

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

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing submissions and further submissions on the
Proposed Wellington City District Plan – Hearing Stream 6

**Statement of supplementary planning evidence of Hannah van Haren-Giles
on behalf of Wellington City Council**

Date: 13 February 2024

INTRODUCTION:

1 My name is Hannah van Haren-Giles. I am employed as a Senior Planning Advisor in the District Planning Team at Wellington City Council.

2 I have read the respective evidence of:

KiwiRail Holdings Limited ID 408 and FS72

a. Sheena McGuire – Planner

CentrePort Limited ID 402 and FS30

a. Kate Michelle Searle – Planner

3 I have prepared this statement of evidence in response to expert evidence submitted by the people listed above to support the submissions and further submissions on the Proposed Wellington City District Plan (the Plan / PDP).

4 Specifically, this statement of evidence relates to the matters of [Hearing Stream 6 – Section 42A Report – Port Zone](#).

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 My [Section 42A Report](#) sets out my qualifications and experience as an expert in planning.

6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

SCOPE OF EVIDENCE

7 My statement of evidence:

a. Addresses the expert evidence of those listed above; and

- b. Identifies errors and omissions from my s42A report that I wish to address.

RESPONSES TO EXPERT EVIDENCE

KiwiRail Holdings Limited ID 408 and FS72 – Sheena McGuire

- 8 Ms McGuire tabled a statement of evidence on behalf of KiwiRail. Ms McGuire supports the assessments and recommendations to amend and retain provisions as outlined in the Port s42A Report. There are no outstanding matters to be addressed.

CentrePort Limited ID 402 and FS30 – Kate Searle

- 9 Ms Searle on behalf of CentrePort generally supports the relevant recommendations of the Port Zone s42A Report, however raises three matters:

- a. The rule framework for Passenger Port Facilities
- b. Redevelopment of the Inner Harbour Port Precinct (IHPP) – PORTZ-PREC01-P4
- c. Public notification – PORTZ-PREC01-R7

- 10 Before responding to the above evidence, it is useful to reiterate the relationship between spatial layers. As set out in the National Planning Standards, *‘a precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).’*

- 11 Precincts, in providing for specific, area-based differences, can vary the activity status and rules of the underlying zone, either to be more enabling or more restrictive. This tailored precinct focus takes priority over more general zone rules, or in other words, the specific overrides the general. This matter is set out in the Introduction to both precincts where it is stated *‘Where there is any conflict between the Port Zone provisions and the Precinct provisions, the Precinct provisions prevail.’*

Rule framework for Passenger Port Facilities

- 12 At paragraph 18 of her evidence Ms Searle questions whether it is the intent of the rule framework that buildings and structures associated with new passenger port facilities in the IHPP are discretionary. This is the correct interpretation. In the IHPP, buildings and structures associated with existing passenger port facilities (i.e. Bluebridge) are a permitted activity under PORTZ-PREC01-R4, while buildings and structures for new passenger port facilities are a discretionary activity under PORTZ-PREC01-R7 and subject to an assessment that addresses the specific IHPP requirements set out in Appendix 10-A. I consider this to be proportionate with the locational prominence of the precinct with the adjacent Waterfront and City Centre zones, public interest in the development of any new ferry terminal, and allows for a consideration of the extent to which development of the site has regard to the long-term vision of the precinct. Ms Searle is mistaken that new buildings or structures associated with Bluebridge operations would require resource consent.
- 13 I consider that the rule framework for passenger port facilities is consistent with the long-term vision for the IHPP – that it transitions to a mixed-use waterfront environment, while still enabling Bluebridge operations to continue. PORTZ-PREC01-P1 seeks to enable *‘the ongoing operation, upgrading and redevelopment of established activities’*. I appreciate that there is now uncertainty surrounding the iRex project¹, continued operation of Bluebridge in its present location, and the future of the Multi-User Ferry Terminal. However, throughout the drafting process and discussions with CentrePort, it continues to be, as I understand it, the preference and long-term vision of the Port to shift towards a multi-user ferry precinct² in some form or capacity. This would entail Bluebridge shifting out of the IHPP and thus overtime no longer require passenger port facilities in the IHPP, transitioning the Precinct to a mixed-use waterfront environment.
- 14 The policy and rule framework for the IHPP and MUFPP are different in respect of the directive for passenger port facilities in a manner consistent with the long-term visions of

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

² [CentrePort’s Regeneration Plan](#)

each precinct as established by PORTZ-PREC01-O1 and PORTZ-PREC02-O1. PORTZ-PREC02-P1 clearly seeks to enable passenger port facilities as part of staged development for a Multi-User Ferry Precinct. Whereas PORTZ-PREC01-P1 more generally seeks to enable new activities and development within the IHPP while still providing for the ongoing operation of established activities (i.e. Bluebridge). I therefore disagree with Ms Searle that a new permitted activity rule for buildings and structures for new passenger port facilities is appropriate for the above reasons.

15 Ms Searle has questioned the chapeau of the definitions of ‘operational port activities’ and ‘passenger port facilities’ in terms of reference to use of land and/or buildings. The differentiation between ‘operational port activities’ (land use) and ‘passenger port facilities’ (building and structure activities) is intentional and closely aligned with the approach of the Auckland Unitary Plan where ‘marine and port activities’ is defined by reference to land uses, and ‘marine and port facilities’ is defined by reference to physical structures and facilities.

