

# **Wellington City Proposed District Plan**

## **Hearing Stream 6 Special Purpose Zones:**

### **Special Purpose Port Zone Appendix 10**

## **Section 42A of the Resource Management Act 1991**

## Document Information

**REPORT FOR:** **Independent Hearings Commissioners:**  
Trevor Robinson (Chair)  
Robert Schofield  
Liz Burge  
David McMahon

**SUBJECT:** **Wellington City Proposed District Plan –  
Hearing Stream 6  
Special Purpose Port Zone (PORTZ)  
Appendix 10 (APP10)**

**PREPARED BY:** Hannah van Haren-Giles

**REPORT DATED:** 19 January 2024

**DATE OF HEARING:** 20 February 2024

## Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps of the Wellington City Proposed District Plan (PDP) as they apply to the Special Purpose Port Zone (PORTZ) including the Inner Harbour Port Precinct (PORTZ-PREC01/ IHPP) and Multi-User Ferry Precinct (PORTZ-PREC02/ MUFPP), and Appendix 10: APP10 - Inner Harbour Port Precinct and Multi-User Ferry Precinct Requirements.
- ii. There were 138 submissions and 34 further submissions received in relation to the Special Purpose Port Zone and Appendix 10. The submissions received were diverse and sought a range of outcomes. This report outlines recommendations in response to the issues that have emerged from these submissions.
- iii. The following are considered to be the key issues in contention:
  - a. Clarity regarding what constitutes a significant development or trigger for a master plan or plan change; and
  - b. The Gross Floor Area (GFA) limits for commercial and office activities within the Inner Harbour Port Precinct and Multi-User Ferry Precinct.
- iv. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.
- v. The report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to the Special Purpose Port Zone, Inner Harbour Port Precinct, Multi-User Ferry Precinct, and Appendix 10 should be retained as notified, amended, or deleted in full.
- vi. Appendix A of this report sets out the recommended changes to the Special Purpose Port Zone and Appendix 10 chapters in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vii. Appendix B of this report details officers' recommendations on submissions, and whether those submissions should be accepted or rejected. The body of this report should be consulted for reasoning.
- viii. For the reasons set out in the Section 32AA evaluation included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
  - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
  - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

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## Interpretation

**Table 1: Abbreviations**

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Wellington City Council
NSP-UD	National Policy Statement on Urban Development 2020
the Operative Plan/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
PORTZ	Special Purpose Port Zone
PORTZ-PREC01 / IHPP	Inner Harbour Port Precinct
PORTZ-PREC02/ MUFP	Multi-User Ferry Precinct
Appendix 10 / APP10	APP10 - Inner Harbour Port Precinct and Multi-User Ferry Precinct Requirements

**Table 2: Submitters' and Further Submitters' Names**

Abbreviation	Submitters
CentrePort	CentrePort Limited
	Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir
	Craig Palmer
GWRC	Greater Wellington Regional Council
KiwiRail	KiwiRail Holdings Limited
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika
	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
	Wellington Civic Trust

## 1.0 Introduction

### 1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
  - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
  - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

### 1.2 Scope

2. This report considers submissions received by the Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps as they apply to the Special Purpose Port Zone (PORTZ) including the Inner Harbour Port Precinct (PORTZ-PREC01/IHPP) and Multi-user Ferry Precinct (PORTZ-PREC02/MUFP), and Appendix 10 - Inner Harbour Port Precinct and Multi-User Ferry Precinct Requirements (APP10).
3. This report:
  - a. Discusses general issues;
  - b. Considers the original and further submissions received;
  - c. Makes recommendations as to whether those submissions should be accepted or rejected; and
  - d. Concludes with a recommendation for any consequential changes to the plan provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

### 1.3 Author and Qualifications

6. My full name is Hannah Jane van Haren-Giles. I am a Senior Planning Advisor in the District Planning Team at Wellington City Council (the Council).
7. My role in preparing this report is that of an expert in planning.
8. I hold the qualification of Bachelor of Resource and Environmental Planning (First Class Honours) from Massey University. I am an Intermediate Member of the New Zealand Planning Institute.
9. I have five years' experience in planning and resource management, primarily as a consultant planner working for Hill Young Cooper Ltd. I have background in preparing and processing

district and regional resource consent applications, plan and policy development, reviewing and preparing submissions, and providing resource management advice to a range of clients including local authorities, industry groups, private sector companies, and individuals on various projects and planning processes.

10. My involvement with the Proposed Wellington City District Plan commenced in early 2020 when I was engaged to assist the Council with issues and options reports. I subsequently led the review and drafting of the Special Purpose Port Zone (including the Inner Harbour Port Precinct and Multi-User Ferry Precinct), Special Purpose Quarry Zone (including Kiwipoint Quarry Precinct), Special Purpose Stadium Zone, Hazardous Substances, and Contaminated Land chapters. I also authored the Section 32 Evaluation Reports for the Port Zone, Quarry Zone, Hazardous Substances, and Contaminated Land chapters.
11. Since joining the District Plan Team in July 2022 I have been involved in summarising submissions and further submissions, as well as developing the systems and database used to capture submissions and further submission points on the PDP.
12. I am also the reporting officer on the General Industrial Zone, Earthworks, Subdivision, Quarry Zone, Stadium Zone, Future Urban Zone, Development Areas, Natural Features and Landscapes, Hazardous Substances, and Contaminated Land chapters.

#### **1.4 Code of Conduct**

13. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
14. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
15. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

#### **1.5 Supporting Evidence**

16. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report is as follows:
  - a. [Decision Report for Plan Change 48: Central Area Review](#), dated 10 October 2007.

#### **1.6 Key resource management issues in contention**

17. 138 submission points and 34 further submission points were received in relation to the Special Purpose Port Zone and Appendix 10 as follows:

- a. 128 submission points and 32 further submission points in relation to PORTZ; and
  - b. 10 submission points and 2 further submission points in relation to APP10.
18. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention in the chapter:
- a. Clarity regarding what constitutes a significant development or trigger for a master plan or plan change; and
  - b. The Gross Floor Area (GFA) limits for commercial and office activities within the Inner Harbour Port Precinct and Multi-User Ferry Precinct.

## **1.7 Procedural Matters**

19. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on PORTZ provisions.
20. An informal discussion was held with CentrePort representatives on 5 December 2023, where I considered a better understanding of the submitter’s position would assist with determining appropriate recommendations in response to their submission. Matters discussed included the existing ground floor area of commercial activities and office activities; potential development scenarios within the Inner Harbour Port Precinct; and an update on the KiwiRail iRex project to redevelop the Interislander ferry terminal at Kaiwharawhara.
21. On 13 December 2023 the Government announced that they would be not provide further funding for the Inter-Island Resilient Connection (iReX) project. This announcement creates uncertainty for the development that was approved through the COVID-19 Recovery (Fast-Track Consenting) Act 2020 process.<sup>1</sup> While this impacts the consented iRex Interislander ferry wharf and terminal upgrades in the short and medium term, as I understand, it remains the preference and long-term vision of the Port to shift towards a multi-user ferry precinct in some form or capacity. The drafting of the MUFPP provisions pre-dated the consenting of the iRex project, and in my view continue to be relevant should plans for development within the precinct change or resurface in the future.
22. There are not considered to be any other procedural matters to note.

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<sup>1</sup> [Kaiwharawhara Wellington Ferry Terminal Redevelopment Decision](#), 25 January 2023.



## 2.0 Background and Statutory Considerations

### 2.1 Resource Management Act 1991

23. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 74 Matters to be considered by territorial authority; and
  - Section 75 Contents of district plans.
24. As set out in the Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance regarding the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the [Section 32 Report Special Purpose Port Zone](#).

### 2.2 Schedule 1 and ISPP

25. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:
- a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
  - b. For all other PDP provisions and content, the standard Part 1 of Schedule 1 process of the RMA is used. Part 1 Schedule 1 provisions can be appealed.
26. For the PORTZ topic all the relevant zone provisions fall under the Part 1 Schedule 1 process.

### 2.3 Section 32AA

27. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

28. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).
29. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach have not been re-evaluated. Additionally, further re-evaluation has not been undertaken if the recommended amendments have not materially altered the policy approach.

## **2.4 Trade Competition**

30. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
31. There are no known trade competition issues raised within the submissions.

## 3.0 Consideration of Submissions and Further Submissions

### 3.1 Overview

32. In total there were 172 points received in relation to the Special Purpose Port Zone and Appendix 10, as follows:
- a. 7 original submitters who collectively made 138 submission points; and
  - b. 3 further submitters who collectively made 34 further submission points in support or opposition to the primary submissions.

#### 3.1.1 Report Structure

33. Submissions on this topic raised a number of submission points that have been categorised in accordance with the general structure of PDP chapters as follows:
- a. General points – definitions;
  - b. General points on the chapter as a whole;
  - c. Special Purpose Port Zone Objectives;
  - d. Special Purpose Port Zone Policies;
  - e. Special Purpose Port Zone Rules;
  - f. Special Purpose Port Zone Standards; and
  - g. Appendix 10.
34. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.
35. Recommended amendments are contained in the following appendices:
- a. Appendix A – Recommended Amendments to the Special Purpose Port Zone Chapter
  - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Special Purpose Port Zone Chapter
36. Additional information can also be obtained from the [Section 32 Report Special Purpose Port Zone](#), and the overlays and maps on the ePlan.
37. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, along with the full submissions. Where there is agreement with the relief sought and the rationale for that relief, this is noted in the assessment section of the report, with the associated recommendation provided in the summary of submission table in Appendix B. Where a further evaluation of the relief sought in a submission(s) has been undertaken, the evaluation and recommendations are set out in the body of this report. A marked-up version of the Special Purpose Port Zone with recommended amendments in response to submissions is contained in Appendix A.
38. This report only addresses definitions that are specific to this topic. Definitions that relate to

more than one topic have been addressed in Hearing Stream 1 and the associated section 42A report, and in other relevant s42A reports for different topics.

### 3.1.2 Format for Consideration of Submissions

39. The consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations.
40. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
41. The recommended acceptance or rejection of submissions (and accordingly further submissions) is set out in Appendix B.
42. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment that represent a material change from the policy direction in the proposed PORTZ chapter.

## 3.2 General Points

### 3.2.1 Definitions

#### Matters Raised by Submitters

43. CentrePort [402.8 and 402.9] seeks that the 'Commercial Port Area' definition make mention of the Port Wharves known as Miramar and Burnham. These are operated alongside the main Port site described in the definition as well as Seaview in Hutt City. Each site is also defined as being Operational Port in the Coastal Marine Area in the Proposed Natural Resources Plan. CentrePort seek the following amendment:

#### **Commercial Port**

means the area of land to the north and east of Waterloo and Aotea Quays, within Wellington Harbour (Port Nicholson) and adjacent land used, intended or designed to be wholly for Operational Port Activities. The Commercial Port also includes wharf structures at Miramar and Burnham wharves.

