
ORDINARY MEETING

OF

CITY STRATEGY COMMITTEE

MINUTE ITEM ATTACHMENTS

Time: 9:30 am
Date: Thursday, 17 August 2017
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

Business

Page No.

3.2 Oral Hearings for Development proposal for Site 9, Wellington Waterfront

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3.3 Oral Hearings for Polhill track proposals

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Public feedback shows just over half of Wellingtonians approve of new waterfront building

GED CANN

The DominionPost, August 15 2017

Comments on "Stuff" website, August 16 2017

2 hours ago

Michael Gibson

Oh dear, I'm first up at the Committee Meeting at 9.35 tomorrow morning (Thursday). My submission is that Site 9 should be a Chinese Garden. Apart from anything else, this would save the Council the huge cost of employing four top-paid lawyers trying to wreck part of the waterfront by having one somewhere else. The Councillors can remind the developer that decent folk these days are giving away their money to build Children's Hospitals etc. and that he should also give away some of his past profits for a worthwhile cause. After all, a Chinese Garden would be so much better than blocking a really important view-shaft.

KiwiJoe

...and which earthquake will this one fall down in?

John Smith

Wellington City Council may as well change their name to **Wills Bond Cassells**.

Timo

Please bring back the beautiful camper carpark. I miss walking past the travellers washing their dirty dishes out of the back of their Nissan Bongos.

JoBlo

"just over half of Wellingtonians approve of new waterfront building"

How do you know this? Did you ask 200,000 people?

Gerald Granger

no, change the headline to say "...over half of SUBMITTERS approve...". headline suggests a survey of "Wellingtonians" took place

MaxKelly

Did you happen to overlook that Bob Jones company is one of the objectors?

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SITE 9 – NORTH KUMUTOTO DEVELOPMENT PROPOSAL

COUNCIL MEETING, 17 AUGUST 2017

SUBMISSION IN RELATION TO FEEDBACK BY AMP CAPITAL INVESTORS LIMITED

1. Introduction and Background

- 1.1 AMP Capital Investors (New Zealand) Limited (AMPCI) provided feedback on the proposal to construct a five-level building on Site 9. AMPCI is the New Zealand Property Fund manager of investment entity, PSPIB Waiheke Inc., owner of the building located at 2-8 Waring Taylor Street and 109 Featherston Street. PSPIB Waiheke Inc. is a wholly owned subsidiary of Public Sector Pension Investment Board (PSPIB). PSPIB is one of Canada's largest pension investment managers with C\$125.8 billion of assets under management as at 30 September 2016. PSPIB invests funds for the pension plans of the Public Service, the Canadian Armed Forces, the Royal Canadian Mounted Police and the Reserve Force. The views represented in this submission should be regarded as the views of PSPIB Waiheke Inc. We confirm that AMPCI has authority to make this submission on behalf of PSPIB Waiheke Inc.
- 1.2 AMPCI understands that Site 9 has been earmarked for development and that environmental effects will occur as the result of any development that occurs. AMPCI is cognisant of the fact that the degree of effect of development must be consistent with the level of affect that is anticipated for the site by planning guidelines. Development at this site is required to achieve a higher design standard due to the sensitivity of the location.
- 1.3 As a corporate citizen AMPCI has a justifiable expectation that the quality of nearby development should be good for the city and its people.
- 1.4 This submission expands on the feedback AMPCI provided on the proposed Site 9 development. We have broken the submission down into five parts, being:
- The Environment Court Decision on Variation 11;
 - The District Plan and the Wellington Waterfront Framework;
 - Relationship to heritage buildings;
 - Relationship to public open space; and
 - Public notification.

2. Variation 11

- 2.1 Wellington City Council (the Council) proposed Variation 11 as a modification to that part of district plan change 48 that relates to the City's waterfront. DPC 48 is now operative but Variation 11 was appealed to the Environment Court (the Court) and was not introduced.

- 2.2 In its decision, the Court made various findings. Those findings remain relevant as planning principles to consider, despite the fact that Variation 11 was not adopted.
- 2.3 Within its decision the Court found that Sheds 13 and 21 contribute to the understanding and appreciation of New Zealand's history and culture. To be consistent with the NZ Coastal Policy Statement (NZCPS) Variation 11 needed to protect historic items and values.
- 2.4 The Court concluded that Variation 11 did not meet the NZCPS expectations with respect to the protection of historic heritage values. It concluded that *"We have found that the Variation does not assist to the extent it should, given the directives of the NZCPS concerning heritage matters ..."*¹
- 2.5 Variation 11 (Appendix 13) sought to introduce two maximum building height limits for Site 9. That is, a maximum height of 25m at the northern end of the site and 16m at the southern end. The Court recommended that the height limit be reduced to a maximum of 19m and 16m, as *"lowering the 25m allowance to 19m would equate to the Meridian Building annex and provide relativity to Shed 13"*² The court was concerned that new development approved under Variation 11 designed up to the maximum proposed height limit (25m) could 'overwhelm' historic buildings.
- 2.6 From the information that is available it would appear that the proposed building will be constructed to a height of between 21m and 23m. A building built to this height has the potential to adversely impact on the neighbouring historic building (Shed 13), as well as creating other adverse environmental effects.
- 2.7 The Environment Court identified that proposed Variation 11 did not go as far in protecting historic heritage items as is required by the NZCPS. The proposed building has the potential to result in adverse environmental effects to historic heritage values, which the Court sought to avoid.

3. District Plan and the Wellington Waterfront Framework

- 3.1 The currently operative district plan requires that the proposed building requires consent as a discretionary activity under rule 13.4.7. The rule directs an applicant to consider Objective 12.2.8 (Lambton Harbour Area). The methods to achieve the policies associated with objective 12.2.8 include guidance within the Wellington Waterfront Framework (the Framework).
- 3.2 I note that the policies set out under Objective 12.2.8 reflect the aspirations of the Framework. In particular, the policies seek that any proposed building development:
- Be in sympathy with associated public space (Policy 12.2.8.1);
 - Maintain and provide for access to and from the water (Policy 12.2.8.2);
 - Enhance the overall quality of the Lambton Harbour Area (Policy 12.2.8.3);
 - Maintain the heritage values associated with the waterfront (Policy 12.2.8.4);
 - Provide for new development which adds to the waterfront character and acknowledges relationships between the city and the sea (Policy 12.2.8.6); and
 - Provide for public involvement in the waterfront planning process (Policy 12.2.8.8)
- 3.3 Policy 12.2.8.6 (development to add to waterfront character and quality) includes a series of assessment matters to consider. The first matter is a requirement to consider the principles and objectives of the Framework. Further items to consider include: that the building have an active

¹ Paragraph 13 of Decision NZEnC ENV-2009-WLG-000224 and 000225

² Paragraph 115 of Decision NZEnC ENV-2009-WLG-000224 and 000225

edge that supports public access/ use; that the building be appropriate to the scale of other existing buildings; and that the building does not have a material effect on sunlight to open space.

