping down pattern of buildings
- Shading and dominance effects on existing businesses and activities in the area
- Wind effects on existing businesses and public spaces
- The uncertainty of the acoustic performance of the hotel in respect of reverse sensitivity concerns regarding existing businesses in the area
- The design of the interior layout
- The design of the proposed servicing along the seaward side of the site
- Possible reverse sensitivity from glare and noise
- Inappropriate commercial use of a special and unique site

Public space and recreation:

- The privatization of a public space
- The reduction in public open space
- Limiting the site's recreational purpose
- The removal of the indoor sports centre (which an excess of 2,600 people/week participate in)

Coastal

- The construction of jetties² that will cause a hazard and intrusion into the marine environment
- Jetties limiting boat access, navigation and manoeuvring
- Disturbance to foreshore and seabed and associated marine ecology
- Discharge of contaminants to the coastal marine area
- That large ships and cruise liners may be forced to berth away from the CBD

² The Commissioners note that these jetties have been deleted from the proposal

- Adverse effects on CentrePort’s delivery of service to its ship operating customers from reverse sensitivity impacts including: noise, blockage of view, wharf structural movement, privacy, traffic, ships services and glare from ships lighting not considered adequately.

Consultation and costs

- Inadequate consultation
- Ratepayers having to contribute
- Probable large expenditure by ratepayers for foundation work and tunnel
- That there has been no competition for the development of the site
- The proposal is against the wishes of many Wellingtonians
- That the Wellington Tenth Trust has not endorsed the hotel

Other

- The proposal affecting Helipro which would have an adverse effect to other businesses and rescue operations
- The effect of relocating businesses currently in Shed 1
- The consent should expire if work is not commenced within 12 months
- That the proposal is only dealing with one arm of the Outer-T structure
- That the ownership of the site is in dispute due to settlement not being reached for Waitangi Claims in the area
- Disruption and noise caused by construction
- There are other better alternative hotel sites (Events Centre³, Overseas Passenger Terminal, Kumutoto site, etc)
- A bond of sufficient size should be imposed to cover costs if the applicant fails to observe any consent conditions
- Opposes the need for another 5 star hotel
- That there is no guarantee of a 5 star status
- That the proposal will affect the research of the School of Biological Sciences, VUW, as they rely on Helipro for transport to islands
- Proposal should be assessed under District Plan Rule 13.4.7, particularly 13.4.7.3 in regards to the Intercontinental
- Unacceptable natural hazards risks

4.2.3 Oral submissions

60. Approximately 50 submitters were heard by the Commissioners. Some submitters made a presentation on their own behalf, whilst others represented organisations, commercial operations or interest groups. A complete list of all the parties that appeared at the hearing is included in Appendix 5 to this report.

5. Statutory provisions

61. This section sets out the legal framework that was used by the Commissioners to make a decision on the application.

³ The Events Centre is now known as the TSB Bank Arena

5.1 Statutory criteria

62. The following resource consents are required under sections 12 and 15 of the Act:
- Coastal permit WGN060184 [24998] for the use and development of structures including a hotel building, decks, a vehicular access tunnel, and the refurbishing of the existing wharf structure associated with the proposal.
 - Coastal permit WGN060184 [24999] to disturb the foreshore and seabed associated with the re-piling of the existing wharf structure.
 - Discharge permit WGN060184 [25000] to discharge contaminants to the coastal marine area, in connection with demolition and construction activities.
63. The Commissioners accepted Ms Natasha Tod's analysis that overall the application is for a discretionary activity pursuant to the Rules contained in the RCP.
64. A fourth consent, coastal permit WGN060184 [24997] to occupy the land of the Crown in the CMA with the north jetty structure, was applied for by the applicant. Since the north jetty structure has been deleted from the application, this consent is no longer required.
65. In giving consideration to the proposal the Commissioners had regard to Section 104 of the Act; subsection (1) of which states:

When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –

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

66. Part 2 of the Act sets out the purpose of the Act, which is to promote the sustainable management of natural and physical resources, and in sections 6, 7 and 8 sets out matters that consent authorities should consider when exercising their functions under the Act.
67. The Commissioners also had regard to sections 105 and 107 of the Act, which raise matters relevant to the grant of certain discharge permits (including coastal permits).

5.2 Planning instruments and other matters

68. In making their decision on the application the Commissioners had regard to the following instruments and documents:

National

- The Foreshore and Seabed Act 2004
- The New Zealand Coastal Policy Statement 1994
- Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987

Regional

- The Regional Policy Statement for the Wellington Region 1995
- The Regional Coastal Plan for the Wellington Region 2000

District

- The Wellington City District Plan (the Operative District Plan) 2000
- The Wellington Waterfront Framework 2001

69. The relevant provisions of the above-mentioned planning instruments are included as Appendices 3 and 4 to this report.
70. The Commissioners considered the Foreshore and Seabed Act 2004 and the Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987 and concluded that no issues arise under these pieces of legislation.

5.2.1 National planning instruments

New Zealand Coastal Policy Statement

71. The current NZCPS was issued on 5 May 1994, and provides general principles and policies, rather than specific directives, for the management of the natural and physical resources within New Zealand's coastal environment.
72. The purpose of the NZCPS, as stated in Section 56 of the Act, is '*...to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand.*'

5.2.2 Regional planning instruments

73. The relevant regional planning instruments are the Regional Policy Statement (RPS) and the Regional Coastal Plan (RCP) for the Wellington region, which are both operative.

Regional Policy Statement

74. The RPS is an overview document that outlines the resource management issues of significance to the region and provides a framework for managing the natural and physical resources of the region in a sustainable manner. The RPS sits beneath the central government instruments (for example, the New Zealand Coastal Policy Statement). The regional plans assist the Regional Council to fulfil the policies of the RPS.
75. Chapters 7 and 10 of the RPS, The Coastal Environment and Landscape and Heritage respectively, are of particular relevance to this application.

Regional Coastal Plan

76. The RCP addresses activities relating to the use of the coastal marine area (CMA), the use of coastal water and the discharge of contaminants into the coastal marine area (except those that are discharges to land that then enter water). It is operative within the CMA of the Wellington region. The landward (or inner) boundary of the CMA is defined in the RCP as the line of mean high water springs; the seaward (or outer) boundary is the outer boundary of the Wellington Region as defined in SO35951 (approximately 12 nautical miles from the coast).
77. Chapters 4, 6, 7 and 10 are of particular relevance to this application. Chapter 4 contains general objectives and policies for the CMA, whilst chapters 6, 7 and 10 contain more specific objectives, policies and rules relating to structures, disturbance of the seabed and discharges to the CMA respectively.
78. Chapter 18 of the RCP addresses cross boundary issues, including circumstances where an activity occurs within the CMA, but the effects are experienced in a district. One of the processes suggested to deal with such issues is to seek a consistent approach between plans dealing with the control of such activities. In this instance this directs the consent authority to also consider the relevant provisions of the District Plan for the Wellington District.

5.2.3 District Plan provisions

Operative District Plan for the Wellington District (DP)

79. The DP promotes the sustainable management of natural and physical resources in Wellington district, and defines areas on the basis of

character. The DP does not have any direct jurisdiction over the CMA. Therefore, the hotel development is not directly subject to the rules of the DP, but as discussed above and below there are statutory linkages to the DP which need to be recognised. In addition, it is noted that the proposed site is located adjacent to the Central Area (as described in the DP), which includes the Lambton Harbour Area, but excludes the CMA.

80. Chapters 12 and 13 of the DP contain the objectives, policies and rules that are relevant to the Central Area. Many of these are relevant to the assessment of this application, including those that make specific reference to development in the Lambton Harbour Area.

Wellington Waterfront Framework (Waterfront Framework)

81. Since 1988, when the original concept plan for the redevelopment of Lambton Harbour was produced, there have been a large number of projects initiated to improve the waterfront area. There have also been several statutory planning regimes proposed since that time.
82. In 1996 a public process was commenced to gain an understanding of the public's views on the future of the Lambton Harbour Area and in September 2000 the Waterfront Leadership Group was appointed by WCC to recommend a framework to guide the future development of the waterfront area. The Wellington Waterfront Framework resulted from this process. The Wellington Waterfront Framework was adopted by WCC on 3 April 2001.
83. Wellington City District Plan Variation 22 – Lambton Harbour Area was proposed in August 2001. Its purpose was to incorporate into the DP the vision, values, principles and themes of the Waterfront Framework, to guide the development of the waterfront. The WCC decision to adopt Variation 22 was issued in April 2002 and final appeals to the Environment Court against Variation 22 were resolved in 2004.
84. Variation 22 recognises the Waterfront Framework as the overarching strategy for the waterfront area and provides guidance for its development.
85. The weight accorded to the Waterfront Framework by the Commissioners whilst making their decision is discussed in section 6.1 of this report.

6. Section 104 evaluation

86. This section is the Commissioners' evaluation of the principal issues associated with the proposed hotel development, as required under section 104(1) of the Act. It considers the actual and potential effects on the environment of allowing the proposed activity, together with

the relevant provisions of the statutory and non-statutory resource management instruments.

6.1 Wellington Waterfront framework

87. The majority of the witnesses who appeared at the hearing (whether as submitters, on behalf of the applicant or on behalf of GWRC) made reference to the Waterfront Framework. All agreed that it was of relevance to the proposal, but there was no clear agreement on how much weight it should be accorded.
88. The Commissioners acknowledge that the document is not a statutory planning document in its own right, but consider that there are three statutory reasons for considering it when assessing the proposal. These are:
 - a) Section 104(1)(c) of the Act
 - b) RCP provisions and cross boundary issues
 - c) Variation 22 to the DP
89. **104(1)(c)** - The Waterfront Framework can be considered as an '*other matter*' under section 104(1)(c) of the Act, as it is of relevance and the Commissioners believe it is necessary to consider the Waterfront Framework because:
 - a) The document has broad public acceptance and reflects public expectation regarding development of the waterfront; and
 - b) It specifically addresses the Queens Wharf area and the Outer-T.
90. Moreover, the Waterfront Framework sets out an approach for the resolution of several resource management issues (including heritage, public space provisions, urban form and design etc) on the waterfront – all of which are relevant to the current application for the Hotel development.
91. **RCP and cross boundary issues** – chapter 18 of the RCP addresses cross boundary issues. Section 18.2 identifies that circumstances may arise when an activity occurs in the CMA, but the effects are experienced in a district. Section 18.4 of the RCP continues this theme by stating that GWRC will seek a consistent approach between plans with the control of activities where the effects of activities span boundaries. Further to this, Objective 4.1.25 of the RCP states that "*activities which span the line of mean high water springs are managed in accordance with the provisions of both this Plan and any requirements in the relevant district plan*".
92. In terms of objective 4.1.25, the relevant "district plan" to this application is the operative Wellington City District Plan (DP) and as mentioned the Outer-T adjoins the Central Area as defined in the DP.

93. **Variation 22** - District Plan variation 22 embedded the values, principles and objectives of the Wellington Waterfront Framework into the DP. Accordingly, the Waterfront Framework has effectively become the design guide for the Lambton Harbour Area. As such, there is a very strong relationship between Policy 4.2.45 in the RCP which states that particular regard should be given to any design guides for the area which are contained in any DP and the Waterfront Framework.
94. Overall, there is intent within the Regional Coastal Plan for activities within the coastal marine area to be dealt with in a consistent manner to activities located in a similar environment on the landward side of the coastal marine area boundary. Accordingly the DP and Waterfront Framework are relevant (albeit non-statutory) documents in considering this proposal.
95. The Commissioners questioned many witnesses regarding their view on the statutory relevance of the Waterfront Framework to this proposal. These views ranged from placing the Waterfront Framework at the pinnacle of the tests to be satisfied through to merely considering the Waterfront Framework as a generic design guideline. In considering these different views, the Commissioners felt that Andrew Beatson (legal counsel for Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young) gave a useful opinion. Whilst he considered that the Waterfront Framework is of relevance, (which is supported by variation 22 and the references made to it in the DP), he felt the statutory weight that could be afforded to it under the RMA is limited. His rationale for this was that although the references to the Waterfront Framework have been tested by an RMA plan preparation process, the content of the document has not. In this respect he explained that there was only a limited opportunity for public input into the Framework and no opportunity for it to be challenged. He concluded that it is relevant, but that less weight should be given to it than the statutory planning documents.
96. In summary the Commissioners consider that the Waterfront Framework is a relevant document for assessing this proposal, especially the objectives and principles relating to development of the Waterfront. However the RCP remains as the primary statutory planning document, and in this regard is given more weight when considering the effects of the proposal and having regard to the relevant plans as required under section 104 of the Act.

6.2 Overview of potential and actual effects

97. In considering the actual and potential effects of the activity on the environment, the Commissioners took into account section 104(2) of the Act, and decided that there is not a permitted baseline with regard to effects that can be applied to this proposal. In this regard the Commissioners note that no extension, addition or alteration to

heritage structures (which includes Queens Wharf) is allowed without resource consent.

98. The applicant made reference to the Hilton Hotel on Princes Wharf in Auckland in the evidence produced at the hearing in relation to berthing, traffic, public access and noise effects. Whilst information regarding how this hotel operates was useful to the Commissioners, they did not consider that the Wellington proposal is directly comparable to the Hilton Auckland operation due to differences in location, wharf structure and activities occurring in the vicinity of the hotel.
99. The Commissioners have considered the potential and actual environmental effects of the proposed development under the following headings:
 - a) Positive effects – in terms of economic and other infrastructural benefits that may accrue from the development, and
 - b) Adverse effects - which in turn have been divided into two categories: **short-term effects** (those that occur whilst the site is under construction) and the **long-term effects** resulting from the ongoing use and operation of the hotel.

6.3 Positive effects

100. Section 3(a) of the Act states that the term “*effect*” includes any positive or adverse effect. The Commissioners agreed that there were four potential positive effects that result from the proposal. However, and as outlined below, they considered that only one of these – the economic benefits to Wellington city (and maybe the region to some extent) - was of any direct significance.

6.3.1 Economic benefits

101. Ofed Lifschitz (Vice President, Australasia for Hilton International) and Michael Copeland (economist) produced evidence at the hearing on behalf of the applicant regarding the economic benefits of the proposal. These included the creation of employment (both during construction and as a result of the ongoing operation of the hotel), benefits resulting from tourism and the addition of additional accommodation at the top-end of the hotel market. This view was supported by some submitters, in particular Wellington International Airport Limited (WIAL), the Museum Hotel and the Wellington Chamber of Commerce.
102. Mr Lifschitz stated that the hotel would be of an equal standard to, if not higher than, the Hilton Auckland and that he believes the hotel will identify Wellington as a world-class tourist destination and have a positive impact on the local community.

103. Mr Copeland detailed the potential economic benefits of the hotel development both during construction and its ongoing operation in dollar terms and job creation opportunities.
104. The Commissioners agree that there will be an economic benefit resulting from the development and operation of a new 5 star hotel in Wellington. They also note that there will be an economic benefit to the city during the construction period of 18 months – 2 years.
105. There was some debate regarding the degree to which these benefits accrue solely as a direct result of this location (Outer-T of Queens Wharf) as opposed to any other suitable location for such a hotel. Ultimately the Commissioners accepted that there is a point of difference associated with the location due to the combination of its position on the waterfront as well as its proximity to the Wellington CBD. As such, the Commissioners concluded that there are some additional benefits (an economic premium) resulting from the use of this location by a hotel.
106. Some submitters doubted the ability of hotel to operate as a 5-star facility. The Commissioners acknowledge these concerns but consider that the viability of the hotel development is a risk for the operators to manage and that there will be an economic benefit accruing from its location on this iconic site regardless of whether it is a 5-star hotel.

6.3.2 Traffic/pedestrian conflict on promenade

107. The planning witness for the applicant (Alistair Aburn) stated that the proposed tunnel link will solve the existing problem of conflict between traffic and pedestrians, which is one of the key matters listed in the Waterfront Framework.
108. The Commissioners agree that once constructed, the proposed tunnel will potentially assist by reducing the volume of service vehicles and taxis using the promenade adjacent to Shed 6 as they will be able to use the tunnel instead. They also noted two related factors; namely:
 - a) Firstly, and according to both the applicant and witnesses from WWL, much of the existing use of the promenade is by vehicles not authorised to use that route. The barrier improvements to the Hunter Street entranceway and other measures to be implemented via the proposed Queens Wharf Traffic Management Plan (QWTMP) will largely address that source of vehicle pedestrian conflict. In other words, the Commissioners believe that this conflict could have been addressed regardless of the hotel development by the imposition of more stringent controls on which vehicles are able to access this route via the Hunter Street intersection and implementation of an appropriate TMP. Accordingly, in the Commissioners view some reduction in the traffic and pedestrians conflict on the promenade around shed 6 is

likely in the normal course of events regardless of the hotel development.

- b) Secondly, the success of addressing the shed 6 promenade conflict is also dependant on the proposed tunnel working in an operational sense and the robustness of and compliance with any Traffic Management Plan (TMP) developed for the Queens Wharf area. In other words, the Commissioners felt that there was little benefit to be gained if the hotel merely had the effect of shifting the source of pedestrian- traffic conflict from the promenade to the central spine of the Outer-T where the tunnel portal is to be positioned. As will become apparent later in the decision, the Commissioners accept, on balance, that the tunnel will have the positive effect claimed but that this will need to be monitored closely with the assistance of a TMP developed specifically for the hotel.

- 109. Therefore in the overall scheme of things, the proposed tunnel link is not regarded by the Commissioners as a benefit of any significant weight, although it does provide some mitigation for the traffic that will be generated by the hotel (see section 6.6.6 of this report).

6.3.3 Wharf upgrade

- 110. The Commissioners discussed whether the upgrading of the northern end of the wharf could be considered to be a positive effect of the proposal.
- 111. Ian Pike (CEO of Wellington Waterfront Limited) presented evidence at the hearing on this matter. This evidence indicated that a “*significant proportion*” of the costs associated with repairing and strengthening the northern end of the Outer-T will be borne by the applicant, and that WWL will contribute a capped amount.
- 112. The Commissioners consider that WWL has an obligation to maintain the entire wharf even if the hotel proposal does not proceed. This is an obligation not only in terms of their existence as a CCO entity but also is implicit in the Waterfront Framework document. In this respect the Commissioners note that the wharf upgrading had already been deferred for many years (the last upgrade of any note being in 1968) and the deferment of further upgrades can not continue indefinitely. Therefore, the works on the wharf associated with the hotel development may only be a benefit of timing. In other words, one end of the wharf will be upgraded more quickly than would otherwise be the case, and this may act as a catalyst for WWL to also upgrade the southern end.
- 113. Therefore the partial wharf upgrade is not regarded by the Commissioners as a significant benefit resulting from this proposal.

6.3.4 Waterfront enhancement

114. The evidence of Alistair Aburn summarised the ways in which the hotel development can be seen to enhance the waterfront. These include the addition of diversity, attraction of people to the area, improvements to the public space associated with the hotel and the replacement of Shed 1 with a more visually appealing building.
115. Some submitters were also of this opinion; they considered that Shed 1 detracts from the aesthetics of Queens Wharf and that the existing uses of the site provide limited value to the city.
116. The Commissioners acknowledge this view, but also note that to some degree this is a subjective assessment, and many submitters thought that the hotel would detract from their enjoyment of the waterfront area. Furthermore, other alternative uses or structures on this part of the Outer-T (as acknowledged in the Waterfront Framework) could have the same benefit should the hotel not proceed. Therefore the Commissioners do not see this as a significant benefit resulting from the proposal.

6.4 Adverse effects

Overview

117. It is clear that some adverse effects will result from the construction and operation of the hotel. The construction effects are limited in nature and relate to effects on the marine environment, effects associated with construction traffic accessing the site and noise resulting from the works. The long-term, or operational effects, are greater in number and include matters such as urban form and design, berthing, traffic, wind and heritage.
118. The Commissioners judged the adverse environmental effects to be potentially significant due to the scale and nature of the proposal. The Commissioners had to consider the degree to which these effects could be adequately avoided, remedied or mitigated.

Construction related effects

6.4.1 Marine environment and coastal water quality

119. The RCP contains a number of environmental objectives and policies that seek to ensure that adverse effects of activities in the CMA on the marine environment are avoided, remedied or mitigated; and that any significant adverse effects are avoided. These provisions have been taken into consideration by the Commissioners when assessing the effects of the proposal on the marine environment and coastal water quality. In the main the Commissioners agreed with the reporting officer (Natasha Tod) that adverse effects would primarily result from the following activities:

- The works required to upgrade and strengthen the wharf structure will result in some localised disturbance of the sea bed and to organisms living on the wharf structure.
 - Replacement and strengthening of the piles under the wharf will also generate suspended material and increase turbidity in the water column. These discharges will primarily result from re-suspension of existing sediments and other material within the coastal marine area, with only a small proportion of new material being discharged.
120. In considering these effects, the Commissioners had regard to the evidence of Dr Anjali Pande who provided an assessment of the effects at the hearing on behalf of the applicant. Dr Pande also provided useful comments on the conditions included in the GWRC Officer's report. Both Dr Pande and Ms Tod agreed that the benthic habitat loss, water quality effects and sea bed disturbance associated with the wharf upgrade is confined to small areas, and that those disturbed areas will quickly be re-colonised from nearby marine communities. They also agreed on an amended set of conditions relating to these matters.
121. Section 107 of the Act places restrictions on the grant of coastal permits for activities that permit the discharge of contaminants into the environment. It states that a consent authority shall not grant a coastal permit allowing the discharge of contaminants to water if certain adverse effects are likely to occur after reasonable mixing. The Commissioners agree with Ms Tod and Dr Pande that the effects listed in section 107 will not occur after reasonable mixing, and a condition of consent has been applied to permit WGN060184 [25000] requiring the permit holder to comply with this obligation.
122. Moreover, the Commissioners consider that the disturbance of the coastal marine area and adverse effects on water quality will be of a small-scale which is likely to have only a minor spatial and temporal effect. Consent conditions have been placed on permits WGN060184 [24999] and [25000] which seek to ensure that the adverse effects are appropriately avoided, remedied or mitigated. These include a requirement to prepare construction and sediment management plans prior to works commencing.

6.4.2 Construction traffic

123. The RCP, DP and Waterfront Framework all seek to provide for safe and unimpeded pedestrian access to and along the waterfront.
124. The volume of traffic using Queens Wharf will be increased during the 18-24 month period estimated to be required for the Shed 1 demolition and hotel construction. This will create potential conflict with pedestrians, and other vehicles using Queens Wharf, especially along the Shed 6 route. The applicant estimates that a total of 330

trucks will be required to visit the construction site during the construction period (i.e. 660 truck movements). The peak number of trucks visiting the site in any one day is expected to be 6 (12 truck movements). Smaller vehicles will also be used by sub-contractors working on the site (volume unknown).

125. Dave White (Fletchers Construction), Donald Petrie and Eliza Sutton (Traffic Design Group) all provided evidence on behalf of the applicant on this matter. This evidence was reviewed and commented on by Steve Spence (Chief Transportation Engineer, Wellington City Council) on behalf of GWRC.
126. Gary Clark (transport engineer acting on behalf of Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young) had serious concerns regarding the use of the wharf by construction traffic due to the high numbers of pedestrians using the area, even outside of 'normal' construction hours. He highlighted the increased use of the wharf during summer months, and stated that, in his view, construction materials should be barged to the site.
127. Barging of materials to the site was initially proposed by Mr Spence as a means of reducing the volume of traffic on the wharf; however the evidence from Mr White persuaded him that this was not a practicable option. The Commissioners accepted this view.
128. As an alternative to barging the applicant proposed four alternative options including the construction of additional boardwalks and the use of a temporary bridge. Of the four options, the applicant's preferred choice, which was also accepted by the Commissioners as being the most practical, utilises the adoption of night-time deliveries of construction materials (when pedestrian traffic is less) combined with completion of the tunnel early in the construction period. A construction management plan (CMP) will be developed for the project which incorporates traffic management and pedestrian safety.
129. The Commissioners note that there is also the potential to use Plimmer's Ark (a gallery of the Museum of Wellington City and Sea) as an alternative pedestrian route during the construction period. This facility is owned by Wellington City Council and is currently open from 10am-5pm daily. The applicant has indicated that WCC may be agreeable to altering these opening hours during the construction period; this matter falls outside the control of the consent authority but the Commissioners encourage the applicant to further explore and implement the use of this route during the construction period. This mitigation method has not been made a requirement of the resource consent by way of a condition because the use of this route falls outside the control of the applicant.
130. Overall, the Commissioners accept the evidence presented by the applicant and Mr Spence, and consider that the adverse short term traffic effects associated with the construction period can be

adequately mitigated provided that a robust Construction Management Plan (CMP) is developed and implemented. Therefore, a condition of consent requiring a CMP to be submitted to GWRC for approval prior to construction (including demolition) commencing has been applied. This condition states that the CMP shall include details of arrangements that will be undertaken to maintain pedestrian amenity and safety amongst other traffic management requirements.

6.4.3 Construction noise

131. The applicant has an obligation under section 16 of the Act to utilise the best practicable option to ensure that emission of noise from the site does not exceed a reasonable level. There is also a New Zealand Standard (NZS 6803:1999) that is specific to construction noise.
132. Matthew Borich (environmental noise officer at WCC) reviewed the application on behalf of GWRC and provided evidence at the hearing. He considered that the adverse noise effects associated with construction could be appropriately addressed by way of consent conditions.
133. Mr Borich recommended that a condition of consent be applied that required the consent holder to submit information within the Construction Management Plan for the site that details how compliance with the New Zealand Standard will be met, and how the best practical option will be adopted in accordance with section 16 of the Act. In his evidence presented at the hearing he noted that WCC often require a break from noisy work (such as pile driving) between 12 midday and 2pm when the construction work is adjacent to restaurants.
134. The waterfront area is generally a public area that is well patronised during the day – especially during lunch-time hours. There are several restaurants and bar facilities in the vicinity of the proposed development and open space areas are well used by the public.
135. The construction works will generate noise which may have an adverse effect on these users of the waterfront (both those using the venues and those using the open spaces). The most noticeable effect will occur during the piling operations.
136. The Commissioners agreed that the conditions proposed by the GWRC officer with regard to construction noise were appropriate, but that an additional requirement should be imposed that restricts piling operations from occurring during lunch-time hours (12-2pm) and after 6pm. This requirement has been incorporated into the condition relating to the CMP.
137. On the basis of the above, the Commissioners are of the view that the potential noise effects associated with the construction period are acceptable in the context of the waterfront environment.

6.5 Long term effects

138. The long-term effects considered include those that commonly fall under the jurisdiction of GWRC ('coastal issues') and those that would more commonly be referred to as 'land-use issues', and in a location outside the coastal marine area (CMA) would fall under the jurisdiction of WCC. These effects generally fall into the following broad categories:

- **Coastal Issues** - port activities, helicopter operations, maritime character, archaeological heritage, natural hazards, public access and open space design, Maori cultural effects.
- **Land Use/DP Issues** – urban form, urban design, noise, traffic, heritage, wind, visual amenity (private & public views), sunlight, shading and lighting.

The following is the Commissioners' consideration and appraisal of these matters.

Coastal issues

6.5.1 Port activities

Statutory guidance

139. Recognition of the continued use of Queens Wharf for berthing and the CMA for port and harbour activities in general is given varying degrees of statutory importance through provisions of the RCP and DP. The relevant provisions are outlined below. Similarly, the Waterfront Framework also supports the continued use of the area for port activities. At a more generic level the RPS provides some guidance with regard to the allocation of finite resources within the CMA.

140. Objective 1 and Policy 2 in Chapter 7 of the **RPS** emphasis that resources in CMA are limited and there is a need to give careful consideration to the allocation of these resources. In particular these Regional Policy provisions require general consideration to be given to whether proposed activities are an efficient use of finite resources and the viability of alternative sites outside the CMA for a proposed activity.

