

**THE WELLINGTON WATERFRONT AND TOURISM
DEVELOPMENT:
PLANNING PROCESS AND LEGISLATIVE FRAMEWORK**

By

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ABSTRACT

Over the last two decades, the redevelopment of the Wellington waterfront has become one of the most contested urban development projects in New Zealand, with the involvement of many varied interests. There have been a number of changes in planning, development concepts, rules, and regulations in order to manage its ongoing redevelopment. However, many development projects on the waterfront have been delayed and cancelled. It might be argued that regulatory and plan changes may be influencing the progress of this redevelopment. However, to date, no one has explored this relationship. Therefore, this study is aimed at filling this gap by using the Wellington waterfront as a case study and focusing on tourism development, the planning process, and the legislative framework surrounding this redevelopment. Its objectives were: (1) to explore the role of tourism in the redevelopment of the Wellington waterfront; (2) to identify the key players involved in the waterfront redevelopment, and specify their involvement and influence on planning and decision-making processes; and (3) to define the existing legislative framework for this redevelopment and examine the way in which it impacts tourism development in this area.

This study adopted a qualitative research method. Data in this study was collected from a wide range of documents relevant to the Wellington waterfront and through face-to-face and semi-structured in-depth interviews. 18 representatives from local authorities, waterfront organisations, tourism entities, as well as urban planners, developers, community groups, and property owners were interviewed. Data triangulation was used in data analysis to validate and deepen the findings.

The study found that tourism was not recognised as one of the key driving forces of the redevelopment of Wellington waterfront as a whole, although within specific development proposals tourism has been used as a rationale to support these developments. This suggested that to a certain extent tourism was considered in this redevelopment.

In this research, while Wellington City Council (WCC) and its controlled entities were identified as the key players influencing the planning and decision making process, the involvement of the public may also play an important role in slowing down this redevelopment.

There was firm agreement among participants about the impact of legislative framework on this redevelopment. This study found that there is a legislative framework within which the waterfront redevelopment works. However, the legislative framework tends to impact specific developments rather than the waterfront redevelopment as a whole.

Several implications and recommendations arise from this study, including the need of continuing research on impact of legislative framework on tourism from a legal perspective. Additionally, it is recommended that the extent to which legislative framework accommodates tourism should be emphasised in understanding its impact.

Keywords: waterfront redevelopment, legislative framework, urban tourism, decision-making, public involvement, triangulation.

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TABLE OF CONTENTS

CHAPTER 1 - INTRODUCTION.....	1
1.1. INTRODUCTION	1
1.2. RESEARCH RATIONALE	1
1.3. RESEARCH OBJECTIVES AND RESEARCH QUESTIONS.....	3
1.4. THESIS STRUCTURE	4
CHAPTER 2: LITERATURE REVIEW	7
2.1. INTRODUCTION	7
2.2. URBAN TOURISM.....	8
2.2.1. <i>The role of tourism in urban development</i>	11
2.2.2. <i>Urban tourism planning</i>	12
2.2.3. <i>Urban Tourism Management</i>	15
2.3. WHO IS INVOLVED IN URBAN TOURISM?.....	16
2.3.1. <i>Local government</i>	16
2.3.2. <i>The Public/Community</i>	19
2.3.3. <i>Planners</i>	20
2.3.4. <i>Pressure groups</i>	21
2.4. WATERFRONT REDEVELOPMENT	22
2.5. LEGISLATION AND TOURISM	25
2.5.1. <i>The role of legislation in tourism industry</i>	25
2.5.2. <i>The formulation process of legislation</i>	26
2.5.3. <i>Implementing legislation</i>	27
2.6. CONCLUSION.....	28
CHAPTER 3: RESEARCH METHODOLOGY.....	32
3.1. INTRODUCTION	32
3.2. SELECTION OF THE STUDY SITE - WELLINGTON WATERFRONT	32
3.2.1. <i>Choice of study period</i>	35
3.3. RESEARCH PARADIGM	35
3.4. DATA SOURCES AND DATA COLLECTION METHODS	36
3.4.1. <i>Interviews</i>	37
3.4.1.1. Recruitment of participants	37
3.4.1.2. Ethical issues and Attribution to information.....	39
3.4.1.3. Semi-structured in-depth interview.....	40
3.4.2. <i>Documents</i>	43
3.5. DATA TRIANGULATION.....	44
3.5.1. <i>Benefits of data triangulation</i>	44
3.5.2. <i>Application of Data Triangulation in this study</i>	46
3.6. DATA ANALYSIS METHODS.....	46
3.6.1. <i>Content analysis and data coding</i>	47
3.6.2. <i>Qualitative analysis</i>	48
3.7. EVALUATION OF LIMITATIONS, CHALLENGES AND STRENGTHS	49
3.7.1. <i>Strengths</i>	49
3.7.2. <i>Limitations and Challenges</i>	51
3.8. CONCLUSION.....	52
CHAPTER 4: WELLINGTON WATERFRONT CONTEXT	54
4.1. INTRODUCTION	54
4.2. AN OVERVIEW OF WELLINGTON AND ITS TOURISM INDUSTRY	54
4.3. THE ROLE OF WATERFRONT IN WELLINGTON TOURISM	56
4.4. WELLINGTON WATERFRONT REDEVELOPMENT	58
4.4.1. <i>The redevelopment process</i>	58
4.4.2. <i>Major developments on the Wellington waterfront</i>	63
4.5. CONCLUSION.....	64

CHAPTER 5: THE ROLE OF TOURISM IN THE DEVELOPMENT OF THE WELLINGTON WATERFRONT	66
5.1. INTRODUCTION	66
5.2. KEY DRIVING FORCES OF THIS DEVELOPMENT	67
5.2.1. <i>Improving public accessibility</i>	67
5.2.2. <i>Heritage protection and culture promotion</i>	68
5.2.3. <i>Achieving economic regeneration</i>	69
5.2.4. <i>Improving the city's image</i>	70
5.2.5. <i>Providing services and facilities</i>	71
5.2.6. <i>Mixed use</i>	72
5.3. WHO IS IT FOR?	73
5.4. TOURISM RATIONALE	76
5.5. CONCLUSION	80
CHAPTER 6: GOVERNANCE STRUCTURE, PLANNING PROCESSES AND THE KEY PLAYERS	82
6.1. INTRODUCTION	82
6.2. GOVERNANCE STRUCTURE AND PLANNING PROCESS BEFORE THE WWF	82
6.3. GOVERNANCE STRUCTURE AND PLANNING PROCESS AFTER THE WWF	84
6.3. CURRENT GOVERNANCE STRUCTURE AND PLANNING PROCESS	86
6.3.1. <i>Wellington Waterfront Limited</i>	88
6.3.2. <i>Strategy and Policy Committee</i>	91
6.3.3. <i>Technical Advisory Group</i>	93
6.3.4. <i>The public</i>	94
6.3.5. <i>Other stakeholders</i>	97
6.3.5.1. Urban planners.....	97
6.3.5.2. Property owners.....	98
6.3.5.3. Developers	99
6.3.5.4. Tourism stakeholder.....	100
6.4. CONCLUSION	100
CHAPTER 7: LEGISLATIVE FRAMEWORK FOR THE REDEVELOPMENT OF WELLINGTON WATERFRONT	102
7.1. INTRODUCTION	102
7.2. THE EXISTING LEGISLATIVE FRAMEWORK FOR THE REDEVELOPMENT OF THE WELLINGTON WATERFRONT	102
7.2.1. <i>The Resource Management Act 1991</i>	103
7.2.2. <i>The Regional Coastal Plan</i>	107
7.2.3. <i>The District Plan</i>	109
7.2.4. <i>Regulatory changes</i>	112
7.2.3.2. The Wellington Waterfront Framework.....	115
7.3.2.3. Variation 22.....	117
7.3.2.3. Variation 11.....	120
7.4. RESOURCE CONSENT PROCEDURES	125
7.6. CONCLUSION	127
CHAPTER 8: IMPACT OF THE LEGISLATIVE FRAMEWORK IN THE CASE OF THE HILTON HOTEL.....	129
8.1. INTRODUCTION	129
8.2. BACKGROUND OF THE PROPOSAL	129
8.3. REGULATIONS INVOLVED IN THIS PROJECT	132
8.4. PUBLIC INVOLVEMENT IN THIS PROPOSAL	133
8.4.1. <i>Public consultation</i>	133
8.4.2. <i>Notification of resource consent application</i>	134
8.4.3 <i>Appeals</i>	137
8.5. KEY ISSUES RAISED IN THE HILTON HOTEL CASE	138
8.5.2. <i>Regulatory Ambiguity</i>	138
8.6.1. <i>Statutory status of the WWF</i>	140
8.6. RULES TO BE CHANGED	141
8.7. CONCLUSION	142

CHAPTER 9: DISCUSSION, IMPLICATIONS AND CONCLUSION	144
9.1. INTRODUCTION	144
9.2. DISCUSSION	146
9.2.1. <i>The role of tourism in the development of the Wellington waterfront.....</i>	<i>146</i>
9.2.2. <i>Governance structure and the key players</i>	<i>150</i>
9.2.3. <i>Legislative framework and its impact on the redevelopment of the Wellington waterfront</i>	<i>153</i>
9.3. IMPLICATIONS AND RECOMMENDATIONS.....	156
9.3.1. <i>Implications and Recommendations for local authorities and stakeholders</i>	<i>157</i>
9.3.2. <i>Implications for future research.....</i>	<i>159</i>
9.4. CONCLUSION	160
APPENDICES	162
APPENDIX 1: INTERVIEW GUIDE.....	162
APPENDIX 2: INFORMATION SHEET (FOR CEO/EQUIVALENT).....	164
APPENDIX 3: INFORMATION SHEET (FOR THE INTERVIEWEE)	165
APPENDIX 4: CONSENT PARTICIPATION IN RESEARCH (FOR CEO/EQUIVALENT)	166
APPENDIX 5: CONSENT TO PARTICIPATION IN RESEARCH (FOR THE INTERVIEWEE)	167
REFERENCES	168

LIST OF TABLES

TABLE 1: RESEARCH OBJECTIVES AND RESEARCH QUESTIONS	4
TABLE 2: ADVANTAGES AND DISADVANTAGES OF THREE TYPES OF INTERVIEWS	41
TABLE 3: CHRONOLOGY OF THE WELLINGTON WATERFRONT REDEVELOPMENT	58
TABLE 4: VARIATION 17 HEIGHTS	114

LIST OF FIGURES

FIGURE 1: THE ELEMENTS OF URBAN TOURISM.....	10
FIGURE 2: A CONCEPTUAL FRAMEWORK OF THE STUDY.....	31
FIGURE 3: KEY FEATURES OF THE WELLINGTON WATERFRONT REDEVELOPMENT PROJECT.....	34
FIGURE 4: THE STRUCTURE OF THE TREE NODE SYSTEM	48
FIGURE 5: GOVERNANCE STRUCTURE FOR WATERFRONT MANAGEMENT (AFTER THE WWF)	84
FIGURE 6: CURRENT GOVERNANCE STRUCTURE AND PLANNING PROCESS	87
FIGURE 7: THE EXISTING LEGISLATIVE FRAMEWORK FOR THE REDEVELOPMENT OF THE WELLINGTON WATERFRONT	103
FIGURE 8: VARIATION 22 TO THE DISTRICT PLAN - CENTRAL AREA BUILDING HEIGHTS.....	119
FIGURE 9: NORTH KUMOTOTO AREA UNDER VARIATION 11	122
FIGURE 10: RESOURCE CONSENT PROCEDURES.....	126

LIST OF ACRONYMS

CBD - Centre Business District
CCC - Community Consultative Committee
CEO - Chief Executive Officer
DP - Wellington District Plan
EC - Environment Court
GWRC - Greater Wellington Regional Council
HEC - Human Ethics Committee
HPT - Historic Places Trust
LATE - Local Authority Trading Enterprise
LHG - Lambton Harbour Group
LHML - Lambton Harbour Management Ltd
LHOL - Lambton Harbour Overview Limited
NZCPS - New Zealand Coastal Policy Statement
OPT - Overseas Passenger Terminal
PWT - Positively Wellington Tourism
RCP - Regional Coastal Plan
RMA – Resource Management Act 1991
SPC - Strategy and Policy Committee
TAG - Technical Advisory Group
UPL - Urban Perspective Limited)
WCC - Wellington City Council
WCGS - Wellington Chinese Garden Society Inc
WCT - Wellington Civic Trust
WDSC - Waterfront Development Subcommittee
WHB - Wellington Harbour Board
WIL - Waterfront Investment Limited
WLG - Waterfront Leadership Group
WRBA - Wellington Residents and Businesses Association
WTT - Wellington Tenth Trust
WW - Waterfront Watch
WWF - Wellington Waterfront Framework
WWL - Wellington Waterfront Limited

CHAPTER 1 - INTRODUCTION

1.1. Introduction

This chapter sets the scene by introducing the research objectives and research questions of this study in the context of the waterfront of Wellington, New Zealand. Then, the chapter provides a description of the thesis's structure, highlighting the most important points of each part.

1.2. Research rationale

The coastline has long been a magnet for tourists (Jennings, 2004). During the last few decades, the attraction of the urban coastline has been increasingly recognised and the reclamation of waterfronts for public access has become important to residents' quality of life. While urban tourism emerged as a significant and distinctive field of study during the 90s (Pearce 2001a), only in the last decade has there been substantial interest in tourism research regarding the issues surrounding waterfront redevelopments around the world (Craig-Smith, 1995; Fagence, 1995; Kawasaki *et al.*, 1995; Page, 1995b; Rauno & Satu, 2006; Sarah, 2007; and Lehrer & Laidley, 2009). There is a strong consensus among these scholars that tourism is a catalyst for waterfront redevelopment. According to Rauno & Satu (2006), since the 1970s, numerous waterfronts have undergone a reorientation from "brown fields" or "green belts" to commercial, residential and recreation areas (Rauno & Satu, 2006), of which the Wellington waterfront in New Zealand is an example. The Wellington waterfront has been transformed into a hub of recreational and leisure activities since the relocation of port facilities to accommodate containerisation and roll-on-roll cargo to another site in the 1970s. Today, the Wellington waterfront boasts landscaped public areas, recreation facilities and a range of bars and restaurants. Waterfront development is perceived as an

integral component in the delivery of the ultimate visitor experience and is also a key brand element of Positively Wellington Tourism (PWT)'s marketing activity, showcasing the diversity of Wellington's downtown experience (PWT, 2009a). With its important role in Wellington's tourism and as one of the major urban developments of Wellington in recent decades, the waterfront redevelopment has always been a contentious issue, with the public resistant to any development that potentially limits public access to the area. Planning decisions increasingly reflect the need to strike a balance between commercial development, residential development and public amenities (Warren & Taylor, 2003). Furthermore, the development history of the Wellington waterfront reveals that this is a long and complex process. Various Concept Plans have been developed; many Variations to the District Plan (DP) have been proposed in order to facilitate the implementation of this redevelopment. However, many of these development proposals have been delayed or even cancelled. In addition, the Wellington Waterfront Framework (WWF), which was approved by the WCC as an overarching guide for this redevelopment, is seen as not having statutory status. To date, no one has discussed the existing legislative framework for the redevelopment of the Wellington waterfront and the way in which it impacts on this redevelopment. As such, the Wellington waterfront makes an ideal case study to be researched for the purpose of this thesis. The findings of this study will be useful in providing local authorities and waterfront organisations with new insights into the role of tourism in the waterfront redevelopment and the way in which the legislative framework impacts on the waterfront redevelopment in general and tourism development in particular. It is important to note that while the findings of this research study will be specific to Wellington, it may offer some useful implications for other urban destinations where the waterfront is a tourist attraction.

1.3. Research objectives and Research questions

In the context of the Wellington waterfront, the specific objectives of this study are:

- (1) To explore the role of tourism in the redevelopment of the Wellington waterfront.
- (2) To identify the key players involved in the redevelopment of the Wellington waterfront, and specify their involvement and influence on planning and decision-making processes.
- (3) To define the existing legislative framework for the redevelopment of the Wellington waterfront and examine the way in which it impacts tourism development in this area.

To achieve the above-mentioned objectives, the questions to be addressed in this study are presented in Table 1.

Table 1: Research objectives and Research questions

Objectives	Primary questions	Secondary questions
(1) To explore the role of tourism in the redevelopment of the Wellington waterfront	To what extent is tourism considered in this redevelopment?	<ul style="list-style-type: none">- What are the main driving forces of this redevelopment?- Who is this redevelopment for?- What is the tourism rationale in specific developments?
(2) To identify the key players involved in the redevelopment of the Wellington waterfront and specify their involvement and influence on planning and decision-making processes.	Who are the key players and how are they involved in the redevelopment of the Wellington waterfront?	<ul style="list-style-type: none">- Who are they?- What are their roles and responsibilities in the redevelopment of the Wellington waterfront?- What is their influence on this redevelopment?
3. To define the existing legislative framework for the redevelopment of the Wellington waterfront and examine the way in which it impacts tourism development in this area.	How does this existing legislative framework affect the redevelopment of the Wellington waterfront?	<ul style="list-style-type: none">- What is the existing legislative framework within which this redevelopment takes place?- What are the most influential parts of the legislative framework for this redevelopment?- In what way do they affect this redevelopment and tourism development activities?

1.4. Thesis structure

This thesis is presented in nine chapters. This chapter serves as an introduction to the thesis. It has briefly presented the research rationale and also highlighted the research objectives and research questions as well as the significance of this thesis.

Chapter Two aims to set up a theoretical background for this study through a review of relevant literature. It discusses the literature specifically related to the study: urban tourism, the role of tourism in urban development; urban tourism planning; urban tourism management; stakeholders' waterfront redevelopment and tourism;

stakeholders' participation; waterfront redevelopment; and legislation and tourism. These literature components are then linked together to highlight a research gap that calls for further exploration, which confirm the significance of the present study. Finally, a conceptual framework for this study is provided in this chapter.

Chapter Three describes the methodological approach of this research. In this chapter, the selection of the case study and the choice of a qualitative approach are provided. A detailed explanation of how the data was collected and analysed is given. Finally, strengths and limitations of this study are also discussed in this chapter.

Chapter Four presents a research context within which this study is set. In addition, in order to provide background to more recent events, a chronology of the key events since the handover of the Wellington waterfront to the WCC from the Wellington Harbour Board (WHB) in 1980 is developed. This serves as a reference point for the subsequent findings chapters.

Chapter Five addresses the first objective of this thesis, which is to explore the question of whether the role of the tourism is considered in the redevelopment of the Wellington waterfront or not. It discusses the key driving forces of this redevelopment, the intended beneficiaries of the redevelopment, and the tourism arguments used in development projects along the waterfront.

In order to deal with the second research objective - which is to identify the key players and the role they play in this redevelopment - Chapter Six presents the evolution of the governance structure for the redevelopment of the Wellington waterfront. From this the key players and their involvement and influence on this redevelopment are discussed.

The third research objective, which is to define and examine the way in which the existing legislative framework impacts on the redevelopment of the Wellington waterfront in general and tourism development in particular, are addressed in Chapter

Seven and Chapter Eight of this thesis. Chapter Seven describes the existing legislative framework within which the redevelopment of the Wellington waterfront as a whole takes places. Chapter Eight identifies the impact of the legislative framework on tourism development on the Wellington waterfront by extending this discussion to the case of a specific project on the waterfront, the Hilton hotel, which is the waterfront project with the most explicit tourism orientation.

Chapter Nine summarizes and discusses the findings in relation to previous studies. The entire research project is reviewed and the objectives are revisited. This chapter then discusses the implications emerging from the findings and makes recommendations for local authorities, waterfront organisations and other stakeholders. Recommendations for future research are also presented in this concluding chapter.

CHAPTER 2: LITERATURE REVIEW

2.1. Introduction

The previous chapter outlined the three main objectives of this study. The first objective is to understand the extent to which the role of tourism is considered in the redevelopment of the Wellington waterfront; the second is to identify the key players who are involved in this redevelopment and specify their involvement and influence on planning and decision making processes; and the third is to examine the way in which the existing legislative framework impacts tourism development in this area. In order to achieve these aims an understanding of the theoretical background of the study is needed before providing a description of an appropriate methodology. In this study, the redevelopment of the Wellington waterfront can be considered from a range of different perspectives: from a specific concern with waterfront development to broader issues of urban tourism, urban planning, development and management; from the perspective of a stakeholders' participation in urban tourism; and from a perspective concerned with the relationship between legislation and tourism.

This chapter reviews the related literature with relevance to the research objectives. Specifically, since this study focuses on the waterfront, which is an important part of urban development, a general understanding of urban tourism is critical. Additionally, as the redevelopment of the waterfront cannot be separated from urban planning and urban development, key issues related to urban tourism in general and to this topic in particular are necessarily included, such as urban development, urban planning, and tourism planning. Likewise, the literature on stakeholders' participation in urban tourism in general and in planning and decision-making processes provides insight into understanding how they are involved with and have an influence on urban tourism. An overview of the waterfront literature is also vital in understanding the extent to which

tourism is considered in the redevelopment of the waterfront. Lastly, in order to examine the way in which the existing legislative framework impacts tourism development of the waterfront, the relationship between legislation and tourism and the potential factors of the legislative framework that impact urban development in general and tourism development in particular are reviewed.

2.2. Urban tourism

This section looks at urban tourism in terms of a variety of factors: its characteristics, the role of tourism in urban development, processes involved in urban planning, tourism planning, and the stakeholders' participation in urban tourism.

In tourism literature, “urban tourism has emerged as a significant and distinctive field of study during 90s” (Pearce, 2001a: 926). There are several books dealing with urban tourism (Berg *et al.*, 1995; Law, 1993, 1996 & 2002; Shaw & Williams, 1994; Swarbrooke, 1999; Page, 1995a; Page & Hall, 2003; and Warren & Taylor, 2003) and an increasing numbers of articles in a wide range of journals (Roche, 1994; Jansen Verbeke & Lievois, 1999; Pearce, 1998, 2001a, b & c). Typically, the academic study of urban tourism embraces a number of core themes, which include: the demand for urban tourism; the supply of urban tourism; marketing urban tourism; policy, planning and management issues; and the impact of urban tourism. However, the concept of urban tourism appears to be vaguely defined in tourism literature. According to Law (1996) urban tourism is a complex, or even chaotic concept because of the diversity of contexts in which it occurs. Pearce (2001c) indicates that urban tourism tends to be more complex and its analysis less straightforward than in many other settings. This can be explained by the multi-functional nature of cities, the multi-dimensional character of

urban tourism and the multi-purpose motivation of urban-oriented travel (Pearce, 2001c).

Urban tourism can be simply understood however as tourism in urban areas (Law, 2002). The attraction of urban areas to tourists is highlighted by the fact that more and more cities seek to attract visitors by developing their tourism products and infrastructure. According to Page (1995a), large cities are the most important type of tourism destination as they serve as a gateway for tourism entry into a country, assigning them a significant role as centres for tourism activities. Similarly, Page & Hall (2003) add that urban destinations play a notable role in tourist travel, as in many cases they serve as gateways for tourist entry to the country, as centres of accommodation, and as a base for excursions to rural areas (as well as being destinations in their own right) (Page & Hall, 2003). Moreover, apart from their gateway function, cities are characterised by other tourism functions such as being origins, destinations, and staging posts (Pearce, 1981). Law (1996) outlines a number of key attributes that urban areas possess as tourist destinations: they have naturally large populations which in turn attract visiting friends and relatives; they draw tourists to their attractions because these are often much more developed than other types of destinations; they are easily accessible through airports and scheduled services; there is a large stock of accommodation built to serve the business traveller; and urban destinations appeal to a number of different tourist markets as they offer the range of communications, transport, services and facilities which meet a wide variety of tourist needs.

Other authors view urban areas as a tourist product or leisure product (Jansen-Verbeke, 1986; Page, 1995a). Page (1995a) developed a comprehensive model of the elements of urban tourism (Figure 1). This comprises primary elements (activity place, and leisure settings), secondary elements (hotels, shopping, markets) and additional elements (accessibility, parking, facilities, information offices, guides, maps, signage and so on).

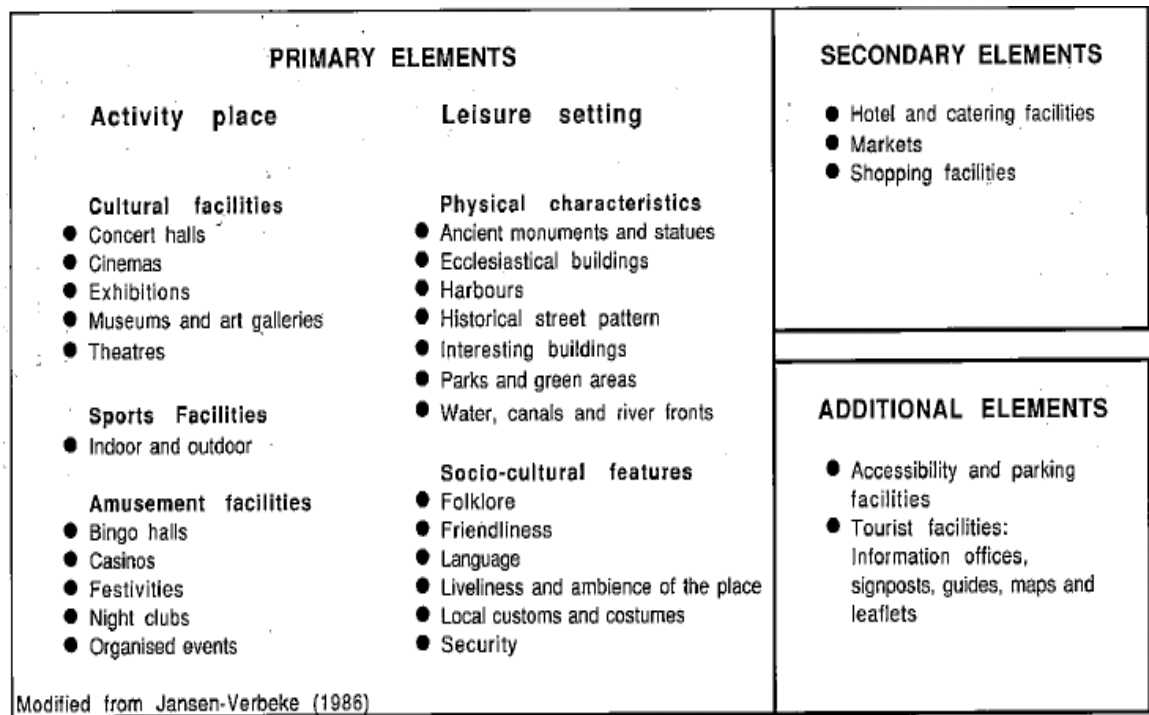


Figure 1: The elements of urban tourism

Source: Page, 1995a

In Page's model, the waterfront is classified as one of the primary elements of urban tourism and falls under the leisure setting category, which includes both physical elements in the built environment and social/cultural characteristics which give a city a distinct image and "sense of place" for visitors (Page, 1995b; Craig-Smith, 1995). Regarding the urban tourism elements, Warren & Taylor (2003) argue that cities attract visitors because they are the home of major cultural amenities like museums, art galleries and live performance venues. These and other attractions, like cafés, restaurants, nightlife, hotels, heritage buildings, urban landscapes, cultural events, sporting events, and shopping, also contribute to the growing recognition of cities as destinations in their own right (Warren & Taylor, 2003). However, the users of these resources are not only tourists but also city residents, city-region residents and people working within the city (Page & Hall, 2003) because many services and spaces are shared by both tourists and residents (Pearce, 2001a). Therefore, Warren & Taylor (2003) again argue that the extent to which cities can attract visitors as destinations

greatly depends on how well it meets the needs of its own residents. If residents are not attracted by their own city, it is certain that visitors will not be either (Warren & Taylor (2003). Consequently, urban tourists are only one set of users in multifunctional cities and this sometimes leads to conflicts, particularly with developing accommodation and transport sectors for use of tourists at the expense of the local community (Pearce, 1981). As an important element of the urban tourism setting, the waterfront is no exception to this. These conflicts may make planning issues more difficult. This also further complicates the complexity of urban tourism and is one of the important aspects of this study.

2.2.1. The role of tourism in urban development

The important role of tourism in urban development is highly recognised in the tourism literature. Pearce (2001b) identifies that improving the city's image is one of the primary justifications for the tourism rationale being incorporated into urban development. Pearce justifies this by citing the example of the Christchurch tourist tramway that was redeveloped as part of an urban exercise to revitalise some areas of the Central Business District (CBD) and also to improve and promote tourism (Pearce, 2001b). Jansen-Verbeke & Lievois (1999) supports this by stating that urban tourism leads to an overall improvement of the destination quality. Berg *et al.*, (1995) also advocate tourism contributing to a destination's image by saying that the attractiveness of a city is determined by the city's image in the perception of potential visitors. Urban tourism is expected to rebalance the urban economy, by generating new activity and with the objective to see tourism as a stimulus for urban economy and an added value to urban life (Jansen-Verbeke & Lievois, 1999). It appears that urban tourism development can improve the city's image and serve as a generator of economic benefits. Therefore, the promotion and development of tourism has become a vital element in the planning

and policy development for urban economic development, with cities creating tourism demand through enhancement of tourism resources and services (Rogerson, 2004). With the impetus for economic regeneration being strong, tourism has been used as one of the primary forces in motivating inner-city rejuvenation, especially because it is believed to offer desirable and feasible means of employment and income generation with positive social, cultural and environmental effects (Schofield, 2001). Therefore in order to distinguish the destination's attractiveness and to maximise its economic benefit, tourism needs to be incorporated as a rationale in urban development. This study, in the context of Wellington waterfront, is seeking to investigate the extent to which tourism is considered in the Wellington waterfront redevelopment.

2.2.2. Urban tourism planning

As mentioned earlier, the potential of urban areas for tourism development is rich, and the role of tourism in urban development is recognised as being of high importance. However, the success of urban tourism appears to be determined by planning issues; and as Page & Thorn (1997) indicate, there is no doubt that tourism development, like other forms of development, requires consideration under the planning system. Connell *et al.* (2009) supports this by demonstrating that if ill-planned or excessive development is permitted, tourism can damage the special qualities that are essential for sustainable development. In addition, while tourism has positive effects, uncontrolled tourism growth can undermine the basis of tourism. Williams (1998) believes that without planning there is the risk that an activity will be unregulated, formless, or haphazard and will likely lead to a range of negative economic, social and environmental impacts.

According to Dredge & Jenkins (2007: 156), planning is identified as:

“Dialogue between overlapping or complementary and competing interests, communicative action, collaboration and partnership building, and capacity building. However, planning is political; planning is all about politics. Planning is the activity and process of policy development and relationship building between various actors, agencies and interests. The links between policy and planning are unmistakable. It is practically impossible to talk about one without the other at the very least lurking in the background”.

