

8 February 2008

File: WGN080117 [26385 – 7] and WGN080200 [26390 – 3]

Report to the Hearing Committee
From Jason Pene, Senior Resource Advisor

Capital Wharf Limited and Wellington Waterfront Limited

Executive summary

Capital Wharf Limited and Wellington Waterfront Limited have lodged resource consent applications WGN080117 [26385 – 7] and WGN080200 [26390 – 3] with Greater Wellington Regional Council (GW) that relate to a proposal to redevelop the Overseas Passenger Terminal building and strengthen the Clyde Quay Wharf on which it stands. The proposal includes construction of a sub-wharf level within the footprint of the building and the lower-level jetty extension at the northern end of the wharf.

The purpose of this document is to report to the Hearing Committee on these resource consent applications and to assess the consistency of the applications with the provisions of the Resource Management Act 1991.

206 submissions, including 23 late submissions, were received in response to the public notification of the application, which occurred on 13 October 2007. 131 of these were in support or conditional support of the proposal, 6 were neutral and 69 were in opposition. A range of issues were raised and these have been considered in this assessment.

The proposal has the potential to have a range of adverse effects, some of which I consider to be significant and more than minor, in particular:

- The effects on heritage with regard to the demolition of the parts of the Clyde Quay Wharf, which is listed as a feature of historic merit in the Regional Coastal Plan for the Wellington Region and, to a lesser extent, with regard to the demolition of parts of the OPT building.
- The impact on the activities and operations within the Chaffers Marina, particularly during the construction period but also post-construction;

The proposal may also bring a range of positive effects, including the refurbishment of public space, increases in activity within this area of the waterfront and the opportunity to provide “*the 'new heritage' for future generations*” as stated in specialist advice received by GW.

I consider the proposal to be inconsistent with certain provisions of the Resource Management Act 1991 (RMA), the Regional Policy Statement for the Wellington Region and the Regional Coastal Plan for the Wellington Region, particularly in regard to historic heritage values and the displacement of and adverse effects on activities that are related to the coastal marine area.

I do not consider that issues, particularly in the areas of significant adverse effects outlined above, have been adequately addressed in information provided by the applicant to date. I consider that further details of potential mitigation measures should be provided by the applicant in the hearing in the following areas:

1. *Heritage fabric of the Clyde Quay Wharf and OPT building that could potentially be retained or reused within the development in order to mitigate the adverse effects on heritage values;*

2. *A confirmation of the key businesses that provide support to the marina referred to in the Marina Operations Assessment (MOA) attached to the application and how these businesses are to be temporarily accommodated during construction;*
3. *The trolley access system proposed to aid access to the marina during the construction period;*
4. *How maritime-related businesses that provide support to the marina, including but not necessarily limited to those key businesses outlined in the MOA, will be retained within the development in order to mitigate the effects on the marina of the loss of other such businesses.*

Further details are also requested regarding other areas of the application; however, I do not believe these details are as crucial to the overall assessment of the proposal as those outlined above.

If details of appropriate mitigation in the areas outlined above are provided by the applicant in the hearing I consider that the adverse effects will be adequately mitigated. In that instance, weighing the inconsistencies with relevant statutory provisions and the adverse effects the proposal against the positive effects and benefits to the community of the proposal within the framework provided by the RMA I consider that the proposal will constitute “sustainable management” of natural and physical resources. I will therefore consider, in that instance, that the granting of these resource consents will be consistent with the purpose and principles of the RMA. In the event that the Hearing committee sees fit to grant the resource consents, I have attached suggested conditions to this report as Appendix 1

However, based on the proposal as it stands and the information provided to date, I do not consider that the granting of the resource consents will be consistent with the purpose and principles of the RMA and **my recommendation is that the application be declined.**

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Appendix 3: Traffic assessment – Steve Spence

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Appendix 8: Summary of submissions

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1. Purpose

The purpose of this document is to report to the Hearing Committee on resource consent applications made under the Resource Management Act 1991 (the RMA) to the Greater Wellington Regional Council (GW) by Capital Wharf Limited (CWL) and Wellington Waterfront Limited (WWL).

2. Application

2.1 Applicant

Both applications WGN080117 and WGN080120:

Capital Wharf Limited
C/- Willis Bond & Co. Limited
PO Box 10964
Wellington

Application WGN080120 only:

Wellington Waterfront Limited
PO Box 395
Wellington
New Zealand

CWL and WWL are henceforth collectively referred to as “the applicant” in this document.

2.2 Consents applied for

2.2.1 Separation of applications

The proposed activities have been spread over two consent applications, WGN080117 and WGN080120. Application WGN080117 relates to activities within the footprint of the proposed building, which is leased by CWL and WGN080120 relates to the activities over the remaining area. This is to allow for a better allocation of responsibility for ensuring the on-going compliance with each set of resource consents upon completion of construction in the event that they are granted.

It is anticipated that, upon completion, WWL will retain (CWL will relinquish) responsibility for the management of the areas of public open space surrounding the completed building.

2.2.2 Details of consents applied for

WGN080117 [26385]: Discretionary Activity:

Coastal permit for the redevelopment of the existing Overseas Passenger Terminal building (including partial demolition, additions and alterations) and its use for cafes/restaurants, retail, gallery and other public uses, residential apartments, and car parking; for the construction of an under-wharf deck to be

used for private parking; for the refurbishment, strengthening, repair and refurbishment of the Clyde Quay Wharf (including partial demolition, additions and alterations) and for the maintenance of each of these structures.

This application is for the redevelopment, refurbishment and construction work within the footprint of the proposed building.

WGN080117 [26386]: Discretionary Activity:

Coastal permit to disturb the foreshore and seabed, in connection with the strengthening, repair and refurbishment of the Clyde Quay Wharf; the redevelopment of the Overseas Passenger Terminal building and the construction of an under-wharf deck.

This application is for the disturbance of the sea-bed associated with the re-piling of the wharf and disturbance that may arise from demolition and construction activities during the redevelopment of the OPT building.

WGN080117 [26387]: Discretionary Activity:

Coastal permit to discharge contaminants to the coastal marine area, in connection with demolition and construction activities associated with the redevelopment of the Overseas Passenger Terminal building, the strengthening, repair and refurbishment of the Clyde Quay Wharf and the construction of an under-wharf deck.

This application is for the discharge of contaminants from construction associated with the re-piling of the wharf and disturbance that may arise from demolition and construction activities during the redevelopment of the OPT building and the refurbishment of the wharf within the footprint of the proposed building.

WGN080120 [26390]: Discretionary Activity:

Coastal permit for the strengthening, repair and refurbishment of the Clyde Quay Wharf (including partial demolition, additions and alterations) and its use for car parking and as public open space; for the construction of a lower-level jetty extension and the maintenance of each of these structures.

This application is for the refurbishment and construction work outside the footprint of the proposed building (the remaining area not covered by application WGN080117 [26385]).

WGN080117 [26391]: Controlled Activity:

Coastal permit to occupy the land of the crown in the coastal marine area with a lower-level jetty extension of the Clyde Quay Wharf.

This application is for the occupation of the coastal marine area (CMA) with the jetty extension, which sits outside of the land owned by WWL.

WGN080117 [26392]: Discretionary Activity:

Coastal permit to disturb the foreshore and seabed, in connection with the strengthening, repair and refurbishment of the Clyde Quay Wharf (including piling works).

This application is for the disturbance of the sea-bed associated with the re-piling of the wharf outside of the footprint of the proposed building.

WGN080117 [26393]: Discretionary Activity:

Coastal permit to discharge contaminants to the coastal marine area, in connection with demolition and construction activities associated with the redevelopment of the Overseas Passenger Terminal building.

This application is for the discharge of contaminants from construction associated with the re-piling of the wharf and disturbance that may arise from demolition and construction activities during the redevelopment of the OPT building.

2.2.3 Summary

The application is for seven coastal permits, six of which are full discretionary activities and one a controlled activity under the Regional Coastal Plan for the Wellington Region (RCP). As the controlled activity (occupation) cannot take place without the construction of the jetty extension and is dependent on consent being granted for the construction, each of the applications are to be considered on the basis that they are all full discretionary activities. On this basis, the consent authority may grant or refuse consents under section 104B of the RMA. If granted, conditions may be imposed under section 108 of the RMA.

2.3 Location

The site is located at the Clyde Quay Wharf, Herd Street, Te Aro, Wellington; between the approximate map references map reference NZMS260: R27;2659539.5989414 and NZMS260: R27;2659573.5989159.

The site is legally described as Section 2 SO 34178, Lot 2 DP 66187 and Pt Bed Port Nicholson Survey Office Plan 34851.

The site is entirely within CMA.

3. Background

3.1 Clyde Quay Wharf and the Overseas Passenger Terminal

The site is owned by WWL, which is a company controlled by the WCC.

The history of the site is detailed further in section 4.3 of this report.

The site has long been considered for possible redevelopment within the Lambton Harbour Combined Scheme and Wellington Waterfront Framework (WWF). The WWF is a planning document developed by the WCC, with the aid of public consultation, which outlines the expectations of the WCC for the use and development of the waterfront area.

In April 2004, the Waterfront Development Sub-committee (WDSC) of the WCC approved a design brief for the redevelopment of the OPT and wharf site that was prepared by the WDSG's Technical Advisory Group (TAG). TAG is a group of independent design professionals engaged by WCC to provide technical design advice on waterfront proposals and to monitor consistency of proposed developments with the Waterfront Framework.

WWL sought proposals for the redevelopment and selected the proposal that is the subject of this application from eight others. This proposal was put to the WDSG and following a round of public consultation on the proposal, the WDSG authorised the lease of the site to CWL in July 2006, allowing resource consents to be sought for the proposal.

3.2 Chaffers Marina

Although not part of the development site, the Chaffers Marina is located adjacent to the Clyde Quay Wharf and marina activities may therefore be influenced by activities on the wharf, such as those proposed.

Approval was granted under the delegated authority of the Minister of Transport for a proposal to construct the marina adjacent to the Clyde Quay Wharf under section 178 of the Harbours Act 1950 on 4 March 1991. Under the terms of section 384 of the RMA, this approval is deemed to be a coastal permit granted under the provisions of the RMA.

Consent was also granted on 1 March 1991 by the Lambton Harbour Combined Committee (representing the WCC and the Wellington Harbour Maritime Planning Authority) to construct, operate and maintain a marina with associated facilities, car parking and landscaped areas, under the Town and Country Planning Act 1977. Under the terms of section 383 of the RMA, this approval is deemed to be a land use consent granted under the provisions of the RMA.

4. Existing environment

4.1 Location

The site is located at the end of Herd Street, Te Aro on the south side of Lambton Harbour.

The wharf and its surrounds form the eastern boundary of the Lambton Harbour Development Area as defined in the RCP.

The public promenade that extends along the edge of the wharf continues along the southern boundary of the marina and to the west and north of Te Papa Tongarewa.

The Chaffers Marina adjoins the wharf to the west, while south of the wharf, directly to the east of Herd St, is an open sealed area that is currently occupied by the Enormous Crocodile bicycle hire operation and a public short-stay car park.

Directly opposite this short-stay car park on Herd Street is a car parking area for Marina berth holders.

The open spaces of Waitangi Park are situated to the south of the Chaffers Dock Building and the car parking on either side of Herd St. Southeast of the application site is the smaller Clyde Quay Marina. Herd St extends from the wharf to the south and southeast to meet Oriental parade adjacent to Waitangi Park.

To the east of the Chaffer's Dock Building is Te Papa with a section of open space currently occupied by public car-parking between Te Papa and Waitangi Park.

4.2 Built environment

The Clyde Quay Wharf is 250m in length and is of timber and reinforced concrete construction. The wharf and wharf edge are listed in Appendix 4 of the RCP as features of historic merit.

The OPT building stands on the wharf. The largely concrete building consists of a high-stud ground floor and upper level.

The promenade providing mixed pedestrian and vehicular access around the wharf and car parking occupy the remainder of the wharf.

The Chaffers Dock Building, formerly the Herd Street Post and Telegraph building, contains five levels above ground.

The Chaffers Marina consists of five piers extending from the wharf and containing a total of 164 berths. A floating breakwater extends from the end of the wharf to protect the marina. A fixed low-level boardwalk runs along the western edge of the wharf and along the promenade to the south of the marina. At present the Marina office, storage lockers, toilets/showers and a portion of the allotted car-parking are situated within the OPT building or on the wharf.

A single storey storage shed is located to the south of the wharf.

4.3 Site history

The applicant has provided a report describing the history of the Clyde Quay Wharf, OPT building and the surrounding, which is attached to the application as Appendix 18.

Following on from the reclamation of the area now occupied by Waitangi Park, construction of a concrete wharf at the application site was completed in 1910.

Due to its remote location, the wharf received less port traffic than the northern wharves within the port area. The Wellington Harbour Board made the decision in 1961 to widen and extend the wharf and construct a terminal to receive passengers arriving and departing via sea on cruise ships. The design of the terminal was carried out by a design team headed by Sir Michael Fowler from the architectural firm Morton, Calder, Fowler and Styles. The wharf enlargement and terminal construction works were completed in 1964.

A downturn in the use of passenger shipping with the rise of air travel and the lack of appropriate connections with public transport at the site meant that the original intentions of OPT as an international gateway to the city were never fully realised; however, the OPT building has remained intact.

4.4 Existing use of the site and surrounds

The OPT building currently houses a function centre, the marina offices, amenities and storage facilities as well as a number of commercial operations, including a number of maritime-related businesses of varying size.

There are a total of 96, largely angled parking spaces along each side of the building, with 59 public time-restricted spaces and 37 spaces reserved for marina berth holders.

The remaining space on the wharf is occupied by the promenade, which is used for both pedestrian and vehicle access around the wharf and a range of recreational activities, including running and angling.

The eastern edge of the wharf is used for the laying up of vessels that are not in active use.

Much of the vicinity of the application site is occupied by public open space. This space includes Waitangi Park and the promenade extending along the waterfront and Oriental Bay.

The Chaffers Marina has occupied its current site for more than 20 years. The marina is used for the berthing, use and maintenance of vessels and associated activities.

The remaining major development in the immediate vicinity is the Chaffers Dock Building, which has been redeveloped in recent years. The ground floor of the building contains a mix of retail businesses, restaurants and cafes. 64 apartments are housed in the upper levels.

The Enormous Crocodile hires multi-seat bicycles from a shed at the southern end of the wharf.

5. Proposal/description of activities

The proposal involves the refurbishment of the Clyde Quay Wharf, the construction of a lower level jetty extension at the northern end and an under-wharf car-parking level below the proposed building on the wharf.

The proposal also involves the redevelopment of the OPT building, including the demolition of the majority of the building and the construction of a new larger building of five floors including a mezzanine level.

The proposal involves the use of the redeveloped building (including the sub-wharf level deck) for cafes/restaurants, retail, a gallery and other public uses, residential apartments and car parking for tenants.

Further car parking is to be provided on the surface of the wharf and the remaining wharf area, including the lower level jetty extension will be public space.

5.1 Building design

The proposed building is described in the drawings attached to the application and in the architect's design statement completed by Athfield Architects Limited, attached to the application as Appendix 1.

The height of the proposed building varies along its length with the greatest heights of approximately 18m above wharf level at each end. The height drops to 15.5m and 14.7m above wharf level along the central sections.

The building height increases approximately 3.8m from the original building across the central sections with significantly greater increases in heights at each end, particularly at the south end. Upper levels of the building also overhang beyond the footprint of the building.

A further sub wharf level is to be constructed beneath the proposed building and this will extend approximately 2/3 of the length of the wharf. This level will extend into the intertidal zone.

The ramp at the entrance of the sub-wharf level at the southern end of the wharf allows vehicular access.

The building footprint is increased in width along the wharf and in length at the north.

There are two cross links proposed in the building between the east and west promenades, at even spacing along the building. The northern cross-link is to allow access for both pedestrians and vehicles while the southern cross-link is for pedestrian access only.

The building continues the nautical theme of the original building and is to retain a number of features from the existing building, where possible, including the spire and much of the roof shape.

5.2 Open space design

The proposed open space design on the wharf is described in drawings RC3.00 – RC3.01, the Open Design Report, attached to the application as Appendix 2 of the application and the applicant's Architect's Design Report.

The open space design on the wharf is to include:

- Creation of wharf cut-outs at the southern end of the wharf;
- Creation of a lower-level jetty extension at the northern, seaward end of the wharf;
- Retention of tie-up bollards, service lids,
- Retention of concrete edging except in the areas of the cut-outs and lower level jetty extension;
- The use of blasted and saw cut concrete wharf surfacing close to the building, in the area of the cut-outs and in-line with each of the cross links and asphalt surfacing along the outer perimeter of the wharf.

5.3 Proposed use of the building and wharf

According to the Architect's Design Statement it is proposed that the wharf level is to be used for cafés/restaurants at the southern, landward end with retail/maritime commercial and office tenancies such as marina tenancies toward the northern end. Tenant car parking is proposed at wharf level within the building at the north end (18 spaces).

A public deck at mezzanine level is proposed at the northern end with further café/restaurant or commercial tenancy proposed in this area. The upper levels are generally proposed to house residential apartment and the sub-level deck is to be dedicated solely to tenant car parking (91 spaces).

The parking proposed arrangement on the wharf includes the provision of five short-stay (P30) marina parking spaces and two mobility card holders spaces on the west side of the wharf. A further 18 (the further information provided by traffic design group P30 car parking spaces are to be located on the east side of the wharf, five of which are dedicated for marina berth holders.

6. Other consents and approvals required

The site is wholly within the CMA; as such GW is the sole consenting authority and no resource consents are required under the Wellington City District Plan.

Building consents under the Building Act 2004 will be required from WCC prior to construction commencing.

7. Consultation

The applicant states that a number of parties affected by or with an interest in the proposal have been consulted including marina berth holders, current OPT tenants, Centreport and the Mt Victoria Residents Association.

The applicant engaged Raukura Consultants to undertake a cultural assessment of the proposal. As part of this assessment the Wellington Tenth Trust were consulted.

In response to the concerns raised by Te Runanga o Toa Rangatira in their submission over the lack of consultation prior to lodgement of the application I discussed the application and consultation with Graeme Hastilow, Resource Management Officer, Te Runanga o Toa Rangatira. Further measures have been subsequently put in place within the GW Environmental Regulation Department to ensure that prospective applicants within the area are alerted to the requirement for consultation with that rünanga as part of tangata whenua consultation.

An external planning consultant, Mary O'Callahan of GHD Limited was engaged by GW to provide an assessment of the proposal against the relevant District Planning instruments and to assist with the assessment process. The assessment process included liaising with WCC officers and other technical experts to assess issues against the Wellington City District Plan (WCDP) provisions for the Central Area and the Wellington Waterfront Framework. Ms O'Callahan's assessment is attached as Appendix 1 to this report.

In undertaking our assessment of the application, Ms O'Callahan and I have consulted with the following parties to obtain technical and expert advice in relation to the wide range of issue to be assessed:

- Michael Donn, WCC wind consultant – wind assessment (see appendix 2);
- Steve Spence, WCC - traffic assessment (see appendix 3);
- Mathew Borich, WCC – noise assessment (see appendix 4);
- Technical Advisory Group (TAG) – urban design assessment (see appendix 5);
- Ian Dawe, GW Hazards Analyst – natural hazards assessment (see appendix 6).
- Alexandra Teague, WCC, and Laura Paynter, GW – heritage assessment (see appendix 7);
- Mike Pryce, GW Harbourmaster – harbour/port related effects and navigational safety;
- Juliet Milne, GW Environmental Monitoring – marine ecology and water quality
- Piotr Swierczynski, GW Coastal Policy Advisor – RCP policy interpretation.

8. Notification and submissions

8.1 Notification

The application was publicly notified in the Dominion Post on Saturday 13 November 2007. In addition two signs were installed at the site and notice of the application was served on 124 affected/interested parties, including:

- Existing occupiers of the OPT building;
- Adjoining land owners/occupiers in the immediate vicinity, primarily within the Chaffers Dock Building;
- Local iwi authorities;
- Chaffers Marina Limited;
- CentrePort;
- Waterfront Watch;
- Wellington Civic Trust;
- NZ Historic Places Trust; and
- Mt Victoria and Oriental Bay Residents Associations.

8.2 Submissions

At the close of submissions 183 submissions had been received. A further 23 submissions were received after the close of submissions.

A total of 206 submissions were received. 131 submissions were received in support or conditional support of the proposal and 69 submissions were received in opposition. A further 6 neutral submissions were received.

A summary of all submissions received and the issues raised is attached as Appendix 8 of this report.

8.3 Late submissions

As identified in section 8.2 of this report 23 late submissions were received. 19 were in support, three were in opposition and one was neutral. Four of these late submission included a request to be heard.

To accept the late submissions, the timeframe within which submissions must be received needs be extended under section 37 of the Resource Management Act 1991 (The Act). In extending this timeframe the consent authority must take into account;

- (a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
- (b) *the interest of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- (c) *its duty under section 21 to avoid unreasonable delay.*

The acceptance of late submissions has been discussed with the applicant, who did not indicate any specific concern in principle in relation to the acceptance of the late submissions. Given the wide range of issues raised by submissions received within the submission timeframe there are no new issues introduced by the late submissions. For this reason I am satisfied that the applicant is not prejudiced by the acceptance of the late submissions. In addition there is significant community interest in the application. The acceptance of the late submissions will not result in any delay to the process.

Considering the above matters I recommend that the late submissions are accepted.

8.4 Issues raised by submissions

Given the large number of submissions received I have not addressed comments made in individual submissions, as the specific issues are generally addressed at the appropriate point within the assessment of environmental effects (section 13 of this report), and assessment of statutory documents (section 14 of this report). Where appropriate I have also identified and discussed relevant comments from certain submissions within the report.

8.4.1 Summary of issues raised in submissions in support

- Proposed design is good, in keeping with surrounds – existing shape and theme retained;
- Existing OPT occupies a landmark site but is currently rundown/an eyesore and is underutilised;
- Adds vibrancy/vitality, rejuvenates an area in decline, enhances overall waterfront;
- Waterfront redevelopment of this nature has benefited major overseas cities;
- Fishing jetty and public viewing deck will add amenity;
- Willis & Bond (Capital Wharf Ltd) will do a good job, combination with Athfield Architects is proven;
- Good mix of uses;
- Retention of public access, fishing access;
- Preservation of an icon;
- Attraction for the public, new businesses, visitors and locals;
- Wharf will be repaired/strengthened;
- Refurbishment achieved at no cost to rate-payers – private investment to enhance waterfront should be encouraged;
- Better security on wharf;
- More parking available;
- Gives opportunity for apartment living above wharf;
- Residential use will ensure that building is adequately maintained in future;
- Positive assessment from TAG;
- Good site for cafes/restaurants and apartments;
- View reduction is inevitable with redevelopment;

- Will bring economic benefits, including increase in rating base. Economic growth generated will increase sustainability of area;
- Doesn't involve the siting of a hotel on the wharf – LATE.

8.4.2 Issues raised in submissions of conditional support or neutral submissions

- Support except for inadequate marina parking provisions;
- Support upper level apartments but want wharf level retained for boat and yacht use;
- Site needs to be redeveloped but with a better design;
- If granted provisions should be placed to ensure:
 - construction disruption to Chaffers area is limited;
 - increase in height should be limited to 3-4m;
 - design and construction should be environmentally & energy sustainable;
 - traffic flow onto Oriental Pde is adequately managed
- Development should be changed to include the Hilton mixed with residential use;
- Would support if full study is made of the proposal, no other buildings are constructed to the north & east of Waitangi Park and traffic lights are placed at Herd St-Oriental Pde intersection;
- Would support a more subtle, discrete and smaller design;
- Would support if building remained that same as the existing;
- Support except for concerns over sustainability of design, should be more pedestrian-friendly and carparking limited;
- Lack of consultation undertaken with Ngati Toa as one of the two tangata whenua groups;
- Support subject to compliance with lease provisions of Chaffers Marina, protection of berthed vessels from construction damage, address of congestion problems at Herd St – LATE;
- Conditions should be placed to ensure that height is limited to proposed and adequate parking is provided for apartments marina and public – LATE.

8.4.3 Issues raised in submissions in opposition

(a) Policy

- Proposal is contrary to the provisions:
 - Part 2 of RMA, in particular sections 5, 6(d) and (f), 7(c), (f) and (g);
 - New Zealand Coastal Policy Statement;
 - Regional Policy Statement for the Wellington Region;
 - Regional Coastal Plan for the Wellington Region, including policy 4.2.45;
 - Wellington City District Plan; and
 - Wellington Waterfront Framework.

(b) Heritage

- OPT listed as heritage building in Wellington Waterfront Framework;
- Previous WCC heritage assessment has stated that the townscape/landscape value of OPT is very high. Would ordinarily be protected heritage feature in Regional Coastal Plan (RCP);
- Wharf deck and edge listed in App 4 of RCP as feature of historical merit;
- No alterations to wharf deck or edge permitted by Rule 6(1) of RCP;
- Full archaeological and conservation assessment should be carried out;
- Proposal contravenes the provisions of section 6(f) of the RMA, WWF and RCP.

(c) Design

- Increase in bulk and scale excessive, footprint and height should be reduced/confined to existing;
- Height increased throughout building but particularly at the north and south ends;
- Landscaping and open space design is subordinate to building, contrary to WWF;
- Design of access ramp to the sub-wharf level and cutouts to either side will create pedestrian hazard;
- Overall design not in keeping with existing design and location
- Increased bulk will impact on views from waterfront promenade for St Gerards monastery and Mt Vic and views of neighbours (e.g. From Herd St apartments);
- Increase in bulk will increase shade, exacerbate wet/cold conditions on west side;
- Increase in bulk at southern end has been under-represented;
- Design is shortsighted, does not consider global warming and potential for increased transport via large ships in the future.

(d) Impact on marina activities

- Proposed residential and commercial use will permanently displace marina related services from the OPT on completion;
- Wharf will be closed for construction period – no permanent marina services and access for mobile services impaired;
- Access for marina operations and bertholders significantly impaired during construction;
- Marina operations assessment is flawed, impact on operations is assessed but overall, collective impact on operations is not;
- Residential use may be sensitive to noise generated by marina activities (reverse sensitivity);
- Application is inconsistent with Chaffers Marina resource consent and application.

(e) Traffic

- New uses will substantially increase traffic on along wharf and along Herd St;
- Increase in wharf traffic will increase pedestrian hazard and affect public amenity.

(f) Parking

- Residential car parking at wharf level inconsistent with WWF;
- Marina and mobility card holder parking is appropriate but additional public parking is not;
- Car parking is limited, may compound already serious parking problem – car parks should be increased;
- Car parks on wharf may be usurped by outdoor seating for cafes;
- No parking available for trucks – would block eastern side of wharf.

(g) Public access and public open space

- Access to entire wharf will be cut-off for at least 2 years during construction;
- Increase in building footprint, access ramp and carparking reduces promenade and constitutes a privatisation of public space;
- Construction will impact on neighbouring businesses, compensation should be provided.

(h) Stormwater and services

- Increase in size bulk and length will increase amount of stormwater to be discharge;
- Significant upgrade to infrastructure required for apartments.

(i) Wind

- Wind report is inadequate, does not contain actual measurements at the site
- Report shows increased wind effects on parts of the marina;
- Reduction in gap between OPT and Herd St Apartments will increase wind speeds.

(j) Impact on amenity (noise, dust etc)

- Dust noise and congestion will be increased during construction;
- Mooring ships will impact on amenity for local residents through noise and vibration;
- Late night use may generate excessive noise.
- Limits should be set on constructions hours (evenings and weekends) – LATE.

(k) Use

- Coastal permits should not be granted for flats, car-parking, decks and jetties;
- Site wasted on apartments and retail, should be used to house a national music school and conservatorium;
- Loss of port related facilities is unacceptable.

(l) Structural

- Assertion in AEE that the wharf is in an advance state of disrepair and is in urgent need of refurbishment is refuted;
- Wellington Waterfront Limited has legal obligation to provide support to marina from wharf;
- Wellington Waterfront Limited has legal obligation to ensure wharf complies with Building Act.

(m) Failure to consider alternatives

- Applicant has failed to discuss alternative sites for the residential and commercial activities as it is legal obligated to do.

(n) Ecological effects

- Construction will disturb seabed.

(o) Consultation and application details

- Draft construction management plan is inadequate and lacking in specific detail;
- Application has been presented in misleading way (gives incorrect impression of minimal development);
- Lack of consultation with neighbours.

9. Further information and meetings

Further information was requested under section 92 of the RMA from the applicant on 27 November 2007 in relation to a range of matters identified through further assessment of the application following the close of submissions. The details of the information requested are attached in Appendix 11 of this report. A response to the further information requests was received on 13 December 2007. All submitters were sent a letter on 10 January 2008, advising that the further information was available from GW.

A pre-hearing meeting has not been held, primarily due to the large number of submitters.

10. Statutory reasons for requiring resource consents

10.1 Occupation – WGN080120 [26391]

Section 12(2)(a) of the Act states:

(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;...*

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

The proposed occupation of CMA by the northern jetty extension is not expressly allowed by a rule in a regional coastal plan or by an existing resource consent; therefore, resource consent is required for this activity.

WWL owns land on behalf of WCC within the CMA in the Lambton Harbour Development Area including the Clyde Quay Wharf. Occupation of this land with these structures does not require resource consent, which is only required in relation to the occupation of land of the crown in the CMA.

The northern jetty extension extends beyond the boundary of the WWL-owned land.

The relevant plan is the Regional Coastal Plan (RCP). Rule 16 of the RCP provides for the occupation by structures of land of the Crown or any related part of the CMA as a **controlled activity**, provided the structure is lawfully established. For structures that are not lawfully established the occupation of space is a **discretionary activity** under Rule 25 of the RCP.

Should resource consent be granted for the construction of the extension, its occupation falls within the ambit of rule 16, and requires resource consent as a *controlled activity*.

10.2 Structures – WGN080117 [26385] & WGN080120 [26390]

Section 12(1)(b) of the RMA 1991 states:

(1) *No person may, in the coastal marine area,...*

(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;...*

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

Rule 6 of the RCP provides for the maintenance, repair, replacement, extension, addition or alteration to, or of, any existing lawful structure or any part of any existing lawful structure that is fixed in, on, under, or over any foreshore or seabed as a permitted activity, provided the changes fit within specified limits and the structure is not listed in Appendix 4 of the RCP.

Rule 7 of the RCP provides for the removal or demolition of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed as a permitted activity, provided the structure is not listed in Appendix 4.

The Clyde Quay Wharf is listed in Appendix 4 of the RCP and therefore the proposed maintenance, repair, replacement, extension, addition and alteration of the wharf cannot be considered under Rules 6 and 7.

Rule 13 of the RCP provides for the maintenance, repair, replacement, extension, addition or alteration to, or of, any existing lawful structure or any part of any existing lawful structure that is fixed in, on, under, or over any foreshore or seabed as a *controlled activity*, provided the changes fit within specified restrictions on scale. The proposed refurbishment of the wharf and the redevelopment of the OPT building goes beyond these restrictions and these activities cannot therefore be considered under Rule 13. As such, the activities default for consideration to Rule 25 of the RCP as **discretionary activity**.

Although ongoing maintenance of the structures once the development is complete may be considered under Rule 13, I believe it is appropriate that this activity is considered with the development activities as a discretionary activity.

10.3 Disturbance – WGN080117 [26386] & WGN080120 [26392]

Section 12(1) of the RMA 1991 provides as follows –

- (1) *No person may, in the coastal marine area,...*
 - (c) *Disturb and 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*
 - (g) *destroy, damage, or disturb any foreshore or seabed (other than for the purposes 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.

The proposed disturbance associated with the refurbishment and redevelopment works, is not expressly allowed by a rule in a regional plan, or by an existing resource consent; therefore, resource consent is required for this activity.

The relevant plan is the RCP. Rules 38 and 42 of the RCP provide for differing levels of “major” disturbance of the foreshore or seabed (excavate,

drill, move, tunnel etc.), including the removal of sand, in the Lambton Harbour Development Area. The level of disturbance is not significant enough to fit within the ambit of rule 38 or rule 42. Therefore, consent is required under Rule 40 of the RCP for the destruction, damage, or disturbance of foreshore or seabed as a *discretionary activity*.

10.4 Discharge – WGN080117 [26387] & WGN080120 [26393]

Section 15(1) of the RMA 1991 provides as follows –

- (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;...*

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.

The proposed discharge associated with demolition and construction activities, including the discharge of sediment and material associated with the re-piling work and necessary restoration work on remaining piles as necessary, is not expressly allowed by a rule in a regional plan, or an existing resource consent. Therefore, resource consent is required.

The relevant plan is the RCP. Rule 61 of the RCP provides for any discharge of contaminant or water onto land or water in the CMA, outside any Area of Significant Conservation Value as a *discretionary activity*. I consider that the proposed discharge falls within the ambit of this rule.

11. Matters for consideration

11.1 Resource Management Act 1991 (the Act)

The matters to which GW, as consent authority, shall have regard to when considering an application for resource consent and related submissions are set out in Sections 104, 105, 107 and 108 of the Act. The circumstances in which GW can make a decision to grant or refuse resource consent are set out in Sections 104A-104D.

11.1.1 Interpretation

Section 104(1) of the Act requires that consideration be given to the actual or potential effects on the environment of allowing the activity. In the Act the terms “*environment*” and “*effects*” have been defined as follows.

The term “*environment*” includes “*..ecosystems and their constituent parts, including people and communities; all natural and physical resources; amenity*

values; and the social, economic, aesthetic and cultural conditions which affect the matters stated in... ..this definition or which are affected by those matters...”

In this Act, unless the context otherwise requires, the term “*effect*” includes “...*any positive or adverse effect; any temporary or permanent effect; any past present or future effect; and 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 any potential effect of high probability; and any potential effect of low probability which has a high potential impact.*”

11.1.2 Sections 104, 105, 107 and 108

Subject to Part II of the Act, the following matters in Section 104(1) are relevant to this application:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provision 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 reasonable necessary to determine the application.*

The relevant sections of the Act, New Zealand Coastal Policy Statement (NZCPS), Regional Policy Statement (RPS) and Regional Coastal Plan (RCP) are listed in Appendix 10 of this report. Other matters I consider to be relevant to this application include the Wellington Waterfront Framework (the Framework) and Wellington District Plan provisions for the Central Area.

Section 104(5) allows an application to be categorised as determined appropriate by the consent authority, regardless of what category of activity is stated in the application.

Sections 108(1) and 108(2) specify the types of conditions that may be included in resource consents, and section 108(3) and 108(4) authorises conditions requiring monitoring and the supply of information. Section 108(2)(e) and 108(8) relates to matters regarding coastal or discharge permits.

Section 105 of the Act specifies matters relevant to coastal permits to discharge contaminants into the coastal environment. The nature of the discharge (section 105(a)) is outlined in section 12.2.4 of this report. In terms of 105(b)

and (c) above, the applicant's reasons for the proposed choice relates primarily to there being a lack of viable alternatives. The applicant's structural assessment indicates that there is a need for maintenance works on the wharf, to be undertaken regardless of the proposed development.

The consent authority's power to grant consent for a discharge permit or coastal permit is restricted by section 107 of the Act. The discharge of contaminants associated with the replacement and repair of the existing piles may result in some of the effects outlined in section 107(1); however, these effects will only be temporary. Section 107(2) therefore allows the granting of the coastal permit to discharge contaminants, should the Hearing Committee consider it appropriate.

12. Assessment of effects

For the purposes of this assessment, the real and potential effects of the proposal have been segregated in the positive effects of the proposal, the adverse effects during the construction period and the on-going adverse effects.

These adverse effects include those effects relating to land use that on the landward side of the CMA boundary would fit within the jurisdiction of WCC. As discussed in section 7 of this report, these effects are considered in depth in Ms O'Callahan's report, attached to this report as Appendix 1.

12.1 Positive effects

The proposal has the potential to have a number of positive effects on the environment. These positive effects may include:

- The proposal includes the strengthening and repair of the wharf, which the applicant's structural assessment indicates is necessary to ensure the ongoing integrity of the wharf. As the wharf is owned indirectly by the ratepayers of Wellington it is they who might ordinarily be expected to pay the full cost of such repairs.
- Several of the submissions have noted the positive effects of the design, these submissions include that of Sir Michael Fowler who led the design team of the original building. The TAG assessment states "this proposal is highly resolved architecturally and makes a well-considered response to the Design Brief".
- The proposal is likely to lead to greater activity in the area and may increase public use of the site.
- Although there is encroachment of the proposed building on the existing public space, further public amenity areas are to be provided in the form of the lower-level jetty extension and mezzanine deck. The condition of the existing public space will be improved through repair and refurbishment.
- Residential use of the area is likely to lead to greater surveillance and safety on the wharf.

12.2 Adverse effects during construction

The potential adverse effects during the construction period may be grouped as follows:

- Impact on public access;
- Impact on marina activities;
- Effects on marine ecology;
- Coastal water quality effects;
- Construction noise and dust ;and
- Construction traffic effects.

Noise and traffic effects during construction are considered in more depth in the report by Ms O'Callahan and summarised in this report.

12.2.1 Impact on public access during construction

The maintenance and enhancement of public access to the CMA (of which the wharf and OPT building are a part) is deemed to be a matter of national importance in section 6(d) of the RMA. The NZCPS, RPS and RCP also contain provisions that relate to public access and use of the CMA. A key focus of the WWF is also that the waterfront area is primarily a public space.

The Draft Construction Management Plan (DCMP) attached to the application as Appendix 21 outlines the proposal to close the entire wharf to the public for the period of construction. The period of construction is estimated at two years in this plan though, as highlighted in submissions, there is the potential for delays.

For this period of time the public will not be able to access and enjoy the public space that the promenade provides and it will not be available for the recreational activities that currently take place on the wharf.

The closure of the wharf to the public for this period is for a reasonably significant period; however, such restrictions are to be expected with construction projects of the scale of this proposal for health, safety and security reasons. The temporary restriction to public access is consistent with other development projects along the waterfront.

The applicant's structural assessment (Appendix 4 to the application) infers that pile repair and replacement is necessary for the on-going safety and viability of the wharf and this work in itself would also likely involve restrictions on public access to the wharf.

The wharf does not generally act as a through route between destinations for the public, but rather as a destination in itself, therefore the closure of the wharf will not affect the transit of the public. For members of the public looking to enjoy public space for recreational activities, there are large areas of public open space in the vicinity in the form of Waitangi Park and the remaining waterfront promenade will still be available.

While there are obvious adverse effects on public access to the wharf during construction and associated impacts on public recreational activities, I consider that these effects are temporary, necessary to some degree (given the structural repairs to the wharf that are required) and, on the whole, minor.

Other adverse effects associated with construction activities such as noise and dust generation may leave the public less inclined to use the surrounding public spaces, these effects are discussed in section 12.2.4 of this report.

12.2.2 Impact on marina activities during construction

The construction activities are likely to have adverse effects on marina operations and the activities of the berth holders within the marina. This was an issue raised in a large number of submissions. The applicant has provided a Marina Operations Assessment (MOA) with the application (Appendix 20).

The MOA identifies potential effects on marina activities in five areas:

- Vehicular and pedestrian access;
- Car parking;
- Functionality of the marina;
- Adjacent services; and
- Construction management (discharges of dust, dirt and iron filings).

The marina may also be affected by noise, which along with construction dust (the construction management issues outlined in the MOA), is discussed in section 12.2.4 of this report.

(a) Marina access

The MOA (section 2.2) states:

Access is critical in the operation of a marina to allow owners, visitors and service people to respectively use and maintain vessels.

As the closure of the wharf during construction will impact on access to the public during this period, so too will it impact on access for those associated with the marina.

The DCMP (p. 10) proposes that vehicular access beyond the proposed temporary marina loading bay at the south end of the wharf (adjacent to the marina lift) be by arrangement with the construction contractor only. This will place restrictions on access not only on berth holders' vehicles but for service vehicles, emergency services and mobile cranes servicing the marina.

The DCMP (p. 10 – 11) proposes that pedestrian access be limited to the low-level boardwalk attached to the wharf.

The MOA (section 3.1) and DCMP (p. 11) refer to trolleys being available to berth holders in order to transport gear.

I consider that there are potentially significant effects with regard to access to the marina during the construction period. I do not consider that the MOA, DCMP and the application in general provide enough information to discern whether the proposal adequately mitigates these potentially significant effects. As such I request that the applicant provide further details on these mitigation measures in the hearing.

(b) Car parking

The application for the original marina approval, which subsequently became a deemed coastal permit (as discussed in section 3.2 of this report), referred to car-parking to be provided in two areas on either side of the old Herd St layout. The explanation of the decision for the deemed land use consent for the marina refers to the provision of 228 parking spaces. These two areas are now occupied by the current marina car parking area adjacent to the Chaffers Dock Building, the end of Herd St, the Wilson Parking public short-stay car parking area and part of Waitangi Park.

There are currently 37 marina-dedicated parking spaces on the wharf and a 43 such spaces in the area adjacent to the Chaffers Dock Building (the further information submitted by the applicant states that the latter was intended as a replacement for the former but at present both sets of parks remain).

As the parking was to be provided on the landward side of the CMA boundary, it is beyond the jurisdiction of GW and therefore beyond the scope of this assessment. I note that the MOA states that WWL is in negotiation with the Chaffers Marina on parking arrangements.

I note, however, that, as stated in Ms O'Callahan's report there is no requirement under the now operative WCDP to provide any car parking spaces for such a development.

The provision of post-construction marina parking on the wharf, which is within the jurisdiction of GW is discussed in section 12.3.3(a) of this report.

(c) Functionality of the marina during construction

There are a number of functions of the marina located within the existing OPT building, which will be displaced by construction activities. These functions include the Marina Office and amenities, 16 Dinghy Racks and 17 Storage Lockers.

As stated in the MOA (section 3.3), a Marina Office located in close proximity to the marina is crucial to marina operations. The MOA states that the proposed temporary location is the storage compound at the entrance to the wharf.

Considering the adverse effects of not having the temporary office located nearby I believe that it is appropriate that the applicant either provides a confirmation of the location or that, in the event that consents are granted, a condition of consent(s) requiring details of the location and that it is to the satisfaction of the Manager, Environmental Regulation, GW to ensure that the location is appropriate.

In regard to the storage lockers, the deemed land use consent for the marina was granted subject to the following condition (1):

That the changing rooms, toilets and locker rooms proposed be restricted to approximately 20% of the total floor area of the Overseas Terminal and be limited to the area formerly known as the “Customs Baggage Hall”. Licenses for the “Locker Rooms” are to be linked directly to the leaseholder of the berths for uses associated with the moved craft only.

This use shall be reviewed as and when formal proposals for the Overseas Terminal come before the Committee.

The conclusion of the decision document for deemed land use consent states:

The Committee having considered the application granted consent but were concerned that providing locker rooms in the ground floor of the Overseas Terminal could restrict future uses of the Terminal. The Committee has concluded that the consent granted in relation to the lockers rooms should be reviewed when developments for the Overseas Terminal are being promoted.

The planning and resource management framework and legislation have obviously changed since this decision was made; however, in my opinion it is clear from these statements that the Hearing Committee in this case did not wish the presence of lockers within the OPT building to restrict its possible redevelopment.

The dinghy racks are not mentioned in the decision document and it is possible they were not part of the marina proposal put before that Hearing Committee. Regardless it might be expected that they would be treated in a similar light to the storage lockers.

The MOA makes mention of the exploration of alternative options for both dinghy storage and the general storage provided by the lockers. I consider that more detail of these options is required to assess whether the adverse effects on the marina storage can be adequately mitigated.

If details of appropriate alternative storage are provided, I consider that the adverse effects on the functionality of the marina will be no more than minor.

(d) Adjacent services

The MOA (section 2.5) mentions five, potentially six, businesses currently located in the OPT building that provide support for the marina, all of which will be displaced from that location during construction.

These services are in addition to the mobile support services (e.g. diesel mechanics) that visit the marina. The effect on these mobile services is largely related to the access effects detailed in section 12.2.2(a) of this report

In relation to the currently tenanted services, the MOA (section 3.4) states:

However, given the reliance of the marina on some of its supporting businesses it would be advisable for some key businesses to be accommodated in the OPT building post redevelopment. These identified key businesses would need to be temporarily located within close proximity of the marina for mutual benefit during the construction phase.

The MOA mentions Barton Marine and Wild Winds as the key businesses but does not confirm any agreement nor the exact location of any temporary accommodation for these businesses.

I believe that it is unclear from the MOA what the effect of the displacement of some or all of these support services will be and clarification is required from the applicant.

I consider that it is necessary for the applicant to provide a confirmation of the identified key businesses and further detail on how and where these businesses are to be located in order to adequately assess the effects of the displacement of adjacent services.

Having said this, I suspect that if all of the support businesses were to be removed from within close proximity of the marina the function of the marina would be significantly impacted.

(e) Summary of construction impacts on marina activities

The function of the marina and the activities that take place within it are inherently linked to the Clyde Quay Wharf and OPT building and I consider that there is the potential for the proposal to have significant adverse effects on activities within the marina.

I consider that it may be possible to adequately mitigate these effects; however, I do not believe that sufficient information has been provided by the applicant to discern whether this is the case.

I therefore request that the applicant supply further details in the following areas during the hearing:

- Identification of the key support businesses and the proposal for their temporary accommodation;
- The location and method of operation of the trolley system to provide access to the marina;
- A temporary dingy storage system and a temporary replacement for storage lockers.

12.2.3 Effects on marine ecology during construction

The applicant provided an assessment of the potential effects of the proposed development on the marine environment. This ecological assessment was appended to the application as Appendix 16.

The ecological assessment describes the existing marine environment and the likely effects that the proposed construction works will have.

A survey was undertaken of the benthic (seafloor) environment in the vicinity of the wharf as part of the investigation. This survey encountered no living plants or animals but found the debris and remains of dead bivalves.

The National Institute of Water and Atmospheric Research (NIWA) had previously undertaken a more comprehensive survey of the biota present on the piles of the wharf in 2001. The survey encountered a diverse range of species on the piles and a lesser number of species on the seabed.

The ecological assessment states “the paucity of biota associated with the seabed suggests a minimal effect of driving new piles into the seabed”.

The assessment does not explicitly discuss the effects of drilling associated with the proposed in-situ concrete piles; however, these effects and the outcome are likely to be similar.

The assessment also suggests that although biota will be removed by the jacketing of existing piles, the jacketed area, along with those of the new piles will be quickly repopulated by the settlement of juveniles from the undisturbed piles.

Having consulted Juliet Milne, GW Team Leader, Environmental Science I concur with these findings.

Overall the disturbance and discharge to the CMA associated with the proposal is of a small-scale and temporary. I consider the effects the associated effects on marine ecology will be no more than minor. In the event that the Hearing Committee sees fit to grant the consents, I have suggested conditions of consent to ensure that appropriate practises are carried out to ensure the adverse effects are adequately avoided, remedied or mitigated,.

12.2.4 Effects on coastal water quality due to construction work

As stated in section 12.2.3 of this report, the proposal will involve disturbance of the seabed and the discharge of contaminants into the CMA in connection with construction and demolition activities on the wharf. The contaminants discharged will largely be made up of those already present in the marine environment. The primary effect of the disturbance and discharge will be to increase the turbidity and amount of suspended matter in the water column.

The activities most likely to lead to the disturbance and discharge are the removal and replacement of damaged piles, the jacketing of remaining piles and the driving of new ones.

The new piles will include the placement of both pre-cast piles and in-situ concrete piles.

As stated in the applicant’s ecological assessment, the site is adjacent to a stormwater outfall. The assessment references a study of sediment

contamination due to proximity to stormwater outfall at eight sites within Wellington Harbour. The results of this assessment show that the sediment on the seafloor in the area is contaminated, with high levels of toxic metals.