141. The **RCP** contains general and specific provisions relating to the use of the CMA. The generic provisions focus on the CMA as a whole and seek the following outcomes:

- the protection of legitimate users of the CMA from the adverse effects of new activities (objective 4.1.3 and policy 4.2.8);

- recognition of the importance of the Port of Wellington to the social and economic wellbeing of Wellington (objective 4.1.26); and
 - acceptance that port and harbour activities are appropriate in the CMA (policy 4.2.7); and
 - adoption of a precautionary approach to resource management decisions in the CMA (policy 4.2.5).
142. Further to these general policies the RCP also contains a policy (4.2.45) that is specific to the Lambton Harbour Development Area. The full listing of this policy is included in Appendix 3 but of specific note is the requirement in this policy for LHDA to remain an *‘integral part of the working port of Wellington’*.
143. The **DP** has a similar policy, 12.2.11.7, which is to *‘maintain and enhance the Lambton Harbour Area as an integral part of the working port of Wellington’*.
144. In the same vein, the **Waterfront Framework** states that one of the key features of Queens Wharf is that it is the heart of the waterfront and reflects the working wharf and mercantile history. This document also states that cruise ships and other vessels should be encouraged to use Queens Wharf and that activities on the waterfront should be integrated with those on the harbour.

Current berthing arrangements at Queens Wharf

145. Currently, the entire length of the eastern side of the Outer-T is used by CentrePort to berth cruise ships, navy vessels, fishing vessels, research ships and other vessels. It is the only inner-city berth remaining in Wellington Harbour that can be used by cruise ships and the like.
146. The current use of Queens Wharf for berthing is potentially influenced by three factors:
- A voluntary restriction by WWL/CentrePort on the length of vessels berthed (to approximately 180 metres);
 - The availability of an alternative (but more remote) berth at Aotea Quay; and
 - The powers held by WWL in respect of the licence granted to CentrePort for berthing vessels at the facility.

Assessment of effects on future berthing

147. As a result of the hotel development, berthing at the northern end of the Outer-T will be restricted to vessels of 1,000 tonnes or less. The

type of craft allowed to berth will also be restricted (for example, fishing vessels will not be permitted).

148. Berthing at the southern end of the Outer-T will be limited to vessels of up to 130 metres in length.
149. These restrictions, imposed as a result of the hotel development, will:
 - reduce the number of vessels able to berth at Queens Wharf,
 - limit the flexibility of berthing arrangements (as less space will be available to CentrePort) and
 - limit future uses of the wharf (for berthing).

The restrictions will affect cruise ships, naval and other vessels.

150. Evidence on the significance of the above alterations to berthing arrangements was presented by Adam Thornton (structural engineer for the applicant) and Ian Pike (WWL) on behalf of the applicant. CentrePort (Neville Hyde and Captain Smith) appeared as a submitter at the hearing. Captain Pryce (the Regional Harbourmaster) spoke on behalf of GWRC. The collective evidence was somewhat contradictory regarding the impact that the hotel development and wharf restrictions would ultimately have on the use of the wharf for berthing.
151. What was clear from the evidence is that, unless there is an elongation of the southern end of the Outer-T (through the inclusion of mooring dolphins) or additional structural works undertaken to the northern end which prevent vibrations from berthed vessels affecting the hotel, there will be a reduction in the length (and therefore type) of ships that can berth at the Outer-T. What was less clear was the number of ships likely to be affected or displaced as a result of these restrictions, and the significance of this effect.
152. Based on data supplied by CentrePort (dating back to 2000/2001) and WWL (2006/2007 year only) it appears that the degree of displacement would have been highest 5-6 years ago when up to 7 cruise ships would have had to berth elsewhere whereas based on booked berths for 2006-007 only 1-2 cruise ships would have to berth elsewhere.
153. A possible reason for this reduction in magnitude of displacement might be the fact that larger ships are generally moving towards berthage at Aotea Quay combined with the voluntary restrictions being implemented by CentrePort. Whatever the reason, the facts seem to support a reduced impact compared to historical use of the wharf. This trend also coincides with the duration that the passenger terminal facility built by CentrePort has existed at Aotea Quay.

154. Notwithstanding the historical and recent trends associated with berthing at Queens Wharf, the Commissioners still acknowledge its attractiveness as a berthing option which is largely due to its proximity to the Wellington CBD. In this respect the issue for them was how significant a reduction in berthing at Queens Wharf is in terms of the statutory and non-statutory instruments that must be considered.

Evaluation

155. In terms of the above, the Commissioners believe that careful consideration of the relevant statutory planning documents (the RCP and DP) as well as the Waterfront Framework collectively signals a clear intent for berthing to continue at Queens Wharf, but that these instruments do not indicate that a reduction in berthing is an unacceptable outcome of development of the waterfront, provided that the LHDA remains an integral part of the working port of Wellington. The Commissioners agreed that the continuation of berthing is the key outcome sought by these statutory and non-statutory documents, and that the hotel development would still enable berthing, albeit reduced in volume and diversity, to continue at the site.
156. In respect to the above, the Commissioners also acknowledge the revised position of CentrePort which was received in writing following the adjournment of the hearing but prior to the hearing closure. CentrePort have advised that following discussions with WWL it is now satisfied that its concerns and interests are being addressed, and it withdraws its request that conditions be applied to the consent.
157. Further, the Commissioners also accepted that policy 4.2.45 of the RCP is a key policy to consider when assessing this proposal as it refers specifically to the Lambton Harbour Development Area. Due to the specificity of this policy the Commissioners gave it more weight than the other more generic RCP policies relating to the use of resources in the CMA. They were satisfied that the Outer-T would be able to serve a function within the working port of Wellington, and that the Lambton Harbour area as a whole would still remain an integral part of the working port of Wellington. Although, they do accept that this particular attribute of the working port (berthing) will not be enhanced as a result of this proposal.
158. One Commissioner considered that this proposal would breach the requirement in policy 12.2.11.7 of the DP to maintain and enhance the LHA as an integral part of the working part of Wellington.
159. Finally on this matter, the Commissioners noted that the continued use of Queens Wharf is dependent on the required maintenance works being undertaken by WWL to the southern end of the Outer-T. The Commissioners did not feel that they could derive much comfort from the evidence heard at the hearing that this would be undertaken in a

timely manner, but accepted that this matter falls outside their consideration of this application. Nevertheless given the importance of upgrading the southern end of the Outer-T for the continued use of Queens Wharf as a working port, the Commissioners felt strongly that WWL should be encouraged to undertake any maintenance and strengthening works to both the northern and southern ends of the Outer-T at the same time.

6.5.2 Helicopter operations

Issue

160. The **RCP** contains generic objectives and policies that seek to protect existing legitimate users of the CMA from adverse effects resulting from new activities, for example, objective 4.1.3 and policy 4.2.8. The explanation to policy 4.2.8 states that GWRC will consider and minimise the effects on inter-user conflicts.
161. It emerged during the course of the hearing that an indirect result of the proposal proceeding could be a constraint on the existing operation of the helipad on the southern end of the Outer-T which is owned and operated by Helipro. The inter-user conflict in this instance could be between berthing ships and helicopter take offs/approaches and the catalyst for this conflict is (arguably) the changes to the wharf structure which would “force” berthing ships to use the southern end of the Outer-T and thus bring helicopter operations into potential conflict with berthing ships.

Evaluation

162. The operation of heliports is governed by the Civil Aviation Authority (CAA). Under Civil Aviation Rules the responsibility for the safe operation of helicopters lies with the pilot in command and the helicopter operator, and there are certain factors that these parties must take into consideration when deciding whether a helipad can be used safely.
163. Similarly, the Wellington Regional Harbourmaster (Captain Mike Pryce) has a statutory duty to provide for navigational safety and overall harbour safety management (including the safety of berthed vessels).
164. Under questioning from the Commissioners, Captain Pryce voiced concern regarding the potential safety issue that would be created due to the proximity of vessels berthing in relation to the helicopter operations that use the very southern end of Queens Wharf. His concern was that after completion of the hotel, vessels will be obliged to berth further towards the southern end than currently occurs; and this will bring these vessels and the helicopter operations into closer proximity than is currently the case. He noted that in his capacity as

Harbourmaster he is able to prevent vessels berthing in a certain location if he considers that there will be an undue safety risk.

165. The applicant called an aviation expert, Charles Lewis, to respond to the concerns raised by Captain Pryce. Mr Lewis stated that *‘with sound operating procedures...helicopters can continue to operate perfectly safely from this site whether a ship is berthed alongside or not.’* The applicant also tabled an email sent from the CAA which indicated that the berthing of a ship at Queens Wharf would not in itself make helicopter operations unsafe; however conditions on the day, such as the actual position or size of a particular vessel might prevent the pilot in command using the helipad.
166. Rick Lucas (operator of Helipro) agreed with the approach outlined by CAA – namely that the vessels berthed alongside the helipad simply represent another factor to be considered by the pilots, but no additional safety issues are raised.
167. In terms of their assessment of the matter, the Commissioners starting point was whether this is a true resource management effect to be considered. To a certain extent the reticence of Mr Lucas to elevate this matter to the status of an adverse effect when questioned by the Commissioners supported their uncertainty on this point. Notwithstanding this, the Commissioners do not believe it represents an adverse effect. In coming to this conclusion the Commissioners record that :
- They accept the evidence presented by the applicant and Helipro, and consider that although there may be occasions when helicopter operations are restricted by the berthing of vessels, these occasions will be very limited and will not cause a more than minor adverse effect on Helipro’s operations, and
 - They note that the management of such effects is an operational matter to be handled by the respective parties (Helipro, CentrePort, and the Wellington Harbourmaster).
168. Accordingly, the Commissioners do not accept that there is any dichotomy between the proposal and the policies of the RCP as they relate to inter-user conflict in respect to helicopter operations and ship berthage on the Outer-T.

6.5.3 Maritime character

Issue

169. One of the five themes running through the **Waterfront Framework** is that of historical and contemporary culture, which includes recognition of the mercantile history and trading background of the waterfront. Queens Wharf is identified as being at the heart of

Wellington's waterfront and as reflecting this mercantile history and the working wharf.

170. Policy 4.2.45 of the **RCP**, which relates to development in the Lambton Harbour Area, also refers to the heritage character of the area.
171. The continuation of berthing at Queens Wharf is one means of telling the story of the area's mercantile and trading history. As discussed in section 6.5.1 of this decision, the Commissioners have already recorded and acknowledge that berthing will be restricted to some extent by the proposed development. The issue therefore is the degree to which that restriction will have a cumulative impact in terms of the maritime character of the Queens Wharf environment.

Evaluation

172. The Commissioners heard two distinctly different views on this matter from two highly qualified professionals.
173. Firstly they heard from Laurence Jeremy Salmond (heritage architect acting on behalf of the applicant) who agreed that the hotel itself will not help to tell the maritime history, but stated that the proposal was not inconsistent with that objective. He considered that the development would not have an adverse effect on the maritime character of the wharf as berthing would be able to continue.
174. Natasha Tod (GWRC) and Barbara Fill (heritage advisor acting on behalf of GWRC) had an opposing view. Ms Fill stated in her evidence that continuation of the Outer-T as part of the working port is a key link to the historic heritage of the site. Moreover Ms Fill and Ms Tod considered that removing or reducing port activities weakens the link to the maritime past of the waterfront and makes it more difficult to tell the heritage story.
175. The Commissioners also noted the view of Mr McIndoe from TAG on the issue of maritime character. In this respect it was noted that TAG considers that the continued berthing of large vessels at Queens Wharf maintains the special maritime character of the waterfront, and is one of the prime reasons that the site is regarded as unique and 'iconic'. TAG believes that this ability must be maintained and that large ships should continue to occasionally 'close-off' views down the centre of Queens Wharf as this is when they fully become part of Queens Wharf's identity.
176. In exercising their judgement on this matter, and as discussed in section 6.5.1 of this report, the majority of the Commissioners agreed that the continuation of berthing is the key outcome sought by the statutory documents, and that this proposal would allow for berthing, albeit reduced in volume and diversity, to continue at the site, and therefore would still retain the maritime character of Queens Wharf.

However, one Commissioner remained convinced that the overall effect would be to undermine the intent of policy 12.2.11.7 of the DP, which is to maintain and enhance the LHA as an integral part of the working port of Wellington.

6.5.4 Archaeological heritage

Statutory context

177. Queens Wharf is listed in Appendix 4 of the **RCP** as a feature of “*Historic Merit*”. Policy 4.2.12 of the RCP seeks to protect significant historic features in the CMA, in particular the values of buildings and features listed in Appendix 4. Policy 6.2.2 of the RCP states that the use or development of structures in the CMA should not be allowed unless the adverse effects on areas of historic significance and structures of historic merit are satisfactorily mitigated or remedied.
178. The wharf was built in the 1860s and due to its age is classed as an archaeological site under the Historic Places Act 1993.

Evaluation

179. The Commissioners heard a variety of evidence on this matter as follows:
- The evidence of the New Zealand Historic Places Trust (NZHPT) identifies Queens Wharf as a significant heritage resource, which will be registered as a historic place in due course.
 - Dr Pam Chester presented evidence on behalf of the applicant.
 - Barbara Fill appeared at the hearing on behalf of GWRC.
 - Ms Tod provided a regional planning context for the issue.

All of these witnesses agreed that Queens Wharf is an important archaeological feature. The issue in debate however is the effect that both the demolition of shed 1 and the proposed construction of the hotel would have on the archaeological values associated with the Wharf

180. The applicant, through Mr Thornton, identified that approximately 12% of the existing Queens Wharf will be demolished by works associated with the development. Heritage fabric of the wharf will be disturbed and to some extent destroyed by the maintenance and strengthening works.
181. The Commissioners noted that whilst the applicant has not undertaken an assessment of the extent of the original fabric present in the wharf structure, a major refurbishment of the Wharf was carried out in the 1960s which would have altered parts of the original fabric of the wharf. Undoubtedly there will be strong representation of the existing

fabric but at the same time, parts of the wharf will be made up of 1960s material. The difficulty for everyone - experts and the Commissioners - is determining the composition of this mix. To this end the Commissioners note that it would have been of considerable value for the applicant to have prepared a Conservation Management Plan for the wharf well in advance of the hearing to assess this matter more comprehensively.

182. In any event, the Commissioners recognised that ongoing maintenance work will be required to be undertaken on the wharf, regardless of whether the hotel development proceeds. To some extent this could be considered a 'baseline' for considering effects on the heritage fabric, although it is likely that such works would require a coastal permit under the RCP.
183. Having considered the evidence of Ms Chester and Ms Fill the Commissioners consider that on balance the direct effects on heritage fabric are acceptable. An important factor in this determination is the acknowledgment from all parties that much of the demolition will be to the wharf substructure and will not affect public perception of its historic value or the form of the wharf structure. From the Commissioners perspective, the only practical option at this point is to require the applicant, when giving effect to this decision, to prepare a Conservation Management Plan for the wharf. This will go some way to helping the applicant assess the distribution of 'heritage fabric' within the wharf and identify any areas of significant value that require protection; this will provide satisfactory mitigation for the disturbance to the heritage fabric.
184. As touched upon above, it was noted by the heritage experts at the hearing that a Conservation Management Plan should have been prepared earlier in the development process to help guide the design of the proposal. Unfortunately this was not the case but this decision will at least ensure that a Plan is prepared prior to the finalisation of the working drawings. This will enable the findings and recommendations of the Plan to be taken into consideration during the detailed design process, including the approval of the working drawings by Greater Wellington.
185. The resource consent application aside, the Commissioners also note that the applicant will be required to obtain an authority from the NZHPT under section 11 of the Historic Places Act before undertaking any works on the wharf which may damage, modify or destroy part of the wharf, which is an archaeological site. A Conservation Management Plan will be an important component of such an application.

6.5.5 Natural hazards

186. Principle 7 of the **NZCPS** recognises that the coastal environment is particularly susceptible to the effects of natural hazards. Chapter 11 of

the RPS is dedicated to natural hazards; of particular pertinence to this proposal is Policy 2 which lists matters that should be considered when making decisions on development in areas known to be susceptible to natural hazards. These are echoed in objectives 4.1.11 and 4.1.12 of the **RCP**.

187. Some submitters (including Waterfront Watch) were concerned that the hotel would be vulnerable to natural hazard events such as earthquakes or tsunamis, and that this could have an adverse effect on the integrity of the building; visitors to the hotel and Queens Wharf; and the services located underneath the wharf.
188. The Commissioners accept the evidence of Mr Sharpe for WIL and Ms Grant for GWRC, and are satisfied that the adverse effects of natural hazards can be appropriately mitigated, provided that an emergency management plan is prepared and approved prior to occupation of the building. Such a plan can appropriately be dealt with by way of condition on any consent granted, and the Commissioners have applied a condition of consent to this effect.

6.5.6 Public access and open space design

Statutory context

189. The **RCP** includes provisions that emphasise the importance of public access to and along the CMA. Further to this policy 4.2.45 specifically requires that:

- public open spaces, public access and through routes to be provided for in the Lambton Harbour Development Area; and
- that the effects of development in this area do not detract from people's enjoyment of the area.

Policy 6.2.4 of the RCP seeks to ensure that appropriate disabled access is provided to all new structures in the CMA.

190. In the **DP**, the following assessment criteria are relevant:
 - Assessment criteria 13.4.7.2 (in relation to the construction of new buildings in the Lambton Harbour Area) states that the ground floors of buildings should have an '*active edge*' that supports the public use of the space and are predominately accessible to the public.
 - Assessment criteria for Rule 13.4.8 (which relates to public space developments in the Lambton Harbour Area) states that proposals shall be assessed against the principles and objectives of the Waterfront Framework.
191. The principles of the **Waterfront Framework** echo the provisions of the RCP and DP and include the following:

- that the waterfront is predominately a public area;
- ground floors of buildings will be accessible to the public;
- there will be a promenade along the length of the waterfront; and
- there should be good access to the water.

192. The proposal involves the development of a new building in the Lambton Harbour Area and the development of public space in the vicinity of the hotel. Evidence regarding the design aspects of the public space development was provided by TAG and David Irwin (landscape architect acting on behalf of the applicant). The applicant made modifications to their open space proposal which addressed the concerns raised by TAG in their initial report. These modifications are detailed in section 3.3 of this report.

Effects/issues

193. In terms of the above statutory context, it was significant to the Commissioners that concern was expressed by a number of submitters (including Waterfront Watch, Wellington Civic Trust and several individuals) that the proposal would effectively privatise the public space by creating an atmosphere that was unwelcoming because a majority of the general public would be intimidated by the luxury status of the hotel. Some submitters also intimated that the ground floor facilities of the hotel will only be patronised by the more affluent – i.e. are not aimed at the *general* public.

194. Mr Irwin commented on these concerns in his evidence. He considers that although the deck areas are not public space per se they will nevertheless '*activate the public space*' and achieve the '*active edges*' envisaged by the Waterfront Framework. He believes that his will encourage the public to access the Outer-T.

195. The TAG witness (Mr McIndoe) elaborated on this point, noting that:

- the proposal allows for quality public space around the hotel;
- introduces active building edges; and
- visual interest and will encourage public use of the promenade around the perimeter of the building.

Overall, TAG regards the ground floor use of the hotel (restaurant, bar and lobby space) as consistent with the objectives of the Waterfront Framework.

196. Mary O'Callahan adopted the evidence of TAG and also noted that the existing building (Shed 1) is a 'closed' structure, lacking an active frontage.

197. In his written brief of evidence, John Ingram (General Manager, Hilton Auckland) specifically addressed the issue of public access to the ground floor of the hotel in his evidence. Based on his experience at the Auckland hotel he believed that the proposed development, in conjunction with the open space proposals, will create a vibrant waterfront atmosphere and will attract a significant volume of public to the Outer-T.
198. A related issue raised by two submitters in particular (Wellington Indoor Sports (WIS) and Save our Sports (SOS)) was the displacement of the existing activities occurring in Shed 1 by the proposed development. The indoor sports facility is used by over 2,000 people a week who participate in a variety of indoor sports including football, netball and volley-ball, and is the only such facility located in the CBD. At the time of the hearing alternative arrangements for the relocation of the facility had not been made, but negotiations were ongoing.

Evaluation

199. The starting point for the Commissioners is a direct acknowledgment that the promenade is an important element of the waterfront. The Commissioners also note that this is given weight in all three documents (RCP, DP and WWF) that they are required to consider.
200. In considering this matter, the Commissioners came to the view that whilst the public space available will be slightly reduced by the hotel development, a 5-8 metre wide promenade will remain around the perimeter of the hotel. This width excludes the dining decks associated with the hotel. The Commissioners agree that this is an appropriate provision of public space which will in turn allow for continued access to the CMA for all.
201. As far as the ground floor usage of the hotel building is concerned, the majority of the Commissioners did not accept the concerns that there would be an element of exclusivity to the use of that space. Rather, they accept at face value the commitment voiced by the Hilton witnesses – one of which will be the General Manager of the Wellington operation - that the ground floor of the hotel will be publicly accessible. This combined with the fact that the public space will have an orientation that is outward looking in nature, lead the Commissioners to conclude that the hotel proposal is not inconsistent with the Waterfront Framework in terms of its public and open space principles. The Commissioners also note that disabled access will be provided to the hotel via a ramp on the western side.
202. On the matter of Shed 1, the Commissioners appreciate the concerns raised by the users and operators of the indoor sports facility currently located in that building. However, as WIS operates on the basis of a short-term lease from WWL, they did not consider that this was an effect that they could take into consideration, but would encourage

WIS, WWL and WCC to continue to work together to find an alternative location for this activity.

6.5.7 Māori cultural issues

203. Under section 6(e) of the Act “*The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*” is a matter of national importance.
204. In addition, sections 7(a) and (aa) of the Act require the Commissioners to have regard to kaitiakitanga and the ethic of stewardship, and section 8 requires that the Principles of the Treaty of Waitangi are taken into account. There are also numerous provisions within the RCP which relate to the consideration of tangata whenua values.
205. The proposed hotel is located in an area that was once closely connected to local pa and kainga. In particular, Pipitea, Kumutoto and Te Aro Pa were major Māori settlements.
206. Prior to lodging the application WIL engaged Raukura Consultants Limited to consult with Māori regarding the proposal and produce a Cultural Impact Assessment. Consultation was undertaken with the Wellington Tenth Trust, Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui, Ngati Tama Te Kaeaea ki te Upoko o te Ika a Maui Society Incorporated and Te Runanga o Toa Rangatira Inc. Morris Te Whiti Love (Raukura Consultants Limited), presented evidence at the hearing on behalf of the applicant.
207. Some submitters (including the Waterfront Watch) questioned the support given to the proposal by the Wellington Tenth Trust (Tenth Trust). Mr Love confirmed that the current Chair of the Tenth Trust, Dr Ngatata Love endorsed the Cultural Impact Report and were working with Hilton Hotel to develop a Memorandum of Understanding (MoU) relating to initiatives associated with the hotel that could benefit the Tenth Trust. For example, the inclusion of art pieces in the ground floor of hotel that have a Maori cultural connection and cultural tourism initiatives.
208. The Commissioners accept that the tangata whenua have been consulted regarding this application, and that their views have been taken into account. In the case of the Wellington Tenth Trust these views will be further expressed by the development of a MoU with Hilton. In recognition of the past associations of tangata whenua with the site the Commissioners have applied a condition that requires construction works to cease should any artefact material be discovered, and that in such circumstances appropriate iwi representatives are contacted for advice.

6.6 Land use/DP issues

209. The following sections outline issues relating to land use that on the landward side of the CMA boundary would fall within the jurisdiction of Wellington City Council. As the proposal falls solely within the CMA, in this instance, these matters fall to GWRC to assess.
210. These land use issues were assessed by Mary O’Callahan on behalf of GWRC, who in turn consulted with a number of experts at WCC.

6.6.1 Urban form

Statutory context

211. A proposal for any new building in a sensitive area will typically raise questions regarding the appropriateness of its height, bulk and scale for its proposed location. In this case the location considered is Queens Wharf and the issue is how the proposed hotel fits into that locale given the wider context of the overall urban form of the city. There are several objectives and policies in the **DP**, and principles in the Waterfront Framework, that are relevant to the assessment of urban form.
212. Objective 12.2.3 is to maintain and enhance the physical character, townscape and streetscape of the Central Area. There are several policies supporting this objective. One of these, 12.2.3.1, seeks the preservation of the present urban form of the Central Area. The explanation to this policy describes the Central Area as being located in an amphitheatre formed by hills to the west and the harbour to the east. It also comments on the High City and Low City components of the area.
213. The Central Area comprises the main commercial and business heart of Wellington City (the central business district or CBD) and includes the Lambton Harbour Area (LHA). The High City is a well-defined and constrained core of high-rise buildings centred on Lambton Quay and Willis Street, whilst the Low City refers to the low-rise development to the outer boundaries of the Central Area of the city.
214. The explanation to policy 12.2.3.1 refers to developments in the Lambton Harbour Area as needing to be ‘*complementary to and in scale appropriate to the existing buildings around them*’. This intent is echoed in the explanation to policy 12.2.11.6, which seeks to provide for new development which adds to the waterfront character and quality of design within the area, and promote the principles of the **Waterfront Framework**.
215. Policy 4.2.45 of the **RCP** states that development in the Lambton Harbour Development Area should be compatible with the urban form of the city. The explanation to this policy states that the urban form of the city provides for ‘*an enhancement of the amphitheatre where the*

built form reflects the stepping down of the topography from the Kelburn area to the sea. ...development in the Lambton Harbour Development Area will generally be lower than the adjacent city centre.'

216. The Commissioners noted the close parallels that exist between Policy 4.2.45 of the RCP and the aforementioned objectives and polices of the DP for the Central Area which in their view further strengthen the statutory linkages between the RCP, the DP and even the Waterfront Framework when considering this proposal.

Evidence

217. Evidence on the urban form effects associated with the proposal was heard from a number of expert and lay witnesses. Two conflicting views emerged throughout the course of the hearing as follows:

- View 1: that the proposed hotel is too big for the site and doesn't fit within the context of Queens Wharf and the wider City.
- View 2: that the hotel is generally consistent with the statutory framework and is physically compatible with its receiving environment.

218. The following witnesses represent the thrust of the former view:

- Di Buchan, representing the Wellington Civic Trust stated that the Hilton hotel will be '*in the front row of the stalls; a tall woman with a large hat*' and that this was incompatible with the urban form of the City, which is an amphitheatre with the harbour as its stage.
- Sylvia Allan (planning expert for Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young) presented evidence on the effects of the building's scale, form and use. She considers that the hotel building is a very significant increase in height (compared to Shed 1) and does not fit with the urban form of the city as the building should 'step down' from the 'low city'. Ms Allan also comments that the "boxy" form and design features of the hotel will emphasis its upper level and hence its height and bulk, and that for these reasons the building will '*significantly dominate its immediate surroundings.*'
- Michael Steven (landscape architect acting on behalf of Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young) also gave evidence on the effects of height and bulk. Mr Steven is concerned about the implications of the height and bulk of the proposed building for the perception and experience of public space around the building. He considers that the height of the proposed hotel should be comparable with others in its precinct, in order to respect the gradation in height from the

high city to the lower profile buildings on the waterfront. Mr Steven believes that the proposed building will detract from the public appreciation of other buildings in the vicinity due to its height.

219. The opposing view, which was supported by the applicant, TAG and Ms O'Callahan, is that the proposed building is:

- appropriate to the setting;
- at an appropriate scale relative to other waterfront developments; and
- consistent with the wider city patterns.

Evaluation

220. The Commissioners placed greater weight on the opinion of TAG with regard to their assessment of urban form and accepted their assessment of the proposal. TAG is a group of independent professionals appointed by WCC. Part of their role is to review design aspects of resource consent proposals and report to the consent authority. The group currently comprises four individuals, who were all involved in the review of this proposal; Graeme McIndoe (architect and urban designer), Chris McDonald (architect and urban designer), John Melhuish (architect) and Robin Simpson (landscape architect).

221. Based on the assessment and advice of TAG, the Commissioners find that the proposal is consistent with the urban form of the City, and will not cause any significant adverse effects due to its bulk, height or scale.

6.6.2 Urban design

Statutory context

222. Policy 4.2.45 of the **RCP** makes reference to the use of design guides for the Lambton Harbour Development Area which are contained in the DP for assessing new developments. The Waterfront Framework has not been incorporated into the DP as a design guide, but it is repeatedly referred to in the objectives and policies of the DP as an assessment criterion for proposals in the Lambton Harbour Area.

223. The explanation to Policy 12.2.11.6 in the **DP**, which relates to the provision of new development on the waterfront, states there will be an allowance made for some commercial uses on the waterfront and that any development should be of high quality. The requirement for development of high quality is echoed in the principles of the **Waterfront Framework** (page 18).

