



# WATERFRONT WATCH INC

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Founded in 1995  
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## NEWSLETTER 76 – February 2012

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### OUR FOURTH APPEAL – AND WE NEED YOUR HELP

Two years after Waterfront Watch lodged its appeal against Variation 11, a date for the hearing has at last been set. We have had confirmation that the Environment Court's hearing of our appeal is set down for the week starting on Monday 12 March. The case will be heard in Room 9 at the District Court in Ballance Street. The entire week has been set aside for the hearing – which will begin at 10am each day.

We would appreciate your support in the Public Gallery during the week. The presence of supporters at the Hilton hearing was very helpful.

**The formal wording:** Waterfront Watch is appealing against a decision of the Wellington City Council to approve Proposed District Plan Change Variation 11 – Amendments to Proposed District Plan change 48 (Central Area review.)

Since we filed the appeal, Waterfront Watch has participated in a series of "without prejudice" court-directed mediation sessions. The final session on 17 August lasted three hours. Pauline Swann and Christine Greenwood represented Waterfront Watch, with our lawyer Con Anastasiou. The Wellington City Council and Wellington Waterfront Ltd were also represented. The offers which they made – conditional on non-disclosure to the media or our members – were not ones which your committee could accept. So the appeal goes ahead.

- We are challenging the City Council because we (like other organizations) are concerned that Variation 11 would end public participation in the planning process for any future waterfront buildings.
- We are concerned that any new buildings in the north Kumutoto area should be of a size and height which is in scale with the heritage buildings.
- We believe that the North Queens Wharf Area should not become an extension of the central business district and should not have a higher proportion of buildings than other areas of the waterfront.

As a body which represents a relevant section of the public interest, our other reasons for making the appeal include:

- We do not agree that the Waterfront Framework envisaged buildings in the North Kumutoto area of the scale and height facilitated by Variation 11 (six storeys on Site A, 3-5 storeys on Site B, and 3 storeys on Site C);
- We do not agree that buildings of the scale contemplated by Variation 11 are acceptable in the North Kumutoto area;

- We believe that any new buildings in the area should be designed so that the footprints, separations and heights respect the surrounding heritage buildings;
- There is no justification for moving away from the zero height limit in former District Plan Variation 22 which was designed to ensure that no building development could occur on the waterfront without the opportunity for public involvement;
- Any plans for new buildings and structures within the footprint and height limits should be processed with public notification and with affected persons being advised;
- The exclusion of public participation in the waterfront planning process is contrary to policy 12.2.8.8. of the Central Area rules; such a presumption contradicts the long accepted tenet that the waterfront is a special part of the city and that no development there should take place without public participation;
- Variation 11 would not allow public participation in the consideration of the use to which a building or structure was to be put.

Waterfront Watch is being represented by barrister and solicitor Con Anastasiou, who represented some of the appellants in the successful appeal against the City Council's proposal to allow a Hilton Hotel to be built on the Outer T of Queens Wharf.

Our success in stopping the Hilton Hotel marked the second occasion that Waterfront Watch appealed to the Environment Court against plans approved by the City Council. Our first appeal, also successful, was against plans to move the Ambulance Building on to Taranaki Wharf. Our third appeal was against redevelopment of the Overseas Passenger Terminal; this appeal was not successful.

## **HOW YOU CAN HELP, AND WHY YOUR HELP IS NEEDED**

Feedback from members and friends continues to tell us that we have your support in our efforts to protect the Wellington waterfront for future generations. Over the last two years we have held successful fund raising events and we have received generous donations from many of you. These have covered our costs - till now.

But with confirmation of the date for our court hearing, there is a new urgency to raise more money. Apart from legal costs, we also have the costs of bringing four experienced witnesses (three of whom represented us successfully at the Hilton hearing) plus an urban designer from Auckland. They'll be a key part of our case.

We would appreciate suggestions for further fund raising. We ask you to "spread the word" and invite friends and family to help - it is important to inform as many people as possible before the appeal begins.

### **You can send your donation by cheque.**

Your cheque should be payable to  
Waterfront Watch Variation 11 Appeal  
And mailed to Waterfront Watch, PO Box 19045, Courtenay Place, Wellington.

### **Or you can send your donation online.**

Our appeal account at the BNZ is  
02-0560-0364988-001 - Variation Appeal. (Include your name in the relevant column)

*Waterfront Watch Inc.*

*President: Pauline Swann. Tel 472 8417. Vice-president: David Lee.*

*Secretary: Chris Greenwood. Tel 934 9103.*

*Committee: Norman Fraser, Pat Linney, Mary McNamara, Ron Oliver, Johnny Williams, Katie Underwood. Fund-raising committee: Alana Bowman, John Galloway.*