

Appendix 20 – Assessment of Objectives & Policies

1. This appendix includes an assessment of relevant objectives and policies in applicable National, Regional and District Planning instruments.
2. Assessments of provisions in the Partially Operative Wellington District Plan 2024, the Operative Wellington District Plan 200 and the Proposed Wellington District Plan 2022 are provided with indications as to legal status at the time of writing indicated.
3. Provisions with no relevance have been expressly omitted.

National Policy Statements

NB – the relevant National Policy Instruments comprise the National Policy Statement on Urban Development, the National Policy Statement for Freshwater Management, the National Policy Statement for Indigenous Biodiversity and the New Zealand Coastal Policy Statement.

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| National Policy Statement on Urban Development 2020 | |
| <p>Objective 1 New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future ...</p> <p>Objective 4 New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</p> <p>Objective 5 Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). ...</p> <p>Objective 8 New Zealand’s urban environments: (a) support reductions in greenhouse gas emissions; and</p> | <p>The proposal is well-aligned with the NPS-UD. It will enhance one of the premier public spaces in central Wellington and its accessibility - consistent with the aim of a well-functioning urban environment and the provision for social and cultural wellbeing.</p> <p>The proposal marks a significant point in the evolutionary history of Frank Kitts Park, which has performed multiple functions in various guises since its origins through reclamation. This reflects the need for cities to develop and change in step with the needs of people and communities. This sentiment echoes the findings of the Environment Court in its decision on the 2018 proposal, which observed:</p> <p><i>[42] We have the clear view that the proposal uses the resources available in a way that will enable people and the community to provide for their social, economic and cultural wellbeing. If tastes and demands in the future dictate some other type of development on the Frank Kitts Park space, there is nothing in the proposal which could not be undone and remade.</i></p> <p>The proposal has taken into account the relevant principles of Te Tiriti o Waitangi. In particular, informed decisions have been made through consultation and through expression of cultural values that have been incorporated into the proposed design. The Cultural Impact</p> |

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| <p>(b) are resilient to the current and future effects of climate change.</p> <p>Policy 1 Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>...</p> <p>(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</p> <p>...</p> <p>(f) are resilient to the likely current and future effects of climate change.</p> <p>...</p> <p>Policy 6 When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p>...</p> <p>(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1);</p> <p>...</p> <p>(e) the likely current and future effects of climate change</p> <p>...</p> <p>Policy 9 Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</p> <p>...</p> <p>(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</p> <p>(d) operate in a way that is consistent with iwi participation legislation.</p> <p>...</p> | <p>Assessment and Cultural values Assessment accompanying the application reflect positively upon the proposal in this regard.</p> <p>The proposal has also taken appropriate steps to ensure the resulting design is suitably resilient to current and future effects of climate change, including those effects associated with natural hazard events. In particular it aligns well with the current National Adaptation Plan¹ (NAP) in the following respects:</p> <ul style="list-style-type: none"> - has been informed by cultural impact assessment and mana whenua design input, in turn strengthening Māori connections to whenua and places of cultural value; - the proposal includes water-sensitive design / green infrastructure consistent with the concept of working with nature to build resilience; and - has been designed with a view on future effects, incorporating appropriate avoidance and mitigation strategies. <p>The proposal also supports reductions in greenhouse gas emissions in the following ways, consistent with the current Emissions Reductions Plan² (ERP):</p> <ul style="list-style-type: none"> - using water-sensitive urban design which mimics natural processes to manage stormwater and reduce need for carbon intensive concrete pipes; - integrating green spaces and natural features into urban areas to help with temperature control, improve air quality and create wildlife corridors; and - enhancing the attractiveness and appeal of active transport opportunities to enhance health and well-being. |

¹ *Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi. Adapt and thrive: Building a climate-resilient New Zealand. Aotearoa New Zealand's First National Adaptation Plan*

² *Te hau mārohi ki anamata | Towards a productive, sustainable and inclusive economy. Aotearoa New Zealand's First Emissions Reductions Plan*

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| National Policy Statement for Freshwater Management 2020 | |
| <p>Policy 1 Freshwater is managed in a way that gives effect to Te Mana o te Wai.</p> <p>Policy 2 Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.</p> <p>...</p> <p>Policy 4 Freshwater is managed as part of New Zealand’s integrated response to climate change.</p> <p>Policy 5 Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.</p> <p>...</p> <p>Policy 15 Communities are enabled to provide for their social, economic, and cultural well- being in a way that is consistent with this National Policy Statement.</p> | <p>The Resource Management (Freshwater and Other Matters) Amendment Act 2024 included amendments to Schedule 4 of the RMA as relates to the NPS-FM. Assessments of the NPS-FM required under Schedule 4 must not include an assessment of the activity against clause 1.3(5) or 2.1 of the NPS as relates to the identified hierarchy of obligations. It is assumed that the balance of clause 1.3 applies and all policies under clause 2.2 are to be assessed to the extent relevant.</p> <p>With that clarification established, the proposal is consistent with the fundamental principle of Te Mana o te Wai insofar as it proposes to enhance – through interception, soakage and filtration – the quality of surface runoff that currently enters Te Whanganui o Tara untreated. The proposal is not anticipated to increase construction-based or operational contaminant discharges, nor will it increase peak flow discharges relative to current conditions.</p> <p>Volunteered conditions enable further involvement for mana whenua to assist with the management of relevant cultural values. This includes the ability for mana whenua to provide advice for detailed design and construction stages, and to undertake monitoring during earthworks and construction activities.</p> |
| National Policy Statement for Indigenous Biodiversity 2024 | |
| <p>Objective (1) The objective of this National Policy Statement is:</p> <ul style="list-style-type: none"> (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and (b) to achieve this: <ul style="list-style-type: none"> (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and | <p>The proposal is well-aligned with the relevant direction in the NPS-IB.</p> <p>In particular, it proposes the retention of existing mature indigenous vegetation, supplemented by a generous increase in indigenous specimen trees, garden bed species, shrubs and raingarden species. The net effect will be an increase in indigenous flora which will in turn support local fauna, an outcome that is expressly promoted by the NPS.</p> <p>The proposal has been co-designed with landscape architect and mana whenua designers, and mana whenua have signalled support for the proposal in the Cultural Impact Assessment and Cultural Values Assessment attached to the application document.</p> |

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| <p>(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and</p> <p>(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.</p> <p>Policy 1 Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.</p> <p>Policy 2 Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:</p> <ul style="list-style-type: none"> (a) managing indigenous biodiversity on their land; and (b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and (c) actively participating in other decision-making about indigenous biodiversity. <p>Policy 3 A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.</p> <p>Policy 4 Indigenous biodiversity is managed to promote resilience to the effects of climate change.</p> <p>Policy 5 Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries ...</p> <p>Policy 8 The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for. ...</p> <p>Policy 10 Activities that contribute to New Zealand’s social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.</p> | |

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| <p>...</p> <p>Policy 13 Restoration of indigenous biodiversity is promoted and provided for.</p> <p>Policy 14 Increased indigenous vegetation cover is promoted in both urban and non-urban environments.</p> <p>Policy 15 Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.</p> | |
| New Zealand Coastal Policy Statement 2010 | |
| <p>Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</p> <ul style="list-style-type: none"> • maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; • protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and • maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity. <p>Objective 2 To preserve the natural character of the coastal environment and protect natural features and landscape values through:</p> <ul style="list-style-type: none"> • recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; | <p>The proposal is consistent with the NZCPS to the extent relevant. In particular, the proposal:</p> <ul style="list-style-type: none"> – will enhance coastal water quality relative to current levels through interception and natural filtration of surface runoff before discharge into Te Whanganui a Tara; – is not located in an area identified as having high natural character; – enhances the site’s relationship with Te Whanganui a Tara and attendant coastal character values; – takes account of the principles of Te Tiriti o Waitangi, including in particular informing decisions through consultation; – responds to advice from kaitiaki through identification of relevant values and associated recommendations in the CIA to respect, maintain and enhance those values; – has been collaboratively designed to reflect Māori and non-Māori values; – is integrated with, and makes efficient use of, supporting infrastructure; – protects historic heritage from inappropriate subdivision, use and development; – adopts measures to ensure potential sedimentation effects from construction earthworks are effectively managed and ongoing sedimentation is reduced relative to current levels; and – adopts measures to avoid increased risk of social, environmental or economic harm from coastal hazards. <p>Furthermore, the proposal comprises open space that is to be provided for¹ under Policy 18, noting it:</p> |

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| <ul style="list-style-type: none"> • identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and • encouraging restoration of the coastal environment. <p>Objective 3 To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> • recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources; • promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act; • incorporating mātauranga Māori into sustainable management practices; and • recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua. <p>Objective 4 To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</p> <ul style="list-style-type: none"> • recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy; • maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and • recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland. <p>Objective 5 To ensure that coastal hazard risks taking account of climate change, are managed by:</p> <ul style="list-style-type: none"> • locating new development away from areas prone to such risks; • considering responses, including managed retreat, for existing development in this situation; and • protecting or restoring natural defences to coastal hazards. | <ul style="list-style-type: none"> - enhances open space quality in a major urban environment in a manner that is compatible with the associated values of the coastal environment in the site's location; - maintains and enhances public access to and along the coastal marine area without charge, including enhanced connectivity and accessibility for people with mobility limitations through the site; and - manages coastal hazard risks, taking account of climate change. |

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| <p>Objective 6 To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</p> <ul style="list-style-type: none"> • the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; • some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; • functionally some uses and developments can only be located on the coast or in the coastal marine area; • the coastal environment contains renewable energy resources of significant value; • the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities; • the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land; • the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and • historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development. <p>...</p> <p>Policy 2 In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</p> <ol style="list-style-type: none"> 1. recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations; 2. involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori; | |

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| <ol style="list-style-type: none"> 3. with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori 1 in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes; 4. provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga, may have knowledge not otherwise available; 5. take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and <ol style="list-style-type: none"> i. where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and ii. consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans; 6. provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as: <ol style="list-style-type: none"> i. bringing cultural understanding to monitoring of natural resources; ii. providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua; iii. having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non commercial Māori customary fishing; and 7. in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value: <ol style="list-style-type: none"> i. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and ii. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive | |

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| <p style="text-align: center;">methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</p> <p>Policy 3</p> <p>(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</p> <p>(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:</p> <ul style="list-style-type: none"> (a) avoidable social and economic loss and harm to communities does not occur; (b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and (c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations. <p>Policy 4</p> <p>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:</p> <ul style="list-style-type: none"> (a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly: <ul style="list-style-type: none"> i. the local authority boundary between the coastal marine area and land; ii. local authority boundaries within the coastal environment, both within the coastal marine area and on land; and iii. where hapū or iwi boundaries or rohe cross local authority boundaries. (b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and (c) particular consideration of situations where: <ul style="list-style-type: none"> i. subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or ii. public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or iii. development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or | |

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| <p>iv. land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or</p> <p>v. significant adverse cumulative effects are occurring, or can be anticipated</p> <p>...</p> <p>Policy 6</p> <p>(1) In relation to the coastal environment:</p> <p>...</p> <p>(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</p> <p>...</p> <p>(f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;</p> <p>...</p> <p>(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;</p> <p>(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and</p> <p>(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.</p> <p>...</p> <p>Policy 13</p> <p>(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</p> <p>(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</p> <p>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:</p> | |

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| <p>(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and</p> <p>(d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.</p> <p>(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</p> <p>(a) natural elements, processes and patterns;</p> <p>(b) biophysical, ecological, geological and geomorphological aspects;</p> <p>(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</p> <p>(d) the natural movement of water and sediment;</p> <p>(e) the natural darkness of the night sky;</p> <p>(f) places or areas that are wild or scenic;</p> <p>(g) a range of natural character from pristine to modified; and</p> <p>(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.</p> <p>Policy 14 Promote restoration or rehabilitation of the natural character of the coastal environment, including by:</p> <p>...</p> <p>(c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:</p> <p>...</p> <p>iii. creating or enhancing habitat for indigenous species; or</p> <p>...</p> <p>vi. reducing or eliminating discharges of contaminants; or</p> <p>vii. removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or</p> <p>viii. restoring cultural landscape features; or</p> <p>...</p> | |

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| <p>x. decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.</p> <p>...</p> <p>Policy 17 Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:</p> <ul style="list-style-type: none"> (a) identification, assessment and recording of historic heritage, including archaeological sites; (b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki; (c) initiating assessment and management of historic heritage in the context of historic landscapes; (d) recognising that heritage to be protected may need conservation; (e) facilitating and integrating management of historic heritage that spans the line of mean high water springs; (f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans; (g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities; (h) requiring, where practicable, conservation conditions; and (i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief. <p>Policy 18 Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</p> <ul style="list-style-type: none"> (a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment; (b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements; (c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment; | |

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| <p>(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</p> <p>(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</p> <p>Policy 19</p> <p>(1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.</p> <p>(2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:</p> <p>(a) identifying how information on where the public have walking access will be made publicly available;</p> <p>(b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and</p> <p>(c) identifying opportunities to enhance or restore public walking access, for example where:</p> <ul style="list-style-type: none"> i. connections between existing public areas can be provided; or ii. improving access would promote outdoor recreation; or iii. physical access for people with disabilities is desirable; or iv. the long-term availability of public access is threatened by erosion or sea level rise; or v. access to areas or sites of historic or cultural significance is important; or vi. subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so. <p>...</p> <p>Policy 22</p> <p>(1) Assess and monitor sedimentation levels and impacts on the coastal environment.</p> <p>(2) Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.</p> <p>(3) Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.</p> <p>(4) Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.</p> <p>...</p> | |

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| <p>Policy 25 In areas potentially affected by coastal hazards over at least the next 100 years:</p> <ul style="list-style-type: none"> (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards; (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards; (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events; (d) encourage the location of infrastructure away from areas of hazard risk where practicable; (e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and (f) consider the potential effects of tsunamis and how to avoid or mitigate them. | |

Operative Regional Policy Statement (2013)³

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| Air quality | |
| <p>Objective 1 Discharges of odour, smoke and dust to air do not adversely affect amenity values and people's wellbeing. ...</p> <p>(Policies that implement Objective 1 are plan-making only)</p> | <p>Conditions have been volunteered to address potential dust-generating activities. The proposal will also adopt good environmental management practice through the preparation, certification and implementation of appropriate management plans – including measures to effectively control dust from construction activities. Following earthworks completion, all surfaces will be stabilised such that there is no on-going potential for dust generation.</p> |
| Coastal environment | |
| <p>Objective 3 Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment</p> | <p>The proposal is well-aligned with the relevant direction in the RPS for the coastal environment, including:</p> |

