

Wellington City District Plan – Plan Change 1

Frank Kitts Park – South-west Specific Controls

Scope of Proposed Change

To amend the District Plan provisions for Frank Kitts Park to enable redevelopment of the Frank Kitts car park building into a new low-rise building and public space. This aims to reflect the Council's decisions and community and mana whenua feedback on the Fale Malae Proposal, or other equivalent development in this location.

Background

On [8 June 2023](#), the [Council agreed](#) to update the [Development Plan for Frank Kitts Park](#) and to apply for resource consent to replace an earthquake-prone car parking building on the southwestern corner of Frank Kitts Park with a 708 m² Fale building, a paepae and a Malae – open lawn.

FRANK KITT'S PARK PROPOSAL DEVELOPMENT PLAN



The Fale Malae Trust have identified this location as the preferred site for the Fale Malae. The Trust will pay for the building. The development is dependent on the Council demolishing the Frank Kitts carpark building and building the Malae lawn and supporting landscaping around the Fale.

However, the District Plan provisions make it difficult to get a resource consent for this building. The Waterfront Zone's specific controls identify the whole Park as Public Open Space, and most of the Park having sunlight access protection¹. In this area, the Fale building would be a non-complying activity because all buildings in the Park would then be more than 200 m² per ha².



The operative specific controls for Waterfront public open space (green dots) and minimum sunlight access (yellow dots) over Frank Kitts Park

Assessing a non-complying resource consent application, the Council would apply [Waterfront Zone objectives and policies](#) such as:

- **WFZ-O3 Protection of public open spaces** The Waterfront's public open spaces mapped as specific controls are protected and maintained for temporary activities and recreation activity.
- **WFZ-P7 Protection of public open space** Protect the Waterfront Zone's mapped public open spaces by avoiding new permanent buildings above-ground on public open space except where they improve the space for public use and enjoyment and do not dominate or cumulatively diminish the public open space.

Why does the District Plan have such stringent controls when the Council supports a Fale Malae on Frank Kitts Park?

When the Council [notified the Proposed District Plan for submissions in July 2022](#), the Council had decided (in September 2021) to [demolish the existing carparking building](#). There was no Council policy decision to support any new buildings on the site – a Fale or otherwise – but the Council did endorse in principle to [continue investigating building a Fale Malae](#) on that site. An existing public open space

¹ Measured as the sunlight reaching the mapped area on Frank Kitts Park between 10 am and 4 pm at the spring equinox.

² Under District Plan 2024 operative rule WFZ-R15.

would remain after the car park building is demolished. Also, the Wellington Waterfront Framework generally identifies Frank Kitts Park as a large green park, albeit with support for developments that are “centre for outdoor activities both on and off the water”, and for the Jervois Quay edge to be made safer.³

The Fale Malae Trust could have submitted on the Proposed District Plan for changes to support building the Fale Malae. The Trust did not lodge a submission, but did lodge a further submission. Most of the further submission points were ruled out of scope as they introduced new points⁴. Further submissions can only support or oppose existing submission points and there was no clear line between the Trust’s further submission points and any original submissions. In contrast, the Civic Trust and Steve Dunn submitted in favour of retaining, extending and protecting the identified public open spaces from new buildings⁵.

Frank Kitts Park’s current resource consent does not cover replacing the carpark building with a Fale Malae, paepae and lawn

On 25 May 2018 the Environment Court confirmed a resource consent and conditions for the Wellington City Council to revamp the Frank Kitts playground, to build a chinese garden, and to improve the park on top of the car park building. The district plan change assessed here is not affected by the Court’s decision. The decision to demolish the car parking building and replace it with a new public space and/or building will require its own resource consent ([WFZ-R15, R16](#)) under the 2024 District Plan. This plan change will be the policy framework and plan controls that shape the decisions and conditions for that new resource consent.

