

**Before the Independent Hearings Panel  
At Wellington City Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** Hearing submissions and further submissions on the  
Proposed Wellington City District Plan

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**Statement of supplementary planning evidence of Andrew Wharton on  
behalf of Wellington City Council**

**Date: 19 June 2023**

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## INTRODUCTION:

- 1 My full name is Andrew Wharton. I am employed as a Principal Advisor in the District Planning Team at the Council.
- 2 I have read the respective evidence of Joe Jeffries and Cameron Wallace on behalf of Argosy Property No 1 Ltd [383], Fabric Property Ltd [425], Oyster Management Ltd [404], Precinct Properties NZ Ltd [139].
- 3 I have prepared this statement of evidence in response to aspects of evidence from Mr Joe Jeffries and Mr Cameron Wallace on the Proposed District Plan (the Plan)'s Waterfront Zone on behalf of Argosy Property No 1 Ltd [383], Fabric Property Ltd [425], Oyster Management Ltd [404], and Precinct Properties NZ Ltd [139].
- 4 I also show how the Waterfront Zone and related spatial controls will be aligned with a seawall survey as an estimate of the Plan's jurisdictional boundary, and note a few additional corrections to minor errors and changes of minor effect.

## QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 5 My [section 42A report](#) sets out my qualifications and experience as an expert in planning.
- 6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

## RESPONSE TO EXPERT EVIDENCE

- 7 **Flexibility for staged redevelopment:** Mr Jeffries' evidence further explains his concern of the Waterfront Zone having insufficient flexibility to enable building demolition before resource consent is sought for a new building. In my Section 42A Report para 122 I noted that concurrent applications for building demolition and a new building may include staging of the building construction.

- 8 Another option within the proposed Waterfront Zone provisions if an applicant wants to demolish a building, but is not yet ready to apply for a new building in its place, is for the applicant to create an interim public space in place of the demolished building. This would make the demolition permitted under WFZ-R13.1(a)(ii). The new public space would also be permitted provided it is not within the Public Open Space spatial layer and it meets the permitted rule on structures (WFZ-R15). This approach gives flexibility for a later redevelopment while also avoiding the adverse effects of derelict or vacant sites in the Waterfront Zone.
- 9 **Public notification of building additions >5%:** Mr Jeffries disagrees that any building additions that exceed the building footprint by 5% are all necessarily significant enough for public notification. I retain my recommendation in the Section 42A report paras 133 and 134. I note that given public involvement is an important principle in the Waterfront Zone, specifying public notification for larger building additions gives certainty for the public (and applicant) rather than being dependent on a notification assessment under RMA section 95A.
- 10 **Increased building height for Meridian Building site:** Mr Jeffries and Mr Wallace give brief planning and urban design assessments of increasing building height to allow an extra storey on the Meridian Building site. Irrespective whether these assessments are correct, it is not detailed enough or public enough to justify an increased height on this site in the Plan.
- 11 Direct referrals for the new buildings on site 9 (Bell Gully building)<sup>1</sup>, site 10 (PWC building)<sup>2</sup>, and appeals on district plan provisions applying to the Queens Wharf buildings<sup>3</sup>, all had building heights as key points of contention. There was considerable landscape, heritage, legal, planning and urban design advice about the benefits, costs, and overall outcomes of proposed building heights, relative to the location, building materials and design in each application. The proposed Waterfront Zone continues this approach by providing the high level policy direction, with detailed site and building-specific evaluation

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<sup>1</sup> *Willis Bond Capital Partners No 3 Ltd v Wellington City Council* [2020] NZEnvC 25

<sup>2</sup> *Re Site 10 Redevelopment Partnership* [2015] NZEnvC 173

<sup>3</sup> *Queens Wharf Holdings Ltd v Wellington City Council* [2004] NZEnvC W44

to be done at the resource consent stage. The submission asking for increased height does not include the detailed evaluation needed to justify an increased height on this prominent waterfront site.