³ Amended in 2022 & 2023 to include housing bottom lines required by the NPS-UD

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| <p>that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</p> <p>Objective 4 The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</p> <p>Objective 5 Areas of the coastal environment where natural character has been degraded are restored and rehabilitated.</p> <p>Objective 6 The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems</p> <p>Objective 7 The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</p> <p>Objective 8 Public access to and along the coastal marine area, lakes and rivers is enhanced (objective 8 is shared for the coastal environment and fresh water).</p> <p>Policy 35 When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:</p> <ul style="list-style-type: none"> (a) minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded; (b) protecting the values associated with estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them from inappropriate subdivision, use and development, so that healthy ecosystems are maintained; (c) maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public; (d) minimising any significant adverse effects from use and enjoyment of the coast by the public; (e) safeguarding the life supporting capacity of coastal and marine ecosystems; | <ul style="list-style-type: none"> – features with identified recreational, cultural and historical values will either be enhanced by the proposal or otherwise protected from inappropriate subdivision, use and development; – the proposal will enhance the coastal character of the site, and the site’s relationship with and access to the coastal marine area; – the proposal utilises water-sensitive design to enhance coastal water quality; – open space and scenic values of the site will be enhanced through ‘opening up’ views between the park and Te Whanganui a Tara and enhancing the quantum and quality of open space at grade relative to the current situation; – through the avoidance of any adverse effects on natural character; and – public access to and along the coastal marine area will being maintained or enhanced, including enhanced connectivity and accessibility for people with mobility limitations through the site. |

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| <p>(f) maintaining or enhancing biodiversity and the functioning of ecosystems; and (g) protecting scientific and geological features from inappropriate subdivision, use and development.</p> <p>Policy 36 When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect natural character in the coastal environment, and in determining whether an activity is inappropriate particular regard shall be given to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the proposed activity including: <ul style="list-style-type: none"> i. the functional need or operational requirement to locate within the coastal environment ii. the opportunity to mitigate anticipated adverse effects of the activity (b) the degree to which the natural character will be modified, damaged or destroyed including: <ul style="list-style-type: none"> i. the duration and frequency of any effect, and/or ii. the magnitude or scale of any effect; iii. the irreversibility of adverse effects on natural character values; iv. whether the activity will lead to cumulative adverse effects on the natural character of the site/area. (c) the resilience of the site or area to change; (d) the opportunities to remedy or mitigate previous damage to the natural character; (e) the existing land uses on the site. <p>Policy 37 When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing:</p> <ul style="list-style-type: none"> (a) any area within the intertidal or subtidal zone that contains unique, rare, distinctive or representative marine life or habitats; (b) areas used by marine mammals as breeding, feeding or haul out sites; (c) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; (d) habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species; | |

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| <p>(e) any area that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as, estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes; and</p> <p>(f) the integrity, functioning and resilience of physical and ecological processes.</p> <p>...</p> <p>Policy 53 When considering an application for a subdivision consent, or a coastal or land use consent on public land, or a change, variation or review of a district plan to address subdivision or rezoning, particular regard shall be given to enhancing public access to, and along:</p> <p>(a) areas of the coastal marine area, and lakes and rivers with:</p> <ol style="list-style-type: none"> i. places, sites and areas with significant historic heritage values identified in accordance with policy 21; ii. areas of indigenous ecosystems and habitats, and areas with significant indigenous biodiversity values identified in accordance with policy 23; iii. outstanding natural features and landscapes identified in accordance with policy 25; iv. special amenity landscapes identified in accordance with policy 27; v. places, sites and areas with high natural character identified in accordance with policy 36; and vi. the rivers and lakes identified in Table 15 of Appendix 1; <p>(b) Wellington Harbour and Porirua (Onepoto Arm and Pauatahanui Inlet) Harbour;</p> <p>Except where there is a need to protect:</p> <ol style="list-style-type: none"> (c) sensitive indigenous habitats of species; (d) the health or safety of people; (e) sensitive cultural and historic heritage values; and/or (f) the integrity and security of regionally significant infrastructure. | |
| Historic heritage | |
| <p>Objective 15 Historic heritage is identified and protected from inappropriate modification, use and development.</p> | <p>The proposal will not amount to inappropriate modification, use or development in relation to identified historic heritage.</p> <p>No values associated with identified heritage items (albatross sculpture, listed buildings at Whairepo Lagoon and Queen’s Wharf) or sites/areas of significance to Māori will be lost,</p> |

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| <p>Policy 46 When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect a place, site or area with historic heritage value, and in determining whether an activity is inappropriate particular regard shall be given to:</p> <ul style="list-style-type: none"> (a) the degree to which historic heritage values will be lost, damaged or destroyed; (b) the irreversibility of adverse effects on heritage values; (c) the opportunities to remedy or mitigate any previous damage to heritage values; (d) the degree to which previous changes that have heritage value in their own right are respected and retained; (e) the probability of damage to immediate or adjacent heritage values; (f) the magnitude or scale of any effect on heritage values; (g) the degree to which unique or special materials and/or craftsmanship are retained; (h) whether the activity will lead to cumulative adverse effects on historic heritage; and (i) whether the relationships between distinct elements of an historic place, site or area will be maintained. | <p>damaged or destroyed. The overall magnitude of effect on these values is anticipated to be less than minor.</p> |
| Natural Hazards | |
| <p>Objective 19 The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</p> <p>Objective 20 Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.</p> <p>Objective 21 Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.</p> <p>Policy 51 When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be</p> | <p>The proposal has been designed to ensure there is no net increase in risk or consequence of natural hazard events. While it is not the applicant's assertion that there is a functional or operational need for the Park to be located on this site per se, open space and recreational areas immediately adjacent to the coast are a recognised contributor to the enhancement of amenity values associated with the coastal environment. Locating such community assets in immediate proximity to the coast brings those benefits to bear, but also the potential for adverse effects from coastal hazards and the effects of climate change. The proposal largely maintains the existing use of the site as a significant public space, albeit with current facilities which are no longer fit-for-purpose being replaced by new, improved and more resilient facilities.</p> <p>The site is not currently subject to coastal inundation in a 1:100 year storm event. About half of the site is modelled to be subject to inundation in a 1:100 year event with 1.43m sea level rise which is described in the Partially Operative District Plan as a medium-level hazard ranking. A similar quantum of the site is modelled to be within the 1:100 year tsunami event, which has a high-hazard risk rating under the Partially Operative Plan. Smaller areas outside</p> |

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| <p>minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:</p> <ul style="list-style-type: none"> (a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk; (b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event; (c) whether the location of the development will foreseeably require hazard mitigation works in the future; (d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site; (e) any risks and consequences beyond the development site; (f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards; (g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards; (h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and (i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas. | <p>that 1:100-year extent fall within the 500- and 1000-year modelled tsunami extents, respectively being ascribed medium and low hazard ratings.</p> <p>In the main, the proposed land use of the site is as per the existing situation. New hard and soft landscaping and associated structures will be established and these facilities may be subject to potential future coastal inundation and tsunami events; however the overall effect of the design will be to reduce future flood extent and risk.</p> <p>Potential for loss of life, social disruption and emergency management will be managed through evacuation management plans to ensure people are able to quickly get out of harm's way prior to any effects arising.</p> <p>The proposal is not anticipated to materially affect the risks or consequences from hazard events on other sites. Related to that, there are no sites in the vicinity with a dedicated natural buffer function which might otherwise be affected by the proposal.</p> <p>The proposal involves raising the ground level away from the sea, which will have the added benefit of elevating structures and landscaping relative to current levels. The subdivision proposal includes measures to restrict activities in the lower stratum to storage or transient uses, and to ensure the floor level for more hazard sensitive activities within the upper stratum are set well above the 1:100 year hazard event.</p> |
| Regional form, design & function | |
| <p>Objective 22 A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</p> <ul style="list-style-type: none"> (a) a viable and vibrant regional central business District in Wellington city; ... (h) integrated public open spaces; ... <p>Policy 54 When considering an application for a notice of requirement, or a change, variation or review of a district or regional plan, for development, particular regard shall be given to achieving the region's urban design principles in Appendix 2.</p> <p>...</p> | <p>The proposal will enhance the vibrancy of the Wellington central business district, in support of the aim of a well-designed, sustainable urban form. The proposal also integrates well with the transport network, including through upgrades to pedestrian facilities in Jervois Quay and enhanced pedestrian permeability between Jervois Quay, the Park and the waterfront. Cycle parking facilities will also be available throughout the Park for convenience and to support active mode share.</p> <p>The proposal will equally not result in any adverse impacts on the safety or efficiency of the transport network. Minor refinements to Jervois Quay are proposed to optimise pedestrian comfort and vehicular servicing/loading, whilst maintaining adequate carriageway widths for through traffic.</p> <p>Efficient use and upgrade of existing three waters infrastructure will also be made, with new services also being provided to ensure the Park achieves high levels of service.</p> |

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| <p>Policy 57 When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, for subdivision, use or development, particular regard shall be given to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy:</p> <ul style="list-style-type: none"> (a) whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network; (b) connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas; (c) whether there is good access to the strategic public transport network; (d) provision of safe and attractive environments for walking and cycling; and (e) whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for. <p>Policy 58 When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:</p> <ul style="list-style-type: none"> (a) make efficient and safe use of existing infrastructure capacity; and/or (b) coordinate with the development and operation of new infrastructure. | <p>Overall, the proposal is well-aligned with these provisions.</p> |
| Resource management with tangata whenua | |
| <p>Objective 23 The region's iwi authorities and local authorities work together under Te Tiriti partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.</p> <p>Objective 24 The principles of Te Tiriti o Waitangi are taken into account in a systematic way when resource management decisions are made.</p> <p>Objective 25 The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.</p> | <p>The proposal is consistent with this suite of direction, noting firstly that it has taken into account the relevant principles of Te Tiriti o Waitangi.</p> <p>In particular, informed decisions have been made through consultation and through expression of cultural values that have been incorporated into the proposed design. The Cultural Impact Assessment and Cultural Values Assessment accompanying the application reflect positively upon the proposal in this regard.</p> <p>The volunteered conditions also allow for further engagement and participation by mana whenua in detailed design and monitoring capacities.</p> |

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| <p>Objective 26 Mauri is sustained, particularly in relation to coastal and fresh waters.</p> <p>Objective 27 Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.</p> <p>Objective 28 The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained.</p> <p>Policy 48 When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:</p> <ul style="list-style-type: none"> (a) the principles of Te Tiriti o Waitangi; and (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region. <p><i>(Policy 49 is a plan-making policy)</i></p> | <p>Furthermore, the Mauri of coastal waters is anticipated to be maintained or enhanced by the proposal through use of water sensitive design.</p> |
| Soils & minerals | |
| <p>Objective 30 Soils maintain those desirable physical, chemical and biological characteristics that enable them to retain their ecosystem function and range of uses.</p> <p>Policy 41 When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:</p> <ul style="list-style-type: none"> (a) erosion; and (b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained. | <p>The site's historic use and associated soil composition has limited ecosystem function, though the aim of the proposal is to enhance the biotic value of the coastal environment through retention of existing mature trees and establishment of additional fauna to suit the site context.</p> <p>Relevantly, the proposal will implement this direction through adoption of specific management measures to ensure potential erosion and sedimentation effects from construction activities will be minimised. The site will be stabilised after works are completed to ensure that sedimentation is negligible over the longer term.</p> |

Proposed Change 1 to the Regional Policy Statement (2022) – Decisions Version (2024)

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| Chapter 3 Introduction | |
| <p>Objective A: <u>Integrated management of the region’s natural and physical resources:</u></p> <ul style="list-style-type: none"> (a) <u>is guided by Te Ao Māori; and</u> (b) <u>incorporates mātauranga Māori in partnership with mana whenua / tangata whenua; and</u> (c) <u>recognises and provides for ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and</u> (d) <u>recognises and provides for the relationship of mana whenua / tangata whenua with te taiao and protects and enhances mana whenua / tangata whenua values, in particular mahinga kai; and</u> (e) <u>is informed by the input of communities; and</u> (f) <u>protects and enhances the life-supporting capacity of ecosystems; and</u> (g) <u>recognises the dependence of humans on a healthy natural environment; and</u> (h) <u>recognises the role of the resource management and planning system in reducing gross greenhouse gas emissions; and</u> (i) <u>recognises the role of both natural and physical resources, including highly productive land and regionally significant infrastructure, in providing for well-functioning urban and rural areas and improving the resilience of communities to climate change; and</u> (j) <u>recognises the benefits of protecting and utilising the region's significant mineral resources; and</u> (k) <u>responds effectively to the current and future effects of climate change, population growth, and development pressures and opportunities.</u> <p>Policy IM.1 <u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, local authorities shall adopt an integrated approach to the management of the region’s natural and physical resources, including by:</u></p> <ul style="list-style-type: none"> (a) <u>partnering with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making; and</u> | <p>The proposal is well aligned with this proposed direction, including as:</p> <ul style="list-style-type: none"> – mana whenua values have been incorporated into the proposed design and is reflected in volunteered measures to avoid, remedy and mitigate adverse environmental effects; – the CIA and CVA confirm that mana whenua values will be enhanced by the proposal and any potential adverse effects appropriately managed; and – the park, by nature and location, has the unique ability to enhance the quality of both the natural and built environment. |

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| <p>(b) <u>recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems and all living things – ki uta ki tai; and</u></p> <p>(c) <u>recognising that the effects of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries</u></p> <p>(d) <u>recognising the interrelationship between natural and physical resources; and</u></p> <p>(e) <u>making decisions based on the best available information, improvements in technology, science, and mātauranga Māori; and</u></p> <p>(f) <u>requiring Māori data and mātauranga Māori to be interpreted within Te Ao Māori while upholding Māori data sovereignty;</u></p> | |
| Chapter 3.1A Climate Change | |
| <p>Objective CC.1 <u>The Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and climate change adaptation are an integral part of:</u></p> <p>(a) <u>sustainable air, land, freshwater, and coastal management; and</u></p> <p>(b) <u>well-functioning urban environments and rural areas; and</u></p> <p>(c) <u>the planning and delivery of infrastructure (including regionally significant infrastructure).</u></p> <p>Objective CC.2 <u>The costs and benefits of transitioning to a low-emission and climate-resilient region are equitable between sectors and communities.</u></p> <p>Objective CC.3 <u>To support the global goal of limiting warming to 1.5 degrees Celsius and New Zealand’s greenhouse gas emissions reduction targets, net greenhouse gas emissions in the Wellington Region are reduced:</u></p> <p>(a) <u>to contribute to a 50 percent reduction in net greenhouse gas emissions from 2019 levels by 2030; and</u></p> <p>(b) <u>to contribute to achieving net-zero greenhouse gas emissions by 2050.</u></p> <p>Objective CC.4 <u>Nature-based solutions are an integral part of climate change mitigation and climate change adaptation, improving the health, well-being and resilience of people and communities, indigenous biodiversity, and natural and physical resources.</u></p> <p>Objective CC.5</p> | <p>The proposal is consistent with these aims.</p> <p>It adopted appropriate steps to ensure the resulting design is suitably resilient to current and future effects of climate change, including as it:</p> <ul style="list-style-type: none"> - has been informed by mana whenua design input the CIA and CVA, in turn strengthening Māori connections to whenua and places of cultural value; - includes water-sensitive design / green infrastructure consistent with the concept of working with nature to build resilience; - has been designed with a view on future effects, incorporating appropriate avoidance and mitigation strategies; - integrates green spaces and natural features into urban areas to help with temperature control, improve air quality and create wildlife corridors; and - enhances the attractiveness and appeal of active transport opportunities to enhance health and well-being. |