44. CentrePort [402.19] and KiwiRail [408.10] seek that the definition of 'operational port activities' is retained as notified.
45. CentrePort [402.20] and KiwiRail [408.11] seek that the definition of 'passenger port facilities' is retained as notified.
46. CentrePort [402.21 and 402.22] seeks that the definition of 'Port' be amended to include recognition that Burnham and Miramar Wharves are located in the Coastal Marine Area and Burnham Wharf is used for Operational Port Activities. An alternative is to cross reference this

matter in introductions of the Special Purpose Port Zone and Miramar/Burnham Precincts in the General Industrial Area.

47. KiwiRail [408.2] seeks that the definition of ‘Rail Activities’ be amended as follows:

**Rail Activities**

The use of land and buildings for the development, upgrading, operation and maintenance of a rail network, including railway signalling, railway tracks and facilities.

48. KiwiRail [408.13] seeks that the definition of ‘Railyard Area’ is retained as notified.

**Assessment**

49. In respect of the definition of ‘Commercial Port’ I agree with the amendment sought by CentrePort [402.8 and 402.9] to include reference to the Burnham and Miramar Wharves. These wharves are identified within the Regional Policy Statement definition of Regionally Significant Infrastructure and the Natural Resources Plan<sup>2</sup> as being one of the three locations in Wellington Harbour for Commercial Port Activities. The ‘commercial port area’ is also referenced in the PDP definition of ‘Regionally Significant Infrastructure’. I think it is important to clarify however, that the wharves themselves are not within WCC’s jurisdiction but that the adjacent land, zoned GIZ, is.
50. Relatedly, I agree in part with CentrePort [402.21 and 402.22] as to the definition of ‘Port’. I agree with their alternative relief – to cross reference recognition of the Burnham and Miramar Wharves in the introduction of the PDP’s Miramar/Burnham Wharf Precinct (GIZ-PREC01). The land immediately adjoining Burnham Wharf is within the Miramar/Burnham Wharf Precinct of the General Industrial Zone (GIZ), and as such there is an interrelationship with the Commercial Port and Operational Port Activities. Accordingly, I recommended an amendment to the GIZ-PREC01 introduction in the s42A Report for the General Industrial Zone as part of Hearing Stream 4<sup>3</sup> (**HS4-GIZ-Rec7**). However, I do not consider it necessary to reference the Miramar/Burnham Wharf Precinct in the PORTZ introduction, given my recommendation to amend the ‘Commercial Port’ definition.
51. For completeness, I disagree with CentrePort [402.21 and 402.22] that the definition of ‘Port’ be amended to include recognition of the Burnham and Miramar Wharves. The ‘Port’ definition is intended to only capture land zoned PORTZ. As detailed above, I consider my recommended amendment to the GIZ-PREC01 introduction to recognise Burnham and Miramar Wharves addresses this matter, noting that this was their alternative relief sought.
52. Turning to KiwiRail’s [408.2] amendment to the definition of ‘Rail Activities’, I firstly note that the definition of ‘rail activities’ is used in relation to the ‘railyard area’ which is defined in the PDP as *‘means any area of land included within KiwiRail designation KRH1 and used for Rail Activities.’* As such, use of the ‘rail activities’ definition is intended to identify activities for railway purposes in alignment with KRH1. Irrespective of the definition, KiwiRail’s designation provides for ‘railway purposes’.

<sup>2</sup> [Natural Resources Plan](#), Map 51 and 52

<sup>3</sup> [General Industrial Zone s42A Report prepared for Hearing Stream 4](#), Paragraphs 82-83.

53. Beyond the PORTZ chapter, 'rail activities' are referenced in the Natural and Coastal Hazard provisions in relation to subdivision, use and development which will be occupied by members of the public, or employees associated with rail activities. I note that the operation, maintenance and repair, and upgrading of the transport network (which includes rail) is otherwise managed in the Infrastructure chapter, noting that 'maintenance and repair'<sup>4</sup> and 'upgrading'<sup>5</sup> are defined terms in the PDP. For these reasons, I do not consider it necessary to amend the definition of 'rail activities' and disagree with the relief sought.

### Summary of Recommendations

54. **HS6-PORTZ-Rec1:** That the definition of 'operational port activities', 'passenger port facilities', 'port', and 'railyard area' be confirmed as notified.
55. **HS6-PORTZ-Rec2:** That the definition of 'commercial port' is amended as set out below and detailed in Appendix A:

#### Commercial Port

means the area of land to the north and east of Waterloo and Aotea Quays, within Wellington Harbour (Port Nicholson) and adjacent land used, intended or designed to be wholly for Operational Port Activities. The Commercial Port also includes land adjacent to Miramar and Burnham Wharf, intended or designed to be wholly used for Operational Port Activities.

56. **HS6-PORTZ-Rec3:** That submission points relating to definitions are accepted/rejected as detailed in Appendix B.

## 3.2.2 General Points on the chapter as a whole

### Matters Raised by Submitters

57. Taranaki Whānui seek amendments to the Port Zone Introduction [389.117] and Multi-user Ferry Precinct Introduction [389.118] to amend references to 'mouri/mauri' to 'mouri'. Wellington Civic Trust [FS83.40] support 389.118.
58. CentrePort [402.146] seek recognition of Miramar and Burnham Wharves location in the Coastal Marine Area and Burnham Wharf's use for Operational Port Activities is cross referenced in the introduction of the Special Purpose Zone. An alternative is to cross reference this matter in introductions of the Special Purpose Port Zone and Miramar/Burnham Precincts in the General Industrial Area.

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<sup>4</sup> (For the purposes of the INF Infrastructure chapters and the REG Renewable electricity generation chapter) means any work or activity necessary to continue the operation or functioning of existing infrastructure. It does not include upgrading, but does include replacement of an existing structure with a new structure of identical dimensions.

<sup>5</sup> as it applies to infrastructure, means the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure, but excludes maintenance, repair and renewal.

59. CentrePort [402.147 and 402.148] (opposed by Wellington Civic Trust [FS83.47]) consider that the requirement for smaller scale developments to be subject to a plan change and Master Plan is onerous and this should be reflected in the text. CentrePort seeks amendment to the fifth paragraph of the Inner Harbour Port Precinct Introduction as follows:

**PORTZ-PREC01 Inner Harbour Port Precinct**

**Introduction**

...

The eventual vision for the Inner Harbour Port Precinct is that it becomes an extension of the Waterfront Zone. In order to achieve this, any significant future comprehensive redevelopment and rezoning of the area would be progressed through a plan change process, including the preparation of a companion masterplan to guide anticipated development although smaller scale developments are not required to go through a plan change.

60. Craig Palmer [492.42] (opposed by CentrePort [FS30.1] and supported by Wellington Civic Trust [FS83.38]) seeks that PORTZ-PREC02 be amended to include objectives, policies, and rules that explicitly protect and ensure public access to ecological and recreational features to recognise the full potential of this nationally significant site. Mr Palmer seeks that the following features are protected in order to provide a source of pleasure and inspiration for travelers as they depart and arrive by ferry:

- c. the Sanctuary to Sea walkway commencing at Zealandia and finishing at the estuary of the Kaiwharawhara Stream.
- d. the estuary and its banks to be accorded ecological protection status and maintained as a public reserve.
- e. the small man-made beach on the north-west corner of the escarpment to be designated as a public reserve featuring indigenous coastal trees and shrubs.

**Assessment**

61. In response to Taranaki Whānui [389.117 and 389.118], I note that this matter was raised in Hearing Stream 1 as it applies to all chapters. Mr McCutcheon’s recommendation<sup>6</sup> (**HS1-Rec24**) was: *“That should Ngāti Toa be comfortable with the term ‘mouri’ instead of ‘mauri’, that the former be used.”* I adopt the same recommendation.
62. In response to CentrePort [402.146] seeking recognition of Miramar and Burnham Wharves location in the Coastal Marine Area and Burnham Wharf’s use for Operational Port Activities, I agree in-part with their relief sought. As set out in paragraph 50 above, I recommended an amendment to the GIZ-PREC01 introduction to recognise the Miramar and Burnham Wharves as part of the s42A Report for the General Industrial Zone<sup>7</sup> (**HS4-GIZ-Rec7**). However, I do not consider it necessary to reference the Miramar/Burnham Wharf Precinct in the Port Zone introduction, given the amended ‘commercial port’ definition – which is used within the Port

<sup>6</sup> [Hearing Stream 1 – Part 1, plan wide matters and strategic direction s42A Report](#), Page 116.

<sup>7</sup> [General Industrial Zone s42A Report prepared for Hearing Stream 4](#), Paragraphs 82-83.

Zone chapter.

63. In response to CentrePort [402.147 and 402.148] seeking clarification as to the scale of development to be subject to a plan change and Master Plan, I note that the intent for a masterplan is set out in the IHPP introduction where it notes *'The eventual vision for the Inner Harbour Port Precinct is that it becomes an extension of the Waterfront Zone. In order to achieve this, any future comprehensive redevelopment and rezoning of the area would be progressed through a plan change process, including the preparation of a companion masterplan to guide anticipated development.'* The introduction does not establish any requirement or trigger for a plan change or masterplan. It does however acknowledge what the anticipated vision is if/when operational port activities are to cease in the IHPP and comprehensive redevelopment is proposed to evolve this area to a mixed-use waterfront environment.
64. As set out in the [Port Zone Section 32 Report](#) the PDP IHPP vision and provisions have been informed by CentrePort's regeneration plans<sup>8</sup> and also to recognise and provide clear long-term visions for anticipated redevelopment in this area. As per CentrePort's regeneration plans the precinct's current operations include ferries, as well as vehicle, cruise, bulk cargo and other miscellaneous uses. However, their medium-term and longer-term vision for the precinct entails *'enhanced urban integration between the port and the city, providing more space for buildings, things to see and more waterfront to enjoy'*.
65. It is important to acknowledge and differentiate that the Draft District Plan referenced the concept of a masterplan in IHPP policies, and that Appendix 10 was titled and referred to 'masterplan requirements', which is not the case for the notified PDP. Instead, the notified Appendix 10-A requirements cover a refined variety of matters while retaining consideration of the extent to which the development has regard to the long-term vision of the Precinct in order to help guide integrated and comprehensive development.
66. As notified, any development not associated with existing passenger port facilities or operational port activities in the IHPP is addressed through PORTZ-PREC01-R7 as a discretionary activity. As part of this rule any individual development proposal would need to be assessed against the IHPP requirements set out in Appendix 10-A, again noting this is not a trigger for a plan change or masterplan. At the time of writing this report, Bluebridge is still operating within the IHPP and there is uncertainty surrounding the future of the consented iRex project. Given the uncertainty in the short to medium term with planned activities in this environment, there is a risk that if smaller-scale development was undertaken in an ad-hoc manner, the existing day-to-day operations or long-term vision of an integrated environment could be compromised.
67. I consider that acknowledging the process of a plan change and masterplan in the IHPP introduction provides certainty for the community as to what the long-term vision for the IHPP may entail, particularly given the locational importance/connection of the precinct to the Waterfront and City Centre Zone. I also consider that this acknowledgement is not too dissimilar from the approach of the ODP for the Port Redevelopment Precinct (ODP equivalent of the PDP IHPP) which had been through a thorough materplanning process to guide development *'in creating a new gateway to the City'*. I therefore disagree that any amendment is required to the IHPP introduction because the introduction does not hold any statutory weighting that would

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<sup>8</sup> CentrePort Wellington, [Our Plan](#)



impose a plan change or master plan. This matter is further addressed in section 3.5.2 in relation to PORTZ-PREC01-R2.