Hall (2000) also agrees that the process of planning involves “bargaining, negotiation, compromise, coercion, values, choice and politics” (Hall, 2000: 7). It appears that planning involves the participation of various actors and a number of factors from politics, policy development, policy making and other decision-making processes. Because of this, one of the most important roles of planning is to reconcile and balance the competing interests of various parties. However, Hall (2000) argues that one of the key elements of the process of planning is decision making. Decision making is part of a continuum that follows directly from planning and is followed by action; these decisions are interdependent and systematically related, and not just the result of individual decisions. Another important element is to ensure that planning is undertaken with a long-term focus to guarantee that problems in the future are minimised. This is further supported by Pearce (1995) who states “all planning involves an analysis for the future”. The long-term focus in planning is necessary to ensure that all factors influencing the development are taken into account; this requires a broadly integrated, multi-scale, dynamic approach to planning (Pearce, 1995). Gartner (1996: 57) further comments that “unplanned development or short-term planning which does not anticipate the future, will almost surely lead to a division of people, organization and institutors that must be in agreement for quality development”. Furthermore, Costa (2001), Pearce (1995), and WTO (1994) all note that urban development planning is a

continuous process and that the strategies involved must be sufficiently flexible to change with the shifting environmental conditions that they exist within and to respond to additional information that they might receive.

Since the nature of tourism is interdisciplinary and urban areas are multifunctional, urban tourism cannot be viewed in isolation (Jansen-Verbeke & Lievois, 1999). Urban tourism must be aligned with urban strategy and economy and incorporate both business and leisure activities. This is also supported by Page (1995a), who states that tourism in cities is entwined with other urban functions and is rarely perceived as a single element. In addition, he notes that “some degree of planning is required to manage the complex nature of the urban tourism system to ensure its integration into the city system as well as the regional and national economic system” (Page, 1995a: 6). He also found that most urban destinations do not have a structure to plan for tourism growth and development, this being more often subsumed within the wider concept of urban planning (Page, 1995a). Similarly, Pearce (2001c) argues that tourism is commonly a part, sometimes not a very explicit one, of broader urban policies or plans rather than a separate distinct sectoral strategy. This can be seen in the case of the tramway project in Christchurch, New Zealand. Pearce (2001c) conducted a detailed analysis of the policy-making process underpinning the development of the tramway. He found that the tramway development is an incremental process and it is a part of broader urban process and policies (Pearce, 2001c).

Regarding the urban tourism planning process, Pearce (2000) points out that the tourism planning literature has focused on plan preparation and initial implementation but there is little or no consideration of what happens subsequently. As a result, it might be argued that in addition to planning issues, urban tourism management is critical for the success of urban tourism. This will be discussed in the following section.

2.2.3. Urban Tourism Management

One of the most important aspects of development planning is the monitoring of developments, projects and plans to ensure that objectives and aims are being met and that the direction for the development is being achieved (WTO, 1994). In other words, tourism management is crucial for the success of tourism development and planning.

According to Mason (2008), tourism management involves the day-to-day, overseeing and monitoring of the effects of a tourism plan and tourism policy. Planning activities and management processes are likely to be taking place simultaneously in any given context. Mason suggests the key players involved in tourism management are the tourists themselves, the host community, the tourism industry, and government agencies (at local, regional, national and international level). In addition, two other sets of actors are important in terms of tourism planning and management. These are voluntary sector organizations and the media. The voluntary sector is made up of a number of different groups. These include pressure groups, voluntary trusts, some of which have charitable status, and industry associations.

Pender & Sharpley (2005) indicate that there are many factors, influences and processes which may affect the development of urban tourism in different contexts. They suggest that the political environment, which includes both local and national government structures and prevailing policies, as well as the economic and socio-cultural environment, must be taken into account in order to identify not only appropriate management structures and roles in developing urban tourism, but also the multitude of political economic and social forces that represent either opportunities or barriers to development (Pender & Sharpley, 2005).

2.3. Who is involved in urban tourism?

Given the complexity of urban tourism in general and the multi-functionalism of urban areas, various stakeholders are involved and exert their influence at different level on urban tourism. However, as this study focus specifically on the Wellington waterfront, only the involvement of stakeholders at the local level is discussed.

2.3.1. Local government

The role and influence of local government on tourism development and management has been significantly recognised in tourism research. Shone & Memon (2008) state that all levels of government (national, regional and territorial) exercise a variety of roles that can impact on the tourism sector. Hall (1994) argues that state government often influences tourism administration, policy development, and the distribution of power amongst the individuals or businesses involved in the industry. In addition, Hall points out an important relationship exists between government and tourism; successful tourism requires cooperation among government, private, and non-profit agencies. Moreover, Hall (1994) identifies five roles of government vital for the success of the tourism industry: coordination (1), planning (2), legislation and regulation (3), entrepreneurship (4), and stimulation (5). Hall also argues that the government sector not only plays these important roles in tourism administration and policy development, but also needs to balance power among the people and/or businesses involved.

Regarding the involvement and influence of local government in tourism, Pearce (2001c) indicates that local governments may stimulate tourism development at the local level through their enabling, informational, promotional and coordination functions and through investment in and provision of public utilities and amenities.

In New Zealand, local government plays a significant role in tourism (Connell *et al.*, 2009). Firstly, it is important to understand the way in which local government works. Bush (1995) provides a very useful model of how local government in New Zealand works. The model is based on four formal premises: (1) Ultimate authority is vested in the council; (2) The province of elected members is policy-making, monitoring and interfacing with the public; (3) the Officers' role is to implement and advise; (4) Councillors must and should refrain from involvement in management and delivery of services. In addition, Bush emphasizes the need for trust and mutual interdependence – “the councillors should decide and the officers execute”. He also observes that:

“In practice: the application of this rounded model is disrupted by a number of inconvenient realities. First, the dividing line between policy formulation and implementation is inherently fuzzy; second, by virtue of their experience, expertise and command of resources, executive officers cannot avoid helping shape policy; third, elected members cannot be indifferent to the means by which the content of policy is delivered; fourth, the pervasive committee system throws officers and councillors together close to the workface; and fifth, much ‘policy’ is an amalgam of series of ‘bottom-up’ decisions made by officers exercising delegated authority in the normal performance of their duties” (Bush, 1995: 230).

Pearce (2001c) conducted a detailed analysis of the policy-making process underpinning the development of the Christchurch tramway. His analysis demonstrated some important aspects of local government policy-making: the fuzziness in distinguishing formulation and implementation; “the shaping policy by council officers and the coming together of officers and councillors close to the workface... the overlapping interests of key individuals, particularly of some council officers who were also members of the Tramway Historical Society and, who according to the press, enthusiastically pushed the proposal along beyond their advisory roles” Pearce (2001c: 351).

Bush's discussion and Pearce's demonstration through the development of the tramway in Christchurch provide a very useful background in which this investigation into the

Wellington waterfront can be set, highlighting especially the decision-making process and policy implementation of local government.

With regards to the statutory role of stakeholders, prior research has identified the key players who have a strong regulatory role that may influence tourism industry. In the case of New Zealand, according to Page & Thorn (1997), territorial local authorities have various regulatory functions that may control the externalities of tourism and encourage sustainable development practices. Connell *et al.* (2009) support this contention by observing that while Regional Councils can fund and promote tourism at a regional level, territorial local authorities have the heaviest and the most direct involvement in tourism through funding, operating tourism activities and attractions, organizing events, and organizing promotion. One of the most important functions of councils is the implementation of national planning legislation and policy at the local level (Connell *et al.*, 2009).

Concerning the way in which the local government involves itself in tourism, a study conducted by Clive & Stephen (1996) focusing on the involvement of District Councils in Tourism in England and Wales indicated that local authorities' involvement in tourism is established principally through provision of local tourism infrastructure, the maintenance of an attractive environment through planning and development control, proactive policies to stimulate the private sector and the promotion and marketing of tourism. These provisions range from basic features such as gardens and car parks to leisure pools, golf courses, conference centres and country parks. Furthermore, some district councils played a key role in the development and financing of substantial projects, notably in major seaside resorts (Clive & Stephen, 1996).

In another study, Cooper & Flehr (2006) considered case studies from Japan and South Australia in order to investigate the reasons behind and the nature of the intervention of non-local level government in local management and economic development of major

tourism facilities. As a result of this they identified that the principal methods of state involvement are regulatory frameworks authorised by legislation (standards and procedures for development control), state-sponsored industry planning and research, incentive schemes and subsidies for development, and state-supported networks of information providers to tourists. This regulatory and facilitative role in relation to tourism development can occur at a variety of levels (Cooper & Flehr, 2006). In addition, Cooper's study found that decisions on many major tourism projects are made centrally by the state, to the benefit of political and business interests that operate at that level. Regarding approval of the projects, Cooper believes once governments have been persuaded of the value of a development, they will do almost anything to ensure that it is approved.

2.3.2. The Public/Community

One of the very important points that may be drawn out from the literature is that the public plays an important role in urban development. Without public involvement it is unlikely that tourism development will be successfully integrated into wider urban settings. In addition, Walsh *et al.*, (2001) consider that community participation in the planning, development and implementation phases of tourism developments enhances and creates attractions that have local identity and meaning, and that give a "sense of place". Simmons (1994) adds that uncertainties and misunderstandings about tourism are more likely in the absence of adequate resident involvement. Therefore, tourism development relies on the attitude of those responsible for development in the city and the collaboration of the various organisations involved (Page, 1995a). Butler (1999) identified that one of the major barriers to tourism development was gaining local residents' acceptance and appreciation. In order to gain this acceptance and appreciation the public must be involved at each step of the planning and development process.

According to Butler (1999) and Pearce (2001a), involvement can occur for a number of reasons - economic, social, cultural, environmental and political. Simpson (2001) concludes that residents who concur with tourism goals and objectives set for their region will be equally happy with the outcomes that ensue, which in turn helps to achieve sustainable tourism and a sense of place. In fact, the current trend in tourism planning is to incorporate resident input into destination area planning because community residents are recognized as an essential ingredient in the 'hospitality atmosphere' of a destination and they are capable of participating in tourism planning (Simmons, 1994). Public participation in planning is often guaranteed by law at the municipal and regional levels of government. However, Simmons (1994) indicates that agencies seemingly promoting participation may employ a variety of strategies - manipulation, therapy, consultation, placation - aimed instead at retaining political or bureaucratic control and deflecting public involvement (Simmons, 1994).

2.3.3. Planners

According to Dredge & Jenkins (2007), planners play a very important role in tourism planning. They argue that planners themselves generally do not have authority to make decisions about the position or intention of government policy. However, they are influential in acquiring and interpreting information and deciding the characteristics of consultation and participation. They can be influential gatekeepers and disseminators or filters (acting justly or unjustly) of the knowledge that enters into debates. Planners are facilitators and active agents in political decision-making processes, and they have an important entrepreneurial role in framing issues and shaping planning and policy processes. They can shape many aspects of planning processes, debates and outcomes (Dredge & Jenkins, 2007). In addition, research shows that although planners and designers may have well-intentioned strategies to enact community consultation, these

people hold positions of power which can be both enabling and constraining (Robinson, 2000; and Jamal & Gentz, 1999).

2.3.4. Pressure groups

Another set of stakeholders who has a strong influence on urban development and urban tourism are pressure groups. According to (Dredge & Jenkins, 2007), the term “pressure group” is most often used interchangeable with the terms “interest group” or “lobby group”. Dredge & Jenkins (2007: 167) describe several features of such pressure groups as follows:

- They have a legitimate right to operate and represent sectional interests, who in fact authorise them to do so.
- They attempt to influence governments, but do not seek to gain government.
- Not all activities need be or indeed are political. Activities variously include provision of financial advice to members; the conduct of field trips, seminars and conferences; research; contributions to training and education packages; and contacts for developing networks and alliances.
- They often seek to influence government policy indirectly by attempting to shape the demands that other groups and the general public make on government, for example through the conduct of public relations campaigns.
- They are central to our political systems. They are important sources of information and alternative advice for government (political parties, parliamentarians, their advisers and senior bureaucrats) and provide a means for private individual and agencies to influence the policy process.
- Contrary to much opinion, they are not too powerful, can be screened and filtered by government officials (or bureaucrats), political parties and parliamentarians, and in fact ultimately do an important contribution to peaceful democratic processes and help relative to other parts of the world.

2.4. Waterfront redevelopment

Urban redevelopment projects have formed a large part of contemporary interest in urban tourism. The mega-project is regarded as a tool for urban renewal (Lehrer & Laidley, 2009). Since the 1970s, numerous waterfronts have undergone a reorientation from “brown fields” or “green belts” to commercial, residential and recreational areas (Rauno & Satu, 2006). Since then, waterfront renewal and redevelopment has engaged the interest of planners, politicians and the public (Craig-Smith, 1995). New laws have been passed and planning tools developed in order to regulate what can be built near the water (Rauno & Satu, 2006). According to Breen & Rigby (1996) waterfront redevelopment projects can be grouped into six main categories, namely: commercial waterfronts; cultural, educational and environmental waterfronts; historic waterfronts; recreational waterfronts; working waterfronts; and residential waterfronts.

The waterfront literature views waterfront revitalization as a means to increase the economic vitality of localities, create new public spaces, and increase access to valued cultural and natural amenities. Because of its economic generation tourism is identified as a catalyst for waterfront redevelopment. Several key points can be identified from a review of the waterfront literature (Craig-Smith, 1995; Fagence, 1995; Kawasaki *et al.*, 1995; Page, 1995b; Sarah, 2007; and Lehrer & Laidley, 2009), in which, waterfront redevelopment from different parts of the world have been examined, (e.g.: London Docklands, Liverpool, in the UK; Brisbane South Bank, Sydney Rocks, and Darling Harbour in Australia, Baltimore in the US; Hamilton Harbour waterfront and Toronto waterfront in Canada):

- Tourism plays a significant role in the redevelopment of urban waterfronts. As Craig-Smith (1995) states, there is no doubt that recreation and tourism can be used as catalysts for waterfront redevelopment.

- In most cases, the main drivers of waterfront redevelopments are to improve public access; to revitalise and improve the image of the city; to achieve economic regeneration; to provide facilities and services for local people; and to underpin the improvement of the physical environment. In some cases, the underlying forces that shape waterfront revitalization are the economic and political intentions of planners and developers (Malone, 1996).
- General pedestrian accessibility to the waterfront and image improvement of the destination have been consistently considered essential design principles.
- The redevelopment of waterfronts is not a straightforward process. It must be integrated into a long-term plan that incorporates all players involved in the waterfronts.
- Planning for the redevelopment of waterfront areas requires creative solutions of urban land-use planning. Craig-Smith (1995) suggests that land-use continuity may be achieved by linking waterfront development with inland uses.
- Government plays a critical role in the redevelopment of urban waterfronts in several respects. It plays a key role in attracting private and public investment. Through its planning and adoption of regulations and inducements it can establish a development theme for the waterfront, which sets the scale, quality, and sequence of redevelopment.
- Harbours are multi-functional destinations. All dimensions of the waterfront must be included in the redevelopment planning to ensure that the waterfront's full potential is maximised. The involvement of all key players and a strong sense of planning are required to accomplish this.
- Citizens and various interest groups have been widely interested in how urban waterfronts are planned. It is from them many essential questions come, such as:

What are the real reasons and targets for development? For whom are the plans made?

- All waterside redevelopments, it seems, have some common challenges. The mixed-use approach, promoting the unique characteristics of each community, has been shown to be one of the most successful means of enhancing and maintaining waterfront areas, especially those in urban centres.

2.5. Legislation and Tourism

2.5.1. The role of legislation in tourism industry

In order to understand how legislation can influence tourism, the relationship between legislation and tourism must be discussed. There is strong agreement among scholars regarding the important role of legislation in the tourism industry (see, for example: Hall, 1994; Abeyratne, 1995; Moore, 2002; McGehee *et al.*, 2006; McGehee & Meng, 2006). McGehee *et al.* (2006) believe legislators can develop policies and legislation that potentially help or hinder the tourism industry, including tax policies and infrastructure development. Moreover, McGehee & Meng (2006) indicate that legislative acts may not necessarily be considered strictly ‘tourism legislation’, but may still have a tremendous impact on the industry. Legislation can impact many segments and sectors of the tourism industry, including waterfront development (Doorne, 1998), airline policy (Abeyratne, 1995), pricing policy (Laarman & Gregersen, 1996), national parks (Moore, 2002), and casino gaming (Chen & Bin, 2001). Moore (2002) states that the dialogue in recreation management is shaped by the interests of four key groups: the public(s), legislation, management agencies, and researchers. The study finds that while the varied needs and demands of the public for recreation opportunities is a key factor shaping recreation policy, legislative interests have a considerable influence on recreation policy (Moore, 2002). Laarman & Gregersen (1996) argue that in nature-based tourism, pricing policy is a potentially powerful tool to move towards efficiency, fairness and environmentally sustainable management. With regard to casino gaming, Chen & Bin (2001) identify that the effects of legislation events, such as casino gaming regulation and deregulation, vary across different types of gaming companies.

According to McGehee & Meng (2006), tourism legislation works as an important factor in the development and growth of the industry. However, much of the tourism legislation is rather vague, being more general business legislation than legislation

specific to the practices of the industry. It often refers to codes of practice or legislative acts. For example, in New Zealand although the Resource Management Act 1991 (RMA) legislation is considered as a mechanism for achieving sustainable tourism, within the RMA legislation there is no specific reference to tourism. In addition, while local authorities are charged under the RMA with developing a plan to set policy and guide development in their area of governance, there is no such statutory requirement to develop tourism plans (Connell, *et al.*, 2009).

2.5.2. The formulation process of legislation

At this stage, research has shown that understanding legislators and politicians and their perceptions of the tourism industry is useful for achieving strengthened legislative support for the industry. They recommended that strategies focusing on knowledge building, image building, and connection building among legislators are needed to achieve valid, practical legislative support for tourism (McGehee & Meng, 2006; McGehee *et al.*, 2006). Focusing on Leeds, a city in the North of England, Nancy *et al.*, (2008) identify themes around tourism policy making that influence tourism, including low status, lack of clarity, uncertainty, lack of consensus and congruence and complexity.

In the context of urban tourism, Hall & Jenkins (1995) observe that it is very important to understand the institutional arrangements surrounding urban tourism. These include not only the legal and regulatory structures that influence urban tourism but also the organisations established to formulate and/or influence urban tourism policies and increase the perceived value of tourism when forming policy. It is evident that from the beginning of the formulation process, there are potential legislative impacts on tourism industry that should be kept in mind by legislators. However, as this research focuses

on the local level, it might be argued that these impacts may result from the way in which the legislative frameworks are perceived and implemented by different actors rather than the legislators' perceptions in forming these frameworks.

2.5.3. Implementing legislation

Hall & Jenkins (1995) emphasize the importance of looking not just at what policy should be but also at how policy is made and implemented. Pearce (2001c) confirms the importance of understanding the formulation process of the policy by stating that understanding how policies are made and implemented is central to understanding local government involvement in tourism.

A study undertaken by Piga (2003) found that the use of land taxation and planning legislation was simultaneously geared to the achievement of efficiency and the signalling of the government's commitment to conservation policies. Piga argued that tax curtails, but does not prevent, tourist activity. In addition, Piga indicated that territorial planning legislation plays a crucial role for the reduction of negative impacts of tourism. For example, in Italy the legislative norm prohibiting constructions within 300 metres of the coastline has prevented the irreversible damage that building on the coast entails, and has forced developers to locate their sites in less sensitive areas (Piga, 2003). In term of the implementation of legislative frameworks, the Italian case study showed that the local government chose not to yield to a developer's requests by not changing a norm prohibiting construction near the coastline. Furthermore, Piga (2003) believed territorial planning, building regulation, provision of infrastructure, fiscal incentives and disincentives, ecological labelling, assessment and management of carrying capacity, and information and education of tourism can all be used effectively and play a central role in public strategy for sustainable tourism.

2.6. Conclusion

From this literature review, a number of the key issues are identified which form the foundation of this thesis. From this foundation, research gaps are also discussed:

- Urban tourism tends to be more complex and less straightforward than in many other settings (Pearce, 2001c). Researches indicate that urban areas have rich potential and various attributes making them well suited to being tourist destinations. As an important primary element in the built environment of urban areas, the waterfront becomes a magnet for visitors to the cities. Due to the multi-functional nature of cities, and the multi-dimensional character of urban tourism, the waterfront should not be considered just in terms of one kind of user, such as a tourist or a resident, when considering designing urban infrastructure in general and tourism facilities in particular.
- Development, planning and management in tourism in general and in urban tourism in particular have a complex interrelationship and each has an influence on each other. Urban tourism development cannot be separated from urban planning. In addition, urban development is a multi-dimensional process that must be integrated within the broader urban policy to ensure that it provides a balance between tourism benefits and added value to the quality of life. To be able to do this requires a broad, integrated, long-term focus that is opened to suggestions from all people concerned. The involvement of all key players including local government, private and public sectors parties at an early stage is necessary. Also, the planning process for urban development projects must be sufficiently flexible to react to the different influences that may affect the process.

- Prior research recognised that the local government is one of the most important and influential stakeholders for urban tourism. With their functions of policy maker, policy implementer and financial sponsor, they may be able to speed up or slow down development projects in urban areas. In addition, the role of other players such as the public, planners, and pressure groups were also identified. However, while the role of these stakeholders in urban tourism has been significantly recognised, their involvement and influence on urban tourism have not been adequately discussed, especially in specific cases.
- Research shows that legislation can impact many segments and sectors of the tourism industry including airline policy (Abeyratne, 1995), pricing policy (Laarman & Gregersen, 1996), national parks (Moore, 2002), and casino gaming (Chen & Bin, 2001). Regarding the influence of legislation, Connel *et al.* (2009) indicate that in New Zealand, although there are no specific references to tourism with the RMA, this Act does have a strong influence on the tourism industry. However, there generally has been limited research conducted to examine the way in which legislation impacts tourism development. As McGehee & Meng (2006: 368) reveals that “although the importance of various levels (federal, state, and regional) of legislation to the success of the tourism industry is inherently realized among many tourism academics and practitioners, very little research has been conducted to examine this relationships”.
- The implementation process of the legislation appears as the main process impacting tourism industry. It can be summarized that impacts may result from: the way in which the local government works; the benefit that stakeholders may have; their political interest; their perceptions of projects’ values; their translation of legislation into strategies and action plans. However, in tourism research, there has been a lack of discussion of the implementation of legislation

at the local level and especially the effect of the legislative framework on tourism management.

- As an important component of urban development and urban tourism, the redevelopment of waterfronts as a studied practice is still in its infancy and many studies examining such redevelopment are still ongoing. Tourism is identified in the literature as a significant part of waterfront development and is an important element in a complex process. The key drivers and design principles of waterfront redevelopments have been largely discussed in waterfront literature. However, the impact of legislation on waterfront redevelopments has not been covered in existing research.

Based on the above discussion of the literature review, all the key issues were brought together in order to provide a conceptual framework for this research (Figure 2). It serves as not only the theoretical basis but also as a guide for the analysis of the information.

CHAPTER 3: RESEARCH METHODOLOGY

3.1. Introduction

This study focuses on three main objectives. Firstly, it tries to understand if the development of the Wellington waterfront considers tourism or not; secondly, it explores the key players involved in this redevelopment; and thirdly, it defines the existing legislative framework within which the redevelopment of the Wellington waterfront takes place and then examines the way in which this legislative framework impacts tourism development in this area.

The previous chapter provided a theoretical background for this study. However, the success of empirical research cannot be achieved without an appropriate methodology. This chapter presents the methods employed in data collection and analysis. The next section presents the selection of the study site and study period. Then, the research paradigm is discussed. Triangulation is adopted both in terms of data sources and interpretation. The application of data triangulation is then explained in turn. The two sections that follow this outline specific methods for data collection and data analysis.

3.2. Selection of the study site - Wellington waterfront

In order to answer the questions posed earlier, this research employs a case study approach to examine how the existing legislative framework affects urban tourism development at the local level. The case study chosen for this research is the redevelopment of the Wellington waterfront. According to Denzin & Lincoln (2005), case studies are a common way to make a qualitative inquiry; the use of case studies is commonplace in the study of policy and political science, as well as in community, urban and regional planning research (Yin, 1998). Case studies are opportunities to study a phenomenon in its operating context. In conducting case studies, it is important

to choose the one that has representativeness, potential for fruitful results and accessibility to the researcher (Denzin & Lincoln, 2005). The Wellington waterfront is an appropriate choice for this research because its development can be considered as an urban tourist development, and it represents one of the largest and the most contentious development projects in current-day New Zealand (Doorne, 1998). The project also displays characteristics common to a number of urban redevelopment initiatives throughout the country and elsewhere in the world. In addition, being located in the centre of the city, it is very accessible to the researcher. Therefore, this study focuses on the waterfront area in central Wellington, New Zealand, concentrating in the 5 main areas of the Wellington waterfront redevelopment project (see Figure 3). These 5 main areas are the key precincts covered by the WWF which is regarded as an overarching guide for the redevelopment of the Wellington waterfront.

- Waitangi Park (Chaffers Park), which is a large urban park with various recreational activities on offer.
- Taranaki Wharf, which has a number of defining characteristics, such as a lagoon, and it has a strong cultural significance to Maori. It also connects the city with Te Papa - one of Wellington's significant attractions.
- Frank Kitts Park - a large green park and a centre for outdoor activities both on and off the water.
- Queens Wharf - the heart of the waterfront. It is the primary symbolic entry point to the waterfront from the city and contains the Outer "T", a special site of the waterfront.
- Kumutoto (North Queens Wharf), which has a strong connection to Wellington's CBD and has a strong sense of the city and its heritage.



Figure 3: Key features of the Wellington waterfront redevelopment project
Source: WWL, 2009

3.2.1. Choice of study period

The period involved in this study stretches from 2001 to 2009. This period of time was chosen because in 2001, the WWF was approved to be an overarching guide for the redevelopment of the Wellington at that time and in the future (WLG, 2001). The period also covers the key events of the redevelopment, and the most debated proposals along the Wellington waterfront occurred in this time period. To provide a background to these recent events, an additional chronology of the key events since 1980, when the WHB handed over the Wellington waterfront to the WCC, will be developed in Chapter Four.

3.3. Research paradigm

To tackle the aims of this study, it is critical to have a wide range of information and a diversity of views from different sources; not only from documentation, but also from interviews with the players involved in this development. It is about identifying tourism arguments in the documents; points of views, reactions, and arguments of different parties on the key drivers, development proposals and influential parts of the legislative framework. Hence the data needed for this study is human knowledge and understanding, not statistics. As a result, this study positions itself in a qualitative research tradition.

The advantages of qualitative methodology have been widely acknowledged by scholars. According to Silverman (2006), qualitative methodology refers to the strategies of researchers to pursue knowledge and the general approach to the study of research topics, rather than the specific methods that they actually use. The cornerstone of qualitative methodology is the description of people, places and events (Denzin & Lincoln, 2000). Both quantitative and qualitative researchers concern themselves with

individuals' perceptions and behaviour. However, quantitative researchers are criticised for not being able to capture their subjects' perspectives due to their reliance on remote inferential, mathematical and statistical tools and methods which fail to capture this essential element, regardless of how sophisticated they may be (Denzin & Lincoln, 2000). In contrast, qualitative researchers can get closer to these individuals through interviews and observations. Qualitative researchers focus on understanding the viewpoints and perspectives of their subjects and try their best to portray the world accordingly (Hammersley, 1992; Flick, 2009).

In this thesis, qualitative research methods including face-to-face and semi-structured in-depth interviews were adopted. The research questions and objectives are addressed by using qualitative research methods in collecting and analyzing data.

3.4. Data sources and data collection methods

The nature of the Wellington waterfront is multi-dimensional because of the number of functions, organizations and motivations that it contains. Because of this scope it is important to take an integrated and wide-ranging approach in terms of data collection and analysis. Consequently, in this study interviews and documents are used as the two primary data sources. Reliance on interview data, supplemented by extensive analysis of documents, is a popular and recommended practice in qualitative research (Pearce, 2001c). In this section, specific methods to recruit interviewees and conduct interviews, as well as methods to select and collect archival and electronic documents are discussed.

Data collection was undertaken from early September to the end of November, 2009.

3.4.1. Interviews

3.4.1.1. Recruitment of participants

Participants are representatives from the organisations, stakeholders and/or interest groups involved in the redevelopment of the Wellington Waterfront. In addition, other organisations, stakeholders and interest groups who are involved in Wellington urban planning and tourism were also interviewed in this research. Interviewing these latter organisations and groups is important to the study since it will demonstrate how the different organisations involve and work together and their influence on the development of the Wellington waterfront.

The organisations included within the sample frame may be dispersed throughout the Wellington area. However, because of limited resources and time constraints, interviews have been restricted to central Wellington. Potential participants were contacted directly by the researchers either through e-mail or phone, providing information about the thesis and its objectives. The choice of respondents was based on the willingness of the persons being contacted to participate in the study.

This study identified potential and relevant interviewees by first identifying the groups of stakeholders that were relevant to the subject matter of the study. Participants were recruited initially from organisations which a review of documents had shown to be important. From each of these organisations, one individual who was the most visible in the media was chosen. When this was not possible, the websites of these organisations were examined to help identify a representative who had the relevant background. The list of specific organisations and desired interviewees was then examined by the WCC, which is one of the key stakeholders and with which the researcher had direct or indirect personal contacts with. The list was then modified, reduced or added to as necessary on the basis of the advice given from the WCC. These targeted organisations were

approached using personal connections and a snowballing technique. Personal contacts were used first to ensure that the person who contacted would be willing to talk to the researcher (Arksey & Knight, 2002). A snowball technique was then used to identify other relevant organisations and representatives. The initial respondents suggested further contacts, personally introduced the researcher to them or just allowed their names to be mentioned in the invitation letters sent to these contacts. For example, initially a representative from the WCC was interviewed who identified potential participants that he thought would be the most relevant to the study. These people were then interviewed and also asked to identify key people that they worked closely or contact with, such as urban planners, consultants, developers, and community groups. In this way, the final list of interviewees was based upon the data collected in the field.

Once participants agreed to be interviewed, a copy of the interview guide and a consent form were sent beforehand to familiarize themselves with the questions and make the necessary preparations (See Appendices 3 & 5).