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| <p><u>By 2030, there is an increase in the area and health of permanent forest in the Wellington Region, maximising benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social, cultural and economic well-being.</u></p> <p><u>Objective CC.6</u> <u>Resource management and adaptation planning increases the resilience of communities, infrastructure and the natural environment to the short, medium, and long-term effects of climate change.</u></p> <p><u>Objective CC.7</u> <u>People and businesses understand the current and predicted future effects of climate change, how these may impact them, how to respond to the challenges of climate change, and are actively involved in appropriate climate change mitigation and climate change adaptation responses.</u></p> <p><u>Objective CC.8</u> <u>Mana whenua / tangata whenua are empowered to achieve climate-resilience in their communities.</u></p> <p><u>Policy CC.9</u> <u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether the subdivision, use or development has been planned in a way that contributes to reducing greenhouse gas emissions by optimising overall transport demand, by maximising mode shift from private vehicles to public transport or active modes, and supporting low and zero-carbon modes.</u> ... </p> <p><u>Policy CC.11</u> <u>Encourage whole of life greenhouse gas emissions assessments to be provided with resource consent applications to Wellington Regional Council and resource consent applications and notices of requirement to city and district councils for all new or upgraded land transport infrastructure. This information will assist with evaluating the potential greenhouse gas emissions, options for reducing direct and indirect greenhouse gas emissions and whether the infrastructure has been designed and will operate in a manner that contributes to reducing transport-related greenhouse gas emissions in the Wellington Region.</u> ... </p> | |

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| <p>Policy CC.14 <u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, require that development and infrastructure is located, designed and constructed in ways that provide for climate change mitigation, climate change adaptation and climate-resilience prioritising the use of nature-based solutions and informed by mātauranga Māori. This includes as appropriate to the scale and context of the activity:</u></p> <ul style="list-style-type: none"> (a) <u>providing urban green space, particularly canopy trees, to reduce urban heat and reduce stormwater flowrates:</u> <ul style="list-style-type: none"> i. <u>prioritising the use of appropriate indigenous species, and</u> ii. <u>contributing to achieving a wider target of 10 percent tree canopy cover at a suburb-scale by 2030, and 30 percent cover by 2050; and</u> (b) <u>methods to increase water resilience, including by requiring harvesting of water at a domestic and/or community-scale for non-potable uses (for example by requiring rain tanks, rainwater re-use tanks, and setting targets for urban roof area rainwater collection); and</u> (c) <u>avoiding significant adverse effects on the climate change mitigation, climate change adaptation and climate-resilience functions and values of an ecosystem, and avoiding, minimising, or remedying other adverse effects on these functions and values; and</u> (d) <u>promoting efficient use of water and energy in buildings and infrastructure; and</u> (e) <u>promoting appropriate design of buildings and infrastructure so they are able to withstand the predicted future higher temperatures, intensity and duration of rainfall and wind over their anticipated life span.</u> <p>Policy CC.14A <u>When considering an application for a resource consent, or a change, variation, or review of a regional plan, require that development and infrastructure is located, designed, and constructed in ways that provide for climate change mitigation, climate change adaptation and climate-resilience, prioritising the use of nature-based solutions and informed by mātauranga Māori. This includes, as appropriate to the scale and context of the activity:</u></p> <ul style="list-style-type: none"> (a) <u>avoiding significant adverse effects on the climate change mitigation, climate change adaptation and climate-resilience functions and values of an ecosystem and avoiding, minimising, or remedying other adverse effects on these functions and values.</u> | |

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| Freshwater | |
| <p>Objective 12 <u>The mana of the Region’s waterbodies and freshwater ecosystems is restored and protected by ongoing management of land and water that:</u></p> <ul style="list-style-type: none"> (a) <u>returns the Region’s water bodies and freshwater ecosystems to, and thereafter maintains them, in a state of tūhauora/good health; and</u> (b) <u>improves the health and wellbeing of the Region’s degraded waterbodies and freshwater ecosystems; and</u> (c) <u>applies the Te Mana o te Wai hierarchy of obligations by prioritising:</u> <ul style="list-style-type: none"> i. <u>first, the health and wellbeing of waterbodies and freshwater ecosystems,</u> ii. <u>second, the health needs of people</u> iii. <u>third, the ability of people and communities to provide for their social, economic, and cultural well- being, now and in the future; and</u> (d) <u>recognises and provides for the individual natural characteristics and processes of waterbodies including their natural form, and their associated ecosystems; and</u> (e) <u>incorporates and protects mātauranga Māori and acknowledges and provides for the connections and relationships of mana whenua / tangata whenua with freshwater; and</u> (f) <u>provides for the ability of mana whenua / tangata whenua to safely undertake their cultural and spiritual practices associated with freshwater, including mahinga kai; and</u> (g) <u>actively involves mana whenua / tangata whenua in decision-making in relation to the Region’s waterbodies; and</u> (h) <u>includes engagement with communities, stakeholders, and territorial authorities; and</u> (i) <u>supports the wellbeing and safety of the community, by providing for the ability to carry out recreational activities, in and around freshwater environments; and</u> (j) <u>supports and protects an abundance and diversity of freshwater habitats for indigenous freshwater species and, where appropriate, the habitat of trout and salmon; and</u> (k) <u>supports the reasonable, sustainable and efficient use of water for activities that benefit the Region’s economy, including primary production activities, innovation and tourism.</u> <p>The quantity and quality of fresh water (a) meet the range of uses and values for which water is required; (b) safeguard the life-supporting capacity of water bodies; and</p> | <p>The proposal is consistent with the fundamental principle of Te Mana o te Wai insofar as it proposes to enhance – through interception, soakage and filtration – the quality of surface runoff that currently enters Te Whanganui o Tara untreated. The proposal is not anticipated to increase construction-based or operational contaminant discharges, nor will it increase peak flow discharges relative to current conditions.</p> <p>Mana whenua involvement in the co-design and future detailed design and implementation stages of the project will ensure relevant freshwater values are incorporated appropriately. Conditions also enable cultural monitoring during earthworks and construction activities for mana whenua.</p> |

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| (c) meet the reason | |
| Natural hazards | |
| <p>Objective 19 The risks and consequences to people, communities, their businesses, property, and infrastructure and the environment from natural hazards and the effects of climate change effects are reduced <u>avoided or minimised</u>.</p> <p>Objective 20 <u>Natural hazard mitigation measures and climate change adaptation activities minimise the risks from natural hazards, and impacts on, Te Mana o te Wai, taonga species, sites of significance to mana whenua / tangata whenua, natural processes, indigenous ecosystems and biodiversity.</u> Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.</p> <p>Objective 21 <u>The resilience of our communities, are more resilient to natural hazards, including the impacts infrastructure and the natural environment to natural hazards is strengthened improved, including to short, medium and long-term effects of climate change and sea level rise, and people are better prepared for the consequences of natural hazard events.</u></p> <p>Policy 51 When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be <u>avoided</u> or minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:</p> <ul style="list-style-type: none"> (a) the frequency and magnitude <u>likelihood and consequences</u> of the range of natural hazards that may adversely affect the proposal or development <u>subdivision, use or development</u>, including <u>residual risk</u> those that may be exacerbated by climate change and sea level rise; and (b) the potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event; (b) whether the location of the <u>subdivision, use or development</u> will foreseeably require hazard mitigation works in the future; and (c) the potential for injury or loss of life, social and economic disruption and <u>civil defence</u> emergency management and <u>civil defence</u> implications – such as access routes to and from the site; and | <p>The proposal has been designed to ensure there is no net increase in risk or consequence of natural hazard events. Locating community assets of this nature in immediate proximity to the coast brings substantial benefits to bear as recognised in the NZCPS, but also the potential for adverse effects from coastal hazards and the effects of climate change. The proposal largely maintains the existing use of the site as a significant public space, albeit with current facilities which are no longer fit-for-purpose being replaced by new, improved and more resilient facilities.</p> <p>The site is not currently subject to coastal inundation in a 1:100 year storm event. About half of the site is modelled to be subject to inundation in a 1:100 year event with 1.43m sea level rise which is described in the Partially Operative District Plan as a medium-level hazard ranking. A similar quantum of the site is modelled to be within the 1:100 year tsunami event, which has a high-hazard risk rating under the Partially Operative Plan. Smaller areas outside that 1:100-year extent fall within the 500- and 1000-year modelled tsunami extents, respectively being ascribed medium and low hazard ratings.</p> <p>In the main, the proposed land use of the site is as per the existing situation. New hard and soft landscaping and associated structures will be established and these facilities may be subject to potential future coastal inundation and tsunami events; however the overall effect of the design will be to reduce future flood extent and risk.</p> <p>Potential for loss of life, social disruption and emergency management will be managed through evacuation management plans to ensure people are able to quickly get out of harm's way prior to any effects arising.</p> <p>The proposal is not anticipated to materially affect the risks or consequences from hazard events on other sites. Related to that, there are no sites in the vicinity with a dedicated natural buffer function which might otherwise be affected by the proposal.</p> <p>The proposal involves raising the ground level away from the sea, which will have the added benefit of elevating structures and landscaping relative to current levels. The subdivision proposal includes measures to restrict activities in the lower stratum to storage or transient uses, and to ensure the floor level for more hazard sensitive activities within the upper stratum are set well above the 1:100 year hazard event.</p> |

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| <p>(d) <u>whether the subdivision, use or development causes any change in the risks and consequences from natural hazards in areas beyond the application development site; and</u></p> <p>(e) <u>minimising effects the impact of the proposed subdivision, use or development on any natural features that may act as a buffer to reduce the impacts from natural hazards; and where development should not interfere with their ability to reduce the risks of natural hazards;</u></p> <p>(f) <u>avoiding inappropriate subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high in areas at high risk from natural hazards, unless there is a functional or operational need to be located in these areas; and</u></p> <p>(g) <u>appropriate the potential need for hazard risk management and/or adaptation and mitigation measures for subdivision, use or development in moderate risk areas where the hazards and risks are assessed as low to moderate, including an assessment of residual risk; and</u></p> <p>(h) <u>the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and</u></p> <p>(i) <u>the need to locate habitable floor areas and access routes levels of habitable buildings and buildings used as places of employment above the 1% annual exceedance probability (1:100 year) flood level, in identified flood hazard areas; and</u></p> <p>(j) <u>whether Te Ao Māori or mātauranga Māori provides a broader understanding of the hazards and risk management options.</u></p> <p>Policy 52 When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures, particular regard shall be given to:</p> <p>(a) the need for structural protection works or hard engineering methods;</p> <p>(a) <u>whether non structural nature-based solutions, Mātauranga Māori, soft engineering methods options provide are a more appropriate option solution;</u> and</p> <p>(b) <u>avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, <i>regionally significant infrastructure</i> or property from unacceptable risk and the works form part of a long-term hazard management strategy that represents the best practicable option for the future;</u></p> | |

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| <p>(c) <u>the long-term viability of maintaining a hard engineering approach with particular regard to changing risks from natural hazards over time due to climate change; and</u></p> <p>(d) <u>adverse effects on Te Mana o te Wai, mahinga kai, taonga species, natural processes, and the indigenous ecosystems and biodiversity; and</u></p> <p>(e) <u>sites of significance to mana whenua / tangata whenua, including those identified in a planning document recognised by an iwi authority and lodged with a local authority or scheduled in a district or regional plan; and</u></p> <p>(f) <u>any change in natural hazard risk to nearby areas as a result of changes to natural processes from the hazard mitigation works; and;</u></p> <p>(g) the cumulative effects of isolated <u>hard engineering structural protection</u> works;</p> <p>(h) <u>any residual risk remaining after mitigation works are in place, so that they minimise reduce and/or do not increase the risks from of natural hazards.</u></p> | |
| Regional form, design and function | |
| <p>Objective 22 <i>(replaces operative text in full with the following)</i> <u>A compact, well-designed, climate-resilient, accessible, and environmentally responsive regional form with well-functioning urban areas and rural areas, where:</u></p> <p>(a) <u>there is sufficient development capacity to meet the needs of current and future generations, improve housing affordability and quality, and provide access to a diversity of housing typologies within neighbourhoods which enable choice; and</u></p> <p>(b) <u>Māori are able to express their culture and traditions, and the relationship of mana whenua / tangata whenua with their culture, ancestral land, water, sites, wāhi tapu and other taonga is provided for; and</u></p> <p>(c) <u>Te Mana o te Wai is given effect to; and</u></p> <p>(d) <u>intensification occurs within existing urban zones in appropriate places where it is environmentally responsive; and</u></p> <p>(e) <u>subdivision, use and development is located, designed, and constructed in a way that is climate-resilient and contributes to reducing greenhouse gas emissions; and</u></p> <p>(f) <u>built environments, including integrated transport infrastructure, meet the health and wellbeing needs of all people, with multi-modal access including active transport, between housing, jobs, community services, centres, green space, and open space; and</u></p> <p>(g) <u>the biophysical characteristics, location, recognised values, capability and limitations of land inform its use and development; and</u></p> <p>(h) <u>the productive capacity of rural land is retained; and</u></p> | <p>These provisions are deemed to have relatively low relevance for the proposal. However, to the extent they are relevant it is considered that the proposal is consistent with their direction, in that:</p> <ul style="list-style-type: none"> - well-designed public spaces such as at the proposal contribute towards the maintenance and enhancement of Wellington’s overall urban ‘function’ and towards health and well-being of those who will visit the Park in the future; - the proposal has enabled Māori to express their cultural traditions, norms and values – both in informing the overall design of the proposal and in advising on environmental management as kaitiaki; and - the proposal will enhance active transport connectivity along and through the site. |

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| <p>(i) <u>existing urban-zoned land, and infrastructure capacity is used effectively and efficiently; and</u></p> <p>(j) <u>new or upgraded infrastructure is integrated and sequenced with development; and</u></p> <p>(k) <u>development densities are sufficient to support the provision and ongoing maintenance of infrastructure; and</u></p> <p>(l) <u>a variety of residential, commercial, mixed use and industrial development in appropriate locations is provided which contributes to viable and vibrant centres at a range of scales, and industrial-based employment locations; and</u></p> <p>(m) <u>the safe and efficient operation of regionally significant infrastructure is protected from potential reverse sensitivity effects.</u></p> <p>Policy 57</p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, <u>seek to achieve integrated land use and transport within the Wellington Region by: for subdivision, use or development, particular regard shall be given to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy:</u></p> <p>(a) <u>locating development in areas near centres and well-serviced by existing or planned public transport, to minimise private vehicle travel and trip length and maximise mode shift to public transport or active modes; and</u></p> <p>(b) <u>supporting connectivity with, and accessibility to public services or amenities, key centres of employment activity or retail activity via public and active transport networks;</u></p> <p>(c) <u>supporting a safe, reliable, equitable, inclusive and efficient transport network including through connections with the wider transport network;</u></p> <p>(d) <u>providing safe and accessible multi-modal transport networks along connected routes that are designed for public and active transport, while recognising that the delivery of public transport services may not always be efficient or practical;</u></p> <p>(e) <u>supporting and enabling the rapid transport network and the growth corridors in the Wellington Region, including:</u></p> <p style="padding-left: 20px;">i. <u>Western Growth Corridor – Tawa to Levin;</u></p> <p style="padding-left: 20px;">ii. <u>Eastern Growth Corridor – Hutt to Masterton;</u></p> <p style="padding-left: 20px;">iii. <u>Let’s Get Wellington Moving Growth Corridor; and</u></p> <p>(f) <u>minimising the potential for reverse sensitivity effects on the safe and efficient operation of transport corridors.</u></p> <p>(a) <u>whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on</u></p> | |