68. In respect of the amendments sought by Craig Palmer [492.42], I acknowledge and agree that public access to ecological and recreational features is important. The maintenance and enhancement of public access to the coast is an outcome sought in the Public Access chapter, particularly within the chapter's objective PA-O1 (Public Access). However, the commercial port as regionally significant infrastructure has operational and functional needs that may require access to the coast to be restricted for public health and safety reasons including operational safety, security, and biosecurity requirements. This is set out in PA-P3 (Restriction of public access). As such, it is my view that the matter of public access is more appropriately managed through the provisions of the Public Access chapter. I therefore disagree with the relief sought.
69. However, I note that PORTZ-PREC02-P5 requires that use and development have regard to the ecological significance of the Kaiwharawhara area. Clause 6 of Appendix 10-B: Multi-User Ferry Precinct requirements also sets out that any application for development must identify protected natural features and how any effects are proposed to be avoided or mitigated. I consider that the matters raised by Mr Palmer are broadly addressed by these provisions.

#### **Summary of Recommendations**

70. **HS6-PORTZ-Rec4:** That the IHPP and MUFPP introductions are amended in response to submissions on general points as set out below and detailed in Appendix A:

#### **Introduction**

Active engagement with mana whenua will assist in ensuring the mauri/~~mauri~~ of this area of importance to mana whenua is not diminished through any potential adverse effects created by activities or development within the Precinct.

71. **HS6-PORTZ-Rec5:** That submission points relating to general points on the chapter as a whole are accepted/rejected as detailed in Appendix B.

### **3.3 Special Purpose Port Zone Objectives**

#### **3.3.1 PORTZ-O1 and PORTZ-O2**

##### **Matters Raised by Submitters**

72. CentrePort [402.149 and 402.150] submit that there should be consistent terminology within the plan and the terminology used in the Proposed Natural Resources Plan that refers to functional needs and operational requirements, and seek that PORTZ-O1 is amended as follows:

### **PORTZ-O1 Purpose**

Activities in the Port Zone operate safely, efficiently and effectively as:

1. A locally, regionally and nationally significant shipping and passenger port and freight hub; and
2. A commercial port area whose functional needs and operational ~~needs~~ requirements are not constrained or compromised by non-port activities, reverse sensitivity, incompatible built form or subdivision.

73. KiwiRail [408.133] seek that PORTZ-O1 is retained as notified.

74. CentrePort [402.151] seek that PORTZ-O2 is retained as notified.

### **Assessment**

75. In response to CentrePort [402.149 and 402.150] seeking amendment to replace 'operational need' with 'operational requirements', I disagree. The term 'operational need' is defined within the PDP and is used consistently throughout. This definition is from the National Planning Standards.

### **Summary of Recommendations**

76. **HS6-PORTZ-Rec6:** That PORTZ-O1 and PORTZ-O2 be confirmed as notified.

77. **HS6-PORTZ-Rec7:** That submission points relating to PORTZ-O1 and PORTZ-O2 are accepted/rejected as detailed in Appendix B.

## **3.3.2 Inner Harbour Port Precinct: PORTZ-PREC01-O1 and PORTZ-PREC01-O2**

### **Matters Raised by Submitters**

78. Wellington Civic Trust [388.35] and CentrePort [402.152] (opposed by Wellington Civic Trust [FS83.48]) seek that PORTZ-PREC01-O1 is retained as notified.

79. Wellington Civic Trust [388.36] and CentrePort [402.153] (opposed by Wellington Civic Trust [FS83.49]) seek that PORTZ-PREC01-O2 is retained as notified.

### **Assessment**

80. No further assessment is required. For completeness, I note however that the further submissions of Wellington Civic Trust relate to an amendment sought by CentrePort to the Multi-User Ferry Precinct objective PORTZ-PREC02-O2. Submissions on this objective are addressed in section 3.3.3 below.

### **Summary of Recommendations**

81. **HS6-PORTZ-Rec8:** That PORTZ-PREC01-O1 and PORTZ-PREC01-O2 be confirmed as notified.

82. **HS6-PORTZ-Rec9:** That submission points relating to PORTZ-PREC01-O1 and PORTZ-PREC01-O2 are accepted/rejected as detailed in Appendix B.

### 3.3.3 Multi-user Ferry Precinct: PORTZ-PREC02-O1 and PORTZ-PREC-02-O2

#### Matters Raised by Submitters

83. KiwiRail [408.134], Wellington Civic Trust [388.37], and CentrePort [402.154] (opposed by Wellington Civic Trust [FS83.50]) seek that PORTZ-PREC02-O1 is retained as notified.
84. Wellington Civic Trust [388.38] and KiwiRail [408.135] seek that PORTZ-PREC02-O2 is retained as notified.
85. CentrePort [402.155 and 402.157] (opposed by Wellington Civic Trust [FS83.51 and FS83.53]) consider that it is uncertain and unnecessary to include the word 'creating' in PORTZ-PREC02-O2 and that the wording could be improved as the Port is not located at the road or rail entrance to the City. CentrePort [402.156 and 402.158] (opposed by Wellington Civic Trust [FS83.52 and FS83.54]) seeks that PORTZ-PREC02-O2 be amended as follows:

#### **PORTZ-PREC02-O2 Amenity and design**

Development in the Multi-User Ferry Precinct positively contributes to ~~creating~~ a well-functioning urban environment and enhances the entrance to the city centre.

#### Assessment

86. In response to CentrePort [402.155, 402.156, 402.157, and 402.158] seeking amendment to PORTZ-PREC02-O2, in this instance, I concur with the further submission of Wellington Civic Trust that the Multi-user Ferry Precinct is a highly visible and important position for people approaching the City from the north and from the sea. As such, I consider that the objective should refer more broadly to the 'city' rather than 'city centre' in acknowledgment of this.
87. I also agree with the further submission of Wellington Civic Trust that *'The area is a landmark and holds gateway potential. There is the opportunity to "create" something of significance for the whole city here – an opportunity which should not be overlooked or forgotten.'* This aligns with the identification of the Multi-User Ferry Precinct as an 'opportunity site' in the Spatial Plan<sup>9</sup> to *'offer an improved Northern Gateway into the city'*. However, from a best practice drafting perspective, I consider that the word 'creating' should be deleted as an objective is to be worded as an outcome.
88. In my view deleting 'creating' while retaining the word 'contributes' still meets the intended outcome of making a positive contribution to the wider environment. I note that the objective aligns with NPS-UD Policy 1 which directs that *'Planning decisions contribute to well-functioning urban environments'*.

#### Summary of Recommendations

89. **HS6-PORTZ-Rec10:** That PORTZ-PREC02-O1 be confirmed as notified.

<sup>9</sup> [Our City Tomorrow: Spatial Plan for Wellington City, 2021](#)

90. **HS6-PORTZ-Rec11:** That PORTZ-PREC02-O2 is amended as set out below and detailed in Appendix A:

**PORTZ-PREC02-O2 Amenity and design**

Development in the Multi-User Ferry Precinct positively contributes to ~~creating~~ a well-functioning urban environment and enhances the entrance to the city.

91. **HS6-PORTZ-Rec12:** That submission points relating to PORTZ-PREC02-O1 and PORTZ-PREC02-O2 are accepted/rejected as detailed in Appendix B.

### 3.4 Special Purpose Port Zone Policies

#### 3.4.1 PORTZ-P1, PORTZ-P2, PORTZ-P3, PORTZ-P4, and PORTZ-P5

##### Matters Raised by Submitters

92. CentrePort [402.159] and KiwiRail [408.136] seek that PORTZ-P1 is retained as notified.
93. CentrePort [402.160] and KiwiRail [408.137] seek that PORTZ-P2 is retained as notified.
94. CentrePort [402.161] and KiwiRail [408.138] seek that PORTZ-P3 is retained as notified.
95. KiwiRail [408.139 and 408.140] seek that PORTZ-P4 and PORTZ-P5 are retained as notified.
96. CentrePort [402.162 and 402.163] (opposed by Wellington Civic Trust [FS83.55]) seeks that PORTZ-P4 is amended as follows:

**PORTZ-P4 Adverse effects**

~~Manage~~ Avoid, remedy or mitigate adverse use and development related effects in the Port Zone associated with noise and light emission and the bulk, scale and location of buildings and structures.

97. CentrePort [402.164 and 402.165] (opposed by Wellington Civic Trust [FS83.56 and FS83.57]) considers that PORTZ-P5 could be read in two ways: that there could be an expectation that the Port needs to remedy or mitigate adverse effects which should be the responsibility of the proponent of the new sensitive activity; and that it is the location and design of the sensitive activity that can assist in avoiding adverse reverse sensitivity effects. CentrePort seeks that PORTZ-P5 is amended as follows:

**PORTZ-P5 Sensitive activities**

Ensure that any new sensitive activities seeking to establish adjacent to the Port Zone are appropriately located or designed to avoid adverse reverse sensitivity effects and/or potential conflict with lawfully established activities within this Zone, and where avoidance is not possible, that any adverse effects are appropriately remedied or mitigated by the sensitive activity.