Any mobilisation of the contaminated sediment will lead to the deterioration of water quality in the area, which can have adverse effects on marine ecology and health effects in areas used for contact recreation. Appropriate construction management practises should therefore be employed to minimise disturbance.

Other activities may lead to more significant discharges, such as discharges of cement or wet concrete or the accidental discharge of fuel from construction machinery, however with appropriate construction management practises such discharges will be avoided.

Included in the suggested conditions of consents in Appendix 1 to this report is the requirement for the submission of a construction management plan that will outline such construction measures to minimise these effects. I am satisfied, provided that appropriate measures are proposed in this plan and are carried out, that the effects of construction on water quality will be no more than minor.

12.2.5 Construction noise

Noise will be generated by construction activities on site, which can impact on adjacent activities.

The applicant has provided a noise assessment as attachment 10 to the application, completed by Acousafe Consulting and Engineering Limited. Matt Borich of WCC has reviewed this assessment and provided comments.

In regard to construction noise Mr Borich has indicated that the pile driving activities may not comply with the relevant New Zealand Standard for construction noise. Mr Borich therefore provided recommendations that noisier work be limited to the hours of 7:30am – 6pm Monday to Saturday.

I have suggested a condition in the event that consents are granted to ensure that pile driving activities be limited to this period. In accordance with Mr Borich's recommendation I have suggested a condition to ensure a procedure is carried out to mitigate the effects of concreting activities (unlikely to create the same level of noise as pile driving) are to take place at night (10pm – 6:30am).

I am satisfied that provided that piling driving and other noise generating construction activities are carried out appropriately and the suggested conditions of consent are adhered to in the event that the consents are granted, that the adverse effects associated with construction noise will be no more than minor.

12.2.6 Construction dust

A development project such as that proposed will generate dust during construction. This can have an impact on amenity in the surrounding areas and potentially damage property in such areas as the marina.

The generation of dust can be managed through appropriate practises, some of which have been addressed in the DCMP. I have recommended that a condition of consent be placed in the event that consents are granted to require that a Construction Management Plan is submitted to ensure that appropriate dust control measures are proposed and carried out.

I am satisfied that provided that suitable practises are carried out to ensure that dust generation is minimised during construction that the associated adverse effects will be no more than minor.

12.2.7 Construction traffic

The DCMP states that the bulk of deliveries to the site will occur between 7:30am and 6pm Monday – Saturday.

Mr Spence voiced concern over the potential delivery of plant and equipment during peak traffic periods and when the Chaffers area is busy (e.g. weekends) and that the methods for avoidance of this scenario should be outlined in a construction management plan. I have included the requirement for such information in the suggested construction management plan condition.

I consider that provided that suitable measures are implemented to ensure deliveries of such equipment occurs outside of peak pedestrian periods that the traffic effects during the construction period will be no more than minor.

12.3 On-going, post-construction adverse effects

The real and potential ongoing adverse effects of the proposal on the environment may be grouped as follows:

- Effects on heritage values;
- The on-going impact on marina activities;
- Public use and existing uses;
- Amenity values,
- Natural hazards;
- Port activities, berthing space and navigational safety;
- On-going ecological effects; and
- Land use planning issues.

The land use planning issues are considered in more depth in the report by Ms O’Callahan and are summarised in this report. Issues considered by Ms O’Callahan include:

- Activity and use of the site;
- Building height and bulk;
- Urban design;
- Public space design;
- Heritage;
- Traffic/parking;
- On-going noise effects;
- Impact on viewshafts;

- Impact on private views;
- Sunlight; and
- Lighting.

12.3.1 Heritage values

The protection of historic heritage from inappropriate subdivision, use and development is deemed to be a matter of national importance in section 6(f) of the RMA. The NZCPS, RPS and RCP also contain provisions that relate to historic heritage. A key focus of the WWF is also that the waterfront area is primarily a public space.

The applicant has provided an assessment of the effects on heritage values completed by conservation architect Chris Cochran (Appendix 17 to the application).

Alexandra Teague, WCC Urban Designer – Heritage, has provided an assessment of the heritage effects of the proposal against the relevant district planning instruments.

This is supplemented by the report of Laura Paynter, GW Policy Advisor – Heritage, which provided an assessment of the heritage effects of the proposal against the relevant provisions of the RMA and the RCP.

The TAG Urban Design Assessment also discusses heritage impacts from an urban design perspective.

Ms O’Callahan has considered these assessments in her overall assessment of the proposal against the relevant district planning instruments. As these heritage provisions of these instruments are largely focussed towards the heritage values of the OPT building rather than the wharf her assessment is limited to the OPT building only.

It is noted that outside of the wharf while there are no statutory listed heritage features in the vicinity, outside of the wharf, that Ms O’Callahan states that there is widespread acknowledgement that the waterfront area has heritage values generally.

(a) Heritage impacts on the Clyde Quay Wharf

The wharf and wharf edge are listed as a feature of “Historic merit” in the RCP. The OPT building is not included in this listing. The specific policies of the RCP that relate to this listing are discussed in section 13.4 of this report but in general these policies look to preserve these features and to disallow proposals with adverse effects on these structures unless these effects are appropriately avoided, remedied or mitigated. The protection of the heritage values of the wharf and wharf edge are therefore of primary importance.

No distinction is made in RCP heritage listing between the older “concrete wharf”, commenced in 1907 and completed in 1910 and the later “timber wharf”, added in 1964.

The Clyde Quay Wharf is not mentioned in any of the heritage provisions of the relevant district planning instruments.

The applicant's heritage assessment, while largely focussed on the values of the OPT building lists features of the wharf and assigns them heritage/architectural values. The listed features consist of the "concrete wharf" (medium value), wharf setting and landmark quality (both of high values). The assessment states that the "concrete wharf" is to be lost as part of the proposal, while the latter two elements are to be retained.

As described and illustrated in the applicant's structural assessment and associated drawings, the proposal will involve the removal from the "concrete wharf" specifically:

- Spalled concrete piles that are beyond repair;
- Deck slab in the areas of the proposed the vehicular access ramp to the sub-wharf level, lifts, stairs and services and where new piles are to be placed; and
- Concrete bracing lattice work. (of which there is "considerable demolition" according to the Structural Assessment).

The proposal will also involve the removal of the following from the "timber wharf":

- Rotten timber piles that are beyond repair;
- Deck slab in the areas of the proposed lift, stairs and services and where new piles are to be placed; and
- The perimeter fendering system at the northern end of the wharf, where the lower-level jetty is proposed.

Both Ms Teague and Ms Paynter have expressed concern in their comments about the amount of heritage fabric that is to be lost from the wharf as part of the proposal.

The applicant's AEE asserts that the proposed removal and replacement of parts of the "concrete wharf" constitutes essential strengthening work. Both Ms Teague and Ms Paynter refute this assertion in their comments.

In the case of the spalled concrete piles and rotten timber piles (from the "timber wharf") that are beyond repair I concur that their remove is essential for strengthening purposes.

Much of the concrete lattice work is to be replaced with the sub-wharf parking deck that is to contain internal bracing. While it is true that the Structural Assessment points to the requirement for extensive strengthening and upgrading of the wharf structure, the assessment outlines the following as an alternative method of strengthening the concrete wharf from the installation of the sub-wharf deck:

- *Extensive repairs/replacement of lattice bracing and wharf deck;*

- *Addition of large diameter piles and tie-in to lattice bracing to provide additional seismic resistance; and*
- *Regular ongoing inspection and maintenance.*

This appears to infer that the strengthening of the wharf could be carried out with a greater retention of heritage fabric (i.e. with repairs to some of the lattice work and addition of further piles to tie into and strengthen it) or, at least, in a manner more sympathetic to heritage values.

I therefore consider that while it does add lateral stability to the wharf, the installation of the sub-wharf deck does not constitute essential strengthening work.

The removal of the fendering system at the north end in order to make way of for the lower-level jetty extension is also not essential for strengthening purposes.

Therefore, although some of it is necessary to strengthen the wharf, a large amount of its heritage fabric is to be lost as part of the proposal. Given the heritage significance afforded to the wharf and wharf edge in the RCP. I consider the effect of the removal of fabric on heritage values of the Clyde Quay Wharf to be significant.

Having said that, the setting and landmark quality of the wharf will remain intact.

(b) Heritage impacts on the OPT building

The heritage listing of the Clyde Quay Wharf in the RCP does not extend to the OPT building. Further to this and as noted in Ms O’Callahan’s report, the OPT building is not listed in the District Plan heritage schedule as are other waterfront buildings within the CMA. The heritage value of the OPT building is noted in the WWF and it is included in the WCC’s Heritage Building Inventory 2001.

The applicant’s heritage assessment highlights the heritage value of the OPT building and states that it *“resides more in its formal townscape and architectural qualities than in its history”*. When discussing the architectural qualities of the building, the assessment states that it *“has from two particularly distinguishing features – it is a building of its time, 1964, and even more clearly, it is a building fit for and influenced by its wharf/harbour edge location”*.

The assessment also states:

“that much of the fabric has... little intrinsic interest. It is typical of the 1960s, and most of the materials....are still commonplace today”.

The assessment also lists elements of the building and wharf that and rates the heritage/architectural values of each. There are a number of these elements accorded a high value in the assessment that will be partially or entirely lost.

The assessment states, when discussing the proposal:

Given the small proportion of fabric that survives from the existing building. And the very high proportion of new material in the proposed building, no claim can be made for the new scheme as retention of the old. The existing building is lost.

There is general agreement with this statement in the comments of Ms Teague and Ms O'Callahan.

As stated in Ms O'Callahan's report Ms Teague and TAG provide conflicting opinions of the appropriateness of the proposal with regard to the heritage objectives of the WWF.

Ms Teague's assessment does not support the proposal due to the lack of conservation of the heritage fabric and features of the OPT building. As such Ms Teague considered in her comments that the proposal is inconsistent with the provisions of the WWF, which include as a principle "*The Overseas Passenger Terminal will be retained and developed*".

The TAG assessment, while acknowledging the loss of fabric, focuses on the townscape values and design elements and external items that are to be retained, such as the roof profiles and the retention of the maritime theme of the design. TAG consider the proposal to be:

...an example of adaptive reuse and re-development, not restoration. In relation to the Framework [WWF] expectation (p24), it will contribute to the vitality of the waterfront.

As described in her report, Ms O'Callahan sought the comments of Gerald Blunt, WCC Manager Urban Design Policy who supervises the heritage and urban design team and was the primary author of the WWF, in looking at the conflicting heritage advice.

As relayed by Ms O'Callahan (para 6.32) Mr Blunt's comments included:

The group who provided the direction of the Framework- the Leadership Group in their deliberations spent minimal time discussing the OPT. The reference to the OPT in the Framework is minimal: "The Overseas Passenger Terminal will be retained and developed" (p 37, The Wellington Waterfront Framework) is the only direction that is given in the Framework to the future of the OPT.

A number of proposals had been canvassed for redevelopment of this site, and this proposal was the one that best retained parts of the heritage fabric and referencing the existing building.

The OPT Design Brief, dated 19 April 2004, asked architects to consider 'heritage conservation' and but also noted that there can be departures from the brief; "Innovative and imaginative design might create inspired solutions that are not predicated but which when examined might be shown to satisfy the requirements of the Waterfront

Framework and the briefing objectives in an exemplary way” (p 8. OPT Design Brief 19 April 2004). TAG in their response have stated in their opinion that this proposal is an exemplary design. I support this stance.

Part of the ongoing issue for the redevelopment of the OPT building has been the underling cost of strengthening the wharf which is currently in a poor state. The Framework is quite clear about the costs of development on the waterfront: “As a general principle the Leadership Group has followed current Council policy that revenue made on the waterfront is used to fund expenditure on the waterfront”(p45, The Wellington Waterfront Framework). An economically viable proposal to develop this site has not been an easy proposition.

While Alexandra Teague’s report rightly states that the proposal will not meet the requirements of a heritage conservation project, I believe looking at the bigger picture this proposal which references the existing structure provides the ‘new heritage’ for future generations. On balance I believe that this proposal meets the intent of The Framework and therefore support is justifiable.

Ms O’Callahan went on to concur with Mr Blunts reasons and support for the proposal in terms of heritage impacts and her assessment of the heritage effects in relation to the OPT building is:

that the overall impact of this redevelopment on the heritage values of the OPT building while more than minor, can be mitigated to some extent through the retention of some existing building fabric.

Taking into account the various advice received on heritage impacts on the overall building and the heritage value of the building described in the WWF and WWC Heritage Building Inventory, I generally concur with Ms O’Callghan’s assessment.

I consider that the heritage values of the OPT building are derived more from the architectural and townscape values rather than historic events and that some important elements of the building are to be retained. I consider that the effects of the removal of fabric are likely to be more than minor but that the applicant may be able to mitigate these effects though further retention of this fabric. Further details of existing fabric of the building that is possible to retain should be provided by the applicant in order to mitigate these effects.

(c) Historic use of the site

Ms Teague’s review refers to the desire for the continuance of large vessel berthing along the wharf. The review states:

Any proposed redevelopment should ensure that the Overseas Passenger Terminal wharf continues to function as a berth for large vessels.

As stated in section 12.3.4 of this report, both Centreport and the GW Harbours department have indicated that the wharf is not capable of berthing large vessels at present. Centreport does, however, retain the right to berth vessels during emergencies or events of national significance. The proposed development will not affect this arrangement and I therefore consider that it will have no adverse effect on the historic use of the wharf as this has essentially been ceased already.

(d) Summary of heritage effects

Although the proposal retains the nautical design theme and certain design features of the original building and wharf, it also removes a significant amount of fabric from the wharf and building. The proposal does not therefore constitute a heritage conservation project.

Of primary concern is the loss of the fabric of the Clyde Quay Wharf, which has a statutory heritage listing. There may be other methods of repairing and strengthening the wharf that can have less significant effects on heritage values.

Also of concern is the removal of large parts of the fabric of the OPT building, which also has heritage values, as outlined in the WWF and WCC heritage building inventory.

I consider that there will be significant adverse effects of the proposal, as it stands, on the heritage values of the Clyde Quay Wharf and OPT building. In order to mitigate these effects I request that the applicant consider and provide further details on fabric of the building and wharf that may be retained or reused in the development.

12.3.2 Post-construction public access and use of the site

The maintenance and enhancement of public access to the CMA (of which the wharf and OPT building are a part) is deemed to be a matter of national importance in section 6(d) of the RMA. The NZCPS, RPS and RCP also contain provisions that relate to public access and use of the CMA.

As discussed in section 12.2.1 of this report, national, regional and district policy instruments highlight the importance of public access to the CMA

Ms O'Callahan has provided an assessment of the effects of the public space design against the provisions of the relevant district planning instruments, in particular the WWL. This assessment refers to the TAG assessment of the public spaces design. The TAG assessment supports the design of public space and it is considered consistent with the WWF.

The footprint of proposed building is wider and longer than that of the existing OPT building. This is perhaps best illustrated at wharf level in the drawing RC2.01 supplied with the application, though this drawing does not show the amendments to the proposal of 13 December 2007 that replace the 18 proposed angle parks on the western side of the buildings with seven parallel parks.

This represents an encroachment of the building on area within the CMA that is readily accessible by the public. This was an area of concern that was raised in a number of submissions.

Currently the area surrounding the OPT building contains a total of 96 public and marina parking spaces, consisting largely of angled parks along each side of the building. The number of spaces outside of the building will reduce to 25 under the proposal, which will provide some mitigation of the encroachment of the building on public open space.

The provision of the lower-level fishing jetty may facilitate better access to the CMA for public recreational activities, in particular angling, as such may increase quality of public use. Likewise the provision of public viewing deck at 1st floor level may also increase public amenity.

The proposed café and restaurant uses at wharf level, in provided a location where the public can undertake social activities may be considered to increase public amenity. As stated in Ms O'Callahan's assessment (para 6.7) the WWF provides for commercial activity, important though is that ground floor uses are to be predominantly accessible to the public and this proposal is consistent with that provision.

Overall, while there is encroachment of the proposed building on public space I consider the associated adverse effects on public access and use to be minor and to some extent beneficial.

12.3.3 On-going effects on Marina activities

Further to those effects on the Chaffers Marina during the construction period outlined in section 12.2.2 of this report, the development has the potential to have on-going adverse effects on the marina.

These effects are similar to those likely to be experienced during the construction period.

(a) Car parking

The proposal will see the removal of the current 37 marina-dedicated carparks and their replacement with ten carparks on the wharf.

As stated in Ms O'Callahan's report, there is no requirement in the WCDP to provide car parking. Ms O'Callahan goes on to state that the reduction in car parking is appropriate as it will reduce the potential for traffic and pedestrian conflict.

I concur with this statement in regard to the provision of the marina parking.

(b) Functionality of the marina during construction

As discussed in section 11.2.2(c) of this report, a number of facilities of the marina will be displaced during construction. While the marina offices and amenities will be located in the development once complete, the storage

facilities, however, will not be accommodated. In order to be able to assess the overall impact on marina functionality I request that the applicant supply a confirmation that the marina offices and amenities (shower and toilet facilities) are to be accommodated within the redeveloped building and further details of the proposal for the marina storage facilities that are to be displaced

Provided that the details of the accommodation are adequate (particularly in regard to the office and amenity provision) I consider that the proposal will not have on-going adverse effects on the functionality of the marina that are more than minor.

(c) Adjacent services

The same key businesses discussed in section 3.4 of the MOA that are proposed to be accommodated temporarily in the vicinity of the site during construction are to be housed in the development once constructed.

The effect of removing the remaining businesses from the area are the same as those of the construction period discussed in section 12.2.2(d) of this report.

I believe that if none of the maritime-related businesses were to be retained in the development the function of the marina would be significantly impacted. The retention of at least some of these businesses is critical to marina activities and that the proposal.

I request that applicant provide further details of maritime-related businesses that support the marina will be retained within the development in order to mitigate the effects on the marina of the loss of other such businesses.

In the event that the Hearing Committee grants the consents, in order to ensure that such businesses are retained within the vicinity of the marina I consider it necessary to place conditions to ensure that provision is made for such businesses. I believe such an approach would be consistent with such relevant policies as Policies 6.2.1 and 4.2.36 of the RCP.

(d) Summary of ongoing impacts on marina activities

As with the impacts during the construction period, there will also be effects on the marina once construction is complete. Potentially the most significant of these effects in my opinion is the loss of the adjacent services on which the marina currently relies.

However, I believe these effects can be mitigated through the retention of the key businesses outlined in the MOA. On this basis I believe that an adequate core of marina services, which are functionally dependent on a location within the CMA will need to be retained. While the retention of some of these business has been discussed in the application, there is a lack of certainty over the details of retention and how it is to be implemented.

I therefore request that the applicant supply further details in the following areas during the hearing:

- How maritime-related businesses that support the marina will be retained within the development in order to mitigate the effects of the loss of other such businesses within the development; and
- A permanent dingy storage system and a replacement for storage lockers.

12.3.4 Port activities, wharf berthing space and navigational safety

The use and development of structures within the operational port area, such as the Clyde Quay Wharf have the potential to affect port and berthing activities. Construction of further structures such as the proposed wharf extension, within the CMA have the potential to affect navigational safety within the port area.

I have discussed the proposal with Mike Pryce, Greater Wellington Harbour Master, who expressed no concerns that the proposal will impact on navigational safety.

The application also includes a letter dated 27 July 2007 from Neville Hyde, Corporate Advisor for Centreport Wellington outlining Centreport's consideration of the proposal. This letter states that Centreport has no objection to the proposal as large vessel berthage at the wharf has become problematic and any imposition of the development on such berthage will therefore be largely ineffectual. It should be noted though that Centreport has retained the right to berth large vessels in emergency situations or events of national significance.

Given the positions of the principal parties responsible for port activities and ensuring navigational safety in the vicinity of the wharf, I consider that the effects of the proposal in these areas will be no more than minor.

12.3.5 On-going adverse effects on ecology and water quality

The proposal has the potential to have on-going effects on ecology and water quality.

I note increases in the stormwater discharged directly to coastal water was raised in a number of submissions.

The development will not lead to an increase in the stormwater volumes discharged to coastal waters but the increased use of the wharf due to residential use and more intensive commercial use may lead to a greater deposition of contaminants on the hard surfaces, which are then eventually washed into the sea during rain events. I consider that these increases are likely to be minimal when compared to the contaminants currently deposited and then discharged during rain events (the current use of the wharf will lead to deposition of similar contaminants).

The Services Infrastructure Statement attached to the application as Appendix 3 states sediment and oil interceptor traps will be placed in areas of vehicular access.

I consider that provided these traps are appropriately installed and maintained that they will provide adequate mitigation for the potential adverse effects of increases in the contaminants discharged in storm water run-off from the site.

I do not consider there will be other effects on ecology and water quality in the CMA once the construction phase is complete are in place.

12.3.6 Natural hazards

The applicant has provided a natural hazards assessment for the proposal completed by Beca (Appendix 19 to the application). This assessment took into account the potential risks of earthquake, tsunami, climate change (sea-level rise) and storm surges.

Dr Ian Dawe, GW Hazards Analyst reviewed this assessment and provided comments. Dr Dawe stated “the proposed development is at high risk from damage due to earthquake shaking and liquefaction”. In particular, Dr Dawe refuted the assertion in the hazards assessment that liquefaction potential is low as most of the Wellington Waterfront is at risk as shown in liquefaction hazard map attached to Dr Dawes comments (Appendix 6 to this report). Dr Dawe recommended that an assessment of the liquefaction hazard of the site be carried out by a suitably qualified engineering geologist.

I therefore request that the applicant provide details of such an assessment be provided by the applicant.

Dr Dawe also raised concerns that a 50 year planning horizon in regard to sea level rise was used in the assessment. Dr Dawe considered that a planning horizon of 100 years should have been used.

Overall, provided that an appropriate assessment of the liquefaction hazard has been carried out and taken into account, I consider the effects of natural hazards will have been adequately assessed.

12.3.7 Building height and bulk

The bulk and scale of the proposed development of the proposal was raised as an issue in a number of submissions.

TAG have assessed the bulk and scale of the proposed development, Ms O’Callahan’s report also discusses this aspect of the proposal. Based on the TAG assessment Ms O’Callahan states that she considers the overall bulk and scale of the development is appropriate for this site and is in scale with the surrounding buildings and spaces.

I concur with these statements and consider the effects of the proposed building height and bulk to be no more than minor.

12.3.8 Urban design

TAG has assessed the design, external appearance and siting of the proposed development on the streetscape/character within the waterfront area and its

consistency with the relevant provisions of the WCDP and WWF. These documents provide useful guidance in this area in the absence of design guidance at a regional level.

In concurrence with the TAG assessment, Ms O'Callahan's report states "the proposed development meets the design expectations of the WWF and the WCDP".

I concur with these opinions and therefore consider the design, external appearance and siting of the proposed development to be appropriate.

Among the suggested conditions is a requirement the further design reviews are carried out in order to ensure that more specific design detail remain consistent with those expectations.

12.3.9 Traffic/parking

The applicant has provided a transportation assessment complete by Traffic Design Group, attached to the application as Appendix 14. Steve Spence and Patricia Wood of the WCC reviewed the document and the traffic impacts of the proposal.

In response to concerns raised in the advice received by Steve Spence and TAG, changes were made to the proposal reduce the number of parks to be provided on the west side of the wharf and further information on traffic calming measures.

Ms O'Callahan notes that due to the lack of a requirement for car parking provision in the WCDP, that the reduction of parking is appropriate.

Mr Spence indicated that there were specific details that could be assessed as part of a Traffic Management Plan to be submitted by condition of consent but that he was satisfied that proposal would have no more than minor effect on the the public road network and pedestrian safety and amenity on the wharf.

Mr Spence has raised concerns regarding the potential use of the wharf as a taxi stand, which he believes is inappropriate. I request that the applicant provide details of measures to limit taxi access to the wharf to that required for pick up and set down only and prevent taxis remaining on the wharf at other times.

Provided details of appropriate details in regard to taxi access are provided and the suggested conditions of consent are adhered to, I consider the adverse effects of the proposal on traffic ,parking and pedestrian safety and amenity on the wharf to be no more than minor.

12.3.10 Wind

The applicant has supplied a wind report by Opus International Consultants Limited that details wind tunnel testing carried out in order to assess the effects on wind in the area at pedestrian level due to the proposed development.

Mike Donn, WCC consultant wind advisor has reviewed this report and its findings. There will be a general reduction in windspeeds along most of the public promenade; however, Mr Donn raised concerns about windspeeds on the eastern promenade adjacent to the pedestrian/vehicle cross link at the northern end of the proposed development (identified as points H1 and I1 in the Opus wind report). Mr Donn asserts that the applicant should provide some form of mitigation (such as porous screen) to reduce the sudden change from sheltered to high wind speeds at this location.

Ms O'Callahan indicates that appropriate mitigation should be practicable and subject to such mitigation being addressed in the hearing, that the effect

12.3.11 On-going noise effects

No on-going issues regarding the generation of noise have been identified by the applicant or Mr Borich. The location of residential activity in an area of harbour activities, however, may lead to reverse sensitivity issues with regard to noise.

Mr Borich has indicated that reverse sensitivity issues surrounding the location of residential activity in an area of harbour activities can be satisfactorily overcome via the placement of conditions to ensure adequate noise insulation in the apartments and has recommended such conditions. These have been included in the suggested conditions of consent.

I am satisfied that the on-going noise effects, including those associated with reverse sensitivity, will be no more than minor, provided that the suggested conditions of consent are incorporated and adhered to.

12.3.12 Effects on viewshafts

Ms O'Callahan discusses the potential effects on the viewshafts identified in the WCDP. Of relevance are Viewshafts 10 (Hunter Street), 11 (Willeston Street) and 12 (Chews Lane/Harris Street).

Ms O'Callahan states: *"The applicant has not specifically provided any information in respect of the impact of the additions and alterations in relation to these viewshafts. It would be useful if photomontages incorporating these views were available for the Committee at the hearing"*. Notwithstanding this, Ms O'Callahan has made an assessment of the likely impacts from visiting the viewpoint locations and viewing the existing OPT building from these points.

Ms O'Callahan states that there is a minor alteration in the Viewshaft 10 (Hunter Street) and negligible effects on the other viewshafts.

Ms O'Callahan also discussed the public views over which concern was raised in submissions. Ms O'Callahan indicated that these views were not afforded specific protection in the WCDP and that the effect on these view is not substantial and is consistent with the WWF.

Provided this assessment is supported in photo montages to be supplied by the applicant for Viewshafts 10 (Hunter Street), 11 (Willeston Street) and 12

(Chews Lane/Harris Street) identified in the WCDP, I am satisfied that the adverse effects of the proposed development of viewshafts will not be more than minor.

12.3.13 Effects on private views

Ms O'Callahan discussed the impact on private views that was highlighted in concerns raised in submissions. Ms O'Callahan considered that while some extent of private views were lost from some east-facing windows within the Chaffers Dock Building the main orientation in terms of views from the building was north over the Marina and that these effects would be minor. I concur with this assessment..

12.3.14 Effects on sunlight/shading

The effects of the proposal on sunlight and shading are assessed in Ms O'Callahan's report. I concur with Ms O'Callahan that the shading effects as a result of the development will be no more than minor.

12.3.15 Lighting

Ms O'Callahan has assessed the lighting proposal for the pedestrian routes and outdoor car parking. She considered the proposal will be consistent with the WCDP requirements and that there will be no adverse lighting effects. I concur with Ms O'Callahan's assessment.

12.4 Summary of effects

It is clear in my opinion that there is the potential for adverse effects on the environment that are more than minor, particularly the effects on heritage values and the impact on marina activities during the construction period.

There are also a number of positive effects of the proposal, including the strengthening works to the Clyde Quay Wharf that the applicant's structural assessment describes as necessary.

In certain areas there is not sufficient detail in the application to confirm the scale of effects or whether the effects will be adequately mitigated.

The specific areas where more detail is required are:

1. *Details of possible heritage fabric of the Clyde Quay Wharf and OPT building that can be retained or reused within the development in order to mitigate the adverse effects on heritage values;*
2. *A confirmation of the key maritime-related businesses that provide support to the marina referred to in the MOA and details of how these businesses are to be temporarily accommodated during construction;*
3. *Details of the trolley access system proposed to aid access to the marina during the construction period;*

4. *Details of how some of maritime-related businesses that provide support to the marina, including but not necessarily limited to those key businesses outlined in the MOA, will be retained within the development in order to mitigate the effects on the marina of the loss of other such businesses;*
5. *Details of an assessment of the liquefaction hazard of the site made by a suitably qualified engineering geologist; and*
6. *Details of measures to avoid, remedy or mitigate adverse wind effects on the eastern promenade in the vicinity of the pedestrian/vehicle cross link at the northern end of the proposed development;*
7. *The details of the measures proposed to ensure that taxi access to the wharf is restricted to that required for the pick-up and set-down of passengers only and that taxis do not remain on the wharf for other purposes (i.e. that the wharf is not used as a taxi stand); and*
8. *Photo montages for Viewshafts 10 (Hunter Street), 11 (Willeston Street) and 12 (Chews Lane/Harris Street) identified in the WCDP that include the proposed development.*

13. Statutory evaluation

13.1 New Zealand Coastal Policy Statement

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to outline policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

The NZCPS includes some general principles that provide for the special context of the coastal environment and the sustainable management of New Zealand's coastal environment.

The following principles are particularly relevant to this application:

Principle 2 – The protection of the values of the coastal environment need not preclude appropriate use and development in appropriate places.

Principle 3 – The proportion of the CMA under formal protection is very small and therefore management under the Act is an important means by which the natural resources of the CMA can be protected.

Principle 4 – Expectations differ over the appropriate allocation of resources and space in the coastal environment and the processes of the Act are to be used to make the appropriate allocations and to determine priorities.

Principle 7 – The coastal environment is particularly susceptible to the effects of natural hazards.

Principle 8 – Cultural, historic, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these is often irreversible.

Principle 13 – A function of sustainable management of the coastal environment is to identify the parameters within which persons and communities are free to exercise choices.

A number of the specific policies contained within the NZCPS provide specific direction for the development and content of regional plans and regional policy statements, rather than being specifically relevant to the consideration of resource consent applications. However, there are a number of policies relevant to this proposal. The relevant policies are identified below and are repeated in full in Appendix 10 to this report.

Chapter 1: The protection of the natural character the coastal environment and appropriateness of development (Policies 1.1.1 and 1.1.3).

Chapter 2: The protection of characteristics of special value to tangata whenua (Policy 2.1.2).

Chapter 3: Identifying recreational and historic area which are important to the region; recognising the amenity values of open space, (Policies 3.1.2 and 3.1.3), ensuring appropriate subdivision, use and development; avoiding, remedying, and mitigating adverse effects of subdivision, use and development (with a priority to avoidance); and the provision of adequate services to development in the coastal environment. (Policies 3.2.1, 3.2.2 and 3.2.5), location and design of new developments should avoid the need for hazard protection works (Policy 3.4.5), Maintenance and enhancement of public access (Policies 3.5.1 and 3.5.2)

Chapter 4: Alternatives to the occupation of Crown land (Policy 4.1.6), and consultation with tangata whenua (Policies 4.2.1, 4.2.2)

These relevant policies are reflected in the more specific objectives and policies of the RPS and RCP; therefore the discussion relating to these matters is contained in sections 12.2 and 12.3 of this report, rather than repeated here.

In summary, I have reviewed the NZCPS in relation to this application, and I consider that the current proposal is not consistent with policy 3.2.2 relating to appropriate use and development in the CMA, and adverse effects of use and development being avoided, remedied or and mitigated, to the extent practicable.

The proposal is likely to have significant adverse effects on the environment. While some effects have been appropriately addressed in the application, there are other effects that I do not believe have been avoided, remedied or mitigated, to the extent practicable.

In regard to some aspects of the proposal insufficient certainty has been provided in the application to determine whether or not some effects will be adequately avoided, remedied or mitigated.

It is my expectation that the applicant will provide information at the hearing to address the matters identified, in which case I may be in a position to review conclusions and the recommendation following assessment of this information.

13.2 Regional Policy Statement for the Wellington Region (RPS)

The RPS for the Wellington Region became operative in May 1995. This document is an overarching statement about the resource management issues of significance to the region and the objectives, policies and methods which are designed to achieve integrated management of the natural and physical resources of the whole region. The full wording of the relevant objectives, policies and methods are contained in Appendix 10 of this report. In exercising its functions and powers under the Act, GW is to have regard to the following relevant provisions of the RPS.

13.2.1 Chapter 4 – The iwi environmental management system

Chapter 4 states broad issues of resource management significance to tangata whenua of the region. In general, it states that the Treaty of Waitangi is the basis of Maori involvement in resource management in the context of the Act. It also identifies kaitiakitanga and tikanga as being two primary ways of implementing the iwi management system in relation to natural and physical resources.

Objectives, policies and methods relevant to this application include the following:

- Objectives 4.3.1, 4.3.2 and 4.3.4
- Policies 4.4.2 and 4.4.4
- Methods 4.5.2, 4.5.3 and 4.5.4

Objective 4.3.2 calls for the principles of the Treaty of Waitangi to be taken into account in resource management. Objective 4.3.4 is for there to be increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met. Policy 4.4.2 supports the active participation of tangata whenua in the resource consent process. Policy 4.4.4 states that the relationship of Maori and their culture and traditions, with their lands, water, sites, waahi tapu and other taonga is to be recognised and provided for.

The cultural impact report prepared by Raukura Consultants states that it was prepared in consultation with the two of the relevant recognised iwi authorities, Wellington Tenth Trust and Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui. It goes on to say that both these organisations, on behalf of their members, have received and endorsed this report.

Neither of these iwi authorities made a submission on the application, though one was received from Te Runanga o Toa Rangatira who expressed

disappointment at the lack of consultation, who have claim to tangata whenua status, though had no concerns with the proposal itself.

It is unfortunate that consultation with Te Runanga o Toa Rangatira was not undertaken by the applicant prior to lodgement of the application, however the rünanga was directly notified of this application and given an opportunity to make a submission and I discussed the application with a representative of the rünanga prior to the close of submissions. I am satisfied that these objectives and policies have been met in this application process.

13.2.2 Chapter 7 – The coastal environment

Chapter 7 contains objectives, policies and methods, which address coastal issues in terms of balancing the use and protection of the coastal environment, and the importance of the character of the coastal environment.

Objectives, policies and methods relevant to this application include the following:

- Objectives 7.3.1, 7.3.2, 7.3.3 and 7.3.4
- Policies 7.4.1, 7.4.2, 7.4.4, 7.4.5 and 7.4.6
- Method 7.5.3

Objective 7.3.1 sets out ways to ensure the preservation of natural character of the coastal environment, including managing the subdivision, use and development so that adverse effects are avoided, remedied or mitigated. Objective 7.3.2 and policy 7.4.4 relate to the maintenance and enhancement of public access to the CMA. Objective 7.3.3 and policy 7.4.5 relate to maintenance or improvement of coastal water quality. Objective 7.3.4 provides for increased opportunities for the aspirations of the tangata whenua for the coastal environment to be met.

Policy 7.4.1 sets out specific matters for protection to be considered when planning for and making decisions on subdivision, use and development in the coastal environment. This policy includes the protection of the values associated with nationally or regionally outstanding landscapes, and sites of historical or cultural significance, including those listed in Tables 9 and 10. Wellington Harbour and a number of waterfront buildings are listed in Table 10 as historical features, but not the OPT building or the Clyde Quay Wharf. Having said that, the regional significance of the Clyde Quay Wharf and wharf edge was later identified in the RCP. As outlined in 12.3.1(a) of this report I consider the proposal will have significant adverse effect on this regionally significant heritage feature and I therefore do not consider the proposal is consistent with this policy.

In assessing the effects of this application I have given consideration to the matters set out in policy 7.4.2 when making decisions about subdivision, use or development in the coastal environment. These matters include the potential impact of projected sea level rise, adverse effects of the development on

historic resources and on recreation, open space or amenity values and the impacts on natural character, including cumulative effects.

Policy 7.4.6 states that a precautionary approach should be adopted to the evaluation of risk in making decisions that affect the coastal environment, recognising that some situations have a low probability of occurring but high potential for major adverse effects. Such events include earthquakes and tsunami and accidental release of contaminants into the coastal marine area. The assessment of natural hazards is discussed in section 12.3.6 of this report. The risk of liquefaction in the vent of an earthquake needs to be addressed further but otherwise natural hazards matters have been adequately addressed.

13.2.3 Chapter 10 – Landscape and heritage

Chapter 10 contains objectives, policies and methods, which relate to landscape management, particularly the integration of the management of resources, including cultural heritage.

Objectives, policies and methods relevant to this application include the following:

- Objectives 10.3.3, and 10.3.4
- Policies 10.4.5, 10.4.6, 10.4.7 and 10.4.8
- Methods 10.5.8, 10.5.13 and 10.5.17

Objective 10.3.3 gives effect to the requirement in the Act to recognise and protect heritage values of sites, buildings, places or areas. Objective 10.3.4 recognises that one of the most important aspects of landscapes (and the natural and physical resources that make them up) is their capacity to provide recreational opportunities.

Policies 10.4.5 and 10.4.6 are therefore relevant considerations in relation to the wider heritage impacts of the proposal. These policies relate to the management of regionally significant cultural heritage resources in making decisions on new subdivision, use and development, and ensuring adverse effects are avoided, remedied or mitigated.

The proposed site is not identified in the RPS as being part of a regionally outstanding landscape. The Overseas Passenger Terminal is also not classified as a “regionally significant cultural heritage resource” as described in the explanation of this policy. (i.e. it is not listed by Historic Places Trust as a Category 1). Having said that, the regional significance of the Clyde Quay Wharf and wharf edge was later identified in the RCP. I consider the proposal will have significant adverse effects on this heritage values of the wharf and wharf edge that I do not believe have been adequately mitigated. I therefore do not consider the proposal is consistent with this policy.

Policy 10.4.7 is to manage and protect existing recreational opportunities of regional significance. Policy 10.4.8 is to promote, on behalf of future

generations, the protection of the potential for recreation in a range of areas, including open space and the coast. I consider that the proposal meets the requirements of these two policies, in that in the proposal enhances the existing recreational opportunities that the waterfront area is highly valued for, provided the adverse effects (including wind and shading effects) on adjoining recreational opportunities are appropriately avoided, remedied or mitigated.

13.2.4 Chapter 11 – Natural Hazards

Chapter 11 contains objectives, policies and methods, which relate to reducing the impacts of natural hazards.

Objectives, policies and methods relevant to this application include the following:

- Objective 11.3.1
- Policies 11.4.1 and 11.4.2
- Method 11.5.9

Objective 11.3.1 is that any adverse effects of natural hazards on the environment of the Wellington Region are reduced to an acceptable level. Policy 11.4.1 is to ensure that there is sufficient information available on natural hazards to guide decision making.

- (1) Policy 11.4.2 specifies a number of matters to be considered when making decisions on new subdivision, use and development in areas which are known to be susceptible to natural hazards.

I consider that the proposal is consistent with policies relating to natural hazards, provided that the issue of liquefaction in the event of earthquake is adequately addressed in the hearing.

13.3 Regional Coastal Plan for the Wellington Region

The RCP became operative in June 2000 and is the relevant regional plan when considering this proposal. It contains a number of objectives and policies relevant to the proposal and these provisions are discussed below.

The full wording of the relevant objectives and policies is contained in Appendix 10 of this report. In exercising its functions and powers under the Act, GW is to have regard to the following relevant provisions of the RCP.

13.3.1 Chapter 4 – General objectives and policies

Chapter 4 of the RCP identifies general objectives and policies which apply to all activities to which this application relates. Given scale of the proposal a large number of objectives and policies within this chapter are relevant.

Relevant objectives and policies within this chapter include:

Environmental objectives: 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.1.9, 4.1.10, 4.1.11, and 4.1.12,

Environmental policies: 4.2.2, 4.2.3, 4.2.6, 4.2.7, 4.2.8, 4.2.12, 4.2.15, 4.2.17, 4.2.18, 4.2.19, 4.2.20 and 4.2.21,

Tangata whenua objectives: 4.1.14 and 4.1.16

Management objectives: 4.1.19, 4.1.23, 4.1.24, 4.1.25 and 4.1.26,

Management policies: 4.2.33, 4.2.34, 4.2.35, 4.2.36, 4.2.37, 4.2.38, 4.2.39, 4.2.42, 4.2.43, 4.2.44, 4.2.45, 4.2.46 and 4.2.47

Objective 4.1.2 supports appropriate use and development in the CMA which meets set criteria, including requiring a CMA location, providing an essential public service, having minor adverse effects or adverse effects being remedied or mitigated. I consider the proposal as it stands will have significant adverse effects on the Chaffers Marina, which requires a location in the CMA. I therefore do not consider the proposal to be consistent with this objective.

In the same vein, both objective 4.1.3 and policy 4.2.8 relate to ensuring that adverse effects of new activities on legitimate activities in the CMA are avoided, remedied or mitigated as far as is practicable. Legitimate activities can be interpreted as including those activities which have reasonable need to be located in the CMA. As discussed the proposal has the potential to have significant effects on the Chaffers Marina, which is such a legitimate activity. The proposal is therefore not consistent with this policy.

I consider that the proposal meets objective 4.1.8 relating to public access, provided that the closure of the wharf during construction is minimised as far as practicable (i.e. that construction is completed as rapidly as is practicable).

I am satisfied that the proposal meets objective 4.1.12 and policy 4.2.21 relating to natural hazards and hazardous substances, provided that the issue of liquefaction in the event of earthquake is adequately addressed by the applicant in the hearing.

Although consultation was not undertaken with Te Runanga o Toa Rangatira I am satisfied that the application is consistent with objectives 4.1.14, 4.1.16 and 4.1.19 relating to tangata whenua and community involvement.

Objective 4.1.23 is that the conditions placed on resource consent are used as a means of avoiding, mitigating or remedying adverse effects. Suggested conditions have been included as Appendix 9 of this report, should the Hearing Committee determine it appropriate to grant the consents. Additional conditions are also expected to be necessary dependant on the information and mitigation that I have requested that the applicant supply.

Objective 4.1.24 relates to providing for the comprehensive development of Lambton Harbour Development Area, provided potential adverse effects avoided, remedied or mitigated. I consider that the applicant can provide

further details of mitigation of the effects on heritage values and marina activities then the proposal may be consistent with this policy.

Objective 4.1.25 states that activities that span the line of mean high water springs are managed in accordance with the provisions of both this plan and any requirements set out in the relevant district plan. Corresponding policy 4.2.42 is to have particular regard to the objectives and policies of the relevant district plan(s) when assessing an application for an activity which spans the CMA boundary, and where appropriate, to deal with such applications through joint hearings. Although the proposal is located entirely within the CMA, I believe this objective and corresponding policy support the approach taken to assess the effects of this application, in particular the consideration given to issues covered by the relevant district planning instruments. I am satisfied that these instruments, the Wellington City District Plan and the Wellington Waterfront Framework in particular, are appropriate considerations for assessment under section 104(1)(c).

Objective 4.1.26 states that in promoting the sustainable management of the CMA, the importance of the Port of Wellington to the social and economic well being of the Region is recognised.

Policy 4.2.6 is to recognise the importance of the CMA as a place for the safe and convenient navigation of ships and aircraft, and to protect these activities from inappropriate use and development. Policies 4.2.7 and 4.2.43 are to recognise that port and harbour activities are an appropriate use of the CMA provided that the environmental protection policies of this Plan can be satisfied.

As discussed in section 12.3.4 of this report, the proposal will have negligible impact on port activities and the functions of the Port of Wellington.

I have given consideration to policy 4.2.3, which provides guidance when considering the significance of adverse effects of activities on the CMA.

I consider that policies 4.2.15, 4.2.17 and 4.2.18, relating to public access, are met; in particular policy 4.2.17 recognises that there are occasions when some restrictions on public access are appropriate, such as during construction. The proposal will involve the closure of the wharf to the public during construction but I consider this appropriate for health and safety reasons. Although the proposal will involve the encroachment of the building on existing public open space on the wharf, there are other enhancements to public open space proposed. Overall I consider the proposal is consistent with these policies.

Policy 4.2.12 relates to the protection of significant cultural and historic features from the adverse effects of use and development, in particular the features and buildings identified in Appendix 4 of the RCP are to be protected. The wharf and wharf edge are identified in Appendix 4. As discussed in section 12.3.1(a) of this report, I consider the proposal will have significant adverse effects on this heritage listed feature and the proposal is not consistent with this policy. I have requested that details of potential mitigation of these effects be provided by the applicant in the hearing.

Policies 4.2.19 and 4.2.20 relate to recognising the importance of amenity values in the CMA, and recognising the importance of the CMA to recreation activities, respectively. These policies require any adverse effects on these values to be avoided, where practicable; and where avoidance is not practicable, to remedy or mitigate the adverse effects.

I consider that the proposal is consistent with policies 4.2.33 and 4.2.34, relating to coastal occupation, the involvement of stakeholders in the coastal management, and transparent decision-making.

Consideration was given to policies 4.2.35 and 4.2.37, in forming the suggested conditions provided in Appendix 9 of this report for matters where conditions are considered an appropriate way to avoid, remedy or mitigate adverse effects. Further consideration should be given to these policies should the Hearing Committee determine to grant the resource consents.

In undertaking my assessment and in making my recommendation I have given regard to the matters identified in policy 4.2.36. Although I consider that the application as it stands should not be granted, I consider that the applicant may be able to provide details of mitigation of the significant adverse effects of the proposal. In the event that consents are granted I have suggested conditions of consent, taking into account the matters identified in this policy.

Policy 4.2.38 seeks to encourage applicants to... *identify in the consent application how adverse effects may be avoided, remedied or mitigated.* I believe that the applicant should provide further details of mitigation of adverse effects in order to ensure consistency with this policy.

Policy 4.2.39 is *to recognise that there are circumstances where placing conditions on resource consents may not be sufficient to avoid, remedy or mitigate the adverse effects of a proposal, and that such circumstances consent applications will be declined.* Unless further details of adequate mitigation are provided by the applicant, I consider that the adverse effects of the proposal may be significant to the extent that conditions of consent could not ensure that they are adequately avoided, remedied or mitigated. This policy supports the approach I have taken to recommend the application be declined, unless the matters outlined in section 12.4 of this report are satisfactorily addressed by the applicant at the hearing.

Policy 4.2.45 relates specifically to the Lambton Harbour Development Area, which this application is within. The policy states that the Lambton Harbour Development Area should:

9. *Provide for a wide range of activities appropriate to the harbour/city interface;*
10. *Provide for a development compatible with the urban form of the city;*
11. *Recognise the heritage character, development and associations of the area;*

12. *Develop and have particular regard to any design guides for the area which are contained in any proposed or operative Wellington City District Plan;*
13. *Provide for a range of public open spaces, access and through-routes, and to ensure that their nature, purpose and function is maintained;*
14. *Ensure that the effects of development and activities do not detract from people's enjoyment of the this area; and*
15. *Ensure that the area is an integral part of the working port of Wellington.*

These aspects are assessed in the assessments of Ms O'Callahan and TAG. These assessments confirm that the proposal is consistent with points 1, 2, 4, 5 and 6. As discussed in section 12.3.4, the proposal will not have a marked effect on port activities and the proposal is consistent with point 7. However, I do not consider the proposal recognises and takes account of the heritage character of the site and therefore I do not consider the proposal consistent with point 3.

Policies 4.2.46 and 4.2.47 provided for the RCP to be varied or changed once the relevant District Plans become operative to ensure cross-boundary consistency in the Lambton Harbour Development Area and Commercial Port Areas.

The RCP has not been varied or changed as outlined in policies 4.2.46 or 4.2.47, this was considered unnecessary given that objective 4.1.25 and policy 4.2.42 enables the relevant aspects of the District Plan and relevant design guides can be taken into account in determining a resource consent application of this nature.

