

North Kumutoto Precinct Project

Section 87F(4) Report



Wellington City Council
Ryan O'Leary

7 April 2015

North Kumutoto Precinct Project:

Proposal One: Construction of a five-storey commercial building

Application 1: WCC Reference No: 319386

Application 2: GWRC Reference No: WGN150102

Applicant: Site 10 Redevelopment Limited Partnership

Address: 10 Waterloo Quay, Wellington (Site 10)

Legal Description: Pt Lot 102 DP 65083, Pt Lot 1 DP 363596 and Pt Lot 9 DP 65083

Approx Map Reference: NZTM: 1749052.5428483

Proposal Two: Development of public open spaces

Application 3: WCC Reference No: 320128

Application 4: GWRC Reference No: WGN150103

Applicant: Wellington City Council

Address: 59 Customhouse Quay, Wellington (Site 8 and immediate surrounds)

Legal Description: Pt Lot 102 DP 65083, Pt Lot 1 DP 363596, Pt Lot 9 DP 65083, Pt Lot 1 DP 66836, Pt Lot 1 DP 64676 and a portion of adjoining legal road (Waterloo Quay), Part Harbour Bed (SO 34581) and Part Wellington Harbour (Port Nicholson)

Approx Map Reference: NZTM: 1748989.5428345

Preamble

1. My name is Ryan O’Leary. I hold the position of Senior Consent Planner at the Wellington City Council (WCC) where I have been employed since 2008. My role involves processing a variety of applications sought under the Resource Management Act 1991 (‘the Act’) through various parts of Wellington City, including more specifically developments within the ‘Central Area’ of Wellington and within the Lambton Harbour Area.
2. I hold the qualification of a Bachelor of Resource Management and Environmental Planning (Hons) from Massey University. I am a member of both the New Zealand Planning Institute and Resource Management Law Association.
3. Although I am employed by WCC, who is also one of the ‘Project Partners’ for this application, my role is in a regulatory capacity within the City Planning and Design Unit. My role in this project commenced on 10 November 2014, being the date when the application was first lodged with WCC. I can confirm that I have visited the application site(s) on numerous occasions and I am familiar with the surroundings.

Overview of the North Kumutoto Precinct Project

4. The North Kumutoto Precinct Project (‘the Project’) consists of two individual proposals (four resource consent applications) sought concurrently:
 - 4.1 ‘Proposal One’ (Applications 1 and 2) relate to the development of a new building and associated earthworks on an area of land known as ‘**Site 10**’. All resource consents related to Proposal One are sought by Site 10 Redevelopment Limited Partnership (‘Site 10 RLP’).
 - 4.2 ‘Proposal Two’ (Applications 3 and 4), relate to the development of public open space and associated earthworks within an area of land known as ‘**Site 8**’ and its immediate surrounds. A new pedestrian shelter will also be erected along the western edge of an area of land known as ‘**Site 9**’. All resource consents related to Proposal Two are sought by WCC.
5. The Project requires resource consents from both WCC (Applications 1 and 3) and Greater Wellington Regional Council (Applications 2 and 4).

Scope of Assessment

6. This report is completed as required under Section 87F(4) of the Resource Management Act (‘the Act’) and will focus principally on the assessment of the two land use consent applications within the jurisdiction of WCC (Applications 1 and 3). A separate Section 87F(4) Report has been prepared by Mr Douglas Fletcher on behalf of the Greater Wellington City Council (‘GWRC’) in support of the resource consent applications within its jurisdiction (Applications 2 and 4).
7. While the primary focus of this report is in relation to Applications 1 and 3, there are certain aspects of the assessment where I have relied on the conclusions of Mr Fletcher, being primarily those matters that typically lie within the jurisdiction of GWRC. I have also relied on the expert advice (attached as Annexure 1 to 10 to this report) from the following advisors:

- Graeme McIndoe – Urban Design (**Annexure 1**)
- Vanessa Tanner – Heritage and Archaeology (**Annexure 2**)
- Michael Kelly – Heritage (**Annexure 3**)
- Soon Teck Kong – Traffic (**Annexure 4**)
- Patricia Wood – Vehicle Access and Manoeuvring (**Annexure 5**)
- Kevin Tearney – Contaminated Land and Diesel Storage (**Annexure 6**)
- Michael Donn – Wind (**Annexure 7**)
- Dick Beetham – Earthworks and Geotechnical (**Annexure 8**)
- Patricia Wood – Earthworks (**Annexure 9**)
- Iain Dawe – Natural Hazards (**Annexure 10**)

Structure of this Report

8. The structure of this report is as follows:
- Section 1 sets out a **Description of the North Kumutoto Precinct Project**
 - Section 2 provides a **Description of the Site and Surrounds**
 - Section 3 sets out the relevant **Planning Framework**
 - Section 4 details to **Written Approvals** received
 - Section 5 provides an overview of the **Notification and Submissions**
 - Section 6 outlines the relevant **Statutory Considerations**
 - Section 7 provides an assessment under **Section 104 of the Act**
 - Section 8 provides an **Overall Evaluation of Part 2 of the Act**
9. In addition to the expert advice listed above, the following documents are also attached to this report:
- List of Submitters (**Annexure 11**)
 - Summary of Submissions (**Annexure 12**)
 - Recommended Conditions of Consent (**Annexure 13**)

SECTION 1 – DESCRIPTION OF THE NORTH KUMUTOTO PRECINCT PROJECT

10. A full description of the Project is provided within the Applicant's Assessment of Environmental Effects (AEE)¹; Athfield Architects Ltd Design Statement²; and, Ithmus Ltd Landscape Design Statement³. However, the key components of each application are outlined briefly below.

Proposal One: Construction of a five-storey commercial building

Application 1: To WCC on behalf of Site 10 RLP (SR No: 319386)

11. The construction of a five storey commercial building (ground level plus four levels above) with a height of 22.4m (amsl) for the majority of the building to be constructed within Site 10. An additional plant room, lift overrun and cooler units will reach a height of up to 26.25m (amsl).
12. The proposed building will be a contemporary designed building, generally rectangular in shape (approximately 27m x 107m) with the building's mass broken up into a series of forms. The main features of the proposed building are described and annotated on the images included as *Fig 1* and *Fig 2* below.

¹ Applicant's AEE, Volume 2, Pg 3 – 6.

² Volume 3 – Appendix 1, Architects Design Statement

³ Volume 3 – Appendix 2, Landscape Design Statement

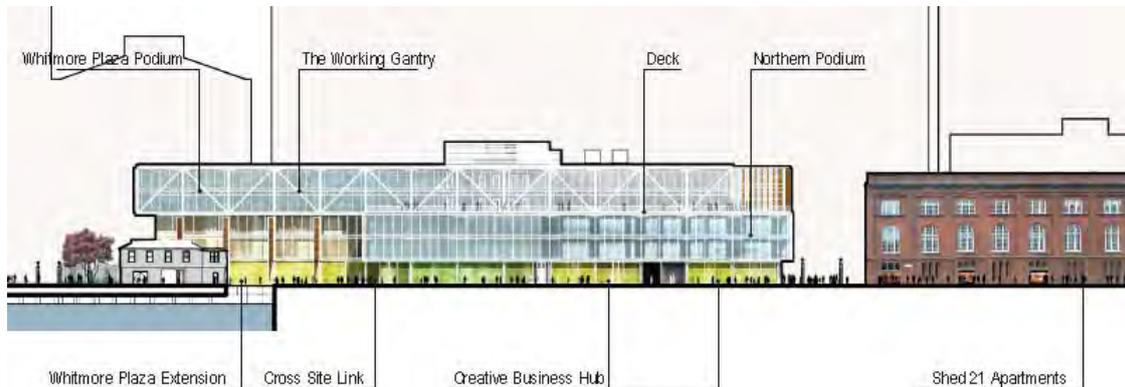
Fig 1: Western Elevation of Site 10 Building



Source: Athfield Architects Ltd Design Statement, Volume 3 – Appendix 1

13. The 'Lower Podium' of the building (Ground Floor and Levels 1 and 2) will be split by the proposed 'Harbour Wharf Link', being a diagonal pedestrian link through the ground floor of the building which will link the 'Waterloo Colonnade' on the western side of the building with the waterfront promenade on the eastern side of the building. The entrance to the Harbour Wharf Link will be highlighted on the western elevation of the building by the 'Glazed Box Window' over Levels 1 and 2 that will protrude out 1.2m from the façade of the building.

Fig 2: Eastern Elevation of Site 10 Building



Source: Athfield Architects Ltd Design Statement, Volume 3 – Appendix 1

14. The top two floors of the building (Levels 3 and 4) will extend more or less continuously for the length of the building, being described as a 'Working Gantry'. Deck areas will also be provided on Level 3 of the building on the lower podium along the eastern overhang; and, on the building's western elevation at its northern end. At the southern end of the building, Levels 1 and 2 will create a 'Portico' space with these floors being set back from the southern edge of the building. This space provides the area of public (covered) open space to be created underneath the building, referred to as the 'Whitmore Plaza Extension'. A portion of both Levels 1 and 2 will overhang the Whitmore Plaza Extension, shaped to reference as a 'Suspended Cab'.

15. This building contains:

15.1 At basement level: carparking for 62 car parking spaces; up to 66 bicycle parks; building services plant, and ablutions. Vehicles and cyclists will both enter and exit the basement carpark via a single lane vehicle access ramp that will be signal controlled. Separate pedestrian access is also provided alongside the vehicle access ramp. A waiting area for vehicles exiting the building is provided within the basement area with priority given to vehicles entering the building.

15.2 At ground floor:

- Four tenancies (Tenancy A to D) are provided in the southern portion of the ground floor being made available for retail, café or exhibition space.
- The northern portion of the building will contain a series of 8 spaces which form a 'Creative Business Hub' or innovation cluster, being fine-grained studio, small business or retail spaces. These spaces are capable of being adapted for a range of configurations.
- A new colonnade will be inserted along the Waterloo Quay side of the building (referred to as the 'Waterloo Colonnade').
- A diagonal ground floor link will be provided through the building linking the Waterloo Quay colonnade to Whitmore Plaza and the waterfront promenade (referred to as the 'Harbour-Wharf Link').
- A truck dock is proposed on the eastern side of the building which will be accessed via Kumutoto Lane. A separate loading bay will also be provided on the western side of Kumutoto Lane.
- Ground floor servicing and maintenance facilities will be provided, including a 1,000L Diesel Storage Tank for an emergency generator (with secondary containment) located within a generator room.

Fig 3: Ground Floor of Site 10 Building



Source: Athfield Architects Ltd Architectural Drawings

15.3 Upper Levels (1 to 4): Each floor is proposed to contain large scale flexible format office space. Each floor can be accessed via either the ground floor

lobby off Waterloo Quay or the lobby that connects Kumutoto Lane and the diagonal link through the ground floor. Level 3 will be provided with supplementary deck areas at its northern and north-eastern ends.

- 15.4 Roof Top: The roof top of the proposed building will contain a plant room and lift overrun (approximately 237m² in area) and two separate chiller units. These elements of the building will be more or less centralised in the middle of the building, away from its side edges, and located north of centre (on a north-south axis)
- 15.5 The construction of the building will involve earthworks and the use and development of potentially contaminated land.

Application 2: To GWRC on behalf of Site 10 RLP (WGN150102)

16. Consent is sought for the diversion of and/or take of ground water during the construction stage of a new commercial building on Site 10.
17. Construction works associated with the development of Site 10 may also involve potential discharge of contaminants to land; the reticulated stormwater system; and, ground water.
18. Consent is required for a discharge permit as a Discretionary Activity under Rule 2 of the Regional Discharges to Land Plan and Rule 5 of the Regional Freshwater Plan and Rule 16 of the RFP for abstraction and diversion.

Proposal Two: Construction of Public Open Space

Application 3: To WCC on behalf of WCC (SR No: 320128)

19. Key components of the proposal for the construction of Public Open Space include:
 - 19.1 **Site 8**: is to be developed as a 'destination space', described within the application as a 'pocket park'. It includes a folded timber deck which provides descending access to the water's edge; the construction of two bridge structures (2 metres wide) which each connect to the Tug Wharf (and waterfront promenade) across the existing riprap wall; a new shelter pavilion; a communal lunch table; and, a selection of coastal planting.
 - 19.2 **Whitmore Plaza**: is to be developed as a large, pedestrian-orientated area but also facilitates vehicular access as a 'shared space'. Whitmore Plaza is to be integrated with the public open space underneath the new building within Site 10, referred to as the 'Whitmore Plaza Extension'. The works involve a reconfigured gateway/street edge and new planting along Waterloo Quay. A series of large timber platforms will provide opportunities for seating, art installations or performances. The timber wharf edge will also be restored and extended. Changes to the entry and exit lanes on Customhouse Quay are also proposed with the number of exit lanes being reduced from 4 lanes to 2 lanes.
 - 19.3 **The 'Toll Booth Building'**: is to be relocated to the southern edge of Whitmore Plaza. The c1910 Toll Booth Building was formerly located on the waterfront near the entrance to Queens Wharf. This building is to be restored and will be 'reintroduced' to the waterfront, albeit on a temporary

basis as it may be relocated in future should Site 9 be developed. A use of this building is yet to be confirmed but could be used as a satellite 'i-Site' Information Centre, pop-up retail or exhibition space.

- 19.4 **Kumutoto Lane:** will be a two-way⁴ 'shared space' with a total width of 5.8m. This lane is described as being primarily a pedestrian space that is shared with vehicle access to allow adjacent buildings to be served. Notably, these buildings include Shed 21, the Former Eastbourne Ferry Terminal Building (occupied by the Wellington Maritime Police Unit) and the new building to be constructed within Site 10. The lane will be surfaced intermittently with raised tables of reclaimed cobblestones intended to slow moving vehicles. Kumutoto Lane will retain the existing vehicle access from the area which will form Whitmore Plaza, along the eastern side of Shed 21, to exit at the Bunny Street intersection. A dedicated pedestrian footpath space will also be provided on the western side of Kumutoto Lane, adjoining the building on Site 10.
- 19.5 **The Waterfront Promenade:** is to be extended through an area beginning north of the Harbour Wharf and extending southwards (past the Tug Wharf) to Site 8.
- 19.6 **Wool Store Plaza:** will also be developed as a 'shared space' which provides vehicular access to the basement level of the Site 10 building, as well as timber seating along parts of Kumutoto Lane, for the north and north-east of the building on Site 10. The existing waterfront gates on Waterloo Quay between Shed 21 and the proposed building on Site 10 are to be realigned with the western edge of the proposed building within Site 10.
- 19.7 **Site 9:** is to remain as a commuter carpark available for short term and long term users, with minor reconfigurations required to the carpark layout which will result in the reduction from 30 to 18 carparking spaces within Site 9. A new pedestrian canopy shelter (1.9m wide) is also proposed to be installed along the Customhouse Quay frontage of Site 9 with minor changes proposed to the existing kerb line to allow a pedestrian footpath to be extended.
- 19.8 **Works adjoining Shed 21:** The proposal involves extending the shared path, planting and street furniture along the eastern side of the Shed 21 building. Specifically, this will involve removing the existing fenceline and relocating the existing gate posts which currently occupy this space. The arrangement of carparks on the eastern side of Shed 21 will also be reconfigured with the total number of carparks reduced from 9 spaces to 7 spaces.
- 19.9 **Earthworks:** The works will require earthworks over potentially contaminated land to recontour the site and to provide for construction of the public open spaces. Generally, this will involve cuts of less than 1m within Site 8 (approximately 1000m³ of cut material is to be transported off site) and the deposit of fill matter to a depth of up to 1m across Whitmore Plaza (approximately 750m³ of fill material is to be imported to the site).

⁴ It is stated in Isthmus, pg 12, that there is an agreement in place between WCC and Centreport to allow Kumutoto Lane to be constructed across land owned by both parties. The plans also illustrate a one-way laneway option entirely within WCC land should this agreement be terminated.

Application 4: To GWRC on behalf of Wellington City Council (WGN150103)

20. A coastal permit to occupy the coastal marine area with additions and alterations to existing structures associated with the proposed works.
21. A coastal permit for additions and alterations to existing structures in the coastal marine area (CMA) including any associated modification of the protected wharf and reclamation edges which are identified in Appendix 4 and planning map 4D of the Regional Coastal Plan (RCP) as features and buildings of historic merit, as well as disturbance of the seabed.
22. A coastal permit for any potential discharges of contaminants to the CMA during construction works.

SECTION 2 – SITE DESCRIPTION AND SURROUNDS:

23. The North Kumutoto Precinct ('the application site') on the wellington waterfront lies between the property at 28 Waterloo Quay (Shed 21) to the north and Kumutoto Plaza to the south. The area of the application site is outlined in red on *Fig 4* below. The precinct lies to the east of Waterloo Quay and Customhouse Quay and occupies an area of approximately 9500m². Collectively, the precinct is made up of the areas known as Sites 8, 9 and 10, and their immediate surrounds.

Fig 4. North Kumutoto Precinct Project area of works



Source: Isthmus Landscaping Drawings, Volume 1

24. The application site consists largely of areas dedicated to carparking. Within the area known as Site 10, the site is occupied by a Campervan Park with associated ablutions block and offices (a relocatable building) and landscaping structures. The Campervan Park operates under an existing resource consent from WCC (SR No: 201508) which provides a flexible arrangement in the number of spaces provided depending on seasonal demand. In the 'high visitor season' the site provides up to 39 campervan parks and 22 car parks (a total of 61 vehicles). In the 'low visitor season' up to 20 campervan parks and 88 car parks are provided (a total of 108 vehicles).
25. Both Sites 8 and 9 are currently used for commuter carparking (at grade), being hard surfaced with peripheral landscaping and associated structures. Site 9

accommodates approximately 30 carparks, and Site 8 providing between 25 and 30 parking spaces.

26. Immediately adjoining the application site to the east is: the Waterloo Quay Wharf and the Waterloo Car Park (owned by Centreport Ltd); the two-storey Eastbourne Ferry Terminal Building (Former) and Harbour Wharf which currently houses the Wellington Police Maritime Unit; and, the Tug Wharf which connects the application site to the wider waterfront promenade to the south-east. South of the Kumutoto Plaza is the Meridian Building (Shed 7). To the west and south-west of the Meridian Building are Shed 13 and Shed 11, respectively. The ‘mouth’ of Kumutoto Stream, which is piped underneath Waring Taylor Street, meets the harbour at Kumutoto Plaza.
27. On the opposite side of Waterloo Quay, to the west of the application site, is a series of buildings including: Maritime Tower at 10 Customhouse Quay (corner of Balance Street and Customhouse Quay); Z Energy Petrol Station (corner of Balance Street, Whitmore Street and Customhouse Quay); the New Zealand Post Building at 7 Waterloo Quay (corner of Whitmore Street and Customhouse Quay); and Waterloo Hotel at 27 Waterloo Quay (corner of Waterloo Quay and Bunny Street). Further north is the Wellington Railway Station.

SECTION 3 – PLANNING FRAMEWORK:

Activity Status:

Application 1:

28. The construction of the proposed building on Site 10 (including earthworks, the use and development of potentially contaminated land) and the storage of hazardous substances (Diesel Fuel) is assessed as a **Discretionary (Unrestricted) Activity** under the Wellington City District Plan. Resource consent is also required as a **Discretionary (Unrestricted) Activity** under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011. The principal ‘triggers’ for which resource consent is sought are outlined within the tables below:

Wellington City District Plan:

Central Area – Chapter 13:		
Rule 13.4.7	Construction of buildings and structures within the Lambton Harbour Area.	Discretionary (Unrestricted)
Rule 13.3.3	<p>13.3.3.3: Vehicle parking, servicing and site access:</p> <p>The proposal fails to meet the following permitted activity standards:</p> <p><u>13.6.1.3.5:</u> the loading area will not meet the required dimensions of 3m in width and 9m in length. The Truck dock will be 4m x 8.5m, with the width of the entry extending to 5.2m.</p> <p><u>13.6.1.3.8:</u> Loading areas within a building must have a minimum clearance height of 4.6m. A headroom clearance of 3.7m is provided</p>	Discretionary (Restricted)

	<p><u>13.6.1.3.10:</u> Loading areas must be no more than 15 metres from a lift and there shall be level access between them. The proposed lift will have level access from the loading area, but this will be 25m away.</p> <p>13.3.3.9: Use, storage, handling or disposal of hazardous substances</p> <p>The emergency generator for the building will involve the onsite storage of 1,000 Litres of diesel fuel.</p> <p>The relevant conditions under Rule 13.3.3 will be met. Notably, the Cumulative Effects Ratio for the site (within a Hazard Area) is less than 0.5 and therefore Condition 13.3.3.17 will be met. The applicant has also confirmed that the proposal will comply with both fixed plant noise provisions.</p>	
Earthworks – Chapter 30:		
Rule 30.2.3	The proposal involves earthworks associated with construction of the commercial building and basement level carpark.	Discretionary (Restricted)
Contaminated Land – Chapter 32:		
Rule 32.2.1	Consent is required for the use and development of potentially contaminated land.	Discretionary (Restricted)

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011:

Regulation 11	The proposal involves soil disturbance and change in land use.	Discretionary (Unrestricted)
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Application 2: To GWRC on behalf of Site 10 RLP (WGN150102)

29. A water permit is sought [33223] as a **Discretionary (Unrestricted) Activity** under the Regional Freshwater Plan for the take of groundwater during the construction stage of a new commercial building on Site 10. A water permit is also sought [33393] for the diversion of groundwater caused by construction of the basement level.
30. A discharge permit is sought [33224] as a **Discretionary (Unrestricted) Activity** under Rule 2 of the Regional Discharges to Land Plan and Rule 5 of the Regional Freshwater Plan. The proposal may potentially involve the discharge of contaminants to land (including to the reticulated stormwater system); and potential discharge to groundwater during construction of the proposed commercial building.
31. Overall, Application 2 is assessed as a **Discretionary (Unrestricted) Activity** under the Regional Freshwater Plan, the Regional Discharges to Land Plan and the Regional Freshwater Plan.

Application 3: To WCC on behalf of Wellington City Council (SR No: 320128)

32. The proposal for the construction and development of public open space (including earthworks and the use and development of potentially contaminated land) on Site 8 and immediate surrounds is assessed as a **Discretionary (Unrestricted) Activity** under the District Plan. Resource consent is also required as a **Discretionary (Unrestricted) Activity** under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011. The principal ‘triggers’ for which resource consent is sought for Application 3 are set out within the tables below:

Wellington City District Plan:

Central Area – Chapter 13:		
Rule 13.4.2	The proposal involves the creation of ‘open land’ ⁵ and (modified) parking areas at ground level that will be visible from ‘public space’ ⁶ .	Discretionary (Unrestricted)
Rule 13.4.7	Construction of buildings and structures (Toll Booth Building) within the Lambton Harbour Area.	Discretionary (Unrestricted)
Rule 13.4.5	The proposal involves development of new open space and the modification of existing open space in the Lambton Harbour Area.	Discretionary (Unrestricted)
Rule 13.3.3	<p>13.3.3.3: Vehicle parking, servicing and site access: 13.6.1.3.4: Neither Site 8 or Site 9 will provide onsite servicing.</p> <p>The site will utilise the existing site access points off Waterloo Quay (Bunny Street intersection) and Customhouse Quay (Whitmore St intersection) which are identified as site frontages where vehicle access is restricted. It is also noted that the Whitmore Street access will be modified as a result of this proposal.</p>	Discretionary (Restricted)
Earthworks – Chapter 30:		
Rule 30.2.3	The proposal involves earthworks associated with the construction of public open space.	Discretionary (Restricted)
Contaminated Land – Chapter 32:		
Rule 32.2.1	Consent is required for the use and development of contaminated/potentially contaminated land.	Discretionary (Unrestricted)

⁵ ‘Open Land’ is defined in Chapter 3 of the District Plan as being: “any land...which is developed for recreation or amenity activities that do not take place in buildings”.

⁶ ‘Public Space’ is defined in Chapter 3 of the District Plan as being: “those places in public or private ownership which are available for public access (physical or visual) or leisure and that are characterised by their public patterns of use. Public spaces include, but not limited to, streets, accessways, squares, plazas, urban parks, open space and all open or covered spaces within buildings or structures that are generally available for use by the public, notwithstanding that access may be denied at certain times”.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

Regulation 11	The proposal involves soil disturbance and change in land use. The tests undertaken within Site 8 (in 2009) do not constitute a Detailed Site Investigation under the NES.	Discretionary (Unrestricted)
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Application 4: To GWRC on behalf of Wellington City Council WGN150103

- 33. Under the Regional Coastal Plan (RCP), the coastal permit sought [33225] to occupy the coastal marine area (CMA) with additions and alterations to existing structures is assessed as a **Controlled Activity**.
- 34. A coastal permit [33226] is required as a **Discretionary (Unrestricted) Activity** for the construction of additions and alterations to structures in the CMA including the associated modification of the protected wharf and reclamation edges identified in Appendix 4 and planning map 4D of the Regional Coastal Plan (RCP) as features and buildings of historic merit and associated disturbance of the seabed.
- 35. A coastal permit is also sought [33227] as a **Discretionary (Unrestricted) Activity** for any potential discharges of contaminants to the CMA during construction works.
- 36. Overall, the proposal is assessed as a **Discretionary (Unrestricted) Activity** under the Regional Coastal Plan.

Overall Activity Status – Applications 1 to 4

- 37. In relation to all consent/permits sought from either WCC or GWRC (Applications 1 to 4), each application is assessed overall as a **Discretionary (Unrestricted) Activity**.

SECTION 4 – WRITTEN APPROVALS:

- 38. Attached to the application as ‘Appendix 6’ is a series of signed statements of support for the design of the building on Site 10 from the following parties:
 - Heritage New Zealand Pouhere Taonga;
 - Land Lease c/- Andrew Wall;
 - Z Energy c/- Tim Dryburgh
 - Brian Galt (owner of Maritime House- 10 Customhouse Quay)

- 39. The letter provided by Heritage NZ, included in Appendix 6, is intended to provide feedback on the proposed plans for Site 10. The ‘conclusion’ states that:

“Heritage New Zealand considers that this proposal for a waterfront building respects the nearby heritage. The bulk and location of the building is suited to its heritage neighbours and its exterior appearance is not dominant or overwhelming. The open spaces offer opportunities for locating interpretation.

Heritage New Zealand recommends that use of the historic gates and railings is built into the project where feasible. Opportunities for interpretation of the area could be included in open space areas”.

40. It is unclear however whether or not this is intended to be read as a formal written approval or not. In any case, notice was served on Heritage NZ and a submission has been received in support of the proposal (see Submission No: 30).
41. With respect to the other statements of support received from: Land Lease; Z Energy; and, Brian Galt; I note that each of these statements include the following explanation:
- “Please confirm by signing and initialling the enclosed copy of this letter that you would not oppose a resource consent application based on the above design. In due course, we would also seek a formal approval from you (to be submitted along with the resource consent application for the development). The approval form will make reference to the application and supporting documentation including the assessment of effects and plans”.*
42. Given that the statement of support that was signed by these parties was preliminary; applies to only the building on Site 10; and implies that formal approval (i.e. written approval) will be sought from these parties as a later date, it is my opinion that these statements should not be considered as written approvals under Section 104(1)(a)(2)(ii).
43. Notice was served on all of these parties (directly or indirectly) and no submissions were received from any of these parties.

SECTION 5 – NOTIFICATION AND SUBMISSIONS

44. The resource consent applications associated with the Project were publicly notified under Section 95A of the RMA (at the applicant’s request) jointly by both WCC and GWRC. The Public Notice appeared in the Dominion Post on 20 November 2014. Signs advertising the public notification of the application were also erected on the site. The submissions period closed 18 December 2014.
45. A total of 45⁷ submissions were received in relation to the applications. Three of these submissions (Submission No: 42 to 45) were late submissions, but were each received on the next working day after the close of submissions. All late submissions were accepted with the agreement of the applicant.
46. The general position of the submissions are tabled below:

General Position of Submission	Total
Oppose	37
Oppose in part	1
Support	3
Support in part	3
Submissions that are Neutral	1
Total Submissions received	45

47. A full list of submitters is attached as Annexure 11 of this report. For convenience, these submissions have been summarised in Annexure 12.
48. Issues raised by submissions in opposition include:

⁷ One additional submission was received and subsequently withdrawn before the close of submissions. This submission is not included in the Summary of Submissions.

Issues raised by submissions in opposition
Site 10 should be developed as public open space. The commercial development of public land and the construction of a building on this site should not occur.
The building height, bulk and size is excessive for the site and the area it is located.
The height width and length exceeds that outlined by the Environment Court in Variation 11. The Environment Court also recommended a 'gentle slope' of buildings along the Quays but this has been ignored.
The design of the proposed building will not meet the exacting standards of 'Design Excellence' as required by the District Plan.
The size and height of the proposed building is inappropriate for its heritage setting. It does not respect its neighbouring heritage buildings (Shed 21) and will dominate and overwhelm the Former Eastbourne Ferry Terminal Building.
The building will make no contribution to the heritage values of the waterfront.
The proposed building will disrupt harbour views from various city locations (public spaces). Glimpses or viewshafts are no compromise for panoramic views.
The proposed building will increase wind issues on adjacent public land and pedestrian areas.
The new building will shade areas of public space along the waterfront.
The 'shared space' along Kumutoto Lane will be confusing and result in conflicts between pedestrians and other users.
The principle of pedestrians first needs to be taken into account and there is the opportunity to provide a pedestrian only route along the waterfront.
Reversing manoeuvres from the Truck dock on the Eastern side of the building will be problematic and will be pedestrians at risk.
The entry/exit to the basement carpark will impact on the operational requirements for users of Shed 21 and the change in grade will impact on deliveries.
No contaminants should be released into the harbour.
Site 10 is not suitable for development given the risks of man-made climate change and increase frequency of extreme weather events.
The proposed building will be constructed on reclaimed land will be subject to liquefaction in a severe earthquake.
The proposal is inconsistent with the <i>Wellington Waterfront Framework</i> and the <i>Wellington Towards 2040: Smart City</i> policy documents.
Kumutoto Stream should be enhanced and made more natural for the area of open space.

49. Issues raised by submissions in support include:

Issues raised by submissions in support
The buildings will benefit the area. The building on Site 10 will be light and translucent, and the building will soften the 'brutalism' of the NZ Post building.
The height and bulk of the building are comparative with Shed 21 and efforts have been made to align key features of the building.
Enough space is provided between Site 10 and the Former Eastbourne Ferry Terminal Building to enable it to be read and understood in a 3-dimensional volume.
Reuse and restoration of the wharf gates offers increased understanding and interpretation of the area.

The reintroduction of the Toll Booth Building to the waterfront is welcomed.
The proposed pavilion will provide shelter and shade.

50. Issues raised by submissions that were neutral include:

Issues raised by submissions that were Neutral
Continued access for emergency and other vehicles to the Wellington Maritime Police Unit (within the Former Eastbourne Ferry Terminal) needs to be ensured during and post construction. Police vessels refuel weekly by a land based mobile tanker and have no other way of refuelling.
CCTV cameras must be installed and connected to the Council's Central Monitoring System. Appropriate lighting should also be installed for safety.
Powerco wish to ensure that the proposed works do not impact on their existing gas distribution mains (located underground within part of Site 8) both during, and following construction.

SECTION 6 – STATUTORY CONSIDERATIONS:

51. Section 87F of the Act outlines that if a consent authority grants a request for direct referral it must prepare a report on the application and in the report, the consent authority must—

- (a) *address issues that are set out in sections 104 to 112 to the extent that they are relevant to the application; and*
- (b) *suggest conditions that it considers should be imposed if the Environment Court grants the application; and*
- (c) *provide a summary of submissions received.*

52. The application(s) are for a Discretionary (Unrestricted) Activity under the District Plan. The consent authority may grant or refuse consent under section 104B of the Act and, if granted, may impose conditions under section 108 of the Act.

53. Section 104(1) of the Act sets out matters a consent authority shall have regard to in considering an application for resource consent and any submissions received. Subject to Part 2 of the Act, the matters relevant to this proposal are:

Section 104 (1)(a) any actual and potential effects on the environment of allowing the activity;

Section 104 (1)(b) any relevant provisions of:

- (i) *a national environmental standard:*
- (ii) *other regulations:*
- (iii) *a national policy statement:*
- (iv) *a New Zealand coastal policy statement:*
- (v) *a regional policy statement or proposed regional policy statement:*
- (vi) *a plan or proposed plan.*

Section 104 (1)(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Section 104(1)(a) Effects Assessment

54. The assessment of environmental effects below considers the key effects arising from both Applications 1 and 3, being those effects within the jurisdiction of WCC. These effects include:

- Townscape and Urban Design
- Open Space and Landscaping
- Effects on Historic Heritage and Historic Values
- Archaeological Values
- Cultural Values
- Transportation and Parking Effects
- Amenity Values (Public and Private Views)
- Shading Effects
- Wind Effects
- Natural Hazards
- Earthworks Effects
- Construction Effects
- Contaminated Land
- Hazardous Substances
- Positive Effects

Townscape and Urban Design (including bulk, height and scale):

55. A Design Review of the proposal has been undertaken by Mr Graeme McIndoe from McIndoeUrban Ltd. His assessment of the application is included as Annexure 1 of this report. Mr McIndoe has assessed the proposal in the context of: the relevant objectives and policies of the District Plan (including the Lambton Harbour Area); the Central Area Design Guide; and the Wellington Waterfront Framework 2001.

56. A full assessment of the design quality of the building is provided within the assessment of Mr McIndoe and I accept his conclusions in this regard. In summary, Mr McIndoe's views are that:

"The Proposal satisfies in full the comprehensive range of design expectations raised by the [Central Area] design guide. It displays design coherence; the siting, height, bulk and form are well-judged and appropriate; and facade composition and building tops as well as materials and detail are all well resolved. In addition to this the treatment of two aspects, that is relating to context and building edge treatments, is exemplary.

57. In his view, the building achieves design excellence.

58. Based on the advice of Mr McIndoe, I consider that the height, bulk and scale of the proposed building within Site 10 will be appropriate and will reflect the height and scale of the existing buildings such as Shed 21 (at 21.1m) and the lower podium of the NZ Post building, whilst remaining respectful of the much smaller Former Eastbourne Ferry Terminal Building. Mr McIndoe comments that the waterfront as a whole is characterised by co-location of very large with small buildings. The design approach is considered by Mr McIndoe in relation to the smaller (two storey) ferry terminal building is considered to be respectful. In my opinion, the proposed design response will preserve the present high city/low city urban form.

59. Mr McIndoe also considers that the projection of rooftop plant to a height of 26.25m above the main roof is appropriate and will articulate the roovescape. It will be set back from the edges of the building and Mr McIndoe opines that it will be recessive and is well-resolved architecturally.
60. In addition to the advice of Mr McIndoe, an Urban Design Assessment from Mrs Deyana Popova for the applicants, provides an assessment of the proposed building in relation to distant, mid-range and close up views of the building in relation to the existing townscape (Volume 3 – Appendix 11 of the application). Ms Popova concludes in this regard that⁸:

“The detailed facade modelling of the proposal, which is in focus in the close-up views, reduces the impact of its bulk, enhances its visual quality and assists its integration with the surrounding context”

61. I accept the conclusions of Ms Popova conclude that the townscape effects of the proposed building will be appropriate.
62. Having considered the advice of Mr McIndoe and Ms Popova, I consider that the proposal is acceptable in relation to townscape and urban design and that the effects of the proposed building within Site 10 are no more than minor in this regard.

Open Space and Landscaping:

63. The proposal seeks to transform the existing carparking areas within Site 8 and its immediate surrounds into public open space. The design approach is to provide a range of spaces with their own individual character and function, but which integrate well into the existing waterfront (Kumutoto Plaza; the waterfront promenade and Kumutoto Lane south).
64. A full assessment of the each of the proposed public open spaces areas; being: The waterfront promenade; the Woolstore Plaza; Whitmore Plaza; Site 8; the shard surface treatment of Kumutoto Lane; and, Site 9 (temporary use and design), have been undertaken by Mr McIndoe and are included within Annexure 1 of this report. Mr McIndoe comments that:

“The approach to public space is sound, extending treatment of the promenade and Kumutoto Plaza while providing a significant area of new occupiable and high quality public open space, including what can be expected to become a signature open space at Site 8”.

65. I accept the conclusions of Mr McIndoe in relation to the proposed public open space and associated landscaping and consider that the area of public open space will be high quality and provide good amenity. Whilst the existing at-grade carpark within Site 9 will remain, it will be reduced in size and will be partially screened from view from Customhouse Quay by the proposed shelter along the footpath. I consider that the effects of the proposal in relation to open space and landscaping will be minor.

⁸ Urban Design Assessment, Volme 3 – Appendix 11, pg 15

Effects on Historic Heritage and Historic values:

66. The site and setting is rich in historic heritage. The application site includes, or is in close proximity to, several natural and physical resources that contribute to the understanding and appreciation of New Zealand's history and cultures. The list of those items which are formally recognised by WCC, GWRC or Heritage NZ are summarised in Table 1 of the Heritage Assessment provided by WCC's Senior Heritage Advisor, Ms Vanessa Tanner which is attached as Annexure 2 of this report.
67. The key components of the application which impact on historic heritage and heritage values are: The construction of the proposed building within Site 10; The proposed landscaping design and creation of public open space; proposed changes to the harbour edges, wharves and wharf edges; the reconfiguration and relocation of waterfront gates; and, the relocation of the Toll Booth Building to Whitmore Plaza. These items are assessed further below. I note that the proposed works will not physically alter any heritage listed 'building' (Shed 21, Shed 13 or the Former Eastbourne Ferry Terminal); however, the works will potentially impact on the heritage value associated with the waterfront setting where these items are located. For convenience, the effects of the project on archaeological sites *and/or* sites of significance to Maori are considered separately below under the headings *Cultural Values* and *Archaeological Values*.

Site 10 Building:

68. A full assessment of the effects on historic heritage in relation to the proposed building has been completed by Ms Tanner whose full assessment should be read in conjunction with this report. She summarises her view as follows:

"In my opinion, the scale, bulk and historical consistency of the new building's alignment to Waterloo Quay and the harbour will reduce the visual impact that the proposal has on the historic heritage buildings as does the proposed framing of the Former Eastbourne Ferry Terminal. The alignment and siting of the new building on the footprint of the previous Site 10 (former Shed 17) will minimise the extent to which the new building will detract from the existing and will not inhibit the readability of the historic working waterfront layout as the original pattern and relationships of buildings with the waterfront will be maintained".

69. Ms Tanner has also had regard to the architectural response and materials proposed for the proposed building, although the appropriateness of these elements is assessed in greater detail in the assessment of Mr McIndoe. Ms Tanner concludes that the proposed building will have a minor effect on historic heritage. I accept Ms Tanner's conclusion in this regard.

Public Open Space Design:

70. Ms Tanner supports the development of the proposed public space areas from a heritage perspective commenting that these areas provide additional opportunities *"to improve visitor understanding of historic heritage, connect people with the waterfront and to recognise its importance in Wellington's history"*. Informed by Ms Tanner, I am satisfied that these works will provide an attractive and significantly enhanced public recreational space suitable for its heritage setting.

Harbour Edges, Wharves and Wharf edges:

71. Heritage Consultant, Mr Michael Kelly, has provided an assessment for GWRC of the effects on historic heritage in relation to the harbour edges, wharves and wharf edges. His report is attached as Annexure 3 to this report. It is Mr Kelly's opinion that these items are not hugely significant from a heritage perspective. In his view these are "functional structures of modest historic and technical importance" and the proposed changes to the structures will only have minor effects on historic heritage. Mr Kelly comments that⁹:

"The alterations are not without purpose; they are likely to improve the appearance and usefulness of the area, which may eventually enhance heritage values. The covering over of the rip-rap in certain places will not entirely obscure the harbour edge, so it will still be possible to determine the line of reclamation, if that is regarded as an important consideration in the future. (The configuration of Lambton Harbour's various structures means that it is not always clear where wharves begin and reclamation ends.)"

72. Mr Kelly was satisfied that the effects associated with these works on history heritage is relatively minor.

Reconfiguration and Relocation of Waterfront Gates

73. The proposal also involves minor changes to the alignment and location of the waterfront gates and railings which are to be restored and reused on site. Ms Tanner supports these works from a heritage perspective subject to the appropriate conditions of consent which ensure that these gates are documented, repaired and restored to an appropriate standard.

'Toll Booth' Building

74. The proposal involves the relocation of the 'Toll Booth' Building, which was originally located at the Queen's Wharf gates, to Whitmore Plaza. The building is presently unoccupied and stored on the 'Outer T' of the waterfront. The building is to be restored as part of this proposal. Ms Tanner advises that historic heritage value is strongly connected with its original location and that value is usually diminished where it is relocated. With this in mind, Ms Tanner viewed this introduction of the Toll Booth building on this part of the waterfront will be neutral impact with respect to historic heritage. In order to avoid misrepresenting the history of this building, Ms Tanner suggest that some form of information that informs the understanding of the building's original location and function should be presented on site (or on the building). It is important to note the applicant's stated intention for this building to be located on this site temporarily (although the length of time is not defined further). Should Site 9 be developed further, this building will likely be moved to another location.

Overall Assessment of Heritage Values

75. Based on the advice of Ms Tanner and Mr Kelly, I am satisfied that the effects of the proposal on historic heritage values will be minor.

⁹ Michael Kelly Heritage Assessment, Pg 2

Archaeological Values:

76. An Archaeological Assessment prepared by Mrs Mary O'Keeffe of Heritage Solutions has been submitted with the application (Volume 3 - Appendix 8). Mrs O'Keeffe's assessment focuses on the archaeological values associated with the area of redevelopment, and makes no comment on the Maori (cultural) values of this area, which are addressed in the Cultural Impact Assessment referred to below.
77. Ms O'Keeffe confirms in Section 4.1 of her assessment (Page 18) that the area underneath Sites 10 was part of the 1901-03 reclamation and therefore, sits outside of the 1900 date contained within the definition of an 'archaeological site' in Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014. However, Ms O'Keeffe advises that it is possible that some work on the western side of the site (adjoining Waterloo Quay) may impact on the edge of this reclamation and may encounter material that predates 1900. She opines that the construction works may reveal subsurface heritage features associated with previous buildings and structures. Basement excavations for the new building within Site 10 will therefore result in the destruction of any in-situ evidence of these buildings or structures (should they exist).
78. In relation to the archaeological impacts of the proposed development of public open space, Mrs O'Keeffe notes that both Site 8 and Whitmore Plaza were reclaimed well after 1903. Previous excavation works have recorded part of the 1900 seawall (as is also indicated on Isthmus Plan, Drawing No: 0.030) and a substantial brick wall interpreted to be the south-eastern foundation of the Customhouse Building (1902). She also acknowledges that remnants of the original woodblock paving, that can be seen outside the Former Eastbourne Ferry Terminal Building, would have been within the entire wharf area (and adjacent to Site 10) and it is possible that these wooden cobbles are extant beneath the existing asphalt. In addition, Ms Tanner advises that the Tug Wharf (R27/253 - Finger Wharf built 1897) is recorded in the New Zealand Archaeological Association Site File (known as Archsite).
79. Ms Tanner believes that subsurface remains of buildings, structures and surfaces could add value to our understanding of the historic buildings, materials, construction and use of this area and recommends that archaeological monitoring, investigation and recording are undertaken when earthworks are undertaken throughout the area. In addition, Ms Tanner requests that the landscape plan for the proposed area of public space remain flexible enough to incorporate in-situ evidence discovered during the works, where practicable, which could enrich visitor experience and understanding of historic heritage (such as the previous Custom House or original woodblock paving as is present near the Former Eastbourne Ferry Terminal Building).
80. Based on the advice of Ms O'Keeffe and Ms Tanner, I consider that the effects of the proposal on the archaeological values of the site will be minor and that it is appropriate to manage these effects through archaeological monitoring during the site works.

Cultural Effects:

81. A Cultural Impact Report ('CIR') has been included with the application (Volume 3 - Appendix 7) which was prepared in association with Port Nicholson Block Settlement Trust and Wellington Tenths Trust. The Wellington Harbour area is a

Statutory Acknowledgement Area under Schedule 11 of the Act and the CIR has been prepared in recognition of the cultural significance of the waterfront and Coastal Marine Area. The concluding comments of this report records that¹⁰:

“The reconnection of the people of Wellington with te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important, not only in terms of Maori culture, but also in terms of the overall culture of the City of Wellington. The Kumutoto stream and its discharge to the harbour is now highly visible to all visitors to this end of the waterfront. The Waipiro Stream and the Tutaenui stream however, are much less evident from the waterfront. This report does not suggest that the other two stream require any special treatment. The proposed building on Site 10 raise no particular Maori cultural issues in an area where large buildings were the norm for the last 100 years or more. The buildings bulk and form raise no particular cultural issues

There is however some possibility that Maori cultural artefacts or archaeological items from the site and it would be prudent to have an accidental discovery protocol in place. A draft protocol is attached to this report. Although there appears to be no need for a full archaeological examination of the site on the grounds of the possible finding of Maori archaeological material, that may not be the case for all possible archaeological remains. The presence of the old Customhouse would suggest this is likely to be a site of interest archaeologically”.

82. The potential cultural impacts of the proposal have also been summarised on Pages 7 and 8 of the CIR which notes the following points:
- The Site 10 area of the waterfront is reclamation, and therefore there are no wāhi tapu or urupā directly in the area.
 - The area was close to Pipitea Pa and Kumutoto Pa and would have been heavily used by the people of the Pa prior to colonisation and reclamation.
 - The area of the harbour is not a particular area that is or was fished for cultural reasons.
 - The proximity of the construction works to Lambton Harbour could mean issues of water quality in the harbour if construction run-off and stormwater run-off are uncontrolled. Appropriate conditions of consent are required during construction to manage this and stormwater management will be integrated into the design of the building.
 - With careful design and planned usage of the area this development can have a positive cultural impact by including various features that recognise the ancestral connection with the area (including reference to the former pā site), and in particular the [Kumutoto] stream.
83. Attached to the CIR is a draft accidental discovery protocol that they request be implemented during construction and the applicant has confirmed that imposing such a condition is appropriate in their opinion. In addition, archaeological monitoring during the site works will also ensure that any cultural artefacts or Taonga discovered will be documented and assessed appropriately. Having regard to the statutory acknowledgement above and subject to the imposition of appropriate conditions of consent, I consider that the Cultural Effects of the proposal will be minor and acceptable.

¹⁰ Cultural Impact Report, Volume 3 -Appendix 7 of the Application, pg 21-22.

Transportation and Parking Effects:

84. The Transportation effects of the proposal have been assessed within the Transportation Assessment Report (Volume 3 - Appendix 15 of the application) and subsequent further information provided by Traffic Design Group ('TDG'). This report has been peer reviewed and analysed by the WCC's Manager, Transport Network, Mr Soon Teck Kong, whose assessment is attached as Annexure 3 of this report. The key components of the effects of the proposal related to transportation and parking are assessed further below.

Parking Provision

85. Currently, the hard-surfaced areas of the application site are largely dedicated to carparking and activities supporting the Campervan Park operating within Site 10. Site 8 currently has between 25 and 30 carparking spaces (some of which are configured in a stacked arrangement) and Site 9 currently provides for an additional 30 carparking spaces.
86. The Campervan Park within Site 10 operates under an existing resource consent from WCC (SR No: 201508). This consent provides a flexible arrangement in the number of spaces provides depending on seasonal demand. In the 'high visitor season' the site provided up to 39 campervan parks and 22 car parks (a total of 61 vehicles). In the 'low visitor season' up to 20 campervan parks and 88 car parks are provided (a total of 108 vehicles). Before it was converted as a campervan park (in 2010), it is recorded within that resource consent decision (SR No: 201508) and the Transportation Assessment by TDG¹¹ that the site previously provided for up to 156 commuter carparking spaces. The changes to the *existing* supply of carparking spaces (based on the operation of the Campervan Park) within the application site are described further within Table 1 below.

Table 1: Change to Carparking Supply:

Part of Site	Existing Carparking Supply	Proposed Carparking Supply
Site 10	<u>In High Season:</u> 39 campervan parks 22 carparks <u>In Low Season:</u> 20 campervan parks 88 carparks	62 in basement 3 at grade
Site 9	30 carparks	18 carparks
Site 8	25-30 carparks	None
Near Shed 21	9 carparks	7 carparks
Total(s)	<u>In High Season:</u> 39 campervan parks Up to 91 carparks <u>In Low Season:</u> 20 campervan parks Up to 157 carparks	90 carparks

¹¹ Transportation Assessment, Volume 4 – Appendix 15, Pg 9

87. The proposal will result in a significant reduction (approximately 57% in the low season) in the number of carparks supplied within the site for commuter carparking, with a total of only 18 carparking spaces provided for Site 9. The other spaces provided within the application site would be either for short-stay parking (15mins) or for private use (in the case of the 7 at grade parks for Shed 21 and the 62 carparks to be provided within the basement of the building within Site 10.

Traffic Generation

88. Mr Mark Georgeson from TDG has estimated the trips generated to and from the proposed building based on a 'Tenant Carpark Trip Profile' for a multi-tenant commercial carpark. These vehicle movements are estimated to be 22 inbound and 1 outbound in the AM peak hour; and 1 inbound and 27 outbound during the PM peak hour. Mr Georgeson has modelled the performance and operation of the revised intersection layout at Whitmore Street based on the current traffic movements; being calculated to be 158 inbound and 44 outbound vehicle during the AM peak hour; and, 84 inbound and 128 outbound during the PM peak hour. Based on the 'Tenant Carpark Trip Profile', the trip estimation methods will generate vehicle movements lower than the existing traffic volumes.
89. Mr Teck Kong notes in his assessment that this calculation is based on the 62 basement carparking spaces provided, and does not account for the size of the building (Gross Floor Area); potential trips generated from people arriving and departing the site (worker drop-offs and pick-ups, and visitors); or, proximity to public transport. In Mr Teck Kong's opinion, it is necessary to conduct a further sensitivity analysis on the performance of the revised entry and exit at this intersection to ascertain the actual level of trips generated from the commercial building. This analysis will determine whether or not the proposed two exit lanes will be sufficient, or whether a third exit lane is required.

Shared Space of Kumutoto Lane

90. The proposed extension to Kumutoto Lane will connect the existing sections of Kumutoto Lane (south), with both the intersection of Whitmore Street (Whitmore Plaza) and the intersection at Bunny Street (near the Bluebridge Ferry Terminal). It will formalise the existing vehicle access route over the area, albeit with some modification, which is provided between Shed 21 and the adjoining Centreport Land to the east.
91. As outlined within the Transportation Assessment by TDG, the laneway is not expected to provide for through-traffic which will continue to use the high volume and higher speed route along Customhouse Quay. By contrast, vehicle speeds through Kumutoto Lane will be slow, controlled through the use of raised/ramped platform tables (reclaimed cobblestone surfaces) and the deliberate siting of bollards and street furniture.
92. Vehicle volumes through Kumutoto Lane are also anticipated by Ms Sutton from TDG to be low; however, I note that the number of trips generated by the commercial building is yet to be determined with any accuracy. The proposal will however, reduce the overall number of commuter carparking spaces provided on this area of the waterfront considerably. With the exception of those carparking spaces to be provided on Site 9, only 10 other carparking spaces will be provided alongside Kumutoto Lane, 3 being short-stay (15 minute) spaces. Kumutoto Lane will continue to provide for necessary servicing and access for emergency vehicles to existing buildings, including Shed 21, the proposed commercial building within

Site 10 and the Wellington Police Maritime Unit, which currently operates from the Former Eastbourne Ferry Terminal Building.

93. Kumutoto Lane will be paved with contrasting materials, emphasising a distinction between the areas where vehicles may access and conversely, where vehicles are excluded. Notably, pedestrians, cyclists and other recreational users that approach Kumutoto Lane from the waterfront promenade will cross Kumutoto Lane in a 'shared space' area near the Former Eastbourne Ferry Terminal Building utilising the sheltered area provided by the overhang on the eastern side of the building within Site 10. Pedestrians will then have the choice of continuing their journey northwards (towards Woolstore Plaza or Shed 21) with shelter provided by the eastern overhang of the building; or, can choose to access Waterloo Quay via the proposed Harbour-Wharf Link through the ground floor of the building.
94. Mr Soon Teck Kong was satisfied with the proposed 'shared space' area along Kumutoto Lane in principle, but has suggested a condition of consent which requires final details of traffic calming measures to be approved by WCC's Rooding Team prior to construction. This would include the design of street furniture surrounding Kumutoto Lane and would have a particular focus on the interaction between pedestrians and cyclists; and other private vehicles or service vehicles; and ensuring that this arrangement is safe for users. I endorse Mr Teck Kong's suggested condition in this regard.
95. Given the anticipated low vehicle speeds and low volumes of traffic, in addition to the various traffic calming measures intended to be implemented, I am satisfied based on the advice of Mr Teck Kong that these shared spaces will provide for the safe passing of pedestrians, cyclists and other users over Kumutoto Lane where required.