## Assessment

98. In respect of the amendments sought by CentrePort [402.162 and 402.163] to PORTZ-P4, I disagree. The phrasing ‘avoid, remedy or mitigate’ is not part of the drafting style adopted in the PDP. The Wellington City Council District Plan Drafting Style Guide 2020<sup>10</sup> advises users to ‘avoid using the phrase “avoid, remedy or mitigate” unless it is modified to make it specific to the policy.’ The choice of language to ‘manage’ adverse effects was deliberate in acknowledging that the Port has operational and functional needs whereby it may be difficult to internalise adverse effects, recognising as well that the Port is regionally significant infrastructure.
99. I note that ‘manage’ is also widely used across other Special Purpose Zones including the Quarry Zone, Waterfront Zone, and Corrections Zone, thus providing for consistency in drafting style within the wider zone grouping.
100. In respect of the amendments sought by CentrePort [402.164 and 402.165] to PORTZ-P5, I consider that the amendments are appropriate to clarify the onus is on the sensitive activity, rather than on the Port (or CentrePort) to avoid, remedy or mitigate adverse effects upon the Port’s activities. I also consider it is useful to add the words ‘or designed’ to acknowledge circumstances in which a sensitive activity seeking to locate adjacent to the Port may be able to be designed to avoid, remedy or mitigate reverse sensitivity effects.

## Summary of Recommendations

101. **HS6-PORTZ-Rec13:** That PORTZ-P1, PORTZ-P2, PORTZ-P3, and PORTZ-P4 be confirmed as notified.
102. **HS6-PORTZ-Rec14:** That PORTZ-P5 is amended as set out below and detailed in Appendix A:

### PORTZ-P5 Sensitive activities

Ensure that any new sensitive activities seeking to establish adjacent to the Port Zone are appropriately located or designed to avoid adverse reverse sensitivity effects and/or potential conflict with lawfully established activities within this Zone, and where avoidance is not possible, that any adverse effects are appropriately remedied or mitigated by the sensitive activity.

**HS6-PORTZ-Rec15:** That submission points relating to PORTZ-P1, PORTZ-P2, PORTZ-P3, PORTZ-P4, and PORTZ-P5 are accepted/rejected as detailed in Appendix B.

## 3.4.2 Inner Harbour Port Precinct: PORTZ-PREC01-P1, PORTZ-PREC01-P2, PORTZ-PREC01-P3, and PORTZ-PREC01-P4

### Matters Raised by Submitters

#### PORTZ-PREC01-P1

103. Wellington Civic Trust [388.39] seek that PORTZ-PREC01-P1 is retained as notified.

<sup>10</sup> [Wellington City Proposed District Plan, Wrap up stream \(ISPP Provisions\), Appendix C – Part 1 – Drafting Style Guide](#), Page 12

104. CentrePort [402.166 and 402.167] seek that PORTZ-PREC01-P1 is amended to recognise that the Precinct directly abuts the remainder of the Commercial Port, as follows:

**PORTZ-PREC01-P1 Use and development of the Inner Harbour Port Precinct**

Provide for the staged redevelopment of the Inner Harbour Port Precinct, and its connections with the transport network and Waterfront Zone by:

1. Ensuring land use activities and development is planned and designed in a co-ordinated, site-responsive, comprehensive and integrated manner;
2. Enabling the ongoing operation, upgrading and redevelopment of established activities; and
3. Enabling new development and a range of activities in the Inner Harbour Port Precinct that are adaptable, integrated, and compatible with surrounding land uses and activities including the adjacent Commercial Port Area.

PORTZ-PREC01-P2

105. Wellington Civic Trust [388.40] and CentrePort [402.168] seek that PORTZ-PREC01-P2 is retained as notified.
106. Taranaki Whānui [389.119] seek that PORTZ-PREC01-P2 recognise Taranaki Whānui cultural values in the design of public spaces.

PORTZ-PREC01-P3

107. Wellington Civic Trust [388.41] and CentrePort [402.169] seek that PORTZ-PREC01-P3 is retained as notified.

PORTZ-PREC01-P4

108. Wellington Civic Trust [388.42] seeks that PORTZ-PREC01-P4 is retained as notified.
109. Taranaki Whānui [389.120] (opposed by Wellington Civic Trust [FS83.41]) seek that PORTZ-PREC01-P4 be amended to provide for the capture and integration of Taranaki Whānui cultural narratives and design opportunities.
110. CentrePort [402.170 and 402.171] (supported by Wellington Civic Trust [FS83.58]) considers that there are wording improvements necessary to Clause 3 of PORTZ-PREC01-P4 to add further matters that responds to site context, as follows:

### **PORTZ-PREC01-P4 Amenity and design**

Require development within the Inner Harbour Port Precinct to complement and enhance the city centre gateway and contribute positively to the visual quality, amenity, interest and public safety of the Precinct, by:

1. Providing building forms and facades that reflect their visual prominence;
2. Encouraging resilient building design that is adaptable to change in use over time;
3. Responding to the site context, particularly where it is located adjacent to:
  - a. A heritage building, heritage structure or heritage area; and
  - b. Sites and areas of significance to Māori; and
  - c. The Coastal Marine Area;
  - d. The remainder of the Port Zone.
4. Responding to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;
5. Incorporating high-quality visual and architectural design based on factors such as the bulk, form, scale, design, location and detailing of the building/structure or building additions/alterations;
6. Recognising mana whenua cultural values in the design of public spaces;
7. Achieving good accessibility for people of all ages and mobility;
8. Providing a safe environment for people that promotes a sense of security and allows informal surveillance;
9. Encouraging and enhancing a distinctive waterfront environment with features, character, and sense of place which reflects the context and character of its port and maritime surroundings;
10. Complementing the established part of the Waterfront Zone;
11. Providing activated frontages adjoining the waterfront and, where practical, publicly accessible spaces;
12. Retaining visual connections to the city and harbour;
13. Recognising and contributing positively to the amenity values, safety, character and coherence of the surrounding area at the site boundary and street interfaces, particularly where it interfaces with public areas and the waterfront; and
14. Incorporating public artwork and means to assist wayfinding, including provision of interpretation and references to the area's heritage and cultural associations.

### **Assessment**

111. In respect of the amendments sought by CentrePort [402.166 and 402.167] to add 'including the adjacent Commercial Port Area' to PORTZ-PRE01-P1, I disagree for two reasons:

- a. Firstly, the term 'commercial port area' is not a term used or defined within the PDP. It was a term that was utilised and defined in the Draft District Plan PORTZ chapter but was not carried through into the PDP. Instead, the definition of 'commercial port' is used in the PORTZ. Nevertheless, any development in the Inner Harbour Port Precinct will, by default, be within what is identified/defined as the 'commercial port'. Therefore adding 'adjacent Commercial Port Area' is in my view not logical.
- b. Secondly, the existing reference to 'surrounding land uses and activities' in PORTZ-PRE01-P1.3 is suitably broad to capture operational port activities occurring within the commercial port and/or activities of a more mixed-use nature. The intent of the relief

sought by CentrePort is in my view already addressed by PORTZ-PRE01-P2.1 (Managing effects) in terms of *'Ensuring that development does not compromise or constrain the safe and efficient operation of the commercial port, operational port activities and passenger port facilities.'*

112. In respect of CentrePort's [402.170 and 402.171] proposed amendments to PORTZ-PRE01-P4 , I agree that reference to the 'Coastal Marine Area' is appropriate to ensure developments are located and designed to respond to the site context of the Coastal Marine Area. With respect to CentrePort's suggestion to add reference to 'the remainder of the Port Zone', I consider that adding reference to this interface between the IHPP and remainder of the Port Zone will assist with any concerns as to reverse sensitivity effects. This is particularly important in the short to medium term while operational port activities and passenger port facilities continue to operate within the precinct.
113. In response to Taranaki Whānui [389.119 and 389.120] seeking amendment to PORTZ-PREC01-P2 and PORTZ-PREC01-P4, I agree in-part as I consider that the relief sought to capture and integrate cultural narratives and design opportunities is already provided for in the following polices:
- c. PORTZ-PREC01-P4.3.b: *Responding to site context, including Sites and areas of significance to Māori;*
  - d. PORTZ-PREC01-P4.6: *Recognising mana whenua cultural values in the design of public spaces;*
  - e. PORTZ-PREC01-P4.14: *Incorporating public artwork and means to assist wayfinding, including provision of interpretation and references to the area's heritage and cultural associations.*
114. I note as well that PORTZ-PREC01-P2.3 also speaks to *'locational context, including whether the activity will compromise cultural, spiritual and/or historical values and interests and associations of importance to mana whenua'.*

#### **Summary of Recommendations**

115. **HS6-PORTZ-Rec16:** That PORTZ-PREC01-P1, PORTZ-PREC01-P2, and PORTZ-PREC01-P3 be confirmed as notified.
116. **HS6-PORTZ-Rec17:** That PORTZ-PREC01-P4 is amended as set out below and detailed in Appendix A:



#### **PORTZ-PREC01-P4 Amenity and design**

Require development within the Inner Harbour Port Precinct to complement and enhance the city centre gateway and contribute positively to the visual quality, amenity, interest and public safety of the Precinct, by:

1. Providing building forms and facades that reflect their visual prominence;
2. Encouraging resilient building design that is adaptable to change in use over time;
3. Responding to the site context, particularly where it is located adjacent to:
  - a. A heritage building, heritage structure or heritage area; and
  - b. Sites and areas of significance to Māori;
  - c. The Coastal Marine Area; and
  - d. Interface with the remainder of the Port Zone.
4. ...

117. **HS6-PORTZ-Rec18:** That submission points relating to PORTZ-PREC01-P1, PORTZ-PREC01-P2, PORTZ-PREC01-P3, and PORTZ-PREC01-P4 are accepted/rejected as detailed in Appendix B.

### **3.4.3 Multi-user Ferry Precinct: PORTZ-PREC02-P1, PORTZ-PREC02-P2, PORTZ-PREC02-P3, PORTZ-PREC02-P4, and PORTZ-PREC02-P5**

#### **Matters Raised by Submitters**

##### PORTZ-PREC02-P1

118. Wellington Civic Trust [388.43], CentrePort [402.172], and KiwiRail [408.141] seek that PORTZ-PREC02-P1 is retained as notified.

##### PORTZ-PREC02-P2

119. Wellington Civic Trust [388.44] and KiwiRail [408.142] seek that PORTZ-PREC02-P2 is retained as notified.
120. CentrePort [402.173 and 402.174] seeks that Clause 3.b of PORTZ-PREC02-P2 is deleted as there are no heritage items within or in proximity of the precinct.

##### PORTZ-PREC02-P3

121. Wellington Civic Trust [388.45] and KiwiRail [408.143] seek that PORTZ-PREC02-P3 is retained as notified.
122. CentrePort [402.175] considers that the wording of PORTZ-PREC02-P3 appears to only favour passenger transport and walking/cycling. Enhancing accessibility for passenger/freight vehicles and rail are a key consideration. CentrePort [402.176] (supported by Wellington Civic Trust [FS83.59] and opposed by Waka Kotahi [FS103.54]) seek to amend PORTZ-PREC02-P3 as follows:

### **PORTZ-PREC02-P3 Access and connections**

Ensure that the use, development, and operation of the Multi-User Ferry Precinct provides attractive, safe, efficient, and convenient connections to existing and planned ~~transport-rail~~ and road networks ~~by-while also:~~

1. Prioritising sustainable modes of transport within the precinct; and
2. Promoting and enhancing pedestrian and cycle access and connections.