- 3.4 One of the principles for development identified in the Framework is that the ground floor of a building be predominantly accessible to the public³. Buildings and activities established on Site 9 are required to be focused outward to address their surroundings.
- 3.5 Design detail that shows whether this outcome is achieved is not yet publicly available. An annotation on the consultation documents that were issued by the Council does however note that 'on the ground floor, more than half the space would be publicly accessible ...'. While this information is helpful it does not quantify the actual amount of publicly accessible space that will be provided. The aspiration of the Framework appears to be that the public should be able to access the majority of the ground level of a building, not just half of it.

4. Relationship to Public Open Space

- 4.1 The zero-height limit for this site (operative District Plan) dictates that all environmental effects that could result from the proposed building must be thoroughly assessed under an appropriate planning process.
- 4.2 The height limit proposed as part of Variation 11 (25m) was deemed inappropriate by the Court for a number of reasons. Two of the concerns raised by the Court were that a building constructed up to the proposed height limit could adversely affect heritage items and public open space. A lower maximum height limit of 19m was recommended.
- 4.3 A key value that is sought to be protected under both the Framework and the operative district plan is the amenity of adjacent public space. Bullet point 6 in policy 12.2.8.7 of the district plan requires an assessment of 'whether the addition will have a material effect on sunlight access to any open space'.
- 4.4 Shading information was not provided as part of the consultation documents that were released by the Council. To assist in its understanding of the likely level of shading that will occur, AMPCI engaged Warren and Mahoney architects to provide a building bulk model and shading diagrams. A copy of those diagrams is attached.
- 4.5 The drawings compare the bulk and form of the proposed building⁴ with the height / form of a building designed in accordance with the height limit allowed under Variation 11, and the height limit recommended by the Environment Court.
- 4.6 The shading information shows that shading by the proposed building will be the same or similar to shading by a building designed up to the height limit that was deemed inappropriate by the Court. The proposed building will shade adjacent public space, including Site 8.
- 4.7 The bulk of the proposed building appears as though it will be overbearing when viewed from within the adjacent plazas and other public areas. The Warren and Mahoney diagrams and the visual simulations that were provided within the Council consultation documents show the proposed building as being larger than a building designed in accordance with the Court

³ Page 19, Wellington Waterfront Framework – Principles

⁴ Building height, bulk and location shown on attached diagrams is estimated from available information

recommendation, and larger than the Meridian building. The building is therefore likely to have consequential adverse effects on nearby public space.

- 4.8 Sunlight protection rule 13.6.3.4 of the operative District Plan requires that sunlight access to Kumutoto Plaza, which is located to the south of the proposed building, must be maintained. The requirement applies to shading by that part of a building that is over 14.4m above the ground. Shading by the upper portion of the proposed building has the potential to shade the plaza.

5. Relationship to heritage buildings

- 5.1 Central to the Environment Court decision on Variation 11 was the issue of effects to heritage features and values. The Court found that heritage values were not adequately protected under the proposed provisions.
- 5.2 The southern end of the proposed building appears to be taller than the 19m height limit that was suggested by the Court to protect the heritage value of Shed 13. It will be taller than the Meridian building.
- 5.3 The Court recommended that the maximum height limit be reduced to the same height as the Meridian building to ensure that the building is in scale and is appropriate in its context. The proposed building, which appears to be up to 23m high, has the potential to be out of scale with the neighbouring historic building (Shed 13) and the Meridian building.

6. Public notification

- 6.1 One of the key principles for development within the Lambton Harbour Area identified in the Framework is that the public should be consulted on any proposed development, either through the stage two process or through a statutory planning process.
- 6.2 This presumption of notification was brought down into the operative district plan. Policy 12.2.8.8 seeks to provide for and facilitate public involvement in the waterfront planning process. The explanatory commentary for this objective state *"The waterfront is predominantly a public area, a place owned by all Wellingtonians ... the public will be consulted the development of plans for the waterfront ... and enabled to participate through the statutory planning process about any proposed new buildings and any significant changes to existing buildings."* [highlight added]
- 6.3 AMPCI intends to review and submit on the notified resource consent application for the building when it is lodged for processing at Wellington City Council.

7. Conclusion

- 7.1 The matters covered in this submission are important to PSPIB Waiheke Inc as the proposed building has the potential to impact on public amenity and on the amenity of the property at 109 Featherston Street.
- 7.2 Variation 11, the Court decision and the operative district plan are documents that provide planning guidance to consider in the assessment of effects for the proposed building.
- 7.3 The proposed building appears to be taller than the height limit recommended by the Court. While it is not possible to determine the exact extent of effects of the proposed building on 106

Featherston Street and on public space from the information that is available, the drawings prepared by Warren and Mahoney show that shading will occur. The shading will be similar to shading caused by a building constructed in accordance with the height limit proffered in Variation 11.

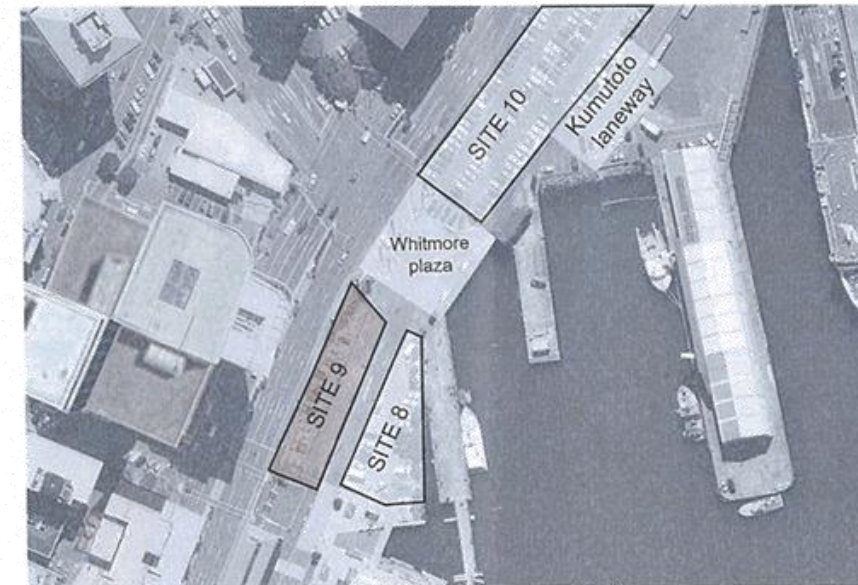
- 7.4 The operative district plan and other planning guidance direct that any proposal to construct a building on Site 9 must be publicly notified. The documents provided in support of the publicly notified resource consent application for the proposed building will need to demonstrate that all potential adverse environmental effects are adequately mitigated.
- 7.5 If suitable mitigation cannot be incorporated into the proposed development to ensure that the adverse effects are not greater than those deemed appropriate by the planning guidelines for this site, then the resource consent application should not proceed.