Site Access

96. The site will continue to be accessed off the existing Customhouse Quay entry and exit. However, this will be modified with the number of exit lanes reducing from 4 lanes to 2 lanes. The number of entry lanes to the waterfront at this intersection will remain as a single entry lane. As a result, the width of the entry and exit on Customhouse Quay is significantly reduced from approximately 25m to approximately 13m. In Mr Teck Kong's opinion, a new signalised pedestrian crossing facility will be required for those pedestrians walking along the seaward side of Customhouse Quay and this should be imposed as a condition of consent.
97. With the implementation of appropriate consent conditions, including undertaking a further sensitivity analysis of the revised intersection, Mr Teck Kong was satisfied that the site access arrangements would be appropriate.

Servicing and Loading

98. As a permitted activity standard, the District Plan requires onsite servicing to be provided for each site within the Central Area. In this case, the proposed building will be serviced by an internal service dock on the ground floor, accessed via the eastern side of the building, which can accommodate vans and small rigid vehicles. Larger vehicles will have access to the proposed supplementary external loading area which is to be provided on the eastern side of the building, astride Kumutoto Lane.

99. Vehicles accessing the internal truck dock (vans and small rigid vehicles) will reverse into the truck dock and will therefore be able to exit in a forward-facing direction. Pedestrian visibility splays will be provided on each side of the truck dock to increase the visibility of passing pedestrians when vehicles are entering or exiting the truck dock. In addition, it is noted that as the existing laneway is constructed partly over the wharf, the laneway has a 5-ton axle loading limit, which also limits the size of truck which can access the truck dock.
100. In order to ensure the safe and efficient management of servicing for the proposed building, the applicant has offered a condition of consent which requires the consent holder to prepare a 'Servicing Management Plan' (SMP). The SMP would be prepared once the tenants of the building are committed and their particular servicing requirements are identified. This SMP would include details on hours of servicing; frequency and duration of deliveries; rubbish collections; how shared use of the truck dock will be managed between tenants; contingency measures if the truck dock is in use should another vehicle arrive; and, measures to ensure service vehicles do not block Kumutoto Lane. Mr Teck Kong is satisfied that proposed servicing arrangements are appropriate with the preparation and implementation of a SMP as a condition of consent.

Vehicle Access and Manoeuvring

101. The proposed vehicle access and manoeuvring (including circulation) arrangements have been assessed by the Council's Vehicle Access and Earthworks Engineer, Ms Patricia Wood in relation to both the basement level carpark (62 spaces) for the proposed commercial building; and, the revised public carparking area to be retained on Site 9 (18 spaces). Ms Wood's assessment on vehicle access and manoeuvring is attached as Annexure 5 of this report. Ms Wood was satisfied that in each instance, the proposed arrangements would comply with the relevant provisions in sections 1, 2 and 5 of the joint Australian and New Zealand Standard 2890.1 - 2004, Parking Facilities, Part 1: Off-Street Car Parking, as required by the District Plan.

Summary of Transportation and Parking Effects

102. Based on the information provided by TDG, and the assessment of Mr Teck Kong and Ms Wood, I consider that the effects of the proposal in terms of transportation and parking effects will be minor. The proposal will reduce the overall number of carparks provided within the project area; and will provide a number of safe and efficient routes for pedestrian and cyclists. I am satisfied that the shared spaces will not compromise the safety of users through the implementation of appropriate consent conditions.

Amenity Values (Public and Private Views):

103. A concern raised through submissions received is that the proposed building will spoil views of the harbour. Overwhelmingly, the concerns raised within these submissions relate to 'public' views. Presently, Site 10 is void of any significant buildings, containing only a single storey 'ablutions block' which serves the Campervan Park. The construction of the new building will inevitably result in the loss of existing views that are currently available across the site, cognisant with the bulk, height, shape of the building.
104. In relation to the public views, the District Plan seeks to protect public views from select locations along identified viewshafts. These are taken from a selected point

with the view framed by a base; a left and right margin; and each view contains certain identified focal elements. The proposed building within Site 10 will be sited clear, but in close proximity to, identified viewshaft 'VS4 Whitmore Street', as shown on Athfield Architects Design Statement, Drawing No: P7 (Volume - Appendix 1 of the application).

105. The development of public open space will, however, result in minor intrusions into this viewshaft through features such as the waterfront gates, pedestrian shelters, platform seating and waterfront furniture. It is noted that the base of this viewshaft is set at ground level at the waterfront and any structure within this area of public space would therefore intrude through this viewshaft. However, these structures will be relatively low level, or in the case of the wharf gates, will be sufficiently open and transparent to minimise any intrusion. Furthermore, these structures will add significantly to the amenity of the waterfront area. The identified focal elements of the viewshaft will still be visible.
106. No submissions received relate specifically to 'private' views from adjacent sites within the Central Area. Existing views from private properties can contribute to the amenity values and in this regard, I consider that the proposal will have a minor effect on some Central Area properties. This includes the following properties in particular: the NZ Post Building (7 Waterloo Quay); the southern portion of Rydges Hotel (75 Featherston Street); the Southern end of Shed 21 (28 Waterloo Quay); and Z Energy Petrol Station (2 Customhouse Quay).
107. I consider that the potential effects resulting from the loss of both public and private views on amenity values will be minor.

Shading Effects:

108. The District Plan seeks to protect sunlight access to identified public spaces within the Central Area and ensure that new building developments minimise overshadowing of these identified (protected) spaces during periods of high use.
109. Kumutoto Plaza is identified in Chapter 13, Appendix 7, of the District Plan as a public space where sunlight access is protected between 12 noon and 2:00 pm (all year round). Appendix 14 of the application includes an assessment of the effects on sunlight from the proposed building within Site 10 which has been prepared by Registered and Licensed Surveyor, Mr Hudson Moody. Using the '*Sun Transit Method*', Mr Moody has calculated the duration of the shadow cast on 5 specific '*Viewpoints*' at various times of the day and year. The potential shadow cast by the building is only represented at those specified viewpoints, with supplementary analysis provided to quantify the time and duration of shadow cast on those selected locations. The analysis provided by Mr Moody concludes that for the protected area of Kumutoto Plaza there will be no loss of sunlight from the proposed building within Site 10 between 12 noon and 2:00 pm, or in fact any other time of day or year.
110. As will be discussed later in this report under the *Section 104(1)(b) Assessment* below, Policy 12.2.6.5 of the District Plan also advocates for new building work to be designed in a way which minimises overshadowing on any public space of prominence or where people regularly congregate (such as pocket parks and paved seating areas). Site 8, is described within the application as a 'destination space' and in my view, is likely to be a place where people may regularly congregate following its completion. In this regard, Mr Moody has confirmed that

the northernmost tip of Site 8, which is to be developed as a 'pocket park' as part of this application, could experience shading between 0 and 20 minutes at around 10:20am from about 01 June through to 15 July. The extent of shadow cast would be localised to the northernmost point of Site 8 at this time with no further shadow cast by the proposed building within Site 10 at any other time. Based on the assessment provided by Mr Moody, shading effects on Site 8 as a result of the proposed building will be limited in duration, extending over only a small area of this larger area of public open space.

111. The most evident shading effect from the proposed building of the locations identified by Mr Moody will be on the proposed Whitmore Plaza (Viewpoint 03) and, to a lesser extent, on the waterfront promenade (Viewpoint 02). Further information has also been submitted by Athfield Architects¹² which indicate the extent of shading generated from the proposed building using the *Shadow Definition Method*. These diagrams show the extent of shadow cast by the proposed building within Site 10, presented as a 2D image, at selected times of the day (10:00am, 12:00 noon, 2:00pm and 4:00pm) during the Winter and Summer Solstices; and, the Autumn and Spring Equinoxes. The shadow cast by the building at these times is also compared to the existing shadow cast by the NZ Post Building at 7 Waterloo Quay at the Winter Solstice on part of the Whitmore Plaza and the Waterfront promenade at noon, 2pm and 4pm.
112. I note that the shading information provided with the application does not demonstrate the potential shading effects generated by the 'Toll Booth Building', to be relocated on the south-western portion of Whitmore Plaza. However, this building is single storey, of modest dimensions and its location is such that any shadow cast from this building onto Site 8 will be minimised. The canopy pavilion within Site 8 will also provide shade and shelter, as it is intended.
113. Drawing from the information provided I consider that whilst the proposed building within Site 10 will inevitably shade parts of the proposed Whitmore Plaza and parts the existing (and extended) waterfront promenade (part of which that accommodates the Former Eastbourne Ferry Terminal Building) given their proximity to these public open spaces. Importantly, the proposed building will not shade the formalised public spaces of either Kumutoto Plaza and there will be minimal shading on the proposed public space within Site 8. I place greater importance in the protection of these public spaces where people are expected to congregate. The shading effects of the proposed building are in my opinion, acceptable in this context and the associated effects on the amenity of the surrounding waterfront area are minor in my view.

Wind Effects:

114. A wind tunnel test has been completed by Mr Neil Jamieson of Opus Research and his findings are included within the application (Volume 3 – Appendix 13). It is important to note that the building for which consent is sought differs from the building that was subject to this wind test. The building modelled within the wind test was at the same height (26.25m amsl) but included a complete sixth storey. Prior to lodging this consent application, the design of this building was amended with the upper level removed in favour of a centrally located plant room. Mr Jamieson has advised that in his opinion the amended design would perform the same or slightly better than the design of the building tested, but no evidence has been produced to support this.

¹² Athfield Architects, S92 Response, 27 February 2015, P8 to P11

115. In his report, Mr Jamieson notes that:

"(2) The development site is currently vacant. Any building on the site will change the local wind flow patterns because the wind that currently blows across the open site will be forced to take other paths. Accordingly, some changes to the existing wind environment, both increases and reductions, were expected."

116. In relation to gust speeds and the District Plan Safety Criteria, Mr Jamieson outlines that:

"(3) Existing gust wind speeds varied from a low value of 7m/s to a very high 29m/s, compared with a range of 4m/s to 30m/s for the proposed building. This shows that the windiest conditions with the proposed development are no worse than they are currently. Taken over all directions and locations the average gust speed is slightly lower for the proposed development."

(4) There were seventeen locations for the existing situation where the gust speeds exceeded the 20m/s Safety Criteria in the Wellington District Plan. This compares with fifteen locations for the new building.

(5) There were no locations where the gust speed was increased significantly, such that they exceeded the 20m/s Safety Threshold. There were ten locations where existing wind speeds over the 20m/s threshold were significantly reduced".

117. In relation to the frequency of occurrence (Cumulative Effect Criteria), Mr Jamieson states in this assessment that:

"(6) The average number of days per year over all locations and wind directions that the gust speeds exceed the Cumulative Effect Criteria thresholds was notably lower with the new building."

(7) There were only a small number of locations where the increases in the amount of time that the Cumulative Effect Criteria thresholds were exceeded were greater than 20 days. There were many more locations where the decreases in the amount of time that the Cumulative Effect Criteria thresholds are exceeded were greater than 20 days".

118. Overall, Mr Jamieson outlined that the proposed development will, primarily due to the redistribution of the existing horizontal wind flow patterns, result in a notable improvement in the local wind environment over quite sizeable areas around the building (on the waterfront).

119. An 'audit' of the wind tunnel test report has been completed by Mr Michael Donn and his assessment is attached as Annexure 7. Mr Donn notes that the evidence presented in the wind tunnel report is that the number of points experiencing wind speed increases is balanced by an equal number of points in the general area experiencing high wind decreases, and that overall there is a reduction on the total wind experienced.

120. Mr Donn also notes that the wind report demonstrates that the worst wind experienced in Waterloo Quay will be shifted, being an inevitable effect of the construction of a building that provides a wind barrier on what is currently open space. The wind report identifies that the opposite side of Waterloo Quay (being a heavily used pedestrian route), will experience a significant increase in the frequency of high wind events, as Mr Donn explains:

“Stronger average winds of 12.6 km/hr (gusts would be twice this amount) at the pedestrian intersection between Waterloo Quay and Whitmore Street are experienced 40-70 hours per year currently, and this becomes 65 to 100 hours per year – a 50% increase in wind frequency. The pedestrian experience will be a significant increase in windiness”.

121. The wind report assesses the wind environment of the proposed building against an 18.6m high building, being the maximum height of a building which could be constructed within the Central Area (albeit not in the Lambton Harbour Area) without having to provide a wind report. Mr Donn notes that:

“It has been accepted that the effects of such a building define the limit of what could be an acceptable amount of change in the wind environment as the result of a new building. It also helps establish whether the aerodynamic problems with a proposed building are a result of the height and bulk, or just the channelling of the wind along a street. The wind tunnel test of this simple, much smaller, building for Site 10 demonstrates that the wind speed changes caused by the proposed building are a direct result of building a wall or building surface close to the edge of the footpath, not the height or bulk of the proposed building”.

122. Mr Donn concludes in his assessment that:

I do not believe that any alternative design in terms of bulk and form of the proposed building on site 10 will produce a significant improvement of the wind in the adjacent streets. The wind tunnel test has clearly demonstrated the height of the building is not a problem. In fact, overall there is a general improvement in the wind environment. The wind tunnel evidence is of a shifting about of wind flows in the street.

However, the design has not addressed the issue of its effect on the sheltered route away from the acknowledged windiness of the neighbourhood; as a consequence of the shifting of the wind in the street. Basically, the site of the new memorial park on the corner of Waterloo Quay and Whitmore street, and the adjacent footpath will be made more windy. Nor has the test identified what is to be the scale and function, if any, of the windbreaks mentioned in the wind tunnel test at the corners of the proposed building. The links between Waterloo Quay through the Site whether to the North of the building; or directly through the building, need to be examined in terms of the design of appropriate amelioration measures.

123. Notwithstanding the above, Mr Donn recommends that the design of the proposed building be approved as is, subject to consent conditions. These are discussed later within this section. Mr Donn also notes that the most efficient way to ameliorate the potential wind effects on the opposite side of Waterloo Quay is via off-site mitigation (pedestrian shelters or landscaping within private land or on legal road).

124. In addition to the comments above, Mr Donn notes that in his opinion, the Harbour Link through the building and the gap between the proposed building and Shed 21 will experience strong winds as unpleasant ‘wind tunnels’. The WCC wind design guide outlines that such features should be avoided as an aerodynamic feature. The Harbour Wharf link will connect the high pressure on one side of the building with the low pressure suction on the other side of the building and the ‘squeezing’ of the wind through the gap of the building will likely result in an acceleration of the wind within this space in both northerlies and southerlies. I note that the harbour wharf link is not designed as a semi-indoor space (although it does provide secondary pedestrian access to a lobby) but rather, a pedestrian connection

through the building from the harbour to Waterloo Quay. Mr Donn has also noted that the area underneath the southern end of the building may experience a similar 'squeezing' and potential wind acceleration.

125. Notwithstanding the concerns raised by Mr Donn, he recommends that the building should be approved as is, subject to proposing a solution (in conjunction with the traffic and urban design units at WCC) that will provide improved wind shelter on the western side of Waterloo Quay (along the NZ Post building). He also notes that the wind environment in the neighbourhood of Site 10 could be improved by considering: the appropriate design of the links between Waterloo Quay and the waterfront side of the building (perhaps incorporating and enhancing the role and function of screens for the corners of the building); and, establishing with reasonable evidence the scale and the nature of the wind shelter to be provided to deal with the potential wind tunnel effect through the building. The assessment of these matters will need to be based on evidence and would need to be considered in terms of its appropriateness from an urban design, traffic and heritage perspective.
126. Mr Donn was satisfied that the design of these shelters could be determined following the construction of the building. However, it is my view that further analysis is needed to identify the size and location of such shelters, to assess their utility and to consider their appropriateness in relation to other urban design and heritage considerations; or, in fact, whether wind shelters should be provided at all when balanced against other urban design and heritage considerations.
127. In summary, drawing from the advice of Mr Jamieson and Mr Donn, the proposed development will likely result in a notable improvement in the local wind environment around the building on the waterfront, with some wind acceleration underneath the southern end of the building and through the Harbour Wharf Link, The outstanding concern is that the proposed building will result, in the view of Mr Donn, a significant increase the frequency of high wind events on the opposite side of Waterloo Quay which is a highly pedestrianized route. This route is largely a transitory space, as opposed to the waterfront area where people congregate more frequently.

Natural Hazards Effects:

128. The Structural Statement provided by Dunning Thornton Ltd (Volume 4 – Appendix 20 of the application) outlines the expected response of the proposed building in relation to several natural hazards. The conditions of the site, and the performance of the building are summarised as follows:

“Site 10 presents a reasonably significant challenge from a natural hazard perspective with its high shaking hazard, liquefaction/lateral spreading potential and susceptibility to Tsunami/Seiching waves. The site is also relatively low and could be subject to potential, occasional, future inundation, particularly as a consequence of prolonged sea-level rise. The structural and architectural design mitigates these issues with a high-performance structure expected to perform well in excess of code minimum requirements. In addition, the development will result in the remediation of existing in-ground contamination.

...

As with other low-lying properties around the Wellington region, ground floor spaces may be inundated during Tsunami or Seiching waves. The first floor level has been set sufficiently high to avoid damage, based on maximum wave height

predictions. While significant damage could be expected to the ground floor non-structural elements, the primary structure will have sufficient resilience to resist the wave actions”.

129. An additional report by Richard Sharpe from Beca Ltd (Beca) also provides an assessment of climate change/sea-level rise issues; and, the possible impacts of storm surges, wave height and tsunamis (see Volume 4 – Appendix 21 of the application). Section 9 of his assessment summarises the conclusions of this assessment as follows:

If a one-metre sea-level rise over 100 years is considered (which would require a six-fold increase in the long-term average rate of sea level rise over the past 100 years), then in combination of other effects it is possible but unlikely that the site itself will be inundated. There is a low likelihood of the ground floor of the proposed building being inundated on occasions in the second 50-year period of the building’s life under extreme sea-level events in combination with sea-level rise.

However, it should be noted that the inundation that affects the site and the proposed building will also affect much of Waterloo Quay and the CBD to the west of the site to the same extent”.

130. Following an initial technical review of Mr Sharpe’s report by GWRC’s Senior Policy Advisor (Hazards), Dr Iain Dawe (whose assessment is attached as Annexure 10 of this report), the applicant commissioned a subsequent assessed by Mr Richard Reinen-Hamill, Senior Coastal Engineer for Tonkin & Taylor Ltd. Based on the recommendation of Mr Reinen-Hamill, the applicant has offered a condition of consent which requires the ground floor of the building to be constructed in such a manner which ensures that coastal water up to 2.67m Wellington Vertical Datum 1953 (‘WVD-53’) does not enter the building through any opening in the building (including doors). Dr Dawe agreed on the minimum level set and considered that storm surge and inundation hazards would be appropriately managed through incorporating Mr Reinen-Hamill’s recommendation into the building design.
131. Relying on the advice of the technical experts listed above, I consider that the risks posed for the proposed building in relation to natural hazards will be appropriately managed.

Earthworks Effects:

132. The earthworks effects of the proposal relate to ground stability, visual effects, dust, silt and sediment run-off (including effects on the Coastal Marine Area), and the transportation of excavated material.
133. The principal area of earthworks proposed is that associated with the basement excavation, estimated by the applicant to extend over an area of 2,288m² and to a maximum depth of 3.7m. It is further estimated that some 7,600m³ of excavated material will be removed and deposited at an approved landfill. Although the earthworks will be undertaken largely within the application site, it is possible that some of this area will extend out onto legal road in order to provide subsurface ‘rattle space’ for the base-isolated building.
134. It is noted that detailed geotechnical design for the basement level excavation has not been undertaken. The applicant has advised that they intend to commission a

full Geotechnical and Engineering Investigation as part of the detailed design phase of the proposal (specifically in terms of the construction of the building within Site 10). This will outline the final excavation methodology to be implemented, as well as temporary and permanent retaining solutions required.

135. The applicant has however, provided a Geotechnical Concept Study Earthworks Stability of Basement Level excavation for the proposed building, prepared by *Tonkin & Taylor*, and a 'Basement Construction Method Statement', prepared by *Dunning Thornton Consultants* (Volume 3 – Appendix 17). This aspect of the application has been reviewed by Principal Geotechnical Engineer, Mr Dick Beetham from GHD, whose assessment is included as Annexure 8 of this report. Mr Beetham comments that:

"...GHD finds the geotechnical component of the consent application to be thorough and detailed, recognising that a detailed site specific sub-surface investigation will be required to finalise the foundation design and construction methodologies which at this stage are in more of a concept format. In our assessment the proposed excavation, dewatering and foundation construction strategy is sound, and the ground will remain stable during the excavations, using that methodology. Additional subsurface investigations are required to assess whether or not the proposed DSM secant pile methodology is completely applicable as described. However, in our view there are other possibly viable and similar alternatives".

136. Informed by the opinion of Mr Beetham and subject to the implementation of appropriate consent conditions, I am satisfied that ground stability can be ensured both during and following the proposed construction of the building.
137. In relation to the construction of the public open space areas, the cut heights or fill depth of the earthworks will be less than 1 metre, and will extend virtually over the entire site. The earthworks aspects of the proposal have been assessed by the Council's Vehicle Access and Earthworks Engineer, Ms Patricia Wood, who subject to relevant conditions of consent, was satisfied that the earthworks would remain stable during excavation works. Ms Wood's assessment on earthworks (excluding the Geotechnical Aspects which are covered by Mr Beetham) is attached as Annexure 9 of this report.
138. Given the nature, extent and location of the proposed earthworks, Ms Wood also considered that it would be appropriate to impose a condition of consent that an Erosion, Dust and Sediment Control Plan be implemented during the entire site works to manage the effects of dust, silt and sediment, particularly given the site's location to the Coastal Marine Area. I endorse Ms Wood's recommendations in this regard.
139. I acknowledge that temporary visual effects will occur within the site associated with the excavation proposed. However, following the completion of the proposed building and the construction of public open space, I am satisfied that the visual effects of the proposal will be acceptable. Appropriate use of hard and soft landscaping will be incorporated into the design for the areas of public space.
140. The applicant estimates that approximately 1000m³ of cut material is to be transported off site and approximately 750m³ of clean fill material is to be imported to the site. Mr Teck Kong is satisfied that these movements could be accommodated for by the local roading network with the site well positioned on an Arterial Road to connect with the remainder of the transport network. In order to manage these effects, it is appropriate in my view, for the transport of excavated

material to be a specific consideration of the final Construction Traffic Management Plan in relation to the proposed works and managed through the CTMP as a condition of consent.

141. Overall, having regard to the matters above, I am satisfied that the earthworks effects will be less than minor. These effects will be localised, limited in duration and extent, and the associated effects can be effectively controlled through appropriate consent conditions in my opinion.

Construction Effects:

142. For land developments and construction projects of this nature and scale, I acknowledge that effects associated with construction works cannot be avoided altogether. The construction of the proposed building and other site works will generate accompanying effects such as construction noise and vibration (including impacts from pile driving); dust generation; construction traffic; temporary visual impacts; onsite activity; and, public access restrictions during the construction works. These effects will be localised and limited to the construction period. The applicant has placed emphasis on mitigation measures in an effort to minimise the scale, extent and duration of construction effects, as is further discussed below.
143. I note that various submitters from Waterloo Apartments (Shed 21), being Submissions 19 to 22, and Submission 44) have raised concerns in relation to construction noise effects and the potential for construction works (piling or drilling) to result in structural damage to the Shed 21 building.
144. Temporary Construction Noise is acknowledged within the District Plan (Policy 12.2.4.4) as an anticipated effect within the Central Area and is managed using the best practicable option, in accordance with New Zealand Standard NZS6803:1999: *Acoustics – Construction Noise*, as well as applying Section 16 of the Act. I consider it is appropriate to impose a condition of consent which restricts the hours of work (as set out in the Standard) to between 7:30am and 6pm, Monday to Saturday. Quiet setting up on site (not including running of plant or machinery) may be permitted to begin at 6:30am, with no work being carried out on Sundays or public holidays.
145. The impacts of vibration during the construction period is an adverse effect acknowledged by the applicant. I note that B1.3.6 of the Building Code sets out that where necessary, site work shall be carried out to provide stability for construction on the site and to avoid the likelihood of damage to other property. Failure to adhere to any of these requirements may leave the applicant exposed to civil redress. The potential for damage caused to any surrounding buildings or properties by the construction process would be more appropriately dealt with through the building consent process, in my opinion.
146. The applicant has however suggested that as a condition of consent that they undertake a pre-construction survey of Shed 21 and the Former Eastbourne Ferry Terminal building, prior to construction commencing for the building within Site 10. A further survey will be undertaken post-construction to compare whether any potential damage can be attributed to the construction works being undertaken. I endorse this condition as an appropriate tool to assess whether any physical damage would occur to these neighbouring buildings during the construction works. The means of redress for any damage caused would however, remain a civil issue.

147. The applicant has submitted a draft Construction Traffic Management Plan (CTMP), in relation to the construction of the proposed building. Importantly, public access for pedestrians, cyclists and other waterfront users will be retained through the various stages of construction. I consider that it is necessary to ensure a full and final Construction Traffic Management Plan to be submitted to WCC for approval, prior to works commencing.
148. Other construction related effects can, in my opinion, be appropriately managed through a broader 'Construction Management Plan,' which will set acceptable performance standards for the site; outline a complaints procedure process and ensure unauthorised public access to construction areas is prevented.
149. Overall, it is my view that the effects of the proposal associated with construction will be localised, limited in extent and temporary in nature. I consider such effects will be minor and can be appropriately managed through consent conditions.

Contaminated Land:

150. The applicant has submitted a Ground Contamination Report provided by Tonkin & Taylor. This report presents the results of subsurface testing undertaken within Site 10 and combines these results with other testing previously undertaken in 2009 for Sites 8 and 9. I note that groundwater contamination is discussed within this report, but this is assessed in greater detail within the Section 87F Report by GWRC.
151. In relation to Site 10, this report explains that there is potential for hydrocarbon contamination at the base of lift shafts of the former building on the site; the potential for surface soil contamination from asbestos that was contained within the former building on Shed 17 (demolished in 1986). No contaminated material was found within Site 8. However, limited testing for Site 8 was undertaken. In order to manage the effects related to contaminated material the applicant has prepared a draft Contaminated Site Management Plan (draft CSMP) in relation to Site 10; and, in relation to Site 8 (should contaminated material be discovered).
152. The measures outlined within this draft CSMP have been reviewed by the Mr Kevin Tearney from Aecom Consulting Services (NZ) Ltd. Mr Tearney's assessment is attached as Annexure 6 to this report. Mr Tearney has reviewed the proposal and has recommended several conditions of consent in relation to the proposed works to ensure that the potential effects arising from contaminated/potentially contaminated material are appropriately managed.
153. Mr Tearney considers that Site 10 is suitable for its future land use in his opinion. In this regard, I note that the basement excavations will provide a solid sealed surface, limiting potential exposure to contaminated soil for future users. In relation to Site 8, Mr Tearney also comments that he considers that the soil quality below Site 8 when redeveloped for open space use will also be compatible with that use.
154. Having considered the report from Tonkin & Taylor and based on the advice of Mr Tearney, I consider that the effects related to contaminated material will be minor and that these effects can be adequately controlled through appropriate consent conditions.

Hazardous Substances:

155. The proposed building will contain a standby diesel generator and an associated support system (as outlined in the Hazardous Substances Statement, Volume 4 - Appendix 19 of the application). A new 1,000 litre bulk diesel fuel tank will be accommodated internally within the building with secondary containment and 4-hour fire rating value. The fuel tank will be located within a generator room which will also be “bunded”¹³. Refuelling of the fuel tank can be conducted from the fill point within the loading bay with pipework connecting to the “bunded” generator room. A specialist contractor will be employed at a later date to ensure that fuel storage and transfer system will be installed and certified in full compliance with the Hazardous Substances and New Organism Regulations.
156. A peer review of the proposed method for the on-site storage of hazardous substances has been undertaken by Mr Kevin Tearney of URS (now an Aecom company). Mr Tearney notes that he considers that the room (including its doors) which will house the proposed generator need to achieve a 4 hour fire-rating in order to comply with the HSNO Act.
157. The storage of diesel fuel for the operation of a back-up generator is a common feature of most buildings within the Central Area, including other building within the Lambton Harbour Area. Through compliance with HSNO, and having considered the advice of Mr Tearney, I am of the view that the risks associated with the use and storage of hazardous substances (Diesel Fuel) can be appropriately minimised through the HSNO requirements.

Positive Effects:

158. The applicant’s AEE identifies a number of positive effects which they consider will be delivered through the implementation of the Project which include:
1. providing certainty as to the future development of Site 10 (on the basis that the project is implemented);
 2. providing a high quality building which is appropriate to its site and with strong publicly accessible ground level activity and connections;
 3. removing surface parking and associated vehicle movements;
 4. providing significant additional areas of high quality public open spaces;
 5. strengthening the waterfront promenade and enhancing pedestrian amenity;
 6. facilitating a better connection with the water’s edge; and
 7. bringing to the waterfront a significant daytime population that will add to the vitality of the waterfront.
159. I agree with the applicant summary of positive effects in this regard. In addition, I note that the proposal will involve the restoration of specific items of historic merit (waterfront gates).

Section 104(1)(b) Assessment

Higher Order Planning Documents

160. Relevant to the assessment of the North Kumutoto Precinct Project is a hierarchy of statutory planning instruments, each intended to give effect to the Purpose and

¹³ Secondary containment in the event of a spill by the use of a low wall.

Principles of the Act. In considering this application and the parts that relate to WCC's jurisdiction I have had regard to provisions of the following higher order planning documents:

National Planning Instruments:

- The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations (2011)
- The National Policy Statement for Freshwater Management (2011)
- The New Zealand Coastal Policy Statement (2010)

Regional Planning Instruments:

- The Regional Policy Statement for the Wellington Region (2013)
- The Regional Coastal Plan for the Wellington Region (2000)
- The Regional Freshwater Plan for the Wellington Region (1999)
- The Regional Plan for Discharges to Land for the Wellington Region (1999)

District Planning Instruments:

- The Wellington City District Plan (2000)

National Planning Instruments:

NES for Assessing and Managing Contaminants in Soil to Protect Human Health

161. The proposal requires resource consent under the NES in relation to both soil disturbance and a change in land use with respect to both Application 1 and 3. As assessment of the proposal in this regard has been provided above. It is noted that there are no relevant objectives or policies under the NES. However, the stated policy objective of the NES is explained within the User Guide as follows¹⁴:

"to ensure land affected by contaminants in soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land safe for human use. The NES enables the safe use of affected land by:

- *establishing regulations for five activities that ensure district planning controls relevant to assessing and managing public health risks from contaminants in soil are appropriate and nationally consistent*
- *establishing soil contaminant standards protective of human health and requiring their use when decisions are made under the NES*
- *ensuring best practice and consistent reporting on land affected or potentially affected by contaminants is applied that enables efficient information gathering and consistent decision-making."*

162. I have had regard to the NES and in particular, the policy objective above. I consider that the proposed works will be consistent with this stated policy objective in that: Contaminants in soil are identified and assessed when land development is to occur; the site will be remediated and/or contained following the works and made safe for human use; and, the use of the Soil Contaminant Standards under the NES has been applied.

¹⁴ NES User Guide, ME 1092, Ministry for the Environment 2012, Page 7.

New Zealand Coastal Policy Statement (2010)

163. The New Zealand Coastal Policy Statement 2010 (NZCPS) took effect on 3 December 2010. The preamble states that the New Zealand coastal environment is facing a number of key issues, including:
- *loss of natural, built and cultural heritage from subdivision, use, and development;*
 - *compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area;*
 - *continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property.*
164. The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. It recognises that the coastal environment has characteristics, qualities and uses that mean there are particular challenges in promoting sustainable management¹⁵.
165. Under Section 104(1)(b)(iv) of the Act a consent authority must, subject to Part 2 of the Act, have regard to the relevant provisions of the NZCPS (amongst other things) when considering an application for a resource consent.

Objectives

166. The following objectives of the NZCPS are considered to be relevant to the WCC parts of the proposal:

Objective 2:

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and*
- *encouraging restoration of the coastal environment.*

167. The site is located on reclaimed land with a valued history as a working waterfront environment. The site retains attributes of natural character with its harbour setting and outlook. However, the site is currently used largely for carparking and contains many man-made structures. In this context, I consider that the proposal will not be inconsistent with this objective.

Objective 3:

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*

¹⁵ New Zealand Coastal Policy Statement 2010, pg 6.

- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating matauranga Maori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

168. As discussed under the assessment of effects on Cultural Values above, the applicant has submitted a CIR with the application. This report was prepared in association with Port Nicholson Block Settlement Trust and Wellington Tenth's Trust in recognition of the cultural significance of the waterfront and Coastal Marine Area. In addition, the Wellington Harbour area is recognised as a Statutory Acknowledgement Area under Schedule 11 of the Act. In this case, I consider that the proposal will not be inconsistent with this objective.

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the coastal environment is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean that this is not practicable providing alternative linking access close to the coastal marine area; and*
- *recognising the potential of coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*

169. The Waterfront promenade is generally continuous and provides public walking access along this part of the coastal marine area. It provides a hard surfaced route for people commuting, recreating, as well as extensive areas of public open space for events and other activities. The Project will maintain and enhance the public open space qualities of the area and increase recreation opportunities (passive and otherwise) available in this area of the waterfront through transforming the large open carparking areas into a series of high quality and well-planned open spaces areas.. Public access to the coastal marine area and coastal environment will be maintained, and enhanced in relation to the pocket park within Site 8 which has descending access to the water. I consider that the proposal will remain consistent with the objective.

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.*

170. Based on the recommendation of Mr Reinen-Hamill, the applicant has offered a condition of consent which requires the ground floor of the building to be constructed in such a manner which ensures that coastal water up to 2.67m Wellington Vertical Datum 1953 ('WVD-53'). Based on the advice of Mr Reinen-Hamill and Mr Dawe, I consider that this will be an appropriate response to manage any coastal hazard risk posed from future inundation from the sea, taking into account predicted sea-level rise as a result of climate change. Tsunami risk

has also been considered within the assessment of Natural Hazards under the Section 104(1)(a) Assessment above. Based on the technical reports provided with the application, I consider that coastal hazard risks will be appropriately managed in accordance with this objective.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

171. The proposed development will provide formalised areas of public open space within the coastal environment. I consider that the proposed development will be appropriately located within this coastal environment. Further, the proposed use and development will be appropriate with respect to historic heritage within this area of the coastal environment. To the extent relevant, I consider that the proposal will be consistent with this objective.

Policies

172. A total of 29 policies are identified under the NZCPS which are intended to achieve the purpose of the Act in relation to the coastal environment. Those of particular relevance are outlined below:

Policy 2: The Treaty of Waitangi, Tangata Whenua and Maori Heritage:

173. As discussed in greater detail under the assessment of Cultural Effects under the Section 104(1)(b) assessment above, the applicant has consulted with Wellington Tenth's Trust and the Port Nicholson Block Settlement Trust who have prepared a CIR in relation to the Project. The CIR confirms that this area of the waterfront was not a particular place that was fished for cultural reasons and the CIR has stated that the proposed development raises no cultural issues.

Policy 4: Integration

174. To provide for the integrated management of natural and physical resources, including coastal resources, the resource consent applications sought are being processed concurrently between WCC and GWRC. This process will enable the consent authority to consider the combined effects of each proposal across the

jurisdictional boundaries and the extent to which these activities may affect the coastal environment.

Policy 6: Activities in the coastal environment

175. Policy 6(1)(f) requires consideration of instances where development that maintains the character of the existing built environment should be encouraged. In this case, the Lambton Harbour Area has a distinctive character in relation to the coastal environment. The proposed development would be consistent with that character in my opinion. Policy 6(2)(b) seeks to maintain and enhance the public open space and recreational values of the coastal marine area. I consider that the proposal will enhance opportunities in this regard.

Policy 17: Historic heritage identification and protection

176. Ms Tanner has undertaken an assessment of the effects of the proposal on historic heritage (including archaeological sites). The proposed works offer some opportunities to increase the understanding and appreciation of historic heritage through archaeological monitoring (and recording of findings) during the proposed excavation works. Ms Tanner has concluded that the effects on historic heritage will be appropriate in relation to this setting and Mr Kelly has also provided an assessment in relation to those heritage items within the coastal marine area. The proposed use and development is not considered to be inappropriate in relation to historic heritage.

Policy 18: Public open space

177. The need for public open space within and adjacent to the coastal marine area is recognised under this policy. The waterfront is currently an area used for both passive and active recreation. The proposal will improve an area of land that is largely used for carparking by providing public open space of high amenity which is compatible with the amenity values of the surrounding waterfront area.

Policy 19: Walking access

178. The works will enhance pedestrian connections along portions of the coastal marine area along the promenade; to the water's edge at Site 8; and provide further opportunities for pedestrian connections through the construction of the two pedestrian overbridges. Temporary restrictions on walking access may be required during the construction period but once complete, no existing area of walking access will be lost.

Policy 23: Discharge of Contaminants

179. This policy seeks to manage the discharge of water into the receiving environment. This is assessed in greater detail within the Section 87F Report prepared by GWRC. I defer to the conclusions of Mr Fletcher in relation to this Policy.

Policy 25: Subdivision, use and development in areas of coastal hazard risk

180. Given the site's low-lying coastal location, the site is susceptible to risks of Tsunami, wave height, storm surges and coastal inundation (including those effects from climate change). I rely on the conclusions from the technical assessments of Mr Sharpe, Mr Reinen-Hamill and Dr Dawe that the potential

coastal hazards in relation to this proposal have been identified and the effects of these hazards can be managed appropriately. Both Mr Reinen-Hamill and Dr Dawe agreed that inundation hazards would be appropriately managed through ensuring (by way of condition of consent) that the building is constructed to ensure that coastal water up to 2.67m Wellington Vertical Datum 1953 ('WVD-53') does not enter the building through any opening (including doors).

Conclusion on NZCPS:

181. Overall, having considered the relevant provisions of the NZCPS, I consider that the proposal will be consistent with the strategic intent of the NZCPS.

The National Policy Statement for Freshwater Management (2011)

182. The National Policy Statement for Freshwater Management 2011 (NPSFM) took effect on 1 July 2011. This Policy Statement sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. It is an important step to improve freshwater management at a national level.
183. The key purpose of the NPSFM is to set enforceable quality and quantity limits. This is a fundamental step to achieving environmental outcomes and creating the necessary incentives to use fresh water efficiently, while providing certainty for investment. The intent of this NPSFM is that any more than minor potential adverse effects of activities, in relation to water takes, use, damming and diverting, as well as discharges, are thoroughly considered and actively managed.
184. The NPSFM is given effect to through the Regional Freshwater Plan (RFP) - two transitional policies (5.2.10A and 6.2.4A) have been directly inserted into the RFP which require GWRC to consider specific criteria when making decisions on resource consent applications.
185. The NPDFM is assessed in greater detail within the Section 87F Report prepared by Mr Fletcher, as are the transitional policies from the Regional Freshwater Plan which give effect to the NPDFM (5.2.10A and 6.2.4A). I defer to the conclusions of Mr Fletcher in this regard.

Regional Planning Instruments

Regional Policy Statement for the Wellington Region (2013)

186. The Regional Policy Statement for the Wellington Region (RPS) provides an overview of the resource management issues significant to the region and outlines the objectives, policies and methods required to achieve the integrated management of the region's natural and physical resources. It is considered to be the dominant statutory planning instrument for the Wellington region.
187. The 'issues' to be addressed in the RPS include the following topics:
- 3.2: The Coastal Environment (including public access);
 - 3.5: Historic Heritage;
 - 3.8: Natural Hazards;
 - 3.9: Regional Form, Design and Function; and
 - 3.10: Resource Management with Tangata Whenua.

188. Section 4.2 of the RPS contains regulatory policies which need to be given particular regard (where relevant) when assessing and deciding on a resource consent application. The most relevant policies to consider in assessing this application are listed below:

Policy 35: Preserving the natural character of the coastal environment

189. The application site is located within a highly modified coastal environment in the context of Policy 35 of the RPS, yet the site still maintains a degree of naturalness with its harbour setting and outlook. However, given its proximity to the CBD and the sense of place attributed to the waterfront area, the waterfront provides high amenity value. The proposal will enhance amenity values with high quality public open space providing further opportunities for recreation and people's enjoyment of the waterfront in my opinion. I acknowledge that the proposed building will impact on amenity obtained from wider views of the harbour across the site. However, I consider that this is appropriate for this location.

Policy 41: Minimising the effects of earthworks and vegetation disturbance

190. Appropriate silt, sediment and erosion controls will be required to be implemented during the earthworks. Policy 41 recognises that erosion, siltation and sedimentation cannot always be avoided, I consider that appropriate management techniques are necessary to ensure that these effects will be minimised, particularly given the proximity to the coastal marine area.

Policy 46: Managing effects on historic heritage values

191. The impacts of the proposal on historic heritage have been considered by Mr Kelly and Ms Tanner. Ms Tanner did not consider that the effects on historic heritage would be significant. The proposed building will be of an appropriate scale, bulk and alignment in relation to its heritage surrounds. I also note that the proposal will involve the restoration of specific items of historic merit (waterfront gates).

Policy 48: Principles of the Treaty of Waitangi

192. A CIR has been prepared by Wellington Tenth Trust and Port Nicholson Block Settlement Trust in recognition of cultural values of Maori in relation to Wellington Harbour. The CIR states that there are no cultural issues in relation to the development and that support for the proposal is given, subject to an accidental discovery protocol being implemented as a condition of consent. This condition will ensure the on-going participation by the relevant iwi groups in the event that any material of significance to iwi is discovered during the course of the works. The proposal is not inconsistent with the principles of the Treaty of Waitangi in my opinion.

Policy 51: Minimising the risks and consequences of natural hazards

193. A full assessment of the risks and consequences has been made in relation to the proposed building under the Section 104(1)(b) assessment above ('Natural Hazards'). I rely on the technical advice received from Mr Sharpe, Mr Reinen-Hamill and Dr Dawe in this regard.

Policy 53: Public access to and along the coastal marine area

194. Public access to and along the CMA will be maintained and enhanced as a result of the proposed works. Site 8 will be developed to provide descending access to the water and the wider works will extend the waterfront promenade and provide new overbridge structures to provide further linkages throughout the waterfront area. A condition of consent is necessary in my view, to ensure that safe public access will continue to be provided during the construction period.

Policy 54: Achieving the region's urban design principles

195. The region's urban design principles reflect those specified within the New Zealand Urban Design Protocol. Mr McIndoe has provided a full assessment of the application and based on his advice I am satisfied that the proposed development will be of high quality and will be in accordance with the region's urban design principles.

Policy 57: Integrating land use and transportation

196. I have had particular regard to matters outlined in Policy 57 in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy. An assessment of the efficiency, reliability and safety of the road network has been undertaken by Mr Teck Kong, having reviewed the Transportation Assessment provided by Ms Sutton. Mr Teck Kong is satisfied that the traffic generated by the proposed development can be accommodated within the existing transport network. Minor modifications are proposed to be made to the site's entrance to Customhouse Quay which will reflect the expected reduction of overall vehicle traffic following the completion of the project.
197. Given the Central Area location of the site, it has good access to public transport (bus and rail in particular); good connections to the CBD; and will be combined with and extend the existing recreational/open space areas of the waterfront. Safe and attractive environments will be provided for walking and cycling as part of the proposal, enhancing physical connections to the site's immediate surrounds.

Conclusion on RPS

198. Overall I consider that the proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement.

Regional Coastal Plan

199. An assessment of the proposal against the relevant provisions of the Regional Coastal Plan (RCP) has been completed by GWRC and will be covered within their Section 87F Report. The RCP recognises that the Lambton Harbour area has special characteristics which set it apart from the remaining coastal marine area, including its heritage character. The management of the coastal marine area recognises the special nature of this area. The RCP contains specific provisions which relate to the Lambton Harbour Development Area and this area has its own development plan.

Regional Freshwater Plan

200. An assessment of the proposal against the relevant provisions of the Regional Freshwater Plan has been completed by GWRC and will be covered within their Section 87F Report.

Regional Plan for Discharges to Land

201. An assessment of the proposal against the relevant provisions of the Regional Plan has for discharges to land been completed by GWRC and will be covered within their Section 87F Report.

District Planning Instruments

Wellington City District Plan

202. The site is located within the Central Area of the District Plan and is located within the 'Lambton Harbour Area' (see Map 17 of the District Plan). The Central Area provisions of the District Plan are outlined in both Chapter 12 (Objectives and Policies) and Chapter 13 (Rules, Standards and Appendices).
203. In addition to the Central Area based provisions mentioned in the paragraph above, the proposal is also subject to provisions for certain activities which apply across all areas of the city, including: Earthworks under Chapter 29 (Objectives and Policies) and Chapter 30 (Rules); and, Contaminated Land under Chapter 31 (Objectives and Policies) and Chapter 32 (Rules). All of these Chapters are fully operative.

Relevant Plan Changes

204. *Plan Change 78 (Minor Amendments to Text and Maps)* was notified by Wellington City Council on 6 May 2014. It included 33 separate minor changes to the District Plan, including a number of re-zonings and text changes, predominantly involving clarifications and updates.
205. A hearing on Plan Change 78 was held on 4 August 2014 and the Council decided to approve the Plan Change on 27 August 2014.
206. At the time that the North Kumutoto Precinct Project resource consent applications were received (10 November 2014), the appeal period had closed and there were no appeals received. Accordingly, Plan Change 78 was deemed to be operative under section 86F of the Act. The Plan Change was later ratified by WCC on 19 November 2014 and these changes have now been incorporated into the District Plan
207. Relevant to the North Kumutoto Precinct Project, Plan Change 78 clarified Chapter 13, Appendix 11 of the District Plan as it relates to the map location of viewshaft (VS4) on Whitmore Street; and, amended and updated Appendix 8: Wind.

District Plan Notations

208. The site is subject to the following District Plan notations:

- Hazard (Ground Shaking) Area (Map 17);
- Height Limit is Zero Metres above Sea Level (Map 32)
- Waterloo Quay and Customhouse Quay are both identified as Arterial Roads and are identified frontages where vehicle access is restricted (Map 34);
- Whitmore Street is a Principal Road (Map 34)
- Inner Port Noise Affected Area - Central Area (Map 55)
- Sunlight Protection to Listed Public Spaces - Kumutoto Plaza (Chapter 13, Appendix 7, Pg 22)
- Central Area Viewshaft VS4 (Whitmore Street) - (Chapter 13, Appendix 11, Pgs 38 - 39)
- Central Area Viewshaft VS14 (Whitmore Street) - (Chapter 13, Appendix 11, Pg 38 - 39)

Central Area

Introduction:

209. The site is located within the Central Area in the District Plan and is located within the 'Lambton Harbour Area' (see Map 17 of the District Plan). The Central Area provisions of the District Plan are outlined in both Chapter 12 (Objectives and Policies) and Chapter 13 (Rules, Standards and Appendices).

210. The Introduction section (12.1) of the objectives and policies explains that:

"The District Plan sets a vision for a vibrant, prosperous, liveable city. At its heart is a contained Central Area comprising a commercial core with a mix of related activities"

211. The Plan's Central Area provisions are based on eight principles that will guide future development¹⁶. These eight principles are:

- Enhance 'sense of place'
- Sustain the physical and economic heart of the Central Area
- Enhance the role of the 'Golden Mile' and 'Cuba'
- Enhance the Central Area as a location for high quality inner city living
- Enhance the built form of the Central Area
- Enhance the quality of the public environment
- Enhance city/harbour integration
- Enhance the sustainability of the Central Area

212. Specifically, the Lambton Harbour Area is recognised as a 'Special Area' within the framework of these provisions where the following explanation is given¹⁷:

"Several unique neighbourhoods and precincts crucial to the Central Area's cultural heritage and sense of place are identified in the Plan as heritage and character areas. Rules and design guidance are included to help to maintain and enhance the character of these special neighbourhoods."

¹⁶ Wellington City District Plan, Chapter 12, Central Area, pg 12/2

¹⁷ Ibid pg 12/3

Reflecting the importance of Wellington's waterfront, in 2004 Council adopted the Wellington Waterfront Framework to guide waterfront development in a way that makes the most of this unique and special part of the city. The principles and values of the Framework underpin the District Plan's objectives and policies for the Lambton Harbour Area. The Framework aims to bring coherence along the waterfront and express its connections with the city and the harbour. To this end, the Framework is based around several inter-linking themes: historical and contemporary culture, city to water connections, promenade, open space, and diversity. Because the waterfront is predominantly a public area in public ownership, Council is committed to engage fully with the public on decisions relating to waterfront developments. This commitment is further described in the Framework, which also proposes governance arrangements requiring ongoing monitoring by a group of both professional and community representatives."

District Plan Context for the Project:

213. The site is located within the Lambton Harbour Area where the height limit is zero metres above sea level on Map 32 of the District Plan (commonly referred to as the 'zero height rule'). This height limit is intended to act as a mechanism to trigger a resource consent application in that no building could be constructed on that site as a permitted activity. It is not necessarily to signal that buildings in such an area would not be acceptable. Rather, the 'zero height rule' is intended to trigger a resource consent application through which the merits of a building in that location can be assessed.

Permitted Baseline:

214. Having regard to the permitted height rule, discussed in the paragraph above, I consider that there is no possible permitted baseline that could be used to helpfully compare the effects of the proposed building to those effects which would otherwise be provided for by the District Plan. Similarly, I note that the construction of public open space (as proposed in Application 3) also requires a resource consent under Rule 13.4.2 of the District Plan and therefore, cannot be provided for as a permitted activity.
215. It is my view that there is no helpful permitted baseline which can be used to readily assess the effects of the proposal in comparison to the effects of an activity permitted by the District Plan.

Objectives and Policies Assessment:

216. The assessment below will outline the objectives and policies relevant to the proposal. I will begin by assessing the specific provisions relevant to the Lambton Harbour Area (Objective 12.2.8 and Policies 12.2.8.1 to 12.2.8.9). This will then be followed by an assessment of the objectives and policies which apply to the wider Central Area (under Chapter 12 of the District Plan) which are also relevant to the assessment of this proposal.

Lambton Harbour Area

- Objective 12.2.8 To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront.**

Policy 12.2.8.1 Maintain and enhance the public environment of the Lambton Harbour Area by guiding the design of new open spaces and where there are buildings, ensuring that these are in sympathy with their associated public spaces.

217. In relation to Policy 12.2.8.1, it is stated that¹⁸:

“The main focus of the Lambton Harbour Area is to reinforce its role as a primary open space on the waterfront. A series of different open spaces - some green some sheltered and some paved - that cater for diverse uses and activities will predominate. Furthermore, there will be a network of paths through the area, including a promenade along the length of the waterfront, predominantly at the water’s edge. Buildings will support the open spaces, both in their design and their associated uses and activities. The ground floors of buildings will be predominantly accessible to the public and buildings will have “active edges”. Particular consideration will be given to providing for equitable access to the water’s edge and all other facilities on the waterfront by older people and all others with mobility restrictions”.

218. In my opinion, the Project will assist in reinforcing the role of Lambton Harbour Area as a primary open space on the waterfront. I accept Mr McIndoe’s advice that the proposed areas of public open space are well resolved, with each of the open space components of the Project having a character which is appropriate to its location, complementing other spaces around the waterfront whilst contributing to an integrated whole.

219. It is my opinion that the proposed building will be well integrated with and support the adjoining areas of open space, both in its design and the activities accommodated within. A significant open, but sheltered, area of public space is to be provided underneath the portico at the southern end of the building. Sheltered spaces will be provided by the building overhangs and colonnades and the building will present active edges to both Whitmore Plaza and Kumutoto Lane for along almost all of its length. Consistent material palette underneath the building will also further emphasise the public utility of these spaces.

220. I consider that the proposal will be consistent with Policy 12.2.8.1 in that the design of both the proposed building and new areas of public open space will positively enhance the public environment.

Policy 12.2.8.2 Ensure that a range of public open spaces, public walkways and through routes for pedestrians and cyclists and opportunities for people, including people with mobility restrictions, to gain access to and from the water are provided and maintained.

221. Public access to the water is maintained through this proposal. In addition to extending the waterfront promenade, the folded timber decking within the new ‘pocket park’ within Site 8 will provide descending access to the water’s edge, suitable for all levels of mobility. Two new pedestrian overbridges will provide a convenient link between the Tug Wharf and Site 8. In other areas, openness is maintained close to the water’s edge and the proposal will not inhibit any existing access to or from the water. I consider that this Policy will be met in this case.

¹⁸ Ibid pg 12/38

Policy 12.2.8.3 Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.