The average length of the interviews was from one hour to one hour and a half each and the time and location for the interviews were determined at the interviewee's convenience. With formal consent and permission of respondents, the interviews were tape-recorded to enable the researcher to establish rapport, to probe and clarify issues as they emerged and to revisit this information during the research process. Additional notes were also made during the interviews. The interviews were then transcribed and sent to the interviewees, where requested, for checking of accuracy in interpretation and expression. In addition to the information from the interview, respondents also provided additional materials.

In total, twenty seven representatives from twenty two organisations and stakeholders were identified as relevant to the study and approached. Eighteen representatives from twelve organisations and stakeholders agreed to be interviewed; five organisations

refused to be interviewed; and four organisations did not reply although they had been contacted several times. Overall, eighteen interviews were conducted with key individuals including representatives from the WCC, the Greater Wellington Regional Council (GWRC), the Wellington Waterfront Ltd (WWL), Waterfront Watch Inc (WW), Wellington Civic Trust (WCT), the Historic Places Trust (HPT), Waterfront Leadership Group (WLG), Wellington Tenth Trust (WTT), Urban Perspectives Ltd (UPL), Wellington Residents and Businesses Association (WRBA), Wellington Chinese Garden Society Inc (WCGS), and a tourism organisation. Most of the interviews were conducted on a one-on-one basis, except for one case where two participants of different positions within one organisation (GWRC) chose to join the interviews at the same time so as to supplement each other's answers. Thus it made it very difficult to distinguish the differences in perceptions between the two participants in this interview since they tended to agree with the other's opinion. It is considered that in this case, the collective opinions of the two interviewees represent the position of their organisation.

3.4.1.2. Ethical issues and Attribution to information

The interview guide was submitted to the Human Ethics Committee (HEC) of Victoria Management School on August 1st, 2009 and was approved on September 2nd, 2009.

The information from the interviews is not anonymous. However, to respect confidentiality, opinions and data were attributed to particular organizations and/or positions only when consent was given. In other cases, if confidentiality was requested, the participant's data would be used in the analysis but no direct quotation from these interviews would be used in the thesis/publications so the respondent would not be identifiable. Additionally, once the interviewee had agreed to take part the researcher sent the "Information sheet" and "Consent Form" (See Appendices 2 & 4) to her/his

Chief Executive Manager (CEO), Senior Executive or equivalent to gain consent to be identified as a representative of his/her organization. The consent form of the CEO was then returned to the researcher via the interviewee. Most of interviewees and CEOs were happy for the use of their position and organisation's name in the research. Only two interviewees required confidentiality.

3.4.1.3. Semi-structured in-depth interview

According to Pizam (1991), there are a number of advantages in using interviews, including: providing information on non-verbal behaviour, enabling spontaneity, providing greater sensitivity to misunderstanding by respondents, and producing more revealing information on the underlying factors and feelings regarding the subject area. As shown in Table 2, interviews can be structured, semi-structured or unstructured (Finn, *et al.*, 2000). Based on the advantages and disadvantages of these three types of interviews, it was decided that the most appropriate method for this research was face-to-face and semi-structured in-depth interviews. These interviews involve use of specified questions, similar to structured interviews. However, they also allow probing to seek clarification and elaboration which is not possible with structured interviews. Additionally, semi-structured interviews provide the researcher with control over the environment while still allowing a great depth of information to be gathered (Pizam, 1991).

Table 2: Advantages and disadvantages of three types of interviews

Source: Finn, et al. 2000

Type of interview	Advantages	Disadvantages
Structured	<ul style="list-style-type: none">- Interviewees answer same questions, increasing the comparability of the responses- Interviewer bias reduced- Data easily analysed using statistical techniques	<ul style="list-style-type: none">- Very little flexibility and the standardised wording may inhibit responses- Pre-determined questions may not be relevant
Semi-structured	<ul style="list-style-type: none">- Combines the flexibility of the unstructured interview with comparability of key questions	<ul style="list-style-type: none">- Bias may increase as interviewer selects questions to probe and may inhibit comparability of response.
Unstructured	<ul style="list-style-type: none">- Interview responds in a flexible way to the interviewee- Interviewer's role is minimal allowing interviewee to express ideas in his/her own words	<ul style="list-style-type: none">- Comparability is greatly reduced and data analysis is more difficult- Data quality depends on listening and communicating skills of the interviewer

In this study, semi-structured interviews helped the researcher to investigate effectively the arguments from the interviewees. For example, the interviewees were asked to identify the most influential part of the legislative framework for the redevelopment of the Wellington waterfront. Their responses sometimes were not clear; the interviewer then asked more detailed questions regarding this aspect by asking them about the approval procedures for the development proposals on the Wellington waterfront and the reason why the proposals have been delayed or rejected. Furthermore, where relevant, within each interview the researcher was able to invite the interviewee to comment on or elaborate on the perceptions and opinions of earlier anonymous interviewees, therefore providing direct triangulation and cross-validation between the interviewees themselves without the intervention of the researcher. Interactive and continuous cross-checking and reflection enhances the reliability of the results, but more importantly, helped gain multiple perspectives and a richer and more holistic picture of the issues under investigation.

The general interview guide (Appendix 1) was divided into four sections based on the research questions which are linked to the research objectives, namely: organisations involved in the redevelopment of Wellington waterfront (to explore the key players who are involved and how they influence the redevelopment of the Wellington waterfront); tourism and the Wellington waterfront (to understand the extent to which the role of tourism is considered in the redevelopment of the Wellington waterfront); the existing legislative framework for the redevelopment of Wellington waterfront; and the implementation of the legislative framework for the redevelopment of the Wellington waterfront. The fourth of these sections comprises questions concerning the planning process; the most influential part of the legislative framework; and approval procedures for the development proposals on the Wellington waterfront (to define and examine the way in which the existing legislative framework impacts the redevelopment of the Wellington waterfront). At the end of each interview, the interviewee was asked if there were any other important issues that had not been discussed, enabling them to broaden out the frame of reference and introduce new themes.

Following the semi-structured format, the interviews were conducted in an informal manner and the interviewees were given opportunities to focus on issues that interest them the most, rather than being pressured to comment on every single item. For this reason, in most cases, there are both common questions that were presented to all groups and unique questions that were only intended for one particular group. For example, all the interviewees were asked to define the existing legislative framework within which the redevelopment of Wellington waterfront takes place. However, it was apparent that representatives from the community groups were not the right individuals to be asked about the legislative framework and planning issues; therefore these interviewees were given the chance to discuss their involvement in planning and decision making process, and their influence on the waterfront redevelopment. On the

other hand, the participants from the key stakeholders, for example, WCC, WWL, GWRC and urban planners were questioned in much more detail on legislative and planning issues and the approval procedures for the development proposals on the waterfront. As a result, questions for each group were also customized to fit with the specific roles, functions and areas of interest in relation to the waterfront redevelopment and the legislative framework. Therefore, the list of questions was continuously updated to reflect the new understanding and insights gained from analysis of prior interviews.

3.4.2. Documents

In addition to the data collected from the interviews, this study collected documents from a variety of sources. Most of relevant documents are available electronically and thus were downloaded from the websites of the WCC and other organisations who are involved in the redevelopment of Wellington waterfront. Some other documents are not available through electronic sources and were thus acquired using other means, such as making specific requests to relevant organisations and groups. In other cases, the researcher became aware of additional relevant documents, such as reports and studies, because they were mentioned in the media, or in documents released by other organisations, or directly suggested or recommended by interviewees.

Two major types of documents are used in this research. The first is documentation from the WCC. These documents include the agenda and minutes of the different committees and meetings, development proposals, annual reports, council records, submissions and discussion papers, Hearing Commissioners' decisions and the Environment Court (EC)'s decisions on development proposals on the Wellington waterfront. These materials provide a good record of the recommendations made, the resolutions passed, the decisions made, individuals and groups involved, and the

reasons for overturned projects. In addition, this type of document also provides good information on the proposals considered, the background and planning process, the key players involved and their main aims, and the personal visions, objectives and principles involved in the waterfront redevelopment. The second type of documentation are the acts, regulations and plans concerning the development of Wellington waterfront, such as the RMA; DP and Variations to the DP relating to the Wellington waterfront redevelopment (Variation 17, Variation 22; and Variation 11); the Regional Coastal Plan (RCP); WWF, annual waterfront development plans, 1986 Concept Plan, 1998 Concept Plan, etc. Studying these types of documents assisted the researcher in gaining an understanding of the existing legislative framework for the redevelopment of Wellington waterfront as well as allowing the researcher to identify the ways in which these documents made particular reference to tourism.

In addition, newsletters, media releases, and media coverage on issues specific to Wellington waterfront were utilized. In this study, newspapers are viewed as a primary source of data as they are also being analysed outside the context intended for them (Pearce, 2001c).

Overall, these above-mentioned documents provided a rich context for the data collected through the interviews. The triangulation of documents and interview data will be explained in the following section of this chapter.

3.5. Data Triangulation

3.5.1. Benefits of data triangulation

The use of multiple data sources was justified in a number of previous studies (Hartmann, 1988; Decrop, 1999, Pearce, 2001c), where this kind of process is referred to as data triangulation. Data triangulation complements and confirms results from

primary sources such as interviews with independent sources of data, such as publications, meeting notes, reports in order to increase the validity and vigour of the findings. Triangulation means, “looking at the same phenomenon, or research question, from more than one source of data. Information coming from different angles can be used to corroborate, elaborate or illuminate the research problem. It limits personal and methodological biases and enhances a study’s generalizability” (Decrop, 1999: 158). Denzin & Lincoln (2005) support the use of this method by stating that triangulation helps to identify different realities and it serves to clarifying meaning by identifying different ways the case is being seen. This approach was adopted by Pearce (2001c) in his research on tramways in Christchurch, New Zealand. Pearce argued that the technique increases the range of materials available for analysis and enables cross-checking of events and factors underlying them. The need to cross-check between different sources of data is especially important in the case of the Wellington waterfront due to the complexity of events and factors that have influenced its redevelopment throughout its history. Furthermore, triangulation is an important consideration as it opens the way for richer and potentially more valid interpretation (Decrop, 1999). As a result, data triangulation is a major methodology consideration for data analysis of this study.

Data triangulation draws on data from different sources, at different times, from different places and from different people (Hammersley & Atkinson, 1983; Flick, *et al.*, 2004). This is so one can discern consistent patterns and instances across different data sets and confirm the validity/trustworthiness of a particular explanation/theory/argument. Data triangulation also provides a richer and more in-depth story about a particular event/people/context/community. Overall, triangulation not only validates the findings but also allows the achievement of richer and deeper descriptions and insights (Jick, 1979; Denzin, 2009).

3.5.2. Application of Data Triangulation in this study

Data triangulation was operationalized in this study by drawing upon multiple sources of data and comparing results between these sources. The primary sources of data collected are interviews, archival and electronic documents from organisations and stakeholders. Interviews are of a semi-structured nature so that understanding is determined by the attitudes and perceptions of the interviewees rather than the researcher while ensuring that the key issues of interests are addressed. Interviews were conducted to gain the stakeholders' views on the key driving forces of the redevelopment of the Wellington waterfront; the existing legislative framework within which the redevelopment of the Wellington waterfront takes place as well as the most influential parts of the legislative framework. In order to verify findings, this information was then triangulated with documentary data, such as acts, regulations, and plans provided for this redevelopment. However, documents can both confirm and disprove interview results (Yin, 2003). In this study, in most cases, information from the documentation confirmed what the interviewees said. In some cases, there was inconsistency between what is officially documented and what is revealed by the interviewees. For example, an interviewee said the zero height limit for the building on the Wellington waterfront is regulated by the WWF, when actually it is provided by the DP.

3.6. Data analysis methods

This study used content analysis to analyse the collected interview and documentary data. In order to do this, the study starts by developing a coding system to classify the whole data set into categories (themes) that are relevant to the research question and research objectives. Next, the coded data was analysed using qualitative methods. In

addition, following the conceptual framework (Figure 2) provided in Chapter 2, reviewed literature was used as a guide for data analysis. Specifically, the framework suggested that with the involvement of various stakeholders in the implementation process, legislation may show its impact on specific developments rather than the redevelopment of the Wellington waterfront as a whole. Therefore, the most tourism oriented project is selected in order to investigate the extent to which tourism development on the Wellington waterfront is impacted by the legislative framework.

The following section discusses the methods and procedures for data coding and analysis, as part of the content analysis.

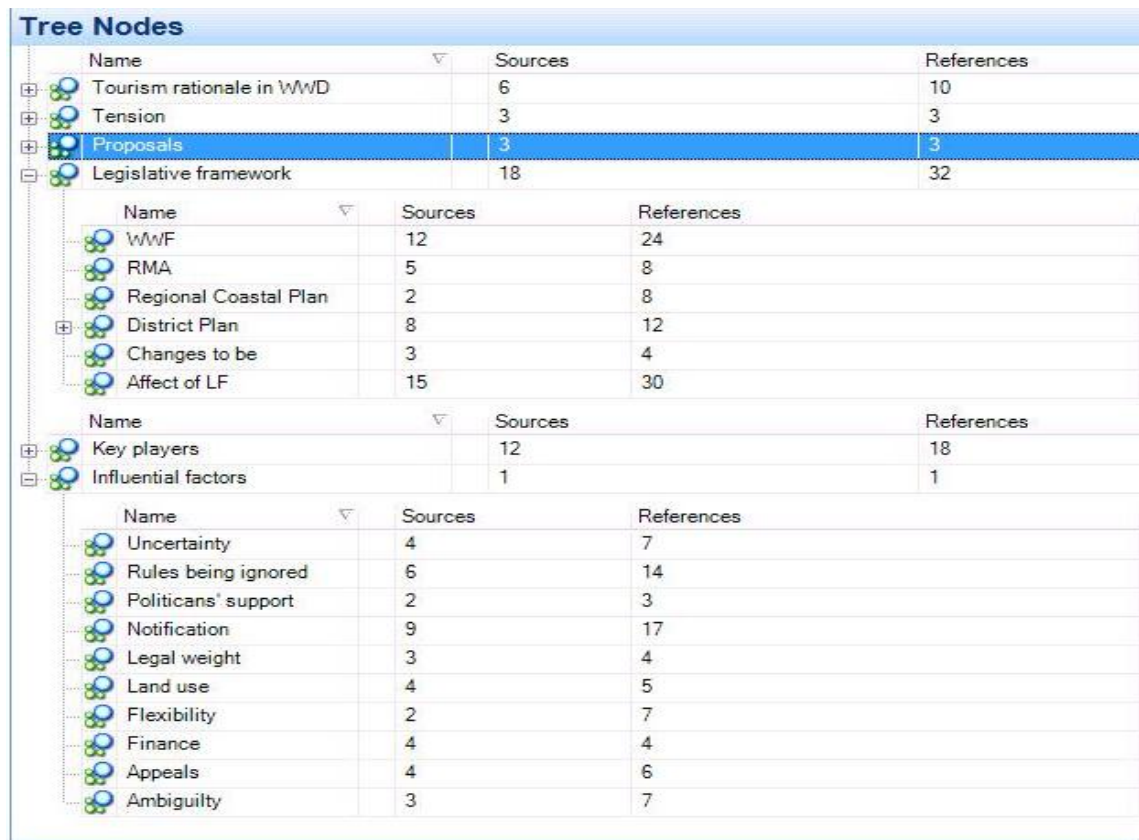
3.6.1. Content analysis and data coding

Content analysis examines data for recurrent patterns of particular instances, whether it is word, phrase, or large unit of some “meaning”. These instances can be systematically identified across the data set and grouped by a coding system.

NVivo 8 software was used to facilitate the data coding and interpretation and verification of results. The data was entered by studying emerging themes in the interview transcripts and documentation. The themes are mostly linked to the interview questions and the interview questions are directly to the research objectives; for example, influential factors, legislative framework, approval procedures, key drivers, methods of involvement, and tension issues. A coding tree that included these themes was then built inside NVivo 8 for these themes. Most of these themes were classified as *tree nodes*; that is, they tended to include sub-themes and issues. During the process of coding, the researcher also established additional codes in the form of *tree nodes* or *free nodes* (nodes that stand independently and do not include sub-themes). The coding of data into relevant *nodes* were based on identification of key words/ phrases and the

reading and interpretation of the underlying meanings of each sentence/paragraph of interview transcripts, electronic and archival documents.

Figure 4 shows how the tree node system was structured within NVivo. This allowed the researcher to work with the transcripts and archived data in a systematic way through the hierarchical node system.



The screenshot displays the 'Tree Nodes' window in NVivo, showing a hierarchical tree structure on the left and corresponding summary tables on the right. The tree structure includes nodes like 'Tourism rationale in WWD', 'Tension', 'Proposals', 'Legislative framework', 'WWF', 'RMA', 'Regional Coastal Plan', 'District Plan', 'Changes to be', 'Affect of LF', 'Key players', 'Influential factors', 'Uncertainty', 'Rules being ignored', 'Politicians' support', 'Notification', 'Legal weight', 'Land use', 'Flexibility', 'Finance', 'Appeals', and 'Ambiguity'. The summary tables on the right provide counts for 'Sources' and 'References' for each node and its sub-nodes.

Name	Sources	References
Tourism rationale in WWD	6	10
Tension	3	3
Proposals	3	3
Legislative framework	18	32
WWF	12	24
RMA	5	8
Regional Coastal Plan	2	8
District Plan	8	12
Changes to be	3	4
Affect of LF	15	30
Key players	12	18
Influential factors	1	1
Uncertainty	4	7
Rules being ignored	6	14
Politicians' support	2	3
Notification	9	17
Legal weight	3	4
Land use	4	5
Flexibility	2	7
Finance	4	4
Appeals	4	6
Ambiguity	3	7

Figure 4: The structure of the tree node system

3.6.2. Qualitative analysis

Once the data was classified and coded, it was analysed using qualitative methods. Qualitative content present itself in quotations/utterances/sentences as part of the interview transcripts/documents. Qualitative analysis interprets the text to discern the meanings and thinking that underlie the opinions given by particular individuals or groups. In this study, each transcript or document is summarised or reduced where

necessary to gain a concise account of the person's/organisation's opinions and perceptions in relation to the drivers, legislative framework, and planning issues regarding the redevelopment of the Wellington waterfront.

Unlike quantitative research, where the findings are summarised in terms of representative numbers, qualitative research in the form of interviews reports the findings by way of quotations from those interviewees. In this study, information from the interviews and documentation was synthesised, compared, and triangulated in order to validate and provide depth for the findings. Then, the findings will be reported by using illustrative quotes from both interviews and documentation. To balance both the objectives of reporting the information in a manner which will be beneficial to those who use it, and to respect the confidentiality of those interviewees, the reporting will be based on the consent given by the interviewees.

3.7. Evaluation of limitations, challenges and strengths

3.7.1. Strengths

A qualitative research method appeared to be an appropriate for the purpose of this research. In-depth semi-structured interview provided the opportunity for open discussion at length. It allowed the participants to speak freely without too much influence from researcher; much is consequently gained from the interview. In addition, semi-structured depth interviews also enabled the researcher to explore more than just the questions on the interview guide by capturing interesting and relevant themes or issues that may arise while conducting the interviews. It would thus seem that, given the context of this study, qualitative methods like semi-structured interviews offer the researcher the opportunity to explore participants' responses at a level that quantitative methods would not be capable of, as the arguments of the respondents may not have

been fully captured if the survey questionnaires were sent to them to fill out on their own. In this case, answers may have been much briefer and perhaps may have only covered possible intentions and not real actions. In this research, dealing with organisations in a more in-depth, face-to-face approach also provided the chance to establish a rapport and a greater sense of honesty with respondents, something which cannot be obtained as easily through quantitative methods. Specifically, this particular method allowed the researcher to raise relevant questions in various sensitive situations. Furthermore, a good mix of information from the documentation and information from the interview and the application of data triangulation in data analysis and interpretation increase the validity and vigour of the findings.

With regards to collecting the documents, the cooperation and strong support from participants allowed the researcher to find a wide range of documents which are very useful for this study. Some participants were happy to email or post documents and they even offered the researcher to photocopy the necessary documents that they have.

In addition, the response rate is quite high with a reasonable balance in terms of arguments and stakeholders. The project received strong support from participants in terms of sharing information. Most interviewees were happy to spend at least one hour for the interview. Some of them even offered two hours for the interview. In some cases, the interviewees were happy to arrange a second meeting if the researcher desired to clarify some points.

In order to interview the most interesting and relevant participants, suggestions from the WCC and a snowball technique proved to be effective. In some cases, the participants did not initially reply to the researcher's email, but then expressed interest and became very supportive once the researcher was personally introduced or her email was forwarded by other interviewees whom they personally know.

In conclusion, these strengths facilitate data collection, data analysis procedure and provide the conditions for robust and reliable results.

3.7.2. Limitations and Challenges

In general, there are limitations inherent in any research methods. In this research, there are a number of limitations and challenges.

Firstly, attribution of information from the interviews requires formal consent from participants, both interviewees and the CEOs or equivalent of the organisation, prior to the interview taking place. While obtaining the consent from the interviewee was not too difficult, it often proved time consuming and difficult to get the CEO or equivalent position of the organisation to sign the consent form. While most organisations and stakeholders interviewed were extremely helpful and keen to participate, busy schedules meant it took quite a lot of time to confirm an appointment and sometimes appointments had to be rescheduled and even delayed for a quite long time.

Secondly, the sensitivity of the topic prevents the researcher from having a wide range of participants from different organizations including important ones such as the EC, the Parliamentary Commission for the Environment and especially the representative of the main developer - the Hilton Hotel proposal, which was considered as one of the most controversial development proposals on the waterfront. Specifically, the refusal of the EC who overturned the resource consent decision of the GWRC on the Hilton hotel case hindered the researcher from gaining in-depth information about the reasons for the rejection of the Hilton hotel as well as the judges' point of views about the statutory status of the WWF. In addition, due to the absence of a representative from the Hilton hotel proposal, which was opposed by different parties, comments and arguments on the impact of the legislative framework from the developer's point of view may not be

adequately represented. Furthermore, in some cases, participants refused to answer some questions or ask the researcher to turn off the recorder if they viewed the questions as being sensitive. In one case, the interviewee was only willing to share very general information that was published on her organisation's website and/or newspapers. She refused to answer all the questions that required her personal views. These limitations also challenged the researcher in exploring the point of views of the interviewees in some important issues.

Thirdly, as provided in the consent form, the participants have an option to check the interview transcriptions. While most of participants did not choose this option, in the case of the interviewees who wanted to check the interview notes it took some time to get these back from them. In some cases, the participants changed their answers or refined their answer in a more neutral way. These changes may influence data analysis as well as the result of the research.

Last but not least, the researcher is not an English native speaker so the language barrier was quite a large obstacle in gaining in-depth information from the interviews, and this also made interview transcription significantly time consuming.

3.8. Conclusion

Overall, this chapter has outlined the methods to conduct the choice of case and participant recruitment, data collection and analysis. The qualitative approach is appropriate for the requirements of the research objectives. The choice of the Wellington waterfront proved its appropriateness as the study site. Given the need to gather in-depth information, the semi-structured in-depth interview method was most appropriate. Interviews were conducted with key people who are representatives for organisations, stakeholders and interest groups involved in the redevelopment of the

Wellington waterfront. A wide range of documents were collected from electronic and archival sources to supplement the interview data. Interview data and documents were analysed using a coding system and content analysis comprising qualitative method, which was facilitated by the use of NVivo8 software. Triangulation was used throughout data collection and analysis to validate findings and enhance their richness and comprehensiveness. In conclusion, despite some limitations, this study has built an appropriate and robust methodology to examine the extent to which tourism is considered in the redevelopment of the Wellington waterfront and the way in which tourism development in this area is impacted by the legislative framework.

The following chapter presents a research context within which this study might be set. In addition, it provides a chronology of the key events since 1980 when the Wellington waterfront was given to the WCC by the WHB. Therefore, Chapter Four serves as a useful reference point for the findings chapters that are presented subsequently.

CHAPTER 4: WELLINGTON WATERFRONT CONTEXT

4.1. Introduction

As mentioned earlier in Chapter One, this study discusses the research questions in the context of the Wellington waterfront. Therefore, in order to present a research context within which this study must be set, this Chapter will first provide background information about Wellington and its tourism industry. Then, a description of the Wellington waterfront and its role in the development of Wellington as a tourist destination are discussed. In addition, a chronology of the key events since the 1980s, when the Wellington waterfront was given to the WCC by the WHB, to 2001, when the WWF was approved, will be presented in order to establish the history of the redevelopment of the Wellington waterfront and provide a reference point for the subsequent findings chapters.

4.2. An overview of Wellington and its tourism industry

Thanks to its central location and ideal place as a seat for central government, Wellington city has been the capital of New Zealand since 1865. With a population of about 480,000 in 2008 (WCC, 2009b), the Wellington region has the country's second largest population after Auckland. Despite the growing significance and dominance of Auckland as a business centre, Wellington retains a pivotal role as a commercial centre in New Zealand (Page, 1996). As a capital city, Wellington not only houses the headquarters of a number of institutions, organisations and government agencies, but it is also home to many museums, theatres and art festivals. These enhance the quality of lifestyle for local people and make Wellington attractive to visitors. Wellington is also seen as one of New Zealand's most cultured and vibrant cities. This is supported by the presence of the New Zealand Symphony Orchestra, the Royal New Zealand Ballet and

the NBR New Zealand Opera. Furthermore, various attractions help to develop Wellington as a destination. The tourist icon of Wellington that has the most attraction is the National Museum of New Zealand - Te Papa Tongarewa. Inaugurated in February 1998, it is placed on the waterfront - the heart of the city, within walking distance of the CBD. Te Papa Museum is a significant year-round attraction for the capital and has become the most visited museum in Australasia, attracting more than 1.3 million visitors per year (PWT, 2009b). Supporting Te Papa is a wide range of other New Zealand heritage attractions, shopping, restaurants and cafes and a variety of events, such as the New Zealand International Arts Festival, the NZI Sevens and the Montana World of Wearable Art Show. In addition, Central Wellington is very compact - only two kilometres in diameter – so it is possible to walk from one side to other in under twenty minutes. The city is also a major gateway for the Inter-Islander and Bluebridge Terminal ferries that carry more than a million passengers a year across the Cook Strait (Pearce, 2007).

With the above-mentioned attractions and tourism amenities, Wellington has a rich potential for tourism development. Wellington has 3.8 million domestic visitor nights per year and enjoys 4.3 million international visitor nights per year. Together the visitor sector contributes \$1.4 billion in expenditure per annum and accounts for approximately 10% of Wellington's Regional Domestic Product (PWT, 2009b). In addition, tourism and hospitality are estimated to provide over 16,000 full-time equivalent jobs to the region¹.

Along with its comparative advantages of tourism development and its growth in tourist arrivals, in the last ten years Wellington has developed into one of New Zealand's top three visitor destinations. It is gaining attention as an international visitor destination. It

¹ Department of Labour. Regional Labour Market Reports. Tourism Satellite Account.

was also voted by the Lonely Planet Bluelist 2007 as a “City on the Rise” (PWT, 2009a). It is evident that Wellington is growing as a high profile tourist destination.

4.3. The role of waterfront in Wellington tourism

Wellington harbour is located at the southernmost point of the North Island and is a gateway for overland travellers going to or returning from the South Island. In recent decades, in order to provide attractions and additional services, Wellington has had to undergo a considerable amount of urban development, and has had to bring about many tourism oriented-projects. Some crucial developments have made a substantial difference for Wellington, including a world class stadium, The Westpac Stadium; Wellington International Airport; and a vibrant downtown which offers the ultimate urban experience, such as shopping, cafes, bars, restaurants and entertainment (PWT, 2009a). Among these, the redevelopment of the waterfront can be considered as one of the major developments of this capital city in the last few decades. The redevelopment of the Wellington waterfront undertook a transformation from a previously inaccessible and unlinked wharf and storage facility to a pedestrian precinct linking the CBD to the waterfront area (see Figure 3). One of the main objectives of the recent reconstruction of the waterfront has been the attractiveness of the city to both domestic and international tourists (Page, 1993b). In addition, similar to other cases, such as Victoria and Vancouver in British Columbia, Liverpool and the Docklands in the United Kingdom, Hobart and Sydney in Australia, Wellington waterfront has been redeveloped as a means of rejuvenating inner-city areas and of solving urban problems (Hall, 1997). Increasingly, the waterfront facilities such as the Events Centre, the Boatshed, Frank Kitts Park, the Lagoon and Waitangi Park have come to be featured as venues for both indoor and outdoor performance arts.

Today, the Wellington waterfront boasts landscaped public areas, recreation facilities and a range of bars and restaurants. Located along the waterfront and neighbouring streets are important visitor and local amenities including Te Papa, the City and Sea Museum, the New Zealand Portrait Gallery, the City Gallery, Civic Square and various heritage buildings which house apartments, commercial spaces, bars and restaurants. There are also a number of hotels, city apartments, backpackers and other visitor accommodation in the downtown area (see Figure 3). These attractions and infrastructural elements are all within reasonably easy walking distance of one another (Warren & Taylor, 2003). Today, the waterfront has become an integral component in the delivery of the ultimate visitor experience and is also a key brand element of Positively Wellington Tourism's marketing activity, showcasing the diversity of Wellington's downtown experience (PWT, 2009a). In the Wellington Visitor Strategy 2015 prepared by PWT, it is stated that "developing the waterfront experience is a key component in achieving the Strategy's vision" (PWT, 2009a).

4.4. Wellington waterfront redevelopment

4.4.1. The redevelopment process

The waterfront redevelopment project is the development of a plan to guide the transformation of Wellington's central waterfront area from a working port to a vibrant part of the city (WLG, 2001). The redevelopment of the Wellington waterfront has been rather long and complex (Table 3).

Table 3: Chronology of the Wellington waterfront redevelopment

Year	Key events
1980	Wellington Waterfront was gifted to WCC by WHB
1982	Design Competition organised by Wellington Civic Trust (WCT)
1985	Lambton Harbour Group developed
1986	<ul style="list-style-type: none">- Lambton Harbour concept plan developed- Lambton Harbour Overview Limited (LHOL) developed- Lambton Harbour Management Limited (LHML) developed
1987	WHB and WCC enter into a joint venture
1989	WCC takes over the inner port area from WHB
1992	Lambton Harbour Concept Plan reviewed
1995	Waterfront Watch established
1996	Community Consultative Committee (CCC) developed
1998	<ul style="list-style-type: none">- Public Space Concept Plan developed- Waterfront concept plan adopted by WCC.
1999	Variation 17 to the DP to advertised for public submission
2000	<ul style="list-style-type: none">- Public opposes Variation 17- WCC withdraws Variation 17- Three-stage development plan approved by the WCC- Waterfront Leadership Group appointed
2001	<ul style="list-style-type: none">- Waterfront Framework approved by the WCC- Stage 1 of WWF adopted by WCC- Variation 22 to DP opens for public submission- Waterfront Development Subcommittee developed
2003	- LHML changes into Wellington Waterfront Limited
2007	<ul style="list-style-type: none">- WDSC disbanded- Strategy & Policy Committee (SPC) took over the role of WDSC- Technical Advisory Group established
2008	- Variation 11 to DP opens for public submission
2009	<ul style="list-style-type: none">- Design Competition for Outer T is organised- Variation 11 is approved by the WCC

The interest in transforming the waterfront started in the early 1980's when the Lambton Harbour was no longer needed as the focus for port activity. At this point, the

WHB (which owned the land) and the WCC (the planning authority) engaged in a long debate on how the area should be developed.