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| <p>the efficiency, reliability or safety of the network; (b) connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas; (c) whether there is good access to the strategic public transport network; (d) provision of safe and attractive environments for walking and cycling; and (e) whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for.</p> <p>Policy 58 When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, <u>seek to achieve development that is integrated with infrastructure in a way that:</u></p> <ul style="list-style-type: none"> (a) <u>makes effective, efficient and safe use of existing infrastructure capacity; and</u> (b) <u>makes provision for the development, funding, implementation and operation of infrastructure serving the area in question; and</u> (c) <u>all infrastructure required to serve new development is available or is able to be delivered in a timeframe appropriate to service the development, and this may require timing or staging development accordingly.</u> <p>particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:</p> <ul style="list-style-type: none"> (a) make efficient and safe use of existing infrastructure capacity; and/or (b) coordinate with the development and operation of new infrastructure. <p>Policy UD.2 When considering an application for a resource consent, notice of requirement, or a change of a district plan for subdivision, use or development, <u>enable Māori to express their culture and traditions in land use and development by, as a minimum:</u></p> <ul style="list-style-type: none"> (a) <u>providing for mana whenua / tangata whenua to express their relationship with their culture, ancestral lands, water, sites, wāhi tapu and other taonga; and</u> (b) <u>recognising taonga and sites and areas of significance, awa and moana and important places where mana whenua / tangata whenua practice Mātauranga Māori, including marae and urupā.</u> | |

Partially Operative District Plan (2024)

NB – Provisions below are operative following the adoption of the Intensification Planning Instrument provisions within the Proposed Wellington District Plan (2022). The table also includes provisions determined under the Part 1, Schedule 1 RMA process that are deemed operative as no appeals have been made on the corresponding decision/provision. Deemed operative provisions are shown in **grey highlight** (provision number only).

| Objective/Policy | Assessment |
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| Part 2 – District wide matters – Strategic Directions⁴ | |
| Anga whakamua – Moving into the future | |
| <p>AW-01 Resource management processes include mana whenua as active participants in a way that recognises Te Tiriti o Waitangi and its principles.</p> <p>AW-02 The relationship of Tangata Whenua with their lands and traditions is recognised and provided for, including:</p> <ol style="list-style-type: none"> 1. The use, development and expansion of Treaty Settlement land and any land that is subject to Deed of Settlement provisions relating to right of first refusal land, in a manner that recognises its commercial redress purposes; and 2. The use and development of all other land in a manner that contributes to achieving the social, economic, commercial, and cultural aspirations of Tangata Whenua. <p>AW-03 Mana whenua can exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori.</p> <p>AW-04 The development and design of the City reflects mana whenua and the contribution of their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance to the district’s identity and sense of belonging.</p> <p>AW-05 Resource management decisions are informed by best available information including</p> | <p>Consistent with higher order direction above the proposal is well-aligned with these provisions. Māori have been enabled by the proposal to express their cultural traditions, norms and values – both in informing the overall design of the proposal and in advising on environmental management as kaitiaki. The anticipated environmental result will be enhanced expression of cultural values.</p> |

⁴ NB – other strategic directions which are not operative at the date of writing are considered below in the table for the Proposed District Plan.

| Objective/Policy | Assessment |
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| mātauranga Māori. | |
| Historic Heritage & Sites and Areas of Significance to Māori | |
| <p>HHSASM-01 Significant buildings, structures, areas, and sites that exemplify Wellington’s historical and cultural values are identified, recognised and protected.</p> <p>HHSASM-02 Built heritage is resilient and has a sustainable long term use while ensuring heritage and cultural values are recognised and maintained.</p> <p>HHSASM-03 The cultural, spiritual and/or historical values associated with sites and areas of significance to Māori are protected.</p> <p>HHSASM-04 Sites of significance to Māori are identified and mana whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.</p> <p>HHSASM-05 Recognise that only mana whenua can identify impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga/sites of significance to Māori.</p> | <p>The proposal will enhance, rather than adversely affect, the cultural, spiritual and historical values of the site as part of Te Whanganui a Tara. While the application site is in part located within an identified site / area of significance to Māori the proposal is confined to land outside of that classification.</p> <p>Overall, it is considered that the proposal is consistent with this strategic direction.</p> |
| Natural Environment | |
| <p>...</p> <p>NE-02 Future subdivision, land use and development contributes to an improvement in the quality of the City’s water bodies, freshwater ecosystems and receiving environments, protects and enhances Māori freshwater values and recognises mana whenua and their relationship to water (Te Mana o Te Wai).</p> <p>NE-03 The City retains and expands an extensive open space network across the City that:</p> <ol style="list-style-type: none"> 1. Is easily accessible; 2. Connects the urban and natural environment; 3. Supports the protection of ecological, cultural, and landscape values; and | <p>The proposal is well aligned with this strategic direction, including as it:</p> <ul style="list-style-type: none"> - is consistent with the principal of Te Mana o Te Wai as assessed above in the context of higher order direction; - will enhance the natural, cultural and social values of the City’s premier public space for current and future generations; and - has enabled Māori to exercise kaitiakitanga and provide mātauranga advice which the proposal has responded to. |

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| <p>4. Meets the needs of anticipated future growth.</p> <p>NE-O4 Mana whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori in the protection and management of the natural environment.</p> <p>...</p> <p>NE-O6 Subdivision, land use and development is undertaken in an integrated manner recognising the importance of ki uta ki tai and the interconnectedness between ecosystems, natural processes and freshwater.</p> | |
| Strategic City Assets and Infrastructure | |
| <p>SCA-O3 Additional infrastructure is incorporated into new urban developments of a nature and scale that supports Strategic Objective UFD-O7 or provides significant benefits at a regional or national scale.</p> | <p>The proposal will incorporate new services infrastructure in an integrated way which also makes efficient use of existing services. The proposal is accordingly consistent with this objective.</p> |
| Sustainability, Resilience and Climate Change | |
| <p>SRCC-O1 The City's built environment supports:</p> <ol style="list-style-type: none"> 1. Achieving net zero emissions by 2050; 2. More energy efficient buildings; 3. An increase in the use of renewable energy sources; 4. Healthy functioning of native ecosystems and natural processes; and 5. Low carbon and multi-modal transport options including walking, cycling, micro mobility and public transport. <p>SRCC-O2 Risks from natural hazards are:</p> <ol style="list-style-type: none"> 1. Identified and understood; 2. Planned for through adaptation and mitigation measures so that residual risk is acceptable; and 3. Avoided where there would be a high risk to life or buildings. | <p>The proposal is consistent with these strategic aims.</p> <p>It has been designed to ensure there is no net increase in risk or consequence of natural hazard events. Locating community assets of this nature in immediate proximity to the coast brings substantial benefits to bear as recognised in the NZCPS, but also the potential for adverse effects from coastal hazards and the effects of climate change. The proposal largely maintains the existing use of the site as a significant public space, albeit with current facilities which are no longer fit-for-purpose being replaced by new, improved and more resilient facilities.</p> <p>Potential for loss of life will be managed through evacuation management plans to ensure people are able to quickly get out of harm's way prior to any effects arising.</p> <p>The proposal has also adopted appropriate steps to ensure resilience to current and future effects of climate change, including as it:</p> <ul style="list-style-type: none"> - has been informed by mana whenua design input and the CIA and CVA, in turn strengthening Māori connections to whenua and places of cultural value; |

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| <p>SRCC-03 Land use, subdivision, and development:</p> <ol style="list-style-type: none"> 1. Effectively manages the risks associated with climate change and sea level rise; 2. Supports the City's ability to adapt over time to the impacts of climate change and sea level rise; and 3. Supports natural functioning ecosystems and processes to help build resilience into the natural and built environments. <p>SRCC-04 Land use, subdivision and development design seeks to integrate natural processes that provide opportunities for carbon reduction, carbon storage, natural hazard risk reduction and support climate change adaptation.</p> | <ul style="list-style-type: none"> - includes water-sensitive design / green infrastructure consistent with the concept of working with nature to build resilience; - has been designed with a view on future effects, incorporating appropriate avoidance and mitigation strategies; - integrates green spaces and natural features into urban areas to help with temperature control, improve air quality and create wildlife corridors; and - enhances the attractiveness and appeal of active transport opportunities to enhance health and well-being. |
| Urban Form and Development | |
| <p>UFD-01 Wellington's compact urban form is maintained with the majority of urban development located within the City Centre, in and around Centres, and along major public transport corridors.</p> <p>UFD-07 Development supports the creation of a liveable, well-functioning urban environment that enables all people and communities to provide for their social, economic, environmental, and cultural wellbeing, and for their health and safety now and into the future.</p> <p>Development will achieve this by:</p> <ol style="list-style-type: none"> 1. Being accessible and well-designed; 2. Supporting sustainable travel choices, including active and micromobility modes; 3. Being serviced by the necessary infrastructure (including additional infrastructure) appropriate to the intensity, scale and function of the development and urban environment; 4. Being socially inclusive; 5. Being ecologically sensitive; 6. Respecting the City's historic heritage; 7. Providing for community well-being; and 8. Adapting over time and being responsive to an evolving, intensively developed urban context | <p>The proposal will support the liveability and urban function of Wellington City, and reinforce the city's compact urban form through enhancing its premier public space. Furthermore, the proposal has been designed to be socially and culturally inclusive, sensitive to ecological and historical values and supportive of enhanced active transport connectivity.</p> <p>The proposal is considered consistent with this strategic direction as a result.</p> |

| Objective/Policy | Assessment |
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| Part 2 – District wide matters – Energy, Infrastructure and Transport⁵ | |
| <p>THW-O1 Subdivision and development contributes to an improvement in the health and wellbeing of water bodies and freshwater ecosystems.</p> <p>THW-O2 Enable subdivision, use or development in urban areas where:</p> <ol style="list-style-type: none"> 1. Sufficient existing or planned three waters infrastructure capacity and/or level of service is, or will be, available to service the use or development; or 2. It can be satisfactorily serviced through an alternative means where existing three waters infrastructure capacity and/or level of service is insufficient <p>THW-O3 There is no increase in offsite stormwater peak flows and volumes from current levels as a result of subdivision, use and development in urban areas.</p> <p>THW-P1 Water sensitive design methods are incorporated into new subdivision and development and they are designed, constructed and maintained to:</p> <ol style="list-style-type: none"> 1. Improve the health and well-being of water bodies and freshwater ecosystems; 2. Avoid or mitigate off-site effects from surface water runoff; 3. Demonstrate best practice approach to the management of stormwater quality and quantity; 4. Reduce demand on water supplies; and 5. Avoid wastewater overflows wherever practicable. <p>THW-P2 The effects of copper and zinc entering the stormwater system from the use as roofing, guttering and building materials are mitigated through the use of appropriate treatment.</p> <p>THW-P3 New subdivision, use or development is enabled in urban areas that have existing or planned three waters infrastructure capacity to meet growth demand in the short to medium term.</p> | <p>The proposal incorporates measures to ensure construction activities are managed to minimise contaminant discharges. The design also incorporates water sensitive design measures to reduce contaminant concentrations entering Te Whanganui a Tara relative to the current situation. The Park will retain generous areas of permeable surfacing and has been designed to achieve hydraulic neutrality.</p> <p>The redevelopment of the site will make use of available existing infrastructure and will introduce new/upgraded services without affecting levels of service for other activities in the vicinity, consistent with applicable regional standards (where relevant).</p> <p>Subdivision and development such as this proposal which achieve these aims are to be enabled and provided for accordingly.</p> |

⁵ NB – other infrastructure provisions which are not operative at the date of writing are considered below in the table for the Proposed District Plan.

| Objective/Policy | Assessment |
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| <p>THW-P4 Subdivision or development in urban areas is serviced by three waters infrastructure that:</p> <ol style="list-style-type: none"> 1. Meets the Wellington Water Regional Standard for Water Services v3.0 December 2021; 2. Has sufficient capacity to accommodate the development; and 3. Is in position prior to the commencement of construction. <p>Provide for subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient to service further development if:</p> <ol style="list-style-type: none"> 1. It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems; and 2. The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone. <p>THW-P5 Require new subdivision and development to be designed, constructed and maintained to sustainably manage the volume and rate of discharge of stormwater to the receiving environment so that hydraulic neutrality is achieved.</p> <p>THW-P6 Require development to provide permeable surfaces to assist with reducing the rate and volume of stormwater run-off and improve water quality.</p> | |
| Part 2 – District wide matters – Hazards and Risks⁶ | |
| Natural Hazards | |
| <p>NH-O1 Subdivision, use and development within the High Hazard Areas of the Natural Hazard Overlays reduce or do not increase the existing risk from natural hazards to people, property and infrastructure.</p> <p>NH-O2 Subdivision, use and development within the Low and Medium Hazard Areas of the Natural Hazard Overlays minimise the risk from natural hazards to people, property and</p> | <p>The proposal has been informed by a risk-based assessment which considers both the level of risk ascribed with various natural hazards the site may be affected by, and with the sensitivity of proposed activities to those hazard events.</p> <p>Overall, the proposal has been designed to ensure there is no net increase in risk or consequence of natural hazard events.</p> |

⁶ NB – other provisions relating to hazards and risks which are not operative at the date of writing are considered below in the table for the Proposed District Plan.