222. North Kumutoto (also referred to as North Queens Wharf) is recognised in Policy 12.2.8.3 as one of the five areas with its own distinctive local character ('sense of place') that contributes to the overall richness and cohesion of the collection of areas which makes the waterfront such an important part of the City. The local character of the North Queens Wharf is further described within the Wellington Waterfront Framework ('WWF') as having both a maritime character and a strong connection to the CBD (Whitmore Street is the closest point where the Quays meet the Waterfront).

223. I accept Mr McIndoe's view that the nature of the public space treatments, which tend to have a constructed urban waterfront character, are appropriate in this location. I also accept Mr McIndoe's opinion that the public space area will enhance physical connections between the waterfront and the CBD and the proposal will provide a high quality public environment; and, that the proposed building will appropriately reflect a sense of the city form whilst respecting the scale of surrounding heritage buildings.

224. I consider that the proposal will be consistent with Policy 12.2.8.3

Policy 12.2.8.4 Maintain and enhance the heritage values associated with the waterfront.

225. I accept the advice of Ms Tanner and Mr Kelly that the proposal will only have minor adverse effects on historic heritage. The proposed building will be a new addition to the waterfront area which was historically a working port. Its presence will impact on the existing visual connection from Waterloo Quay of the Eastbourne Ferry Terminal Building and its surrounds, affecting the readability of the historic working waterfront. However, the building will incorporate various maritime references into the building's design (such as the expressed gantry structure, the suspended cab and the 'counter-weights' on top of the roof of the building), the Harbour Wharf Link recalls the configuration of rail linkages between the Quays and the wharves, and retains an important visual connection with the Former Eastbourne Ferry Terminal Building. Ms Tanner supported the scale, bulk and historical consistency of the new building's alignment to Waterloo Quay and the harbour.

226. Drawing on the advice of Ms Tanner and Mr McIndoe, I consider that the size of the proposed building will appropriately reflect the size and scale of the adjoining Shed 21 building to the north; will incorporate a formal and respectful response to the much smaller Eastbourne Ferry Terminal Building (Former) with extensive three-dimensional setbacks referring to the form and scale of that building; and, will incorporate a contemporary but sympathetic material palette. As such, I consider that the proposed building will maintain and enhance the heritage values of the waterfront.

227. The proposed open space design will enhance the amenity and public environment of this area of the waterfront. In its design, the proposed area of public open space recognises historic alignments such as the wharf edge. The minor intrusions into the harbour edges, wharves and wharf edges associated with the development will, in the opinion of Mr Kelly, likely improve the appearance and usefulness of the area and may eventually enhance heritage values. The

reintroduction of the Toll Booth Building to this area of the waterfront will be compatible with its surrounds. Further, the use of the waterfront gates and ironware will also offer increased understanding and interpretation of the area as an historic place.

228. Overall, I form the view that the proposal will remain consistent with Policy 12.2.8.4 and will maintain and enhance the heritage values associated with the waterfront in a way which is consistent with the expectations of the District Plan.

Policy 12.2.8.5 Recognise and provide for developments and activities that reinforce the importance of the waterfront's Maori history and cultural heritage.

229. The CIR provided with the application recognised that the careful design and planned usage of the area can have a positive cultural impact by including various features that recognise the ancestral connection with the area, particularly in relation to Kumutoto Stream. This stream meets the harbour at Kumutoto Plaza and the development of Site 8 is designed to integrate with that space. Site 8 will allow descending access to the water's edge near this location and allow people to continue to access to the *Nga Kina Sculpture* which fronts Kumutoto Plaza. The proposal does not inhibit further developments or activities occurring within the area which further reinforce the waterfront's cultural heritage and historical importance to Maori.

230. I also note that the CIR raised no particular Maori cultural issues with the proposed building on Site 10, acknowledging that large buildings in this area have been commonplace for the last 100 years or more.

231. In this case, I consider that the proposal will not be inconsistent with Policy 12.2.8.5.

Policy 12.2.8.6 Provide for new development which adds to the waterfront character and quality of design within the area and acknowledges relationships between the city and the sea.

232. Policy 12.2.8.6 recognises that the waterfront is intended to meet the needs of a diverse range of people, providing for a variety of cultural, civic and recreational uses, with some allowance for commercial development. The prerequisite for new development within the Kumutoto/North Queens Wharf Area is that it be of a high quality and be generally complementary to, and of an appropriate scale with heritage buildings. Mr McIndoe was satisfied that the proposed building is well-resolved in this regard.

233. Policy 12.2.8.6, also outlines that several matters, which any application for a new building will have regard to. Relevant to this proposal are the following matters are summarised under the following topics¹⁹:

1. *The principles and objectives of the Wellington Waterfront Framework:*

¹⁹ Several of these policies refer to the impacts of an 'addition and alteration'. The overarching policy (12.2.8.7) refers to 'new development' in the broad sense, As such, I interpret an 'addition or alteration' in the context of this policy to encompass both a new building and the development of public open space.

234. The proposal has been comprehensively assessed by Mr McIndoe in relation to the expectations, principles and objectives of the WWF. I am satisfied, based on his advice, that the proposal will be consistent with the relevant principles and objectives.
2. *Active edges on the ground floor of buildings that are publicly accessible and support public use:*
235. Large areas of the internal floor area of the building will be publicly accessible space, although it is unclear how much of the Creative Business Units will remain publicly accessible. A significant proportion of the buildings façade will contain 'active edges', most notably the spaces fronting Whitmore Plaza and the waterfront promenade. Generous public spaces are also available underneath the building. The proposed building will be well integrated with the adjoining areas of public space.
3. *Whether the building will be complementary to, and of a scale appropriate in relation to other existing buildings adjacent and nearby:*
236. Co-location of both larger and smaller buildings is a feature of the Wellington Waterfront. In this location the proposed building will respond appropriately to both the scale of the adjoining Shed 21 building, whilst remaining respectful and responding appropriately to the much smaller Former Eastbourne Ferry Terminal Building. I accept Mr McIndoe's opinion that the proposed building will be complementary to, and of a scale appropriate to adjacent and nearby buildings, including those on the opposite side of Waterloo Quay and the more 'distant neighbours' of Shed 13, Shed 11 and the Meridian Building.
4. *Whether the works will have a material effect on sunlight access to any open space:*
237. As the application site is currently vacant of any significant buildings, the construction of the proposed building will inevitably result in a material effect on sunlight access to parts of the waterfront. Importantly however, the proposed building will not result in any further shading on any existing formalised/dedicated public open space areas. No additional shading will be experienced for Kumutoto Plaza. Only minimal shading (no more than 20 minutes at around 10:20am from about 01 June through to 15 July) will occur on the northernmost point of Site 8, with the remainder of this space remaining sunny. It is acknowledged that the proposed building will cast a shadow on Whitmore Plaza and parts of the waterfront promenade however; I do not believe that these effects will be unreasonable in the circumstances. The waterfront area provides a collection of public spaces which, at different times provide access to sun, as well as shelter from the rain and wind. The proposal will contribute to this range of spaces. I also note that at times when shading on Whitmore Plaza and the waterfront promenade will occur, waterfront users will be able to find sunny open space nearby either within Site 8, Kumutoto Plaza or on the Tug Wharf.
238. Minimal shading is anticipated on the waterfront from the Toll Booth Building, the Pavilion Shelter, and the associated structures and landscaping features which are proposed to enhanced the area of public open space.
5. *Whether the works will intrude on an identified viewshaft:*

239. The proposed building will be sited clear of identified viewshaft 'VS4 Whitmore Street', as shown on Athfield Architects Design Statement, Drawing No: P7 (Volume - Appendix 1 of the application). The base of this viewshaft is in essence, ground level at the waterfront. I acknowledge that the proposal will result in minor intrusions into this viewshaft, such as the waterfront gates and shelters, platform seating and waterfront furniture. However, these will be relatively low level, or in the case of the wharf gates, will be sufficiently open and transparent to minimise any intrusion. I accept Mr McIndoe's view that these elements are important to ensure the quality and safety of Whitmore Plaza and that these intrusions will be relatively minor. I also note that existing posts and similar structures on this area of the waterfront currently intrude into the viewshaft. Furthermore, I note that Policy 12.2.6.7 outlines that vegetation intruding into a viewshaft, such as the proposed planting within the Whitmore Street Viewshaft, will be generally disregarded when assessing applications.

6. *The adverse effects of the building work on wind, views, shading and sunlight on adjacent properties within the Central Area:*

240. I note that no submissions received have raised specific concerns regarding the effects of the proposal on private properties in relation to views, wind or shading. Submissions on these matters have focussed on the public environment or on impacts within the waterfront area. Potential adverse effects from the proposed building within Site 10 in terms of sunlight and shading on adjacent properties will be minimal for the building at Shed 21. The proposed building will be sufficiently separated from the NZ Post Building on the opposite side of Waterloo Quay (approximately 30 metres in width) and any shading would be minimal.

241. In my opinion, the proposal will have a minor adverse effect on the amenity values as a result of a minor loss of views of the waterfront from some Central Area properties, in particular the NZ Post Building (7 Waterloo Quay); the southern portion of Rydges Hotel (75 Featherston Street); the Southern end of Shed 21 (28 Waterloo Quay); and Z Energy Petrol Station (2 Customhouse Quay).

242. The impacts on the wind environment on adjacent properties have not been explored directly by the applicant, with the focus being on the public environment in this regard.

243. Having considered the matters outlined above in the context of the overarching policy and being informed by the advice of Mr McIndoe, I consider that the proposal will be of high design quality and will contribute positively to the waterfront character of the area. City to sea relationships in the context of this policy will be acknowledged and will not be adversely affected to any unreasonable extent. I consider that the proposal is generally consistent with Policy 12.2.8.6.

Policy 12.2.8.7 Maintain and enhance the Lambton Harbour Area as an integral part of the working port of Wellington.

244. The North Kumutoto Area is bordered by several existing maritime activities, uses and functions. The Wellington Police Maritime Unit is based within the Former Eastbourne Ferry Terminal Building and operates from the Harbour Wharf. To the north-east of the site are areas of the Operational Port Area (owned by Centreport Ltd). The proposal will not inhibit the continuation of any existing working port or maritime activity. The configuration of the proposed building and open space areas maintain a necessary openness to the waterfront promenade and other existing

maritime activities, with the proposed promenade extension and overbridges emphasising the maritime environment. I consider that the values of the Lambton Harbour Area as an integral part of the working port will be maintained and enhanced as a result of this proposal.

Policy 12.2.8.8 To provide for and facilitate public involvement in the waterfront planning process.

245. Public participation in the statutory planning process for new buildings on the waterfront is an explicit expectation under Policy 12.2.8.8. This resource consent process will realise the underlying intention of this policy in this regard. I also note that Section 5 of the Applicant's AEE (Pages 43 to 46) also details the consultation undertaken in relation to this application. The proposal is consistent with the expectations of Policy 12.2.8.8 in this regard.

Policy 12.2.8.9 Encourage and provide for consistency in the administration of resource management matters across the line of mean high water springs (MHWS).

246. This policy seeks to encourage and provide for the consistent administration of resource management issues at the coastal edge. It encapsulates WCC's broad intention to work closely with GWRC to provide for the consistent administration of resource management matters across the line of the Mean High Water Springs, regardless of any jurisdictional matters. The explanation of this policy refers to the consistency of Planning Instruments. It is my opinion that this policy is not relevant to the proposal in this sense. However, I do note that the resource consent applications are being processed concurrently by both WCC and GWRC and the proposal involves a combined assessment of environmental effects. The proposal is consistent with policy 12.2.8.9 in that sense.

Summary of Objectives and Policies Assessment for the Lambton Harbour Area:

247. Having considered the specific objective and policies relevant to the Lambton Harbour Area, I am of the opinion that the proposal will positively contribute to the public environment. It will maintain and enhance the special components and elements that make up the Kumutoto/North Queens Wharf Area and will be well integrated with the waterfront as a whole. The proposed building will maintain visual connections with the waterfront, as far as is appropriate, and the proposal will enhance physical connections with the remainder of the City's Central Area.

248. Overall, I consider that the proposal will be consistent with Objective 12.2.8 and Policies 12.2.8.1 to 12.2.8.9.

Central Area Objectives and Policies

249. The following Central Area objectives and policies are also considered relevant to the assessment of the proposal:

Containment and Accessibility

Objective 12.2.1 To enhance the Central Area's natural containment, accessibility, and highly urbanised environment by promoting the efficient use and development of natural and physical resources.

- Policy 12.2.1.1 Define the extent of the Central Area in order to maintain and enhance its compact, contained physical character.*
- Policy 12.2.1.2 Contain Central Area activities and development within the Central Area.*

250. Policy 12.2.1.1 recognises that the central city naturally lends itself towards containment. The urban form of the city is reinforced by both the harbour and the surrounding hills, emphasising its compact and contained physical character. Policy 12.2.1.2 recognises that the central city has developed over a long time as wellington’s largest centre of activity (day and night) supporting a range of uses and functions. I consider that the proposal meets and is consistent with the Objective 12.2.1 and Policies 12.2.1.1 and 12.2.1.2 as the proposed building and associated activities will be appropriately located within the Central Area and will contribute to the range of functions, uses and activities.

Activities

Objective 12.2.2 To facilitate a vibrant, dynamic Central Area by enabling a wide range of activities to occur, provided that adverse effects are avoided, remedied or mitigated.

- Policy 12.2.2.1 Encourage a wide range of activities within the Central Area by allowing most uses or activities provided that the standards specified in the Plan are satisfied.*
- Policy 12.2.2.2 Ensure that activities are managed to avoid, remedy or mitigate adverse effects in the Central Area or on properties in nearby Residential Areas.*
- Policy 12.2.2.4 Control the adverse effects of noise in the Central Area*

251. Policy 12.2.2.1 outlines a flexible approach to where certain land uses or activities are located and encourages efficiencies in the Central Area through enabling owners to respond appropriately to meet market needs or other economic or technological changes. Importantly, the District Plan would provide for a mixture of activities to occur ‘as of right’ on the ground floor of the proposed building within Site 10, including hospitality, retail, exhibition space, subject to meeting relevant performance standards (noise standards for example). Consideration should also be given under Policy 12.2.2.1 to the positive effects generated by an activity, including the extent to which it will enhance the vitality of the surrounding environment and the wider Central Area.

252. Policy 12.2.2.2 recognises that activities within the Central Area have the potential to have effects both within the Central Area (and beyond). In my opinion, effects generated by the proposed activities can be appropriately controlled through compliance with the relevant performance standards.

253. Policy 12.2.2.4 relates, in particular, to potential adverse effects resulting from both fixed plant noise from new noise sources, and noise generated by construction activities. It is my opinion that these can be appropriately controlled through compliance with the relevant performance standards of the District Plan, which should be reinforced by the appropriate conditions of consent. Construction noise (including demolition) will generate noise which will be temporary in nature. In this regard I note that Policy 12.2.2.4 states:

“The plan acknowledges that construction noise has effects on the Central Area but that these are generally temporary in nature. Construction noise is managed

using best practical [sic] option, in accordance with NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.”

254. These temporary effects are, in my opinion, best managed through appropriate conditions of consent and through compliance with NZS6803:1999.
255. I consider that the proposal meets and is consistent with the Objective 12.2.2 and Policies 12.2.2.1, 12.2.2.2 and 12.2.2.4.

Urban Form and Sense of Place

Objective 12.2.3 To recognise and enhance those characteristics, features and areas of the Central Area that contribute positively to the City’s distinctive physical character and sense of place.

Policy 12.2.3.1 Preserve the present ‘high city/low city’ general urban form of the Central Area.

Policy 12.2.3.2 Promote a strong sense of place and identity within different parts of the Central Area.

256. Policy 12.2.3.1 seeks to preserve the ‘high city/low city’ general urban form of the Central Area which is located “within an amphitheatre of the surrounding hills to and ridgelines to the west and the harbour to the east”²⁰. The high city/low city urban form reinforces the City’s ‘sense of place’ and assists with people orientating themselves around the City.
257. In my opinion, the proposed building will preserve the present high city/low city urban form. Notably, the height of the building will be considerably lower than the Rydges Hotel Building; and, the tower and lower podium of the NZ Post building (as shown on Athfield Architects Plans RC2.03- A) on the opposite side of Waterloo Quay. The building within Site 10 will also be of a similar height to Shed 21 (at 21.1m) and the extension of the podium of the building on the eastern side of the building continues this downward transition towards the harbour and the lower height of the Former Eastbourne Ferry Terminal building. In my opinion, the general urban form of the Central Area (high city/low city) will be preserved.
258. Policy 12.2.3.2 outlines that ‘sense of place’ is shaped by both an area’s social activity, and the quality and character of the built environment. Under this policy, the waterfront area as a whole is identified as an area of special character that has a specific set of policies and related objective (12.2.8), which I have assessed earlier in this report. The North Kumutoto Precinct will contribute to the distinctiveness of this part of the Lambton Harbour Area, and will integrate with other existing areas waterfront area which it adjoins.
259. Overall, I consider that the proposal meets Objective 12.2.3 and Policies 12.2.3.1 and 12.2.3.2.

Effects of New Building Works

Objective 12.2.5 Encourage the development of new buildings within the Central Area provided that any potential adverse effects can be avoided, remedied or mitigated.

²⁰ Wellington City District Plan, Chapter 12, Central Area, pg 12/12

- Policy 12.2.5.1 Manage building height in the Central Area in order to:*
- *reinforce the high city/low city urban form;*
 - *ensure that new buildings acknowledge and respect the form and scale of the neighbourhood in which they are located; and*
 - *achieve appropriate building height and mass within identified heritage and character areas.*

260. It is expressed in Policy 12.2.5.1 (managing building height) that development within the Lambton Harbour Area will reflect the low-rise nature of development in this area and will be both complementary to, and of a scale appropriate to the existing buildings around them. The height of the proposed building at 22.4m (plus a plant room height of 4.25m) will be, in the view of Mr McIndoe, a significant step down from the high city and will be an overt expression of the intended stepping down from the hills to the water edge. The proposed plant room and roof top elements will be centrally located, away from the outer edges of the building and will not contribute significantly to building mass.

261. Importantly, the height and scale of the proposed building remains similar to that of Shed 21, whilst negotiating a respectful relationship with the much smaller (two-storey) Former Eastbourne Ferry Terminal Building.

262. Having considered the advice of Mr McIndoe, I am of the opinion that the proposed height can be appropriately and sympathetically incorporated into the existing context. The proposal will reinforce the high city/low city urban form whilst acknowledging and respecting the form and scale of the neighbourhood. I consider that the proposal will be consistent with Policy 12.2.5.1.

- Policy 12.2.5.2 Manage building mass to ensure that the adverse effects of new building work are able to be avoided, remedied or mitigated on site.*

- Policy 12.2.5.3 Manage building mass in conjunction with building height to ensure quality design outcomes.*

263. In relation Policy 12.2.5.2, the placement of building mass (volume) for new building works is seen as an important tool in managing the effects of new building works on the public realm (urban design, pedestrian wind environment, impacts on identified viewshafts and the loss of sunlight to public spaces); and managing the impacts on adjacent heritage items.

264. Similarly, Policy 12.2.5.3 seeks to manage building mass in conjunction with building height, with the anticipated outcome being²¹:

“that there will be increased quality, variety and vitality in the built form of the City, and greater capacity to negotiate positive heritage and urban design outcomes throughout the Central Area”.

265. Mr McIndoe has assessed both Policy 12.2.5.2 and Policy 12.2.5.3 in his assessment. I accept Mr McIndoe’s conclusion that the proposed height and volume (mass), characterised by concept and context driven articulation, ensures a quality urban design outcome. In terms of managing building height and mass in relation to the impacts on adjacent heritage items, I am informed by the assessment of Ms Tanner who supports the scale, bulk and alignment of the

²¹ Ibid pg 12/23

proposed building in this regard, with the proposal negotiating a successful heritage outcome.

266. In relation to other amenity impacts on the public realm, I note that the proposed building will be sited so that it does not intrude into the identified Whitmore Street Viewshaft. The loss of sunlight to nearby public space, which I will discuss later in greater detail under the assessment of Policies 12.2.6.4 and 12.2.6.5, will be reasonable in my opinion. The new building will cast a shadow over the newly created Whitmore Plaza and sections of the existing waterfront promenade. On the other hand, the proposal will ensure that there is no loss of sunlight to any protected public space (Kumutoto Plaza). The project will also add to the offering of high quality and sufficiently sunny public open spaces, particularly in regard to Site 8.
267. The impacts of the proposed building on the pedestrian wind environment are more finely balanced. In his audit of the wind tunnel test conducted by Opus Research Ltd, Mr Michael Donn concludes that the changes to the wind environment resulting from the proposed building are not necessarily a function of building bulk or height, but rather a result of placing a structure on what is presently an open site where wind disperses.
268. Based on Mr Donn's advice, changes to building mass will not necessarily avoid, remedy or mitigate the adverse effects of the proposal on the wind environment on the opposite site of Waterloo Quay, but the size of the building will result in an improvement on the local wind environment (on the waterfront) over what Mr Jamieson describes as a 'sizable area'. Informed by Mr Jamieson and Mr Donn, I consider that the proposal is not inconsistent with Policies 12.2.5.2 or 12.2.5.3.

Policy 12.2.5.4 To allow building height above the specified height standards in situations where building height and bulk have been reduced elsewhere on the site to:

- provide an urban design outcome that is beneficial to the public environment, or*
- reduce the impact of the proposed building on a listed heritage item*

Any such additional height must be able to be treated in such a way that it represents an appropriate response to the characteristics of the site and the surrounding area.

269. In my opinion, this policy primarily relates to the additional height and mass provided for under Rule 13.3.8 of the District Plan, which expressly does not apply to buildings within the Lambton Harbour Area. However, it is my view that the environmental outcomes anticipated under this policy will still be met. That is, building height and volume will be managed appropriately to ensure quality design outcomes. Mr Jamieson and Mr Donn agree that, for the local wind environment on the waterfront side of Waterloo Quay, the changes to the wind environment would be neutral or beneficial. However, Mr Donn notes that a significant increase frequency of strong winds will be experienced on the opposite (western) side of Waterloo Quay. As such, the changes to the wind environment will not be entirely beneficial on the public environment. Further information is required to understand how these effects may be mitigated in association with the proposed works.
270. Policy 12.2.5.4 recognises that in some situations building height and building mass may be reduced in order to achieve positive heritage or urban design

outcomes. In these instances, this policy provides for the Council to consider whether it is appropriate for additional building height to be provided elsewhere on the site whilst maintaining the integrity of the building's design and respecting the characteristics of the site and setting. Positive urban design outcomes in this context include:

- providing for sunlight on identified (protected) areas of Public Space (like Kumutoto Plaza), or any other space of prominence or space where people regularly congregate;
- providing high quality public open space;
- publicly accessible through block links; and
- retention of an identified viewshaft.

271. Despite the shadow cast by the building on both the proposed Whitmore Plaza and the waterfront promenade, as discussed within the 'Shading Effects' assessment above, I consider that the proposal will still largely achieve the intent of Policy 12.2.5.4. The proposed building will not cast a shadow on Kumutoto Plaza. Minimal shading will occur over a small portion of the new area of public open space to be constructed within Site 8 where people are expected to congregate (no more than 20 minutes at 10:20am from about 01 June through to 15 July).

272. In the opinion of Mr McIndoe, the proposal will provide high quality public open space, both immediately underneath the 'portico' of the building and as an extension of Whitmore Plaza and the waterfront promenade. The Harbour Wharf link through the building will also provide a convenient publicly accessible through link between Waterloo Quay and the waterfront promenade. The Waterloo Colonnade will also contribute to an appropriate urban design response to its context in the opinion of Mr McIndoe. In addition, it is the view of Ms Tanner that the placement of the building has been arranged appropriately to respect the heritage listed Shed 21 and the Former Eastbourne Ferry Terminal (in particular). For these reasons, I believe that anticipated environmental result of building work being designed to provide positive public environment and heritage outcomes will be achieved.

Policy 12.2.5.5 Require design excellence for any building that is higher than the height standard specified for the Central Area.

273. The explanation under Policy 12.2.5.5 outlines that, in accordance with Policy 12.2.6.2, all buildings within the Central Area should contribute to its character and public environment, with the design quality being a fundamental consideration. However, any building that is over the specified height limit for the Central Area (on Maps 32 and 32A) will require excellence in its design ('design excellence'). Site 10 is located within part of the Lambton Harbour Area where the 'zero height rule' applies.

274. I note that Design Excellence is not defined in the District Plan and there is limited guidance provided in what constitutes excellence in design. Mr McIndoe offers his view in the assessment of this application and, in his role as Chairman of the Technical Advisory Group (TAG) for the Waterfront, regularly advises on what constitutes design excellence in the waterfront setting. Mr McIndoe outlines in his assessment that:

“Design excellence can be defined in various ways but may broadly be seen as a significant advance on the ordinarily acceptable, with resolution to an exemplary standard conceptually, compositionally, and at the level of detail.

I consider that this proposal passes the test of design excellence due to a combination of key attributes. Key attributes are that the building proposal:

- 1. Is concept driven, with the gantry and undercroft created by this giving a memorably expressive quality;*
- 2. Demonstrates compositionally coherent articulation of form and façade design that relates specifically to this context and provides visual richness;*
- 3. Provides a high quality edge to Whitmore Plaza, and excellent conditions for pedestrians around the three main sides of the building; and*
- 4. Integrates parking in the preferred underground location on a site where the Waterfront Framework anticipates that parking might be above-ground.”*

275. I accept Mr McIndoe’s advice in this regard and consider that Policy 12.2.5.5 will be satisfied. I also acknowledge the assessment from Mrs Popova (included as Volume 3 – Appendix 11 of the application) which provides a comprehensive assessment of the proposal against the provisions of the Central Area Design Guide.

Policy 12.2.5.6 Ensure that buildings are designed to avoid, remedy or mitigate the wind problems that they create and where existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably practical.

Policy 12.2.5.7 Ensure that the cumulative effect of new buildings or building alterations does not progressively degrade the pedestrian wind environment.

Policy 12.2.5.8 Ensure that the wind comfort levels of important public spaces are maintained.

Policy 12.2.5.9 Encourage consideration of wind mitigation measures during the early stages of building design and ensure that such measures are contained within the development site.

276. Policies 12.2.5.6 to 12.2.5.9 relate to improving the pedestrian wind environment through new building works. An assessment of the ‘Wind Effects of the proposed building has been provided under the Section 104(1)(a) assessment above. The explanation to this set of policies explains that:²²

“The wind rules seek to encourage a safe and pleasant environment by decreasing the worst effects of wind. That is, a development should not make the existing wind environment dangerous or significantly worse”.

277. The principal concern in this regard that the proposed building will further degrade the pedestrian wind environment along the western side of Waterloo Quay. Mr Donn’s view in this regard is that the change in wind environment will be significantly worse for pedestrians as a result of the proposed building. Mr Donn’s view, supported by the wind tunnel test conducted by Mr Jamieson, is that this is a result of a structure being present on what is currently an open site. In this regard, further information is required to determine whether or not the proposed building will be consistent with Policies 12.2.5.6 and 12.2.5.7. Furthermore, it is Mr Donn’s

²² Ibid pg 12/25

opinion that wind mitigation measures in relation to these effects cannot be contained within the development site as outlined in Policy 12.2.5.9.

278. Policy 12.2.5.8 seeks to ensure that wind comfort levels are maintained for important public spaces, and this would specifically include Kumutoto Plaza. The wind tunnel test does not comment specifically on this aspect of the proposal but does measure points in close proximity to Kumutoto Plaza ('O1' and 'N1'). Further comment on this topic would be helpful in terms of determining whether the proposal would remain consistent with Policy 12.2.5.8, that is, whether or not the wind comfort levels of Kumutoto Plaza will be maintained.
279. Having regard to the advice of Mr Donn and Mr Jamieson, and without further information and assessment on the matter, I am unable to conclude the proposal will be consistent with Policies 12.2.5.6 to 15.2.5.9 and the corresponding Objective 12.2.5.

Buildings and Public Amenity

Objective 12.2.6 To ensure that new building works maintain and enhance the amenity and safety of the public environment in the Central Area, and the general amenity of any nearby Residential Areas.

Design Guidance

- Policy 12.2.6.1 Enhance the public environment of the Central Area by guiding the design of new building development, and enhancing the accessibility and usability of buildings.*
- Policy 12.2.6.2 Require high quality building design within the Central Area that acknowledges, and responds to, the context of the site and the surrounding environment.*
- Policy 12.2.6.3 Ensure that new buildings and structures do not compromise the context, setting and streetscape value of adjacent listed heritage items, through the management of building bulk and building height.*

280. The strong relationship between the design and external appearance of buildings and the quality of the public environment is recognised under Policy 12.2.6.1. The environmental result anticipated on the waterfront is an experience of openness and transition between the built up city and the open expansiveness of the harbour; buildings (where appropriate) will support open spaces both in their design and associated uses and activities. Similarly, Policy 12.2.6.2 seeks for the design of new development to respond to the context of the site and the character of the surrounding area.

281. Being informed by the advice of Mr McIndoe, I consider that the proposed building will provide an appropriate transition between the city and the harbour beyond. The building will be of high quality and will enhance and relate to the areas of public space to be created as part of the Project. It responds sensitively to its site context including immediately adjoining sites and heritage items, as well as the character of the surrounding area.

282. Policy 12.2.6.3 seeks to ensure that development recognises and responds to adjacent listed heritage items through variation in height, the appropriate use of proportion, scale and setbacks. In this case the scale of the proposed building will reflect the long edge of Shed 21 to Waterloo Quay and the height will be similar; it

will be set back from the street edge at Waterloo Quay to respect Shed 21; and the new building will continue the colonnade feature along Waterloo Quay. At the same time, the proposed building will respond to the height and façade alignment of the Former Eastbourne Ferry Terminal Building, allowing this building to be read and understood as a three-dimensional volume. Based on the advice of Mr McIndoe and Ms Tanner, I accept that appropriate consideration has been given to scale height and proportions of the building in relation to these heritage items and the proposed building within Site 10 will not dominate or compete with these buildings.

283. The proposed building will, in my opinion, support the adjoining open spaces of both Whitmore Plaza and the waterfront promenade. The ground floor uses of the building will include publicly relevant activities, with a particular concentration of retail and hospitality tenancies on the ground floor of the southern portion of the building. The *Creative Business Units* at the northern end of the building will consist of fine-grained studio, small business or retail spaces, although it is unclear to what extent these will remain publicly accessible in future.
284. The applicant has provided a summary of the area of the ground floor of the building which will be publicly accessible, titled: "Ground Floor Breakdown"²³. Over the total area of the building footprint, including the external areas of the building such as the 'Portico', Waterloo Quay Colonnade and the eastern and northern overhangs of the building, approximately 70% of the building's footprint will comprise publicly accessible space. When accounting for solely the internal areas of the building, the publicly accessible spaces of the *Creative Business Units*, Tenancies A to D, and the lobby areas will comprise approximately 72% of the total internal floor area. However, as stated above, it is unclear whether or not the Creative Business Units will remain publicly accessible.
285. Overall, I consider that the proposal will be consistent with Policies 12.2.6.1, 12.2.6.2 and 12.2.6.3.

Sunlight Protection to Public Spaces

- Policy 12.2.6.4* *Protect sunlight access to identified public spaces within the Central Area and ensure new building developments minimise overshadowing of identified public spaces during periods of high use.*
- Policy 12.2.6.5* *Advocate for new building work to be designed in a way that minimises overshadowing of any public open space of prominence or where people regularly congregate.*

286. As discussed in the assessment of 'Shading Effects' above, Kumutoto Plaza is identified in Appendix 7 (Chapter 13) of the District Plan as an identified public space with sunlight access required to be maintained between 12 noon and 2:00 pm (all year round). The information provided by the applicant demonstrates that the proposed building will ensure sunlight access to Kumutoto Plaza at all times (not just between 12 noon and 2:00 pm), therefore meeting Policy 12.2.6.4.
287. Policy 12.2.6.5 advocates for new building work to be designed in a way which minimises overshadowing on any public space of prominence or where people regularly congregate (such as pocket parks and paved seating areas). This policy identifies that opportunities may arise to design new buildings in a way which

²³ Athfield Architects Ltd, s92 Response, dated 12 March 2015, P12

minimising overshadowing of any public open space of prominence or where people regularly congregate. However, the policy also recognises that in some cases, 'overshadowing of public open spaces from new building work is inevitable'²⁴ and that not all public spaces are listed for protection.

288. In this case, I accept that the design of the building has been considered with regard to maintaining sunlight access to public open spaces, noting that the building will not shade Kumutoto Plaza and that very little shading will occur within the new public open space within Site 8. Despite the shadow cast by the building on both the proposed Whitmore Plaza and the waterfront promenade, I consider that the proposal will still largely achieve intent of Policy 12.2.6.5.

Protecting views

Policy 12.2.6.7 Protect, and where possible enhance, identified public views of the harbour, hills and townscape features from within and around the Central Area.

289. Both the proposed building within Site 10 and the proposed pavilion shelter will be sited clear of the Central Area Viewshaft No. Vs 4 (Whitmore Street)²⁵. The viewpoint location for this viewshaft is taken from the footpath on the south-west location of Bowen Street and Lambton Quay. The base of the viewshaft is effectively ground level of the site. As such, it is noted that minor structures will be located within this viewshaft area, such as the low-level timber platforms, waterfront promenade seating and new vegetation. These features add to the amenity of the public space to be provided and, in my opinion, will not adversely impact the viewshaft to any significant degree. The Whitmore Street viewshaft will be otherwise protected from any other building.

290. I have given consideration to whether there are any opportunities to enhance this viewshaft in relation to Policy 12.2.6.7. However, given that the left margin of this viewshaft is framed by the large existing building at 70 Featherston Street (see Appendix 10 of the application, Buildmedia Visual Simulation of proposed design, VP08) enhancing this viewshaft through building design and siting is not possible. All other minor structures, as discussed in the paragraph above, will contribute positively to the amenity of the waterfront area and in my opinion, will not significantly impact on the protected viewshaft in the context in which they are viewed. As such, I consider that the proposal is consistent with Policy 12.2.6.7.

Pedestrian shelter

Policy 12.2.6.8 Ensure that pedestrian shelter is continuous on identified streets where there are high volumes of pedestrians, and on identified pedestrian access routes leading to the Golden Mile from the outskirts of the Central Area.

Policy 12.2.6.9 Ensure that in providing pedestrian shelter any adverse effects on the architectural integrity and historic heritage value of a building to which the shelter is affixed, and any adverse effects on public safety and the informal surveillance of public spaces are avoided, remedied or mitigated.

²⁴ Wellington District Plan, Chapter 12 Central Area, pg 12/29

²⁵ Wellington District Plan, Chapter 13 Central Area - Appendix 11, pg 38 (updated 19 November 2014)

- Policy 12.2.6.10 Encourage the provision of pedestrian shelter along streets and public spaces throughout the Central Area (including within the Pipitea Precinct).*
- Policy 12.2.6.11 Enhance the informal pedestrian network within the Central Area, by encouraging the retention and enhancement of existing pedestrian thoroughfares, and promoting the creation of new thoroughfares where they would enhance walkability and permeability for pedestrians.*

291. I note that this portion of Waterloo Quay/Customhouse Quay is not identified as an identified street requiring continuous verandahs (See District Plan Map 49E), as referred to Policy 12.2.6.8. Notwithstanding this, through the District Plan, the Council seeks to encourage verandahs to be provided in appropriate circumstances where it will contribute to improving pedestrian amenity (Policy 12.2.6.10). In this case, the proposed Waterloo Quay colonnades of the building will integrate with the existing colonnade along the western side of Shed 21. Shelter will also be provided along the edge of Site 9 to assist in providing continuous pedestrian protection (shade and protection from wind and rain). In addition, the Harbour Link will provide a convenient short-cut through the building block and will link appropriately with the waterfront promenade. Overall, I consider that the proposal will meet Polices 12.2.6.8 to 12.2.6.11.

Ground floor frontages

- Policy 12.2.6.12 Maintain and enhance the visual quality and design of ground floor level developments fronting on to streets, parks and pedestrian thoroughfares throughout the Central Area*
- Policy 12.2.6.13 Maintain and enhance the commercial character and visual interface of ground floor level developments facing the public space along identified frontages within the Central Area.*
- Policy 12.2.6.14 Encourage new building development in the Central Area to provide ground floor stud heights that are sufficient to allow retro-fitting of other uses.*

292. The ground floor level of the development is recognised under Policy 12.2.6.13 as a major contributor to both pedestrian amenity and the quality of the public environment (including streetscape). I note that the site is not located on an identified frontage requiring ground floor display windows (District Plan Map 49E). However, all frontages of the building will contain active edges and positive ground floor interfaces with the public realm, interrupted only by the truck dock and basement carpark entry on the eastern and northern side of the ground floor, respectively. In this context, I consider that the proposal will be consistent with Policies 12.2.6.12 to 12.2.6.14.

Health, safety and security

- Policy 12.2.6.15 Improve the design of developments to reduce the actual and potential threats to personal safety and security.*
- Policy 12.2.6.16 Promote and protect the health and safety of the community in development proposals.*
- Policy 12.2.6.17 Ensure that public spaces in the Central Area (including privately owned places that are characterised by public patterns of use) are suitably lit at night time to improve the safety and security of people.*

293. Policy 12.2.6.15 seeks to employ urban design measures to reduce or prevent crime, and minimise or reduce threats to personal safety and security. Appendix 23 of the application includes a CPTED Statement by Dr Frank Stoks in support of the proposed development. Based on the conclusions of Dr Stoks, I am satisfied that the proposal will be consistent with Policy 12.2.6.15 and 12.2.6.16.
294. Further development of the proposal is required in order to ensure that the public space areas are will be suitably lit during the night time environment to ensure ongoing safety and security. This is also acknowledged by Dr Stoks who outlines in his assessment that²⁶:

“The Project Area will undergo a detailed lighting design in the next stage of design development. At that point it is anticipated the design, installation and subsequent maintenance of lighting in the Project Area will be in accordance with Waterfront Wellington City Council’s lighting strategy and guidelines. These documents also deal with required levels of illuminance and light quality such as light pollution and avoiding glare to satisfy CPTED, IPTED and Accessibility objectives.

The luminaires used within the Project Area for different purposes such as to signal entrances to the promenade, edges, main sections of the promenade, emergency ladders, life-rings, water (under jetties) and the like, are expected to be consistent with the better luminaires already on the waterfront”.

295. In my opinion, it is appropriate for such considerations to be left for detailed design considerations but that its appropriate design and implementation be reinforced through conditions of consent. Through such measures, it is my view that Policy 12.2.6.17 will be met.

Streetscape

Policy 12.2.6.18 Maintain and enhance the streetscape by controlling the siting and design of structures on or over roads and through continuing programmes of street improvements.

Policy 12.2.6.19 Maintain and enhance the streetscape by controlling the creation of vacant or open land and ground level parking areas.

296. Parts of the proposed building to be constructed on Site 10 will extend onto, or out over, part of legal road (Waterloo Quay). This includes various architectural features on the building’s Waterloo Quay façade; a disabled access ramp onto the colonnade space from the existing footpath; and, possible subterranean building foundation protrusions beyond the site boundary (“rattle space” for the base-isolated foundations of the building).
297. The design and external appearance of these structures is a relevant consideration under Policy 12.2.6.18. In this regard, the architectural features which are to extend out over the road will contribute positively to the visual qualities of the building, such as the ‘boxed window’ feature on the western elevation of the building which is designed to ‘signal’ the entry to the Harbour Link. The building will maintain an appropriate alignment with Shed 21 and will not disrupt the predominant streetscape pattern.
298. Policy 12.2.6.19 seeks to maintain and enhance the streetscape by controlling the creation of ‘open land’. This is defined in the District Plan as being: “any

²⁶ Volume 4 - Appendix 23, CPTED Statement, pg 8

land...which is developed for recreation or amenity activities that do not take place in buildings". In this case, I consider that the areas of public open space which form part of this application will contribute positively to the public environment by transforming what is largely an open carpark area at present to high quality public open space. Furthermore, I note that the Lambton Harbour Area is intended to remain a greater sense of openness than other areas of the Central Area, noting that permitted activity standard 13.6.3.8.1 of the District Plan sets a maximum site coverage for the whole of the Lambton Harbour Area at 35%. Overall, I consider that the existing streetscape pattern will not be eroded and the proposal will enhance the quality of the streetscape in a manner which is consistent with the expectations of the Lambton Harbour Area.

299. I consider that the proposal will be consistent with Policies 12.2.6.18 and 12.2.6.19.
300. Having considered the matters discussed above, I consider that the proposal will be consistent with Objective 12.2.6 and that the proposal will enhance the amenity and safety of the public environment within this part of the Central Area.

Building Amenity

Objective 12.2.7 To promote energy efficiency and environmental sustainability in new building design.

Policy 12.2.7.1 Promote a sustainable built environment in the Central Area, involving the efficient end use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.

Policy 12.2.7.2 Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.

301. Through Policies 12.2.7.1 and 12.2.7.2, the Council seeks to encourage opportunities to incorporate sustainable building design features and sustainable building methods to minimise potential adverse effects on the environment (as users of natural and physical resources). Developments which incorporate 'Environmentally Sustainable Design' (EDS) are viewed as having a positive effect on the environment. In this regard I note that the Design Statement included within the Appendix 1 of the Application documents includes the following statement²⁷:

"The buildings have been designed to balance the heating and cooling energy profiles of each facade with a combination of double glazing, performance solar coating and the incorporation of solid panels. This enables greater transparency through the facade on the southern and eastern harbour outlooks, with resulting benefits in passive heating and daylight penetration. The interior design conditions have been selected with consideration to reducing the building's energy use and carbon emissions, whilst providing an optimal internal environment. The large floor plate and exposed slab create a stable thermal environment with perimeter zones served via remote services to reduce noise levels...The building will be designed to achieve a 5 Star Green Star Certified Rating which is recognized by the NZ Green Building Council as 'New Zealand Excellence'.

302. This statement demonstrates clear consideration of the end use of energy within the building. However, it is my opinion that further supporting evidence is required to demonstrate that the proposed building will achieve Policy 12.2.7.1. In relation

²⁷ Volume 3 - Appendix 1, Architects Design Statement, P13

to Policy 12.2.7.2, I note that the proposed building will have extensive glazing and will have access to natural light on all four of the building's facades. As such, the levels of natural light are, in my view, likely to be consistent with the expectations of Policy 12.2.7.2.

303. It is my view that the proposed building will be consistent with Policy 12.2.7.2 but that further information is required to demonstrate to what extent the proposed building will meet Policy 12.2.7.1.

Coastal Environment

Objective 12.2.12 To maintain and enhance access to, and the quality of the coastal environment within and adjoining the Central Area.

- Policy 12.2.12.1 Maintain the public's ability to use the coastal environment by requiring that, except in Operational Port Areas, public access to and along the coastal marine area is maintained and enhanced where appropriate and practicable.*
- Policy 12.2.12.2 Enhance the natural values of the urban coastal environment by requiring developers to consider the ecological values that are present, or that could be enhanced, on the site.*
- Policy 12.2.12.3 Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment.*

304. Objective 12.2.12 identifies that maintaining and enhancing public access to and along the coast is an important issue. The proposed development will extend the existing waterfront promenade along the water's edge and, in relation to the development of Site 8, will also provide descending access to the water. The proposal will therefore enhance public access to the coastal environment through providing both formal and informal places for people to enjoy this urban coastal environment.

305. The explanation which follows under this objective and its corresponding policies records that²⁸:

"The coastal environment is an important asset for Wellington, and Council is concerned that its qualities and character are not degraded through inappropriate activities or development. Council aims to maintain and enhance the character and public amenity of the coastal environment by means of rules and strategies. The development of the Lambton Harbour Area as a unique and special part of the city and as a predominantly public area is an important element of the Council's coastal policy".

306. It is my opinion that the unique and special characteristics of this area of the Lambton Harbour Area, being in this case a distinctly urban coastal environment, will be enhanced as a result of the proposal. A range of diverse high quality public spaces will be provided and the North Kumutoto Precinct will remain predominantly a public area. I consider that the proposed development and associated activities will be appropriate within this context and the qualities and character of this coastal environment.

²⁸ Wellington District Plan, Chapter 12 Central Area, pg 12/50

307. In relation to Policy 12.2.12.2, the landscaping design for Application 3 incorporates a selection of aquatic plantings. Specifically, the proposal will involve the greening of the reclamation edge (rip-rap wall) with pockets of planting and the folded timber deck will float above the coastal edge which is intended to protect, and create habitats for, both fauna and flora below²⁹.
308. I consider that the proposal is consistent with Policies 12.2.12.1 and 12.2.12.3, and will not be inconsistent with Policy 12.2.12.2. The proposal will meet Objective 12.2.12 in my opinion.

Natural and Technological Hazards

Objective 12.2.13 To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.

Policy 12.2.13.1 Identify those hazards that pose a significant threat to Wellington, to ensure that areas of significant potential hazard are not occupied or developed for vulnerable uses or activities.

Policy 12.2.13.4 Ensure that the adverse effects on the natural environment arising from a hazard event are avoided, remedied or mitigated.

309. An assessment of the proposal with regard to natural hazards have been undertaken under the Section 104(1)(a) Assessment above. Relying on the advice of the technical experts listed within this assessment, I consider that the risks posed for the proposed building in relation to natural hazards will be appropriately managed. I consider that the proposal will be consistent with Objective 12.2.13, Policy 12.2.13.1 and Policy 12.2.13.4.

Hazardous Substances and Contaminated Sites

Objective 12.2.14 To prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal.

Policy 12.2.14.1 Ensure that the use, storage, handling and disposing of hazardous substances does not result in any potential or actual adverse effects on the environment, by requiring that the proposed activity is assessed using the Hazardous Facilities Screening Procedure, and where appropriate, the resource consent process.

Policy 12.2.14.5 In assessing an application for a resource consent relating to hazardous substances, the following matters will be considered:

- *Site layout, design and management to avoid, remedy or mitigate any adverse effects of the activity.*
- *The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:*

²⁹ Volume 3 – Appendix 2, Ithmus Desing Statement, pg 7

- *any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented*
- *the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented*
- *the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.*
- *Necessity for secondary containment of bulk storage vessels.*
- *Location of and separation distance between the hazardous facility and residential activities.*
- *Location of and separation distance between the hazardous facility and critical facilities and lifelines.*
- *Location of the facility in relation to the nearest waterbody or the coastal marine area.*
- *Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.*
- *Transport of hazardous substances to and from the site, including the tracking of waste where it is disposed off-site.*
- *Existing and proposed (if any currently under consideration by Council) neighbouring uses.*
- *Potential cumulative hazards presented in conjunction with nearby facilities.*
- *Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.*
- *Fire safety and fire water management.*
- *Site drainage and utility infrastructure.*
- *Whether the site has adequate signage to indicate the presence of hazardous substances.*
- *Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated, including whether off-site disposal is a more appropriate solution.*
- *Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.*
- *Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event*
- *Type and nature of the existing facility.*
- *Whether appropriate contingency measures and emergency plans are in place.*
- *Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.*

310. The District Plan seeks to ensure that people and the environment are not exposed to unnecessary risks generated from hazardous substances, and seeks to minimise the risks of exposure from accidental release, In this case, Policy

12.2.14.1 seeks to work in conjunction with the *Hazardous Substances and New Organisms Act 1996* to ensure the safe use and storage of hazardous substances. Based on the advice from Kevin Tearney from URS who has reviewed the information included within the application presented, and given the secondary containment measures incorporated as part of the proposal, Policy 12.2.14.1 will be met in my view.

311. Consideration has also been had to the matters listed in Policy 12.2.14.5. Specifically, the proximity of the proposed diesel storage tank to the Coastal Marine Area is acknowledged. I also note that Mr Tearney has assessed the application in terms of its compliance (or likely compliance) with the HSNO Act. The storage of diesel fuel will in this case support a core function of the proposed commercial building (the operation of an emergency generator) and appropriate secondary containment measures will be installed. I have had regard to the matters outlined under Policy 12.2.14.5 and based on the advice of Mr Tearney, I consider that the proposal will be consistent with this policy.

Access

Objective 12.2.15 To enable efficient, convenient and safe access for people and goods within the Central Area.

- Policy 12.2.15.1* Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.
- Policy 12.2.15.2* Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic on the amenity of the Central Area and the surrounding Residential Areas.
- Policy 12.2.15.3* Manage the road system in accordance with a defined road hierarchy.

312. Policy 12.2.15.1 seeks to provide for better access for people and goods through the Central Area. In this regard the proposal will facilitate enhanced pedestrian connections throughout this portion of the waterfront with improved legibility. Sheltered pedestrian and cycle routes will also be provided.

313. As assessment of the proposal on the local roading network has been undertaken by Eliza Sutton from TDG. She concludes in her assessment that³⁰:

“A safer and more efficient intersection with the Quays at Whitmore Street will be developed, with the removal of unnecessary approach lanes, better alignment of the new lanes, less exposure of pedestrians to vehicle traffic when crossing at the intersection and enabling better vehicle delineation and pedestrian connections through the Kumototo Precinct”.

314. Mr Teck Kong supports these conclusions and based on the advice of Ms Sutton and Mr Teck Kong, I am satisfied that the proposal will be consistent with Policies 12.2.15.1 to 12.2.15.3.

- Policy 12.2.15.6* Manage the supply of commuter car parking.
- Policy 12.2.15.8* Manage on-site parking to ensure any adverse effects on the surrounding street network are avoided, remedied or mitigated.

³⁰ Volume 4 – Appendix 15, Transportation Assessment, pg 29

315. Policy 12.2.15.6 seeks to manage the supply of commuter car parking, recognising the associated impacts (such as congestion) that it can cause on the local roading environment. The construction of the proposed building will significantly reduce the overall supply of commuter carparking spaces within the application site. Only 18 commuter carparks will be provided following the completion of the Project, all of which will be accommodated within Site 9. The remaining carparking spaces within the application site will consist of: 62 private carparking spaces within the office building; 3 short term (15 minute) carparking spaces on the eastern side of the building within site 10; and, 7 private carparking spaces provided for the Waterloo on Quay Apartments (Shed 21) on the eastern and northern sides of that building.
316. The proposal will therefore, reduce both the supply of commuter carparking, and, reduce the total supply of carparking within the application site in general. Having considered the advice of Mr Teck Kong, I am of the view that the proposal will meet Policy 12.2.15.6 and the supply of commuter carparking will be appropriately managed through a significant reduction of supply.
317. The explanation to this set of policies identifies that the District Plan seeks to manage on-site parking in two ways: to set a ratio of 1 space per 100m² per gross floor area of any building; and, requiring resource consent for 'sites' which exceed more than 70 carparking spaces. In this case, the North Kumutoto Precinct will provide a total of 90 spaces spread over a number of 'sites', none of which exceed 70 parking spaces individually. The environmental result anticipated will be the improved access to streets in the Central Area, with the explanation specifically seeking to ensure development does not cause local congestion or affect the safe and efficient movement of traffic on surrounding streets. Having considered the advice of Ms Sutton and Mr Teck Kong, I am satisfied that the effects on the local traffic network will be appropriate.
318. I am of the view that the proposal will meet Policies 12.2.5.6 and 12.2.15.8.

- Policy 12.2.15.9 Require the provision of servicing or loading facilities for each site in the Central Area.*
- Policy 12.2.15.10 Ensure that the design and location of servicing or loading facilities is appropriate having regard to the nature of the development and the existing or likely future use of the site.*
- Policy 12.2.15.11 Consider waivers from the servicing or loading requirements:*
- where suitable alternative off-street provision can be made; or*
 - where site access restrictions apply and there is no suitable alternative means of access; or*
 - where it is necessary to protect any listed heritage item.*
 - Where the topography, size or shape of the site, the location of any natural or built features on the site, or other requirements such as easements, rights of way, or restrictive covenants impose constraints which make compliance impractical.*

319. On-site vehicle servicing is required for 'every' site in the Central Area. Given the nature of the activities associated with the proposal however, servicing is only considered necessary for the proposed commercial building within Site 10 (and not for Sites 8 and 9). Servicing will be provided internally within the building with an additional external loading area provided astride Kumutoto Lane. Mr Teck Kong is satisfied with these arrangements and that the movements from these servicing areas can be conducted in a safe and efficient manner.

Policy 12.2.15.12 Manage the creation of new vehicle accessways along identified roads in the Central Area, to ensure:

- *efficient, convenient and safe movement of pedestrians, vehicles and public transport; and,*
- *continuity of key commercial frontages.*

Policy 12.2.15.13 Require all vehicular access to sites to be safe.

320. Both Customhouse Quay and Waterloo Quay are identified on Map 34 of the District Plan as a continuous road where vehicle access is restricted. The works will reduce the number of lanes entering onto these streets (from 4 to 2 lanes) and will reduce the overall width of this frontage from approximately 25 metres to 13 metres. Mr Teck Kong is satisfied that the efficient, convenient and safe movement of vehicles to and from this intersection can continue following the reconfiguration of this frontage. He also considers that vehicle access to the commercial building will be safe, including the access from Kumutoto Lane to Wool Store Plaza.