Laurence Beckett

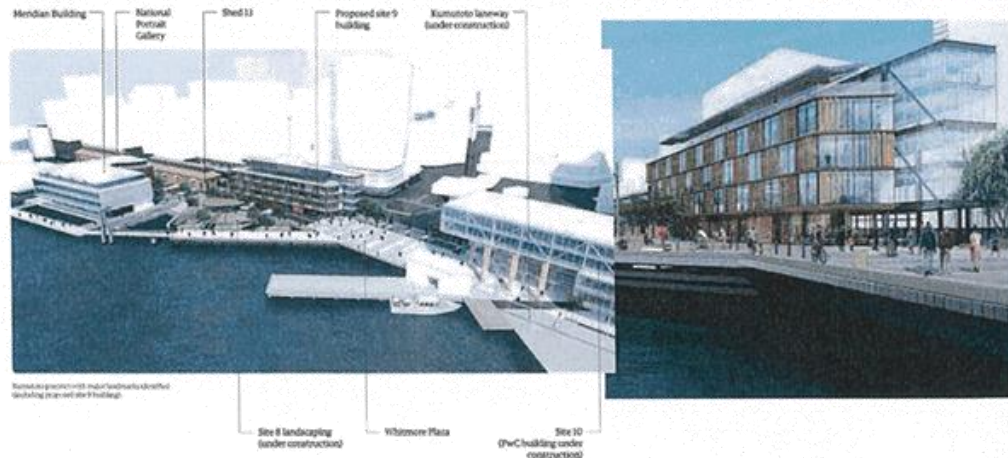
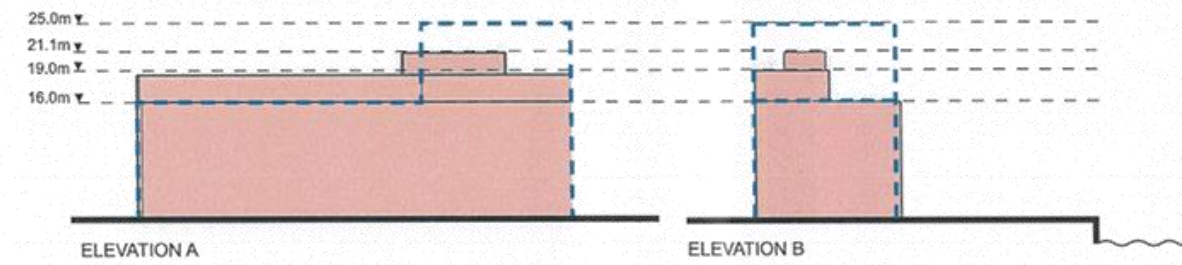
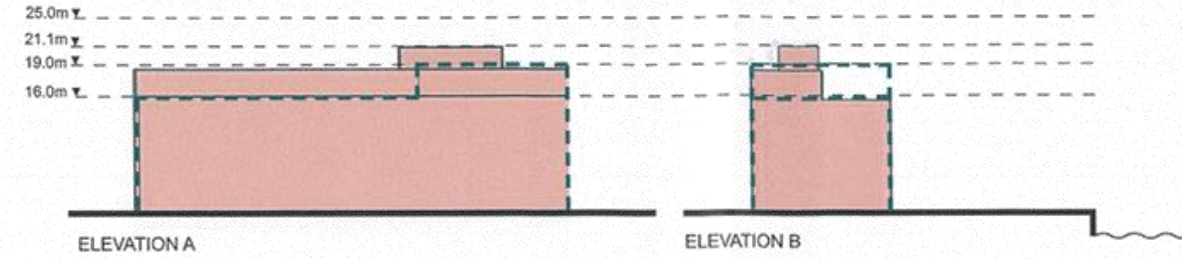
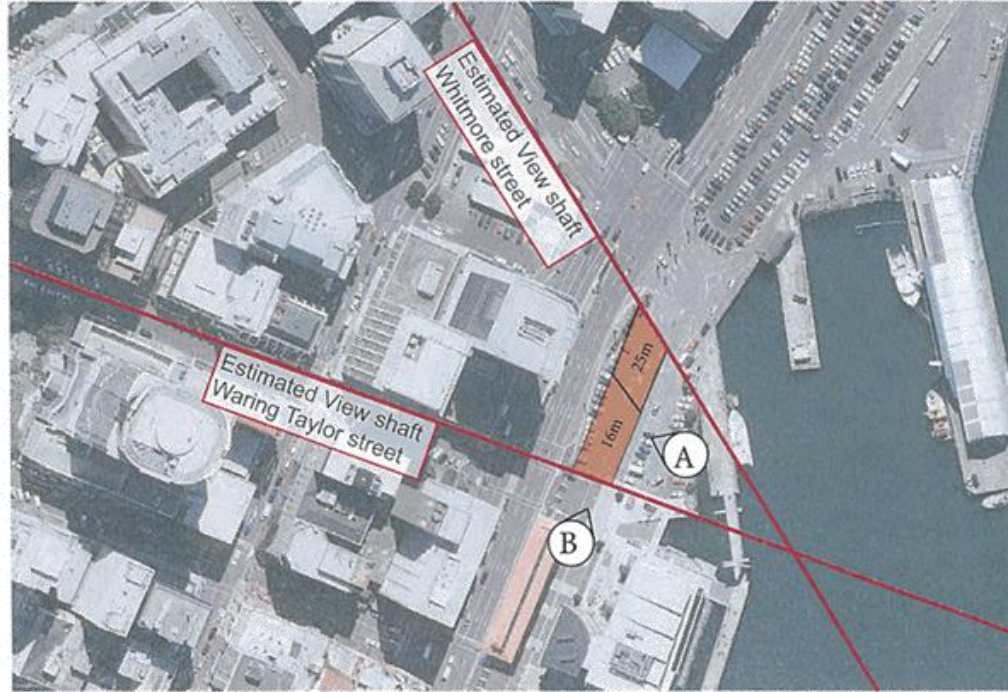
17 August 2017

SITE 9 INVESTIGATION

- SITE



SITE 9 INVESTIGATION - ELEVATIONS



Estimated building heights		Min	Max
Ground floor height	x 1	4.2m	4.5m
Office floor height	x 4	3.6m	3.8m
Roof plant height	x 1	2.5m	3.0m
Total building height	x 1	21.1m	22.7m

KEY

- Proposed Site 9 building (Estimated bulk)
- Variation 11 building height limits
- Environment court building height limits

SITE 9 INVESTIGATION - SUN STUDY

Estimated building height (minimum)



Winter Solstice - 3:30 PM

Environment Court (19m North, 16m South)



Winter Solstice - 3:30 PM

Variation 11 (25m North, 16m South)



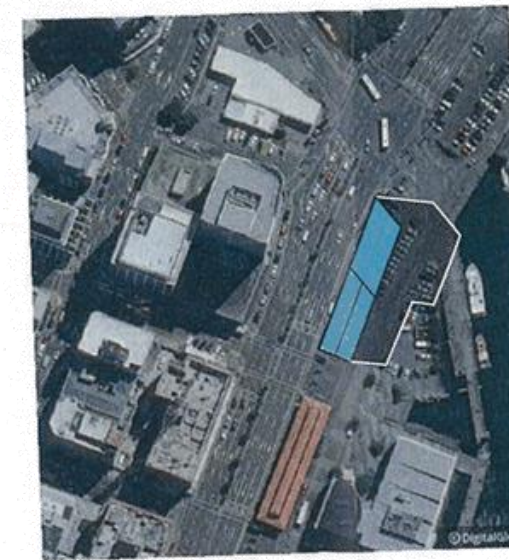
Winter Solstice - 3:30 PM



Summer Solstice - 3:30 PM



Summer Solstice - 3:30 PM



Summer Solstice - 3:30 PM

Objections to proposal for new 5-storey building at Site 9, North Kumutoto

Presented to City Strategy Committee on 17 August 2017

[1] **Height of building:** The proposed height is greater than the maximum set down by the Environment Court in 2012, and will be out of proportion to both its neighbours – in particular, it will overwhelm Shed 13.