| Objective/Policy | Assessment |
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| <p>infrastructure.</p> <p>NH-P1 Identify natural hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on:</p> <ol style="list-style-type: none"> 1. The sensitivity of the activities to the impacts of natural hazards; 2. The hazard posed to people’s lives and wellbeing, property and infrastructure, by considering the likelihood and consequences of natural hazard events; and 3. The operational need or functional need for some activities to locate in Natural Hazard Overlays. <p>NH-P2 Subdivision, use and development manages natural hazard risk to people, property and infrastructure by:</p> <ol style="list-style-type: none"> 1. Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays; 2. Requiring buildings and activities to mitigate the risk resulting from the development from natural hazards to people, property and infrastructure as far as reasonably practicable in the low hazard and medium hazard areas within the Natural Hazard Overlays; and 3. Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an operational need or functional need for the building or activity to be located in this area and the building or activity mitigates the impacts from natural hazards to people, property and infrastructure. <p>NH-P3 Allow for subdivision, use and development associated with less hazard sensitive activities and associated additions to buildings within the Natural Hazards Overlays, provided that:</p> <ol style="list-style-type: none"> 1. It can be demonstrated that overland flowpaths are unimpeded and unobstructed; 2. The building, structure or the additions are not located within a stream corridor; and 3. The risk to people and property from the 1% Annual Exceedance Probability flood is minimised. <p>NH-P6 Manage subdivision, development and use associated with potentially hazard sensitive</p> | <p>While it is not the applicant’s assertion that there is a functional or operational need for the Park to be located on this site per se, open space and recreational areas immediately adjacent to the coast are a recognised contributor to the enhancement of amenity values associated with the coastal environment, including in urban areas (refer NZCPS). Frank Kitts Park as a key public space within the wider Wellington Waterfront is also a substantial contributor to Wellington remaining a well-functioning urban environment (refer NPS-UD). Enhancing the Park’s utility, inclusivity, and attractiveness in this context delivers on multiple strategic aims accordingly.</p> <p>Locating such community assets in immediate proximity to the coast brings those benefits to bear, but also the potential for adverse effects from coastal hazards and the effects of climate change. The proposal largely maintains the existing use of the site as a significant public space, albeit with current facilities which are no longer fit-for-purpose being replaced by new, improved and more resilient facilities.</p> <p>The site is not currently subject to coastal inundation in a 1:100 year storm event. About half of the site is modelled to be subject to inundation in a 1:100 year event with 1.43m sea level rise which is described in the Partially Operative District Plan as a medium-level hazard ranking. A similar quantum of the site is modelled to be within the 1:100 year tsunami event, which has a high-hazard risk rating under the Partially Operative Plan. Smaller areas outside that 1:100-year extent fall within the 500- and 1000-year modelled tsunami extents, respectively being ascribed medium and low hazard ratings.</p> <p>In the main, the proposed land use of the site is as per the existing situation. New hard and soft landscaping and associated structures will be established and these facilities may be subject to potential future coastal inundation and tsunami events; however the overall effect of the design will be to reduce future flood extent and risk.</p> <p>Potential for loss of life will be managed through evacuation management plans to ensure people are able to quickly get out of harm’s way prior to any effects arising.</p> <p>The proposal is not anticipated to materially affect the risks or consequences from hazard events on other sites. For example, flowpaths will not be impeded and/or redirected toward adjoining land.</p> <p>The proposal involves raising the ground level away from the sea, which will have the added benefit of elevating structures and landscaping relative to current levels. The subdivision proposal includes measures to restrict activities in the lower stratum to storage or transient</p> |

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| <p>activities and hazard sensitive activities within inundation areas by:</p> <ol style="list-style-type: none"> 1. Ensuring subdivision, development and use incorporates mitigation to ensure the risk to people and property from the 1% Annual Exceedance Probability flood event is minimised; and 2. Avoiding the construction of new buildings, or the conversion of existing buildings that contain a hazard sensitive activity within identified inundation areas of the Flood Hazard Overlays where the finished floor level is below the 1% Annual Exceedance Probability flood levels. <p>NH-P7 Manage subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths by:</p> <ol style="list-style-type: none"> 1. Incorporating mitigation measures that minimise the risk to people and property from the 1% Annual Exceedance Probability flood; 2. Ensuring the conveyancing of flood waters through the stream corridor or overland flowpath is still able to occur unimpeded and is not diverted onto adjacent properties; and 3. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability flood event. | <p>uses, and to ensure the floor level for more hazard sensitive activities within the upper stratum are set well above the 1:100 year hazard event.</p> |
| Part 2 – District wide matters – Historical and Cultural values | |
| Historic Heritage | |
| <p>HH-O1 Historic heritage is recognised for its contribution to an understanding and appreciation of the history, culture and sense of place of Wellington City, the Wellington region and New Zealand.</p> <p>HH-O2 Historic heritage is retained and protected from inappropriate use, subdivision and development.</p> <p>HH-O3 Built heritage is well-maintained, resilient and kept in sustainable long-term use</p> <p>...</p> <p>HH-P8 Provide for new buildings and structures, and modifications to existing non-scheduled</p> | <p>The proposal is consistent with these provisions.</p> <p>The Park is physically buffered from existing heritage buildings on the wider site opposite Whairepo Lagoon. The proposed redevelopment is not anticipated to result in any adverse effects on those existing resources.</p> <p>The proposed subdivision and area proposed to be subject to the redevelopment is adjacent to a listed heritage item, being the Albatross sculpture. However, the works are not anticipated to result in any physical effects on that listed item, and the net result post-development will be a more sympathetic relationship between the sculpture and the wider Park setting.</p> <p>Applications of this nature that do not detract from heritage values are accordingly to be provided for.</p> |

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| <p>buildings and structures on the same site as heritage buildings or heritage structures where it can be demonstrated that the work does not detract from the identified heritage values, having regard to:</p> <ol style="list-style-type: none"> 1. The extent to which the work: <ol style="list-style-type: none"> a. Is compatible with the scale, form, proportion, design and materials of the heritage building or heritage structure; and b. Respects the identified relationship of the heritage building or heritage structure with its setting. | |
| <p>Sites and Areas of Significance to Māori</p> | |
| <p>SASM-O1 Sites and areas of significance to Māori are identified for their cultural significance and their contribution to an understanding and appreciation of the relationship mana whenua have with the landscape and the history of Wellington City.</p> <p>SASM-O2 Sites and areas of significance to Māori are retained and protected from inappropriate use, subdivision and development.</p> <p>SASM-O3 Mana whenua are enabled to exercise kaitiakitanga in relation to sites and areas of significance, including by being active participants on resource consents which have the potential to affect sites and areas of significance, and promoting the narratives of sites within the development of the city.</p> <p>...</p> <p>SASM-P4 Provide for the construction of buildings and structures within sites and areas of significance to Māori where it can be demonstrated that the spiritual and cultural values of the site will be protected and maintained, having regard to:</p> <ol style="list-style-type: none"> 1. The cultural and spiritual values of the site or area; 2. Consultation undertaken with mana whenua; 3. The extent to which the building or structure respects the tikanga of the site or area of significance; 4. The extent to which the values of mana whenua incorporated into the proposal; 5. Whether alternative methods, locations or designs are available that would reduce the impact on the identified site or area of significance; | <p>While the wider application site is located partly within a site/area of significance to Māori, the land to be subdivided and developed is well setback from that area. Furthermore, the proposal has enabled mana whenua to exercise kaitiakitanga and provide mātauranga advice to inform the proposal. The overall design of the proposal will also allow for the expression of mana whenua values as anticipated by these provisions.</p> <p>Such new built form is to be provided for.</p> |

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| <ol style="list-style-type: none"> 6. Any positive effects of the development for mana whenua or opportunities to enhance the cultural values of the site; 7. The extent to which mana whenua retain access and use of the site or area; 8. The extent to which the building or structure is set back from the boundary with the site or area of significance; 9. Where adjacent to marae complex, the extent to which the new building or structure has been designed or oriented to prevent windows or balconies from looking directly into or over marae; 10. Whether landscaping or screening are proposed to reduce overlooking or provide screening from the site or area of significance; 11. The positioning and orientation of the building or structure relative to the site or area of significance; and 12. The extent to which the exterior treatment and materials of the new building or structure are compatible with the site or area of significance. | |
| Viewshafts | |
| <p>VIEW-O1 Views that contribute to the City’s identity and sense of place, and that support an understanding of the City’s topography and urban form, are recognised and maintained.</p> <p>VIEW-O2 Category 1 viewshafts are recognised and maintained due to their regional, national and/or international significance.</p> <p>...</p> <p>VIEW-P2 Maintain viewshafts that reinforce the City’s identity and sense of place by restricting development that could affect these viewshafts, having regard to:</p> <ol style="list-style-type: none"> 1. Whether the development will positively frame the viewshaft horizontally or vertically; 2. The extent to which the relationship between context and focal elements will be maintained; 3. Whether the development will intrude on the viewshaft vertically or horizontally and the extent of this intrusion on identified focal elements; and 4. The extent to which the development will remove existing intrusions or increase the quality of the viewshaft, particularly in relation to focal elements. | <p>Three viewshafts traverse the site as shown on the planning maps: VS10 (Hunter Street), VS11 (Willeston Street) and VS15 (Cable Car).</p> <p>VS10 and VS11 are Category 2 viewshafts. Frank Kitts Park is a context element in VS10 and a focal element in VS11. Useful context is provided in the chapter introduction as follows (emphasis added):</p> <p><i>The rules in this chapter apply to sites across multiple zones where the viewshaft overlay applies, as shown on the District Plan maps. The views themselves are described in Schedule 5. The purpose of the rule framework is to regulate development that intrudes on the focal and context elements identified in Schedule 5, but not to prevent changes to those elements themselves. Any such development will be subject to the provisions of the relevant zone based chapter.</i></p> <p>The above makes clear that the aim of the viewshaft provisions is not to limit development in Frank Kitts Park; however, in the absence of any express exemption for this under the corresponding rules, consent has been applied for built form proposed in VS10 and VS11.</p> <p>For VS10, the only structures that enter the viewshaft extent are a single raukura sculpture and updated light poles. They collectively result in no net impact on the view to the wider focal elements in the viewshaft (Oriental Bay and Te Ranga a Hiwi Precinct or the other context elements (Inner Harbour and Mt Victoria Ridgeline). It is noted also that the existing environment (both as it physically exists and as altered by the 2018 consented design)</p> |

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| <p>VIEW-P2 Avoid intrusions on identified Category 1 viewshafts, unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The development will result in the removal of an existing viewshaft intrusion or increase the quality of the view; or 2. The viewshaft intrusion is of a minor nature and will not detract from the overall appreciation of the view; or 3. In the case of verandahs, the viewshaft intrusion will either be screened by another verandah or building element in the foreground or be contained within the outline of a building (that is not a context or focal element) in the background. | <p>comprises lighting of similar number and nature. If anything, the raukura is anticipated to enhance wayfinding to the Park, thereby reinforcing its role as a context element and its relationship with other context and focal elements.</p> <p>For VS11, various structures within the Garden of Beneficence are located within the viewshaft extent. Similar to the 2018 consented design, the proposal does not affect the visibility of the other focal element (St Gerrard's) or the relationship between it and the Park. The proposal also maintains the relationship between the park and the context elements for this viewshaft, being Oriental Bay, Roseneath and Te Ranaga a Hiwi Precinct.</p> <p>VS15 is a Category 1 viewshaft. The viewpoint is at 122.2m above mean sea level, with the base of the viewshaft frame taking in the top of the coastal escarpment on Oriental Bay in the vicinity of St Gerard's Monastery. The viewshaft is far above the ground level of the application site and no buildings intrude into the viewshaft accordingly.</p> <p>The proposal accordingly is consistent with this direction.</p> |
| Part 2 – District wide matters – Subdivision | |
| All subdivision | |
| <p>SUB-O1 Subdivision achieves an efficient development pattern that:</p> <ol style="list-style-type: none"> 1. Maintains or enhances Wellington's compact urban form; 2. Is compatible with the nature, scale and intensity anticipated for the underlying zone and local context; 3. Enables appropriate future development and use of resulting land or buildings; and 4. Is supported by development infrastructure and additional infrastructure for existing and anticipated future activities. <p>SUB-O2 The network of esplanade reserves and esplanade strips in Wellington is progressively increased.</p> <p>SUB-P1 Recognise the benefits of subdivision in facilitating the supply and variety of new housing, business and other activities that meet the needs of people and communities.</p> <p>...</p> | <p>The proposal is consistent with these general directions for all subdivision.</p> <p>It incorporates water sensitive design, and provides for safe convenient access for all transport modes. The overall design has also taken account of mitigation and avoidance measures necessary to adapt to future effects of climate change.</p> <p>The subdivision will result in lots that are adequately served by open space, with associated contouring optimising the functional relationship between the Park the waterfront promenade and Te Whanganui a Tara, within minimal retaining required. The proposal enhances safe, legible access through the Park with CPTED principles inherent in the overall design. A main aim of the proposal is to achieve a high-quality landscape outcome, including retention and relocation of existing mature trees. Subdivisions of this nature are to be provided for under SUB-P6.</p> <p>The subdivision will ensure all lots are well serviced for three waters, electricity and telecommunications.</p> <p>No esplanade reserve is necessary for this proposal given the existing status and ownership of the waterfront promenade and Whairepo Lagoon promenade. The proposal will further</p> |

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| <p>SUB-P3 Provide for subdivision design and layout that makes efficient use of renewable energy and other natural and physical resources, and delivers well-connected, resilient communities including development patterns that:</p> <ol style="list-style-type: none"> 1. Maximise solar gain; 2. Incorporate effective water sensitive design; 3. Achieve hydraulic neutrality; 4. Provide for safe vehicle access; 5. Support walking, cycling and public transport opportunities and enhance neighbourhood and network connectivity and safety; and 6. Are adaptive to the effects of climate change. <p>SUB-P4 Provide for the efficient integration and layout of subdivision and associated development by:</p> <ol style="list-style-type: none"> 1. Encouraging joint applications for subdivision and land use; 2. Enabling subdivision around development that has already been lawfully established; 3. Ensuring standalone subdivision proposals provide allotments that can be feasibly developed and are fit for the future intended purpose; 4. Ensuring allotments are of a size, shape and orientation that is compatible with the nature, scale and intensity anticipated for the underlying zone or activity area's objectives and policies; and 5. Ensuring enabled land use outcomes will be able to be achieved following subdivision. <p>...</p> <p>SUB-P6 Provide for subdivision where, appropriate to the scale of the subdivision, it results in allotments that:</p> <ol style="list-style-type: none"> 1. Are adequately served by public open space that is accessible and useable; 2. Respond to site topography by ensuring any contour modification or large retaining structures are minimised to be sympathetic to existing natural ground form and landscaped to soften visual impacts; 3. Provide safe, accessible and legible street network structure and connections to and through open spaces, key routes and local destinations; | <p>enhance the functional relationship between the promenades and the Park as an important coastal public space, including through demolition of existing structures enhanced at-grade accessibility between these features.</p> |