In 1982, the WCT, as a community organisation, decided the public needed to be involved and launched a public competition conference on transforming the redundant port land (WLG, 2001). They established a panel of judges and also provided opportunities for the public to be involved. To achieve this, they solicited ideas from the public about what sort of waterfront they wanted. The competition was jointly sponsored by the WHB, the WCC, and WRC. The winner of the competition was the Paperchase Group. The winning entry provided for mixed development, endeavouring to strike a balance between public amenity and commercial development. Then, in 1985, the Lambton Harbour Group (LHG) was established to oversee development plans. One year after that, in 1986, the first Concept Plan, called Lambton Harbour Development Concept, was produced by consultants for the LHG. It provided a guide for the open area of the waterfront and for new buildings to develop.

The WHB and WCC Vesting and Empowering Act 1987 empowered the WHB and WCC to enter into a joint venture development for the purpose of redeveloping land located around the Lambton Harbour. This Act gave clearance for the work approved under the 1986 Concept Plan to start. Two organisations were established, Lambton Harbour Overview Ltd (LHOL) and Lambton Harbour Management Ltd (LHML) - a local authority trading enterprises (LATE).

The Port Reform Act 1988 abolished harbour boards, transferring their commercial operations to newly formed public companies. Recreational operations and assets went to regional or territorial authorities. The WCC took over the inner port area from the Harbour Board in 1989.

The 1986 Concept Plan was then reviewed in 1992. Following the 1987 share market crash and other significant changes, the thirty storey Lambton Tower was deleted from the Plan and the Events Centre and Retail Centre were conceived. When those two structures started construction on Queens Wharf, they became the focus of widespread public concern about the direction of development. During 1995 and 1996, public criticism mounted. Not only these two big buildings, but also the whole plan came under public scrutiny and public criticism.

In 1995, a community group called Waterfront Watch (WW) was formed. They referred to the Events Centre as a “Soviet ablution block”. WW called for a stop to current developments and sought more public consultation. Apart from discrediting particular projects relating to the waterfront, the immediate objective of WW was to force the WCC to adhere to its statutory requirement for local authorities to consult with their communities (Local Government Act 1991) and initiate a consultative process on the issues.

In May 1996, LHML responded to the call for more consultation and convened the Lambton Harbour Forum. The major consequence of the forum was the establishment of the Community Consultative Committee (CCC) which included interest groups (including WW and WCT) and agencies (Chamber of Commerce, Tourism Wellington (then Totally Wellington and now PWT) and the buildings’ owners, etc.) represented in the debate on the waterfront. The Committee took seriously its responsibility to find out what the public wanted and used a range of consultative techniques (CCC, 1996). The consultation process included the following:

- The distribution of a news-sheet/questionnaire to all households;
- A series of community planning workshops;
- A series of focus groups representing various demographic segments of the population;

- An urban design forum for architects, urban planners, and other design professionals;
- Submissions from organisational interests, the wider community, organisations represented on the CCC, and business operators on the waterfront site.

Then, the 1996 CCC report with 102 recommendations on the project was produced. The report recommended that the waterfront should be recognised as a major recreational area for the city, and that public space should be designed first with built development to follow. Areas identified for new building included North Queens Wharf (Kumototo), and the Outer-T. In addition, the report recommended that the WCC should reassess the self funding policy for the waterfront. After a household questionnaire survey and two public meetings, the option of maintaining a self-funding project was dropped in favour of one with less commercial development, with a council contribution towards public space development.

A significant development came about in 1998 when planning ceased to be the responsibility of LHML. A new urban design team, including the head of the Council's urban design unit and consultants with a range of disciplines, was mandated to prepare a new plan based on the development option favoured by the public. As a consequence of the establishment of this urban design team, another new concept plan was produced. On the basis of this new concept plan, council officials were required to prepare a Variation to the DP, called Variation 17, which would allow the new Concept Plan to be implemented.

In July 2000, WCC agreed to a three-stage process for developing and implementing a new plan for the waterfront:

Stage one-overall framework: To gain an agreed vision for the waterfront, the values and principles governing development and an urban design framework for the waterfront. A Waterfront Leadership Group was to lead the process.

Stage two - area plans: To develop a plan for each area of the waterfront while paying regard to the overall framework.

Stage three – implementing and monitoring the plans: To complete the public space work as agreed in each area plan.

The development of the Waterfront Framework principles would be the responsibility of the WLG. In a departure from previous waterfront consultative committees, the group was to include three city councillors. There were seven other members with professional and community associations. The WLG was tasked with giving recommendations to the Council on the following issues:

- a. an overarching vision for the waterfront that supports, and is integrated with, the council's approach to the development of the centre city and the city as a whole;
- b. the principles, including values, governing future development on the waterfront;
- c. an urban design framework for the waterfront, which would identify:
 - Constraints and opportunities with the waterfront, within the context of the central city
 - The functional and physical connections between the waterfront and other parts of the central city
 - The overall structuring elements of the waterfront, including the main areas of public space, commonly agreed elements such as a promenade, and consideration of traffic issues
 - The main areas on the waterfront and the interconnections between these areas and other areas in the central city
 - The character, principal land uses, and the proportions and type of public space within each area.

The WLG submitted its report [WWF] in April 2001 after 23 meetings, the receipt of 170 submissions, the hearing of 64 public presentations and after considering 32 reports

from advisers (WLG, 2001). The Group adopted the vision statement approved by the council in June 1997, which is based on the statement drafted by the CCC in 1996:

“Wellington waterfront is a special place that welcomes all people to live, work and play in the beautiful and inspiring spaces and architecture that connect our city to the sea, and protect our heritage for future generations” (WLG, 2001: 11).

The Framework includes criteria for the development of each area of the waterfront and becomes a principal guiding document which is strictly followed by different parties involved.

After the establishment of WWF, there have been two variations to the DP: Variation 12 was to incorporate the WWF into the DP; and Variation 11 was mostly targeted at the north end of the North Kumototo with the purpose of specifying the height for the buildings in this area and making some changes in terms of the resource consent process. The issues regarding WWF and Variations to the DP will be further discussed in chapter Seven.

4.4.2. Major developments on the Wellington waterfront

With the vision developed by the WWF, development on the Wellington waterfront is trying to achieve the objectives of a sense of place, public access, expression of heritage and history, expression of Maori presence, and integration of activities on the waterfront with those on the harbour. The Wellington waterfront shows the characteristic of the multifunction and multidimensional nature of waterfronts by involving cultural, sport, children and public, heritage and commercial features into the waterfront, with developments like the Waka house, the Chinese Garden, Frank Kitts Park revamp, cruise ship berth, heritage buildings and hotel proposals.

During nearly two decades of redevelopment, there have been a number of development projects that have been proposed on the Wellington waterfront. Of that, the most debated proposals would be: the construction of the Events Centre and Retail Centre at North Kumototo; a residential development at Waitangi Park; the construction of a hotel and casino at Tanaraki Wharf; the relocation of the heritage Wellington Free Ambulance building; the Meridian building; the Regional Sport Stadium; the Waka house; the Chinese Garden; the Hilton hotel on the outer-T of Queens Wharf; and the redesign of the Overseas Passenger Terminal (OPT). These proposals have often been strongly opposed by the public. Community groups have appealed on three major cases to the EC: the relocation of the heritage Wellington Free Ambulance building; the Hilton hotel; and the OPT. As consequence of these appeals, only the OPT has been successfully built, while the other two proposals were rejected by the Court. The way in which the development proposals have been rejected will be examined in Chapter 8.

4.5. Conclusion

In summation, with its rich tourism potential in terms of attractions, events and facilities, Wellington is becoming a high profile tourist destination attracting an increasing number of visitors. The important role of the waterfront in Wellington's tourism cannot be ignored. The development of more and better quality infrastructure such as a purpose-built convention centre and development of the waterfront is certainly needed in order to meet the increasing demand of visitors. Therefore, it is important for local authorities to involve tourism in the city's urban development in general and waterfront redevelopment in particular.

The above discussion on the waterfront redevelopment showed that the process of this redevelopment (see Table 3) is a lengthy and complex one with many events occurring

throughout the history of its redevelopment. It also showed the evolution of planning processes and changes in terms of development concepts, rules and regulations. In addition, it can be seen that in recent years, more tourism-oriented projects have been proposed on the waterfront. Of these projects, some major ones have been delayed and/or cancelled. It might be argued that regulatory and plan changes may influence the progress of this redevelopment. However, to date no work has been done in order to examine this relationship. As such, Wellington waterfront constitutes an appropriate context for this research. Therefore, discussion in this chapter serves as a reference point for the subsequent chapters. Furthermore, issues mentioned in this chapter will be revisited and further explored in the next chapters.

The results of this study will be presented and interpreted in the subsequent four chapters. Chapter Five discusses the extent to which the role of tourism is considered in the redevelopment of the Wellington waterfront. Chapter Six identify the key players and the role they play in this redevelopment. While Chapter Seven describes the existing legislative framework within which the Wellington waterfront redevelopment as a whole takes places, Chapter Eight examine the impact of the legislative framework on a specific tourism development on the Wellington waterfront.

CHAPTER 5: THE ROLE OF TOURISM IN THE DEVELOPMENT OF THE WELLINGTON WATERFRONT

5.1. Introduction

The findings, which will be presented in the order of the research objectives, are detailed in this Chapter and in the next three Chapters.

As can be seen in Chapter Four, the waterfront is recognised as an important component of Wellington's tourism industry. The Wellington waterfront is becoming a magnet for not only locals, but also tourists. However, as can be also seen in previous chapter, although the early stage of this redevelopment from 1980 to 2001 focused on planning and policy issues, tourism seems to appear in this redevelopment through specific proposals along the waterfront. Focusing on both the redevelopment of the Wellington waterfront as a whole and specific development proposals in this area from 2001 to present, this chapter tries to investigate the extent to which the role of tourism is now considered in the redevelopment of the waterfront. Emphasis is given to what drives this redevelopment, the intended beneficiaries of the redevelopment, and to what extent a tourism rationale is used in specific development projects along the waterfront.

As mentioned in the Methodology detailed in Chapter Three, in this study the interviewees came from different organisations, individuals and interest groups involved in the redevelopment of the Wellington waterfront. Based on their arguments and the information about the organisations they are working for, they were grouped into different parties, namely: policy makers, implementers, urban planners, developers, supporters, and opponents. As it is not possible to report all responses, a representative range of quotations from the participants are used to illustrate and capture the multiplicity of views. Attribution of the information is presented based on the consent given by the interviewees.

5.2. Key driving forces of this development

In order to investigate what drives the redevelopment of the Wellington waterfront, information collected from documentation and the interviews was analysed. The stakeholders were asked about the key purpose and main driving forces of the redevelopment of the Wellington waterfront. The discussion with different stakeholders about the purpose and drivers of this development revealed that in terms of how the waterfront should be developed, there are competing demands – the demand for open space versus the demand for buildings and new activity. The key issues that emerged from the analysis of documentation and interviews are presented under the following themes.

5.2.1. Improving public accessibility

Before the waterfront was given to the WCC by the WHB, it was a working area and obviously the public could not walk on the wharves. Therefore, there was strong agreement among stakeholders that improving public accessibility was perceived as the first key driving force of redevelopment:

“As a public space for Wellington’s citizens, we almost lost this space in 1981 when the Harbour Board decided that the land was surplus to their needs and they were going to sell all of it for commercial development. Before that time, the public couldn’t get in. There were barriers up, gates and container boxes everywhere” (A former member, WLG).

“The first thing was to bring the fences down and have people see the waterfront” (A councillor, WCC).

“First of all I think it was a general wish to make public access to the waterfront” (Waterfront Convenor, WCT).

In addition, maintaining open space is perceived in the WWF as one of the most important principles of how the waterfront should be developed (WLG, 2001). Clearly, the initial rationale of the redevelopment of the waterfront was to open it up and make it accessible to the public.

5.2.2. Heritage protection and culture promotion

With regards to putting more buildings on the waterfront or not, both opponents and supporters acknowledge heritage protection and culture promotion as another important driving force. However, there is difference in their arguments. The opponents' side argued that if the heritage buildings are refurbished and maintained, they will help to not only provide facilities but also enhance culture promotion contributing to the preservation of heritage for the future generation. This was illustrated by the following quotes:

“The question is: the open space is there, it needs to be maintained and it would need to be enhanced and make it into something that we can be very proud of. Having said that, I’ve always supported and the Waterfront Watch does too, the enhancement of the heritage buildings because they were buildings on the waterfront” (A councillor, WCC).

“I think the most important driving force is that this is a public space that has to be protected for the enjoyment of Wellington’s citizens and it is very important that it doesn’t get messed up. I want my grandchildren to be able to enjoy that space as much as I do” (A former member, WLG).

“Another driving force was that the heritage buildings that existed on the waterfront and there were a number of them that needed to be refurbished, a new life has to be found for them” (Waterfront Convenor, WCT).

By contrast, the supporters' side tend to refer to this driving force as an important rationale in developing some new proposals for the waterfront, for instance the Waka house:

“Heritage and history are very important to recognise; that this place has been so important historically in the development of the city of Wellington. So we bear in mind for making sure that we keep that, we don't want to have make over with the waterfront, to make it new, because it is a hundred years old. That makes a question of Maori heritage and culture so we need to make references to our indigenous culture and we are doing that through the Kumutoto - a Maori name or with a building down here - the Waka house which is a canoe house” (CEO, WWL).

It appears that not only the refurbishment of the existing heritage buildings but also the building of a new facility like the Waka house on the waterfront may contribute to the heritage protection and indigenous culture promotion.

5.2.3. Achieving economic regeneration

Achieving economic regeneration is recognised as an important driving force by different parties. Representatives from public groups agreed that the waterfront needs to have some commercial developments to help funding. This was illustrated by the following opinions:

“It is going to cost a lot of money. That is all of this area will be built up for public open space to a very high standard and it would need to be a very high standard because this is a capital city, so it must have a good waterfront. Then it costs a lot of money so one of the driving forces was that they should also be some commercial developments there to help funding” (Waterfront Convenor, WCT).

“I mean they need some commercial inputs and money to help maintain it for residents and whoever so that we don’t have to pay a ridiculous amount of money” (President, WRBA).

An interviewee who is quite neutral in terms of how the waterfront should be developed argued that any development needs to produce economic benefits:

“You want development and you want development for economic benefits. There’s no point with development if there’s no economic benefits or growth”.

An urban planner who is responsible for resource consent preparation for the projects along the waterfront indicated that:

“I mean the waterfront offers a range of opportunities which must be balanced because it is a very costly exercise and the funding for all public amenities, open space or parks etc, is offset in part from returns from commercial projects so I think financially it is a balance and I think that’s the key driver because otherwise the city and public cannot afford the open space development down there”.

It appears that behind this driving force, putting up more buildings is still a preferred option for some stakeholders because they think it will help generate money that can help to maintain open space.

5.2.4. Improving the city’s image

Another important driving force is to improve the city’s image. As mentioned earlier, to achieve the general wish of making it accessible and available to the public, the issue is how the waterfront should be developed. This is a real challenge for the implementers and developers. Improving the city’s image is recognised as a driving force by the stakeholders who support the idea that there should be some buildings on the waterfront. As an implementer, the CEO of the WWL argued that:

“I personally think that a park or grass over the waterfront is appropriate for provincial towns in New Zealand like Hastings or Timaru, whereas here, this is the capital city, an urban environment you need to treat it differently. It needs to showcase what Wellington is”.

This also can be seen clearly in the Strategic Plan 2007 - 2010 for the waterfront. :

“The waterfront project is all about contributing to a better city and showcasing New Zealand’s capital. It is an opportunity to promote and open up access to our harbour, create parks and public places, build new commercial and living accommodation, and in doing all of this, demonstrate excellence in urban planning and design. The city’s tourism industry will also be bolstered through the creation of new cultural, recreational and entertainment destinations” (WWL, 2007).

This statement indicates that the waterfront is now recognised not only as a public space, but also a beauty spot of the capital city.

5.2.5. Providing services and facilities

Another driving force that emerged is to provide services and facilities. Different parties have different thought about this driving force. As an implementer, the CEO of the WWL emphasised the importance of the buildings on the waterfront by saying that:

“Buildings provide many things: shelter from the storm, a reason to go somewhere, economic viability. If it was all just open, people wouldn't go there”.

This argument was supported by a councillor of the WCC who stated:

“Commercial elements are about paying for some of the public space, but also providing shelter, providing security, safety, observation, making it a place that lives 24/7 in all weathers: if you’ve got all open space and it’s pouring down with rain or blowing a gale nobody’s going to be there”.

From developer's point of view, allowing buildings on the waterfront for the purpose of providing services and facilities is an opportunity for them to be there. This was justified by the following argument of the Executive Manager, WTT who is the developer of the Waka house:

“What I will say to you from the Maori world's view, we always see ourselves in our view so if you have open space, we have to be in it and if you have buildings, we have to be in it. The Maori view is, of course if you put the buildings there it enables us to be there. If it is just an open space with no facility, how can we be there or how can we comfortably be there”.

5.2.6. Mixed use

Along the waterfront, there are a wide range of events and activities that occur. In addition, planning a good balance of buildings and open space appears to be a feasible direction for the redevelopment of this area. Mixed use was referred by stakeholders as a driving force, as illustrated by the following quotations:

“We want a mix of not only use in terms of parliament offices and recreational things but we don't want a whole cluster of restaurants everywhere and coffee bars, all the same. So we want those, we want them dispersed throughout and we want to mix it up with other things, such as the culture things” (CEO, WWL).

“Commercial activity there helps to fund what's going on but the overall purpose is a great place to live, work and play; a part of what Wellington is a sense of place, its heritage, its culture. That's the overriding purpose, the commercial elements are a way of getting there, just as the parks are a way of getting there; they're about providing spaces for people to get outside and have a picnic. Commercial elements are about paying for some of the public space, but also providing shelter, providing security, safety, observation, making it a place that lives 24/7 in all weathers: if you've got all open space and it's pouring down with rain or blowing a gale nobody's going to be there. So it's that mixture of activity” (A councillor, WCC).

To sum up, the analysis of the key driving forces behind this development showed that tourism is not considered as one of the key drivers. However, the approach of making the waterfront accessible, improving the city's image, promoting indigenous culture, providing facilities and services, and mixed use has created opportunities for tourism to be a part of this redevelopment. To further examine the extent to which tourism is considered in this redevelopment, the tourism rationale incorporated in the specific development proposals along the waterfront is discussed in the following section.

5.3. Who is it for?

The centre of the public controversy over the redevelopment of the Wellington waterfront is the question of “who is the development for?” and in the context of this study, “does it include tourists?” To answer these questions, it is important to first look at the WWF. With the role of an overarching guide and an urban design framework for the waterfront (WLG, 2001), the framework sets out the vision of what is wanted on the waterfront:

“Wellington’s waterfront is a special place that welcomes all people to live, work and play in the beautiful and inspiring spaces and architecture that connect our city to the sea and protect our heritage for future generation” (WLG, 2001: 11).

This vision indicates that the development of this area is for “all people”, in other words, it is for everyone and that presumably includes both residents and all kinds of visitors and tourists. However by using “Wellington’s waterfront” and “our city; our heritage”, the framework seems to determine that the development of this area is only for local people - Wellingtonians. In order to gather a greater understanding of this assumption, it is important to go through seven objectives which were developed for the waterfront (WLG, 2001: 21):

- The waterfront is locally and internationally recognised for its design.
- The waterfront is readily accessible to all people.
- The waterfront is, and is perceived to be safe at all times.
- The waterfront is seen as an attraction place that draws Wellingtonians and visitors alike.
- The waterfront successfully caters for a wide range of events and activities.
- Significant heritage buildings are protected on the waterfront.
- Activities on the waterfront are integrated with those on the harbour.

The objectives of the waterfront demonstrate that the waterfront again include “all people” including Wellingtonians and visitors. However, discussion with stakeholders about who this area should be built for demonstrated that visitors are not a major consideration in this development.

A former member of the WLG who developed the WWF said:

“I certainly came from the idea that if local people love it, visitors will love it. Like the Karori Sanctuary, it is developed for Wellingtonians basically and for the protection of New Zealand’s natural heritage. It is not designed for overseas people. But now, people come from all over to visit our first mainland island. It wasn’t designed (at least initially) for tourists but it has become a tourist attraction. They love it and we love it”.

This argument was supported by a councillor who was also a former member of the WLG who stated:

“We thought about it more as a place to visit and generally if something is nice for somebody who lives in a place it’s also going to be nice for somebody who visits a place. People like looking at the sea. People like promenading along the waterfront. People like playgrounds. People enjoy cafés. So all those things work well for both people who live in Wellington and people who visit Wellington”.

It is evident that the authors who wrote the WWF came from the idea that if the waterfront is loved by its residents, it will be loved by visitors. According to their point

of view, this development is not specifically for tourists, and Wellingtonians are their first priority. This can be further justified by the following statements:

“When we were writing the Framework I think we all regarded the waterfront as something that belonged to Wellington City – to the citizens of Wellington as does any public space in the city. It is in our city, we are not going to develop this precious area for people from Auckland or Invercargill. But if Wellingtonians love it so will the people from other places” (A former member, WLG).

“If we look back at the WWF, we didn’t think about tourism at all because it wasn’t a beautiful place but we did think about a place to welcome people. We just didn’t realise that it could be an attraction in itself, and certainly we figured that out in the last few years” (A council official, WCC).

Lack of consideration of visitors can be seen in the implementation process of this development. Playing the key role in implementing this redevelopment, the CEO of WWL confirmed that by saying that:

“I guess we would like to see the waterfront not entirely for tourists from overseas but as a place that’s good for Wellingtonians on a everyday basis”.

This was further justified in the Strategic Plan 2007 - 2010 developed by WWL:

“WWL will continue to enable events to be staged on the waterfront, that will complement other waterfront activities and maintain the vibrancy and diversity that continuously attracts Wellingtonians to the waterfront” (WWL, 2007: 2)

In addition, it is interesting to see that in answering the question of whether tourism is considered or not in the development of the design guide for the Wellington waterfront, an official of the WCC said:

“No, probably not because through these things we are not controlling activities, we just talk about building things so we cannot say they should be in this space or the building should be like this to accommodate some particular activities”.

Other respondents referred to a “sense of place” to support their argument that the waterfront should be first and foremost about Wellingtonians. A councillor from WCC who was against the development said:

“What makes tourism important I think to a country is what is unique about that country, not what we can import from another country. That’s the sense of place, about who we are and this place here should be expressing that, should be expressing who we are not who somebody else is and so on”.

In sum, it is evident that Wellingtonians are the first and foremost focus throughout the planning and implementation process of this redevelopment. There is little evidence that making provisions for visitors to Wellington has had a significant part to play in the process. To further examine the extent to which tourism is considered in this development, tourism arguments in some specific important development projects are discussed in the following part of this chapter.

5.4. Tourism rationale

In order to examine the extent to which the tourism rationale is incorporated in specific projects along the waterfront, Council documents such as annual waterfront development reports, the WWF, committee meeting minutes, and development proposals were reviewed. However, due to the time constraint, the most debatable development proposals from 2001 to 2009 were focused on, such as the Waka house, the Chinese Garden, the OPT, and the Hilton Hotel. Those proposals are located in the four main zones of the entire waterfront (see Figure 3). The extent of the tourism rationale used in each proposal was examined through a careful investigation of the information provided. The degree of tourism rationale is based on the number of tourism arguments used for the development and the significance that tourism plays as the driving force of the development. These four proposals were classified into primary,

secondary or additional elements (see Figure 1) based on the urban tourism elements schemata developed by Page (1995a) as mentioned in Chapter Two. According to Page (1995a), the primary elements are the main tourism attractions, which includes both physical elements in the built environment and the socio-cultural characteristics that give the city a distinct image and sense of place. The Waka house and Chinese garden are therefore included in the primary elements as they contribute to the waterfronts “sense of place”, as an interviewee who indicated that:

“Things like the Chinese Gardens or the Waka house are not necessarily what we call bringers to Wellington, they are added niceties when people get to Wellington”.

The secondary elements are the supporting facilities and services which tourists use during their visit (e.g. hotel, catering outlets and shopping facilities) which shape the visitor’s experience of the services available in the city (Page, 1995a). On this definition, The Hilton Hotel proposal fits into the secondary element category. The last category is the additional elements; that is, the elements that make up the tourism infrastructure, such as the availability of car parking, tourism-transport provision and accessibility and tourist-specific services. As a result, the OPT is relevant to tourism-transport or accessibility services. The tourism rationale within these four proposals is further explained below.

Firstly, as one of the main features of Chaffers Park (now Waitangi Park), the OPT will be retained and developed (WLG, 2001). This was again indicated in the Waterfront Development Plan 2002/03 (WCC, 2002b). The OPT was the landing place for many people who arrived in Wellington by sea. The focus of the OPT development proposal is to develop it into an apartment and retail complex including café/restaurants on the ground floor that should enhance the vitality of the area. It is primarily to be a residential project and tourism functions are only secondary.

Secondly, in recent years, one of the most debated proposals in the Queens Wharf (see Figure 3) has been the proposal to build a five star boutique hotel on the Outer “T” which included a restaurant, bar, conference facilities and 142 guest rooms. The proposal identified the main drivers for the hotel as: to generate a positive economic contribution to Wellington; to fund maintenance of the old wharf; to meet the increasing flow of tourists into the city. Especially, the proposal states:

“Tourism marketing agencies accepted that Wellington has an urgent need for another high standard hotel. Tourist numbers have increased over the last four years to the point that Wellington has the highest hotel occupancy rates in New Zealand. There is also the view that the city needs beds for the business market” (WCC, 2002a).

It is evident that the Hilton Hotel Proposal has a strong tourism rationale underlying its proposed development.

Another important proposal that has a strong tourism argument as its impetus is the Waka house. The Waka house is fundamentally a house to shelter and display Wakas and to carry out ceremonies associated with the Waka (WCC, 2009a). The Waka house is a cultural development that was driven by tangata whenua groups of the Wellington region and is located on Taranaki Wharf because of the strong cultural significance this has to Maori. The purpose of this proposal is to provide a great Waka experience for visitors including tourists and residents; it will be used to greet visiting ships including cruise ships, and to improve the experience of the visitors arriving by cruise ships in Wellington, ultimately increasing visitation. Regarding the role of the Waka House in tourism development, the Executive Manager of the WTT added:

“In terms of tourism, in the proposal, we see it can create opportunity for tourism operators to get the skill and to run possibly walking tours, possibly education for schools and those sorts of things... We will build up a Maori

tourism place and that is different from what you get in Rotorua or you get at Taranaki with the villages and so on”.

It is also hoped that the development will provide more opportunities for locals and visitors to experience the Maori culture of the Wellington region. The development will complement other Maori facilities in the city, like Pipitea Marae and Te Papa (WCC, 2000b). The Waka house, in summary, is driven by the tangata whenua to provide a shelter for the Waka in a place that they view as significant, with a clear tourism rationale incorporated to support its development.

An important feature of Frank Kitts Park is the Chinese Garden. It is a gift from the Chinese community to the city of Wellington in recognition of the Chinese contribution and experience in New Zealand over the past 140 years. The Garden is the symbolic representation of the relationship between Wellington and its sister cities of Ximen and Beijing in China. The proposal could be seen as an exotic project on the waterfront and it could be seen to be difficult to reconcile it with other proposals. However, this was explained by the secretary of the WCGS who runs this project:

“One of the things that is important to us of course is the recognition of the Chinese as part of multi-cultural New Zealand and as such we really want to see our involvement with not just Pakeha, the European descendants - New Zealanders but also the Maori people as well because they are important and we would like this as a garden which expresses this harmony”.

Regarding the contribution of this proposal to tourism development, the secretary argued “To have something as unique as the Chinese Garden on the waterfront I think it is a great attraction for people to go and be there”. In addition, the Chinese Garden Proposal (WCC, 2000a) indicates that the garden will be a unique Wellington experience for not only the community, but also local and overseas visitors. In sum, the Chinese Garden with its main purpose of promoting the recognition of Chinese as part

of multi-cultural New Zealand also provides the visitor with a unique Wellington experience, demonstrating that a tourism rationale also played a role in this proposal.

It is evident that among the above-mentioned development proposals, the Hilton hotel appears to be the most tourism-relevant proposal. Therefore, it will be revisited in Chapter Eight in order to explain the way in which the legislative framework affects the redevelopment of the Wellington waterfront at a specific level.

5.5. Conclusion

This chapter has presented the procedure for exploring the extent to which the role of tourism is considered in the redevelopment of the Wellington waterfront. In discussing what drives this redevelopment, five driving forces were identified from the data analysis. These are: improving public accessibility, heritage protection and culture promotion, achieving economic regeneration, improving the city's image, providing services and facilities, and providing a space for mixed use. Although, tourism was not seen as one of the key driving forces of this redevelopment, within those broader drivers some developers have seen opportunities for tourism projects on the waterfront. In exploring the answer to the question of "who this development is for", this study found that there was little evidence that visitors have had a significant part to play in this development as Wellingtonians were perceived as the key focus by the stakeholders as reported in interviews and throughout the documentation. However, the analysis of some major development proposals on the Wellington waterfront showed that tourism was consistently used as a rationale to support those developments. Therefore, it is concluded that although tourism was not a major factor in the redevelopment of the Wellington waterfront as a whole, specific proposals take tourism as being a major argument in driving their development.

The next chapter will discuss the governance structure for waterfront management and the key players involved in the processes. This understanding will help further explore the extent to which tourism is considered in this redevelopment.

CHAPTER 6: GOVERNANCE STRUCTURE, PLANNING PROCESSES AND THE KEY PLAYERS

6.1. Introduction

Chapter Five described the forces that have been driving the redevelopment of the Wellington waterfront and discussed the role of tourism in this redevelopment. This chapter aims to address the second research question of this study, which is to explore the key players involved and the role that they play in the waterfront redevelopment. As can be seen in Chapter Four, this development has been rather lengthy and complex. In addition, it should be noted that the planning process of this redevelopment has gone through several stages and the governance structures have evolved accordingly. This chapter therefore presents the evolution of these governance structures and planning processes through three main periods of time: before the WWF, after the WWF and at present. It might be argued that changes in the governance structure lead to changes in the role and power of the players involved in waterfront redevelopment. Furthermore, these changes may also affect the extent to which the stakeholders have input and the ways in which decisions are made. Keeping this in mind will help identify the key players involved, as well as the stage where stakeholders may participate in the waterfront development within the governance structure.