The public announcement calling for submissions on the proposal said “The proposed building is generally in scale with neighbouring premises.” I object to the Wellington City Council being publicly deceitful on this matter when it supports a proposal that contravenes a court decision.

[2] **Size of building:** The proposed size cuts off views of the harbour and infringes on viewshafts. It creates a barrier between the CBD and the waterfront.

[3] **Not strategic to allow a building instead of retaining open space:** This is the City Strategy Committee, which should be taking a wider planning view when it makes decisions.

In particular it should pay attention to the city’s own publication, *Wellington Urban Growth Plan 2014-2043*, adopted in June 2015, which sets out population growth and what arises from that growth, especially in relation to recreational space.

The figures (page 21) are an increase in residents from 200 thousand in 2013 to 247 thousand in 2043, with an 88% increase in central area dwellings (Wellington Central, Te Aro, Pipitea, Thorndon) and more high-density housing.

Where will these people relax and keep healthy? The same *Wellington Urban Growth Plan* says (page 22) under the heading What we plan to happen:

- our investment in the natural environment and parks keeps pace with the city’s population growth;
- our network of open spaces, parks and reserves, the waterfront, harbour and coastline continue to be highly valued by residents and are easily accessible

This strategy committee should take a long term view – stick to one of its areas of focus “**Social and recreation** – providing facilities and recreation opportunities to all to support quality living and healthy lifestyles and to increase social equality” – instead of succumbing to short term commercial inducements such as this building proposal.

I urge you as the City Strategy Committee to be truly strategic and retain Site 9 as open space to meet the social and recreation needs of the planned increase in Wellington’s population.

David Zwartz
54 Central Terrace, Kelburn
zwartz@actrix.co.nz

Newcrest Oral Submission to WCC on Site 9

17 August 2017

I'm Andrew Fraser, director of Newcrest, an experienced development management company that is currently managing the 20 Customhouse Quay project on the former BP House site in Wellington. Newcrest also represents the owners of the land under the Z Energy site on Waterloo Quay.

I want to make it clear at the outset that we are not opposed to the development of this site in principle. We invest in Wellington and we support a vibrant waterfront.

In fact, we would not oppose a development that complies with the District Plan, Environment Court determinations and respects its neighbours and its context.

However, we oppose this particular development for Site 9 because of its height and intrusions into view shafts.

The proposed building is well in excess of the height determined by the Environment Court as being appropriate for the site.

In 2012, the Environment Court determined that the maximum height on Site 9 should be 19 metres above mean sea level on the northern half of the site and 16 metres above mean sea level on the southern half. These heights were to include rooftop plant.

The proposed building exceeds those heights significantly

- by at least 2 metres on the northern part of the site,
- by at least 5 metres on the southern part of the site
- by around 8.5 metres for the rooftop plant (predominately in the southern part).

Put simply, in terms of heights above ground level, those infringements are 11%, 37% and 63% respectively.

The height infringements of the proposed development will affect the views from an additional three levels of neighbouring properties compared to a complying scheme, causing a substantial loss of value to those properties. This is unfair.

In our case, we have made a substantial investment at 20 Customhouse Quay with the expectation that the decision of the Environment Court would be respected.

In addition to the height infringements, we were surprised to learn that the building seems to infringe into two view shafts.

We wanted to be sure of our facts so we engaged an architect to draw the building in a 3D model based on the information that we had available through the public consultation process.

In this slide **[refer to slide 2]** our architect has estimated the view shaft infringements based on the District Plan and the public information we have on Site 9, shown by the black lines.

As you can see, there appear to be substantial portions of the building intruding into the view shafts at both the northern and southern ends of the site. Our architect estimates that the intrusions are in excess of 3.2 metres at the northern end of the site and 2.2 metres at the southern end.

The views that are intended to be protected are views of the harbour and the scenery beyond from vantage points inside the CBD and so the worst place to intrude into the view shafts is on the waterfront.

We had previously understood that the Council strictly enforced the view shafts in the District Plan.

As you can see from this image [refer to slide 3], when seen from the Customhouse Quay side, which will be the side that people would see most often, the building appears to tower over the historic Shed 13 building to the South.

In this image [refer to slide 4] the infringing parts of the design are shown in red. This includes both view shaft infringements and height infringements. As you can see, the areas of infringement are extensive. A complying building (as shown by the remaining grey portion) would be far more appropriate for its context.

We have heard the suggestion that the decision of the Environment Court was just a guideline and not mandatory. We do not believe that to be the case. Our legal opinion states and I quote:

“there has in fact been an extensive consideration of the appropriate maximum height for Site 9 by the Environment Court, in the context of the current District Plan provisions. In particular, the Court found that the appropriate maximum heights to meet the District Plan objectives and policies and to meet the provisions of the RMA were a stepped maximum height of 19 metres to 16 metres above mean sea level.

This was not the Court merely establishing some sort of “guideline”. It was a decision on what was the appropriate maximum height.”

There was a great deal of thought and consideration that went into the Environment Court decision, as well as Variation 11, which also provided for the maximum height to be 16 metres above mean sea level over the southern half of the site. There were good reasons for that and those good reasons still apply today.

By promoting a non-complying development, the Council risks turning something that could be straightforward into something that will be unnecessarily costly for the proposed development and also for neighbours and other affected parties who are committed to protecting their interests.