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| <p>4. Are designed using crime prevention through environmental design principles;</p> <p>5. Recognise the amenity value of views or landmarks and respond to these by aligning streets and designing public spaces to focus on these;</p> <p>6. Orient lot frontages towards streets and other public spaces to create quality streetscapes and where possible combine accessways to rear lots; and</p> <p>7. Achieve high quality landscape outcomes, including encouraging the retention and integration of mature trees and native vegetation that positively contribute to an area's visual amenity.</p> <p>SUB-P8 Require all allotments created by any subdivision to be adequately serviced such that:</p> <ol style="list-style-type: none"> 1. In urban areas, suitable access, connections to reticulated water supply, wastewater and stormwater management networks are provided in accordance with the Council's Code of Practice for Land Development; 2. Allotments in rural or other areas that are unable to connect to reticulated networks are of sufficient size and shape to accommodate on-site wastewater disposal, stormwater management, and water supply, including water supply for fire-fighting purposes; and 3. Suitable connections to telecommunications and electricity are supplied. <p>SUB-P9 Require the provision of esplanade reserves and esplanade strips where subdivisions are proposed adjacent to the CMA or rivers to enhance:</p> <ol style="list-style-type: none"> 1. Public access to and along the coast and surface waterbodies; 2. Ecological, amenity and recreational values; and 3. Natural hazard resilience. | |
| Historical and Cultural Values | |
| <p>SUB-P11 Provide for the subdivision of land on which heritage buildings and heritage structures are located, having regard to:</p> <ol style="list-style-type: none"> 1. The extent to which the subdivision and any anticipated development would detract from the identified heritage values; 2. The identified relationship and contribution of the setting and surroundings of the site to the values of the heritage building or heritage structure; 3. The extent to which the subdivision would retain an appropriate setting for the heritage building or heritage structure; and 4. Any advice that has been obtained from a suitably qualified heritage professional | <p>The subdivision is to be provided for under these policies, noting it:</p> <ul style="list-style-type: none"> - will not detract from any identified heritage values, including those associated with listed buildings and items on the application site; - related to the above, will retain appropriate settings for the listed buildings/item; - has been informed by consultation with mana whenua who have expressed no concerns regarding the SASM that overlays part of the application site; - is part of a wider proposal that has expressly incorporated mana whenua values, both in terms of design and management of environmental effects; and - does not in any way reduce the ability for mana whenua to retain access and use of the SASM or wider area. |

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| <p>including Heritage New Zealand Pouhere Taonga where it is listed as a Category 1 or Category 2 Historic Place.</p> <p>SUB-P15 Provide for the subdivision of land within a site or area of significance to Māori Category A or B having regard to:</p> <ol style="list-style-type: none"> 1. Consultation undertaken with mana whenua; 2. The extent to which the values of mana whenua have been incorporated into the proposal; 3. Whether alternative methods, locations or designs are available that would avoid or reduce the impact on the identified site or area of significance; 4. Any positive effects of the development for mana whenua or opportunities to enhance the cultural values of the site; and 5. The extent to which mana whenua retain access and use of the site or area. | |
| <p>Coastal Environment</p> | |
| <p>SUB-P23 Provide for subdivision of land within the landward extent of the coastal environment where it:</p> <ol style="list-style-type: none"> 1. Consolidates existing urban areas; and 2. Does not establish new urban sprawl along the coastline. <p>...</p> <p>SUB-P25 Provide for subdivision of land within coastal margins and riparian margins where it is located in the highly modified Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone.</p> | <p>The subdivision is to be provided for under these policies, in particular given its location in the Special Purpose Waterfront Zone.</p> |
| <p>Natural Hazards</p> | |
| <p>SUB-P27 Take a risk-based approach to the management of subdivision of land affected by natural hazards identified in the District Plan based on:</p> <ol style="list-style-type: none"> 1. The sensitivity of the activities to the impacts of natural hazards; and 2. The hazard posed to people’s lives and wellbeing, and property, by considering the likelihood and consequences of differing natural hazard events. | <p>The proposal is consistent with this direction.</p> <p>The design and assessment of the proposal has adopted a risk-based approach, taking account of associated land use activities and their sensitivity to hazard events – as well as the relative level of risk for various natural hazards as defined in the Plan.</p> <p>Appropriate mitigation has been volunteered to ensure that risk is suitably managed in all respects, including through requirements to prepare and certify evacuation protocols during hazard events and to embed resilience in the design and use of buildings and structures.</p> |

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| Part 2 – District wide matters – General District-wide Matters⁷ | |
| Coastal Environment | |
| <p>CE-O5 Subdivision, use and development within the High Hazard Areas of the Coastal Hazard Overlays reduce or do not increase the existing risk from coastal hazards to people, property, and infrastructure.</p> <p>CE-O6 Subdivision, use and development within the Low and Medium Hazard Areas of the Coastal Hazard Overlays minimise the risk from coastal hazards to people, property and infrastructure.</p> <p>CE-P11 Identify coastal hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on the following:</p> <ol style="list-style-type: none"> 1. The sensitivity of the activities to the impacts of coastal hazards; 2. The risk posed to people, property, and infrastructure, by considering the likelihood and consequences of different coastal hazard events; and 3. The longer term impacts of climate change and sea level rise; and 4. The operational need or functional need for some activities to locate in the Coastal Hazard Overlays. <p>CE-P12 Ensure subdivision, use and development manages coastal hazard risk to people, property, and infrastructure by:</p> <ol style="list-style-type: none"> 1. Enabling subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays; 2. Requiring mitigation for subdivision, use and development that minimises risk resulting from the development from the relevant coastal hazards to people, property, and infrastructure as far as reasonably practicable in the low and medium hazard areas and high hazard areas in the City Centre Zone, of the Coastal Hazard Overlays; and 3. Avoiding subdivision, use and development in the high hazard area of the Coastal Hazard Overlays (with the exception of the City Centre Zone) unless there is a | <p>The proposal is consistent with this direction.</p> <p>The design and assessment of the proposal has adopted a risk-based approach, taking account of associated land use activities and their sensitivity to hazard events – as well as the relative level of risk for various natural hazards as defined in the Plan.</p> <p>Overall, the proposal has been designed to ensure there is no net increase in risk or consequence of natural hazard events. While it is not the applicant’s assertion that there is a functional or operational need for the Park to be located on this site per se, open space and recreational areas immediately adjacent to the coast are a recognised contributor to the enhancement of amenity values associated with the coastal environment. Locating such community assets in immediate proximity to the coast brings those benefits to bear, but also the potential for adverse effects from coastal hazards and the effects of climate change. The proposal largely maintains the existing use of the site as a significant public space, albeit with current facilities which are no longer fit-for-purpose being replaced by new, improved and more resilient facilities.</p> <p>Moreover, where the subdivision and associated use of the Fale may fall within the high tsunami area identified in the PODP, that part of the building affected by the overlay is to be used for boat storage, which does have a functional and operational need to be located in the area subject to the coastal hazard.</p> <p>Appropriate mitigation has been volunteered to ensure that risk is suitably managed in all respects, including through requirements to prepare and certify evacuation protocols during hazard events and to embed resilience in the design and use of buildings and structures.</p> <p>Those activities that are deemed less hazard sensitive – for example ‘Park Facilities’ and ‘Park Furniture’ are to be allowed, irrespective of any hazard area being applicable.</p> |

⁷ NB – other general District-wide provisions which are not operative at the date of writing are considered below in the table for the Proposed District Plan.

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| <p>functional need and operational need for the building or activity to be located in this area and the building or activity incorporates mitigation measures that minimise the risk to people, property, and infrastructure.</p> <p>CE-P13 Allow less hazard sensitive activities within all hazard areas of the Coastal Hazards Overlays.</p> <p>CE-P15 Allow potentially hazard sensitive activities in low coastal hazard areas.</p> <p>CE-P16 Provide for hazard sensitive activities within the low coastal hazard area, or any subdivision where the building platform for a hazard sensitive activity is within the low coastal hazard area, where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity, building, or subdivision incorporates measures that minimise the risk to people, and property from a tsunami; 2. There is the ability to access safe evacuation routes for occupants of the building in case of a tsunami. 3. If the activity has a post disaster function, mitigation measures are incorporated to allow for the continued operation following a tsunami; and 4. For healthcare facilities, retirement villages, educational facilities and childcare facilities, there is an evacuation plan that allows for the safe removal of all occupants prior to the arrival of the tsunami. <p>CE-P17 Provide for potentially hazard-sensitive activities in the medium coastal hazard areas, or any subdivision where the building platform for a potentially hazard-sensitive activity will be within the medium coastal hazard areas where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity, building, or subdivision incorporates measures that minimise the risk to people and property from the coastal hazard; and 2. There is the ability to access safe evacuation routes for occupants of the building in case of a tsunami. <p>CE-P18 Provide for hazard-sensitive activities in the medium coastal hazard area where, or any subdivision where the building platform for a hazard-sensitive activity will be within the medium coastal hazard area, where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity, building, or subdivision incorporates measures that minimise the risk | |

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| <p>to people and property from the coastal hazard;</p> <ol style="list-style-type: none"> 2. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard; 3. If the activity has a post disaster function, mitigation measures are incorporated to allow for the continued operation following a coastal hazard event; and 4. For healthcare facilities, retirement villages, educational facilities and childcare facilities, there is an evacuation plan that allows for the safe removal of all occupants prior to the arrival of the coastal hazard <p>CE-P19 Avoid hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area (with the exception of the City Centre Zone and the Airport purposes, operational port activities, passenger port facilities and rail activities) unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity, building or subdivision has an operational need or functional need to locate within the high coastal hazard area and locating outside of these high coastal hazard areas is not a practicable option; 2. The activity, building, or subdivision incorporates measures that reduce or not increase the existing risk to people, and property from the coastal hazard; 3. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard; and 4. The activity does not involve the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard. | |
| <p>Earthworks</p> | |
| <p>EW-O1 Earthworks are undertaken in a manner that:</p> <ol style="list-style-type: none"> 1. Is consistent with the anticipated scale and form of development in the relevant zone; 2. Minimises adverse effects on visual amenity values, including changes to natural landforms; 3. Minimises erosion and sediment effects beyond the site; 4. Minimises risks associated with slope instability; and 5. Protects the safety of people and property. <p>EW-P1 Provide for the efficient integration of earthworks and associated subdivision and</p> | <p>The earthworks proposed are to be enabled as they:</p> <ul style="list-style-type: none"> - minimise instability risk; - will be subject to volunteered conditions requiring good practice erosion and sediment control measures to be applied throughout the construction phase of the project; - enhance visual amenity values by recontouring the site to enhance the functional relationship between the Park, waterfront promenade and Te Whanganui a Tara; and - satisfy all policy requirements as relates to amenity, the transport network, and flood hazard matters. |

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| <p>development by:</p> <ol style="list-style-type: none"> 1. Encouraging joint applications for land use and subdivision; and 2. Ensuring earthworks proposals provide finished landforms that can be feasibly developed or are fit for the future intended purpose. <p>EW-P2 Enable the efficient use and development of land by providing for earthworks and associated structures where:</p> <ol style="list-style-type: none"> 1. The risk associated with instability is minimised; 2. Erosion, dust and sedimentation effects on land and water bodies will be minimal; and 3. Effects on visual amenity would be insignificant. <p>EW-P3 Require earthworks to be designed and carried out in a manner that maintains slope stability and minimises the risk of slope failure associated with natural hazards and adverse effects arising from climate change.</p> <p>EW-P4 Require earthworks to adopt effective measures to manage the potential for:</p> <ol style="list-style-type: none"> 1. Erosion, and the movement of sediment beyond the site, and in particular into surface water, where proposals for earthworks no greater than 3,000m² in area are concerned; and 2. The movement of dust beyond the site, where all proposals for earthworks are concerned. <p>...</p> <p>EW-P6 Require any transport of earth and cleanfill material to and from any site to be undertaken in a way that minimises adverse effects on surrounding amenity and the safety of the transport network.</p> <p>EW-P7 Manage earthworks within sites occupied by heritage buildings and heritage structures, and within heritage areas, having regard to:</p> <ol style="list-style-type: none"> 1. The identified heritage values of the heritage building, heritage structure or heritage area; 2. The extent to which the earthworks would detract from those identified values | |

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| <p>and setting; and</p> <p>3. Whether the earthworks can be achieved without altering the significance of the heritage building, heritage structure or heritage area.</p> <p>...</p> <p>EW-P17</p> <p>Provide for earthworks in Flood Hazard Overlays only where:</p> <ol style="list-style-type: none"> 1. They would not significantly increase the flooding risk, when compared to the existing situation, to the site or neighbouring properties through the displacement of flood waters; and 2. The ability to convey flood waters along overland flowpaths or stream corridors is not impeded as a result of the earthworks. | |
| <p>Wind</p> | |
| <p>WIND-O1</p> <p>The adverse impact of wind from new developments, additions and alterations is managed to:</p> <ol style="list-style-type: none"> 1. Ensure that new developments, additions and alterations do not generate unsafe wind conditions in public spaces and, where possible, ameliorate existing unsafe wind conditions; 2. Prevent the gradual degradation of Wellington’s pedestrian wind environment over time; and 3. Ensure a comfortable wind environment in Wellington's the public spaces listed in Appendix 9 - City Centre Zone and Special Purpose Waterfront Zone - Minimum Sunlight Access and Wind Comfort Control - Public Space Requirements, while acknowledging that not all wind effects can be mitigated. <p>WIND-P1</p> <p>Encourage consideration of wind effects during the early stages of building design to achieve:</p> <ol style="list-style-type: none"> 1. Optimum design for wind that minimises the impact of the development on the public realm; and 2. Wind mitigation that is contained within the site. <p>...</p> <p>WIND-P3</p> | <p>The proposal includes minimal structures, the majority of which either serve a public good function – artwork, lighting and other furniture – or are provide for weather protection in the form of shelters or walls that act as windbreaks.</p> <p>The proposal is accordingly consistent with this direction.</p> |

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| <p>Require building design and wind mitigation measures to maintain and where possible enhance pedestrian safety and the comfort of the wind environment for users of the public spaces listed in Appendix 9 - City Centre Zone and Special Purpose Waterfront Zone - Minimum Sunlight Access and Wind Comfort Control - Public Space Requirements.</p> | |
| <p>Noise</p> | |
| <p>NOISE-O1 Adverse noise effects on amenity values, and the health of people and communities are managed to levels consistent with the anticipated outcomes for the receiving environment.</p> <p>NOISE-O2 Existing and authorised activities that generate higher levels of noise are protected from reverse sensitivity effects.</p> <p>NOISE-P1 Enable the generation of noise from activities that:</p> <ol style="list-style-type: none"> 1. Is consistent with the amenity values of the receiving environment; and 2. Does not compromise the health, safety and wellbeing of people and communities. <p>NOISE-P2 Enable construction activities while ensuring that unreasonable noise and vibration effects are managed effectively.</p> <p>...</p> | <p>In operational noise generation terms, the proposal is not anticipated to result in any material change relative to the existing environment. Temporary construction noise is an anticipated effect of the proposal; however, the associated construction activities are to be enabled where appropriate steps are taken to avoid unreasonable noise and vibration. The proposal includes volunteered conditions to that end and is accordingly consistent with these provisions.</p> |
| <p>Part 3 – Area-specific matters – Special Purpose Waterfront Zone⁸</p> | |
| <p>WFZ-O1 Activities and development in the Waterfront Zone contribute to Wellington’s identity and sense of place, with public spaces, buildings and other structures that reflect the unique location and character of the waterfront.</p> <p>WFZ-O2 Taranaki Whānui and Ngāti Toa Rangatira are acknowledged as the mana whenua of Te Whanganui ā Tara (Wellington) and their cultural associations and landowner and development interests are recognised in planning and developing the Waterfront Zone.</p> | <p>The proposal will positively contribute to the achievement of the WFZ objectives, noting:</p> <ul style="list-style-type: none"> – it will enhance the Park’s role as the main public space on the Waterfront; – mana whenua have been enabled to express their values and reinforce their association with Te Whanganui a Tara through the design of the proposal and measures adopted to manage environmental effects; – the Park will maintain its important public open space function, noting that the gross floor area of buildings on the site will be considerably reduced with the demolition of the carparking building; |

⁸ NB – other general Waterfront Zone provisions which are not operative at the date of writing are considered below in the table for the Proposed District Plan.