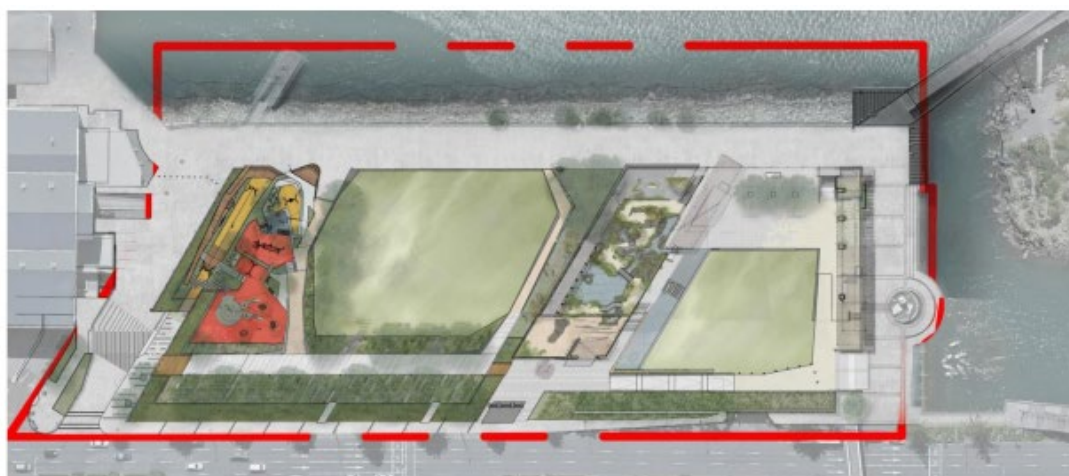


Figure 1 2018 Consented Design

Funding for the Fale Malae

The Wellington City Long Term Plan amendment decisions on 22 May 2025 retained funding for the Malae component and associated landscaping in the Frank Kitts Park redevelopment. At about the same time, the Government withdrew its financial support for the Fale building in its Budget decisions, saying Government support for the project will be reconsidered when a business case is accepted and resource consent is granted. The Fale Malae Trust is continuing with the project and are looking for philanthropic support.⁶

³ The [Wellington Waterfront Framework](#), April 2001, page 35.

⁴ The [Section 42A report on the Waterfront Zone](#) assesses the scope of Fale Malae Trust’s further submission in paras 36–39. The District Plan Hearings Panel agreed with this assessment in [its Report 4B](#), paras 448–452.

⁵ Refer to the summary in [Section 42A report on the Waterfront Zone](#), paras 44–46.

⁶ <https://www.thepost.co.nz/culture/360713034/fale-malae-now-hands-public-and-philanthropists>

Resource consent application for car park demolition and Fale Malae construction

On 1 May, the Fale Malae Trust applied for resource consent for the Fale Malae development. The application was publicly notified. In addition, the Council lodged the application for the wider development of Frank Kitts Park, including the demolition of the Frank Kitts Park carpark building and establishment of the malae. These two applications were notified and processed together. The application will be assessed under the district plan provisions that have legal effect at the time of lodgement.

If the Fale Malae is not built, a replacement building may be needed

The Council's Parks, Sport and Recreation team have determined that Frank Kitts Park should have a building for public toilets, boat storage, shelter and a park activation space. If the Fale Malae is not built in this location, a similar building for these public services should be provided for. This building may be smaller and would likely be a different structure. Its southwest location on the Park is still suitable as it would be next to the concrete ramp into the Whairepo Lagoon and support pedestrian amenities and links to Te Ngakau Civic Square.

Assessment of Options

Relevant Options

Three options have been considered for this evaluation:

- **Option 1:** Status quo - the existing Public Open Space and Minimum Sunlight Access specific controls remain on Frank Kitts Park as in the current District Plan;
- **Option 2:** Fale Male-based amendments; and
- **Option 3:** New area of change.

These options are demonstrated in the following images.

Option 1: Status quo

The existing Public Open Space and Minimum Sunlight Access specific controls remain on Frank Kitts Park as in the current District Plan.



Option 2: Fale Malae-based Amendment

A building outline that fits the outline of the Fale building as shown in the Council's Frank Kitts Park Development Plan, with some flexibility for minor architectural changes (1 m buffer and option to place closer to Jervois Quay).

Within the building outline, and between the proposed Fale and the Quay, remove the Public Open Space specific control.

Remove a limited area of Minimum Sunlight Access where a Fale or similar building up to 15 m above ground level at its peak, would shade the ground at 4 pm. The Minimum Sunlight Access control is measured from 10 am to 4 pm (refer District Plan APP9).

Add a row to WFZ-S1 Maximum building height outside of Public Open Space and Areas of Change with:

Southwest Frank Kitts Park 3. A building does not exceed 15 metres above New Zealand Vertical Datum 2016 (NZVD 2016).



Option 3: New Area of Change

Remove the Waterfront Public Open Space specific control from the southwest corner, and replace it with a Waterfront Area of Change specific control in orange.

Cut back the Minimum Sunlight Access – Public Space area to the bold yellow line to allow for a future build in in that Area of Change.