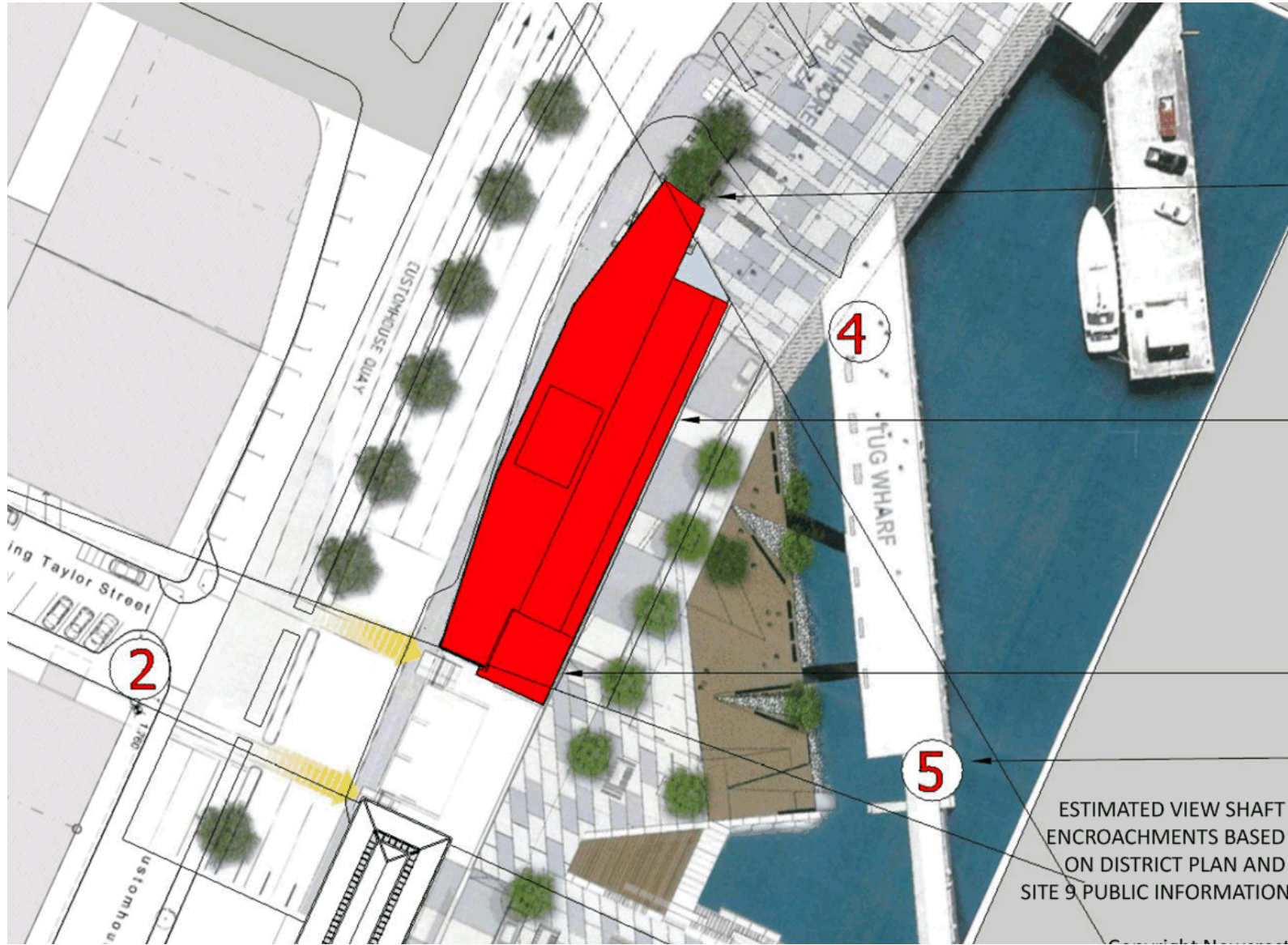
It would also be a waste of the Environment Court's time to be asked to reconsider a matter it has already decided, and it would also re-open a decision that the Council itself has invested heavily in to obtain.

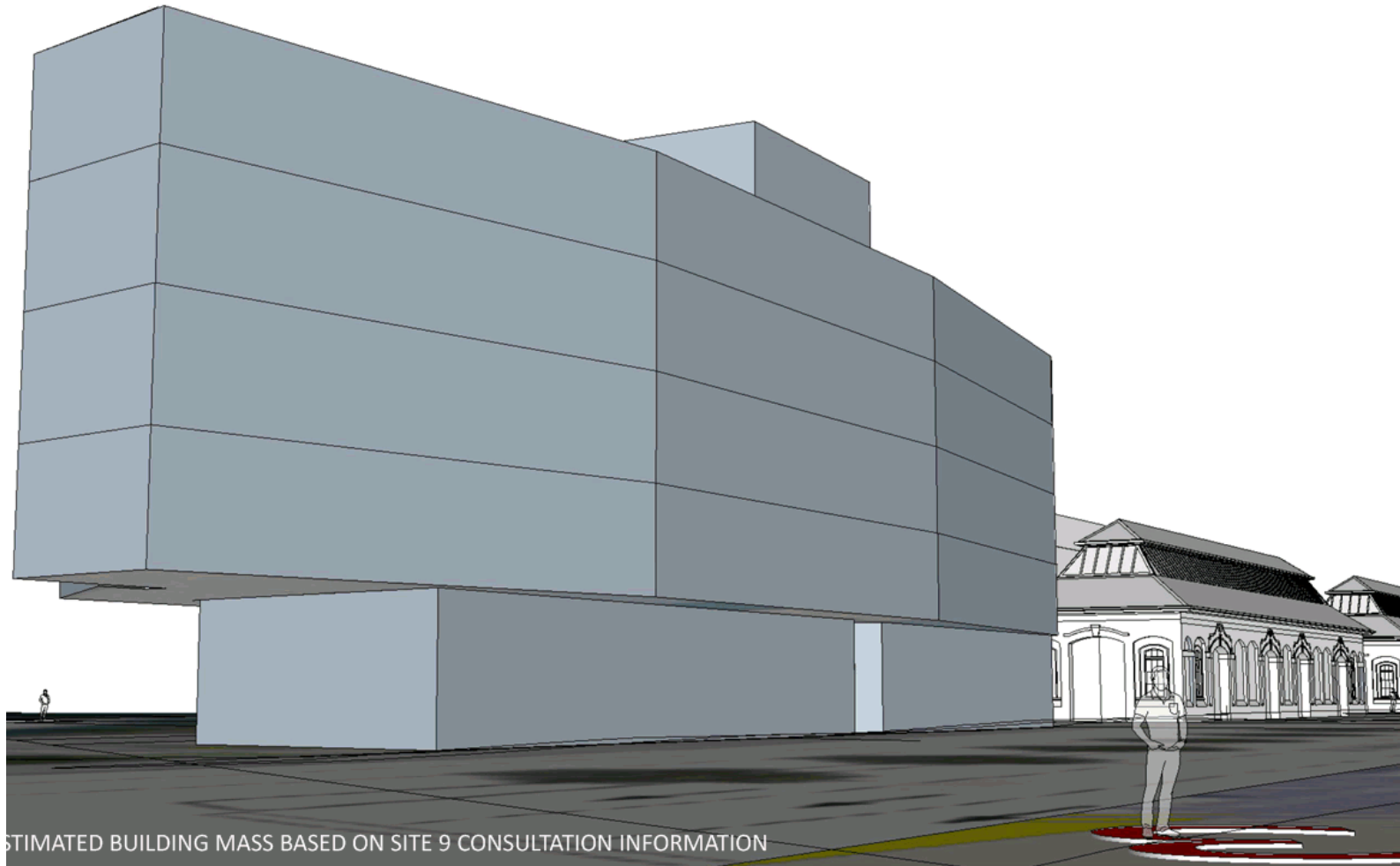
An unintended consequence could be that if the Court is asked to reconsider the height, it could decide that the height should be lower rather the higher -- or it might even be persuaded that a building on Site 9 is longer appropriate.