However in 2007 the RCP (Plan Change 1) and the WCDP were conjointly varied in relation to port noise. This plan change has no significant implications for this proposal.

13.3.2 Chapter 6 - Structures

Chapter 6 of the RCP sets out relevant objectives, policies and rules regarding the use, construction, alteration, maintenance, removal, etc of structures in the CMA. Relevant objectives and policies within this chapter are identified below.

This chapter relates specifically to the use and development of proposed structures including the refurbishment of the wharf, the redevelopment of the building and the construction of the lower-level jetty extension and sub-wharf level parking deck.

Relevant objectives and policies within this chapter include:

Environmental objectives: 6.1.1, 6.1.2, 6.1.3 and 6.1.4

Environmental policies: 6.2.1, 6.2.2, 6.2.4, 6.2.5, 6.2.6, 6.2.7, 6.2.9 and 6.2.12

Objectives 6.1.1 and 6.1.2 both relate to the appropriateness of structures. Objective 6.1.1 is that appropriate structures which enable people and communities to provide for their economic and social well-being are allowed. Objective 6.1.2 is that there is no inappropriate use or development of structures in the CMA.

Objectives 6.1.3 and 6.1.4 and subsequent policy 6.2.12, are to protect the environment, the community and its assets from risks and adverse effects associated with spills from facilities using and/or storing hazardous substances.

Policy 6.2.1 identifies the use and development of certain structures as appropriate in the CMA. The proposal involves activities (residential use and non-marine related commercial activities) that are not fundamentally dependant on a location in the CMA, nor do they support and service those that must be located in the CMA and are unable to be located outside of the CMA (e.g. The Chaffers Marina). Although the proposal involves the use of a structure located within the Lambton Harbour Development Area identified in the policy, I do not consider the proposal is consistent with this policy. I have suggested a condition of consent to ensure that some of these appropriate activities are retained within the development if the proposal is to be granted consent.

Policy 6.2.2 is to not allow use or development of structures in the CMA where there will be (among other things) adverse effects on significant places or areas of historic or cultural significance or where there will be significant adverse effects on recreational uses or structures of historic merit, unless such adverse effects can be satisfactorily mitigated or remedied.

I consider that the proposal will have significant adverse effects on the heritage values of the Clyde Quay Wharf, which has been identified as a feature of historic merit, and the OPT building, which also has recognised heritage values. I also consider that the proposal has the potential to have significant effects on recreational activities in the Chaffers Marina. I do not consider there to have been enough detail provided by the applicant of proposed mitigation or avoidance of these effects and as such I do not consider the application is consistent with this policy.

Matters identified in policy 6.2.5 have been appropriately considered in the applicant's natural hazards assessment and in the assessment by Ian Dawe, GW Hazards Analyst. There are matters identified in the policy in regard to major earthquake events that have yet to be fully addressed in the application.

Policy 6.2.6 relates to lighting not causing adverse effects. As discussed in section 12.3.15 of this report I do not consider lighting to have such effects.

Policy 6.2.9 is 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 CMA. The proposal will have no such impact on the viewshafts identified in the WCDP.

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

Chapter 7 of the RCP sets out relevant objectives, policies and rules regarding any activity which results in destruction, damage, or disturbance of foreshore or seabed.

This chapter relates specifically to the disturbance and damage to the seabed associated with the re-piling of the wharf structure outlined in section 6.4 of this report.

Relevant objectives and policies within this chapter include:

Environmental objectives: 7.1.2

Environmental policies: 7.2.1

Management objectives: 7.1.4

Objective 7.1.2 is that adverse effects from activities which destroy, damage or disturb foreshore or seabed are avoided, remedied or mitigated. Objective 7.1.4 seeks to ensure that the positive effects from activities that disturb the foreshore or seabed are recognised where such activities are undertaken for the well-being of the community.

Policy 7.2.1 seeks 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. The policy sets out criteria for determining whether effects are deemed to be ‘minor’. The proposed disturbance meets most, but not all of the criteria; however, the nature of the disturbance is short-term. I consider that submission of a construction management plan would be an appropriate way of ensuring that appropriate measures taken to avoid, remedy or mitigate adverse effects on water quality and marine ecology, and to minimise potential for off-site effects. A condition requiring a construction management plan to be submitted to GW for approval is included in the suggested conditions in the event that consents are granted.

The works to re-pile and strengthen the wharf will disturb the seabed. The effects of this works will be temporary for the duration of the works and a short time following. Positive effects of the works are that the strengthening of the wharf will enhance the longevity of the wharf structure. I consider that the proposal is consistent with this policy.

13.3.4 Chapter 10 – Discharges to land and water

Chapter 10 of the RCP sets out relevant objectives, policies and rules regarding the discharge of a contaminant or water to coastal water, water in the lower reaches of rivers within the CMA, or to land in the CMA.

This chapter relates specifically to the discharge of contaminants associated with the demolition and construction works, including the discharge of sediment, marine flora and fauna necessary for the surveying of the existing piles and the re-piling of the wharf structure as outlined in section 6.4 of this report.

Relevant objectives and policies within this chapter include:

Environmental objectives: 10.1.2, 10.1.3 and 10.1.5

Environmental policies: 10.2.2, 10.2.4, 10.2.8, 10.2.9 and 10.2.11

Objectives 10.1.2, 10.1.3 and 10.1.5 relate to maintaining or enhancing water quality, that it is consistent with tangata whenua values, and ensuring that there is no risk to human health.

Policy 10.2.2 sets out water quality standards which water is to be managed to meet. This includes managing water in the CMA within Wellington Harbour for contact recreation purposes, unless specified in policy 10.2.1 (which specifies management for shellfish gathering purposes). The inner harbour is not specified in policy 10.2.1. Water quality that must be met is set out in Appendix 6 of the Regional Coastal Plan – included in Appendix 10 of this report.

Policy 10.2.4 is that these water quality standards do not apply 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 CMA; 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.*

The proposed discharge associated with the construction, demolition and re-piling works is of a temporary nature. It would not be inconsistent with this policy or the Act to grant the resource consents to allow this discharge, provided the issues relating to the other aspects of the proposal can be satisfactorily resolved.

Policy 10.2.8 relates to monitoring the effects of the discharge and compliance with any conditions or standards imposed on the consent. Given the minor and temporary effects of the discharge and its diffuse nature I do not consider

monitoring in the form of water quality sampling in the area of works to be appropriate.

Policy 10.2.11 is 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 CMA. These matters have been discussed in sections 12.4.6 and 12.1.7.

13.3.5 Chapter 14 – General standards and terms

This chapter sets out general standards and terms that apply where a rule in the Plan requires that an activity comply with them. All activities require consents under ‘catch-all’ rules and have full discretionary status, with the exception of those related to application WGN080120 [26391] for the occupation of the land of the crown in the CMA with the lower-level jetty extension, which is a controlled activity provided the consents are granted. The controlled activity rule (Rule 16) is the only relevant rule which refers to the general standards and terms in chapter 14.

Relevant standards for this activity include 14.1.1 which relates to public safety, and 14.1.2 which relates to lighting and glare. Standards 14.1.3 and 14.1.5 which relate to noise and storage of hazardous materials, respectively, are relevant to the activity as a whole and to a lesser extent the occupation. I consider that this activity will in all likelihood meet the general standards and terms.

13.3.6 Chapter 18 – Cross boundary issues

This chapter sets out procedures to be used to resolve cross boundary issues. The cross boundary issue in relation to this application is that some effects cross between territorial authority and regional council boundaries. Processes set out in this chapter include:

‘to seek a consistent approach between plans dealing with the control of activities where such activities span boundaries or the effects of activities span boundaries.’

While this activity itself does not span the CMA boundary, some of the effects of the activity are likely to. In addition, the RCP indicates the intent for activities in the CMA to be dealt with in a consistent manner to activities located in a similar environment on the landward side of the CMA boundary.

This section reinforces our approach of assessing the proposed activities against the relevant aspects of the WCDP and the WWF, and seeking assessment advice from relevant WCC technical advisors on the proposal.

13.3.7 Summary

The RCP enables the consideration of relevant aspects of the Wellington City District Plan and the WWF, in determining this application. These have been assessed by Ms O’Callahan in her report, attached in Appendix 1.

The proposal in is not consistent with provisions of the NZCPS, RPS and RCP, in the specific areas summarised in particular regard to the effects on heritage values and activities functionally dependent in a location in the CMA. The proposed development will have significant adverse effects on the environment in these areas. While some effects have been appropriately addressed in the application, there are other effects which I am not satisfied that the proposal appropriately avoids, remedies or mitigates. For some aspects insufficient detail and/or certainty has been provided to determine whether or not some effects will be adequately avoided, remedied or mitigated.

While there are areas of inconsistency with relevant policy provisions, I believe that the applicant may be able to provide further details of mitigation in order to reduce the extent of the inconsistency.

13.4 Other matters

13.4.1 District plan provisions

Given the nature of the application I consider it appropriate that the WCDP and WWF are considered as relevant matters under section 104(1)(c) of the Act. These matters have been considered in the report by Ms O’Callahan that forms Appendix 1 of this report. Appendices 2 – 5 and 7 of this report include the technical assessments in relation to wind, traffic, noise, urban design and heritage.

13.4.2 Draft Regional Policy Statement for the Wellington Region

The RPS is currently under review. A draft of the new document is due for release for consultation later in the year, however, the provisions of this document have yet to be confirmed and therefore I have not taken them into consideration as part of this assessment.

13.5 Resource Management Act 1991, Part II – Purpose and principles

Part II of the Act encompasses sections 5, 6, 7 and 8. Section 5 sets out the purpose of the Act. Section 6 sets out matters of national importance to be recognised and provided for; and section 7 sets out other matters to be given particular regard to. Section 8 embeds the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) into the Act.

The considerations of section 104 of the Act are all subject to Part II of the Act. This gives primacy to Part II and is an indication that this is the key aspect of the Act.

13.5.1 Section 5 – Purpose and Principles

The purpose of the Act is to promote sustainable management of natural and physical resources.

Section 5(2) defines “sustainable management” as:

*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 enable 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.*

The proposal will provide a number of economic and social benefits to the community, as outlined in section 12.1.

The proposal will also have adverse effects, some of which I consider to be significant, as outlined in sections 12.2 and 12.3.

I am satisfied that the proposal will sustain the physical resource of the Clyde Quay Wharf and the natural resource of the CMA in this area. I am also satisfied that the proposal will any impact on the life-supporting capacity of the air, water, soil or ecosystems will be minor, localised to within the immediate vicinity of the wharf and short-lived.

I am not satisfied, based on the information provided by the applicant to date, that the adverse effects on the environment will be adequately avoided, remedied or mitigated. I believe that in order to achieve consistency with section 5(c), the applicant should provide further details of appropriate avoidance or mitigation concerning the issues discussed in section 12.4 of this report.

I therefore consider that the proposal at present does not constitute “sustainable management” of natural and physical resources and is not consistent with the purpose of the Act. However, should the applicant provide further details of appropriate measures for the avoidance, remedy or mitigation of the significant adverse effects I believe that the proposal may achieve consistency with the purpose of the RMA.

13.5.2 Section 6 – Matters of National Importance

In exercising its powers and functions under the Act, the consent authority, in relation to managing the use, development, and protection of natural and physical resources, is required to recognise and provide for the matters set out in Section 6 of the Act, which are considered to be of national importance.

As this is a highly modified environment, several of the matters are not entirely relevant to this application.

I consider the following matters identified in section 6 to be of relevance to this application:

- (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.*

There will be some restriction to public access to and along the CMA while the wharf is closed during construction for public health and safety reasons; however, this restriction will only be temporary. In the long term, the encroachment of the building on public space will slightly reduce the area of the CMA to which the public has access. However, the provision of further public amenity areas will enhance access to the CMA.

As the wharf is sited on an area of reclamation of the original seafloor of Wellington Harbour, there is not a lot of recorded history regarding the use of the site by Maori and no sites of significance such as those referred to in section 6(e) have been identified in the area. The cultural impact assessment report by Raukura Consultants states that the proposal will not create any significant cultural impacts provided that appropriate construction practises are carried out. Given that the suggested conditions of consent include the requirement for the submission of a Construction Management Plan to ensure that such practises are carried out, I consider the proposal to be consistent with section 6(e) of the RMA.

There are potentially significant adverse effects on the heritage values of the wharf and wharf edge primarily and the OPT building as well. I do not consider the proposal to be consistent with section 6(f) of the RMA

The impact of the proposal on a matter of national importance is significant and I believe the applicant should provide further detail of possible measures that may mitigate the effects on heritage values.

13.5.3 Section 7 – Other matters

Other matters to which GW must have particular regard in relation to managing the use, development, and protection of natural and physical resources are listed in section 7 of the Act.

Section 7(a) and 7(aa) provides opportunities for tangata whenua, through the practical expression of kaitiakitanga and the ethic of stewardship to be involved in managing the use, development and protection of their ancestral taonga(resources). I believe, although Te Runanga o Toa Rangatira were not consulted prior to lodgement of this application that such opportunities have been provided.

The maintenance and enhancement of amenity values (section 7(c)), the maintenance and enhancement of the quality of the environment (section 7(f)), any finite characteristics of natural and physical resources (section 7(g)) and the effects of climate change (section 7(i)), are discussed in section 12.3.6 of this report.

The proposal has the potential to enhance the quality of the waterfront environment; however, modifications to the proposal are necessary to satisfactorily achieve this. In many respects I consider that the proposal will be beneficial to public amenity and where there are adverse effects on amenity in general, they will be no more than minor.

Overall I believe that, provided these matters are satisfactorily addressed at the hearing, the application is consistent with section 7 of the RMA.

13.5.4 Section 8 – Principles of the Treaty of Waitangi

I consider the proposal is in accordance with section 8.

14. Conclusions

I have considered the application information, submissions, and expert advice of specialist advisors and have assessed the proposal against the relevant aspects of statutory resource management instruments and other relevant documents.

I believe that there is a clear potential for the proposal to have adverse effects on the environment that are more than minor, in particular regard to heritage values and the function of the adjacent marina. Further to this, I do not believe that the applicant has not provided enough information to conclude that these effects will be appropriately avoided, remedied or mitigated.

I do not consider the proposal is consistent with section 6(f) of the RMA, nor is it consistent with objectives and policies of the Regional Policy Statement and Regional Coastal Plan in a number of areas.

This proposal represents an opportunity to continue the overall re-development of the waterfront, as Mr Blunt stated in his comments on the proposal: *“looking at the bigger picture this proposal which references the existing structure provides the ‘new heritage’ for future generations.”* As a number of submissions point out, the wharf and building are in a state of disrepair, and structural repairs to the wharf are required to comply with the earthquake requirements of the Building Act. If this proposal does not go ahead the site will likely remain in this state of disrepair for some time.

I suggest that the applicant provide further details or medications to the proposal to overcome concerns in the following areas:

1. *Details of possible heritage fabric of the Clyde Quay Wharf and OPT building that can be retained or reused within the development in order to mitigate the adverse effects on heritage values;*

2. *A confirmation of the key maritime-related businesses that provide support to the marina referred to in the MOA and details of how these businesses are to be temporarily accommodated during construction;*
3. *Details of the trolley access system proposed to aid access to the marina during the construction period;*
4. *Details of maritime-related businesses that provide support to the marina, including but not necessarily limited to those key businesses outlined in the MOA, that will be retained within the development in order to mitigate the effects on the marina of the loss of other such businesses;*
5. *Details of an assessment of the liquefaction hazard of the site made by a suitably qualified engineering geologist; and*
6. *Details of measures to avoid, remedy or mitigate adverse wind effects on the eastern promenade in the vicinity of the pedestrian/vehicle cross link at the northern end of the proposed development;*
7. *The details of the measures proposed to ensure that taxi access to the wharf is restricted to that required for the pick-up and set-down of passengers only and that taxis do not remain on the wharf for other purposes (i.e. that the wharf is not used as a taxi stand); and*
8. *Photo montages for Viewshafts 10 (Hunter Street), 11 (Willeston Street) and 12 (Chews Lane/Harris Street) identified in the WCDP that include the proposed development.*

Although the proposal is likely to have significant adverse effects and is not consistent with specific national and regional policy provisions in relation to historic heritage values and the ability to use the CMA for activities that are functionally dependent on a location there, I believe that the applicant may be able to provide details of measures that may adequately mitigate these effects.

Taking into account the benefits that this proposal is likely to bring, provided adequate mitigation of the effects in the aforementioned areas and subject to the recommended conditions of consent I believe that, on balance, the proposal can constitute sustainable management as described in Part 2 of the RMA. If this were the case I believe that it would be consistent with the purposes and principles of the RMA to grant this resource consent, subject to those conditions.

However, as it stands, I do not consider that the proposal meets this requirement, does not constitute “sustainable management” in that the adverse effects of the proposal have not been appropriately avoided, remedies or mitigated and I therefore recommend that the Hearing Committee decline the applications, pending the submission of satisfactory details of appropriate mitigation.

15. Recommendation

*That under sections 104B, 105 and 107 of the Resource Management Act applications for resource consent WGN080117 [26385 – 7] and WGN080200 [26390 – 3] by Capital Wharf Limited and Wellington Waterfront Limited associated with the proposed refurbishment of the Clyde Quay Wharf and the redevelopment of the Overseas Passenger Terminal building be **declined**.*

16. Duration of consent

The applicant has not requested specific durations to be placed on the consents. In the event that the Hearing Committee sees fit to grant the resource consents, I consider that the following durations to be appropriate.

Coastal permits WGN080117 [26385] and WGN080120 [26390] relate to the redevelopment/refurbishment, use and maintenance of what will largely be permanent structures and as such I consider that terms of 35 years, the maximum term allowable under section 123 of the RMA, to be appropriate for these permits.

Likewise, coastal permit WGN080120 [26391] relates to the occupation of land of the crown within the CMA what will largely be a permanent structure and I consider that the same 35 duration is appropriate for this permit.

Coastal permits WGN080117 [26386] & [26387] and WGN080120 [26392] & [26393] relate to discharges and disturbance during the constructions period. As the construction period is estimated to be two years I consider a duration of seven years will allow for delays in construction, while ensuring the works are carried out in a timely manner.

Report prepared by:



JASON PENE
Senior Resource Advisor
Environmental Regulation

Recommendation approved by:



AL CROSS
Manager
Environmental Regulation

Appendix 1: District planning report – Mary O’Callahan

**Report to the Resource Consent Hearing Committee
Greater Wellington Regional Council**

5 February 2008

Notified Applications

<u>Site Address:</u>	Clyde Quay Wharf, Lambton Harbour
<u>Legal Description:</u>	Lot 2 DP 66187 and Section 2 SO 34178
<u>Applicant:</u>	Capital Wharf Limited (WGN080120) Capital Wharf Ltd and Wellington Waterfront Ltd (WGN080117)
<u>Proposal:</u>	The redevelopment of the Overseas Passenger Terminal building and wharf
<u>Owner:</u>	Wellington Waterfront Limited
<u>Plan Numbers:</u>	Athfield Architects' plans labelled Overseas Passenger Terminal & Clyde Quay Redevelopment and numbered RC0.00, RC1.00, RC2.00, RC2.01, RC2.02, RC2.03, RC2.04, RC2.05, RC2.06, RC2.07, RC3.00, RC3.01, RC3.02, RC5.00, RC5.01, RC5.02, RC5.03, RC6.00, RC6.01 (all dated 10 September 2007), RC3.02a and RC.03b (both dated 11 December 2007).

1. Introduction

- 1.1 The purpose of this report is to provide an assessment of the land use related effects and relevant land use planning documents in respect of the resource consent application to redevelop the Overseas Passenger Terminal (**OPT**) for residential apartments and a range of retail, café and other uses, together with associated public space enhancements on the Clyde Quay Wharf within Lambton Harbour.
- 1.2 The report has been commissioned by Greater Wellington Regional Council (**GWRC**), to form part of the officer's report for the resource consent applications lodged by Capital Wharf Ltd and Wellington Waterfront Ltd for the proposed development.
- 1.3 This report only addresses the land use related environmental effects of the proposed development and provides an assessment against the Wellington City District Plan (**WCDDP**) and the Wellington Waterfront Framework (**WWF**). The Regional Coastal Plan (**RCP**) directs consideration of this application under the Wellington City Council (**WCC**) planning documents, as they provide the necessary guidance on the land use effects and resource management framework considering these effects. Conclusions

are based on a land use effects assessment and the above planning documents only and not the overall environmental effects of this proposal. No overall assessment under the Resource Management Act (**RMA**), in particular Part 2 of the Act, has been completed. The overall assessment of the proposed development is to be completed by the Greater Wellington Senior Resource Advisor, Jason Pene.

1.4 This report collates urban design, heritage, wind, traffic and noise advice provided to Greater Wellington by WCC specialist advisors. Generally, the specialist assessments and this report have been prepared as if the site were within the Wellington City District Plan (Lambton Harbour Area) jurisdiction, in a similar manner to other recent waterfront developments where land use consent from Wellington City Council was required for the proposed development.

1.5 To this end, the report is structured as follows:

- Site description
- Proposal description
- Notification and submission details
- District Plan analysis
- Assessment of effects
- Objectives and policies
- Conclusions

1.6 The report and assessment follows a similar format to the report I completed for GWRC for the Hilton Hotel resource consent application in 2006.

2. Site Description

2.1 The site is the Clyde Quay Wharf, which separates Chaffers Marina within Lambton Harbour and Clyde Quay Marina. The wharf marks the separation between the Lambton Harbour Area and Oriental Bay to the east and is located entirely within the coastal marine area (**CMA**). The site is part of a large stretch of land owned and managed by Wellington Waterfront Limited and it includes the existing OPT building and wharf area immediately surrounding this existing building.

2.2 The wharf extends approximately 250 metres out into the harbour and was constructed in concrete in 1907. The wharf was widened in 1964 to allow for the construction of the OPT building. The OPT building was constructed in 1964.

2.3 Vehicular access is provided to the wharf and OPT from Oriental Parade, via Herd Street.

2.4 The OPT is currently used as a conference and exhibition centre, together with a range of marina and boating related retail and servicing tenancies.

2.5 The wider area is a vibrant mixed-use area containing a range of maritime and urban activities, reflecting its location at the edge of the urban area, adjacent to the harbour. While the site is obviously a wharf structure located within the sea, there is a seamless transition for both vehicles and pedestrians accessing it from the adjacent land.

- 2.6 The Herd Street post office building, which has recently been redeveloped with café and apartment uses, is located to the immediate south-west of the OPT. This building is also known as the Chaffers Dock Apartments. Waitangi Park is inland, beyond the Chaffers Dock Apartments.
- 2.7 The subject site is part of 20-hectares of waterfront land running from the OPT to Shed 21 opposite the Wellington Railway Station. The land is owned and managed by Wellington Waterfront Limited, a Wellington City Council controlled organisation.

3. Proposal

- 3.1 The proposal involves additions and alterations which will essentially reconstruct or replace the existing OPT building to create residential apartments on the upper levels, and a range of restaurant/café, retail and other tenancies on the ground floor. The proposal is expected to accommodate 70-90 residential apartments.
- 3.2 Car parking is proposed within an under wharf car park deck for 87-91 cars for use by the residential apartment occupiers, together with a further 26 covered parks for the apartments located at the western end of the building, at ground level. Uncovered public and marina car parking is also proposed on the wharf itself, with 7 parks proposed along the western side and a further 18 on the eastern side of the building. Up to 142 car parks will be provided in total. These figures represent the amended proposal, following the provision of further information on 13 December 2007, where the number and layout of uncovered wharf car parks was amended.
- 3.3 The proposal also involves the structural strengthening and upgrade of the Clyde Quay Wharf and general public space enhancement, including the construction of a new lower level jetty at the northern end of the wharf.

4. Notification and submissions

- 4.1 On 13 October 2007, the application was publicly notified in accordance with section 93 of the Act.
- 4.2 A large number of submissions were received in response to the notification of this application. 131 submissions were in support or conditional support of the application and rest opposed it. I have reviewed the summary of submissions prepared by Greater Wellington and individual submissions. My understanding of the key issues raised in submissions are summarised below.

Issues raised in support

- Proposed design is good, in keeping with surrounds – existing shape and theme retained;
- Existing OPT occupies a landmark site but is currently rundown/an eyesore and is underutilised;
- Adds vibrancy/vitality, rejuvenates an area in decline, enhances overall waterfront;
- Waterfront redevelopment of this nature has benefited major overseas cities;

- Fishing jetty and public viewing deck will add amenity;
- Willis & Bond (Capital Wharf Ltd) will do a good job, combination with Athfields is proven;
- Good mix of uses;
- Retention of public access, fishing access;
- Preservation of an icon;
- Attraction for the public, new businesses, visitors and locals;
- Wharf will be repaired/strengthened;
- Refurbishment achieved at no cost to rate-payers – private investment to enhance waterfront should be encouraged;
- Better security on wharf;
- More parking available;
- Gives opportunity for apartment living above wharf;
- Residential use will ensure that building is adequately maintained in future;
- Positive assessment from TAG;
- Good site for cafes/restaurants and apartments;
- View reduction is inevitable with redevelopment;
- Will bring economic benefits, including increase in rating base. Economic growth generated will increase sustainability of area;
- Doesn't involve the siting of a hotel on the wharf – LATE.

Issues associated with conditional support or neutral submissions

- Support except for inadequate marina parking provisions;
- Support upper level apartments but want wharf level retained for boat and yacht use;
- Site needs to be redeveloped but with a better design;
- If granted provisions should be placed to ensure:
 - construction disruption to Chaffers area is limited;
 - increase in height should be limited to 3-4m;
 - design and construction should be environmentally & energy sustainable;
 - traffic flow onto Oriental Parade is adequately managed
- Development should be changed to include the Hilton mixed with residential use;
- Would support if full study is made of the proposal, no other buildings are constructed to the north & east of Waitangi Park and traffic lights are placed at Herd St-Oriental Parade intersection;
- Would support a more subtle, discrete and smaller design;
- Would support if building remained that same as the existing;
- Support except for concerns over sustainability of design, should be more pedestrian-friendly and carparking limited;
- Lack of consultation undertaken with Ngati Toa as one of the two tangata whenua groups;
- Support subject to compliance with lease provisions of Chaffers Marina, protection of berthed vessels from construction damage, address of congestion problems at Herd St – LATE;
- Conditions should be placed to ensure that height is limited to proposed and adequate parking is provided for apartments marina and public – LATE.

Issues raised in opposition

Policy

- Proposal is contrary to the provisions:
 - Part 2 of RMA, in particular sections 5, 6(d) and (f), 7(c), (f) and (g);
 - New Zealand Coastal Policy Statement;
 - Regional Policy Statement for the Wellington Region;
 - Regional Coastal Plan for the Wellington Region, including policy 4.2.45;
 - Wellington City District Plan; and
 - Wellington Waterfront Framework;

Heritage

- OPT listed as heritage building in Wellington Waterfront Framework;
- Previous WCC heritage assessment has stated that the townscape/landscape value of OPT is very high. Would ordinarily be protected heritage feature in Regional Coastal Plan (RCP);
- Wharf deck and edge listed in App 4 of RCP as feature of historical merit;
- No alterations to wharf deck or edge permitted by Rule 6(1) of RCP;
- Full archaeological and conservation assessment should be carried out;
- Proposal contravenes the provisions of section 6(f) of the RMA, WWF and RCP;

Design

- Increase in bulk and scale excessive, footprint and height should be reduced/confined to existing;
- Height increased throughout building but particularly at the north and south ends;
- Landscaping and open space design is subordinate to building, contrary to WWF;
- Design of access ramp to the sub-wharf level and cutouts to either side will create pedestrian hazard;
- Overall design not in keeping with existing design and location
- Increased bulk will impact on views from waterfront promenade of St Gerards monastery and Mt Vic and views of neighbours (e.g. From Herd St apartments);
- Increase in bulk will increase shade, exacerbate wet/cold conditions on west side;
- Increase in bulk at southern end has been under-represented;
- Design short-sighted, does not consider global warming and potential for increased transport via large ships in the future;

Impact on marina function

- Proposed residential and commercial use will permanently displace marina related services from the OPT on completion;
- Wharf will be closed for construction period – no permanent marina services and access for mobile services impaired;
- Access for marina operations and berth holders significantly impaired during construction;
- Marina operations assessment is flawed, impact on operations is assessed but overall, collective impact on operations is not;
- Residential use may be sensitive to noise generated by marina activities (reverse sensitivity);
- Application is inconsistent with Chaffers Marina resource consent and application;

Traffic

- New uses will substantially increase traffic on along wharf and along Herd St;
- Increase in wharf traffic will increase pedestrian hazard and affect public amenity;

Parking

- Residential car parking at wharf level inconsistent with WWF;
- Marina and mobility card holder parking is appropriate but additional public parking is not;
- Car parking is limited, may compound already serious parking problem – car parks should be increased;
- Car parks on wharf may be usurped by outdoor seating for cafes;
- No parking available for trucks – would block eastern side of wharf;

Public access and public open space

- Access to entire wharf will be cut-off for at least 2 years during construction;
- Increase in building footprint, access ramp and car parking reduces promenade and constitutes a privatisation of public space;
- Construction will impact on neighbouring businesses, compensation should be provided;

Stormwater and services

- Increase in size bulk and length will increase amount of storm water;
- Significant upgrade to infrastructure required for apartments;

Wind

- Wind report is inadequate, does not contain actual measurements at the site
- Report shows increased wind effects on parts of the marina;
- Reduction in gap between OPT and Herd St Apartments will increase wind speeds;

Impact on amenity (noise, dust etc)

- Dust noise and congestion will be increased during construction;
- Mooring ships will impact on amenity for local residents through noise and vibration;
- Late night use may generate excessive noise;
- Limits should be set on construction hours (evenings and weekends) – LATE;

Use

- Coastal permits should not be granted for flats, car-parking, decks and jetties;
- Site wasted on apartments and retail, should be used to house a national music school and conservatorium;
- Loss of port related facilities is unacceptable;

Structural

- Assertion in AEE that the wharf is in an advance state of disrepair and is in urgent need of refurbishment is refuted
- Wellington Waterfront Limited has legal obligation to provide support to marina from wharf
- Wellington Waterfront Limited has legal obligation to ensure wharf complies with Building Act;

Failure to consider alternatives

- Applicant has failed to discuss alternative sites for the residential and commercial activities as it is legally obligated to do;

Ecological effects

- Construction will disturb seabed;

Consultation and application details

- Draft construction management plan is inadequate and lacking in specific detail;
- Application has been presented in misleading way (gives incorrect impression of minimal development);
- Lack of consultation with neighbours.

4.3 A number of the comments made by submitters relate to specific land use matters.

5 District Plan Analysis

5.1 In approaching the District Plan assessment of this proposal, it is firstly useful to think about how this proposal would be assessed, if it were within the Wellington City Council jurisdiction. That is, what rules would it be assessed under in terms of the Central Area provisions, as they apply to the Lambton Harbour Area?

5.2 The District Plan provisions for the Lambton Harbour Area incorporate the provisions of Variation 22 to the Proposed District Plan (**Variation 22**), which became operative on 27 July 2004. This variation incorporated the Wellington Waterfront Framework (**WWF**) into the District Plan by way of Central Area objectives, policies and rules relating specifically to the waterfront, with the Framework becoming the over-arching strategy or area specific design guide, for guiding the future development of the waterfront.

5.3 Subsequent to the adoption of Variation 22 into the District Plan, the Wellington City Council has notified Plan Change 48 (**PC48**), which is a major review of the Central Area rules. While the changes made to the Operative Plan provisions are relatively significant for the Wellington central city area, the specific Lambton Harbour Area provisions remain largely unchanged under PC48. Decisions on submissions have been made on PC48 and the WCC decision was released in October 2007. Several appeals have been received in relation to the plan change, which affect the entire change, so the Operative District Plan and PC48 should both be considered.

5.4 If it were assessed under the Operative District Plan, it is my assessment that the proposal would require consent under the following rules:

- ⇒ Rule 13.3.1.5 as the proposed car parking spaces and manoeuvring aisles will not meet the geometric standards included in Appendix 2 to the Central Area rules, the height clearance in the basement car park is less than 2.1 metres, the gradient of the ramp is steeper than 1 in 8 and the site access exceeds 6 metres in width - Discretionary Activity (Restricted).

- ⇒ Rule 13.3.1.5 relating to servicing – in so far as there is no dedicated onsite loading dock within the development; loading is proposed to be carried out along the shared promenade space - Discretionary Activity (Restricted).
- ⇒ Rule 13.3.3 as the proposed development does not meet permitted activity conditions relating to parking provision, as more than 70 car parks have been included in the proposed development - Discretionary Activity (Restricted).
- ⇒ Rule 13.4.7 for 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 - Discretionary Activity (Unrestricted).
- ⇒ Rule 13.4.8 for the development of new or the modification of existing open space in the Lambton Harbour Area - Discretionary Activity (Unrestricted).

5.5 All of the above rules have specific assessment criteria set out under 13.3.1.12.1-13.3.1.12.5, 13.3.3.2-13.3.3.4, 13.4.7.1-13.4.7.5 and 13.4.8.1 of the Plan. A number of the criteria include a specific cross-reference requiring an assessment under the Wellington Waterfront Framework. Overall, the application would be assessed as a Discretionary Activity (Unrestricted) under the Operative District Plan rules.

5.6 I note that while the wind speeds in Rule 13.3.2.7 in respect of permitted wind speeds would not be able to be met with the proposed development, as the proposed building is less than 18.6 metres in height, the wind rules would not apply. The wind rules only apply to central area buildings of more than four stories in height (which is measured in line with other rules in the District Plan as more than 18.6 metres above ground). This building is up to 18 metres in height, with the exception of the spire, which can be excluded from the definition of height.

5.7 In terms of PC48, the application would require consideration under essentially the same provisions as above, but these are renumbered under the plan change. The relevant rules under which consent would be required are 13.3.3.3 (vehicle parking, servicing and site access); 13.3.7 (more than 70 car parks); 13.4.5 (open space development); and 13.4.7 (alterations to buildings in Lambton Harbour). There are no assessment criteria included in PC48, but relevant matters have been incorporated into more detailed policy provisions.

5.8 It is noted that the maps provided for the protected viewshafts in PC48 include a number of additional viewshafts and a greater level of detail is included on the enlargement plans that illustrate each viewshaft. While no new viewshaft has been identified in the plan change which affects the OPT development, the enlargement plans show viewshafts 10 (Hunter Street), 11 (Willeston Street) and 12 (Chews Lane/Harris Street) extending across the OPT site and beyond. This differs to the illustrations provided in the Operative Plan viewshafts. I consider it appropriate to assess the impacts on these 3 identified viewshafts with this application, in the context of PC48. Rule 13.3.8.6 is the relevant PC48 rule relating to viewshafts.

5.9 In terms of the legal activity status for activities involving the use and development of structures within the coastal marine area, I understand that the proposal is for a **Discretionary Activity (Unrestricted)** under Rule 25 of the Regional Coastal Plan. On this basis, I understand that discretion is unlimited, so the consent authority may

grant or refuse consent under section 104B of the Act and, if granted, conditions may be imposed under section 108 of the Act.

6. Assessment of Effects

- 6.1 The purpose of this assessment is to analyse the anticipated land use effects that the proposal would have on the surrounding environment, particularly the extent or degree to which the proposal would adversely affect the open space and recreational character and amenities of the area, and the amenities of surrounding land owners and occupiers. Key effects will be addressed as follows – activity/use, urban form, urban design, public space design, heritage, wind, traffic, noise, viewshafts, private views, sunlight, lighting and positive impacts.
- 6.2 Relevant assessment criteria contained within the District Plan will be referred to where appropriate.

Activity/Use

- 6.3 The site is located within the Lambton Harbour Area, an area of the city highly valued for its historical significance, diverse uses and city to water connections (visual and physical). As such, the proposal requires consideration in respect of its place within the overall and long-term development plans for the waterfront area.
- 6.4 The Wellington Waterfront Framework (WWF) is Wellington City Council's guiding document for the future development of the waterfront area. The WWF intends to provide clarity and certainty about the overall direction of the development of the waterfront, while still allowing some flexibility in the development of the detail of each area. The WWF was the result of extensive public input and an open decision-making process.
- 6.5 The applicant consulted with the Technical Advisory Group (TAG), which is a group set up by Wellington City Council to provide technical design advice on waterfront proposals and to monitor consistency of proposed developments with the WWF. TAG is a group of independent design professionals formed to provide advice to applicants and to review resource consent applications within the Lambton Harbour Area against the WWF to feed into the City Council's resource consent processes. It is therefore appropriate that TAG assesses the current proposal in a similar manner to other waterfront applications. The full assessment prepared by TAG is contained within an appendix to Mr Pene's report.
- 6.6 The TAG assessment also considers a **Design Brief**, which TAG prepared to assist the WCC Waterfront Development Sub-Committee at the design selection phase. The Brief, entitled "Design Brief for Overseas Passenger Terminal Redevelopment" and dated 19 April 2004, was endorsed by WCC's Waterfront Development Sub-Committee in April 2004. A copy of the Design Brief is included in Appendix 6 of the applicant's AEE.
- 6.7 In considering the potential effects of the residential/mixed use proposal with respect to overall waterfront amenities, the assessment by TAG is relevant. TAG note that the

WWF provides for commercial activity within the Waterfront area, importantly though, is that ground floor uses are to be predominately accessible to the public. TAG note the following regarding the activities proposed for the OPT:

The development combines residential accommodation with a range of retail and other semi-public uses. The latter occupy critical ground-level locations, and promise to maintain the maritime character of existing commercial activity on the wharf.

Because several large internal spaces disappear, the OPT loses its present capacity to host big events. Depending on the nature of wharf level tenancies, particularly those at the north and south end of the building, some capacity to host public functions may be retained, though on a smaller scale. Nevertheless, the OPT has long been recognised as underutilised, and the proposed mix of uses will sustain more intense day-to-day activity on the wharf. In this sense, the development is consistent with the Framework.

- 6.8 As a result of the assessment provided by TAG in regard to the WWF together with the clear direction provided in the WCDP towards encouraging mixed uses within the Central Area, including residential living, it is considered that, at a conceptual level, an appropriately designed and managed residential development which incorporates ground floor public use, is consistent with the WWF and in turn aligned with general community expectations for development within this area of the waterfront.
- 6.9 I note that there are submissions both in support of the residential redevelopment of the OPT and against this activity. A number of submissions in opposition raise concern about the loss of marina-based activities, while others note that the existing OPT building is under utilised.
- 6.10 Concerns regarding privatisation of the site have essentially been dealt with through adoption of the WWF, which outlines in a general sense, the location and type of development that will achieve an appropriate balance between commercial and informal use of waterfront land. It envisages a mixture of open space and commercial development. Commercial development is specifically provided for. This is both to fund the development of public space through rates and ground leases, but also to ensure there are “destinations” on the waterfront and reasons for people to visit. The redevelopment of this site in the manner proposed which includes public space enhancement is consistent with achieving this balance. In my opinion, the revitalisation, particularly through introducing residential occupants to this currently under utilised site, will ensure the wharf is a place for people.

Building Height and Bulk

- 6.11 A number of submitters raised concern about the height, bulk and scale of the proposed building being out of character with its surrounds and suggest that the redevelopment should be confined to the existing building envelope.
- 6.12 The District Plan sets a “zero” height limit for developments on the waterfront. That is, there is no maximum permitted height limit. This is a specific mechanism for assessing waterfront applications and not an indication of the appropriate height for new buildings or for additions and alterations to existing buildings. The bulk and scale of each new building is therefore assessed on its merits in terms of the assessment criteria under Rule 13.4.7, which refer to WWF and amenity impacts on adjacent Central Area

properties. For PC48, the relevant rule refers to specific policies covering similar matters.

- 6.13 Any amenity impacts on adjacent Central Area properties will be negligible, due to the separation distance of the OPT site to any nearby Central Area buildings. The proposal has minor amenity impacts on an adjacent Lambton Harbour Area building, in relation to view and shading impacts on the Chaffers Dock Apartments. These impacts are discussed in more detail, later in this report.
- 6.14 The comments from TAG are relevant to the matter of building height and bulk and the impacts on urban form. TAG have noted the following:

The increase in bulk is noticeable but carefully considered. The expansiveness of the harbour setting and the dimensions of adjacent buildings such as Chaffers Dock and Te Papa means that the development is commensurate with its near neighbours. Additional volume is concentrated at either end of the wharf with only a single additional residential floor between. This configuration produces a positive scale-relationship between the base of the OPT, Chaffers Dock and the proposed John Wardle design for Sites 1-3 and also limits the impact on city harbour views.

- 6.15 I concur with TAG's assessment in relation to the height and bulk of the additions and consider the overall bulk and scale of the proposed development appropriate for this site and it is in scale with the surrounding buildings and spaces.

Urban Design

- 6.16 The design, external appearance and siting of buildings is controlled by the District Plan to ensure new buildings are designed, sited and finished in appropriate materials so as to ensure they have a positive contribution to the city in terms of streetscape/character and the relationship between the private and public domain. New buildings always have an impact on streetscape. The key assessment tool for determining whether this impact is positive or negative within the Lambton Harbour Area is the WWF.
- 6.17 Accordingly, the assessment prepared by TAG pays particular attention to the design of the proposed development and whether this achieves the level of visual amenity envisaged for buildings within the waterfront area. TAG state:

The design is coherently resolved at all levels. Additions are treated in a contemporary manner, however they have a clear visual relationship to the composition and structure of the existing OPT ... the redevelopment enhances the positive contribution already made by the OPT to waterfront and harbour views.

- 6.18 I concur with the TAG assessment that the proposed development meets the design expectations of the WWF and the WCDP, which were expanded upon via the Design Brief prepared for the OPT redevelopment by TAG and adopted by the WCC Waterfront Development Subcommittee.
- 6.19 In the event that this proposal is granted resource consent, I believe it is important that there be further design reviews carried out at the detailed design stage, in order to ensure the level of detail and quality of materials envisaged as this concept stage, is followed through with, during final design and construction of the project.

Accordingly, I have recommended a condition in the conclusion of this report, which covers this matter.

Public Space Design

6.20 Rule 13.4.8 in the District Plan requires resource consent for the development of new or the modification of existing open space in the Lambton Harbour Area. The relevant assessment criteria simply provide reference to the principles and objectives of the WWF. Public open space design ordinarily does not require resource consent, except within the Lambton Harbour Area, which illustrates the importance of public space design to the community, in this part of the city.

6.21 The TAG assessment is relevant to the design of the public open space and landscape features around the proposed building. These works are generally illustrated on the Proposed Landscape Plans prepared by Athfield Architects Ltd (Sheets RC3.00, RC3.01 and RC3.02) lodged with the application.

6.22 TAG have provided support to the design of the public space, as follows:

The redevelopment provides a convincing treatment of public space. While additions to the existing building increase shading at certain times, they also create a significantly improved wind environment. Several measures will enhance the public's experience of the wharf: repairs to surfaces; a more sophisticated lighting scheme which reduces glare; and a small low-level jetty at north end of the pier.

6.23 TAG support the proposed public space development and consider the proposed treatment is consistent with the WWF. TAG note that the proposal maintains an appropriately generous public promenade around the perimeter of the proposed building. The promenade is an important element of the waterfront, connecting the various parts of the waterfront by a shared pathway. The WWF also notes that there should be opportunities for buildings to open out onto the promenade and provide different levels of activity along its length. The proposal achieves this.

Heritage

6.24 There has been concern raised in submissions about the impact of the proposed development on the heritage values of both the wharf and the existing OPT building. The wharf structure has been afforded statutory heritage recognition via the Regional Coastal Plan so Mr Pene will assess the impact of the proposed works on the wharf structure.

6.25 My assessment will summarise and assess the heritage effects on the OPT building. I note that the District Plan heritage schedule does not include the OPT building, unlike Sheds 3 and 5 which are listed in the District Plan but noted as being outside of the District Plan jurisdiction. However, I note that the heritage value of the OPT is acknowledged in the WWF and the building is included in the WCC's Heritage Building Inventory 2001. The key aspect to the heritage values of the OPT is its memorable townscape/architectural values. The building was constructed in 1964. The protection of significant heritage buildings on the waterfront is one of 7 overall objectives in the WWF.

- 6.26 In terms of the wider area, there is widespread acknowledgement in both the City Council's planning documents that the waterfront area has heritage values generally. The Lambton Harbour area includes a number of heritage buildings, which individually and collectively contribute to the heritage significance of the area.
- 6.27 A heritage review of the proposed redevelopment of the OPT has been completed by Alexandra Teague (Urban Designer-Heritage, WCC). The general conclusions made by Ms Teague are that the extent of additions and alterations involved with this project means that insufficient original building fabric will be retained to enable the redevelopment to be regarded as heritage conservation, or as "retention" of the existing OPT building.
- 6.28 Ms Teague's assessment does not support the proposed redevelopment as she considers the WWF and the Design Brief prepared for the OPT redevelopment are clear that conservation of the heritage values and fabric of the OPT is expected. However, Ms Teague's assessment acknowledges that the Design Brief recognises that while heritage conservation is one of the outcomes sought for the redevelopment of the OPT, that departures from the brief are recognised as possible outcomes where a design is "exemplary". Her assessment reflects the fact that the planning framework for assessing this project is unusual when compared with a proposal requiring assessment under the District Plan heritage criteria in Chapter 21 of the WCDP.
- 6.29 The TAG assessment also discusses heritage impacts from an urban design perspective. TAG supports the proposal as follows:
- This refurbishment maintains some important heritage attributes and elements while losing others ... it is an example of adaptive reuse and re-development, not restoration...Section 3(f) of the design brief anticipates adaptive reuse of the OPT.
- 6.30 TAG support the adaptive reuse approach and notes that the proposal has the potential for parts of the existing OPT building to be retained, including artefacts identified in the conservation report and some structural elements. In addition, TAG considers that the redevelopment will retain its status as a prime Wellington landmark.
- 6.31 In my opinion, given the nature of the heritage listing of this building, the heritage and urban design expertise have considerable overlap in a case such as this, where it is the "architectural or townscape" values which are to be protected. This differs somewhat to projects involving heritage buildings where the significance is related to events, people or historic activities or important building fabric/materials. In the case of the OPT building, the heritage assessment (prepared by Chris Cochran) submitted with the application notes that "*...the fabric has (as of today) little intrinsic interest. It is typical of the 1960s, and most of the material – the concrete blockwork of many of the walls for instance - are still in commonplace today*".
- 6.32 I sought some further advice from Gerald Blunt, Manager Urban Design Policy at WCC in respect of the varying advice on whether the proposed redevelopment of the OPT meets the intentions of the WWF with regard to heritage/townscape values. Mr Blunt is the manager of the heritage and urban design team at WCC and was involved with the preparation of the WWF as the primary author of the document. The key points from Mr Blunt's review of the project are:

The group who provided the direction of the Framework- the Leadership Group in their deliberations spent minimal time discussing the OPT. The reference to the OPT in the Framework is minimal: "The Overseas Passenger Terminal will be retained and developed" (p 37, The Wellington Waterfront Framework) is the only direction that is given in the Framework to the future of the OPT.

A number of proposals had been canvassed for redevelopment of this site, and this proposal was the one that best retained parts of the heritage fabric and referencing the existing building.

The OPT Design Brief, dated 19 April 2004, asked architects to consider 'heritage conservation' and but also noted that there can be departures from the brief; "Innovative and imaginative design might create inspired solutions that are not predicated but which when examined might be shown to satisfy the requirements of the Waterfront Framework and the briefing objectives in an exemplary way" (p 8. OPT Design Brief 19 April 2004). TAG in their response have stated in their opinion that this proposal is an exemplary design. I support this stance.