The Area of Change WFZ-P8 would apply to the space, meaning a new building and public spaces on the site replacing the existing car parking would be supported in principle.

Cost/Benefit Assessment

The three options are assessed in the table below. The assessment is additional to information in the [Section 32 Evaluation Report Part 2 Special Purpose Waterfront Zone](#), and is limited to the effect of the changes in the southwestern corner of Frank Kitts Park. It references costs and benefits relating to the Fale Malae as this the Park's Development Plan.

Option 1: Status quo	
Costs	Benefits
<i>Environmental</i> <ul style="list-style-type: none">• No change.	<i>Environmental</i> <ul style="list-style-type: none">• No change.
<i>Economic</i> <ul style="list-style-type: none">• No change.	<i>Economic</i> <ul style="list-style-type: none">• No change.
<i>Social</i> <ul style="list-style-type: none">• With eventual demolition of the Frank Kitts car parking building, storage for dragon boats and waka may not be available, or be in a smaller building. An application for a new building would be limited by current Waterfront Zone provisions and may have more limited spaces for long boats and services such as public toilets and meeting areas.	<i>Social</i> <ul style="list-style-type: none">• The whole Frank Kitts Park can remain as a green public space for informal recreation activities, likely enhanced if the car park building is removed.• An alternative small building(s) for public toilets, boat storage and shelters may be permitted if it is less than 30 m² and less than 4 m high. A building larger than this may get a discretionary consent if the Park's aggregate building area does not exceed 200 m² per ha.
<i>Cultural</i> <ul style="list-style-type: none">• Significant risk that a building for pasifika cultural events cannot be built in the location preferred by the Fale Malae Trust. However, the Fale and its cultural activities may still happen elsewhere• The support from Council and from mana whenua of a significant building for cultural activities on this site may not be applied due to difficulties getting a resource consent with current Plan provisions against it.	<i>Cultural</i> <ul style="list-style-type: none">• No change.

Policy Direction

The status quo is inconsistent with the Council's development plan for Frank Kitts Park because it does not provide for the Fale Malae building. However, the status quo is consistent with the direction in the Wellington Waterfront Framework:

- *"Large green park"* – the Waterfront Public Open Space specific control over Frank Kitts Park fits this description.
- *"Centre for outdoor activities both on and off the water"* – Frank Kitts Park can remain this centre with minor buildings allowed on the park such as public toilets and boat storage to encourage outdoor activities on the park and in the harbour.
- *"Jervois Quay edge to be made safer, especially for children using the playground, without compromising park safety"* – the park can be designed with structures on the Jervois Quay edge to provides a barrier and encourage play on the ocean side of the park.

- “Access to the water improved” – removal of the car park building and replacing it with public open space improves this water access to the Whairepo Lagoon.
- “Water activities enhanced by creating an “intermediate harbour” with a break-water, pontoon or alternative” – not relevant.
- “South end of the Events Centre could be improved for aesthetic reasons and to provide activity on the edge of the park” – not relevant.

Effectiveness and efficiency of Option 1

The status quo would remain effective in meeting the Waterfront Zone objectives and the Wellington Waterfront Framework principles and directions. However it would not be as effective in meeting the updated Frank Kitts Park Development Plan. Efficiency on meeting these objectives and directives will be assessed differently by different people based on relative values they give for parks vs buildings. This assessment considers that Option 1 is less efficient than Option 2 because of extra administrative and legal costs when trying to build a Fale Malae here, and because Option 2 has more social and cultural benefits than Option 1.

Overall Evaluation of Option 1

Option 1 is not currently the most appropriate set of specific controls for Frank Kitts Park.

