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# WELLINGTON CIVIC TRUST



[www.wellingtoncivictrust.org](http://www.wellingtoncivictrust.org)

## **FROM THE CHAIR**

Dear Members,

This is the last Newsletter to you of this Trustee Committee before our AGM on the 27 May. It has been a busy year for the Trustees, perhaps less public than in some past years, but the Civic Awards presentations and display certainly highlighted how much is happening in this City. The Trust has been constantly vigilant in promoting an outstanding quality of planning, design, and realisation in the development of the City's urban fabric. Much of the work has been behind the scenes in making submissions on planning matters, attending hearings, and continual advocacy for public consultation in city planning. A Symposium on the traffic, pedestrian and cycle, and urban planning around the Basin Reserve, is being organised for early August.

We invite you to attend the AGM to hear more about the year in detail, and to let us know your thoughts and views about the issues you would like your Trust to focus on.

We will be calling for nominations for the Trustees. This is a great way to be involved in shaping the future of this City. Sadly we are losing one of the great stalwarts from the Board, Di Buchan, so this will also be a chance to acknowledge Di's tremendous contributions to the Trust.

Hear too our Speakers from Wellington Waterfront Limited. They oversee, on behalf of Wellington City Council, the coordinated development of this precinct. The waterfront has had an extremely significant role in creating a distinctive and lively edge for the city. Wellington Waterfront Limited has the difficult task of balancing public and private interests, creating an economically viable area, and exemplifying outstanding and consistent design in the many disparate components. This is an opportunity to hear the thinking behind this, and how it stands on an international scale of waterfront developments. It probably will be no surprise to hear that Wellington's waterfront ranks amongst the best in the world for its success as a space for business, living, and leisure.

*Seddon Bennington*

## **"Around the Basin"**

The Trust is planning a forum on the following developments around the Basin Reserve.

- Flyover
- Tunnel
- War Memorial
- Adelaide Road
- Supermarket

Commentators will examine likely urban, economic and other effects and investigate options and co-ordination for the benefit of Wellington and the wider environment. More details will be available in the June/July newsletter.

**Time: 9:30 – 5:00 Saturday 8 August.**

## **1200 People View The Shed 13 Awards Display**

After the Wellington Civic Trust Awards evening in 2008, Bill Toomath suggested to the Board that a display of the award entries and winners might be of real interest to Wellingtonians, who may only be very generally aware of the projects that are continually enhancing the city. As this was to be the first public display of the Awards, the options for a venue and the best way to attract public interest took some time to work through. The newly restored Shed 13 on the waterfront (an entry in the Awards) - opposite the Meridian Energy Building - was available and seemed likely to also attract passers-by during the summer month of February. With the venue chosen, it was all go.

The display took place over three weeks. It was made up of large posters with descriptions of the entries and these were organized in the six categories of the Awards. A slide show of all was running continuously as well, and music encouraged many to wander into the cathedral of the shed. In all, 1200 people walked through the display and comments received indicated that the browsers were often fascinated by the detail visible in the posters and descriptions and were pleased to know more about the development within and around the city. With its huge open doors, even an occasional cyclist passed through the gorgeous gallery that Shed 13 provides.

We were enormously grateful for generous assistance provided in various ways that allowed this event to take place: The Wellington City Council, Wellington Waterfront Ltd, Studio Pacific Architects, and Megan Wraight and Associates. As well the Board extends again its gratitude to the members of the Trust who volunteered as minders for the display.

## **Proposed New Zealand School of Music**

Last December the Trust issued a report on developments in the negotiations between the Council and the universities on the proposed New Zealand School of Music. We noted that a 350 to 400 seat auditorium was now proposed instead of 600 to 800 as originally announced. We also advised that the Council's commitment to the project would be reviewed in March 2009 and a decision whether or not to continue to back it would be taken in the light of progress made.