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| <p>WFZ-O3 The Waterfront’s public open spaces mapped as specific controls are protected and maintained for temporary activities and recreation activity.</p> <p>WFZ-O4 Areas of change are redeveloped over time into high-quality public spaces and buildings.</p> <p>WFZ-O5 Active transport and micro-mobility connectivity within the Waterfront Zone, and between the edge of Te Whanganui a Tara, public transport and the City Centre, is maintained or enhanced.</p> <p>WFZ-O6 The Waterfront Zone has a diverse and vibrant mix of activities that collectively provide and encourage public interest, use and enjoyment of the Zone during the day and night.</p> <p>WFZ-O7 Adverse effects of activities and development in the Waterfront Zone are managed effectively both:</p> <ol style="list-style-type: none"> 1. Within the zone, including on its role, function and connectivity; and 2. At interfaces with: <ol style="list-style-type: none"> a. Heritage buildings, heritage structures and heritage areas; b. Scheduled sites and areas of significance to Māori; c. Public open space specific controls; d. Residential zoned areas; and e. The coastal marine area. <p>WFZ-P1 Enable a range and diversity of activities that support the role and function of the Waterfront Zone and enhance the Zone’s vitality, vibrancy and amenity during the day and night, including:</p> <ol style="list-style-type: none"> 1. Commercial activities; 2. Community facilities; 3. Recreation activities; 4. Emergency service facilities; 5. Marae activities; 6. Public transport activities on Waterloo Quay, Customhouse Quay, Jervois Quay, | <ul style="list-style-type: none"> - walking connections will be enhanced through the site including as a result of proposed recontouring, and parking facilities for active modes will be maintained or enhanced relative to the status quo; - the Park itself will provide a mix of active and passive recreation opportunities, along with other facilities to enhance cultural and social wellbeing; - the proposal includes appropriate measures to manage effects on the environment, including at interfaces with historic heritage, SASMs, and the coastal marine area. <p>The proposed mix of activities generally fall within the definition of ‘community facilities’ and are to be enabled accordingly.</p> <p>The proposal reduces the overall footprint of built form and removes all carparking currently on the site, with the net result being enhanced open space areas both in terms of quantity and quality. With the reduction in built form, the proposal will not exceed the 35% built coverage figure expressed in WFZ-P5. Also relevant to that policy, the proposal respects existing Māori and non-Māori history, and has generated new opportunities for a broad expression of Māori and non-Māori values through collaboration (per WFZ-P10). The proposal also ensures good access to sunlight for dedicated open spaces, whilst providing much needed shelter in parts of the Park through well-designed attractive structures that also add to the quality of the space. Importantly, the proposal also significantly enhances the visual connection between the City, the Park and Te Whanganui a Tara and enhances accessibility for all Park users relative to the status quo.</p> <p>The proposal is accordingly also consistent with the relevant WFZ policies.</p> |

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| <p>Cable Street, Oriental Parade and in the Post Office Square Heritage Area;</p> <ol style="list-style-type: none"> 7. Visitor accommodation; and 8. Residential activities above ground floor. <p>WFZ-P2 Manage the location and scale of activities which could result in cumulative adverse effects on the vitality, vibrancy and amenity of the Waterfront Zone, including:</p> <ol style="list-style-type: none"> 1. Industrial activities; 2. Construction of apartments and visitor accommodation; 3. New and expanded buildings; 4. New and modified public space; and 5. Public transport activities seaward of Waterloo Quay, Customhouse Quay, Jervois Quay, Cable Street, Oriental Parade and the Post Office Square Heritage Area. <p>WFZ-P3 Avoid activities that are incompatible with the role and functions of the Waterfront Zone.</p> <p>These incompatible activities include:</p> <ol style="list-style-type: none"> 1. Heavy industrial activities; 2. Demolition of buildings that results in the creation of unutilised vacant land; 3. Ground floor residential activities; 4. Significant buildings in mapped public open space; and 5. Surface-level carparks, other than car parks for people with mobility issues, for service vehicles, and pick-up/drop-off parking <p>WFZ-P4 Require that the use, development, and operation of the Waterfront Zone:</p> <ol style="list-style-type: none"> 1. Provides attractive, safe, efficient, and convenient connections to existing and planned transport networks; 2. Promotes and enhances existing and planned pedestrian and cycle access and connections to the City Centre Zone; 3. Provides well-designed, connected and safe public space and pedestrian, cycle and micro-mobility access; 4. Provides equitable access to and along the edge of the coastal marine area and structures within it; and 5. Provides a safe environment for people that promotes a sense of security and allows informal surveillance. | |

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| <p>WFZ-P5 Require development of public spaces, buildings and other structures to maintain or enhance the sense of place and distinctive form, quality and amenity of the Waterfront Zone including, where relevant:</p> <ol style="list-style-type: none"> 1. A balance of buildings and open space with no more than 35% total building coverage over the whole Waterfront Zone to form a sense of openness and transition between the dense city centre environment and the expansiveness of Te Whanganui a Tara; 2. Design relating to the maritime location and activities; 3. Rich Māori and tauiwi/non-Māori history; 4. Sunlight to parks, plazas and other open spaces where people regularly congregate; 5. Visual connections to the City and Te Whanganui a Tara; and 6. Accessibility for people of all ages and mobility levels. <p>WFZ-P6 Require new and altered buildings to be of a high quality, including:</p> <ol style="list-style-type: none"> 1. Building forms and facades, especially those that are visually prominent; 2. Bulk, scale and heights that are complementary to and of a scale appropriate to the existing nearby buildings in the Waterfront Zone; 3. Heights that are consistent with the low-rise nature of buildings in this zone; 4. Active building frontages and publicly-accessible areas on the ground floors of buildings, except for storage and/or service areas; 5. Storage and/or service areas screened from public view; 6. Sustainable, resilient building design that is adaptable to changes in use over time; 7. Buildings that respond to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings; 8. Design that responds positively to identified historic heritage structures, buildings and areas, including those seaward of mean high water springs and identified in the Regional Natural Resources Plan, that are adjacent to the new or altered building; and 9. Fulfilling the intent of the Centres and Mixed Use Design Guide. <p>WFZ-P7 Protect the Waterfront Zone’s mapped public open spaces by avoiding new permanent buildings above-ground on public open space except where they improve the space for</p> | |

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| <p>public use and enjoyment and do not dominate or cumulatively diminish the public open space.</p> <p>WFZ-P8 Enable re-development of Areas of Change from car parking to high quality buildings and/or public spaces.</p> <p>WFZ-P9 Encourage new development and redevelopment in the Waterfront Zone to be sustainable, resilient and adaptable to change in use over time, including enabling sufficient flexibility for ground floor space to be used and converted for a range of activities and responding to future coastal hazards.</p> <p>WFZ-P10 Recognise and provide for the cultural associations and development interests of Ngāti Toa Rangatira and Taranaki Whānui ki te Upoko o te Ika in the Waterfront Zone by:</p> <ol style="list-style-type: none"> 1. Managing new development adjoining sites and areas of significance to Māori; and 2. Collaborating on the design and incorporation of Māori cultural elements into public open space within the zone. | |

Operative District Plan (2000)

NB – Provisions below remain operative, are the subject of provisions in the Proposed District Plan which are not yet operative and have not been superseded by new provisions outlined in the table above.

The provisions in the Central Area and Earthworks chapters under the Operative Plan are deemed to have variable applicability due to the partially operative nature of the Proposed Plan. In summary:

- the general subdivision provisions, and subdivision provisions relating to natural hazards, coastal hazards, and sites/areas of significant to Māori under the Proposed Plan are now operative – to the extent that such matters are addressed in the Operative Plan, they are omitted from the table below accordingly;*

- the general earthworks provisions, and earthworks provisions relating to natural hazards and historic heritage under the Proposed Plan are now operative – to the extent that such matters are addressed in the Operative Plan, they are omitted from the table below accordingly
- the built-form related considerations under the Central Area Zone are deemed to be superseded by the Partially Operative Plan and are omitted from the table below;
- land use/activity-based considerations not otherwise summarised above are relevant to the non-ISPP provisions in the Waterfront Zone under the Proposed Plan – the objectives and policies pertaining to these matter are set out below.

Regarding matters of Historic and Cultural Heritage, all relevant provisions of the Operative Plan are now superseded by the Proposed Plan, except that proposed provisions relating to Sites and Areas of Significance to Maori are not operative at the time of writing.

Provisions relating to Contaminated Land under the Operative Plan remain a relevant consideration and are included in the table below.

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| 12 Central Area | |
| <p>Objective 12.2.2 To facilitate a vibrant, dynamic Central Area by enabling a wide range of activities to occur, provided that adverse effects are avoided, remedied or mitigated.</p> <p>Policy 12.2.2.1 Encourage a wide range of activities within the Central Area by allowing most uses or activities provided that the standards specified in the Plan are satisfied.</p> <p>Policy 12.2.2.2 Ensure that activities are managed to avoid, remedy or mitigate adverse effects in the Central Area or on properties in nearby Residential Areas. ...</p> <p>Policy 12.2.2.4 Control the adverse effects of noise in the Central Area. ...</p> <p>Policy 12.2.5.8 Ensure that the wind comfort levels of important public spaces are maintained.</p> <p>Policy 12.2.5.9 Encourage consideration of wind mitigation measures during the early stages of building design and ensure that such measures are contained within the development site.</p> | <p>The proposal is consistent with these provisions noting that it is considered appropriate to apply more weight to the related provisions in the Partially Operative Plan. While active language and direction varies between the various plans, there are common themes whereby the proposal's consistency with the Partially Operative provisions discussed above is transferable to these older provisions – for example:</p> <ul style="list-style-type: none"> – the proposal will enhance the mix of activities in the area, contributing to a vibrant, dynamic Central City; – measures are adopted by the proposal to avoid, remedy or mitigate adverse noise effects, public safety effects and effects on the natural environment; – the proposal will enhance the character and visual amenity of the area, replacing utilitarian buildings and structures with well-designed attractive buildings, structures and other furniture. <p>As the Central Area transport-related provisions in the operative Plan continue to apply, the direction Objective 12.2.15 and its supporting policies should be given particular consideration here. In that regard, the proposal enables the ongoing safe convenient access for people in the Central Area. Minor refinements are proposed to the road network to enhance the pedestrian environment on Jervois Quay, make efficient use of road reserve for effective loading and servicing. The proposal also enhances accessibility for all people relative to the existing environment, including through demolition of the carparking building and site recontouring.</p> |

| Objective/Policy | Assessment |
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| <p>...</p> <p>Policy 12.2.6.15 Improve the design of developments to reduce the actual and potential threats to personal safety and security.</p> <p>Policy 12.2.6.16 Promote and protect the health and safety of the community in development proposals.</p> <p>...</p> <p>Objective 12.2.8 To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront.</p> <p>Policy 12.2.8.1 Maintain and enhance the public environment of the Lambton Harbour Area by guiding the design of new open spaces and where there are buildings, ensuring that these are in sympathy with their associated public spaces.</p> <p>Policy 12.2.8.2 Ensure that a range of public open spaces, public walkways and through routes for pedestrians and cyclists and opportunities for people, including people with mobility restrictions, to gain access to and from the water are provided and maintained.</p> <p>Policy 12.2.8.3 Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.</p> <p>...</p> <p>Policy 12.2.8.5 Recognise and provide for developments and activities that reinforce the importance of the waterfront's Maori history and cultural heritage.</p> <p>...</p> <p>Policy 12.2.8.8 To provide for and facilitate public involvement in the waterfront planning process</p> <p>...</p> | |

| Objective/Policy | Assessment |
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| <p>Objective 12.2.12 To maintain and enhance access to, and the quality of the coastal environment within and adjoining the Central Area</p> <p>Policy 12.2.12.1 Maintain the public's ability to use 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.</p> <p>Policy 12.2.12.2 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.</p> <p>Policy 12.2.12.3 Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment. ...</p> <p>Objective 12.2.15 To enable efficient, convenient and safe access for people and goods within the Central Area.</p> <p>Policy 12.2.15.1 Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.</p> <p>Policy 12.2.15.2 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. ...</p> <p>Policy 12.2.15.9 Require the provision of servicing or loading facilities for each site in the Central Area.</p> <p>Policy 12.2.15.10 Ensure that the design and location of servicing or loading facilities is appropriate having regard to the nature of the development and the existing or likely future use of the site.</p> | |

| Objective/Policy | Assessment |
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| <p>Policy 12.2.15.11 Consider waivers from the servicing or loading requirements:</p> <ul style="list-style-type: none"> • where suitable alternative off-street provision can be made; or • where <u>site</u> access restrictions apply and there is no suitable alternative means of access; <p>or</p> <ul style="list-style-type: none"> • where it is necessary to protect any listed heritage item. • where the topography, size or shape of the <u>site</u>, the location of any natural or built features on the <u>site</u>, or other requirements such as easements, rights of way, or restrictive covenants impose constraints which make compliance impractical. <p>...</p> <p>Policy 12.2.15.14 Protect and enhance access to public spaces in the Central Area.</p> <p>Objective 12.2.16 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.</p> <p>Policy 12.2.16.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.</p> <p>Policy 12.2.16.2 Enable a wide range of activities that relate to the needs and wishes of tangata whenua and other Maori, provided that physical and environmental standards specified in the Plan are met.</p> <p>Policy 12.2.16.3 In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.</p> | |
| 20 Heritage (subdivision provisions) | |
| <p>Objective 20.2.1 To recognise the City's historic heritage and protect it from inappropriate subdivision use and development.</p> | <p>The proposal is consistent with this direction and will not adversely affect the heritage values of listed items and buildings on the application site.</p> |

| Objective/Policy | Assessment |
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| <p>...</p> <p>Policy 20.2.1.4 Protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied and mitigated.</p> | |
| <p>29 Earthworks (flood hazard & coastal [non-hazard] provisions)</p> | |
| <p>Objective 29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment. ...</p> <p>Policy 29.2.1.4 Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands and the coastal marine area.</p> <p>Policy 29.2.1.5 Ensure that earthworks and associated structures do not exacerbate flood events in Flood Hazard Areas</p> | <p>Appropriate mitigation measures and volunteered conditions adopted by the proposal will ensure erosion and sedimentation effects are effectively managed. The proposed earthworks are not anticipated to exacerbate flood hazard effects.</p> <p>Accordingly, the proposal is consistent with this direction.</p> |
| <p>29 Contaminated Land</p> | |
| <p>Objective 31.2.1 To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment. ...</p> <p>Policy 31.2.2 Minimise and control the adverse effects that may arise from the use, development and subdivision of any contaminated or potentially contaminated land.</p> <p>Policy 31.2.3 Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.</p> | <p>The proposal is well aligned with these aims insofar as it will remediate soil contamination in accordance with good practice management measures. While full site investigations have not been possible due to the earthquake prone status of the carparking building, the proposal assumes there will be contamination under the building which may need to be remediated/disposed of and appropriate management measures will be in place to ensure no adverse effects arise on human health or the local environment.</p> |

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| <p>Policy 31.2.4 Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on human health and the environment.</p> | |

Proposed District Plan 2022

NB – Provisions below distinguish between those that have been subject to Council decisions under Part 1, Schedule 1 of the RMA (notated with grey highlight) and those which have not been subject to decisions (no highlight) at the time of writing. For the former, the highlighted provisions below are subject to appeal at the time of writing. The balance of relevant provisions subject to decisions under Part 1, Schedule 1 are deemed operative and assessed in the Partially Operative Plan table above.