Evidence

224. The assessment prepared by TAG, and presented by Mr McIndoe, pays particular attention to design of the proposed building and whether this achieves the level of visual amenity envisaged for this site, by the Framework. Ms O’Callahan provided a DP context to that assessment.
225. At the commencement of the hearing TAG felt they had insufficient information regarding materials and design detail to make a final assessment on the proposal. To this end TAG suggested that the applicant provide a ‘sample board’ of materials and colours along with perspectives prior to Resource Consent approval being granted.
226. In addition to outlining the principle features of the building’s design, the applicant’s architects (Matthew Chaplin and Laurence Sumich of Sumich Architects Limited) provided a sample board of materials and colours at the commencement of the hearing. TAG reviewed the material and samples and was generally happy with the design quality. TAG noted that there were two unresolved design matters:
- the use of a banner on the proposed canopies, and
 - the design of the roof penetration enclosure.

However TAG expressed confidence that these issues can be resolved and Ms O’Callahan endorsed this by recommending conditions of consent that require that these matters are assessed and authorised at working drawing stage and that the full working drawings must be approved by GWRC (in consultation with TAG) prior to any building or public space construction works commencing.

227. Several submitters were unimpressed with the building design. These included the NZHPT (their concerns are discussed in section 6.6.3 of this decision), the Wellington Civic Trust, Waterfront Watch, Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro), Jane Young, Architect Centre (who did not speak at the hearing) and many individual submitters. A common concern was that the design did not achieve the iconic status required for the site. For example, the Civic Trust considers that the design represents no connection with the shipping and mercantile history of the site and does not exhibit iconic qualities that can be appreciated by the public. Similarly, another submitter described the design as a “rectangular box” that reminded him of the Hermitage building at Mt Cook.

Evaluation

228. The Commissioners had some empathy with the views expressed by some of the submitters in respect to design issues. In particular they doubted the “iconic” quality of the design which is a fundamental principal of the Waterfront Framework. In respect to this, the

Commissioners acknowledged that there was much debate as to what constitutes an iconic design and that in any event the position of TAG was that iconic structure could be achieved in one of two ways:

- *By focusing on the architecture – designing a special building for a special site.* This approach would result in a building that is special, unique and memorable. It is likely to have memorable elements which are integrated within a spectacular and highly original architectural composition like the Sydney Opera House or the Guggenheim Museum in Bilbao; or alternatively
- *By focusing on the qualities of place, reinforcing its special and unique (or iconic) qualities.* This approach uses high quality architecture to enhance the memorable qualities of a place. In this case, it is not the individual building but the wider setting that maintains or achieves an iconic status.

229. TAG notes that “*a calmer and more restrained structure can be appropriate provide that it:*

- *establishes coherent relationships with its surroundings,*
- *defines positive outdoor space,*
- *enhances the vitality and memorability of adjacent public space,*
- *treats public and semi-public areas generously and imaginatively,*
- *relates to both contemporary culture and the history of its site,*
- *expresses architectural elegance and design coherence, and*
- *exhibits exquisite architectural details and materials.”*

230. Iconicism aside, the critical aspect in the Commissioner’s consideration of this issue distilled to the technical advice of TAG who is the recognised independent expert assessor of waterfront design issues. Significantly, no other “experts” in this field, perhaps with the exception of Mr Toomath (who by his own admission did not attempt to assess the specifics of the hotel design), provided any comprehensive architectural assessment of the proposal.

231. In the absence of an expert contrary view, the Commissioner’s agreed that the assessment provided by TAG was comprehensive and showed that the hotel design was consistent with the Waterfront Framework and the provisions of the DP and RCP. They accepted the conditions of consent relating to detailed design matters suggested by Ms O’Callahan as an appropriate means of addressing and resolving the outstanding issues, which are minor in nature.

6.6.3 Heritage context

Statutory context

232. The expression of heritage and history is one of the principles of the **Waterfront Framework**, and is an important part of the identity of

the waterfront. The Framework also identifies heritage buildings as an important aspect of the waterfront history.

233. Sheds 3 & 5 are listed in Appendix 4 of the **RCP** as buildings of historic merit. These buildings are also identified as heritage items in the Waterfront Framework. Policy 4.2.12 of the RCP seeks to protect significant historic features in the CMA from the adverse effects of development. In particular this policy applies to the values of the buildings identified in Appendix 4. Policy 4.2.24, which relates solely to the Lambton Harbour Development Area, states that the heritage character, development and associations of the area should be recognised.

Evidence

234. As with many of the matters discussed at the hearing, two opposing views emerged with regard to the appropriateness of the proposed hotel in the context on the heritage character of the Queens Wharf Area.

235. The applicant's view was presented by Laurence Jeremy Salmond, a heritage architect. Mr Salmond, presented evidence at the hearing with regard to the heritage context of the site (an assessment was not provided in the application). Mr Salmond's position is summarised as follows:

- He considers that the hotel development is appropriate and does not have an adverse impact on the heritage character of Queens Wharf.
- He suggests that the historical setting of Queens Wharf has been '*seriously and irretrievably altered by relatively recent development*'.
- He considers that the proposed building will sit well within the existing landscape and notes that the architecture of the building will create a pattern of smaller scale elements such as the 'bay' elements at each end, which help breakdown the overall bulk of the building.

236. Mr Salmond concludes that the hotel will contribute positively to the established setting

237. Other submitters and expert witnesses disagreed with Mr Salmond's assessment. In particular, Barbara Fill (a heritage advisor acting on behalf of GWRC) stated in her evidence that '*the proposed hotel will, because of its height and bulk...have an adverse effect on the heritage values of the wharf and its surroundings which include a number of significant heritage buildings*'. Under questioning Ms Fill acknowledged that her main concern was the dominance of the hotel in this context and particular in relation to the much smaller heritage

buildings known as Dockside (Shed 3) and Shed 5. She concluded that the only way to mitigate this would be to significantly reduce the scale - particularly the height - of the building.

238. In a similar vein, Alison Dangerfield (a heritage advisor for NZHPT) gave evidence at the hearing relating to the adverse effects of the proposal on historic heritage. Ms Dangerfield considered that these effects would be more than minor because the building will impose on the historical setting as a result of its size and appearance. Its taller dimension will impose a substantial dominance over the area and it will overwhelm the smaller buildings.
239. In her evaluation of the heritage effects of the proposal from a planning perspective Ms O’Callahan noted that the Waterfront Framework anticipates old and new buildings on the waterfront and clearly anticipates a new “structure” on the Outer-T. On the basis of TAG’s assessment of the height, bulk and scale of the proposed building, which takes into account effects on neighbouring buildings and the waterfront context generally, Ms O’Callahan considers that the impact of the proposed development on the heritage context will be no more than minor.

Evaluation

240. The starting point for the Commissioners was an acknowledgement that the effect of the hotel on the heritage context of the waterfront is influenced by issues such as the design, scale and position of the hotel. In this respect the Commissioners have already considered the effects of the proposal on urban form and design in some detail in sections 6.6.1 and 6.6.2 of this decision. The conclusion was that the form of the hotel is generally acceptable in the waterfront context. Given that that context is largely comprised of heritage components – the two sheds and the wharf itself - it is difficult not to reach the same conclusion with respect to heritage context.
241. Accordingly, and after careful consideration of all the evidence presented at the hearing, the Commissioner’s decided that the hotel development was not inappropriate for this site in terms of its effects on heritage context.
242. Notwithstanding this conclusion, the Commissioners wish to record that they fully understand that the Waterfront Framework, whilst anticipating a “structure” on the Outer-T, does not stipulate that this structure has to be a building such as the proposed hotel. In this regard, one Commissioner noted that the choice of terms in the Waterfront Framework was clearly intentional and related to the intention to open up this matter to another phase of community consultation/choice which has never eventuated, and considers that this failure constitutes a fatal flaw in the overall process. However, the majority of the Commissioners were of the view that they had little scope within the statutory context to consider this matter. This theme

is discussed in section 5.2.3 of this decision in respect to the place of the Waterfront Framework in the statutory context and evaluation of the proposal.

6.6.4 Visual amenity (private and public views)

Statutory context

243. The introduction of a hotel onto the Outer-T of Queens Wharf will result in a change to the waterfront that will affect visual amenity. The hotel will affect view-shafts identified in the **DP**, private views and public views.
244. Policy 1.1.1 of the **NZCPS** encourages appropriate development in areas where the natural character has already been compromised.
245. Policy 6.2.9 of the **RCP** directs the consent authority to have regard to provisions of the **DP** relating to the protection of important views (for example, viewshafts).

Evidence

246. The Commissioners heard evidence from a single submitter regarding the potential for the proposal to affect the visual amenity of their private views. This was the Intercontinental Hotel (represented by Ian Leary). Mr Leary presented photomontages that approximated the view that will be seen from the upper floors of the Intercontinental Hotel, which is located on Grey Street. Both Mr Leary and the Manager of the Intercontinental – David Shackleton - were of the opinion that the visual effects were significant. Ms O’Callahan addressed this issue in her report, and concluded that the effects are within the scope of that which could reasonably be expected by surrounding landowners. She also indicated that apart from nominated viewshafts the DP does not offer any specific protection to private views. This matter is part of the wider discretionary assessment resulting from a zero height restriction in the Lambton Harbour Area.
247. Several individual submitters indicated that the hotel would affect public views from various locations on the waterfront and in the CBD, and the general vista of the waterfront. None of these presented any expert evidence on this matter.
248. The Commissioners heard evidence that the proposed hotel will affect two viewshafts (8 and 9) identified in the DP. This impact was represented by two photomontages provided with the application.
249. Michael Steven (a landscape architect acting on behalf of Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young) considers that the effects on both viewshafts will be unacceptable. This witness did not produce any visual aids to emphasise this point.

250. The impact of the proposal on these viewshafts was assessed by TAG and Mary O’Callahan on behalf of GWRC. Both found that the effects would be minor as the existing view along Viewshaft 9 (Brandon Street) has limited visual appeal, and in Viewshaft 8 (Johnston Street) the visual connection between the city and harbour/Roseneath will be maintained.

Evaluation

251. With regard to the effects on private views from the Intercontinental Hotel, the Commissioners agreed that the proposed hotel would only have a limited effect on these views during daylight hours and that at night the effect could be seen as positive, as the hotel would add a point of interest for views down toward the waterfront.
252. In terms of the effects on the DP viewshafts, the Commissioners visited both the viewshafts so that they could assess first hand the effect of the proposal. They concluded that the effects on both viewshafts would be minor, for the reasons outlined by TAG in their report. However they wish to record their opinion that the cumulative effect of impacts on viewshafts is such that a succession of minor effects tends to result in important viewshafts being eroded over time. In this case, there has already been considerable erosion of Viewshaft 9 from previous developments and any residual views from that point will be completely lost as a result of the hotel. The degree of erosion that has occurred to Viewshaft 8 is not as extensive and it is fortunate that the impact of the proposed hotel on this viewshaft will be minor.
253. On balance, the Commissioners did not consider that the hotel would have more than a minor effect on any other public views of the waterfront. In regard to the matter of ‘natural character’, the Commissioners note that the natural character of the Lambton Harbour area has already been compromised, and Queens Wharf is recognised in the RCP and Waterfront Framework as an appropriate place for development.

6.6.5 Wind

Statutory context

254. The building does not comply with the permitted standards set out in 13.1.2.11.1 of the DP, which require new buildings to provide for an improvement to existing wind conditions. Therefore, in the Central Area (which includes the Lambton Harbour Area), the proposal would be considered as a discretionary activity, and it would be assessed against criterion 13.3.2.15. Notwithstanding the absence of any direct application of this rule to the consent application, the Commissioners felt compelled to exercise their discretion and consider whether the proposed development makes the environment dangerous or significantly worse. In this respect, the Commissioners noted the following:

- That Assessment Criterion 13.3.2.15 states that any reduction in the specified standard will only be accepted if every reasonable alternative building design has been explored.
- That the WCC has Wind Design Guidelines to help developers find ways to meet the desired standard.

These two matters were employed by the Commissioners as guidance for the consideration of the technical evidence presented by the applicant and the WCC officer appearing on behalf of GWRC.

Evidence

255. Neil Jamieson a consultant with a masters degree in physics and extensive experience in aerodynamics investigations and wind tunnel model studies, presented on behalf of the applicant. Mr Jamieson presented and described 14 variations to the hotel design that he had wind tunnel tested. Four of these options (Options A-D) were identified before the hearing commencing. The remaining 10 options were tested during the course of the hearing. Mr Jamieson presented evidence twice in this regard. The four principle options were as follows:

Option A: 3-metre canopy (design submitted with the application)

Option B: Free-standing canopies

Option C: 5.5 metre canopy and slots in the cantilevered roof

Option D: 1.2 metre glazed extension to canopy in Option C and slots in the cantilevered roof.

The remaining options represented variations to these options or removal or alterations to the southern stair tower.

256. On the basis of his testing Mr Jamieson concluded that the best result, in terms of wind, is the use of free-standing canopies at the southern end of the hotel (option B) or the further horizontal extension of the existing canopies at the southern end and incorporation of a vertical element that extended from the canopies to ground level (a variation to option D).

257. Prior to the commencement of the hearing TAG had stated that the use of the free-standing canopies was unacceptable from a design perspective and the applicant appeared to accept this stance. On that basis, and despite the technical superiority of the free standing options, the applicant focused on the remaining options.

258. The results of the extensive wind tunnel testing on the remaining options show that the hotel (in its current configuration) will change the wind environment experienced on the Outer-T, and that although

the overall environment will improve from the current situation there will be a negative impact at the south-eastern corner of the proposed building in southerly conditions. The greatest wind improvements will be experienced around the northern end of the building.

259. Michael Donn (wind expert acting on behalf of GWRC) considered the various options and the testing results presented by the applicant and during the course of the hearing managed to meet with Mr Jamieson to discuss those options further. He acknowledged that the free standing canopies represented the optimal method in terms of dealing with the adverse effects of wind and that they would meet the performance standards set out in the DP.
260. Towards the end of the hearing, Ms O’Callahan (after discussion with Mr Donn) noted that her expectation with regard to wind performance had changed throughout the course of the hearing, and that rather than seeking an improvement as provided for in the DP, she now considered that a design which achieved the status quo for the southern end with regard to wind effects) would be appropriate.
261. Mr Donn agreed with Mr Jamieson that none of the modifications identified would completely meet the revised performance standard sought by WCC for the proposed building, which is that overall wind conditions at the southern end of the building are made no worse than existing wind conditions.
262. Both Mr Donn and Ms O’Callahan considered that the adverse effects would be more than minor as they would affect a public amenity space and would make winds that are regularly dangerous now, worse. They also consider that the building design does not meet the intent of the assessment criteria with regard to use of the best practicable option. Mr Donn did not specifically assess how significant this effect would be, but considered that a worsening of the current wind experienced at the south-eastern corner of the site was not acceptable with regard to the DP requirements.
263. The applicant submitted that as a minimum performance standard had been identified and agreed, then the ultimate design of the building could be resolved by means of a consent condition. Commenting on the matter from a planning perspective, Ms O’Callahan was uncomfortable with this approach due to the potential urban design impacts that may result from any design that is acceptable with regard to wind effects and the uncertainty created with regard to final design and external appearance.
264. Ms O’Callahan’s concern was that should the further wind testing prove that the level of wind performance sought cannot be achieved with minor modifications, then a significant alteration to the hotel design will be required to the main entrance of an “iconic building” fronting an important public space. In her view, the imposition of such a condition merely defers assessment of this key feature of the

proposed development and means that the Commissioners can not be satisfied that adverse effects on wind and urban design will be mitigated.

265. In the applicant's right of reply, and in order to provide some certainty to the Commissioners, Mr Churchman (legal counsel for the applicant) confirmed the following as the final position of the applicant:

- The applicant is comfortable that Options C or D are viable solutions that provide an overall improvement to wind conditions with some isolated worsening in wind conditions associated with the south eastern corner of the building. In the applicant's opinion, both options involve only minor wind effects and both retain the design specifications that TAG expressed satisfaction with.
- Alternatively, the applicant is also comfortable with a decision that does not express a preference for a specified design option but allows, through a condition of consent, the applicant to formulate and wind test further options subject to the approval of GWRC, which in turn would consult with TAG and a wind expert from WCC.
- As a fallback position the applicant advised that they were still comfortable with the freestanding option as the superior wind performance measure and were happy to consider it further with the input of TAG.

266. It was against the above evolving information that the Commissioners addressed this issue.

Evaluation

267. The Commissioners gave careful consideration to the evidence presented. They noted the complexity of this issue which not only related to a technical wind matter but also involves some critical design considerations. In their view it was disappointing that the combination of these technical and amenity matters could not be resolved with precision prior to the close of the hearing. In that regard, they acknowledged that the applicant and officers had made a concerted effort to do so and that it now it lay to the Commissioners to determine the matter.

268. The first issue for the Commissioners was the nature and magnitude of the effect resulting from the non-conformity with the performance standards in the DP. In this respect both wind experts appeared to share the view that the proposal would have a mixture of positive and negative effects on wind conditions experienced on the Outer-T, but that any adverse effect would be confined to the south-eastern corner of the proposed building. In terms of the magnitude of that effect, Mr Donn summarised it succinctly by saying that it represented windier

conditions at the south-eastern corner for approximately 2 hours per week on average.

269. The second issue for the Commissioners focused on the significance of this localised wind effect. They noted that Mr Donn was not prepared to comment on this other than to acknowledge that the Outer-T is an important public space for pedestrians. The Commissioners acknowledge this but were also of the view that the Outer-T is a very windy environment and that it would be very difficult for any building in that location - not just the proposed hotel - to produce a complete improvement in wind conditions without some design compromises. Furthermore, the Commissioners, having considered the evidence of all parties, are satisfied that the two baseline criteria in the DP are not eroded; namely that:

- the proposed development will not make the environment dangerous or significantly worse; and
- the applicant has made a reasonable attempt to explore alternative building designs.

270. On the basis of the above, the Commissioners concluded that, when considered in the context of the overall improvements to this already windy environment, the localised effect of windier conditions at the south eastern end of the building that result from the adoption of either option C or D, do not constitute an adverse effect of such magnitude as to decline the application. Of these two options, the Commissioners had a clear preference for Option D because of the advantages it provides in terms of both wind and amenity, and consider that this design should be adopted. This preference is reflected in a condition requiring the applicant to submit, prior to any construction works commencing, working drawings that illustrate the final design incorporates that option. The condition recommends that the input of TAG is sought by Greater Wellington when reviewing those drawings for approval.

271. Notwithstanding this determination, the Commissioners accept the advice of the applicant and the reporting officers that further improvements to the wind environment around the proposed building might be possible through further design alterations. To this end the Commissioners note that there is already a process embodied in section 127 of the Act whereby the applicant can apply to alter the conditions of a consent should they develop a design capable of improving the wind environment associated with the proposed hotel. The Commissioners note that they are not necessarily advocating such an approach but merely pointing out that:

- the process is available to the applicant should design modifications become possible following further wind testing of further modifications to the southern end of the building; and

- that the consideration of any such application would by necessity consider not only the wind performance issue but also the effect of any building modification on the amenity of the Outer-T area. To this end, the Commissioners would expect that at the very minimum the advice of TAG would be sought and it is not inconceivable that such an application might be publicly notified depending on the extent of the modifications proposed.

272. As a final note the Commissioners record that their determination on the wind issue does not involve a condition imposing the performance standard approach discussed at the hearing. This approach has not been adopted because of two factors.

- Firstly the Commissioners consider that the wind effect is not of such a magnitude to warrant a mandatory process requiring compliance with the DP performance standard; and
- Secondly because such a condition, if not fulfilled, would undermine the decision to the extent that if the performance condition could not be met the decision would become void.

273. In the Commissioners' view, the more appropriate alternative to this performance condition approach is the section 127 process which will require the applicant to file the necessary application and the GWRC to process it in accordance with the tests set down in the Act. Should the applicant choose to pursue this option at a later date (and it is acknowledged that this is not mandatory and the current design options are entirely valid), it is the Commissioners' understanding of (and preference for) this process to involve a two-fold assessment of the application such that both the wind and amenity issues will be considered side by side.

6.6.6 Traffic

Statutory context

274. The key documents in terms of this issue are the DP and the WWF.

275. Policy 12.2.11.1 of the **DP** reflects the intent of the Waterfront Framework to provide for pedestrian priority along the waterfront.

276. The **Waterfront Framework** itself has clear statements regarding the use of the waterfront by vehicles. For example:

“The entire waterfront is predominantly for people, not motor vehicles. Pedestrians and non-motorised transport will be able to use the waterfront safely. However service vehicle access needs to be provided for.”

And

“As a general principle, vehicle traffic is restricted or excluded from moving on and around the waterfront. Access for service and emergency vehicles will be allowed in a controlled manner, but minimised, as will access for car parking. There will be no routes dedicated to different forms of access, except for a pedestrian-only section of the promenade by Shed 5 because of congestion at this narrow part of the promenade. Otherwise, pedestrians, cyclists, service and emergency vehicles will all share the same space, while still giving pedestrians priority.”

277. Traffic safety and the potential conflict between vehicles and pedestrians was a common theme in many of the submissions lodged in opposition to the consent application. The effects of the proposal in terms of traffic differ between the construction phase and the ongoing operation of the hotel. Construction related effects are discussed separately in section 6.4.2 of this decision.

Issues

278. The Commissioners considered that there were seven matters for consideration relating to traffic effects:

- Traffic generation as a result of the hotel (and its effect on efficient operation of the road network)
- Tunnel operation and management
- Parking demand & supply; access through the TSB Bank Arena⁴ car-park
- Traffic generated by the hotel operation
- Coach and taxi access/parking
- Traffic around hotel – amenity effect
- Events

279. **Road network:** Qualitative evidence was given by Gary Clark (traffic expert on behalf of Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young) regarding the potential for queuing to occur on Jervois Quay at the turn off to the TSB Bank Arena car-park. By his own admission he did not have any quantitative data to support his assertions. Conversely, in their application the applicant provided projected traffic patterns based on existing traffic patterns and traffic generated by the Hilton Auckland. The future performance of the Jervois/Hunter Street with and without the additional hotel traffic was assessed using SIDRA Intersection - this analysis shows that the level of service experienced at this intersection will remain at current levels. Mr Spence (Chief Transportation Engineer for WCC) considered the information supplied by the applicant and concluded that the effects on the street network would be no more than minor.

⁴ Formerly known as the Events Centre

280. **Tunnel operation and management:** The appropriate operation of the tunnel was regarded by the Commissioners as a crucial aspect to ensuring the safety of pedestrians using Queens Wharf and the ability of the hotel to function. Some suggestions were made by Ms Sutton (traffic expert for the applicant) regarding the management of the tunnel operation, and a revised plan for the treatment of the open space area was proposed – this included amendments to the traffic and open space arrangements between the tunnel portal and the hotel frontage. TAG and Mr Spence both assessed these revisions to the plan and reported that they were happy with the changes embodied in it from both a public space and traffic management point of view respectively.
281. Tunnel management options suggested by Ms Sutton included the use of swipe cards and PIN codes to control access to the tunnel, and a voice link to the hotel for legitimate users without a card or PIN. Ms Sutton indicated that these controls would be implemented by WWL and incorporated into their traffic management plan for the area.
282. The amended open space design includes the use of bollards to guide vehicles and a give-way line for exiting traffic.
283. On a related issue, Mr Clark questioned the ability of the tunnel ramp shown in the drawings submitted with the application to meet the required safety standards for pedestrian visibility. The applicant accepted that the design was inadequate and subsequently submitted amended designs following the adjournment of the hearing. These designs had not been assessed by Mr Spence or TAG by the time the hearing was closed but the applicant's amended designs do indicate that the required ramp standard is capable of being met. This was an important consideration for the Commissioners when it came to setting a condition on the matter. Accordingly, the Commissioners have, with a measure of confidence that it can be achieved, imposed a condition of consent that requires the detailed designs for the proposed ramp to be approved by GWRC before works commence. GWRC will consult TAG and the Chief Transport Engineer at WCC before approving any final plans.
284. **Parking and the TSB Bank Arena car-park:** The applicant indicated that parking for hotel patrons will be available in the basement carpark of the TSB Bank Arena. The Commissioners note that this facility is owned and operated by third parties, and that no evidence of a legally binding agreement was presented at the hearing. On this basis it was submitted by some (for example Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young) that there is a risk that insufficient car-parking will be available to the hotel and that patrons will try to park on the wharf or will be dissatisfied with the service provided by the Hilton and their business will suffer. The applicant's traffic and legal experts saw this as a risk for the hotel operator to manage.

285. Access through the car-park to the tunnel is also essential for the proposal to be successful and for the tunnel to achieve the desired reduction to the traffic around the Shed 6 route. As discussed in relation to car-parking availability, no evidence was produced by the applicant that showed that access through the car-park would be provided on an ongoing basis.
286. **Traffic generation by Hotel operation:** The applicant's evidence regarding traffic volumes has already been detailed in section 3.3 of this decision. In summary, during peak morning times around 40 vehicles per hour could be using the tunnel access route, this figure includes all traffic (including light service vehicles), not just traffic generated by the hotel. These figures were not broken down by vehicle type. With regard to larger service vehicles using the Shed 6 route, Mr Petrie indicated that *'there will be a demand for very few large vehicles associated with the hotel, typically two or three per day.'*
287. No evidence (analysis of traffic volumes) was produced by submitters to contradict the information provided by the applicant. Similarly Mr Spence (acting on behalf of GWRC) did not undertake his own traffic analysis; although he did commission an independent technical peer review of the applicant's traffic modelling with regard to the performance of the proposed one way tunnel. Therefore, the Commissioners were obliged to use the figures supplied by the applicant to assess the effects associated with traffic generated by the ongoing operation of the hotel. Some doubt was expressed by submitters regarding the validity of that information; in particular qualitative information was provided by the Intercontinental Hotel regarding the potential number of service deliveries and Mr Clark regarding the size of service trucks used by companies in Wellington. This evidence was markedly different from that produced on behalf of the applicant and suggested that the applicant had underestimated the number and size of service vehicles that would be required to meet the hotel's operational needs. In response to this evidence the applicant tabled a letter from the General Manager of the Hilton Auckland regarding the number of vehicles servicing that hotel. This letter states that approximately 30-40 vehicles service the hotel on normal workdays and only a few at weekends and on public holidays. Suppliers that cannot gain vehicle access via the car park due to height restrictions park at the entrance to Princes Wharf and deliver their supplies by trolley. The letter indicates that this occurs approximately six times per week.
288. **Coaches and taxis:** In response to concerns raised by Mr Spence the applicant altered their proposal during the hearing such that coaches associated with the hotel will be precluded from accessing the Outer-T and that a taxi-stand will not be provided.
289. Alistair Aburn (planning expert for the applicant) suggested that coaches should be allowed to access the Outer-T via the Shed 6 route

on 'exceptional occasions' and that this should be left to WWL to manage under their proposed TMP for Queens Wharf. He also considered that if coach access to the hotel is prevented, then access by coaches for other activities on the waterfront (such as berthed cruise ships) should also be prohibited.

290. **Traffic around the hotel:** The hotel operation will generate additional traffic on Queens Wharf. These vehicles will be moving around in the vicinity of the hotel and will include service vehicles, taxis, valet service and patrons being dropped off. This general melee could cause conflict with pedestrians using the area and is a potential safety concern.
291. **Events:** Events held at the hotel (such as conferences and balls) will potentially increase the traffic effects described above. Events held in the vicinity of Queens Wharf may also impact on the hotel's operations and ability to adequately manage traffic movements to and from the hotel.