6.2. Governance structure and planning process before the WWF

At early stage, during 1980s, the WCC was not the only owner of the waterfront. It had a joint venture with the LHB for the purpose of redeveloping the land located around the Lambton Harbour (now called Wellington waterfront). To make this happen, the 1986 Concept Plan was developed. Then, two organisations were established: the

LHOL and LHML. The role of the latter was to implement the agreed 1986 Concept Plan, and the former organisation had the purpose of ensuring that the joint venture operated in accordance with its aims and objectives. During this time, the public had input into waterfront development through the CCC.

LHML was responsible for managing waterfront development on behalf of the WCC. Within this structure, LHML seems to have had a very strong involvement in not only planning but also in policy issues. LHML had complete freedom over the Lambton Harbour area within the constraints of statutes such as the RMA, the restrictions imposed by the Management Agreement and the Statement of Corporate Intent agreed with the WCC, (CCC, 1996). The delegation of policy issues from the WCC provided the Company with greater freedom from the Council and allowed it to exert a strong influence on the decision-making process. LHML came up with a plan for a thirty storey Lambton Tower (later known as the Landmark Tower) at Queens Wharf, the building of the Retail and Events Centres at North Queens Wharf (now Kumototo), and Variation 17 to the DP. These activities formed the focus of the widespread discontent of the public with the orientation of the project. This was illustrated by the following statement of an official of the WCC:

“Before we did the WWF we had Variation 17. When we did Variation 17, LHML did everything so Council has delegated its policy setting role; they gave it all to the Company so they did everything... LHML lost touch with what the public wanted and lost touch with what the Council wanted and they went out with the big building process so Variation 17 has a lot of buildings”.

This statement suggests that the governance structure in this period did not work well. This also explains the reason why there were changes in the governance structure proposed by the WWF.

6.3. Governance structure and planning process after the WWF

As an important guide for this redevelopment, the WWF sets up the vision, objectives and principles for the waterfront redevelopment. In order to govern the ongoing planning and decision-making for the waterfront, the framework proposes the following governance structure including the main players involved in the waterfront and their particular role (see Figure 5).

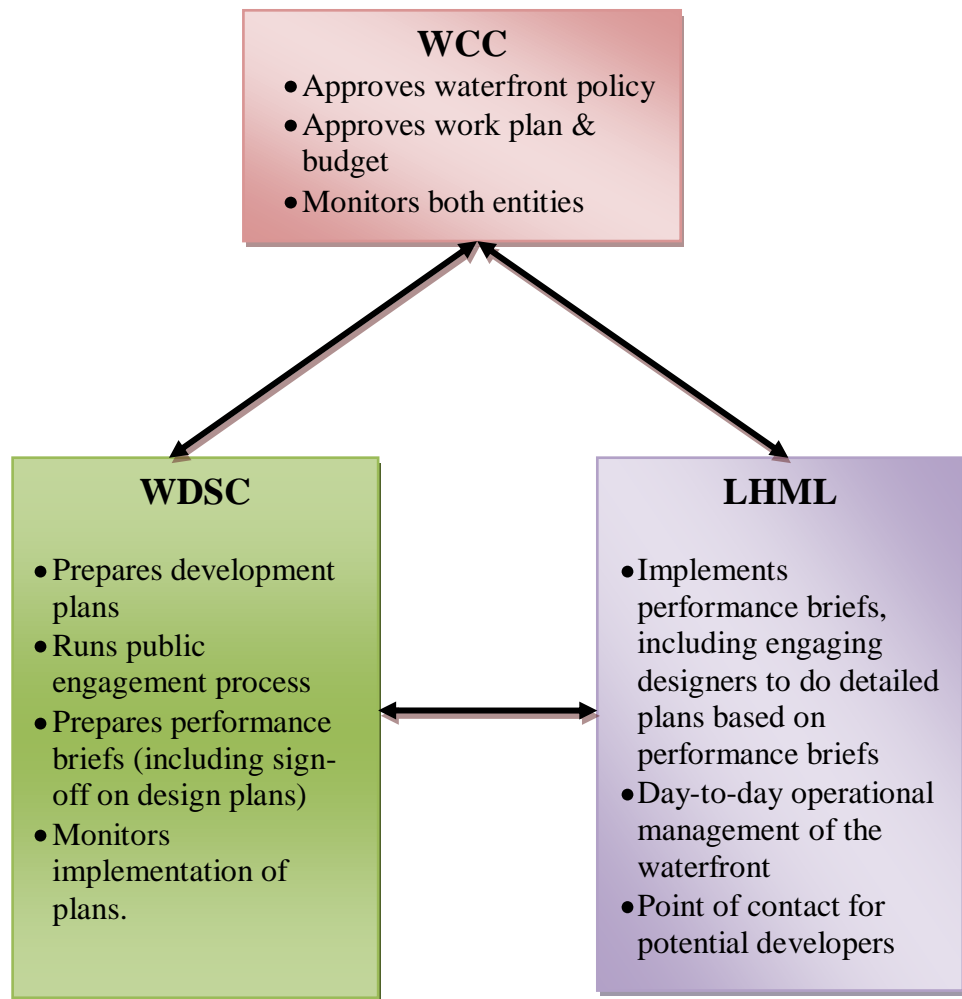


Figure 5: Governance Structure for waterfront management (after the WWF)

In this structure, it is clear that the Council plays the most important role because it approves the strategy and budget for waterfront development. In terms of implementation and monitoring, the Council established two organisations who work

closely together and report directly to the Council. The first organisation is the Waterfront Development Sub-committee (WDSC), which includes both professional and community representatives. Its job is to complete a development plan for the waterfront, manage the preparation of design briefs for the area as a whole and for each individual area, and monitor the implementation of plans (WLG, 2001). It also runs a system of public engagement where the public can have input on waterfront development. It appears that the WDSC has the largest role to play in the planning process of the waterfront.

Under this structure the LHML still has a significant role to play in the waterfront redevelopment. The company acts as the waterfront redevelopment manager and is responsible for the implementation of plans and projects, including managing development contracts and managing the day-to-day operations of the waterfront (WLG, 2001).

Based on the above-mentioned governance structure (see Figure 5), it appears that the planning process of the waterfront redevelopment begins with the preparation of development plan made by the WDSC. The development plan then goes to the Council, as planning decisions are inter-related with governance discussions, and governance discussions are about meeting the public's needs. The public is then informed of the plan and time is given for appropriate public input. Once public input has been received and the appropriate changes or actions have taken place the development plan must be signed off by the Council, providing the Council with the authority to have the final say in this development. Moreover, with the role of regulator, monitor, and decision maker the Council has significant control over the other two entities. Nevertheless, it should be noted that this process is also every changing as the WWF indicates that the planning provisions for the waterfront is "effects based". In other words, "planning provisions will not spell out exactly what will happen on the waterfront or how it should be done,

rather they will specify the results that should be achieved” (WLG, 2001: 43) making it a more flexible process.

6.3. Current governance structure and planning process

Currently, the Wellington waterfront is in the third stage of the redevelopment process: implementing and monitoring the plans. With time, the redevelopment process has shown its complexity, with the involvement of a number of various parties. This was illustrated by the following statements:

“Outside the Council obviously there are an enormous number of players because there are an enormous number of people with interest in what goes on with the waterfront. Some of it is the public, some of it is the business community that they work with, some of it is the people who are doing developments on the waterfront, obviously contractors who work directly for the waterfront company” (A councillor, WCC).

“You got Wellington City Council, Greater Wellington Regional Council, Wellington Waterfront Limited, you got then individuals, owners of the buildings society but importantly I think we also have to think of the local Maori Iwi’s interest- the Wellington Tenth Trust in particular, and then you got some of the interest groups” (Director, UPL).

It is evident that due to the strong interest of different parties and controversy of some development proposals, the implementation process not only involves regulators, implementers, monitors, but also planners, developers and opponents. The current governance structure and the planning process for the waterfront redevelopment can be displayed as follows: (see Figure 6)

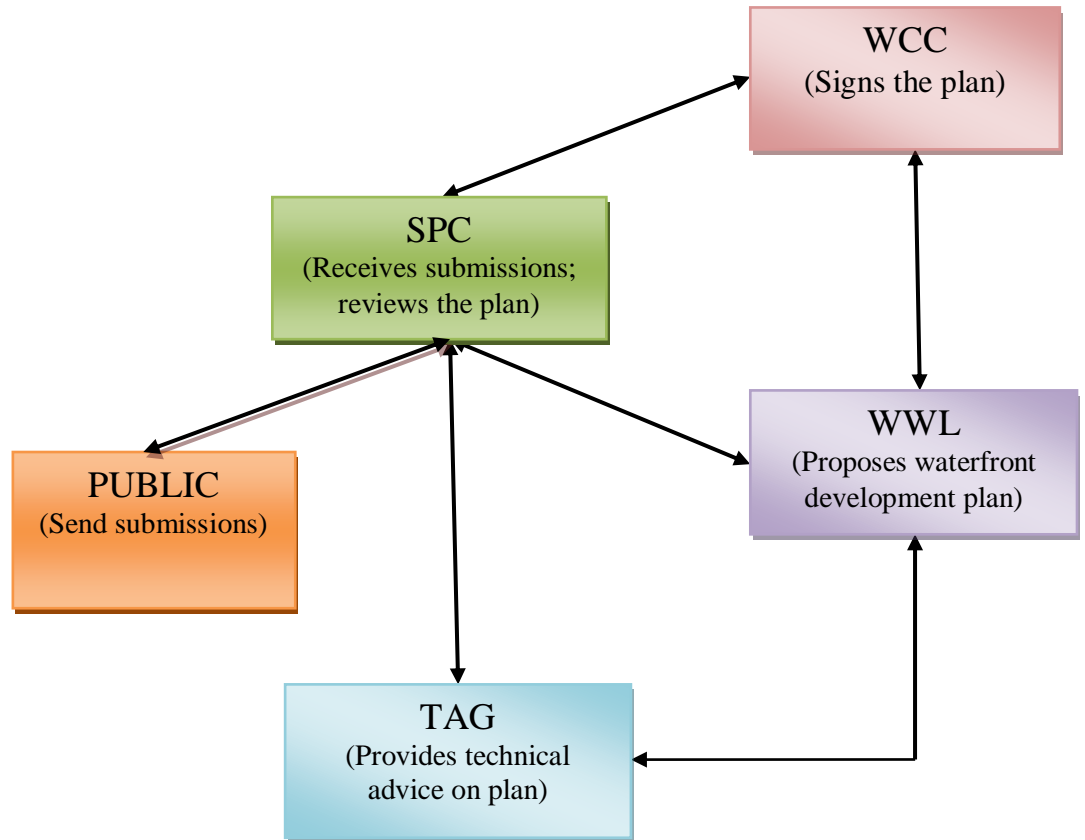


Figure 6: Current governance structure and planning process

In this structure, the Council is still the key player and sits on top of other entities. However, there are some changes in terms of roles and responsibilities of entities within the governance structure. For example: the name of the LHML was changed into WWL; the role of WDSC was taken over by the Strategy and Policy Committee (SPC); and the establishment of the Technical Advisory Group (TAG). Commenting on these changes, a councillor of the WCC said:

“We had a lot of plans, a lot of committees, a lot of changed committees, changed companies, all along the way. There’s a tangled web, and always has been, of committees, subcommittees, very difficult for the public to follow what’s happening”.

It might be argued that the complicated change in governance structure may create confusion for the public and prevent them from getting involved in the planning process. However, this was explained by an official of the WCC who stated:

“We are implementer, policy maker and regulator and one of the things we do for that is we have independent commissioners so when we have the District Plan, the submission is done by the independent people because otherwise we run the whole process, we are rule maker and implementer, we will just meet our need, so that’s what we do to stop that happening”.

It appears that the purpose of the establishment of various entities within the WCC is to ensure the transparency of this redevelopment, especially the decision-making process. The role and responsibilities of those entities are presented in the following parts.

6.3.1. Wellington Waterfront Limited

One of the most important changes in the governance structure was that in 2003 the name of LHML was changed into WWL. This change was not only in name but also in role and responsibilities. This was illustrated by the following statement made by an official of the WCC:

“What we did in the WWF was beside getting the principles stuff of the waterfront right, we said: to make this work Council had to pay attention to it, it can’t just delegate it to the company so what it said is: we will retain the policy part and we have a special group that looks after that and the Company will only do the implementation so the Company’s role did change a lot. Their role now is just straight out implementation. They still provide advice and capacity on development plan and on what we should do but that’s not their job, that’s our job”.

WWL is a Council Controlled Organisation, owned 100% by the Wellington City Council. WWL’s roles and responsibilities have been incorporated into a contract between the WCC and WWL - the “Overview Agreement for provision of waterfront management and services in respect of Wellington’s Waterfront”. It reports to the Council's SPC and its role is to: manage day-to-day operations on the waterfront; prepare an annual business plan for the waterfront project; advise the Council on all

aspects of waterfront development, including budgets, development phasing, technical information, costs, feasibility and commercial issues; commission work on detailed designs based on approved performance briefs, including the selection and appointment of designers; market waterfront sites and properties as appropriate to get the best return for the Council; act as the contact point for anybody interested in a private development project on the waterfront; and negotiate and manage contracts for the design and construction of public spaces, new development sites and the refurbishment and re-use of existing buildings (WCC, 2008a).

With the above-mentioned role and responsibilities, the WWL has less power in policy issues but stronger involvement in the planning process than the LHML previously had. In addition, their work seems to be more controlled by the Council than in the past. Explaining this change, an official of the WCC said:

“Prior to the WWF, the LHML was driving the vision and policy stuff and was quite free to do what they want but after the WWF, we set up the vision, objectives that the WWL has to follow and the waterfront development plan needs to be signed off by the Council. So it is more accountable to Council. As a Council, we are a little bit tied in terms of managing the finance so they won’t be free to do what they want to do with”.

However, the discussion with stakeholders about the role of WWL showed that there are still different viewpoints from different parties in terms of the competence, operation and the existence of the WWL.

Regarding the competence of the WWL, a representative of a community organisation expressed his concern by saying that:

“WWL - they are not professional planners. They are more facility operators and business people so they do need the technical help from professional people”

A councillor of the WCC who is a member of the SPC expressed her view of the establishment of the company:

“Actually the company which is devised to give the Mayor, I suppose, more control, I think it’s devised as a company that now operates. The company is a subsidiary of the Council, 100% owned by the Council. It is very difficult for us as councillors elected by the people of Wellington to find out what is going on in that and it is also easier for the Mayor perhaps to control that to a certain extent”.

It might be argued that if the member of the SPC to whom the WWL usually reports do not have full clarity about what is going on in the company, it is even less clear how other stakeholders who are outside the Council can understand it. The question might be posed: How can the Council even control the company? Responding to this, another councillor explained:

“The Council has a significant number of controls that it has over the Waterfront Company. We agree on a Statement of Corporate Intent. We also agree its business plan, its development plan. Usually we do that on a three year basis, a rolling three year basis. And we’re obviously the regulator so we set the District Plan rules and Council also obviously points the Board for the Waterfront Company”.

This means that the WWL is fully controlled by the Council through the appointment of the company’s board member and by the rules under the DP. However, there is still another issue related to the control of the Council over the company, as an official of the WCC who is in charge of reviewing the waterfront annual plans said: “Probably where we have a tension is that the company think they should decide what happen on the waterfront but that’s the Council’s job”.

Another issue related to the WWL is whether or not the company should be outside the WCC. Being a very strong community group, the president of the WW said: “There are

more than enough reasons to disband WWL and put waterfront development under the direct control of the council's Urban Development division”.

This was clarified by a councillor of the WCC:

“It hasn't been brought back in. We had a big debate about whether it should be brought back in. I was one of those who said it should, because at the moment most of its focus is on planning and on looking at some temporary activities, that to me didn't justify keeping the company outside. The commercial proposals are away but you know the majority of the councillors changed their mind on that and decided that it should stay outside, so it's going to get reviewed again in three years time”.

It appears that despite different opinions about whether it should be disbanded or not, with the role of the main implementer of this redevelopment, the WWL is certainly an important player. In addition, as the main point of contact for the developers, the company may have a strong influence on not only the planning process but also the decision-making process. This was illustrated by a developer who said:

“The WWL is encharged with the concept of how the waterfront should look like so it has a huge influence on where buildings might go and where the infrastructure is and manages basic things like broadband, access, water, etc” (Executive Manager, WTT).

6.3.2. Strategy and Policy Committee

Another change regarding monitoring the ongoing implementation of the waterfront is that since 2007, when the WDSC was disbanded, the SPC has taken on the overall responsibility for monitoring waterfront development by reviewing and making decisions on major matters (with advice from the TAG). They have several assigned roles: they are charged with developing an annual work plan covering the waterfront's projected activities for the year that will form the basis of its delegations from the

Council to make decisions; developing and maintaining a project development plan; ensuring development proceeds in a way that is consistent with the Council's long-term financial strategy; and signing-off detailed designs. The Committee is also responsible for ensuring that Council has regular and informative reports on progress with the waterfront development; that the implementation of the development plan is monitored including approval of variations from approved designs; that an open and effective basis for consultation and cooperation is maintained with WWL; that there is a project development plan and budget; that public views on the waterfront are fully and openly canvassed before design briefs are finalised; and that the final detailed designs for public space work are tested and endorsed through an open process of public engagement (WCC, 2008a).

With the role of reviewing and approving the annual waterfront redevelopment plan, and having power delegated from the Council to make decisions, the SPC is a player which significantly influences the decision-making process related to the redevelopment. In addition, it is the only point where the public can provide their own input and it also reviews these submissions from the public. However, commenting on the public consultation process carried out by the SPC, a representative of a community group said:

“The Committee had the responsibility for engaging with the public on the project. They received submissions most courteously, and ignored them most comprehensively”.

One possible interpretation is that although the public has an opportunity to get involved in the planning process of the waterfront redevelopment, the Council does not regard their input as being of significance. This may explain the low extent of the public's involvement on the decision-making process. This was further illustrated by a representative from WCT, who provided an example:

“In December, 2002 the Council’s waterfront development subcommittee invited the public to vote on design options for Chaffers Park (now Waitangi Park), then ignored public preference and chooses a design with large buildings which has received minimal public support”.

6.3.3. Technical Advisory Group

In order to monitor the activities of the WWL and ensure the quality of the design, the WCC established the TAG, which comprises four professional advisors who act as a provider of independent technical advice to both WWL and WCC on architectural and planning issues relating to the waterfront. It ensures that the WWF’s principles have been applied consistently in all waterfront design. TAG’s role is to provide advice and recommendations to the SPC on major matters of design and implementation; advice to officers to make decisions on minor matters of design and implementation; advice to the officers on resource consent applications; general design advice on an ‘as required’ basis; minor matters of design and implementation relating to minor alterations to buildings; minor variations to detailed design of public space; proper temporary use of public space; and minor design changes in public space (WCC, 2008a). TAG is therefore a very influential part of the planning process as well as the decision-making component of the redevelopment.

To sum up, within this current governance structure (see Figure 6), the planning process still starts with recommendation of the WWL who develops the waterfront development plan in conjunction with the TAG. Then council officials comment on it and send it to the SPC who will review, approve and open it for public consultation. Public and other stakeholders have an opportunity to provide their input in this planning process by sending submissions to the Council on the development plan. If there are any significant issues that come up from this consultation process, council officials will review the

plan, and the Council will then sign it off. WWL implements the development of the waterfront following the plan. Therefore, within the current governance structure and planning process, the WCC still has the final say in the redevelopment.

6.3.4. The public

As a guiding framework for work on the waterfront, the WWF indicates that people will only have confidence in the future direction of the waterfront project if they can be actively engaged in the decision-making process. The Framework recognises that public engagement and transparency are important principles to guide governance arrangements. In terms of transparency, the Framework states that “All the roles and structures set up to govern the waterfront must be open to public scrutiny. This principle is a right of Wellingtonians as “owners” of the waterfront through the City Council, but is also a response to the interest they take in the waterfront as a special part of the city” (WLG, 2001: 41). Regarding the public engagement principle, the Framework emphasises that “as the waterfront history shows, Wellingtonians want to be involved in making decisions for the area. The Leadership Group acknowledges that it is impossible to please everyone with every decision about the waterfront, but the Group believes people will have more confidence that the right decisions have been made if they have seen how decisions have been made and have been able to give input” (WLG, 2001: 41).

It is evident that public have right to be engaged and get involved in waterfront redevelopment. Discussion with different parties showed there was strong agreement that the public plays an integral role and has a huge influence on this redevelopment. This was illustrated by the following statements:

“I think we have a very active lobby group called Waterfront Watch. They question and monitor a lot of our decision making and talk to some of our councillors about issues that they have so they are very much a player” (A council official, WCC).

“I think the waterfront is a very important part of the city and I think it is good there are those public interest groups who keep a close watch and I think they do add value to the process and there is no problem with that at all. But there are two different viewpoints, I might not always agree with them; I might sometimes be frustrated by some of their actions or concerns but as a planner I believed and strongly agree with important public consultation, the involvement by the wide public in decision making” (Director, UPL).

The community groups involved in this redevelopment are WW, WCT, WRBA, and “Chaffers Park - Make it happen”. Of these, the most influential group is the WW which is the only community organisation dedicated to the waterfront project. It was established in 1995. Currently, it has a strong membership and there are over 700 on its mailing list (WW, 2009). Its policies are:

- At least 20m walkway along the entire waterfront with no vehicles;
- At least 75% of the waterfront as freely usable open public space;
- Waitangi Park should have only low rise buildings, cultural or recreational purposes associated with the park;
- Native trees shrubs and flowers should be planted;
- There should be strong open, visual links between Te Papa and Civic Square;
- All remaining heritage buildings restored and reused;
- New buildings should be low rise, no higher than 15m above sea level;
- Views to and from the waterfront should be protected;
- All remaining land should remain in public ownership;
- Continuing public consultation on all future development.

The WW policy statements on the waterfront clearly indicate the major issues, such as appropriate use, governance, funding and accountability mechanisms, building design, and public access. Its main concern is the loss of view. This was emphasized by the President of WW who said “the key task of the WW is to fight for public open space on the waterfront, and preservation of views from city to harbour and from the harbour to the city”.

The public’s very strong position on the preservation of waterfront views from the quays would make the siting and commercial viability of new buildings difficult. Public involvement may slow down and change the direction of waterfront development. As a result, from the developers’, urban planners’ and implementers’ perspective, public involvement is a frustration. They share the same opinion that only a small group of people are against this development. This was illustrated by the following statements:

“I don’t think there are a large group of people, probably you may hear about the “Silent majority”. Many many more people feel the way the waterfront has developed is very good and is a strong positive outcome and many people agree that we do need some buildings on the waterfront” (Director, UPL).

“I think the thing that frustrates me is that a minority get it stopped because all our surveys showed that 85 - 90% of Wellingtonian are happy with the waterfront but a group of people who don’t like buildings can stop the whole process and that’s what I don’t agree with and I don’t think it is right. They just don’t agree with having buildings and most of Wellingtonians don’t agree with them but they still get to stop things” (A council official, WCC).

It might be argued that it does not matter if the majority or minority of the public are against the direction of the waterfront development, it is evident that involvement of the public in general, and community groups in particular, have a significant influence on waterfront redevelopment. This was illustrated by a councillor of the WCC who said:

“The shape of the waterfront now is totally different to what it was when it was originally being thought about 25 years ago. It’s a very, very different waterfront. That was a much more intensively developed waterfront, there was a large tower supposed to be built north of Queens Wharf for example, now those sorts of things aren’t there; there’s not a hotel or a casino on Taranaki Wharf, Waitangi Park is there instead of housing development. So there are some very significant changes over the period of time”.

The outcome of the public’s involvement and influence on the waterfront redevelopment in general and specific development projects in particular will be discussed in more detail in Chapter Seven and Chapter Eight.

6.3.5. Other stakeholders

Among the community, there are still other important players who are involved and influence waterfront redevelopment. They are urban planners, developers and property owners.

6.3.5.1. Urban planners

Apart from urban planners within the Council, there are planners who are commissioned by implementers and developers. These planners seem to have an indirect involvement in waterfront redevelopment through their role as sub-contractors to prepare resource consent applications. They tend to work closely with implementers and decision makers because the support from these two important players may help them to easily get the approval of their resource consent application.

“We consulted with TAG because when we prepare our documents we want to know that generally the proposal is supported or endorsed by the TAG so we tend to consult them and make sure that everyone is in the same direction and supports it” (Director, UPL).

6.3.5.2. *Property owners*

Another set of stakeholders involved in waterfront development are the property owners. They are owners of the buildings that are located in the surrounding areas of the waterfront. They share harbour views and they also benefit from this. Therefore, it appears that they are interested in the way that the waterfront is developed so that it does not block their views. This was expressed by an interviewee who said:

“We are very close to the waterfront obviously and we have a lot of reliance on facilities on the waterfront, the view of our rooms on to the waterfront. We think we have a reliance on the waterfront as a place for our guests to be able to go and visit and I guess from infrastructure perspectives we are also aware that any major development on the waterfront may obstruct the view or the access for our guests as well”.

They tend to have indirect involvement in waterfront development through the public consultation process. They seem to be observers and the way they get involved is to react to any development that may influence the benefits they have. However, they tend to get involved independently. This is justified by the following statement:

“I guess we are really only involved in a reactive kind of way. We will take notes of any submissions which have been made for any building on the waterfront or any change to waterfront or anything that can happen in terms of facilities so when those kinds of things are there, we would review them and see if there’s something we would like to object to or support or whatever may be but we are not actively involved in urban planning and we are not involved in Waterfront Watch or any organisations or bodies that involved in the development of waterfront. So we look at what happens down there and what is proposed and we will make submissions to say yes or no” (An interviewee).

6.3.5.3. *Developers*

Developers have direct involvement in this development because they come up with proposals. They all seem to be similar in having a good relationship with WCC decision-makers.

“We certainly have a powerful relationship with Council, we have MOU with the Council, we’ve interacted with the Council on a variety of issues for a very long time and that is something we see as hugely important” (Executive Manager, WTT).

“We have had WCC’s support. The previous mayor was supportive, the current mayor is very supportive, so is the current deputy mayor. Most of city councillors, they are on our side because they have approved of the Chinese Garden going on the Frank Kitts Park two years ago” (Secretary, WCGS).

However, they have different opinions about consulting with the public. While the developers of the Waka house tried to consult to get support from the WW, the most influential community group, the Chinese garden project is cautious about approaching this important player. This was illustrated by the following quotes:

“The Waterfront Watch which is a group whose concerns are about the open spaces, we met with them and we talked to them and they support us. We are the one developer they do support. We made a big effort to get to know them and to talk about our culture requirements and they supported that” (Executive Manager, WTT).

“We don’t have any relationship with them because the Waterfront Watch was supportive of the idea of the Chinese Garden but every time we have one, there are always some difficulties. So I don’t know. It is critical because we really don’t want to buy into an argument with them. I mean it is not going to be helpful at the end but I think that the Garden should not be antagonistic to their aspirations really... I haven’t talked to them about it, I don’t really want to because it might put us in a difficult position. It is better if we go on and just do it as good as we can and see what happens” (Secretary, WCGS).

6.3.5.4. Tourism stakeholder

One of the very important stakeholders to be considered in this study is the PWT. It is also a council-controlled entity and funded by the WCC and private sector partners. PWT is the official promoter of tourism of Wellington region (PWT, 2009c). As mentioned in Chapter Four, waterfront is recognised as one of the key components in the PWT's marketing strategy. However, the discussion with participants and the study of documentation related waterfront revealed that the PWT is not given a formal role in the redevelopment of the Wellington waterfront by the WCC. Specifically, although irregular informal meetings between WWL and PWT are held, the role of the PWT was not mentioned at all in the waterfront documents. From discussion with the interviewees, it is said that PWT is involved in this redevelopment as an informal consultant in terms of infrastructure development.

6.4. Conclusion

In this chapter, through the discussion of the evolution of the governance structure and the planning process of the redevelopment of the Wellington waterfront, the key players which were identified included the WCC, council-controlled entities (SPC, TAG, and WWL), urban planners, developers, property owners, and the public. With the role of owner, rule maker, and decision maker, WCC is the key stakeholder and the most decisive actor in this redevelopment. The responsibilities of implementing and monitoring the developments on the waterfront provided the WWL with a high level of involvement and influence on the waterfront redevelopment. Given the role of waterfront redevelopment monitor and technical advisers, the SPC and TAG have a large influence over the planning and implementation process.

In this chapter, the low level of tourism rationale employed in arguments for waterfront redevelopment can be explained by the minor involvement of the PWT in the planning and implementation process of this redevelopment.

In addition, this chapter also presented the role and involvement of other stakeholders. Through the public consultation process, the WCC gives opportunities to the stakeholders who are interested in waterfront development to have a say in the planning process. However, their involvement may make the management of the waterfront redevelopment difficult. The next chapter will further explore this point by identifying the existing legislative framework within which the waterfront redevelopment takes place; and investigating what opportunities are provided for the public within the legislative framework to be involved in this redevelopment.

CHAPTER 7: LEGISLATIVE FRAMEWORK FOR THE REDEVELOPMENT OF WELLINGTON WATERFRONT

7.1. Introduction

The third research question, which is to define and examine the way in which the existing legislative framework impacts the redevelopment of the Wellington waterfront in general and tourism development in particular, will be addressed in this and the next chapter. While this chapter discusses the existing legislative framework within which the waterfront redevelopment as a whole takes place, Chapter Eight examines the impact of the legislative framework on tourism development in this area through a specific development proposal, the Hilton hotel, which was identified in Chapter Five as the most tourism-oriented proposal on the Wellington waterfront.

Specifically, this chapter discusses the rules and requirements provided by the legislative framework for the waterfront redevelopment. Based on this, the influential factors of the legislative framework for waterfront redevelopment as a whole are explored.

7.2. The existing legislative framework for the redevelopment of the Wellington waterfront

The existing legislative framework within which the redevelopment of the Wellington waterfront takes place is displayed in Figure 7.