Part of the ongoing issue for the redevelopment of the OPT building has been the underling cost of strengthening the wharf which is currently in a poor state. The Framework is quite clear about the costs of development on the waterfront: "As a general principle the Leadership Group has followed current Council policy that revenue made on the waterfront is used to fund expenditure on the waterfront"(p45, The Wellington Waterfront Framework). An economically viable proposal to develop this site has not been an easy proposition.

While Alexandra Teague's report rightly states that the proposal will not meet the requirements of a heritage conservation project, I believe looking at the bigger picture this proposal which references the existing structure provides the 'new heritage' for future generations. On balance I believe that this proposal meets the intent of The Framework and therefore support is justifiable.

- 6.33 To further strengthen the intent of referencing the existing building, Mr Blunt suggests conditions be included requiring further details on what building fabric can be retained so that the existing building is better reflected in the proposed new building.
- 6.34 I generally concur with Mr Blunt's support for the project in terms of heritage impacts and the reasons he provides for this. My assessment of the heritage effects is that the overall impact of this redevelopment on the heritage values of the OPT building while more than minor, can be mitigated to some extent through the retention of some existing building fabric.
- 6.35 In developing appropriate conditions of consent in regard to heritage mitigation, it would be helpful if the applicant were to provide clear expert heritage and/or structural engineering evidence at the hearing, confirming those items that will be retained, so that a level of certainty can be incorporated into any conditions of consent imposed in relation to this matter.
- 6.36 In addition, expert heritage evidence outlining the contribution to the city's overall heritage made by the OPT, is likely to assist with the Committee's understanding of the heritage values of the OPT and the effects arising from this proposal.

Wind

- 6.37 Building form and siting can affect wind flow patterns and speeds. This is an especially important consideration in and around open public spaces such as is intended to be

developed within the overall redevelopment of this waterfront area. In this regard, the applicant has provided the results of wind tunnel test prepared by Opus Consultants Ltd. Wellington City Council's consultant wind expert, Mike Donn, has reviewed the Opus report in the same manner as other central area buildings within Wellington City.

- 6.38 A wind tunnel test is required for every new Central Area building over 4 stories in height (which is interpreted as 18.6 metres above ground level). Where new buildings are unable to meet the permitted wind speeds, then Rule 13.3.2 applies which is a discretionary assessment of whether the new building is acceptable in terms of wind effects. It is noted that this building is actually marginally below the threshold for wind tunnel testing, but in my opinion, given the proposal is a Discretionary Activity (Unrestricted) it is crucial that wind tunnel testing has been carried out and that the normal assessment process is followed, given the exposed nature of the site and the importance of public space amenity within the Lambton Harbour Area.
- 6.39 Generally, the permitted wind speeds can be difficult for developers to meet on windy sites such as this one, as the permitted standards require a reduction where certain speeds are exceeded. The wind speeds for existing building and the proposed building , exceed the danger threshold of 18 metres/second in the Operative District Plan and the amended 20m/s threshold in PC48.
- 6.40 The relevant criteria for considering wind impacts in the Operative District Plan are as follows:

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.

- 6.41 Accordingly, there is a need to look at the actual wind effects as well as the design of the building additions and whether it represents the best practicable design for the site in terms of wind performance.
- 6.42 WCC Consultant Wind Advisor Mike Donn has reviewed the applicant's wind report. I understand from Mr Donn that the proposed additions and alterations to the OPT represent a minor change in scale from an aerodynamic viewpoint and in most locations around the building the proposal generally reduces the wind speeds. Mr Donn is concerned though about the windiness caused by the northern cross-link, which provides pedestrian and vehicular access via a gap through the building. The affected area is on the eastern promenade, in the area immediately adjacent to the crosslink. The location of concern is marked as H1 and I1 in the Opus wind report. In his second report, Mr Donn recommends mitigates this impact through minor redesign of the crosslink/promenade interface, possibly through the use of porous screens. The desired mitigation is to reduce the sudden change from shelter to high wind speeds for users of the eastern promenade, rather than within the link itself.
- 6.43 I consider that appropriate mitigation of these localised wind effects should be practicable in this case and expect that this matter will be able to be addressed by the applicant at the hearing. Any mitigation will need to consider impacts on access and

urban design as well. Subject to appropriate mitigation of the wind effects on the eastern promenade, adjacent to the northern cross-link, I am satisfied that the wind effects of the additions and alterations to the OPT will be minor.

- 6.44 I note submitters have raised concern that the wind assessment has not addressed impacts of wind within the marina. In addition, concern is expressed that wind speeds must be increased because the gap between the OPT and the Chaffers Dock Apartments is reduced and because the height of the OPT is increased. From my discussions with Mr Donn, I understand that the additional height does not make the wind environment worse. The OPT is oriented with the main wind and the increased articulation provided by way of balconies means the redevelopment performs better than the existing unadorned building. The results of the wind tunnel testing clearly show reductions (in southerlies) or no change (in northerlies) along the promenade between the OPT and the Chaffers Dock building.
- 6.45 In terms of impacts on the marina, the wind tunnel test did not examine effects within the marina, as the WCDP wind assessment process is generally limited to public pedestrian environments, rather than private property or other locations like a marina. However, given the nature of this proposal within the CMA, it would be useful if potential effects on the marina could be discussed by the applicant's wind expert at the hearing. My understanding of the expected effects from discussions with Mr Donn, is that the results found immediately adjacent to the building (i.e. improved conditions) would not change for more distant locations such as the marina, and that wind conditions would either remain the same as they are currently, or would be improved within the marina, as this is the case for other locations around the OPT, other than the localised adverse impacts resulting from the crosslink feature on the eastern promenade.

Traffic

- 6.46 New developments have the potential to influence parking demand and traffic patterns and in turn affect the efficiency and safety of the surrounding road network and pedestrian areas. Of particular importance for this proposal is the need to ensure the redevelopment of the OPT, including the proposed basement car park and changes to the surface level parking, are accommodated in a manner that maintains pedestrian safety on the waterfront.
- 6.47 The application includes a detailed assessment of traffic related impacts and a further letter and draft Traffic Management Plan for the Herd Street Area were supplied, following the further information request, all prepared by Traffic Design Group. The car parking proposed for the western promenade was altered following the provision of further information, such that layout and number of open wharf level car parks has reduced from 40 wharf level car parks to 27, according to Athfield Architects plans RC3.02a and RC3.02b. Ten of these car parks will be dedicated marina use parks and 2 will be mobility parks. The total number of dedicated marina car parks has not changed with the amendments made to the parking layout. Given there is no requirement to provide any parking under the District Plan and it is a reduced proposal, I consider this amendment is within the scope of the original application and the amendment is beneficial in terms of reducing potential traffic movements and the effects on pedestrian amenity. However, I note that there appears to be some discrepancy

between the car park numbers illustrated on the Athfield plans and those discussed in Table 1 of the draft Traffic Management Plan. The applicant should clarify this matter at the hearing.

- 6.48 The Wellington City Council's Chief Transportation Engineer Steve Spence has reviewed the applicant's assessment in a similar way to other Central Area resource consent applications. Manoeuvring space and the design of the car parks and access ramp have also been checked by WCC staff and have generally been confirmed as being suitable for the intended use.
- 6.49 Mr Spence has prepared a detailed traffic assessment, which is contained within an appendix to Mr Pene's report. Mr Spence's assessment focuses on the effects of the proposed development, particularly in relation to the requirement within the key planning documents (i.e. the District Plan and the WWF) of maintaining pedestrian priority on the waterfront. Mr Spence comments on pedestrian amenity and impacts on the adjacent road network as follows:

Following a number of discussions on the design of the public space areas, substantial work has been done by the designers to improve on the original layout and I consider that subject to some matters of detail the current design should deliver a good quality of public space which will accommodate the essential needs of both moving and stationary vehicles, together with a safe and convenient pedestrian environment. I am satisfied also that the changes in traffic activity generated by the proposed refurbishment will have no more than minor effects on the local public road network in terms of safety, delay and congestion.

- 6.50 Mr Spence confirms that while the proposal includes more than 70 car parks, which invokes a specific requirement to assess potential congestion on the adjacent road network and commuter parking effects, such effects are unlikely to arise here, given the majority of the parks will be for apartments and therefore low use is expected.
- 6.51 Mr Spence considers the informal servicing arrangement of service vehicles stopping at the wharf edge (rather than a dedicated loading dock or docks) and managed via a Traffic Management Plan is acceptable for this site. He raises concerns about coach access to service passenger ships, however, I understand from the Centreport letter submitted with the application that this is not proposed, accordingly, adverse effects from coaches negotiating the promenade are not expected to arise.
- 6.52 Mr Spence has suggested conditions regarding review of the detailed design of shared space areas and a post consent monitoring/review of such areas, in order to determine that the submitted design achieves acceptably low speeds and appropriate driver behaviour, leading to a high level of safety and amenity for pedestrians.
- 6.53 Mr Spence's outstanding concern with the proposal is the matter of taxis. He notes the following:

The TDG Traffic Management Plan refers to taxis picking up or delivering to the Chaffers Dock building and the OPT and suggests they will only stop briefly. Also they mention unsolicited taxis which will be expected to enter the area during the evening to meet the casual demands of patrons at the bars and restaurants. These will be required to queue in the public short stay parking area and move as required to allow use of the car parks.

I can understand that it is desirable to allow for taxi access into the area however based on experience with taxis in other parts of the city centre, they may well prove to be present in

greater numbers than is desirable or necessary. Also it is not clear if taxi numbers have been included in the traffic figures presented by TDG.

I suggest that more thought needs to be given to the issue of taxi access as I am not convinced that the current proposal is appropriate. It would for example be preferable to look at strict limitation on access around the edge of the OPT with maybe only a preferred taxi company allowed to access this area only for pick up and set down. Additionally only a preferred company might be allowed to stand anywhere within the Chaffers Dock area, which WWL controls. Therefore I suggest that taxi access along the lines proposed is not acceptable and that greater control and less freedom of access will be required.

- 6.54 Accordingly, the applicant should clarify the matter of taxi access at the hearing and conditions of consent are likely to be necessary to ensure adverse effects associated with unconstrained taxi access do not arise.
- 6.55 Finally, in terms of the construction phase, Mr Spence has raised the potential for conflict between construction traffic and the need to maintain pedestrian priority. Mr Spence recommends that deliveries of large items of plant and equipment will need to be carried out outside of peak traffic times and routine construction traffic may need to avoid times when the Chaffers area is busy, e.g. at weekends or during events. Mr Spence recommends that the details of the appropriate delivery times be resolved post consent, via a Construction Management Plan condition.
- 6.56 In terms of the overall traffic impacts of this proposal and based on Mr Spence's assessment, I consider the proposal is likely to have no more than minor adverse impacts, in terms of pedestrian safety and convenience, subject to further design and/or suitable evidence in relation to taxi access to the wharf area and appropriate conditions of consent.

Noise

- 6.57 The introduction of a new activity to an area has the potential to create additional noise effects, in terms of both actual noise effects generated by the proposal, and reverse sensitivity effects on other existing or legitimate activities in their vicinity particularly by leading to restraints in the carrying out of those activities.
- 6.58 The application includes a noise assessment prepared by Acousafe Consulting and Engineering Ltd. The Wellington City Council's Noise Officer, Matthew Borich has reviewed the applicant's assessment in a similar way to other Central Area resource consent applications. Mr Borich's report is included in an appendix to Mr Pene's report.
- 6.59 Once constructed, the proposed development is not expected to create significant effects in respect of generated noise levels, however conditions of consent are recommended setting a maximum noise levels for activities on the site, consistent with the levels applicable to adjacent sites within WCC's jurisdiction.
- 6.60 The proposed development does potentially create an issue of reverse sensitivity in terms of noise. Mr Borich is satisfied that residential activity can be accommodated here, subject to conditions relating to noise insulation. The recommended conditions are outlined in Mr Borich's report and they impose a similar level of noise insulation to other Central Area sites and I understand the recommendations are in line with the

recent RCP plan change relating to Port Noise. The approach of requiring noise sensitive sites to insulate against existing and permitted future noise is consistent with the approach taken on other developments within Wellington.

- 6.61 Mr Borich has assessed the potential impacts arising from the extended construction period that will be required for this development. He notes that in respect of pile driving and sub-wharf concreting, at times the construction works may not comply with the relevant New Zealand Standard applicable to construction works, which is referred to in the WCDP noise rules. He has provided recommendations in regard to these matters that will mitigate adverse effects and ensure the best practicable option is adopted for reducing noise impacts on the nearby Chaffers Dock Apartments and for residential properties within nearby Oriental Bay and Mt Victoria. Monitoring is also recommended. Mr Borich notes that the nearby Chaffers Dock Apartments have been well insulated, which will assist with reducing the impact of the construction works on occupiers within these apartments.
- 6.62 Based on Mr Borich's assessment, I consider the construction noise effects are likely to have a moderate impact on the amenity of the surrounding area. These effects will be short term and once completed, negligible noise effects will arise from the proposed development.

Viewshafts

- 6.63 Views of the harbour, local hills and townscape features are an important element of the cityscape, and building development that impinges on identified views require special consideration. I understand there is specific reference in the RCP to consider any relevant District Plan viewshafts when considering development within the Lambton Harbour Area.
- 6.64 The proposed development site is not illustrated as being within any viewshaft in the Operative District Plan, however the updated viewshafts in PC48 illustrate the OPT site as being within viewshafts 10 (Hunter Street), 11 (Willeston Street) and 12 (Chews Lane/Harris Street) extending across the OPT site and beyond. It is arguable whether these viewshafts need to be considered with this application as the OPT site is not an immediate feature within these views, however, as the OPT is listed as one of the context elements in respect of the Willeston St viewshaft, I have concluded that it is useful that the viewshafts are assessed.
- 6.65 The applicant has not specifically provided any information in respect of the impact of the additions and alterations in relation to these viewshafts. It would be useful if photomontages incorporating these views were available for the Committee at the hearing. Notwithstanding this, I have made an assessment of the likely impacts from visiting the viewpoint locations and viewing the existing OPT building from these points. My observation is that the OPT is not a prominent feature in any of these viewshafts, as it is in the mid distance in all of these views. The OPT is more obvious in viewshaft 10 (Hunter St) than the other affected viewshafts. The addition at the northern end of the OPT is expected to alter this view to a minor extent, but the visual connection from the city to the waterfront and the Mt Victoria ridgeline beyond this will remain similar.

- 6.66 In terms of viewshaft 11 (Willeston St), which specifically refers to the OPT, the impact is likely to be less than minor with the current Frank Kitts Park layout, as the OPT is largely screened by established vegetation within the park, in the foreground of this view.
- 6.67 Viewshaft 12 (Hunter St) traverses the southern end of the OPT site. Given the extension to the south, there may be some minor impact, but at the current time the OPT is not visible from this viewshaft.
- 6.68 Overall, the proposal has minor impacts on the identified WCDP viewshafts. Submitters have raised concerns about impacts on other public views, such as the view towards the east along the promenade on the seaward side of the Chaffers Dock Apartments arising from the additions to the footprint at the southern end of the building and views to and from Mt Victoria arising from the additional height of the redevelopment. The additional height will have a modest impact, as it is generally the equivalent of one storey over approximately two-thirds of the length of the OPT. The additional height is greater at the northern and southern ends of the building. These changes in particular will affect views from the promenade and beyond. The specific impacts are discussed in detail within the TAG report and based on this, I conclude that the impacts on views within the wider waterfront area are not substantial and are consistent with the level of change anticipated by the WWF. I note that there is no specific protection of these views afforded in the WCDP, unlike the identified viewshafts discussed above.

Private Views

- 6.69 I note the applicant's assessment has not specifically addressed effects on private views from nearby properties. Based on the submissions received, it would appear that the proposed building would intrude into some private water views, including those from the Chaffers Dock Apartments. At least one submitter (#62) has provided an annotated photograph of the impact that the southern additions to the OPT potentially has on views from their apartment. This image shows that the proposal will have a noticeable impact on the view from this east-facing window. However, the main orientation of the Chaffers Dock Apartments in terms of views is the north facing elevation where the primary views are directed over the Chaffers Marina, and will not be measurably affected by the OPT additions.
- 6.70 The proposed building has the potential to adversely affect private views from the above listed and other more distant properties. In this regard, thought must be given to the contribution that any private views that may be lost as a consequence of the proposal have in terms of the general amenities of the waterfront area.
- 6.71 The subject site and the Chaffers Dock Apartments are situated within the central city area, which is a dynamic area of Wellington where on-going development is anticipated and indeed desirable. This is supported by the WWF, which indicates that new buildings and redevelopment of the OPT can be considered on the waterfront.
- 6.72 Overall, it is considered that the effects of the proposal in terms of the loss of limited private views available from adjoining properties will be no more than minor, and

within the scope of that which could be reasonably be expected by surrounding landowners.

Sunlight

- 6.73 Access to direct sunlight is an important amenity, significantly influencing the appreciation and enjoyment of open spaces. In this regard, the application included an assessment of shading impacts, based on shading diagrams prepared by Athfield Architects. The application states that the proposal does not affect any of the protected public spaces in the WCDP. I note the applicant refers to the mapped parks contained within PC48 and states that none of these areas will be affected, which I concur with. I note however, that in the Operative District Plan the public spaces specifically protected in terms of sunlight includes “Chaffers Beach”. However, this location has since been deleted from the protected parks list in PC48. The sunlight protection areas are not mapped in the Operative Plan rules, so application of the sunlight protection rule is difficult. I understand the area protected in the Operative Plan relates to a beach which was proposed to be developed in the general area between Te Papa and the Chaffers Dock Apartments (approximately where the Waitangi Stream wetlands have now been developed). This beach proposal has now been abandoned in the planning documents, as WCC developed the Oriental Bay beach instead and because it was not envisaged under the WWF – the public park focus being on Waitangi Park instead. Accordingly, protection of the “Chaffers Beach” should be given little weight. Notwithstanding this, the shading diagrams provided by the applicant generally illustrate that the additions to the OPT will not result in shading extending as far as the “Chaffers Beach” area between 10.00 am and 4.00 pm on 21 June, which is the time period protected under the Operative District Plan rules.
- 6.74 PC48 notes that sunlight protection on Waitangi Park will be achieved through the application of the WWF and the zero height limit for the Lambton Harbour Area development. Accordingly, particular regard must be had to any shading effects that might arise on Waitangi Park. I have reviewed the shading diagrams supplied by the applicant and the shadows are clear of the park for all times shown, except for 9.00am on 22 June (mid winter), where the additions will cause a short increase in the shading on the northern-most promenade within Waitangi Park. This effect is unlikely to be noticeable to park users at this time, and may in fact already be shaded by a utility structure located at the eastern end of the Chaffers Dock building and not included on the applicants shading model.
- 6.75 TAG have reviewed shading effects in terms of impacts on the promenade on the harbour side of the Chaffers Dock Apartments and around the OPT itself, so I have included their shading assessment here:

There are several appreciable shading effects. First, the additional height increases the amount of shade on the OPT wharf promenade. The simulations show that the eastern side of the wharf promenade is currently partly in sun at 3.00pm throughout the year. The combination of greater height and building overhangs means that while the western side of the wharf remains in full sun at this time, the proposed development will fully shade the eastern side at 3.00pm throughout the year. A similar shading effect occurs in the morning at midsummer. Currently the outside edge of the western side of the wharf is in sun at 9am, however the proposed redevelopment would shade that edge at that time.

Both sides of the wharf receive sun at midday right through the year. The opportunity remains for promenade users to find sun somewhere along the length of the OPT. Furthermore, two new east-west access points allow strollers greater choice between sunny and shady sides of the wharf. In total, the reduction in amenity is minor.

At 5pm in mid-summer, the proposed building also extends shadows at the south end of the wharf. However, as the public space is already in shade, this produces no change to the extent of shading on the promenade. Instead, the longer shadow is cast over the water.

The second noticeable shading effect is an increase in early morning mid-winter shading to the main promenade in front of the Chaffers Dock building. Shading diagrams show that at 9am in midwinter an area of the promenade here is currently in sun, and this would be shaded by the proposed building. At the equinoxes, the main promenade is no longer in shadow at this early hour.

This second shading effect results from the fact that the south end of the proposed building is taller than the existing OPT and closer to the promenade. However, architectural massing minimises early morning shading effects by placing a lower (two storey) volume at the south-west corner of the development and a taller volume at the south-east corner.

Increased shading on the main promenade reduces the likelihood of static occupation, especially on cooler days. Balancing this is the likelihood that the majority of early morning promenade users are likely to be pedestrians on the move, especially during the winter months. The additional area of shadow will be experienced as a short interlude along a generally sunny pathway. Consequently, shading is unlikely to be a critical issue for promenade users.

In conclusion, the increased shading is appreciable in certain locations at limited times of year. However, it does not compromise public use of the promenade.

- 6.76 I concur with the TAG analysis of the physical shading impacts on the promenade areas around the OPT and Chaffers Dock Apartments. Based on the shading diagrams and the assessment provided by applicant and TAG, I am satisfied that the proposal minimises the loss of sunlight to the area while providing for the scale and intensity of development as anticipated under the WWF, to the extent that the shading effects are considered to be no more than minor.
- 6.77 The proposal will also cause some minor shading to the eastern most corner of the Chaffers Dock Apartments, to which some submitters have expressed concern. Essentially the impacts on these apartments can be understood from the applicant's shading assessment and will be less than the effects on the main promenade described above. Effects will be limited to early morning shading during mid winter. This will be a minor impact on residential amenity, given the limited duration of shading and the limited area of the apartment building that would be affected.

Lighting

- 6.78 The proposal will comply with the WCDP rules requirements for lighting of pedestrian routes and car parks at a minimum level of 10 lux. It is noted that the proposed lower level jetty will not be lit to this level, but given it is not a walking route the WCDP rule would not be applicable. Based on the applicant's assessment it is considered that the lower level of 7 lux will be sufficient here and appropriate for this type of location. In addition, the assessment of effects confirms that spill lighting will be restricted to ensure the project does not exceed 8 lux on a neighbouring residential property, in line

with WCDP requirements. On this basis, I consider that the proposed lighting meets the WCDP requirements and adverse lighting effects will not arise.

Positive Effects

6.79 For any proposed development, it is important to consider potential positive effects as well as adverse effects, as the definition of effect in the RMA includes positive effects. The application identifies a number of positive effects (on page 40 of the AEE) arising from the development, as do some of the submitters in support of the proposal. I have summarised the key benefits arising from the proposal that I believe are particularly relevant:

- Strengthening of the Clyde Quay wharf;
- Potential for increased activity and people using the Clyde Quay wharf area, leading to increased vitality and greater surveillance and safety;
- Enhanced access to the water's edge from the proposed lower level jetty;
- Reduction in commuter parking on the wharf;
- The contribution that this project will make towards completion of the overall waterfront development and the enhancement that this is bringing to the City.

7. Assessment against objectives and policies

The relevant objectives and policies of the Operative District Plan are as follows:

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.

The proposal provides for the use and development of a currently under-utilised site. The proposal will provide positive growth and enhanced vitality within the immediate locality whilst maintaining the urban form anticipated and encouraged under the WCDP provisions. Accordingly, the proposal promotes the efficient use and development of resources.

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.*

I consider the proposal, subject to appropriate conditions covering construction noise, noise from ground floor tenancies and reverse sensitivity (i.e. insulation of apartments), is consistent with policy relating to noise effects within the city.

As noted in the assessment under ‘wind effects’ above, it is considered the proposed building will generally reduce wind within the pedestrian environment and that subject to mitigation of the wind effects associated with the northern cross-link, the proposal is consistent with policy 12.2.2.4 relating to wind. It is recommended that the applicant considers the incorporation of wind mitigation measures into the design of the cross-link. Subject to this, the proposal is therefore considered to be consistent with policy relating to wind effects.

The site does not affect any identified park and I consider the proposal provides for a reasonable level of sunlight for the surrounding public spaces and is therefore consistent with policy 12.2.2.5 above.

The proposal is expected to have limited effects on the identified viewshafts in the District Plan, but it is important that the applicant clarifies the actual impact to ensure consistency with policy 12.2.2.7 above.

Subject to conditions of consent, the proposal will adequately avoid, remedy or mitigate the effects of traffic upon pedestrian amenity, therefore it is consistent with policy 12.2.2.11.

In terms of the District Plan objective of maintaining amenity values, the proposal as submitted, generally maintains and enhances amenity values in this part of the waterfront.

With reference to policies 12.2.2.1 and 12.2.2.11, I note that the OPT site is approximately 200 metres from the Oriental Bay residential area. I consider that general effects on residential amenity from the proposal will be minor, or in the case of construction noise, short term in duration. Appropriate conditions of consent have been included to mitigate construction effects.

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.*

The proposed development will preserve the present general urban form of the Central Area so is consistent with policy 12.2.3.1.

Policies 12.2.3.2 and 12.2.3.3 seek to control the design and appearance of buildings to enhance the public environment and to create a positive relationship between public spaces and the wider city setting. Ongoing design review at the construction stage will be important to ensure the proposal is consistent with policy 12.2.3.2 above.

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.*

The proposal will maintain public access to and along the coast.

The developer has considered ecological values as is required by policy 12.2.5.2 by preparing an ecological assessment as a part of the application. Any actual ecological effects for this development relate to the marine environment and will be addressed in the report by Mr Pene, but it is likely that the proposal can satisfy policy 12.2.5.2 above, subject to careful management of construction effects.

The area of the proposed development is a highly modified coastal environment. Wellington waterfront developments are intended to maintain and enhance the character of this coastal environment. At a conceptual level, a mixed use development will maintain and enhance the character of this urban coastal environment as sought by policy 12.2.5.3 and objective 12.2.5 above by providing public space enhancement and more activity, which together will increase vitality and use of the Lambton Harbour Area.

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.

Mr Pene will assess natural hazards, so the above objective and policies have not been specifically considered.

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.

Based on Mr Spence's advice, I consider the proposal is consistent with policies 12.2.8.1 and 12.2.8.3, subject to the applicant resolving the matter of taxi access, together with appropriate conditions of consent as included below.

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.

I consider the proposal is consistent with the objective and policies relating to safety as the increased activity, people, vitality and public space lighting will create improved safety for this part of the waterfront.

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.

Iwi issues will be assessed by Mr Pene, so the above objective and policies have not been considered.

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).*

I believe Objective 12.2.11 (above) and the policies beneath this are the most relevant to this application, as they deal specifically with the Lambton Harbour Area. I note while these provisions are renumbered, they are not altered by PC48.

Based on the urban design assessment completed by TAG, I consider the proposal is consistent with policies 12.2.11.1, 12.2.11.2 and 12.2.11.3 relating to design and public space amenity.

The proposal does not retain the OPT building sufficiently for the proposed redevelopment to be regarded as a conservation of this building, so heritage values associated with the OPT building are not maintained or enhanced by this project. Therefore I consider the proposal is not consistent with policy 12.2.11.4 above.

Iwi issues will be assessed by Mr Pene, so policy 12.2.11.5 has not been considered.

In terms of policy 12.2.11.6, in my opinion the proposal will add to the waterfront character. The quality of the design will be ensured through the conditions, which require the ongoing involvement of TAG in the detailed design process. In my experience this is the most

practical way to manage detailed design, which will assist in ensuring a quality building is constructed.

In relation to policy 12.2.11.7 above, I have not carried out any assessment with regard to the impact of the proposed development on port operations, as this will be assessed by Mr Pene.

Policy 12.2.11.8 is satisfied through the public involvement in the Wellington Waterfront Framework and through the public notification of this resource consent application.

Policy 12.2.11.9 is satisfied by the completion of this specific District Plan assessment and through seeking an assessment of key environmental effects by Wellington City Council specialist advisors in a similar manner to resource consent applications under Wellington City Council's jurisdiction.

PC48 includes a number of new and updated objectives and policies, but the key provisions under 12.2.11 above, while renumbered to 12.2.8, are essentially unchanged. On this basis, I have not repeated the assessment of the new objectives and policies as this would simply repeat the assessment given for the Operative Plan provisions.

The WWF is the relevant design guide for the Lambton Harbour Area. The TAG urban design assessment addresses the key requirements set down for redevelopment of the OPT site within WWF, which are further developed in the Design Brief prepared for this site. The WWF serves several functions, so when approaching this document as a design guide, it is important that it is read in full, as it is not structured in a manner that allows for a simple checklist approach for assessing the conformity of a proposed development against it. It requires an overall assessment to establish whether the development represents an outcome sought by the WWF.

TAG has considerable experience with applying the WWF as a design guide. I have reviewed the TAG report which includes specific cross references to the WWF objectives so will not repeat an assessment here. Based on TAG report, I consider the proposal is generally consistent with the broader outcomes sought for development of the waterfront. I note that the proposal challenges some specific provisions relating to heritage, but overall I consider that allowing the development to proceed is an outcome which is consistent with the WWF.

8. Conclusion

Having considered the application and submissions received, together with the expert advice of Wellington City Council's specialist advisors, I consider that any adverse land use effects arising from the proposal will be minor or can be mitigated by appropriate conditions of consent. In most areas, the proposal is consistent with the objectives and policies of the Wellington City District Plan and the Wellington Waterfront Framework.

In my view, the use of this site for residential and associated uses is consistent with the District Plan and the Wellington Waterfront Framework. While the level of heritage protection achieved with the proposal is less than ideal, in my opinion, the city's broader urban development and waterfront objectives will be achieved through this proposal.

In my opinion, the following matters require further consideration at the hearing, as detailed in the above assessment:

- A. An inventory of existing building fabric that is possible or potentially possible to be retained or reused within the development.
- B. Wind mitigation on the eastern side of the OPT building, alongside the northern pedestrian/vehicle cross-link.
- C. Measures for avoiding uncontrolled taxi use within the Clyde Quay wharf area and confirmation of predicted taxi numbers.
- D. Photomontages showing the impact on the proposed development from the Hunter, Willeston and Chews Lane/Harris Street viewshafts.

Subject to the Committee being satisfied with the above matters, the following conditions would be appropriate to provide for detailed design review and in order to ensure consistency with the agreed details at the construction stage, and to mitigate the land use effects of the proposed OPT development:

- (1) The proposed building and public space design must be in general accordance with the information provided with the application and the following plans:
 - Athfield Architects' plans labelled Overseas Passenger Terminal & Clyde Quay Redevelopment and numbered RC0.00, RC1.00, RC2.00, RC2.01, RC2.02, RC2.03, RC2.04, RC2.05, RC2.06, RC2.07, RC3.00, RC3.01, RC3.02, RC5.00, RC5.01, RC5.02, RC5.03, RC6.00, RC6.01 (all dated 10 September 2007), except that the parking and access layout shall be as shown on plans RC3.02a and RC.03b dated 11 December 2007.

NB – this condition may require updating.

- (2) In order to ensure compliance with condition (1) above, full working drawings and details of exterior building materials and finishes, must be submitted to and approved by the Manager, Environmental Regulation, Wellington Regional Council prior to any construction works commencing.

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.

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).

- (3) The detailed design of the building and the public space must be completed in accordance with the approved working drawings and materials (condition (2) of this permit).

Heritage

- (4) The following items from the existing building shall be retained or relocated within the development, and must be maintained or repaired as appropriate:
 - (list existing building fabric to be retained).

Wind

- (5) This condition to be completed.

Traffic

- (6) Prior to commencing any occupation of the redeveloped building, a **Traffic Management Plan** must be submitted to, and approved by, the Manager, Environmental Regulation, Wellington Regional Council.

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

The plan should provide for appropriate measures to manage servicing activities, the avoidance of uncontrolled taxi access, traffic signage, enforcement of the P30 parking limit and measures to ensure pedestrian priority and safety throughout the Herd Street and Clyde Quay wharf areas.

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

- (7) The permit holder shall engage a suitably qualified traffic engineer to undertake a review of the effectiveness of the Traffic Management Plan and the design of the Herd Street to Clyde Quay Wharf area, at avoiding, remedying or mitigating the adverse effects associated with vehicles accessing and using the wharf. This review shall be undertaken during the first summer after the completion construction works and thereafter as recommended in the initial review. This review shall identify any alterations required to the Traffic Management Plan and/or the design of the public space and vehicle access areas.

The permit holder shall submit the results of review to the Manager, Environmental Management, Wellington Regional Council for approval. The permit holder shall implement all practicable recommendations contained within review report, and as required by the Manager, Environmental Management.

Note: In approving the traffic review, the Manager, Environmental Regulation will consult with the Chief Transportation Engineer, Wellington City Council.

- (8) Taxis using Clyde Quay Wharf must only use the wharf area for drop off and pick up only; the wharf area is not to be used as a taxi stand.
- (9) Parking on Clyde Quay Wharf is limited to mobility parking, parking associated with marina use, or 30-minute short stay general public parking only, within the designated car parks shown on Athfield Architects plans RC3.02a and RC.03b dated 11 December 2007.

Noise - Insulation

- (10) The applicant shall provide a report from a qualified acoustic engineer with the specifications for any building consent application for the apartments. The report shall in detail specify glazing requirements for each window and structural requirements to the building facade elements (including plaster board lining) to ensure the external sound insulation of the building achieves the following minimum performance standard:

Any habitable room in the building used for a residential activity shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 30 \text{ dB}$$

Note: These details shall also be shown on the building consent plans submitted to Wellington City Council, and mechanical ventilation shall be provided to all bedrooms. A copy of the acoustic consultants report should be provided to the Noise Officer at Wellington City Council also.

- (11) Before any residential occupation of the building the consent holder shall provide to the Manager, Environmental Regulation, certification from a suitably qualified person that the building has been constructed in accordance with the acoustic engineers design report which specified glazing requirements and structural requirements to the building facade elements to ensure compliance with the minimum performance standard $D_{nT,w} + C_{tr} > 30 \text{ dB}$.

Note 1: The Council regards the following persons as fulfilling the requirements for being suitably qualified with respect to the above:

- Members of the Association of Consulting Engineers of New Zealand (Incorporated);
- Members of the Institute of Professional Engineers of New Zealand Members of the New Zealand Institute of Architects (N.Z.I.A.); and,
- Registered Clerks of Works

Note 2: In reviewing compliance with the above condition, the Manager, Environmental Regulation will consult with the Noise Officer at Wellington City Council.

deemed to be the night time limits specified in table 2 of NZS 6802:1999 Acoustics – Construction Noise when measured in front of the residentially zoned properties on Oriental Parade and 60 dB (LAeq), (10 minutes), measured in front of the Chaffers Dock Apartments.

Note: In reviewing compliance with the above condition, the Manager, Environmental Regulation will consult with the Noise Officer at Wellington City Council.

- (19) On at least one occasion noise monitoring of night time concreting activity shall be carried out by a suitably qualified expert. Noise readings shall be taken on Oriental Parade and in front of Chaffers Dock Apartments.

A construction management plan will be required as a condition of consent. This condition will address a range of construction related effects. In terms of issues raised by the Wellington City Council specialists and highlighted in my assessment of effects above, the construction management plan will need to specifically demonstrate:

- ⇒ That deliveries of large items of plant and equipment takes place outside of peak pedestrian times and routine construction traffic should be avoided and/or controlled at times when the Chaffers area is busy;
- ⇒ The methods by which noise associated with the work will comply with the relevant construction noise conditions 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.

In reviewing the construction management plan, it is recommended that Chief Transportation Engineer and Noise Officers at Wellington City Council be consulted.

Overall, I consider the proposed development, is consistent with the Wellington City District Plan and the Wellington Waterfront Framework, subject to the applicant satisfactorily addressing the matters outlined in A-D above. In respect of these matters I request the opportunity to review my conclusions and suggested conditions at the hearing.

Report prepared by:

MARY O'CALLAHAN
Senior Environmental Planner
GHD Limited

Appendix 2: Audit of wind report – Mike Donn

Building Aerodynamics

Review of my Audit of wind report for 8 Herd St

To: Erin Eydt

Date: January 16, 2008 Service Request number: 165633

My file reference : wccwr509a

Documents seen

- . WCC Cover Sheet dated 17 Oct 2007
- Bound volume Application for resource consent Vol 1 and 2 (Appendices) – **black and white**

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Brief

The brief for this exercise is to provide comment on *whether there is any concern with the proposal in terms of wind effects and whether further info on wind effects is required, or whether the proposal will not have any wind effects and thus no further information or mitigation is required*. It has been assumed that this type of request is to be interpreted in terms of the *acceptability or otherwise of the proposed building vis-a-vis the relevant planning controls Rule 13.1.2.11 and 13.3.2.25 of the District Plan*. The relevant sections of the District Plan specify standards of performance with which *new buildings or structures above 4 storeys in height (to be interpreted as 18.6m) shall be designed to comply*.

Summary

In my last audit of this assessment I wrote:

I recommend that the proposed building be accepted as proposed for Resource Consent from an aerodynamic point of view, subject to some re-design of the link through the building East to West at the Northern end of the building.

I repeat this recommendation, but point out that removing the link is not the only way of dealing with this issue.

Background

I wrote in my last audit of this wind assessment: *The proposed building is a minor change in scale from an aerodynamic point of view compared to the existing building.*

I also noted: “... the one design feature that I think is sheer madness in a building of this type: the link through the building between the windward and the leeward side at the windiest part of the site. I believe that if this link were to be closed in, this wind speed increase would disappear. As the wind speeds through the link (Point R – inside the building) are predicted to be at or above what are considered safe for external environments, I suggest that the link is not a sensible design feature. Without it the whole East side wind environment would improve.”

Mitigation measures

It has been pointed out to me that – despite the label *pedestrian/vehicle cross link* on the plans – this area near the far North, harbour end of the building is in fact not intended as a pedestrian area. It is apparently a necessary part of the access of cars to the parking provision in this area.

I recognise that closing the cross link would create a non-functional car parking access, and that placing the access in this sheltered area may well reduce the problems of large opening and closing doors exposed to the winds around the building. The ‘easy’ option of closing off the link would require some serious re-design of the vehicle entry and exit options for the parking area. However, it does appear that dealing with the provision of pedestrian access through this link if it is left in its current configuration should recognize its contribution to general windiness and potential danger.

I suggest that consideration be given to reducing the suddenness of the transition from shelter of the building to exposure to the jet of air blowing through the link: 50% porous screens of a minimum of 3m width and the height of the link opening projecting from the edge of the building into the flow. The screen on the side of the link near the harbour end of the building should be approximately at right angles to the building whilst the screen at the Southern, City side of the link would project to the North more closely parallel to the building and as far into the link opening as to be consistent with traffic flow. People would then transition into the high wind area through a zone where the wind is flowing through these screens – a less abrupt and hopefully safer experience.

Action

I repeat my recommendation *that the proposed building be accepted as proposed for Resource Consent from an aerodynamic point of view, subject to some re-design of the link through the building East to West at the Northern end of the building.*

Time Spent on Report – to date

Wind assessment audit report writing	2 hours @ \$110 / hour	\$220
TOTAL		\$220

Building Aerodynamics

Audit of wind report for 8 Herd St

To: Erin Eydt

Date: November 12, 2007 Service Request number: 165633

My file reference : wccwr509

Documents seen

- . WCC Cover Sheet dated 17 Oct 2007
- Bound volume Application for resource consent Vol 1 and 2 (Appendices) – black and white

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Brief

The brief for this exercise is to provide comment on *whether there is any concern with the proposal in terms of wind effects and whether further info on wind effects is required, or whether the proposal will not have any wind effects and thus no further information or mitigation is required*. It has been assumed that this type of request is to be interpreted in terms of the *acceptability or otherwise of the proposed*

building vis-a-vis the relevant planning controls Rule 13.1.2.11 and 13.3.2.25 of the District Plan. The relevant sections of the District Plan specify standards of performance with which new buildings or structures above 4 storeys in height (to be interpreted as 18.6m) shall be designed to comply.

Summary

The proposed building is a minor change in scale from an aerodynamic point of view compared to the existing building.

The wind environment is clearly quite exposed.

The wind report rightly concludes that the wind speeds around the site are generally improved by the proposed building.

I recommend that the proposed building be accepted as proposed for Resource Consent from an aerodynamic point of view, subject to some re-design of the link through the building East to West at the Northern end of the building.

Background

The proposed building is a minor change in scale from an aerodynamic point of view compared to the existing building.

The wind environment

The wind environment is clearly quite exposed. It is rare to find an existing wind environment where almost all the wind speeds are in excess of the WCC safety criterion – but this is the case for the existing building where 3 of the 43 measured points are less than this criterion in Northerly winds. The figure for Southerlies is 12 of 43. The site is very exposed to the North; but there are a few buildings that provide shelter to the South, though the wide expanses of Waitangi Park do encourage the wind into the area.

The wind report

The wind report rightly concludes that the wind speeds around the site are generally improved by the proposed building. It notes that in almost all cases the increases are merely shifts in the placement of high wind spots as they are accompanied by decreases in wind at adjacent spots.

The effect of the proposed building

From 3 points less than the danger gust criterion, the proposed building results in 15 points of the total of 43 in Northerly winds which are less than this level. For Southerly winds the number is 23 – up from 12. The points are evenly spread along the sides of the building and grouped at the ends. There are therefore four ‘precincts’ where the wind is measured on a form of grid representative of the whole area: each end and each side.

At the North end, (Points V through F1) the numbers show a general decrease for all points except two in Northerlies and a general decrease in Southerlies. The two that increase in Northerlies are matched by a point that decreases hugely because it is now inside the building. What is actually happening is that the existing wind that blows around the far NorthEast corner of the building in Northerlies at points E1 and F1 is moved out on that corner a little to points D1 and E1 because the corner of the building moves out over point F1. The wind has shifted in position, but not increased or decreased. Arguably, this is one of

those areas on the edge of the waterfront where one would be expected to walk in a howling gale in order to experience the full force of the gale.

Along the East side (Points G1 through P1) the wind generally decreases by a large amount. Again, there are two points where increases are noticeable departures from this trend: H1 and I1. These are at the one design feature that I think is sheer madness in a building of this type: the link through the building between the windward and the leeward side at the windiest part of the site. I believe that if this link were to be closed in, this wind speed increase would disappear. As the wind speeds through the link (Point R – inside the building) are predicted to be at or above what are considered safe for external environments, I suggest that the link is not a sensible design feature. Without it the whole East side wind environment would improve.

Along the West side, facing the Chaffers Marina, (Points I through U) the wind speeds decrease – except at point T. The problem at Point T is the same as the problem at H1 and I1 on the opposite side of the building – the acceleration due to the link through the building. The solution would be the same as well: close the link.

At the South end of the building (Points D though H,) the wind speed decreases overall. On the very SouthEast corner of the building at point E there is a small increase. However, this is more than made up for by the decrease in windiness overall at this point due to the decrease in Northerlies.

Mitigation measures and their anticipated effect

I do not believe any mitigation measures are needed for this building.

However, I do think that the proposed link through the building at point R in the wind tunnel test results is inadvisable and should be removed. Closing it off with doors would exacerbate the problem as wind forces on the door would create all sorts of issues and problems.

Action

I recommend that the proposed building be accepted as proposed for Resource Consent from an aerodynamic point of view, subject to some re-design of the link through the building East to West at the Northern end of the building.

Appendix

In his text book *Wind Effects on Buildings* T V Lawson (1980) relates wind speeds to physical phenomena experienced or observed on land. He does so in order to provide a conversion table between these speeds and the (Admiral) Beaufort Scale used at sea to rate wind strength. This text book along with a 1982 review paper by Shuzo Murakami was used extensively in 1984 to set the current wind speed criteria for Wellington City. Lawson's book contains the following Table:

TABLE 1: The Admiral Beaufort wind speed scale - and associated effects of the wind

Beaufort range	Hourly average windspeed limits of ranges (m s ⁻¹)	Description of wind	Noticeable effect of wind - after Lawson Effect of wind noted in Appendix A of Opus report (after Penwarden)
3	3.35-5.6	Light	Leaves and twigs in motion; wind extends a light flag
4	5.-8	Moderate	Raises dust and loose paper and moves small branches Raises dust, dry soil and loose paper; hair disarranged
5	8-11	Fresh	Small trees in leaf begin to sway Force of wind felt on body; limit of agreeable wind
6	11-14	Strong	Large branches begin to move; telephone wires whistle Walking irregular; hair blown straight; umbrellas used with difficulty
7	14-17	Strong	Whole trees in motion Walking difficult to control; wind noise unpleasant; body leans into wind.
8	17-21	Gale	Twigs break off; progress generally impeded Great difficulty with balance; body blown sideways; dangerous for elderly people
9	21-24	Gale	Slight structural damage occurs; chimney pots removed People blow over by gusts
10	24-28	Strong Gale	Trees uprooted; considerable structural damage Impossible to stand up; necessary to crouch and hold onto a support.
11	28-32	Storm	Damage is widespread Unlikely ever to be experienced

Penwarden writes: In comparing the descriptions (in the above table) with other information it is important to know the time scale involved; that is, whether gusts or long term average speeds are involved. The Beaufort scale is not explicit on this point, but it would seem that the wind speeds quoted are fairly long term averages perhaps over a period of 10 minutes to one hour. The wind speeds in Table 1 are therefore long term average wind speeds. Lawson provides a graphic (p236) showing the relationship between these long term average and the one to three second average (gust) speeds. These 1-3 second gusts are agreed to be the danger to people. The 3 second gust is the basis of WCC design criteria. Table 2 below lists

these ten minute average wind speeds and their 3 second gust equivalents, alongside the very low to extremely high criteria used by Opus. This data is consistent with data published by Arens and Melbourne.

Lawson proposed typical Beaufort wind speed ranges which cause accident and annoyance. These are listed in Table 3. In applying these criteria it is reasonable to aim for the more inclusive Beaufort scale 6 rather than Beaufort 7. The rationale is that while Wellington is windy, there is no reason to suppose its citizens are any more stable than people from other places. In fact, it is quite probable that internationally agreed standards like these would be found unacceptable in less windy locales because they have been established by observations in windy cities like Wellington (Jackson, 1980).

TABLE 2: Beaufort Scale Ranges: their average and gust wind speed equivalents

Beaufort range	Hourly average windspeed limits of ranges (m s ⁻¹)	3 Second average (gust) speed limits of ranges (m s ⁻¹)	WCC Criteria (3 second Gust speeds) (m s ⁻¹)	Opus Net effective gust speed (m s ⁻¹)	Opus qualitative descriptors
3	3.35-5.6	5.7-9.3	< 10	Under 11	Very low
4	5.-8	9.3-13.6	< 15	12-14	Low
5	8-11	13.6-18.4		15-17	Moderate
6	11-14	18.4-23.7	> 18	18-20	Moderately high
				21-23	High
7	14-17	23.7-29.3		24-26	Very high
8	17-21	29.3-35.5		27 & above	Extremely high
9	21-24	35.5-41.8			

TABLE 3: Danger and Annoyance - Beaufort scale wind speeds and their effects on people

Accident	Beaufort Speed Range	Annoyance	Beaufort Speed Range
Old lady blown off bicycle	>5	Adult walking (working?) around building	>4
Old lady upset while walking	>6	Pedestrian walking	>4
Adult upset while walking	>7	Pedestrian sitting	>3
Child upset while walking	>6	Covered walkways	>2
Adult working around building	>6		

The WCC District Plan contains the following clarifying statement:

For information, the effects of wind at various speeds are:

<i>10 metres per second</i>	<i>Generally the limit for comfort when standing or sitting for lengthy periods in an open space</i>
<i>15 metres per second</i>	<i>Generally the limit of acceptability for comfort whilst walking</i>
<i>18 metres per second</i>	<i>Threshold of danger level</i>

The final step in any wind comfort assessment is the application of the criteria: the District Plan requirement is to assess the wind speeds from six wind directions (being judged more than sufficient to cover all relevant wind directions in Wellington City) and to ensure that the estimated 3 second gust speeds do not exceed the WCC criteria for each direction more than once per year during daylight hours. The once per year criterion is apparently very tough. It implies a 1 hour in 4335 hours (the daylight hours in a year) occurrence of wind exceeding these criteria. However, as there are six wind directions tested each of which may be subject to this criterion, the allowance comes closer to 6 hours per year or a 1 in 700 hours occurrence of winds exceeding the WCC criteria as an acceptable maximum at any one spot around a site.