Evaluation

292. The Commissioners acknowledge that there was substantial agreement between WIL's traffic experts (Mr Petrie and Ms Sutton) and WCC's Chief Transportation Engineer (Mr Spence) on all traffic related issues. More importantly, and with the exception of the statement presented by Mr Clark, the Commissioners did not hear any expert traffic evidence to the contrary. Mr Clark's statement, by his own admission, was more of a critique of Mr Petrie's evidence and latterly Ms Sutton's supplementary information as opposed to presenting a transportation assessment of the proposal. Moreover, and unlike Mr Petrie and Ms Sutton, Mr Clark's statement was not based on any quantitative assessment of the Queens Wharf traffic environment and the degree of fit of the proposed hotel into that environment; nor did Mr Clark demonstrate any knowledge of a comparative example such as the Auckland Hilton on Princess Wharf.
293. On the basis of the above and despite the concerns of submitters the Commissioners believe that in general terms traffic can be managed safely and effectively by imposing conditions on the consents. The remainder of this evaluation explores this in greater detail.
294. Before doing so the Commissioners would like to record that great emphasis was placed by the applicant on the ability of WWL (a third party) to manage any traffic related effects through the development and implementation of a Queens Wharf Traffic Management Plan (QWTMP). The Commissioners were not satisfied with this approach as it is a delegation of the consent authority's powers and leaves GWRC with no control over the traffic effects. Accordingly, very little weight has been placed on the QWTMP in their assessment of the effects. Instead, where possible the Commissioners have imposed specific conditions to mitigate potential effects.

295. The Commissioners' specific findings with regard to traffic are as follows:
296. On the issue of the **road network**, the Commissioners accept Mr Spence's evaluation that the effects on the road network will be minor, and that the additional traffic generated by the hotel can be safely accommodated by the existing roading infrastructure.
297. For the Commissioners, the **proposed tunnel** represents a double edged sword – particularly when considered in conjunction with the traffic **generated by the hotel**. On one hand the tunnel does address many of the concerns about service vehicles using the promenade around shed 6 whilst on the other hand it also creates some potential traffic pedestrian conflicts along the central spine of the Outer-T in the vicinity of Dockside. In this respect, the Commissioners findings were as follows:
- The use of the tunnel will by and large solve the problem of traffic conflict along the Shed 6 route, provided that the outstanding issue regarding uncontrolled vehicle access to the wharf via Hunter Street access is resolved. Conditions have been placed on the consent which requires this matter to be addressed prior to construction of the hotel commencing.
 - However the tunnel will allow traffic access onto the central spine of the wharf, and the operation of the hotel will generate increased volumes of traffic on the wharf. The Commissioners were not completely convinced that the open space design embodied in the plan presented by the Applicant and agreed to by TAG and Mr Spence adequately provides for the ongoing safety of pedestrians in the vicinity of the tunnel exit onto the wharf. Their uncertainty was not based on any specific information but rather on the unknown aspect of the workability of an informal traffic/pedestrian arrangement - a concern that Mr Spence initially raised, but his concerns were apparently addressed as the hearing developed. Unlike Mr Spence, the Commissioners were of the view that further consideration should be given to the provision of more active controls around this point.
298. On the basis of the above, the Commissioners considered that more attention should be paid to the overall operation and management of the tunnel and “traffic way” between the tunnel portal and the hotel; therefore they have imposed a condition of consent requiring the applicant to prepare and submit a Traffic Management Plan (TMP) for the ongoing operation of the hotel to GWRC for approval prior to building work commencing.
299. The key features of the TMP are as follows:
- It will be used to address concerns regarding the general management of traffic in the vicinity of the hotel.

- Through its provisions the applicant will be required to demonstrate that full regard has been given to the provision of pedestrian safety and amenity.
 - Information regarding traffic management for events is also required to be included in the TMP.
300. The consent conditions allow for the review and alteration of the TMP, this will allow the hotel operators to adjust the TMP if required, for example if the traffic volumes generated by the operation are larger than anticipated. Any such amendments will need the approval of GWRC before becoming operational.
301. A separate condition has been imposed relating to the use of service vehicles. This requires a servicing plan to be developed by the applicant and approved by GWRC prior to occupation of the hotel. This plan will form part of the TMP and must outline the methods by which the hotel operator will ensure its suppliers use small service vehicles to access the hotel via the tunnel, as far as practicable, and demonstrate that no more than three vehicles per day service the hotel via the Shed 6 route. Servicing of the hotel must take place in accordance with the approved servicing plan.
302. The Commissioners were also concerned about the reliance on the agreement of third parties with regard to the provision of **car-parking** for hotel patrons and access to the tunnel through the basement car-park. Accordingly they have recommended that this issue also be addressed by the applicant through the development of a TMP for the operation of the hotel.
303. In response to the comments made by Mr Aburn in relation to **coach access** to the Outer-T the Commissioners made the following comments; delegating control of such matters to WWL removes all ability for GWRC to regulate any associated effects; the Commissioners are unable to impose controls on other activities by means of this consent; and the berthing of cruise ships is an activity that has to be located in CMA – the hotel does not. Accordingly, the Commissioners have not made any provision for coach access to the hotel frontage. They note that the Hilton representatives accepted this restriction at the hearing.
304. To address the concerns raised regarding the **tunnel gradient**, the GWRC officer recommended a condition of consent that states: *The tunnel design must provide for a 2.2 metre height clearance throughout and the gradient of the tunnel for the first 5 metres back from the wharf must be no steeper than 1 in 10.* The Commissioners have adopted this condition, and expanded upon it such that the amended designs must be signed off by the Chief Transportation Engineer, WCC and TAG. This is to ensure that the ramp is still of an appropriate design and will not cause additional adverse traffic effects and that the open space design is still appropriate.

305. In **summary**, there are potential adverse traffic effects associated with the operation of the hotel, and to some extent the lack of information provided by the applicant has made it difficult to fully assess the significance of these effects. However the Commissioners believe that these effects can be effectively addressed by way of consent conditions, and in particular by the requirement for the development and implementation of a TMP dealing with the day to day operations of the hotel which is to be approved (and periodically reviewed) by GWRC.
306. One of the Commissioners is not satisfied that the applicant has paid sufficient regard to the adverse effect that an increased number of service vehicles using the wharf will have on public amenity values, and remains unconvinced that the proposed traffic arrangements will work or that the associated loss of amenity is acceptable.

6.6.7 Noise

Statutory context

307. Rules 13.1.1.10 and 13.1.2.12 of the **DP** set acoustic insulation requirements for habitable rooms in buildings in the Central Area used by a noise sensitive activity. Although the proposed hotel is outside the Central Area, these rules provide useful guidance on appropriate levels of insulation for the hotel.
308. The **RCP** does not contain any specific rule relating to noise, but has General Standards and Terms (contained in chapter 14 of the RCP) including 14.1.3 which relates to noise from activities outside the Commercial Port Area. This section sets standards to be met at the Residential Area boundary; an L_{max} sound level of 75dB(A) for single noise events; and construction noise standards.
309. There is a proposed change to the RCP relating to port noise which is based on the New Zealand Standard for Port Noise. This plan change has not yet been notified, but it was referred to at the hearing by the noise experts and CentrePort. Noise boundaries have been proposed for the port area. The hotel will be situated in the proposed Port Noise Inner Control Boundary and will be exposed to noise levels from port activity in excess of 70dBA L_{dn}.
310. An overarching requirement applying to all activities, including those in the CMA, is a statutory obligation, pursuant to section 16 of the Act, to adopt the best practicable option to ensure that emission of noise from an activity does not exceed a reasonable level. The Commissioners kept this in mind when evaluating the issue.

Issues

311. The proposed hotel will be surrounded by existing activities that generate noise. The main sources of external noise are as follows:

- Dockside is located directly adjacent to the proposed hotel site and has been known to play loud amplified music in the canvas lean-to attached to the main building.
- Helipro operates from the northern end of the Outer-T. The noise report included in the application indicated that noise levels from helicopter movements will be up to Lmax 97dBA at the hotel façade, and noted that some of these flights occur at night.
- The hotel will be located in the harbour, and as such will be subject to noise from port operations. In their submission, CentrePort notes that ship sound can be at a low frequency level of 70 dBA for short durations and that it is a concentrated single source of noise.

312. Therefore, the proposed development creates a potential reverse sensitivity issue as the hotel is a noise sensitive activity and it will be surrounded by existing activities that generate noise that could have an adverse affect on the hotel if it is not sufficiently well insulated. The potential for sleep disturbance is of particular concern.

313. In the plan change proposed to the RCP, an external sound insulation level of $(DnTw + Ctr) > 35$ dB is recommended for noise sensitive activities within the inner control boundary to provide for adequate internal amenity. This is based on providing internal noise levels no greater than 35 dBA in habitable rooms.

Evidence

314. Expert evidence on noise was provided by three parties, Richard Finley (on behalf of the applicant), Matthew Borich (on behalf of GWRC) and Dr Constantin Wassilieff (on behalf of Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young).

315. Mr Finley and Mr Borich reached agreement on conditions of consent that should be applied to adequately address the potential reverse sensitivity noise effects resulting from the hotel development. Neither party had any outstanding issues with regard to noise and the ongoing operation of the hotel; however Mr Borich noted that Dockside does not currently meet the requirements of section 16 of the Act, and that this will need addressing when the hotel is built. (Currently it is not of high priority as there are no noise sensitive activities nearby). Mr Borich suggests that a reasonable noise level is:

“Noise emission levels when measured at or within the boundary of any site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

At all times 60 dBA (L10)

At all times

85 dBA (Lmax).”

316. These values are taken from the permitted noise standard in the DP for the Central Area. Mr Borich states that he has recorded noise levels of 77 dBA (L10) and 75 dBA (Leq) from Dockside on a Friday night.
317. Dr Wassilieff also commented on this issue in his evidence. He suggests that a ‘reasonable’ noise level for Dockside activities is 70 dBA (Leq) measured at a reference distance from the source. This is the external noise level anticipated in a report prepared for CentrePort ‘*Preparation of CentrePort Noise Boundaries*’. Further to this, Dr Wassilieff believes that the applicant may not be able to sufficiently insulate the hotel to mitigate for the effects of external noise.

Evaluation

318. The Commissioners accept the evidence of Mr Borich and Mr Finley, and agree with the approach taken by these two witnesses with regard to the likelihood of effects and the imposition of conditions. On the issue of effects, the Commissioners, whilst noting the concerns of Dr Wassilieff, acknowledged that the applicant and their noise advisor were satisfied that noise from all sources (helicopter operations, Dockside and mooring craft) could be adequately mitigated via the imposition conditions. It is the applicant's patrons who are potentially affected and there was a clear message from the Hilton Executive Management team presenting at the hearing that, subject to appropriate conditions, they were not concerned with potential for adverse noise effects on their patrons. This position was supported by Mr Borich. The agreed conditions include:
- a requirement for any habitable room in the building to have external sound insulation that achieves a minimum performance standard of $DnTw+Ctr > 35$ dB;
 - a requirement that internal noise levels from helicopter movements do not exceed 55 dBA (Lmax) within any bedroom between the hours of 10.00 pm and 7.00 am;
 - certification protocols; and
 - noise emission standards for the hotel building.
319. The Commissioners consider that the conditions will adequately avoid or mitigate any adverse noise effects associated with the proposal. As an aside, the Commissioners consider that the issues raised by Mr Wassilieff with regard to section 16 of the Act and what constitutes reasonable noise from their clients operation (Dockside) are more appropriately addressed outside this resource consent application process.

6.6.8 Sunlight and shading

320. Access to direct sunlight is an important amenity, especially in open spaces. New buildings can cause shading effects, and reduce the amount of sunlight that is available to open spaces.
321. Objective 12.2.2 of the **DP** seeks to maintain and enhance the amenity values of the Central Area; one of the policies under this objective encourages improved sunlight access to public places when new building development occurs. In addition, the provision of open space is one of the key themes of the **Waterfront Framework** and this document states that the impact of shading from any new buildings into the public spaces should be taken into account.
322. Anthony Doherty (Cadabra Applied Computer Graphics Limited) presented comprehensive evidence on behalf of the applicant on the shading effects that would result from the proposed hotel. This evidence described the spatial and temporal extent of shading effects. He concluded that these effects will have a minor effect on amenity values.
323. TAG reviewed the evidence provided by Mr Doherty with the application (which was the same as that presented at the hearing) and agreed that the effects were acceptable. These are limited to some minor increased shading of public spaces along the shed 5 promenade and adjacent to Dockside in the mid morning period.
324. The Commissioners accept the evidence of Mr Doherty and TAG and consider that shading and sunlight effects will be no more than minor.

6.6.9 Lighting

325. The **DP** sets out criteria for assessing lighting within pedestrian areas under rule 13.3.1.10. This criterion places an emphasis on maintaining public safety. Similarly, one of the objectives of the **Waterfront Framework** is that the waterfront is, and is perceived to be, safe.
326. Existing lighting levels in the vicinity of Shed 1 are typically 1 lux (roughly equivalent to moonlight). The application included an assessment of the level of lighting proposed around the new hotel; however some of this information was contradictory. Stuart Bagley (mechanical services engineer acting on behalf of the applicant) clarified the proposed external light services at the hearing. Once the hotel has been completed and the associated lighting is operational, the average vertical illuminance levels at the wharf edge will be approximately 5 lux, and horizontal illuminance levels will be between 2 and 3 lux. Horizontal levels around the hotel will be about 4 lux. Mr Bagley notes that these estimates exclude any contribution from lighting in adjacent areas.

327. The Commissioners agree with the assessment made by Ms O’Callahan, which is that the lighting associated with the proposal will enhance the locality, improve public safety and encourage more people to use the Outer-T area. Accordingly, the Commissioners determined that the lighting associated with the Hotel will further the objectives of both the Waterfront framework and the DP in respect to maintaining and enhancing public safety on the waterfront and particularly at Queens Wharf.

6.7 Other matters

6.7.1 Competition

328. TAG and a number of submitters (including Waterfront Watch and the Wellington Civic Trust) note that the proposal is not the result of a design competition as anticipated by the Waterfront Framework. This issue was one of the matters discussed most during the course of the hearing.
329. The Commissioners considered that there were two aspects of the **Waterfront Framework** of relevance to this proposal. Firstly the assessment criteria it contains, which are largely codified within the provisions of the DP, and secondly the process proposed for the Outer-T (a competition to explore options for a structure on the site).
330. Policy 12.2.11.8 of the **DP** makes reference to public participation in the planning process. Two methods are listed under this policy; ‘rules’ – for example the zero height limit, which requires all new buildings on the waterfront to be considered as a discretionary activity; and ‘Operational activities (the Wellington Waterfront Framework)’.
331. Under the DP the competition is not a mandatory requirement; however what is mandatory is a resource consent process which if a proposal is publicly notified allows for a form of public consultation and a forum in which public concerns can be raised. In effect the resource consent process provides a fall-back position by which public concerns can be aired and considered – albeit in relation to one particular proposal as opposed to the range of proposals that might be canvassed as a result of a competition.
332. The fully discretionary status of the activity gives the consent authority (the Commissioners in this case) wide powers to consider all effects and take the objectives and principles espoused by the Framework into consideration. The Commissioners also note the overriding requirement to make any assessment subject to Part 2 of the Act. Moreover, the Commissioners wish to stress that the existence of the development licence, as commented on in the Waterfront Framework, does not abrogate the requirement to consider all potential effects of the proposal.

333. The Commissioners consider it very unfortunate that a competition was not held (as envisaged by the Waterfront Framework) but the majority of Commissioners agreed that it is not a statutory requirement that the competition process was followed, and that this is not a reason per se for declining the application.
334. One of the Commissioners does not agree with this opinion as in their view there was, and still remains, a firm and legitimate public expectation that development of the Outer-T site would be further explored through another phase of community consultation (i.e. the competition). This intent was explicitly expressed by the Waterfront Framework and has not been fulfilled by the process followed by the applicant.
335. Further to this, that Commissioner places importance on the fact that the Waterfront Framework does not state that development of the Outer-T will constitute a building, and in fact uses the word 'structure'. To that Commissioner this clearly indicates an intention to keep the options open for the future use of this site.
336. Whilst that Commissioner appreciates that a consent hearing satisfies the need for public consultation in a strictly legal sense, that particular Commissioner considers that it is an inherently unsatisfactory means of achieving a stated public objective, and that this is illustrated by the large number of objections to the proposal.

6.7.2 Integrated approach to the Outer-T of Queens Wharf

337. In general the Commissioners felt some unease regarding the way in which development of the Outer-T has been handled, and felt that an integrated approach, that considered the whole of the Outer-T, may have resulted in a more satisfactory outcome. In this regard the Commissioners note that the Waterfront Framework specifically refers to the importance of an integrated approach being taken with regard to any development proposals. This has not occurred in this case.
338. This unease is particularly apparent with regard to the following issues:
- berthing alongside the wharf;
 - the structural integrity and maintenance of the wharf;
 - the consideration of the heritage values of the wharf; and
 - the provision of public space and management of traffic in the area.
339. However, the Commissioners accepted that they had to assess the proposal before them, which only relates to the northern end of the

Outer-T. Further, the absence of any specific performance briefs for the Outer-T in the Waterfront Framework did not assist in this regard.

6.7.3 Iconic status of the proposal

340. The Waterfront Framework states that the Outer-T is a special and unique site and suggests that a competition should be held to explore options for an ‘iconic’ structure for this site or a structure that reflects the site’s ‘iconic’ nature.
341. The relevance of this matter to the statutory assessment of the proposal was raised by many of the witnesses that appeared at the hearing, and several interpretations of ‘iconic’ were provided.
342. The Commissioners felt that William Toomath (a witness for the Wellington Civic Trust) gave the most useful explanation of the term and its applicability to this proposal. He suggested that iconic status could be achieved through a combination of activity, form and design. He did not consider that the proposal will achieve iconic status or that it was deserving of the Outer-T site.
343. Ultimately the Commissioners decided that the ability of the hotel development to achieve iconic status was not a statutory test that the proposal was required to meet, and that the appropriateness of the proposal should be based on the evaluation of the potential and actual effects resulting from the development as required under the Act. However, they note that a proposal resulting from more rigorous public engagement (for example, a competition) is likely to have produced a development concept that could be considered to be iconic.

6.7.4 Ratepayer contributions to cost of development

344. Some submitters (including Katherine Stephens and Pauline Swann) raised concerns regarding the amount of money that ratepayers will have to contribute (via funding from WWL - which is a WCC controlled organisation) to the development. In particular submitters raised this issue with regard to the strengthening of the wharf and the construction of the access tunnel.
345. Ian Pike (CEO of Wellington Waterfront Limited) presented evidence at the hearing on this matter. This evidence indicated that a “*significant proportion*” of the costs associated with repairing and strengthening the northern end of the Outer-T and of constructing the access tunnel will be borne by the applicant, and that WWL will contribute a capped amount.
346. In this regard, and although specific figures were not available, the Commissioners note that the Wharf requires maintenance regardless of whether the hotel development proceeds, and that it is likely that WWL would be required to pay the majority of the costs associated

with such works. WWL also has an obligation under the Waterfront Framework to address the pedestrian/vehicle conflict experienced on the Shed 6 promenade, and the tunnel will play some part in addressing this issue.

7. Part 2 consideration

347. In considering this application, the Commissioners have had regard to those matters identified in Part 2 of the Act. In particular the Commissioners have had to consider whether the proposal achieves the purpose of the Act, which is to promote the sustainable management of natural and physical resources.

348. In making their assessment the Commissioners had regard to section 5(2) of the Act, which defines the meaning of ‘sustainable management’, as follows:

“...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 wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

349. In terms of this statutory framework the Commissioners have made the following determinations:

- It is evident that the hotel development on the Outer-T will provide for the economic well-being of the people of Wellington. It will also provide social benefits to some as it will create employment and add to the diversity of entertainment venues available on the waterfront.
- The development of the hotel on the Outer-T (a physical resource) will ensure that the northern end of the wharf is upgraded in a timely manner, and maintained for the foreseeable future. Whilst the development will restrict berthing alongside the wharf, this activity will be able to continue.
- The Commissioners consider that the potential adverse effects on the marine environment associated with the proposal will be no more than minor; therefore the life-supporting capacity of this ecosystem is provided for.

350. Finally, the Commissioners have imposed conditions of consent in order to avoid, mitigate or remedy the adverse effects of the proposal on the environment.
351. The Commissioners consider that (e) and (f) of the section 6 *Matters of National Importance* are relevant to this decision. These sections refer to ‘*the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*’ and ‘*the protection of historic heritage from in appropriate subdivision, use and development*’ respectively as matters of national importance.
352. The effects of the proposal on Maori cultural values are discussed in section 6.5.7 of this report. The Commissioners considered that these effects would be no more than minor.
353. Historic heritage is defined in section 2 of the Act. It is a broad definition and includes historic sites, structures, places and areas amongst other items. The Commissioners agree that the Outer-T is an historic structure, and that Queens Wharf is an area that has historic values due to its strong association with the mercantile history of Wellington. The Commissioners consider that the form and design of the proposed hotel is not inconsistent with the heritage values of the area. They have also applied a condition of consent requiring a Conservation Management Plan to be developed prior to any works occurring on the wharf; this may assist with minimising damage to heritage fabric associated with the Wharf. In any event the Commissioners acknowledge that, notwithstanding any consent approval, the applicant will be required to obtain an authority from the Historic Places Trust for disturbance to this archaeological feature.
354. With regard to section 7 *Other matters*, the Commissioners are of the opinion that the following sections are of some relevance to this application:
- (a) kaitiakitanga;
 - (b) the efficient use and development of natural and physical resources;
 - (c) the maintenance and enhancement of amenity values;
 - (d) intrinsic values of ecosystems;
 - (f) maintenance and enhancement of the quality of the environment;
 - (g) any finite characteristics of natural and physical resources; and
 - (i) the effects of climate change.

355. The Commissioners have had regard to these matters whilst making their assessment of the potential and actual environmental effects resulting from the proposal.
356. Section 8 of the Act requires a consent authority to take into account the principles of the Treaty of Waitangi when considering a resource consent application. The Commissioners consider that they have received no evidence or information to suggest that the proposal will be contrary to these principles.
357. Overall, and in terms of Part 2 considerations, the Commissioners acknowledge that the Act has a principal purpose of promoting the “*sustainable management of natural and physical resources*” and that approving this application achieves that principal purpose without creating emissions to the CMA that will damage the global environment to the detriment of future generations. From a land use perspective, the Commissioners also conclude that the commercial development of Queens Wharf proposed in this application represents a way of both fulfilling the economic needs of the community whilst fitting into the local environment in an environmentally responsible manner.

8. Summary of Commissioners’ findings

Context

358. The issue at the centre of the decision making exercise undertaken by the Commissioners relates to the sustainable management of resources. After consideration of the applicant’s proposal, it is clear that there will be positive effects relating to the economic benefits accruing from the construction and operation of the hotel and to a lesser extent positive outcomes associated with the upgrade to the wharf, the arrangements for traffic using it and the general amenity of the Outer-T.
359. Notwithstanding these benefits and positive outcomes, the issue for the Commissioners was whether the proposed hotel is environmentally appropriate in resource management terms, having regard to the effects of the proposal and the policy framework that it needs to be considered against.
360. This section summarises the findings of the Commissioners after considering the application, the written submissions made to GWRC on the application, the evidence and submissions heard at the hearing, the report prepared by the GWRC reporting officer (with input from external advisors) and all the relevant statutory and planning considerations. It also includes an overall evaluation of the proposal, which takes into account the potential negative effects of the proposal and the extent to which these are capable of being avoided, remedied or mitigated, and the potential positive effects associated with the proposal.

361. The Commissioners' findings and overall evaluation of the proposal have led to the decision made by the Commissioners in section 10 of this report; together with the evaluations set out in section 6 (Section 104 consideration), and section 7 (Part 2 consideration) of this report, these findings **form the reasons for that decision.**

Adverse effects

362. The Commissioners have addressed the potential environmental effects resulting from the proposal in sections 6.2 - 6.7 of this decision. The Commissioners have determined that the **short term effects** are confined primarily to the construction period and relate to effects on:
- the marine environment;
 - construction traffic accessing the site; and
 - noise resulting from the works.
363. The Commissioners accept that these issues can satisfactorily be addressed by way of consent conditions, in particular the requirement for a Construction Management Plan to be submitted to GWRC for approval prior to any works commencing. On this basis the Commissioners concluded that the short term effects are limited in nature and are acceptable in this waterfront context.
364. The **long-term effects** are associated with the operation of the hotel and are more numerous. These adverse environmental effects have the potential to be significant due to the scale and nature of the proposal. The Commissioners considered the degree to which these effects could be adequately avoided, remedied or mitigated, and concluded that, overall, all effects can be appropriately managed, and have imposed conditions of consent to ensure that this occurs.
365. Specifically, the Commissioners determined that the adverse effects associated with helicopter operations, natural hazards, public access and open space design, maori/cultural issues, visual amenity, sunlight/shading and lighting will all be no more than minor. Conversely, the potential adverse effects resulting from other aspects of the proposal were not so straightforward to assess. A summary of the Commissioners' findings with regard to these matters follows:

Port activities and maritime character

366. The Commissioners agree that the continuation of berthing is the key outcome sought by the relevant statutory and non-statutory documents. However, the majority of the Commissioners consider that these planning instruments do not indicate that a reduction in berthing is an unacceptable outcome of development of the waterfront,

provided that the LHDA remains an integral part of the working port of Wellington.

367. The majority of the Commissioners find that the Hilton Hotel proposal will still enable berthing to continue at the Outer-T of Queens Wharf, albeit reduced in volume and diversity. The continuation of berthing will retain the maritime character of Queens Wharf, and still enable the area to reflect its mercantile history and the working wharf.

Archaeological heritage

368. The key consideration for the Commissioners was the effect of the proposal on a listed heritage feature in the RCP; namely Queens Wharf. In this regard, the Commissioners noted the following:

- A major refurbishment of the Wharf was carried out in the 1960s which would have altered parts of the original fabric of the wharf. Although a strong representation of the existing fabric is thought to remain, substantial parts of the wharf will comprise 1960s material.
- Approximately 12% of the existing Queens Wharf will be demolished by works associated with the proposed hotel development. Much of the demolition will be to the wharf substructure and will not affect public perception of the wharf's historic value or its essential form.
- Ongoing maintenance work will be required to be undertaken on the wharf, regardless of whether the hotel development proceeds. This is likely to disturb, and to some extent destroy, heritage fabric.

369. In this context, the Commissioners consider that, on balance, the direct effects on heritage fabric are acceptable and have imposed a condition of consent that requires the applicant to prepare a Conservation Management Plan for the wharf. Whilst implementation of the recommendations of this plan will not be mandatory under this consent it will at least provide an opportunity for the applicant to assess the distribution of heritage fabric within the wharf prior to the production of working drawings and will hopefully allow any areas of significant value that need protection to be identified wherever possible.

370. The Commissioners also note that the applicant will be required to obtain an authority from the NZHPT under section 11 of the Historic Places Act before undertaking any works on the wharf which may damage, modify or destroy part of the wharf, which is an archaeological site. The Conservation Management Plan will be an essential component of that application.

Urban form/design

371. The Commissioners considered how the proposed hotel fits into the Queens Wharf area given the wider context of the overall urban form of the city.
372. Based on the assessment and advice of TAG, the majority of the Commissioners found that the **form** of the proposal is consistent with the urban form of the City, and that the hotel will not cause any significant adverse effects due to its bulk, height or scale.
373. The Commissioners had some empathy with the views expressed by some submitters in respect to **design** issues. However, the critical aspect in the Commissioner’s consideration of this issue distilled to the technical advice of TAG. Significantly for the Commissioners, no other “experts” in this field provided any comprehensive architectural assessment of the design aspects of the proposal.
374. The TAG assessment showed that the hotel design is consistent with the Waterfront Framework and the provisions of the DP and RCP. The Commissioners accept that advice and have imposed conditions of consent relating to detailed design matters in order to resolve any outstanding issues, which are minor in nature.

Heritage context

375. The expression of heritage and history is one of the principles of the **Waterfront Framework**. In this respect, the Commissioners were presented with two opposing views with regard to the appropriateness of the proposed hotel in the context of the heritage character of the Queens Wharf area:
- The applicant’s view is that the hotel development is appropriate and does not have an adverse impact on the heritage character of Queens Wharf as it will sit well within the existing landscape, and the architecture of the building will create a pattern of smaller scale elements, which help breakdown the overall bulk of the building.
 - Other submitters and expert witnesses disagreed with this position (including the heritage advisors acting on behalf of GWRC and the NZHPT). These parties consider that the hotel will dominate the smaller heritage buildings in the area due to its size and scale.
376. The Commissioners acknowledge that the effect of the hotel on the heritage context of the waterfront is influenced by issues of design, scale and position of the hotel. The Commissioners conclude that, given the form of the hotel is generally acceptable in the waterfront context and that the waterfront context is largely comprised of heritage components, it is difficult not to reach the same conclusion with respect to heritage context.