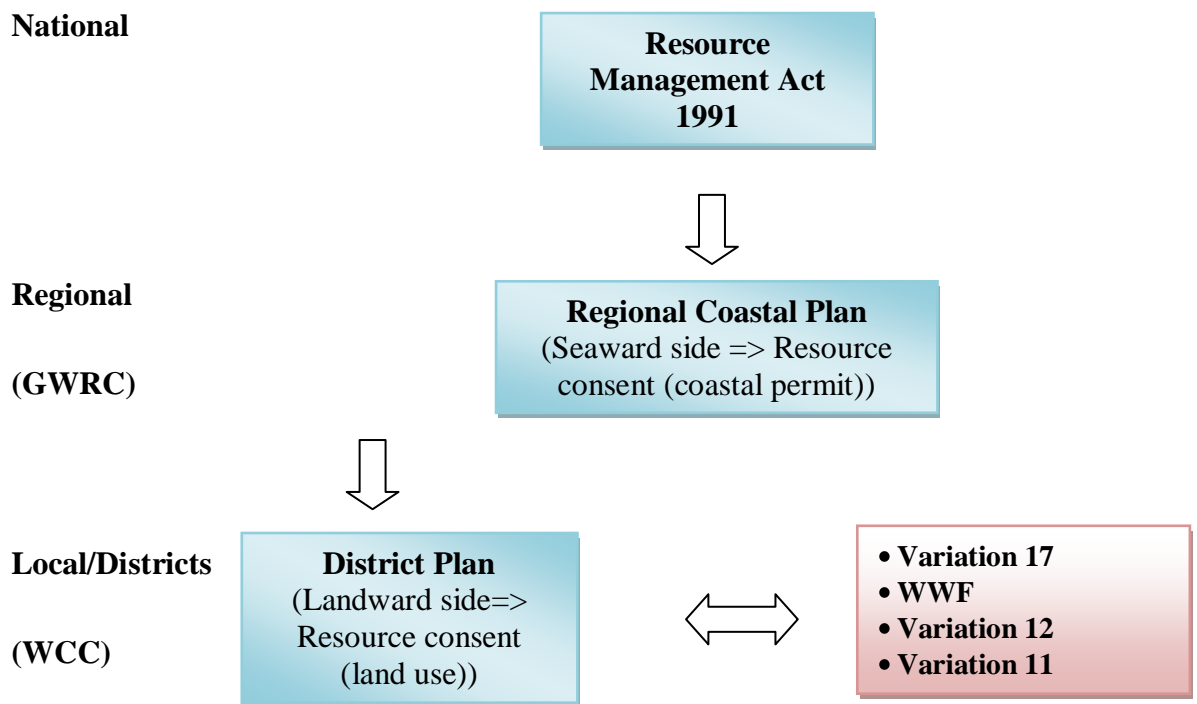


Figure 7: The existing legislative framework for the redevelopment of the Wellington waterfront

7.2.1. The Resource Management Act 1991

In this framework, as the overarching planning legislation in New Zealand (Hall, 2009), the RMA appears to be the most important piece of legislation for the waterfront redevelopment at the national level.

The purpose of this Act is “to promote sustainable management of natural and physical resources” (RMA, 1991 Section 5). The terms “natural and physical resources” includes land, water, air, soil, minerals, energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures. Section 1 of the Act defines ‘environment’ in a broad way to include: ecosystems and their constituent parts, including people and communities; natural and physical resources; amenity values; and the social, economic, aesthetic, and cultural conditions affected by those matters. Therefore, this Act is relevant to not only waterfront redevelopment but also tourism, as typically environmental resources form the basis of tourist activity. Maintenance of

those resources is critical to the long term viability of the New Zealand tourism industry. If environmental damage is prevented, New Zealand will continue to attract international visitors and a range of opportunities for both international and domestic visitors can be supported.

The Act's definition of sustainable management highlights the importance of the natural world but recognises that resource use, development and protection should enable people to provide for their wellbeing and for the needs of future generations. In terms of planning issues, Part 3 of the Act sets up the restrictions on the use of land, coastal marine area, river and lake beds, and water. Under the RMA, planning for and the management of natural and physical resources is delegated to regional and local authorities. Specifically, the GWRC is required to produce a policy statement stating what specifically the council is seeking to achieve for its region. The GWRC also produces regional plans that identify rules to address specific resource issues. Reflecting the importance the RMA places on the coast, the GWRC is required to produce a coastal plan for its region, consistent with the New Zealand Coastal Plan Statement (NZCPS). These plans direct how coastal space will be allocated and controls the usage of this space. Development proposals received by the GWRC are assessed for compliance with the regional policy statement, relevant regional plans and the NZCPS when the development affects the coast. As a requirement of the RMA, WCC prepares the DP describing the objectives, policies and methods to deal with environmental effects within their area. The DP does not encourage development but it is used as an objective tool to guide developers in submitting appropriate applications in line with local precedents and objectives. The RCP and DP appear to be important instruments that serve to implement the RMA at the local level.

A significant feature of the RMA is that it seeks to address the effects of an activity or development, rather than the management of actual activities. As a result, the “resource

consent” process appears to be the best instrument to serve this Act. Under Part 6, Section 87, there are five different types of resource consents, namely land use consent (e.g. to erect a building), subdivision consent (e.g. to divide an allotment into two separate allotments), coastal permit (e.g. to build a structure in the coastal marine area – below mean high water springs tide mark), water permit (e.g. to take water from a waterway), and discharge permit (e.g. to discharge pipe storm water into a waterway). In complying with the Act, both regional and district plans may identify standards and rules against which proposed activities need to be assessed in terms of their actual or potential effects. Regarding the role of consent authorities, it should be noted that under the RMA, the WCC has planning authority only for the landward side. The GWRC has planning authority for the seaward side. Therefore, resource consents for the proposals that happen in the landward side are granted by the WCC, resource consents for the ones on the seaward side are granted by the GWRC. If proposals happen both in land and over the water, they need to apply for resource consents from both the WCC and the GWRC.

In addition, the Act also requires public notification of resource applications depending on the rules of the RCP and/or DP. Therefore, through the notification process, the RMA provides stakeholders with the opportunity to have their say about specific development proposals within areas that affect them and/or the environment, and to participate in the decision-making process. Through a submission, people can support the application, oppose the application, or support parts of the application and oppose other parts. Furthermore, the Act also gives all stakeholders a right to appeal to the EC if they are not happy with the decisions of the GWRC and/or the WCC. The Act emphasizes that although the decisions made by the EC is final, the public still has the right to appeal to the High Court if there is a question of law in the EC’s decision (RMA, Part 6, Section 120).

In sum, the RMA is not just about environmental management. By setting principles and restrictions as well as providing the regional councils and city councils with duties and powers in order to achieve the Act's purpose, the RMA establishes a comprehensive framework for land use planning and resource management delivered at regional and local levels. Especially through the public notification of resource consents, the Act provides the public with opportunities to be engaged not only in the planning process but also in specific projects. From discussion with different stakeholders, public engagement under the RMA is perceived as one of the most influential legislative parts which impact on specific development proposals in particular rather than on the waterfront development in general. This was justified by the following statements:

“One thing that RMA does is require a quite high level of consultation and interaction with people who might be affected” (Policy advisor, GWRC).

“The RMA and parts of it had been applied and have been applied to stop the Ambulance Building from being unnecessary shifted out of it [the waterfront], and Hilton Hotel, so the RMA and parts of it are obviously the most influential for the development” (A councillor, WCC).

“I think the financial crisis slows the development down now. And the RMA, like legislation also slows it because there is a situation where people can oppose and it is a lot easier for them to oppose something and stop something” (President, WRBA).

It appears that the RMA does not have specific rules for a specific activity but the requirements under this Act may control the development. Specifically, the right of notification and appeal given by the Act provide the public with power to influence the development.

7.2.2. The Regional Coastal Plan

As a requirement of the RMA, the sustainable use of our coastal environment is promoted by Wellington's RCP. The RCP is developed consistently with the NZCPS. It applies to the coastal marine area of the Wellington region. The coastal marine area, according to this plan, is the foreshore, seabed and coastal water, and the air space above the water, between the outer limits of the territorial sea and the line of mean high water springs. The plan contains 86 rules relating to activities on, and disturbance of, the foreshore and seabed, such as the erection of structures, the taking, using, damming and diverting of water, and the discharging of contaminants into or on the land, air or water. Under the RCP, developments in the coastal marine area are allowed. However, the Plan sets conditions for these developments. As Section 4.1.2 of the Plan states:

People and communities are able to undertake appropriate uses and developments in the coastal marine area which satisfy the environmental protection policies in the plan, including activities which:

- rely on natural and physical resources of the coastal marine area; or
- require a coastal marine area location; or
- provide essential public services; or
- avoid adverse effects on the environment; or
- have minor adverse effects on the environment, either singly or in combination with other users; or
- remedy or mitigate adverse effects on the environment and provide a net benefit to the environment.

In the RCP, views, public access, and public involvement are recognised in its objectives.

4.1.8. Public access along and within the coastal marine area is maintained and enhanced.

4.1.10. Important views to and from the coastal marine area are retained.

4.1.19. Opportunities are provided for people and communities to be involved in any decision-making about significant activities in the coastal marine area, and in the management of natural and physical resources in that area.

Relevant to the redevelopment of the Wellington waterfront, the RCP allows for the comprehensive development of this area and the integrative management between the GWRC and the WCC. This can be seen in the following statements of the Plan:

4.1.24. The comprehensive development of the Lambton Harbour Development Area is provided for.

4.1.25. Activities which span the line of mean high water springs are managed in accordance with the provisions of both this Plan and any requirements in the relevant district plan.

As a requirement of the RMA, for the purpose of achieving sustainable management of the coastal marine area, the RCP sets up conditions for resource consent. “The conditions placed on resource consents are used as a means of avoiding, mitigating or remedying adverse effects” (Section 4.1.23, RCP). Regarding resource consent application, the Plan indicates that “Disturbance and damage of foreshore and seabed for the purpose of removal of sand, shingle, shell or other material associated with maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area is a **Controlled Activity**” (Rule 36, RCP). According to the RMA, this means that the resource consents of the developments within these areas must be publicly notified.

The planning rules and especially the provision of the RCP for public involvement in the decision-making process through the resource consent process are perceived by stakeholders as the most influential parts of the Plan for specific developments that involved the line of mean high water springs. However, according to the policy advisor of the GWRC, the RCP is flexible by providing more options for the developer:

“I think the consent is where you really get into the detail of what has been proposed and why people like it and why people don’t like it. I suppose the CRP which is quite broad and flexible, because it is not prescribed; it doesn’t say what development you have in a particular location, it gives more rooms, more options” (Policy advisor, GWRC).

7.2.3. The District Plan

Under the requirement of the RMA, the DP is prepared by the WCC. It is the primary document that manages land use and development within the WCC’s territorial boundaries. It contains rules that may affect any developers who make a development or land use proposal. Related to waterfront development, the DP guides the design of open space and the buildings on the Wellington waterfront. It also facilitates public involvement in the waterfront planning process. The waterfront is noted as a special area and the DP references the WWF in stating that the principles and values of the Framework underpin the DP’s objectives and policies.

In the DP, the relationship between the city and waterfront is seen as critical. The accessibility between the city and waterfront is emphasised. One of the eight guiding principles of the DP for steering development in the central city is to “Enhance City/Harbour Integration”. Section 12.1.7 of the DP states:

“The city and sea relationship that characterises Wellington makes for a dynamic cityscape. The waterfront is an integral and defining feature of the city. However accessibility between the city and waterfront, and access to the water’s edge itself, needs to be improved so that the waterfront becomes part of the ‘pedestrian flow’ that extends across the whole city. Better links are needed, including physical connections and visual links such as views and signage. A promenade that connects the different parts of the waterfront and provides a sequence of changing, rich and interesting experiences would enhance people’s ability to move around the waterfront itself”

Furthermore, the DP recognises the importance of view shafts across the central city that link the city with the harbour and hills beyond which support the city's sense of place and legibility. As Policy 12.2.6.7 states:

“Protect, and where possible enhance, identified public views of the harbour, hills and townscape features from within and around the central area”.

The DP acknowledges that there could be intrusions into these view shafts based on assessment against a set of criteria, including whether the development frames the view horizontally or vertically from the edges of the view shafts. However, it does not presume to protect private views. Apart from the view shafts, the DP also sets out important design principles for waterfront development in terms of height, bulk, and limiting vehicle traffic. Especially, it also acknowledges the WWF as an important guide for the development of this area. This can be seen in the Central Area Urban Design Guide, Plan Change 48:

- The lower height development along the waterfront completes the stepping down from the higher hills to the harbour's edge.
- Building design and appearance has a direct bearing on the visual quality of the public environment and the distinctive nature of the Central Area. By way of example, buildings typically define the edges of public space in the Central Area.
- The waterfront embodies rich cultural, heritage and recreational values. This includes a strong emphasis on public accessibility as a pedestrian-dominated rather than vehicle access routes. Ongoing development along the waterfront is guided by the principles set out in the Wellington Waterfront Framework.

In order to achieve the objectives and policies of the DP, the method used is the setting of rules to control land use. Resource consents appear to be a crucial tool for the management of the effects of development. Four categories of rule are used in the DP,

namely: Permitted, Controlled, Discretionary (Restricted), and Discretionary (Unrestricted). The rules also state which applications will require notification. Specifically, applications for resource consents will be publicly notified where the Council is of the opinion that community input into any decision is necessary. Where the Council thinks that the effects of an activity are not significant or immediate neighbours are unaffected, or where the matter under consideration involves the administration of city infrastructure, the rules may state that notification will not be needed. This may also apply in cases where Council is acting on behalf of the wider community to achieve a better quality environment, such as urban design issues, or to enable the efficient administration of the Plan. Under the DP rules, all new building development within the Central Area including the waterfront area is a Controlled Activity in terms of the design, external appearance and sitting of buildings. This means that any building development on the waterfront needs to apply for a notified resource consent.

Another important point of the DP is that under the DP, people are provided with a degree of certainty as to what activities can be undertaken (such as additions to buildings) and what environmental quality can be expected (such as how high a neighbour's house may be). This gives people the ability to influence how things occur. This is perceived by stakeholders as an influential factor on the development proposals along the waterfront:

“The waterfront is a special area in the District Plan and we have zero height limit which automatically means if you try to build one storey building it has to be notified consent” (A council official, WCC).

“You might develop something according to the District Plan but then when you go for resource consent, it will say: is that environmental sustainable; what are the effects on neighbours, that sort of things so not so much about rules. But the

District Plan is about rules, the environment and resource management is more about what the implications and effects are” (CEO, WWL).

Furthermore, the analysis of the information from documentation and interviews identified regulatory changes under the DP as the most important influential factor for the waterfront redevelopment.

7.2.4. Regulatory changes

It should be noted that within the legislative framework (see Figure 7), at the local level under the DP, variations to the DP includes various rules changes that affect the redevelopment of the Wellington waterfront. Among these rule changes, WWF is not an official Variation to the DP but it is the most important rule change approved by the WCC regarding the waterfront redevelopment. However, this Framework was not accepted by the EC as a legislative document in its Decision No.W015/2008 on the Hilton hotel case. Therefore, in Figure 7, the WWF and Variations to DP are included but displayed in a different colour in order to show their legislative level and status in comparison with other legislative pieces.

As it can be seen in Figure 7, within the last 10 years there have been 3 significant variations to the DP that specifically affect the waterfront redevelopment, namely Variation 17 in 1999; Variation 22 in 2001; and Variation 11 in 2008.

Regarding the names of the Variations to DP, there was only an explanation of Variation 17 which is “the 17th variation to Wellington City’s Proposed District Plan” (WLG, 2001: 9). However, even after the discussion with stakeholders including councillor and council officials who are rule makers, there was still confusion in understanding the way in which the Variations to the DP are named as the oldest one

was Variation 17 and the latest one is Variation 11. Nevertheless, explaining about the changes in the DP, an official of the WCC said:

“The problem with the District Plan is we are always trying to second guess something so we don’t know what is going to be but it could be this and this so when we write this we think it could be this but then this comes in and that can’t cope with this very well. That’s why I actually put more emphasis on resource consent because we actually understand more what it is whereas this just says we can provide some height restrictions or provide some bulk restrictions or whatever”.

This was confirmed by a Councillor who stated: “The idea was that once we had greater clarity about the number and size of buildings proposed we could write the rules around that" (Dominion Post, 2009c).

These above statement may suggest that urban development in general and waterfront redevelopment is particular in Wellington appears not to be well-planned. In addition, the statement of the councillor may reveal that as rule makers and implementers of waterfront redevelopment, the WCC may be able to change the rules in order to facilitate their job.

7.2.3.1 Variation 17

The first variation to the DP relevant to waterfront redevelopment was Variation 17. The most important change in Variation 17 was the definition of the heights for the equivalent of each site. This can be displayed in table 4:

Table 4: Variation 17 heights

Source: WCC, 1999

Site	Height above mean sea level
The area between Shed 21 and the Whitmore Street gates	34m
The area adjacent to the quays between Whitmore street gates and Shed 13	30m stepping down to 21 to the south of the site

In addition, Variation 17 provided for a chain of open spaces through the project area, including two green parks. It also provided for the construction of 23 new buildings (including ten-storey buildings at the Taranaki Wharf gates and an eight-storey building next to Shed 21) and for the renovation and reuse of a number of heritage buildings. As a consequence, there was vigorous public discussion of the Variation 17. As a very strong community organisation who is dedicated for the waterfront redevelopment, WW produced a leaflet entitled “Stop the Wall” which claimed that the new buildings would wall-off the waterfront from the city with a consequent loss of views of the harbour from the quays. In addition, public consultation was one of the most important queries about the Variation 17, as the leaflet “Stop the wall” stated: “The result of Variation 17 will be: lost views, less sunlight, less open space with no further public consultation”

A petition was then organized expressing concern about the number of new buildings and the loss of public open space. 2,400 people sent in submissions on the variation – the highest number ever recorded on a planning issue in Wellington. In all, 94% opposed the variation in the form presented (WLG, 2001). A large meeting was held at the Town Hall on 1 February 2000 with more than 2,000 people attending.

Almost all of stakeholders agreed that Variation 17 elicited the public's criticism and public's mistrust in the council in the form of hostility to waterfront development, as the former member of the WLG stated:

“When it was advertised, all hell broke loose. People said that wasn't what they thought and it didn't reflect what the CCC said either. The council officers had taken all the possible buildings to the maximum height rather than show options with different combinations. So when they built the model, it just looked like the whole waterfront was going to be covered with tall building”.

Responding to public opposition, by April 2000, WCC withdrew its Variation 17 and asked for another development process plan. In July 2000, WCC agreed to a three-stage process for developing and implementing a new plan for the waterfront (WLG, 2001). As a result, the WWF was developed.

7.2.3.2. The Wellington Waterfront Framework

In September 2000, the WCC appointed the WLG to consult with the public and develop an overall vision of the values, and principles to guide future development on the waterfront. The character of each area was described, along with ideas about what might be included, but there is no detail or drawings. Council adopted its recommendations in the form of the WWF in April 2001, and this Framework guides what is to be done on the waterfront. In terms of public involvement, as mentioned in Chapter 6, the WWF requires transparency and a willingness to engage with the public about how the waterfront is developed.

The WWF is considered by almost all stakeholders, especially the developers and implementers as an overarching guide for waterfront development. They all assume that the WWF is to be referred to as a statutory document. The discussion with stakeholders showed that there was a strong agreement among the parties about the importance of the WWF to the waterfront development.

This was illustrated by the following statements:

“Even if the WWF is not a statutory document, I think it is still referenced to the District Plan as a sort of a mother piece of information to consider when we have to deal with the issues of the waterfront” (A council official, WCC).

“The WWF to me is my reference to all the time. For example, the WWF says: it needs to be a strong transparent implementation process and provide for public input” (President, WW).

“The WWF is the most important document that we have to consider and we do consider on almost a daily basis. So what happened here was prior to 2001 there was no framework. Therefore it is fair to say that some development was done in an adhoc way without broader consideration (accessibility and so on) so we saw the design in a poor light and out of scale based on what was required... It is very important to get it right and WCC set up processes to produce an overarching policy and legislative framework” (CEO, WWL).

However, in the implementation process the non-statutory status of the WWF shows its significant impact on the waterfront redevelopment as a whole, as well as on specific developments in this area. This issue was revealed by the Judge in the EC’s decision on the case of the Hilton Hotel. The Decision states:

“We are of the view that the Waterfront Framework has no status as a component of the District Plan and those provisions of the Plan which purport to incorporate the Framework into it are ultra vires. Nor do we agree with the statement contained in the Agree Statement of planning experts that the Waterfront Framework is the dominant design guide for the waterfront. The Waterfront Framework does not purport to direct design matters but rather to be a policy document” (EC, 2008: 14).

The reason why the WWF has no legal status was explained by an urban planner who prepared technical evidence for applications, and a former member of the WLG who developed the WWF in the following terms:

“That hasn’t been through the submission hearing process, people couldn’t say “I don’t agree with that; I want it changed”, so the EC in that Hilton decision said “We have to have regard for the DP and RCP, they are the documents that have been through the public testing of submissions and decision making. The WWF was not through that process so we mustn’t have some regard for it, we

don't pay a lot weight on it because the WWF hasn't been tested through the RMA process" (Director, UPL).

"The Framework as a whole was adopted by City Council, the Greater Wellington Regional Council and Wellington Waterfront Ltd as their policy document. After that, the WCC was supposed to bring in a Plan Change to integrate the Framework into the District Plan but what they did was just add some clauses to the District Plan referring to the Framework as the standard" (A former member, WLG).

This was confirmed by the conclusion of the EC: "We consider that the Waterfront Framework has not been appropriately included in the City Plan in accordance with the provisions of Schedule 1 RMA" (EC, 2008: 14).

The above statements suggest that the WCC did not strictly comply with the requirements provided by the RMA in their incorporation process of the WWF into the DP. Once again, the important role of the RMA regarding waterfront redevelopment is revealed. There is no doubt that the conclusion of the EC on the WWF's legal status may prevent the progress of the waterfront redevelopment. These points will be further explored in the next chapter.

7.3.2.3. Variation 22

The second important change in the DP pertinent to waterfront development was Variation 22, which was made as a result of a recommendation of the WLG in the WWF. The WLG recommended that in order to give the Framework statutory weight, it should be incorporated into the District Plan by way of a variation to the Plan (WLG, 2001). The council approved this recommendation and instructed staff to draft a DP variation (Variation 22) to incorporate the WWF principles into the Plan. The incorporation of the WWF into the DP was perceived by stakeholders as providing legal weight to the WWF, but the Environment Court still subsequently ruled that it didn't

have this legal status. As mentioned earlier, the incorporation of the WWF into the DP through Variation 12 was concluded by the EC as being beyond the usual processes of the law.

Another major change under Variation 12 was that the height limit of the buildings on the waterfront was fixed at zero metres above mean sea level. This can be seen in the following map (see Figure 8).

DISTRICT PLAN - VARIATION 22. LAMBTON HARBOUR AREA
AMENDMENTS TO MAP 32 - CENTRAL AREA BUILDING HEIGHTS



Figure 8: Variation 22 to the District Plan - Central Area Building Heights

Source: WCC, 2001

In particular, under Variation 22 a deliberately strict regime was imposed requiring all new building development and the development of open space to be assessed as Discretionary Activities (Unrestricted). This was to ensure that no development would occur on the waterfront without the opportunity for public involvement. This was further explained by an official of the WCC who said:

“What we did in Variation 22 was we said that there would be a zero height limit and what that meant was any development along the waterfront has to come through resource consent application” (A council official, WCC).

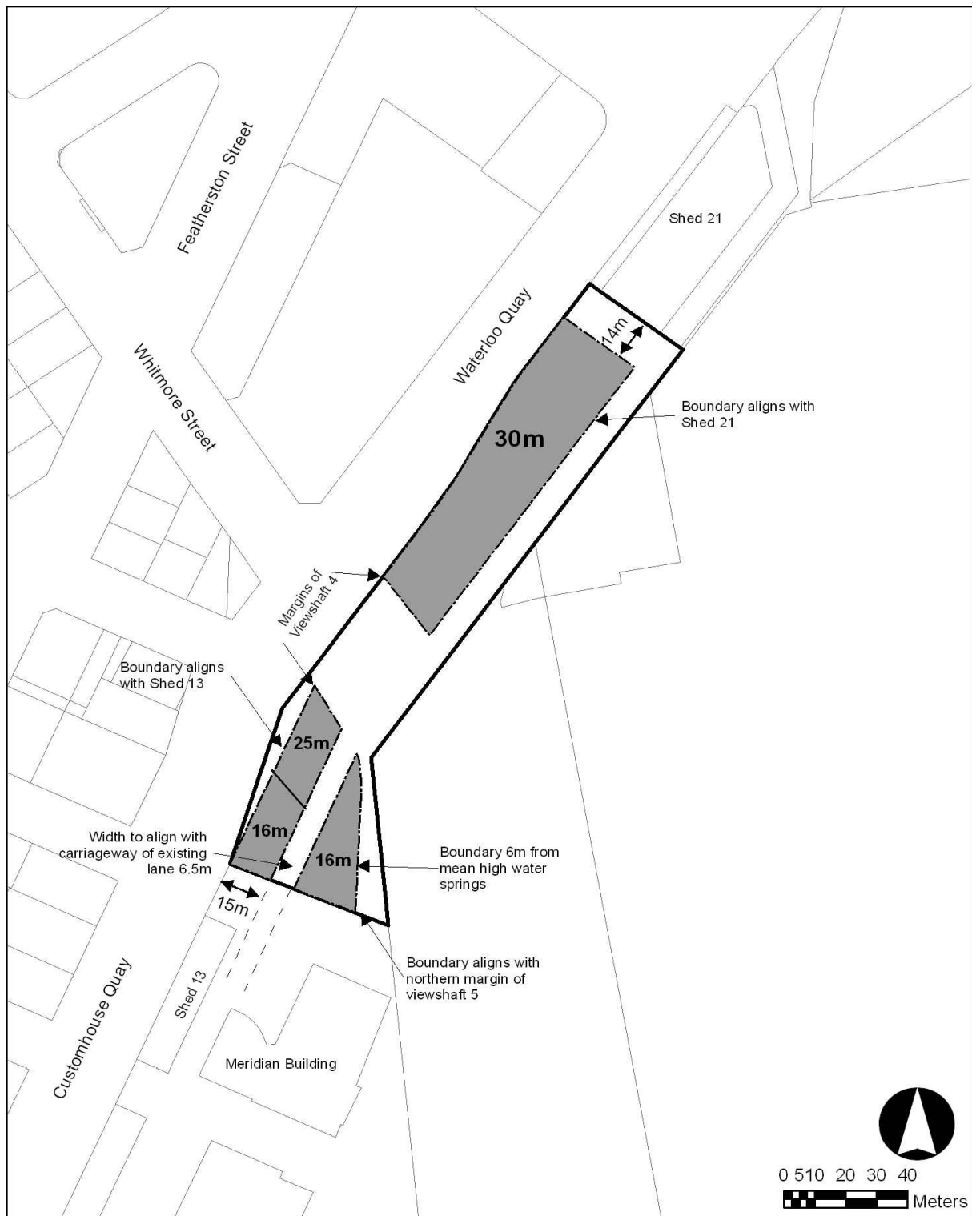
In sum, apart from incorporating the WWF into the DP, the requirements of a zero metre height limit and the public notification of resource consents are the most influential regulatory changes that applied for not only the waterfront as a whole, but also the specific projects in this area. Additionally, by giving more opportunities for the public to be involved through the notification process, Variation 12 appeared to be a response of the WCC to the public queries towards Variation 17 about their ongoing involvement in waterfront development.

7.3.2.3. Variation 11

The most recent change in DP related to waterfront development is Variation 11. The background to Variation 11 was given impetus as a result of the recent EC's decision on the proposal to develop a new Hilton Hotel on Queens Wharf (WCC, 2008b). As discussed earlier, the EC's decision raised two major issues, which are the legal status of the WWF and the method of incorporation of the WWF in the DP. However, these two issues were not identified as the focus of Variation 11. This can be seen in the rationale of the Variation 11 proposal:

“Currently a zero height limit applies over most of the waterfront. This limit was imposed as a trigger to activate resource consents for new building development and not as a means to prevent development. It is now considered that to continue with a zero height limit in areas of the waterfront identified for development would be problematic. As a zero height limit provides no permitted baseline for the assessment of resource consents it is possible that future resource consent applications could face significant planning and legal obstacles if issues such as building height and the intensity of development were to be raised by submitters” (WCC, 2008b).

This statement demonstrates that a zero height limit proposed in Variation 22 showed itself to be problematic over time. It created challenges for the developers to gain resource consent and provided the public with more opportunities to influence the waterfront redevelopment. As a result, in Variation 11 a specific height for buildings in the North Kumototo area, which was allocated by the WWF as a potential area for commercial development, was proposed by the WCC (see Figure 9).



— Boundary of North Kumutoto Area

■ Building footprint areas showing building heights (above mean sea level)

□ Area outside the building footprint areas where the height is zero, (in these areas new building development is a Discretionary Activity (Unrestricted) Rule 13.4.7)

Figure 9: North Kumutoto Area under Variation 11

Source: WCC, 2008b

Specifically, important amendments under Variation 11 are:

- The removal of references in the policy to the Waterfront Framework being a design guide.
- The inclusion of more detailed policy provisions for future building development within the waterfront and in particular the North Kumutoto area.
- The inclusion of a new policy and rules to ensure that the ground floors of buildings are predominantly accessible by the public and have active edges to significant public and open space areas.
- The inclusion of a specific rule (Rule 13.3.4A) to provide for new development in identified areas on the waterfront as a non-notified Discretionary Activity (Restricted) application in accordance with building height and footprint requirements.
- The inclusion of new design guide provisions to provide for the assessment of applications for new building development and the development of related public spaces within the North Kumutoto area.
- The amendment of Rule 13.4.7 to make it clear that any building development within an identified area that is not covered by the Discretionary Activity (Restricted) provisions will require consent as a Discretionary Activity (Unrestricted).

The fourth and sixth amendments appear to be the most important, as it is recommended that proposals under the Discretionary (Restricted) rule provisions within the specified standards apply with a presumption for the non- notification of resource consent applications. This will require interested third parties to focus their involvement at the initial plan variation stage as there may not be the opportunity for further challenge and possible appeals when subsequent resource consent applications are made (WCC, 2008b).

The discussion with stakeholders showed that there were two strong opposing viewpoints on this Variation. On the one hand, the opponents' side seem to be disappointed with this Variation; they are afraid that their say would be cut.

“The Variation will cut the public say, it will allow the development to go ahead as a right within a certain height, big height and bulk and even more. If the Variation 11 doesn’t go to appeal then there is no more appeal, no more ability to go to Court” (A councillor, WCC).