321. Mr Teck Kong has also identified a number of safety benefits that result from the work for other users, particularly pedestrians and cyclists. These are highlighted in sections [29] to [34] of his assessment attached as Annexure 4 to this report.

322. I consider that the proposal will be consistent with Policy 12.2.15.12 and 12.2.15.13

Policy 12.2.15.14 Protect and enhance access to public spaces in the Central Area.

323. Council aims to maintain, enhance and protect existing accessways. In this case, no existing accessway will be lost as a result of the proposal. The Harbour Wharf Link will also provide a convenient link through the building between the waterfront and the Quays. Public access to the existing and proposed areas of public space will be enhanced in this sense in my opinion.

324. Policy 12.2.15.14 also seeks to improve access to public space for people of all mobility levels. The Council's Public Spaces Design Guide also outlines this as a key objective, which will be discussed later in this report. Further detailed design will be needed to ensure that all public spaces proposed will deliver in this regard. However, at this point of time, I see no reason why safe and equitable access for all persons cannot be provided. As such, I consider that the proposal will be able to meet Policy 12.2.15.14.

Tangata Whenua

Objective 12.2.16 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.

Policy 12.2.16.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.

Policy 12.2.16.3 In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

325. The applicant has obtained a CIR from the relevant Tangata Whenua in recognition of the cultural significance of the area to Maori. Wellington Harbour also has Statutory Acknowledgement under Schedule 11 of the Act. Although the CIR did not raise any cultural issues with the construction of the building, the

report highlights that reconnecting the people of Wellington (Maori or otherwise) with te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important to Tangata Whenua. The proposal is supported by Tangata Whenua in this regard, subject to an accidental discovery protocol being implemented during the site works as is intended.

326. As is the case with any resource consent application, the principles of the Treaty of Waitangi/Te Tiriti o Waitangi must be considered (taken into account) in relation to Section 8 of the Act. These matters are discussed further under the assessment below in relation to Part 2 of the Act.
327. I consider that the proposal will be consistent with Policy 12.2.16.1 and 12.2.16.3, and will not be inconsistent with objective 12.2.16.

Heritage

328. The Heritage Chapters of the District Plan (Chapters 20 and 21) set out the objectives and policies and rule framework intended to protect the City's historic heritage from inappropriate use, development and subdivision. The Heritage provisions identify both the City's built heritage (buildings, objects, specific Areas, archaeological sites and their surroundings) and sites of significance to Maori.
329. As outlined in the assessment of Ms Tanner, the proposal will not alter or physically affect any listed heritage building or object in the District Plan, nor will the proposed works be located on same 'site' (as defined in the District Plan) as any specific heritage listed item. As such, the proposal does not require consent under any of the specific heritage rules contained within Chapter 21. However, as outlined within the explanation to Policy 20.2.1.4, there are some instances where the Council has jurisdiction in relation to the proposed works under the relevant Central Area based rules, as it the case with respect to this proposal.

Objective 20.2.1 To recognise the City's historic heritage and protect it from inappropriate subdivision use and development

Policy 20.2.1.4 Protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied and mitigated.

330. I consider that Objective 20.2.1 and Policy 20.2.1.4, as outlined above, are of assistance in informing the assessment of the proposal against the provisions of the District Plan. Specifically, Policy 20.2.1.4 outlines that the Council recognises that the protection of historic heritage under Section 6(f) of the Resource Management Act extends to the surroundings associated with heritage items and this is also reflected in the description of 'built heritage' under Section 20.1.1 of the District Plan. The explanation to Policy 20.2.1.4 further states that:

"This does not mean that all areas in the locality will be included in the definition of historic heritage. It will require an assessment of the extent to which the area that surrounds an item of heritage significance is significant for retaining and interpreting the particular heritage item".

331. To the extent to which Objective 20.2.1 and Policy 20.2.1.4 are relevant, I consider that the proposal will be generally consistent with these provisions.

Earthworks

332. Under the 'Introduction' section to Chapter 29 of the District Plan, it is recorded that³¹:

"Earthworks are essential to the development of the City. They create the areas of level land used for living, business and recreation, and the even gradients for paths and roads that enable people to get from place to place. They are integral to the construction of foundations and buildings. For all these reasons, and more, earthworks are part of many development projects in the City..."

333. The objectives and policies under Chapter 29 of the District Plan have been developed to achieve the sustainable management of earthworks, concentrating on the type of earthworks that are environmentally acceptable, and how the adverse effects of earthworks (including associated structures) can be avoided, remedied or mitigated as appropriate. The objectives and policies relevant to the North Kumutoto Precinct Project are outlined below.

Objective 29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

Policy 29.2.1.1 Ensure that the design and assessment of earthworks and associated structures is coordinated with future land development and subdivision.

Policy 29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability.

Policy 29.2.1.4 Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands and the coastal marine area.

Policy 29.2.1.7 Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.

Policy 29.2.1.11 Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.

334. The earthworks proposed as part of the Project consist of two main aspects: earthworks associated with the construction of the proposed building foundations; and, earthworks associated with the construction of open space, site resurfacing and associated works. Although it is unclear whether or not these two aspects will be undertaken simultaneously. In any case, each of these aspects or work will be co-ordinated with the future development of the site in accordance with Policy 29.2.1.1. That is, that earthworks will facilitate the construction of building foundations; and, earthworks for the public space area will proceed at the same time the wider redevelopment of this space.

335. In relation to the earthworks associated with the construction of building foundations, the applicant has submitted a Geotechnical Concept Design Report, prepared by Tonkin & Taylor, which has been reviewed by Mr Beetham. Mr

³¹ Wellington District Plan, Chapter 29 - Earthworks, pg 29/1

Beetham was satisfied that the ground will remain stable during the excavations but recognised that further subsurface investigations are required prior to construction (and as part of an application under the Building Act 2004) to finalise the foundation design and construction methodology to be implemented. Based on the advice of Mr Beetham, I am satisfied that this can be appropriately and reasonably dealt with as a condition of consent.

336. The remainder of the earthworks will reshape the landform to construct the proposed areas of public space will not pose significant risks to instability. These works will involve cuts of less than 1m over virtually the entire area of the application site. Based on the advice of Ms Wood, the Council's Vehicle Access and Earthworks Engineer, I am satisfied that stability can be ensured through appropriate conditions of consent. As such, I consider that the proposal will, individually, be consistent with Policy 29.2.1.3.
337. In order to achieve Policy 29.2.1.4 and to mitigate the associated effects, I consider that it is necessary to impose consent conditions which require the implementation of erosion, dust, silt and sediment controls through the entire period of the earthworks. Particular consideration must be given to minimising the effects on the adjoining Coastal Marine Area.
338. Given the minimal cuts height and fill depth of the earthworks proposed, the visual effects of the proposal are not considered to be significant, Temporary visual effects are anticipated during excavation, with no significant visual effects following the completion of the works. I consider that the visual effects will be appropriate and consistent with the expectations outlined under Policy 29.2.1.7. The site exhibits an urban coastal character and the surface finish and materials which will cover the earthworks upon completion are considered to be appropriate here.
339. The application estimates that approximately 1000m³ of cut material is to be transported off site and approximately 750m³ of fill material is to be imported to the site. In order to manage these effects and to achieve Policy 29.2.1.11, I consider that it is appropriate for these movements to be managed in accordance with the final Construction Traffic Management Plan to be supplied to, and approved by WCC, as a condition of consent.
340. Considering the matters above and through the implementation of appropriate conditions of consent, I consider that the proposal will be consistent with Objective 29.2.1 and the relevant corresponding policies.

Contaminated Land

341. Relevant to the assessment of this proposal is Chapter 31 of the District Plan. It contains objectives and policies which seek to manage the remediation, use, development and subdivision of contaminated (or potentially contaminated) land in order to avoid or mitigate the risk of adverse effects on the environment. Chapter 32 of the District Plan outlines the rule framework to implement these objectives and policies, with the Council having regard to relevant assessment criteria when considering applications for resource consent and what conditions to impose. Chapters 31 and 32 of the District Plan were amended through Plan Change 69 and become fully operative on 9 March 2010.
342. On 1 January 2012, the NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations came into effect. The provisions of the NES take precedence over the matters under Chapters 31 and 32 in relation to human

health. Therefore, aspects of Chapters 31 or 32 which refer to human health cannot be considered, despite remaining specified within the current version of the District Plan. These matters are appropriately considered under the NES. Notwithstanding, the Contaminated Land Chapters contains matters relating to wider environmental factors, including: effects of contamination on built structures, ecological and amenity values, soil quality and the wider environment. These factors still require consideration under Chapters 31 and 32. With this in mind, the relevant objectives and policies under Chapter 31 are outlined below with text related to human health shown as ~~strikethrough~~.

Objective 31.2.1 *To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on ~~human health and the environment~~.*

Policy 31.2.1.2 *Minimise and control the adverse effects that may arise from the use, development and subdivision of any contaminated or potentially contaminated land.*

Policy 31.2.1.3 *Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.*

Policy 32.2.1.4 *Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on ~~human health and the environment~~.*

343. Based on the Ground Contamination Report provided by Tonkin & Taylor and the advice of Mr Tearney, I am satisfied that the proposal will be consistent with Objective 31.2.1 and the relevant policies identified above (to the extent that they apply). The applicant proposes to remove and, where appropriate, dispose of contaminated material encountered to an approved landfill licensed to accept the waste. The works will be completed in accordance with the Site Contamination Management Plan. I consider that these measures will be appropriate to mitigate the potential risks on the environment.

Contaminated Land Assessment Criteria:

344. The following assessment criteria are also considered relevant in considering the proposal and what conditions to impose, as identified under Rule 31.2.1

32.2.1.5 The proposed methodology for the remediation of the land, including as appropriate the provision of a Remediation Plan that addresses:

- How any adverse effects on the surrounding environment resulting from earth moving or removal and any potential discharges from the site will be managed (eg sediment control, site covering and dust control),*
- Where soil is to be removed from the land, the appropriate tracking and safe transport to land that is authorised and / or consented for the disposal of any contaminated soils.*
- How the ~~health and~~ safety of the workers and the wider community will be provided for during works, including, if necessary, the presence of public exclusion zones, site security and location of worker amenity facilities.*

- *The standard of remediation on completion.*
- *The potential for recontamination to occur, where the land may become contaminated due to the presence of contamination on adjacent land or sites.*
- *Any alternatives to remediation, where there are more appropriate mitigation techniques to remediation that will avoid risk to ~~public health and safety~~ and prevent exposure to the contaminated soil.*
- *Any potential long-term or cumulative effects of discharges from the land.*

32.2.1.6 The extent to which any proposal for the remediation and / or ongoing management of contaminated land meets the Ministry for the Environment's Contaminated Land Management Guidelines 1 to 5, any relevant Ministry for the Environment industry-specific contaminated land guidelines, ~~the Ministry of Health's Guidelines for Public Health Services for Managing Lead Exposed Persons and the Management of Asbestos in the Non-Occupational Environment, and the Department of Labour's Health and Safety Guidelines on the Cleanup of Contaminated Sites.~~

32.2.1.7 The extent to which any potential adverse effects of remediation and / or ongoing management are acceptable.

32.2.1.8 The suitability of the land for its proposed end use, including whether adequate measures are proposed to ensure the on-going safe use of the land.

32.2.1.9 The nature of any relevant Regional Council requirements or consent conditions.

345. I have had regard to the relevant assessment criteria above and for the reasons concluded earlier in this assessment, I consider that the proposed remediation of the site and subsequent land use will be appropriate. Effective onsite measures will be required to be implemented to control the potential effects of contaminated or potentially contaminated material on the environment, and these should be imposed as consent conditions.

Overall Summary of District Plan provisions:

346. Having considered the relevant objectives and policies within the Central Area, Heritage, Earthworks and Contaminated Land Chapters of the District Plan; and, having regard to the relevant assessment criteria, I consider that the proposal will be generally consistent with the strategic direction of these provisions. However, further details are required to confirm that: the wind effects will be appropriate and consistent with Policies 12.2.5.6 to 12.2.5.9; and, whether or not the design of the building will achieve Policy 12.2.7.1.

Section 104(1)(c) Other Matters

Wellington Waterfront Framework (2001)

347. The WWF was adopted by WCC in 2001. I note that the strategic intent of the WWF was recently review by the Council and the outcome of this exercise was that on 8 September 2011 the Council agreed to reaffirm the values, principles and objectives of the 2001 Framework. It is a non-statutory document, but remains important in setting out the vision, values and principles that guide the development of the waterfront. The WWF sets out 5 interlocking themes which are

to “instil a level of coherence along the waterfront and put it in context within the city and its harbour setting”³². These themes are:

- Historical and contemporary culture
- City to water connections
- Promenade
- Open space
- Diversity

348. Section 3 sets out the Values and Principles of the Framework being:

- Expression of heritage and history
- Expression of Maori heritage and presence
- "Sense of place" for Wellingtonians
- Diversity of Experience
- Sense of collective ownership and involvement
- Experience of space and openness
- Ease of access for all

349. Section 4 of the WWF sets out the ‘performance briefs’ which will be the basis for all of the waterfront, and specifically for five specific areas. The North Kumutoto Precinct is located within the ‘North Queens Wharf’ area (4.2) and for this specific area, the WWF describes the following features:

- A strong connection to CBD
- Squares, lanes and new buildings in scale with the heritage buildings, such as Shed 21 at the northern end and the Queens Wharf Apartments and Sheds 11 and 13 at the other end.
- New buildings could include a colonnade on the quay edge to continue the line of the colonnade at Shed 21
- Maritime character
- A building with underground parking is preferred with an alternative being above-ground parking within a building on Site 10 (Site 102)
- At grade parking will be progressively removed as sites are developed.
- Vehicle access needs to be provided to access parking areas, but the principle that pedestrians come first needs to be taken into account
- Views of the harbour down Whitmore, Johnston and Waring Taylor Streets to be preserved, and improved where possible
- "Two parts" promenade - one path along the Tug Wharf and a more sheltered path incorporated by new buildings along the inner water's edge
- Tug Wharf refurbished and access to water for fishing and pleasure boats improved
- All ground floor will be accessible to the public as part of the connection to the public spaces. Building edges will face public and enhance those spaces.
- New buildings in this area will have a range of uses (recreational, retail, commercial, residential and institutional uses). New buildings in the North Queens Wharf area will be sympathetic to, and relate to the scale and size of, the heritage buildings, bearing in mind that Shed 21 at the northern end is higher than the heritage buildings at the southern end. They will also be designed in a coherent fashion so they relate to and complement each other.

350. A full assessment of the WWF has been undertaken by Mr McIndoe in his report attached as Annexure 1. He concludes that: “*Considering expectations in detail,*

³² Wellington Waterfront Framework 2001, pg 11

the proposal is consistent with themes, values and principles, and objectives for the waterfront, and also the specific intentions for North Kumutoto”.

Wellington Towards 2040: Smart Capital (2013)

351. *Wellington Towards 2040* is a non-statutory document that sets out the Council’s most recent policy direction for the future development of the City over the next 30 years. It is based on Council’s ‘holistic’ aspirations for Wellington and an understanding of the challenges and opportunities facing the City. As a ‘vision’ document, it provides the overarching framework that future decision making and resource allocation will be assessed under for the Council’s future activities.
352. This strategy document is supported by four city goals and sets out the pathway for Wellington’s future, being based on becoming:
- A People-Centred City
 - A Eco City
 - A Connected City
 - A Dynamic Central City.
353. *Wellington Towards 2040* adopts an holistic interpretation of a People-Centred City but of relevance to this application, the strategy document seeks to³³:
- use urban form, the natural environment, facilities and events to tell the ‘story’ of Wellington, past and present.
 - build ‘place and identity’, particularly for Manu Whenua.
 - understand how urban design and changes to built form interacts with the Wellington’s climate and environment to improving the liveability of our city (through protection from wind and rain).
 - plan the design and placement of open space, street lighting and pedestrian flows to enhance the safety of streets and the attractiveness of public areas as places for people to meet and engage with each other³⁴.
 - consider how changes to the urban and built form can support the way in which ‘future generations live in, move around, and engage with each other to continue to improve the liveability of our cities’³⁵.
354. In supporting a ‘Dynamic Central City’, the policy document seeks to ensure that Wellington’s ‘story’ is told through built form and natural heritage. It recognises that:³⁶

Wellington’s built form and natural heritage contribute to what makes up our sense of a Wellington ‘identity’. Our compact city form is enhanced by our natural setting as a harbour city surrounded by hills. Our built environment is both an expression of the city’s history and where we are charting our future. Future development of the city should continue to showcase what we value about Wellington, and how the city’s identity can be given physical expression in our new buildings, public spaces and interaction with the natural environment. The physical environment should reflect the people that live in the city – past, present and future. Valuing heritage features will be as important as showcasing where we’re headed (eg green innovations, smart buildings).

³³ Wellington 2040: Smart Capital, pg 12

³⁴ Ibid, pg 19

³⁵ Ibid, pg 19

³⁶ Ibid, pg 35

355. In my view, the proposed development will contribute to the identity and ‘sense of place’ of the Wellington Waterfront and will be consistent with the policy direction outlined in achieving a People-Centred and Dynamic Central City. The proposed development will physically express and respect the values of existing heritage features in the immediate facility; and, will deliver well designed and attractive areas of public open space.

Central City Framework (2013)

356. The ‘Central City Framework’ has been developed in support of the four city goals outlined in *Wellington Towards 2040*. This framework recognises the contribution of the central city as the economic engine and cultural heart of the city and region. Its overall intention is to build on the City’s strengths, respond to future trends and challenges, and provide a framework for long-term improvements to the central city.

357. Of particular relevance to this application is the recognition that³⁷:

“Wellington’s waterfront is continually rated by residents as one of the city’s greatest features. For the waterfront to succeed it needs to be used by large numbers of people during the week as well as in the weekends. For this to happen, there needs to be easy-to-find, intuitive and frequent links between the city and the waterfront”.

358. The Central City Framework recognises that the development of the city’s waterfront is guided by the *Wellington Waterfront Framework* in the “creation of quality open spaces for recreation and enjoyment, as well as quality building developments for both public and private use”³⁸. The Central City Framework does not focus on the waterfront *per se*, but recognises that the Waterfront is a highly desirable destination. Enhancing connections from the central city ‘to’ the waterfront is identified as an ‘area of opportunity’ for specific parts of the city.

359. I note that the Project will also abut the Parliamentary Precinct, being recognised as another ‘area of opportunity’ within the Central City Framework. The development of a Parliamentary Precinct Plan is intended to guide future development in the Parliamentary Precinct area and would likely include a stronger physical and visual harbour link³⁹ within the Parliamentary Precinct itself.

‘Our Capital Spaces’ – Open Spaces and Recreation Framework (2013)

360. ‘Our Capital Spaces’ is a non-statutory policy document adopted by WCC in October 2013 which provides a framework for open spaces and recreation within Wellington City for its 10 year lifetime (2013-23). It is intended to support the strategic outcomes and goals identified in *Wellington Towards 2040: Smart Capital*. This policy document relates to open spaces and recreational spaces as being⁴⁰: “areas of land or water with recreational, ecological, landscape, cultural and/or historic value – which provide public access”. Of particular relevance to the North Kumutoto Precinct Project, these areas include the harbour area, coastal areas and other outdoor recreation facilities.

³⁷ Ibid, pg 38

³⁸ Central City Framework, pg 74

³⁹ Ibid, pg 67

⁴⁰ Our Capital Spaces, pg 5

361. This policy document is intended to guide decisions around funding and the use of open spaces and recreation areas. It focuses on four main outcomes, under which it outlines a set of priorities and actions:
- Outcome 1: Getting everyone active and healthy;
 - Outcome 2: Protecting our birds, nature, streams and landscapes;
 - Outcome 3: Contributing to Wellington’s outstanding quality of life;
 - Outcome 4: ‘Doing it together’ (strong local and regional partnerships and strong partnerships with Maori).
362. Of particular relevance to the Project is Priority 1.8, which in relation to supporting ‘Outcome 1’, seeks to implement the open space components of the WWF and, in particular, continue the promenade along the waterfront to Shed 21 and Wellington Railway Station (Priority 1.8.1)⁴¹.
363. Also in supporting Outcome 1, Priority 1.6 outlines that⁴²:
- “Our landscaped open spaces are designed and maintained in partnership with the community to enable personal safety, opportunities for socialising and an active and healthy lifestyle”.*
364. This includes incorporating CPTED and universal accessibility principles into new spaces and modifications of existing spaces (Action 1.6.1) as well as ensuring those with mobility restrictions have access to an adequate range of spaces and opportunities (Action 1.6.3).
365. In relation to Outcome 3, Priority 3.6. is to⁴³: “Protect and celebrate historic and cultural values” and identifies the following ‘Actions’:
- 3.6.1 Ensure that valuable archaeological sites and historic features are protected from current and future developments (including through the planning process) and are not overly compromised by sport, recreation and environmental activities.
- 3.6.2 Make our cultural and historic heritage evident in the protection, design and use of open spaces.
366. It is my view that the Project will support the wider outcomes sought under the Open Spaces and Recreation Framework (2013). Specifically, the proposed area of public open space will maintain and in some instances enhance public access to the coastal area; it will continue the waterfront promenade to Shed 21; it will provide a new ‘inner city’ park with convenient access to the central city (including for those with mobility restrictions); and cultural and historic heritage will be both protected and evident in the design and use of the proposed open space.

Walking Policy (2008)

367. WCC’s Walking Policy provides a framework for initiatives to collaboratively improve the pedestrian walking environment in Wellington, with a focus on promoting walking trips that would otherwise be taken by car. The policy recognises the recreational, transport, environmental, community/social and

⁴¹ Ibid, pg 22

⁴² Ibid, pg 21

⁴³ Ibid, pg 27

economic benefits of walking. Specific objectives of the Walking Policy relevant to the proposal include:

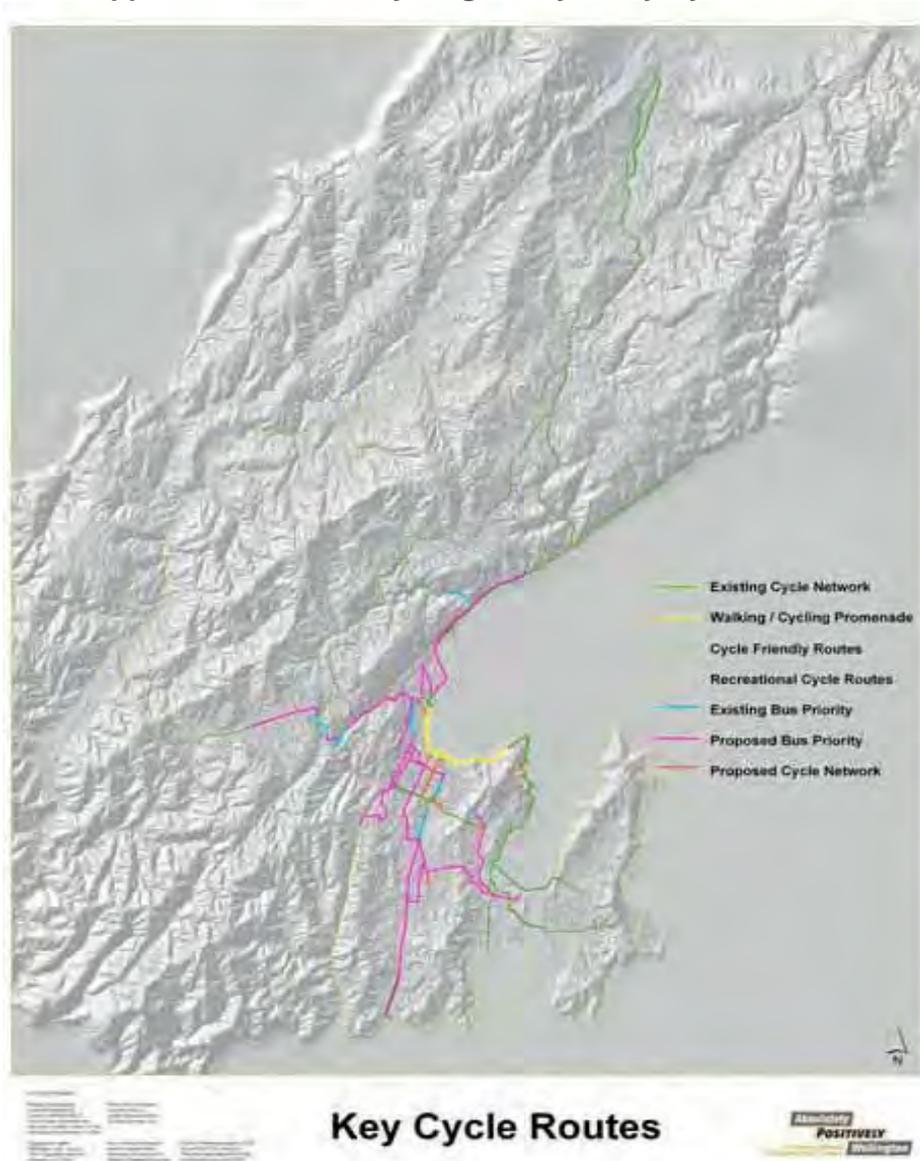
- Objective 2: To improve pedestrian safety throughout the city; and
- Objective 3: To improve the experience of those moving through or about the Central Area.

368. In relation to Objective 2, it is explained within the Transportation Assessment provided by TDG that the 'shared space' along Kumutoto Lane and through Whitmore Plaza will use variations in paving and/or street furniture (rather than traditional traffic signs or markings) to signal to both pedestrians and vehicle drivers that the area is predominantly a pedestrian environment. The use of raised cobblestone rubble strips will also assist in ensuring that vehicle speeds remain low. Vehicle volumes are also said to be low (although further information is need to confirm this that takes into account trip generation from the commercial building), emphasising pedestrian priority while accommodating for necessary service vehicles and access to and from both Site 10 building and the Eastbourne Ferry Terminal Building. The low speed environment will mean that priority can be shared and users can make way for one another.
369. In relation to personal safety and security, Dr Stoks has concluded in Section 3 of his Crime Prevention Through Urban Design (CPTED) Statement (Appendix 23 of the application) that in his opinion, there are no intrinsic safety or security weaknesses. It is his view that the proposed design and landscape redevelopment has taken into account and has achieved an appropriate level of CPTED commensurate with the level of detail reached for consideration of this resource consent.
370. Considering this advice, I am of the view that the proposal will be consistent with Objective 2 of the Council's Walking Policy in that pedestrian safety throughout the area will be maintained and enhanced as a result of this proposal.
371. In relation to Objective 3 of the Walking Policy, the proposed building will provide 'active edges' for the majority of all of the building's elevations. In particular, the Waterloo Quay colonnade connecting to the existing Shed 21 Colonnade, assisting with street edge continuity along Waterloo Quay and the proposed building will also provide a sheltered pedestrian route on the eastern side of the building underneath the building overhangs. Pedestrians will then have the opportunity of then accessing Waterloo Quay through the Harbour Wharf diagonal link through the building. Accordingly, I believe that the proposal delivers on the Objective 3 of the Walking Policy which, in relation to this proposal, seeks to improve the experience of those moving about this part of the Central Area.

Cycling Policy (2008)

372. WCC's Cycling Policy is a 'companion' policy to the Council's Walking Policy. Although the Cycling Policy recognises that walking and cycling are closely linked, it also reflects that the promotion of cycling can sometimes cause conflicts with pedestrians. The waterfront area is however, an area where these shared paths are considered to be appropriate, with Appendix 1 of the Cycling Policy identifying the "walking/cycling promenade" along the waterfront as a key cyclist route (as shown on the image below).

Appendix 1 of WCC Cycling Policy – Key Cycle Routes



373. Of particular relevance to the assessment of this application are the following objectives:
- Objective 1: To improve cycle safety throughout Wellington; and
 - Objective 3: To improve the experience of cycle trips to and from the central area
374. To improve cycle safety, Objective 1 seeks to explore every opportunity to make the city as safe as possible for cyclists and to implement 'cycle-friendly' traffic-calming measures to moderate motorists' speeds. As is concluded by Mr Teck Kong, the cyclist facilities provided under the proposal will remain safe and the raised tables of reclaimed cobblestones will slow moving vehicles travelling through the area. Consent conditions can also ensure that safety considerations follow through to the detailed design stage.

375. In relation to Objective 3, the policy recognises that the sound understanding of rights and responsibilities on the part of all users is essential to the safe and efficient functioning of shared cycle/footpaths. The policy records that⁴⁴:

"Another recreation cycle route is the promenade along Oriental Parade and through Lambton Harbour. This route is a facility shared with pedestrians and other recreational users such as skateboarders and crocodile bikes. While cyclists are legitimate users of this space, it must be recognised that because, of the mixed use, the area is not suitable for fast cycling."

376. Ensuring safety of cyclists in this regard is both a function of providing appropriate infrastructure for cyclists and the existing low speed cycling environment for the shared walking and cycling promenade, reflecting the Lambton Harbour Area remaining primarily a recreational route for cyclists. In this regard, I consider that this proposal will be consistent with the relevant matters of the Cycling Policy.

Accessible Wellington Action Plan 2012-2015 (2012)

377. The Accessible Wellington Action Plan underpins the WCC's commitment to ensuring that places and spaces within the City are inclusive and universally accessible for all residents and visitors to participate in community and civic life⁴⁵. It highlights WCC's commitment both as an organisation in its delivery of civic services and its role in partnership with other organisations.

378. The Action Plan focuses on outcomes for places, people and partnerships in Wellington in six main groupings. Most relevant to this proposal are the following groupings:

- Social and recreation: Ensure everyone is able to access information and resources and participate in social and recreation opportunities, and Wellingtonians continue to enjoy a high quality of life.
- Ease of travel across and around Wellington City: complete and develop work programmes (including lighting upgrades, footpath upgrades, kerb ramps, seating) and promote creation of pedestrian shelters and covered footpath routes.
- The built environment and open spaces: Planning for and incorporating universal design and access into the city's urban form and open spaces. Ensure access to, flow through and use of public spaces for all levels of mobility. This includes building accessibility considerations into plans and project briefs; and, including reviewing accessibility for open spaces and the provision of public toilets.

379. It is acknowledged (in the CPTED Statement) that further design work will be required in relation to the public open space area to ensure that appropriate outcomes in terms of accessibility are delivered. It is my opinion however, that the project is generally consistent with the intent of the Accessible Wellington Action Plan in ensuring universal access to both the proposed building and adjoining public space. Furthermore, accessibility to the proposed building will be further controlled under other relevant legislation, such as the Building Act 2004.

⁴⁴ Cycling Policy 2008, pg 15.

⁴⁵ Accessible Wellington Action Plan 2012-2015 (2012), pg 7

Public Spaces Design Policy (2008)

380. The Public Spaces Design Policy recognises that⁴⁶:

“Public spaces are where many of the key events of urban living take place, including: movement (by foot, car, bus or bike – moving people, goods and information); gatherings (events, concerts, games, political and civic functions); recreation (eating, coffee drinking, promenading, picnicking, skateboarding, window shopping); and other encounters of urban nature. Every type of public space has its own specific characteristics and function.

The quality of Wellington’s public open spaces is critical to the economic, environmental and cultural success of the city. Public open spaces contribute to the core function of a city by enabling a wide range of activities to occur”.

381. The Public Spaces Design Policy incorporates a total of 8 objectives and several corresponding policies which seek to give direction to both Council and those professionals engaged by Council, in how Wellington’s public spaces are initiated, designed, delivered and managed holistically. The relevant objectives are as follows:

Objective 1: To enhance Wellington’s sense of place

Objective 2: To make the structure of Wellington better understood as a city

Objective 3: To improve accessibility for all

Objective 4: To improve the diversity of experience for Wellingtonians and visitors

Objective 5: To enhance the city’s night-time environment

Objective 6: To ensure the design of public spaces incorporates elements of sustainability

Objective 7: To ensure that public spaces incorporate high-quality design

Objective 8: To manage and maintain public spaces effectively

382. This policy has been assessed within the accompanying Urban Design Assessment provided by Mr McIndoe and attached as Appendix 2 of this report. Mr McIndoe is of the view that the proposed open space development will be consistent with the Public Spaces Design Policy and I accept his conclusions in this regard.

383. I note that the WCC’s Public Space Design Policy is supported by the accompanying Public Space Design Manual which is described as a key tool in meeting the objectives of the Public Space Design Policy. The manual provides guidance and detailed direction for the use of street furniture and material palettes.

Guidelines for Design Against Crime:

384. Volume 2 of the District Plan contains Guidelines for Design against Crime. This design guide is specified as Non-Statutory and for guidance only⁴⁷. Through applying the established CPTED principles, this design guide intends to reduce the opportunity for crime to occur against both people and property in public spaces. I note that Appendix 23 of the application documents includes a CPTED Statement prepared by Dr Stoks in support of the proposed areas of public open space, including those around the building of Site 10. Dr Stoks has specifically considered the *Guidelines for Design Against Crime* under Paragraph 3.3 of his assessment. I accept Dr Stoks conclusions in this regard that the design takes into account these

⁴⁶ Public Spaces Design Policy, pg 2

⁴⁷ Wellington District Plan, Volume 2, Guidelines for Design against Crime, pg 1

guidelines and that further works will be undertaken at the detailed design stage (in terms of investigating lighting for instance) to improve the performance on the proposed public space area in this regard.

Climate Change Action Plan (2013)

385. WCC has adopted its most recent edition of the Climate Change Action Plan in October 2013. This document represents the Council's commitment to the reduction of greenhouse gases and planning for the effects of climate change⁴⁸. Although the focus of the Climate Change Action Plan is on 'longer-term' objectives for Wellington city, it also focuses on measures that can be achieved between 2013-15.
386. One of the longer term objectives identified include *Action Area 1: Adapting to Climate Change*. As discussed within the Natural Hazards Assessment above, the proposed building is considered by Dr Dawe to adapt appropriately to potential impacts of climate change including future potential sea level rise.
387. *Action Area 2: Buildings and Energy* identifies the significant reduction in greenhouse gas emissions which can be made in the Building sector, such as through the construction of low energy/Green Star Buildings.
388. *Action Area 3: Land Transport and Shipping*, seek to identify opportunities to enhance walking and cycling within Wellington in addition to reinforcing the City's compact urban form, to reduce the number of trips taken by vehicles.
389. The design of the proposed building incorporates an appropriate response in adapting/responding to the potential effects of climate change, consistent with Action Area 1 above. Further information is needed to understand the energy and greenhouse gas emission reduction capabilities of the building in relation to Action Area 2. The proposal will provide enhanced walking and cycling opportunities along the waterfront in relation to Action Area 3. In this case, I consider that the proposal is not inconsistent with the Climate Change Action Plan 2013.

WCC Heritage Policy (2010)

390. The WCC Heritage Policy is described as the 'background statement' which sets out the intent for the Council to carry out its responsibilities required by legislation, including its obligations under the Resource Management Act 1991. The policy is intended to provide a focused direction for the management and identification of Historic Heritage for the future.
391. The policy consists of an overall vision that⁴⁹: "*Wellington is a creative and memorable city that celebrates its past through the recognition, protection, conservation and use of its heritage for the benefit of all the community and visitors, now and for future generations*".
392. This vision is supported by three high-level goals, being:
- ***Recognition*** – *Wellington's heritage is recognised as contributing to our understanding of our cultural diversity and awareness of sense of place.*

⁴⁸ Climate Change Action Plan 2013, Wellington City Council, pg 7

⁴⁹ WCC Heritage Policy 2010, pg 4

- **Protection, conservation and use** – Wellington’s unique character is enhanced by the protection, conservation and use of its heritage.
- **Sustainable economic use** – Wellington’s heritage is acknowledged as contributing to a vibrant economy.

393. The policy outlines six objectives with corresponding action points. These objectives are broadly summarised as follows:

- **Objective 1 - Recognition:** Identify and recognise buildings, places and areas which have significant heritage value; expand and maintain a heritage inventory; and, continue to ensure that such places are fully researched and documented
- **Objective 2 – Protection:** Protect heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration, earthquake risk and inappropriate subdivision, development and use. This is to be achieved through the District Plan and other statutory instruments (such as the Building Act 2004).
- **Objective 3 – Public Awareness:** To promote and celebrate the City’s heritage by highlighting the contribution that heritage conservation makes to the built and non-built environment; and, establishing effective partnerships with owners and stakeholders for the better management and sustainable use of the city’s heritage.
- **Objective 4 – Conservation:** To ensure that best practice in heritage conservation is followed by Council staff, practitioners, owners and occupiers of heritage buildings and archaeological sites, and to minimise the loss of heritage values.
- **Objective 5 – Sustainable Economic Use:** To encourage and support economic growth that preserves and enhances the distinct character of communities, neighbourhoods, urban quarters and suburban centres through the sustainable use of the city’s heritage assets. This includes encouraging the sustainable use of existing heritage buildings and supporting owners in the management of heritage items through the Council’s Built Heritage Incentive Fund.
- **Objective 6 – Council Effectiveness:** To provide effective support for the implementation of the Council’s objectives and aspirations for the city’s heritage within both Council-related functions and through developing strong relationships with relevant mana whenua and other key stakeholders.

394. The Heritage Policy outlines that⁵⁰:

“Protecting the city’s heritage is not about locking it up. Constantly acknowledging the past provides the population with an enhanced sense of place, sense of belonging and sense of pride in the heritage of the city, in both urban and rural areas. The continued use of heritage buildings is essential to the city’s survival and should not be at the loss of important heritage fabric. The challenge is to protect the most valued heritage places in an evolving environment while meeting the needs of a rapidly changing community”.

⁵⁰ WCC Heritage Policy 2010, pg 4

395. WCC Heritage Policy recognises that the protection and use of the city's historic heritage resources are fundamental to the sustainable management of Wellington's natural and physical resources and seeks to align its definition and interpretation of the historic heritage with that of the Resource Management Act. The policy provides direction for the Council in exercising its broad range of functions in terms of heritage management in a way which is consistent with the Act.

Port Nicholson Block (Taranaki Whanui ki Te Upoko o Te Ika) Claims Settlement Act 2009

396. The Wellington Harbour Area is considered to be a Statutory Acknowledgement Area under the Port Nicholson Block (Taranaki Whanui ki Te Upoko o Te Ika) Claims Settlement Act 2009.

397. Section 25 of this Act requires consent authorities to consider whether trustees of the Port Nicholson Block Settlement Trust are persons who may be adversely affected as the activity is within, adjacent to, or directly affects a statutory area. In this case, public notification was requested by the applicant under Section 95A of the RMA and notice was served directly on the Port Nicholson Block Settlement Trust. I note that a CIR has been included with the application (Appendix 7) which was prepared in association with Port Nicholson Block Settlement Trust and Wellington Tenths Trust. No further submission or subsequent comments have been received in relation this statutory acknowledgement.

398. I note also that section 26 of this Act requires the Environment Court to have regard to such statutory acknowledgements in determining under section 274 of the Resource Management Act 1991 whether the trustees are persons having an interest in proceedings greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

Road Encroachment and Sale Policy (2011)

399. The applicant has advised that a part of the proposed building will extend onto, or out over, part of legal road (Waterloo Quay). These include various architectural features on the building's Waterloo Quay façade; a disabled access ramp onto the colonnade from the existing footpath; and, possible subterranean building foundation protrusions beyond the site boundary ("rattle space" for the base-isolated building).

400. The applicant must apply to the Council as landowner of the road under the Road Encroachment and Sale Policy (and the Public Places Bylaw) for either an Encroachment Licence to occupy or use legal road for exclusive private purposes; or, in relation to the proposed airspace and subsoil encroachments, an option of a long term lease of this portion of land may be available. This process is independent from the resource consent process⁵¹.

⁵¹ Encroachments into/over legal road are considered to be a permitted activity within the Central Area of the District Plan provided that buildings and structures above the street do not exceed 25 percent of the width of the road at any point (see Rule 13.4.11).

Variation 11 Decision

401. The Environment Court's decision on Variation 11 rejected the Variation and instead, Plan Change 48 became operative, without the Variation. Accordingly, Variation 11 has no legal status and is not a document listed in section 104(1)(b) of the RMA. The question is whether the decision is an 'other matter' the consent authority considers relevant and reasonably necessary to determine the application (section 104(1)(c) of the RMA) and if so, what weight to give it.
402. The Environment Court decision is a decision on a Variation to a Plan Change, not a resource consent. The context of what was being considered is therefore different. In Variation 11 the Court was looking at what the most appropriate planning provisions were for the Kumutoto area, not what the acceptable level of development was on any particular site. The 22m height referred to by others was the Court considering (in the context of Variation 11) that the level of development that could be dealt with as a restricted discretionary activity on Site 10 was a 22m high building, with specific inter-storey dimensions. That does not in my view dictate a 22m height limit for future consents and does not make more intensive or substantial development unacceptable. Even if Variation 11 was upheld by the Court and the 22m limit imposed as a restricted discretionary rule, this would not prevent a taller building proceeding but rather, it would be assessed on a case by case basis and under a different activity classification.
403. Accordingly, while I consider that Variation 11 is relevant as part of the planning history for this site, I do not consider it necessary to help determine the application. Even if it were, I consider the weight to be given to it is minimal, due to the different context it addressed (ie, a plan change for the whole of North Kumutoto, not a specific building on one site).

WCC's North Kumutoto Design Brief:

404. The North Kumutoto Design Brief ('design brief') is a non-statutory document adopted by WCC on 22 November 2012. The design brief sets out the design principles and parameters for buildings and open spaces and aims to fulfil the general objectives outlined in the Waterfront Framework (for the 'North Queens Wharf'). The design brief is of contextual relevance to the assessment of the application as it informs the direction for future development in the North Kumutoto area. However, the design brief does not outweigh the Central Area Design Guide of the District Plan which has statutory relevance to the assessment of the application.
405. An assessment of the proposed development in relation to the design brief has been undertaken by Mr McIndoe and has been included within his assessment attached as Annexure 1 of this report. Mr McIndoe summarises that:

"The proposal meets the comprehensive requirements of the North Kumutoto Design Brief. It departs slightly from the briefs intention of the building as two separate buildings split vertically, into a building split horizontally. The plantroom also protrudes above the roof, a feature not intended by the brief, although an outcome that might be signalled in the brief's expectations for articulation of roofscape. Nevertheless, the brief is explicit about providing 'direction and guidance' but also allowing "some flexibility for parties to be creative in exploring ideas for the development in the area". In my opinion, these minor departures are consistent with the latitude anticipated by this statement".

406. I accept the conclusions of Mr McIndoe in relation to the assessment of the design brief and consider that the proposed development will be consistent with the principles of the design brief.

Powerco Easement

407. Powerco has an existing easement (Easement Instrument 7531033.3 registered on Lot 1 DP 363596) over part of the application site (Site 8) which provides for the protection of its existing assets. Specifically, the easement requires Wellington Waterfront Ltd (as landowner) to obtain Powerco's written approval to:

5.3 Disturb or permit to be disturbed the soil below a depth of 300 millimetres from the surface of the Easement land; or

5.4 Do anything on the Servient Land that may damage or endanger the Pipes or Works including anything that would in any way reduce the clearance of the Pipes or Works to less than the minimum clearance required from time to time by any applicable statutory regulation, code of practice or other authority.

408. It is the applicant's responsibility to ensure that the matters outlined within the easement instrument are met in relation to implementing the works.

SECTION 7 – OVERALL PART 2 EVALUATION

409. Consideration of an application under section 104 of the Act is subject to Part 2 (sections 5, 6 and 7 Act). Part 2 sets out the purpose and principles of the Act. "Subject to" gives primacy to Part 2 and is an overriding consideration when applying the provisions of the Act. In achieving the purpose of the Act, Part 2 of the Act requires the consent authority to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

Section 5: Purpose

410. The purpose of the Act is stated in section 5, is "*to promote the sustainable management of natural and physical resources*". Section 5(2) goes on to state that sustainable management means:

"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for health and safety while –

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment."

Section 6: Matters of National Importance

411. In relation to managing the use, development, and protection of natural and physical resources, Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act,

including this resource consent application. I consider that the following provisions of section 6 are relevant and provide my view and reasoning on each of these provisions accordingly.

(a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*

412. The subject site is located within a heavily modified coastal environment. The Lambton Harbour Area is recognised specifically in the Regional Coastal Plan and the Wellington City District Plan as having a distinctive character. The site is located on reclaimed land and is highly modified with many man-made structures. However, the site retains natural character through, in particular, its outlook and harbour setting. The proposed development will preserve this natural character in my view and in this environment, I consider that the proposed development and use will be appropriate.

(d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers*

413. This area of the Wellington waterfront area is a significant area of public space and the proposal will maintain and enhance public access to and along the coastal marine area. Specifically, the proposal will provide descending access to the water through the development of Site 8 and will extend the existing waterfront promenade.

(e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*

414. Recognition of the significance of the coastal marine area and the immediate surrounds (in particular Kumutoto Stream *Waipiro Stream and the Tutaenui Stream*) has been provided for through the consultation with relevant tangata whenua and the statutory acknowledgement of the Wellington Harbour Area. The CIR supports the reconnection of the people of Wellington with te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important.

(f) *the protection of historic heritage from inappropriate subdivision, use, and development*

415. The area is rich in historic heritage. Particular regard has been had for the protection of historic heritage for inappropriate use and development. The effects resulting from the proposal area not considered by Ms Tanner to be inappropriate. The proposed site works will offer opportunities to uncover potential archaeological sites which remain extant underneath the site. These may contribute to the understanding and appreciation of New Zealand's history and cultures.

Section 7: Other Matters

416. Section 7 includes matters that the consent authority shall have particular regard to in relation to all decisions under the Act, including this resource consent application. I consider that the following provisions of section 7 are relevant and provide my view and reasoning on each of these provisions accordingly.

(a) *Kaitiakitanga*

(aa) *The ethic of stewardship*

417. The applicant has consulted with Wellington Tenth Trust and the Port Nicholson Block Settlement Trust who raised no cultural issues with the application but have requested that a condition of consent be imposed requiring an accidental discover protocol to be implemented during the works. This condition would require ongoing contact with tangata whenua during the construction and demolition period in the event that cultural items of taonga are discovered. Tangata Whenua will continue their kaitiaki relationship to the site in this regard.

(b) *The efficient use and development of natural and physical resources*

418. The proposed development and the construction of the proposed commercial building will be appropriately located within the Central Area where the infrastructure and transport services are provided to service this building. The site is currently used for at-grade carparking and partly a campervan park. The proposal will be a more efficient use of natural and physical resources than its current use.

(c) *The maintenance and enhancement of amenity values*

419. 'Amenity values' is defined under section 2 of the Act as "*those natural or physical qualities or characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*". I acknowledge that the construction of the proposed building will result in an adverse impact of the amenity gained from views across the site from public land; and, that the building will result in the loss of private views from some adjacent Central Area properties. However, I consider that these impacts would be minor and that the proposed building will enhance amenity values in other respects (building design quality, pedestrian shelter among other things).

420. The proposal will also provide high quality public open space which will significantly enhance amenity values in my opinion, and will transform an area of land which consists mainly of carparking space to a valued area of public space.

(d) *The intrinsic values of ecosystems*

421. The effects on the 'intrinsic value' of ecosystems have been addressed in greater detail by the report prepared by GWRC in relation to Section 7(d). I defer to Mr Fletcher's conclusions in this regard that the proposal is consistent with section 7(d) of the Act.

(f) *The maintenance and enhancement of the quality of the environment*

422. I note that under the Act, 'environment' is broadly defined to include (a) ecosystems and their constituent parts (including people and communities); (b) all natural and physical resources; and (c), amenity values. 'Environment' also

includes the social, economic, aesthetic and cultural conditions which affect matters (a) to (c) or which are affected by those matters. The effects on ecosystems and their intrinsic values have been assessed by GWRC. As stated earlier, it is my opinion that the proposal will result in the efficient use of natural and physical resources. Consideration has been given to the effects on a range of amenity values and I conclude the overall, the amenity of the environment will be enhanced. I have also given consideration to social, economic, aesthetic and cultural conditions of the proposal and consider that, overall the proposal will result in a positive enhancement in the quality of the environment.

(g) The finite characteristics of natural and physical resources

423. The availability of land is a finite resource, particularly land within or in close proximity to the coastal environment. Having considered the application, I consider that the development of a commercial building on this site is appropriate, as is the development of public open space. The proposal will provide for a balance of public open space and the development of a commercial building in a manner which is consistent with the strategic framework for North Kumutoto statutory.

(i) The effects of climate change

424. The effects of climate change and the potential effects on natural hazards have been considered as part of the assessment of this application and through the technical experts listed within this assessment. Regard has been had to the effects of climate change including taking into account potential sea level rise and storm surge flooding.

Section 8: Treaty of Waitangi

425. Section 8 states that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi. The Treaty and its principles are an important part of the cultural and constitutional identity of New Zealand. Treaty principles interpret the Treaty as a whole, its underlying meaning, intention and spirit to provide further understanding of the expectations of the signatories.
426. The applicant has consulted with the relevant Tangata Whenua and cultural issues have been considered as part of this application. Wellington Tenth Trust and Port Nicholson Settlement Trust have provided their support to the proposal, subject to an accidental discovery protocol being implemented as a condition of consent. This condition will ensure the on-going participation by the relevant iwi groups as the proposal progresses through to excavation and construction. The proposal is not inconsistent with the principles of the Treaty of Waitangi in my opinion.

Overall Examination of Part 2

427. Drawing from the conclusions of this report, I consider that the proposed development will be consistent with the purpose of the Act (Section 5), and Part 2 more generally. Specifically:
- The proposal will promote the sustainable management of natural and physical resources through the use and development of high quality public open space which will enable people and communities to provide for their social, economic and cultural well-being. The proposed area of open space will be high amenity and will make a significant contribution to the

waterfront integrating with both the proposed commercial building and the adjoining (established) areas of public space on the waterfront.

- The proposed use and development of the new commercial building will also enable people and communities to provide for their social, economic and cultural well-being. The proposal involves the removal of existing at-grade carparking and will facilitate the construction of a building as anticipated by the strategic framework relevant to the assessment of the proposal.
- Whilst the proposed development will provide for a number of positive effects, the adverse effects of the proposal on the environment can be appropriately avoided, remedied, or mitigated. However, as discussed within the report, I have outstanding concerns in relation to the adverse effects of the proposal on the local wind environment and invite the applicant to comment further in this regard.

428. Subject to a satisfactory outcome in relation to the effects of the proposal on the public wind environment, which may require further information and analysis, I am satisfied that the proposal will promote the sustainable management of natural and physical resources in accordance with the purpose of the Act, and in accordance with Part 2 of the Act more generally.

A handwritten signature in blue ink, reading "R O'Leary", with a long horizontal flourish underneath.

Ryan O'Leary
Senior Consent Planner
Wellington City Council

Annexure 1
Graeme McIndoe – Urban Design

North Kumutoto Precinct Project

10 Waterloo Quay and 59 Customhouse Quay



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1. INTRODUCTION

Background

- 1.1. I am a registered architect and qualified urban designer with 33 years professional experience. Relevant qualifications and a selection of my relevant experience is listed In Appendix 1.

Technical Advisory Group review of this proposal

- 1.2. I chair Wellington City Council's Technical Advisory Group (TAG) for the Wellington waterfront. TAG is the group responsible for design related advice to WCC at the briefing and review stages of projects. TAG has also been delegated to provide pre-application review of projects for consent. Following approval of any resource consent TAG continues to review the design development of major projects including any changes or design developments, reporting to council consent officers.
- 1.3. TAG currently comprises myself, urban designer and academic Chris McDonald, Architect Stuart Gardyne and landscape architect and urban designer Robin Simpson, and meeting monthly or more frequently as required, operates as a form of urban design panel.
- 1.4. TAG advised on, reviewed and contributed to the judging of an earlier design competition for Site 10. Following this first competition, TAG was involved in design review of the competition winning scheme as it was developed. After that, TAG reviewed over a period of several months a proposal by Newcrest for the site. Following the Environment Court decision on Variation 11 for the waterfront, a further design and development competition was run. TAG reviewed and provided detailed design critique of each of the five design proposals for Sites 9 and 10 that were the outcome of that competition.
- 1.5. Following confirmation of the competition winner which was the proposal for which consent is now sought, TAG produced an initial design assessment in September 2013. As that subsequently proceeded towards a consent application, TAG undertook pre-application urban design review on behalf of WCC. This included reviews in November and December 2013, and in January, March, July, August and September 2014. It should be noted that these reviews were intended to provide advice on various aspects of the design as it was developing, and do not necessarily relate to the current proposal.
- 1.6. In addition, TAG has since around 2005 been involved in reviewing the Kumutoto Masterplan prepared by Wellington Waterfront Limited, and also reviewing public space projects that implement that masterplan, the most recent of which is the current proposal.
- 1.7. In addition TAG advised on and reviewed the outcome of the Kumutoto public consultation that was undertaken in early 2014, and TAG members presented to the WCC Transport and Urban Development Committee meeting on 8 April 2014.
- 1.8. Where I have drawn from those TAG reviews, I have only utilised text which remains relevant and applies to the proposal for which consent is

now sought. I confirm that as chair of TAG I was fully involved in all TAG reviews and also responsible for reporting. My urban design review opinion is therefore informed by my involvement in all aspects of TAG review of this project at all stages, but remains my professional opinion, not that of TAG.

