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Form 16

**Notice to Environment Court of appeal on decision on application
concerning resource consent**

To
the Registrar
Environment Court
Wellington

**Waterfront Watch Incorporated ("WW") appeals a decision on the
following matter:**

*An application by Wellington City Council (via "City Shaper") SR358352 for
the
redevelopment of Frank Kitts Park including the construction of buildings and
structures and associated earthworks.*

WW made a submission on that application.

It received notice of the decision on 11 November 2016.

The decision was made by Wellington City Council.

WW is not a trade competitor for the purposes of section 308D of the Resource
Management Act 1991.

The decision (or part of the decision) I am appealing is:

The whole of the decision and in particular the decision to grant consent.

The land (or resource) affected is:

Frank Kitts Park and its environs on the Wellington waterfront. Frank Kitts
Park comprises part of Lot 2 DP 436892.

The reasons for the appeal include (but are not limited to) the following:

1. The proposal would detract from the amenity values of the Wellington
Waterfront.
(In comparison with the existing environment, the proposal would
result in net adverse effects on the amenity values of the area.)
2. In particular the proposal would cause:
 - a. The loss of the highly valued amphitheatre that is uniquely
suitable for performances, gatherings and activities.

- b. The loss of an iconic, instantly recognisable and highly feature of Wellington's central city.
- c. The net loss of useable grassed area.
- d. The net loss of areas sheltered from winds.
- e. A detracting from the amenity and heritage values of the memorial plaques and the Wahine memorial which would be shifted to less appropriate locations.
- f. The loss of a major pathway linking the CBD to the promenade at the water's edge.
- g. The intrusion of structures into the Willeston Street viewshaft.
- h. A significant reduction in the openness of the existing park through the introduction of a high-walled rectangular space, featuring prominent roof structures, that is to be gated and locked at night.
- i. The movement of the iconic lighthouse slide towards Jervois Quay from its current prominent waterfront location detracts from the amenity and landscape values of the overall waterfront area.
- j. The loss of public amenity space at nighttimes (when the gates would be closed.)
- k. The imposition of a foreign cultural theme garden inappropriate to an area which is highly valued by residents and visitors to Wellington and which currently exhibits New Zealand values.

In addition:

- l. The proposal represents an *inefficient use and development of natural and physical resources* given that the existing Frank Kitts Park is highly valued and does not require replacement as is proposed.
- m. Contrary to the Commissioners' decision, the net adverse effects on the existing environment are significant.
- n. The Council in both of its roles (applicant and consent authority) should have properly considered alternative locations for the proposed Chinese garden within the wider Wellington region.
- o. The proposal is inconsistent with The Wellington Waterfront Framework 2001.
- p. The proposal is contrary to relevant objectives and policies in the District Plan and in particular the promotion of special areas in the Central Area.
- q. Overall the proposal does not represent the sustainable use and management of a highly valued public resource.

Relief Sought

That the application be declined, or such other relief as the Court deems appropriate and costs.

I attach the following documents to this notice:

- (a) a copy of my submission *
- (b) a copy of the relevant decision *
- (c) a list of names and addresses of persons to be served with a copy of this notice.

* Copies of (a) and (b) are available from the Council and may also be obtained, on request, from the appellant.

Signature (of a person authorised to sign on behalf of appellant)

A handwritten signature in blue ink, appearing to read 'J. Davie', with a horizontal line underneath the name.

Date 2nd December 2016

Address for service of appellant:

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Contact person: Patrick McCombs, President, Waterfront Watch Inc