The other criteria determining the acceptability or not of a particular design are

- a) the area of extent of the wind acceleration - at how many points around the building and what proportion of the area of the site do these points represent?
- b) the significance to the city of each point measured; there is an implied hierarchy of significance affording highest priority to public outdoor spaces like parks; then high pedestrian count footpaths; then low pedestrian count footpaths; then driveways and car only access lanes. The principle that is applied is that if accelerations seem unavoidable, or the placement of the building merely shifts the position of existing accelerations along the street then the priority for the city is to shelter the higher priority spaces.

EXTENT OF WIND ACCELERATION AROUND A SITE

The acceleration of the wind around a site is determined by two separate techniques in the wind tunnel test process that are specified in the WCC District Plan. First, there is a requirement to use flow visualisation techniques (such as erosion of particles like cork granules or polystyrene beads) to display the windy areas around the proposed building. Second, there is a requirement to measure wind speeds and to compare these with the WCC performance criteria.

Figure 1 shows an example of a photograph taken during a wind tunnel test of the clearance of polystyrene beads. The dark areas cleared of beads indicate the extent of the wind effects due to these buildings. This process is intended to produce pictures that define a map of the area with contours indicating wind exposure levels around the proposed building. Wind exposure contours are defined by the boundaries between black and white areas on the plan.

Wind speed measurements are normally made at particular points on the plan. If there were enough measurements made at regular intervals on a grid then it would be possible to extrapolate from these spot measurements to the extent of the wind effects. However, they are time consuming and expensive to perform for each wind direction. Therefore, it is normal to combine the two techniques to extrapolate from a minimum series of spot measurements to predictions of the extent of the winds around the buildings.

The WCC District Plan requires that each building assessment be conducted as a comparative assessment: the wind effects of the proposed building design are compared to the effects of the existing buildings on the site.

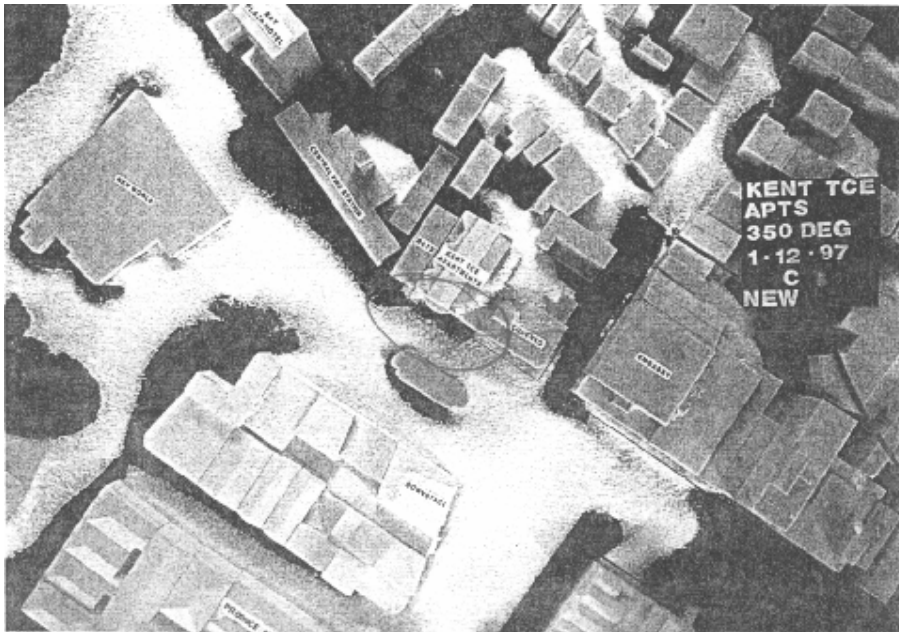


Figure 1 Flow visualisation: photograph of bead clearance from wind tunnel

SIGNIFICANCE OF EACH POINT

The final step in any assessment of the effect of a building on the wind is an assessment of the importance of the areas affected. It is expected that building designers will work to make every point around the building comply with the WCC performance criteria. If necessary the building must be redesigned to meet these criteria. In some cases the wind tunnel test will indicate that no matter how the building is designed, the wind is accelerated relative to what is currently on the site. Only when all other design options have been evaluated, including redesign of the building, the District Plan allows for the application of discretion by the WCC to accept that some wind speeds are made worse around the site. In such circumstances the City looks to place a priority on achieving the performance goals in areas with high pedestrian count. Wind acceleration in areas such as service lanes designed primarily for vehicles will be tolerated much more than in areas where many people walk or gather.

Often when wind speeds are reported spot by spot in a wind tunnel test there is a temptation to compare the number of points where the wind is increased with the number where it is decreased. For example, if the numbers are about equal, it might be thought that there has been little change. This is normally irrelevant as each point is representative of a different area of the site. One measurement point may represent an area some 2m by 2m in dimension; another may represent an area some 20m by 20m. These points are not comparable. The flow visualisation pictures are very much more useful for assessing general changes. It is possible for example to identify that a building has had a neutral effect with some points increasing and some decreasing by noting that what has actually happened is that the areas of high wind speed in the existing situation are moved along the street by the new design. It is possible to see this as a “movement” of the cleared areas along the street.

References

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Penwarden, A. D. *Acceptable Wind Speeds in Towns* Building Science v8, pp259-267 (1973)

Penwarden, A.D. and A.F.E. Wise *Wind Environment around Buildings*. Building Research Establishment Report 141, HMSO. 1972.

Time Spent on Report – to date

Wind assessment audit report writing	2 hours @ \$105 / hour	\$210
TOTAL		\$210

Appendix 3: Traffic assessment – Steve Spence

Transport assessment – Steve Spence, We 20 December 2007

General

The proposed refurbishment of the Overseas Passenger Terminal and the Clyde Quay Wharf includes a mix of apartments, marine based retail, cafes, and restaurants alongside a public wharf. Approximately 2,500 sq.m of retail and restaurant space is planned at ground level with between 70 and 90 apartments above. Parking and servicing is provided for and there is provision for the public to access the wharf perimeter

In regard to the traffic related aspects of the proposal, two traffic reports submitted by the applicant (i.e. the Transportation Assessment dated September 2007, and the Traffic Management Plan dated December 2007), provide information on the current situation relating to vehicle and pedestrian access, servicing and parking in the area accessed via Herd Street i.e. the Chaffers Dock/Marina, Overseas Terminal and Clyde Quay Wharf. The reports move on to detail the transport related arrangements to be put in place to provide for the proposed refurbishment of the Overseas Passenger Terminal and Clyde Quay Wharf.

Following the first draft transportation assessment provided by the applicant in August 2007, additional information was requested on a number of matters including traffic and pedestrian numbers and goods servicing expectations. Additionally, the importance of achieving a high standard design in the areas where pedestrians and vehicles share space was emphasised. This included the important area between the end of Herd Street and the top of the vehicle ramp which will serve the proposed OPT basement car park. Also on Clyde Quay Wharf around the edge of the OPT building which presents the opportunity to substantially improve on the present arrangement where long stay, angle parked vehicles dominate the space and where pedestrian amenity is indifferent.

Following a number of discussions on the design of the public space areas, substantial work has been done by the designers to improve on the original layout and I consider that subject to some matters of detail the current design should deliver a good quality of public space which will accommodate the essential needs of both moving and stationary vehicles, together with a safe and convenient pedestrian environment. I am satisfied also that the changes in traffic activity generated by the proposed refurbishment will have no more than minor effects on the local public road network in terms of safety, delay and congestion.

In regard to Council's Central Area objectives and policies, the development provides for further inner city living and is located within easy walking distance of a range of facilities including a supermarket, and a variety of restaurants shopping and leisure facilities. There is good access to public transport and although there will be generous provision of parking to acknowledge the requirements of the high end apartment market, there is good evidence to show that the numbers of vehicle trips generated by this type of conveniently located residential development will be low at perhaps 2 to 4 trips per day per apartment.

In regard to Objective 12.2.8 which is particularly relevant to this assessment, I believe the proposal is compatible with the policies detailed under this Objective. In particular the reduction in commuter parking can be seen as a positive feature of the parking allocation.

Detailed comments on the various traffic related aspects of the proposal are provided below.

Traffic Impacts on the Street Network

The TDG Transportation Assessment dated September 2007, included with the resource consent application, provides information on the predicted traffic generated by the various land uses which will be included in the overall redevelopment, and these have been added to the existing traffic generating activities serviced via Herd Street including the Chaffers marina and apartments. This has been used to model the capacity for Herd Street to accommodate these changed levels of traffic, in particular at the Intersection of Herd Street with Oriental Parade.

The modelling shows that the main impact will be during the weekday pm peak traffic period when an increased volume of traffic is expected to exit on to Oriental Parade at the same time that traffic is heaviest on Oriental Parade itself. During this busiest time period which TDG has identified to be 4.45 pm to 5.45 pm, the

modelling shows that the Herd St /Oriental Parade intersection will continue to operate with only minor increases in average delay to Herd Street traffic and no discernable effect on straight through traffic using Oriental Parade.

Parking Provision and Design

No parking is required under the District Plan for the central area zoning which applies here. However there are currently a number of parking areas which serve the Chaffers Dock apartments, marina berth holders plus publicly available parking at the southern end of the wharf and around eastern and western edges of the existing OPT building

The applicant proposes to provide a new basement car park dedicated to owners/occupiers of the proposed 70 to 90 apartments and to alter the surface level parking on Clyde Quay Wharf so that it is predominantly allocated to the apartments or dedicated for use by marina berth holders. A small number of publicly available parks will be provided on the wharf including provision for mobility card holders. Overall the amount of parking along the edge of the wharf will be reduced compared with the present situation with the intention of limiting the use of the surface wharf by vehicular traffic as far as possible and to correspondingly reinforce the area as one where pedestrians have priority for the use of shared public space.

On completion of the development, there will be a total of 284 parking spaces accessed via Herd Street. This will include about 48 publicly available spaces all of which will be for short stay use so as to deter use by commuters and discourage parking by other than people visiting the Chaffers/Clyde Quay area. The new parking proposed for the redeveloped OPT will exceed 70 spaces and is therefore subject to an assessment of effects on the public road network under Rule 13.1.1.7. This has been provided by TDG and shows the effects to be acceptable. Otherwise the proposed OPT parking has been assessed by TDG to be within the maximum of 1 space per 100sq.m GFA permitted as of right by the Rule.

TDG have carried out a detailed analysis of the expected usage of the new parking regime and compared it with the current situation. They have deduced that there can be expected to be a more consistent level of traffic generation with lower levels of peak summer use although with the new apartments in place these will generate new traffic with the overall effect that there can be expected to be an increase in traffic using Herd Street during the pm weekday peak period. The impact of this additional traffic has been modelled by TDG and their results show that Herd Street and in particular the intersection with Herd St and Oriental Parade will be able to satisfactorily accommodate this additional traffic.

On the matter of the detailed design of the proposed parking areas, the layout of the basement car park will not be able to meet the District Plan or AS/NZS 2890.1. This is a matter for the vehicle access engineer to assess the acceptability of the reduced design standards proposed but in principle I believe some compromise will be acceptable on the basis that there are genuine physical constraints in designing the new car park into an existing wharf structure. Also, the users will be predominantly regular and able to accommodate some reduced standards. I note that the applicant proposes a clearance of 2m rather than the normal 2.1m and I believe this is acceptable on the basis that larger cars, which will not fit the 2m high basement, will be able to use the new apartment parks located at surface level at the northern end of the Clyde Quay Wharf.

On the matter of the design of the vehicle ramp servicing the OPT basement car park, the vehicle access engineer will be assessing whether the design is suitable. I would note that the design permits two 85%ile cars to enter and leave the top of the ramp at the same time and this is more restrictive than would normally be expected. This is due in part to the large offset dimension between the end of Herd Street and the car park ramp and I believe is acceptable on the basis that it should result in slower vehicle speeds than would be the case with a smaller offset or a wider ramp.

At surface level along the edge of the new OPT building it is proposed to have a small number of short stay (P30) parallel parks for marina permit holders only plus 2 mobility parks for the public. The parks will be located away from the building, with a footpath along the building edge. Pedestrians will also be able to walk along the promenade between the wharf edge and the building with enough space for pedestrians to share the space with a moving car when the parallel car parks are in use. Daily traffic patterns around the edge of

the Wharf past the OPT building, are estimated by TDG to be around 135 vehicles per day on the proposed one-way route up the west side and back down the east side of the wharf. These are quite low figures and should allow the wharf edges to be largely vehicle free with a good pedestrian environment

In summary, I am of the view that the parking arrangements proposed are appropriate and will lead to a number of improvements over the current situation; in particular the reduction in availability of longer stay public parking and the reduction in the availability of casual parking around the perimeter of the OPT will be beneficial in improving the pedestrian environment in this area.

Vehicle Access

Primary vehicle access to the site will be via the Herd Street and Oriental Parade intersection and then via Herd Street, which is legal road at its southern end and within the Wellington Waterfront at its northern end. Herd Street has been rebuilt to a high standard as part of the Waitangi Park development and there is no obvious reason to change its current design to accommodate the current proposal. It currently performs well in regard to separating vehicles from pedestrians and incorporates pedestrian platforms to slow vehicles and reinforce that traffic is entering a predominately pedestrian oriented public area.

TDG have assessed the suitability of the intersection with Oriental Parade to deal with the changed traffic flows expected with the proposed development in place. They have provided evidence that the intersection will be able to operate satisfactorily, and I accept their assessment as reasonable based on their assumptions regarding future traffic levels on Herd Street. I suggest however that a condition of consent be considered to address the situation where actual traffic levels are greater than predicted and are found to result in delay, congestion or safety issues on Herd Street or the Oriental Parade intersection which in the view of the Council require to be addressed by the consent holder.

At the northern end of the formed length of Herd Street there are access points into and out of the Chaffers Marina and Chaffers Apartment car parks and the public car park operated by Wilson Parking. At the point where Herd St terminates there is a wide surfaced space which will serve a number of functions. These include vehicle and pedestrian access to both the west and east sides of the OPT, vehicle access into and out of the new OPT basement car park, and forms an extension of the pedestrian promenade which runs along the front of the redeveloped old Herd St Post Office Building (Chaffers Dock apartments).

I believe this is the most critical area of shared space as at peak times there are estimated to be up to 700 pedestrians an hour on the waterfront during summer peak hours and a good proportion of these enter the area immediately north of Herd St. Sharing this space, TDG estimates around 550 vehicles per day which need to cross over to and from the Wharf and OPT. This is a moderate figure and equivalent to many quieter residential streets, and at times when pedestrian activity is at its greatest pedestrians can be expected to dominate the area. At other times when pedestrian activity is lower it is arguably more important that they still achieve the same level of priority

Therefore it is this area which has been subject to considerable discussion and redesign to ensure it will operate with the greatest level of safety and public amenity compatible with its necessary function of providing vehicle access to the OPT and Clyde Quay Wharf. I believe the latest design for this important area of public space has the potential to perform well in this regard. (see also my comments under Pedestrians and Public Space Design.

Pedestrians and Public Space Design

A high priority is given to pedestrians in the Wellington Waterfront Framework and this is evident on recently developed areas such as Taranaki Wharf where a high standard of pedestrian amenity has been achieved. So it has been essential to look carefully at how the public areas north of Herd Street will be designed to achieve the highest possible level of conformity with the WWF, with the proposed OPT development in place.

This includes the public shared space area immediately to the north of where Herd St terminates where pedestrians using the east - west promenade along the front of the Chaffers Dock Building, come into potential conflict with vehicles needing to access the Clyde Quay Wharf or alternatively access the new OPT

basement car park. It also includes the edges of the Clyde Quay Wharf around the new OPT which can be expected to attract higher pedestrian numbers following the development.

In regard to the first area, immediately to the north of Herd Street, the design has taken into account substantial discussion and input by those involved to produce a design which should ensure this area will achieve a good level of safety and amenity for pedestrians as well as providing for the necessary vehicle movements between the wharf and Herd Street. It was agreed by the parties that it was not desirable to use conventional traffic control devices to regulate traffic as this would be visually unattractive and not desirable in a space where if vehicle speeds and volumes were kept to a minimum, a degree of ambiguity was perhaps better solution. This can be achieved through use of textured paving surfaces while containing the shared space to the minimum area required for vehicle manoeuvring.

On the detail design of this area, I believe there is still some room for discussion for example the proposal by the applicant to remove the road centre line and no stopping lines on the northern part of Herd Street and the use of a new non-standard traffic sign on Herd St to indicate sharing of space by pedestrians and vehicles including cyclists. Additionally it may still be useful to include Stop markings at the point where Herd Street terminates at its northern end. These are matters of detail and can be progressed post - consent.

In regard to the second shared space area i.e. around the edge of the OPT, I consider the latest design to be far better than the original proposals and a significant improvement on the current situation. The reduction in the number of parks (down to 7) on the west side, and conversion to parallel rather than angle parks, will allow significantly more room for pedestrians than at present. A new paved pedestrian strip along the building edge will provide a dedicated space for pedestrians. Pedestrians will also be able to walk along the promenade between the wharf edge and the OPT. They will have more room than at present and will not need to move to one side if they encounter a moving car. On the east side of the OPT which is generally less attractive to pedestrians it is planned to have more surface level parking again as for the east side, reserved for marina berth holders. Servicing will generally be carried out on this side of the OPT and there is more space than on the west side for vehicles to share space. Here a similar paved strip is proposed to provide a dedicated space for pedestrians who prefer to walk close up against the building.

There will be a wide connecting link between the west and east sides of the Quay which will bisect the OPT at wharf surface level to allow both pedestrians and particularly vehicles to drive around the one way traffic route from west side to east side. This cross link should be able to function safely with a high standard of pedestrian amenity as pedestrians should encounter typically no more than around 135 vehicles a day using the cross link (i.e. about 11 vehicles an hour or one vehicle every 5 or 6 minutes averaged over a 12 hour day)

The northern end of the OPT will be a virtually vehicle free with no parking along the edge

In summary I believe the shared space design should achieve a good level of safety and amenity for pedestrians. However in the event that that the submitted design does not achieve acceptably low speeds and driver behaviour, then I suggest a consent condition along the lines offered in the TDG Traffic Management Plan (P 12) that a review shall be undertaken by the consent holder during the first summer after completion of the OPT and Clyde Quay redevelopment on the performance of the shared space areas, and a report presented to the consenting authority for consideration. In the event that additional measures are required, then these will need to be agreed with the consenting authority and be carried out at the consent holders expense. Terms of reference for the study are to be agreed with the consenting authority before commencing the review.

Cycling

I note that the application proposes provision of secure cycle facilities for apartment owners and cycle racks for casual cycle users . Both these facilities will be beneficial and acknowledge the encouragement of cycling as a healthy and sustainable transport mode.

Pedestrians are expected to be the dominant mode on the Chaffers/Clyde Quay area of the wider waterfront development, and the design of the shared space areas has been mainly focussed on minimising any

potential for conflict between motor vehicles and people on foot. The waterfront is shared also with cyclists as it provides a good alternative for both commuter and recreational cyclists to avoid the busy arterial roads around the edge of the waterfront. Although that can be seen as perfectly appropriate use of the waterfront and should be encouraged some cyclists travel too fast and can be intimidating to pedestrians. This is not an issue only in the Chaffers area but may eventuate as a safety/amenity matter for the new public shared space areas proposed as part of this development. This would be picked up in the suggested monitoring condition referred to previously in my assessment

Servicing

In Part 6 of their Traffic Management Plan TDG explain in detail the expected servicing management regime for the various parts of the overall wharf area. I believe the Plan deals adequately with the matter of goods servicing in a way which will minimise any adverse effects for the resident etc and the wider public who will use the Chaffers /Clyde Quay..

On the matter of tour coaches, I am reluctant to see routine use of the wharf by coaches although I accept that they are an essential, requirement to service passenger ships from time to time . It would be helpful if some indication was provided on the expected numbers of cruise ships and the typical number of coaches involved as I believe this is an aspect of the servicing activity which needs to be given further consideration before it should be agreed.

Taxis

The TDG Traffic Management Plan refers to taxis picking up or delivering to the Chaffers Dock building and the OPT and suggests they will only stop briefly. Also they mention unsolicited taxis which will be expected to enter the area during the evening to meet the casual demands of patrons at the bars and restaurants. These will be required to queue in the public short stay parking area and move as required to allow use of the car parks.

I can understand that it is desirable to allow for taxi access into the area however based on experience with taxis in other parts of the city centre, they may well prove to be present in greater numbers than is desirable or necessary. Also it is not clear if taxi numbers have been included in the traffic figures presented by TDG.

I suggest that more thought needs to be given to the issue of taxi access as I am not convinced that the current proposal is appropriate. It would for example be preferable to look at strict limitation on access around the edge of the OPT with maybe only a preferred taxi company allowed to access this area only for pick up and set down. Additionally only a preferred company might be allowed to stand anywhere within the Chaffers Dock area, which WWL controls. Therefore I suggest that taxi access along the lines proposed is not acceptable and that greater control and less freedom of access will be required.

Construction Plan

The proposed draft construction management plan is a useful outline of the approach to be taken. The development site is reasonably self contained and I believe there will be relatively little effect on the public roads, with the site being some distance from Oriental Parade. Management of the public space area immediately south of the construction site will need to be carefully managed and I suggest that deliveries of large items of plant and equipment will need to be done outside of peak traffic times and routine construction traffic may need avoid times when the Chaffers area is busy at weekends or during events.

More work will be required to finalise the Construction Management Plan post - consent in conjunction with the consenting authority.

Summary

Subject to the above comments I consider the proposal is acceptable in terms of its traffic related effects.

Steve Spence

Chief Transportation Engineer

Wellington City Council

PO Box 2199, Wellington, New Zealand

Ph: (04) 803 8099, Fax: (04) 801 3036, Mobile: 021 227 8099

Email: steve.spence@wcc.govt.nz Website: www.wellington.govt.nz

Appendix 4: Noise assessment – Mathew Borich

22/1/2007

ENVIRONMENTAL NOISE REPORT

Service Request No: 165633

Service Request Type: Resource Consent,

Site Address: Clyde Quay Warf

INTRODUCTION:

The upgrade of the Overseas Passenger Terminal will include apartments, commercial activities such as cafes and restaurants and outdoor spaces.

The proposed hotel is situated in the Lambton Harbour Development Area and Plan Change 1 of the Greater Wellington, Regional Coastal Plan applies. Noise sensitive activities shall be protected from noise arising from outside the building by ensuring that an external sound insulation level of $D_{nT,w} + C_{tr} > 30$ is designed and achieved in the habitable rooms. Acousafe Consulting & Engineering Ltd addresses this in a report provided with the application. The report also assesses construction noise associated with the development.

DISCUSSION

Noise Sensitive Activities

The Port Noise Plan Change requires insulation of noise sensitive activities from noise arising from outside the building.

*Any **habitable room** in a building used by a residential **activity** within the Port Noise Affected Area shown on Plan Map 55 shall be protected from noise arising from outside the building by ensuring the **external sound insulation level** achieves the following minimum performance standard:*

$$D_{nT,w} + C_{tr} > 30 \text{ dB}$$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- *accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.*

Ventilation

Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

A report has been provided by Acousafe Consulting & Engineering Ltd titled Overseas Passenger Terminal Redevelopment, Noise Assessment, dated 24 August 2007 specifies generic structural requirements to the building facade elements to ensure $D_{nT,w} + C_{tr} > 30$ dB.

However only generic requirements are specified in the to ensure the apartments comply with $D_{nT,w} + C_{tr} > 30$ dB. The report indicates that the development is capable of meeting the rule and that specific construction details of how the rule will be met will be specified at the building consent stage.

Mechanical ventilation of the bedrooms is to be required.

In my view $D_{nT,w} + C_{tr} > 30$ dB will provide adequate residential amenity against the general ambient noise in this area, however would not adequately mitigate noise effects from low frequency sound associated with generators of large ships, if docked at the Overseas Passenger Terminal. I note the applicant has stated that such ships will not be permitted to dock adjacent to the Overseas Passenger Terminal.

Construction Noise

The Acousafe report makes an assessment in accordance with the updated construction standard NZS 6803:1999 Acoustics-Construction Noise. Compliance with this standard would provide adequate protection for nearby residences and businesses and would be consistent with the approach adopted in the Wellington District Plan.

An extended construction period is estimated. Demolition and pile driving is estimated to take approximately 13 months. The total demolition /construction period estimated is approximately 23 months.

The report provided by Acousafe Consulting estimates that some pile driving will exceed permitted limits specified in NZS 6803:1999, when measured at adjacent residential uses. Because of tides some night time concreting work will be required.

I note the Construction Management Plan by L.T Mc Guinness specifies construction hours of 7:30am to 10 pm for other noisy construction work. These exceed the recommended hours specified in the standard for noisy construction work and are likely to cause adverse affects

The limits in table 2, for long term construction work apply. These limits provide for noisy construction work from Monday to Friday between the hours of 7:30am and 6pm and construction work at a lower level between 6pm and 8pm. On Saturdays the limits allow for construction work between the hours of 7:30 am and 6pm. The noise limits specified outside these hours are typical to limits specified for residential activities specified in the District Plan and would prohibit all but the quietest work.

When assessing the proposed construction the amount of pile driving and the night time concreting are the two construction activities that have the greatest potential to cause adverse effects. Other construction activity specified is relatively typical of larger developments, however it should be noted that the duration of the construction activity pushes it into long term category.

The report suggests restricting pile driving to 7:30am to 6pm Monday to Saturday. These are the standard construction hours specified in NZS 6803:1999 Acoustics-Construction Noise and generally should be adequate to protect adjacent residents, providing the “Best Practicable Option” is adopted to reduce noise to a reasonable level as defined in the Resource Management Act. This would include the use of sacrificial dollies. In relation to pile driving activities that exceed the noise limits specified in the standard the best practicable option may include slight changes to the hours depending on who is adversely affected, hence nearby businesses or residences. This is typically assessed at the time of complaint.

The acoustic report lists possible mitigation measures to reduce noise emanating from night time concreting work to approximately 45 dBA Leq at residentially zoned properties (as recommended in the standard) and 60 dBA Leq at the Chafers Marina Apartments. These apartments are Central Area zoned and are adequately insulated against the additional external noise. Council Officers should be notified prior to this proposed work and a report specifying in detail the mitigation measures to ensure that the best practicable option to reduce noise to a reasonable level is being adopted. Adjacent affected uses should be notified of the hours and dates of the proposed night work, and why this work is being carried out at night. Noise monitoring should be carried out to show that the noise mitigation work has been successful in adequately reducing noise levels.

Commercial Activities/ Plant noise

The overseas passenger terminal is situated outside the Central Area and therefore the noise limits specified in the District Plan to control noise emanating from activities such as bars and cafes do not apply. Similarly there is little control over plant noise. It is recommended that these limits are included in the conditions to ensure adequate

protection to adjacent uses, including the residential uses situated in Mt Victoria and Oriental Bay.

Apartments above Commercial Activities on same site.

Apartments are situated above commercial uses in the Overseas Terminal. As these will be situated in the same building and on the same site, the District Plan would take the view that noise levels should be controlled by the Body Corporation rules. A similar system is appropriate in this instance however it is recommended that playing any loud amplified music should either be prohibited from the downstairs commercial uses or assessment required by an acoustic engineer to ensure necessary works are carried out to ensure a reasonable level of noise up at the apartments. I THINK YOU NEED A CONDITION FOR THIS?

3:0 RECOMMENDATIONS:

That Resource Consent includes the following conditions.

1. The applicant shall provide a report from a qualified acoustic engineer with the specifications for any building consent application for the apartments. The report shall in detail specify glazing requirements for each window and structural requirements to the building facade elements (including plaster board lining) to ensure the external sound insulation of the building achieves the following minimum performance standard:

Any **habitable room in the** building used for a residential **activity** shall be protected from noise arising from outside the building by ensuring the **external sound insulation level** achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 30 \text{ dB}$$

These details shall also be shown on the building consent plans, and mechanical ventilation shall be provided to all bedrooms.

A copy of the acoustic consultants report shall be provided to the Compliance Officer of the Compliance Monitoring and Enforcement Team, Property, Consents and Licensing of Wellington City Council

2: Before any residential occupation of the building the consent holder shall provide to the Compliance Officer of the Compliance Monitoring and Enforcement Team, Property, Consents and Licensing of Wellington City Council, certification from a suitably qualified person that the building has been constructed in accordance with the acoustic engineers design report which specified glazing requirements and structural requirements to the building facade elements to ensure

compliance with the minimum performance standard $D_{nT,w} + C_{tr} > 30$ dB.

Note: The Council regards the following persons as fulfilling the requirements for being suitably qualified with respect to the above:

Members of the Association of Consulting Engineers of New Zealand (Incorporated);

- Members of the Institute of Professional Engineers of New Zealand Members of the New Zealand Institute of Architects (N.Z.I.A.); and,
- Registered Clerks of Works

Construction Noise

3) All construction work shall be carried in accordance with the provisions of NZS6803:1999 Acoustics- Construction Noise. Construction noise shall meet the noise levels specified in Table 2 of the standard, except for:

- pile driving may exceed this provided the requirements of conditions (4) and (5) are met; and,
- concrete work associated with the sub-wharf car park which may need to take place at night, in which case any construction noise shall comply with conditions (6) and (7).

3). Any pile driving not meeting the provisions of NZS6803:1999 Acoustics- Construction Noise, is restricted to the following days and hours:

- Monday to Saturday between the hours of 7:30am and 6pm, or as further restricted to ensure the best practicable option is adopted.

4) Noise from pile driving shall be mitigated by the use of a sacrificial dolly.

6) At least 5 working days prior to any night time (between the hours of 10pm and 6:30am) concreting work commences, the consent holder shall provide a report to the Compliance Officer of the Compliance Monitoring and Enforcement Team, Property, Consents and Licensing of Wellington City Council. The report shall specify mitigation measures required to ensure that the best practicable option has been adopted to ensure noise levels emanating from the concreting activity do not exceed the night time limits specified in table 2 of NZS 6802:1999 Acoustics –Construction Noise when measured in front of the residentially zoned properties on Oriental Parade or 60 dBA (1eq), 10 minutes duration, in front of the Chafers Dock Apartments.

7) On at least one occasion noise monitoring of night time concreting activity shall be carried out by a suitably qualified expert. Noise

readings shall be taken on Oriental Parade and in front of Chaffers Dock Apartments.

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

At all times	60dBA (L10)
At all times	85dBA (Lmax)

9) Noise emission levels from fixed plant shall not exceed the following at or within the boundary of any land parcel, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted:

At all times	55dBA (L10)
01pm to 7am	Lmax 70 dBA

9) Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>55dBA(L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>50dBA(L10)</i>
<i>At all other times</i>	<i>40dBA(L10)</i>
<i>All days 10pm to 7am</i>	<i>70dBA(Lmax)</i>

Yours sincerely

Matthew Borich
Wellington City Council
Telephone 801 3861
Fax: 801 3165

Appendix 5: Design Review – Technical Advisory Group

Waterfront Development Subcommittee

Technical Advisory Group

Design Review of Proposed Refurbishment Overseas Passenger Terminal and Clyde Quay Wharf

20 December 2007

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- 3.1 Waterfront Themes
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1 INTRODUCTION

1.1 Scope

- 1.1.1 This review refers to the Applications for Resource Consent Volumes 1 and 2 prepared by Capital Wharf Ltd & Wellington Waterfront Ltd (September 2007). This is referred to throughout as “the proposal”.
- 1.1.2 The project is assessed against criteria established by both the WDSC approved *Design Brief for Overseas Passenger Terminal Redevelopment (19 April 2004)* and the *Wellington Waterfront Framework*. These documents will be referred to throughout as “the design brief” and “the Framework” respectively.
- 1.1.3 The design brief for the redevelopment of the Overseas Passenger Terminal (OPT) incorporates the relevant content of the Framework. As a result, Section 2 makes detailed reference to the ‘Waterfront Principles’ while Section 3 provides an overview assessment in relation to relevant ‘Waterfront Themes’, ‘Waterfront Values’, ‘Waterfront Objectives’ and ‘Key Features of the Waterfront’.
- 1.1.4 This current design review addresses changes to the proposal that have occurred in the process of design development since the last full pre-consent TAG review of 13 April 2006. These include:
- Increase in height of the first two levels of the building.
 - Provision for roof top ventilation
 - Changes to proposed activity above ground at the south end of the building
 - Changes to the configuration of surface parking on the western side of the building.
- 1.1.5 Responses to post-notification developments of the vehicle access arrangements at the south end of the building and the parking configuration are integrated into this review.

1.2 Executive Summary

- 1.2.1 This proposal is in the main consistent with the requirements of the Waterfront Framework.
- 1.2.2 This proposal is highly resolved architecturally and makes a well-considered response to the *Design Brief*. It is a lively yet coherent collection of forms and the central portion of its three-part composition is reminiscent of the existing building. The redevelopment also occupies the same structural grid and a footprint similar to the original structure. As a result, the landmark remains recognisable. There is also potential to retain or rebuild parts of the existing fabric but the proposal is unspecific about how much of the original building will be preserved. The proposal constitutes adaptive reuse rather than heritage conservation.
- 1.2.3 While continuity with the past is maintained, redevelopment of the building signals new uses and help to articulate the lengthy and somewhat repetitive structure of the existing OPT.
- 1.2.4 The increase in bulk is carefully considered. Additional volume is concentrated at either end of the wharf with only a single additional residential floor between. This configuration limits the impact on city-harbour views, and also produces a positive scale relationship between the base of the OPT, Chaffers Dock and the John Wardle design for Sites 1-3.
- 1.2.5 An increased shading effect is appreciable in certain locations at limited times of the year. However, this change does not compromise public use of the promenade.
- 1.2.6 Activities (including servicing) appear viable and appropriate, and promise to enhance the adjacent promenade. By adding new edge activities, and promoting 24

hour occupation of the site, proposed uses will make the promenade safer and more attractive.

- 1.2.7 The redevelopment provides a convincing treatment of public space. While additions to the existing building increase shading at certain times, they also create a significantly improved wind environment. Several measures will enhance the public's experience of the wharf: repairs to surfaces; a more sophisticated lighting scheme which reduces glare; and a small low-level jetty at north end of the pier.
- 1.2.8 There is a clear intention to maintain berths for medium-sized vessels. However, maritime activity will be constrained by the development.
- 1.2.9 Parking under or within the building, servicing and other provisions for vehicle access produce acceptable effects on public space. Appropriate management and enforcement will be needed to ensure the spaces provided on the west side of the wharf will be used only for their intended function.

2 REVIEW OF PROPOSAL AGAINST THE OPT DESIGN BRIEF

2.1 Design quality and visual interest

Design quality

- 2.1.1 *Any new development will be of a high quality. (p.18)*
The design is coherently resolved at all levels. Additions are treated in a contemporary manner, however they have a clear visual relationship to the composition and structure of the existing OPT.
- 2.1.2 Cantilevered planes at the north end of the building have a suitably strong sculptural quality, and refer to the roof forms on the existing OPT. Because these elements are large in scale, they can readily be identified in long-range views across the harbour.

Visual interest

- 2.1.3 The Framework notes:
 - *A degree of richness of detail in the building facades or other elements that form the walls of spaces is also critical. (p.31)*The design brief (1 (c)) expanded on this criterion and applied it to the particular visual features of the OPT: "While repetition and emphatic horizontality are part of the terminal's maritime/industrial character, the building's great length calls for strong vertical divisions along the main elevations."
- 2.1.4 The building is broken down into three main forms, and is further modulated with cantilevered and recessed volumes which create a stronger, more variable rhythm along the east and west elevations.
- 2.1.5 These alterations introduce greater visual interest, and they supply motifs which are easily recognised in long, intermediate and short-range views. The new work invokes nautical imagery, continuing a theme which is inherent within the original OPT design. However, references to hulls, ribs and modern marine industrial processes are suggestive rather than explicit. This treatment allows change in the building's character without devaluing remaining traces of the original design. As a consequence the two styles of architecture sit very comfortably together.
- 2.1.6 In this way, the redevelopment enhances the positive contribution already made by the OPT to waterfront and harbour views.
- 2.1.7 The ensemble of forms at the southern end of the OPT relate well to the Wardle design on Sites 1-3. Taller volumes establish a counter point to the long horizontal

forms of the Wardle buildings and the linear emphasis of the existing OPT. The additional height also provides a transition to the more massive Chaffers Dock, and helps to establish a presence in the Kent and Cambridge Terraces view shaft. At the same time, strong three-dimensional modeling and the use of intermediate-scaled elements create visual interest in short-range views. The asymmetrical massing of the building's southern end leaves its western side of the OPT relatively unencumbered. As a consequence, when people approach the wharf from Waitangi Park, they gain a clear impression of the OPT's original form and they receive a strong invitation to walk out onto the wharf.

- 2.1.8 Double height ground-floor spaces increase visual interest, and encourage greater variety of activity along the side of the wharf.

2.2 Relationship of building to open spaces

Relationship between OPT and Waterfront Promenade

- 2.2.1 The brief notes that the OPT wharf is part of the waterfront promenade, and both a shared pathway and a flat public recreational open space where pedestrians have priority over vehicles. The Framework notes that the promenade:
provides a sequence of changing, rich and interesting experiences. It should be a shared pathway, designed to accommodate a range of non-motorised uses including strolling, cycling, roller-skating, scooters, pushchairs and wheelchairs. (p.13)
- 2.2.2 The design maintains the desirable qualities of existing public spaces. Pedestrian experience will be enhanced by opportunities for increased edge activity, including new building entries along the east side of the building.
- 2.2.3 Two through-block passageways offer pedestrians a short cut around the wharf. The option of shorter walking circuits is likely to entice more pedestrians onto the wharf and these east-west links are likely to bring more foot traffic to its less popular eastern side.
- 2.2.4 This design maintains close to the full width of the existing promenade on the west side of the wharf over most of its length. On the east side six apartment lobbies intermittently reduce this from just under 9 to 6 metres. On both sides at the northern end, the width of the promenade is reduced by just over half to approximately 4 metres. This constriction extends for 32 metres along the west side of the wharf and 48 metres along the east side. These distances are 15% and 22% respectively of the total length of the OPT. The remaining 4 metres maintains acceptable access for pedestrians but while allowing vehicle access places limits on vehicle use.
- 2.2.5 Pedestrians have the option of taking a new 8.0 metre wide east-west passage at the point where the wharf edge promenade narrows. Also, the reduction in width occurs at the outer extremity of the wharf where foot traffic will be lowest. For these reasons, the constriction will not compromise use pedestrian use of the promenade. However, it is likely that vehicles will need to be controlled here.
- 2.2.6 When motorists enter and exit the wharf or the proposed car park, they must share space with pedestrians on the promenade. The southern extension of the building means that there will be a stronger engagement between the OPT wharf and the promenade. Consequently, more foot traffic can be expected around the south end of the wharf, and it is important that the developed design eliminates conflict in this area. Traffic Design Group(TDG) has provided advice on the volume of traffic flows, but the detailed design here remains ambiguous about the details of execution.

Link to Oriental Bay

- 2.2.7 The Framework notes that the promenade *should link into both the park and any buildings, and the configuration through to Oriental Bay must be improved.* (p.38)
- 2.2.8 Further description is required for the promenade at the south of the building and the effect of the development on the pedestrian link to Oriental Bay. In its present form, the proposal lacks detail, particularly for the area beyond the south boundary of the subject site. There are also discrepancies between architectural and traffic engineering drawings, for example the position of bollards and the extent of the cut-out in the wharf.
- 2.2.9 It is critical that the design of the south end of the OPT is integrated with plans for Sites 1-3 and adjacent public spaces. This integration is still to be demonstrated.
- 2.2.10 Vehicles exit the wharf and the new car park through an existing area of parking at the end of Herd Street. While this arrangement may be convenient as a temporary measure, the exit route would seriously compromise development plans for Sites 1-3 and their associated public spaces. To avoid this, the development should allow Herd Street to become the only permanent formalised vehicle access route.

Shelter

- 2.2.11 The Framework states:
- *Sheltered spaces are important so that people can use the waterfront in a variety of weather conditions...The detailed design of spaces should take into account the prevailing winds and when a given public open space is likely to be used most.* (p.30)
- 2.2.12 Cantilevered forms provide covered areas along the promenade. These are concentrated at either end of the wharf, but also provide intermittent shelter along the edge of the promenade. Because of their orientation, the two new east-west passageways provide further opportunity for shelter from the prevailing winds.
- 2.2.13 The proposal significantly enhances the wind environment on the OPT. The OPUS Central Laboratories report (p16) advises that reductions in northerly winds
"are due to a combination of (1) wind flows being deflected further away from the building by the changes to the ends of the building, (2) the fragmented façade helps to break up horizontal wind flows, and (3) the increased height tends to provide more shelter to downwind areas."
- 2.2.14 The OPUS assessment concludes:
"Overall, the proposed redevelopment causes a marked improvement in the wind environment, in both northerly and southerly winds, with reductions in wind speeds around the perimeter of the redeveloped building. In contrast, wind speed increases were limited to quite localised areas." (p17)

Active edges to the promenade

- 2.2.15 The brief notes the relative absence of active edges on the existing building and the limited number of points along the promenade. The Waterfront Framework also states:
- *Buildings that face onto the promenade should have public uses along those edges so they open up and provide activities that can engage people.* (p.29)
 - *Buildings and their activities should be focused outwards to address their surroundings and generally contribute to the activities and life on the waterfront.* (p.30)
- 2.2.16 The proposal establishes a primary ground level frontage along the west side of the wharf and a secondary frontage along the east side. This treatment is a realistic response to the hierarchy of use on the site. Moreover, there is capacity to increase retail space along the eastern frontage if demand permits.

Shading effects on the promenade

- 2.2.17 There are several appreciable shading effects. First, the additional height increases the amount of shade on the OPT wharf promenade. The simulations show that the eastern side of the wharf promenade is currently partly in sun at 3.00pm throughout the year. The combination of greater height and building overhangs means that while the western side of the wharf remains in full sun at this time, the proposed development will fully shade the eastern side at 3.00pm throughout the year. A similar shading effect occurs in the morning at midsummer. Currently the outside edge of the western side of the wharf is in sun at 9am, however the proposed redevelopment would shade that edge at that time.
- 2.2.18 Both sides of the wharf receive sun at midday right through the year. The opportunity remains for promenade users to find sun somewhere along the length of the OPT. Furthermore, two new east-west access points allow strollers greater choice between sunny and shady sides of the wharf. In total, the reduction in amenity is minor.
- 2.2.19 At 5pm in mid-summer, the proposed building also extends shadows at the south end of the wharf. However, as the public space is already in shade, this produces no change to the extent of shading on the promenade. Instead, the longer shadow is cast over the water.
- 2.2.20 The second noticeable shading effect is an increase in early morning mid-winter shading to the main promenade in front of the Chaffers Dock building. Shading diagrams show that at 9am in midwinter an area of the promenade here is currently in sun, and this would be shaded by the proposed building. At the equinoxes, the main promenade is no longer in shadow at this early hour.
- 2.2.21 This second shading effect results from the fact that the south end of the proposed building is taller than the existing OPT and closer to the promenade. However, architectural massing minimises early morning shading effects by placing a lower (two storey) volume at the south-west corner of the development and a taller volume at the south-east corner.
- 2.2.22 Increased shading on the main promenade reduces the likelihood of static occupation, especially on cooler days. Balancing this is the likelihood that the majority of early morning promenade users are likely to be pedestrians on the move, especially during the winter months. The additional area of shadow will be experienced as a short interlude along a generally sunny pathway. Consequently, shading is unlikely to be a critical issue for promenade users.
- 2.2.23 In conclusion, the increased shading is appreciable in certain locations at limited times of year. However, it does not compromise public use of the promenade.

Safety

- 2.2.24 Safety from crime and reduced fear of crime are important. The Framework notes: *Natural surveillance achieved through good design is preferred to electronic or formal methods of surveillance.* (p.21)
- 2.2.25 Commercial and WWL tenancies at wharf-level contribute natural surveillance to the west side of the promenade in a manner similar to existing activities. Extending these activities through to the eastern edge of the building will bring natural surveillance to the less frequented side of the wharf. Here, public safety will be further enhanced by the apartment entrance lobbies which are located at intervals along the building's east frontage. Three groups of covered public car parks are located in alcoves along the east side of the building. These car parks could present a threat to security and public safety unless subject to effective informal surveillance. However, there are good sight lines into these areas from adjacent commercial and WWL tenancies. Because the car parks will frequently be used by business

customers, the occupants of these tenancies will have a natural custodial role in relation to the alcoves.

- 2.2.26 Residential accommodation begins at first floor level, directly above the promenade. In this location, apartments provide a greater sense of inhabitation and more effective informal surveillance than the current building which lacks 24 hour occupation.

Access to the water

- 2.2.27 The proposal includes a low-level extension to the northern end of the wharf. This element allows closer contact with the water. However, it should be noted that the wharf extension is vulnerable to rough seas and also risks 'domesticating' a section of wharf which should be associated with open water and larger ocean-going ships.
- 2.2.28 Nevertheless, by complementing the existing high-level wharf, this extension explicitly addresses the brief requirements 2.2 (f): "The OPT redevelopment provides an opportunity to improve public access to the water" and 5(d): "Opportunities for fishing and other existing uses of the wharf shall be maintained or enhanced."

2.3 Heritage Conservation

- 2.3.1 This is an urban design review of heritage conservation aspects of the project, and is separate from the WCC heritage review.
- 2.3.2 The Framework establishes the importance of heritage and history. For example:
- *Heritage and the history of the waterfront are important parts of the identity of the waterfront. (p.17)*
 - *Significant heritage buildings are protected on the waterfront. (p.21)*
 - *Heritage buildings are an important aspect of the history of the waterfront and should be restored and reused. (p.17)*
- 2.3.3 The Framework also makes specific reference to the OPT:
- *Heritage buildings must be restored and used to contribute to the vitality of the waterfront. The Group considers the following buildings to be the heritage buildings of the waterfront: [List including] Overseas Passenger Terminal (p.24)*
 - *The Overseas Passenger Terminal will be retained and developed. (p37)*
- 2.3.4 The precise extent of the c.1907 wharf structure that will be retained cannot yet be determined with certainty. However, it is clear that significant maintenance and strengthening must occur. The proposed under wharf parking will replace most of the central portion of the concrete wharf structure at the southern end of the OPT. A structural engineer's investigation has concluded that this section of the wharf is in a "parlous state" owing to spalling of the original concrete and the nature of subsequent repairs.
- 2.3.5 The Architect's statement confirms that the development is not a heritage conservation project. This approach is consistent with the advice of Conservation Architect Chris Cochran, who notes that the proposed building "draw[s] its inspiration from the existing building" and makes nautical references that are "as strong in the new as in the old".
- 2.3.6 The designers' approach has been to use new elements that maintain a nautical character and refer to the architectural identity of the existing building. The most substantial changes to architectural identity occur at either end of the OPT. This strategy allows the central section of the development to conform more closely to the original building. Collectively these responses give a sense of continuity with the past. Architectural continuity will be experienced primarily in distant and mid-range

views. From these vantage points similarities in roof form, rhythm and proportion will be most evident. Close at hand, continuity will be apparent in the retention of visible wharf fabric. However, promenade users will recognise little if any of the building's existing fabric. New cladding and projecting volumes mean that the overall character of the building will appear markedly different from the present structure.