### PORTZ-PREC02-P4

123. KiwiRail [408.144] seeks that PORTZ-PREC02-P4 is retained as notified.
124. Wellington Civic Trust [388.46 and 388.47] seeks that PORTZ-PREC02-P4 be amended to recognise the presence of the Kaiwharawhara Stream and estuary - an area understood to be an area of DOC esplanade reserve, and also the coastal marine area, as follows:

### **PORTZ-PREC02-P4 Quality and amenity**

Require new development and alterations and additions to existing development within the Multi-User Ferry Precinct to contribute to a well-functioning urban environment, complement and enhance the entrance to the city, and contribute positively to visual quality and amenity, by:

1. Providing building forms and facades that reflect and reinforce the Precinct's visually prominent city gateway location;
2. Ensuring the bulk, scale and location of built form is appropriate to the context, and is integrated with other development on the site, adjacent sites and surrounding public spaces;
3. Responding to the site context, particularly where it is located adjacent to:
  - a. A heritage building, heritage structure or heritage area; and
  - b. Sites and areas of significance to Māori; and
  - c. The coastal marine area, the Kaiwharara Stream and estuary, and public land;
4. Responding to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;
5. Achieving good accessibility for people of all ages and mobility;
6. Providing a safe environment for people that promotes a sense of security and allows informal surveillance;
7. Incorporating landscaping to enhance the character and amenity of the Precinct and to mitigate adverse visual effects of development, particularly at the interface with public spaces and adjacent sites;
8. Incorporating high-quality visual and architectural design; and
9. Incorporating public artwork and means to assist wayfinding, including provision of interpretation and references to the area's heritage and cultural associations.

125. CentrePort [402.177 and 402.178] (opposed by Wellington Civic Trust [FS83.60]) seeks that Clause 2 of PORTZ-PREC02-P4 should be amended as there are no adjoining sites and public spaces to the Precinct. CentrePort [402.179] also seeks that Clause 3.a of PORTZ-PREC02-P4 be deleted as there is no heritage items within or adjoining the Precinct. The amendments sought by CentrePort are as follows:

#### **PORTZ-PREC02-P4 Quality and amenity**

Require new development and alterations and additions to existing development within the Multi-User Ferry Precinct to contribute to a well-functioning urban environment, complement and enhance the entrance to the city, and contribute positively to visual quality and amenity, by:

1. Providing building forms and facades that reflect and reinforce the Precinct's visually prominent city gateway location;
2. Ensuring the bulk, scale and location of built form is appropriate to the context, and is integrated with other development on the site, and adjacent areas~~sites and surrounding public spaces~~;
3. Responding to the site context, particularly where it is located adjacent to:
  - a. ~~A heritage building, heritage structure or heritage area; and~~
  - b. Sites and areas of significance to Māori;

...

#### PORTZ-PREC02-P5

126. Wellington Civic Trust [388.48], CentrePort [402.180], and KiwiRail [408.145] seek that PORTZ-PREC02-P5 is retained as notified.

#### **Assessment**

127. In response to CentrePort [402.173 and 402.174] seeking to delete Clause 3.b of PORTZ-PREC02-P2, I consider this is appropriate as there are no PDP identified heritage buildings, heritage structures or heritage areas within or adjacent to the Multi-User Ferry Precinct. For the same reason I agree with CentrePort [402.179] that Clause 3.a of PORTZ-PREC02-P4 be deleted.
128. In response to CentrePort [402.175 and 402.176] seeking amendment to PORTZ-PREC02-P3, I agree in part. I note that the definition of 'transport network' within the PDP *'means all public rail, public roads, public pedestrian, cycle and micromobility facilities, public transport and associated infrastructure'*, and therefore already encompasses rail and road.
129. I acknowledge and agree with CentrePort however that passenger and freight vehicles are a key consideration. When the chapter is read as a whole, I note that PORTZ-P3 provides overarching directive as to the importance of the Port as a 'passenger, shipping and freight hub' and providing efficient, safe, and effective access and connections to transport modes and networks. I also draw attention to PORTZ-PREC02-O1.3 (Purpose of the Multi-User Ferry Precinct) that the MUFP *'Provides safe and efficient integration with inter island and regional transport networks, including for freight and passenger vehicles'*. I therefore consider that there is sufficient recognition of this aspect of the transport network within the PORTZ.
130. However, I do agree that given the inherent purpose of the MUFP, amending the policy to specifically reference 'freight and passenger transport networks' would be more reflective of the precinct's purpose whilst still seeking to promote pedestrian and cycle access and prioritise sustainable transport modes – noting that this could encompass electric vehicles. In my view this amendment would also better align with the outcomes in PORTZ-PREC02-O1.
131. Turning to the amendments sought by CentrePort [402.177 and 402.178] to PORTZ-PREC02-P4. I disagree with CentrePort that there are no adjoining sites and public spaces to the Precinct.

Instead, as per the definition of ‘public space’<sup>11</sup>, I agree with the further submission of Wellington Civic Trust [FS83.60] that the MUFPP adjoins a number of public spaces including the coastal marine area, areas of road and rail, as well as public spaces on the Kaiwharawhara reclamation itself, including DOC owned esplanade reserves. On this basis I agree with Wellington Civic Trust [FS83.60] that reference to ‘surrounding public spaces’ be retained in PORTZ-PREC02-P4.2.

132. I further agree with Wellington Civic Trust [388.46 and 388.47] that PORTZ-PREC02-P4 be amended to recognise the coastal marine area and Kaiwharawhara Stream and estuary. In my view the addition of ‘Kaiwharawhara Stream and estuary’ would work in unison with PORTZ-PREC02-P5 in ensuring that the visual quality and amenity of development responds to its site context of Kaiwharawhara. I consider that the coastal marine is also an appropriate consideration, noting that CentrePort [402.170 and 402.171] sought that the coastal marine area be added to the ‘sister’ IHPP policy PORTZ-PREC01-P4.3. I do not however agree that ‘public land’ is necessary to include within PORTZ-PREC02-P4.3.c, because as set out in the paragraph above, reference to ‘public spaces’ is already contained within PORTZ-PREC02-P4.2.

### Summary of Recommendations

133. **HS6-PORTZ-Rec19:** That PORTZ-PREC02-P1 and PORTZ-PREC02-P5 be confirmed as notified.
134. **HS6-PORTZ-Rec20:** That PORTZ-PREC02-P2 is amended as set out below and detailed in Appendix A:

#### PORTZ-PREC02-P2 Managing effects

Manage the effects of development within the Multi-User Ferry Precinct by ensuring that:

1. The development does not compromise or constrain:
  - a. The safe and efficient operation of the commercial port, including associated operational port activities;
  - b. Opportunities for intensification or expansion of passenger port facilities;
2. The development does not create significant adverse effects on activities on the surface of water; and
3. The activity does not compromise cultural, spiritual and/or historical values and interests and associations of importance to mana whenua, particularly where the site is located adjoining:
  - a. Sites and areas of significance to Māori;~~and~~
  - b. ~~A heritage building, heritage structure or heritage area.~~

135. **HS6-PORTZ-Rec21:** That PORTZ-PREC02-P3 is amended as set out below and detailed in Appendix A:

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<sup>11</sup> means those places in public or private ownership which are available for public access (physical or visual) or leisure and that are characterised by their public patterns of use. Public spaces include, but not limited to, streets, accessways, squares, plazas, urban parks, open space and all open or covered spaces within buildings or structures that are generally available for use by the public, notwithstanding that access may be denied at certain times.

#### **PORTZ-PREC02-P3 Access and connections**

Ensure that the use, development, and operation of the Multi-User Ferry Precinct provides attractive, safe, efficient, and convenient connections to existing and planned freight and passenger transport networks ~~by~~ while also:

1. Prioritising sustainable modes of transport within the precinct; and
2. Promoting and enhancing pedestrian and cycle access and connections.

136. **HS6-PORTZ-Rec22:** That PORTZ-PREC02-P4 is amended as set out below and detailed in Appendix A:

#### **PORTZ-PREC02-P4 Quality and amenity**

Require new development and alterations and additions to existing development within the Multi-User Ferry Precinct to contribute to a well-functioning urban environment, complement and enhance the entrance to the city, and contribute positively to visual quality and amenity, by:

1. Providing building forms and facades that reflect and reinforce the Precinct's visually prominent city gateway location;
2. Ensuring the bulk, scale and location of built form is appropriate to the context, and is integrated with other development on the site, adjacent sites and surrounding public spaces;
3. Responding to the site context, particularly where it is located adjacent to:
  - a. A heritage building, heritage structure or heritage area; ~~and~~
  - b. Sites and areas of significance to Māori;
  - c. The coastal marine area; and
  - d. The Kaiwharara Stream and estuary; and
4. Responding to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;
5. Achieving good accessibility for people of all ages and mobility;
6. Providing a safe environment for people that promotes a sense of security and allows informal surveillance;
7. Incorporating landscaping to enhance the character and amenity of the Precinct and to mitigate adverse visual effects of development, particularly at the interface with public spaces and adjacent sites;
8. Incorporating high-quality visual and architectural design; and
9. Incorporating public artwork and means to assist wayfinding, including provision of interpretation and references to the area's heritage and cultural associations.

137. **HS6-PORTZ-Rec23:** That submission points relating to PORTZ-PREC02-P1, PORTZ-PREC02-P2, PORTZ-PREC02-P3, PORTZ-PREC02-P4, and PORTZ-PREC02-P5 are accepted/rejected as detailed in Appendix B.

## **3.5 Special Purpose Port Zone Rules**

### **3.5.1 PORTZ-R1, PORTZ-R2, PORTZ-R3, PORTZ-R4, and PORTZ-R5**

#### **Matters Raised by Submitters**

138. CentrePort [402.181, 402.182, 402.183, 402.184, and 402.185] seek that PORTZ-R1, PORTZ-R2,

PORTZ-R3, PORTZ-R4, and PORTZ-R5 are retained as notified.

139. KiwiRail [408.146, 408.147, 408.148, and 408.149] seek that PORTZ-R1, PORTZ-R3, PORTZ-R4, and PORTZ-R5 are retained as notified.
140. GWRC [351.299 and 351.300] seek an amendment to PORTZ-R3 to include a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.

#### **Assessment**

141. I disagree with the amendment sought by GWRC [351.299 and 351.300] relating to the requirement for disposal of building waste at approved facilities. As I addressed in Hearing Stream 4<sup>12</sup>, it would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this.