Scope

1.9. The following assessment is an overview of key features of the proposal. It does not address any aspect in great detail nor respond to submissions. My overview assessment is informed by review of the proposal against various relevant documents, and the full detail of each of these assessments is included as appendices:

- Appendix 2: Central Area Objectives and Policies
- Appendix 3: Central Area Urban Design Guide
- Appendix 4: The Wellington Waterfront Framework (April 2001) [**Waterfront Framework**]
- Appendix 5: WCC's Public Space Design Policy.
- Appendix 6: WCC's North Kumutoto Design Brief

1.10. The matters covered by the above documents overlap, and for that reason there is some repetition in my appendices. In some instances I refer to a previous detailed assessment in another appendix or in the main body of this report.

1.11. In the course of this review I have been informed by the following parts of the application:

- Application Drawings – Architectural
- Application Drawings - Landscape
- Appendix 1 Architectural Design Report
- Appendix 2 Landscape Design Statement
- Appendix 6 Written approvals
- Appendix 7 Cultural Impact Assessment
- Appendix 9 Landscape Assessment
- Appendix 10 Visual Simulation methodology, Artist impressions, and Visual Simulation - Viewshaft 4
- Appendix 11 Urban Design Assessment
- Appendix 12 Heritage Assessment
- Appendix 13 Wind Report
- Appendix 14 Shading Report and Shading Assessment Diagrams
- Appendix 15 Transportation Assessment
- Appendix 23 Crime Prevention through Environmental Design Assessment

1.12. I have also reviewed the following supplied in requests for further information :

- Architectural Drawings (Athfield Architects)
- Athfield Architects Statement
- Isthmus Landscape Letter
- Landscape Drawings (Isthmus Limited)
- Traffic (Traffic Design Group)

2. RELATION TO RELEVANT DOCUMENTS

Central Area Objectives and Policies

- 2.1. The proposal satisfies Objective 12.2.5 relating to urban form and sense of place and related policies including maintaining and reinforcing the high city/low city urban form of the Central Area, relating positively to the scale of buildings in the neighbourhood, managing the effects of building form, and achieving design excellence.
- 2.2. Objective 12.2.8 relates specifically to the Lambton Harbour Area, and the proposal satisfies this by providing an enhanced public environment that is more accessible and offers enhanced amenity. Heritage values are appropriately respected and the proposal adds to waterfront character while celebrating existing maritime activity, displays a high quality of design, ensures good view and physical connections, and has been subject to and influenced by appropriate public involvement. The detailed assessment leading to these conclusions is in Appendix 2.

Central Area Urban Design Guide

- 2.3. The Proposal satisfies in full the comprehensive range of design expectations raised by the design guide. It displays design coherence; the siting, height, bulk and form are well-judged and appropriate; and facade composition and building tops as well as materials and detail are all well resolved. In addition to this the treatment of two aspects, that is relating to context and building edge treatments, is exemplary. The detailed assessment leading to these conclusions is in Appendix 3.

The Wellington Waterfront Framework

- 2.4. The Waterfront Framework has been the guiding vision and reference for the quality of waterfront development since its inception 14 years ago, including in design review by TAG. The Framework is not a statutory document but remains important as the means of identifying important qualities that are not addressed by the district plan, and setting specific direction for different parts of the waterfront, including the promenade and North Kumutoto. It is the outcome of an intensive multi-stakeholder consultation exercise that set direction and quality expectations for the waterfront and it was reaffirmed by Council in 2011. It establishes themes, values and principles, and objectives for the waterfront, and also identifies the specific intentions for North Kumutoto. These intentions can be found on pages 27, 32 and 33 of the Framework.
- 2.5. The project is consistent with character identified by the Waterfront Framework for North Queens Wharf, that is "*squares, lanes and new buildings in scale with the heritage buildings, such as Shed 21 at the northern end...*" (page 32). Considering expectations in detail, the proposal including both building and public space design is consistent with themes, values and principles, and objectives for the waterfront, and also the specific intentions for North Kumutoto. The detailed assessment leading to this conclusion is in my Appendix 4.

WCC's Public Space Design Policy

- 2.6. This is a non-statutory document that gives direction for the initiation, design, delivery and management of Wellington's public spaces. It

includes eight objectives and a set of related policies. These cover sense of place, legibility, accessibility and equity of access, diversity of experience, the night time environment, sustainability, general design quality, and management and maintenance.

- 2.7. The proposal is consistent with this Policy, with its core attributes addressing the policies in an exemplary way. Some matters such as lighting and integration of sustainability in the planting design have yet to be fully described or finally resolved in the design. However I am confident that the intention and configuration described allows these to be fully responded to if the proposal were to be approved and taken through into the next stage of design. (Refer to my Appendix 5.)

WCC's North Kumutoto Design Brief

- 2.8. The proposal meets the requirements of this further non-statutory document. It responds to the brief's intention of this being perceived as more than one building with appropriate modelling of building form and facade articulation rather than separation. The plantroom also protrudes above the roof, a feature not intended by the brief, although a type of outcome that is signalled as positive in the brief's expectations for articulation of the roofscape. The brief is explicit about providing "*direction and guidance*" ...and also allowing... "*some flexibility for parties to be creative in exploring ideas for the development in the area*". In my opinion, these minor departures are consistent with the latitude anticipated by this statement. (Refer to my Appendix 6.)

3. OVERVIEW COMMENTS

General quality

- 3.1. Both building and public space design are well judged, are well informed by and make a sophisticated response to context, and achieve design excellence. The design of the proposal is coherent and integrated, with building and open space design coordinated.
- 3.2. The approach to public space is sound, extending treatment of the promenade and Kumutoto Plaza while providing a significant area of new occupiable and high quality public open space, including what can be expected to become a signature open space at Site 8.
- 3.3. The proposed activity of office use at upper levels of the building and retail and 'innovation' tenancies at ground is acceptable, and consistent with the range of activities signalled by the Waterfront Framework. Considering the wider city, good quality office space is of strategic benefit in this prime location which is close to transport infrastructure and the CBD.
- 3.4. That an outcome is achieved which comprehensively addresses all relevant design criteria should be expected:
 - a. The Site 10 building proposal emerged as the winner of a design/development competition, has gone through extensive design development informed by a sequence of pre-application design reviews by TAG.

- b. The general layout and public space plans realise WCC's agreed masterplan, and the approach taken has also been subject to multiple and extensive TAG design reviews.
- In addition to ongoing review by TAG, all of the proposal was subject to and informed by public consultation, and was presented to City Councillors prior to the application.

4. SITE 10 BUILDING DESIGN

Aesthetic treatment

- 4.1. Richly articulated, and compositionally coherent, this building will have a memorable quality derived from expression of the gantry form, and is distinguished by a sensitive response to its waterfront setting.
- 4.2. Overlapping volumes and transitional forms, both additive such as the projecting window boxes, and subtractive such as the portico and through site link, break down the scale of this large building and contribute human scale at its base. The drawings also indicate appropriate articulation at the level of materials and detail.
- 4.3. The design of facades indicated and supported by precedent images for quality intentions gives sufficient confidence that the building will be developed up to an appropriate level of richness in a coherent manner, and with suitably high quality materials. The precedent images contained within the S92 Response additional drawings of 27 February 2015 also demonstrate the success of a gantry type element in an industrial waterfront setting.

Building bulk and form

- 4.4. The Site 10 building is in scale with and appropriately related to Shed 21. In this context next to the NZ Post building, considering form alone, a higher building could be in keeping, and might achieve a better relationship with buildings on the city side of Waterloo Quay. So in my opinion this height is both conservative, and wholly appropriate.
- 4.5. The proposed 22.4m amsl height of the primary form of the building maintains a respectful scale relationship with Shed 21, and is appropriate in relation to the scale and orientation of Whitmore Plaza.
- 4.6. The projection of rooftop plant above the main roof is aesthetically beneficial. It has been well-resolved architecturally to be recessive, articulates the roofscape, is restricted in extent so does not unduly restrict views over the roof, and has no effect on shading the waterfront public realm.
- 4.7. The setbacks of the ground floor and parts of levels 1 and 2 from the south end is positive in providing for views through and a scale relationship with the much smaller former Eastbourne Ferry Terminal [FEFT] building. The waterfront as a whole is characterised by co-location of very large with small buildings, and the proposed approach is respectful of the smaller building here.

- 4.8. The through site link appropriately relates to the geometry of the wharf, as well as breaking up the form of the base of the building. This also provides for public access through along an important desire line, appropriately relates to the alignments of historic rail connections to the wharves, and emphasises the city to water connections.

Ground floor planning and edge conditions

- 4.9. The extent of publicly accessible tenancies and lobby space within the building with possibility of accommodating 'retail' type uses, setbacks from the site boundaries and the creation of the colonnade and connection through the block are all positive and will contribute to an exemplary degree of activation and generosity to the public realm.
- 4.10. While the level of publicly accessible space within the building is acceptable, there is potential should more retail become viable over time to convert some of the business innovation units into small retail outlets.
- 4.11. There may be a tendency for the 'Creative Business Unit' [CBU] tenancies to be commercial office spaces, and whilst this is more acceptable in the short term than vacant tenancies, it departs from the Waterfront Framework expectations for optimal ground floor activity. Nevertheless, retail, as has been found in other parts of the waterfront cannot be sustained under all parts of all buildings. Recognising this, it is appropriate that the proposed tenancies provide for activity that may or may not include a retail component, but which are oriented and designed to allow that function in the future. This is in my opinion acceptable, and follows the precedent of the implementation and management of other similar ground floor tenancies on other parts of the waterfront.
- 4.12. In my opinion, several matters of detail relating to the ground floor require further attention:
- a. Some control on frontage closure within the shopfronts would be desirable to provide for some internal privacy while maintaining some transparency.
 - b. Transverse diagonal braces cut through the colonnade in three places. These are understood and accepted to be a necessary and integral part of the structural system in this base isolated building. However as currently proposed they are excessively visually disruptive, cut the space of the colonnade along its length, and their lowest edge appears uncomfortably close to head height even though drawings supplied (in the S92 response, page 7) demonstrate that the average pedestrian could walk through the colonnade without hitting their head. I consider that a solution is required that modifies their precise alignment, shape and/or aesthetic treatment to be less visually intrusive, and ensures they are not less than around 2 metres above the colonnade surface at the glazing line.
 - c. The shopfront glazing at ground level, particularly at the CBUs along northern end of the building may be excessively linear and homogenous, and would, benefit from expression of CBU subdivision to complement that columns expressed here.

These are all minor matters that, should the proposal be approved by the Court, might be readily addressed at the next stage of design.

5. PUBLIC SPACE DESIGN

Waterfront promenade

- 5.1. WCC's Our Capital Spaces - Open Spaces and Recreation Framework, identifies strategic intention for the waterfront promenade, namely
1.8.1 Implement the open-space components of the Central City Framework and the Waterfront Framework (E), in particular: continuing the promenade along the waterfront to Shed 21 and Wellington Railway Station
- 5.2. This strategic intention is realised in a strong and positive way by the proposal. Beyond the FEFT building the promenade crosses the lane in a shared space area, and moves along the eastern edge of the building, under the cover of Site 10 building overhangs. Pedestrians have the opportunity, depending on their destination and weather conditions, of then accessing the Quay side of Site 10 via the diagonal link through the Site 10 building which allows connection into the existing Shed 21 colonnade. The Site 10 edge condition provides continuous cover and, depending on the wind direction, people walking to or from the Railway Station can choose the route that offers them the most shelter.
- 5.3. The character of the promenade north of the FEFT building changes from a water edge route to an urban lane. Its distance and relative dis-association from the water edge necessitates a more urban quality that is similar to the waterfront lane alongside Sheds 11 and 13. This is entirely appropriate, and consistent with the Waterfront Framework's and consequent district plan expectation of "coherence along the waterfront" (page 12/4).
- 5.4. The promenade also continues along the eastern side of Site 10, with pedestrians under the cover of the 'window box' overhang and on a protected footpath. This will provides a high degree of amenity for pedestrians.
- 5.5. The elevated plinth across the lane on the eastern side of Woolstore Plaza has been treated with paving like the similar plinths at the crossings at Waring Taylor and Johnston Streets. This would effectively signal the area as being a shared surface, and would emphasise the signal to drivers, as in these existing areas, to reduce speed.
- 5.6. The edge of the promenade at Whitmore Plaza is enhanced with a new surface treatment, complemented by a new timber deck around the north side of the FEFT building.
- 5.7. The proposed provision for pedestrian movement and resolution of level changes along the Waterloo Quay side is positive.
 - a. Reused wharf gates frame a broad set of stairs at Woolstore Plaza, and these steps extend around the northern end of the Site 10

- building's colonnade to both provide for generous access and visually express the base of the building.
- b. Ramp access is provided to and from the colonnade and expansive steps along the outside edge of the building.
 - c. Well-located and generous steps provide for access at the south end of the colonnade by the Whitmore Street gates, and ramp or level access is provided to and from the footpath and crossing there through the three proposed pedestrian shelters.
 - d. This coherent and well-resolved provision for movement is complemented by planting along the edge of the Quays which helps to achieve a sense of visual separation from the traffic, and trees at the Whitmore Street gates.

Woolstore Plaza

- 5.8. Design development shows this space which is primarily a movement space which also provides access into the ends of the buildings here is well-resolved. The treatment of its edge provides for level crossing across Waterloo Quay. The connection from this edge to Woolstore Plaza and the colonnade and the plinth of the Site 10 building is appropriately accessible with a generous ramp access as well as steps.

Whitmore Plaza

- 5.9. The expectations for this space were established by WCC resolution in approving the North Kumutoto design brief which identifies this as a 'city connector space' and 'major entry point' within which conflict between vehicles and pedestrians needs to be resolved. This brief also identified that the space needs to be better defined.
- 5.10. Whitmore Plaza will be first an entrance and movement space, with pedestrian flows in all directions, and vehicle connections via shared surface to the lanes north and south. Maximisation of the flat portion of Whitmore Plaza visually emphasises this as a large public open space, minimises its appearance as a space through which vehicles can also move and also provides for a raised threshold at the gates through which vehicles must cross, and which signals a change in environment for drivers. The broad extent of flat surface also maximises its suitability for the events that might occur here.
- 5.11. This is appropriately substantially open to provide for these entrance and movement functions but also in being substantially larger and simpler than waterfront spaces immediately to the south on Site 8 and at Kumutoto, it contributes to the range and choice of open space opportunities available to the public on the waterfront. This approach also extends the openness of Whitmore street, reinforcing the spatial and view connection along this street from the city to the harbour.
- 5.12. I consider that the general direction and approach for the open space design here is both sound and highly appropriate, with the following notable positive features:
 - a. Extension of the aesthetic treatment of Kumutoto, while creating an open entrance area.
 - b. Relation to the scale and openness of Whitmore Street (which also provides for the Whitmore Street viewshaft).

- c. The geometry and alignment of the Waterloo Quay crossing at Whitmore Street which relates effectively and convincingly to the FEFT building.
 - d. The composition and planning respecting and extending the successful street edge entrance treatments established by Sheds 11 and 13.
 - e. The proposed spatial definition at the street edge (using gate posts, historic fences, planting and trees), and spatial openness to the water is appropriate.
- 5.13. The paving composition utilising orthogonal grid at right angle to the street edge relates to the most logical and appropriate angle of entry from Whitmore Street, and across to the FEFT building, as well as to the geometry of the Site 10 building, and follows the precedent of paving composition and treatments at other connecting spaces such as Waring Taylor and Johnston Streets
- 5.14. The timber wharf edge to the south of the FEFT building, and the timber deck to the north create a positive edge to the water.
- 5.15. Shading diagrams demonstrate that this is suitably sunny, with excellent sun most of the year. In mid-winter when it remains largely in shade, the immediately adjacent Tug Wharf remains in sun through the day. It is not necessary to ensure sun all day or all year round if the public can readily find some other space to occupy which is in the sun.
- 5.16. Consideration of spatial definition and occupation has been provided for around the edge of this space with the Site 10 building providing a 'porch' at its northern end, and the FEFT building 'holding' the space to the east.
- 5.17. Reused heritage wharf gates and fencing reinterpret an historic waterfront edge pattern, provide for a sense of definition (and occupant security) at the Quay edge of the space while allowing for views in.
- 5.18. A temporarily relocated c1910 building (the 'Toll Booth building') is to be placed to define the southern end, of Whitmore Plaza where that space would otherwise merge into Site 9. It also potentially provides for activity at the edge of the space, and partially screens the Site 9 carparking from view. In the absence of a development proposal for Site 9 this quirky little structure will contribute interest to this part of the waterfront.
- 5.19. Treatment of Whitmore Plaza as a shared surface allows for vehicle movement through while maintaining pedestrian priority. This is an established and appropriate treatment for good quality public space through which some cautious and safe vehicle movement is required. The platform elements within (which relate functionally and aesthetically to those in the existing Kumutoto area) are well located to give some sense of a protected zone within a shared surface area, provide for occupation, and maintain the largest and fully open space at the promenade and water edge.

Site 8

- 5.20. This space was identified by WCC in its brief for North Kumutoto as being a water edge, activity and destination space. It was seen as being important to generate and support activity and public occupation, provide connections to the water, ensure spatial definition, and be integrated with spaces and routes around, including positive relationship with Kumutoto Plaza.
- 5.21. This is appropriate, consistent with the Waterfront Framework's intentions for treatment of open space and has been realised with this design proposal which offers a point of difference and a new type of recreational potential and public open space. Site 8 can be expected to be a positive open space with a memorable character that will be unique both on this waterfront and in New Zealand.
- 5.22. It is integrated into its setting in a metaphorically and geometrically sophisticated way. The effect of a folded planar landscape relates to a collapsed ('reinterpreted') wharf, and this is overlaid with ecological and recreational potential, of a type not otherwise found on the waterfront or in fact in New Zealand.
- a. The indeterminate nature of the planar surface and the flexibility that it provides allows this to be a relatively unprogrammed 'field of opportunity'.
 - b. Multiple sitting opportunities are provided, including potential to lounge on the folding planar timber landscape facing in a variety of directions depending on sun and wind
- 5.23. This is distinctly different from the adjacent Kumutoto Plaza and the much calmer and more restrained Whitmore Plaza to the north but complements these spaces, and in doing so is consistent with the Waterfront Framework's intention of developing a sequence of linked but different spaces along the waterfront, and providing for a diverse range of users.
- 5.24. The long table and chairs are also innovative and novel, and can be expected to reinforce this landscape as a waterfront attraction.
- 5.25. The proposed pavilion is suitably sculptural, and consistent with establishing this as a signature waterfront space. Open at ground to maintain views through it also provides shelter to waterfront users. The detailed design of this will be important as this will need to be an exquisite structure with a high level of architectural design input.
- 5.26. A Council requirement for increased greening and 'pocket planting' has been skilfully responded to with the addition of further trees, and gaps within the folding timber landscape that provide for low level planting and some trees.
- 5.27. The success of the folded timber plane landscape depends on detail. As the design develops, any elements for slip resistance on the timber must be integral to the concept.

Site 9 temporary use and design

- 5.28. The proposed car parking is a temporary treatment and tidying up of the site with ordering of spaces and edge landscaping. Carparking is not a long term option, however is in my view an acceptable short term use of this site.
- 5.29. Temporary cover along the street edge provides public amenity until such time as a building is constructed here.

Shared surface treatment and two-way lane

- 5.30. Shared surfaces are entirely appropriate here. This:
- a. extends the successful treatment of Kumutoto Lane northwards;
 - b. avoids the legibility problems that arise with one-way traffic;
 - c. avoids the need for vehicles to turn on the promenade extension to the east of Site 10, thus avoiding such compromise to the environment for pedestrians there;
 - d. will be not be attractive for through traffic which will use the high speed, high volume and more convenient route along the Quays; and
 - e. places an emphasis on providing for pedestrians while accommodating necessary service vehicles and access to and from Site 10 building.
- 5.31. Shared surfaces and a two way lane at this part of the waterfront have has been interrogated in detail by TAG and by Traffic Design Group. This is an appropriate means of vehicle management and open space treatment here.
- 5.32. I am confident that a shared surface will, as is the nature of all successful shared surfaces, be a 'zone of uncertainty' that will engender caution in both pedestrians and drivers. Shared surfaces are already a proven spatial type on the Wellington waterfront and also in Fort, Darby and Elliot Streets and Fort Lane in Auckland.
- 5.33. Should the project be approved, further design development and ongoing management should ensure that shared surface is detailed and the lane is managed to discourage or preclude any heavy through traffic, other than necessary emergency and service vehicles.
- 5.34. The FEFT building might be perceived to create a potential 'pinchpoint' along the promenade. However as this is proposed to be a shared surface here, the promenade becomes very wide and generous, as the perceived promenade space then also extends under the Site 10 building undercroft and portico.

6. CONCLUSION

- 6.1. This proposal contributes a high quality public environment with memorable features and new opportunities for occupation. It is complemented by a proposed building of very high quality that responds in sophisticated ways to its context and provides for appropriate activity on this part of the waterfront.
- 6.2. The proposal has been subjected to assessment against a broad-ranging and comprehensive range of criteria, and satisfies these in an exemplary way.

A handwritten signature in black ink, appearing to read 'Graeme Robert McIndoe', with a long, sweeping flourish extending to the right.

Graeme Robert McIndoe
31 March 2015

Appendix 1

GRAEME ROBERT MCINDOE: QUALIFICATIONS AND EXPERIENCE

Graeme McIndoe

Architect and Urban Designer

FNZIA, MA Urban Design, Dip Urban Design (dist.); BArch (Hons1); BBSc

As a registered architect and qualified urban designer Graeme is familiar with contemporary expectations of quality for both architecture and the public realm and has been appointed to a leading role within various design advisory groups and review panels across New Zealand. He has particular experience in waterfront design both in Auckland and Wellington. These waterfronts both received awards in the 2012 inaugural New Zealand Urban Design Awards.

Relevant experience includes

- Providing professional resource consent design review for Wellington and Palmerston North City Councils.
- Author of WCC's Central Area Urban Design Guide.
- Advising WCC on the design of Memorial Park (2012-13)
- Developed curricula and delivered training in urban design for central and local government and institutions including: the Ministry for the Environment, the Victorian State Government's Department of Sustainability and the Environment, Land Transport New Zealand, Auckland, Wellington, Palmerston North and Nelson City Councils, and the New Zealand Institute of Architects.
- Senior lecturer at VUW's School of Architecture teaching urban and architectural design in a 0.5 permanent position from 1991-2009.
- Principal co-author of the *Urban Design Toolkit*, and *The Value of Urban Design*, (both MfE, 2005) and contributor to *People+Places+Spaces: A design guide for Urban New Zealand*.

Current and recent appointments

- Chairman of Wellington City Councils' waterfront Technical Advisory Group. [TAG] (Member since 2000, chair 2005-ongoing)
- Member of the Auckland Council's Urban Design Panel (2011 -ongoing)
- Founding member of Waterfront Auckland's Technical Advisory Group. (2007-ongoing)
- Founding and ongoing chairman of the Nelson City/Tasman District Council urban design panel. (2010-ongoing)
- Member of the Steering Group for Auckland Council's 'Auckland Design Manual' and responsible for both reviewing and providing content for residential sections of that. (2013-14)
- Chair of the Christchurch City Council's Heritage Advisory Team for the reconstruction of the Christchurch Town Hall. (2012-ongoing)
- Chair of the CERA appointed TAG for the Canterbury Earthquake Memorial project. (2014)
- Member of the TAG (Urban) for stage 2 RMA reform, advising the Minister for the Environment. (2010)
- Member of Leaders Group for the Ministry of Justice's Taskforce for Community Violence Prevention. (2005-06)

North Kumutoto Precinct Project

Graeme Robert McIndoe Qualifications and Experience

A1-1

Appendix 2

CENTRAL AREA OBJECTIVES AND POLICIES

	District plan objectives and policies	Assessment
Objective 12.2.5	<p>URBAN FORM AND SENSE OF PLACE</p> <p>To recognise and enhance those characteristics, features and areas of the Central Area that contribute positively to the City’s distinctive physical character and sense of place.</p>	
Policy 12.2.5.1	<p>Manage building height in the Central Area in order to:</p> <ul style="list-style-type: none"> reinforce the high city/low city urban form; ensure that new buildings acknowledge and respect the form and scale of the neighbourhood in which they are located; and achieve appropriate building height and mass within identified heritage and character areas. <p><i>Given the diversity of sites and uses within the Central Area, and given that some properties may not be developed for decades, if ever, it is considered that some variation in the heights of new buildings is inevitable. Accordingly it is not anticipated that the District Plan provisions will result in a rigid uniformity of building height. The focus of the District Plan is therefore not to control building height absolutely, but rather to manage the scale of new buildings to ensure that they respect and reinforce the Central Area’s ‘high city/low city’ urban form, and the scale and character of existing neighbourhoods and identified heritage areas.</i></p> <p>.....</p> <p><i>Specific height limits apply to the Lambton Harbour Area to reflect the low-rise nature of development in this area, as envisaged in the Wellington Waterfront Framework (April 2001). Development in the Lambton Harbour Area will be complementary to and of a scale appropriate to the existing buildings around them (except the Museum of New Zealand “Te Papa”).</i></p> <p><i>Any application to exceed the height standards specified in the District Plan will be considered on a site specific basis, acknowledging the context at the time the proposal is being developed. Matters to be considered will include:</i></p>	<p>Considering reinforcing the high city/low city urban form, the introduction to the objectives and policies for the Central Area identifies and explains the intention:</p> <p>12.1.5 Enhance the built form of the Central Area</p> <p>The Central Area’s amphitheatre[sic] setting is enhanced by the maintenance of the compact ‘high city’/‘low city’ urban form. The ‘high city’ relates to the downtown area where most of the city’s high rise buildings are clustered. The Low City is effectively the balance of the Central Area where the lower buildings spread out north and south. The lower height on the waterfront completes the stepping down from the hills to the harbour.</p> <p>This is explained further in relation to Policy 12.2.3.1 which seeks to preserve the present “high-city/low city’ general urban form of the central area. The explanation to this policy ends (page 12/12):</p> <p><i>The environmental result will be the maintenance and enhancement of the Central Area’s general urban form.</i></p> <p>District plan Map 32, <i>Central Area Building Heights</i> shows that the permitted height across the Quays is 60 metres above mean sea level. Depending on precise location, this corresponds to just over 57 metres above ground level.</p> <p>The height limit for the Lambton Harbour area is “Zero Metres above Mean Sea Level”, which is more than two metres below wharf and ground level. This limit does not indicate an intended urban form outcome, it is simply</p>

a threshold that triggers a consent process for any building on the waterfront.

-
- *whether the proposal reinforces the Central Area's 'high city/low city' urban form*
-

The proposal does reinforce the intended urban form:

1. A drop across Waterloo Quay from the permitted 60m height limit to the proposed 22.4m is a nearly two-thirds reduction in height. The proposal is also significantly lower than the NZ Post building at that location.
2. This 22.4m primary form is in the context of other immediately adjacent areas that are also in the 'low city':
 - Shed 21 where the permitted height is the existing building height,
 - immediately north of Shed 21 in Harbour Quays where the limit is 40 m above ground,
 - the railway station where the limit is 35.4 m above ground, and
 - Immediately north of the railway station where the height limit is 50m above ground.
3. At 22.4m (plus roof top plant) the proposal will be:
 - a significant step down from the high city;
 - subsumed within the low city, being considerably lower than all low city heights in this area, apart from Shed 21; and
 - an overt expression of the intended stepping down from the hills to the water edge, with this effect seen in perspective views such as that on the cover of the architectural drawings by the applicant.

-
- *whether the height, scale and mass of the proposal is consistent with the scale and form of buildings in the surrounding neighbourhood.*
-

Height is 22.4m with centrally located plant comprising 9.2% of the roof area rising a further 3.85m to 26.25m.

The proposed 22.4m roof height is almost identical to the 22m threshold, maintains a respectful scale relationship to Shed 21, it has no appreciable impact on public space quality.

The proposed height remains similar to that of Shed 21, and thus relates well to that building. I also consider that a positive scale relationship could be achieved with a variation in height of plus or minus one storey, so the approach of similar height as proposed achieves an acceptable relationship.

The shading diagrams supplied by the applicant under the S92 response also demonstrate that at all times of year between 10am and 4pm when waterfront users may anticipate being able to find sun at North Kumutoto, they will be able to do so.

The WCC's brief also identified that no rooftop plant should extend above 22m. The projection of rooftop plant over a small portion of the roof area is acceptable. It articulates the roofscape, is restricted in extent so does not unduly restrict views over the roof, and has no effect on shading the waterfront public realm.

-
- *whether the proposal will result in a building that will be complementary to, and of a scale appropriate to, existing buildings on adjacent sites.*

As noted above:

The proposed height remains similar to that of Shed 21, and thus relates well to that building. I also consider that a positive scale relationship could be achieved with a variation in height of plus or minus one storey, so the approach of similar height as proposed achieves an acceptable relationship.

The slight variation in height from Shed 21 is desirable as these are inherently aesthetically different buildings in contrast, for example, to Sheds 11 and 13 which by having virtually identical aesthetic treatments need to be of identical height to maintain an aesthetically harmonious balance. Furthermore this minor variation avoids the effect of 'benching', which leads to a monotonously flat roofscape.

-
- *the extent to which the height, scale and mass of the proposal acknowledges and respects the scale and form of any adjacent listed heritage item.*

The proposal appropriately acknowledges and respects the scale and form of any adjacent listed heritage item. See above.

The environmental result will be building developments that reinforce the city's general

The intended environmental result is achieved in an exemplary way.

urban form, and that compliment [sic] the existing scale of buildings and structures in identified heritage and character areas.

Policy
12.2.5.2

Manage building mass to ensure that the adverse effects of new building work are able to be avoided, remedied or mitigated on site.

Managing building mass is important in ensuring that new building works do not create adverse environmental effects. The total mass and bulk of a building on site, and the location and placement of the mass relative to adjoining buildings and structures, will determine how successfully potential adverse effects relating to wind, amenity (access to light), impacts on adjacent heritage items, viewshafts, and urban design can be managed.

.....

In relationship to building mass it is noted that while access to daylight is required to be addressed by building design, access to direct sunlight is not an effect to be specifically considered except with respect to sunlight protection for identified public places under standard 13.6.3.4.

The placement of building mass is an important tool in mitigating the effect of new building works on the amenity of the public realm. These effects can relate to the pedestrian wind environment, impact on identified viewshafts, and the loss of sunlight to public spaces. The District Plan contains specific standards for these issues in order to preserve the quality and amenity of the public environment. In some situations compliance with these standards may require building mass to be reduced to below the general mass standard specified in this plan.

.... Similarly the new provisions seek to encourage quality roof top features and avoid grossly utilitarian building tops. On most properly designed rooftops, there are significant volumes that contribute to the quality of the roofscape, and the design quality and coherence of the building, but which are inaccessible and have no lettable value. To encourage the development of high quality roof top features, they have been excluded from the definition of building mass.

Increases in building mass above the specified standards will be contemplated when it can be demonstrated that the additional mass will not compromise the development's ability to avoid, remedy or mitigate adverse environment effects relating to wind, preserving access to daylight, heritage and urban design. Consideration may also be given to whether the function, location and prominence of the proposed building are such that it is appropriate to utilise additional mass to help create a landmark building.

It may also be appropriate to increase building bulk when a proposed development provides atria to increase amenity and protect access to light, or provides a publicly accessible through block link. This is particularly so when the enclosed atrium area or through block link is of high amenity and is accessible to the public for a minimum of 12 hours per day.

.....

The environmental result will be buildings that are of a volume capable of effectively managing any adverse effect on the environment.

Policy
12.2.5.3

Manage building mass in conjunction with building height to ensure quality design outcomes.

The Central Area rules link building height and building mass together to provide increased flexibility in managing the effects of new buildings. Providing for height increases as a discretionary activity (restricted) subject to compliance with the specified standards for building mass, will allow greater ability for new buildings to respect and respond to their context.

By controlling building mass but at the same time providing for a greater degree of flexibility in relation to building height, the Council anticipates that there will be increased quality, variety and vitality in the built form of the City, and greater capacity to negotiate positive heritage and urban design outcomes throughout the Central Area.

There is appropriate articulation of form with:

1. expression of the level 1 and 2 window box on the east façade;
2. the smaller scale articulation along the lower levels along the southern half of the west façade;
3. setback at the north-east and north-west corners of the facade to emphasise expression of the gantry as a form that slides to the south over the base form;
4. creation of the undercroft at the south end of the building;
5. the diagonal cut through the ground floor to provide access and relate to wharf alignments, with the projecting glazed box above that; and

The environmental result will be buildings of a height and volume that ensure quality design outcomes.

6. provision of the colonnade along the west facade.

Complementing these, the extension of the plant above the primary form has the desirable effect of articulating the roofscape.

The cantilever of levels 1 and 2 over the promenade edge on the harbour side is a sound facade modelling approach for the following reasons:

- The base and 'gantry' portion of the building align with and therefore maintain a strong relationship with Shed 21.
- The cantilever provides shelter over the promenade below.
- The primary form of the building which in the zone of the proposed window boxes is seen at ground and levels 3 and 4, maintains alignment with the facade of Shed 21.

The projecting box window on the west façade which is located over the entrance to the diagonal lane, signals the entrance to that lane, contributes to variation along the facade, and helps to introduce a sense of human scale to the lower three levels. Also, activity within this box can be expected to help activate the facade.

The proposed height and volume, characterised by concept and context driven articulation, ensures a quality design outcome.

Policy 12.2.5.4

To allow building height above the specified height standards in situations where building height and bulk have been reduced elsewhere on the site to:

- provide an urban design outcome that is beneficial to the public environment, or
- reduce the impact of the proposed building on a listed heritage item

Any such additional height must be able to be treated in such a way that it represents an appropriate response to the characteristics of the site and the surrounding area.

In situations where building height and building mass are reduced to achieve a positive heritage or urban design outcome, the Council will consider applications for consent to provide additional building height elsewhere on the site. For the

The two heritage buildings in close proximity are Shed 21 and the Former Eastbourne Ferry Terminal (FEFT) Building. Both of these have been responded to with height and façade alignments. In particular the setback at the south end of the building is composed and scaled as a three-dimensional volume of space to make reference to the volume of the adjacent FEFT building.

The diagonal link through the building and colonnade are other volume reductions that also contribute to an appropriate response to context.

purpose of this policy, urban design outcomes that are beneficial to the public environment include:

- *provision of sunlight to an identified public space, or any public space of prominence or space where people regularly congregate*
- *provision of a publicly accessible through block link*
- *provision of high quality, public open space*
- *retention of an identified view shaft*

Any additional building height must be able to be treated in such a way that it maintains the integrity of the building's design, and respects the characteristics of the site and the surrounding area.

The environmental result will be building work that is designed to provide a positive public environment and heritage outcomes.

In relation to the identified beneficial public environment outcomes:

- Shading diagrams demonstrate the extent of shade to Whitmore Plaza, and in particular retention of sunlight on the Tug Wharf component of the promenade right through the year.
- A publicly accessible link is provided through the centre of the Site 10 building.
- High quality public open space is provided – refer to my Appendix 5 assessment.
- The identified view shaft (VS4 Whitmore Street) is retained.

Policy 12.2.5.5

Require design excellence for any building that is higher than the height standard specified for the Central Area.

As all buildings contribute to the character and public environment of central Wellington, design quality is a fundamental consideration in the assessment of any development application (see policy 12.2.6.2). The issue of design quality is even more important for buildings of unusual height or bulk, which due to their size, height and massing can have a significant impact on the city, both at street level and from a distance. To ensure that over height buildings visually enhance the cityscape of the Central Area, the Council will require that they display design excellence.

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.....

Design excellence is also required for buildings that are tall in relationship to the surrounding neighbourhood. Though not 'exceptionally' tall, these buildings can still be highly visible and have a significant impact on the character of the surrounding neighbourhood. As such they require careful consideration, and should display a quality

Design excellence can be defined in various ways but may broadly be seen as a significant advance on the ordinarily acceptable, with resolution to an exemplary standard conceptually, compositionally, and at the level of detail.

I consider that this proposal passes the test of design excellence due to a combination of key attributes. Key attributes are that the building proposal:

1. Is concept driven, with the gantry and undercroft created by this giving a memorably expressive quality;
2. Demonstrates compositionally coherent articulation of form and façade design that relates specifically to this context and provides visual richness;
3. Provides a high quality edge to Whitmore Plaza, and excellent conditions for pedestrians around the three main sides of the building; and
4. Integrates underground parking on this site, as preferred by the Waterfront Framework (although above-ground might also be acceptable).

of design that corresponds appropriately to their level of visibility.

The environmental result will be excellence in the design of any building that exceeds the height standards specified in the District Plan.

Objective 12.2.8 LAMBTON HARBOUR AREA

To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront.

[Methods identified include the Waterfront Framework.]

Policy 12.2.8.1

Maintain and enhance the public environment of the Lambton Harbour Area by guiding the design of new open spaces and where there are buildings, ensuring that these are in sympathy with their associated public spaces.

The main focus of the Lambton Harbour Area is to reinforce its role as a primary open space on the waterfront. A series of different open spaces - some green some sheltered and some paved - that cater for diverse uses and activities will predominate. Furthermore, there will be a network of paths through the area, including a promenade along the length of the waterfront, predominantly at the water's edge. Buildings will support the open spaces, both in their design and their associated uses and activities. The ground floors of buildings will be predominantly accessible to the public and buildings will have "active edges". Particular consideration will be given to providing for equitable access to the water's edge and all other facilities on the waterfront by older people and all others with mobility restrictions.

The buildings support adjacent open spaces and vice versa.

- Extension of Kumutoto Lane through Whitmore Plaza and past the FEFT building resolves competition between vehicles and pedestrians and is consistent with the geometry of the wider Kumutoto/Whitmore Plaza precinct.
- The diagonal path through Site 10 connects directly with the Harbour Wharf. This passageway makes an important visual connection to a heritage building and wharf, and links to an extension of the promenade edge treatment at the water edge which provides an occupiable space. In linking the east and west sides of the building, the diagonal link creates a continuous sheltered pathway running along and through the site.
- Open spaces have been resolved convincingly, with all open space components having a character appropriate to their location, complementing other spaces around the waterfront and contributing to an integrated whole. The quality and appropriateness of open spaces is covered in detail in Appendices 4 and 5.
- The ground floor of the building is predominantly accessible to the public, with covered public open space, tenancies and lobbies comprising 70% of the total site area. Services which are

inaccessible to the public but nevertheless essential comprise 15% and the Creative Business Units 15%. (Refer to diagram on page 12 of S92 Response by Athfield Architects Ltd).

This is a positive design outcome that integrates the planning and design of the building with that of the public spaces to provide an enhanced public environment.

**Policy
12.2.8.2**

Ensure that a range of public open spaces, public walkways and through routes for pedestrians and cyclists and opportunities for people, including people with mobility restrictions, to gain access to and from the water are provided and maintained.

Substantial and varied areas of open space near and adjacent to the water are important to ensure that uninterrupted public access to the water's edge is maintained and enhanced. Some water-based activities (such as rowing) require vehicular access and short term parking. There will be a public walkway/promenade along the length of the waterfront, predominantly at the water's edge. A series of different open spaces that cater for diverse uses and activities will predominate. In addition to Frank Kitts Park there will be a second large green open space at Chaffers.

This policy is satisfied. Openness is maintained at an in areas close to the water edge, with accessibility provided along and to this edge:

- All surfaces are flat except for the transition of level from Waterloo Quay up to the waterfront wharf level. That is accommodated with generous ramps in convenient locations as well as steps.
- The sloping planes that are the defining characteristic of the Site 8 design provides ramps that will allow people with mobility restrictions to get access to the water's edge. Accessible connections then extend over to the Tug Wharf.

**Policy
12.2.8.3**

Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.

The waterfront as a whole is an area of special character that has five distinct areas at:

- North Queens Wharf
- Queens Wharf
- Frank Kitts Park
- Taranaki Street Wharf / Lagoon
- Chaffers

These areas will each develop their own "sense of place" or local character but collectively contribute to the overall richness and cohesion that makes the waterfront a unique and special part of the city.

The fundamental aim of future development in the Lambton Harbour Area is the achievement of a high quality public environment that provides and supports a range of public spaces and opportunities for vibrant activities, exciting uses and imaginative developments, which in turn encourage an improvement of the amenities of the waterfront for use and enjoyment by the public.

'North Queens Wharf', now known as Kumutoto is identified by the Waterfront Framework as having a strong connection to the CBD, and a maritime character.

The Framework also identifies:

"That this will be reflected with a stronger sense of the city form being developed in this area through a higher proportion of buildings than on the rest of the waterfront. ... [and] The character of the area will be of squares, lanes and new buildings in scale with the heritage buildings such as Shed 21 at the northern end..."
(Refer page 32)

This intention is achieved with strong visual connections, enhanced physical connections and a continuation of CBD activity in this proposal, all within a setting of enhanced and high quality public environment.

Location close to the CBD is reflected in the activity, the scale of buildings and the nature of the public space treatments which tend to

		<p>have a constructed urban waterfront character which is both anticipated by the Waterfront Framework and is in the proposed configuration entirely appropriate.</p>
<p>Policy 12.2.8.4</p>	<p>Maintain and enhance the heritage values associated with the waterfront.</p> <p><i>Heritage and the history of the waterfront are important parts of the identity of the waterfront. There is a range of aspects to the pre and post-colonial history of the waterfront, including maritime, social and economic aspects, and all these stories need to be told. Heritage buildings are an important aspect of the history of the waterfront and should be restored and reused under the guidance of a Conservation Plan.</i></p>	<p>Restoration of the wharf edge and sensitive adaptive re-use of the rip-rap area by Site 8 maintains the heritage values of these elements while providing for enhanced public amenity.</p> <p>Historic alignments such as the wharf edge and along the Quays are recognised in the building and public space configurations.</p> <p>As previously described above, the Site 10 building relates in a sensitive way to both Shed 21 and the FEFT building, and makes a particularly generous formal response to the latter with extensive three-dimensional setbacks referring to the form and scale of that building.</p>
<p>Policy 12.2.8.5</p>	<p>Recognise and provide for developments and activities that reinforce the importance of the waterfront's Maori history and cultural heritage.</p> <p><i>Maori cultural heritage will have a strong presence on the waterfront and play a key role in identifying the special and unique role that the waterfront has to play in the city. Also refer Objective 12.2.16 and associated policies.</i></p>	<p>The applicant's Cultural Impact Assessment raises no issues of concern, including regarding bulk and form of the proposed building on Site 10 in an area where large buildings have been the norm for the last 100 years or more.</p>
<p>Policy 12.2.8.6</p>	<p>Provide for new development which adds to the waterfront character and quality of design within the area and acknowledges relationships between the city and the sea.</p> <p><i>The waterfront is somewhere to live, work and play. The waterfront will meet the needs of a diverse range of people. There will be an allowance for recreational, cultural and civic uses, and also an allowance for some commercial development. Any development should be of a high quality. Any new buildings will be generally complementary, and in a scale appropriate to, the existing buildings around them. In the Kumutoto/North Queens Wharf area buildings will be in scale with heritage buildings. Buildings are modified over time, particularly when they are refurbished to accommodate new activities and uses.</i></p> <p>.....</p> <p><i>The following matters will be considered in relation to any application for a new building or structure on the waterfront:</i></p>	<p>This policy is satisfied, as detailed below.</p>

the principles and objectives of the Wellington Waterfront Framework.

The scope and nature of the proposal is consistent with Waterfront Framework expectations, and the principles and objectives of the Framework are comprehensively satisfied (refer to my detailed assessment in Appendix 4).

whether the ground floor of the building has an 'active edge' that supports the public use of the space and which is predominantly accessible to the public.

Considering the perimeter of the building, active edges extend around 87% of the façade. That includes entry lobbies (excluding services) and shopfronts for tenancies and Creative Business Units. The services areas are distributed around the west-east and north facades and because of this do not dominate any façade.

The above calculation excludes the edges within the diagonal lane which are 95% active, with this activity comprising tenancies and a lobby.

whether the addition or alteration will result in a building that will be complementary to, and of a scale appropriate to, other existing buildings adjacent and nearby.

The building complements and is in scale with buildings around, as described in detail in the discussion on building height above.

whether the addition or alteration respects the form and scale of the existing building.

Not applicable

whether the addition or alterations will have a material effect on sunlight access to any open space.

Shading diagrams show that the Site 10 building will shade parts of the space which is currently dominated by vehicle access, circulation and parking. This is now planned to be a pedestrian-oriented Whitmore Plaza. These demonstrate that:

- the building causes minimal shading effects to Whitmore Plaza in mid-summer;
- the major portion of Whitmore Plaza will remain in full sun between the hours of 10am and 4pm; and
- in mid-winter the Site 10 building casts a large shadow over Whitmore Plaza, with this longest at around 10am, but moving off the plaza during the day. However from noon onwards, the majority of this shade is cast by the existing and much taller NZ Post building on the far side of Waterloo Quay. At this time, waterfront users will be able to find sunny open space within this area either on Site 8 or on the Tug Wharf.

The Site 10 building will not cast shade over any part of the Site 8 open space at any time of year except for at mid-winter when the northernmost tip of this triangular site is shaded for around 20 minutes.

This is a material effect if considered relative to having no building on Site 10, but it nevertheless maintains a good degree of public amenity, including sunshine right through the day, all year.

whether the addition or alteration will intrude on an identified viewshaft.

The proposal does not intrude on any viewshaft. Some landscape works (such as heritage wharf gates and trees) are within the viewshaft but will be sufficiently open to maintain views through. These elements are important to ensure the quality and safety of Whitmore Plaza.

whether the addition or alteration adversely affects the heritage values or significance of the heritage building.

There is currently no building on Site 10 except for the temporary ablutions block for the campervan park.

Considering public space, modifications at the promenade wharf edge and the rip-rap at the edge of Site 8 repair aspects of the edge and provide for enhanced public access to it.

the adverse effects of the building work on wind, views, shading and sunlight on adjacent properties in the Central Area.

The various view and shading studies demonstrate the effects of this building, and that, assuming there is a building on Site 10, these are not of a level which would indicate they are adverse.

I have viewed the Opus wind report and Mr Donn's draft report for Council. My understanding is that the significance of localised wind effects remains to be finally resolved in some areas. In my view and when achieving resolution the following should be considered:

- Street level structures should if possible be avoided, or if provided should be an integral and part of the public space design, offering amenity beyond shelter.
- Any space should be considered in terms of:
 - its intended primary function. That is, Whitmore Plaza is intended to be a city connector and entrance space, so

- occupation will not be its primary purpose. Similarly the through site link is for movement; and
- the context of other spaces around which offer opportunity for other conditions.

<p>Policy 12.2.8.7</p>	<p>Maintain and enhance the Lambton Harbour Area as an integral part of the working port of Wellington.</p> <p><i>Parts of the Lambton Harbour Area remain a working port and the area draws much of its character and present activity from port related functions, structures and open space. These functions, including the use of wharves by cruise ships, fishing boats, pleasure boats and other vessels, will be encouraged to continue. Design which relates to the maritime location and port functions will also be encouraged.</i></p>	<p>The New Zealand Police’s Wellington maritime Unit continues to be based on the Former Eastbourne Ferry Terminal Wharf. This contributes valuable expression of this part of the waterfront as a working wharf, and as a supervisory presence, also contributes to safety.</p> <p>The openness to the working port areas beyond Whitmore Plaza and the promenade also contributes to the sense of being close to a working port.</p>
<p>Policy 12.2.8.8</p>	<p>To provide for and facilitate public involvement in the waterfront planning process.</p> <p><i>The waterfront is predominantly a public area, a place owned by all Wellingtonians. Governance arrangements for the waterfront include a broadly based group consisting of both professional and community representatives. This group will have primary responsibility for the on-going planning and development of the waterfront, as well as responsibility for monitoring all proposed developments. The group will actively engage the public in waterfront decision-making.</i></p> <p><i>Thus, the public will be consulted the development of plans for the waterfront (Stage 2 of the waterfront planning process) and enabled to participate through the statutory planning process about any proposed new buildings and any significant changes to existing buildings.</i></p>	<p>Intensive public involvement has occurred first with the development of the Waterfront Framework.</p> <p>Public involvement has included (but is not necessarily restricted to) the following:</p> <ol style="list-style-type: none"> 1. Survey in mid 2005. 2. A design competition for sites 8, 9 and 10 was undertaken in mid 2007, and the outcomes of this were publicly displayed 3. Consultation was undertaken on a previous building proposal for Site 10 and related public open space and TAG reported on that in March 2012. 4. A community forum was held on the North Kumutoto Design brief on 1 November 2012. 5. Variation 11 for the waterfront went through the public process and Environment Court in 2013. 6. Subsequently, further consultation for the current proposal and public space plan was undertaken by WWL from 28 January to 28 February 2014, and TAG reviewed the outcomes of that consultation. <p>Events 4 and 6 above relate most specifically to this application, however the other events listed demonstrate the background of public involvement in the planning for this area.</p>

Public involvement has also generally occurred in the various WCC Committee discussion on the North Kumutoto area over recent years.

The current notified consent application process is also realisation of this policy intent.

Policy 12.2.8.9

Encourage and provide for consistency in the administration of resource management matters across the line of mean high water springs (MHWS).

No comment

Parts of the waterfront that are below mean high water springs (such as the Outer Tee at Queens Wharf and the Overseas Passenger Terminal) are administered by Greater Wellington – The Regional Council. These areas fall within the jurisdiction of the Regional Coastal Plan for the Wellington Region.

Both the Wellington City Council and Greater Wellington - The Regional Council are committed to working closely together to ensure consistency in administration of the coastal edge.

Policy 4.2.46 of the Regional Coastal Plan signals Greater Wellington - The Regional Council's intention to align the provisions of the Regional Coastal Plan with those of the District Plan. This policy reads:

“To vary or change the Plan, if necessary, as soon as practicable after the Wellington City District Plan becomes operative, to align rules in the Lambton Harbour Area (for activities and structures on wharves on the seaward side of the coastal maritime area boundary) with the rules in Wellington City Council's District Plan for the Lambton Harbour Area (for activities and structures on the landward side of the coastal marine area boundary)”.

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Appendix 3

CENTRAL AREA URBAN DESIGN GUIDE ASSESSMENT

Notes:

1. The design guide was developed to focus specifically on the design of buildings for private sites, and not on public space design. Therefore the assessment is directed primarily to the design of the Site 10 building. The quality of the public space is assessed in detail in Appendices 4 and 5.
2. The text in the left hand column is extracted verbatim from the design guide, but does not include the explanation to each guideline, although explanations were nevertheless referred to in my assessment.

1	Design Coherence	Assessment
<i>01.1</i>	To ensure each design solution is coherently designed, demonstrates design integrity, and integrates all relevant design criteria in the best possible way.	<p>This design solution is based on a thorough understanding of the site, its history and expectations for its use. These and all matters raised by the design guide have been comprehensively addressed in an integrated fashion, driven by the concept of the gantry.</p> <p>This relates exceptionally well to the public environment of the waterfront, both in its activity and provision for spatial generosity and public amenity at ground. It has a memorable signature quality. The modulation of building bulk and scale relation and visual richness that is necessary in a building of this scale and on this site has been delivered in a compositionally coherent, compelling way.</p> <p>This is also the outcome of considerable design interrogation and development by the architects, and multiple reviews by TAG giving confidence that an optimal outcome has been achieved.</p>
<i>G1.1</i>	<i>Internal consistency and integration</i> Demonstrate in the design and composition of any building an overall coherence that integrates the various design guide requirements.	Variation has been introduced, consistent with the primary form of the building relating to Shed 21, and the topmost two levels, the 'gantry', sliding to the south
2	Relationship to Context	Assessment
<i>02.1</i>	To recognise the unique qualities and sense of place of every urban setting, and respond to and enhance these with new development.	Context-specific design has been achieved with both the form and aesthetic of the proposed building, and the extension of the established approach to high quality public space on the waterfront.
<i>02.2</i>	To maintain or enhance the quality of the settings of individual heritage buildings, including those in heritage areas.	Achieved specifically with the alignments and articulation of form in relation to Shed 21 and the FEFT building.