Background to selection

- 2.3.7 In 2004 Wellington Waterfront Limited called for proposals from developer/architect teams and received nine proposals from six developers. The response to the design brief of each proposal was systematically assessed by TAG at the formal presentations by developers on 10 August 2004.
- 2.3.8 None of the nine proposals presented retained and restored the OPT in its current form. Of the nine viewed, the Willis Bond proposal best responded to the heritage objectives in the brief and TAG noted in August 2004 that it: *"Distinguishes clearly between retained, modified and new fabric."*
- 2.3.9 Subsequently, WWL carried out further investigations and short-listed three proposals that best met design and feasibility criteria. Two of these were for an entirely new building. These subsequently dropped from contention when WWL selected the Willis Bond proposal. In its design review at the time (22 March 2005), TAG recorded that the Willis Bond proposal:
- *Offers potential to retain some of the existing heritage fabric.*
 - *Contains recognisable elements of the OPT, is close in height and maintains the length of the existing OPT, and is overlaid with additions in a compatible contemporary design.*

Adaptive reuse

- 2.3.10 This refurbishment maintains some important heritage attributes and elements while losing others. Likewise, it allows the continuation of some uses and the expansion or introduction of other activities. As such, it is an example of adaptive reuse and re-development, not restoration. In relation to the Framework expectation (p24), it will contribute to the vitality of the waterfront.
- 2.3.11 Section 3(f) of the design brief anticipates adaptive reuse of the OPT. The development responds to this possibility. Dimensions and proportions relate to the structural module of the existing building. Key architectural elements (such as roof profiles) are retained, and these help to ensure that the new building is recognisably derived from the original. The design retains most external items identified as having high heritage values. However, large internal spaces have been lost.

Retaining traces of history

- 2.3.12 The design brief follows the lead of the Framework which states:
- *Traces of maritime history include the remaining waterfront buildings, artefacts and wharf structures, and also evidence of usage and industrial/maritime wear and tear. (p.24).*
- 2.3.13 The OPT occupies an exposed marine location, and there has been substantial damage to the existing building fabric. This includes corrosion of steel components above the wharf and structural degradation of reinforced concrete below. This deterioration means that the patina of age cannot be retained in the long term without building failure. Consequently, this Framework objective is best applied to elements on and at the edges of the wharf. These include up-stands, tie-ups, the crane rail set into the north-east section of the wharf and other details along the edges of the wharf.
- 2.3.14 The proposal retains much of the existing wharf structure, including the decking, wharf edges – with their signs of wear and tear – along with other features visible to

users of the promenade. The public space design strategy is low intervention, retaining 'hardware' such as bollards, and making good the existing wharf surface. Asphalt paving is used in combination with saw-cut concrete at important pedestrian locations. This treatment is simple, robust and consistent with public space on other wharves along the waterfront.

Landmark status

2.3.15 The heritage statement notes that the existing building owes its landmark status to its prominent harbour location. This observation is reinforced by the design brief which notes that the OPT is "one of Wellington's most conspicuous and most widely recognised buildings...an integral part of the central city's landscape character...[and] ..one of a handful of landmark buildings which help to identify Wellington to visitors and residents alike."

2.3.16 The design maintains recognisable features of the OPT. With the exception of northern and southern extensions, the building envelope broadly matches the height, length and width of the existing OPT. Its general appearance in long and mid-range views remains similar and its prominence in harbour vistas will be maintained. In this sense, the OPT will retain its status as a prime Wellington landmark.

Extent of retention of elements and features

2.3.17 The proposal has the potential to keep parts of the existing OPT building including artefacts identified in the conservation report and some structural elements. However, the amount of fabric retained remains uncertain until a more complete survey has been made. None of the larger spaces within the existing building will be retained in this redevelopment.

Maintenance of general appearance

2.3.18 New construction is executed in a contemporary style which nevertheless recalls the scale and composition of the existing building. As a consequence, in long or mid range views, the design recognisably maintains the form and character of the existing building. However on close inspection, an observer will be able to see that the building type has changed from a passenger terminal to a predominantly residential complex. Clues to this transformation include the modular character of the façade, the inclusion of extensive glazing and the appearance of skylights at roof level. The proposal appears to be a different building in most close range views.

2.3.19 The lines of relatively small separate skylights as proposed give a sense of domestic scale. Consideration should be given to investigating slots or groupings that establish a more linear arrangement.

2.3.20 Greater continuity with the characteristic horizontality of the existing OPT could be achieved if horizontality were to be emphasised at or around the upper level deck or top of the middle section of the building.

Departures from the design brief

2.3.21 While adaptive reuse is explicitly anticipated by the heritage section of the design brief, the extent of modification to the fabric of the building is such that it might be considered a departure from the heritage related aspects of the brief. Departures are anticipated as a possibility by section 8 of the brief, and require "exemplary design resolution of architecture and public environment design at both the conceptual and detailed design levels". We consider this has been achieved.

2.3.22 The brief requires that in addition, the following will be considered:

- the overall formal and planning elegance of the solution
- its overall architectural quality
- the quality and relevance of the activities provided, and
- its relation to the context of landmark building and location.

2.3.23 The proposal provides an accomplished architectural treatment, simple landscaping and an innovative approach to parking. The benefits of parking under the wharf include minimising above ground parking and integrating structural repair. The proposed activities are appropriate, and additional mass and formal articulation will give an enhanced visual presence, emphasising this as a landmark building.

2.4 Activity

Appropriateness of proposed activity

2.4.1 The Framework notes:

- *The waterfront will meet the needs of a diverse range of people. (p.18)*
- *Recreational, cultural and civic uses are particularly appropriate for the waterfront, complementary to similar uses in other parts of the city. (p.18)*
- *There will be an allowance for some commercial development on the waterfront. (p18)*
- *[Buildings] that are responsive to changes in use will ensure continued activity and vitality on the waterfront. (p30)*

2.4.2 The development combines residential accommodation with a range of retail and other semi-public uses. The latter occupy critical ground-level locations, and promise to maintain the maritime character of existing commercial activity on the wharf.

2.4.3 Because several large internal spaces disappear, the OPT loses its present capacity to host big events. Depending on the nature of wharf level tenancies, particularly those at the north and south end of the building, some capacity to host public functions may be retained, though on a smaller scale. Nevertheless, the OPT has long been recognised as underutilised, and the proposed mix of uses will sustain more intense day-to-day activity on the wharf. In this sense, the development is consistent with the Framework.

Ground floor activity and active edges

2.4.4 The Framework notes:

- *Ground floors of buildings will be predominantly accessible to the public. (p.19)*

2.4.5 This proposal offers a positive treatment of frontages and ground-floor activity. The primary frontage is located along the west side of the wharf where retail uses are already well established. A secondary frontage faces east. Although this elevation contains less retail space, it is activated by a number of apartment entrances.

2.4.6 The ground floor of the building is required to open out to the promenade.

- *There should be opportunities for buildings to open out onto the promenade and provide different levels of activity along its length. (p.14)*
- *The buildings that face onto the public spaces should help define these spaces, provide for natural surveillance and allow for activities that engage people using these spaces. (p.14)*

2.4.7 Because the bulk of car parking is provided below the wharf, most floor space at promenade level can be devoted to active uses. This makes human inhabitation of the building more evident to users of the promenade. 24-hour occupation of the OPT will contribute to the safety of the promenade and the adjacent park.

2.4.8 Semi-public spaces extend to first-floor accommodation at the north end of the building. This position is especially favoured in terms of outlook. This first-floor accommodation helps to give the whole OPT redevelopment a greater sense of public ownership.

2.4.9 The extremities of the OPT are its most conspicuous features, and the building's south end also marks a gateway to the wharf where strong overtures should be made to passers-by. It is unfortunate that semi-public uses do not extend to the first

floor here, as they do at the north end. Additional upper level public activity would significantly improve the building's engagement with the main promenade. Notwithstanding this comment, it is appropriate that the north and south ends of the building are more strongly architecturally articulated and that they exhibit a recognisable public orientation.

Maritime vessel berthing

- 2.4.10 The Waterfront Framework notes:
- *Continued maritime port activity is an important contributor to diversity of use, as well as maintaining the waterfront identity. (p.30)*
- 2.4.11 Evidence demonstrates that mooring of small boats can and will continue in Chaffers Marina, but the Framework also seeks to maintain the presence of larger vessels. Following from this the brief records (4 f) :
- “The OPT wharf shall continue to provide berths for a wide range of vessels and should maintain the potential to dock medium size ocean going ships. If over time, deterioration in the capacity of the wharf structure prevents ships of this size docking, the redevelopment shall not preclude future strengthening and other modifications necessary to continue to accommodate such vessels.”
- 2.4.12 The resource consent structural assessment by Dunning Thornton Consultants, advises the following (page 6):
- In a strengthened state the wharf structure will be able to safely withstand expected loads that may be imposed from moderately sized moored vessels. However the wharf is a relatively flexible structure and accelerations from ships “bumping” up against the wharf will be transmitted into the wharf and may be felt inside the proposed development. These effects may be amplified during adverse weather conditions. The magnitude of the accelerations will be affected by the size of the vessel, the effectiveness of the perimeter fendering, weather and tidal conditions.
- It is proposed that in typical conditions berthing will be restricted to small vessels (less than 300 tonnes) with larger vessels permitted for short visits, if conditions permit.
- 2.4.13 The types of vessel allowed and expected frequency of use should be indicated to demonstrate the practical effect of this limitation. A further consideration is the frequency with which large vessels currently berth.
- 2.4.14 The Centreport letter of 27 July 2007 advises little current use, that is, a practical cessation of port activity. The letter also gives reasons why the Clyde Quay wharf is unlikely to be suitable for mooring large vessels in the future. These include conflict between tenant access and noise, and international security protocols and standards and the need to upgrade the current fendering. The second constraint appears to preclude mooring international shipping at the OPT if the development goes ahead.
- 2.4.15 Given the above, TAG's opinion is that continued berthing of large ocean-going vessels is unlikely to continue if the development proceeds. There are clear intentions to maintain some of the services required for berthing medium-sized vessels, e.g. power connections. However, contrary to the Framework and the brief, the proposal imposes serious constraints on a continued use of the wharf by ships.
- 2.4.16 In recent times large naval and commercial vessels have tied up at the Clyde Quay Wharf. When this occurs, the visual effect is dramatic. The occasional large vessel tied up here makes a rare but significant contribution to the image of the city and creates a surprise event in views down Kent and Cambridge Terraces, and with Mt Victoria as a backdrop, it creates one of the memorable images of Wellington in views from the CBD across the inner harbour.

2.4.17 The brief also states: “the redevelopment shall not preclude future strengthening and other modifications necessary to continue to accommodate such vessels.” This requirement does not appear to have been met. At a minimum, the development should retain the potential for structural upgrading. To meet this objective, the development needs to identify the likely scope of work, and devise a strategy for accommodating this.

2.5 Bulk and Form of Additions

Measurements

2.5.1 The following tables quantify the extent of change at certain points. Dimensions were measured from the drawings at the section points. Cross-sections are complex and variable, with width variable both along the length and up the height of the building. The width measured at upper levels is generally from balcony edge to balcony edge.

Location	Existing width	Proposed width at ground	Proposed width at upper levels
North end Section FF	16.7m	26.4m + 9.7m (58%)	26.4m + 9.7m (58%)
Mid-north end Section DD	16.7m	20.4m + 3.7m (22%)	24.6 + 7.9m (47%)
Centre, by spire Section CC	16.8m	16.8m no change	24.6 + 7.8m (47%)
South end Section AA	16.8m	16.8m no change	22.8m + 6.0m (36%)

TABLE 1: BUILDING WIDTH

Location	Existing height	Proposed height
North end Section FF	11.68m	18.03m + 6.35m (54%)
Mid-north end Section DD	10.93m	14.74m + 3.81m (35%)
Centre, by spire Section CC	11.7m	15.51m + 3.81m (33%)
South end Section AA	varies: 0 to 10.93 m	varies: 6.2m to 18.0 m + 18m, + 6.2m + 7.07m (65%)

TABLE 2: BUILDING HEIGHT

Scale

2.5.2 The Waterfront Framework notes:

- *Buildings on the waterfront should be in “scale” with their surroundings. Scale may mean buildings are the same height, but it may also mean they are different heights and sizes. However, there will be strong proportional relationships between them. Two types of comparison are particularly relevant. The first is the size of a building in relation to its surroundings... The second is the size of parts of a building, particularly in relation to the size of a person. (p.30)*
- *[Buildings] should be of a size and shape that relate to the spaces around them, the neighbouring buildings and the water. (p.14)*

2.5.3 The increase in bulk is noticeable but carefully considered. The expansiveness of the harbour setting and the dimensions of adjacent buildings such as Chaffers Dock and Te Papa means that the development is commensurate with its near

neighbours. Additional volume is concentrated at either end of the wharf with only a single additional residential floor between. This configuration produces a positive scale-relationship between the base of the OPT, Chaffers Dock and the proposed John Wardle design for Sites 1-3 and also limits the impact on city harbour views.

- 2.5.4 The OPT's southern extension establishes a closer connection with the waterfront promenade and the park. Here, form and internal accommodation help to create a pair of nodal open spaces that will be shared by new buildings on Sites 1-3. These spaces have different orientations and views. One faces the Clyde Quay boat harbour and Mt Victoria, while the other looks towards the inner harbour and the central city. The two aspects help to ensure that attractive public spaces are available at different times of the day and under different weather conditions. The somewhat repetitive character of the existing OPT is broken up by a strong three-part composition which incorporates unique landward and seaward features at either end of the wharf. Further visual interest is provided by a series of projecting modules which establish a strong rhythm along the central portion of the proposed building.

Effect on views

- 2.5.5 The Framework states:

- *[City to water connections include] panoramic views from the promenade and water's edge out to the harbour...[and] views from the harbour and hills back to the city over the waterfront area. Framed views are also important to increase the sense of drama and to reinforce distance and scale. (p.13)*
- *The panoramic views from the various open spaces should be enhanced where possible. (p.25)*

- 2.5.6 Two types of views are considered. The first is public views from the promenade level along the waterfront and towards and around Oriental Bay, and the second is the views from elevated, generally public vantage points.

Views from the promenade and water's edge

- 2.5.7 For approximately two thirds of its length, the development is the equivalent of one storey (3.81 metres) higher than the existing OPT. This increase has only a modest impact on city and harbour views from distant and mid-range vantage points.
- 2.5.8 Additions to the southern end of the OPT will reduce views of Roseneath, Mt Victoria and the Clyde Quay boat harbour from some vantage points along the waterfront promenade. Simulations show that most of the present view of Mt Victoria is retained from distant vantage points to the west. The Roseneath ridge becomes partially obscured as an observer's location shifts from west to east. However, much of the ridge remains visible from the closest of these simulated views, that by Te Papa wharf. As a result, the development will not significantly alter the characteristic backdrop of eastward views from the promenade.
- 2.5.9 The southern extension of the OPT and the increase in building height mean that some broad vistas will be transformed into a sequence of framed and varied views. These will be available to people traveling along the water edge or approaching from Waitangi Park. For people traveling (in either direction) between Taranaki Wharf and Oriental Bay, signature views of Mt Victoria and the CBD will be introduced, partially removed or framed and finally re-introduced in a more dramatic form. The cluster of buildings at the base of the OPT wharf will provide a key threshold in this sequence. A key landmark, St Gerards Monastery, is shown to remain in view from those points along the promenade selected for view simulations. This reference point provides continuity to the view sequence.
- 2.5.10 Because the visual impacts of new buildings will be assessed cumulatively, redevelopment of the OPT may constrain opportunities for new structures on Sites 1-3.

- 2.5.11 Additional bulk has a more significant effect on some east to west sightlines. View simulations (i.e. from Point Jerningham, Carlton Gore Road, Oriental Bay band rotunda, Freyberg beach and jetty) show that the existing OPT already obscures the lower levels of high rise buildings in the CBD. The extra floor in the centre of the proposed development has a negligible effect in more distant views from this direction. It has modest effect on the appearance of CBD buildings in mid-range views such as that from the Freyberg beach and jetty. From this location, the view of the CBD is modified, but the cluster of high rise buildings remains recognisable.
- 2.5.12 Truncation of views of CBD office blocks will be more pronounced further west on Oriental Parade, e.g. between the Freyberg Pool and the Royal Port Nicholson Yacht Club (RPNYC). An observer's sense of the CBD will alter from a continuous line of office blocks (albeit their upper levels) to a smaller number of building tops. Under these circumstances, one might expect attention to shift to clusters of office blocks which remain fully visible beyond the north and south ends of the redeveloped OPT. From some vantage points, the visible cluster at the south end includes the State Insurance Tower, and this focal point represents the central city in the broader view. The cluster visible beyond the north end of the OPT broadly corresponds to government office accommodation at Thorndon. This "editing" of views of the CBD from Oriental Parade is an example of the chain of "framed and varied views" described in more general terms in 2.5.10.
- 2.5.13 Because waterfront public space is configured as a linear promenade (extending into Oriental Parade), individual views are part of a kinetic experience. Accordingly, the "truncated" and "framed" views of the CBD from Oriental Parade constitute just one moment in a broader sequence of impressions. The development's impact on this overall "cinematic" understanding of the city is much more limited.
- 2.5.14 There is a second, more subtle change to the visual relationship between the OPT and the CBD as perceived from the vicinity of the RPNYC. The existing building's emphatically horizontal lines contrast sharply with the predominantly vertical composition of central city office blocks. While this stark contrast may be considered characterful to some, in purely visual terms it fails to produce a unified composition. In the proposed redevelopment, the building's east elevation acquires much stronger vertical articulation. The vertical lines established by projecting modules establish a stronger visual relationship with CBD office towers. In this sense, middle ground and back ground components of the composition appear more coherent.
- 2.5.15 In all distant and mid-range views, the backdrop of Tinakori Hill and the Kelburn/Highbury ridge remains visible. As a result, the city's "natural" silhouette is unbroken. Only in near views, particularly those close to the south end of the OPT, does the building rise above the existing ridge line.
- 2.5.16 The proposal is slightly longer than the original building. The main volume of the existing OPT is 191 metres long, although including the one and two level elements at its southern end, the building extends to 224 metres. The proposed redevelopment is 235 metres long. This ends around 3.5 metres further south than the existing building. However, the redevelopment does place a new volume at this south end, and this extends approximately 36 metres further south than the main volume of the existing OPT.
- 2.5.17 Intermittent cantilevered bays increase the perception of bulk along the building's east elevation, particularly at close range. This effect is also apparent in oblique views such as those from the wharf promenade. The same phenomenon is less obvious on the west elevation, where projections are shallower and limited largely to balconies. However, it should be noted that the architectural treatment of these balconies means that they are grouped and perceived as volumes.

- 2.5.18 The upper levels of the proposed redevelopment also cantilever out over the wharf to varying degrees in various places. The existing OPT is 16.8 metres wide. Measuring the four cross-sections provided, on average at upper levels the width increases by around 7.9 metres or 47% of the width of the existing building at these locations. This effect will be clearly apparent to users of the Clyde Quay wharf, as the width of the existing building is retained along much of its length at wharf level. The overhangs are prominent in these views along the wharf. The new building is also appreciably wider its north end. However, because this component of the development is distant from the main promenade, this increase in bulk will be less obvious to most waterfront users.
- 2.5.19 For approximately two-thirds of its length, the development is 3.81 metres higher than the existing structure. The tallest volumes are localised at either end of the wharf. This is a good strategy for limiting impacts on east-west city and harbour views.
- 2.5.20 The three-part composition means that pedestrians first encounter the building as a six storey structure. This height provides an appropriate degree of enclosure to adjacent public spaces, and “announces” the OPT with a strong architectural feature. The taller southern volumes also have a positive scale relationship with Chaffers Dock and the Wardle design as well as with more distant open spaces in Waitangi Park. However, this composition means that some of the bulkiest elements of the redevelopment are located adjacent to the waterfront promenade. The view simulation from Waitangi Park shows that while the proposed additions break the skyline, people have good views of harbour and hills on either side. This is an example of framing views as anticipated by the Framework.

Views from the harbour and hills back to the city

- 2.5.21 As the height of the vantage point increases, the visual effect of additional height is reduced. The extra floor in the centre of the development becomes almost imperceptible. Taller volumes at either end of the wharf are discernable. However, their effect is modest, and the extensions to plan dimensions are more apparent than the increment in height. View simulations from McFarlane Street show that the additional bulk will slightly reduce the area of water seen in the inner harbour and will obscure some but not all of Chaffers Marina. However, these changes do not have a significant effect on the overall character of the vista.

Potential future views down Kent and Cambridge Terraces

- 2.5.22 The Framework notes:
Any buildings to the east of the Herd Street building should be...configured to take into account the view that could exist down Cambridge/Kent Terrace, should the existing New World building be removed. (p.39)
 The additional building volume and height at the south end of the wharf helps to establish a prominent presence in any view that may be developed down Kent and Cambridge Terraces.

2.6 Servicing and Parking

Pedestrian Priority

- 2.6.1 The Framework emphasises pedestrian priority within a shared 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. (p.19)*
 - *Pedestrians have priority over vehicles on the waterfront. (p.25)*
 - *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 minimized, as will access for car parking. (p.28)*
 - *[Generally] pedestrians, cyclists, service and emergency vehicles will all share the same space, while still giving pedestrians priority. (p.28)*

- 2.6.2 The proposal maintains vehicle access around the entire perimeter of the building. However the pedestrian/vehicle cross link provides potential to control vehicle access to the northern extremity of the wharf. This possibility is raised by the TDG report (p8) and should be explored as it would give greater pedestrian priority to the end of the wharf.
- 2.6.3 The present pattern of a shared vehicle and pedestrian zone is maintained along both sides of the wharf. Although foot traffic will increase as a result of the development, a shared surface is sustainable because vehicle numbers and speeds are likely to remain low. This expectation is confirmed by the TDG traffic evidence.
- 2.6.4 Conflict potentially could occur where the wharf meets the main waterfront promenade. It is crucial to maintain pedestrian priority and safety at this point. As a shared surface there will be no formal delineation of pedestrian and vehicle zones however, tight turning curves, landscape elements and other visual cues are proposed to control speed and direct travel. TDG advise (p20): "The resulting off-set intersection then requires motor vehicles to negotiate this area at very slow speeds, and in turn assists in establishing priority for pedestrians and cyclists."
- 2.6.5 The Framework anticipates controlled access to the wharf for car parking and also requires shared surfaces with pedestrian priority. Given the small number of vehicle movements anticipated, this proposed solution is acceptable from a public space design perspective. It makes judicious use of bollards, seats and surface changes to direct users within a shared circulation zone. This is consistent with the intent of the Framework and with broader practice on the waterfront.
- 2.6.6 However the December 2007 Traffic Management Plan proposes speed humps for the relatively long and straight length of the Clyde Quay Wharf. Speed humps are not used elsewhere on any part of the promenade, and have not been indicated on drawings. They could compromise the quality of the promenade for pedestrians and given other proposed measures are unlikely to be necessary. Also the detailed design of proposed traffic signage should ensure it is part of a waterfront wide signage system for shared surfaces.

Parking

- 2.6.7 Waterfront Framework:
- *Parking provided on the waterfront will be primarily for waterfront users. (p.21)*
 - *Any parking on the waterfront is to support people who visit, live and work on the waterfront.... There is a need for some parking to ensure that as wide a range and number of people as possible can get to and enjoy the waterfront. These parking areas should be as discreet as possible. (p.28)*
 - *Ideally, surface parking should be progressively removed as development takes place. The parking requirements of Te Papa, Circa, Chaffers Marina and other waterfront venues need to be considered. (p.21)*
 - *Parking and servicing spaces must be provided for the Herd Street building, the Overseas Passenger Terminal, the marina and the park. Pick-up and drop-off points are needed in this area...this is the only area of the waterfront where it might be possible to provide some parking close to the water to enhance access for disabled users. (p.38)*
- 2.6.8 The parking provided is for waterfront users, and is consistent with the intent of the Framework. There is a significant reduction in the amount of surface parking on the wharf. The wharf presently accommodates 96 spaces whereas the redevelopment proposes between 28 and 33 surface parks. A further 26 spaces are housed within the building at its north end. This reduction will increase the perception of the wharf as a predominantly pedestrian place.

- 2.6.9 Most parking is provided below the wharf where it has no noticeable impact on public space. The box containing the car parks also adds much needed rigidity to the wharf structure.
- 2.6.10 The below grade parking is entered through a cut-out in the wharf. This transforms what is typically a utilitarian element into a memorable feature of the design. The cut-out helps to separate pedestrians from vehicles, and celebrates motorists' arrival at the complex.
- 2.6.11 A small number of at grade public car parks is provided along the eastern side of the wharf. If restricted to short stays, this casual parking increases the viability of ground level retail spaces. Although these parking spaces produce inactive edges, they occur intermittently and are separated by building entrances and retail frontages. If unsecured or without connections from adjacent tenancies to allow natural surveillance, these recesses could be unsafe after dark. However, taking all these factors into consideration, this small amount of at-grade parking is acceptable, particularly as it can readily be converted to an alternative use if demand permits.
- 2.6.12 As noted in the TDG report (p8,15), it is important to limit the use of these eastern car parks to short stays (up to 30 minutes), e.g through a 'pay and display' system. While this may increase vehicle movement on the wharf, the turnover of users is necessary to support commercial tenancies.
- 2.6.13 The proposal also shows 7 parallel spaces along the western side of the wharf. Five of these are designated for marina berth holders and two are for the holders of mobility permits.
- 2.6.14 The redevelopment transforms this side of the OPT into a continuous pedestrian oriented retail/commercial frontage. Designated car parking here demands close scrutiny as it places parked cars along the inside edge of the promenade, between these active building edges and the water edge. This is a pattern which does not occur along any other part of the waterfront promenade.
- 2.6.15 This is a promenade, not a parking precinct. While momentary pick-up and drop-off are expected, and should be allowed for, other types of parking function should not be permitted along this primary west frontage. Pick-up and drop-off is essential for functional reasons, and people in vehicles picking up, dropping off, servicing the marina and tenancies can, if properly managed, add to the vitality of the waterfront here.
- 2.6.16 The proposed P30 designation is to allow for pick-up and drop-off to the marina, and for two mobility parks. Momentary pick-up and drop-off is consistent with expected public space amenity on the wharf, and if P30 is the appropriate designation to achieve that function, then it would be acceptable. However a shorter period, for example P15, should be considered as this would unequivocally signal the intended function of these spaces, and enhance turnover and therefore access for marina berth holders.
- 2.6.17 The seven proposed spaces are located away from the most favourable southern end, extend along less than one-fifth of the edge, and their placement allows pedestrians to walk along the sheltered face of the building. At the narrowest points this route is approximately 1.5m wide, opening to approximately 2.3m beside the pick-up and drop-off spaces and 2.8m elsewhere. Two people can pass comfortably on a 1.2m wide pedestrian route, so this provision is acceptable, and also allows for café tables to be placed along this edge if required.
- 2.6.18 If pick-up and drop-off is to be accommodated in this way it is critical that other types of parking are prevented. Management, enforcement and detailed design to avoid

proliferation of signage all become important. Means of designating the spaces should be unobtrusive, and subject to review of detailed design.

Service access

2.6.19 The Framework notes:

- *The detailed design of spaces within the waterfront should take into account the need to allow for [the servicing of ships and other vessels] and other, as yet unforeseen, activities. (p.29)*
- *There is a need to provide spaces for the servicing of ships and other vessels. (p.29)*

2.6.20 Vehicles have access to the perimeter of the wharf. This allows berthed vessels to be serviced.

2.6.21 The TDG report notes (p19) that an “envelope” has been created to allow sufficient clearance for all trucks. The report also states: “Specific delineation measures will be included to ensure drivers remain within the available envelope.”

2.6.22 In principle, trucks should have access to the full perimeter of the wharf. However, delineation of a dedicated route is not acceptable. Delineation of a dedicated route for service vehicles would be inconsistent with the Framework’s requirement for shared surfaces with a pedestrian priority. The wharf edge is a prime location for a range of promenade activities, including strolling or fishing. Delineation of a dedicated service route would imply vehicle priority in this highly valued zone. It would encourage drivers to claim this zone, and would be detrimental to pedestrians.

2.7 Components, Elements and Materials

Building works

2.7.1 Structural components, openings, balconies and cladding units produce a combination of large, small and intermediate scaled features. Collectively, these elements create a convincing three-part composition in which separate architectural identities are balanced against the evident unity of the whole ensemble.

2.7.2 Proposed claddings include “a mix of lightweight concrete or GRC [glass-fibre reinforced concrete] in limited areas and marine grade aluminium with varying patina/anodising for panels, louvres and window framing.” This is proposed to be complemented “where practicable ... [by] limited areas of articulated painted or stainless steel to specific expressed architectural detailing and components such as railing and balustrades.” The architects also propose to express and be informed by the existing building’s modules and structure, along with other nautical and maritime elements.

2.7.3 This indicative palette of materials and finishes is appropriate in terms of character and quality. It is also consistent with the intention expressed in perspective drawings. Should this consent be approved, TAG would wish to undertake an on-going review of materials and details as the design is finalised.

Open space works

2.7.4 The Framework anticipates the following treatment:

- *...trees, planting and hard landscape elements such as paving and street furniture, should reflect the fact that this is an urban waterfront, and an urban rather than natural landscape. (p.25)*
- *Furniture should be consistent throughout the waterfront and used to enhance the identity of the area and the city as a whole. (p.30)*
- *Lighting is an integral part of public space design. It gives an opportunity to create special night-time effects within the waterfront... Consideration should be given not only to the night-time lighting effect but also to the day-time appearance of lighting standards... lighting design should consider people*

observing the area from other vantage points around the harbour and surrounding hills. (p.30)

- 2.7.5 Public space materials are proposed to consist primarily of asphalt and concrete, with other landscape elements selected from the waterfront furniture suite. Use of simple robust surfaces and standard elements is consistent with the treatment of redeveloped public space elsewhere on the waterfront. The asphalt paving is proposed to be detailed to retain the steel crane rail track extending along the north east edge of the wharf.
- 2.7.6 The work includes public seats around the perimeter of the building and on the proposed new jetty at the northern end of the wharf. These are proposed to be a mix of timber seats and concrete elements that will direct traffic and also allow seating. While these will be reviewed at detailed design stage, the general intent and level of provision (approximately 105 linear metres of seating) are considered appropriate.
- 2.7.7 Lighting is indicated to be a combination of lighting standards and lighting off the building. Existing globe type fittings will be removed. Should this proposal be approved, the detail of this including the frequency of lighting poles will be subject to post-consent review of detailed design.

3 REVIEW AGAINST THE WELLINGTON WATERFRONT FRAMEWORK

This part of the design review assesses the project against requirements of the Waterfront Framework. Where these have been discussed above, cross-references are made to avoid repetition. The headings in italics are the themes, values, objectives and features quoted from the Framework.

3.1 Waterfront Themes

(Refer Waterfront Framework, pages 11 to 15)

3.1.1 *Historical and contemporary culture*

The proposed architectural and public space design is primarily an expression of contemporary culture, and is of a quality consistent with other recent development on the waterfront. In the proposed adaptive reuse, much of the heritage significance of existing structures is lost.

3.1.2 *City to water connections*

This proposal changes while substantially maintaining identified views. It gives partial closure to views past the south end of the OPT, framing the view here and offering two new framed views through the building. Beyond offering a new low level jetty at its northern end which improves public access to the water to a minor degree, it has no impact on physical connections.

3.1.3 *Promenade*

The quality of the promenade is enhanced with increased shelter and edge activity.

3.1.4 *Open Space*

The proposed building is in scale with the open spaces around, supports these and contributes natural surveillance.

3.1.5 *Diversity*

An extension of ground level tenancies beyond those existing along with new apartments contributes to diversity, and partly offsets the decrease in publicly relevant activity arising from the loss of the current event space within the building.

3.2 Waterfront Values

(Refer Waterfront Framework pages 17 to 20)

3.2.1 *Expression of heritage and history*

The degree to which this has been expressed is covered from an urban design perspective in section 2.3 of this assessment.

3.2.2 *Expression of Maori heritage and presence*

The Cultural Impact Report by Raukura Consultants in association with Wellington Tenth Trust identifies that this proposal "will not adversely affect any Maori sites of significance either ancient or modern" and the "existing building and wharf are not of Maori cultural significance..". Their suggestion that "some recognition of the Te Atiawa/Taranaki whanui tangata whenua be featured in the refurbished building" is supported. The nature of this recognition should be confirmed with Wellington Tenth Trust, however it might potentially be in the form of interpretative information regarding the harbour, or artwork.

3.2.3 *"Sense of place" for Wellingtonians*

The public space plan achieves integration with other parts of the waterfront by extending established themes while at the same time developing a special character that is unique to this area.

3.2.4 *Diversity of Experience*

Refer section 3.1.5 above.

3.2.5 *Sense of collective ownership and involvement*

The Framework principle of the waterfront being predominantly a public area is followed. Ground floors of the building are largely accessible to the public. The project is also consistent with the second and third principles of public consultation either through "the stage 2 process or through a statutory planning process" as it is currently in the statutory planning process.

3.2.6 *Experience of space and openness*

The proposal contributes to the public experience of space by defining a series of spaces along and at the south end of the OPT, and creating active edges and shelter that enhance these and the promenade around the wharf. While the framed view at the south end of the OPT is constricted with extension of the building south, two new framed views through the building are created.

3.2.7 *Ease of access for all*

- (a) Retaining a flat wharf surface and refurbishment of this assists all modes of access. Vehicle access to the end of the wharf provides for differing levels of mobility. The TDG report (p 10) notes that specific provision will be made to accommodate vehicle access for users with impaired mobility.
- (b) The lowered platform at the north end of the wharf does not provide wheelchair access. This is a small scale public space element which adds to the experience of views and fishing from the end of the OPT wharf. It is 16.4 long by 5 metres wide and approximately 1.5 metres below wharf level. The ramping required for wheelchair access would be long and occupy a high proportion of the area of the platform. This would compromise its amenity and existence. Given that the wharf immediately adjacent is wheelchair accessible and allows both fishing and enjoyment of expansive views which is the apparent primary reason for visitors to the end of the wharf, reasonable access is provided here for these activities from the wharf itself. However, it is imperative that the access steps to the lowered platform provide access for the ambulant disabled.
- (c) Disabled access to the restaurant/commercial tenancy and public deck at the north end of the building is important and should be considered. Although a lift is shown here with a corridor connection to the public deck, it is unclear if the intention is to provide access to this lift for the disabled. This issue requires resolution.

3.3 Waterfront Objectives

(Refer Waterfront Framework, page 21)

3.3.1 *The waterfront is locally and internationally recognised for its design.*

The proposed refurbishment demonstrates an appropriate commitment to design quality. Whether the OPT development is locally and internationally recognised for its design will be known only after national and international review. However, it has been well-resolved at an architectural level, responds intelligently to its waterfront and public space context, and is a coherent response to the design brief and the challenge of adaptive reuse of an existing building.

3.3.2 *The waterfront is readily accessible to all people.*

The waterfront and this wharf are readily accessible, but not all parts of the proposed development to which the public have access are fully accessible. Refer section 3.2.7 above.

3.3.3 *The waterfront is, and is perceived to be, safe at all times.*

This has been addressed by the proposal which would enhance natural surveillance by providing active edges at wharf level and 24 hour occupation above.

3.3.4 *The waterfront is seen as an attractive place that draws Wellingtonians and visitors alike.*

The intensification of activity and occupation of the OPT is likely to make this a more attractive destination. Attractiveness will be assisted by removal of the majority of existing surface car parking, provision of the proposed jetty at the north end of the wharf and promotion of a café at this location.

3.3.5 *The waterfront successfully caters for a wide range of events and activities.*

The proposal removes large potential event and function spaces, replacing these with various tenancies at ground and apartments above. In the circumstances that other facilities on the waterfront specifically cater for events, this is an acceptable change.

3.3.6 *Significant heritage buildings are protected on the waterfront.*

The proposal constitutes adaptive reuse rather than heritage conservation. Redevelopment increases height and length, but maintains overall form and proportions, and retains certain identified key elements such as the spire and roof form, along with the structural module of the existing building. The landmark status of the OPT is retained, however the redevelopment does lead to significant changes in appearance in close range views, in which virtually all retained fabric is likely to be hidden, and it will appear as a new building.

3.3.7 *Activities on the waterfront are integrated with those on the harbour.*

The proposal to add a jetty at the north end of the wharf marginally improves integration between the harbour and waterfront by providing an opportunity for most users to gain a sense of immediacy with the water.

3.4 Key Features of the Waterfront (OPT)

(Refer Waterfront Framework, page 26)

3.4.1 *Area principally a large green urban park*

The proposal neither changes nor impacts on the status of Waitangi Park.

3.4.2 *Retain and develop Overseas Passenger Terminal*

The extent to which this is achieved is covered in section 2.3, Heritage Conservation.

3.4.3 *Provide more parking for park and facility users – parking areas to be discreet*

The proposal intends to increase the amount of parking on the Clyde Quay wharf from 96 to 141-150 spaces. The majority (87-91 spaces) are located discreetly in the proposed under-wharf parking building. These will be for facility rather than park users. However car parking proposed on the western side of the wharf is not discreetly located and will have a negative impact on public space.

3.4.4 *Link promenade to both park and buildings and improve connection to Oriental Bay*

The proposal enhances the connection between the OPT and the promenade.

3.4.5 *Possibility of new buildings to the east of Herd Street building – to be decided at stage two using detailed design studies.*

Vehicle access and egress routes must be confirmed to avoid any future compromise to realisation of the competition winning concept that emerged from the already completed detailed stage 2 design studies.

END

Appendix 6: Comments on hazards assessment – Ian Dawe

File No: ENV/23/02/01
11 September 2007

Jason Pene
Senior Resource Advisor
Environmental Regulation

PO Box 11646
Wellington 6142
142 Wakefield St
New Zealand
T 04 384 5708
F 04 385 6960
W www.gw.govt.nz

Comments on hazards assessment for the Overseas Passenger Terminal, Clyde Quay Wharf, Wellington

[1] The proposed developed is at high risk from damage due to earthquake shaking and liquefaction. On Page 3 of the report it is stated that: “The location and nature of the proposed development does not make it any more vulnerable to earthquake shaking than other new buildings being constructed in New Zealand” and “With respect to liquefaction... the potential of these soils is assessed to be low”. However, this is at odds with scientific understanding of earthquake hazard and risk. The closer a building is to a fault, the higher the risk from earthquake damage in a fault rupture event. Underlying geology can enhance or reduce this risk. Some of the highest risk locations are low lying areas that are underlain by soft, silty soils. For this reason, much of the Wellington waterfront area is at high risk from earthquake shaking and liquefaction. This is because it is close to the Wellington Fault, one of the major strike slip faults in the lower North Island, and is built on unconsolidated soils and reclaimed land. The attached map shows the liquefaction hazard risk for the Overseas Passenger Terminal area.

[2] The development should take full account of the assessed rise in sea level for the next 100 years. On page 4-5 of the report, it appears that a 50 year planning horizon is being used. It is certain that there will be continued sea level rise around the Wellington coast for the next hundred years. At the very least it will continue to rise at the rates that have been measured for the past 100 years by tide gauge records. For Wellington this equates to a rate of 1.78 mm/yr. This is in line with rates of global sea level rise of 1-2 mm/yr. Thus, by 2100 the rise around Wellington will be at least 0.166 m, which is within the low-mid range of the latest IPCC estimates. It is probable that this rate is accelerating, as detected by satellite measurements since 1993, and that we may see a rise of over 0.30 m by 2100. This is within the modelled mid-high range of the latest IPCC estimates. The IPCC sea level rise estimates are a realistic and conservative assessment of the latest scientific understanding, but it is entirely possible that the rise will be greater than this.

[3] On page 5 it is stated that the wharf deck is approximately 2.8 m above mean sea level and 2.1 m higher than the highest astronomical tide. In fact, this is the height of deck above mean high water springs (0.715 m above Wellington datum-53), that occur twice monthly in relation to the phases of the moon. There is also an 18.6 year tide cycle that produces what is known as the highest astronomical tide (HAT), sometimes called a king tide (0.90 m above Wellington datum-53). The wharf deck is approximately 1.90 m higher than HAT, not 2.1. We are currently on the upward part

of this cycle. NIWA has forecast the next HAT to occur in Wellington on 10 April 2012. However, tide levels will be high in the months leading up to and proceeding this date. Tide height is strongly linked to the occurrence of coastal flooding and inundation during storm events.

[4] With regards to the storm surge assessment on page 5, it is stated that there is at least 1.0 m clearance above the highest storm surge level. In fact there is barely 1.0 m clearance, and this gap will close over the next 100 years as sea levels continue to rise. Work by NIWA shows that the 1936 ex-tropical cyclone produced a storm surge of 1.2 m. If a 100 year storm occurred on high tide it would produce extreme water elevations of over 1.9 m. Thus, the wharf deck is only 0.9 m above this level.

Recommendations

1. An assessment of the liquefaction hazard of the site should be made by a suitably qualified engineering geologist.
2. A precautionary approach should be taken with building levels in relation to the impacts of sea level rise and storm surge over a 100 year planning horizon.

Dr Iain Dawe

Hazards Analyst

Direct dial: 04-801-1031
iain.dawe@gw.govt.nz



Liquefaction Potential

- No Potential
- Variable
- Low
- Moderate
- High

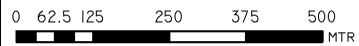
Overseas
Passenger
Terminal

TITLE: LIQUEFACTION HAZARD RISK FOR OPT, CLYDE QUAY WHARF, WELLINGTON

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IAIN DAWE, 11/09/07



Appendix 7: Heritage policy assessments – Alexandra Teague and Laura Paynter

Urban Design-Heritage Assessment

Proposed Refurbishment, Overseas Passenger Terminal and Clyde Quay Wharf, Wellington Waterfront

Introduction

This is a heritage assessment of the proposed redevelopment of the Overseas Passenger Terminal as presented in Applications for Resource Consent Volumes 1 and 2 prepared by Capital Wharf Ltd & Wellington Waterfront Ltd (September 2007). The redevelopment is assessed against the following documents:

1. Wellington Waterfront Framework.¹
2. Overseas Passenger Terminal Heritage Values report.²
3. Wellington City Council's Heritage Building Inventory 2001 listing.³
4. Design Brief for Overseas Passenger Terminal Redevelopment.⁴

The building is not listed in the Wellington City District Plan because it is in the coastal marine area. Therefore it is not being assessed against district plan rules. This area is regulated by the Greater Wellington Regional Council where the Regional Coastal Plan is the relevant assessment document. This is discussed in the supplementary report 'Heritage Policy Assessment for Overseas Passenger Terminal Redevelopment Project' prepared by Laura Paynter, Policy Advisor, Wellington Regional Council. However, it should be noted the terminal is entered in the Wellington City Council's 2001 built heritage inventory.

This assessment provides the expert heritage review to supplement the Wellington Development Subcommittee Technical Advisory Group's 'Design Review of Proposed Refurbishment Overseas Passenger Terminal and Clyde Quay Wharf' report.

Assessment

1. Wellington Waterfront Framework

The Overseas Passenger Terminal is identified as a heritage building in the Wellington Waterfront Framework.⁵ This is an important point because it means that

¹ 'The Wellington Waterfront Framework: Report of the Waterfront Leadership Group,' Wellington City Council, April 2001.

² Chris Cochran, 'Overseas Passenger Terminal, Heritage Values,' a report for Wellington Waterfront Ltd, 17 March 2004.

³ 'Wellington Heritage Building Inventory 2001,' prepared for Wellington City Council by Boffa Miskell Limited with Chris Cochran.

⁴ 'Design Brief for Overseas Passenger Terminal Redevelopment,' prepared by the Technical Advisory Group, 19 April 2004.

⁵ 'Wellington Waterfront Framework,' 24.

the framework's principles, objectives, and issues relating to heritage are relevant and have weight when considering the terminal building. These principles, objectives, and issues include:

Heritage and the history of the waterfront are important parts of the identity of the waterfront.⁶

Heritage buildings are an important aspect of the history of the waterfront and should be restored and reused.⁷

Significant heritage buildings are protected on the waterfront.⁸

The traces of maritime history include the remaining waterfront buildings, artefacts and wharf structures, and also the evidence of usage and industrial/maritime wear and tear. As much of this history as possible should be retained.⁹

Heritage buildings must be restored and used to contribute to the vitality of the waterfront.¹⁰

The Overseas Passenger Terminal will be retained and developed.¹¹

In the proposed redevelopment little if any of the existing building fabric would be retained and the building would be no longer recognisable. As Cochran states in his assessment of effects on heritage value, '[t]he existing building is lost.'¹²

Therefore the redevelopment of the Overseas Passenger Terminal is not a heritage conservation project and it does not protect its heritage values. None of the above listed principles, objectives, and issues has been satisfied. In particular:

The proposed redevelopment does not respect the principle that '[h]eritage buildings are an important aspect of the history of the waterfront and should be restored and reused.'

The proposal does not satisfy the principle that '[s]ignificant heritage buildings are protected on the waterfront.'

The proposal does not satisfy the directive to retain and develop the Overseas Passenger Terminal.

Therefore the proposal does not satisfy the Wellington Waterfront Framework requirements with respect to heritage.

2. Overseas Passenger Terminal Heritage Values

3. WCC Heritage Building Inventory 2001

⁶ Ibid, 17.

⁷ Ibid, 17.

⁸ Ibid, 21.

⁹ Ibid, 24.

¹⁰ Ibid, 24.

¹¹ Ibid, 26.

¹² Chris Cochran, 'Overseas Passenger Terminal Assessment of Effects on Heritage Values,' a report on Athfield Architects Ltd April 2006 proposal, 4 May 2006.

These documents are interrelated so they are discussed together. Cochran suggests that the inventory listing is read in conjunction with his heritage values report.

Overseas Passenger Terminal building

Architectural, townscape, and landmark qualities

Townscape qualities relate to the positive contribution a place makes to an urban landscape. The architectural qualities of a place can contribute to its townscape value. Landmark qualities relate to the significant features of a place that make it prominent or well-known in a landscape. Townscape and landmark qualities are interconnected.

The inventory listing notes that the townscape value of the terminal is very high, due to its 'wonderful situation' and its distinctive architecture. It is a Wellington landmark by virtue of its prominent harbour location.¹³ Cochran confirms the formal townscape and landmark qualities of the terminal.¹⁴

The terminal's design is understated, uncomplicated, well-executed, and responsive to its environment. These are characteristics that contribute positively to Wellington's unique urban landscape and set the city apart from many of its internationalised and cloned counterparts.

The design brief for the redevelopment acknowledges the terminal's aesthetic importance:

The OPT is one of Wellington's most conspicuous and most widely recognised buildings. It is an integral part of the central city's townscape character, and it features in many defining images of the capital. The redevelopment shall acknowledge that the OPT is one of a handful of landmark buildings which help to identify Wellington to visitors and residents alike.

Fabric

Cochran makes the point that the terminal has greater formal townscape and architectural values than historic value.¹⁵ In other words, these aesthetic values of the building are of more significance than any events, people, or activities associated with it.

Aesthetic value is perceived and understood through the physicality of an object. It includes a consideration of form, scale, texture, material, and colour. This elevates the importance of the fabric of the Overseas Passenger Terminal because without the fabric that provides the townscape and architectural values, these values cannot exist.

¹³ 'Wellington Heritage Building Inventory 2001,' Vol. 1 Non-Residential Buildings.

¹⁴ Cochran, 'Heritage Values.'

¹⁵ Ibid.

Nautical imagery

The architectural qualities of the Overseas Passenger Terminal are connected to its strong referencing of ocean liners and nautical themes. Cochran notes that there are no other buildings in Wellington where nautical imagery is ‘such an overriding influence in form and detail.’ This aspect sets the terminal apart as a ‘very unusual’ building.¹⁶

Cochran identifies six exterior elements of the terminal that contribute to its architectural character, ranking four including the spire, roof, first floor shape and ‘deck’, and the proportions as having high heritage value.¹⁷ In the proposed redevelopment most if not all of these elements will be lost. There is a possibility that some of the spire fabric may be restored.