Item 3.2 Attachment 4

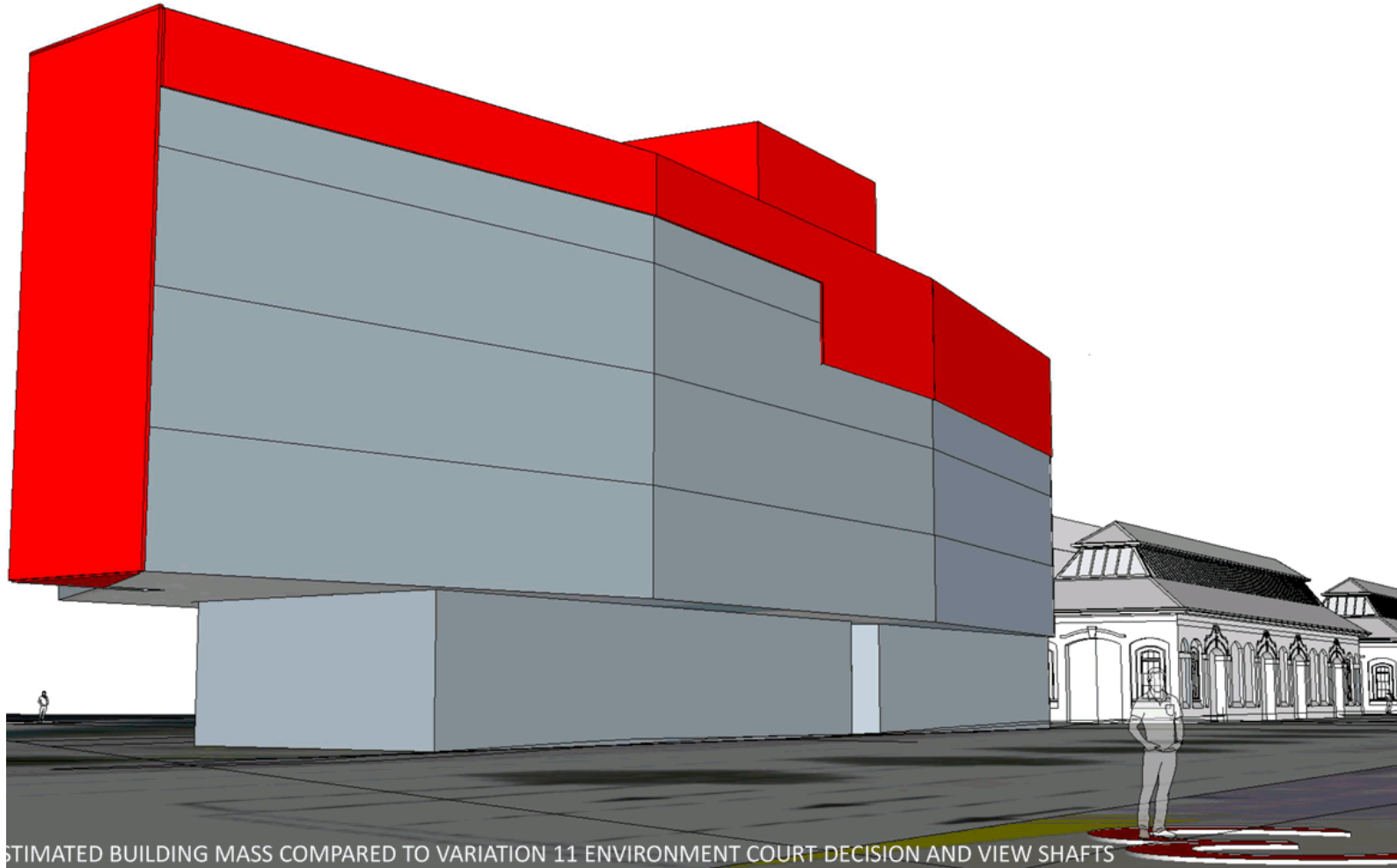
We urge the council to amend the proposal to ensure it complies with the maximum heights determined by the Environment Court and with the view shafts in the District Plan. If the design is not modified as we suggest then we will strongly oppose it.

NEWCREST ANALYSIS OF SITE 9





ESTIMATED BUILDING MASS BASED ON SITE 9 CONSULTATION INFORMATION





10 August 2017

Lincoln Fraser
Development Director
Newcrest Limited
AUCKLAND

By Email: lincoln@newcrest.co.nz

Dear Lincoln,

SITE 9, WELLINGTON WATERFRONT – HEIGHT

1. A question has arisen over the maximum height for buildings on Site 9 on the Wellington Waterfront.
2. In particular, you have referred me to a statement reported in *Stuff* on 22 June 2017 by the Chief City Planner, David Chick, when commenting on a statement by Waterfront Watch that the Environment Court ruling had said the maximum height should be 19 metres, apparently said that 19 metres “was only a recommended height and not a stipulation”. You mentioned that a City Councillor has also said he understood the maximum height ruled by the Environment Court were just a “guideline”.
3. The only definitive rule covering maximum height is that found in the Wellington City Council’s District Plan where the maximum height is currently described on the vacant Site 9 as “zero metres above mean sea level”.
4. There are two points to make out of this. Firstly, that the District Plan contemplates heights being measured from **mean sea level**. Secondly, the District Plan does not state that any particular height is acceptable. The Environment Court in 2012 noted (paragraph [33]) that the District Plan “does not provide a permissive height limit for buildings in the Lambton Harbour area”. The Court noted that the purpose of the control was to trigger a requirement for a resource consent.
5. The Council had proposed by way of Variation 11 to Plan Change 48, which was a review of the Central Area chapters of the District Plan, to introduce specific provisions governing the footprints of buildings and maximum height for defined areas within the North Kumutoto Precinct.
6. An appeal by Waterfront Watch on the Council decision on Variation 11, was heard by the Environment Court in 2012 (Judge Thompson). He noted (paragraph [12]) that the Variation defined three areas in the North Kumutoto area as “suitable for building”, each of them with a prescribed building footprint, in which buildings may be constructed up to a range of specified maximum heights. The Court noted that “heights are expressed as **above mean sea level** (MSL) – ground level is c 2.5 metres above MSL”. The Court went on to note that in respect of Block B (which is now known as Site 9) the variation proposed a 25 metre maximum height (described as 5 – 6 storeys) and in the southern half of Block B, a 16 metre (described as 3 storeys) maximum height, above mean sea level. It noted that buildings within their footprints

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and the maximum heights would be restricted discretionary activities and if the limits were breached, non-complying.