#### **Summary of Recommendations**

142. **HS6-PORTZ-Rec24:** That PORTZ-R1, PORTZ-R2, PORTZ-R3, PORTZ-R4, and PORTZ-R5 be confirmed as notified.
143. **HS6-PORTZ-Rec25:** That submission points relating to PORTZ-R1, PORTZ-R2, PORTZ-R3, PORTZ-R4, and PORTZ-R5 are accepted/rejected as detailed in Appendix B.

### **3.5.2 Inner Harbour Port Precinct: PORTZ-PREC01-R1, PORTZ-PREC01-R2, PORTZ-PREC01-R3, PORTZ-PREC01-R4, PORTZ-PREC01-R5, PORTZ-PREC01-R6, PORTZ-PREC01-R7, and PORTZ-PREC01-R8**

#### **Matters Raised by Submitters**

##### PORTZ-PREC01-R1

144. CentrePort [402.186 and 402.187] (opposed by Wellington Civic Trust [FS83.61 and FS8362]) opposes the permitted limitation of 500m<sup>2</sup> for commercial activities as this precinct adjoins the Central City and is identified as an area for future mixed use. CentrePort seeks that PORTZ-PREC01-R1 (Commercial Activities) is deleted in its entirety, or otherwise seeks amendment to amend floorspace limitation to 2,000m<sup>2</sup>.

##### PORTZ-PREC01-R2

145. CentrePort [402.188 and 402.189] (opposed by Wellington Civic Trust [FS83.63 and FS8364]) opposes the permitted limitation of 2000m<sup>2</sup> for office activities as this precinct adjoins the Central City and is identified as an area for future mixed use. CentrePort seeks that PORTZ-PREC01-R2 (Office Activities) is deleted in its entirety, or otherwise seeks amendment to amend floorspace limitation to 10,000m<sup>2</sup>. CentrePort considers that the PDP is a significant variance from the ODP which enabled office activities.

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<sup>12</sup> [General Industrial Zone s42 Report prepared for Hearing Stream 4](#), Paragraph 186.

146. CentrePort [402.190] (opposed by Wellington Civic Trust [FS83.65]) seeks to clarify that PORTZ-PREC01-R2 is not intended in itself to define what constitutes a significant development or trigger the requirement for a Master Plan or a Plan Change.

PORTZ-PREC01-R3, PORTZ-PREC01-R4, and PORTZ-PREC01-R5

147. CentrePort [402.191, 402.192, and 402.193] seek that PORTZ-PREC01-R3, PORTZ-PREC01-R4, and PORTZ-PREC01-R5 are retained as notified.

PORTZ-PREC01-R6

148. CentrePort [402.194] seeks that PORTZ-PREC01-R6 is retained as notified.

149. GWRC [351.301 and 351.302] seek an amendment to PORTZ-PREC01-R6 to include a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.

PORTZ-PREC01-R7

150. CentrePort [402.195 and 402.197] (opposed by Wellington Civic Trust [FS83.66 and FS83.67]) opposes PORTZ-PREC01-R7 as any buildings and structures not related to existing passenger port facilities or operational port activities are a discretionary activity. They submit that there is no scale reference for this rule for example a coffee kiosk would require a consent and be subject to public notification. CentrePort seeks that PORTZ-PREC01-R7 (Construction of buildings and structures and alterations and additions to buildings and structures not related to existing passenger port facilities or operational port activities in the Inner Harbour Port Precinct) is deleted in its entirety, or otherwise seeks amendment to allow such buildings up to 200m<sup>2</sup> as a permitted activity. CentrePort [402.196] (opposed by Wellington Civic Trust [FS83.68]) also seeks that the public notification statement is deleted as the RMA provides the circumstances where public notification is required.

PORTZ-PREC01-R8

151. Wellington Civic Trust [388.49 and 388.50] (opposed by CentrePort [FS30.2]) seeks that PORTZ-PREC01-R8 is amended so that storage areas are also screened from the coastal marine area.

**Assessment**

152. In response to CentrePort [402.186 and 402.187] seeking to amend the commercial floorspace limitation in PORTZ-PREC01-R1 to 2000m<sup>2</sup>, I disagree. As detailed in the [Port Zone Section 32 Report](#), the intent of 500m<sup>2</sup> is that *“This lower threshold provides a much stronger directive for integrated comprehensive development in line with policy, or otherwise provides scope for a decision-maker to decline an application.”* The effect of this being that the provisions encourage a more coordinated, site-responsive, comprehensive and integrated approach to development within the precinct. I note that ancillary retail and commercial activities are included within the definition of passenger port facilities. Where not directly associated with passenger port facilities, 500m<sup>2</sup> is in my view a suitable permitted activity limit for commercial activities in the IHPP.

153. In their submission CentrePort did not provide any planning evaluation or s32AA evaluation as to why the floorspace limitation for commercial activities in the IHPP should be increased to

2,000m<sup>2</sup>, other than that the precinct adjoins the Central Area and is identified as an area for future mixed use. Without sufficient evidence, I do not see any reason for a substantial increase.

154. CentrePort's alternate relief sought deletion of PORTZ-PREC01-R1 in its entirety. This would make any commercial activities in the IHPP a discretionary activity irrespective of floorspace under PORTZ-PREC02-R3 (All other activities). Given the vision of the precinct to transition towards a mixed-use environment, I consider that providing for 500m<sup>2</sup> as a permitted activity is more efficient and effective than restricting all commercial activities to discretionary. Therefore, in the absence of any compelling evidence, planning evaluation or s32AA evaluation, I consider that the notified provisions most appropriately implement the objectives of the PDP, and disagree with the relief sought.
155. In response to CentrePort [402.188 and 402.189] seeking the 2000m<sup>2</sup> limit for office activities under PORTZ-PREC01-R2 be increased to 10,000m<sup>2</sup>, I agree.
156. In their submission CentrePort identified that the 2000m<sup>2</sup> limit is a significant variance from the 68,000m<sup>2</sup> limit for office activities in the ODP. The intent in the ODP and now in the PDP through the IHPP is to encourage/redirect office activities within the City Centre Zone in support of the centres hierarchy. I understand that during [Plan Change 48 \(Central Area Review\)](#) there were concerns from Central Area building owners about opening up the Redevelopment Precinct as a commercial office precinct, and 'unfettered' commercial office development which could present the risk of undermining the vitality and vibrancy of the Central Area. The concern was that without some control/limit the Precinct would become a 'de facto' extension to the Central Area with a strong emphasis on office accommodation. This concern has been reflected in the IHPP as a matter of discretion in PORTZ-PREC01-R2.2.2.
157. As detailed in the [Port Zone Section 32 Report](#): *"The status quo provides for office activities and development in the operative Port Redevelopment Area – however this approach is no longer considered to be reflective of development aspirations for this area."* ODP Rule 13.1.1 permitted 68,200m<sup>2</sup> of office activities within the precinct. To date, there have been three new office buildings located in the Port Redevelopment Precinct - Customhouse, Statistics House, and BNZ Harbour Quays, however the latter two buildings having subsequently been 'deconstructed' as a consequence of damage suffered during the Kaikoura Earthquake.
158. The IHPP replaces the ODP Port Redevelopment Precinct which was based on a masterplan that is outdated, no longer being pursued by CentrePort or reflective of development aspirations for this area. As such the intent of the IHPP is to provide for the port's passenger and shipping capacity in the short to medium term, and eventual transition to a mix-used environment in the long-term. This long-term vision is tied to existing passenger port facilities and operational port facilities shifting from the IHPP to the MUFPP as part of the multi-user ferry terminal staged development – which may not occur during the life of the PDP.
159. The permitted activity net lettable floor space threshold is reflective of this – being to allow for some office activities in the interim but that any larger-scale development and activities above 2000m<sup>2</sup> are assessed as restricted discretionary activities with matters of discretion related to the extent to which the proposal will contribute to the long-term vision of the precinct and potential impact of additional floor space on the viability and vibrancy of the City Centre Zone.



160. As I understand from discussions with CentrePort, there is currently 8,096m<sup>2</sup> of leased office space within the IHPP (6,500m<sup>2</sup> of which is the Customhouse building). I therefore consider it is appropriate to increase the permitted activity rule to 10,000m<sup>2</sup> as this would then provide approximately 2,000m<sup>2</sup> of additional net lettable office floor space within the IHPP as a permitted activity.
161. In their submission CentrePort [402.190] sought clarification that the office activity rule (PORTZ-PREC01-R2) does not in itself constitute a significant development or trigger the requirement for a master plan or plan change. That is correct because:
- a. As discussed in paragraphs 63-65, the PDP does not have any master plan or plan change requirement or trigger to transition the IHPP to Waterfront Zone.
  - b. If the permitted activity office net lettable floorspace threshold were exceeded, the activity would then be assessed as a restricted discretionary activity.
162. However, the very nature of the floorspace limitation would mean that once existing floorspace within the precinct is occupied, new building space would be necessitated. At which point the construction of buildings for non-port activities (PORTZ-PREC01-R7) would trigger the need for an assessment of the requirements set out in Appendix 10-A. As discussed in section 3.2.2, it is important to differentiate that Appendix 10 is not a trigger for a plan change or masterplan, but instead details assessment matters to help guide coordinated and integrated development to achieve the long-term vision of the precinct. It may however be that Appendix 10 encourages or helps guide the process towards masterplanning.
163. The intent of the rule framework is that that buildings and structures for operational port activities are a permitted activity under PORTZ-R5, while existing passenger port facilities are a permitted activity under PORTZ-PREC01-R4. As these are the primary intended use of the Port Zone and precincts in the short-term, the rule framework enables these activities.
164. I consider that the long-term vision of the IHPP (as detailed in CentrePort’s Regeneration Plan<sup>13</sup> and the IHPP introduction) makes it clear that any development that does not relate to existing passenger port facilities or operational port activities in the IHPP needs to be considered against the requirements of Appendix 10-A and assessed on its merits through the resource consent process. Discretionary activity status is appropriate for such an activity as it is not anticipated within the short and medium term plans for the precinct while operational port activities are occurring. There is a risk that small scale ad-hoc developments could have a perverse effect on the ability to have an integrated, well-planned, and comprehensively redeveloped precinct. As detailed in the [Port Zone Section 32 Report](#), the intent is that the rule framework disincentives development that it not comprehensively planned.
165. I note that as part of CentrePort’s Regeneration Plan<sup>14</sup> there are ‘interim phase options’ which set out: *‘Other scenarios include if the multi-user ferry terminal at Kaiwharawhara does not go ahead, and Strait NZ Bluebridge remains using its existing ferry terminal. This would not prevent CentrePort from proceeding with inner-harbour connectivity works to better integrate the port with Wellington city, however there would be less room for new builds on the existing land, which*

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<sup>13</sup> CentrePort Wellington, [Our Plan](#)

<sup>14</sup> CentrePort Wellington, [Our Plan](#)

would continue to be used for port operations.’ This identifies that there is uncertainty as to whether Bluebridge will move north to Kaiwharawhara, and more so surrounding the future of the iRex project.