This April the Council agreed to extend its commitment through to 31 March 2011. The

Council considered that sufficient progress was being made with the project to justify its continued support. There is as yet no design for the building but a design team was appointed in December including John Wardle Architects of Melbourne.

The universities will need to overcome a number of obstacles before this project materialises. They have to be satisfied that their needs can be met on what is a rather difficult site and there is still a significant shortfall in the funding required.

### **Waterfront**

In the last *Newsletter* we advised members that the Council was about to consult the public on a new ten year plan for the waterfront. The original target date for completion of the waterfront project was 2006/07, but delays have occurred over the years and the current financial constraints have forced the Council into a major reassessment of the project's timetable. During 2008 the Mayor convened three council workshops, which were held without the media or public present. The outcome was a Waterfront Development Plan covering the ten year period 2008/09-2018/19. The new plan provides for an initial two-year period in which Wellington Waterfront Ltd would endeavour to secure the necessary resource consents for the new work proposed for the waterfront. The company would then hand over responsibility for implementing the project to the Council.

The plan was open for public consultation in February. The Trust in its submission supported the revised programme and the phasing out of the role of the waterfront company. We noted, however, that some very significant proposed developments were not covered in the plan, such as the buildings proposed for the areas adjacent to Waitangi Park and no indication was given on the Council's intentions in respect of the Outer-T (the site of the failed hotel project). We also raised questions about the proposed redesign of Frank Kitts Park. In the officer's report to Council on the public submissions no reference was made to the issues we had raised. The Trust therefore questioned the accuracy of the report and asked for the issues we raised to be addressed. We made the point that such cavalier treatment of public submissions raised questions about the integrity of the consultative process.

Council officers explained that it was not the Council's intention to consult on specific projects in that consultation, but only on the change in governance and responsibilities (if that had been the intention it would have been helpful if the public had been told!).

Our concerns have been discussed with council officers and further useful information has been supplied. This will help the Trust prepare its comments on the specific waterfront projects covered by the Long-term Council Community Plan 2009-19. Submissions on that document close in May.

The last *Newsletter* also referred to a further proposed waterfront public consultation. This was a District Plan Variation. Variation 11 would remove the requirement for applications for resource consents for the three new buildings proposed for Kumutoto (the area to the north of Queens Wharf) to be publicly notified. In our submission we opposed the Variation. It would establish building footprints and heights for the three new buildings and if applications met those and other requirements in the District Plan there would be no opportunity for the public to object to the granting of consents. We noted the problems that could arise from a process whereby council officers' interpretations of imprecise rules went unchallenged. We suggested that those rules should be made more precise and also that the Council should establish a group of relevantly qualified professionals who would review officers' draft decisions and report to Council. If that revised process was not acceptable the Trust proposed that the existing system remain in place.

The Council has yet to consider and respond to the public submissions.

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## ***The Civic Trust's Recent Submission on the Resource Management (Simplifying and Streamlining) Amendment Bill.***

1 The Trust wishes to appear before the Select Committee in support of its submission.

### **About the Wellington Civic Trust**

2 The Wellington Civic Trust is a charitable trust established in 1981. It is governed by a Board elected at its Annual General Meeting of members. Membership, including corporate members, is approximately 200.

3 The broad objective of the Trust is to help make Wellington the best of all possible places to live and work. The Trust is a vehicle for people who care about the city, to channel their energies and combine their resources into collective contributions to the city's development. The Trust regularly organises seminars where members and the public are invited to discuss with invited speakers, issues critical to the city's development. The Trust's Biennial Awards recognise outstanding urban projects which enhance the city. The Trust keeps in touch with development opportunities and projects within the city and where necessary makes submissions to the Council. A good working relationship is achieved and maintained with the Council and its officers.

### **Comments on the Bill**

4 The Trust opposes the Bill as drafted. A major objective of the Trust since its inception has been to encourage public participation in decisions that affect Wellington City. We are concerned that provisions in the Bill will curtail opportunities for citizens to have an effective say in the development of the communities in which they live. The aspects of the Bill which particularly concern us are discussed below.