7. The Court went on to note that Waterfront Watch considered that the scale, bulk and height of buildings provided for by these maximum dimensions of footprint and height would overwhelm the remaining Heritage buildings in the area and obscure views of the harbour front and destroy the sense of open space along the waterfront. Therefore the Court had to determine the merits of the proposed maximum height and building footprints in reaching its decision.
8. There appears to have been some suggestion that as a restricted discretionary activity application was required which involved consideration of good design, it may well be that the final outcome would be some building lower than the proposed maximum heights. The Court noted that (paragraph [105]) "it is unlikely in the extreme that any would-be developer will opt for something less" than the maximum height. Accordingly, the Court had to focus on whether the maximum height that was proposed would be an acceptable environmental outcome. The Court considered that the maximum height in the variation "is an imperative beyond which a building cannot go" and therefore it was to be assessed on that basis (paragraph [78]). The Court, furthermore, accepted the Council's position that the imposition of design guidelines "is a move away from a rigid set of rules that may stifle initiative" but ruled that "some certainty of outcome is essential to meet the objectives and policies of the District Plan" (paragraph [112]).
9. The Court then went on to consider what that maximum height imperative should be, beyond which a building should not be able to go. For Block B (Site 9) the Court reached the following decision (recalling that the heights were from MSL):

"[115] ... The maximum height of the Block B should be 16 metres and 19 metres accordingly (a lowering of the 25 metre allowance to 19 metres which would equate to the Meridian Building Annex and provide relativity to Shed 13)."
10. Ultimately, for a whole variety of reasons, the Environment Court felt that the variation needed so many other changes or improvements to be consistent with the objectives and policies of the District Plan and to meet the requirements of the RMA, in addition to those specific changes which the Court was able to make based on the evidence, that it determined that the variation was unsafe to proceed. It therefore allowed Waterfront Watch's appeal. Consequently, the variation did not proceed.
11. The key point about all of this is that there has in fact been an extensive consideration of the appropriate maximum height for Site 9 by the Environment Court, in the context of the current District Plan provisions. In particular, the Court found that the appropriate maximum heights to meet the District Plan objectives and policies and to meet the provisions of the RMA were a stepped maximum height of 19 metres to 16 metres above mean sea level.
12. This was not the Court merely establishing some sort of "guideline". It was a decision on what was the appropriate maximum height. Accordingly, while that maximum height combination of 19 metres and 16 metres for Site 9 did not end up as a rule in the District Plan so that building might be constructed up to that height as a discretionary activity, and instead the permissible maximum height remains at zero metres, it is quite inappropriate for the Council to describe the maximum heights specified by the Environment Court as some sort of guideline. The only way the Court's decision can be described is as a finding that on Site 9 the maximum heights should be restricted to 19 metres and 16 metres above mean sea level. It is quite misleading to describe the Court's determination on this point as a guideline.
13. Finally, I note that the Council's North Kumutoto design brief adopted on 22 November 2012 had some suggested maximum heights for Site 9, which was consistent with the Environment Court's findings of 19 metres and 16 metres. However, it erroneously described those as "maximum height above ground level" when it is quite explicit in the Environment Court's decision that those same maximum heights were to be measured above mean sea level.

14. It is also apparent from the Environment Court's decision in 2012 that the maximum heights above mean sea level were the maximum for all aspects of the building, that is the various floors or storeys as well as plant.
15. For example, for Block A, where the Court considered a permissible height of 22 metres would be appropriate (paragraph [112]), the Court explained that this maximum height would accommodate a 6 metre ground floor and other storeys of 4.2 metres which would result in a four storey building with scope for rooftop plant. That is, everything is within the 22 metres. This follows as you would have a building potentially 18.6m high, if you take the 6m ground floor plus 3 upper floors of 4.2m mentioned by the Court, leaving the rooftop plant to be located between the 18.6m main building height and the 22m maximum).
16. I make this point about rooftop plant because the Council's design brief suggests that the stated maximum height of 19 metres and 16 metres does not include plant on top. That is quite inconsistent with the Environment Court's finding, as is the failure of the design brief to use MSL as the measuring point.

I trust this clarifies matters.

Yours sincerely,



Derek Nolan QC

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ORAL SUBMISSION SITE 9 – 17TH AUGUST 2017 – Pauline & Athol Swann

Thanks you for the opportunity to speak to our written submission which I understand you all have a copy of.

Views....One of the major concerns of many Wellingtonians who objected to Variation 17 was the loss of views resulting from the placement of buildings and the WCC analysis of the submissions showed that 1262 people were concerned about the loss and destruction of views both toward the sea and from the waterfront to the city.

Jan Gehl came twice to Wellington and at a public meeting he said any new buildings should be only 2/3 storeys high and in a press release said he would favour a string of low rise café and craft style buildings similar in height to the boatsheds but with plenty of clear views from the city to sea.

On another visit he commented "A significant recording is that the highest number of cultural activities and children playing are found on the waterfront where the space is wide enough for children to run around freely. As such the Waterfront is the playground of Wellington."

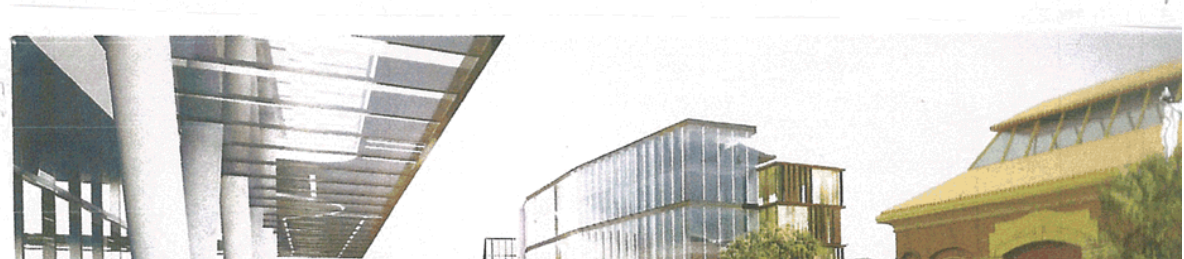
As we have said in previous submissions, Wellington has one of the most beautiful harbours in the world, surrounded by hills and the wharf area sits within a natural amphitheatre. With the increase in cruise ship passengers who walk along Aotea Quay, what a disappointment to arrive at Kumutoto to be greeted by office blocks which will create shadows and the loss of views to Mt Victoria, Te Papa, the Monastery, fishing vessels etc. We can only imagine how they would prefer a recreation area with a variety of green spaces, shelter, seats, artisans workshops and access to hiring of cycles, scooters, crocodile bikes etc to continue on to Oriental Bay. This will also be the case for Wellingtonians and visitors arriving by train or bus and tourists at the Youth Hostel in the old Waterloo hotel who will all have their current harbour views totally obliterated.

My husband and I are tired of being told by developers and councillors we cannot afford a park without buildings as this land was returned to the ratepayers of Wellington at no cost by the Harbour Board and once again another quote from Paul Blaschke (who lectures in environmental studies and health at Victoria and Otago Universities) "Parks and green spaces are easily overlooked in discussions about urban resilience but in fact they contribute enormously to city residents' wellbeing and quality of life,

Council cannot continue to ignore feedback from the public who are not short on ideas and creativity on how to use the waterfront rather than treat it as an extension of the CBD.... We have a duty to preserve public space for future generations.