166. In response to CentrePort [402.195 and 402.197], I agree in-part. The intent of PORTZ-PREC01-R7 is to limit ad-hoc development and to instead encourage comprehensive development. If as suggested by CentrePort, the rule was amended to allow for buildings up to 200m<sup>2</sup> as a permitted activity then this could enable any number of new buildings to be constructed without an integrated or comprehensive plan for the precinct.
167. However, I do appreciate that there their point about a coffee kiosk being captured by this rule and being subject to public notification. I therefore suggest adding a new permitted activity rule for buildings under 100m<sup>2</sup> in a manner consistent with the building and structure rule in the City Centre Zone (CCZ-R20) and the passenger port facilities rule in the MUFPP (PORTZ-PREC02-R6). This would enable small scale office and commercial development to occur while still ensuring that any significant development proposed in the IHPP will be assessed as a discretionary activity and not undermine the intent that development be comprehensively planned and considered in accordance with the Appendix 10-A requirements. I consider that tying this new permitted activity rule to a 10 percent precinct wide building coverage threshold would be effective and efficient in achieving this outcome<sup>15</sup>.
168. In my view this new rule responds to the concerns of CentrePort as to the scale of reference of what constitutes significant development. It also enables flexibility during the transition of the precinct to a mixed-use environment while there remains uncertainty around passenger port facilities continuing to operate in the IHPP.
169. Given the significance and prominence of the precinct neighbouring the City Centre and Waterfront Zones and its long-term vision, I disagree with CentrePort [402.196] and continue to support public notification for applications made under the discretionary rule PORTZ-PREC01-R7. I concur with the further submission of Wellington Civic Trust [FS83.68] that *‘the Inner Harbour Port Precinct and its future use and development are aspects of considerable interest to the people of Wellington.’*
170. I disagree with the amendment sought by GWRC [351.301 and 351.302] relating to the requirement for disposal of building waste at approved facilities. As I addressed in Hearing Stream 4<sup>16</sup>, it would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this.
171. In response to Wellington Civic Trust [388.49 and 388.50] seeking storage areas are also screened from the coastal marine area, I disagree. I concur with the further submission of CentrePort [FS30.2] that screening storage areas adjoining the coastal marine area is impractical in a port environment.

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<sup>15</sup> Building coverage within in the IHPP is approximately 5 percent at the time of writing this report.

<sup>16</sup> [General Industrial Zone s42 Report prepared for Hearing Stream 4](#), Paragraph 186.

## Summary of Recommendations

172. **HS6-PORTZ-Rec26:** That PORTZ-PREC01-R2 be amended as set out below and detailed in Appendix A:

### **PORTZ-PREC01-R2 Office activities**

1. Activity status: Permitted

#### Where:

- a. The area of net lettable floor space occupied by office activities within the precinct does not exceed ~~2000~~10,000m<sup>2</sup>.

173. **HS6-PORTZ-Rec27:** That PORTZ-PREC01-R7 be amended as set out below and detailed in Appendix A:

### **PORTZ-PREC01-R7 Construction of buildings and structures and alterations and additions to buildings and structures not related to existing passenger port facilities or operational port activities in the Inner Harbour Port Precinct**

1. Activity status: Permitted

#### Where:

- a. The alterations or additions to a building or structure:
  - i. Do not alter the external appearance of the building or structure; or
  - ii. Relate to a building frontage below verandah level; or
  - iii. Do not extend the existing building footprint by more than 10 percent.
- b. It involves the construction of any new building or structure that:
  - i. Will have a gross floor area of 100m<sup>2</sup> or less; and
  - ii. Will result in a building coverage of no more than 10 percent across the precinct; and
- c. Compliance with PORTZ-PREC01-S1 and PORTZ-PREC01-S2 is achieved.

2. Activity status: Discretionary

#### Where:

- a. Compliance with any of the requirements of PORTZ-PREC01-R7.1 cannot be achieved.

#### Section 88 information requirements for applications:

1. Applications under ~~this rule~~PORTZ-PREC01-R7.2 must provide, in addition to the standard information requirements:
  - a. An assessment that addresses the specific Inner Harbour Port Precinct requirements set out in Appendix 10-A.

Notification Status: An application for resource consent made in respect of ~~this rule~~PORTZ-PREC01-R7.2 must be publicly notified.

174. **HS6-PORTZ-Rec28:** That PORTZ-PREC01-R1, PORTZ-PREC01-R3, PORTZ-PREC01-R4, PORTZ-PREC01-R5, PORTZ-PREC01-R6, and PORTZ-PREC01-R8 be confirmed as notified.
175. **HS6-PORTZ-Rec29:** That submission points relating to PORTZ-PREC01-R1, PORTZ-PREC01-R2, PORTZ-PREC01-R3, PORTZ-PREC01-R4, PORTZ-PREC01-R5, PORTZ-PREC01-R6, PORTZ-PREC01-R7, and PORTZ-PREC01-R8 are accepted/rejected as detailed in Appendix B.

### **Section 32AA Evaluation**

176. In my opinion, the amendments recommended to PORTZ-PREC01-R2 and PORTZ-PREC01-R7 are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that the amended rules better align with purpose of the IHPP as it transitions in a co-ordinated and integrated manner to a mixed-use waterfront environment in the long-term (PORTZ-PREC01-O1).
177. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than those identified in the [Port Zone Section 32 Report](#) for the notified provisions.

### **3.5.3 Multi-user Ferry Precinct: PORTZ-PREC02-R1, PORTZ-PREC02-R2, PORTZ-PREC02-R3, PORTZ-PREC02-R4, PORTZ-PREC02-R5, PORTZ-PREC02-R6, PORTZ-PREC02-R7, and PORTZ-PREC02-R8**

#### **Matters Raised by Submitters**

##### PORTZ-PREC02-R1

178. CentrePort [402.198 and 402.199] (opposed by Wellington Civic Trust [FS83.69 and FS83.70]) opposes the permitted limitation of 500m<sup>2</sup> for commercial activities. CentrePort seeks that PORTZ-PREC02-R1 (Commercial Activities) is deleted in its entirety, or otherwise seeks amendment to amend floorspace limitation to 2,000m<sup>2</sup>.
179. KiwiRail [408.150] seeks that that PORTZ-PREC02-R1 is retained as notified.

##### PORTZ-PREC02-R2

180. CentrePort [402.200] (opposed by Wellington Civic Trust [FS83.71]) supports the intent of that PORTZ-PREC02-R2 (All other activities) subject to their relief sought in relation to PORTZ-PREC02-R1 (Commercial Activities).

##### PORTZ-PREC02-R3

181. CentrePort [402.201] and KiwiRail [408.151] seek that PORTZ-PREC02-R3 (Existing passenger port facilities) is retained as notified.

##### PORTZ-PREC02-R4

182. CentrePort [402.202] and KiwiRail [408.152] seek that PORTZ-PREC02-R4 (Maintenance and repair of buildings and structures) is retained as notified.

#### PORTZ-PREC02-R5

183. CentrePort [402.203] and KiwiRail [408.153] seek that PORTZ-PREC02-R5 (Demolition or removal of buildings and structures) is retained as notified.
184. GWRC [351.303 and 351.304] seek an amendment to PORTZ-PREC01-R5 to include a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.

#### PORTZ-PREC02-R6

185. CentrePort [402.204] and KiwiRail [408.154] seek that PORTZ-PREC02-R6 (Construction of buildings and structures, alterations and additions to buildings and structures for passenger port facilities) is retained as notified.

#### PORTZ-PREC02-R7

186. CentrePort [402.205] seeks that PORTZ-PREC02-R7 (Construction of buildings and structures, alterations and additions to buildings and structures not related to passenger port facilities or operational port activities) is retained as notified.

#### PORTZ-PREC02-R8

187. Wellington Civic Trust [388.51 and 388.52] (opposed by CentrePort [FS30.3]) seeks that PORTZ-PREC02-R8 (Outdoor Storage Areas) is amended so that storage areas are also screened from the coastal marine area.
188. KiwiRail [408.155] seeks that PORTZ-PREC02-R8 is retained as notified.

#### **Assessment**

189. In response to CentrePort [402.198 and 402.199] seeking to amend the commercial floorspace limitation in PORTZ-PREC02-R1 to 2000m<sup>2</sup>, I disagree. As detailed in the [Port Zone Section 32 Report](#), the intent of 500m<sup>2</sup> is that *“This lower threshold provides a much stronger directive for integrated comprehensive development in line with policy, or otherwise provides scope for a decision-maker to decline an application.”* The effect of this being that the provisions encourage a more coordinated, site-responsive, comprehensive and integrated approach to development within the precinct. I note that ancillary retail and commercial activities are included within the definition of passenger port facilities. Where not directly associated with passenger port facilities, 500m<sup>2</sup> is in my view a suitable permitted activity limit for commercial activities in the MUFP.
190. It is worth noting that the PDP rule framework for commercial activities in the MUFP is similar to the ODP provisions for retail activities in the Pipitea Precinct (ODP equivalent to the PDP MUFP). Notably however, the PDP permits 500m<sup>2</sup> of commercial activities whereas under ODP Rule 13.4.4, any retail activities within the Pipitea Precinct are discretionary.
191. In their submission CentrePort did not provide any planning evaluation or s32AA evaluation as to why the floorspace limitation for commercial activities in the MUFP should be increased to 2,000m<sup>2</sup>, other than that 500m<sup>2</sup> is arbitrary and unnecessary. Without sufficient evidence, I do not see any reason for a substantial increase.