Wind

377. The results of the wind tunnel testing show that the hotel will change the wind environment experienced on the Outer-T, and that although there will be a negative impact at the south-eastern corner of the proposed building in southerly conditions, the overall environment will improve from the current situation. The best options tested (that are acceptable from a design perspective) result in windier conditions at the south eastern point for approximately 2 hours per week on average.
378. In considering the significance of this localised effect, the Commissioners acknowledge that the Outer-T is an important public space for pedestrians. However, they also accept that it is already a very windy environment and it would be very difficult for any building to produce a complete improvement in wind conditions without some design compromises. Furthermore, the Commissioners are satisfied that the proposed development will not make the environment dangerous or significantly worse; and the applicant has made a reasonable attempt to explore alternative building designs.
379. Therefore, the Commissioners conclude that the localised effect of windier conditions at the south eastern end of the building does not constitute an adverse effect of such magnitude as to decline the application.

Traffic

380. The **Waterfront Framework** has clear statements regarding the need to provide for pedestrian safety and priority along the waterfront. The Commissioners noted that a key aspect of the traffic issue related to the provision of an underground tunnel from the car park to the central spine of the wharf. For the Commissioners, the proposed tunnel potentially addresses many of the concerns about service vehicles using the promenade around shed 6 whilst simultaneously creating some potential traffic pedestrian conflicts along the central spine of the Outer-T in the vicinity of Dockside.
381. In considering this potential dichotomy, the majority of the Commissioners were satisfied that the potential traffic effects associated with the operation of the proposed hotel can be effectively addressed by way of consent conditions, and in particular, by the requirement for the development and implementation of a Traffic Management Plan (TMP) for the ongoing operation of the hotel.
382. This TMP, which requires approval from GWRC, will address matters such as the operation and management of the wharf access tunnel; provision of car-parking; the management of service vehicles; and arrangements to ensure pedestrian safety. The TMP will require review on a regular basis by the consent holder to ensure that is operating effectively. Coach access to the hotel frontage will not be

permitted, and no taxi stand is to be provided on the Outer-T. All service vehicles that are able to must use the proposed tunnel access, and the use of the shed 6 route will be limited to times outside pedestrian peaks.

383. One of the Commissioners is not satisfied that the applicant has paid sufficient regard to the adverse effect that an increased number of service vehicles using the wharf will have on public amenity values, and remains unconvinced that the proposed traffic arrangements will work or that the associated loss of amenity is acceptable.

Noise

384. The proposed hotel will be surrounded by existing activities, including Dockside, Helipro and general port operations, which generate noise. Therefore, the proposed development creates a reverse sensitivity issue as the hotel is a noise sensitive activity and the existing activities could have an adverse affect on the hotel if it is not sufficiently well insulated.

385. Mr Finley (acoustic expert for the applicant) and Mr Borich (Environmental Noise Officer at WCC) reached agreement on conditions of consent that should be applied to adequately address the reverse sensitivity noise effects resulting from the hotel development. These conditions largely reflect the standards proposed in the plan change to the RCP relating to port noise. Neither party had any outstanding issues with regard to noise and the ongoing operation of the hotel.

386. The Commissioners accept the evidence of Mr Borich and Mr Finley, and agree with the approach taken by these two witnesses with regard to the imposition of conditions as they consider these conditions will adequately avoid or mitigate any adverse noise effects associated with the proposal.

Conclusion as to adverse effects

387. Overall, the Commissioners were of the view that adherence to the conditions of consent listed in Appendix 1 will adequately avoid, remedy or mitigate the adverse effects associated with the construction of the hotel and its ongoing operation to the extent that these effects are no more than minor.

Positive effects

388. The Commissioners agree that there are potential positive effects that result from the proposal. These include the following:
- Economic benefit: The Commissioners agree that there will be an economic benefit resulting from the development and operation of a new 5 star hotel in Wellington. They also note

that there will be an economic benefit to the city during the construction period of 18 months – 2 years.

- Traffic: The Commissioners noted that once constructed, the proposed tunnel will potentially assist by reducing the volume of service vehicles and taxis using the promenade adjacent to Shed 6 as they will be able to use the tunnel instead.
- The upgrading of the northern end of the wharf: The Commissioners noted that a “*significant proportion*” of the costs associated with repairing and strengthening the northern end of the Outer-T will be borne by the applicant, and that WWL will contribute a capped amount.
- Waterfront enhancement: The applicant summarised the ways in which the hotel development can be seen to achieve this through the addition of diversity, attraction of people to the area, improvements to the public space associated with the hotel and the replacement of Shed 1 with a more visually appealing building

389. Notwithstanding the above, the Commissioners consider that only one of these effects – the economic benefits to Wellington city - is likely to be of any direct significance. In this respect the Commissioners accepted that there is a point of difference associated with the location of the proposed hotel due to the combination of its position on the waterfront as well as its proximity to the Wellington CBD. As such, the Commissioners concluded that there are some additional benefits (an economic premium) resulting from the use of this location by a hotel. The other potential benefits were largely discounted by the Commissioners given that traffic, wharf enhancement and wharf upgrading could all occur independently of the hotel development.

Planning instruments

390. Based on the conclusions arrived at following their assessment of the negative effects and the positive impacts associated with the proposed hotel development, the Commissioners find that:

- The proposal is not inconsistent with the relevant principles and policies of the NZCPS.
- In respect of the RPS, the Commissioners agree with and accept the advice of the GWRC reporting officer that the proposal is consistent with the relevant objectives and policies of the Regional Policy Statement.
- The Commissioners consider that both the Waterfront Framework and the DP are relevant documents for assessing this proposal. However the RCP remains the primary statutory planning

document, and in this regard was given more weight when considering the effects of the proposal.

391. The Commissioners find that overall, the proposal as modified during the hearing and subject to the proposed conditions is not contrary to the relevant objectives and policies of the Regional Coastal Plan, the Wellington City District Plan and the Wellington Waterfront Framework.

Other matters

392. During the course of the hearing there was much discussion and comment made about three issues; namely, whether the hotel is iconic, whether there should be a design competition and whether the proposal satisfies the intent that there be integrated planning for the Outer-T of Queens Wharf. Whilst these are all matters included in the Waterfront Framework, the majority of Commissioners concluded that they were not issues that had to be considered from a statutory perspective. More precisely the Commissioners note the following in relation to these matters

Competition

393. The majority of the Commissioners find that it is not a statutory requirement that the design competition process anticipated by the Waterfront Framework was followed. They noted that the resource consent process provides a fall-back position by which public concerns can be addressed. This ability to take such concerns into account is aided by the fully discretionary status of this application.
394. One of the Commissioners does not agree with this opinion and has expressed the view that there was, and still remains, a firm and legitimate public expectation that development of the Outer-T site would be further explored through another phase of community consultation (i.e. the competition). In that Commissioners view, this intent was expressed by the Waterfront Framework and has not been fulfilled by the process followed by the applicant.

Iconic status of the proposal

395. Ultimately the Commissioners decided that the ability of the hotel development to achieve iconic status was not a statutory test that the proposal was required to meet. However, they note that a proposal resulting from more rigorous public engagement (for example, a competition) is likely to have produced a development concept that could be considered to be iconic.

Integrated approach to the Outer-T

396. In general the Commissioners felt some unease regarding the way in which development of the Outer-T has been handled, and felt that an integrated approach, that considered the whole of the Outer-T, may

have resulted in a more satisfactory outcome. They encourage WWL to continue to explore ways of ensuring that the southern end of the outer T continues to be used in a suitable manner.

Overall position

397. All Commissioners agree that there will be positive effects associated with the proposal and that of these the economic benefits resulting from the operation of a Hotel in this premium location is the most significant benefit likely to be realised.
398. Similarly, the Commissioners all agree that there will be potential for negative effects to accrue. In the main, and with the exception of traffic and maritime effects (berthing of cruise ships), the Commissioners were uniform in their findings on this. One Commissioner felt that the potential effects of traffic associated with the tunnel may not be completely mitigated despite the TMP and also had misgivings about the degree to which the proposal would diminish the ability of Queens Wharf to enhance the character of the Lambton Harbour Area as part of the working part of Wellington. Moreover that Commissioner has expressed disappointment that the intent expressed by the Waterfront Framework for a design competition was not fulfilled by WCC or WWL.
399. Notwithstanding these differences in opinion, the Commissioners wish to record that:
- The effects of the proposal can by and large be considered as minor as a result of the changes to the proposal that occurred during the hearing (avoidance and remediation) and the mitigation achieved through the conditions listed in Appendix 1.
 - The Commissioners find that overall, the proposal as modified during the hearing and subject to the proposed conditions, is not contrary to the relevant objectives and policies of the Regional Coastal Plan, the Wellington City District Plan and the Wellington Waterfront Framework.
400. Overall, the Commissioners consider that the proposal is consistent with the purpose of the Act, which is to promote sustainable management of natural and physical resources.

9. Duration of consent

401. Pursuant to section 123 of the Act, coastal permit WGN060184 [24998] for the use and development of structures including a hotel building, decks, and a vehicular access tunnel, demolition of the existing Shed 1 structure, and the refurbishment of existing wharf structure associated with the proposal is granted for a duration of 35 years. This is the maximum period that may be granted for a coastal permit under section 123(d) of the Act.

402. Coastal permits WGN060184 [24999] to disturb the foreshore and seabed associated with the re-piling of the existing wharf structure and WGN060184 [25000] to discharge contaminants to the coastal marine area, in connection with demolition and construction activities, are granted for a period of seven years. These permits are required for the construction of the hotel; therefore it is appropriate to limit their duration to a shorter time period. Seven years allows sufficient time for the works to be completed and makes allowance for some delay to the commencement of construction whilst ensuring that the development will progress in a timely manner, thus providing surety for all users of the waterfront.

10. Decision

403. The Hearing Commissioners, acting pursuant to the powers delegated to them by the Wellington Regional Council under section 34 of the Resource Management Act 1991 (the Act), and subject to sections 104, 104B, 105, 107 and 108 of the Act, hereby **grant** the following coastal permits subject to the conditions listed in Appendix 1 to this decision:

- Coastal permit WGN060184 [24998] for the use and development of structures including a hotel building, decks, and a vehicular access tunnel, demolition of the existing Shed 1 structure, and the refurbishment of the existing wharf structure associated with the proposal.
- Coastal permit WGN060184 [24999] to disturb the foreshore and seabed associated with the re-piling of the existing wharf structure.
- Coastal permit WGN060184 [25000] to discharge contaminants to the coastal marine area, in connection with demolition and construction activities.

404. Pursuant to Sections 104 and 104B of the Act, the Hearing Commissioners **decline** coastal permit WGN060184 [24997] to occupy the land of the Crown in the Coastal Marine Area with the north jetty structure.

405. The Commissioners note that the applicant deleted the jetties from their proposal during the hearing. To avoid any doubt as to whether the application for occupation of space within the coastal marine area, associated with the northern jetty, was formally withdrawn by the applicant, the Commissioners have chosen to decline this part of the consent application.

DECISION DATED at Wellington this 19th day of September 2006

For the Wellington Regional Council:



Cr. Chris Turver (Chair)

Appendix 1: Conditions

General Conditions for all permits

- (1) The location, design, implementation and operation of all works shall be in general accordance with the permit application and documents lodged with the Wellington Regional Council as follows:
 - “Queens Wharf Outer T Project – Hotel and Public Space Enhancements Application for Resource Consent, Waterfront Investments Ltd”; dated December 2005 and received by the Wellington Regional Council on 23 December 2005;
 - “Queens Wharf Outer T Hotel Project - Natural Hazards Assessment”; Beca Carter Hollings and Ferner Limited, dated 8 February 2006 and received by the Wellington Regional Council on 20 February 2006;
 - “Hilton Hotel Natural Hazard Assessment” - Additional Information provided by Beca Carter Hollings and Ferner Limited, dated 5 May 2006 and received by the Wellington Regional Council by email on 19 May 2006;
 - “Further Information Provided”; Urban Perspectives Ltd, dated May 2006; and
 - Additional Information from the Traffic Design Group; dated 29 May 2006; and received by the Wellington Regional Council on 31 May 2006.

Note: Where there may be a conflict in the information provided by the permit holder at different times, the most recent information applies. Where there may be conflict between information provided by the permit holder and the conditions of this permit the conditions shall prevail.

- (2) A copy of this permit and any associated plans and documents shall be given to all contractor(s) carrying out works authorised by this permit, prior to the works commencing.
- (3) A copy of this permit shall be held on the site for the duration of the works.
- (4) The permit holder shall remain responsible for the works, and the works shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Notice of commencement of works

- (5) The Manager, Environmental Regulation, Wellington Regional Council shall be provided with written notice of the commencement of site works at least five working days prior to the works commencing.

Complaints and Incidents Records

- (6) During the entire construction period, the permit holder shall keep and maintain a record of any complaints received alleging adverse effects from, or related to, the exercise of this permit.

The record shall include:

- the name and address (as far as practicable) of the complainant;
- identification of the nature of the matter complained about;
- date and time of the complaint and of the alleged event;
- weather conditions at the time of the complaint (as far as practicable); and,
- any measures taken to ensure that such a complaint does not occur again.

This record shall be kept at the work site and shall be made available to the Manager, Environmental Regulation, Wellington Regional Council upon request.

- (7) The permit holder shall keep and maintain a permanent record of any incidents that occur on the site during demolition or construction, or as a result of the ongoing operation of the hotel, which result in any adverse effects related to the exercise of this permit.

The record shall include:

- the type and nature of the incident;
- date and time of the incident;
- weather conditions at the time of the incident (as far as practicable);
- measures taken to remedy the effects of the incident; and,
- measures put in place to avoid the incident from re-occurring.

This record shall be kept at the work site and shall be made available to the Manager, Environmental Regulation, Wellington Regional Council upon request.

The permit holder shall notify the Manager, Environmental Regulation, Wellington Regional Council of any such incident, within twenty-four hours of the incident being brought to the attention of the permit holder, or the next working day.

The permit holder shall forward an incident report to the Manager, Environmental Regulation, Wellington Regional Council within seven working days of the incident occurring. This report shall describe reasons for the incident, measures taken to mitigate the incident and measures to prevent recurrence.

Construction Management Plan

- (8) The permit holder shall prepare and submit a **Construction Management Plan** for all activities related to the project to the Manager, Environmental Regulation, Wellington Regional Council, for approval, at least 20 working days prior to the works commencing. Works shall not commence until the Construction Management Plan has been approved by the Manager, Environmental Regulation, Wellington Regional Council. The Construction Management Plan shall include, but not be limited to:

- a detailed design and construction methodology;
- a construction timetable;
- identification of who the principal contractor for the works is;
- identification of experienced person(s) who will manage the environmental issues on site;
- details of how traffic associated with the construction works shall be managed to maintain pedestrian amenity and safety on Queens Wharf (including the Shed 6 route);
- details of any public access restrictions, and what measures will be in place to ensure that impacts on the public are minimised;
- an environmental management plan for the site during construction, detailing specific measures to be taken to minimise adverse effects of the activity (including discharges to the coastal marine area). This shall include details of the processes/measures that will be put in place to prevent oil and other hazardous substances from entering the water column, and to avoid debris and construction materials entering the water column; and
- procedures (immediate and subsequent) to be undertaken in the event of a spill of oil or other hazardous substances into the coastal marine area occurring.

In addition to these matters the construction management plan must demonstrate the following:

- A programme is in place that provides for the early completion of the tunnel construction as outlined in the evidence presented by David White of Fletcher Construction Company Limited at the Council hearing.
- That sufficient car parking for all contractors associated with construction works will be provided within the basement car park, until such time as the tunnel is completed and operational.
- That large items of construction materials will be transported to/from the site at night (between 8.00 pm and 6.00 am the following morning). This should include, but is not limited to, demolition material and bulk construction items such as large items of plant, steel, piles and pre cast concrete items.
- That any construction material requiring transportation via the Shed 6 route during day time (6.00 am to 8.00 pm) is on a vehicle no larger than a single unit truck (HCV1 vehicle) and must be transported outside of the peak pedestrian times of 7.00 am to 9.30 am, 12.00 pm to 2.00 pm and 4.00 pm to 6.30 pm during weekdays, and before 11.00 am on weekends;
- That all light vehicles that are physically able to access the hotel construction site via the tunnel, are required to use this route once it is completed;
- How traffic will be managed to ensure that not more than one truck is using the Shed 6 route at any one time;
- The methods by which noise associated with the work will comply in all aspects with the controls set out in NZS 6803:1999, Acoustics - Construction Noise, and how the best practical option will be adopted at all times to ensure the emission of noise from the site will not exceed a

reasonable level in accordance with Section 16 of the Resource Management Act 1991; and

- That piling shall not be undertaken between the hours of 12:00 pm and 2.00 pm (lunch-time) or after 6.00 pm.

This permit shall be exercised in accordance with this Construction Management Plan.

Note: Whilst reviewing the Construction Management Plan for approval, it is recommended that the Manager, Environmental Regulation consults with the Chief Transportation Engineer, Wellington City Council, and the Noise Officer, Wellington City Council.

Note: for the purpose of this condition a light vehicle is any vehicle with a height clearance of less than 2.2 metres.

- (9) The permit holder shall at all times take all practicable steps to minimise sedimentation and increased turbidity of the coastal marine area during the construction, implementation and maintenance of the works, including:
 - (a) completing all works in the minimum time practicable; and
 - (b) avoiding construction and demolition related materials from entering the coastal marine area.
- (10) No contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into the coastal marine area from equipment being used for the works, and no storage or refuelling of equipment and machinery shall take place within five metres of the wharf edge.
- (11) The permit holder shall ensure that the emergency diesel storage tank (identified on drawing number 2438-P3-Rev E, supplied in Appendix 4 of the application) comprises a double-lined tank and that the concrete chamber is sealed to ensure no release of diesel in the event of an interior spill or rupture. Runoff from the tank refilling area shall be collected and diverted into the sewer system.

Artefacts

- (12) If koiwi, taonga or other artefact material is discovered in any area during the works, the permit holder shall ensure that Wellington Tenth Trust and Ngāti Toa Rangatira are immediately contacted, and construction work in that area shall be stopped immediately to allow a site inspection by this group and their advisors. The permit holder shall then consult with Wellington Tenth Trust and Ngāti Toa Rangatira on appropriate steps to recover the artefacts in order that work can resume.

Post-construction condition

- (13) All works affecting the coastal marine area, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental

Regulation, Wellington Regional Council. As a part of this, the permit holder shall provide suitable evidence that the seabed has been surveyed and cleared of any debris which may have accidentally entered the harbour. All material surplus to the works shall be removed from the area and disposed of appropriately.

Specific conditions for WGN060184 [24998] - Coastal permit for the use and development of structures including a hotel building, decks, a vehicular access tunnel and the refurbishing of the existing wharf structure.

Review conditions

- (14) The Manager, Environmental Regulation, Wellington Regional Council may review any or all conditions of this permit by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, at any time within six months of the 2nd, 5th, 10th, 15th, 20th, 25th and 30th anniversaries of the date of commencement of this permit for any of the following purposes:
- (a) To deal with any adverse effects on the environment, which may arise from the exercise of this permit, and which it is appropriate to deal with at a later stage;
 - (b) To review the adequacy of any plans and / or monitoring requirements so as to incorporate into the permit any monitoring or other requirements which may become necessary to deal with any adverse effects on the environment arising from the exercise of this permit; or
 - (c) To require the permit holder to adopt the best practicable option to remove or reduce any adverse effects on the environment arising from the exercise of this permit.
- (15) The Wellington Regional Council shall be entitled to recover from the permit holder the actual and reasonable costs of the conduct of any review undertaken in accordance with condition (14) of this permit, calculated in accordance with, and limited to, that Council's scale of charges in-force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- (16) Subject to Section 123(c) of the Resource Management Act 1991, the period for which this permit is granted is thirty-five years from the date of its commencement.
- (17) The proposed building and public space design must be in general accordance with the information provided with the application (including the exterior cladding and other materials presented at the hearing) and the following plans:
- Sumich Architects' plans labelled resource consent application job number 5833 drawings 01-11, Reference D, all dated 28 June 2006.
 - Traffic Design Group plan labelled "Landscaping and Traffic Management" drawing number CAD:8161-3W2/1 dated 10/07/06.

Except for the following which require modification at working drawing stage in accordance with the Supplementary Evidence presented by the Wellington City Council Waterfront Development Subcommittee's Technical Advisory Group (TAG):

- the roof penetration enclosure; and
- the canopies/sliding screens by way of removal of the banners.

And **except** for the vehicle ramp design, which requires modification at working drawing stage to ensure that it will meet the requirements of condition (31) of this permit.

And **except** for the design of the southern end of the hotel building, which requires modification at working drawing stage to ensure that it is in accordance with Option D as tabled by Neil Jamieson at the resource consent application Hearing on 12 July 2006.

- (18) In order to ensure compliance with condition (17) of this permit, full working drawings must be submitted to and approved by the Manager, Environmental Regulation, Wellington Regional Council prior to any building, vehicle ramp or public space construction works commencing.

Note: It is recommended that the applicant's designers meet with TAG at least once in each of the developed and detail design stages (that is, the 2 critical stages of developing the working drawings for the development).

The Manager, Environmental Regulation, Wellington Regional Council will seek the specialist advice of the Wellington City Council Waterfront Development Subcommittee's Technical Advisory Group (TAG) in the assessment of the plans submitted under this condition.

The Manager, Environmental Regulation, Wellington Regional Council will also seek the input of Wellington City Council's Chief Transportation Engineer with regard to the final plans for the public space design and the vehicle ramp design.

- (19) The detailed design of the building, the public space and the vehicle ramp must be completed in accordance with the approved working drawings (condition (18) of this permit).

Heritage

- (20) A **Conservation Management Plan** for the Queens Wharf Outer-T shall be prepared and lodged with the Manager, Environmental Regulation, Wellington Regional Council, for approval prior to the completion and submission of the full working drawings required under condition (18) of this permit. The plan shall assess the current condition of the wharf and the extent to which works will be necessary to ensure its physical sustainability together with compliance with the structural requirements of the Building Act 2004 and the Building Regulations 2005. The conservation management plan shall be prepared in

accordance with section 20.1.5 of the Wellington City District Plan and references contained therein as those provisions exist at the 19 September 2006.

Traffic

- (21) Prior to any works commencing on site by the applicant, detailed plans showing the design and specifications for modifications to the Hunter Street vehicle access shall be submitted to and approved by the Manager, Environmental Regulation, Wellington Regional Council. The modified design must ensure that service vehicles, which are unable to pass through the proposed barrier, can manoeuvre and exit the site in a forward direction, and shall be in general accordance with the indicative layout shown on Traffic Design Group Drawing CAD: 8161-3W1 dated 28 July 2006.

Note: These plans may be submitted by Wellington Waterfront Limited on behalf of the permit holder.

The Manager, Environmental Regulation, Wellington Regional Council will consult with Wellington City Council's Chief Transportation Engineer with regard to this condition.

- (22) Prior to any other works commencing on site by the applicant, the modified Hunter Street access must be completed in accordance with the plans approved under condition (21) above, to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
- (23) Prior to construction of the hotel building commencing a **Traffic Management Plan** for managing the ongoing operation of the hotel and associated activities must be submitted to, and approved by, the Manager, Environmental Regulation, Wellington Regional Council. This plan should be developed in consultation with the other parties operating in the vicinity of the Outer-T of Queens Wharf, which at the time of writing this condition included Dockside Restaurant and Bar, Shed 5 Restaurant and Bar, Fergs Kayaks, Helipro, CentrePort (servicing berthed vessels) and Wellington Waterfront Limited.

This plan shall be implemented as soon as the hotel is operational and changes to the Traffic Management Plan shall not be implemented without the prior approval in writing of the Manager, Environmental Management, Wellington Regional Council.

The proposed plan must be consistent with all other conditions of this permit and shall include, but not be limited to the following:

- evidence that access to the site through the TSB Bank Arena basement carpark has been secured and that this will be provided on an ongoing basis;
- details of the parking that has been secured in the vicinity of the hotel (including numbers of car-parks, numbers of valet car-parks, hours of use and distance from the hotel, and length of any lease);
- a servicing plan prepared in accordance with condition (24) of this permit;
- recommended speed limits for vehicles using the wharf ;

- a protocol for the operation of the access tunnel (to include details of traffic control signals and details regarding the issuing and management of access cards and PIN numbers, and access arrangements for casual users);
- a protocol for the planning and management of traffic associated with hotel events and management of hotel traffic during significant waterfront events;
- arrangements to ensure pedestrian safety, particularly in the vicinity of the tunnel exit and the hotel entrance; and
- details regarding the design and treatment of the tunnel exit to ensure that safe exiting of vehicles is achieved.

Note: In reviewing the traffic management plan for approval, the Manager, Environmental Regulation will consult with the Chief Transportation Engineer, Wellington City Council.

(24) A **servicing plan** must be submitted to, and approved by, the Manager, Environmental Regulation, Wellington Regional Council as part of the Traffic Management Plan required by condition (23) of this permit. The servicing plan must:

- outline the methods, such as contracts with regular suppliers, by which the hotel operator will ensure its suppliers, as far is practicable, use light service vehicles to access the hotel via the tunnel; and
- demonstrate that no more than three vehicles per day service the hotel via the Shed 6 route.

Servicing of the hotel must take place in accordance with the approved servicing plan.

Note: for the purpose of this condition a light vehicle is any vehicle with a height clearance of less than 2.2 metres.

(25) The permit holder shall undertake a review of the effectiveness of the Traffic Management Plan (required by condition (23) of this permit) at avoiding, remedying or mitigating the adverse effects associated with hotel vehicles accessing and using the wharf on an annual basis. This review shall identify any additional measures required or alterations required to the existing Traffic Management Plan.

The permit holder shall submit the results of each annual review to the Manager, Environmental Management, Wellington Regional Council by 31 June each year.

(26) Vehicles associated with the hotel activity must only use the wharf area in and around the hotel for drop off and pick up only; the area is not to be used for parking of vehicles or as a taxi stand.

(27) All light vehicles accessing the hotel are restricted to using the tunnel to access the wharf, at all times, including during conferences or other special hotel events.

Note: for the purpose of this condition a light vehicle is any vehicle with a height clearance of less than 2.2 metres.

- (28) The permit holder shall determine suitable signage for the basement car park and the exit from the tunnel onto the wharf that informs drivers that pedestrians have priority over vehicles on all areas of the wharf. In undertaking this, the permit holder shall consult with the Chief Transportation Engineer, Wellington City Council.

The wording and form of this signage shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council for approval; and the approved signage shall be installed within the basement car park and on the exit from the tunnel onto the wharf prior to use of the tunnel by any vehicles, including construction related vehicles, commencing.

The permit holder shall be responsible for the ongoing maintenance of the signage.

- (29) All coaches servicing the hotel must load and unload in the coach parking area at the rear of the Museum of Wellington City and Sea or at any other area outside Queens Wharf. No coaches will be taken to the hotel entrance.
- (30) All vehicles servicing the hotel via the Shed 6 route must do so outside of the peak pedestrian times of 7.00 am to 9.30 am, 12.00 pm to 2.00 pm and 4.00 pm to 6.30 pm during weekdays, with no access after 11.00 am on weekends, with the exception of emergency vehicles (Police, Fire and Ambulance) which may access the hotel at any time.
- (31) The tunnel design must provide for a 2.2 metre height clearance throughout and the gradient of the tunnel for the first 5 metres back from the wharf must be no steeper than 1 in 10.

Noise

- (32) The hotel shall be designed and constructed so that any habitable room in the building shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$DnTw+Ctr > 35$ dB.

- (33) The hotel shall be designed and constructed so that internal noise levels from helicopter movements, to and from the existing landing area located at the southern end of the Outer T, do not exceed 55 dBA (Lmax) within any bedroom of the hotel between the hours of 10.00 pm and 7.00 am.
- (34) An acoustic design certificate signed by a suitably qualified acoustic engineer shall be provided prior to any building construction works (i.e. approximately at

building consent stage) certifying that the design as proposed will achieve compliance with conditions (32) and (33).

- (35) Before occupation of the building the permit holder shall provide certification from a suitably qualified person that the building has been constructed in accordance with the acoustic design certificate required by condition (34).