Long and low proportions

Cochran points out that the long and low proportions of the existing building contribute to its nautical imagery.¹⁸ These long, low proportions are compromised in the proposed redevelopment as a result of transformed bulk and form. As Cochran notes in his assessment of the proposal, the proportions are now segmented.¹⁹

Horizontality

Integral to the terminal’s nautical vocabulary is its strong emphasis on sweeping streamlined horizontal lines. This nautical imagery is reinforced by the structure’s ‘upper deck’, including floor level, handrail, and fenestration, which provides a solid and unbroken horizontal line that extends the entire perimeter, as on an ocean liner.

The solid unbroken horizontal line of the terminal’s design is integral to its nautical symbolism and hence to its townscape character and landmark quality. This horizontal emphasis accentuates the terminal as a slender finger that extends out into the harbour. In the proposed redevelopment, there is no continuous horizontal element and horizontality is diminished by vertical segmentation.

Interiors

Cochran identifies the first floor space at the seaward end of the terminal as having high heritage value. The space has excellent natural lighting, good proportions, and great views. The adjacent main space with similar attributes and serviced by escalators is assigned medium heritage value. The original timberwork ceilings and strip glazing in these spaces contribute to the heritage value of the interior finishes. Cochran notes that the fabric has value because it is in authentic 1960s condition.²⁰ The 1960s is a period of interior architecture that is rapidly disappearing, being replaced in refurbishment

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Cochran, ‘Assessment of Effects.’

²⁰ Cochran, ‘Heritage Values.’

projects by often inferior materials and workmanship. Concurrently, this period of design is growing in public appreciation and popularity.

These spaces are lost in the proposed redevelopment. No material from the timberwork ceilings will be reused.

Art works

Cochran identifies four large wall mosaics by artist GV Hansen as having high heritage value. The architect's design report mentions that there is 'opportunity within the framework of the scheme to selectively salvage' items such as these mosaic art works.²¹ It is important that these art works are conserved. They should be protected from vandalism and weather, and they should be able to be viewed by the community.

Social value

The social value of the terminal cannot be underestimated. As noted in the inventory listing, for many years it was one of Wellington's busiest reception venues. Many Wellingtonians continue to have memories of attending events at the terminal, accentuated by the drama of the location.

The Overseas Passenger Terminal has social value that will be diminished by the redevelopment. Currently the large first floor spaces are used for functions, events, and exhibitions attended by the community. The inventory refers to this aspect as amenity value, resulting from its ongoing use for many purposes unrelated to its intended function. Because of these uses, a broad cross-section of the community has the opportunity to experience dramatic views of the harbour from a unique and sheltered location. With the proposed redevelopment, this egalitarian experience will for the most part become privatised.

The wharf

Continuing use

Wellington is a port city. An important ongoing use of the Overseas Passenger Terminal wharf is as a berth for medium and large sized vessels. This use connects with both the aesthetic and social values of the terminal. Cochran identifies the wharf's setting and its landmark quality as having high heritage value.²²

Aesthetically, the vista created when a large ship is berthed alongside the terminal is picturesque and unrivalled. Set against the stunning backdrop of Clyde Quay, Oriental Bay, and the city, this is an iconic scene that characterises Wellington and is often captured in photographs, as illustrated below.

²¹ 'Overseas Passenger Terminal & Clyde Quay Redevelopment, Resource Consent Design Report 10 September 2007,' Architect's Design Statement Appendix 1, 5.1.

²² Cochran, 'Heritage Values.'



(Source: <http://www.wellington.govt.nz/picturegallery/display-image.php?g=2&i=21>)

Social value for the community results from memorable visual experiences and unique opportunities to walk alongside great ocean liners within easy access of the city.

This aspect is a considerable asset and contribution to the Wellington waterfront experience. Any proposed redevelopment should ensure that the Overseas Passenger Terminal wharf continues to function as a berth for large vessels.

Fabric

Cochran's 2004 values report states:

The OPT is built on a concrete wharf of 1907; this was extended and widened in 1964 to allow for the construction of the new building. The concrete wharf has some historic and technical interest. When the repair and strengthening of this part of the wharf is carried out I would recommend that, wherever possible, the original structure be retained, and that where removed, the structure be recorded.²³

He assesses the wharf as having medium heritage values.

Cochran's 2006 assessment identifies that in the proposed redevelopment the wharf would be lost.

This is substantiated by the engineers' structural assessment that sets out the extensive change to the wharf fabric in the proposed redevelopment.²⁴ This work includes demolition of most of the original sub-wharf concrete lattice-work truss bracing. This bracing is identified in the assessment as unusual and

²³ Ibid.

²⁴ Dunning Thornton Consultants Ltd, 'Resource Consent-OPT Redevelopment-Willis Bond & Co Assessment of Effects-Structural Issues, 13 September 2007 in: 'Proposed Refurbishment Overseas Passenger Terminal and Clyde Quay Wharf Wellington Waterfront, Appendices Volume 2,' Appendix 4.

atypical of other Wellington wharves,²⁵ a point that indicates that the wharf structure has technological value for its construction methods.

The fendering system on the prominent northern edge of the wharf is to be removed. It is questionable as to how much of the wharf edge and wharf deck material will remain and will be visible after structural and design modification. The wharf is unlikely to retain its important patina of wear and tear in the proposed 'making good' processes.

Urban Perspectives' assessment states that the approach to the treatment of the wharf's heritage fabric is maintenance and repair.²⁶ Unfortunately this approach is not reflected in the proposed structural work outlined in the submitted documentation. The assessment states that the 'outcome is considered to be positive in heritage terms' in respect to 'the protection of the wharf...'.²⁷ This is a misguided and incorrect interpretation of the proposed works.

Proposed redevelopment

Because most of the fabric of the Overseas Passenger Terminal is lost in the redevelopment proposal, its architectural, townscape, and landmark qualities are simultaneously lost. Therefore discussion about the townscape and landmark qualities of the proposed redevelopment is not about heritage conservation.

A new building will have its own townscape characteristics, the quality of which will depend upon its design. Arguably any building built on this prominent site is destined for landmark status, irrespective of design quality. As Cochran notes the new building will have landmark qualities equal to the existing building.²⁸

Replacing a heritage building with a new structure that has its own townscape and architectural values does not constitute heritage conservation. Conservation is based upon respect for, and retention of, existing form and fabric.

Urban Perspectives' comments in its urban design assessment of the redevelopment incorrectly state:

- The design maintains the characteristic overall form and features of the existing OPT. Apart from the additions at both ends, the redeveloped building will have the height, width and length of the existing structure. As a result, the

²⁵ Ibid, 1.

²⁶ Alistair Aburn, 'Assessment of Effects on the Environment: Redevelopment of the Overseas Passenger Terminal and Clyde Quay Wharf,' 18 September 2007 in: Capital Wharf Ltd & Wellington Waterfront Ltd, 'Proposed Refurbishment Overseas Passenger Terminal and Clyde Quay Wharf Wellington Waterfront, Volume 1, 38.

²⁷ Ibid, 38.

²⁸ Cochran, 'Assessment of Effects.'

existing 'townscape' character of the building and its landmark quality will be retained.²⁹

In reality, the proposed redevelopment would be considerably higher and wider than the existing building. The proposal would add another three stories above the height of the existing structure. The overall height would appear to increase by around 80%; the width by around 60%; and the length by around 10%. This transformation in bulk and form would result in the proposed structure having a townscape character significantly different from that of the existing terminal.

As discussed above, an appreciation of the townscape and landmark qualities of the existing building is dependent upon retention of its fabric. It is therefore incorrect to say that these attributes are 'retained.' They are replaced by new townscape and landmark characteristics specific to the proposed redevelopment.

A new design can draw inspiration from an existing structure but this is not heritage conservation. The proposed redevelopment draws on some of the formal characteristics of the terminal building in its design, specifically limited to the roof form and the spire. The impact of this gesture to the existing building is reduced because the proposed redevelopment has different proportions and formal characteristics, including vertical segmentation that diminishes horizontality.

The long and low proportions of the terminal are not a feature of the proposed redevelopment because it has different bulk and form. The continuous horizontal elements of the existing structure accentuate its long, low profile. This design approach is not employed in the redevelopment.

The proposal does not protect the heritage values identified in the Heritage Building Inventory or in Cochran's heritage values assessment.

4. Design Brief

The Design Brief is required to comply with both the Wellington Waterfront Framework and Cochran's heritage values assessment.

The following is the extract from the final design brief for the redevelopment:

The design shall comply with (and will be assessed against) the requirements of the following documents. All of these documents should be read in their entirety:

- (i) Wellington Waterfront Framework (April 2001)
 - The Waterfront Framework is the primary reference for all design work on the waterfront. Its key objectives and principles are identified in this brief (extracts appear in italics). However, the entire document should be read and applied.

²⁹ Deyana Popova, 'Overseas Passenger Terminal Redevelopment Urban Design Assessment,' 31 August 2007 in: Capital Wharf Ltd & Wellington Waterfront Ltd, 'Proposed Refurbishment Overseas Passenger Terminal and Clyde Quay Wharf Wellington Waterfront, Appendices Volume 2,' Appendix 9, 7.

(ii) 'Overseas Passenger Terminal Heritage Values' assessment by Chris Cochran, Conservation Architect (17 March 2004)

- Heritage objectives shall be balanced against the need for improved public space amenity and the requirement for adaptive reuse.

The brief states above that '[h]eritage objectives shall be balanced against the need for improved public space amenity and the requirement for adaptive reuse.' Heritage objectives for the Overseas Passenger Terminal have not been balanced in the proposed redevelopment: they have fallen off the scales. However it cannot be said that this is due to the requirements of adaptive reuse. The development may be considered an adaptive reuse project in relation to the site of the terminal but not to the building itself. The terminal building is not reused, it is removed.

Waterfront Framework principles

The brief identifies two key principles from the Wellington Waterfront Framework that are 'particularly relevant' to the redevelopment. One of these is:

The Overseas Passenger Terminal will be retained and developed.

This highlights the retention of the terminal as a primary concern. The proposal fails to adequately recognise this key principle.

Heritage conservation

Highlighting the need to consider heritage issues, the brief extracts the important framework points and includes them in section 3 titled 'Heritage Conservation':

Principle: Heritage and the history of the waterfront are important parts of the identity of the waterfront. (17)

Principle: Heritage buildings are an important aspect of the history of the waterfront and should be restored and reused. (p.17)

Significant heritage buildings are protected on the waterfront. (p.21)

Traces of maritime history include the remaining waterfront buildings, artifacts (sic) and wharf structures, and also evidence of usage and industrial/maritime wear and tear. (p.24)

Key Feature: Retain and develop Overseas Passenger Terminal. (p.26)

Section 3 of the brief sets out further issues and objectives relating to heritage conservation:

DESIGN ISSUES & OBJECTIVES

- a. The OPT is part of the waterfront's mercantile and maritime history. The building is identified as a heritage building in the Waterfront Framework (see p.24), and it is described in the WCC Heritage Building Inventory as having "very high" townscape value.
- b. The wharf and associated maritime artifacts (fender system, bollards, rail lines, etc.) record the waterfront's history and form part of the area's character. The value of these

historic traces resides partly in the authenticity of these elements, including signs of wear and tear. The re-development shall retain as many of these features and qualities as possible.

- c. The OPT is one of Wellington's most conspicuous and most widely recognised buildings. It is an integral part of the central city's townscape character, and it features in many defining images of the capital. The redevelopment shall acknowledge that the OPT is one of a handful of landmark buildings which help to identify Wellington to visitors and residents alike.
- d. The 'Overseas Passenger Terminal Heritage Values' assessment establishes the heritage value of various elements and features of the building and gives guidance on their treatment. The redevelopment shall take into account the heritage value assessment and be in general accordance with the recommendations in that assessment.
- e. The architectural character of the building should be respected in its retention and redevelopment. (refer to *Section 1: Design Quality and Visual Interest*).
- f. Although adaptive re-use may be clearly evident, the building should remain recognisable, and its overall appearance should retain a sense of continuity with the present. While retention of high value elements is preferred, consideration can be given to new elements which maintain the nautical character and architectural identity of the building.

Heritage conservation is identified in the brief as a fundamental, essential, and integral aspect of the project for design consideration. The preceding discussion has already explained that none of the principles, issues, and objectives listed above has been satisfied in the proposed redevelopment.

The proposal does not comply with the Wellington Waterfront Framework, Cochran's heritage values assessment, or section 3 of the Design Brief as required.

Departures from the Design Brief are recognised as possible outcomes.³⁰ However in assessing whether the design is 'exemplary' in order to justify replacement of the original building, account has to be taken of the stated desire for conservation in the Waterfront Framework.

Conclusion

The proposed redevelopment is not a heritage conservation project. It does not satisfy the heritage requirements of the Wellington Waterfront Framework, the Overseas Passenger Terminal Heritage Values report, or the Design Brief for Overseas Passenger Terminal Redevelopment.

Heritage conservation and the retention of the terminal are identified as primary design considerations in the Design Brief. In order to justify a significant departure from Wellington Waterfront principles and section 3 of the brief, a proposal would have to 'satisfy the requirements of the Waterfront Framework and the briefing objectives in an exemplary way.'³¹

³⁰ 'Design Brief for Overseas Passenger Terminal Redevelopment,' prepared by the Technical Advisory Group, 19 April 2004, 8.

³¹ Ibid, section 8.

Any assessment based upon this criterion must consider whether a proposal that has omitted critical requirements of the framework and the briefing objectives remains eligible for an exemplary classification.

Alexandra Teague
Urban Designer-Heritage
Wellington City Council
21 December 2007

Heritage Policy Assessment for Overseas Passenger Terminal Redevelopment Project

WGN080117 and WGN080120

30 November 2007

1. Introduction

This report is a supplement to the Urban Design-Heritage Assessment prepared by Alexandra Teague. Her report focuses on the significance of the Overseas Passenger Terminal and Clyde Quay Wharf, and assesses the proposal against the Wellington Waterfront Framework. I concur with her remarks on these matters. My comments will be limited to assessing historic heritage effects of the proposal against relevant statutes and policies, including the following:

- Resource Management Act 1991
- Regional Coastal Plan for the Wellington Region

Chris Cochran states in his 2006 assessment that elements of the Overseas Passenger Terminal and Clyde Quay Wharf that he considered have medium or high heritage values will be lost, including the first floor shape and 'deck', handrails at 'deck' level, the interior area at the seaward end of the first floor, the interior space with the escalators on the first floor, interior finishes and the 1907 wharf.¹ To appropriately use or develop a historic heritage resource, those features rated with medium and high heritage values would be retained. Due to the extent of demolition proposed will result in significant adverse effects on heritage values.

2. Assessment against relevant statutes and policies

2.1 Resource Management Act 1991 (RMA)

The RMA defines historic heritage as follows:

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:

- *archaeological:*
- *architectural:*
- *cultural:*
- *historic:*
- *scientific:*
- *technological; and*

includes:

¹ Chris Cochran, Overseas Passenger Terminal Assessment of Effects on Heritage Values, 4 May 2006.

- *historic sites, structures, places and areas; and*
- *archaeological sites; and*
- *sites of significance to Maori, including wāhi tapu; and*
- *surroundings associated with natural and physical resources.*

The heritage values of the Overseas Passenger Terminal are well documented in the Wellington City Council Heritage Building Inventory 2001 and the heritage values assessment prepared by Chris Cochran in 2004, both of which were submitted by the applicant. However, there is less detail included about the wharf, though Chris Cochran assesses its heritage values as follows:

The OPT is built on a concrete wharf of 1907; this was extended and widened in 1964 to allow for the construction of the new building. The concrete wharf has some historic and technical interest. When the repair and strengthening of this part of the wharf is carried out I would recommend that, wherever possible, the original structure be retained, and that where removed, the structure be recorded.²

Both the Overseas Passenger Terminal and Clyde Quay Wharf meet the RMA definition of historic heritage. Therefore, it is important that they be protected from inappropriate subdivision, use and development as a matter of national importance included in Section 6 of the RMA. In my view, the proposal does not constitute appropriate development of historic heritage, as a high proportion of both structures is being demolished.

2.2 Regional Coastal Plan for the Wellington Region

Clyde Quay Wharf and wharf edge is protected as a feature of historic merit in the Regional Coastal Plan. The following objectives and policies are relevant to the consideration of heritage:

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 resources 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 4.1.6 Important ecosystems and other natural and physical resources in and adjacent to the coastal marine area are protected from inappropriate use and development.

² Chris Cochran, Overseas Passenger Terminal Heritage Values, 17 March 2004.

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 building identified in Appendix 4 will be protected.

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 and from the coastal marine area;*
- *Recreational uses; or*
- *Structures of architectural or historic merit;*

Unless such adverse effects can be satisfactorily mitigated or remedied.

The Overseas Passenger Terminal and Clyde Quay Wharf, physical historic heritage resources in the coastal marine area, would not be protected from inappropriate development under this proposal.

The applicant asserts with regard to the wharf that “the intention is to minimise any impact on the wharf’s heritage fabric. Thus, the approach is one of ‘maintenance’ and ‘repair’.”³ However, the Structural Assessment in Appendix 4 shows that a great deal of heritage fabric would be demolished, and plans show replacement of these elements with a carparking structure of a completely different design. Appropriate maintenance and repair that respects historic heritage would preserve the structural

³ Capital Wharf Ltd & Wellington Waterfront Ltd, Proposed Refurbishment, Overseas Passenger Terminal and Clyde Quay Wharf, Wellington Waterfront, Applications for Resource Consent, Volume 1, September 2007, p 38.

design of the wharf with subtle differences to ensure there would be no confusion between the old and new. That is not the approach being pursued in this proposal.

In this instance the adverse effects on historic heritage will be more than minor due to the extent of demolition required, and no mitigation measures have been proposed that would result in a net benefit to the heritage values. There will be significant adverse effects on the Overseas Passenger Terminal, a building of significant architectural and historic heritage value. The substantial demolition of this building is not mitigated by the new building design drawing some inspiration from the old. There will also be adverse effects on the wharf, and recording the structure before and during demolition will not mitigate these adverse effects.

3. Conclusion

The proposed redevelopment of the Overseas Passenger Terminal and Clyde Quay Wharf is incongruous with the heritage objectives and policies of the Regional Coastal Plan. It will not protect either structure, both of which are significant historic heritage features, from inappropriate development, inconsistent with section 6(f) of the RMA.

Laura Paynter
Policy Advisor

Appendix 8: Summary of submissions

WGN080117 and WGN080120: Capital Wharf Limited and Wellington Waterfront Limited

Submissions received within the submission period

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
1	02-Nov-07	Shirley Ann Haywood & Eric Haywood	Oppose	<ul style="list-style-type: none"> Support the development in general BUT oppose the suggested parking provisions, marina berth owners bought berths on the understanding that they would always have a carpark available close to their berth. 	No
2	05-Nov-07	Philip Robert Humphrey	Support	<ul style="list-style-type: none"> Good design Will be a smart addition to the waterfront Developer has a good track record with this type of exercise. 	No
3	05-Nov-07	Rohan Hill	Support	<ul style="list-style-type: none"> Currently the Overseas Passenger Terminal (OPT) is underutilised and an eyesore Good design Will be in keeping with revamp of waterfront that has been going on for past 20 years. 	Yes
4	05-Nov-07	Stephen B Fisher	Support	<ul style="list-style-type: none"> Great design Brings life and heart to an area of waterfront that currently detracts from the image the Capital City wants to portray. 	No
5	05-Nov-07	George Janis	Support	<ul style="list-style-type: none"> Believe Willis Bond & Co will do a fantastic job Great Design Good mixed use of activities Public access retained Great addition to waterfront Currently in poor condition and needs an upgrade 	No
6	05-Nov-07	Michelle Leigh Hopkins	Support	<ul style="list-style-type: none"> Building needs development Good design and great focal point for harbour. 	No
7	05-Nov-07	Robert Cameron	Support	<ul style="list-style-type: none"> Outstanding design Retention of public access and appropriate uses Preserves this icon 	No
8	05-Nov-07	David Lambie	Support	<ul style="list-style-type: none"> Great design Opportunity to rejuvenate an area in decline Good mixed use 	No
9	05-Nov-07	Damian Nicholas Alexander	Support	<ul style="list-style-type: none"> Site is in need of development and this is great use of site Will enhance Wellingtons waterfront 	
10	05-Nov-07	Grant Raymond Corleison	Support	<ul style="list-style-type: none"> Supports upper level apartments but wants ground level retained for use of boat and yacht owners Carparks 	
11	05-Nov-07	Brendan Partrick Clegg	Support	<ul style="list-style-type: none"> Redevelopment of an underutilised site 	

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> • Attracts public to enjoy a Wellington landmark 	
12	06-Nov-07	Murray Gribben	Support	<ul style="list-style-type: none"> • Great design and architectural qualities suited to site • Public access is retained • Wharf will be repaired and strengthened • Mixed activity development 	No
13	06-Nov-07	Con Anastasiou	Oppose	<ul style="list-style-type: none"> • Proposal is contrary to the provisions of Part 2 of the RMA, in particular section 6 (f). • Contrary to the NZ Coastal Policy Statement (NZCPS), Regional Policy Statement (RPS), Regional Coastal Plan (RCP), Wellington City District Plan and Wellington Waterfront Framework (WWF). • OPT is listed as a heritage building in the WWF, with high townscape and landscape value. The wharf deck and edge are listed as of historic merit in App 4 of RCP. Proposal includes demolition of substantial parts of each of these structures. • Alterations/extensions to wharf not permitted by Rule 6 of the RCP. • The additional height and bulk will result in an adverse effect on the environment that is more than minor. • There is no need for residential apartments, commercial and retail activity to be located in the coastal marine area (CMA). Their location will displace marina service industries which currently operate within the OPT, which will significantly affect marina operations and bethholders. • The proposed building will have a broader footprint than the existing OPT resulting in loss of public space. Physical loss of public space is inconsistent with the WWF. • Landscaping and open space design dominated by the proposed structure. • The increase in bulk and height of structure will increase stormwater discharges to sea from the site. • Wind report is inadequate but it does show that increased wind effects will be experienced by marina and wharf users. • Proposal will increase vehicular traffic across the pedestrian promenade and wharf deck, increasing the hazard to pedestrians. • The residential carparking at wharf deck level is incompatible with the expectations of the WWF. Provision of marina and mobility card holders parking on wharf is appropriate; provision of public parking is not. • The cut-outs on either side of the vehicle ramp to the carpark will create a hazard for pedestrians. • The marina operations assessment is flawed. • Proposed residential use will be sensitive to noise generated by marina operations and ancillary activities (reverse sensitivity). • The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and bethholders. • Applicant has failed to consider alternative sites as legally obligated. 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. Adverse effects on the environment will be significant and more than minor. 	
14	06-Nov-07	Brett Turia	Support	<ul style="list-style-type: none"> Great design Good public access Good restoration for building Good mixed use of site 	No
15	06-Nov-07	Gareth Morgan	Support	<ul style="list-style-type: none"> Site is in need of redevelopment Good public access Good multi-use of area. 	No
16	06-Nov-07	Keith Flint	Neutral	<ul style="list-style-type: none"> Oppose the design, but feels site needs to be redeveloped with a better design 	Yes
17	06-Nov-07	Wellington Regional Coastal Users Association	Support	<ul style="list-style-type: none"> No reasons given 	No
18	06-Nov-07	Janine Jameson	Support	<ul style="list-style-type: none"> Great for community Enhances wharf Design enhances overall waterfront Shape of building retained 	No
19	07-Nov-07	Nigel Bingham	Support	<ul style="list-style-type: none"> Great for waterfront. Public access maintained. Public viewing deck. 	No
20	07-Nov-07	Richard George Cutfield	Support	<ul style="list-style-type: none"> Will add to the appeal of Wellington waterfront. 	No
21	07-Nov-07	William Frank Waterhouse Leckie	Support	<ul style="list-style-type: none"> Outstanding design retains original shape and theme. Great multiuse area. Good public access. 	No
22	08-Nov-07	Richard Maxwell & Lorraine Christie	Oppose	<ul style="list-style-type: none"> Construction traffic, noise and dust. Herd St access impaired and parking provision inadequate. Block views and sunlight. Design is not aesthetically pleasing. Proposed design is considerably more bulky. 	Yes
23	08-Nov-07	Helen Milner	Support	<ul style="list-style-type: none"> Great design Great addition to waterfront Good for community Landmark site. 	?
24	08-Nov-07	Brian Douglas Catley	Support	<ul style="list-style-type: none"> Good design Will repair/restore unsafe wharf that is currently underutilised. 	No
25	08-Nov-07	Karl Patrick Wiremu Davis	Support	<ul style="list-style-type: none"> Good design OPT needs repair and restoration for mixed use 	No
26	08-Nov-07	Ronald Arthur Haliday	Support	<ul style="list-style-type: none"> OPT currently needs repair Great for waterfront Community benefits 	No

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> Multi use 	
27	08-Nov-07	Judi Robson	Support	<ul style="list-style-type: none"> OPT needs repair Good design Will strengthen wharf 	No
28	08-Nov-07	Douw Steyn	Support	<ul style="list-style-type: none"> Great design Good for Wellington waterfront and public enjoyment Landmark site 	No
29	08-Nov-07	Aaron Drew	Support	<ul style="list-style-type: none"> Enhances waterfront Public enjoyment 	No
30	08-Nov-07	Michael Gale Welch	Support	<ul style="list-style-type: none"> Great design OPT is currently underutilised and in need of repair 	No
31	08-Nov-07	Frances Russell and Bill Brien	Support	<ul style="list-style-type: none"> Great design Will allow for public access Will repair and strengthen wharf 	No
32	08-Nov-07	Nicholas Williams	Support	<ul style="list-style-type: none"> Great design Good addition to waterfront Great for public Original shape and maritime theme retained. 	No
33	08-Nov-07	Murray George Hardten	Support	<ul style="list-style-type: none"> Great design Public access retained Iconic site Enhances waterfront 	No
34	08-Nov-07	Alexander Graham Dawson	Support	<ul style="list-style-type: none"> Great design Retains character and scale of existing wharf and other waterfront developments 	?
35	08-Nov-07	Richard Gordon Alexander Findlay	Support	<ul style="list-style-type: none"> Outstanding design retains original shape and theme Great multiuse area Good public access. 	No
36	08-Nov-07	Wellington Regional Chamber of Commerce	Support	<ul style="list-style-type: none"> Good addition to waterfront Boost to economy Mix of activities Public access retained Maritime theme retained Good architectural design Savings to rate-payers 	Yes
37	08-Nov-07	John Stuart Spry and Pamela Dorothy Spry	Oppose	<ul style="list-style-type: none"> Proposal is contrary to the provisions of Part 2 of the RMA, section 6 (f) Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. OPT is a heritage building, townscape and landscape value of OPT is high, the wharf deck and edge are listed as of historic merit in App 4 of RCP. Alterations/extensions to wharf not permitted by Rule 6 of the RCP. 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> • The additional height and bulk will result in an adverse effect on the environment that is more than minor. • There is no need for residential apartments, commercial and retail activity to be located in the CMA. Their location will displace marina service industries which currently operate within the OPT. • The proposed building will have a broader footprint than the existing OPT resulting in loss of public space. Physical loss of public space is inconsistent with the WWF. • Landscaping and open space design dominated by the proposed structure. • Loss of iconic views- Importance of public views of St Gerard's Monastery, Mt Vic dwellings, MacFarlane Street and Monastery walkway. • Will increase vehicular traffic across the pedestrian promenade and wharf deck, increasing the hazard to pedestrians. • The residential carparks at wharf deck level is incompatible with the expectations of the WWF. • The cut-outs on either side of the vehicle ramp to the carpark will create a hazard for pedestrians. • The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period. • Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. • Adverse effects on the environment will be significant and more than minor. 	
38	08-Nov-07	Andrew Thomas Taylor	Oppose	DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU)	Yes
39	8-Nov-07	Paul Frederick Allan Wavish	Oppose	<ul style="list-style-type: none"> • Will displace current providers of marine related services, which will negatively affect marina operations and berth holders. • Activities associated with the marina generate noise which is likely to result in complaints from residents in proposed apartments (reverse sensitivity). Potential adverse affects on marina operations and berth holders. • The draft construction management plan is inadequate and sparse in specific detail. • No need for additional public parking on wharf deck. 	Yes
40	9 Nov 2007	Rosamund Averton	Oppose	<ul style="list-style-type: none"> • Current OPT does not need replacement and serves the purpose required. • The wharf is historically significant and demolishing it would be a breach of RMA Section 6 (f). • During construction access will be denied to wharf, which is contrary to RCP policy 4.2.45. • Believe that a full archaeological assessment and conservation report be carried out by the applicant. • Oppose coastal permits being used for flats, car-parking, decks and jetty. • Disruption during construction phase will impact on Wellingtonians' by restricting access and create an economic burden on surrounding businesses. • The infrastructure involved in servicing 90 apartments will place burdens on 	No

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> surrounding maritime and other businesses • Significant environmental effects on the site contrary to the NZCPS and RCP. • The effect of mooring ships alongside the wharf will affect the amenity of local residents- noise and vibration. • Construction noise effects. • Construction will disturb seabed. • Construction effects on adjacent businesses will be extensive and may last longer than anticipated. • Applications breach RMA, NZCPS, RPS and RCP. • Developer should provide compensation to OPT tenants for impacts during construction periods if application is granted. 	
41	9-Nov-07	Martin Lawrence Pinder	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
42	9-Nov-07	Ruth Anne M ^c Kenzie	Oppose	<ul style="list-style-type: none"> • Effects on marina activity, including access to the marina, provision of marine services. • Adverse environmental effects 	No
43	9-Nov-07	Leo Comeskey	Support	<ul style="list-style-type: none"> • Provides secure living and boating access. • Renovation of iconic building • Continued access for fishing • Improved security on wharf • More parking 	Yes
44	9-Nov-07	Wade Douglas Pulford	Support	<ul style="list-style-type: none"> • Will be a major asset to the Wellington waterfront - will be an architectural landmark. 	No
45	9-Nov-07	Josie Allen	Support	<ul style="list-style-type: none"> • Will enhance the waterfront and encourage new businesses, visitors and locals to the area. • Impressive design and good for public enjoyment. 	No
46	9-Nov-07	John Kenneth Oldfield	Support	<ul style="list-style-type: none"> • Good design and in keeping with character of recent waterfront developments. • Allows public access • Current use of OPT is a waste, will be good use of the building. • Other cities such as Sydney and London have benefited from waterfront redevelopment. Wellington needs to follow the same steps as this development does. 	No
47	9-Nov-07	Paul David Collins	Support	<ul style="list-style-type: none"> • Good long term solution to underutilised building • Excellent design retaining key features of the existing building. • Complements Waitangi Park and marina 	No
48	9-Nov-07	Sir Michael Fowler	Support	<ul style="list-style-type: none"> • A talented architectural solution to enhanced public use of Clyde Quay. • Will give opportunity to many Wellingtonians to live above wharf level in apartments. 	Yes
49	9-Nov-07	Valerie Suzanne Blumhardt	Neutral	<ul style="list-style-type: none"> • WGN080117 Application ONLY • Not averse to the redevelopment of the OPT, subject to a number of considerations: • Control of construction conditions to minimise disruption • Any increase in height of the original building should be minimal- limited to 3-4 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> metres. Attention should be given to environmental and energy sustainability in the construction of the new building- use of renewable energy. Also mitigate wind sheer exacerbation. Adequate provisions to manage traffic flow in the Oriental Bay area. Proposed parking will not meet demands. Sufficient parking for residents, guests, trades people and public should be provided, or the scale of the development should be reduced. 	
50	9-Nov-07	Ralph Jorgensen	Support	<ul style="list-style-type: none"> OPT is a Wellington landmark. Retains and enhances iconic character of OPT Public access retained Will be a good attraction and destination point with its mixed activities (bars, shops etc). Supports apartments as they will ensure building maintenance is managed. 	No
51	9-Nov-07	Robyn Esther Sygrove & Christopher David Sygrove	Support	<ul style="list-style-type: none"> In support provided work is carried out between 8am and 5pm weekdays, our windows are cleaned every two weeks during demolition and monthly during construction. Retail parking during this time should also be provided. Good design. OPT is currently an eyesore. Will be an asset to the city 	Yes
52	9-Nov-07	Julie Anne Muir	Support	<ul style="list-style-type: none"> Will make this part of the waterfront lively and attractive. Good public access and for public enjoyment 	No
53	9-Nov-07	Andrew M ^c Teigue	Support	<ul style="list-style-type: none"> Original structure and character of OPT is retained Public access retained Mixed activities Similar to other successful waterfront developments e.g. Auckland Investment by ratepayers offset as developer funded. Win/win for community, occupants, public and visitors Is a forward thinking initiative 	Yes
54	9-Nov-07	Bevan Lee Hartley	Support	<ul style="list-style-type: none"> Will benefit the entire community Redevelopment of an iconic waterfront building can only be positive. 	No
55	9-Nov-07	Roger Arthur Noel Manthel	Support	<ul style="list-style-type: none"> In support subject to: The applicants comply with the lease provisions and obligations of Wellington Waterfront Ltd to the berth holders of the Chaffers Marina Ltd. Protection against damage to vessels during construction- including dirt, dust and metal filings. Attention to traffic congestion exiting Herd Street. 	Yes
56	9-Nov-07	Grant & Carol Weston	Support	<ul style="list-style-type: none"> Repair of Wharf- current state is distressing. Protects and enhances a Wellington icon Good for economy Attractive design in keeping with existing character of the building. Attractive destination for public and tourists. 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> • Site and OPT currently underutilised • Good mixed activity. An appropriate use of the site. 	
57	9-Nov-07	Alan Leslie Judge	Support	<ul style="list-style-type: none"> • Will complete the harbour development and provide a link between Oriental Bay and the City. • Good public access • Will increase public use of the area and bring alive Waitangi Park. • Strengthening and repair of the wharf. 	No
58	9-Nov-07	Grant Leigh Hodgson	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
59	9-Nov-07	Peter Duncan Bennett	Support	<ul style="list-style-type: none"> • Interested in seeing the full redevelopment of Wellington waterfront. • Will be an asset to the city. 	No
60	9-Nov-07	Gregory Melville	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
61	9-Nov-07	Glenn Charles Tulloch	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
62	9-Nov-07	Anthony Joseph Clarry	Oppose	<ul style="list-style-type: none"> • Proposal is contrary to the provisions of Part 2 of the RMA, section 6 (f) • Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. • OPT is a heritage building, townscape and landscape value of OPT is high, the wharf deck and edge are listed as of historic merit in App 4 of RCP. OPT is to be largely demolished. • Provision of marina and mobility card holders parking on wharf is appropriate; provision of public parking is not. Parking rights of current businesses and marina users should be provided for first. • The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and berthholders. • Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. • Adverse effects on the environment will be significant and more than minor. • Residents of Chaffers will lose views of Oriental Bay at Southern end of OPT • Is not the same footprint and bulk of existing OPT. Height should be limited. • Wind between OPT and Chaffers Area will increase due to reduction in distance. • Bulk and scale of proposal has increased since Public Open Day (26 May 2006) • Scale of demolition of OPT is large. • Construction will generate noise and occupy space beyond the potentially wharf for up to four years. This will affect events such as. NZ International Arts festival. 	Yes
63	9-Nov-07	Shirley Frances Bancroft	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
64	9-Nov-07	Dean Hoare	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
65	9-Nov-07	Christine Greenwood	Oppose	<ul style="list-style-type: none"> • New building is significantly larger than existing OPT footprint. • Demolition of existing OPT and parts of Clyde Quay wharf breaches heritage value of wharf decks and edges as listed in RCP (App 4). • Additional parking is unnecessary. 	No

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> • Colonisation and privatisation of public space • Breaches intention of Wellington Waterfront Framework (p.33). • Breaches RMA, NZCPS, RCP and RPS. 	
66	9-Nov-07	Nev Robinson	Neutral	<ul style="list-style-type: none"> • Suggests half Hilton, half residential with Hilton in highest block at south end. Increase the wharf width by 15m plus length for Hilton. This will give thousands of people a chance to enjoy the best instead of just a few. Combining the two will please all and stop the Hilton going ahead at Queens. 	No
67	9-Nov-07	Waterfront Watch Inc	Oppose	<ul style="list-style-type: none"> • Support the mobility parks and the guarantee the marina boat holders were given 20+years ago of easy access to their boats, but oppose the additional car parking. • Concerns over increase in traffic congestion and effects when merging with Courtenay Place to Oriental Bay traffic. • The OPT should be restored not demolished. • The adverse effects will be significant and more than minor. • OPT is a heritage building, townscape and landscape value of OPT is high, the wharf deck and edge are listed as of historic merit in App 4 of RCP. • Alterations/extensions to wharf not permitted by Rule 6 of the RCP. • Proposal is contrary to the provisions of section 6 (f) of the RMA. • New building is significantly larger than existing OPT footprint. Public space will be lost. • Public exclusion from entire wharf for 2 year construction period. 	No
68	9-Nov-07	Denis Foot	Oppose	<ul style="list-style-type: none"> • Is contrary to the provisions of Part 2 of the RMA, section 6 (f) • Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. • OPT is a heritage building, townscape and landscape value of OPT is high, the wharf deck and edge are listed as of historic merit in App 4 of RCP. • Alterations/extensions to wharf not permitted by Rule 6 of the RCP. • The additional height and bulk will result in an adverse effect on the environment that is more than minor. • There is no need for residential apartments, commercial and retail activity to be located in the coastal marine area (CMA). Their location will displace marina service industries which currently operate within the OPT, which will significantly affect marina operations and bethholders. • The proposed building will have a broader footprint than the existing OPT resulting in loss of public space. Physical loss of public space is inconsistent with the WWF. • Landscaping and open space design dominated by the proposed structure. • The increase in bulk and height of structure will increase stormwater discharges to sea from the site. • The increase in wind speeds will be detrimental to marina use. • Will increase vehicular traffic across the pedestrian promenade and wharf deck, increasing the hazard to pedestrians. • The residential carparks at wharf deck level is incompatible with the expectations of 	Yes

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				<p>the WWF. Provision of marina and mobility card holders parking on wharf is appropriate; provision of public parking is not.</p> <ul style="list-style-type: none"> • The cut-outs on either side of the vehicle ramp to the carpark will create a hazard for pedestrians. • The marina operations assessment is flawed. • Proposed residential use will be sensitive to noise generated by marina operations and ancillary activities (reverse sensitivity). • The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and bethholders. • Applicant has failed to consider alternative sites as legally obligated. • Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. • Adverse effects on the environment will be significant and more than minor. • Proposal is a gross over-development in a marine setting. • Height, bulk and additional traffic will have adverse effects on public amenity. • Reduced sun and public views will be affected. 	
69	12-Nov-07	Eastwood Hill Limited	Support	<ul style="list-style-type: none"> • Positive assessment of the proposal from the Technical Advisory Group. • Overall increase in bulk is modest. • Great design- maintains original shape and character. • Saves ratepayers \$10 million cost of repairing OPT. • Public access retained. • Good mix of activities. • Will bring site back to life. 	No
70	12-Nov-07	Rodney & Vivien Callender	Oppose	<ul style="list-style-type: none"> • The information has been presented in a misleading way. The proposal is being promoted in deceit so to give the impression of minimal development. • Will support the application if a new full study of the development is made, if this is the only building to be built north and east of Waitangi Park and if traffic lights are placed at entrance of Herd St. 	Yes
71	12-Nov-07	Craig Tweedie	Oppose	<ul style="list-style-type: none"> • Proposal is contrary to the provisions of Part 2 of the RMA. • Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. • Applicant has failed to consider alternative sites as legally obligated. • The additional height and bulk will result in an adverse effect on the environment that is more than minor. • Landscaping and open space design dominated by the proposed structure, contrary to WWF. • The proposed building will have a broader footprint than the existing OPT resulting in loss of public space. Physical loss of public space is inconsistent with the WWF. • The cut-outs on either side of the vehicle ramp to the carpark will create a hazard for pedestrians. 	Yes

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				<ul style="list-style-type: none"> • The increase in bulk and height of structure will increase stormwater discharges to sea from the site. • Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. Wellington City Council has responsibility to repair the wharf under earthquake legislation but has done little or no maintenance. Proposed works not only for repair but to support larger, heavier building. • There is no need for residential apartments, commercial and retail activity to be located in the coastal marine area (CMA). Their location will displace marina service industries which currently operate within the OPT, which is contrary to policy 6.2.1 of the RCP. • The loss of these services and workshop and storage areas will significantly affect marina operations contrary to policy 4.2.45 of the RCP. • Alterations/extensions to wharf not permitted by Rule 6 of the RCP. • Increased wind effects on parts of the marina from all directions. The increase will be detrimental to marina use. • The increase in shade due to proposal will exacerbate wet and cold periods on west side of the OPT. • The proposal will increase vehicular traffic across the pedestrian promenade and wharf deck, increasing the hazard to pedestrians. The sub-wharf deck access ramp will create further hazard. • Road markings proposed for Herd St and at its intersection with Oriental Parade will lead to confusion and can be improved. • The residential carparking at wharf deck level is incompatible with the expectations of the WWF. The provision of mainly residential parking exacerbates the shortage of parking for the public and marina users. There is no requirement for further public parking at the site. • OPT is listed as a heritage building in the WWF, townscape and landscape value of OPT is high, the wharf deck and edge are listed as of historic merit in App 4 of RCP. Its demolition is contrary to section 6(f) of the RMA. • Proposal will impact on transient fishing community resident on wharf. Lower fishing wharf will be exposed to hazardous weather conditions. • The marina operations assessment is flawed. • The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and bethholders. • Proposed residential use will be sensitive to noise generated by marina operations and ancillary activities (reverse sensitivity). • Adverse effects on the environment will be significant and more than minor. 	
72	12-Nov-07	Colleen Tweedie	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
73	12-Nov-07	Michael Robert Camp	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
74	12-Nov-07	Malcolm David & Christine Claire Small	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
75	12-Nov-07	Murray William Bridge	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
76	12-Nov-07	Rosemary Ann Bradford	Support	<ul style="list-style-type: none"> Excellent design in keeping with Wellington waterfront and existing OPT character. OPT desperate for redevelopment and repair. 	Yes
77	12-Nov-07	Graham Beard	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
78	12-Nov-07	Deborah Williams	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
79	12-Nov-07	John Richmond Moore	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
80	12-Nov-07	Geoffrey Herd	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
81	12-Nov-07	Lloyd Wills	Support	<ul style="list-style-type: none"> Mixed use provides something for everyone. OPT and wharf needs repair and redevelopment. OPT is an iconic building and site. Outstanding design that retains original character of building. Will enhance the waterfront and bring life to the area. 	No
82	12-Nov-07	The Oriental Bay Residents Association (OBRA)	Oppose	<ul style="list-style-type: none"> Limited number of carparks. Want to ensure that the project does not compound they already serious parking problem. Additional carparks to the proposed should be included. 	Yes
83	12-Nov-07	Bruce Kenneth Bennett	Oppose	<ul style="list-style-type: none"> Lack of consultation to residents and owners of the closest proximate building. Increase in traffic using Herd Street. OPT will not respect the form and scale of the existing building. New element at southern end will add considerable length, width and height. Extra size and height will result in loss of views from many areas. Late night use may generate excessive noise from public and vehicles. 	Yes
84	12-Nov-07	Catherine Judith Hastings	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
85	12-Nov-07	Christopher Wayne Hastings	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
86	12-Nov-07	Eleanor Carol Heaphy & Michael Raymond Heaphy	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
87	12-Nov-07	Adam Wood	Support	<ul style="list-style-type: none"> Good design Great site for cafes and restaurants and good use for the OPT. Will enhance Wellington waterfront Will repair wharf which would otherwise cost ratepayers. 	No
88	12-Nov-07	Charles Edward Graham	Support	<ul style="list-style-type: none"> OPT currently underutilised and in need of repair. Original shape and theme retained. Mix of activities is good. Will benefit both residents and visitors. Attractive venue for people and commercial activity. 	No
89	12-Nov-07	Peter Howard McKenzie	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	?