12 I note that a taller building on the Meridian Building site may still be granted resource consent under WFZ-R15.6. The activity status remains Discretionary whether the building is below or above 17.7 m. While the resource consent assessment for a new building on this site must “have regard to” WFZ-S1 that the building does not exceed the existing building heights, it also must “ensure that the bulk, scale and height of any new buildings achieve WFZ-P6.2 and .3”:

*“Require new and altered buildings to be of a high quality, including: (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.”*

**Minor changes and corrections**

13 **Car parking activities:** As noted under the General Approach chapter, the entire district is zoned and all land is identified as part of a ‘zone’ on the planning maps, including roads. Following the Draft District Plan, a consequential change was made to map the zones that apply to roads within the district. As such I propose a minor consequential change to WFZ-R10.1 to provide a permitted activity clause (vi) to acknowledge that the Plan permits provision of carparks on a road. This reflects the function of road controlling authorities such as Wellington City Council to make decisions about allocation of road space in the City. This new clause is the same as in CCZ-R14 in Ms Steven’s supplementary evidence.

P1 Sch1

<b>WFZ-R10</b>	<b>Car parking activities</b>
<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. The activity is providing: <ul style="list-style-type: none"> <li>i. Car parking for people with mobility issues, or</li> <li>ii. Pick-up/drop-off parking of 10 minutes or less, or</li> <li>iii. For service vehicles; or</li> </ul> </li> <li>b. The activity is located within a building below ground floor or under public open space; <u>or</u></li> </ul>	

c. The activity involves the provision of carparks on a road.

14 **Numbering:** WFZ-R15.6 says “The assessment of the activity must ensure that the bulk, scale and height of any new buildings achieve **WFZ-P6.b and c.**” WFZ-S1 says “each building height must be justified through a discretionary or non-complying consent, with particular regard to **Policy 6(b and c).**” The references to WFZ-P6.b and c and Policy 6(b and c) need to be updated to the correct numbering, which is **WFZ-P6.2 and .3.**

15 **Minor edits:** The standard WFZ-S2 Minimum Sunlight Access – Public Space needs minor corrections to aid comprehension for plan users, as below. This is the same change as made by Ms Stevens in CCZ-S6.

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WFZ-S2	Minimum Sunlight Access - Public Space
<ol style="list-style-type: none"> <li>1. All buildings or structures within the Waterfront Zone must be designed and located to maintain sunlight access to any area mapped with the specific control "Minimum Sunlight Access - Public Space Requirements", during the time periods specified in Table 1 of Appendix 9;</li> <li>2. For areas in Appendix 9 with a specified time period:               <ol style="list-style-type: none"> <li>a. 11:30am-1:30pm;</li> <li>b. 12:00pm-2:00pm; <del>and</del></li> <li>c. 1:30-3:00pm; <del>and</del></li> </ol> <p><del>S</del>unlight access must be maintained in the entire area during this period.</p> </li> <li>3. For areas in Appendix 9 with a specified time period:               <ol style="list-style-type: none"> <li>a. 10:00am-3:00pm; <del>and</del></li> <li>b. 10:00am-4:00pm; <del>and</del></li> </ol> <p><del>S</del>unlight access must be maintained in a minimum of 70% of the area during this period.</p> </li> <li><u>4.</u> This standard does not apply to:               <ol style="list-style-type: none"> <li>a. Any temporary structure erected and dismantled in less than 30 days.</li> <li>b. Any public amenity facility erected within an identified public space.</li> </ol> </li> </ol>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. The extent of increased shadowing and any associated adverse amenity effects on the sunlight access area.</li> </ol>

### **Aligning Plan map layers with sea walls in the Waterfront Zone**

- 16 In the Section 42A Report – Hearing Stream 4 – Waterfront Zone paras 167 - 169, I said I would provide the Panel with maps showing how the Plan’s spatial layers’ seaward boundaries within the Waterfront Zone will be better aligned with the survey map of the precast concrete and rock revetment walls that indicate mean high water springs.
- 17 These maps are now attached below for the Panel’s reference. In the Plan, the spatial layers will be trimmed to the red line where they are seaward, and extended to the red line where they are landward.



### Location of Waterfront Sea Walls - Map 1

This map shows the location of the sea walls along the Wellington Waterfront. It includes the Proposed District Plan Zones and Specific Controls, and building footprints.

Basemap credits: Esri Community Maps Contributors, LINZ, Stats NZ, Esri, HERE, Garmin, Foursquare, METV/ NASA, USGS, LINZ

Date: 31/05/2023  
 Contact: [District.Plan@wcc.govt.nz](mailto:District.Plan@wcc.govt.nz)

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## Location of Waterfront Sea Walls - Map 2

This map shows the location of the sea walls along the Wellington Waterfront. It includes the Proposed District Plan Zones and Specific Controls, and building footprints.