G2.1	<p><i>Consistency or contrast</i> Maintain consistency with defining and valued neighbourhood patterns. Contrasts should be created only if the development is significant on a district or city-wide scale and/or accommodates a unique or publicly significant function.</p>	<p>It is appropriate and necessary in this context, as signalled in the Waterfront Framework to bring coherence along the waterfront. To that end, the public space approach of extending existing themes, materials and detail, and within that integrating elements or features (such as the Site 8 folding planar timber landscape) is appropriate.</p> <p>Considering the Site 10 building, consistency of height and alignment is maintained with Shed 21, and positive relationship with the FEFT building is established.</p>
G2.2	<p><i>Positive precedents</i> Refer to positive rather than negative precedents.</p>	<p>The building refers explicitly to the form and composition of Shed 21, and builds on alignments with both this building and the FEFT building, all of which are positive precedents.</p>
G2.3	<p><i>Achieving consistency</i> Consider ways of complementing the existing built context , including:</p> <ul style="list-style-type: none"> • compositional relationship or similarity in <i>[various elements]</i> • dimensional relationship, or similarity <i>[of various elements]</i> 	<p>Relationship with the existing built context is achieved with and overall similarity of building height, building plan form and alignment of the primary form with the east facade of Shed 21</p> <p>At the level of façade composition, façade elements are horizontally aligned with the central two storey high band of arched windows on Shed 21, and expression of vertical columns on both facades and vertical panels along the west façade relate to the rhythm of the Shed 21 façade while at the same time maintaining a suitably contemporary architectural approach.</p>
G2.4	<p><i>Developing an authentic sense of place</i> Express the local sense of place with new development.</p>	<p>A local sense of place is expressed.</p> <p>The building proposal is based on specific reference to local waterfront and maritime themes, with the gantry being the primary expression of this. Equally critical on this waterfront location is the generous relationship to the public environment. This is proposed with setbacks for the colonnade, through site link and portico/undercroft at the southern end, and extension of the box window over the eastern promenade which shelters this route in addition to helping to break down the scale of this large façade.</p>

3	Siting, Height, Bulk and Form	Assessment
<i>03.1</i>	To complement existing patterns of alignment, and achieve a positive scale relationship with adjoining buildings and public spaces.	The Site 10 portico works as a grand gesture at an important gateway to the waterfront and allows the larger building to defer respectfully to the FEFT building.
<i>03.2</i>	To respect the setting of heritage items and identified heritage areas.	Respect for setting has been a driver of the conceptual response and is achieved in a way that is compelling and generous.
<i>03.3</i>	To create coherent patterns of building that contribute to the amenity of neighbouring public spaces.	The Site 10 building appropriately defines Waterloo Quay and Kumutoto Lane and provides a high amenity edge to Whitmore Plaza. Other buildings such as the open pavilion on Site 8 and the relocated toll booth at the south end of Whitmore Plaza have public space support function, the former providing for shade, shelter and occupation, the latter for spatial definition.
<i>03.4</i>	To ensure that reasonable levels of ventilation, daylight and outlook are maintained in a building's habitable spaces should development on adjacent sites be built to the maximum standard.	The building stands alone within an area of public open space. Thus there are no adjacent sites which could be built to a level where they would impact in any significant way on reasonable levels of daylight and outlook in the building. Because of this separation, neither does this building impact to an unreasonable degree on others.
<i>03.5</i>	To enhance the informal pedestrian network within the Central Area, by encouraging the retention and enhancement of existing pedestrian thoroughfares, and promoting the creation of new thoroughfares where they would enhance walkability and permeability for pedestrians.	Enhancements include: <ol style="list-style-type: none"> 1. Diagonal connection through the site along a desire line between the waterfront promenade and the Quay enhances walkability and permeability for pedestrians. 2. The overhangs both sides of the building contribute to pedestrian comfort and amenity, and in particular the minor separation of the colonnade route from the Quay edge and slight elevation above will contribute an enhanced sense of safety for pedestrians here. 3. The new shelter structure along the Quays edge of Site 9 and enhanced reception points at the street edge and intersections enhance the environment for pedestrians. 4. Whitmore Plaza, currently configured for vehicles and vehicle dominated, is modified into a shared surface which will enhance the environment for pedestrians. 5. The Woolstore Plaza edge to accommodate informal crossing of the Quays, and to be ready for installation of a formal crossing should that be desired in the future.

		The sum of these changes is significant enhancement of the environment for pedestrians.
G3.1	<i>Street edge definition and building alignment</i> Site and align building forms to reinforce the local street grid and the local system of public open spaces, with common alignment and construction generally to the street edge.	<p>The western (Quays) edge is set back from the tapered edge of the left turning traffic lane here, instead maintaining a relationship of common alignment with Shed 21 to the north, but with a minor offset.</p> <p>Rather than aligning with a utilitarian traffic lane this prioritises the most important relationship of building to building, including walls that are parallel to those buildings across the street.</p> <p>This is the appropriate design response in this situation, and it also satisfies G3.2 below.</p>
G3.2	Align buildings with the block pattern typical of the surroundings where there are no other buildings on the block.	The building follows the alignments established by Shed 21 and other buildings across the street (refer G3.1 above).
G3.3	Maintain the general continuity of massing and street frontage alignment at bends and corners.	<i>Not applicable</i>
G3.4	Maintain general consistency of building height at the street edge.	<p>Consistency of height is maintained with Shed 21. The proposal at 22.4 m amsl (19.9m above ground) is slightly higher than Shed 21 at 21.1 m amsl (18.6 m above ground). These heights are very similar, and considering the gap between these buildings and the setbacks and articulation of the northern portion of the north end of the proposal, will be generally perceived as being of the same height.</p> <p>The design guide notes that variation in height of around one third of the height of a building, considering Shed 21 that is six metres, is acceptable to retain consistency, and that consistency can be achieved with buildings that are one storey higher or one storey lower than a four storey heritage building. The variation is well within this guideline.</p>
G3.5	Ensure new buildings do not dominate lower adjacent public spaces and neighbouring buildings by moderating their height at and close to the street edge. This will achieve a scale transition between the higher and lower buildings/spaces.	The building at five storeys high and cutback at its lower levels along the interface with Whitmore Plaza will not dominate the Plaza. The setback, as discussed in detail elsewhere defers to and achieves an appropriate relationship to the adjacent FEFT building.
G3.6	Provide a generous ground-to-first-floor height.	The proposed 4.5 metre ground to first floor height is sufficient, and acceptable, even if not especially generous. This being because it:

		<ul style="list-style-type: none"> • is appreciably but not significantly higher than the 3.85m floor to floor on upper levels • allows for human scaled colonnade spaces along the edges • is in combination with the grand entry space at the south end which extends to three storeys high (or around 12 metres) directly opposite the FEFT building with this space also extending a third of the length of the building.
G3.7	Reduce the proportion of site area covered by parts of buildings that are significantly higher than existing surrounding buildings.	In this proposal the ground, first and second levels have been set well back from the eastern boundary to relate to and create breathing space around the FEFT building. This 'negative space' which is carved into the potential volume is also a storey higher than the FEFT building, and this makes an appropriately respectful reference.
G3.8	<p>Building bulk</p> <p>Mitigate the visual impact of building bulk, where a building is large relative to its neighbours and to other nearby buildings.</p>	<p>The proposal is similar in size to Shed 21, and similar in length but much lower than the NZ Post building across the Quays, so inherently its bulk is in keeping here.</p> <p>Nevertheless, it takes the approach of introducing transitional floors and intermediate scale façade variation (with three layers of form – base/colonnade, central portion and gantry above)</p> <p>The proposal relates positively and sensitively to the adjacent much smaller FEFT building with the setback described above.</p> <p>Alignments and scale relationship with Shed 21 The proposal is very similar in size to Shed 21, and around the same length as but considerably lower than the NZ Post building located across the Quays. Its main roof is around a storey lower than the NZ Post podium.</p>
G3.9	<p>Natural light, outlook and ventilation</p> <p>To maintain acceptable natural light, outlook and ventilation for residential and other habitable spaces, provide on-site setbacks from side and/or rear boundaries (or atria and lightwells) so that the development is not reliant on the openness of adjacent sites to achieve acceptable levels of natural light. Position windows as required.</p>	Refer text in O3.4 above.
G3.10	<p>Positive open space</p> <p>Locate any publicly accessible open space on site so that it complements other spaces within the street system, and positively shape and define it with edges of buildings or large scale landscape elements. Where</p>	Whitmore Plaza is located in accordance with a long established masterplan for the Kumutoto Area, and is required as a large open area to be a gateway to the waterfront, and to provide open views from the city

intended for recreational use, ensure it is orientated to receive sun and shelter that attracts and supports occupation. This is particularly important during the times when it is in greatest demand.

to the harbour. It is most strongly defined at the northern edge with the Site 10 building, but its western edge is defined by trees and historic wharf gates (that will nevertheless allow views through), a temporarily relocated c1910 Toll Booth at its southern end, and the FEFT at its north-east corner. The degree of spatial definition here is necessarily moderated by requirements for openness along its west and east boundaries.

Site 8 open space is defined by wharf alignments and the water's edge, with additional spatial definition given by the proposed pavilion structure. This pavilion is small and low enough to not excessively shade the space, but large enough to provide some shade, which will be important in summer.

These spaces are assessed in more detail in the main part of my report.

Wind effects on public space

G3.11 Deal with wind effects within the site boundaries and in a way that does not compromise the coherence and compositional integrity of the building.

From my urban design perspective, the OPUS wind report suggests that the challenging wind environment here is on balance slightly mitigated by this building. If that is the case there may be no requirement for extension of elements into the public realm to provide wind shelter immediately adjacent to the building. However I understand that concerns remain about aspects of the wind environment.

If it proves that further mitigation is required, shelter elements might be acceptable if they were a coherent part of the public realm design and contributed in other ways to amenity.

Pedestrian block permeability

G3.12 To maintain and enhance existing pedestrian thoroughfares through a site, or consider the creation of a new public thoroughfare as part of the site redevelopment where a thoroughfare would enhance walkability and permeability for pedestrians.

The diagonal though site link connects the water edge promenade to the Quay edge and covered access via colonnades to the Railway Station. This is a significant enhancement. This is aligned with the adjacent wharf, and the view along this over the water is terminated by Te Papa and Mt Victoria. It contributes a potentially important new signature view that will also assist wayfinding.

4 Edge Treatment

Assessment

04.1 To create building edge conditions that support pedestrian activity and enhance the visual interest, legibility, safety and comfort of streets and other public spaces.

The proposal creates exemplary edge conditions, which will significantly enhance the quality of environment for pedestrians, and the spaces around.

Building fronts

G4.1	<p>Orientate building frontages, including windows and the main public entrance, to the street. Buildings that have more than one significant street edge should provide secondary entrances and frontages on each edge.</p>	<p>The building directs frontages to all spaces around, with only the northern facade to Woolstore Plaza, which contains the carpark entry and CBU shopfronts being service oriented.</p> <p>The Shed 21 office floors have dual front entrances, primarily to Kumutoto lane and to the diagonal through site link and entry portico at the south-east corner. This is contrary to the guideline, but is necessary and acceptable given there is no possibility of vehicle drop-off to a front door at the edge of Waterloo Quay.</p> <p>The proposed ground floor planning however addresses the issue of frontage. The diagonal link gives a connection from a main lobby entry to the Quay. This link is complemented by a secondary lobby entry directly to the colonnade, three tenancy frontages and four CBU frontages to the Quay, all of which will activate the street edge. In addition, the lane extends the promenade, so activity here will help activate this part of the promenade.</p> <p>These particular features will in combination ensure that the building appropriately fronts the Quay.</p>
G4.2	<p>Use lighting within shopfronts to create an attractive effect after dark, and also to contribute spill lighting to the footpath.</p>	<p>The extent of shopfront provided can be expected to, with appropriate lighting design at the level of detail which can be supplied at a later date, provide significant potential for spill lighting.</p>
G4.3	<p>Active edges Place publicly-relevant activity in view at the public edges of buildings.</p>	<p>Publicly relevant activity including potential retail tenancies, CBU and lobbies has been placed in view along 87% of the edges.</p>
G4.4	<p>Provide opening such as windows and entrances over a proportion of the ground floor frontage that is consistent with the type of street (or other public open space) it adjoins, and with the importance of these adjoining spaces as pedestrian routes.</p>	<p>There is a very high degree of shopfront provision. The appearance of a services wall at the rear of the colonnade at centre of the building will not compromise the quality of the edge.</p>
G4.5	<p>Articulate or eliminate wall surfaces that are featureless or plain.</p>	<p>There are no featureless or plain walls. However, the subdivision of the CBU shopfronts might be further expressed three dimensionally at the northern end of the building.</p>
G4.6	<p>Integrate servicing and car parking functions in a way that does not compromise the quality of the street edge, nor the status of the main entry to the building.</p>	<p>Carparking is suitably located in the basement, and servicing appropriately located within the core. None of this provision for services compromises either the street edge nor the main entry to the building.</p>

		Certain elements such as switchroom and substation should not be below grade in a location close to the harbour edge and where inundation of below ground space could be a possibility. Given the need to potentially replace the substation, an external wall is appropriate. This is a minor component of the elevation at the rear of the colonnade, and has been well resolved architecturally.
G4.7	Provide space at the main entrance for loading and unloading when an on-site loading area is not available or practicable.	Not applicable, as truck dock loading is provided for off the lane close to the north-east corner, and also via the basement carpark.
G4.8	<i>Shelter and building entrance enhancement</i> Develop transitional spaces and/or features between the public street and building interiors. These should signal the location of entrances, enhance the sense of arrival and provide shelter.	The setbacks around all facades provide shelter, with the portico and undercroft at the south end being a grand entry gesture at the same time as relating to the FEFT building and providing a sheltered space at the edge of Whitmore Plaza. This is an exemplary outcome, although wind effects may require further consideration.
5	Facade Composition and Building Tops	Assessment
05.1	To ensure that façade and building top design is coherently resolved.	The building responds to context in a suitable way both in form and façade composition, and with expression of the gantry is concept driven. Attention has been given to successfully moderate scale and provide visual richness, and this has been achieved in a compositionally coherent way.
05.2	To ensure that additions and alterations to heritage buildings maintain the heritage values of those buildings, their setting and any associated heritage area.	<i>Not applicable</i>
05.3	To facilitate multiple and changing building uses, except where such change adversely affects the heritage values of heritage buildings or areas.	Multiple and changing use is provided for at ground and first floor levels, and subject to adaptation could also be achieved in the upper commercial levels. (refer G5.12)
G5.1	<i>Relation to neighbouring buildings</i> Where there is an established pattern of vertical and/or horizontal subdivision in neighbouring buildings along the street, relate the facades of new buildings to that pattern.	Appropriately strong reference is made with the upper and lower boundary of the strata formed by levels 1 and 2 relating directly to the central portion of Shed 21. In addition the rhythm of elements along the west façade relates explicitly to a similar rhythm in Shed 21.

G5.2	Generally avoid reproducing the appearance of existing frontages on new buildings.	This façade is innovative and takes a contemporary architectural approach while, as noted above, relating in a fundamental way to an important neighbour.
G5.3	<i>Additions and modifications to existing buildings</i> Establish a coherent compositional relationship with the existing structure, three-dimensional forms and facades when adding to or modifying existing buildings.	<i>Not applicable</i>
G5.4	<i>Shopfronts</i> Relate shopfronts to the composition of the building, paying particular attention to the alignment of columns and other vertical elements.	Setback of all ground floor shopfront from the edge of the building disengages them from the floor above, allowing for considerable flexibility in shopfronts. Nevertheless, the shopfronts for the CBU tenancies relate directly to the structural grid, and therefore the composition of the building.
G5.5	Ensure new shopfronts for new buildings that adjoin heritage buildings or heritage areas are compatible with existing significant heritage shopfronts.	<i>Not applicable</i>
G5.6	Retain and conserve significant heritage shopfronts on heritage buildings.	<i>Not applicable</i>
G5.7	<i>Building tops and roofscape</i> Integrate the tops of buildings, including plant and services, as explicit and coherent parts of the overall composition.	Forming the top of the building, the gantry is integrated into the 3 storey base on which it sits, with the visible offset at the north and cantilever at the south giving a sense of this being a discrete but integrated form. Plant and service are discretely located in a simple composition and structure, centred on the main longitudinal axis of the building. The aesthetic treatment of the plantroom integrating louvres and flat panels is suitably ordered and makes appropriate reference to the composition of the facade below.
G5.8	Place particular emphasis on the design and appearance of building tops which are prominent in views across the city.	The roof as such will not be prominent and the building is screened by the NZ Post building to the west, and will be subsumed into that building in views from the east. However the top of the building formed by the two level gantry will be moderately prominent in mid-range views north along the promenade and from Queens Wharf. The aesthetic of the gantry suitably expresses this as a signature element of the building.

G5.9	Avoid degrading the value of heritage area skylines by changing the parapets and roofs of heritage buildings, or adding to buildings within or immediately adjacent to heritage areas.	Expression of the Site 10 parapet at a level close to that of Shed 21 complements the existing skyline. The slight variation in height and setback is desirable to avoid monotony in this skyline.
G5.10	Modulate the scale of, and create visual interest in, the roofs of large floor- plate low-rise buildings that are viewed from elevated sites or are otherwise prominent.	The roofscape is relatively restrained, but is appropriately modulated by expression of the plant room on top. Plant has been appropriately grouped and aligned close to that to avoid visual disorder.
Human scale		
G5.11	Give a sense of human scale at the publicly occupied edges of buildings.	A sense of human scale will be achieved given the height of the ground floor, related colonnade and overhangs, expression of the structural grid, and variation up the facade, particularly on levels 1 and 2. Further attention should be given to expression of CBU tenancy boundaries to break up the linearity of the ground floor shopfront in my opinion.
Flexibility and adaptability		
G5.12	Develop facade imagery that is not exclusively associated with a single type of use, or which could be readily adapted for a number of different activities.	Ground floor facades are suitable for various commercial uses including retail, and the planned CBUs. Inclusion of a stand-alone lift accessed from a separate lobby at the south end of the building and leading to level 1 provides a separate address to the street for a commercial tenant there. The façade and floor plate of the upper floors is configured for office use and that is appropriate. Given the 3.85 m floor to floor which would allow for services, and on the basis of office to residential conversions through the city, this and aspects of the façade, particularly at levels 1 and 2 might be modified if required to provide for a change in use to residential.
<hr/>		
6	Materials and Detail	Assessment
06.1	To achieve qualities of visual interest and physical robustness consistent with demands arising from the building's location in the central city.	Achieved, see explanation below.
06.2	To respect and conserve original heritage fabric.	<i>Not applicable</i>
Compositional coherence		
G6.1	Ensure the quality of materials and detailing is consistent with the compositional theme of the building.	The indicated quality of materials including use of glass and expression of steel gantry is appropriate in

		<p>this harbour edge setting. The proposed materials and indications of their application will establish this as a high quality architectural outcome.</p>
G6.2	Reinstate missing architectural details on heritage buildings where possible.	<i>Not applicable</i>
	Visual interest	
G6.3	Ensure richness of detail is provided in public areas and other parts of buildings that are experienced by the public at close range and for extended periods of time.	<p>The supplementary information supplied in response to Council's S92 request shows richness and fine detail in the composition of panels in various parts of the facade, and the texture that will be achieved within the undercroft and portico at the southern end of the building. Fins also articulate the columns at the undercroft.</p>
G6.4	Use three dimensional detail to give visual richness, depth and relief to facades.	<p>The facade is given richness and depth by three dimensional detail including two types of window boxes at levels 1 and 2 at the south-western elevation. Complementing this:</p> <ul style="list-style-type: none"> • vertical fins articulate the top at the northern end; • profiled solid panels integrated with the glazing system at levels 1 and 2 the northern end are a foil to glazed portions of the facade, and offer texture; and • there is variation to the types of glazing system, for example at the south end of the building. <p>Such variation is nevertheless compositionally integrated, relating to expression of the gantry, relation to specific attributes of context including environmental conditions, to achieve a coherent result.</p> <p>Expression of the gantry frame through the glazing system gives depth and visual richness to the facade. This will be expressed particularly strongly in conditions of low light, and after dark, where the gantry can be expected to perform like a lantern.</p> <p>This richness of detail is appropriate, mainly within the lowest three storeys of the building where it may be most readily appreciated from ground level. It also serves to contrast with the heavily glazed facade of the gantry, even though that integrates flat panels towards its northern end.</p> <p>However, the shopfront glazing at ground level, particularly at the CBUs along northern end of the building is excessively linear and homogenous, and would, benefit from expression of CBU subdivision to</p>

break the linearity and complement that columns expressed here.

I consider that an appropriate degree of formal articulation at the level of detail and consequent visual richness is achieved.

Physical robustness

G6.5 Use physically robust, readily maintained materials and details in areas that are prone to damage or vandalism.

The materials indicated, largely glass and steel at ground, can be expected to be sufficiently robust.

Facade transparency

G6.6 Use glazing systems that maintain visual connections between public spaces and building interiors.

Full height glazed shopfront is proposed around 87% of the ground floor perimeter. This inherently provides excellent transparency.

However it is likely that, if not controlled, some internal screening will be provided by individual tenants to some portion of the CBU frontages, and the extent to which this occurs should be managed to provide the privacy necessary within CBU office spaces, and some degree of edge activation.

Appendix 4

THE WELLINGTON WATERFRONT FRAMEWORK

This part of the design review assesses the project against requirements of The Wellington Waterfront Framework (April 2001) [**Waterfront Framework**]. I note that the WCC reviewed the strategic intent of the Waterfront Framework and on 8 September 2011 agreed to reaffirm the values, principles and objectives of the 2001 Framework.

The significance and role of the Framework is established by the district plan (refer page 12/4):

Reflecting the importance of Wellington's waterfront, in 2004 Council adopted the *Wellington Waterfront Framework* to guide waterfront development in a way that makes the most of this unique and special part of the city. The principles and values of the *Framework* underpin the District Plan's objectives and policies for the Lambton Harbour Area. The *Framework* aims to bring coherence along the waterfront and express its connections with the city and the harbour. To this end, the *Framework* is based around several inter-linking themes: historical and contemporary culture, city to water connections, promenade, open space, and diversity. Because the waterfront is predominantly a public area in public ownership, Council is committed to engage fully with the public on decisions relating to waterfront developments. This commitment is further described in the *Framework*, which also proposes governance arrangements requiring ongoing monitoring by a group of both professional and community representatives.

The italicised sections of text below are the themes, values, objectives and features quoted from the Waterfront Framework.

Waterfront Themes

(Refer Waterfront Framework, pages 11 to 15)

Historical and contemporary culture

1. The proposed architectural and public space design is primarily an expression of contemporary culture, and is of a quality consistent with other recent and award winning development on the waterfront. This, like the adjacent development is based on context-specific design, including a fundamental and sophisticated reference to heritage buildings and elements.

City to water connections

2. Enhanced crossing at Whitmore Street including multiple ramps and shelters, readiness for a formal crossing at Woolstore Plaza, and provision of a glazed shelter structure over an enhanced footpath alongside Site 9 at the edge of Customhouse Quay combine to provide appreciably stronger physical connection to the CBD.
3. Edge treatments proposed on Site 8 and the timber waterfront promenade extension north of the FEFT building provide enhanced public access to the water edge.

4. It is anticipated by the Framework that there will be a building or buildings on site 10 which will inherently at least partly block views from the Quay towards the water (or in reality views from the Quay towards port operations and buildings). Nevertheless, visual connections are recognised with the viewshaft being fully maintained, views provided through the diagonal link to align with the FEFT wharf, and under the south end of the Site 10 building to the FEFT building, with the landscape there planned to emphasise that link.

5. The Framework (page 32) identifies that:

“Views of the waterfront and harbour down Whitmore, Johnston and Waring Taylor Streets will be preserved and improved where possible.”

The full extent of the viewshaft has been maintained, and the south end of the building, while set back from the viewshaft, frames its edge. Also in this area, the openness at ground level corresponding with the width of the FEFT building, creates some intricacy at the edge of that view. Design of Whitmore Plaza as a paved open space that functions as a shared surface enhances the surface over which views are obtained.

6. Further to the above the Framework identifies that at-grade pedestrian crossing points should be enhanced at both the Waring Taylor and Whitmore Street intersection. Waring Taylor Street was addressed in a previous project, however the planned canopy along the edge of Site 9 contributes to the attractiveness of that crossing.

7. Public space works within Whitmore Plaza provide generous pedestrian facilities including three pedestrian shelters matching those at Waring Taylor Street, planting including trees and reconditioned heritage gates.

Promenade

8. The quality of the promenade is enhanced with repairs to the wharf edge, an extension to the north, and edge activity and shelter right along the edge of Site 10. The treatment of Site 10 building provides a choice of routes, under cover for pedestrians moving to and from the Railway Station. The proposed diagonal link through the building is particularly important in this regard, as it connects the water edge promenade to the existing colonnade along the Quay edge of Shed 21.

9. The promenade here is identified as being a constructed wharf edge rather than a natural edge, and the proposed treatment respects while integrating a layer of natural elements into the landscape design of the Site 8 open space.

Open Space

10. The design treatments of Site 8 and Whitmore Plaza contribute to the waterfront being, as identified by the Framework, as a “string of open spaces of different sizes and types.” These spaces will have their own identity, but are based on achieving coherence with established and successful waterfront open space design themes including continuity along lanes and the promenade. These and the paths and promenade that support them are all of appropriately high quality, and complemented by the treatment of the edges of the Site 10 building.

Diversity

11. The open space proposal provides a diverse range of space types. Whitmore Plaza will function primarily as an entrance and movement space but also provides for

occupation around its edges and in this location may be suitable for meeting and large informal events. The Site 8 space contrasts as being a destination and everyday activity space. It has a character that will make it memorable, and appointments such as the folding planar landscape, long table and pavilion/shelter that will make it useful and comfortable for a range of everyday recreational activities.

Waterfront Values

(Refer Waterfront Framework pages 17 to 20)

Expression of heritage and history

12. Heritage and history is expressed by relating respectfully to the adjacent Shed 21 and FEFT building, and retaining and celebrate the historic wharves, reusing artefacts and recognising alignments in paving treatments. This approach varies between conservation and adaptive reuse, but nevertheless makes strong overtures to waterfront history and heritage.
13. The Site 10 building contributes to partial reinstatement of the historic pattern of buildings built right along the edge of the Quays. This pattern is important, even if it cannot be fully reinstated due to the Whitmore Street viewshaft precluding building precisely where the visually imposing original Customhouse was sited.
14. The historic pattern of the entry being at 90 degrees to the Quays is introduced with the design of Whitmore Plaza and the link to the Quays. This also allows for simpler and more elegant design resolution of the space and surfacing, and better resolution of turning and vehicle movement within Whitmore Plaza.

Expression of Maori heritage and presence

15. There is no overt recognition of Maori cultural heritage beyond complementing and extending aspects of the treatment of Kumutoto Plaza, which in referencing the Kumutoto Stream establishes a link. However, the Applicant's Cultural Impact Report identifies little of significance that is affected by the proposal, and also does not consider the development to be problematic.

"Sense of place" for Wellingtonians

16. The public space plan achieves integration with other parts of the waterfront by extending established themes while at the same time developing a special character that is unique to this area. Particularly Site 8 as a complex open space adding a new type of waterfront experience on the waterfront, and Whitmore Plaza, framed by the Site 10 building, a significantly enhanced waterfront entrance space.
17. The planned development is of high quality, and as described in detail throughout this assessment, the new buildings are complementary to and in a scale appropriate to the existing buildings around them.

Diversity of Experience

18. The new open spaces proposed contribute to diversity of experience, complementing other open spaces. Whitmore Plaza will be primarily an entrance space, however the undercroft at its northern edge created by the Site 10 building provides for a new type of space on the waterfront, and this is complemented by the open space proposal for Site 8.

19. The Framework anticipates that the mix of activity on the waterfront includes provision for buildings and commercial activity, it being somewhere to live, work and play. The Site 10 building and its planned mainly commercial activity in a context of new, high quality public open space is consistent with that intention.

Sense of collective ownership and involvement

20. The Framework principle of the waterfront being predominantly a public area is followed. The ground floor of the Site 10 building is largely accessible to the public. The project is also consistent with the second and third principles of public consultation either through "the stage 2 process or through a statutory planning process" as it is currently in the statutory planning process.

Experience of space and openness

21. The proposal contributes to the public experience of space by developing both the waterfront promenade further to the north, and converting the currently utilitarian asphalted area at Whitmore Street and Site 8 into two new spaces. There are also material public environment benefits which enhance the network of paths through the area by creating the diagonal path through the Site 10 building and shelter along its edges. These attributes will enhance the environment for pedestrians moving along the waterfront and to and from Shed 21 and the Railway Station.
22. The Site 10 building appropriately maintains important views and vistas from the city by being setback from the Whitmore Street viewshaft, and it creates an important new one by, with modulation of building form at the south end of Site 10, framing and celebrating the view of the FEFT building from the Quays.

Ease of access for all

23. As noted above, strong visual links are maintained, and the works include an upgrade to the crossing experience at Whitmore Street, and provision of a new informal crossing (with potential to become a future formal crossing) at Woolstore Plaza, that is, between Shed 21 and Site 10.
24. Retaining a flat wharf surface and refurbishment of this assists all modes of access.
- a. Ramps are provided to the colonnade and from the Quay edge to the waterfront.
 - b. There is provision for wheelchair access to the water edge in Site 8.
25. Existing surface car parking is removed from Site 10, which is consistent with the Framework's intention of progressive parking removal. Retention of temporary car parking on Site 9 provides for vehicle access, as does the two-way lane along the eastern side of Site 10 and Shed 21 which connects to the lane further to the south.

Waterfront Objectives

(Refer Waterfront Framework, page 21)

The waterfront is locally and internationally recognised for its design.

26. The proposal demonstrates an appropriate commitment to design quality. Whether the development is locally and internationally recognised for its design will be known only after national and international review. However, it has been well-

resolved at both a public space design and an architectural level, and responds intelligently to its waterfront and public space context.

27. The proposal will have memorable qualities being the gantry as the signature element of the Site 10 building, and the generosity of public occupation at its base; the folding planar timber landscape and long table of the Site 8 landscape; and extension of the already highly regarded and recognised open space waterfront design themes into Whitmore Plaza. This can collectively and as individual components be expected to be recognised for its design quality.

The waterfront is readily accessible to all people.

28. The open spaces are designed to provide for accessibility to all parts, including to the water's edge in the complex contoured folding timber landscape of Site 8.

The waterfront is, and is perceived to be, safe at all times.

29. This has been addressed by the proposal which would enhance natural surveillance by providing excellent visibility, generous open space, and active edges along most of the base of Site 10 building. The New Zealand Maritime Police operate from the Tug wharf which is at the centre of this space, contributing further to safety and perceptions of public safety. Detailed lighting design is not provided at this time but will be necessary prior to construction to contribute to a safe night-time environment.

The waterfront is seen as an attractive place that draws Wellingtonians and visitors alike.

30. The intensification of activity and occupation of this area is likely to make this a more attractive destination. Attractiveness will be assisted by removal of the majority of existing surface car parking, and extension of high quality public space across this area. The proposed folding timber planar treatment for Site 8 can be expected to be an attraction that will draw visitors.
31. The existing temporary campervan park has proven to be a positive addition to the city, and a use for Site 10 that is superior to car parking. This experiment has emphasised the value of a central city location for a campervan park, however a permanent campervan park is not anticipated by the Waterfront Framework for this or any other location on the public waterfront.

The waterfront successfully caters for a wide range of events and activities.

32. The combination of the existing Kumutoto Plaza, the proposed Site 8 landscape and the large open space of Whitmore Plaza provides new opportunities for both events and everyday public occupation.
 - a. Larger events might occur on Whitmore Plaza, including in the undercroft at the south end of the Site 10 building. However given the extent of openness to the Quays (necessitated by the viewshaft) its environmental conditions may not be ideal for a formally organised event. This is likely to be most suitable for large informal gatherings which might be associated with a larger event somewhere else, such as at the Stadium.
 - b. The intricacy of the Site 8 landscape, and elements around the edges of Whitmore Plaza will provide for everyday accommodation, with the long table that is part of this space also providing a novel opportunity for group dining on the waterfront.

Significant heritage buildings are protected on the waterfront.

33. The proposal does not amend any heritage building, however is the immediate neighbour of both Shed 21 and the FEFT building. The proposed Site 10 building as explained in detail in other parts of my assessment, establishes a positive and respectful relationship with those buildings, and by extending high quality waterfront public space treatments to them, enhances the space around them.

Activities on the waterfront are integrated with those on the harbour.

34. Various decks have been added which enhance links between the waterfront and the harbour. These include new timber decks both sides of the FEFT building, and the new landscape on Site 8 which extends out and down towards the water edge.

Key Features of the Waterfront (North Queens Wharf)

(Refer Waterfront Framework, page 26)

Strong connection to the CBD

35. Enhanced crossing at Whitmore Street including multiple ramps and shelters, readiness for a formal crossing at Woolstore Plaza (between Shed 21 and Site 10, and provision of a glazed shelter structure over an enhanced footpath alongside Site 9 at the edge of Customhouse Quay combine to provide appreciably stronger physical connection to the CBD.
36. Visual connections are recognised with the viewshaft being fully maintained, views provided through the diagonal link to align with the FEFT wharf, and under the south end of the Site 10 building to the FEFT building, with the landscape there planned to emphasise that link.

Maritime Character

37. Maritime character is maintained with celebration and repair of the wharf edge, retention of the New Zealand Police's Wellington Maritime Unit on the Harbour Wharf, and expansive views through and over the water to the immediately adjacent port area.

New buildings in scale with heritage buildings and enhanced with squares and lanes

38. The primary form of the Site 10 building maintains key alignments with Shed 21. An elevated secondary form projects out on the western façade, but is of a scale that the relationship with Shed 21 is maintained. Setback at the south end of the Site 10 building relates to the scale of the FEFT building, and provides views through to this.
39. The Site 10 building provides the northern edge to Whitmore Plaza and provides an improved wind environment at various places on the waterfront. A diagonal cut through the Site 10 building provides for a choice of routes, linking the covered routes on the east and west sides of that building. The effect of peak wind flows through here and its implication for the function of this connection may need to be further investigated.
40. Temporary relocation of the old wharf toll booth from where it is being stored on the Outer Tee of Queens Wharf to the southern end of Whitmore Plaza provides a positive location for that building close to a major waterfront entry, and where it will provide some spatial definition to the edge of Whitmore Plaza.

Sheltered route from Railway Station along Customhouse Quay

41. The colonnade along the Quay side of Site 10 is complemented by the shelter along the Quay edge of Site 9

Underground parking preferred – an alternative could be above-ground parking in a building on Site 102 [Site 10]

42. Site 10 parking is completely underground. Temporary public carparking is maintained on Site 9 in a reconfigured and landscaped space.

“Two parts” promenade – one path along the Tug Wharf and a more sheltered path incorporated by new buildings along the inner water’s edge.

43. This Framework intention, following WCC decision to preclude a significant building on Site 8, is not achieved. The alternative strategy is a small sheltering pavilion at the rear of the Site 8 space, and cover over the pedestrian accessways along both sides of the Site 10 building.

Tug Wharf refurbished and access to water for fishing and pleasure boats improved.

44. This consent application does not include the Tug Wharf. However over recent years the Tug Wharf has been refurbished, and with the maritime police here, has become a working wharf again.

END

Appendix 5

WCC's PUBLIC SPACE DESIGN POLICY (December 2010)

This is a non-statutory document intended to give “direction to how Wellington’s public spaces are initiated, designed, delivered and managed.” It is planned to be considered with and draws upon a wide range of other Council documents as well as national statutes. Relating to Wellington City Council’s 13 strategic outcomes in December 2010, it identifies eight key objectives with policies under these.

Public Space Design Policy	Assessment
Objective 1 To enhance Wellington’s sense of place <i>Wellington has its own identity.</i>	
1 The principles of sense of place and distinctiveness will be incorporated in the design of public spaces at a range of levels, from citywide through to individual details.	The proposed design and treatment of public space follows the precedent established on the waterfront, ensuring coherence and extension of the sense of place, particularly in the adjacent Kumutoto Area that extends north from Shed 5.
2 All design processes will reinforce and enhance the features that make Wellington distinctive: the topography and its defining elements (the harbour, hills and watercourses); the native vegetation and the history of the city’s settlement (by both the design of public spaces and details within them, often through the use of local materials and visual references, where appropriate.	The proposal for North Kumutoto extends the established urban public waterfront themes to reinforce the special and recognised character of the waterfront.
3 All development and management of public spaces will evaluate whether existing elements of the public space should be retained in order to provide a link to Wellington’s past, eg street furniture, such as bus/tram shelters. Elements that are retained will be incorporated appropriately. Their retention and interpretation will tell the stories of the city’s past.	<p>The proposals integrate important water edge elements, includes restored old wharf gates and make compositional alignments including reference to the old sea wall.</p> <p>Inclusion of the old toll booth for temporary spatial definition places this small building where it can be appreciated, in a setting by an entry to the waterfront from the Quays. Some interpretive material relating to the history and former location of this building is desirable.</p>
4 The ground plane will be designed as a simple backdrop to the activities and character of the city, so as not to dominate.	The ground plane that extends throughout North Kumutoto and within which the contrasting surface of Site 8 is placed is typically simple and an extension of the existing and award winning Kumutoto treatment.
5 Public art, memorials and monuments will be incorporated, where appropriate, as a means for telling the city’s stories.	Whitmore Plaza in particular provides a field in which public art might be placed, however that has yet to be advanced, although there is already the

Public Space Design Policy	Assessment
	significant 'Nga Kina' sculpture at the south boundary of Site 8.
6 Innovative precedents for a positive sense of place will be created where none exist, to build upon the city's overarching stories	Folding timber planes in the Site 8 open space introduce a new type of space and surface for Wellington.
<p>Objective 2 To make the structure of Wellington better understood as a city <i>Wellington has a structure which is legible. In this respect, we mean the understanding of a city's shape and form. Ensuring that the city's structure is easily understood helps users to orientate themselves in the city.</i></p>	
1 Design of individual spaces is to be considered in relation to wider patterns. In some cases, larger patterns take precedence over specific design detail.	<p>The public spaces are consistent with the masterplan for Kumutoto and the Waterfront Framework, both of which establish the wider pattern, and identify expectations for the sequence, types and quality of space and provision of links. The intentions of these documents were picked up in the Council's design brief for this area.</p> <p>Site 8 is intended to be a destination space, and I consider that has been achieved, along with Whitmore Plaza as a 'city connector' and major entrance space.</p> <p>The folding planar landscape of Site 8 and related long table and sculptural pavilion will become signature elements on the waterfront, complementing the more restrained spaces around.</p>
2 The relative location of spaces within the overall structure of the city will be reinforced. A clear reference to landmarks, character areas and a clear hierarchy of spaces (refer to Public Space Design Manual) will make it easy for people to find their way around.	<p>Whitmore Plaza as a large open space within the viewshaft and a notable gateway to the city will be easy to locate and understand. It is at this area that the water is closest to the CBD, and the planned openness ensures this proximity is visible.</p> <p>Whitmore Plaza and the Site 10 building are composed to defer to the FEFT building, and provide for views to that.</p>
3 Development of all public spaces will consider having at least two explicit or implicit connections with other adjacent space	<p>All spaces here are provided with multiple choice of connections;</p> <ul style="list-style-type: none"> Whitmore Plaza connects to other spaces and places at all corners, and also across Waterloo Quay to the city. Site 8 has two connections to the Tug Wharf and promenade, connection to Kumutoto and Whitmore Plazas, and is edges by Kumutoto Lane.

Public Space Design Policy	Assessment
	Emphasising conceptual connections, the aesthetic treatments extend that established on the waterfront, including that at Kumutoto and on the promenade.
4 A clear hierarchy of signs in public spaces should be informed by a citywide design strategy for way-finding signs to make sure they are used sparingly but effectively.	Signage is a matter for post-consent detailed design consideration. However the visibility and legibility of the spaces and routes created should ensure that few if any signs are required. Any signage will also be subject to the Waterfront's signage design guidelines to eliminate unnecessary signs, minimise the size and extent of signs that are provided, and ensure consistency in the way that they are provided.
Objective 3 To improve accessibility for all <i>Wellington is a place for people to easily get to and move around.</i>	
1 Pedestrian amenity will be improved through the design of public spaces, allowing people to move through high-quality interconnected public spaces that have an appropriate scale.	The proposal extends the promenade, and achieves a complementary relationship with and strong connection to Kumutoto Plaza.
2 The development and management of public spaces will contribute to the creation of a city that is accessible for all age groups and abilities.	Accessibility has been provided for with ramps along the edges of the Quay and at Quay entrances, level access across the area, and the sloping transition of Site 8 down to the water edge. This provides a new opportunity for wheelchair users to access the water's edge.
3 Traffic efficiency and on-street parking should not dominate, and needs to be considered in the context of pedestrian and cycle use and amenity.	Pedestrian movement is given precedence over traffic efficiency. Nevertheless, the main servicing for Site 10 is at its north end, away from Whitmore Plaza. Limited on street parking is provided on the lane to the east of Site 10. This will be sufficient to provide for the necessary pick-up and drop-off, but is limited so will not dominate the lane.
4 Public transport systems, such as bus shelters and signs, will be incorporated into public space design.	<i>Not applicable</i>
5 Design will promote continuity of access between public spaces and the adjacent buildings and private spaces.	Shopfronts and building entries around the majority of the perimeter of the Site 10 building allow for good continuity of access. Multiple 'Creative Business Tenancy' units provide for narrow frontages and entries at the north end of the building, and main commercial entries as well as to the four tenancies (A-D) at the south end help to activate the edge of the space there. The

Public Space Design Policy	Assessment
	overhangs of the upper floors around all edges provide good shelter for entrances, and facilitate the desirable continuity of access.
<p>Objective 4 To improve the diversity of experience for Wellingtonians and visitors <i>Wellington has a variety and choice of high-quality spaces to use and experience; spaces that can change and adapt to changing needs.</i></p>	
<p>1 Appropriate variations between public spaces provide diversity of experience. This can be achieved both through design and management.</p>	<p>The series of linked spaces here – the existing Kumutoto Plaza and the proposed new Site 8 space and Whitmore Plaza are varied in character and size. The former two have distinctive but different characters, and are programmed with furniture for sitting, socialising and everyday activity. In contrast, Whitmore Plaza is large and open and in day to day use can be expected to have a primary entrance and movement function, but it may be used for gathering and events.</p>
<p>2 The design of individual public spaces, while being part of a larger city-wide spatial system, can use elements that reflect particular parts of the city, eg the waterfront.</p>	<p>The spaces here extend the established waterfront themes for surfacing and furniture, thereby maintain and reinforcing the identity of the waterfront as distinct from other parts of the central city.</p>
<p>3 To allow for the city to evolve and change over time, and to accommodate a wide range of uses and activities, public spaces will be flexible and robust, accommodating a broad range of uses, both permanent and temporary.</p>	<p><i>See comment in relation to policy 1 above.</i> Both new spaces are designed with surfaces, elements and furniture that people can interact with, but over-programming is avoided. That is, the folded planes on Site 8 and the platforms on Whitmore Plaza might be used in various ways.</p>
<p>4 Management of public spaces will be proactive, encouraging a wider variety of uses.</p>	<p>The series of linked spaces here – the existing Kumutoto Plaza and the proposed new Site 8 space and Whitmore Plaza establish a setting to allow for proactive management for a range of uses. These complement other nearby waterfront spaces such as Queens Wharf Square and the Outer Tee.</p>
<p>5 Design and management of public spaces will ensure Wellington’s national role is celebrated and strengthened through: linkages to key national elements and spaces; public space upgrades that are nationally representative; and the presentation of the nation’s stories.</p>	<p>The waterfront as a whole provides a necklace of spaces that link Te Aro and Oriental Bay in the south to Thorndon and Parliament at the north. This proposal extends this sequence, completing the link to Bunny Street.</p> <p>Reference to and celebration in subtle and sophisticated ways of historical patterns and landscapes throughout, including in this proposal,</p>

Public Space Design Policy	Assessment
	helps to tell the story of Wellington. That story has involved in recent years intense debate about and passion for a high quality public waterfront, and that has been realised by the work so far.
Objective 5 To enhance the city's night-time environment <i>Wellington's night-time economy is an important constituent of the city.</i>	
1 The design, delivery and management of lighting will improve and coordinate the quality and consistency of the night environment.	Lighting design is to be undertaken at the detailed design stage, following the Waterfront Framework and the principles of the Waterfront Lighting Strategy.
2 Lighting will enhance people's experience of the central city, suburban centres and residential streets after dark, by improving amenity, which in turn supports increased activity.	<p>The Waterfront Lighting Strategy requirement for 'vitality and design' addresses this.</p> <p>Given the extent of shopfront around the Site 10 building, there is to good potential to provide spill lighting that will contribute further to visual amenity and safety in the public spaces around the building.</p>
3 Real and perceived personal and public safety levels and sense of security in the central city and suburban centres after dark is improved through the design and maintenance of public spaces, assisted by the incorporation of appropriate lighting.	The Waterfront Lighting Strategy requires that public safety and accessibility is addressed.
4 The use of lighting enhances the built form, drawing attention to subjects and spaces as appropriate, giving the opportunity to express the elements and activities within the night-time environment.	The Waterfront Lighting Strategy calls for appropriate expression of sense of place.
5 Incorporation of lighting will be sensitive to energy use and other factors such as 'light pollution'.	The Waterfront Lighting Strategy requires consideration of 'green principles' including those identified here.
Objective 6 To ensure the design of public spaces incorporates elements of sustainability <i>Wellington's public spaces contribute to their environment and use high-quality and flexible designs and materials accommodating lasting lifespans.</i>	
1 All design considerations promote environmentally friendly and sustainable outcomes, contributing to the city's wider environmental and ecological systems.	The approach identified for planting design is to reinforce the ecology of the area and establish further coastal habitats.
2 Design of public spaces will provide a diversity of experience regarding weather – sunshine, shade, shelter.	The area is predominantly open, with shelter provided in strategic locations: at the northern end of Whitmore Plaza, along both sides of the Site 10 building, as a pavilion within Site 8, and along the

Public Space Design Policy	Assessment
	<p>Quays edge of Site 9. There are a variety of spaces here providing for a variety of experience, and with shelter strategically distributed and along key pedestrian movement routes.</p>
<p>3 Innovative planting projects and ‘water-sensitive urban design’ practices will be incorporated in public spaces, contributing to an ecological sustainable city.</p>	<p>North Kumutoto is intended by the Framework to be predominantly an area that achieves a strong connection to the CBD, and due to narrowness and need to accommodate considerable multi-modal movement it is characterised by a hard industrial/maritime urban landscape.</p> <p>There is potential and intent to consider innovation with provision of habitats in the Site 8 landscaping.</p>
<p>4 Design of street furniture will be flexible in order to accommodate change of function or purpose, and materials and details will be of high quality to ensure lasting lifespan.</p>	<p>The existing furniture suite will be extended including the platform seats that have been successful in Kumutoto in providing for a range of different uses and users.</p> <p>The folding planar landscape of Site 8 will provide for a variety of uses, both passive and active.</p> <p>Materials are planned to be sustainably sourced hardwood, matching existing furniture.</p>
<p>5 Where possible, local materials that are simply detailed and easily managed will be used.</p>	<p>Local materials are intended for the bulk of paving, however for reasons of aesthetic coherence across the waterfront, durability, and use of the same species that the wharves are constructed from, the hardwood timber is to be sourced from Australia.</p> <p>The alternative of treated New Zealand pine was used in the first stage of waterfront reconstruction in the mid-1980s, and proved to be unstable (leading to warping) and aesthetically unsuccessful due to its characteristic green tint.</p>
<p>6 Natural elements will be incorporated within public spaces to provide amenity and character and contribute to the improvement of the city’s microclimate.</p>	<p>Trees have been incorporated into the design of all spaces including the promenade extension along the east side of Site 10.</p>
<p>Objective 7 To ensure that public spaces incorporate high-quality design <i>Wellington has successful public spaces that incorporate high-quality urban design innovation.</i></p>	
<p>1 Design of public space will consider the shape, form, scale and environmental factors of all the physical elements related to the space. The integration will also need to consider the context of all other public spaces throughout the city.</p>	<p>The configuration, connections, alignments and materiality have been appropriately informed by both the physical and historical context.</p>

Public Space Design Policy	Assessment
<p>2 Designing public space will start by keeping concepts simple and robust, minimising the number of physical elements that may result in 'clutter' where possible, especially by looking to integrate functions into a single unit or set of units. Life-cycle costs need to be considered.</p>	<p>Whitmore Plaza and the promenade have a simple ground plane that extends existing waterfront elements and furniture.</p> <p>Site 8 is intended to have a special destination character so has a unique quality. Nevertheless although there is some complexity in the folding timber planar surface, it remains spatially uncluttered.</p>
<p>3 Public space projects will be assessed in terms of their contribution to the overall character and effectiveness of public space rather than on a single issue.</p>	<p>The design successfully integrates consideration of a broad range of heritage, functional, aesthetic and environmental factors.</p> <p>The addition to the suite of waterfront spaces extends the range of spaces available to the public, recognises important physical and view connections, repairs the existing utilitarian space and provides a choice of high quality and conveniently located routes for pedestrians.</p>
<p>4 Works of art, street furniture and other elements will be integrated into public space design.</p>	<p>Furniture and other elements have been integrated successfully into the design, including the long table at Site 8, and a sculptural pavilion.</p> <p>No public art is provided at this stage, but Whitmore Plaza and the portico at the south end of Site 10 are only two of the settings in which public art might be integrated at a later date.</p> <p>Site 8 is bounded by the Kumutoto 'cut-out' which contains Michael Tuffery's 'Nga Kina' sculpture. Placement of any further public art would need to be carefully considered in relation to that.</p>
<p>5 Public furniture containing advertising will be considered carefully in order to ensure it provides sufficient public amenity and to avoid it becoming 'clutter'. The decision as to whether advertising can be incorporated should be weighed against the overall design of the space, its location in the city and any applicable strategic frameworks.</p>	<p>None of the proposed furniture elements will contain advertising.</p>
<p>6 Selection of materials, street furniture and detail used within public spaces will be guided by the Council's Public Space Design Manual.</p>	<p>Not referred to, but consistent with maintaining the special character and consistency along the waterfront.</p>
<p>7 The range of colours of materials used within public spaces will be limited to enable colour and variety to come from street furniture, vegetation, public art and the activities of daily life.</p>	<p>The colour palette is restricted to the relatively neutral concrete, timber and asphalt, with furniture indicated to be finished with the waterfront's standard micaceous dark grey.</p>
<p>8 High-quality design that can be recognised locally and internationally through the use, where appropriate, of a range of innovative designers, design competitions,</p>	<p>Delivery of the public space has been informed by the various design competitions that have been</p>

Public Space Design Policy	Assessment
workshops, collaboration with artists and community planning sessions, is promoted.	held, and has been undertaken by the designers of the multiple award winning Kumutoto public space.
9 Major public-space projects will incorporate community engagement processes. These are to include rigorous testing and exploration to assess and understand particular issues, while unlocking unforeseen opportunities to deliver cost-effective, functional and aesthetically pleasing results.	<p>From the role TAG had in reviewing consultation, I confirm that community engagement on the open space (and building) design in January and February 2014 included:</p> <ul style="list-style-type: none"> • Information display in a container on Site 8, and in the Shed 6 office of WWL • Half page advertorial in the Dominion Post • Online feedback form on WWL and WCC websites • Use of Twitter to forward information • Letters to 15 key stakeholders offering detailed briefing meetings which were held with 10 stakeholder groups • Hard copies of submission forms at the Central Library and Council reception. <p>This is a suitably comprehensive level of engagement.</p>
10 Public space design will incorporate 'Crime Prevention Through Environmental Design' principles and methods to improve safety.	<p>The public space project is clear and legible with good open sightlines along routes and to and from spaces, and multiple means of entrance to and exit from spaces. It avoids places which allow concealment or entrapment might occur, and provides a setting within which appropriate lighting can be designed and installed.</p> <p>It also has the maritime police base at its centre, that is, on the Former Eastbourne Ferry Terminal Wharf for informal surveillance by the police whenever that base is being used.</p>
11 Public space design will ensure the range of users (eg vehicles and pedestrians can jointly use the space safely and efficiently, supported by elements appropriate for all users, eg lighting.	<p>The combination of lanes and shared surfaces extends treatments that are already successful on the waterfront, with shared surfaces in particular maximising the extent of open space that pedestrians will be able to use.</p> <p>Care will be required with the detailed design and, as well as threshold treatments and strategic placement of furniture close to the FEFT building and Whitmore Street entrance to ensure appropriately subtle but effective management of driver behaviour.</p>

Public Space Design Policy	Assessment
<p>Objective 8 To manage and maintain public spaces effectively <i>Wellington's public spaces are managed and maintained in a manner that retains their high quality over time.</i></p>	
<p>1 To use high-quality, durable materials that reflect the volume of use and relative importance of the place, and that are easily maintained and replaced.</p>	<p>The materials and elements to be used have been proven on other parts of the waterfront developed over the last 15 years.</p> <p>Considering this, both Whitmore Plaza and Site 8 are predominantly hard paved. This is appropriate given the significant volumes of pedestrian movement that can be expected in all directions, as well as vehicle movement through parts of Whitmore Plaza, meaning that turf, for example, would not be sufficiently serviceable</p>
<p>2 Maintenance regimes will be appropriate to the use and visibility of individual public spaces.</p>	<p>This is a matter to be determined by WCC as applicant and in its operational capacity.</p>
<p>3 Public spaces and their elements will be maintained to a high level and supported by budgets enabling this to occur.</p>	<p>This is a matter to be determined by WCC as applicant and in its operational capacity.</p>
<p>4 Feedback from users of a particular public space, and from those responsible for their maintenance and management, will result in improvements to their design, the elements contained within them, and their use.</p>	<p>Should the proposal be approved, this is a matter to be followed up after implementation.</p> <p>However, the design of the open space components of the proposal is informed by the experience of previous waterfront public space work.</p>

Appendix 6

WCC's North Kumutoto Design Brief (Adopted 22 November 2012)

This is a non-statutory WCC document. The introduction to the brief sets out its intention:

This design brief provides direction for development in the area known as North Kumutoto, the northern extent of the waterfront's Kumutoto Precinct (referred to in the Wellington Waterfront Framework as North Queens Wharf). The brief aims to fulfil the general objectives outlined in the Waterfront Framework for this area¹.