Finally the Eastbourne Ferry Terminal was built in 1912 and was an integral part of the recreational and commuter transport system in Wellington until 1948. We consider that this area should be landscaped to set the building up as one of our treasures

Pauline and Athol Swann.





David Harkness

Polhill Reserve Track Proposals consultation



1. Separate the traffic & support Proposal 1

2. Treat Polhill trails as a network

& support Proposals 2&3, and implement Signage

3. Let's have some fun



Budget for tree carvings and trail features

Lets get on with it

1. Separate the traffic – support Proposal 1
2. Treat Polhill trails as a network – support Proposals 2&3, and implement Signage
3. Let's have some fun – budget for tree carvings and trail features



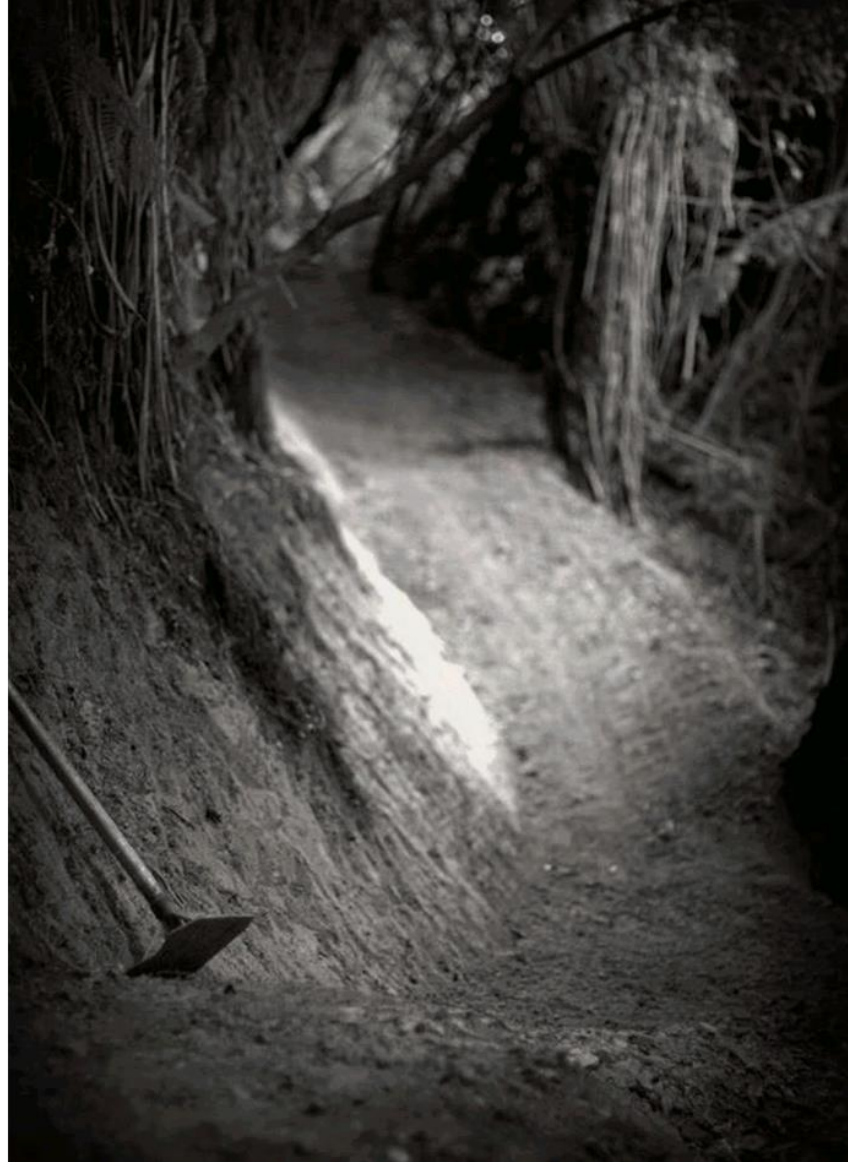












> From: russell_taylor@clear.net.nz [mailto:russell_taylor@clear.net.nz]
> Sent: Friday, 18 August 2017 2:26 p.m.
> To: Michael Oates
> Cc: Councillor Iona Pannett; frances.forsyth@paradise.net.nz
> Subject: Re: Polhill paper
>
>
>
> Thanks mike- heres my notes if useful from oral submission
>
> Russell
> my notes for my oral submission
>
> re
> no more cycle tracks(down hill only!!!!), no cycle only tracks and no
> closure of walking tracks in our commons
>
> I tried to highlight and focus my concerns and point out the contradictions of the WCC i.e -if any
> more tracks and to be safe and healthy they should all be uphill -no more commercial operators
> ferrying down hill racers!!!
> (if cycling is seen more "healthy and safer than walking riding a horse motorbike skateboard
> scooter or driving a motive bike car truck bus etc "
> steve spence WCC spokesperson,
> -selective application of policy to other groups and individuals in
> the town belt -failure to abide by prior decision of the wcc and
> -honour commitments
>
> A short summary of my written submission.
>
>
> Its one for the birds!(no more "bikies!")
>
> The regeneration of native bush, edible forests and supporting the
> native birds, having safer foot tracks is of more value than adding
> an "at speed" downhill track (water
> race!!!) solely for mountain bikers.
>
> Any resources available need in my view to support establishment of
> better "halo' habitat for the birds,skinks wetas etc , especially
> food all year round, Reestablishing the hinau forest and reducing any
> new human excursion let alone adding cycle thru ways , maintain
> existing tracks ist (let alone water ways, footpaths and roads), and
> theres already plenty of biking areas - the karori bike park
>
> I also believe that decisions made for our reserves - the commons-shouldfollow the conditions
> agreed by the council in the Open Access Plan - this proposal does not appear to meet those
> condition and its also questionable it fits with the town belt management plan and intent.
>
> I would welcome a "decision makers" actual dialogue and a neighbourhood consult- we the
> "gullyites" have been guardians of the Waimapihi.Ind its been a 40+ year project with little
> assistance and in many instances opppotion from the Uni , WCC and the Public Trust."

Item 3.3 Attachment 3

- > (the reforestation was started by gullyites, in early 1980s and for
- > 5 years 1000s of trees shrubs etc were propagated and planted out amid
- > the gorse blackberry and mahoe thru out the waimapihi commons -now
- > referred to as Pohill and conservations training and work schemes
- > operated with 25 work scheme workers each 6 months - for at least 5
- > years-
- > providing locals with income and pride in our own green gully belt)
- >
- > "Now it seems that its become the fashionable "playground"
- > for some well off arrogant bikers and untethered dogs, at our community and ecosystem expense"
- >
- > With no...
- > -appreciation of what gone before or
- > -agreement about the vision (me Id rather have the permitted supposedly encouraged urban agriculture and orchards!!!! and -sensitivity to the folk who live in this former ghetto.
- >
- > Russell Taylor