“Variation 11 proposes that the public will only have input at the time of preparing design guides, then when a specific building project comes along, there will be no public input and no public resource consent” (Former President, WW).

On the other hand, the implementers’ side appear to be very content with this Variation, because it will provide them with certainty:

“If the Variation 11 is accepted and then put in the District Plan, then that means the effect that we won’t have to go through notified process each time because we know as long as we go to within prescribed height and bulk form then we don’t need to have a notified resource consent” (CEO, WWL).

The argument from the rule makers’ side about this Variation suggested that the WCC may purposely have cut the public say in order to ease the approval of development proposals.

“My argument is that we have already done this [the WWF], we already ran a big consultation process around the buildings, how big, how tall they will be, we’ve already done it and what these people say, there are two goals in it so we say, “why, you already had one, you just hate buildings you already said the building is gonna be in this height, this big why do you need to object to the next stage” so that’s just another chance for them to object so that’s what I don’t agree” (A council official, WCC).

“It was never the intention that zero would stay there forever. And I think that’s what some people have got themselves quite upset about” (A councillor, WCC).

It is evident that there have been different reactions to Variation 11. Although only one of 49 submissions received was in support of the proposed change to public notification, in November 2009 the Hearing Commissioners of the WCC approved Variation 11.

In sum, Variation 11 mostly targeted the North Kumutoto area, specifies the height of the buildings and removes the need to notify the public of resource consent applications for developments in this area. It can be argued that these amendments will certainly bring much more certainty to developers and implementers. However, under this variation, public engagement in waterfront redevelopment may not be retained.

7.4. Resource consent procedures

Under requirements of the legislative framework (see Figure 7), resource consent appears to be the most influential factor imposed on the specific development projects in the Wellington waterfront area. It should be reminded that, as mentioned in Chapter 5, the waterfront development plan is signed by the WCC. However, it does not mean that all the development projects included in the waterfront development plan are allowed to go ahead; they need to go through the resource consent process, which is presented in Figure 10.

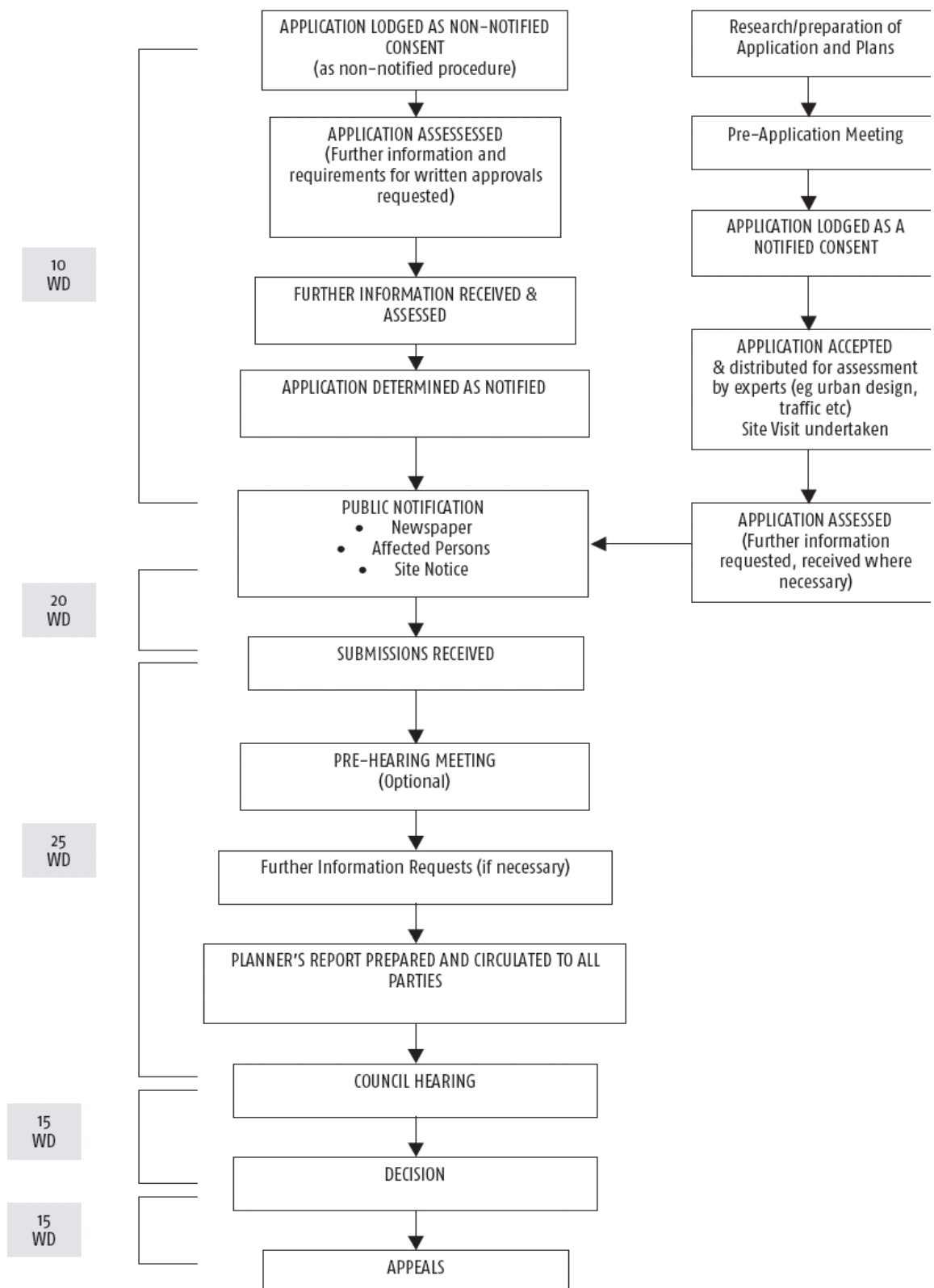


Figure 10: Resource Consent Procedures
(Note: WD = Working Day) (WCC, 2009c)

Within the RCP and DP, the terms permitted, controlled, discretionary, non-complying and prohibited activities are used to classify activities in terms of their potential effects and the form of assessment required. Among these 5 types of activities: permitted activity does not require resource consent; no resource consent is granted for a prohibited activity; and the other 3 types of activities need to apply for resource consent.

According to the RMA, there are two types of resource consent applications, which are notified and non-notified applications. In addition, as mentioned earlier, as a requirement of the RMA, the GWRC and the WCC sets criteria for a specific development to go through a notified or non-notified resource consent process. In both the RCP and the DP, the waterfront is perceived as a special area. Furthermore, the DP sets the height limit of the buildings along the waterfront at zero metres from the sea level, requiring all developments within this area to be notified. This means that the consent applications of those developments need to be open to public comment. Public consultation is a key part of a resource consent application and can determine the ultimate success of the proposal. Within these procedures, stakeholders have again opportunities to get involved through public notification and appeals providing them with great influence on waterfront development. These points will be discussed in detail in the next chapter.

7.6. Conclusion

This chapter has presented the existing legislative framework within which the redevelopment of the Wellington as a whole takes place. It has discussed the influential factors of the legislative framework for this redevelopment.

To conclude, there is a legislative framework covering the waterfront redevelopment. The RMA, the RCP, and the DP are the key pieces of legislation that set out principles

and rules that have an impact on the redevelopment of the waterfront. While the RMA provides the necessary requirements and guidance to achieve sustainable management of natural and physical resources at the national level, at the local level the RCP and the DP contain specific rules and conditions that apply for not only the waterfront redevelopment as a whole but also specific developments within the waterfront area. Although the WWF has non-statutory status, as an overarching guide for this redevelopment the Framework has a role to play in the legislative framework. In addition, within this legislative framework, the requirement of resource consent for development projects and provisions for public involvement through the notification process seem to be the most influential features. However, it might be argued that these factors impact on specific developments rather than the waterfront redevelopment as a whole.

In order to examine the way in which this legislative framework impacts tourism development along the waterfront, in the next chapter these above discussions will be extended through to the analysis of a specific case - the Hilton hotel, which was identified earlier as the most tourism-relevant project on the waterfront.

CHAPTER 8: IMPACT OF THE LEGISLATIVE FRAMEWORK IN THE CASE OF THE HILTON HOTEL

8.1. Introduction

The previous chapter described the existing legislative framework within which the development of the Wellington waterfront as a whole takes place. This chapter extends this discussion by analysing the case of a specific development on the waterfront, that of the Hilton hotel. Of the proposals discussed in Chapter Five, the Hilton is the one with the most explicit tourism orientation. It thus provides a good example of the way in which the legislative framework may affect the development of a specific tourism project on the Wellington waterfront.

8.2. Background of the proposal

The proposal to develop the Hilton hotel was made by the Waterfront Investment Limited (WIL) and was submitted to the WCC in 2001. Over the next two subsequent years there were a series of refinements to the proposal, and consultation with the public. In 2003, a design proposal from the WIL was accepted by the WDSC. After lengthy negotiations between the WIL and the WWL, a lease agreement was reached in August 2005. The application then was lodged with GWRC in December 2005.

This was for a \$45 million five-star hotel with 142 rooms. It was intended that the hotel will be operated by the Hilton Hotel group under the Hilton brand. The building was to be five stories in height. At its roof line the building was to be 19.4 metres above wharf level. Service areas situated above the main roof line extend the building height to 22 metres above deck level. There are further protrusions and features above the roof line. The most significant of these are two wing walls at the northern end (22 metres above

wharf level) and a light box (26 metres above wharf level) and mast (33 metres above wharf level) at the southern end (EC, 2008).

The main features of the proposal were (EC, 2008: 6&7):

- The construction, maintenance and use of a hotel building with approximately 142 hotel rooms and associated restaurants, bar, function and conference facilities, and ancillary service activities, structure and signage;
- Decks for dining and general use by patrons of the hotel;
- Enhancement of public space in the general vicinity of the hotel;
- Construction, maintenance and use of vehicular access by an underground tunnel from the existing Queens Wharf basement car park to the Outer-T of Queens Wharf;
- Demolition, site work, new piling and refurbishment of the existing wharf structure to facilitate the proposal; and
- Vehicular and pedestrian access from Jervois and Customhouse Quays to the hotel, including, in particular the use of the wharf areas in the immediate vicinity of the hotel for vehicle manoeuvring and short-term parking associated with the operation of the hotel.

The proposed hotel site is located on the Outer-T in an area of the Wellington waterfront generally known as Queens Wharf (see Figure 3), which is primarily a public space and is used extensively for recreational purposes, including walking, running, cycling, fishing, and general open space enjoyment. The space is characterised by heritage buildings and a maritime history, pedestrian-oriented open space, strong city to sea linkage, and an active working wharf.

The presence of a Hilton hotel in Wellington is still perceived by almost all of stakeholders as a great opportunity for tourism development of the city, especially for the benefits of economic regeneration and the enhancement of the city's profile that it will bring. This was illustrated by the following statements:

“We certainly support and are enthusiastic that an international hotel chain such as the Hilton is interested in investing in Wellington. From our point of view that is a good indication that we’re doing a good thing, that we’re on the right track, Wellington is a destination to be seen in, so from that point of views theoretically it’s great for Wellington to have a chain development in Wellington” (An interviewee).

"There was an expectation that we would receive several millions of dollars from the hotel. If the Hilton had gone ahead, private developers would have funded more than \$7 million of wharf strengthening which the council now had to pay for” (The Mayor, in Dominion Post, 2008).

“The Intercontinental and Museum hotels were of a high standard, but adding a five-star Hilton would be a boon to the tourism sector. Having the Hilton brand will send a message to customers around the world that Wellington is somewhere serious as a destination” (Former CEO of PWT in Dominion Post, 2009a).

However, as its proposed location was in the heart of the Wellington waterfront, this project received much attention from different parties, making it one of the most controversial proposals in this area in the last ten years. It was opposed by a coalition of community groups including Waterfront Watch and Wellington Civic Trust, and nearby property owners.

In September 2006, the GWRC’s decision granted resource consent for the Hilton. However, this decision was rejected in March 2008 by the Environment Court who upheld appeals from WCT, WW, several councillors and the Intercontinental Hotel. As a consequence, plans for a five-star Hilton Hotel on Wellington's waterfront have been sunk.

8.3. Regulations involved in this project

Under the RMA, applying for resource consent is needed for any development proposal on the Wellington waterfront. As the proposal falls wholly within the coastal marine area, it falls under the jurisdiction of the GWRC as the sole consent authority. However, WCC has an overall responsibility for the development of the Wellington Waterfront area, therefore the proposal also needed to apply for a development licence from the WCC.

Pursuant to Section 88 of the RMA, WIL applied for resource consent from the GWRC for a discretionary activity under the RCP to construct, use and maintain a hotel building on the Outer-T of Queens Wharf, and to undertake associated activities solely within the coastal marine area. Based on the features of the proposal, under the Section 12 and 15 of the RMA regarding restrictions on use of coastal marine area and discharge of contaminants into environment respectively, the application that was lodged and subsequently made a notification of sought consent for four coastal permits covering activities such as the disturbance and occupation of the seabed, construction of structures, and the potential discharge of contaminants to the coastal marine area. In accordance with Section 93 of the Act, the application of this proposal needed to be publicly notified.

As mentioned in Chapter Seven, under the RMA, at the local level, the RCP and DP are the key regulations to serve the RMA to achieve its purpose of sustainable management of natural and physical resources. The RMA sets out the requirements for the GWRC and WCC in considering an application for resource consent. Under Section 104 of the Act, as the main consent authority, the GWRC has to follow the following requirements:

When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to.

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of .
 - i. a national policy statement,
 - ii. a New Zealand Coastal Policy Statement,
 - iii. a regional policy statement or proposed regional policy statement; and
 - iv. a plan or proposed plan; and
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Clearly, the RCP appears to be the primary statutory planning document when considering the effects of this proposal. However, as the proposal was located on land owned by the WCC, it was required to refer to the DP. Moreover, although the WWF is not a statutory document, it was approved by the WCC as an overarching guide of the development of the Wellington waterfront. As a result, the WWF could not be ignored in the approval process of this proposal.

8.4. Public involvement in this proposal

The case of the Hilton hotel showed that the public had a strong involvement through three major processes: consultation, notification, and appeal.

8.4.1. Public consultation

The major efforts in terms of public consultation were two independent studies on the public's reaction to the proposal that were done in February 2001 and December 2002 by ACNielsen, which was contracted by the WCC. In its 2001 research, in respect of the outer-T, the public were asked if they were in favour of recognising it as a significant site that should include some unique or special structure. The research found that 51% were in favour and 22% opposed. Of those in favour, 86% were opposed to a hotel

being the special structure (ACNielsen, 2001). In ACNielsen's 2002 research, aimed at measuring public reaction to the specific proposal, the public were asked for their view of a hotel being sited on the outer-T, the result showed that 55% supported, 29% opposed, and 16% were neutral (ACNielsen, 2002). The results of the two surveys did not really show strong support from the public for the Hilton proposal at this early stage.

Regarding public consultation, there would be another phase that the public expectation of the proposal would be further explored as stated by the WWF: "A competition should be held to explore options for the outer-T. The competition brief will require all proposals to respect the general principles of the framework including public access and the importance of the view out to the harbour. All proposals should be taken into account that the outer-T is a berth for cruise liners and other vessels" (WLG, 2001: 33). However, no competition has been organised during the approval process of this proposal. This suggests that while the public were consulted about the project site and the idea of a hotel on the site, they were not given the opportunity to get involved in selecting an appropriate design.

8.4.2. Notification of resource consent application

As a requirement of the RMA, under Section 93 of the Act, the resource consent application of the proposal was publicly notified in 2006. 994 submissions were received by WGRC, of the submissions: 155 were in support, 3 were in conditional support, 834 were in opposition, and 2 neither supported nor opposed the application (GWRC, 2006). Apart from concerns about the destruction of views and loss of public open space and access, the most important points that almost of all submissions raised in this process were there was no competition that was organised as a requirement of the WWF, and that the iconic status of the proposal site needed to be considered. This was

stated in newsletter 57 issued by the WW in February, 2006 appealing for submissions to oppose the proposal:

“Waterfront Watch opposes the plan for a hotel on the unique site. We believe this area should be kept for genuine public use and access. The hotel will block views of the harbour and the building’s harsh, angular lines will have a damaging dominant visual impact on the city space. The hotel fails as an “iconic” structure for a “special and unique” site, as described in the Wellington Waterfront Framework. The council has failed to organise a competition to explore options for the site, as recommended by the Framework” (WW, 2006).

Submissions on the proposal were then heard by the Hearing Committee of the GWRC. Explaining the reason why the competition was not organised, it is sated in the Hearing Committee’s report that:

“The majority of the Commissioners find that it is not a statutory requirement that the design competition anticipated by the Waterfront Framework was followed. The resource consent process provides a fall-back position by which public concerns can be addressed” (GWRC, 2006).

In addition, regarding the iconic status of the proposal, the report of the Hearing Committee said:

“Ultimately the Commissioners decided that the ability of the hotel development to achieve iconic status was not a statutory test that the proposal was required to meet. However, they note that a proposal resulting from more rigorous engagement (for example, a competition) is likely to have produced a development concept that could be considered to be iconic” (GWRC, 2006).

It appears that the WWF was not accepted by the GWRC as having statutory status. Therefore the competition and iconic status required by the WWF were not considered during the approving process of this proposal. However, this may contradict the following statements mentioned in the Hearing Committee’s report:

“The Commissioners consider that the Waterfront Framework is a relevant document for assessing this proposal, especially the objectives and principles relating to development of the Waterfront” (GWRC, 2006).

“The majority of the witnesses who appeared at the hearing (whether as submitters, on behalf of the applicant or on behalf of GWRC) made reference to the Waterfront Framework. All agreed that it was of relevance to the proposal” (GWRC, 2006).

Commenting on this, an interviewee said:

“The Waterfront Framework proposed options for the outer-T by way of a competition to find the most appropriate development for what they termed an iconic site. Although the council had embraced every other aspect of the Framework it decided not to explore ideas for the site. It gave the nod to the Hilton Hotel project”.

After the hearing process, the Hearing Committee of the GWRC determined that the potential adverse effects of the proposal were not significant enough to decline the application. In addition, the Hearing Committee considered the proposal was consistent with the RMA, the RCP, the DP and the WWF (GWRC, 2006). As a result, the GWRC decided to grant resource consent for this proposal. The particular consents granted were:

- Coastal permit WGC 060184 [24998] for the use and development of structures including a hotel building, decks, a vehicular access tunnel, demolition of an existing structure and refurbishment of the existing wharf structure associated with the proposal;
- Coastal permit WGN 060184 [24999] to disturb the foreshore and seabed associated with the re-piling of the existing wharf structure;
- Coastal permit WGN 060184 [25000] to discharge contaminants to the coastal marine area in connection with demolition and construction activities.

8.4.3 Appeals

Although the resource consent of this proposal received a majority of opposing submissions, the resource consent approval was still granted to allow WIL to “build, use and maintain” a Hilton hotel over the seabed on the Outer-T of Queens Wharf. This decision then received a strong reaction from the public who exercised the right under Section 120 of the RMA to bring the case to the EC. The appeals against the GWRC’s decision were lodged by Waterfront Watch and the Civic Trust, the Intercontinental Hotel, two property companies, and two individuals (EC, 2008).

As a consequence of the appeals, the decision to grant resource consent to the WIL by the GWRC was rejected in March, 2008 by the EC. Using the RMA as a guide, the EC issued a 94 page decision (Decision No.W015/2008). In its decision, the EC acknowledged the contribution of the proposal to tourism development of the city by stating that:

“We acknowledge that the Hilton development will enable its developer and the hotel operator to promote their economic wellbeing. It will provide economic benefits to the wider community. The Hilton will provide 5 star accommodation facilities for those who choose to stay in it. It may attract additional tourists. There will be dining and socialising opportunities for those who choose to use the restaurant and bar facilities” (EC, 2008: 25).

However, based on the RMA, the Court provided a number of reasons for its rejection which are summarised as follows:

- The Hilton hotel proposal was illegal. Putting a major hotel on the Outer T of Queen’s wharf contradicts a range of City and Regional Council rules and breaches the Regional Coastal Plan, the Waterfront Framework, and the District Plan;

- Using the Outer T for a five-star hotel was inconsistent with the sustainable use of natural and physical resources. In addition, a hotel would also affect the area's amenity values;
- The stem of the outer T will become a vehicle precinct;
- The effect on pedestrians and cyclists will be “significantly adverse”;
- Rather than fitting in with the scale of the remaining heritage building near the outer T, the Hilton will “tower over and dominate them”;
- The hotel would block view in an “acceptable” manner;
- The hotel building was too big, would reduce public access, would cause traffic problems and affect the wharf's heritage;
- The dominance of the building in its context, the reduction of public space, the creation of a vehicle precinct on the outer T, the loss of public and private views, the reduction of berthage - which gives the area much of its character - and additional shading on surrounding areas;

8.5. Key issues raised in the Hilton hotel case

From the approval process and the EC's decision on the case of the Hilton hotel, there are a number of issues and arguments relevant to the waterfront development, not just hotel issues. These issues are presented in the form of the following themes.

8.5.2. Regulatory Ambiguity

In terms of regulatory provisions, ambiguity appears to be one of the key factors influencing the waterfront redevelopment in general and the specific proposals in particular.

Firstly, although the WFF is a non-statutory document, it has been accepted by all parties as a guideline for the redevelopment of the Wellington waterfront. It sets out specific requirements regarding features of the location where the proposal is located

and design requirements for the building that the proposal has to comply to. Specifically, in the case of the Hilton Hotel proposal, the WWF describes the outer-T as a “special and unique site - a focus for the waterfront and for vessels entering the inner harbour. A structure that reflects this iconic nature could be located on the outer-T” (WLG, 2001: 33). In a summary of the key features of the waterfront, the Framework also refers to the need for an “iconic” structure responding to this special and unique site. It appears that the WWF requires any proposal to not only reflect the iconic nature of the site but also contain an iconic structure in terms of design. These requirements might be a challenge for any development proposal seeking to be approved.

In addition, the regulatory ambiguity is also evident by the use of word “predominantly” in the WWF:

“The entire waterfront is predominantly for people, not motor vehicles. Pedestrians and non-motorised transport will be able to use the waterfront safely. However, service vehicle access needs to be provided”. (WLG, 2001:19)

“Ground floors of buildings will be predominantly accessible to the public”. (WLG, 2001:19)

It appears that “predominantly” is quite open for interpretation. This may introduce a difficulty for the developers and implementer in terms of proposing an appropriate design. As the CEO of the WWL said:

“In the framework it said, “ground floor should be predominantly public accessible”, what does that mean? What does “predominantly public accessible” mean? Does it mean a half or $\frac{3}{4}$ or does that mean $\frac{3}{4}$ and the whole waterfront but one building can be no access so it is very open to the interpretation so we had some difficulties understanding”.

The ambiguity in the WWF was explained by a former member of the WLG that:

“That was done quite deliberately because we knew that for some of the existing buildings it is proving to be quite hard to find public activities that could go on

the ground floor so the buildings are empty. So we didn't want to be too strict, saying every bit of the ground floor has to be public space. That's why we used the word "predominantly"... The trouble with the WWF is that the people who were put on the Group were, like the CCC, very diverse with very different ideas about what should happen to the waterfront. But we had to come up with words that everybody agreed with, so there are things in the WWF that, when you read them, are a bit ambiguous. When I read it I see something in my head but when I give it to someone else to read it means something different to them"

In this case of the Hilton Hotel, on the matter of the height and bulk of buildings, a zero metre height limit in areas of the waterfront identified for development is also perceived as a regulatory problem. As stated by the WCC in Variation 11 proposal:

"One unusual feature of the existing controls is the zero height limit for all areas of the waterfront except land occupied by existing buildings which have height limits reflecting existing building heights... A zero height limit provides no permitted baseline for the assessment of resource consents. It is possible that future resource consent applications could face significant planning and legal obstacles if issues such as building height and the intensity of development were to be raised by submitters" (WCC, 2008b).

8.6.1. Statutory status of the WWF

The EC's decision on the Hilton hotel did not question the existing Waterfront Framework. It acknowledged it as a Council policy document but questioned its statutory status and method of incorporation into the District Plan. The Court identified that the WWF had not been tested through the RMA process, and concluded that the WWF has non-statutory status.

This conclusion seems to be a shock to all parties because everybody referred to the WWF as the guiding document and argued that they were complying with the requirements under the WWF. In fact, as mentioned earlier in notification process, this issue was recognised by the Hearing Committee of the GWRC during the hearing process of the proposal; however, the issues had not been considered adequately before granting the resource consent to the proposal. This was illustrated by the following comment:

“If they receive a proposal to do something that is not allowed in the District Plan and the Framework they should not approve it. If they complied with their own rules then the public wouldn’t have to object to their decision and take them to the Environment Court” (A former member, WLG).

This may suggest that if the statutory issue had been solved before the GWRC’s decision on resource consent, the Hilton hotel decision would not have been appealed.

8.6. Rules to be changed

The EC’s decision on the Hilton hotel on the outer-T received both positive and negative reactions from different parties. The opponents of the development seem to be very content with the Court’s decision, while the supporters appear to be very disappointed. The supporters tried to blame the opponents, as the Mayor complained:

“Currently, every single one gets appealed to the Environment Court. Is it fair that one, two or three dissatisfied people - who could be well-meaning through to being mischievous - can hold up a development for two, three or four years?” (Dominion Post, 2009b).

This was supported by the CEO of the WWL who said:

“Everything we do, almost bar none, has to have a notified resource consent. That's an extremely expensive and time- consuming process. I've never faced so many blockages in terms of a strategic direction of where we want to go. I don't like it, but I accept we have to do that. I'm not a private developer" (Dominion Post, 2009b).

As a result of the EC’s decision on the Hilton, the WCC made a number of changes in its regulations. Firstly, the WCC planned to move the location of the Hilton hotel from the outer-T to North Kumutoto. Then, the Council proposed Variation 11 to the DP in which the primary rule is to provide for the management of new building development on the waterfront and specifically in the North Kumutoto area. As mentioned in Chapter

7, Variation 11 contains a number of amendments to the DP that provide the developers and implementers with clearer guidance and a lot more certainty. Under Variation 11, in North Kumototo, the zero height limit will be removed, specific heights will be applied as follows: Site 10 is 30m, no height discretion; Site 9 is 16m to 25m, no height discretion; and site 8 is 16m, no height discretion (see Figure 9). Variation 11 proposes 60% of the ground floor must be publicly accessible. In addition, there is an important amendment under Variation 11 that any building development within an identified area that is not covered by the Discretionary (Restricted) will require consent as a Discretionary Activity (Unrestricted). This means that resource consent must not be notified. However, this also means that the public will not have the chance to appeal the case.

8.7. Conclusion

This chapter examined the impact of the legislative framework through the case of the Hilton hotel. It has discussed the regulatory provisions relating to the proposal and provided an analysis of the key influential regulation factors as well as the rule changes as a consequence of the case.

To conclude, the Hilton hotel case showed how specific developments on the Wellington waterfront work within the legislative framework. By providing the public with opportunities to get involved in approving process of the project through consultation, notification, and appeals, the legislative framework may slow down the development of the waterfront. In addition, the Hilton Hotel showed that with specific requirements and principles for the specific development, legislative framework tends to present its impact on specific developments rather than the development of waterfront as a whole. The Hilton hotel also revealed that while on the one hand the legislative framework provides the stakeholders with opportunities to influence the development;

on the other hand it gives local authorities the power to change their rules to facilitate the development. As a response to the EC's decision, the proposal of Variation 11 indicated that the plan for waterfront redevelopment functions in rather an ad-hoc than a well-planned fashion.

Along with the previous three chapters, this chapter has presented the findings of this study. The next chapter will elaborate on the main findings discussed, as well as putting these findings together in the context of the research objectives.

CHAPTER 9: DISCUSSION, IMPLICATIONS AND CONCLUSION

9.1. Introduction

The literature review in Chapter Two indicated that the relationship between legislation and tourism is still a new area in tourism research. Little research has been done so far on the way in which legislation impacts on tourism development. Therefore, in taking as its context the Wellington waterfront, one of the most debated recent redevelopments in New Zealand, this thesis has sought to shed light on legislative issues around this redevelopment and then explored the way in which these issues affect the redevelopment of the Wellington waterfront in general, and tourism development in particular. To achieve this aim, this thesis has focused on three main objectives. Firstly, the study has examined if tourism is considered in this redevelopment or not. Secondly, it has explored the key players who are involved in this development, and specified the ways in which their roles and power may influence this development. Thirdly, it has defined the existing legislative framework within which this development takes place. Then, specific requirements and rules of each legislative piece within that framework were discussed. From that, the most influential factors of the legislative framework for waterfront redevelopment were explored. A specific development proposal, which is the project most relevant to tourism, was then selected and discussed in the context of the legislative framework. From that the impacts of legislative framework on tourism development in this area were considered.

Specifically, this thesis examined the extent to which the role of tourism is considered in the waterfront redevelopment and the way in which legislation impacts on tourism development in this area. The related literature was reviewed to establish a theoretical background, which highlighted a need for research on legislation and tourism

development. The importance of the waterfront redevelopment in urban tourism, and the waterfront's status as one of the attractions that pulls in visitors and investors to Wellington city justified the selection of the Wellington waterfront as a study site. A qualitative approach was adopted in this study. The information was collected from documentation and semi-structured in-depth interviews with stakeholders involved in the redevelopment of the Wellington waterfront. Content analysis and triangulation were employed to analyse this information.

The analysis presented in the previous chapters revealed some complexities of the waterfront redevelopment and issues around it. Although tourism was not considered as one of the key driving forces of the redevelopment of the Wellington waterfront, it does have a role to play in this redevelopment. In terms of the impact of the legislative framework, the findings showed that the legislative framework tends to impact on specific developments on the waterfront rather than the waterfront redevelopment as a whole. Therefore, it is important to bring these findings together to provide a clearer picture of legislative issues and tourism development in the case of Wellington waterfront. It is also important to revisit the research objectives to assess how well these aims were achieved.

This concluding chapter summarizes and ties together some of the main issues addressed under each of the three objectives. This is followed by a discussion of the implications of the study for local authorities, waterfront organisations, and other stakeholders. Where appropriate, recommendations are also made based on the findings from the study. Implications for future research are then presented. Some concluding remarks summarising the study's main findings, and its significance and contribution to the field of tourism studies is presented at the end of this chapter.

9.2. Discussion

9.2.1. The role of tourism in the development of the Wellington waterfront

As discussed in Chapter Two, tourism is identified as a catalyst for waterfront redevelopment. Some of the most common main drivers of waterfront redevelopment identified in the literature are: to improve public access; to revitalise and improve the image of the city; to achieve economic regeneration; to provide facilities and service for local people; and to underpin the improvement of the physical environment. In addition, the mixed-use approach has been shown to be one of the most successful means of enhancing and maintaining waterfront areas (Craig-Smith, 1995; Fagence, 1995; Kawasaki *et al.*, 1995; Page, 1995; Sarah, 2007; and Lehrer & Leidley, 2009).