The brief sets out the design principles and parameters for buildings and open spaces. In combination with an indicative layout of spaces and buildings and a maximum building envelope, the brief gives a level of certainty as to the location of open spaces and maximum size and layout of buildings. Although the principles and development parameters provide direction and guidance they also allow some flexibility for parties to be creative in exploring ideas for the development in the area.

The principles set out in the brief need to be met in the creation of any site specific guidance and in design development that will occur as part of the development proposal process.

The analysis below overlaps previous assessments. For that reason, where I have in the main body of my report or in a previous appendix already addressed a matter in detail, I note my opinion on whether or not the briefing criteria has been achieved, and record 'as previously discussed in this assessment'.

North Kumutoto Design Brief	Assessment
1.1 General design principles	
The Waterfront Framework sets out the vision and principles for the development of the waterfront and includes the north Kumutoto area. The following vision statement has been adopted for the waterfront: <i>"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 generations"</i> (Wellington Waterfront Framework, 2001). Unlike the predominantly open space areas of the Waitangi Park and Taranaki St Wharf precincts, the north Kumutoto area has a strong connection to the City's Central Business District (CBD). This connection will be reflected with a stronger sense of the adjacent city form being developed through a higher proportion of buildings than on the rest of the waterfront.	Achieved – as previously discussed in this assessment.
New buildings in this area will have a range of uses and could include recreational, retail, commercial, residential and institutional uses. Generally, the uses need to support a safe waterfront and 24-hour activity.	By including various commercial and retail uses the Site 10 building is consistent with this principle.
The character of North Kumutoto includes a network of waterfront promenade and lanes connecting back to the	Achieved, as previously discussed in this assessment.

North Kumutoto Design Brief	Assessment
<p>CBD. Movements will be designed primarily for pedestrians and cyclists with buildings enclosing the water edge on one side and a major urban boulevard on the other.</p>	<p>The proposal with Site 10 building defines the northward extension of Kumutoto Lane, and provides strong connections back to the CDB.</p> <p>Shared surfacing provides for an emphasis on movement for pedestrians and cyclists.</p>
<p>Any new buildings will relate to and be sympathetic to the scale of the surrounding heritage buildings and items, including Shed 21 at the northern end, Sheds 11 and 13 at the southern end, the Former Eastbourne Ferry Building and the Harbour Board Iron Gates and Railings.</p>	<p>Achieved, as previously discussed in this assessment.</p>
<p>Site 8, located to the east of Site 9 and alongside the promenade, is to be excluded from building development and is to be developed as open space. This will help protect views through the Kumutoto area and facilitate public access to the water and pedestrian and recreational use of the area. It will also provide an enlargement of the existing open space (referred to as Kumutoto Plaza) established around the Kumutoto stream opening, facilitate views between the water and Shed 13 and allow for a visual connection between Shed 13 and the Ferry Building.</p>	<p>Achieved, as previously discussed in this assessment.</p>
<h3>3.0 The open spaces</h3>	
<p>The promenade: Linear movement space</p>	
<p>Primarily water edge based movement space. To relate to promenade along rest of waterfront.</p>	<p>The treatment extends the existing promenade. Connections are enhanced with lane extension to the north, two sheltered edges and a new diagonal through block link on a Railway Station to waterfront desire line.</p>
<p>Connection from the Meridian building through to Shed 21 and the Railway Station to be improved.</p>	
<p>Provision for NZ Police operations from the wharf.</p>	<p>This is complemented by cover along the Quay edge of Site 9.</p>
	<p>The NZ Police continue to operate from the FEFT wharf.</p>
<hr/>	
<p>Whitmore Street extension: City connector space Major entry point to waterfront. Conflict between vehicles and pedestrians needs to be resolved, and the 'space' needs to be better defined.</p>	<p>Space design is consistent with this intention to be a city connector space and major entry point.</p>
<p>Detailed design should occur along with the Site 10 design.</p>	<ul style="list-style-type: none"> • Conflict between vehicles and pedestrians has been resolved with shared surface treatment • Space has been defined with landscape elements – trees and gates along its south edge, the Site 10 building to the north, and the temporary relocation of the old toll booth building to the south.
<p>Buildings on sites 9 and 10 should provide a gateway and define the open space. This is subject to protection of District Plan viewshaft (VS 4 - Whitmore Street).</p>	<ul style="list-style-type: none"> • Design has been integrated with that of Site 10.

North Kumutoto Design Brief	Assessment
	<ul style="list-style-type: none"> The Site 10 building defines the northern edge of the 'gateway', well clear of VS 4.
<p>Site 8 – water edge, north of Kumutoto Stream: Activity and destination space</p> <p>Generation of and support for activity and public occupation, connections to the water, spatial definition, integration with spaces and routes around, positive relationship with Kumutoto Plaza open space and Site 9.</p> <p>Site 8 should be designed together with Site 9 as an integrated whole.</p>	<p>This is designed as and can be expected to be a successful activity and destination space for reasons covered in detail in other parts of this assessment.</p> <p>While Sites 8, 9 and 10 have been considered as a whole in both of the design competitions for the area, this application maintains the 'holding pattern' of carparking (in an improved configuration) on Site 9.</p>
<h3>3.1 Open space principles</h3>	
<p>The open spaces in this area (including Site 8) are to be interlinked and are to be designed in a coherent fashion that relates to the waterfront and the wider city context.</p>	<p>The open spaces extend established waterfront public open space treatments.</p>
<ul style="list-style-type: none"> Public spaces should be easily accessed by all and support uses that can contribute to the vitality, safety, recreational potential, shelter, comfort and social inclusiveness of the waterfront. 	<p>All proposed spaces are readily accessed by all, and support a range of uses, with different types of space providing settings that might be used by a range of people. Appropriate shelter is provided along three of the four sides of Site 10, and within Site 8.</p>
<ul style="list-style-type: none"> Diversity of use will support diversity of opportunity, of occupation, and extended use of the waterfront. 	<p>The range of types of space including movement and destination spaces will contribute to diversity of use and occupation.</p>
<ul style="list-style-type: none"> Successful public spaces are characterised by spatial definition, sunshine, areas of shelter, activity around the edges, views in and out and connection with other space. They usually contain a feature or focal point that gives them a distinctive character. 	<p>Both Whitmore Plaza and Site 8 open space design have these qualities – as previously discussed in this assessment.</p>
<ul style="list-style-type: none"> The potential for concealment and entrapment needs to be minimised. Public open spaces should be designed to maximise personal safety in line with the Council's <i>Guidelines for Design Against Crime</i> and best practice in <i>Crime Prevention Through Environmental Design</i> (CPTED). 	<p>CPTED has been addressed as previously discussed.</p>
<ul style="list-style-type: none"> Public spaces that are flexible in design allow for multiple and changing activities. Often these activities are unforeseen. Possible activities include all those typically seen in city streets and open spaces and might also include performance art, children's play, vending, public meetings, fishing, picnicking, rollerblading and any other waterfront recreational event. 	<p>The openness and flat surface of Whitmore Plaza allows for considerable flexibility although this will be primarily a movement space.</p> <p>The folding timber planes of the Site 8 landscape design will provide opportunities for a range of uses including relaxation and play.</p>

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	The flat surfaces along the promenade and colonnades provide for ease of use by people with rollerblades, prams or other similar apparatus.
<ul style="list-style-type: none"> Public spaces that are responsive to changes in use are desirable to ensure continued activity and vitality on the waterfront. 	Both Whitmore Plaza and Site 8 open spaces are open to a wide range of activities, and avoid overt programming.
<ul style="list-style-type: none"> Public spaces should incorporate opportunities for planting trees and integrating coastal ecologies. 	Trees are provided for along the lane, within Site 8 and at the Quay edge of Whitmore Plaza. Coastal ecologies are to be explored in the detailed design of Site 8.
<ul style="list-style-type: none"> Well designed open spaces provide an opportunity to enhance the setting of heritage buildings and items. 	The Whitmore Plaza design presents a ground of open simplicity which can be expected to be a successful foil to the FEFT building.
<ul style="list-style-type: none"> The design of open spaces should consider opportunities for interpretation and public art to highlight the historical context of the area. 	Interpretive signs are already in place along the waterfront, and the space would readily accept another of these, probably close to the formal crossing of Waterloo Quay by the south end of Site 10. The open space proposal is ready to accept such signage.

3.2 Site 8 considerations

Site 8 is an important site in the North Kumutoto area. It is to be developed as public open space. The space needs to be a recognised destination with a positive relationship to the Kumutoto Plaza open space. Like the spaces created by extruding Whitmore, Waring Taylor and Johnston streets on to the waterfront, the space needs careful consideration in order to support diversity, richness and activity.	This intention has been achieved – see various assessments in other parts of my report.
The space could include defining elements which can be recognised from a distance and may include structures that provide shelter from the weather, support activity in the area and promote the use of the space (e.g. playground equipment, performance art, coffee vending) throughout the year, throughout the week and throughout the day.	Space defining elements include trees and the proposed open pavilion which also provides shelter and supported by the long table, supports activity. The visually defining elements are the pavilion and the folding timber planar surfacing.
Solar analysis of any proposed building on Site 9 will be required to ensure adequate sunshine for good quality public amenity in this space.	Not applicable to this assessment as no building is currently proposed for Site 9.
There is specific opportunity within and adjacent to Site 8 to recognise the history of the area and enhance the setting of heritage buildings (see section 2.3).	Proposed folding timber planes make specific reference to wharf timbers, that is, the “planks (ship/wharf decking)” specifically cited in 3.3 furniture guidelines of this brief, in order “to reflect the industrial and nautical elements of a working wharf”.

4.0 New Buildings

Site 10 - north of Whitmore St gates, south of Shed 21; maximum site coverage 100%, maximum height above ground level 22 metres [Note the error of inconsistency with the Environment Court's guidance that a building might rise to 22m amsl]

No rooftop structures can penetrate the maximum height.

Strong relationship with Shed 21. Southern end could form part of 'gateway' at end of Whitmore St.

The building form should read as more than one building.

The eastern edge should align with the eastern façade of Shed 21 and should allow a setback greater than 9m to allow for pedestrian and vehicle movement on the seaward side.

Building design should relate positively to the Former Ferry Terminal Building and contribute to the amenity of the Whitmore St extension space, providing an 'interface area' at the southern end.

The building rises to 22.4 m amsl. It maintains a strong relationship with Shed 21 with both alignment of primary form, and height similarity.

The building form has been successfully articulated with various elements of podium and gantry, and then variation along the lowest three facades to break down its scale. This issue was covered in a TAG assessment on 2 December 2013 of the proposal current at that time. I was party to that TAG assessment (quoted below) and consider it remains both applicable to the current proposal and valid:

Relation to reading as more than one building

The Environment Court decision [112] suggested that "the footprint in terms of continuous building volume for a permissible building [on Site 10] should be adjusted so that the form reads as more than one building." This principle is identified as an issue in the North Kumutoto Design Brief (the Design Brief, on page 9). The principle of breaking down the mass is achieved by three means:

- a. *Expression of levels three and four as a formally and architecturally as a distinct upper horizontal layer. Likewise, expression of levels one and two as a distinct lower horizontal layer.*
- b. *Harbourside extension helps the lower horizontal layer to read as a three-dimensional volume.*
- c. *Inclusion of three distinct façade treatments on the Quay side of the building.*

Setback along the eastern edge at ground is greater than 9m to allow generous space for pedestrian and vehicle movement on the seaward side of the building.

The building as previously discussed relates positively to the FEFT building, and provides with the undercroft and portico space an 'interface area' at the southern end.

4.1 New building principles

- New buildings will be sympathetic to, and relate to the scale and size of, the heritage buildings, bearing in mind that Shed 21 at the northern end is higher than the heritage buildings at the southern end. Any building on site 10 must relate to the Former Ferry Terminal Building and reflect its degree of importance as a heritage item.

Lighting design is to be undertaken at the detailed design stage, following the Waterfront Framework and the principles of the Waterfront Lighting Strategy.

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<ul style="list-style-type: none"> Primary facades are to face on to the major public open spaces. Secondary facades are to provide for a level of servicing, but not be dominated by these servicing activities. All facades are to provide a high level of active edge. Consideration should be given to activating the upper levels of buildings, potentially with balconies and terraces as well as visual connections. 	<p>The only secondary façade is the north façade to Woolstore Plaza. The basement entry ramp at the centre of this facade is appropriately complemented by shopfronts at both adjacent corners.</p> <p>Other services comprise only a minor proportion of the ground floor facades, that is the truck dock on the east off the lane, and transformer room with some other much smaller service frontages to the west façade at the rear of the colonnade.</p> <p>Upper level decks have been provided at the north-east and north-west corners at level 3, and also at level 3 extending two thirds of the way along the eastern facade.</p>
<ul style="list-style-type: none"> Buildings will be designed in a coherent fashion that relates to the area's urban context including the waterfront, nearby buildings including heritage buildings, and the CBD landward of north Kumutoto, and have a good compositional relationship with neighbours so that they relate to and complement each other. 	<p>The form and planning of this building responds explicitly to context, complementing neighbouring buildings, as previously discussed in this assessment.</p>
<ul style="list-style-type: none"> Building types that would be responsive to change of uses over time are preferred. 	<p>Achieved, as previously discussed in this assessment.</p>
<ul style="list-style-type: none"> The buildings, including tops and roofs, need to provide the character and complexity appropriate to their prominent waterfront position and context, given that there are numerous vantage points overlooking this area. Opportunities for green roofs and public access to roof tops should also be incorporated where appropriate. 	<p>Achieved, as previously discussed in this assessment.</p> <p>In the circumstance where there is no occupied facility at roof top which would provide for activity and supervision at this level, public access becomes a significant public safety and security risk, and is not appropriate.</p>
<ul style="list-style-type: none"> Buildings need to have visual interest with recognition of different viewing distances and duration. 	<p>Articulation of the portico at the south end, and the gantry at upper levels provides for visual interest in long range views.</p> <p>Variation within the façade, particularly at levels 1 and 2, including the projection of that to the east, will be seen in medium and short range views, and provide richness for people moving past the building.</p> <p>At the level of fine detail there is variation around the perimeter including faced variation, and sculptural expression of the tall columns at the portico. As previously noted in this assessment, it is desirable to achieve greater visual interest along</p>

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<ul style="list-style-type: none"> Buildings will be required to display exceptional architectural design including innovation, creativity and imagination, responsiveness to context, environmentally sustainable design and be an expression of contemporary culture. 	<p>the CBU tenancy shopfronts at the north end of the building.</p> <p>The proposed building was the winner of a design competition, includes base isolation for seismic resilience, and makes a sophisticated response to context.</p> <p>Key attributes are that the building proposal:</p> <ol style="list-style-type: none"> is concept driven, with the gantry and undercroft created by this giving a memorably expressive quality; demonstrates compositionally coherent articulation of form and façade design that relates specifically to this context and provides visual richness; provides a high quality edge to Whitmore Plaza, and excellent conditions for pedestrians around the three main sides of the building; integrates underground parking on this site; and is appropriately contemporary in its architectural approach.
<ul style="list-style-type: none"> Buildings will be designed with consideration of universal design principles to ensure accessibility for all. 	<p>Achieved, including with ramps to allow access to, from and along the edge of Waterloo Quay.</p>
<h4>4.2 Building relationship to open space</h4>	
<ul style="list-style-type: none"> Buildings should contribute positively to the open spaces of the waterfront. 	<p>Achieved, as previously discussed in this assessment.</p>
<ul style="list-style-type: none"> Buildings should be of a size and shape that relate to the spaces around them, the neighbouring buildings and the water's edge. 	<p>Achieved, as previously discussed in this assessment.</p>
<ul style="list-style-type: none"> Buildings can provide enclosure and shelter to adjacent spaces. Buildings are to provide a protected sheltered accessible route along the quays and are to contribute to providing shelter along the promenade. 	<p>Achieved, as previously discussed in this assessment.</p> <p>The overhang to the east provides shelter along the full length of the lane up to Woolstore Plaza, and levels 1 and 2 also cantilever over the edge of the Plaza, providing for some shelter there.</p>
<ul style="list-style-type: none"> Buildings may become landmarks and add character to public spaces. 	<p>Gantry and portico will give memorable form and are features that will assist this in becoming a landmark.</p> <p>However at the same time, a primary urban design function of this building is to define Whitmore Plaza as a memorable 'nodal space', and main entry point to the public waterfront. This is a</p>

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	'supporting role', and the portico will contribute to that.
<ul style="list-style-type: none"> The buildings that face onto the public spaces should help define these spaces, provide for natural surveillance and allow for activities that engage people using these spaces. 	Achieved, as previously discussed in this assessment.
<ul style="list-style-type: none"> The ground floors of buildings should be predominantly and clearly accessible to the public, adding to the overall vitality and activity of the waterfront. This can include commercial activity provided it is aimed at the general public. 	Achieved, as previously discussed in this assessment.
<ul style="list-style-type: none"> Buildings should have 'active edges' by providing frequent entries. Windows and doors at ground level should allow visual links between ground level interiors and adjacent public spaces and allow people to interact with activities within the building. 	There are frequent entries along both long sides of the building, both into tenancies and to the lobbies for the commercial floors above, and a main entry to the ground floor tenancy that edges Whitmore Plaza. This will allow for, relative to most other buildings on the waterfront, a high level of interior/exterior movement.
<ul style="list-style-type: none"> Servicing facilities need to be integrated into the building and/ or located along secondary frontages. 	<p>Servicing has been generally centrally located within the building, in the basement and on the roof, and this is suitably unobtrusive.</p> <p>The appearance of some servicing elements along the west, north and east facades is readily accommodated as these constitute only a small proportion of the length of each façade.</p>
<ul style="list-style-type: none"> Buildings above ground floor level should relate to surrounding open spaces, potentially and where appropriate integrating balconies and/or roof-decks in order to establish a sense of connection with and add to the vitality and safety of these open spaces. 	Achieved, as previously discussed in this assessment.

Annexure 2

Vanessa Tanner – Heritage and Archaeology

Heritage and Archaeology Assessment North Kumutoto Precinct Project

30 March, 2015

Service Request No: 319386 & 320128

File Reference: 0600 702687

To: Ryan O'Leary – Senior Consent Planner

From: Vanessa Tanner – Senior Heritage Advisor

Site Address: Kumutoto North Site 10, Kumutoto North Site 8 Wellington Waterfront

Introduction

I am a Senior Heritage Advisor at Wellington City Council a position I have held since December 2013. Prior to working for Wellington City Council I was employed for thirteen years in the Heritage Department of Auckland Council and Auckland Regional Council prior to amalgamation. My role involves the identification of historic heritage resources, Assessments of Effects of resource consent applications on historic heritage, mitigation (where appropriate), guidance on the management and conservation of historic heritage in particular archaeological sites.

Overview

This is a review of the following documents which address the effects of a proposed development of Kumutoto North Sites 8 and 10 on historic heritage:

- Archifact Ltd (October 2014) Assessment of Environmental Effects on Heritage Sites 8 and 10 North Kumutoto. Report prepared for Site 10 Redevelopment Limited Partnership and Wellington Waterfront Limited.
- O'Keeffe, M. (October 2014) North Kumutoto Precinct Project, Wellington: Archaeological assessment of proposed redevelopment of site. Report prepared for Willis Bond & Co.

In undertaking this review I have also read the following documents:

- Athfield Architects Limited (25 September 2014) Kumutoto Site 10 Architectural Design Report for Resource Consent Submission. Report prepared for Willis Bond & Co.
- Isthmus (25 September 2014) North Kumutoto Landscape and Urban Design Assessment. Report prepared for Wellington City Council.
- Isthmus (03 November 2014) North Kumutoto Landscape Design Statement. Report prepared for Wellington City Council.
- Wellington Tenths Trust and Port Nicholson Block Settlement Trust (September 2014) Cultural Impact Report Kumutoto Site 10 Development Kumutoto North.
- Urban Perspectives Ltd (15 September 2014) Site 10, North Kumutoto Application for Resource Consent Urban Design Assessment. Report prepared for Site 10 Redevelopment Limited Partnership.
- Section 92 responses from Archifact (25 February 2015), Athfield Architects (26 February 2015), Isthmus (27 February 2015).

This review does not address matters of cultural significance to Maori.

Subject site and proposed project

The North Kumutoto Precinct is in an area of the Wellington Waterfront that lies between Shed 21 to the north and the Kumutoto Plaza and the Meridian Building to the south.

The site and project are described in sections 2.1 and 2.2 of the Assessment of Environmental Effects and outlined on drawings:

- Athfield Drawing RC1.00 – for the Site 10 Building
- Isthmus Drawing 0.010 – for the public open space

The proposed project involves two key components:

- The construction of a new five-level building plus a basement on Site 10. The building will be approximately 2,924m² and 22.4m in height with a plant room on top of the structure measuring 237m² in area with a total height of 26.25m.
- The development of new public open space on Site 8 and its surrounds.

A number of historic heritage items are situated within the vicinity of the North Kumutoto Precinct within which the subject Sites 8 and 10 are located; these items contribute to its interpretation as a heritage landscape. Historic heritage items and their various levels of statutory recognition are included in Table 1 below.

Table 1: List of historic heritage items in the vicinity of the North Kumutoto Precinct and level of statutory recognition.

Name	WCC District Plan Heritage List	GWRC Regional Coastal Plan Appendix 4	Heritage New Zealand List
Shed 21	Map Ref 17, Symbol Ref 334		Category 1 List No. 237
Shed 11	Map Ref 17, Symbol Ref 332		Category 1 List No. 235
Shed 13	Map Ref 17, Symbol 333		Category 1 List No. 236
Former Eastbourne Ferry Terminal	Map Ref 17, Symbol Ref 337	Former Eastbourne Ferry Terminal	Category 2 List No. 7807
Wellington Harbour Board Gates and Railings	-	-	Category 2 List No 1147
Wharves and Wharf Edges	-	Tug Wharf to Overseas Passenger Terminal: Wharves	-
Reclamation Edge	-	Lagoon to Tug Wharf vicinity: Rock rip rap	-
Archaeology	-	-	-

Heritage New Zealand has also publicly notified the Wellington Harbour Board Historic Area, part of which includes the North Kumutoto Precinct; this is currently

undergoing further consultation with stakeholders before being considered by the Heritage New Zealand Board. It does not have any statutory recognition under the Heritage New Zealand Pouhere Taonga Act 2014.

The Wellington Waterfront including the Kumutoto North Precinct has high historic heritage value. The waterfront, wharves and successive reclamations have played a critical role in the development of Wellington throughout its history. Evidence of this role is retained in the collection of historic buildings and structures and in the present form that the waterfront takes. Collectively the remaining historic heritage fabric illustrates the history of development and use of the working waterfront.

District Plan Requirements

As the proposal does not physically affect the District Plan individually Listed Heritage Buildings it does not trigger the Heritage Rules in Chapter 21 of the District Plan.

The following District Plan Heritage Objective and Policy are however relevant to this application:

Objective 20.2.1 To recognise the City's historic heritage and protect it from inappropriate subdivision, use and development.

Policy 20.2.1.4 Protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied and mitigated.

As are the following District Plan Central Area Objectives and Policies:

Objective 12.2.5 Encourage the development of new buildings within the Central Area provided that any potential adverse effects can be avoided, remedied or mitigated.

Policy 12.2.5.1 Manage building height in the Central Area in order to:

- reinforce the high city/low city urban form;
- ensure that new buildings acknowledge and respect the form and scale of the neighbourhood in which they are located; and
- achieve appropriate building height and mass within identified heritage and character areas.

Policy 12.2.5.4 To allow building height above the specified height standards in situations where building height and bulk have been reduced elsewhere on the site to:

- provide an urban design outcome that is beneficial to the public environment, or
- reduce the impact of the proposed building on a listed heritage item

Any such additional height must be able to be treated in such a way that it represents an appropriate response to the characteristics of the site and the surrounding area.

Objective 12.2.6 To ensure that new building works maintain and enhance the amenity and safety of the public environment in the

	Central Area, and the general amenity of any nearby Residential Areas.
Policy 12.2.6.2	Require high quality building design within the Central Area that acknowledges, and responds to, the context of the site and the surrounding environment.
Policy 12.2.6.3	Ensure that new buildings and structures do not compromise the context, setting and streetscape value of adjacent listed heritage items, through the management of building bulk and building height.
Objective 12.2.8	To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront.
Policy 12.2.8.4	Maintain and enhance the heritage values associated with the waterfront.
Policy 12.2.8.5	Recognise and provide for developments and activities that reinforce the importance of the waterfront's Maori history and cultural heritage.

Assessment of effects:

In assessing the effects on historic heritage Archifact (2014) have drawn on a variety of Objectives, Policies and Guidelines these include:

- Greater Wellington Regional Council Regional Policy Statement – Objective 15, Policies 21, 22 and 46
- Greater Wellington Regional Council Regional Coastal Plan – Objectives 4.1.2 and 4.1.6, Policies 4.2.12 and 6.2.2
- Wellington City Council District Plan – Central Area Objective Lambton Harbour Area 12.2.8, Heritage Area Rule 21B.2.1 Assessment Criteria 21B.2.1.3 – 21B.2.1.5, 21B.2.1.7, 21B.2.1.9
- Wellington City Council Central Area Urban Design Guide Appendix 4 – North Kumutoto Precinct¹
- Wellington City Council Wellington Waterfront Framework

The assessment of environmental effects on heritage completed by Archifact (2014) generally finds no adverse effects on heritage, concluding that the proposal 'shows a commitment to maintaining and enhancing the public environment in this area' and that it 'responds in the round to adjacent heritage, the harbour and the broader city heritage context' (p21). Correspondingly, other than recommending that an accidental discovery protocol be included as a condition of consent to manage potential effects on archaeology, no further methods of mitigating effects on historic heritage are presented.

Having considered the proposal and assessment of effects on historic heritage I agree that the effects of the proposed development on historic heritage are not significant. I cannot concur however, with Archifact's (2014) statement that the proposed development 'retain[s] all the heritage values found in sites, buildings,

¹ Appendix 4 North Kumutoto Precinct was proposed as part of Variation 11. The appeal by Wellington Waterfront and .Queens Wharf Holdings was against Variation 11 was upheld by the Environment Court and therefore, Appendix 4 has no statutory relevance to the assessment of this resource consent application.

features and elements that have been recognised in the area.’ (p 5); the North Kumutoto Precinct Project will have *some* effects on historic heritage and these are assessed below under the following topics:

- Historic Buildings
- Wellington Harbour Board Wharf Gates and Railings
- Wharves and Wharf Edges
- Reclamation Edge
- Archaeology
- General matters

Historic buildings

- Shed 21, situated to the north of Site 10 is a four storeyed brick wool store constructed in 1910. This item is listed in the District Plan (Map Ref 17, Symbol Ref 334) and recognised by Heritage New Zealand.
- Sheds 11 and 13 situated to the south of Site 8 and now separated from their waterfront context by the Meridian Building are single-storeyed brick buildings constructed 1904-1905. These items are listed in the District Plan (Map Ref 17, Symbol Ref 332 and 333) and recognised by Heritage New Zealand
- The Former Eastbourne Ferry Terminal building adjacent to the south east corner of Site 10 is a small, two storeyed timber building constructed in the 1910s. This item is listed in the District Plan (Map Ref 17, Symbol Ref 337), it is also recognised by Greater Wellington Regional Council and Heritage New Zealand.

The construction of a new building on Site 10 is an effect on the historic heritage values of buildings in its immediate vicinity, particularly Sheds 11, 13 and 21, and the Former Eastbourne Ferry Terminal. It will also have an impact on its wider context that includes other District Plan Listed Heritage Buildings such as the Waterloo Hotel (Map Ref 17, Symbol Ref 338) and the Wellington Railway Station (Map Ref 17, Symbol Ref 44) which have a visual connection via Waterloo Quay with the subject site. The new building will have a visual impact on current views to and from existing historic buildings. Any new building in the North Kumutoto Precinct could have the potential to affect the readability of the historic working waterfront and therefore requires careful consideration in terms of its potential impacts.

According to Athfield Architects (2014, 2015) to avoid significant adverse effects on historic heritage, a number of elements in the proposed new building’s design have been a response to its historic neighbours and setting including its height, scale and alignment, the building’s horizontal articulation and ground level modulation, the recognition of a former diagonal rail to wharf link as a new pedestrian passage through the building, and framing the Former Eastbourne Ferry Terminal building. According to Archifact (2014 p5) in their assessment of environmental effects on heritage the building seeks to ‘contrast the existing heritage fabric of adjacent buildings rather than appear to mimic those buildings and their fabric which in doing so would risk lessening the values of both the authentic historic qualities of the new building as a building of its time.’

In my opinion, the scale, bulk and historical consistency of the new building’s alignment to Waterloo Quay and the harbour will reduce the visual impact that the proposal has on the historic heritage buildings as does the proposed framing of the Former Eastbourne Ferry Terminal. The alignment and siting of the new building on the footprint of Site 10 (former Shed 17) will minimise the extent to which the new building will detract from the existing and will not inhibit the readability of the historic

working waterfront layout as the original pattern and relationships of buildings with the waterfront will be maintained. As stated in 4.7 of Mr McIndoe's Design Review the waterfront is characterised by the co-location of large and small buildings, the siting of the proposed new building on the footprint of former Shed 17 will reintroduce the relationship of the Former Eastbourne Ferry Terminal with a larger building. The decision to contrast the new building's materials with that of its neighbours in this instance is considered appropriate from a heritage perspective as it contributes to the interpretation of the waterfront as a place that has changed and developed over time and though this change has contributed significantly to the history of Wellington.

In my opinion the proposed building on Site 10 has no more than a minor effect on the historic heritage buildings in its immediate vicinity and meets District Plan Objectives (12.2.5, 12.2.6, 20.2.1) which seek to recognise and protect historic heritage from inappropriate subdivision, use and development and avoid, remedy or mitigate any potential adverse effects.

The intention of the proposed landscaping of the Plazas and Site 8 is to enhance amenity and create a more attractive public recreational space. There are no physical effects of the proposed landscaping on historic buildings; the effect of this will be to alter further the identity of the North Kumutoto Precinct as a working waterfront and the readability of the various historic buildings through this transforming of function. From a heritage perspective the proposed change however is not unwelcome as it provides an opportunity to improve visitor understanding of historic heritage, connect people with the waterfront and recognise its importance in Wellington's history. Such opportunities however have not been adequately explored by the applicant. In my opinion incorporating heritage interpretation into the landscaping plan where practicable would mitigate the described effects and give effect to Council Policy (12.2.8.4, 20.2.1.4).

In addition, the proposed landscaping plan includes relocation of the historic toll booth building that was removed from its original location at the Queen's Wharf gates and has since been returned to the Wellington Waterfront. The Former Queens Wharf Toll Booth, a small, wooden building currently situated on the 'Outer T' of the Queens Wharf, is proposed to be relocated to the Whitmore St entrance immediately to the north of Site 9. It has no formal heritage recognition in the District Plan, Regional Coastal Plan or by Heritage New Zealand. Generally a building's historic heritage value is strongly connected with its original location; a building's historic heritage value is usually diminished as a result of relocation. It is understood (from Archifact 2015) that the intention of the proposal to temporarily relocate the historic toll booth building to Whitmore Plaza is to enhance the heritage values of the landscaping project. I am not opposed to the toll booth building being moved to its proposed location. In my opinion however, some form of information which refers to the building's original location and function should be presented on site to avoid the Toll Booth's relocation from misrepresenting its history; for example a photograph of the building in its original context may be sufficient.

In order to mitigate effects on historic buildings of the proposed development and provide consistency with Council Policies (12.2.8.4, 20.2.1.4) it is recommended that interpretation of the history of the North Kumutoto Precinct buildings be included as a condition of consent.

Wellington Harbour Board Wharf Gates and Railings

- The Wellington Harbour Board Gates and Railings are recognised by Heritage New Zealand as a Category II Historic Place. These include:

- the gates between Shed 21 and Site 10,
- gates at the Whitmore Street entrance,
- gates and railings at Ballance Street
- gates at Waring Taylor Street.

The various Wellington Harbour Board gates and railings are a significant component of the waterfront's historic heritage value visually because they, along with the Waterloo and Customhouse Quay alignment of buildings, create a separation between the waterfront and the city; and historically, because they were a barrier preventing people accessing the wharves physically representing the domain of the Wellington Harbour Board.

The project's proposal to restore and return gates to a consistent alignment has the potential to enhance historic heritage values of the North Kumutoto Precinct and is supported from a heritage perspective. According to Isthmus (2015) work on the gates will include:

- Detailed survey and numbering of gates and posts and a photographic record
- Careful removal of gates from the site during works
- Cleaning of rust and structural assessment
- Removal of additional items not original to the gates (ie locks)
- Structural repairs
- Application of new protective coatings and paint
- Repositioning gates back on site

To ensure that potential adverse effects of this proposal are avoided, restoration and repositioning of gates and railings and any alterations to them should be undertaken in accordance with advice from heritage professionals and subject to Council approval.

Wharves and Wharf Edges

- Wharves are included in Greater Wellington Regional Council's operative Regional Coastal Plan Appendix 4. Wharves subject to the present application include:
 - Tug Wharf,
 - Harbour Ferry Wharf
 - Waterloo Quay Wharf

The wharves in the vicinity of Sites 8 and 10 were constructed in the late 1800s early 1900s. The Tug Wharf is recorded as an archaeological site (R27/253). It is understood from the Isthmus Landscape Design Statement (2014) that proposed landscaping will create an additional link to the Tug Wharf and restore part of the Harbour Ferry Wharf. Detail on the effect of these proposals on historic heritage fabric and value has not been provided as part of the application.

In principle, restoration of the wharves is supported from a heritage perspective; to ensure that this is undertaken in a manner that recognises and provides for the heritage value of the wharves, conservation advice should be sought from heritage professionals and detailed restoration plans should be subject to approval by Council.

Reclamation Edge

- Reclamation edge identified by rock rip rap between the Lagoon and the Tug Wharf. The Reclamation Edge is listed in the Greater Wellington Regional Council's operative Regional Coastal Plan Appendix 4.

Wellington's reclamations are a significant component of the city's development history. The area of reclamation subject to the present application is, according to the archaeological assessment (O'Keeffe 2014) post 1900 and the area most affected by the landscaping plan is relatively modern (1970s). As reclamation is increasingly perceived as an activity of the past it is likely that interest in it and in turn the historic heritage value will increase, therefore the edge of the 1970s reclamation holds some heritage value.

The proposed landscaping plans have the potential to affect the readability of the reclamation edge. According to Isthmus (2014) the rock rip-rap which demarcates the edge of the reclamation will also be affected by planting and partial removal. The application does not contain further detail on the extent of these proposals or the effect that this will have on historic heritage values.

To avoid loss in readability of the reclamation edge retaining the line or an interpretation of it in or under new structures should be incorporated into the landscape plan. According to Isthmus (2014 p 12) the proposed landscaping includes 'tracing of a seawall in the form of a 600mm wide kerb demarcating its presence and interpretive signage highlighting its historical significance'; this was not elaborated on further in the application or discussed in Archifact's (2014) assessment of effects on historic heritage.

Interpretation of the historic heritage landscape and history of the waterfront is encouraged and considered consistent with Council's Policies (12.2.8.4, 20.2.1.4) to maintain and enhance heritage values associated with the waterfront and protect heritage values by remedying and mitigating effects.

To ensure that historic heritage value of the reclamation is appropriately recognised and provided for it is recommended that detailed plans of modifications to the rock rip-rap be subject to Council approval.

Archaeology

Archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. The RMA definition of historic heritage includes archaeological sites.

One archaeological site R27/253 - Finger Wharf built 1897 (Tug Wharf), is recorded in the New Zealand Archaeological Association Site File (Archsite). In addition, according to O'Keeffe there is a potential for work on the western edge of Site 10 to impact on the edge of the reclamation and encounter material that predates 1900 (O'Keeffe 2014 p. 18).

As the proposal does not require the demolition of R27/253 and there is a low probability of encountering pre-1900 material O'Keeffe does not make the recommendation that the applicant obtain an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014. I concur with O'Keeffe's conclusion in this regard.

As Sites 8 and 10 were part of the post 1900 period of reclamation they, and any remains of structures subsequently built upon them, do not meet the Heritage New Zealand Pouhere Taonga Act 2014 definition of an archaeological site. Archaeological methods however, could be employed to identify and record the remains of the turn of the century Customs House (1902) and Shed 17 (Headquarters of the Wharf Police between 1917 and 1983) and the original woodblock paving which may be extant beneath more recent asphalt (O’Keeffe 2014 p 18). Subsurface remains of buildings, structures and surfaces could add value to our understanding of the historic buildings, materials, construction and use of the North Kumutoto Precinct.

In order to mitigate potential adverse effects of the destruction of heritage fabric and evidence related to turn of the century buildings it is recommended that archaeological monitoring, investigation and recording are undertaken when earthworks required for the preparation of the site and construction of the building and landscaping are undertaken.

While the construction of a basement on Site 10 will necessitate the destruction of any in-situ evidence of previous structures should they exist on that site, and is inconsistent with the findings of Archifact (2014) that all heritage values will be retained; the creation of the Plazas and landscaping of Site 8 will not necessarily require the destruction of subsurface evidence of earlier structures. Incorporation of any in-situ evidence of the previous Custom House or original woodblock paving into the final landscape design presents an opportunity to maintain and enhance the heritage values associated with the waterfront and could enrich visitor experience and understanding of historic heritage. I recommend that the landscape plan remain flexible enough to incorporate in-situ evidence where practicable, in my opinion this would be consistent in achieving District Plan Objectives 12.2.8 and 20.2.1.

General matters

It is possible that inadvertent damage to historic heritage fabric, including buildings, wharves, gates, archaeological evidence, could occur during works required for the construction of the new building and development of public open space. A Heritage Management Plan should be prepared as part of the suite of Construction Management Plans for the project to ensure that historic heritage is protected during the construction process and in order to meet District Plan Objective 20.2.1.

Aspects requiring control by conditions:

I consider that any potential effects on historic heritage can be adequately mitigated if the following are included in any consent granted for the proposal:

- The preparation of a Heritage Management Plan to the approval of the Council.
- Restoration and reinstatement of historic gates and railings is undertaken in accordance with recommendations of a suitably qualified heritage professional and a detailed methodology is submitted for Council’s approval prior to any work on the gates and railings commencing.
- Restoration of wharves is undertaken in accordance with the advice of a suitably qualified heritage professional and subject to Council approval.
- That the line of the reclamation edge is recognised and interpreted in the final landscaping plan and subject to Council approval.

- Archaeological monitoring, investigation and recording are undertaken to recover information on the historic waterfront structures and where practicable in-situ evidence is incorporated into the final landscape plan.
- That historic heritage interpretation is included in the landscaping of Site 8 and open space within the project area and that the final design of this be subject to approval by Council.

Conclusion

The Wellington Waterfront is a significant historic heritage landscape containing a collection of historic buildings, structures and features that contribute to our understanding and appreciation of its historic use and development. The North Kumutoto Precinct contains a number of historic items and presents a clear continuation of the historic heritage values of the Wellington Waterfront as a whole. Inappropriate development of Sites 8 and 10 have the potential to adversely affect historic heritage values of the Wellington waterfront.

To avoid adverse effects on historic heritage the present application has through its architectural design and alignment, its retention and restoration of heritage fabric minimised adverse effects on historic heritage.

In my opinion the effects of the proposal on historic heritage are minor and some of the proposals have the potential to enhance heritage values. Potential effects arising from development and landscaping, documented in this review should be avoided, remedied or mitigated. Subject to the proposed conditions outlined above the development, in my opinion, would meet Council's Heritage Objectives and Policies and adequately recognise and provide for historic heritage as a matter of national importance under s 6(f) of the RMA. In relation to the protection of historic heritage from inappropriate use and development in the context of Section 6(f) of the RMA, I consider that through the implementation of necessary consent conditions, the proposed use and development will be appropriate.

Historic heritage includes sites of significance to Maori, including wahi tapu. This review has not addressed matters of cultural significance.



Vanessa Tanner
Senior Heritage Advisor

Annexure 3
Michael Kelly – Heritage

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28 January 2015

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North Kumutoto Precinct Project – Heritage AEE

As discussed, I am responding to your request for a brief report on the impact of the above project on heritage items listed on the regional plan. The project refers to the proposal for a new building on the sites 8 and 10 North Kumutoto, with associated landscaping.

Specifically, you sought:

1. A review of the heritage AEE and the validity of the conclusions reached.
2. An assessment of the potential adverse effects on the protected wharf and wharf edge and the protected reclamation edge within the Lambton Harbour Development Area and if those effects can or will be avoided, remedied or mitigated.
3. The likely future effects the proposed development will have on the protected wharf and wharf edge and the protected reclamation edge.
4. Any other comments as considered relevant

I have addressed these matters as per the order above.

1. Assessment of Environmental Effects on Heritage, prepared by Archifact Ltd.

Although this assessment deals with the entire proposal (new building and associated works) for the sites, it refers specifically to the impacts on the

listed items in the Regional Coastal Plan (see section 4.2). These are the former Eastbourne Ferry Terminal, wharves and wharf edges, and the reclamation edge (rip-rap revetting).

In my opinion the relevant effects are accurately identified and are covered in sufficient detail. The only possible anomaly is that the assessment determines that there is no loss of heritage fabric, although there will be modifications to the rip-rap in the site 8 area and to the area immediately north of the Eastbourne Ferry Terminal. These modifications will require the removal of enough rip-rap to allow the construction of promenade extensions (in the form of two timber decks), which would constitute a loss of heritage fabric, although it would seem to be minor. The remaining rip-rap will be covered over by the deck and although this will partly mask the harbour edge in these locations, this is correctly identified as a minor effect. The work on the Tug Wharf and other harbour edges is also identified as minor. The report identifies no tangible or intangible effects on the Eastbourne Ferry Terminal. Again these effects are appropriately labelled.

2. A brief assessment of the potential adverse effects and possible mitigation

I concur that the proposed changes to the harbour edges, wharves and wharf edges will have relatively minor effects on historic heritage. The alterations are not without purpose; they are likely to improve the appearance and usefulness of the area, which may eventually enhance heritage values. The covering over of the rip-rap in certain places will not entirely obscure the harbour edge, so it will still be possible to determine the line of reclamation, if that is regarded as an important consideration in the future. (The configuration of Lambton Harbour's various structures means that it is not always clear where wharves begin and reclamation ends.) There is no direct impact on the Eastbourne Ferry Terminal, although its context will be altered somewhat by the landscaping changes.

Having made these statements, it is also important to note that the consent application is light on detail, with no specifics on how much rip-rap will be required to be removed. There will also be changes to the area immediately east of the Tug Wharf, with what appears to be the creation of a slope down to the rip-rap and the construction of narrow bridges to the wharf. Again, the extent of the works required to undertake this is not clear from the information provided.

No direct mitigation is required, although some interpretation would allow visitors to understand the various changes to the area over its history.

It should be noted that, with the exception of the former Eastbourne Ferry Terminal, the above items currently listed by Greater Wellington are not hugely significant from a heritage perspective; they are functional structures of modest historic and

technical importance. Tellingly, they will no longer be listed when the new regional plan is released later this year.

3. Future effects on listed items

No future effects are anticipated as the new structures will presumably become semi-permanent fixtures and further changes are unlikely in the short-term. In addition, as the listed items will not be remaining on the regional plan, there is no future effect anticipated anyway. If construction proceeds, it will mostly likely end after the items have been removed from the plan.

4. Additional comments

None.

A handwritten signature in black ink that reads "Michael Kelly". The signature is written in a cursive style with a large, sweeping initial "M".

Michael Kelly

Annexure 4
Soon Teck Kong – Traffic

Traffic Assessment – North Kumutoto Precinct Project

- 1 My name is Soon Teck Kong. I hold a Bachelor of Engineering with Honours and Master of Engineering degree (Civil) from the University of Melbourne. I have been involved in the planning, design, construction and management of roads and transport systems for 24 years. I am a Chartered Professional Engineer and a member of the Institution of Professional Engineers New Zealand (MIPENZ). I am also a member of the Transportation Group IPENZ. My current role is Manager, Transport Network in the Transport and Waste Operations Unit at the Wellington City Council (**WCC**). I have been in this role for 9 years.

Scope of assessment

- 2 My brief of assessment will cover the following matters:
- 2.1 Revised Access
 - 2.2 Trip Generation
 - 2.3 Safety
 - 2.4 Basement Parking
 - 2.5 At-grade Parking – Access and Layout
 - 2.6 Servicing
 - 2.7 Construction Traffic Management Plan
 - 2.8 Future Public Access

Proposed Development

- 3 The key parts of the proposal that impact traffic are as follows:
- 3.1 Site 10 commercial building with basement carparking (62 spaces)
 - 3.2 Site 9 at-grade carparking (18 spaces)
 - 3.3 Revised Kumutoto Laneway

- 3.4 Revised entry and exit at the intersection with Customhouse Quay and Whitmore Street
- 3.5 A ground-level service dock within the commercial building with an additional loading zone along Kumutoto Laneway
- 3.6 The overall on-site carparking spaces will reduce from 211 to 90 (62 (basement carpark) +18 (Site 9) +7 (apartment use adjacent to Shed 21) +3 (short stay parking adjacent to Site 10)).

Existing Transport Network

- 4 Customhouse Quay is designated as an Arterial Road in the Council's District Plan and is a key route for the Central Business District. It carries approximately 37000 vehicles per day.
- 5 Whitmore Street is designated as a Principal Road and is part of a major route connecting the Central Business District to the western side of the City. It carries approximately 14000 vehicles per day.
- 6 The eastern approach at the intersection of Customhouse Quay and Whitmore Street currently serves as a local access to the waterfront and at-grade carparking areas. This approach is connected within the waterfront to the intersections of Waterloo Quay/Bunny Street to the north and Brandon Street/Customhouse Quay to the south.
- 7 There are existing signalised pedestrian facilities across the Waterfront Route at Bunny Street, Whitmore Street, Waring Taylor Street, Johnston Street and Brandon Street.
- 8 The waterfront area provides a key walking and cycling route and is well-used during the commuter periods, lunchtimes and weekends.

- 9 This site is in close proximity to the Wellington Railway Station, Lambton Bus Interchange, regional coaches and trains including ferry services.

Revised Access onto Customhouse Quay

- 10 The number of exit lanes at the eastern approach is reduced from four lanes to two. The single entry lane will remain but will be narrower.
- 11 The width of the entry and exit is reduced from approximately 25 metres to 13 metres as shown in Isthmus Drawing Number 1.045 Rev D dated 12.03.15.
- 12 No signalised pedestrian facility is proposed across the revised entry and exit. In my view, a new signalised pedestrian crossing facility is required so that the pedestrian and vehicular interactions are managed safely by signal control, as a condition of consent. This treatment is consistent at intersections along the Waterfront route such as at Brandon Street and Hunter Street.
- 13 The signalised pedestrian crossing facility across Customhouse Quay will be widened and realigned towards Site 10 as shown in Isthmus Drawing Number 1.045 Rev D dated 12.03.15. A detailed design of the whole intersection will be required for Council's approval as a condition of consent. The detailed design will include details such as locations of pedestrian call buttons, signal displays and traffic signal arrangement.
- 14 The revised entry and exit will accommodate the turning space requirements for medium rigid service vehicles and emergency vehicles such as medium and heavy pumper fire appliance as shown in TDG 8 DWG No:12834W1A dated 25/02/2015.

Trip Generation

- 15 The number of vehicle trips generated from this proposal will change due to the reduction of the at-grade (commuter) carparking spaces and the activities from the commercial building resulting from workers arriving and departing their workplace.

The arrival and departure patterns provided by the applicant are based on a Tenant Carpark Trip Profile for a multi-tenant commercial carpark. The assessment of the relative impacts on trip generation during the peak traffic periods is based on utilising this trip profile relative to the 62 basement carparks provided. Based on this method of trip estimation, the vehicle movements during the AM peak hour are 22 inbound and 1 outbound. In the PM peak hour, the vehicle movements are 1 inbound and 27 outbound. This trip estimation is based on the size of the carpark and do not take into consideration the size of the building and workers being dropped off and picked up during the weekdays, which will generate trips to and from the development. This trip estimation method has generated vehicle movements lower than the existing traffic volumes.

- 16 The applicant has chosen to model the revised entry and exit using the existing traffic volumes to evaluate the performance and operation of the intersection layout. The existing vehicle movements during AM peak hour are 158 inbound and 44 outbound. During the PM peak hour, existing vehicle movements are 84 inbound and 128 outbound. Utilising the existing traffic volumes for the intersection, modelling is considered by the applicant as 'purposefully conservative with a view to providing a like for like comparison' (as stated in the TDG's response to Urban Perspectives – Supplementary Response to Further Traffic Matters Raised by Soon Kong dated 24 March 2015). The applicant also stated that the analysis allows for the staging of works with the prospect of incremental parking changes before the full reduction is achieved. In my opinion it is appropriate for staged loss of carparking spaces to be managed through a Construction Management Plan which ensures access to remaining spaces.
- 17 As outlined by the applicant, the trips generated during the peak traffic periods are based on the size of the basement carpark and not the size of the commercial building, it is difficult at this stage to ascertain the additional trips generated by workers being

dropped off and picked up in vehicles (private and commercial) during the peak traffic periods as this proposal is conveniently located and well served by public transport options.

- 18 As a guide, based on the *NZ Transport Agency Research Report 453: Trips and Parking related to Land Use* (dated November 2011), the commercial building will generate 2.5 vehicles per hour for 100 square metres of Gross Floor Area (GFA) for the design peak hour trips. The design peak hour trip rate is the rate which trips will be generated for a certain type of land use category during the peak hour and this rate is based on a sample size of 12 commercial activities such as banks, business park, office and services. Based on this calculation, the expected number of trips generated during the peak hour will be 335 vehicles per hour for the commercial building with a GFA of 13,300 square metres.
- 19 With the proposal located in close proximity to public transport services, the trips generated from the commercial building will range from somewhere between the applicant's use of the Tenant Carpark Trip Profile, the existing traffic flows and the vehicles per hour based on the NZTA Research Report 453 survey.
- 20 The Kumutoto Laneway is proposed as a two-way but there is a future possibility that this Laneway will be converted to one-way (north to south direction) as part of the Laneway lies within CentrePort land.
- 21 The one-way conversion will redirect all entry vehicles to Site 10 from the intersection of Customhouse Quay/Whitmore Street to the intersection of Waterloo Quay/Bunny Street via Shed 21. The increase in inbound movements is approximately 17 vehicles per hour during the AM peak. There is no estimation of movement changes for the PM peak carried out by the applicant.
- 22 The applicant had used the traffic model – 'SIDRA Intersection' to assess the impact of the revised entry and exit with the existing traffic flows based on the existing land use activities but not the

predicted flows after the proposal is implemented including the commercial building.