Option 2: Fale Malae-specific Amendment

Costs	Benefits
<p><i>Environmental</i></p> <ul style="list-style-type: none"> • None identified. <p><i>Economic</i></p> <ul style="list-style-type: none"> • Risk that if the Fale Malae is not built as per its current design, or another building is more appropriate in the future, the Waterfront Zone specific controls, policies and standards would limit buildings being outside the identified 3D envelope, even if this would be preferable in a cost-benefit and multi-criteria assessment evaluation. <p><i>Social</i></p> <ul style="list-style-type: none"> • Some submissions on the district plan and Frank Kitts Park development plan explain that some members of the public prefer public open space to be maximised at Frank Kitts Park. They may regret buildings intruding into this open space at the Park. <p><i>Cultural</i></p> <ul style="list-style-type: none"> • No change. 	<p><i>Environmental</i></p> <ul style="list-style-type: none"> • The location of a low-rise building in this location can provide shelter from wind and visually from traffic. <p><i>Economic</i></p> <ul style="list-style-type: none"> • Activities in a Fale Malae, or equivalent building, are likely to increase spending on food, drink and accommodation on the Waterfront and nearby in the City. • Economic growth and employment may have a minor increase from the increased recreational and cultural activities prompted by a Fale Malae or similar building on Frank Kitts Park. <p><i>Social</i></p> <ul style="list-style-type: none"> • Better storage and servicing areas is enabled for dragon boating, waka ama, and other boats that rely on the ramps and launching areas into Whairepo Lagoon for access to the inner Wellington Harbour. • A new, comparatively small, building can be a landmark, hub and shelter for recreational activities elsewhere in Frank Kitts Park • While a building may take up a small area of green open space, the building plans are for the remaining green open space to be more

	<p>usable with an accessible at-grade open space, and significant improvements to the public's promenade experience.</p> <ul style="list-style-type: none"> • If the Fale Male building does not go ahead, the car park building could still be converted to a public green space, with or without buildings. • New buildings (except for minor furniture, play, art, port-related) will still be required to apply for a full discretionary, publicly notified resource consent under WFZ-R15.6, reflecting the prominence and high public interest in developing the site. <p><i>Cultural</i></p> <ul style="list-style-type: none"> • A Fale Malae is more likely to eventually be built on the site, as home for pasifika cultural activities, with excellent access to the harbour and connection across from Wharewaka and to the sea.
<p><i>Policy Direction</i></p> <p>The Council and the public have given majority support for a comparatively small Fale Malae on Frank Kitts Park.</p> <p>The ability for a relatively small, publicly accessible building on Frank Kitts Park is more consistent with the direction in the Wellington Waterfront Framework:</p> <ul style="list-style-type: none"> ▪ <i>"Large green park"</i> – Frank Kitts Park will still be large and green. ▪ <i>"Centre for outdoor activities both on and off the water"</i> – a Fale Malae provides storage for boats, public toilets and related services to encourage outdoor activities on the park and in the harbour. ▪ <i>"Jervois Quay edge to be made safer, especially for children using the playground, without compromising park safety"</i> – a building on the Jervois Quay edge provides a barrier and also encourages play on the ocean side of the park. ▪ <i>"Access to the water improved"</i> – as above, a small building next to the Whairepo Lagoon can facilitate this. ▪ <i>"Water activities enhanced by creating an "intermediate harbour" with a break-water, pontoon or alternative"</i> – not relevant. ▪ <i>"South end of the Events Centre could be improved for aesthetic reasons and to provide activity on the edge of the park"</i> – not relevant. <p><i>Effectiveness and efficiency of Option 2</i></p> <p>Option 2 would be effective in meeting the Waterfront Zone objectives, and the updated Frank Kitts Park Development Plan. The option is consistent with the Wellington Waterfront Framework principles and directions, given the small footprint, height and location for the building. Efficiency on meeting these objectives and directives will be assessed differently by different people based on relative values they give for parks vs buildings.</p> <p>The removal of the green open space specific control between the proposed Fale Malae footprint and Jervois Quay is efficient and effective as it gives flexibility for a future building option to be located closer to the Quay as a boundary to Frank Kitts Park and connections to Te Ngakau Civic Square if the Fale Male does not proceed, while preserving the bulk of Frank Kitts park as a cohesive open space.</p>	

This assessment considers that Option 2 is more efficient than Options 1 and 3 because social and cultural benefits are significantly increased, and the costs and uncertainty are lower than for Options 1 and 3.

Overall Evaluation of Option 2

On balance, Option 2 is the most appropriate set of specific controls for Frank Kitts Park for the Council.