### **Security for Costs**

5 The Bill would allow the Environment Court to require a bond to be paid before an appeal is heard. The Trust has been involved in two appeals to the Environment Court (both of which were successful) and consequently it is well aware of the very great burden in personal and financial resources imposed by the process. Individuals and organisations would be greatly mistaken if they committed to such a process lightly. The Trust accepts that frivolous and vexatious appeals would be a hindrance to good community planning. We are not aware that this is a real problem. If it is, some means should be found other than penalising appellants representing community interests, who may have a strong case but weak financial resources. People with legitimate planning issues should be heard not only because it is their individual right to have a say, but because a public good is involved. The community as a whole benefits from a thorough consideration of developments that impact on local environments.

6 The Trust recommends that clause 133 be deleted, but we would not necessarily oppose provisions that more specifically targeted frivolous and vexatious appellants.

**Reduction in Public Notification**

7 The Bill overturns a key principle of the Resource Management Act – under the existing provisions consents are notified by default. The Bill will make non-notification the norm. Because most developments have only minor effects on the environment they are not notified and notification is only required where that test fails. We can understand the wish of those supporting this change to speed up the consent process and we accept that delays in this area are a source of frustration, and at times distress. However, the change proposed will replace the present reasonable balance of interests with an imbalance which will undermine the planning process.

8 The Trust recommends that section 94 be deleted.

**Restriction on Appealing Plans**

9 The Bill restricts the right to appeal a Council Plan decision to only points of law. Appeals on broader grounds can only be taken with the leave of the Environment Court. The Trust believes that the Court's ability to hear appeals on Council Plans is an opportunity for communities to have their concerns considered by an independent body, able to hear and cross-examine expert evidence in public and establish the merits of the case. The issue is that developments once undertaken are, at least for generations and sometimes well-beyond, irrevocable. Therefore, it is not unreasonable to provide for an independent judicial body to hear expert witnesses for and against the Council's decision and determine the appeal on the evidence presented. We fear that this change, along with others proposed to speed the planning process, is in the category of "Act in haste and repent at leisure."

10 The Trust recommends that clauses 132 and 136 be deleted.

**Removal of Non-Complying Category**

11 The proposal to remove the "non-complying" activity from the categories of resource consents is, in the view of the Trust, likely to lower the environmental bar. Councils should be able to state a bottom line - those uses/activities which they consider would be unacceptable.

12 The Trust recommends that clauses 147 and 152 be deleted.

**Removal of Public Interest Group Power to Become a Party**

13 The Trust values the current provision which allows community groups representing the public interest to become party to an appeal if they were not a submitter. The provision is an opportunity for groups in the community to work together, to pool expertise and resources to achieve ends held in common. We are at a loss to understand why such a provision which promotes active and healthy communities should be opposed.

14 The Trust wishes clause 131 to be deleted.

**Signed for the Chair and Trustees of The Wellington Civic Trust**

*Alan Smith Secretary 2 April 2009*

## **Submission on the Resource Management (Simplifying and Streamlining) Amendment Bill : Supplementary point**

Proposed Plans no longer have effect until decisions on submissions notified (cl 86A)

The Bill states that unless a proposed plan or change to a plan is for the express purpose of protecting water, air or soil or significant natural habitats it will not take effect until a decision on submissions is made and publicly notified. The Trust does not agree with this provision. We believe that such a change would mean that most plans, especially in their last few years, would be out of step with current values, trends and aspirations. Instead of providing a clear signal to developers of the direction a local community was moving, the plan would become an impediment to development and to the ability of councils and their communities to meet the rapidly changing requirements for environmentally and socially sustainable living environments.

Let me provide you with two examples from the experience of our own local councils in Wellington.