192. CentrePort’s alternate relief sought deletion of PORTZ-PREC02-R1 in its entirety. This would make any commercial activities in the MUFP a discretionary activity irrespective of floorspace under PORTZ-PREC02-R2 (All other activities). I agree with this relief for two reasons:

a. CentrePort’s Regeneration Plan<sup>17</sup> for the MUFP is that the precinct be utilised as a Multi-user Ferry Terminal, which unlike the indicated vision for the Inner Harbour Port Precinct, does not identify any alternative activities beyond passenger port functions, i.e. commercial or mixed-use activities. I can therefore see how a 500m<sup>2</sup> permitted activity is arbitrary given that the purpose of the precinct focuses solely on the development and operation of multi-user ferry activities – i.e. operational port activities and passenger port facilities.

b. CentrePort sought that PORTZ-PREC02-R7 (Construction of buildings and structures, alterations and additions to buildings and structures not related to passenger port facilities or operational port activities) be retained as notified. This is relevant given the floor space threshold of PORTZ-PREC02-R1 is by default likely to trigger PORTZ-PREC02-R7 because of the lack of existing net lettable floorspace within the MUFP. Again, I note here the similarity with ODP Rule 13.4.8 whereby the construction of buildings for office and retail activities within the Pipitea Precinct is a discretionary activity subject to providing a masterplan before any landuse consent can be assessed. This is comparable to PORTZ-PREC02-R7 which is also a discretionary activity and has a s88 information requirement for an assessment of the MUFP requirements in Appendix 10-B. Given this inherent link to PORTZ-PREC02-R7, I can see CentrePort’s point as to why PORTZ-PREC02-R1 is unnecessary.

193. I therefore agree with CentrePort and recommend that PORTZ-PREC02-R1 be deleted in its entirety.

194. Turning to the amendment sought by GWRC [351.303 and 351.304] relating to the requirement for disposal of building waste at approved facilities. I disagree. As I addressed in Hearing Stream 4<sup>18</sup>, it would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this.

195. In response to Wellington Civic Trust [388.51 and 388.52] seeking storage areas are also screened from the coastal marine area, I disagree. Instead, I concur with the further submission of CentrePort [FS30.3] that screening storage areas adjoining the coastal marine area is impractical in a port environment.

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<sup>17</sup> CentrePort Wellington, [Our Plan](#)

<sup>18</sup> [General Industrial Zone s42 Report prepared for Hearing Stream 4](#), Paragraph 186.

## Summary of Recommendations

196. **HS6-PORTZ-Rec30:** That PORTZ-PREC02-R1 be deleted in its entirety as set out below and detailed in Appendix A:

~~**PORTZ-PREC02-R1 Commercial activities—**~~

- ~~1.—Activity status: Permitted~~

~~**Where:**~~

- ~~a.—The area of net lettable floor space occupied by commercial activities within the precinct does not exceed 500m<sup>2</sup>.~~

197. **HS6-PORTZ-Rec31:** That PORTZ-PREC02-R2, PORTZ-PREC02-R3, PORTZ-PREC02-R4, PORTZ-PREC02-R5, PORTZ-PREC02-R6, PORTZ-PREC02-R7, and PORTZ-PREC02-R8 be confirmed as notified.
198. **HS6-PORTZ-Rec32:** That submission points relating to PORTZ-PREC02-R1, PORTZ-PREC02-R2, PORTZ-PREC02-R3, PORTZ-PREC02-R4, PORTZ-PREC02-R5, PORTZ-PREC02-R6, PORTZ-PREC02-R7, and PORTZ-PREC02-R8 are accepted/rejected as detailed in Appendix B.

## 3.6 Special Purpose Port Zone Standards

### 3.6.1 PORTZ-S1, PORTZ-PREC01-S1, PORTZ-PREC01-S2, and PORTZ-PREC02-S1

#### Matters Raised by Submitters

199. CentrePort [402.206] and KiwiRail [408.156] seek that PORTZ-S1 is retained as notified.
200. CentrePort [402.207] and KiwiRail [408.157] seek that PORTZ-PREC01-S1 is retained as notified.
201. CentrePort [402.208] seeks that PORTZ-PREC01-S2 is retained as notified.
202. CentrePort [402.209] seeks that PORTZ-PREC02-S1 is retained as notified.

#### Assessment

203. No further assessment is required.

#### Summary of Recommendations

204. **HS6-PORTZ-Rec33:** That PORTZ-S1, PORTZ-PREC01-S1, PORTZ-PREC01-S2, and PORTZ-PREC02-S1 be confirmed as notified.
205. **HS6-PORTZ-Rec34:** That submission points relating to PORTZ-S1, PORTZ-PREC01-S1, PORTZ-PREC01-S2, and PORTZ-PREC02-S1 are accepted/rejected as detailed in Appendix B.

## 3.7 APP10 – Inner Harbour Port Precinct and Multi-User Ferry Precinct Requirements

#### Matters Raised by Submitters

206. Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir

[275.44] and GWRC [351.332] seek that APP10 is retained as notified.

207. Wellington Civic Trust [388.117 and 388.118] seeks that Appendix 10-B recognise that the Multi-user Ferry Precinct is the main gateway to the central city, and that this be a consideration when assessing any development proposals for the area, as follows:

**Appendix 10-B: Multi-User Ferry Precinct requirements**

...

8. Demonstrates recognition that the Precinct is in a key gateway position at the entrance to the City Centre from passenger railways, from cycleways, from State Highway 1 and from the harbour, and provides layout and design which does not detract from, and, if practical, contributes to, recognition and celebration of this position.

208. Taranaki Whānui [389.137 and 389.138] (opposed by Te Rūnanga o Toa Rangatira [FS138.72 and FS138.73]) seek that Appendix 10-A and Appendix 10-B are amended to include "*Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City.*"
209. CentrePort [402.213 and 402.214] seeks two amendments to Appendix 10-A to add 'that is required' to reference to the scale of the activity or structure proposed, and to add reference to the Coastal Marine Area noting that there are complimentary provisions in the Proposed Natural Resources Plan concerning heritage listed wharf structures that directly adjoin the precinct. The amendments sought are as follows:

**Appendix 10-A: Inner Harbour Port Precinct requirements**

Any application that is required for development must:

1. Contribute to the compatibility of existing and future activities, buildings and public space within the site and integrate with the transport network and adjacent sites, particularly at interfaces with the Waterfront Zone, City Centre Zone, ~~and~~ Commercial Port and activities within the coastal marine area.

210. CentrePort [402.215 and 402.216] seek an amendment to Appendix 10-B to add 'that is required' to reference to the scale of the activity or structure proposed, as follows:

**Appendix 10-B: Multi-User Ferry Precinct requirements**

Any application that is required for development must:

...

**Assessment**

211. In response to Wellington Civic Trust [388.117 and 388.118], I agree that the MUFPP provides a gateway to the city and that any development's should enable a 'layout and design which does not detract from, and, if practical, contributes to, recognition and celebration of this position'. As set out in paragraph 87 above, this is particularly relevant given the identification of the area as an opportunity site. However, in my view this is already sufficiently addressed through MUFPP policies, particularly PORTZ-PREC02-P4.1: '*Providing building forms and facades that reflect and*



*reinforce the Precinct's visually prominent city gateway location'*. I therefore do not consider any amendment is necessary to Appendix 10-B. I also note that the Multi-User Ferry Terminal redevelopment, including multi-modal transport, has already been designed and consented through the COVID-19 Recovery (Fast-Track Consenting) Act 2020 process<sup>19</sup>, albeit there is now uncertainty surrounding the future of this project.

212. In response to Taranaki Whānui [389.137 and 389.138], I disagree. I note that this matter was addressed in the Hearing Stream 1 S42A Report<sup>20</sup>. Mr McCutcheon's assessment is that it would be inappropriate for the plan to specify a level of mana whenua status different to that identified through Treaty of Waitangi settlement legislation. In this case Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira both have mana whenua status. I agree with this conclusion.
213. In response to CentrePort [402.213 and 402.214] I agree with their reasoning and relief sought to add 'activities within the coastal marine area' to Appendix 10-A when seeking that new development and activities contribute to the compatibility and integration of surrounding environments at the precinct's interface.
214. With respect to CentrePort's [402.213, 402.214, 402.15, and 402.16] proposed amendments to Appendix 10-A and 10-B to add reference to 'that is required' I agree. The two rules (PORTZ-PREC01-R7 and PORTZ-PREC02-R7) which 'trigger' the section 88 information requirement for an assessment of the requirements set out in Appendix 10 are suitably clear. That is - any building or structure not related to operational port activities or passenger port facilities (note: existing passenger port facilities in the IHPP) is a discretionary activity.
215. When buildings or structures of a more mixed-use nature (i.e. commercial and office activities) are proposed, it is appropriate to consider the effects of the development and a broad consideration of the precinct policies. Assessment against the requirements of Appendix 10 is appropriate to avoid ad-hoc development that may compromise the long-term vision for the precincts to development in a '*co-ordinated, site-responsive, comprehensive and integrated manner*' (PORTZ-PREC01-P1.1 and PORTZ-PREC02-P1.1). In my view amending Appendix 10 to state 'any application that is required for development' will provide additional clarity, particularly given my recommendation to add a new permitted activity rule for non-port related buildings and structures to PORTZ-PREC01-R7 where certain conditions are met.

### Summary of Recommendations

216. **HS6-PORTZ-Rec35:** That Appendix 10 is amended as set out below and detailed in Appendix A:

#### Appendix 10-A: Inner Harbour Port Precinct requirements

Any application that is required for development must:

1. Contribute to the compatibility of existing and future activities, buildings and public space within the site and integrate with the transport network and adjacent sites, particularly at interfaces with the Waterfront Zone, City Centre Zone, and Commercial Port and activities within the coastal marine area.

<sup>19</sup> [Kaiwharawhara Wellington Ferry Terminal Redevelopment Decision](#), 25 January 2023.

<sup>20</sup> [Hearing Stream 1 – Part 1, plan wide matters and strategic direction s42A Report](#), Paragraph 487.

#### Appendix 10-B: Multi-User Ferry Precinct requirements

Any application that is required for development must:

1. ...
2. ...

217. **HS6-PORTZ-Rec36:** That submission points relating to Appendix 10 are accepted/rejected as detailed in Appendix B.

## 4.0 Minor and inconsequential amendments

218. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

219. The following minor and inconsequential amendments relevant to this report are identified below and proposed to be corrected, as set out in Appendix A.

- a. In alignment with amendments recommended in the Wrap Up Hearing<sup>21</sup> as to how the Design Guides are referenced throughout the PDP, I recommend that Appendix 10-A.8 and Appendix 10-B.5 are amended as follows:

Identify and demonstrate how ~~relevant guidelines in the Centres and Mixed Use Design Guide have been given effect to.~~ the development fulfils the intent of the Centres and Mixed Use Design Guide.

## 5.0 Conclusion

220. This report has provided an assessment of submissions received in relation to the Special Purpose Port Zone Chapter.

221. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.

222. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- b. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
- c. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

<sup>21</sup> [ISPP Wrap Up Hearing – Design Guides s42A Report](#), Paragraphs 204-211.

## 5.1 Recommendations

223. It is recommended that:

- d. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
- e. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

## 6.0 Appendices

### **Appendix A: Recommended Amendments to the Special Purpose Port Zone Chapter and Appendix 10**

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

### **Appendix B: Recommended Responses to Submissions and Further Submissions on the Special Purpose Port Zone Chapter and Appendix 10**