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90	12-Nov-07	David Gascoigne & Patsy Reddy	Support	<ul style="list-style-type: none"> • A superb site with a degrading building on it. Project is a positive thing for the site. • The combination of Willis Bond and Athfields is a proven one. They produce superior and harmonious results. • Retains original character and features of existing OPT and enhances them. 	Yes
91	12-Nov-07	Nicholas Richard Waddington	Support	<ul style="list-style-type: none"> • Great design. • Maritime theme retained • Public access retained • Will strengthen and repair wharf. 	Yes
92	12-Nov-07	Hazel Armstrong	Oppose	<ul style="list-style-type: none"> • Building will be too large, overwhelm the site and cut off views. • Supports an upgrade of OPT but needs to be a subtle, discrete design and smaller size. • Reduce height and size of building. 	No
93	12-Nov-07	Mark Hargreaves	Support	<ul style="list-style-type: none"> • Retains current design and enhances building. • Good mix use of apartments and retail. • Great development for Wellington and will add to Wellingtons reputation as a city with high quality inner city living options. 	No
94	12-Nov-07	Ryan Johnson	Support	<ul style="list-style-type: none"> • Will transform a degraded landmark building. • Will enhance the Wellington waterfront. • Retains original shape- historical importance. • An opportunity for growth and innovation like this one needs to be supported. • Follows in the footsteps of waterfront development in Sydney which has been a big success. 	No
95	12-Nov-07	Richard Shonakan	Support	<ul style="list-style-type: none"> • OPT is in dire need of restoration and repair. • Design retains historic links-the maritime theme in keeping with the environment. • Public has not been deceived with the size of the proposed building. This is a very large linear development of a pleasing scale. 	No
96	12-Nov-07	Andrew Lawrence	Support	<ul style="list-style-type: none"> • Good design that retains shape. • Public access retained. • Mixed use good for community. • Will enhance this part of the waterfront. • OPT is in need of restoration and repair. 	No
97	12-Nov-07	Mike Shaw	Support	<ul style="list-style-type: none"> • Great design. The sooner it happens, the better for Wellington. • Great attraction for Wellingtonians and tourists. 	No
98	12-Nov-07	Renata Minetto	Support	<ul style="list-style-type: none"> • Great design. • Will restore an important landmark site. • Mixed activity will bring life to the site- will be great place for public. • Much better than commercial use. The waterfront belongs to the citizens. 	No
99	12-Nov-07	Michael Faherty	Support	<ul style="list-style-type: none"> • Will enhance what is currently a 'White Elephant' • Public access is retained. 	No

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				<ul style="list-style-type: none"> • Proposal is sympathetic with adjacent buildings and surrounding environment. 	
100	12-Nov-07	Terence Charles Brandon	Oppose	<ul style="list-style-type: none"> • Is contrary to NZ Coastal Plan and Regional Policy Statement. • The OPT and wharf are heritage buildings/sites. • Height and bulk is excessive. • Impacts on marina. • Loss of public open space. • Wind effects could be serious. 	Yes
101	12-Nov-07	Tony Lee Sutherland	Support	<ul style="list-style-type: none"> • The site needs redevelopment. • Redevelopment will be positive for Wellington residents and visitors. 	No
102	12-Nov-07	Barry McLeod	Support	<ul style="list-style-type: none"> • Existing OPT is degraded and dangerous. • Continues the overall improvements to the waterfront that have already been made. 	No
103	12-Nov-07	Daniel Brian McGuinness	Support	<ul style="list-style-type: none"> • Good mixed use of building. • Great design • Space retained for public and marina users. • Great for Wellington City 	No
104	12-Nov-07	Mark Cowan	Support	<ul style="list-style-type: none"> • Clyde Quay wharf needs an upgrade. • Sympathetic design. 	Yes
105	12-Nov-07	Michael Mahoney	Oppose	<ul style="list-style-type: none"> • Proposal is contrary to the provisions of Part 2 of the RMA, section 6 (f) • Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. • OPT is a heritage building, townscape and landscape value of OPT is high, the wharf deck and edge are listed as of historic merit in App 4 of RCP. • Alterations/extensions to wharf not permitted by Rule 6 of the RCP. • The additional height and bulk will result in an adverse effect on the environment that is more than minor. • There is no need for residential apartments, commercial and retail activity to be located in the coastal marine area (CMA). Their location will displace marina service industries which currently operate within the OPT, which will significantly affect marina operations and bethholders. • The proposed building will have a broader footprint than the existing OPT resulting in loss of public space. Physical loss of public space is inconsistent with the WWF. • Landscaping and open space design dominated by the proposed structure. • The increase in bulk and height of structure will increase stormwater discharges to sea from the site. • The increase in wind speeds will be detrimental to marina use. • Will increase vehicular traffic across the pedestrian promenade and wharf deck, increasing the hazard to pedestrians. • The residential carparks at wharf deck level is incompatible with the expectations of the WWF. • The cut-outs on either side of the vehicle ramp to the carpark will create a hazard for pedestrians. 	Yes

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				<ul style="list-style-type: none"> The marina operations assessment is flawed. Proposed residential use will be sensitive to noise generated by marina operations and ancillary activities (reverse sensitivity). The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and bethholders. Applicant has failed to consider alternative sites as legally obligated. Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. Adverse effects on the environment will be significant and more than minor. 	
106	12-Nov-07	Angela McArthur	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
107	12-Nov-07	Martin Shelton	Support	<ul style="list-style-type: none"> Respectful adaptation of prominent waterfront icon. Maritime theme retained in the design. Extends public waterfront walkway. Supports developer with proven track record of sensitive quality redevelopment. 	?
108	12-Nov-07	Joe Petelo	Support	<ul style="list-style-type: none"> Iconic design that is ideal for the site. 	No
109	12-Nov-07	Mark Wayne Matthews	Support	<ul style="list-style-type: none"> OPT is degraded, dangerous and in need of redevelopment. This proposal looks fine. 	Yes
110	12-Nov-07	Helene Ritchie	Oppose	<ul style="list-style-type: none"> Oppose proposed use of the OPT inc. apartments, retail, carparks etc. Size and bulk. Increased traffic use. A superb site is wasted on apartments and retail. Suggests it is perfect site for National music school and conservatorium. Suggests opening up the use of the site to public submissions. 	Yes
111	12-Nov-07	Mark Johnstone	Support	<ul style="list-style-type: none"> A well thought out development proposal for the waterfront, unlike the Hilton. Good attention to public access and amenity. 	No
112	12-Nov-07	Rod Gethen	Support	<ul style="list-style-type: none"> Fully support design and use. Will enhance the Wellington experience for all without ratepayers footing the bill. 	No
113	12-Nov-07	Robert Grant Sheehan	Support	<ul style="list-style-type: none"> 	
114	12-Nov-07	Andrew MacLean Morrison	Oppose	<ul style="list-style-type: none"> Proposal is contrary to the provisions of Part 2 of the RMA, in particular sections 6(d) and (f) and sections 7(c), (f) and (g). Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. OPT is a heritage building, townscape and landscape value of OPT is high, the wharf deck and edge are listed as of historic merit in App 4 of RCP. Alterations/extensions to wharf not permitted by Rule 6 of the RCP. The additional height and bulk will result in an adverse effect on the environment that is more than minor. There is no need for residential apartments, commercial and retail activity to be located in the coastal marine area (CMA). Their location will displace marina service industries which currently operate within the OPT as well as marina storage. Access 	Yes

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				<p>for mobile marina service providers will also be impaired. This will significantly affect marina operations and bethholders.</p> <ul style="list-style-type: none"> • The proposed building will have a broader footprint than the existing OPT resulting in loss of public space. Physical loss of public space is inconsistent with the WWF. • Landscaping and open space design dominated by the proposed structure. • The increase in bulk and height of structure will increase stormwater discharges to sea from the site. • Wind report is inadequate but it does show that increased wind effects will be experienced by marina and wharf users. • Will increase vehicular traffic across the pedestrian promenade and wharf deck, increasing the hazard to pedestrians. • The residential carparks at wharf deck level is incompatible with the expectations of the WWF. Provision of marina and mobility card holders parking on wharf is appropriate; provision of public parking is not. • The cut-outs on either side of the vehicle ramp to the carpark will create a hazard for pedestrians. • The marina operations assessment is flawed. • Proposed residential use will be sensitive to noise generated by marina operations and ancillary activities (reverse sensitivity). • The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and bethholders. • Applicant has failed to consider alternative sites as legally obligated. • Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. • Adverse effects on the environment will be significant and more than minor. 	
115	12-Nov-07	Frances Lee	Oppose	<ul style="list-style-type: none"> • Additional height and width compared to existing OPT profile. • Jetty extension to northern end. • Immense alterations to the wharf and disturbance of seabed. • Large traffic problems and associated danger to pedestrians. • Loss of pedestrian access or having to share it with cars. • Upgrading required to the infrastructure to service the apartments will be extensive. • Lengthy disruption and noise and discharge of contaminants to the CMA. • Loss of public amenity area and port related facilities and replacement with accommodation is totally undesirable. 	No
116	12- Nov-07	Alison Russell	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #105 (M. MAHONEY) 	Yes
117	12-Nov-07	Neill Brent Molloy	Support	<ul style="list-style-type: none"> • Good developer and excellent architect will deliver great outcome. 	No
118	12-Nov-07	Adrian Thomas Landymore	Support	<ul style="list-style-type: none"> • Uplifting for the area and excellent for the region. 	No
119	12-Nov-07	Adrian Mannel	Support	<ul style="list-style-type: none"> • Private investment to enhance public amenity should be supported. 	No
120	12-Nov-07	Hoani Tangira Russell	Support	<ul style="list-style-type: none"> • Current building is ugly and will make the waterfront attractive. 	Yes

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121	12-Nov-07	Peter Van Dalen	Support	<ul style="list-style-type: none"> Will be great for Wellington 	No
122	12-Nov-07	Matthew Diamond	Support	<ul style="list-style-type: none"> Effects are no more than minor. Good scheme that is long overdue. 	No
123	12-Nov-07	Anthony John Phillips	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
124	12-Nov-07	Tony Gibbs	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
125	12-Nov-07	Michael S Holden	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
126	12-Nov-07	Christopher Leonard Casey	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
127	12-Nov-07	Stephen Lowe	Support	<ul style="list-style-type: none"> Anything is better than the existing 'White elephant'. 	No
128	12-Nov-07	Donna & John Heginbotham	Oppose	<ul style="list-style-type: none"> Oppose the height, length and width of proposed structure. Adverse effects on Chaffers Dock apartments e.g. devalue them through loss of views and sun. Parking and public use issues. 	Yes
129	12-Nov-07	William John Manuel	Support	<ul style="list-style-type: none"> Site has to be redeveloped. Good design. 	No
130	12-Nov-07	John Heginbotham	Oppose	<ul style="list-style-type: none"> Size is too big, should be limited to size of existing OPT. Vehicle control, access and parking a problem for tenants, owners, guests and public. Prolonged construction and its effects on adjacent property owners. Loss of vista and promenade. 	Yes
131	12-Nov-07	Alan John Conner	Support	<ul style="list-style-type: none"> In favour of redevelopment of the waterfront and the redevelopment of the OPT will enhance the waterfront. Existing OPT is a shambles. 	No
132	12-Nov-07	Richard John Futter	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
133	12-Nov-07	Jane Haywood	Support	<ul style="list-style-type: none"> Supports redevelopment of OPT. Will enhance waterfront and stimulate the area. Will compliment Herd St apartments. Pleasing design. 	No
134	12-Nov-07	Jody Harrison	Support	<ul style="list-style-type: none"> Visually appealing and a focus point from road or sea. 	No
135	12- Nov-07	David Dawson	Support	<ul style="list-style-type: none"> Currently an eyesore, will clean up the area. Good for Wellington, employment and prosperity. 	No
136	12- Nov -07	Jury Te Tauri	Support	<ul style="list-style-type: none"> Attractive design, much better than what is there currently. Will create employment. 	No
137	12-Nov-07	Peter Munford	Support	<ul style="list-style-type: none"> Good for Wellington 	No
138	12-Nov-07	Jillian Campbell-Board, Gordon McDougall, David Molen, Victoria Askew, Kim McMorran, Brett Linton, Amanda Hargreaves, Lesley Hamilton, Philip Berkett, Matt Stechmenn,	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #71 (CRAIG TWEEDIE) 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
		Paul Davey			
139	12-Nov-07	Anthony Edward Overton	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
140	12-Nov-07	Guy Varnham Beaumont	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
141	12-Nov-07	Kevin John Henderson	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
142	12-Nov-07	Blake John Honeyfield	Support	<ul style="list-style-type: none"> Fishing access remains. Less parking on wharf is good. Keeping the spire is crucial. 	No
143	12-Nov-07	David Grindell	Support	<ul style="list-style-type: none"> Conservative scheme that exceeds expectations. 	No
144	12-Nov-07	David Douglas Mason	Oppose	<ul style="list-style-type: none"> Increase in traffic has been underestimated, will lead to significant increase in congestion at Herd St-Oriental Pde intersection. Discrepancy in drawings in regard to angle parking on wharf – parking may be sacrificed for outdoor seating for cafes. Wind report findings (reductions in wind speeds in some locations) are counterintuitive. Independent wind tests should be conducted. Proposal is contrary to the provisions of Part 2 of the RMA, in particular section 6(f). Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and betholders. Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. Adverse effects on the environment will be significant and more than minor. Foot print of new building should be reduced to better accommodate pedestrian and vehicular traffic. Floors should be reduced from 3 → 4, apartments should be reduced from 60 – 90 → 30 – 40. 	Yes
145	12-Nov-07	Pauline & Athol Swann	Oppose	<ul style="list-style-type: none"> A Wellington icon that should be restored not demolished. Wellington Waterfront Limited has legal obligation to ensure wharf structure complies with the Building Act 2004. Cumulative effects will be significant and more than minor. Breach the intentions of the RMA and RMAA. OPT is a heritage building, townscape and landscape value of OPT is high, the wharf deck and edge are listed as of historic merit in App 4 of RCP. Demolition contrary to section 6(f) of the RMA. Alterations/extensions to wharf not permitted by Rule 6 of the RCP. Will have a broader footprint than the existing OPT resulting in loss of public space. Loss of public space is inconsistent with the WWF. The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf and hazard for 2 year construction period. Proposal will increase traffic congestion at Herd Street. 	Yes

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				<ul style="list-style-type: none"> • Short sighted- does not consider global warming and forced changes in transportation increasing the use of large ships. • Should be designed to include a winter garden. 	
146	12-Nov-07	James Noble Cunningham	Support	<ul style="list-style-type: none"> • Design is appropriate for the site. • Public access maintained. • Public viewing deck good. • Good mixed use. • Avoids big cost to ratepayers. • OPT needs an upgrade. 	No
147	12-Nov-07	Malcolm Arthur Charles Whyte	Oppose	<ul style="list-style-type: none"> • Size, height and width exceeds current OPT footprint. Will further congest the area. • Traffic problems. 	Yes
148	12-Nov-07	Rob Dickinson	Support	<ul style="list-style-type: none"> • Current OPT is an eyesore. • Redevelopment will bring vibrancy and make it a destination point. • Natural extension of current and completed waterfront developments and improvements. 	No
149	12-Nov-07	Marian Salmon	Support	<ul style="list-style-type: none"> • Redevelopment of OPT is long overdue and OPT is currently underutilised and uninviting. • Blocking some views is inevitable for redevelopment. • Design is in keeping with existing building. • Reputable developer and architect. 	No
150	12-Nov-07	Stephen Seddon	Support	<ul style="list-style-type: none"> • Existing OPT is in need of repair and is underutilised. • Design is sympathetic to the existing building. • As a public body (such as WCC) will not redevelop the site, it requires private investment. 	No
151	12-Nov-07	Chad Smith	Support	<ul style="list-style-type: none"> • Will be more inviting to the public. • Shape and scale is appropriate. • In terms of aesthetics, access, use of site the current OPT has not reached the potential it should. This does and is a lot more pedestrian friendly. 	No
152	12-Nov-07	Blair James Parkinson	Support	<ul style="list-style-type: none"> • Existing OPT is deteriorating and needs redevelopment. • Good design for waterfront location. 	No
153	12-Nov-07	Thomas George Huppert	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
154	12-Nov-07	Josephine Lesley Campbell	Oppose	<ul style="list-style-type: none"> • The bulk, height and width of the southern end is too great. • Will obscure views from multiple areas of the harbour, Oriental Bay etc. • Will reduce public space and access in this area of the waterfront. • Traffic problems at Herd Street. Not only access for cars, but bikes, pedestrians, children at the playground, skateboarders etc • Adverse effects are more than minor. • Should be confined to within the footprint of existing building. 	Yes
155	12-Nov-07	Robert Thomas Whaiapu	Support	<ul style="list-style-type: none"> • Fishing and public access is to be retained which is important for Wellingtonians. 	No

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
156	12-Nov-07	Frantisek Kiss	Support	<ul style="list-style-type: none"> • Great opportunity to bring the area back to life. 	No
157	12-Nov-07	John Gresslehner	Support	<ul style="list-style-type: none"> • Great development for Wellington. 	No
158	12-Nov-07	Peter Bidermann	Support	<ul style="list-style-type: none"> • Current OPT is an eyesore. Any improvements are worthwhile. 	No
159	12-Nov-07	Ben Cathro	Support	<ul style="list-style-type: none"> • Supports use for bars and restaurants as will bring more life to that part of the waterfront. Creates better and more use of OPT and site. 	No
160	12-Nov-07	Peter Alsop	Support	<ul style="list-style-type: none"> • Amenity of waterfront will be enhanced with minimal disruption to other users of the wharf. • More efficient use of prime real estate, with apartments a sensible choice. 	No
161	12-Nov-07	Rebecca Fraser	Support	<ul style="list-style-type: none"> • Good design. • Good use of space. • Great place for retail, cafes etc. 	No
162	12-Nov-07	Shawn Richard Beck	Support	<ul style="list-style-type: none"> • Appropriate waterfront development to complete eastern edge of the Lambton Harbour Management area. • Architecturally sound and sympathetic to heritage values. • Innovative under wharf parking solution and enhancement of public amenity. • Good for Wellingtonians. 	No
163	12-Nov-07	Trevor Simmiss	Support	<ul style="list-style-type: none"> • Improves on look of building to new which brings OPT up to date with the rest of the harbour. 	No
164	12-Nov-07	Anthony Newson	Support	<ul style="list-style-type: none"> • Huge improvement on existing OPT. 	No
165	12-Nov-07	Anthony Mallon	Support	<ul style="list-style-type: none"> • A positive use of wonderful property. • Great public and residential area. 	No
166	12-Nov-07	Brendon William Thomas	Support	<ul style="list-style-type: none"> • Private investment is crucial otherwise ratepayers would suffer. • Good design. 	No
167	12-Nov-07	John & Gillian Davis	Oppose	<ul style="list-style-type: none"> • Size in plans has been misleading and height increase is substantial. • Effects on views. • Will increase traffic problems in an already congested area. 	Yes
168	12-Nov-07	GD & AM Sweetman	Oppose	<ul style="list-style-type: none"> • Proposal has been misleading with regard to size at the southern end of the OPT. Height and width will dominate the site. If the size remained the same as existing building, would be in support. • Parking problems, increased traffic on Herd Street. 	Yes
169	12-Nov-07	Clive Lewis	Oppose	<ul style="list-style-type: none"> • Too large for the site. Increased width- promenade will be too narrow. • Height increase and extension at southern end. Bulk of the building is considerably larger than the existing OPT. Not in keeping with the surrounding environment. • Increased height will create further shading to marina. • Increased wind velocity an adverse effect. • Traffic problems- No parking for trucks, will block access on eastern side. • Loss of open public space. • Lack of parking for marina berth holders. • Increase in vehicle parking will adversely affect pedestrians. 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> • Not in keeping with the Wellington Waterfront framework in respect to urban design and traffic. 	
170	12-Nov-07	Chaffers Marina Limited	Oppose	<ul style="list-style-type: none"> • Proposal is contrary to the provisions of Part II of the RMA, in particular sections 5, 6(d) and (f), 7(c), (f) and (g). • Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. • Application does not provide for marina activities that are an integral part of the waterfront. • The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and berthholders. • The proposal will displace existing marina service industries and storage facilities within the OPT. Access for mobile marina service providers will also be impaired. These effects will be greatest during the construction period but will be on-going thereafter. This will significantly affect marina operations and berth holders and is contrary to the WWF. • Application is inconsistent with statements made in the Chaffers Marina resource consent application and subsequent decision to grant this consent. • The marina operations assessment is flawed as it assesses the impact on each service in isolation rather than the overall affect on the use of the marina. • Reduces number of car parks available for marina berth holders. Breaches the terms of the Chaffers Marina resource consent, results in inadequate provision of parking for this established activity. Creation of parks of parks at wharf level constitutes an unlawful privatisation of public space. Marina parking provision is inadequate. • Involves demolition of parts of wharf edge and deck and the OPT. Wharf edge is listed as features of historic merit in App 4 RCP, the OPT is listed as a heritage building in WWF. • Alterations/extensions to wharf not permitted by Rule 6 of the RCP. • The additional height and bulk will result in substantial and unacceptable adverse effects on the environment. These effects have not been adequately identified or assessed. • The proposal will cause a significant privatisation of public space. This is a significant adverse effect and is inconsistent with the WWF. • Landscaping and open space design dominated by the proposed structure, which is inconsistent with the WWF. • Wind report is inadequate but it does show that increased wind effects will be experienced by marina and wharf users. • The vehicle ramp to the sub-wharf carpark and the cut-outs on either side of it the will create a hazard for pedestrians. • Applicant has failed to consider alternative sites as legally obligated. • Upgrade of wharf is a positive effect but Wellington Waterfront Limited already has a legal obligation to support the marina from the wharf structure and to ensure wharf 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<p>complies with the Building Act 2004. Works go far beyond that required to maintain wharf condition.</p> <ul style="list-style-type: none"> Proposed residential use will be sensitive to noise generated by marina operations and ancillary activities (reverse sensitivity). The cumulative effects of the proposal will be unacceptable. 	
171	12-Nov-07	Stephanie Versleey	Neutral	<ul style="list-style-type: none"> If goes ahead it is important to make the area as pedestrian-friendly as possible potentially by limiting car access and parks. 	No
172	12-Nov-07	Amelie Goldberg	Support	<ul style="list-style-type: none"> Support conditionally. Good multiuse of the area. Concerned about the sustainability of the architecture and design. Would like the area to be more pedestrian-friendly with limited number of car parks. 	No
173	12-Nov-07	Miriam Ann White	Support	<ul style="list-style-type: none"> Some things need to be taken into account- busy traffic, that it is visually attractive day and night, safe for pedestrians, public access to wharf retained and sustainable building practices. Supports a private investor paying for redevelopment and repair of wharf. 	No
174	12-Nov-07	Maria Grigg	Support	<ul style="list-style-type: none"> Would like to see additional public toilets in area. Public access must be retained. Supports a private investor paying for redevelopment and repair of wharf. 	No
175	12-Nov-07	Lucy Foster	Support	<ul style="list-style-type: none"> Public access retained Area kept safe at night. Supports a private investor paying for redevelopment and repair of wharf. 	No
176	12-Nov-07	Nicola Bradshaw	Support	<ul style="list-style-type: none"> Some things need to be taken into account- busy traffic, that it is visually attractive day and night, safe for pedestrians, public access to wharf retained and sustainable building practices. Supports a private investor paying for redevelopment and repair of wharf. Good use of OPT 	No
177	12-Nov-07	Karen Lewis	Oppose	<ul style="list-style-type: none"> Too large for the site. With the increased width of the OPT, the promenade will be too narrow. Height increase and extension at southern end. Bulk of the building is considerably larger than the existing OPT. Not in keeping with the surrounding environment and dominates/encroaches on open space and wharf. Increased height will create further shading to marina. Decrease in gap between OPT and Herd St Apartments will increase wind speeds. Loss of open public space. Increase in traffic and design of car parks will cause pedestrian hazard. 	No
178	12-Nov-07	Te Runanga O Toa Rangatira	Neutral	<ul style="list-style-type: none"> Lack of consultation with Ngati Toa Rangatira up until now. Wellington Tenth Trust have been involved for months before notification- why were Ngati Toa not consulted at same time? Note the cultural impact report prepared by Raukura Consultants in no way represents the views of Ngati Toa Rangatira and should not be considered as consultation with Tangata Whenua when only one of the two tangata whenua groups 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> have been actively consulted with. Unacceptable to expect Ngati Toa to only respond through the submissions process when Wellington Tenth's trust were given the time and opportunity to prepare a cultural impact report. After considering the cultural effects Ngati Toa Rangatira have no objections. 	
179	12-Nov-07	Graeme Moore	Oppose	<ul style="list-style-type: none"> The additional height and bulk will result in an adverse effect on the environment that is more than minor. The proposed building will have a broader footprint than the existing OPT resulting in loss of public space. Physical loss of public space is inconsistent with the WWF. Landscaping and open space design dominated by the proposed structure. Wind report is inadequate but it does show that increased wind effects will be experienced by marina and wharf users. Will increase vehicular traffic across the pedestrian promenade and wharf deck, increasing the hazard to pedestrians. The residential carparks at wharf deck level is incompatible with the expectations of the WWF. Provision of marina and mobility card holders parking on wharf is appropriate; provision of public parking is not. Vehicle access ramp to sub-wharf level will create a hazard for pedestrians. Proposal will displace marina service industries currently located within the OPT during construction and on completion. Wharf closure during construction will impair access for marina users. These represent significant adverse effects on marina operations and the interests of berthholders. The marina operations assessment is flawed. Proposed residential use will be sensitive to noise generated by marina operations and ancillary activities (reverse sensitivity). Wellington Waterfront Limited has legal obligation to support the marina from the wharf structure and to ensure wharf complies with the Building Act 2004. Proposal is contrary to the provisions of sections 5, 6(d) and (f) and sections 7(c), (f) and (g) of the RMA,. Contrary to the NZCPS, RPS, RCP, Wellington City District Plan and WWF. Proposal involves demolition of wharf deck and edge, which are listed as of historic merit in App 4 of RCP. Alterations/extensions to wharf not permitted by Rule 6 of the RCP. The draft construction plan is inadequate and sparse in specific detail. Public exclusion from entire wharf for 2 year construction period will significantly affect marina operations and berthholders. Adverse effects on the environment will be significant and more than minor. 	Yes
180	12-Nov-07	Stan and Vanessa Noble	Oppose	<ul style="list-style-type: none"> Opposes additional building on wharf and use of existing for apartments and retail Reduction in public space View obstruction at Oriental Parade 	Yes

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> Traffic increases will put pressure on Herd St and intersection with Oriental Parade Disputes requirement of structural strengthening of wharf 	
181	12-Nov-07	Stephen and Julie Ward	Support	<ul style="list-style-type: none"> Supports mixed use – attractive of a wide range of users Attractive design Redevelopment of area in poor condition, will help site achieve its full potential 	No
182	12-Nov-07	Lousie and Grant Paterson	Support	<ul style="list-style-type: none"> Smart architectural design incorporating existing maritime theme, complements surrounding waterfront developments Café/restaurant use will enhance vibrance of area Development saves rate payers money Ideal location for apartments, Economic benefits Minimal parking effects 	No
183	12-Nov-07	Chaffers Marina Holdings Limited	Oppose	<ul style="list-style-type: none"> DETAILS AS PER SUBMISSION #170 (CHAFFERS MARINA LIMITED) 	Yes

Late Submissions

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
1	13-Nov-07	Robyn Sygrove	Neutral	<ul style="list-style-type: none"> Recognise that redevelopment of OPT wharf structure is required. Will result in adverse impacts over 2-3 year period. Adequate conditions must be set to mitigate noise, parking and traffic impacts. Noise- want limits set on construction hours, particularly evenings and weekends. Inadequate provision for parking for commercial tenants and owners visitors. Increased traffic during construction will require redesign of Herd Street access. 	Yes
2	13-Nov-07	Brett Carstens	Support	<ul style="list-style-type: none"> Will beautify what is currently an eyesore. 	No
3	13-Nov-07	Bruce Walmsley	Support	<ul style="list-style-type: none"> Will tidy up OPT wharf. Utilise wharf to full potential. Good for tourists and economy. 	No
4	13-Nov-07	Raymond Lynch	Support	<ul style="list-style-type: none"> OPT is currently underutilised. Redevelopment and repair is well overdue. Revitalise area of waterfront. 	No
5	13-Nov-07	Dayne William Ativalu Fuimaono	Support	<ul style="list-style-type: none"> Attractive design The site needs it. 	No
6	13-Nov-07	Matthew King	Support	<ul style="list-style-type: none"> Viewing area and visual appearance. 	Yes
7	13-Nov-07	Maurice Cook	Support	<ul style="list-style-type: none"> Better access for fishing. Great design Great for Wellington waterfront 	Yes
8	13-Nov-07	James Nikolao	Support	<ul style="list-style-type: none"> Looks good Great for Wellington 	No
9	13-Nov-07	Kerrin William Manuel	Support	<ul style="list-style-type: none"> Currently in poor condition and needs upgrade. Impressive design. Great for public. Fantastic feature on wharf will improve wharf appeal. Continuing improvement of Wellington waterfront. 	No
10	13-Nov-07	Chris David Hopkins	Support	<ul style="list-style-type: none"> Currently ugly and would be a huge improvement. 	No
11	13-Nov-07	Wayne Cudby	Support	<ul style="list-style-type: none"> Better access for fishing. Great design. Good site for apartments. 	No
12	13-Nov-07	Peter Neville Lavte Findlay	Support	<ul style="list-style-type: none"> Conditional support subject to: Applicants comply with the lease provisions and obligations of WWL to the berthholders of Chaffers Marina Ltd. Protection against damage to vessels, namely dust, dirt, metal filings during construction. Traffic congestion exiting Herd Street to be addressed. 	No
13	13-Nov-07	Alison Sandra Calder	Support	<ul style="list-style-type: none"> Retians maritime theme. 	No

	Date Received	Name of Submitter	Support/ Oppose	Summary of Submission	To be heard?
				<ul style="list-style-type: none"> • Good public access. • Will become a destination area with more variety for visitors and public. • Site needs redevelopment as is currently an embarrassment. 	
14	13-Nov-07	Katharine Jane Riley	Support	<ul style="list-style-type: none"> • OPT is currently neglected and underutilised. • Strengthening of the structure. • Great design. • Good mixed use of site. • Good that ratepayers won't foot the cost of repair of wharf. 	No
15	13-Nov-07	Cynthia Marie Cass	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	No
16	13-Nov-07	Robert Weston Hill	Oppose	<ul style="list-style-type: none"> • DETAILS AS PER SUBMISSION #13 (C. ANASTASIOU) 	Yes
17	13-Nov-07	Hartmut Reichelt	Support	<ul style="list-style-type: none"> • Important and outstanding design feature to this area of waterfront. • Good for capital city. 	No
18	13- Nov-07	Stuart David Jamieson	Support	<ul style="list-style-type: none"> • Complementary design provides link between existing residential area at Oriental Bay and public use areas at waterfront. • Long overdue refurbishment with minimal cost to rate payer • Economic growth generated will boost sustainability of area • Retention of facilities for existing marina and public uses • Conditions should be placed to limit height to that proposed and ensure adequate parking for apartments, marina and public 	No
19	13-Nov-07	Mark McDonough, Zarbo Limited	Oppose	<ul style="list-style-type: none"> • Construction works will affect neighbours • Loss of existing carparks will affect businesses and residents of adjoining buildings • Increase in bulk and scale will impact on views and will be out of proportion to exiting buildings in area. • Building should be enhanced, not redeveloped. 	No
20	14-Nov-07	Suzanne Holden	Support	<ul style="list-style-type: none"> • Apartments a good option to replace OPT- Don't want a hotel there. 	No
21	15-Nov-07	Robert Stuart Anderson	Support	<ul style="list-style-type: none"> • Landmark site that is currently in poor condition. • Redevelopment will rejuvenate and continue a total waterfront development. • Will provide enjoyment for Wellingtonians and tourists. 	No
22	19-Nov-07	Paul Ridley Smith	Support	<ul style="list-style-type: none"> • Strong architectural merit • Optimal use of existing facility, better public use areas • Improve rating base – economic benefits 	No
23	19-Nov-07	Richard Thomas Walker Horne	Support	<ul style="list-style-type: none"> • World class development • Adds vitality to city 	No

Appendix 9: Suggested conditions of consent

Appendix 9: Suggested conditions of consent

In the event that the Hearing Committee sees fit to grant these consents I recommend that the following conditions be placed.

NB: Comments I have made where further detail is required to be provided are denoted with square brackets.

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:
 - “Proposed Refurbishment, Overseas Passenger Terminal and Clyde Quay Wharf, Wellington Waterfront, Applications for Resource Consent, Volume 1, Capital Wharf Ltd & Wellington Waterfront Limited”, dated September 2007 and received by the Wellington Regional Council on 19 September 2007;
 - “Proposed Refurbishment, Overseas Passenger Terminal and Clyde Quay Wharf, Wellington Waterfront, Appendices, Volume 2, Capital Wharf Ltd & Wellington Waterfront Limited”, dated September 2007 and received by the Wellington Regional Council on 19 September 2007;
 - Additional information from Urban Perspectives, dated 12 September 2007 and received by the Wellington Regional Council on 13 December 2007;
 - Additional information from the Traffic Design Group; dated 11 September 2007; and received by the Wellington Regional Council on 13 December 2007.

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.

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, demolition and construction methodology;
- a demolition and 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 accommodation of marina offices and amenities and the maritime businesses providing support identified in [the Marina Operations Assessment or the information supplied by the applicant at the hearing] for the duration of demolition and construction activities;
- 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 demolition and 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;
- 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; and
- details of the method of ensuring that deliveries of large items of plant and equipment takes place outside of peak pedestrian times and routine construction traffic avoids or is adequately controlled at times when the Chaffers area is busy;
- Details of the methods by which noise associated with the work will comply with the relevant construction noise conditions 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.

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.

- (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.

Post-construction condition

- (11) 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 requirement, 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 WGN080117 [26385] and WGN080120 [26390] – Coastal permits for the refurbishment, repair and strengthening of the Clyde Quay Wharf, the re-development of the Overseas Passenger Terminal building and the use and maintenance of these structures.

Review conditions

- (12) 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 1st, 3rd, 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.
- (13) 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 (12) 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.

(14) 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.

(15) The proposed building and public space design must be in general accordance with the information provided with the application and the following plans:

- Athfield Architects' plans labelled Overseas Passenger Terminal & Clyde Quay Redevelopment and numbered RC0.00, RC1.00, RC2.00, RC2.01, RC2.02, RC2.03, RC2.04, RC2.05, RC2.06, RC2.07, RC3.00, RC3.01, RC3.02, RC5.00, RC5.01, RC5.02, RC5.03, RC6.00, RC6.01 (all dated 10 September 2007), except that the parking and access layout shall be as shown on plans RC3.02a and RC.03b dated 11 December 2007.

[**NB** – This condition may require updating depending on the information supplied by the applicant in the hearing.]

(16) In order to ensure compliance with condition (15) of this permit, full working drawings shall be submitted to and approved by the Manager, Environmental Regulation, Wellington Regional Council prior to the commencement of any construction works.

Note (a): 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).

Note (b): 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.

Note (c): The Manager, Environmental Regulation, Wellington Regional Council will also seek the specialist advice of the Wellington City Council's Chief Transportation Engineer with regard to the final plans for the public space design.

(17) The detailed design of the building and the public space shall be completed in accordance with the working drawings approved in accordance with condition (16) of this permit.

Heritage

(18) The following items from the existing building and wharf retained or relocated within the development and shall be maintained or repaired as appropriate:

(a) [Building fabric designated in the hearing;]

(19) A **Heritage Fabric Retention Plan** for the site 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 (16) of this permit.

The plan shall include, but not be limited to:

- An assessment of the current condition of features of the wharf and building outlined in condition 18 of this permit;
- Details of methods to ensure that these features are be retained and relocated in their existing condition; and
- Proposed methods of assessment of the condition of these features once construction is complete and provision of details of the assessment to the Manager, Environmental Regulation, Wellington Regional Council.

This permit shall be exercised in accordance with the Heritage Fabric Retention Plan.

Traffic

- (20) Prior to commencing any occupation of the redeveloped building, a **Traffic Management Plan** must be submitted to, and approved by, the Manager, Environmental Regulation, Wellington Regional Council.

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

The plan shall provide for appropriate measures to manage servicing activities, the avoidance of uncontrolled taxi access, traffic signage, enforcement of the P30 parking limit and measures to ensure pedestrian priority and safety throughout the Herd Street and Clyde Quay wharf areas.

Note: The advice of the Chief Transportation Engineer, Wellington City Council will be sought by the Manager, Environmental Regulation, Wellington Regional Council in the assessment of the traffic management plan and any subsequent proposed changes.

- (21) The permit holder shall engage a suitably qualified traffic engineer to undertake a review of the effectiveness of the Traffic Management Plan and the design of the Herd Street to Clyde Quay Wharf area, at avoiding, remedying or mitigating the adverse effects associated with vehicles accessing and using the wharf. This review shall be undertaken during the first summer period (December to February, inclusive) after the completion of construction works and thereafter as recommended in the initial review. This review shall identify any alterations required to the Traffic Management Plan and/or the design of the public space and vehicle access areas.

The permit holder shall submit the results of review to the Manager, Environmental Management, Wellington Regional Council for approval. The permit holder shall implement all practicable recommendations contained within review report, and as required by the Manager, Environmental Management.

Note: The advice of the Chief Transportation Engineer, Wellington City Council will be sought by the Manager, Environmental Regulation, Wellington Regional Council in the assessment of the traffic management plan review.

- (22) Taxi access to the wharf shall be limited to that required for the picking up or setting down of passenger only. Taxis shall not remain on the wharf once passengers are set down and no part of the wharf shall be used as a taxi stand.
- (23) Parking on Clyde Quay Wharf shall be limited to mobility parking, parking associated with marina use, or 30-minute short stay general public parking only, within the designated car parks shown on Athfield Architects plans RC3.02a and RC.03b dated 11 December 2007.

Noise - Insulation

- (24) The applicant shall provide a report from a qualified acoustic engineer with the specifications for any building consent application for the apartments. The report shall in detail specify glazing requirements for each window and structural requirements to the building facade elements (including plaster board lining) to ensure the external sound insulation of the building achieves the following minimum performance standard:

Any habitable room in the building used for a residential activity shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 30 \text{ dB}$$

Note: These details shall also be shown on the building consent plans submitted to Wellington City Council, and mechanical ventilation shall be provided to all bedrooms. A copy of the acoustic consultants report should be provided to the Noise Officer at Wellington City Council also.

- (25) Prior to the commencement of any residential occupation of the building the consent holder shall provide to the Manager, Environmental Regulation, certification from a suitably qualified person that the building has been constructed in accordance with the acoustic engineers design report which specified glazing requirements and structural requirements to the building facade elements to ensure compliance with the minimum performance standard $D_{nT,w} + C_{tr} > 30 \text{ dB}$.

Note 1: The following persons are considered to fulfil the requirements for being suitably qualified with respect to the above:

- Members of the Association of Consulting Engineers of New Zealand (Incorporated);
- Members of the Institute of Professional Engineers of New Zealand
- Members of the New Zealand Institute of Architects (N.Z.I.A.); and,
- Registered Clerks of Works

Note 2: In reviewing compliance with the above condition, the Manager, Environmental Regulation will consult with the Noise Officer at Wellington City Council.

Noise Levels - General Activities

- (26) Noise emission levels emanating from all activities when measured at or within the boundary any site in the Central Area or at the outside wall of any building on any site in the Central Area, other than the site from which the noise is emitted, shall not exceed the following:

<i>At all times</i>	<i>60dBA (L10)</i>
<i>At all times</i>	<i>85dBA (Lmax)</i>

- (27) Noise emission levels emanating from all activities when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>55dBA(L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>50dBA(L10)</i>
<i>At all other times</i>	<i>40dBA(L10)</i>
<i>All days 10pm to 7am</i>	<i>70dBA(Lmax)</i>

Note: In regards to conditions (26) and (27) noise shall be monitored and assessed in accordance with NZS 6801 1991, Measurement of Sound and NZS 6802 1991, Assessment of Environmental Sound.

- (28) The noise emission levels in any public space (including streets and parks) generated by electronic sound systems shall not exceed 75 dBA L10 when measured over any 2 minute period. In any event the measurements shall be taken no closer than 0.6 metres from any part of a loudspeaker and at a height no greater than 1.8 metres (representative of the head of a passer-by).

Construction Noise

- (29) All construction work shall be carried out in accordance with the provisions of NZS6803:1999 Acoustics- Construction Noise. All construction noise shall meet the noise levels specified for long term duration in Table 2 of the standard, except for:

- Pile driving which may exceed these levels providing the requirements of conditions (30) and (31) are met; and,
- Concrete work associated with the sub-wharf car park which may need to take place at night, in which case any construction noise shall comply with conditions (32) and (33).

- (30) Pile driving is restricted to the following days and hours:

Monday to Saturday between the hours of 7:30am and 6pm, or as further restricted by the Manager, Environmental Regulation, Wellington Regional Council to ensure the best practicable option is adopted.

- (31) Noise from pile driving shall be mitigated by the use of a sacrificial dolly.
- (32) At least 5 working days prior to any night time (between the hours of 10pm and 6:30am) concreting work commences, the consent holder shall submit a **Construction Noise Management Plan** to the Manager, Environmental Regulation, for approval. The report shall specify mitigation measures proposed to ensure that the best practicable option has been adopted to reduce noise emanating from the concreting activity to a reasonable level. A reasonable limit is deemed to be the night time limits specified in table 2 of NZS 6802:1999 Acoustics – Construction Noise when measured in front of the residentially zoned properties on Oriental Parade and 60 dB (LAeq), (10 minutes), measured in front of the Chaffers Dock Building.

Note: The advice of the Noise Officer, Wellington City Council will be sought by the Manager, Environmental Regulation, Wellington Regional Council in the assessment of the Construction Noise Management Plan.

- (33) On at least one occasion noise monitoring of night time concreting activity shall be carried out by a suitably qualified expert. Noise readings shall be taken on Oriental Parade and in front of Chaffers Dock Apartments. The results shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council, within one month of monitoring.

Wind

- (34) [This condition is to be formulated to ensure that appropriate mitigation measures are employed, based on the details supplied by the applicant in the hearing]

Post-construction activities

- (35) A minimum of XXm of frontage on the west side of the wharf level of the re-developed building, and a corresponding proportion of floor area of this level shall be reserved for occupation by activities that are either functionally dependent on a location in the coastal marine area or by activities that support or service activities that are functionally dependent on a location in the coastal marine area.

Note: The Chaffers Marina is considered to be functionally dependent on a location in the coastal marine area and support and service activities for the marina are considered to fall within the service and support activities described in this condition.

[The frontage and area allocated to these activities will be based on the details provided by the applicant in the hearing]

Wharf maintenance

- (36) The permit holder shall undertake regular surveys and maintenance of the existing and upgraded sub-wharf structure of the wharf. The permit holder shall

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 WGN080117 [26386] and WGN080120 [26392] - Coastal permit to disturb the foreshore and seabed associated with construction works

- (13) 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.
- (14) 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.
- (15) 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 and that any resulting sedimentation of the water column is adequately contained.

This plan 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.

Specific conditions for WGN080117 [26387] and WGN080120 [26393] - Coastal permits to discharge contaminants to the foreshore and seabed associated with construction works

- (13) 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.

- (14) 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.
- (15) 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 and that any resulting sedimentation of the water column is adequately contained.

This plan 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.

Specific conditions for WGN080120 [26393] - Coastal permit for the occupation of land of the Crown in the coastal marine area with the lower-level jetty extension

[No further conditions to those general conditions outlined above]

Appendix 10: Relevant statutory provisions

Appendix 10: 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 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 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 4.3.1

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

Objective 4.3.2

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

Objective 4.3.4

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

Policy 4.4.2

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 4.4.4

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.

Method 4.5.2

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 4.5.4

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 7.3.1

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 7.3.2

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

Objective 7.3.3

Coastal water quality is of a high standard.

Objective 7.3.4

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

Policy 7.4.1

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 7.4.2

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 7.4.4

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 7.4.5

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 7.4.6

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 7.5.3

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 10.3.3

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 10.3.4

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 10.4.5

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 10.4.6

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

Policy 10.4.7

To manage and protect existing recreational opportunities of regional significance.

Policy 10.4.8

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 10.5.8

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 10.5.13

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 10.5.17

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 11.3.1

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

Policy 11.4.1

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

Policy 11.4.2

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 11.5.9

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 4.1.16

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

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 4.1.23

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 4.2.6

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 mātaītai, 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 10.2.4

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.

Planning Map 8D

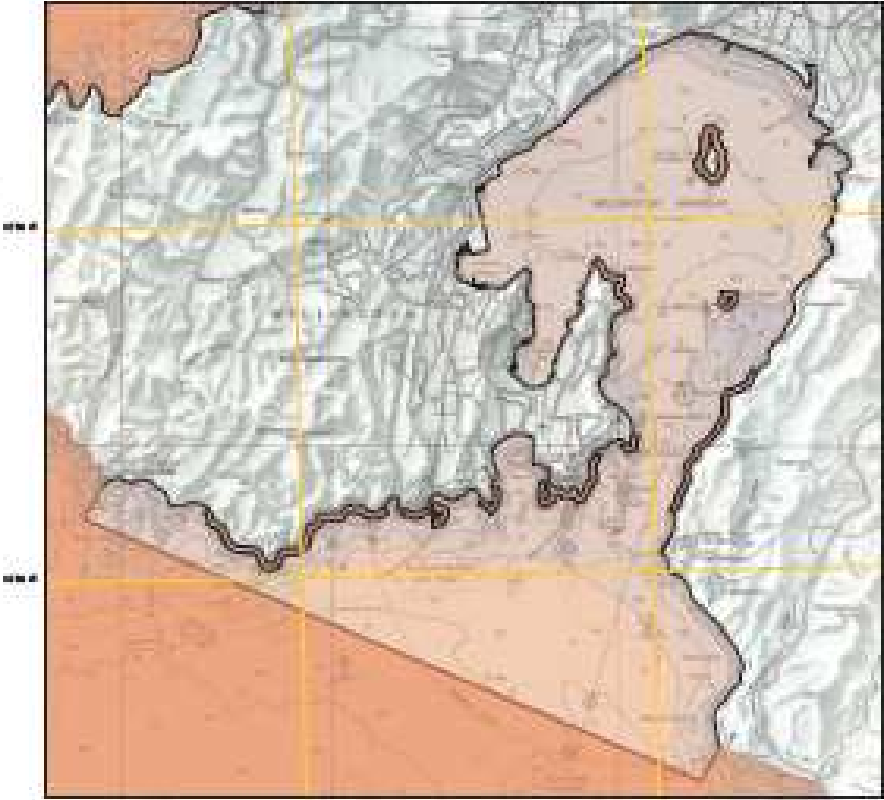
Coastal Water Quality Classes
 Water Managed for Contact Recreation and Shellfish Gathering Purposes
 Wellington

This class of water bodies have been managed for contact recreation purposes.

The extent of the water managed for contact recreation purposes is defined by the appropriate shading.

The maps are CORRECT until only.

Boundary details are provided in the tables at the beginning of this section.



Planning Map 8D

N

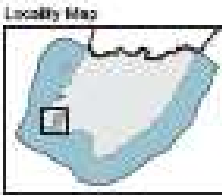
Legend:

- Water managed for contact recreation
- Water managed for shellfish gathering
- Map grid (DGM11)

0 100m

Data references are listed from
 RIMM, ORR, POT & PULCOY Wellington
 RIMM, ORR, POT, Dunedin

CAUTIONS
 NOT TO BE USED FOR NAVIGATION
 Revised CHART NO. 5011
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Appendix 11: Further information request

File No: WGN080117 [26385 – 7] and WGN080200 [26390 – 3]
21 November 2007

Capital Wharf Limited and Wellington Waterfront Limited
C/- Urban Perspectives Limited
PO Box 9042
Wellington

PO Box 11646
Wellington 6142
142 Wakefield St
New Zealand
T 04 384 5708
F 04 385 6960
W www.gw.govt.nz

Greater Wellington is the promotional
name of the Wellington Regional Council

For: Alistair Aburn

Dear Alistair

Further information request under section 92(1) of the Resource Management Act 1991

<i>Applicants:</i>	<i>Capital Wharf Limited and Wellington Waterfront Limited</i>
<i>Proposals:</i>	<i>To refurbish and strengthen the Clyde Quay Wharf, to redevelop the Overseas Passenger Terminal building, to undertake the associated construction works within the coastal marine area and to use the redeveloped wharf and building for cafes/restaurants, residential, public space and other uses.</i>
<i>Location:</i>	<i>Clyde Quay Wharf, Herd Street, Wellington</i>
<i>Resource consents required:</i>	<i>Seven coastal permits</i>

As discussed previously Greater Wellington Regional Council's (GW's) advisors have reviewed that above application and the supporting information. However, further information on the application is needed so that we can better understand the effects of your clients' proposal, its effects on the environment and how any adverse effects on the environment might be mitigated.

Information requested¹

- 1. Measures you propose to ensure pedestrian safety and to ensure that pedestrians retain priority over vehicular traffic in shared zones in the area of development.*
- 2. An explanation of the discrepancies between drawings RC3.01 and the TDG 'Open Space layout' plan #11 presented in appendix 14 of the application in regard to the extent of cut-out and position of proposed bollards and a confirmation of the design that is proposed.*

¹ Any person who has been asked to provide further information under section 92(1) of the Resource Management Act 1991 (the Act), has the right to object to the consent authority in respect of that request for information under section 357A(1)(b) of the Act.
WGN_DOCS-#494291-V1

3. *Measures or changes to the proposal that you propose in order to ensure that traffic from the site exits via Herd Street and not through the carpark adjacent to the site.*
4. *A confirmation that service vehicles would not block access for other vehicles when parked on the wharf outside the proposed building.*
5. *Further detail, at a larger scale, of the vehicle ramp and the incoming driveway from Herd Street and expected vehicle paths in this area.*
6. *Any changes to the proposal in response to consultation with GW's traffic and urban design advisors.*

This information is required to assess the traffic and vehicle access affects of the proposal.

Date information required

Please provide the above information to me by **12 December 2007**. If you are not able to supply the information requested² by this date, you must let us know in writing within this timeframe, either that you require additional time (at which time we will set a reasonable timeframe for you to provide the information) or that you refuse to provide the requested information.

We may decline your application if we consider we have insufficient information to enable us to determine your application, or if you do not respond to our request by 12 December 2007 or if you refuse to supply the information. If you consider you have a valid reason for refusing to provide the requested information, please contact me on the number below to discuss this further.

Processing of your application

Your application has been placed on hold, and the statutory 'clock' stopped³, until such a time that either I receive the above information, receive written notice that you refuse to provide it, or the time period for providing the requested information has expired. As soon as one of these occurs, the statutory 'clock' will restart and I can continue processing your application.

Please feel free to contact me on 381 7749 if you have any questions or concerns.

Yours sincerely

Jason Pene
Senior Resource Advisor, Environmental Regulation

² Under section 92A of the Resource Management Act 1991.

³ Under section 88C of the Resource Management Act 1991