Basemap credits: Esri Community Maps Contributors, LINZ, Stats NZ, Esri, HERE, Garmin, Foursquare, METV, NASA, USGS, LINZ

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### Location of Waterfront Sea Walls - Map 3

This map shows the location of the sea walls along the Wellington Waterfront. It includes the Proposed District Plan Zones and Specific Controls, and building footprints.

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**Date: 19 June 2023**

**Name: Andrew Wharton**

**Position: Principal Advisor, District Planning Team**

**Wellington City Council**

## Appendix 1: Track Changes to Waterfront Zone Chapter

The track changes from the Stream 4 Section 42A report remain in red. The track changes added from this supplementary evidence are in green.

P1 Sch1

<b>WFZ-R10</b>	<b>Car parking activities</b>
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The activity is providing:</p> <ul style="list-style-type: none"> <li>i. Car parking for people with mobility issues, or</li> <li>ii. Pick-up/drop-off parking of 10 minutes or less, or</li> <li>iii. For service vehicles; or</li> </ul> <p>b. The activity is located within a building below ground floor or under public open space; <u>or</u></p> <p>c. <u>The activity involves the provision of carparks on a road.</u></p>

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<b>WFZ-R15</b>	<b>Construction of new buildings and structures</b>
Entire Zone except Public Open Space	<p>6. Activity status: <b>Discretionary</b></p> <p>Where:</p> <p>a. Compliance with the requirements of WFZ-R15.4 or 5 cannot be achieved</p> <p>The assessment of the activity must</p> <ul style="list-style-type: none"> <li>1. Ensure that the bulk, scale and height of any new buildings achieve WFZ-P6 <u>b and e.2 and .3.</u></li> <li>2. Have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022]; and</li> <li>3. Have regard to standards WFZ-S1 – WFZ-S6.</li> </ul> <p>Notification Status: An application for resource consent made in respect of WFZ-R15.6 must be publicly notified.</p>

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<b>WFZ-S1</b>	<b>Maximum building height outside of Public Open Space and Areas of Change</b>
Entire Zone, except Queens Wharf Buildings	<b>Assessment Criteria where the standard is infringed:</b>

	<p>1. The building at any point does not exceed the height of the existing building heights.</p> <p>Note that new buildings outside of existing building footprints and Queens Wharf Buildings do not have a maximum building height. Instead, each building height must be justified through a discretionary or non-complying consent, with particular regard to <a href="#">Policy 6(b and c)-WFZ-P6.2 and .3.</a></p>
Queens Wharf Buildings	<p>2. The building does not exceed 18.1 metres above New Zealand Vertical Datum 2016 (NZVD 2016).</p>

ISPP

WFZ-S2	Minimum Sunlight Access - Public Space
<p>1. All buildings or structures within the Waterfront Zone must be designed and located to maintain sunlight access to any area mapped with the specific control "Minimum Sunlight Access - Public Space Requirements", during the time periods specified in Table 1 of Appendix 9;</p> <p>2. For areas in Appendix 9 with a specified time period:</p> <ul style="list-style-type: none"> <li>a. 11:30am-1:30pm;</li> <li>b. 12:00pm-2:00pm; <del>and</del></li> <li>c. 1:30-3:00pm; <del>and</del></li> </ul> <p><del>S</del>unlight access must be maintained in the entire area during this period.</p> <p>3. For areas in Appendix 9 with a specified time period:</p> <ul style="list-style-type: none"> <li>a. 10:00am-3:00pm; <del>and</del></li> <li>b. 10:00am-4:00pm; <del>and</del></li> </ul> <p><del>S</del>unlight access must be maintained in a minimum of 70% of the area during this period.</p> <p><del>4.</del> This standard does not apply to:</p> <ul style="list-style-type: none"> <li>c. Any temporary structure erected and dismantled in less than 30 days.</li> <li>d. Any public amenity facility erected within an identified public space.</li> </ul>	<p>Assessment criteria where the standard is infringed:</p> <p>2. The extent of increased shadowing and any associated adverse amenity effects on the sunlight access area.</p>