Note: Wellington Regional Council regards the following persons as fulfilling the requirements for being suitably qualified with respect to this condition:

- Members of the Association of Consulting Engineers of New Zealand (Incorporated);
 - Members of the Institute of Professional Engineers of New Zealand (I.P.E.N.Z.);
 - Members of the New Zealand Institute of Architects (N.Z.I.A.); and,
 - Registered Clerks of Works
 - An acoustic consultant
- (36) Noise emission levels emanating from any activity on the hotel site, when measured at or within the boundary of any other site, or at the outside wall of any building other than the hotel, shall not exceed the following at all times:
- (a) 60 dBA (L10)
 - (b) 85 dBA (Lmax).

This includes all fixed plant and equipment such as, pool pumps, all fans, heating, cooling and ventilation plant which shall be designed and sited to ensure compliance with the above noise levels.

Noise shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991.

Natural hazards

- (37) Prior to occupation of the hotel building an **Emergency Management Plan (EMP)** must be submitted to, and approved by, the Manager, Environmental Regulation, Wellington Regional Council. The EMP must outline the actions and contingencies to be taken in the event of an emergency including strong earthquake, locally generated tsunami and a storm surge. The EMP must consider and address all options for managing people in the event of a strong earthquake (that may be followed by a tsunami).

Wharf maintenance

- (38) The permit holder shall undertake regular surveys and maintenance of the existing and upgraded sub-wharf structure of the northern arm of the Outer-T, Queens Wharf and the tunnel structure. The permit holder must keep records of the surveys and any maintenance work carried out in relation to this permit and any such records shall be submitted to the Manager, Environmental Regulation,

Wellington Regional Council by 31 June each year (unless a survey has not been undertaken and no maintenance carried out in that year).

Note: It is anticipated that a full structural survey will be undertaken every 5-10 years.

Specific conditions for WGN060184 [24999] - Coastal permit to disturb the foreshore and seabed associated with the re-piling of the existing wharf structure

- (14) Subject to Section 123(c) of the Resource Management Act 1991, the period for which this permit is granted is seven years from the date of its commencement.
- (15) During the exercise of this permit, the permit holder shall take all practicable steps to minimise any discharge into the water column, which may result in any of the following effects after reasonable mixing:
- The production of any conspicuous oil or grease films, scums or foams or floatable or suspended material;
 - Any conspicuous change in colour or visual clarity;
 - A change of more than 3° Celsius in the natural temperature of the water; and
 - Any significant effects on aquatic life.
- (16) Prior to the exercise of this permit the permit holder shall provide a **Sediment Management Plan** identifying the methodology for undertaking the works on the wharf (including re-piling) and detailing the measures that will be used to ensure that any disturbance and discharge of materials into the water column is adequately minimised. This shall be provided to the Manager, Environmental Regulation, Wellington Regional Council, for approval, at least 5 working days prior to the works commencing. Works shall not commence until the Sediment Management Plan has been approved by the Manager, Environmental Regulation, Wellington Regional Council.

All works shall be in accordance with the Sediment Management Plan.

WGN060184 [25000] - Coastal permit to discharge contaminants to the foreshore and seabed associated with the re-piling of the existing wharf structure

- (14) Subject to Section 123(c) of the Resource Management Act 1991, the period for which this permit is granted is seven years from the date of its commencement.
- (15) During the exercise of this permit, the permit holder shall take all practicable steps to minimise any discharge into the water column, which may result in any of the following effects after reasonable mixing:
- The production of any conspicuous oil or grease films, scums or foams or floatable or suspended material;
 - Any conspicuous change in colour or visual clarity;
 - A change of more than 3° Celsius in the natural temperature of the water; and

- Any significant effects on aquatic life.
- (16) Prior to the exercise of this permit the permit holder shall provide a **Sediment Management Plan** identifying the methodology for undertaking the works on the wharf (including re-piling) and detailing the measures that will be used to ensure that any disturbance and discharge of materials into the water column is adequately minimised. This shall be provided to the Manager, Environmental Regulation, Wellington Regional Council, for approval, at least 5 working days prior to the works commencing. Works shall not commence until the Sediment Management Plan has been approved by the Manager, Environmental Regulation, Wellington Regional Council.

All works shall be in accordance with the Sediment Management Plan.

Appendix 2: Plans referenced in consent conditions

Appendix 3: Relevant provisions of statutory documents

Resource Management Act

Section 2: Interpretation

Historic heritage

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;
 - (vi) technological; andincludes –
 - (i) historic sites, structures, places, and areas; and
 - (ii) archaeological sites; and
 - (iii) sites of significance to Maori, including wahi tapu; and
 - (iv) surroundings associated with the natural and physical resources.

Section 3 – Meaning of 'effect'

In this Act, unless the context otherwise requires, the term **effect** ... includes—

- (a) Any positive or adverse effect; and
- (b) Any temporary or permanent effect; and
- (c) Any past, present, or future effect; and
- (d) Any cumulative effect which arises over time or in combination with other effects—

regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) Any potential effect of high probability; and
- (f) Any potential effect of low probability which has a high potential impact.

Section 5 – Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

- (2) In this Act, sustainable management 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 wellbeing and for their health and safety while—
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 6 – Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- (f) The protection of historic heritage from inappropriate subdivision, use, and development
- (g) The protection of recognised customary activities.

Section 7 – Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga:
- (aa) The ethic of stewardship:

- (b) The efficient use and development of natural and physical resources:
- (ba) The efficiency of the end use of energy:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (e) *Repealed:*
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon:
- (i) The effects of climate change:
- (j) The benefits to be derived from the use and development of renewable energy.

Section 8 – Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 12 – Restrictions on use of coastal marine area

- (1) No person may, in the coastal marine area,—
 - (a) Reclaim or drain any foreshore or seabed; or
 - (b) Erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or
 - (c) Disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or
 - (d) Deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; or
 - (e) Destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or
 - (f) Introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed; or

- (g) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage—

unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or a resource consent.

- (2) No person may, in relation to land of the Crown in the coastal marine area, or land in the coastal marine area vested in the regional council,—

- (a) Occupy any part of the coastal marine area; or
- (b) Remove any sand, shingle, shell, or other natural material from the land—

unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent.

- (3) Without limiting subsection (1), no person may carry out any activity—

- (a) In, on, under, or over any coastal marine area; or
- (b) In relation to any natural and physical resources contained within any coastal marine area,—

in a manner that contravenes a rule in a regional coastal plan or a proposed regional coastal plan unless the activity is expressly allowed by a resource consent or allowed by section 20A (certain existing lawful activities allowed).

- (4) In this Act... -

- (a) *Repealed*
- (b) “Remove any sand, shingle, shell, or other natural material” means to take any of that material in such quantities or in such circumstances that, but for the rule in the regional coastal plan or the holding of a resource consent, a licence or profit à prendre to do so would be necessary.

- (5) The application of this section to overflying by aircraft shall be limited to any noise emission controls that may be prescribed by a regional council in relation to the use of airports within the coastal marine area.

- (6) This section shall not apply to anything to which section 15A or 15B applies.

Section 15 – Discharge of contaminants into the environment

- (1) No person may discharge any—

- (a) Contaminant or water into water; or
- (b) Contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or

- (c) Contaminant from any industrial or trade premises into air; or
 - (d) Contaminant from any industrial or trade premises onto or into land—
 unless the discharge is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan, a resource consent, or regulations.
- (2) No person may discharge any contaminant into the air, or into or onto land, from—
- (a) Any place; or
 - (b) Any other source, whether moveable or not,—
 in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by a resource consent, or regulations, or allowed by section 20A (certain existing lawful activities allowed).
- (3) This section shall not apply to anything to which section 15A or section 15B applies.

Section 87 – Types of resource consents

In this Act, the term **resource consent** means any of the following:

- (a) A consent to do something that otherwise would contravene section 9 or section 13 (in this Act called a **land use consent**);
- (b) A consent to do something that otherwise would contravene section 11 (in this Act called a **subdivision consent**);
- (c) A consent to do something in a coastal marine area that otherwise would contravene any of sections 12, 14, 15, 15A, and 15B (in this Act called a **coastal permit**);
- (d) A consent to do something (other than in a coastal marine area) that otherwise would contravene section 14 (in this Act called a **water permit**);
- (e) A consent to do something (other than in a coastal marine area) that otherwise would contravene section 15 (in this Act called a **discharge permit**).

Section 104 – Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
- (a) any actual and potential effects on the environment of allowing the activity; and
 - (b) any relevant provisions of—

- (i) a national policy statement:
 - (ii) a New Zealand coastal policy statement:
 - (iii) a regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect
- (2A) When considering an application affected by section 124, the consent authority must have regard to the value of the investment of the existing consent holder.
- (3) A consent authority must not—
- (a) have regard to trade competition when considering an application:
 - (b) when considering an application, have regard to any effect on a person who has given written approval to the application:
 - (c) grant a resource consent contrary to—
 - (i) section 107 or section 107A or section 217:
 - (ii) an Order in Council in force under section 152:
 - (iii) any regulations:
 - (iv) a *Gazette* notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004:
 - (d) grant a resource consent if the application should have been publicly notified and was not.
- (4) Subsection (3)(b) does not apply if a person has given written approval in accordance with that paragraph but, before the date of the hearing (if a hearing is held) or otherwise before the determination of the application, that person gives notice in writing to the consent authority that the approval is withdrawn.
- (5) A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.

Section 104A – Determination of applications for controlled activities

After considering an application for a resource consent for a controlled activity, a consent authority—

- (a) must grant the application, unless it has insufficient information to determine whether or not the activity is a controlled activity; and
- (b) may impose conditions on the consent under section 108 for matters over which it has reserved control in its plan or proposed plan.

Section 104B – Determination of applications for discretionary or non-complying activities

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

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

Section 104C – Particular restrictions for restricted discretionary activities

When considering an application for a resource consent for a restricted discretionary activity, a consent authority—

- (a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and
- (b) may grant or refuse the application; and
- (c) if it grants the application, may impose conditions under section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.

Section 104D – Particular restrictions for non-complying activities

- (1) Despite any decision made for the purpose of section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

Section 105 – Matters relevant to certain applications

- (1) If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—
 - (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (b) the applicant's reasons for the proposed choice; and
 - (c) any possible alternative methods of discharge, including discharge into any other receiving environment.
- (2) If an application is for a resource consent for a reclamation, the consent authority must, in addition to the matters in section 104(1), consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under section 108(2)(g) on the resource consent.

Section 107 – Restriction on grant of certain discharge permits

- (1) Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—
 - (a) The discharge of a contaminant or water into water; or
 - (b) A discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
 - (ba) The dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—

if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:

 - (c) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - (d) Any conspicuous change in the colour or visual clarity:
 - (e) Any emission of objectionable odour:
 - (f) The rendering of fresh water unsuitable for consumption by farm animals:
 - (g) Any significant adverse effects on aquatic life.

- (2) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A that may allow any of the effects described in subsection (1) if it is satisfied—
- (a) That exceptional circumstances justify the granting of the permit; or
 - (b) That the discharge is of a temporary nature; or
 - (c) That the discharge is associated with necessary maintenance work—
- and that it is consistent with the purpose of this Act to do so.
- (3) In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.

Section 108 – Conditions of resource consents

- (1) Except as expressly provided in this section and subject to any regulations, a resource consent may be granted on any condition that the consent authority considers appropriate, including any condition of a kind referred to in subsection (2).
- (2) A resource consent may include any one or more of the following conditions:
- (a) Subject to subsection (10), a condition requiring that a financial contribution be made:
 - (b) a condition requiring provision of a bond (and describing the terms of that bond) in accordance with section 108A:
 - (c) A condition requiring that services or works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource, be provided:
 - (d) In respect of any resource consent (other than a subdivision consent), a condition requiring that a covenant be entered into, in favour of the consent authority, in respect of the performance of any condition of the resource consent (being a condition which relates to the use of land to which the consent relates):
 - (e) Subject to subsection (8), in respect of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or section 15B, a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge and other discharges (if any) made by the person from the same site or source:

- (f) In respect of a subdivision consent, any condition described in section 220 (notwithstanding any limitation on the imposition of conditions provided for by section 77B(2)(c) or (3)(c)):
- (g) In respect of any resource consent for reclamation granted by the relevant consent authority, a condition requiring an esplanade reserve or esplanade strip of any specified width to be set aside or created under Part 10:
- (h) In respect of any coastal permit to occupy any part of the coastal marine area (relating to land of the Crown in the coastal marine area or land in the coastal marine area vested in the regional council), a condition—
 - (i) Detailing the extent of the exclusion of other persons:
 - (ii) Specifying any coastal occupation charge.
- (3) A consent authority may include as a condition of a resource consent a requirement that the holder of a resource consent supply to the consent authority information relating to the exercise of the resource consent.
- (4) Without limiting subsection (3), a condition made under that subsection may require the holder of the resource consent to do one or more of the following:
 - (a) To make and record measurements:
 - (b) To take and supply samples:
 - (c) To carry out analyses, surveys, investigations, inspections, or other specified tests:
 - (d) To carry out measurements, samples, analyses, surveys, investigations, inspections, or other specified tests in a specified manner:
 - (e) To provide information to the consent authority at a specified time or times:
 - (f) To provide information to the consent authority in a specified manner:
 - (g) To comply with the condition at the holder of the resource consent's expense.
- (5) Any conditions of a kind referred to in subsection (3) that were made before the commencement of this subsection, and any action taken or decision made as a result of such a condition, are hereby declared to be, and to have always been, as valid as they would have been if subsections (3) and (4) had been included in this Act when the conditions were made, or the action was taken, or the decision was made.
- (6) *Repealed.*

- (7) Any condition under subsection (2)(d) may, among other things, provide that the covenant may be varied or cancelled or renewed at any time by agreement between the consent holder and the consent authority.
- (8) Before deciding to grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or 15B subject to a condition described in subsection (2)(e), the consent authority shall be satisfied that, in the particular circumstances and having regard to—
- (a) The nature of the discharge and the receiving environment; and
 - (b) Other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment—
- the inclusion of that condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.
- (9) In this section, “financial contribution” means a contribution of—
- (a) Money; or
 - (b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
 - (c) A combination of money and land.
- (10) A consent authority must not include a condition in a resource consent requiring a financial contribution unless—
- (a) The condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and
 - (b) The level of contribution is determined in the manner described in the plan or proposed plan.

New Zealand Coastal Policy Statement

Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

- (a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;
- (b) taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location;

- (c) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.

Policy 1.1.3

It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character or the coastal environment:

- (a) landscapes, seascapes and landforms, including:
 - (i) significant representative examples of each landform which provide the variety in each region;
 - (ii) visually or scientifically significant geological features; and
 - (iii) the collective characteristics which give the coastal environment its natural character including wild and scenic areas;
- (b) characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori; and
- (c) significant places or areas of historic or cultural significance.

Policy 2.1.2

Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.

Policy 3.1.2

Policy statements and plans should identify (in the coastal environment) those scenic, recreational and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection; and that policy statements and plans should give them appropriate protection.

Policy 3.1.3

Policy statements and plans should recognise the contribution that open space make to the amenity values found in the coastal environment, and should seek to maintain and enhance those values by giving appropriate protection to areas of open space.

Policy 3.2.1

Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.

Policy 3.2.2

Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

Policy 3.2.5

Subdivision, use and development in the coastal environment should be conditional on the provision of adequate services (particularly the disposal of wastes), and the adverse effects of providing those services should be taken into account when preparing policy statements and plans and when considering applications for resource consents.

Policy 3.4.2

Policy statements and plans should recognise the possibility of a rise in sea level, and should identify area which would as a consequence be subject to erosion or inundation, Natural systems which are a natural defence to erosion and/or inundation should be identified and their integrity protected.

Policy 3.4.5

New subdivision, use and development should be so located and designed that the need for hazard protection works is avoided.

Policy 3.5.1

In order to recognise the national importance of maintaining public access to and along the coastal marine area, a restriction depriving the public of such access should only be imposed where such a restriction is necessary:

- (a) to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- (b) to protect Maori cultural values;
- (c) to protect public health or safety;
- (d) to ensure a level of security consistent with the purpose of a resource consent; or
- (e) to justify the restriction notwithstanding the national importance of maintaining that access.

Policy 3.5.2

In order to recognise the national importance of enhancing public access to and along the coastal marine area, provision should be made to identify, as far as practicable:

- (i) the location and extent of places where the public have the right of access to and along the coastal marine area;

- (ii) those places where it is desirable that physical access to and along the coastal marine area by the public should be enhanced; and
- (iii) those places where it is desirable that access to the coastal marine area useable by people with disabilities be provided.

Policy 4.2.1

All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti o Waitangi).

Policy 4.2.2

All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area should follow these general guidelines:

- (a) take into account the principles of the Treaty of Waitangi;
- (b) make provision for consultation with tangata whenua which is early, meaningful and on-going, and which is as far as practicable in accordance with tikanga Maori;
- (c) have regard to any relevant planning document recognised by the appropriate iwi authority;
- (d) where appropriate, involve iwi authorities and tangata whenua in the preparation of plans and policy statements, in recognition of the relationship of māori and their culture and traditions with their ancestral lands; and
- (e) where practicable, and with the consent of the tangata whenua, incorporate in policy statements and plans and in the consideration of applications for resource consents, Maori customary knowledge about the coastal environment, in accordance with tikanga Maori.

Regional Policy Statement for the Wellington Region

Chapter 4 – The Iwi Environmental Management System

Objective 1

A mutually satisfactory relationship is developed and maintained between the Wellington Regional Council and the iwi of the Region.

Objective 2

The principles of the Treaty of Waitangi are taken into account in resource management,

Objective 4

There are increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met.

Policy 2

To support the active participation of tangata whenua in the development and implementation of resource management policy and plans, and in the resource consent granting process.

Policy 4

To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Policy 6

To recognise and promote the role and importance of kaitiakitanga.

Method 2

The Wellington Regional Council will provide information to tangata whenua on resource management matters, including the respective responsibilities of different resource management agencies.

Method 4.5.3

The Wellington Regional Council liaise with other environmental and resource management agencies on resource management matters of significance to iwi.

Method 4

The Wellington Regional Council where it is the consent authority, will:

- (1) Consult tangata whenua on all consent applications it considers will have a significant effect on tangata whenua;
- (2) Encourage applicants to consult with tangata whenua as part of the assessment of effects;
- (3) Appoint Maori as hearings commissioners, when appropriate;
- (4) Recognise, when appropriate, tikanga Maori in pre-hearing meetings and hearings; and
- (5) Consider effects on iwi when assessing whether consent application should be non-notified.

Chapter 7 – The Coastal Environment

Objective 1

The natural character of the coastal environment is preserved through:

- (1) The protection of nationally and regionally significant areas and values;
- (2) The protection of the integrity, functioning and resilience of physical and ecological processes in the coastal environment;
- (3) The restoration and rehabilitation of degraded areas; and
- (4) The management of subdivision, use and development, and the allocation of resources in the coastal environment so that adverse effects are avoided, remedied or mitigated.

Objective 2

Existing provisions for public access to and along the coastal marine area remain and appropriate opportunities are taken to enhance public access.

Objective 3

Coastal water quality is of a high standard.

Objective 4

There are increased opportunities for the aspirations of the tangata whenua for the coastal environment to be met.

Policy 1

To give effect to the following matters when planning for and making decisions on subdivision, use and development in the coastal environment:

- (1) Protection, from all actual or potential adverse effects, of areas of nationally or regionally significant indigenous vegetation and significant habitats for indigenous fauna, including those listed in table 8;
- (2) Protection of the values associated with nationally or regionally outstanding landscapes, seascapes, geological features, landforms, sand dunes and beach systems and sites of historical or cultural significance, including those listed in tables 9 and 10;
- (3) Protection of sensitive, rare or unusual natural and physical resources, habitats, amenity values and ecosystems which are unique to the coastal environment (including estuaries, coastal wetlands, mangroves and dunes, and their margins) by avoiding, remedying or mitigating adverse effects so as to preserve the natural character of the coastal environment.
- (4) Protection of the integrity, functioning and resilience of the coastal environment in terms of the:

- (a) Dynamic processes and features arising from the natural movement of sediments, water and air;
- (b) Natural movement of biota;
- (c) Natural substrate composition;
- (d) Natural water quality and quantity, and air quality;
- (e) Natural biodiversity, productivity and biotic patterns; and
- (f) Intrinsic values of ecosystems.

Policy 2

To consider, where relevant and to the appropriate extent, the following matters when planning for and making decisions about subdivision, use or development in the coastal environment:

- (1) The degree to which the proposed activity will impose effects additional to those resulting from existing subdivision, use and development, and the extent to which such cumulative adverse effects on natural character may be avoided, remedied or mitigated;
- (2) The extent to which natural character has already been compromised in an area and the need to avoid sprawling or sporadic subdivision, use or development;
- (3) The efficient use of finite resources in the coastal environment and the viability of alternative sites outside the coastal marine area and outside of the coastal environment for the proposed activity;
- (4) The potential impact of projected sea level rise;
- (5) The actual or potential adverse effects of subdivision, use or development on areas of cultural or spiritual significance, heritage resources and on scenic, scientific, recreation, open space or amenity values; and
- (6) The adequacy of provision of infrastructure services (particularly for the disposal of waste).

Policy 4

To ensure, in planning for or making decisions about new subdivision, use or development, that there is no reduction in the quality of existing legal access to and along the coastal marine area; and that opportunities are taken, other than in exceptional circumstances, to enhance the amount and variety of public access to and along the coastal marine area.

Policy 5

To maintain or improve the quality of coastal water by:

- (1) Improving, where necessary, the quality of fresh water entering the coastal marine area;
- (2) Avoiding, remedying or mitigating the effects of activities in the coastal environment that can degrade coastal water; and
- (3) Avoiding, remedying or mitigating the effects of point discharges that directly enter the coastal marine area so the effects do not render any water in the coastal marine area unsuitable for any purpose specified in a Regional Coastal Plan for the Wellington Region.

Policy 6

To adopt a precautionary approach to the evaluation of risk in making decisions that affect the coastal environment, recognising that there will be situations where there is a low probability of an event occurring, but that such an event has the potential to create major adverse effects. Such events include:

- (1) Earthquakes and tsunami;
- (2) Maritime shipping disasters; and
- (3) Accidents involving release of contaminants into the coastal marine area.

Method 2

District plans would be an appropriate means of implementing Coastal Environment Policies 1-7.

Method 3

To achieve integrated management, other means which could be used to implement Coastal Environment Policies 1-7 include:

- (1) Development and implementation of management plans and other non-statutory plans by territorial authorities for areas and issues that impact on the coastal environment;
- (2) Liaison between the Wellington Regional Council, territorial authorities, iwi and the Department of Conservation to identify projects in the coastal environment of the Wellington Region where voluntary organisations, companies and individuals may assist in caring for the coastal environment; and
- (3) Liaison between the Regional Council, Department of Conservation and Ministry of Agriculture and Fisheries.

Chapter 10 – Landscape and Heritage

Objective 3

The cultural heritage of the Region which is of regional significance is:

- (1) Recognised as being of importance to the Region;

- (2) Managed in an integrated manner with other resources; and
- (3) Conserved and sustained for present and future generations.

Objective 4

The attributes of natural and physical resources which provide for regional recreational opportunity, and for the appreciation and enjoyment of those resources by the regional community, are maintained or enhanced.

Policy 5

To recognise, when planning for and making decisions on new subdivision, use, and development, the heritage values of regionally significant cultural heritage resources and to manage those heritage resources in an integrated manner with other natural and physical resources.

Policy 6

To avoid, remedy or mitigate the adverse effects of subdivision, use and development on regionally significant cultural heritage resources.

Policy 7

To manage and protect existing recreational opportunities of regional significance.

Policy 8

To promote, on behalf of future generations, the protection of the potential for recreation of open space, indigenous and exotic vegetation, water bodies, the coast, and regionally outstanding landscapes, and other regionally or nationally outstanding natural features.

Method 8

The Wellington Regional Council will provide for the management and conservation of any cultural heritage values relating to any land it owns and for the recognition and protection of these values in any plan it prepares (including a Regional Coastal Plan) and through the consent granting process.

Method 13

The Wellington Regional Council will require, where relevant, that an assessment of effects, undertaken as part of an application for resource consent affecting a cultural heritage resource of regional significance, has regard to its heritage values.

Method 17

The Wellington Regional Council will advocate for the preservation of recreational opportunities of a regional nature for future generations, particularly where they are vulnerable to irreversible effects.

Chapter 11 – Natural Hazards

Objective 1

Any adverse effects of natural hazards on the environment of the Wellington Region are reduced to an acceptable level.

Policy 1

To ensure that there is sufficient information available on natural hazards to guide decision making.

Policy 2

To consider all of the following matters when planning for, and making decision on, new subdivision, use, and development in areas which are known to be susceptible to natural hazards:

- (1) The probability of occurrence and magnitude of the natural hazards, and the location of the effects, including any possible changes which might arise from climate change;
- (2) The potential consequences of a natural hazard event occurring, both on-site and off-site. Potential loss of life, injury, social and economic disruption, civil defence implications, costs to the community, and any other adverse effects on the environment should be considered;
- (3) The measures proposed to mitigate the effects of natural hazard events, the degree of mitigation they will provide, and any effects on the environment from adopting such measures;
- (4) Alternative measures that might be incorporated into the subdivision, use and development to mitigate the effects of natural hazard events, the degree of mitigation they will provide, and any effects on the environment from adopting such measures. Both structural and non-structural measures should be considered;
- (5) The benefits and costs of alternative mitigation measures;
- (6) The availability of alternative sites for the activity or use; and
- (7) Any statutory obligations to protect people and communities from natural hazards.

Method 9

The Wellington Regional Council will, in situations where it is the consent granting authority, require applicants for resource consents to include, in their assessments of effects, the risks posed by natural hazards. The level of assessment should be appropriate to the potential consequences of the hazard and the location of the activity in relation to known natural hazards.

Regional Coastal Plan for the Wellington Region

Chapter 4 - General objectives and policies

Objective 4.1.2

People and communities are able to undertake appropriate uses and developments in the coastal marine area which satisfy the environmental protection policies in the plan, including activities which:

- rely on natural and physical resource of the coastal marine area; or
- require a coastal marine area location; or
- provide essential public services; or
- avoid adverse effects on the environment; or
- have minor adverse effects on the environment, either singly or in combination with other users; or
- remedy or mitigate adverse effects on the environment and provide a net benefit to the environment.

Objective 4.1.3

The adverse effects that new activities may have on legitimate activities in the coastal marine area are avoided, remedied or mitigated as far as is practicable.

Objective 4.1.4

Land, water and air in the coastal marine area retains its life supporting capacity.

Objective 4.1.5

The natural character of the coastal marine area is preserved and protected from inappropriate use and development.

Objective 4.1.8

Public access along and within the coastal marine area is maintained and enhanced.

Objective 4.1.9

Amenity values in the coastal marine area are maintained and enhanced.

Objective 4.1.10

Important views to and from the coastal marine area are retained.

Objective 4.1.11

Any adverse effects from natural hazards are reduced to an acceptable level.

Objective 4.1.12

That the location of structures and/or activities in the coastal marine area does not increase the risk from natural hazards beyond an acceptable level.

Objective 4.1.14

The values of the tangata whenua, as well as their traditional uses, are, where practicable, recognised and provided for.

Objective 4.1.15

Opportunities for iwi and hapu to exercise kaitiakitanga in the coastal marine area are increased.

Objective 4.1.16

Tangata whenua are consulted on resource consent applications which may affect their interests and values.

Objective 4.1.18

There is sufficient information available to make informed decisions on resource management in the coastal marine area.

Objective 4.1.19

In addition to the requirements of objective 4.1.16, opportunities are provided for people and communities to be involved in any decision-making about significant activities in the coastal marine area, and in the management of natural and physical resources in that area.

Objective 4.1.20

In promoting the sustainable management of the coastal marine area, appropriate recognition is given to integrating management of land, water and air, both within the coastal marine area and across the line of mean high water springs.

Objective 4.1.23

Conditions placed on resource consents are used as a means of avoiding, mitigating or remedying adverse effects.

Objective 4.1.24

The comprehensive development of the Lambton Harbour Development Area is provided for.

Objective 4.1.25

Activities which span the line of mean high water springs are managed in accordance with the provisions of both this Plan and any requirements in the relevant district plan.