Option 3: New Area of Change

Costs	Benefits
<p><i>Environmental</i></p> <ul style="list-style-type: none"> If a larger, taller building is constructed on this site instead of a Fale Malae, this may visually overawe the other activities in the park. <p><i>Economic</i></p> <ul style="list-style-type: none"> No change. <p><i>Social</i></p> <ul style="list-style-type: none"> Increased uncertainty about development on Frank Kitts Park. While the public have generally supported a comparatively small and publicly-accessible Fale Malae on the site, they may not want a large, tall commercial building taking this part of the park. This is especially the case for submissions on the district plan and Frank Kitts Park development plan who want public open space to be maximised at Frank Kitts Park. There may be community resistance to change with the considerable public value and interest for the Waterfront, and history of the area. If a larger, taller building is constructed on this site instead of a Fale Malae, this may visually overawe the other activities in the park. <p><i>Cultural</i></p> <ul style="list-style-type: none"> No change. 	<p><i>Environmental</i></p> <ul style="list-style-type: none"> The location of a building in this location can provide shelter from wind and be a visual barrier between the park and traffic. <p><i>Economic</i></p> <ul style="list-style-type: none"> Activities in a building on Frank Kitts Park are likely to increase spending on food, drink and accommodation on the Waterfront and nearby in the City. If not a Fale Malae, a taller building may increase the supply of commercial and/or residential spaces in the City, in a location with very high land values and demand for floor space. Employment may have a minor increase from the increased recreational, cultural and commercial activities in and around a new building on Frank Kitts Park. <p><i>Social</i></p> <ul style="list-style-type: none"> Better storage and servicing areas is enabled for dragon boating, waka ama, and other boats that rely on the ramps and launching areas into Whairepo Lagoon for access to the inner Wellington Harbour. A building can add activities and can be a landmark, hub and shelter for recreational activities elsewhere in Frank Kitts Park and the Waterfront. While a building may take up an area of green open space, the building plans are for the remaining green open space to be more usable with an accessible at-grade open space, and significant improvements to the public's promenade experience. The larger Area of Change specific control allows flexibility for the Fale Malae or similar building to be a different height or slightly different location to meet the organisation's needs or budget, while not breaching the public open space control. Even if the Fale Male building does not go ahead, the Waterfront Zone Area of Change specific control would allow the area to be converted

	<p>from car parking to a public green space, with or without buildings.</p> <ul style="list-style-type: none"> • New buildings in Areas of Change (except for minor furniture, art, transport) will still be required to apply for a full discretionary, publicly notified resource consent under WFZ-R15.6, reflecting the prominence and high public interest in developing the site. <p><i>Cultural</i></p> <ul style="list-style-type: none"> • A Fale Malae is more likely to eventually be built on the site, as home for pasifika cultural activities. • An Area of Change specific control gives more flexibility for Council, mana whenua organisations, and community organisations to design the area into a mix of buildings and public spaces to support cultural activities in the park.
<p><i>Policy direction</i></p> <p>The Council and the public have not considered an Area of Change that may include a larger building and/or new public space on the site. The Wellington Waterfront Framework states that Frank Kitts Park will be a large green park. The potential for a large building on this site may conflict with this direction, and may change the focus of activities from recreation and cultural events at the park, to broader commercial and residential activities.</p> <p><i>Effectiveness and efficiency of Option 3</i></p> <p>Option 3 would be effective in meeting the Waterfront Zone objectives, and the updated Frank Kitts Park Development Plan. However, the option is less consistent with the Wellington Waterfront Framework because the size and options for a building in an Area of Change specific control does not align as well with Frank Kitts Park being a large green park focused on outdoor recreation and water access. This assessment considers that Option 3 is less efficient because while it has more social, economic and cultural benefits than Option 1, the development uncertainty for the public and risk of building intrusions into a well-used and valued public space is also higher.</p> <p><i>Overall evaluation of Option 3</i></p> <p>Option 3 is not the most appropriate alternative set of specific controls for Frank Kitts Park.</p>	
<p>Risk of Acting/Not Acting</p> <p>There is sufficient information to evaluate the risk of acting/not acting.</p> <p>Option 1 (not acting) increases the risk that the Council's development plan and public's preferred option for a Fale Malae cannot be consented, or the building envelope has to be cut back. Option 3 increases the risk that a future Council may lease or sell the land for a large commercial development which may intrude or interfere with outdoor recreation activities on the Park.</p>	

Consultation

The Council consulted the public on the proposed Fale concept in March – April 2023. Council's website has the [full engagement report](#), [summary of engagement](#), and [engagement analysis](#).