In this study, five key driving forces were found, namely: “Improving public accessibility”; “Heritage protection and culture promotion”; “Achieving economic regeneration”; “Improving the city’s image”; “Providing services and facilities”; and “Mixed-use”. Although tourism was not recognised as one of the key driving forces of the redevelopment of the Wellington waterfront, within these broader drivers, there are opportunities for tourism development.

Specifically, the “Improving public accessibility” driver creates an important opportunity enabling tourists to access and explore the waterfront. This driver implies that if the public is allowed access to the waterfront, it may become an attraction that draws in visitors. In particular, by accessing the waterfront, the public may find interesting things about the waterfront, such as harbour views, water and amenities around the area that they haven’t had the chance to explore in the past.

Similarly, “Heritage protection and culture promotion” is also an important chance for tourism to play a role in motivating development because heritage and culture are important components of tourism that attract tourists to an attraction. In fact, the

waterfront is rich in both Maori and European history. There is a range of aspects to the pre- and post-colonial history of the waterfront, including maritime, social and economic aspects (WLG, 2001). Therefore with the driver of protecting heritage and promoting culture, the waterfront certainly has potential as a tourist attraction for not only locals but also international visitors.

Likewise, “Achieving economic regeneration” is also relevant to tourism. This driver allows development in order to generate economic benefit. In addition, Craig-Smith (1995), Fagence (1995), Page (1995b), and Pearce (1998) all confirmed that tourism development had a major economic importance in terms of increasing job opportunities, investment, and economic return to a destination’s economy. Therefore this driver may provide tourism investors with opportunities to come up with tourism development proposals in this area. Tourism proposals would help by generating economic revenue to support further redevelopment.

Also, the drivers of “Improving the city’s image”, “Providing services and facilities”, and “Mixed-use” are all related to tourism. As indicated by Berg *et al.* (1995), the attractiveness of a city is determined by the city’s image in the perception of potential visitors”. As a result, with the aim of improving the city’s image, the redevelopment of the waterfront may enhance the profile of Wellington as a destination and contribute to tourism development of this capital city. In addition, many services and spaces in urban areas are shared by both tourists and residents (Pearce, 2001c). Therefore, providing services and facilities on the Wellington waterfront will facilitate the enjoyment and accommodate the attendance of not only local people but also tourists. The “Mixed-use” approach in terms of open space and commercial development enable events to happen on the waterfront as well as providing a source of funding to maintain the waterfront.

The findings showed that in general the redevelopment of the Wellington waterfront is similar to the waterfront redevelopment literature in terms of the key driving forces of

the redevelopment. However, the Wellington waterfront has dissimilarities to some specific cases. For instances, Craig-Smith (1995), Fagence (1995) and Page (1995b) all identified a very strong tourism rationale involved in waterfront redevelopment. In the case of Darling Harbour, Australia (Craig-Smith, 1995) and the London Docklands (Page, 1995b) tourism was the prime driver for the development. The Wellington waterfront differs from these cases in the way that tourism is not spelled out as one of the key driving forces of the redevelopment. However, the above discussion on the main key driving forces of the Wellington waterfront redevelopment showed that tourism may be contained within each of the drivers identified. In addition, with the driving force of “Achieving economic generation” the Wellington waterfront redevelopment is in line with the broader urban tourism literature, which acknowledges that the main reason for incorporating a tourism rationale in urban development is for the economic benefits that it will contribute to the destination (Jansen-Verbeke & Lievois, 1999; Schofield, 2001; and Rogerson, 2002).

The findings also indicated that while the amount of tourism rationale involved in the Wellington waterfront is clearly different from the waterfront literature, the redevelopment of the Wellington waterfront reflects the characteristics of urban tourism in general and waterfront redevelopment in particular. The study found that the waterfront is essentially “Wellington’s waterfront” as defined by the WWF. There was an absence of any kind of tourism-related argument in the documentation and from the discussion with stakeholders. Wellingtonians were perceived as the key focus by stakeholders and throughout the documentation. The Wellington waterfront clearly illustrated that public use was the first and foremost consideration in the development process. This characteristic of public significance is recognised in cases from Craig-Smith (1995), Fagence (1995) and Page (1995b) that all indicated that public access and benefits were the key drivers of the redevelopments. This also complements the

argument of Warren & Taylor (2003), who observe that the extent to which cities can attract visitors as destinations greatly depends on how well it meets the needs of its own residents. If residents are not attracted to their own city, it is certain that visitors will not be either (Warren & Taylor, 2003). This is also in line with the findings from Pearce's (1998) study on tourism development in Paris, in which many goods and services used by tourists are in fact first provided for the public.

Furthermore, the results showed that although tourism was not considered as one of the key driving forces of the redevelopment of the Wellington waterfront, it served as a rationale to support some major specific tourism development proposals, such as the Waka house, the Chinese Garden, the OPT and the Hilton Hotel. Within those proposals, tourism arguments are realised and are implemented as a supplementary characteristic and complementing theme. For instance, it can be seen in Chapter Five, tourism was not the primary rationale for the developments of the Waka house, the Chinese Garden, or the OPT but it was used as supporting arguments for these proposals. Therefore, tourism in the case of Wellington waterfront seems to be developed through the process of opportunism. This supports the point raised by Law (1993) who argues that tourism development is a product of opportunism.

The discussions above reveal that the redevelopment of the Wellington waterfront did not incorporate tourism as one of the key driving forces of its redevelopment. Local residents were the key focus in terms of who it is intended to be developed for. This is dissimilar to the broader waterfront research, which identifies tourism to be of significance for waterfront redevelopment. However, tourism arguments were recognised in the specific development proposals. Tourism served as a complementary argument for those proposals. Therefore the study concludes that although tourism was not a major factor in the redevelopment of the Wellington as a whole, specific proposals have contained a major tourism element. The extent to which tourism is considered in

the waterfront redevelopment can be explained by exploring the governance structure for the waterfront redevelopment and identifying key players involved in the process.

9.2.2. Governance structure and the key players

Key players involved in urban tourism as indicated in the literature include local government, the public, planners, and pressure groups. Similarly, in this study, through the discussion of the evolution of the governance structure and the planning process of the redevelopment of the Wellington waterfront, the key players that were identified in this study included the WCC, council-controlled organisations, urban planners, property owners, developers, and the public. The findings showed that despite several changes in governance structure the WCC is still the key stakeholder involved in this redevelopment with the tripartite role of owner, rule maker, and decision maker. Other players include the WWL, which acts as the main implementer, and TAG and SPC, who perform as professional and technical consultants. While the WWL is responsible for the implementation of this development and is the main point of contact for the developers, the SPC is in charge of reviewing and approving waterfront development plans. Clearly, these two organisations have a large influence over the planning and implementation of the waterfront redevelopment. However, these two players are under the control of the WCC. It is also important to note that the role of signing off on the annual waterfront development plan, as well as the role of granting development licences to specific projects, provides the WCC with a strong influence not only on the waterfront redevelopment as a whole but also on specific developments.

The analysis of the information from documentation indicated that tourism objectives were not included in strategic plans of the WWL as well as waterfront documents issued by the WCC. As a result, tourism was not explicitly incorporated into the waterfront

redevelopment. This also illustrated the reason why tourism was not considered as one of the driving forces of this redevelopment.

Conversely, the waterfront was found as a key branding element of the marketing activity of the PWT, which is Wellington's tourism organisation (PWT, 2009a). However, although irregular informal meetings between WWL and PWT are held, the role of the PWT was not mentioned at all in the waterfront documents. This may also explain the low level of tourism rationale involved in the redevelopment of the Wellington waterfront.

In the case of the Wellington waterfront, urban planners were identified as another set of important players, primarily commissioned by implementers and developers. While the developers have a direct involvement but less influence on the decision making-process, urban planners have an indirect involvement but strong influence on decision-making. They tend to work closely with implementers and decision makers and therefore play a very important role in planning issues. Within the redevelopment of the Wellington waterfront, urban planners act as technical advisors and resource consent application defenders and consequently appear to be one of the most influential set of players. This complements the argument raised by Dredge & Jenkins (2007) that planners are facilitators and active agents in the political decision-making process and they have an important entrepreneurial role in framing issues and shaping planning and policy processes. They can shape many aspects of planning processes, debates and outcomes (Dredge & Jenkins, 2007).

The Wellington waterfront also presents the characteristics of the multidimensional and multifunctional nature of waterfronts. It is a place of a wide range of events and activities as well as businesses. The WCC responds to this multifunctional and multidimensional nature by involving all individuals and stakeholders that have an interest in the waterfront. Through public consultation in the planning process, the

WCC provides the opportunity for these groups to participate in an early stage of the planning process by recommending changes, proposing development projects, and/or debating. This is where the property owners and community groups can get involved and influence the redevelopment of the Wellington waterfront as a whole. The WW, which is the only community group dedicated to the Waterfront, was identified as the most influential community group on the Wellington waterfront. However, regarding the public consultation process, the discussion with representatives from community groups indicated that these groups viewed that their input in this redevelopment was not adequately considered by the WCC. This can be justified by the fact that although 1 of 49 submissions was in support to Variation 11 to the DP, the WCC finally approved this Variation.

The study also found that there was a competing demand between players. While implementers and developers favour commercial development with new buildings, the public and community groups press for open space and fewer new buildings. It might be argued that with major concerns about the loss of view, public and community groups' involvement and reaction may slow down and even stop current development of the Wellington waterfront. Therefore the management of the waterfront redevelopment is challenging. As a result, defining the legislative framework for the redevelopment of the Wellington waterfront is needed in order to identify within the legislative framework what opportunities there are for the public to be involved in this development, and to have an understanding of the way in which the waterfront redevelopment is managed or impacted by the requirements and rules imposed by the legislative framework.

9.2.3. Legislative framework and its impact on the redevelopment of the Wellington waterfront

This study identified that the RMA, RCP, and DP are the three key pieces of legislation that established the legislative framework within which the redevelopment of the Wellington waterfront as a whole takes place. In addition, the WWF, which was approved by the WCC as an overarching guide for the redevelopment of the Wellington, is also included in this framework although it has non-statutory status (see Figure 7).

At the national level, with the purpose of promoting the sustainable management of natural and physical resources the RMA appears to be the most influential part of the legislative framework on the waterfront redevelopment. As the primary law, the Act sets principles and restrictions for approving development activities. It also provides the regional councils and city councils with responsibilities and powers to serve the purpose of the Act. Within the RMA, requiring resource consents to be publicly notified and providing the public the right of appeal to these resource consents decisions were identified as the most influential parts of the RMA on the waterfront redevelopment as a whole. In this legislative framework, the RCP and DP were identified as effective instruments that serve the RMA at the local level. Under these plans, both the regional council and city council establish criteria, standards, and rules against which development proposals need to be notified and assessed, in terms of their resource consent application and potential effects respectively. With its role as a guideline for the redevelopment of the Wellington waterfront, the WWF sets out principles and conditions in terms of features and design that specific development proposals within this area have to comply with.

The study found that through the consultation, notification and appeal systems of the resource consent process, legislation provided the public with opportunities to get involved in this redevelopment at the specific proposal level. It might be argued that,

though on one hand the public and interested parties may be able to contribute to the quality of the development through these processes, on the other hand opponents are able to make the most of the right provided by the legislation to argue against developments that they do not support because of self-interest. Because of this, the development may be delayed or even cancelled. This reaction makes the resource consent process expensive and time consuming. In addition, this also creates uncertainty for the implementers and developers.

This study also identified some important legislative influential factors, namely regulatory changes and regulatory ambiguity. While regulatory changes impact on the waterfront redevelopment as the whole, regulatory ambiguity proved its influence on specific proposals.

Through the case of the Hilton hotel, the way in which the legislative framework impacts the waterfront redevelopment was clearly illustrated. Through consultation, notification and appeals, the public had a strong influence on the Hilton hotel project. The public engagement contributed to the delay of the proposal. However, the Hilton hotel case also uncovered a numbers of issues regarding the legislative framework within which the redevelopment of the Wellington waterfront takes place. Firstly, the regulatory ambiguity in the WWF and the DP, which is open for interpretation and negotiation, created difficulties for not only the implementers and developers but also for rule makers themselves in approving a specific development. This also gives another chance for the opponents to influence the case. Secondly, the non-statutory status of the WWF, which was acknowledged as an overarching guide, has also been an important influential factor. This study found that the Hearing Commissioners of the GWRC were aware of its non-statutory status during the approval assessment process of the Hilton proposal. However, this matter was not resolved before the decision of resource consent was granted. In addition, although 834 of 994 submissions were in opposition to the

resource consent application, the GWRC still approved the Hilton proposal. This raised another issue regarding the approval process, namely that the public submissions on resource consent notification of the Hilton were not adequately heard and taken into account by the GWRC.

Regulatory changes were also perceived as an important influential factor. Within 10 years of the redevelopment of the Wellington waterfront, there have been 4 major changes in terms of regulations regarding waterfront redevelopment. Firstly, Variation 17 proposed the height for buildings on each site on the waterfront. It also allowed a numbers of buildings to be located on the waterfront. This changed the structure of the waterfront and drew criticism from the public. As a result the WCC withdrew Variation 17 and developed the WWF, which met with the agreement of the majority of the public and other parties. All stakeholders acknowledged the WWF as an overarching guide for the waterfront redevelopment. In order to give statutory weight to the WWF, the WCC proposed Variation 22 to the District Plan which incorporated the WWF into the DP. Especially in Variation 22, it proposed that the height limit of the buildings on the waterfront be a zero metre height limit above mean sea level (see Figure 8) and required that the resource consent of these buildings must be publicly notified. This then was commented on by stakeholders as being an ambiguous regulation, creating difficulties for all the parties. The latest variation to the DP was Variation 11 which is a response to the EC's decision on the Hilton hotel proposal. Major changes in Variation 11 included specifying the height for the buildings in the North Kumototo (see Figure 9), which is identified in the WWL as a potential future site for the Hilton hotel. Variation 11 removed the notification requirement of the resource consents of the buildings in this area. Therefore Variation 11 may help the WCC, implementers and developers to deal with public opposition and provide more certainty for these parties. All these regulatory changes indicate that the Wellington waterfront was redeveloped incrementally and in

ad-hoc basis rather than as a well-planned development. This is in line with the finding from Pearce's (2001c) study on the development of trams in Christchurch. In addition, the changes in regulations also showed the power of the local authority on the waterfront redevelopment. The Council is able to change the rules to avoid public opposition and to facilitate the approval procedure of the development proposal. This supports the argument raised by Cooper & Flehn (2006) that once governments have been persuaded of the value of a development, they will do almost anything to ensure that it is approved. However, the Wellington waterfront differs from the finding in Piga's study on the implementation of legislation in Italy where the local government chose not to yield to a developer's request by not changing a norm prohibiting construction near the coastline (Piga, 2003).

The above discussion reveals that the legislative framework tends to impact on the specific developments rather than the waterfront redevelopment as a whole. Findings from the case of the Hilton hotel proposal showed that on the one hand the legislation provides the stakeholders with opportunities to influence the waterfront redevelopment; but on the other hand it provides the local authorities with power to change the rules to adapt to the changes in the environment. This confirms the statement of WTO (1994) that urban development planning is a continuous process and that the strategies involved must be sufficiently flexible to change with the environmental conditions that it exists within and to respond to additional information that it might receive.

9.3. Implications and Recommendations

This section summarizes the implications for local authorities and stakeholders who are involved in the redevelopment of the Wellington waterfront in order to maximize the waterfront's potential and to reduce the unexpected impact of the legislation that could

delay the progress of this redevelopment. It also provides some recommendations for future research on waterfront development, aimed at solving the shortcomings raised in this study.

9.3.1. Implications and Recommendations for local authorities and stakeholders

The first implication for the local authorities and stakeholders is that tourism fits into the redevelopment of the Wellington waterfront. Research on waterfront redevelopment recognised that tourism developments could have significant economic benefits and be beneficial in helping to achieve the purpose of waterfront redevelopment. However, the case of the Wellington waterfront showed that the role of tourism was not significantly considered. PWT, the Wellington's tourism entity, does not have a strong involvement in this redevelopment. Waterfront and urban tourism literature has demonstrated the success of waterfront redevelopment and marketing the waterfront as an attraction (Berg *et al.*, 1995; Craig-Smith, 1995; Fagence, 1995; Law, 1996, and Page, 1995a). At present, only PWT acknowledges the vital role of the waterfront in Wellington's tourism marketing strategy. It is strongly recommended that the WCC should consider the role of tourism in waterfront redevelopment and facilitate stronger involvement of tourism organisations in the early stages of the waterfront redevelopment. It is advisable that the PWT should be provided by the WCC with a formal role in this redevelopment. In addition, due to the multi-functional and multi-dimensional characteristic of the waterfront, it is recommended that the WCC involve a broader collaboration between waterfront organisations, especially PWT, to ensure that the full potential of Wellington's waterfront is achieved.

Among the development proposals along the Wellington waterfront, the Hilton Hotel proposal shows itself as having a very strong tourism rationale. The presence of a Hilton

Hotel in Wellington may enhance this capital city's profile. It also may maintain the increased flow of visitors to Wellington as well. According to the WWL, the Hilton developer is still interested in being located on any site on the Wellington waterfront. It is now agreed that the location of the Outer T, at the heart of the waterfront, is not a feasible site. However, it is recommended that the WCC should consider an appropriate location for the Hilton hotel.

Secondly, the public are very important players in waterfront redevelopment. The public showed their strong interest in the Wellington waterfront redevelopment. Public involvement provides a strong influence on this redevelopment. It contributes to the success of the sustainable management of natural and physical resources, which is the key purpose of the RMA. It is strongly recommended that the local authorities maintain public confidence in the waterfront redevelopment. However, in order to minimize the public's opposition that may delay development, the local authorities should engage the public from an early stage of the redevelopment. Public feedback should be adequately considered.

Thirdly, the current legislative framework controls the development; ensures the quality of development; and facilitates the involvement of stakeholders in the decision making process. However, it is now 10 years since the WWF was approved by the WCC as an overarching guide for the redevelopment of the Wellington waterfront. During 10 years of implementation, the WWF has shown itself to have major issues that adversely influence the waterfront redevelopment: specifically, its ambiguity and non-statutory status. There is especially still an issue of the perception of different parties regarding whether the WWF is a conceptual or design guide for the waterfront redevelopment. As indicated in the EC's decision, some planning witnesses still refer to the WWF as "the dominant design guide for the Wellington waterfront within the Lambton Harbour Development area" (EC, 2008:10). Because of these issues, it is highly recommended

that it is time for the WWF to be reviewed by the WCC in order to not only enhance its statutory status but also provide a comprehensive guide for the waterfront redevelopment.

9.3.2. Implications for future research

This study has employed an appropriate methodology which has produced meaningful results. The findings have been presented and largely discussed based on the research objectives and linked back to the literature review. The complexity of the issues regarding tourism development, planning process and legislative impacts in the case of the Wellington waterfront has been examined to a large extent. Although limitations of this study were recognised in the methodology chapter, shortcomings still exist, which call for further investigation.

Firstly, the research site may have influenced the research findings. Given the fact that currently there is a lot of interest in redevelopment of the Auckland waterfront where the Hilton hotel is located, if this study had been conducted in this area the results would have been different. Hence, it would be interesting to compare findings of this study with other waterfront areas in New Zealand where the same legislative system is imposed.

Secondly, it is important to understand the extent to which tourists appreciate the waterfront as an attraction. Therefore, a survey undertaken with local and international visitors is desirable. Specifically, there is a need for research at an academic level to be carried out regarding the visitors' satisfaction with the way the waterfront is developed as well as visitors' motivations to come to the waterfront. This understanding may offer a suitable design guide for the waterfront redevelopment.

Thirdly, in order to further examine the impact of the legislative framework on tourism development, it might be useful if future research would identify the extent to which the legislative framework accommodates tourism.

Last but not least, to evaluate adequately the effectiveness and impact of the legislative framework on tourism development, research from a legal perspective would be useful.

9.4. Conclusion

Using the case study of the Wellington waterfront, the study has made a theoretical contribution to tourism research and a practical contribution to local authorities. Firstly, being regarded as the “bejewelled harbour” of Wellington (WLG, 2001), the waterfront is one of the city’s outstanding features. Additionally, with major attractions and a number of events, the waterfront is becoming a “puller” of visitors to this capital city. The redevelopment of the Wellington waterfront is seen as one of the important urban developments enhancing the profile of Wellington as a tourist destination (PWT, 2009a). In this study, although tourism was not significantly considered in the waterfront redevelopment, within the driving forces identified, there are opportunities provided for tourism. This may emphasize the recommendation that if the role of tourism is adequately recognised in this redevelopment, the waterfront’s tourism potential may be maximized. Secondly, the case of Wellington waterfront is in line with urban tourism research by indicating that the engagement of various stakeholders contributes to the success of waterfront redevelopment in general and tourism development in particular. Therefore, stakeholders’ confidence should be maintained by the local authorities. Lastly, this study showed that the legislative framework has impacts on not only waterfront redevelopment as a whole but also specific development proposals. By giving a right to the public to object and final power to the local

authorities, the legislative framework may control, slow and/or facilitate the waterfront redevelopment. Therefore, it might be suggested that if it is properly implemented and complied with, the legislative framework may ensure the quality of the development and manage it in a sustainable way.

APPENDICES

Appendix 1: INTERVIEW GUIDE

Project title: The Wellington Waterfront and Tourism Development: Planning Process and Legislative Framework

Name of organisation:

Name/Position of Interviewee:

The following questions are used as a guide of the interviews. Based on the elaboration of the interviewees, further discussion may be raised. The order of the questions is flexible.

Organisations involved in the redevelopment of the Wellington waterfront

1. Could you please tell me about your organisation? In particular, what is its mission and what activities does it undertake?
2. What role(s) you play in the redevelopment of the Wellington waterfront?
3. Who do you think are the other players in the redevelopment of the Wellington waterfront?
4. What relationships do you have with these players in the redevelopment of the Wellington waterfront?

The Wellington Waterfront and tourism

5. What is the key purpose of the Wellington Waterfront redevelopment?
6. What are the main driving forces in the Wellington Waterfront redevelopment?
7. Do you think tourism fits into the Wellington Waterfront redevelopment? If so, how? If no, why?
8. What do you think of the role of tourism in the Wellington waterfront?
9. What is your opinion of the role of the Wellington waterfront in tourism development?
10. From your points of view, what features make the Wellington waterfront a tourist attraction of Wellington?

Legislative framework for the redevelopment of the Wellington waterfront

11. What is the legislative framework within which the redevelopment of the Wellington waterfront takes place?
12. In what ways do you think the legislative framework affects the redevelopment of the Wellington waterfront? Could you please give me some specific examples?
13. Which parts of the legislative framework do you think are the most influential for the redevelopment of the Wellington waterfront?

The implementation of legislative framework in managing the redevelopment of the Wellington waterfront

14. How does the planning process for the Wellington waterfront work within this framework?
15. What have been the most important proposals on the Wellington waterfront in recent years?
16. What were the approval procedures for these proposals?
17. Was your organisation involved in these procedures? If so, how?
18. Is this typical of the way in which other proposals have been handled?

General question

Are there any changes which you would like to see take place in terms of the way in which the redevelopment of the waterfront is managed?

Is there anything else related to this topic you would like to discuss?

Thank you for your participation in this study!

Appendix 2: INFORMATION SHEET (FOR CEO/Equivalent)

Project title: The Wellington Waterfront and Tourism Development: Planning Process and Legislative Framework

My name is Hanh Nguyen and I am a student at Victoria University of Wellington doing a Master in Tourism Management. As part of the requirements of the degree, I am undertaking a thesis on “The Wellington Waterfront and Tourism Development: Planning Process and Legislative Framework”. The main aim of this study is to understand the way in which tourism development on the Wellington waterfront is impacted within the existing legislative framework. This project has received approval from the university’s human ethics committee.

This is to inform you that **{Name of the Interviewee}** has agreed to take part in this research through an interview that is going to be around 1 hour. This interview is designed to collect information on: key players involved in the redevelopment of the Wellington waterfront; the Wellington waterfront and tourism; existing legislative framework for the Wellington waterfront, and the implementation of this framework in managing the redevelopment of the Wellington waterfront.

The collected data will be used to write a final thesis. All the information will be kept at a secure location, and will be only available to my supervisors, Associate Prof. Ian Yeoman, Prof. Douglas Pearce, and myself. Participants have the option to review interview notes. All interview notes will be stored securely and destroyed two years after the completion of the thesis. The final thesis will be deposited in the University Library and a conference paper and journal article may be published using the data.

Your organisation can withdraw at any stage before 15th November 2009 when the process of analysing collected data starts.

As CEO/ senior representative of the organisation, I would like your permission to authorise **{Name of the Interview}** to speak on behalf of the organisation. I would also like your permission for the organisation’s name to be used in the report, alternatively the organisation’s name can remain confidential and attributed direct quotes from the interview will not be used. Please indicate your preference on the consent form and return to the researcher via **{Name of the Interview}**. The interview with **{Name of the Interview}** is scheduled for **{date and time of the Interview}**.

If you have any questions or would like to receive further information about this study, please do not hesitate to contact me via email: hanh.nguyen@vuw.ac.nz or my supervisors, Associate Prof. Ian Yeoman ian.yeoman@vuw.ac.nz, and Prof. Douglas Pearce douglas.pearce@vuw.ac.nz or by mail at Tourism Management Faculty, Victoria School of Management, Victoria University of Wellington, P.O. Box 600, Wellington.

Nguyen, Thi Hong Hanh

Appendix 3: INFORMATION SHEET (For the interviewee)

Project title: The Wellington Waterfront and Tourism Development: Planning Process and Legislative Framework

My name is Hanh Nguyen and I am a student at Victoria University of Wellington doing a Master in Tourism Management. As part of the requirements of the degree, I am undertaking a thesis on “The Wellington Waterfront and Tourism Development: Planning Process and Legislative Framework”. The main aim of this study is to understand the way in which tourism development on the Wellington waterfront is impacted within the existing legislative framework. Semi-structured interviews with relevant organisations will be used in this research. This project has received approval from the university’s human ethics committee.

I would like to invite you to take part in this research through an interview that is going to be around 1 hour and with your permission I would like to record the interview. This interview is designed to collect information on: key players involved in the development of the Wellington waterfront; the Wellington waterfront and tourism; existing legislative framework for the Wellington waterfront, and the implementation of this framework in managing the redevelopment of the Wellington waterfront.

Participation in this project is voluntary. The collected data will be used to write a final thesis. I would like your permission to attribute the information you give to your organisation by name. I would also like to identify your position within your organisation. If you prefer, all information collected will be displayed in non-attributable format so that it will be impossible to identify you or your organisation. Please indicate your preferences in the consent form. In addition to your consent form, to identify your organisation I will also require consent from your CEO or equivalent (unless you hold this position), and I will contact them if you agree to participate.

All the information will be kept at a secure location, and will be only available to my supervisors, Associate Prof. Ian Yeoman, Prof. Douglas Pearce, and myself. Participants have the option to review interview notes. All interview notes will be stored securely and destroyed two years after the completion of the thesis. The final thesis will be deposited in the University Library and a conference paper and journal article may be published using the data.

You can withdraw at any stage before 15th November 2009 when the process of analysing collected data starts.

If you have any questions or would like to receive further information about this study, please do not hesitate to contact me via email: hanh.nguyen@vuw.ac.nz or my supervisors, Associate Prof. Ian Yeoman ian.yeoman@vuw.ac.nz, and Prof. Douglas Pearce douglas.pearce@vuw.ac.nz or by mail at Tourism Management Faculty, Victoria School of Management, Victoria University of Wellington, P.O. Box 600, Wellington.

Nguyen, Thi Hong Hanh

Appendix 4: CONSENT PARTICIPATION IN RESEARCH (For CEO/Equivalent)

Project title: The Wellington Waterfront and Tourism Development: Planning Process and Legislative Framework

Please tick boxes if you agree with the following statements:

- ☐ I have been provided with adequate information relating to the nature and objectives of this research project. I have understood that information and have been given the opportunity to seek further clarification or explanations.
- ☐ I authorised **{Name of the Interviewee}** to speak on behalf of the organisation.
- ☐ I understand that my organisation may withdraw from this study at any time before 15th November 2009 without providing reasons, in which case all the information that I have provided will be destroyed.

(Please circle the option that suits you.)

(1) I consent to the use of the organisation's name in the report. For instance, the report could mention that according to (name of the organisation)...

(2) I would like the identity of the organisation to remain confidential. As such, I am agreeable to the use of data from the interview in the report in an aggregated form so that the name of the organisation is not identifiable. In this case, no direct quotations will be used in the thesis or subsequent publications.

- ☐ I would/would not (**circle one**) like to receive a summary of the results of this project when it is completed and therefore I will provide my mailing or e-mail address.

Mailing or E-mail Address:

Name of CEO/Equivalent:

_____ Date: _____

Signature: _____ Position: _____

Name of Organisation _____

Appendix 5: CONSENT TO PARTICIPATION IN RESEARCH (For the interviewee)

Project title: The Wellington Waterfront and Tourism Development: Planning Process and Legislative Framework

Please tick boxes if you agree with the following statements:

- ☐ I have been provided with adequate information relating to the nature and objectives of this research project. I have understood that information and have been given the opportunity to seek further clarification or explanations.
- ☐ I understand that I may withdraw from this study at any time before 15th November 2009 without providing reasons, in which case all the information that I have provided will be destroyed.
- ☐ I understand that any information I provide will be kept at a secure location, and will only be available to the researcher and the supervisors. I give permission for information which I provide to be used in a thesis or any other publications that arise from this research.
- ☐ I allow this interview to be voice recorded
- ☐ I would/would not (**circle one**) like to check the interview notes and agree to any amendments being returned to the researcher within 2 weeks of receipt.
- ☐ I will allow the researcher to (**Please circle the option that suits you.**)
 - (1) publish my organization's name or
 - (2) identify my position within the organization or
 - (3) both.
 - (4) neither
- ☐ If relevant, permission to use the organisation's name has been obtained from a CEO (or equivalent).
- ☐ I would/would not (**circle one**) like to receive a summary of the results of this project when it is completed and therefore I will provide my mailing or e-mail address.
- ☐ I agree to take part in this research.

Mailing or E-mail Address: _____

Name of CEO/Equivalent:

_____ Date: _____

Signature: _____ Position: _____

Name of Organisation _____

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