Objective 4.1.26

In promoting the sustainable management of the coastal marine area, the importance of the Port of Wellington to the social and economic well being of the Region is recognised.

Policy 4.2.2

To recognise and distinguish between those parts of the coastal marine area which retain natural character, and those areas where natural character has already been compromised, and to encourage appropriate new developments only in latter areas.

Policy 4.2.3

When considering the significance of adverse effects of activities on the coastal marine area, to recognise and distinguish between:

- those activities which require occupancy on a ‘permanent’ basis, and those which can effectively relinquish coastal space at a future date;
- those activities which have irreversible adverse effects and those for which adverse effects are reversible; and
- those activities which have short term adverse effects and those which have on-going or long term adverse effects.

Policy 4.2.5

To adopt a precautionary approach to resource management decisions in the coastal marine area, particularly in those situations where it is difficult to predict adverse effects with any certainty.

Policy 4.2.6

To recognise the importance of the coastal marine area as a place for the safe and convenient navigation of ships and aircraft, and to protect these activities from inappropriate use and development.

Policy 4.2.7

To recognise that port and harbour activities are an appropriate use of the coastal marine area provided that the environmental protection policies of this Plan can be satisfied.

Policy 4.2.8

To recognise existing lawful commercial and recreational users of the coastal marine area, and to protect them from the adverse effects of new activities as far as is practicable.

Policy 4.2.12

To protect significant cultural and historic features in the coastal marine area from the adverse effects of use and development. In particular, the values of the features and buildings identified in Appendix 4 will be protected.

Policy 4.2.15

Subject to Policy 4.2.17, to ensure that the adverse effects of new use and development on existing lawful access along and within the coastal marine area are avoided where practicable; where avoidance is not practicable, to ensure that the adverse effects are mitigated or remedied so that there is no net reduction in the quality of public access in the area.

Policy 4.2.17

To recognise that there are circumstances when public access along the coastal marine area is not appropriate; and other circumstances where it is not practicable because of the nature of the coastline.

Policy 4.2.18

To recognise that the coastal marine area is an extensive area of public open space, and to ensure that the interests of the public, both now and in the future, are given a high priority when making decisions on the allocation of any land of the Crown or any related part of the coastal marine area.

Policy 4.2.19

To recognise the importance of amenity values in the coastal marine area, and to avoid, where practicable, any adverse effects on these values; where avoidance is not practicable, to remedy, or mitigate the adverse effects.

Policy 4.2.20

To recognise the importance of the coastal environment to recreation activities, and to avoid, where practicable, any adverse effects on these values; where avoidance is not practicable, to remedy, or mitigate the adverse effects.

Policy 4.2.21

Use and development of the coastal marine area must take appropriate account of natural hazards, and any adverse effects arising from the storage, use, disposal, or transportation of hazardous substances.

Policy 4.2.33

To identify explicitly the occupancy component on any resource consent which is granted for an activity in the coastal marine area which requires occupation of land of the Crown and any related part of the coastal marine area.

Policy 4.2.34

To ensure that, as far as practicable, all stakeholders are involved in the coastal management process and that the decision making process is transparent.

Policy 4.2.35

To consider placing conditions on resource consents for the purpose of avoiding, remedying or mitigating any adverse effects which are associated with, or are a consequence of, an activity, particularly where adverse effects impact on the following matters:

- fauna, flora or habitat;
- lawful public access;
- natural character;
- amenity values;
- views to and from the coastal marine area;
- characteristics of spiritual, historical or cultural significance to tangata whenua; or
- recreational opportunities.

Policy 4.2.36

To have regard to the following matters when determining the nature and extent of any conditions to be placed on a resource consent:

- the significance of the adverse effects arising as a consequence of, or in association with, the proposed activity;
- the extent to which the proposed activity contributes to the adverse effects;
- the extent to which the adverse effects of the proposed activity can and have been dealt with by other means;
- any proposals by the applicant to avoid, remedy or mitigate, adverse effects, and any agreements reached at pre-hearing meetings;
- the extent to which the community as a whole benefits from the proposed activity and from any proposed conditions on a consent;
- the financial cost of complying with any conditions on a consent; and
- the extent to which a condition placed on a consent will, avoid, remedy or mitigate any adverse effects.

Policy 4.2.37

To avoid, remedy or mitigate adverse effects, conditions on a resource consent may relate to all or any of the following:

- design and project implementation, choice of materials, site improvements;
- habitat restoration, rehabilitation, creation and improvement;
- restocking and replanting of fauna or flora (with respect to replanting, preference will be given to the use of indigenous species, with a further preference for the use of local genetic stock);
- works and services relating to the improvement, provision, reinstatement, protection, restoration or enhancement of the matters listed in 4.2.35.

Policy 4.2.38

To encourage applicants to:

- consult and discuss with parties who may be affected by the proposal prior to applying for a consent; and
- identify in the consent application how adverse effects may be avoided, remedied or mitigated.

Policy 4.2.39

To recognise that there are circumstances where placing conditions on resource consents may not be sufficient to adequately avoid, remedy or mitigate the adverse effects of a proposal, and that in such circumstances consent applications will be declined.

Policy 4.2.42

To have particular regard to the objectives and policies in relevant district plan(s) when assessing an application for an activity which spans the coastal marine area boundary; and where appropriate, to deal with such applications through joint hearings.

Policy 4.2.43

To recognise that port and harbour activities are an appropriate use of the coastal marine area provided that the environmental protection policies of this Plan can be satisfied.

Policy 4.2.45

In the Lambton Harbour Development Area to:

- provide for a wide range of activities appropriate to the harbour/city interface;
- provide for development compatible with the urban form of the city;
- recognise the heritage character, development and associations of the area;
- develop and have particular regard to any design guides for the area which are contained in any proposed or operative Wellington City District Plan;
- provide for a range of public open spaces, access and through-routes, and to ensure that their nature, purpose and function is maintained;
- ensure that the effects of development and activities do not detract from people's enjoyment of the area; and
- ensure that the area is an integral part of the working port of Wellington.

Policy 4.2.46

To vary or change the Plan, if necessary, as soon as practicable after the Wellington City District Plan becomes operative, to align rules in the Lambton Harbour Development Area (for activities and structures on wharves on the seaward side of the coastal marine area boundary) with the rules in Wellington City Council's District Plan for the Lambton Harbour Development Area (for activities and structures on the landward side of the coastal marine area boundary).

Policy 4.2.47

To vary or change the Plan, if necessary, as soon as practicable after the Wellington City and Hutt City District Plans become operative, and to align noise standards in the

Commercial Port Areas with noise standards in the adjacent Wellington City and Hutt City District Plan with respect to port and port related activities.

Chapter 6 – Structures

Objective 6.1.1

Appropriate structures which enable people and communities to provide for their economic and social well-being are allowed.

Objective 6.1.2

There is no inappropriate use or development of structures in the coastal marine area.

Objective 6.1.3

The environment is protected from the adverse effects and risks associated with spills from facilities using and/or storing of hazardous substances.

Objective 6.1.4

The community and its assets are protected from unacceptable risks from facilities using and/or storing hazardous substances.

Policy 6.2.1

To consider the following as appropriate in the coastal marine area:

- the use and development of structures in the coastal marine area for;
 - (1) activities which are fundamentally dependant upon a location in the coastal marine area; or
 - (2) activities which support and service those which must locate in the coastal marine area, and which, because of a lack of a suitable space or operation constraints, cannot be located outside of the coastal marine area.
- the use and development of structures in the Lambton Harbour Development Area;
- the use and development of structures for defence purposes; or
- the development of structures for networks utility operations.

Policy 6.2.2

To not allow the use or development of structures in the coastal marine area where there will be:

adverse effects on:

- any Area of Significant Conservation Value, or Area of Important Conservation Value;

- characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori;
- significant places or areas of historic or cultural significance; or
- significant ecosystems; or

significant adverse effects on:

- the risk from natural hazards;
- navigation channels;
- coastal processes, including waves, tidal currents and sediment transport;
- amenity values;
- existing lawful public access;
- natural character;
- views to an from the coastal marine area;
- recreational uses; or
- structure of architectural or historic merit;

unless such adverse effects can be satisfactorily mitigated or remedied.

Policy 6.2.4

To ensure that all new structures in the coastal marine area to which the public are admitted provide reasonable and adequate access and facilities for disabled persons in accordance with section 25 of the Disabled Persons Community Welfare Act 1975.

Policy 6.2.5

To ensure that adequate allowance is made for the following factors when designing any structure:

- rising sea levels as a result of climate change, using the best current estimate scenario of the International Panel of Climate Change (IPCC);
- waves and currents;
- storm surge; and
- major earthquake events.

Policy 6.2.6

To ensure that all exterior lighting associated with activities on structures in the coastal marine area is directed away from adjacent activities, streets and navigational channels, so as to avoid the spill of light or glare which might be:

- detrimental to the amenity of residential or other activities;
- a hazard to traffic safety on streets outside the coastal marine area;
- a hazard to navigation in the coastal marine area; and
- detrimental to wildlife, including bird nesting, roosting, and navigation.

Policy 6.2.7

To ensure that all structures in the coastal marine area which are visible and/or accessible are adequately maintained so that:

- the structure remains safe; and
- any adverse effects on the visual amenity of the area are minimised.

Policy 6.2.9

To have particular regard to any relevant provisions in appropriate district plans relating to the protection of important views when assessing an application for an activity involving the development of a structure in the coastal marine area.

Policy 6.2.12

To manage hazardous facilities and activities involving the use and/or storage of hazardous substances so that adverse effects and unacceptable risks to the environment, human health and property are avoided, remedied or mitigated, including:

- contamination of soil, water or air;
- short or long term damage to ecosystems; and
- damage through fire and explosion events.

Chapter 7 – Destruction, damage or disturbance of foreshore or seabed

Objective 7.1.2

The adverse effects from activities which destroy, damage, or disturb foreshore or seabed are avoided, remedied or mitigated.

Policy 7.2.1

To allow activities involving damage or disturbance to any foreshore or seabed, where the adverse effects are short term, reversible, or minor; and to allow other activities where adverse effects can be satisfactorily avoided, remedied or mitigated. As a guide, the following criteria will need to be met for the activity to be deemed to have minor adverse effects:

- the activity will not require exclusive use of the foreshore or seabed, and will not preclude public access to and along the foreshore past the site of the disturbance or damage;
- any adverse effects on plant and animals or their habitat will be short term, and the area will be naturally recolonised by a similar community type;
- the activity will not result in any significant increase in water turbidity or elevated levels of contaminants;
- the activity will not have any off-site adverse effects;
- the activity will not adversely affect shoreline stability;
- the activity will not have any permanent adverse effects on the amenity values of the foreshore or seabed;
- the activity will not have any adverse effect on natural character;
- the activity will not destroy or damage historic sites;
- the activity will not have any adverse effects on the Hutt Valley aquifer; and
- the activity will not have any adverse effects on mahinga mātaimai, waahi tapu or any other sites of significance to iwi.

Objective 7.1.4

The positive effects from activities which disturb foreshore or seabed are recognised where such activities are undertaken for the well-being of the community. Activities with minor adverse effects are allowed.

Chapter 10 – Discharges to land and water

Objective 10.1.2

Where practicable, the quality of water in the coastal marine area which is currently degraded as a result of human activities is enhanced.

Objective 10.1.3

The quality of water in the coastal marine area is, as far as practicable, consistent with the values of the tangata whenua.

Objective 10.1.5

The risk to human health from contaminated water in the coastal marine area is minimised.

Policy 10.2.2

To manage all water in the following areas for contact recreation purposes:

- Those parts of the coastal marine area within Wellington Harbour and the Wellington South Coast landward of a straight line extending between a point 1000 metres off shore of Baring Head (NZMS 260:R28;657.749) and 1000 metres offshore of Tongue Point (NZMS 260:Q27;484.828), except that described in policy 10.2.1 (which relates to managing certain area for shellfish gathering purposes).

[The details of the other nine other areas identified in this Policy have not been reproduced here, as they are not relevant to this application. All areas are mapped in Appendix 8. Planning Map 8D, attached, shows the relevant area within the Wellington Harbour].

Policy 10.2.3

To have particular regard to the criteria in Appendix 6 in order to determine, when considering applications for resource consents, if a discharge is able to comply with Policies 10.2.1 and 10.2.2.

Policy 10.2.4

To allow discharges of contaminants or water to land or water in the coastal marine area which do not meet the requirements of Policies 10.2.1, 10.2.2 and 10.2.3 only if, after reasonable mixing:

- the discharge is not likely to cause a decrease in the existing quality of water at that site; or
- the discharge would result in an overall improvement in water quality in the coastal marine area; or
- the discharge was present at the time this plan was notified and the person responsible for the discharge has defined a programme of work for the upgrading of the discharge so that it can meet the requirements of policies 10.2.1, 10.2.2 and 10.2.3; or
- the discharge is of a temporary nature or associated with necessary maintenance works or there are exceptional circumstances and that it is consistent with the purposes of the Act to do so.

Policy 10.2.8

To ensure that where appropriate coastal permits to discharge contaminant to land or water in the coastal marine area contains conditions for monitoring:

- the effects of the discharge; and
- compliance with any conditions or standards imposed on the consent.

Policy 10.2.9

To have regard to the adverse effects of the discharge of water or contaminants to land or water in the coastal marine area on areas:

- containing important ecosystems or species;
- used for fisheries purposes;
- used for fish spawning;
- used for the gathering or cultivating of shellfish for human consumption;
- used for contact recreation purposes;
- used for industrial abstraction;
- which are significant because of their natural values;
- which are significant because of their aesthetic values; and
- with significant cultural value.

Policy 10.2.11

To have particular regard to the views, values, aspirations and customary knowledge of tangata whenua when assessing applications to discharge contaminants to land or water in the coastal marine area.

Chapter 14 – General Standards and Terms

14.1.1 Public safety

Adequate provision shall be made to ensure that the activity does not compromise public safety.

14.1.2 Lighting and glare

- (1) All exterior lighting associated with the activity shall be managed so as to avoid the spill of light or glare that might be:
 - detrimental to other users; or
 - detrimental to wildlife; or
 - a hazard to traffic safety on streets outside the coastal marine area; or
 - a hazard to navigation in the coastal marine area;

unless such lighting is necessary for reasons of public safety or operational safety.

14.1.3 Noise (from activities located outside the Commercial Port Area)

The following noise standards shall apply to activities permitted or controlled by a rule in this Plan, which are located within the coastal marine area and specifically reference this section within the rule (excluding noise generated within the Commercial Port Area):

- (1) the activity will not cause excessive noise (defined in section 326 of the Act) outside the coastal marine area;
- (2) between the hours of 7.00 am and 11.00 pm, the noise level (L10) measured at any point on the nearest Residential Area boundary shall not exceed 55dB(A);
- (3) between the hours of 11.00 pm and 7.00 am, the noise level (L10) measured at any point on the nearest Residential Area boundary shall not exceed 45dB(A);
- (4) single events of noise shall not exceed an Lmax sound level of 75dB(A);
- (5) noise shall be measured in accordance with NZS 6801:1991. Levels shall be assessed in accordance with NZS 6802:1991. Any construction activities will meet standards specified in Table 1 of NZS 6803P:1984. Helicopter landing areas shall meet the standards specified for residential areas in Table 1 of NZS 6807:1994;
- (6) conditions (1) to (4) shall not apply to the following:
 - (a) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
 - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
- (7) conditions (2) to (4) shall not apply to temporary military training activities undertaken for defence purposes. Noise emission as a result of temporary military training measured on a line 20 metres from and parallel to the facade of any dwelling used for accommodation or the legal boundary where this is closer to the dwelling or building shall meet the following:

- (a) for all activities excluding the use of explosives:

Time (Any Day)	Limits (dBA)	
	L10	Lmax
0000 – 0630	45	75
0630 – 0730	60	75
0730 – 1900	75	90
1900 – 2000	70	85
2000 - 2400	45	75

- (b) for activities involving the use of explosives: 122 dB(C) during daylight hours.

14.1.4 Noise (from activities located within the Commercial Port Area)

The following noise standards shall only apply to activities in the Commercial Port Area permitted or controlled by a rule in this Plan, which are located within the coastal marine area and specifically reference this section within the Rule:

- (1) the activity will not cause excessive noise (defined in section 326 of the Act) outside the coastal marine area at the nearest Residential Area boundary;
- (2) the corrected noise level (L10) measured at any point on the nearest Residential Area boundary shall not exceed 60 dB(A) (between 7am and 11 pm) and 55 dB(A) (11pm to 7am);
- (3) single events of noise shall not exceed an Lmax sound level of 75dB(A) (11pm to 7am);
- (4) noise shall be measured in accordance with NZS 6801:1991. Levels shall be determined in accordance with NZS 6802:1991. Any construction activities will meet standards specified in NZS 6803P:1984. Helicopter landing areas shall meet the standards specified for Commercial areas in Table 1 of NZS 6807:1994;
- (5) conditions (1) to (3) shall not apply to the following:
 - (a) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
 - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage.

- (6) condition (2) shall not apply to the Commercial Port Area shown on Planning Maps 4b (Miramar Wharf) and 4c (Seaview Wharf) in Appendix 7, where between the hours of 7.00 am and 11.00 pm, the noise level (L10) measured at any point on the nearest Residential Area boundary shall not exceed 60dB(A) and between the hours of 11.00 pm and 7.00 am, the noise level (L10) measured at any point on the nearest Residential Area boundary shall not exceed 45dB(A).

14.1.5 Storage of hazardous materials

No hazardous substance shall be stored over water in the coastal marine area (except as cargo on ships or as part of the operational needs of ships) unless the storage container:

- (1) is constructed or lined with a material which is resistant to corrosion or embrittlement; and
- (2) is fitted with a vent or other pressure release mechanism which is adequate to prevent increases or decreases of pressure; and
- (3) is adequately protected such that all practicable steps will be taken to minimise the risk of the hazardous substance entering water or land in the coastal marine area in the event of the rupture or overflow of the container.

Condition (2) shall not apply to the storage of paint in containers of 10 litres or less, provided that the total quantity of paint stored in a single area does not exceed 100 litres.

Conditions (2) and (3) shall not apply to pipelines for the delivery of petroleum products or to pipelines for the loading or unloading of petroleum products associated with the fuelling of vessels.

Explanation. 'Storage' does not include the conveyance of substances through pipelines.

14.1.6 Litter and Debris

All litter, debris and other such waste or extraneous material derived from the activity shall be removed from the coastal marine area, and disposed of in an appropriate manner.

Chapter 18 – Cross Boundary Issues

18.1 Introduction

To promote the sustainable management of the coastal marine area, and to meet the objectives of this Plan, it is necessary to establish procedures to be used to resolve cross boundary issues. There are three types of issues:

- (1) those which cross territorial authority and regional council boundaries;
- (2) those between territorial authorities in the Region; and

- (3) those between Wellington Regional Council and the adjoining regions of Marlborough (a unitary authority) and Manawatu- Wanganui.

In the case of this Plan, cross boundary issues between territorial authorities are not important because, with the exception of subdivision on reclaimed area, territorial authorities do not have any jurisdiction over resource management issues within the coastal marine area. This responsibility falls under the control of the Wellington Regional Council and the Minister of Conservation.

18.2 Issues between Wellington Regional Council and territorial authorities

Most activities that take place in the coastal marine area occur close to the shoreline. A large number span the line of mean high water springs. This line defines the landward limit of control of this Plan and the seaward limit of control of district plans. District plans are prepared and administered by territorial authorities. Examples of activities which span the line of mean high water springs include:

- boat sheds over land with slipways extending over foreshore and seabed;
- port facilities extending from areas of land onto wharf surfaces;
- many recreation activities which span the foreshore and adjacent beach area above the line of mean high water spring tide;
- coastal erosion works and the effects of coastal erosion works can extend across the line of mean high water springs; and
- maintenance and enhancement of continuous public access along the coastal marine area boundary.

The line of mean high water springs is often difficult to determine accurately without a full survey. Where mean high water springs is not surveyed there can be uncertainty as to whether an activity falls within the jurisdiction of the regional council or territorial authority.

There is another type of issue which may arise between territorial authorities and the Wellington Regional Council. This is when an activity occurs within the coastal marine area, but the effects are experienced in a district, and vice versa. Noise is a good example of this type of cross boundary issue, and there are many others, such as impacts on view corridors and glare.

18.4 Processes to deal with cross boundary issues

Where appropriate the Wellington Regional Council will:

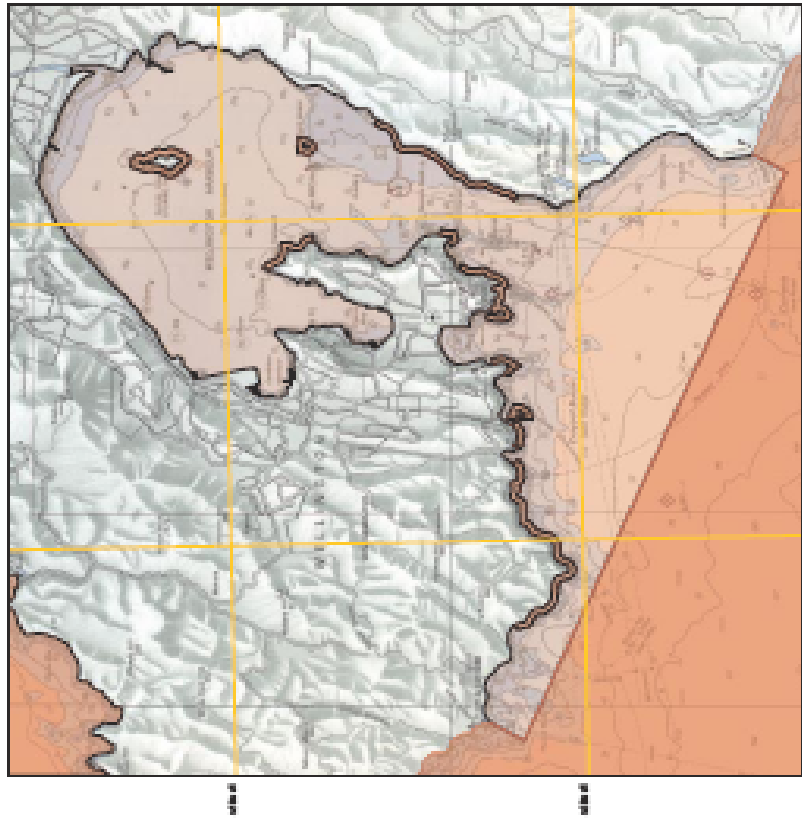
- encourage territorial authorities within the Wellington Region, the Marlborough District Council and the Manawatu-Wanganui Regional Council to work with the Wellington Regional Council to resolve cross boundary issues;
- advise the appropriate territorial authorities on resource consent applications which, in the Wellington Regional Council's opinion, are likely to have cross boundary effects;
- seek a consistent approach between plans dealing with the control of activities where such activities span boundaries or the effects of activities span boundaries;
- advocate the inclusion of appropriate objectives and policies to ensure consistency where the Wellington Regional Council believes that the objectives of this Plan will

be adversely affected by resource management plans prepared by other local authorities;

- use joint hearings in those situations where resource consents are required from both the Wellington Regional Council and a territorial authority for an activity which spans the line of mean high water springs; and
- use joint hearings where resource consents are required from both the Wellington Regional Council and an adjacent regional council for an activity which spans a regional boundary.

Planning Map 8D

Coastal Water Quality Classes Water Managed for Contact Recreation and Shellfish Gathering Purposes Wellington



This map is intended to provide a general overview of the water quality classes in the Wellington region. The actual water quality classes for each area are detailed in the accompanying data tables. The information on this map is for informational purposes only and should not be used as a basis for any legal or regulatory actions.

Planning Map 8D



Legend

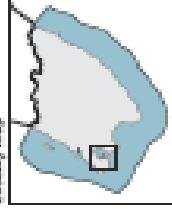
- Water managed for contact recreation
- Water managed for shellfish gathering
- Steep gullies (20%+)



© 2014 Wellington Coastal Council
 Revised: 2018, 2021 & 2022
 Approved: 2018, 2021, 2022

CAUTION
 NOT TO BE USED FOR REGULATORY PURPOSES
 This map is for informational purposes only. It is not intended to be used as a basis for any legal or regulatory actions. For more information, please contact the Wellington Coastal Council.

Locality Map



Appendix 4: Relevant provisions of non-statutory documents

Wellington City District Plan

Chapter 12 – Central Area

Principle 12.1.4 City/Harbour Integration

[The city and sea relationship makes for a dynamic cityscape.

However, to realise the potential of this dynamic cityscape accessibility between the city and the waterfront needs to be improved. The waterfront needs to be linked to the rest of the city in terms of both physical access and visual links such as views and signage. In addition, it should be easy for people to move around the waterfront. A waterfront promenade connecting the different parts of the waterfront should provide a sequence of changing, rich and interesting experiences. It should also be recognised as a part of the city and an extension of the wider city flow of pedestrians. It should provide opportunities for access to the water's edge.]1

The District Plan is working to promote Council's vision for the Central Area by containing residential and other activities within a defined boundary and rules guiding the form of new development.

Specific rules deal with the siting, design and appearance of new buildings so that the existing urban form is preserved and enhanced. This is achieved through building height and general urban design guidelines.

The introduction of localised character area plans in the Central Area will continue. It is Council's policy to identify special character areas and to enhance them by finetuning the Precinct plans to deal with future changes.

[For the Lambton Harbour Area the Council has adopted a vision statement, which is:

Wellington's Waterfront is a special place that welcomes all people to live, work and play in the beautiful and inspiring spaces and architecture that connect our city to the sea and protect our heritage for future generations.

In addition to the specific objective and associated policies for the Lambton Harbour Area, the Council has adopted the *Wellington Waterfront Framework (April 2001)* to guide the development of the waterfront in a way that makes the most of this unique and special part of the city. *The Wellington Waterfront Framework (April 2001)* expresses a number of inter-linking themes that instil a level of coherence along the waterfront and establish its context with the city and its wider harbour setting. The themes are:

- Historical and contemporary culture
- City to water connections
- Promenade
- Open space
- Diversity

The Framework's values and principles underpin the District Plan objective and policies for the Lambton Harbour Area.

An important consideration in any development on the waterfront is that it is predominantly a public area in public ownership. Thus, the Council is committed to facilitating public engagement on decisions relating to waterfront developments.

This commitment is further described in the *Wellington Waterfront Framework (April 2001)* and includes proposed governance arrangements that will require ongoing monitoring by a group which includes both professional and community representatives.]

With regard to land use, there is minimal direct control over the location of activities. Performance standards are set for noise, pollution and hazardous substances, among others, to promote acceptable standards of environmental quality. In the Central Area, special provisions to promote the protection of important public views and access to sunlight, particularly in parks and pedestrian malls, and control excessive wind around buildings are included. [Special provisions have also been included to control the cumulative effects and location of commercial sex activities. These provisions relate to areas:

- that are considered by operators as prime locations for the establishment of new activities; and
- where due to the special character of the existing mix of activities the adverse effects would be particularly significant; and
- areas with high pedestrian, retail or residential activity, or areas frequented by families or younger age groups.]

To ensure that development in the Central Area is to a high standard, Council is guided by an urban design strategy. This strategy promotes the co-ordination of all Council-initiated activities and development.

Relevant Central Area Objectives and Policies

Objective 12.2.1

To promote the efficient use and development of natural and physical resources within the Central Area.

Policy 12.2.1.1

Contain Central Area activities and development within a defined boundary.

Policy 12.2.1.2

Encourage a wide range of activities within the Central Area by allowing most uses or activities provided that the conditions specified in the Plan are satisfied.

Objective 12.2.2

To maintain and enhance the amenity values of the Central Area

Policy 12.2.2.1

Ensure that activities are managed to avoid, remedy or mitigate adverse effects in the Central Area or on properties in nearby Residential Areas.

Policy 12.2.2.3

Control the adverse effects of noise in the Central Area.

Policy 12.2.2.4

Ensure that the buildings are designed to avoid, remedy or mitigate wind problems that they create.

Policy 12.2.2.5

Protect sunlight to identified Central Area parks and pedestrian malls and encourage improved sunlight access to buildings and public places when new building development occurs.

Policy 12.2.2.7

Protect, and where possible enhance, significant vista views of the harbour, hills and townscape features from within and around the Central Area.