Mana whenua supported the proposal, and were integral to the wider Frank Kitts Park development with cultural aspirations embedded within the design. Stage 1 consisted of workshops with mana whenua partners and stakeholders to establish a purpose and a set of principles to inform the design development. This was completed in July 2022. They were:

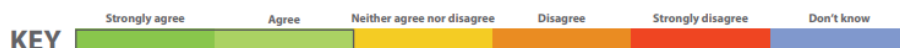
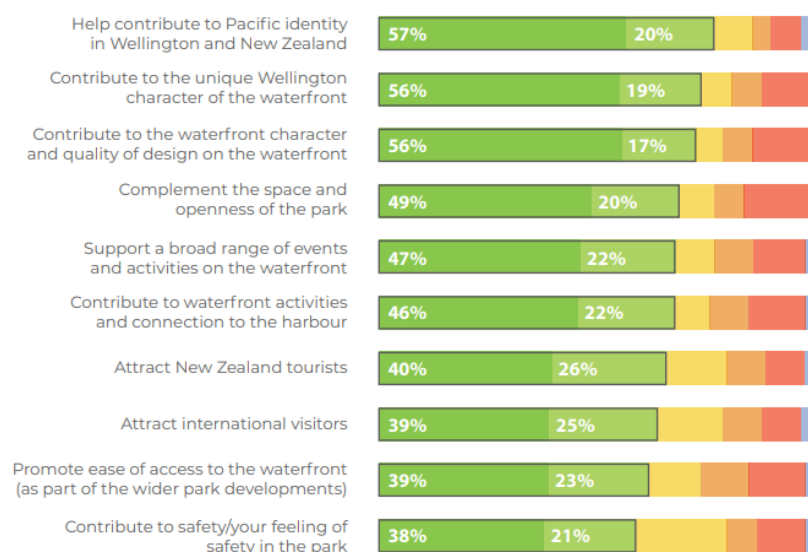
- Purpose: Frank Kitts Park is a centerpiece for our city, it draws us to Te Whanganui a Tara, to play, reflect, celebrate, and commemorate.
- Principles:
 - Embodiment of the place for Mana Whenua.
 - A vibrant centrepiece of community life for all
 - Welcoming
 - Accessible
 - Reflecting the diversity of our city
 - To gather, play, celebrate and commemorate
 - Mana Moana, Mana Whenua, Mana Tangata (connect to the waterfront, moana, and city)
 - Cohesive design for the whole park, integrated to the waterfront and city.

Mana Whenua's aspirations have been embedded within the amended Frank Kitts Park Development Plan by cultural lead Kura Mohea and designer Len Hetet in partnership with landscape architects Wraight and Associates.

Iwi authorities have been approached for input into the plan change options. At the date of writing this report no feedback has been received.

The public supported the Fale Malae proposal. Stage 2 involved wider public engagement which concluded in April 2023. Feedback included:

Respondents were asked to indicate the extent to which they agreed or disagreed with the following 10 statements about whether the Fale Malae would:



The Fale Malae Trust (through their agent, Alistair Aburn of Urban Perspectives Limited) were engaged as a part of pre-consultation.

In their response, the Fale Malae Trust supports **Option 2**. This is because in the Trust's opinion, Option 2 aligns with the Council's updated Frank Kitts Park Development Plan, whereas the 2024 District Plan chapter for the Waterfront Zone does not.

The Civic Trust were engaged as a part of pre-consultation. In their response, the Civic Trust is generally opposed to changes to Frank Kitts Park.

- The changes give an unfair favourable advantage to the Fale Malae, compared to other buildings that may be proposed in Frank Kitts Park that would be subject to the existing provisions.
- Open Space land on the Waterfront is limited and valuable to the growing population.
- The Civic Trust is not opposed to a Fale Malae in principle, but seeks that it is located elsewhere on the Waterfront.
- Retain the 2024 District Plan Waterfront Zone provisions.

Recommended Option

Following the assessment above, Option 2 – Fale Malae-specific changes is the preferred option.

Recommended Change

1. Remove the Waterfront Public Open Space specific control from the building footprint identified for a Fale Malae in the Frank Kitts Park Development Plan, plus a 1 m buffer and the small public space between building footprint and Jervois Quay to allow for variation in location or construction.
2. Adjust the Minimum Sunlight Access – Public Space specific control as shown below to account for a building up to 15 m high in this location. The adjustment is based on time of maximum shade from such a building based on the Appendix 9 standard – Frank Kitts Park, 4 pm on 23 September 2023.
3. Add a height control (shown the same as elsewhere in the CCZ and WFZ) box around the new area removed from Waterfront Public Open Space with a "15 m (MSL)" height limit.
4. Add to WFZ-S1 a new row:

[Frank Kitts Park building identified in the Planning Maps](#)

[3. The building does not exceed 15 metres above New Zealand Vertical Datum 2016 \(NZVD 2016\).](#)



Consequential Amendments

No other changes to the District Plan content are needed beyond the recommended changes. The Waterfront Zone introduction, objectives and policies are still appropriate.