16 The rule for passenger port facilities is located in the buildings and structures section of the rule framework, while the activity of the ‘embarking, disembarking, and transit of passengers’ is provided for as an ‘operational port activity’.

17 The permitted activity rule for ‘existing passenger port facilities’ in both the IHPP and MUPF is intended to enable the continued operation, including upgrading and redevelopment of established activities (PORTZ-PREC01-P1.2 and PORTZ-PREC02-P1.2). Specifically, to provide for the continued safe and efficient operation of Bluebridge and Interislander passenger port facilities – whether that be ticketing boxes, areas for vehicular ferry operations or bus parking, passenger waiting areas etc. The differentiation between the permitted activity rules for existing passenger port facilities compared to PORTZ-PREC01-R7 and PORTZ-PREC02-R6 is that the latter are intended to capture only the construction of buildings and structures not related to existing passenger port facilities.

18 If the Panel were of mind to clarify the rule framework for passenger port facilities, one option could be to relocate the permitted activity rule of PORTZ-PREC01-R4 to the land use section of the rule framework, and amend the chapeau of the definition to clarify it relates

to *‘activities, including the use of buildings and structures associated with these activities, for the purpose of:’* Another option could be that the permitted activity rule for existing passenger port facilities (PORTZ-PREC01-R4 and PORTZ-PREC02-R3) be integrated with PORTZ-PREC01-R7 and PORTZ-PREC02-R6 in a manner similar to PORTZ-R5 – where the building or structure is permitted where it is for existing passenger port facilities. These amendments can be further considered as part of a Right of Reply.

Redevelopment of the IHPP – PORTZ-PREC01-P4

19 Ms Searle supports my recommendation to amend PORTZ-PREC01-P4.3 to include recognition that the site context includes the adjacent coastal marine area and remainder of the Port Zone. However, she seeks an additional amendment to add an exception for operational port activities and passenger port facilities from the matters listed in PORTZ-PREC01-P4. Her reason being that clause 9³ and clause 10 [which I take as an intended reference to clause 11⁴] of the policy do not make sense in an operational port context or align with an enabling policy framework for port activities.

20 Operational port activities are permitted throughout the Port Zone under PORTZ-R1 (land use activities) and PORTZ-R5 (buildings and structures). This is consistent with the enabling policy framework Ms Searle refers to. PORTZ-PREC01-P4 is not a relevant consideration for operational port activities. I therefore see no reason to add an exception to the policy.

21 When it comes to passenger port facilities however, in my view the amenity and design matters set out in PORTZ-PREC01-P4 are relevant considerations. The clauses identified by Ms Searle which seek to encourage and enhance a distinctive waterfront environment (clause 9) and provide activated frontages adjoining the waterfront (clause 11) are in my view entirely consistent with [CentrePort’s Regeneration Plan](#) for the precinct: *‘enhanced urban integration between the port and the city, providing more space for buildings, things to see and more waterfront to enjoy’*. As discussed above, I also consider the matters in

³ *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;*

⁴ *Providing activated frontages adjoining the waterfront and, where practical, publicly accessible spaces;*

PORTZ-PREC01-P4 to be proportionate with the locational prominence of the precinct with the adjacent Waterfront and City Centre zones.

- 22 I consider that it is appropriate that buildings and structures not related to existing passenger port facilities or operational port activities in the IHPP should be assessed against the matters in PORTZ-PREC01-P4. Noting that in the IHPP buildings and structures for operational port activities are permitted under PORTZ-R5 and existing passenger port facilities are permitted under PORTZ-PREC01-R4.
- 23 It is important to note here too that PORTZ-PREC01-P4 is not applied in isolation. When the PDP is read as a whole provisions in the Public Access chapter are applicable and acknowledge that there may need to be restrictions on access. I refer to paragraph 68 of the Port s42A Report: *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).*
- 24 The precinct provisions also work in conjunction with other policies of the Port Zone which seek to protect the functional and operational needs of the commercial port and not compromise the safe and efficient operation of operational port activities or passenger port facilities (PORTZ-PREC01-P3 and PORTZ-PREC02-P2).

Public notification – PORTZ-PREC01-R7

- 25 The intent of the public notification clause was that it reflects the notification clauses of the adjacent Waterfront Zone (WFZ), noting that as outlined in the IHPP Introduction, it is the long-term version of the IHPP to be rezoned to WFZ, which also aligns with [CentrePort's Regeneration Plan](#). While I continue to agree 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.'* I appreciate that there may now be some uncertainty as to the timeframe for the long-term vision of the IHPP, and that

with the scenarios Ms Searle has provided, a case-by-case assessment provided for by s95 RMA is appropriate. I therefore recommend that the notification clause be deleted from PORTZ-PREC01-R7 as set out below and in Appendix A.

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.~~

MINOR AND INCONSEQUENTIAL AMENDMENTS

- 26 I recommend one minor amendment to correct the formatting of PORTZ-PREC01-R7 to add a row separating R7.1 and R7.2 and amend the colour to green to indicate a permitted activity.

13 February 2024

Hannah van Haren-Giles

Senior Planning Advisor

Wellington City Council