Policy 12.2.2.11

Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic on the amenity of the Central Area and the surrounding Residential Areas.

Objective 12.2.3

To maintain and enhance the physical character, townscape and streetscape of the Central Area.

Policy 12.2.3.1

Preserve the present general urban form of the Central Area.

Policy 12.2.3.2

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 12.2.3.3

Maintain the distinctive elements of areas or districts of special character within the Central Area.

Objective 12.2.5

To maintain and enhance the quality of the coastal environment within and adjoining the Central Area.

Policy 12.2.5.1

Maintain the public's ability to use and enjoy the coastal environment by requiring that, except in Operational Port Areas, public access to and along the coastal marine area is maintained, and enhanced where appropriate and practicable.

Policy 12.2.5.2

Enhance the natural values of the urban coastal environment by requiring developers to consider the ecological values that are present, or that could be enhanced, on the site.

Policy 12.2.5.3

Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment.

Objective 12.2.6

To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.

Policy 12.2.6.1

Identify those hazards that pose a significant threat to Wellington, to ensure that areas of significant potential hazard are not occupied or developed for vulnerable uses or activities.

Policy 12.2.6.2

Ensure that the adverse effects of hazards on critical facilities and lifelines are avoided, remedied or mitigated.

Policy 12.2.6.3

Ensure that the adverse effects on the natural environment arising from a hazard event are avoided, remedied or mitigated.

Objective 12.2.8

To enable efficient, convenient and safe access for people and goods within the Central Area.

Policy 12.2.8.1

Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.

Policy 12.2.8.3

Limit the supply of commuter carparking and require appropriate loading and site access for activities in the Central Area.

Policy 12.2.8.5

Protect and enhance access to public spaces in the Central Area.

Objective 12.2.9

To promote the development of a safe and healthy city.

Policy 12.2.9.1

Improve the design of developments to reduce the actual and potential threats to personal safety and security.

Policy 12.2.9.2

Promote and protect the health and safety of the community in development proposals.

Objective 12.2.10

To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.

Policy 12.2.10.1

Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.

Policy 12.2.10.2

Enable a wide range of activities that relate to the needs and wishes of tangata whenua and other Maori, provided that physical and environmental conditions specified in the Plan are met.

Policy 12.2.10.3

In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

Objective 12.2.11

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 12.2.11.1

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 12.2.11.2

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 12.2.11.3

Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.

Policy 12.2.11.4

Maintain and *enhance* the heritage values associated with the waterfront.

Policy 12.2.11.5

Recognise and provide for developments and activities that reinforce the importance of the waterfront's Maori history and cultural heritage.

Policy 12.2.11.6

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 12.2.11.7

Maintain and enhance the Lambton Harbour Area as an integral part of the working port of Wellington.

Policy 12.2.11.8

To provide for and facilitate public involvement in the waterfront planning process.

Policy 12.2.11.9

Encourage and provide for consistency in the administration of resource management matters across the line of mean high water springs (MHWS).

Chapter 13 – Central Area Rules

Rule 13.1.2 The construction, alteration of, and addition to, buildings or structures except for:

- those specified as Controlled Activities, Discretionary Activities (Restricted), or Discretionary Activities (Unrestricted)

are Permitted Activities provided that they comply with the following conditions:

Condition 13.1.2.11 Wind (except in the Operational Port Area)

13.1.2.11.1 New buildings or structures above 4 storeys in height shall be designed to comply with the following standards:

Existing wind speeds	Wind speeds resulting from development proposal	Requirements on developer
Up to 15m/sec	If exceeding 10m/sec in any public space If exceeding 15m/sec	Reduce to 10m/sec in the public space 1. Reduce to 15m/sec 2. Although other directional speeds may be increased towards 15m/sec, overall impact is to be no worse than existing
15-18m/sec	If exceeding 15m/sec	Reduce to max 15m/sec
Above 18m/sec	If more than 18m/sec	Reduce to max 18m/sec

13.1.2.11.2 To show that a proposed development complies with these standards, a wind report must be supplied which includes the results of a wind tunnel test.

The test or tests must examine the effects of the proposed building upon areas open to the public, such as adjacent roads, parks, malls, plazas, public carparks, the immediate forecourt area and entranceways to proposed buildings.

The tests must also be operated on the following basis:

- maximum annual occurrence within daylight hours
- simulated 3 second gusts at a 2 metre height
- the proposed development must be tested against the existing situation except where the site is currently cleared. If the latter is the case, the proposal must be tested against the building which previously existed.

For the form and content of reports on wind tunnel tests, refer to Appendix 7.

Rule 13.4.7 The construction of new buildings and structures, or the alteration of, and addition to existing buildings and structures in the Lambton Harbour Area which do not satisfy any one or more of the criteria of minor additions and alterations in rule 13.3.6 or are within the Queens Wharf Special Height Area shown in Appendix 10 but exceed the specified height limit are Discretionary Activities (Unrestricted).

Rule 13.4.8 The development of new or the modification of existing open space in the Lambton Harbour Area except:

- maintenance of existing open space (which is a Permitted Activity) is a Discretionary Activity (Unrestricted).

Chapter 13 – relevant assessment criteria

13.3.2.12 Sunlight Protection Whether overshadowing will reduce the public's enjoyment or use of Central Area parks, pedestrian malls and identified areas within the Lambton Harbour area.

13.3.2.15 Wind Whether a proposed development makes the environment dangerous or makes the existing wind environment significantly worse. Under this rule any reduction in the specified standard will only be considered where it can be shown that every reasonable alternative building design has been explored. A full wind report must be supplied in support of the application.

13.3.2.16 View Protection (Viewshafts)

13.3.2.16.1 Whether the development frames the view horizontally or vertically from the edges of the viewshaft. The level of acceptable intrusion will depend on the extent to which the context elements and their relationship to each other (specifically, but not exclusively, vertical relationship) are maintained.

Note: Where a development intrudes upon an identified viewshaft, line drawings of the development in relation to the viewshaft must be supplied. The drawings must be of a scale that allows the accurate assessment of the visual effects and must be accompanied by a certificate from a person with an appropriate level of professional expertise.

13.3.2.16.2 Whether the development breaks up the view vertically or horizontally. This in general will be unacceptable unless the intrusion is minor.

13.3.2.16.3 Whether the central core of the view is impinged upon. This in general will be unacceptable unless the intrusion is minor.

13.3.2.16.4 Whether the development intrudes upon one or more of the view's focal elements. This in general will be unacceptable.

13.3.2.16.5 Whether the development removes existing intrusions or increases the quality of the view, particularly in relation to focal elements.

Rule 13.4.7

In determining whether to grant consent and what conditions, if any to impose, Council will have regard to the following criteria:

13.4.7.1 The principles and objectives of the Wellington Waterfront Framework.

13.4.7.2 Whether the ground floors of buildings have an 'active edge' that support the public use of the space and are predominantly accessible to the public.

13.4.7.3 The adverse effects of buildings on wind, views, shading and sunlight on adjacent properties in the Central Area.

13.4.7.4 Whether the addition or alteration affects the heritage values or significance of the heritage building.

13.4.7.5 Rule 21.2.2 shall not apply to an addition or alteration where consent is obtained under this rule.

Rule 13.4.8

13.4.8.1 The principles and objectives of the Wellington Waterfront Framework.

Wellington Waterfront Framework 2001

Chapter 2 – vision and themes

Vision: Wellington’s Waterfront is a special place that welcomes all people to live, work and play in the beautiful and inspiring spaces and architecture that connect our city to the sea and protect our heritage for future generations.

The waterfront themes:

- Historical and contemporary culture
- City to water connections
- Promenade
- Open space
- Diversity.

Chapter 3 – values, principles and objectives

Expression of heritage and history

Value: The waterfront is rich in both Maori and European history which are important parts of the identity of the waterfront. Both contribute to the spiritual, social, maritime, and economic evolution of Wellington. While the waterfront has changed enormously, especially with the various reclamations, the heritage buildings, artefacts and historic traces express the richness of how the area was created and used. They therefore should be key features of the waterfront.

Principles:

- Heritage and the history of the waterfront are important parts of the identity of the waterfront. There is a range of aspects to the pre and post-colonial history of the waterfront, including maritime, social and economic aspects, and all these stories need to be told.

“Sense of place” for Wellingtonians

Value: The waterfront has a distinct character; it is the connection between city and harbour. The waterfront is and should remain distinctly “Wellington”. It is a place where Wellingtonians can experience the things that are so uniquely Wellington – the

wind, the harbour, the form of the city. The quality of architecture and design will enhance this character.

Principles:

- The waterfront as a whole is, and will remain, a unique asset to the city that is a drawcard in its own right.
- Any development will be of a high quality.
- Any new buildings will be complementary to, and in a scale appropriate to, the existing buildings around them.
- The identity developed for each area will be in character with the waterfront as a whole.
- The design and use of buildings should be orientated outwards to maximise the unique value of the waterfront location.
- The waterfront is part of Wellington and new work will complement the buildings and public spaces in the adjacent city.

Diversity of experience

Value: The waterfront is somewhere to live, work and play with a wide diversity of uses and a range of visually interesting experiences. To reflect the diversity of its users, there will be a range of built and green environments and opportunities for passive and active uses.

Principles:

- The waterfront is somewhere to live, work and play.
- The waterfront will meet the needs of a diverse range of people.
- Recreational, cultural and civic uses are particularly appropriate for the waterfront, complementary to similar uses in other parts of the city.
- There will be an allowance for some commercial development on the waterfront.
- Public space development does not depend for funding on commercial development.
- New buildings can be considered for the waterfront.
- Ecological values of the waterfront will be maintained – bearing in mind that this is a highly modified environment.
- The entire waterfront is predominantly for people, not motor vehicles. Pedestrians and non-motorised transport will be able to use the waterfront safely. However, service vehicle access needs to be provided for.

Sense of collective ownership and involvement

Value: The waterfront is predominantly a public place and a place we all own. As Wellingtonians we have diverse views about our waterfront and we all have a role in deciding what should happen there and how it should look.

Principles:

- The waterfront is predominantly a public area.

- 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.
- Ground floors of buildings will be predominantly accessible to the public.

Experience of space and openness

Value: The experience of openness along the waterfront reinforces the transition between the built up city and the expansiveness of the harbour. This openness is expressed through a series of open spaces including the water's edge promenade, views and sightlines between these spaces and between the city and water. Buildings support open space and open space supports built areas.

Principles:

- The harbour is the primary open space on the waterfront.
- There will be a network of paths throughout the area.
- Important views and vistas from the city to the sea will be protected and important new ones created.
- Panoramic views from the water's edge, along with framed views of the waterfront, are important.
- Buildings will support the open spaces, both in their design and their associated uses and activities.

Ease of access for all

Value: It will be easy for people to get to, and move around, the waterfront. There will be opportunities for people of different ages and abilities to get to a range of different events and attractions. The area will be user-friendly and safe at all times.

Principles:

- There will be a public walkway/promenade along the length of the waterfront, predominantly at the water's edge.
- There should be opportunities for people to gain access to and from the water.
- There should be good access from the water to the waterfront area.
- The waterfront should be accessible for people with special needs.
- The waterfront will be designed with safety and security in mind.
- Natural surveillance achieved through good design is preferred to electronic or formal methods of surveillance.

Objectives

- The waterfront is locally and internationally recognised for its design.
- The waterfront is readily accessible to all people.
- The waterfront is, and is perceived to be, safe at all times.
- The waterfront is seen as an attractive place that draws Wellingtonians and visitors alike.
- The waterfront successfully caters for a wide range of events and activities.

- Significant heritage buildings are protected on the waterfront.
- Activities on the waterfront are integrated with those on the harbour.

Chapter 4 – the Areas

Key features of the waterfront

Queens Wharf

- Heart of the waterfront, reflecting working wharf and mercantile history
- Outer-T a special and unique site – competition to explore options for an “iconic” structure
- Cruise ships and other vessels encouraged to use Queens Wharf
- Solution required to potentially dangerous conflict between pedestrians and service vehicles along the promenade around Shed 6
- Narrow section of promenade in front of Shed 5 pedestrian only
- Could open Shed 6 to the promenade.

Section 4.3 Queens Wharf

Queens Wharf is the heart of the waterfront. The nature of the working wharf and its mercantile history is paramount in this area. The primary symbolic entry to the waterfront from the city is through the Queens Wharf gates. The outer-T of Queens Wharf is a special and unique site – a focus for the waterfront and for vessels entering the inner harbour. A structure that reflects this “iconic” nature could be located on the outer-T.

A competition should be held to explore options for the outer-T. The competition brief will require all proposals to respect the general principles of the framework including public access and the importance of the view out to the harbour. All proposals should take into account that the outer-T is a berth for cruise liners and other vessels.

The Group notes that the existing Shed 1 provides shelter for the water space and the Shed 5 and Dockside buildings. This aspect of shelter must be considered in any proposals, particularly for the northern end of the outer-T, but also possibly for the southern end. An integrated approach is important. The impact of the investigation development licence held by Waterfront Investments in respect of the whole of the outer-T needs to be assessed in the context of this framework.

Heritage: The Queens Wharf structure dates back to the 1860s. It facilitated the growth of trade in Wellington.

The important mercantile connection needs to be represented.

Pedestrian access: Any structure on the outer-T must allow access around the edge of the wharf and, if it is a building, there should be public access to the ground floor at least.

Parking and vehicle access: Access must be provided for vehicles to service the businesses on the wharf, and visiting ships and boats.

An urgent solution needs to be found to resolve the existing potentially dangerous conflict between pedestrians and service vehicles along the promenade in this area, particularly around the southern end of Shed 6.

Options might include extending the wharf or redesigning Shed 6 to provide a pedestrian route under or along the edge of the building. The principle that pedestrians come first must be applied directly to this area.

Promenade: There is a conflict between pedestrians and nonmotorised transport on the very narrow section of the promenade by Shed 5.

An exception to the principle of shared usage should be made for this area by designating it pedestrian-only, with an alternative route found for cyclists through this section of the waterfront away from the water's edge.

There is the opportunity to open out Shed 6 to the promenade and allow for activities that engage people.

Water access: The two water spaces inside the north and the south sides of the outer-T provide shelter and access for small craft, including yachts, tourist launches, fishing boats, ferries and sea kayaks.

This shelter and access should be enhanced. Shed 1 on the northern arm of the outer-T, in conjunction with Dockside and Shed 5 restaurants, provides shelter for the water space.

Building relationship to open spaces: New buildings in this area will also have a range of uses, and could include recreational, retail, commercial, residential and institutional uses.

An extension could be built around the back of the Events Centre to provide a more appealing and active edge to Frank Kitts Park.

Appendix 5: Appearances at the public Hearing of an application by Waterfront Investments Limited (WIL) to construct and operate a Hilton hotel on the Outer-T of Queens Wharf, Wellington

Witness	Role	Evidence presented
Monday 3 July 2006		
Natasha Tod	Reporting officer for GWRC (planning expert)	Explanation of statutory context under which application is to be assessed
Applicant's case		
Peter Churchman	Legal Counsel for applicant	Opening submission for applicant
Lyn Middleditch	Company Director for WIL (the applicant)	History of the development proposal
Alistair Aburn	Planning expert for the applicant	Assessment of resource management issues
Matthew Chaplin and Laurence Sumich	Architects for the applicant	Architectural design information and sample board of materials and design details
Tuesday 4 July 2006		
Donald Petrie	Traffic expert for the applicant	Traffic management assessment
Michael Copeland	Economics expert for the applicant	Economic impacts of the proposed hotel
Wednesday 5 July 2006		
Dr Anjali Pande		Assessment of effects of proposal on the marine environment
Dr Pamela Chester	Archaeology expert for the applicant	Archaeological assessment
Morris Te Whiti Love	Maori resource management consultant for the applicant	Assessment of Maori cultural impacts
Adam Thornton	Structural engineer for the applicant	Assessment of structural effects on the Outer-T wharf resulting from hotel construction
Dr Richard Sharpe	Natural hazards expert for the applicant	Natural hazard risk assessment
Thursday 6 July 2006 – no hearing		
Friday 7 July 2006		
Oded Lifschitz	Vice President, Australasia for Hilton International	Standards to be achieved by the proposed hotel and benefits of the hotel to the people of Wellington
John Ingram	General Manager, Hilton Auckland (to be General Manager Hilton, Wellington if development)	Operational aspects relating to the proposed hotel

	proceeds)	
David White	Wellington Regional Engineer for Fletcher Construction Limited (the company contracted to construct the hotel)	Management of the construction of the hotel
Monday 10 July 2006		
Stuart Bagley	Services engineer for the applicant	Building servicing arrangements for the proposed hotel
Richard Finley	Acoustic (noise) expert for the applicant	Performance criteria for the acoustic insulation of the proposed hotel
Tuesday 11 July 2006 – no hearing		
Wednesday 12 July 2006		
Dr Anjali Pande	Marine biologist for the applicant	Supplementary comment son proposed consent conditions
Anthony Doherty	Shade and sunlight expert for the applicant	Shading effects of the proposed development
Neil Jamieson	Wind expert for the applicant	Wind tunnel assessment of the hotel
Peter Churchman	Legal Counsel for applicant	Tabled evidence from Laurence Jeremy Salmond, heritage architect for the applicant
Eliza Sutton	Traffic expert for the applicant	Supplementary evidence on traffic related issues
Peter Churchman	Legal Counsel for applicant	Tabled draft evidence from David Irwin, landscape architect for the applicant
Thursday 13 July 2006		
GWRC assessment		
Natasha Tod	Reporting officer for GWRC (planning expert)	Introduction of technical experts engaged by GWRC, tabled suggested consent conditions
Captain Mike Pryce	Regional Harbourmaster for Wellington	Maritime issues
Matthew Borich	Acoustic (noise) expert for GWRC	Assessment of noise-related effects
Barbara Fill	Heritage advisor for GWRC	Assessment of heritage effects
Mike Donn	Wind expert for GWRC	Assessment of wind effects
Graeme McIndoe	TAG representative	Urban design assessment
Steve Spence	Traffic expert for GWRC	Assessment of traffic-related effects
Mary O'Callahan	District Planning expert for GWRC	Assessment of proposal against Wellington City District Plan and Waterfront Framework
Natasha Tod	Reporting officer for GWRC (planning expert)	Overall planning assessment of proposal and comments on suggested consent conditions

Friday 14 July 2006		
Natasha Tod	Reporting officer for GWRC (planning expert)	Continued from 13 July 2006
Submitters		
Peter Graham	Submitter in opposition (submission # 201)	Inappropriate location for proposal; not iconic; adverse traffic effects
Nigel Foster	Submitter in opposition (submission # 196)	Inappropriate location for proposal; not iconic; competition not held; inadequate information
Mary Munro	Submitter in opposition (submission # 251)	Adverse traffic effects; hotel is will dominate site; competition not held
Anne Weinbrenner	Submitter in opposition (submission # 318)	Alternative proposal suggested - Wintergarden
Jocelyn Brooks	Submitter in opposition (submission # 167)	Competition not held; inappropriate location; adverse traffic effects; privatisation of public space
Marie Holgate	Submitter in opposition (submission # 215)	Inappropriate location
Chris Horne	Submitter in opposition (submission # 217)	Inconsistent with RMA, and NZCPS; privatisation of public space and reduced public access to CMA; adverse traffic effects; adverse amenity effects
Katherine Stephens (also on behalf of Keith Connor)	Submitters in opposition (submissions # 299 and # 180)	Inappropriate use of ratepayers money
Ralph Highnam (Save our Sport)	Submitter in opposition (submission # 994)	Adverse effects resulting from loss of indoor sports facility in Shed 1
Monday 17 July 2006		
Ian Fitzgerald	Submitter in support (submission # 57)	Positive effects on tourism and business in Wellington
Dr. Tim Halpine	Submitter in opposition (submission # 206)	Adverse effects on pedestrians and viewshafts
Mark Dunajtschik	Submitter in support (submission # 48)	Exciting project – will have positive effect on tourism
Grant Corleison	Submitter in support (submission # 39)	Right location; positive benefit to Wellington
Barry Wilson	Submitter in support (submission # 148)	Positive economic benefits
Bernie Harris	Submitter in opposition (submission # 962)	Adverse effects on heritage character; disagrees with cultural impact assessment of proposal
Ron Oliver	Submitter in opposition (submission # 731)	Not iconic; privatisation of public space; adverse wind effects
David and Hilary Capper	Submitters in opposition (submission # 174)	Not iconic; alternative uses for site suggested; competition not held; design inappropriate; adverse traffic effects; natural hazard risks
Vera Johnstone	Submitter in opposition (submission # 225)	Privatisation of public space; adverse effects on views; adverse wind effects;

		adverse traffic effects; natural hazard risks
Pauline Swann with Rainer Buhmann as witness	Submitter in opposition (submission # 995) Mr Buhmann - expert on hotel management	Report presented on feasibility of the proposal – concerns raised regarding traffic access and viability of hotel Competition not held
Mark Ymborvich	Submitter in opposition (submission # 935)	In appropriate design and location– no wow factor
Rosemary Cook, John Beaglehole and Dr Kirkpatrick	Submitters in opposition (submission # 182)	Adverse traffic effects
Alex Gray	Submitter in opposition (submission # 202)	Adverse traffic effects
Charles Finny on behalf of the Wellington Chamber of Commerce	Submitter in support (submission # 56)	Positive effects on tourism and economic benefits
Tuesday 18 July 2006		
Con Anastasiou on behalf of Miro Property Holdings Ltd & Prime Commercial Ltd	Legal Counsel for submitters in opposition (submissions # 244 and # 270)	Contrary to Waterfront Framework and planning documents
Frances Lee	Submitter in opposition (submission # 232)	Contrary to Waterfront Framework and planning documents; inappropriate location; adverse heritage effects; adverse traffic effects; adverse effects on wind and views; natural hazard risks
John Warren	Submitter in opposition (submission # 313)	Adverse effects on heritage
Pauline Swann as president for Waterfront Watch Inc.	Submitter in opposition (submission # 301)	Inappropriate use of the site
Elizabeth Crayford on behalf of Heartbeat Wellington	Submitter in opposition (submission # 209)	Privatisation of public space; adverse traffic effects; inappropriate design; incompatible with heritage character
Betty Weeber	Submitter in opposition (submission # 317)	Privatisation of public space; inappropriate design; adverse effects on views and traffic; natural hazard risks; contrary to Waterfront Framework and planning documents
Applicant's case continued		
Ian Pike on behalf of Wellington Waterfront Limited (WWL)	Evidence on behalf of the applicant relating to the role of WWL with regard to the proposal	History of the development proposal; role of WWL; assessment of berthing, traffic and effects on exiting users
David Irwin	Landscape architect for the applicant	Proposed open space treatment
Submitters' presentations continued		
Robert Logan on behalf of Southern Environmental Association	Submitter in opposition (submission # 296)	Inappropriate design; public access adversely affected; inappropriate use of site
Ruth Pemberton and Ken New	Submitter in opposition (submission # 264)	Adverse effects on traffic and amenity values; inappropriate design
Ron England	Submitter in opposition (submission # 194)	Privatisation of public space; adverse effect on viewshafts; inappropriate use of

		the site
Wednesday 19 July 2006		
Neville Hyde and Captain Charles Smith on behalf of CentrePort Limited	Neutral submitter (submission # 941)	Concerns regarding the restrictions on berthing and reverse sensitivity issues (noise, vibration and glare from ships)
Helene Ritchie with Rachel Crane as a witness	Submitter in opposition (submission # 279) Ms Crane is a overseas visitor to Wellington	Inappropriate proposal for the site for a number of reasons; competition not held
Dianne Buchan on behalf of the Wellington Civic Trust with William Toomath as a witness	Submitter in opposition (submission # 319) Mr Toomath – expert evidence on architectural design	Contrary to Waterfront Framework and planning documents; not iconic; inappropriate location; adverse effects on viewshafts, amenity and public space access
Dr. Patrick McCombs	Submitter in opposition (submission # 241)	Property rights to the seabed
Richard Burrell	Submitter in support (submission # 26)	Economic benefits to Wellington; traffic effects can be managed by WWL
Laura Paynter, Alison Dangerfield and Emma Brooks on behalf of the new Zealand Historic Places Trust	Submitter in opposition (submission # 253) Expert evidence given with regard to effects on heritage character, archaeological effects and the role of the NZHPT	Adverse heritage effects due to inappropriate design
Thursday 20 July 2006 – no hearing		
Friday 21 July 2006		
John McAlister on behalf of Waterfront Watch Inc.	Submitter in opposition (submission # 315)	Contrary to Waterfront Framework and planning documents; privatisation of public space; inappropriate location; adverse effects on viewshafts, public access, heritage and safety
Nick Miller	Submitter in opposition (submission # 717)	Inappropriate design and location; adverse traffic effects; adverse effects on views and shading
Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young	Submitters in opposition (submissions # 191, # 324 and # 277)	
	Andrew Beatson – legal counsel	Legal submission
	Jason Roberts – part-owner of Dockside Restaurant	Operational effects
	Dr Constantin Wassilieff – expert witness with regard to acoustics	Reverse sensitivity noise effects
	Dr Michael Steven – expert witness with regard to landscape architecture	Urban design assessment and effects on public space
	Gary Clark – expert witness with regard to traffic effects	Assessment of traffic related effects
Monday 24 July 2006		
Applicant's case continued		
Laurence Jeremy Salmond	Heritage architect for the applicant	Assessment of effects on heritage context

Submitters' presentations continued		
Nick Wareham on behalf of Wellington international Airport Limited	Submitter in support (submission # 144)	Positive effects on tourism
Michael Brown	Submitter in support (submission # 21)	Improvement to current use; positive economic benefits; sympathetic design
Chris Parkin on behalf of Museum Hotel	Submitter in support (submission # 110)	Positive effects on tourism; design is appropriate
Brian Fitzgerald on behalf of Shed 5	Submitter in support (submission # 130)	Will add vibrancy and diversity to the waterfront
Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young	Submitters in opposition (submissions # 191, # 324 and # 277)	
	Sylvia Allan – planning expert	Significant adverse effects on urban design, views, heritage values, public space; reverse sensitivity effects
Alistair Betts	Submitter in support (submission # 978)	Economic benefits; add to diversity and vibrancy of waterfront
Mr Taylor	Submitter in opposition (submission # 304)	Inappropriate location; adverse effects on views, urban form, public space and public access
Tuesday 25 July 2006 – no hearing		
Wednesday 26 July 2006		
Dockside Restaurant Limited, Rick Lucas Helicopters Limited (Helipro) and Jane Young	Submitters in opposition (submissions # 191, # 324 and # 277)	
	Rick Lucas – helicopter operations	Answered questions from Commissioners
	Gary Clark – traffic expert	Supplementary evidence on traffic related effects
	Andrew Beatson – legal counsel	Further legal advice
Wellington Indoor Sports (WIS) and Intercontinental Hotel	Submitters in opposition (submissions # 320 and # 222)	
	David Shackleton – General Manager of Intercontinental Hotel	Adverse effects on private views
	Steve Hirini – Business Development Manager for WIS	Adverse effect caused by loss of Shed 1 facility
	Ian Leary – planning expert	Planning assessment of the proposal
Applicant's case continued		
Neil Jamieson	Wind expert for the applicant	Supplementary wind tunnel assessment results
Charles Lewis	Aviation expert for the applicant	Effect on helicopter operations
Adam Thornton	Structural engineer for the applicant	Supplementary evidence relating to effects on the wharf
Ian Pike	WWL	Supplementary evidence relating to past design proposals, berthing, traffic and noise

		effects
Thursday 27 July 2006 – no hearing		
Friday 28 July 2006 – no hearing		
Monday 31 July 2006		
Alistair Aburn	Planning expert for the applicant	Supplementary planning assessment and comments on suggested conditions of consent
Response from GWRC		
Captain Mike Pyrce	Regional harbourmaster for Wellington	Responded to questions from the Commissioners
Mary O'Callahan	District planning expert for GWRC	Response to matters raised throughout the Hearing and final district planning assessment
Natasha Tod	Reporting officer from GWRC (planning expert)	Response to matters raised throughout the Hearing and overall planning assessment
Applicant's right of reply		
Peter Churchman	Legal counsel for applicant	Closing legal submissions
Hearing adjourned on 31 May 2006 and closed on Tuesday 2 August 2006 (no further evidence heard)		