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| <p>Part 2 – District wide matters – Strategic Directions</p> | |
| <p>Strategic City Assets and Infrastructure</p> | |
| <p>SCA-O1 The social, economic, cultural, and environmental benefits of infrastructure are recognised by enabling its establishment, operation, maintenance and upgrading in Wellington City so that:</p> <ol style="list-style-type: none"> 1. The City is able to function safely, efficiently and effectively; 2. The infrastructure network is resilient in the long term; 3. Infrastructure, including renewable electricity generation facilities, contribute to the transition away from dependence on fossil fuels; and 4. Future growth and development is supported and can be sufficiently serviced. <p>...</p> <p>SCA-O6 Infrastructure is protected from incompatible development and activities that may create reverse sensitivity effects that would compromise its efficient and safe operation.</p> | <p><i>Subject to appeal at time of writing</i></p> <p>The proposal includes minor alterations to existing infrastructure and provision of new services. All servicing will be provided to meet applicable guidelines/standards to achieve appropriate levels of services.</p> <p>To this extent, the proposal is consistent with these provisions.</p> |

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| Part 2 – District wide matters – Energy, Infrastructure and Transport | |
| Infrastructure | |
| <p>INF-O4 Safe, effective and resilient infrastructure is available for, and integrated with, existing and planned subdivision, use and development.</p> <p>INF-O5 The transport network:</p> <ol style="list-style-type: none"> 1. Improves connectivity, enabling people of all ages and abilities, and goods to move safely and effectively regardless of transport mode; 2. Supports well-functioning urban environments; 3. Supports the health and well-being of people; and 4. Supports development infrastructure, additional infrastructure and green infrastructure. <p>INF-P9 Enable the upgrading and development of the transport network where, as far as practicable, it:</p> <ol style="list-style-type: none"> 1. Integrates with the existing transport network and any other planned network upgrades or development; 2. Does not compromise the safe and effective functioning of the transport network; 3. Responds to site and topographical constraints including opportunities to reduce the effects of earthworks on landscape and ecological values; 4. Provides for high levels of connectivity within and between transport modes; 5. Provides for pedestrian, cycling and micromobility safety and connectivity including access to and usability of public open spaces and access to public transport services; and 6. Provides transport corridors which: <ol style="list-style-type: none"> a. Allocate adequate space in the corridor for walking, cycling, micromobility, public transport (including stops), loading and parking, vehicles, infrastructure and street trees; and b. Include street trees that are suitable for their specific locations in the road reserve, where these: <ol style="list-style-type: none"> i. Are a species appropriate to the site’s growing conditions including soil, slope, aspect, wind, drought and salt tolerance; ii. Contribute to high quality public amenity through species | <p>The proposal is consistent with this direction, including as it:</p> <ul style="list-style-type: none"> - improves connectivity and accessibility for the site and surrounding environment; - supports peoples’ health and wellbeing - proposed minor amendments to the transport network to provide enhanced pedestrian facilities and efficient loading/vehicle servicing whilst also maintaining the safe, efficient function of Jervois Quay for through traffic; - maintains or enhances active transport parking facilities; - does not include new infrastructure that increases risk from natural hazards to people or other property or infrastructure or any adverse effects on historic heritage, viewshafts or SASMs. |

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| <p>diversity, habitat and food source value and appearance (mature height, stem girth and form);</p> <ul style="list-style-type: none"> iii. Have low maintenance requirements and high tolerance to pruning; iv. Are selected and sited to minimise safety risks for pedestrians, especially at night; v. Are sited to avoid compromising traffic safety sightlines in respect of traffic lights, signs, intersections, bus stops, pedestrian crossings and vehicle crossings; and vi. Are sited and planted to avoid compromising buildings, structures or infrastructure. <p>INF-CE-P18 Allow the upgrading of existing infrastructure within the coastal environment where it is located outside of high coastal natural character areas and outside of coastal and riparian margins.</p> <p>INF-CE-P19 Provide for the upgrading of existing infrastructure within high coastal natural character areas where the infrastructure is located underground or within an existing road reserve.</p> <p>INF-NH-P61 Only allow for new infrastructure, and any associated structures in the Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure or associated structures:</p> <ul style="list-style-type: none"> 1. Do not increase the risk from the natural hazard to people, or other property or infrastructure; 2. Incorporate design measures to reduce the potential for damage to the infrastructure following a natural hazard or coastal hazard event; and 3. When located in an overland flowpath, stream corridor, or high coastal hazard area, have a functional need or operational need that means the infrastructure's location cannot be avoided and there are no reasonable alternatives. <p>INF-OL-P62 Adverse effects of infrastructure on:</p> <ul style="list-style-type: none"> 1. Historic heritage; 2. Notable trees; 3. Sites and areas of significance to Māori; and 4. Viewshafts. | |

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| <p>In the overlays identified in clauses 1-4 above:</p> <ol style="list-style-type: none"> a. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new infrastructure, on the values and attributes of the above overlays; and b. Where the avoidance of adverse effects under clause a. is not possible, the appropriateness of the substantial upgrades to, or the development of, new infrastructure will be determined by having regard to the matters listed in INF-P6. | |
| <p>Transport</p> | |
| <p>TR-O1 Land use and development is managed to ensure that:</p> <ol style="list-style-type: none"> 1. High trip generating activities do not compromise the safety and effectiveness of the transport network; 2. A range of transport modes are provided for; 3. Reliance on private vehicles is reduced; 4. New development provides appropriate on-site facilities for cycling and micromobility users; and 5. Safe and effective on-site parking, loading, access and manoeuvring is provided. <p>TR-P1 Provide for high vehicle trip generating activities where they:</p> <ol style="list-style-type: none"> 1. Safely and effectively integrate with the transport network, including planned network upgrades and service improvements; and 2. Provide for pedestrian, cycling, micromobility and public transport modes. | <p>The proposal is well aligned with this direction.</p> <p>In removing the existing carparking building, the proposal supports a reduction in reliance on private vehicles. Appropriate on-site facilities for cycling and micromobility are provided as well.</p> |
| <p>Part 2 – District wide matters – Hazards and Risks</p> | |
| <p>Contaminated Land</p> | |
| <p>CL-O1 Contaminated land is identified and managed in order that it remains acceptable and safe for human health and its intended use.</p> <p>CL-O2 Remediation and/or site management of contaminated land contributes to the health and wellbeing of communities and increases development opportunity for new use and development.</p> <p>CL-P1</p> | <p>The proposal is well aligned with these aims insofar as it will remediate soil contamination in accordance with good practice management measures. While full site investigations have not been possible due to the earthquake prone status of the carparking building, the proposal assumes there will be contamination under the building which may need to be remediated/disposed of and appropriate management measures will be in place to ensure no adverse effects arise on human health or the local environment.</p> |

| Objective/Policy | Assessment |
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| <p>Recognise and provide for the benefits of remediation and site management in enabling development opportunities that can contribute to social, economic, and health benefits for people and communities.</p> <p>...</p> <p>CL-P3 Minimise the risk to human health from the subdivision, change of use or specified development of contaminated land by:</p> <ol style="list-style-type: none"> 1. Encouraging a best practice approach to site management for sites with elevated contaminant levels, which may include remediation, containment, and/or the disposal of contaminated soil; 2. Ensuring the land is safe for its intended use; and 3. Ensuring that land containing elevated levels of contaminants is managed to protect mana whenua’s significant sites, waterways, natural resources and associated values and relationships, as well as the general health and wellbeing of their people and rohe. | |
| Part 2 – District wide matters – Natural Environmental Values | |
| Public Access | |
| <p>PA-O1 Public access to the coast and waterbodies is maintained and enhanced.</p> <p>PA-O2 Public access does not have a negative impact on existing values such as natural character, indigenous biodiversity, landscape values, historic heritage, sites of significance to Māori or the coastal environment.</p> <p>PA-P1 Enable activities within coastal and riparian margins that do not limit or prevent public access to, along or adjacent to the coast and waterbodies.</p> <p>PA-P2 Maintain and enhance public access to, along or adjacent to the coast and waterbodies by:</p> <ol style="list-style-type: none"> 1. Ensuring that subdivision design and layout in and along coastal and riparian margins allows for public access to the coastline and waterbodies; 2. Requiring the creation of esplanade reserves and/or esplanade strips along the coastal environment and waterbodies (in accordance with SUB-P8); | <p>The proposal is consistent with this direction.</p> <p>Public access to Te Whanganui a Tara from the City will be enhanced through demolition of existing buildings and structures, site recontouring and new dedicated cross-park pathways.</p> <p>Given the existing status of the waterfront promenade and its ownership by the Council, a separate esplanade reserve or strip is not necessary. The proposal maintains the existing role of the promenade and enhances its functional relationship with, and physical access to, the Park.</p> |

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| <ol style="list-style-type: none"> 3. Requiring appropriate setbacks from existing public access corridors; and 4. Only allowing new activities within public access corridors where there is a functional need for the activity to be located within the public access corridor, there is no reasonably practicable alternative and adverse effects can be avoided, remedied or mitigated. | |
| Part 2 – District wide matters – General District-wide Matters | |
| Coastal Environment | |
| <p>CE-01 The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored or enhanced.</p> <p>CE-02 The identified characteristics and values of areas of high coastal natural character areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development.</p> <p>CE-03 Coastal margins and riparian margins in the landward extent of the coastal environment are protected from inappropriate subdivision, use and development.</p> <p>CE-04 Tangata whenua are able to exercise customary harvesting within the landward extent of the coastal environment.</p> <p>...</p> <p>CE-010 Green infrastructure is the primary methods used to reduce damage from sea level rise and coastal erosion.</p> <p>CE-P2 Provide for use and development in the landward extent of the coastal environment where it:</p> <ol style="list-style-type: none"> 1. Consolidates existing urban areas; and 2. Does not establish new urban sprawl along the coastline. | <p>The proposal is consistent with this direction.</p> <p>Use and development within coastal margins is to be provided for in the Waterfront Zone. The site and wider waterfront area does not have high natural character values, and the overall design of the proposal will enhance the overall quality of the coastal environment consistent with the current modified character.</p> <p>The proposal also includes water sensitive ‘green’ infrastructure consistent with Mātauranga Māori recommendations.</p> |

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| <p>CE-P3 Provide for restoration or rehabilitation of the natural character values and coastal and riparian margins within the landward extent of the coastal environment by:</p> <ol style="list-style-type: none"> 1. Recognising the values present that could be enhanced; 2. Encouraging natural regeneration of indigenous species, including where practical the removal of pest species; 3. Rehabilitating dunes or other natural coastal features or processes; 4. Restoring or protecting riparian and coastal margins; 5. Removing redundant structures that do not have heritage or amenity value; 6. Modifying structures that interfere with coastal or ecosystem processes; or 7. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain areas of indigenous biodiversity. <p>...</p> <p>CE-P6 Provide for use and development within coastal margins and riparian margins in the coastal environment where it is located in the highly modified Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone or Evans Bay Marine Recreation Area.</p> <p>CE-P8 Manage the removal of vegetation in the coastal environment as follows:</p> <ol style="list-style-type: none"> 1. Allow for the removal of vegetation in the coastal environment outside of high coastal natural character areas; 2. Allow for the removal of exotic vegetation in the coastal environment within high coastal natural character areas; and 3. Only allow for the removal of indigenous vegetation in the coastal environment within high coastal natural character areas that: <ol style="list-style-type: none"> a. Is of a scale that maintains the identified values; or b. Is associated with ongoing maintenance of existing public accessways. <p>...</p> <p>CE-P10 Avoid the establishment of activities that are incompatible with or detrimental to the natural character and qualities within the landward extent of the coastal environment.</p> <p>...</p> | |

| Objective/Policy | Assessment |
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| <p>CE-P25 Enable green infrastructure and encourage Mātauranga Māori approaches undertaken by a Crown entity or their nominated contractors or agents within the identified Coastal Hazard Overlay where this will reduce the risk from coastal hazards to people, property and infrastructure.</p> <p>CE-P26 Encourage green infrastructure measures and Mātauranga Māori approaches when undertaking coastal hazard mitigation works within the identified Coastal Hazard Overlays where this will reduce the risk from coastal hazards to people, property and infrastructure.</p> | |
| <p>Earthworks</p> | |
| <p>EW-P12 Provide for earthworks within coastal margins and riparian margins within the coastal environment where located inside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone where:</p> <ol style="list-style-type: none"> 1. They are of a scale and for a purpose that is compatible with the natural character of the coastal or riparian margin concerned; 2. They are undertaken in a manner that avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the natural character of the coastal environment and the affected margins; 3. There is a functional need or operational need for the earthworks to be undertaken within a coastal or riparian margin; 4. They would not significantly increase the flooding risk, when compared to the existing situation, including by compromising the effectiveness of community scale natural hazard mitigation structures; and 5. They incorporate measures to restore and rehabilitate disturbed areas. | <p><i>Subject to appeal at time of writing</i></p> <p>The proposed earthworks are aligned with the requirements set out in this policy and are to be provided for accordingly.</p> |
| <p>Light</p> | |
| <p>LIGHT-01 Artificial lighting provides for outdoor activities, safety, and security after dark.</p> <p>LIGHT-02 The adverse effects of outdoor artificial lighting on sensitive activities, traffic safety, aviation safety, coastal wildlife and the night sky are limited.</p> | <p>The proposed lighting will enhance night-time health and safety of Park and waterfront users, whilst being of a nature and intensity that does not adversely affect sensitive activities, traffic or aviation safety or local wildlife.</p> <p>Such lighting is to be allowed under these provisions.</p> |

| Objective/Policy | Assessment |
|---|------------|
| <p>LIGHT-P1 Allow outdoor artificial lighting that maintains health and safety, and enables appropriate night-time activities.</p> <p>LIGHT-P2 Require outdoor artificial lighting to be designed, located and oriented to maintain amenity values, traffic safety, aviation safety and to minimise effects on wildlife in coastal margins.</p> <p>LIGHT-P3 Ensure the safety and security of shared or publicly accessible spaces by providing appropriate outdoor artificial lighting.</p> | |