The revised GWRC Regional Plan was due to be operative in 2005 – that is when it became 10 years old. But the revision process has taken so long that Council staff expect it will be at least two more years before it is operational. So by the time it comes into force under these rules it will already be six years out of date and based on thinking which began in early 2000.

Wellington City Councils provisions for the inner-city are in a similar situation. The current provisions were finally advertised in 1994, after being worked on since the end of the 1980s. This plan finally became operative in July 2000. This was about the time that the move to inner city living began to gain momentum. In 2002, the Civic Trust ran a seminar looking at what was happening with inner-city living and how the conflicts between residents and businesses could be better avoided and managed. At the time in which the current District Plan became operative, there were about 3,000 people living in apartments in the inner city. By the time of our seminar in 2002 that number had increased to 6,700. The latest survey undertaken a few months ago has found that there are now over 12,000 inner-city apartment dwellers and – another change from earlier surveys – a significant proportion of them are children.

The Civic Trust seminar highlighted a large number of areas where planning provisions needed to be updated. These including such matters as noise control, building insulation requirements, viewshafts and sunlight protection, and yard requirements. The Council began its “Central Area Review” in 2004-05 aimed at bring the planning provisions up to speed to address the issues arising from rapid population changes in this part of the city. This plan change is still not operative. There are still four or five appeals waiting to be heard on specific aspects of the Plan Change. These may be dealt with this year in which case the planning provisions developed to meet the needs of the Inner City will come into effect in 2010 – eight years after the need for them was first identified. This has not been a problem for us because the proposed provisions are now at a stage where they have equal status to the provisions in the operative plan which is based on the needs of the city in the 1980s. However, had the changes proposed for section 86A been in effect, the quality of living in the inner city would be significantly less than it is.

Through these examples, we hope to convince you that there are benefits in having certain plan changes take effect immediately in order to respond to rapidly changing demographics and environmental issues. Giving immediate effect to plan changes enables councils to better manage emerging issues or to provide for new activities that were not anticipated when the Plan was first drafted. It enables councils to signal a shift in thinking, to indicate the direction of future policies and that can be beneficial to both councils, developers and community groups such as the Civic Trust. The current practice is to strike a balance between the two versions to get the best outcome for all concerned.

We note that the Planning Institute has supported the proposed changes to clause 86A basically on the grounds that it will avoid make their jobs easier. The planners are the administrators of the Act. The Act was developed to promote the sustainable management of natural and physical resources to enable people and communities now and in the future, to provide for their social, economic and cultural wellbeing. To do that it has to be able to respond quickly to meet the rapidly changing challenges to our natural and build environments. This clause will act as an impediment to that.

*Dianne Buchan  
Deputy Chair, Wellington Civic Trust  
22 April 2009*



<b>The Wellington Civic Trust.</b>			
Chair:	Seddon Bennington		
Deputy:	Di Buchan		
Secretary:	Alan Smith		
Treasurer:	Simon Brodie		
Membership Secretary:			
<b>SUB-COMMITTEE RESPONSIBILITIES 2008/9</b>			
<b>Civic Trust Awards</b>		<b>Traffic and Transport</b>	
Di Buchan(chair)	Peter Baillie	Chris Watson (chair)	Gerry Coates
Michael Dudding	Callum Strong	Alan Smith	
David Pucher			
<b>Capital Centre</b>		<b>Website</b>	
Peter Brooks (Chair)	Alan Smith		
Duncan Joiner	Blair Badcock		
Di Buchan			
<b>District Plan Changes and Resource Consents</b>		<b>Newsletter</b>	
Tony Town (Chair)	David Pucher	David Pucher	
<b>Waterfront</b>			
Seddon Beddington (Chair)	Peter Brooks		
David Pucher	Callum Strong		
Sharmian Firth	Di Buchan		
<b>Publicity and membership</b>			
Seddon Bennington	Sharmian Firth		
Callum Strong	Bernie Napp		