- 23 The intersection was modelled by the applicant for the morning AM peak, evening PM peak and Saturday daytime for both the existing intersection and revised entry and exit layouts which also included the two-way and one-way options for Kumutoto Laneway.
- 24 The average delay for the revised Customhouse Quay/Whitmore Street intersection will not increase during the peak traffic periods based on the applicant's assessment.
- 25 The average saturation during the peak traffic periods is not affected by the revised intersection and proposal based on the applicant's assessment.
- 26 The revised intersection layout will therefore handle the proposal as determined by the applicant.
- 27 Based on my assessment of the modelled results with the existing traffic volumes during the peak periods, I can conclude that this proposal with the revised entry and exit will not affect the function of the Arterial and Principal Roads but this modelling is based on existing land use activities and not the proposed land use including the commercial building.
- 28 However as highlighted above regarding a range of possible trips generated from different estimation methods, it is necessary to further conduct a sensitivity analysis on the performance of the revised entry and exit to ascertain the level of trips generated and the requirement for an additional exit lane, increasing from 2 to 3 lanes which could be acceptable in the final detailed design. As the proposal is located in the vicinity of good public transport services, the vehicle trip generated for the proposed land use activities cannot be estimated with high confidence. Therefore, the requirement to conduct a further sensitivity analysis of the revised intersection is recommended before the number of exit lanes are finalised.

Safety

- 29 The proposal has included several new pedestrian facilities which will benefit pedestrian usage and improve pedestrian safety.
- 30 The reduced width of the revised entry and exit will go some way to minimise pedestrian exposure to vehicle movements. However, I consider that a new signalised pedestrian crossing facility is still required to ensure that vehicle movements during a vehicular signal green phase will not conflict with pedestrians walking across this access.
- 31 A new footpath is proposed on the seaward side of Customhouse Quay providing controlled pedestrian access across the revised entry and exit on Customhouse Quay. There is also a new pedestrian shelter for half the length of the new footpath. These new pedestrian features are shown in Isthmus Drawing Number 1.046 Rev C dated 26.02.15.
- 32 A covered pedestrian connection is also proposed for the commercial building on Site 10 which will provide public pedestrian shelter underneath the overhangs and through the commercial building.
- 33 Kumutoto Laneway is designed as an extension of the internal route adjacent to Shed 11 and Shed 13. New raised platforms and traffic calming measures are proposed along Kumutoto Laneway.
- 34 As the details for the proposal are conceptual, the applicant is required to provide detailed design including specifications of proposed raised platforms and traffic calming measures on the Kumutoto Laneway and the area where the entry and exit meet the Laneway to ensure clear priority and to minimise confusion between pedestrians and vehicular traffic. This shared area is shown as purple in TDG 3 DWG No:12834W1A dated 25/02/2015.

Basement Parking - Access and Layout

- 35 62 parking spaces are provided in the basement of the commercial building. The parking arrangement in the basement carpark consists of standard parking spaces, tandem style carparks, accessible carparks, small car parking spaces and a bicycle parking area.
- 36 The main access to this carpark is via a single-lane two-way ramp controlled by traffic signals to manage inbound and outbound vehicle movements. At the interface between the ramp and the shared space, pedestrian visibility splays are provided on both sides of the exit. A flat (1:20) grade is provided at the top of the ramp with a judder bar to ensure the vehicle exit speed is low. An external electronic “Car Coming” sign is proposed to alert pedestrians of cars exiting. A roller door at the top of the ramp also acts as a control point with audible sound. These safety features are shown in Athfield SK_06-C dated 25.02.2015. The cycle gate will be a grille type, offering full transparency and therefore will not obstruct the pedestrian visibility splay on the left side of the ramp for exiting vehicles. A post construction review will be necessary as a condition of consent to ensure that the proposed safety measures are operating as designed.
- 37 In my view, the design of the access and egress from the basement will ensure pedestrian safety is not compromised. Both the access and egress, and the basement parking layout will meet the District Plan requirements of AS/NZS2890.1:2004, Parking Facilities, Part 1: Off-Street Car Parking (joint Australian and New Zealand Standard).

At-grade Parking - Access and Layout

- 38 The parking arrangement on Site 9 as shown in Isthmus Drawing Number 1.046 Rev C dated 26.02.15 also meets the District Plan requirements (AS/NZS2890.1:2004).
- 39 Three parallel spaces are provided for short stay parking (15 minute) along Kumutoto Laneway adjacent to Site 10, as shown

in Isthmus Drawing Number 1.047 Rev A dated 12.03.15. They will comply with the District Plan requirements (AS/NZS2890.1:2004).

Servicing

- 40 A 4m wide by 8.5m long service dock with a height clearance of 3.7m is proposed within the commercial building.
- 41 This internal service dock will only accommodate vans and small rigid vehicles as shown in TDG 7b Dwg No:12834W1A dated 18/02/15. The revised plan shows that a small rigid vehicle can reverse into the internal service dock utilising a two-way or one-way Kumutoto Laneway.
- 42 Large service vehicles will be accommodated in a loading zone within the parking bay along Kumutoto Laneway as shown in Isthmus Drawing Number 1.047 Rev A dated 12.03.15.
- 43 In my opinion, a Servicing Management Plan is required for the commercial building to ensure that the internal service dock and the Laneway loading zone are managed in a way which does not obstruct Kumutoto Laneway. The Servicing Management Plan should include details such as hours of servicing, frequency of deliveries and rubbish collections.

Construction Traffic Management Plan

- 44 The proposed CTMP prepared by TDG and submitted with the application is generally acceptable, in principle, from a traffic perspective. However, a final CTMP should be required to be submitted to the Council for approval (in liaison with the Council's Traffic Team) as a condition of consent. Specific consideration should be given in this final CTMP to temporary pedestrian re-routing and footpath hoarding; access to the site, having regard to the gross combined weight of vehicles and weight per axle; gantry design to ensure continued safe pedestrian accessibility during construction.

Future Public Access

- 45 The public access and footpath along the frontage of Customhouse Quay adjacent to Site 10 and Site 9 is proposed to be realigned. The applicant is proposing to divert the public access from the existing public footpath on legal road into the proposed 'Waterloo Colonnade'. Access will also be possible through the building via the 'Harbour Wharf Link'. I consider that it is necessary to ensure the ongoing access to these areas for the public as a condition of consent .
- 46 The applicant is also proposing parts of the commercial building structure over legal road and ramp structures on legal road (accessible access for the public footpath). Subsurface structures may also be required on or underneath the road. An encroachment licence or lease arrangement will be required from the Council as land owner for these aspects of the proposal. This process operates outside of the resource consent process.

Suggested conditions

- 47 From a traffic perspective, I consider that consent conditions are necessary to ensure the following outcomes:
- 47.1 Final design details for Kumutoto Lane should be submitted to the WCC for approval by the Council's Traffic Team, prior to construction. The details must provide final details and specifications (including dimensions, heights and locations) of the raised platforms and other traffic calming measures within the laneway and measures to minimise confusion between pedestrians and vehicular traffic.
- 47.2 A new signalised pedestrian facility must be provided across the revised entry and exit to Whitmore Plaza to ensure that pedestrian movements are safely controlled at this location.

- 47.3 The applicant must provide detailed traffic signal designs for the revised entry and exit and the intersections of Customhouse Quay/Whitmore Street and also Customhouse Quay/Waring Taylor Street which may be affected by the proposed pedestrian shelter for Council's approval prior to any traffic signal alterations and installations starting.
- 47.4 A final Construction Traffic Management Plan (CTMP) is to be prepared and approved by Council prior to construction commencing. Specific consideration should be given in this final CTMP to temporary pedestrian re-routing and footpath hoarding; access to the site, having regard to the gross combined weight of vehicles and weight per axle; gantry design to ensure continued safe pedestrian accessibility during construction.
- 47.5 A design safety audit must be conducted at the detailed design stage to ensure that any safety concerns are addressed prior to construction starting.
- 47.6 A post-construction safety audit must be conducted and the safety concerns addressed before the completion of the development. This audit should include the basement parking access ramp and pedestrian safety measures.
- 47.7 A Servicing Management Plan must be submitted to, and approved by, WCC prior to the occupation of the commercial building.
- 47.8 Public access to the Waterloo Colonnade and the Harbour Wharf Link through the building must be provided in perpetuity.
- 47.9 The applicant must provide detailed infrastructure designs for the physical asset changes for Council's approval prior to construction commencing.

Further Information

- 48 The applicant must conduct a sensitivity analysis on the performance of the revised entry and exit to ensure that the range of trips generated (based on the applicant and NZTA research report 453) can be satisfactorily handled without impacting on the existing intersection and the requirement for an additional exit lane, increasing from 2 to 3 exit lanes to be allowed in the final detailed design if necessary.
- 49 Confirmation is needed that the tracking path design as shown in TDG 8 DWG No:12834W1A dated 25/02/2015 is acceptable to the NZ Fire Service to ensure the Fire Service future requirements are catered for.

Conclusion

- 50 The proposed development will replace the existing at-grade carparking areas with a commercial building supported by a basement carpark, landscaping, a reduced at-grade carparking area and a revised entry and exit at Customhouse Quay. This will result in a notable reduction of at-grade carparking spaces within the application site.
- 51 The revised entry and exit at Customhouse Quay will operate and perform satisfactorily without any expected impact on the arterial and principal roads on the basis that the existing traffic flows will match the future traffic flows. However, it is necessary to carry out further sensitivity analysis to ensure that the method for trip generation is robust and that the revised two exit lanes will handle the future vehicle trips which will be generated by the commercial building.
- 52 The basement carpark to the proposed commercial building is designed to an acceptable standard and safety measures are included to ensure that the one-lane two-way ramp can operate safely.

- 53 Loading can be conducted for the site in a safe manner and ongoing management could be enhanced through the implementation of a Servicing Management Plan.
- 54 The public area and Kumutoto Laneway will be enhanced with proposed traffic calming measures and raised platforms to enforce a low speed environment for safety.
- 55 For these reasons, I consider the traffic related effects are generally acceptable. However, I believe that further information is needed in the form of a sensitivity analysis in relation to the adequacy of the number of exit lanes at the Customhouse Quay/Whitmore Street intersection. Further, confirmation is needed to ensure that the tracking paths would be suitable for Fire Appliances.
- 56 In my view, subject to satisfactory information being provided on the matters mentioned above, and through consent conditions which achieve the outcomes specified in this report, the proposal will address and mitigate any traffic related effects.

Dated: 31 March 2015

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Soon Teck Kong

Annexure 5

Patricia Wood – Vehicle Access and Manoeuvring

Vehicle Access Assessment on Resource Consent Application North Kumutoto Precinct Project

31 March, 2015

Service Request No: 319386
File Reference: 1014791

Site Address: 10 WATERLOO QUAY & 59 CUSTOMHOUSE QUAY, Pipitea

Introduction:

My name is Patricia Wood and I am employed by the Wellington City Council (WCC) as a Vehicle Access and Earthworks Engineer. I hold a NZ Certificate in Engineering (Civil) and Registered Engineers Associate. I have been working as a Vehicle Access Engineer role with WCC for 15 years. During this time I have worked mainly on the vehicle access assessment of resource consents with some assessment of the vehicle access related aspects of building consent applications. For the last five years, I have also been assessing the earthworks related aspects of resource consents. Prior to my current role, I worked in the WCC's Roading Design section for 15 years. This work involved the design and construction management of road and footpath improvements.

Proposal Summary:

The proposal consists of:

- 1) The construction of a new building on an area of land known as Site 10. There are to be 62 carparks in the basement of this building. Additional outdoor spaces are proposed at the side of the proposed lane adjacent to the proposed building and the adjacent Shed 21 (10 parks in total). The site is currently used as a campervan park and a general carpark, with the following numbers:
 - 'high visitor season' = 39 campervan parks and 22 car parks (total 61)
 - 'low visitor season' = 20 campervan parks and 88 car parks (total 108)
 - The site was previously used for up to 156 carparking spaces
- 2) Landscaping of open space areas in site 8 nearby is also proposed. This area currently contains up to 30 carparks which are to be removed. Site 9 is to be partly landscaped, with a reduction in carparking from approximately 30 spaces to 18 spaces.

Comments on the Further Traffic Information Provided:

Site 9 carpark:

1. A plan showing the parking layout for Site 9 has been provided. The dimensions of the carparks allow for a marked carpark length of 5.05 metres overall. The carpark length meets District Plan (AS/NZS2890.1:2004) requirements (5.4 metres) as the larger manoeuvring aisle of 6.2 metres compensates for the shorter marked carpark. (A manoeuvring aisle of 5.8 metres is generally required.) It is preferable to encourage vehicles to park well into the carpark spaces, and allow the extra space within the manoeuvring aisle, where it is of use to other vehicles. In conclusion, the combined length of the carpark and the manoeuvring aisle meets District Plan (AS/NZS2890.1:2004) requirements.

2. Blind aisle extensions have been provided adjacent to carpark 17, and would be available adjacent to carpark 1 if required. This meets AS/NZS2890.1:2004 requirements.

Site 10 carpark:

1. A revised layout for the basement carpark for Site 10 has been provided. This removes the offset tandem carparks previously proposed, where two vehicles would need to have been shifted before some of the tandem spaces could be accessed. The number of carparks has been reduced by 4 to a total of 62 carparks.
2. The bicycle parking in the basement level has been shifted. It was previously shown in a centrally located area that is to now be altered to tenant storage. Bicycle parking is now indicated at each end of the basement level. More spaces overall are now proposed.
3. The Site 10 carpark layout seems to be otherwise not affected.
4. The gradients of the driveway to the basement carpark meet AS/NZS2890.1:2004 requirements.

Servicing:

1. The applicant advises that the internal loading area would be suitable only for small servicing vehicles such as cars, vans and the small rigid vehicle (AS2890.2-2002). Larger vehicles would need to park in the laneway's inset bays. WCC's Traffic Advisor recommends that the servicing arrangements are finalised as a condition of consent, requiring the approval of a servicing plan.
2. Due to the change to the shape of the loading bay (so as to provide some pedestrian visibility splay), the recycling areas do not appear to be easily accessible due to their 750mm approx. "door" widths. It may be better to provide the main recycling area on one side only, while maintaining the visibility splays. The narrowed recycling area could be opened up to allow for an extra storage area within the loading bay. These matters could be assessed as part of the construction plans approval as suggested by WCC's Traffic Advisor. Two options showing various layouts adjacent to the loading bay entrance are provided (one way lane and two way lane).
3. The tracking curves provided indicate manoeuvres into and out of the loading bay for both options are fairly restricted. The two-way option is likely to result in vehicles pulling partly into the opposite lane, so as to prevent the indicated tracking over the kerblines. The one way option could also impact on the adjacent kerbing and possibly the wooden seats. So as to prevent damage to these features, a wide "vehicle crossing" is required. This is confirmed by the tracking curves for the one-way lane option (which requires a tighter turning curve). Use of a wider vehicle crossing than currently indicated, or mountable kerb, is recommended for both options. The adjacent inset parking bay to the south should be located further from the servicing vehicle access point. These matters could be assessed as part of the construction plans approval as suggested by WCC's Traffic Advisor.
4. The applicant advises that not all of the tenancies would have access to the internal loading area. These other tenancies would need to be serviced from around the outside of the building and an area for this is provided. Use of Waterloo Quay by servicing vehicles would be hazardous as well as inconvenient.

5. Close access to the substation would not be available. It is assumed that maintenance staff could park smaller vehicles in the loading bay, but would then need to walk at least 25 metres to access the substation location. Convenient access to the substation should be addressed by the applicant as part of the servicing plan to be submitted for approval.

Legislative Requirements (ie District Plan / Standards) and Assessment:

Vehicle Parking and Manoeuvring – Site 10 Building Basement:

1. Carparks generally measure 2.4 metres by 5.0 or 5.4 metres. These dimensions are sufficient to meet District Plan (AS/NZS2890.1:2004) requirements.
2. Carparks 44- 47 and 51 – 54 are shorter (about 4.5 metres long). This is sufficient for a small carpark (50%ile vehicle or smaller). The widths of these spaces meet standard requirements.
3. Three accessible carparks are provided. The sizes of these spaces meet standard requirements.
4. The manoeuvring aisle for the standard carparks scales 5.8 metres in width. This is sufficient to meet District Plan (AS/NZS2890.1:2004) requirements for regular users. It is expected that this carpark would be used by regular users.
5. A smaller manoeuvring aisle of 4.5 metres approx. is proposed for the small carparks. This is fairly restrictive and could require some vehicles to need to carry out a pair of additional manoeuvres. However, this is allowed for in AS/NZS2890.1:2004.
6. Many of the carparks are tandem style carparks. As mentioned in the Transportation Assessment Report, this aspect will need to be managed by the tenants of the building.

Vehicle Parking and Manoeuvring in other locations:

1. The scaled dimensions of the parallel parking outside the proposed building are sufficient to meet District Plan (AS/NZS2890.1:2004) requirements. Adequate manoeuvring would be available in the adjacent laneway.
2. The parking layout on Site 9 meets District Plan (AS/NZS2890.1:2004) requirements. See further comments above.

Servicing:

1. The servicing vehicle would access the eastern side of the building from the adjacent laneway. Refer to comments above regarding service vehicle manoeuvring.
2. The Ground Floor Plan indicates an access route from the loading bay through the building leading to the lobby. Access to Tenancies A to D appears to then be available. This assumes service deliveries through the lobby and pedestrian through route would be acceptable. Refer to comments above regarding the servicing of the substation and other areas.

Site Access:

1. Access is via two existing site access points opposite Bunny Street and Whitmore Street.
2. No changes are proposed to the Bunny Street access point.
3. The Whitmore Street will be altered by reducing the number of exit lanes from four to two. The alignment will be altered to be more at right angles to Waterloo/Customhouse Quays.
4. WCC's Traffic Advisor has commented on the site access arrangements.

Driveway Widths:

1. The width of the driveway into the building basement level scales 3.0 metres. This is considered sufficient to allow one lane of traffic. Due to this being the only access point to the basement, vehicles will need to give way to each other on the vehicle ramp.
2. The Transportation Assessment Report discusses the use of a "control gate" with traffic signals or similar. The "control gate" is likely to be in the form of a vehicle barrier arm etc. The one lane driveway width is expected to be sufficient due to the use of the control gate to limit two way vehicle access.
3. There is sufficient width within the basement for vehicles to pass each other within the manoeuvring aisle.
4. A pedestrian visibility splay for the driveway has been assessed by WCC's Traffic Advisor.
5. The applicant advises that there is to be a cycle ramp adjacent to the stairs. This would allow bicycles to be wheeled into/out of the basement carpark. In the event that this arrangement is difficult to manage or inconvenient for cyclists, it is expected that they would use the main driveway, particularly when entering the building. As with other vehicles, cyclists are likely to be controlled by the control gate, thus allowing safer access.
6. Access adjacent to and around the site is to be via a one way or two way driveway (labelled a "laneway" in the Transportation Assessment Report). It is intended that this lane is used by motorists, pedestrians and cyclists in a "Shared space" arrangement. The future width of this laneway depends on the applicant retaining continued use of adjacent CentrePort land to the east of the site. In the event that the access to this land is not available, use of the one way lane option would be required. The single lane option results in a usable laneway width of about 3.7 metres. This is sufficiently wide to allow a vehicle to carefully pass a pedestrian walking at the side of the lane. Vehicles and pedestrians would need to give way to each other.

Gradients:

1. The gradient of the ramp into the basement meet AS/NZS2890.1:2004 requirements. It is expected that gradients elsewhere would be fairly flat or level.

Wellington Consolidated Bylaw 2008 Matters:

1. No increases to the width of the site access points appear to be proposed. However a Corridor Access Request would be needed for any excavation within legal road.
2. An encroachment licence will be required for any structures on legal road.

Conclusion:

The proposal **is acceptable** in terms of vehicle access matters.

The following advice notes should be included on the decision:

Suggested Advice Notes for Application 1

Servicing Plan:

1. Consideration could be given to providing the main recycling area within the loading bay on one side only, while maintaining the visibility splays. This is to ensure a wide door to the recycling area is available.
2. The tracking curves provided indicate manoeuvres into and out of the loading bay for both options are restricted and could impact on the adjacent kerbing and wooden seats. Use of a wider vehicle crossing than indicated, or mountable kerb, is recommended for both options. The adjacent inset parking bay and seats etc to the south should be located sufficiently far further from the servicing vehicle access point to allow convenient manoeuvring.
3. Servicing of those tenancies with no access or inconvenient access to the loading bay would need to be carried out in off peak hours e.g. early morning.
4. Access to the substation needs to be considered as part of the servicing plan.

Carpark Sizes:

1. Carparks 44- 47 and 52 – 55 are shorter (about 4.5 metres long). This is sufficient for a small carpark (50%ile vehicle or smaller). The widths of these spaces meet standard requirements.

Wellington Consolidated Bylaw 2008 Bylaw Matters:

1. A Corridor Access Request is required for any excavation within legal road. Contact www.beforeudig.co.nz for details.



Patricia Wood
Vehicle Access and Earthworks Engineer

Annexure 6

Kevin Tearney – Contaminated Land and Diesel Storage

30 March 2015

Ryan O'Leary
Senior Consent Planner
City Planning and Design
Wellington City Council
PO Box 2911
Wellington 6140

Dear Ryan

North Kumutoto Precinct Project - Contaminated Land and HSNO Advice Related to Land Use Consent Application at 10 Waterloo Quay - SR No: 319386 and 58 Custom House Quay SR No: 320128

Introduction

This peer review of reports has been undertaken by Kevin Tearney of AECOM Consulting Services (NZ) Ltd for Wellington City Council (the Council). Please note that URS New Zealand Limited (URS) changed its registered business name to AECOM Consulting Services (NZ) Ltd, with effect from 9 March 2015. Kevin Tearney is a Senior Principal in the Remediation Services team at AECOM Consulting Services (NZ) Ltd based in Wellington. He has over 30 years of industry and environmental consulting experience gained mainly within New Zealand, Australia and the UK. Kevin is an experienced contaminated land professional who has provided advice and expertise in respect of groundwater resource assessment, brownfield assessment and remediation and land bank and closed landfill management. Kevin has provided peer review and specialist contaminated land advice to the Council in relation to resource consent applications for redevelopment activities on many contaminated sites in Wellington, including the Fort Dorset residential development in Seatoun and the ASB Sports Centre in Kilbirnie. Kevin is also co-author of the Ministry for the Environment Contaminated Land Management Guideline No. 5 Site Investigation and Analysis of Soil 2004 and the update document prepared in 2014.

This peer review has involved a desk top review of information supplied by the Council.

Executive Summary

This Report presents a review of information supplied by Wellington City Council (the Council) in relation to resource (Land Use) consent applications for the **North Kumutoto Precinct Project**. The review focusses on contaminated land aspects and the storage of diesel fuel of **Application 1** SR No: 319386 (10 Waterloo Quay - Site 10) and contaminated land aspects of **Application 3** SR No: 320128 (58 Custom House Quay).

In relation to the proposed storage of 1000 L of diesel within the building on Site 10, we consider that in addition to the four hour fire rating of the fuel storage tank and secondary containment requirements listed in the information provided, the Hazardous Substances and New Organisms Act (HSNO) requires that the room and doors in which the generator is located also have a four hour fire rating. The HSNO stationary containment certificate is also required prior to filling of the tank. We have also undertaken a Hazardous Facilities Storage Procedure (HFSP) calculation and agree with the applicant's assessment that the storage comprises a **Discretionary (Restricted) Activity**.

On the basis of our first review of information prepared by Tonkin & Taylor Ltd (T&T), comprising a Ground Contamination Assessment (GCA) report and Draft Contamination Site Management Plan (Draft CSMP), we considered that there was sufficient detail in the GCA report to demonstrate that Site 10 was suitable for the proposed land use, subject to certain clarifications and amendments to the GCA and the Draft CSMP. Principally, these related to improving the identification and separation of contaminated and 'clean' soils, all of which will be disposed offsite to landfill and clean fill, respectively. URS also presented a set of draft consent conditions.

Additional information provided by T&T in response to a Section 92 request comprised a letter addressing each of the points raised in the earlier URS review and included an amended GCA report and an amended Draft CSMP. On the basis of our review of the additional information we are satisfied that the additional information and procedures documented, if implemented, will provide the required certainty in relation to contaminated soils identification and management. Proposed Conditions of consent have also been amended slightly, with some proposed conditions included as advice notes rather than consent conditions.

In relation to our review of information on ground contamination presented in the T&T documents for Site 8 and Site 9 (Application 3), we consider that the soil quality below Site 8 when redeveloped for open space use will be compatible with that use. Proposed consent conditions have also been presented, including the requirement to assess contaminant concentrations in excavated material intended for offsite disposal.

As we understand that no earthworks are proposed for Site 9 under Application 3, no further consideration has been given to Site 9 in this Report.

1.0 Scope of Report

This Report has been prepared for Wellington City Council by AECOM Consulting Services (NZ) Ltd ((formerly URS New Zealand Limited (URS)), in relation to Resource (Land Use) consent applications for the North Kumutoto Precinct Project:

Application 1 being resource (Land Use) consent application SR No: 319386, 10 Waterloo Quay (Site 10) for the following:

- Construction of a five-level commercial building on Site 10.
- Earthworks associated with the development of Site 10 and for the use of potentially contaminated land.
- On-site storage of diesel fuel.

Application 3 being resource (Land Use) consent application SR No: 320128, 58 Custom House Quay, which covers the construction of open space including site works around the periphery of the proposed building on Site 10.

This Report addresses the contaminated land and storage of diesel fuel aspects of the Applications based on review of information in the following five documents provided by the Council:

- 1) Proposed Development of the North Kumutoto Precinct, Wellington Waterfront, Assessment of Environmental Effects, Urban Perspectives Ltd, November 2014 (AEE).
- 2) Ground Contamination Assessment Wellington Waterfront Sites 8, 9 10, Tonkin & Taylor Ltd, October 2014 (GCA).
- 3) Sites 8, 9 10 Contaminated Site Management Plan (Draft), Tonkin & Taylor, October 2014 (Draft CSMP).
- 4) Site 10 – *Proposed Emergency Generator and Fuel Storage*, AECOM New Zealand Ltd, 16 September 2014 (Fuel Storage Letter).
- 5) *Site 10 ground contamination: - response to s92 request*, Tonkin & Taylor Ltd, Ref 85778.001, 26 February 2015, including the Amended GCA (February 2015 Ref 85778.001) and Amended Draft CSMP ((February 2015 Ref 85778.001 (rev 1))

Documents listed under 5 above were prepared by Tonkin & Taylor Ltd (T&T) following an initial review by URS of documents 1-4, which was presented in letter to the Council (K Tearney and G Haldane) dated 16 January 2015, Subject: *Contaminated Land and HSNO Advice Related to Land Use Consent Application at 10 Waterloo Quay – SR No: 319386*.

2.0 Application 1 – Site 10 Review of Fuel Storage Information

2.1 Assessment of Information

Our review of the Fuel Storage Letter presented in Appendix 17 of the AEE is provided below. We have not reviewed the engine exhaust aspects of the Letter.

Please note that the Fuel Storage Letter was prepared for the Applicant by AECOM New Zealand Limited. The information review presented in this Report was undertaken by URS following the acquisition but prior to the integration of URS and AECOM New Zealand and constitutes an independent review of the Fuel Storage Letter.

We consider that the information provided in the letter is generally satisfactory, subject to that in addition to the four hour fire rating of the fuel storage tank and secondary containment requirements listed in the letter, the Hazardous Substances and New Organisms Act (HSNO) requires that the room and doors in which the generator is located also have a four hour fire rating.

We also note that the HSNO stationary containment certificate is required prior to filling of tank, not at completion of the works as suggested in the letter. This clarification does not alter our overall findings.

We have also undertaken a Hazardous Facilities Storage Procedure (HFSP) calculation as described in relevant sections of the Wellington City District Plan, using the information provided in the Fuel Storage Letter and environmental setting information presented in the AEE. Our assumptions used in the calculation of the Effects Ratio and overall classification for the facility are listed below:

- The diesel storage quantities have been determined on the basis of a 1,000 litre bulk fuel double skin tank for an on-site emergency generator.
- The distance to a boundary is less than 30 m.
- The activity is adjacent to a water body.
- The type of activity (Storage) is aboveground.

The results of the calculation of Effects Ratio are as follows:

Effect Type	Total Effects Ratio	Hazard Area Permitted Activity Standard
Fire/Explosion Effects Ratio	0.01	0.002 < ER ≤ 0.05
Human Health Effects Ratio	0.03	0.002 < ER ≤ 0.05
Environmental Effects Ratio	0.11	0.002 < ER ≤ 0.05

The consent matrix threshold for permitted activity for sites within the hazard facility falls between 0.002 and 0.05 as per the Consent Status Matrix for a Hazard Area in the Central Area under the Wellington City District Plan (Chapter 13: Central Area Rules; Clause 13.6.2.3 Use, Storage or Handling of Hazardous Substances). For the storage volume proposed, the calculated Effects Ratio falls over the 'Permitted Activity' effects ratio for the 'Environmental' effect type and the hazard facility is therefore classed as a **Discretionary (Restricted) Activity**.

2.2 Summary

On the basis of our review of the information provided by the Council on fuel storage in relation to Application 1, we consider that Site 10 is suitable for the proposed land use subject to the recommended Conditions of Consent (g) listed in section 3.3.

3.0 Application 1 – Review of Ground Contamination Assessment

3.1 Assessment of Information

On the basis of our initial review of documents 1 to 4 listed in Section 1, we considered that Site 10 is suitable for the proposed land use subject to a number of clarifications and inclusion of additional information and procedures in the GCA and Draft CSMP. Further information was provided by T&T in February 2015 (document 5 listed in Section 1) comprising a letter tabulating URS review comments and the response, together with a revised GCA and Draft CSMP, amended to reflect the information provided in the response letter.

The table format used by T&T to present the additional information responses has been reproduced below, with subsequent URS review comments (numbered) set out in column 3, in **Table 1 (Summary Comments)**, **Table 2 (Comments on GCA)**, **Table 3 (Comments on Draft CSMP)** and **Table 4 (Comments on Proposed Conditions)**.

Table 1 Summary Comments

URS Comment 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 19 Mar 2015
<p>There is sufficient detail in the GCA, provided basement and foundation soils are removed off-site for disposal</p>	<p>Removal and off-site disposal of basement soils is the intended approach.</p>	<p>1) Accepted.</p>
<p>There is sufficient detail in the GCA provided a method is implemented to address soils from 3 to 3.7 m depth and from deeper than 1.2 m beneath the concrete slab at the southern end of the site.</p>	<p>These soils will be removed from site and subject to the controls set out in the draft CSMP (i.e., disposed to landfill unless testing shows they are clean). Specifically, Section 4.1 of the Draft CSMP requires soil beneath the slab to be tested and the appropriate disposal location selected based on the results of testing. Section 4.1 includes a specific requirement for testing for asbestos. Section 4, paragraph 1 acknowledges that earthworks in potentially contaminated soil includes excavation to 3.7 m depth for the basement.</p>	<p>2) Accepted. (We understand that tested 'clean' soils will also be disposed offsite to clean fill or landfill). 3) Accepted. (Section 4.2 of the amended Draft CSMP requires testing for metals, asbestos and PAH).</p>
<p>There is sufficient detail in the GCA provided confirmation sampling and laboratory analysis of samples is undertaken at the Site 10 basement excavation and sidewalls to demonstrate that remaining soils are suitable for the proposed land use.</p>	<p>The Draft CSMP has been updated to reflect that additional testing would be required if deep soil is to be segregated for disposal to clean fill. Confirmation testing is proposed to demonstrate that asbestos containing soils have been removed within the building footprint (Section 10.2). No confirmation testing is proposed for the remainder of the basement floor or sidewalls. The proposed land use is a paved basement. Contaminated reclamation fill will remain in place around the excavation. Short term exposure of contaminated fill during construction shall be managed by the CSMP controls. Long term, paving on the basement floor and walls will prevent contact by site users with the walls and base of the excavation, and no significant volatile contaminants have been identified. There is, therefore, no pathway for exposure of commercial site users to inorganic contaminants in the fill. Potential risk to maintenance workers (e.g., future excavations for service repair works) could be managed via a management plan requiring appropriate controls for any works in the contaminated fills, if there is potential for such works to occur.</p>	<p>4) Accepted. (Section 4.2 of the amended Draft CSMP). 5) Accepted. 6) Accepted. (See URS comment 41) 7) Accepted. (We expect that future works would need to comply with prevailing health and safety regulations).</p>

URS Comment 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 19 Mar 2015
<p>We do not consider there is sufficient detail in the GCA to allow for separation of soils suitable for direct disposal at a cleanfill site from those requiring disposal at landfill.</p>	<p>The proposed works are not expected to change long-term potential risk to the environment from this fill material.</p> <p>We agree.</p> <p>The soil disposal procedure in the Draft CSMP requires disposal to landfill unless testing shows the material is clean. Specifically, Section 3.3 bullet 2, requires that if material is to be disposed as clean fill, it should be tested to confirm it is clean (either before excavation or on stockpiled material). We have revised “should” to “must” to provide further clarity here.</p> <p>We have revised Table 2 and Section 5.2 to further clarify that the zones where no contamination was identified in limited testing are potentially not contaminated. We have updated language in the GCA to further clarify this (e.g., GCA Section 6.4).</p> <p>Additional testing requirements are noted at Sections 4.1 and 4.2 (beneath concrete slab – soil above slab assumed to be contaminated), 4.3 (public space areas). Section 5.5 notes that controls for contaminated soil apply in areas where testing shows contaminated soil will be disturbed.</p> <p>We have added a note to the soil sampling procedures at Appendix A of the Draft CSMP to clarify this. Note: disposal permitting referred to at Section 5.10 refers to disposal to landfill only (not clean fill), as implied by requirement at paragraph 2 to provide test information to the receiving landfill. The revised Draft CSMP has been updated to further clarify this.</p>	<p>8) Accepted.</p> <p>9) Accepted.</p> <p>10) Accepted. (We have reviewed these updates to the amended Draft CSMP and the GCA. The updates provide more context to the soil classifications within each ‘zone’ and we accept that the term ‘potentially clean’ is more appropriate than ‘no contamination present’. We are still of the view that the ‘zone’ boundaries are fairly arbitrary. Notwithstanding, the requirement to test all ‘clean’ soils sentenced for disposal at clean fill covers off our concern that under the original CSMP, clean soils based on zoning assumptions could be removed from site to clean fill without testing).</p> <p>11) We note that Appendix A sampling procedures appear to apply to asbestos only.</p> <p>12) We note that text has been added to Section 5.10 of the amended Draft CSMP covering testing of ‘potentially clean’ soil, stating a rate of 1 (sample) for every 100 m³ (of soil).</p>

URS Comment 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 19 Mar 2015
<p>We also do not consider that Site 10 shallow soils (less than 1m deep) have been adequately assessed for the presence of asbestos containing material (ACM).</p>	<p>We agree. The Draft CSMP requires additional testing of this material. Section 3.3, bullet 1 acknowledges that only limited testing has been done in Zone 3. We have added text to bullet 1 of Section 3.3 of the Draft CSMP to clarify that the extent of the indicative area in which asbestos is present may decrease or increase as a result of this testing.</p>	<p>13) Accepted. (We note that Section 3.3 bullet 1 suggests that the lateral extent of zone 3 (asbestos containing soils) may increase as a result of additional testing. This additional testing is described in Section 4.1 bullet 1 of the amended Draft CSMP).</p>

Table 2 Comments of GCA

URS Comment on GCA 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
<p>Duplicates of soil results not presented. The analytical results are generally low and omission is unlikely to have a material effect on the assessment unless they were duplicates of those samples that were considered to be "clean".</p>	<p>Duplicate results have been added to the GCA (Tables C7 and C8). For metals, the only duplicate pairs with relative percent difference greater than 50% were in the more highly contaminated layer of fill (WS5 2.65 m/Dup 2 and WS6 1.5 m/Dup 3). The variability in PAH concentrations was much higher, as expected in fill. The variability in the results does not have a material effect on the proposed management of this material (landfill disposal). The variability in the duplicate pair of samples considered "clean" (WS9 2.75 m/ Duplicate 4) was less than 50% for metals, but ranged up to 67% for PAH. The PAH concentrations were low in both samples of the pair, and therefore the variability does not materially affect the proposed management of this material (disposal to landfill, or cleanfill only after testing confirms the material is clean). Duplicate results have been added to the GCA (Tables C7 and C8). The discussion above has been added to Section 6.3.</p>	<p>14) Accepted. 15) Accepted. 16) Accepted. (We note that that this layer in zone 1 is currently characterised as potentially clean although it contains traces of PAH).</p>
<p>We recommend that the duplicate and original sample results are identified and considered in the assessment. We do not consider there is sufficient detail presented in the GCA to fully determine whether the assigned zones</p>	<p>Duplicate results have been added to the GCA (Tables C7 and C8). The discussion above has been added to Section 6.3.</p>	<p>17) Accepted. 18) Accepted. (We are still of the view that the 'zone' boundaries are fairly arbitrary. Notwithstanding, the requirement to test</p>

URS Comment on GCA 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
<p>or depth horizons are appropriate.</p>	<p>landfill unless testing shows the material is clean. Specifically, Section 3.3 bullet 2, requires that if material is to be disposed as clean fill, it should be tested to confirm it is clean (either before excavation or on stockpiled material). We have revised "should" to "must" to provide further clarity here. The Applicant wishes to retain the concept of zones to inform site management, because it provides the opportunity for material to be managed as clean if it is, indeed, clean. The text of the CMP and Draft CSMP has been strengthened to clarify that confirming whether material is clean must be based on further testing. The depth horizons are discussed in more detail below.</p>	<p>all 'clean' soils sentenced for disposal at clean fill covers of our concern that under the original CSMP clean soils based on zoning assumptions could be removed from site to clean fill without testing).</p>
<p>We also consider that some of the conclusions drawn in this section are not correct or without substantiation</p>	<p>Individual points are discussed below. In general, we note that interpretation was based on review of bore logs and selected samples tested within horizons identified in the logs. The additional detail provided below has been added to the GCA to describe this assessment process.</p>	
<p>Zone 1 (WS8 and WS9) 0-1m depth is described as clean, however no samples of this material were collected or analysed</p>	<p>The upper 0.5 m of fill at WS8 and WS9 was visually consistent with material at the same depth at WS5, and the sample from 0.45 m depth at WS5 was consistent with expected background. Below 0.5 m and to approximately 1.5 m, material at WS8 is sand with gravels and some silt, yellowish brown, and containing brick fragments (cement fragments become present only below 1.5 m). This fill at WS8 was tested at 1.2 m and was consistent with expected background. The material at WS9 is similar to WS8 to 1.5 m depth. (Below 1.9 m depth at WS9 soil is sand with some gravel, and has elevated PAH, as characterised by WS9 1.5 m.) We have therefore conservatively assumed that up to 1 m within this area is potentially clean. We have added text to clarify that due to the potential variability of materials, confirmatory testing must be carried out if this material is to be segregated and disposed to clean fill.</p>	<p>19) Accepted.</p>
<p>Zone 2 (sampling locations WS2, WS4, WS5, WS6, WS7) 0-0.75 m depth is described as clean, however only one sample of this material was collected and analysed (WS2 and 0.6 m) and PAH and metals concentrations greater than background were reported.</p>	<p>This area has 0.1-0.2 m of asphalt and basecourse underlain by sand fill with some silt and greywacke gravel to 1.6-1.9 m deep. This fill is characterised by samples WS4 0.85 m and WS5 0.45 m. While some results were slightly higher than background, given the variability demonstrated by the QA results, the fill is considered to potentially be generally consistent with background. Some brick fragments are present in some of the fill (at WS2, WS4, and WS6). Sample WS2 0.6 m was collected from this material. PAH and zinc in</p>	<p>20) Accepted.</p>

URS Comment on GCA 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
<p>Zone 2.75 to 3m depth is described as clean, however both samples analysed from this depth range exhibited PAH concentrations greater than background.</p>	<p>this sample are higher than background (other metals are considered generally consistent with background). Due to the presence of more brick material at WS6 below 0.75 m depth, we conservatively assigned a depth to this potentially clean layer of 0.75 m. We have updated the GCA to include this detail and clarify that due to the potential variability of materials, confirmatory testing must be carried out if this material is to be segregated and disposed to clean fill.</p>	
<p>We do not consider there is sufficient density of samples or targeting of shallow soils to identify asbestos contamination from demolition of the former shed. Given the site is currently covered by asphalt, it is not possible to visually identify potential ACM in surface soils. As a result it may be better to defer assessment of shallow soils until such time as asphalt is removed and a visual assessment of the surface soils can be undertaken, with focussed sampling and analysis of</p>	<p>A yellow, coarse sand layer was present at depth at some locations (WS2 below 2.7 m, WS4 below 2.5 m; WS5 below 2.75 m). This material was also present at WS9 (from 2.55 m). Samples characterising this yellow sand are WS2 2.9 m, WS5 2.85 m, and WS9 2.75 m. All of these are generally consistent with background. At WS4, a grey silty sand is present below 2.5 m, and at WS6, a coarse dark reddish brown sand is present below 1.9 m. These materials are characterised by WS4 2.7m and WS6 2.5 m, which are generally consistent with background. At WS7, a dark silty sand with coarse brick fragments is present below 2.6 m. This material contains elevated PAH. We have conservatively selected a depth of 2.75 m as the top of the potentially clean material. We have updated the GCA to include this detail and clarify that due to the potential variability of materials, confirmatory testing must be carried out if this material is to be segregated and disposed to clean fill.</p>	<p>21) Accepted on the basis that this material is to be retested prior to disposal. (We note the use of the term 'generally consistent with background', described later by T&T as being within '5-10% of the stated (background) value' (see URS comment 24). We note that some PAH concentrations described as being 'generally consistent' do not comply with this definition).</p>
	<p>We agree. We note that the Draft CSMP requires additional testing of soil in the area of the former shed. Section 3.3, bullet 1 of the Draft CSMP acknowledges that only limited testing has been done in this area. We have added text to that section to clarify that the extent of the indicative area in which asbestos is present may be increased or decreased based on the results of testing. We have added text to Section 4.1 of the Draft CSMP to clarify</p>	<p>22) Accepted.</p>

URS Comment on GCA 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
<p>suspect ACM.</p> <p>Background concentrations are inconsistent. This is possibly due to selection of different soil types for the background concentrations presented in Table C.2.</p>	<p>We have added text to Section 4.2.1 of the GCA and the footnote to Table C.2 to clarify that because the source of fill is unknown, results have been compared with the full range of expected background concentrations for the Wellington Region. We note that if soil is to be disposed to clean fill, the guidelines for the clean fill site or expected background at the location of the clean fill site are most relevant.</p>	<p>23) Accepted.</p>
<p>The identification of concentrations greater than background via bold formatting is inconsistent with a number of concentrations greater than background not identified correctly.</p>	<p>We have amended the formatting so that all values that exceed the stated background concentration are bold. Based on the variability indicated by the QA results, the assessment considers whether the results appear to be “generally consistent” with expected background concentrations (e.g., within 5-10% of the stated value).</p>	<p>24) Accepted. (See URS comment 21).</p>
<p>Although unlikely to have a material effect on the overall GCA, we recommend these tables be updated.</p>	<p>Tables have been updated. We confirm there is no material effect on the GCA.</p>	<p>25) Accepted.</p>

Table 3 Comments on Draft C SMP

URS Comment on Draft CSMP 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
<p>Section 3.3: We do not consider dividing the site into three soil management zones has been substantiated. We recommend this section of the Draft CSMP be modified accordingly.</p>	<p>The assessment was based on review of soil strata in borelogs, as described above. The intention is to identify where layers of clean soil may potentially be present. The Draft CSMP requires further testing before any material is disposed to clean fill. We have revised Table 2 and Section 5.2 to clarify this material is “potentially” clean (note, we have also updated Section 6.4 of the GCA to clarify that material is potentially clean, pending confirmatory testing).</p>	<p>26) Accepted. (See URS comment 18).</p>
<p>Section 4.1: we do not consider there has been sufficient assessment for the presence of ACM in shallow soils (less than 1 m deep). We recommend this section be modified to require assessment of surface soils when the</p>	<p>We agree. Text added to Section 4.1 to clarify the process for this.</p>	<p>27) Accepted.</p>

URS Comment on Draft CSMP 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
asphalt is removed.		
Section 4.2: We recommend this section is modified to provide for further characterisation either by additional in-ground sampling or stockpiling, sampling and analysis of soils prior to off-site disposal at cleanfill.	The intention was that any soil to be disposed to clean fill could only be disposed to clean fill if further testing confirmed it was indeed clean (refer Section 3.3, bullet 2). We have updated Section 4.2 to be consistent with this.	28) Accepted. (See URS comment 21).
Section 4.2: there has been no characterisation of soil at depths greater than 3 m deep and we recommend that this section be modified to require that soils excavated from this depth be stockpiled and characterised for offsite disposal.	We have added the following text to Section 4.2: Material from 3 to 3.7 m has not been tested. Based on results for fill from 2.75 to 3 m, this deeper material is potentially clean. However, it may only be disposed to clean fill if testing is done (before or after excavation) that confirms it is clean.	29) Accepted.
Section 4.2: we recommend this section be modified to require validation sampling of the excavation base and sidewalls to assess/confirm the suitability of the remaining soil for the proposed land use.	Contaminated reclamation fill will remain in place around the entire excavation. Therefore, it is not appropriate to do confirmation testing to confirm contaminated fill has been removed. The proposed land use is paved commercial use. The contaminants of concern are inorganic or semi-volatile organics. On completion of the works, there will be no potential for regular site users (office workers, public) to contact contaminated soil. Future works carried out in the reclamation fills (e.g., excavations for maintenance of services) will be subject to controls under contaminated land regulations (NES Soil, District Plan rules).	30) Accepted. (See URS comment 37).
Section 5.2: We recommend this section be modified to specifically address encountering unforeseen ACM.	We have updated this.	31) Accepted.
Section 5.4: We recommend this section be modified to cover shallow soils (less than 1m deep) across the whole site, until such time as the presence or absence of ACM in	The basis for Zone 3 is the demolition of a shed that was built with materials containing asbestos. There is no evidence for asbestos being present outside Zone 3, therefore testing for asbestos outside this zone has not been proposed. We have added text to reflect that these procedures apply to anywhere on site where potentially asbestos-containing materials are	32) Accepted. (We note that Section 3.3 bullet 1 suggests that the lateral extent of zone 3 (asbestos containing soils) may increase as a result of additional testing. This additional testing is described in

<p>URS Comment on Draft CSMP 16 Jan 2015</p>	<p>T&T Response 26 Feb 2015</p>	<p>URS Review Comment 9 Mar 2015</p>
<p>shallow soils outside Zone 3 has been assessed.</p>	<p>identified.</p>	<p>Section 4.1 bullet 1 of the amended Draft CSMP).</p>
<p>Section 5.5: we recommend that reference to soil management zones be removed</p>	<p>We have also added to Section 5.5 of the Draft CSMP that additional controls are required for Zone 3 (i.e., wherever asbestos-contaminated soil is encountered). We have clarified at Sections 4.2 and 5.10 of the Draft CSMP that if soil from potentially clean areas is to be managed as clean fill, it must be tested before being disposed to clean fill.</p>	<p>33) Accepted. (We note that zone 3 (asbestos contaminated soil) could extend laterally following asphalt removal as described in Section 4.1 of the amended Draft CSMP).</p>
<p>Section 5.10: we do not consider that there has been sufficient characterisation of soils for disposal at cleanfill nor has there been characterisation of soils at depths greater than 3 m. We recommend that the first sentence of this section be deleted and the remainder of the section modified accordingly.</p>	<p>The reference to “disposal permitting” in Section 5.10 was intended to refer to disposal to landfill only. We have added text and a reference to Section 3.3 to clarify this.</p>	<p>34) Accepted.</p>
<p>Section 6.1: dust control procedures. We recommend this section be modified to remove the references to soil management zones.</p>	<p>We have revised text to clarify that discharge of airborne fibres could potentially occur if dust is generated from soil containing friable asbestos, and that contaminants could be transported offsite if dust is generated from contaminated soil generally.</p>	<p>35) Accepted.</p>
<p>Section 7: we recommend that this section be developed further to reflect the actual conditions and method used to remove ACM contaminated soil from the site. We recommend this updated plan be reviewed by a suitably qualified and experienced approved asbestos remover or consultant. This plan should be submitted to Council for review and approval prior to conducting the ACM contaminated soil removal.</p>	<p>We agree that this section should be updated when the conditions and method to remove ACM from the site are known. This will be after removal of asphalt from the site, visual inspection of surface soil, and targeted testing for potential ACM. We have added a text box to Section 7 to this effect.</p>	<p>36) Accepted.</p>

<p>URS Comment on Draft CSMP 16 Jan 2015</p> <p>Section 10.2: we recommend this section be modified to require post excavation validation sampling of the base and sidewalls of excavations deeper than 3 m.</p>	<p>T&T Response 26 Feb 2015</p> <p>Because contaminated reclamation fill will remain in place around the excavation, and based on the proposed site use (paved, commercial use) we do not propose validation testing of the base and sidewalls of the excavation, unless unexpected conditions are encountered. We have added the following text to Section 10.2: No validation testing is proposed on the walls and base of the basement excavation, unless unexpected conditions are encountered. Contaminated reclamation fill is expected to remain in place around the excavation, and the proposed works will pave and prevent exposure to the contaminated fill. Validation sampling may be needed if unexpected conditions are encountered. The need for this would be assessed by the contaminated land specialist (see Section 9).</p>	<p>URS Review Comment 9 Mar 2015</p> <p>37) Accepted. (See URS comment 41).</p>
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Table 4 Comments on Proposed Conditions

<p>URS Proposed Consent Conditions 16 Jan 2015</p>	<p>T&T Response 26 Feb 2015</p>	<p>URS Review Comment 9 Mar 2015</p>
<p>a) Off-site disposal of contaminated soil and material shall be at a facility licensed to accept such materials. Characterisation of soils for disposal purposes shall be in accordance with the receiving facility requirements.</p>	<p>Accepted.</p>	
<p>b) The suitability of soil/material for disposal at a cleanfill shall be confirmed through sampling and analysis of samples (characterisation) prior to off-site disposal. This characterisation shall be undertaken by a suitably</p>	<p>Accepted.</p>	

URS Proposed Consent Conditions 16 Jan 2015	T & T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
qualified environmental practitioner.		
c) Offsite transport of soil shall comply with the relevant requirements of Land Transport Rule 45001/1 (Land Transport Rule: Dangerous Goods 2005), NZS 5433 and the Hazardous Substances and New Organisms Act 1996.	We agree that the content of conditions (c), (d), and (f) refer to compliance with other legislation (i.e., outside the RMA). Therefore, we suggest it would be more appropriate that they be advice notes rather than consent conditions in a land use consent. We note that Condition (c) refers to Land Transport Rule 45001/1, which may be overly onerous for transport of contaminated soil, and it is not clear that the materials proposed to be excavated fall within the scope of this rule.	38) Agreed. Include as Advice Note.
d) Excavation and removal of asbestos containing materials/soils shall be in accordance with the Asbestos - <i>New Zealand guidelines for the management and removal of asbestos (3rd Edition)</i> prepared by New Zealand Demolition and Asbestos Association (NZDAA) and the legislation controlling asbestos works described therein.	We agree that the content of conditions (c), (d), and (f) refer to compliance with other legislation (i.e., outside the RMA). Therefore, we suggest it would be more appropriate that they be advice notes rather than consent conditions in a land use consent. We note that Condition (c) refers to Land Transport Rule 45001/1, which may be overly onerous for transport of contaminated soil, and it is not clear that the materials proposed to be excavated fall within the scope of this rule.	39) Agreed. Include as Advice Note.
e) An asbestos removal plan, including an air quality monitoring plan, shall be prepared by a suitably qualified person. The plan shall be in accordance with <i>Asbestos - New Zealand guidelines for the management and removal of asbestos (3rd Edition)</i> . The asbestos removal plan shall be submitted to the <position>, Wellington City Council for approval prior to	Accepted.	

URS Proposed Consent Conditions 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
conducting asbestos removal works.		
f) Restricted asbestos work shall be carried out either by a person who holds a Department of Labour Certificate of Competence or is under the direct supervision of a person who holds a Department of Labour Certificate of Competence.	We agree that the content of conditions (c), (d), and (f) refer to compliance with other legislation (i.e., outside the RMA). Therefore, we suggest it would be more appropriate that they be advice notes rather than consent conditions in a land use consent. We note that Condition (c) refers to Land Transport Rule 45001/1, which may be overly onerous for transport of contaminated soil, and it is not clear that the materials proposed to be excavated fall within the scope of this rule	40) Agreed. Include as Advice Note.
g) Excavation bases and sidewalls at depths greater than 3 m shall be sampled and characterised by a suitably qualified environmental practitioner to assess the suitability of those soils to remain on site.	Condition (g) requires characterisation of materials that are to remain on site. We do not agree this is appropriate given that contaminated fill will remain in areas of the reclamation beyond the basement, and the walls and floor of the basement will be paved, preventing any contact of site users with potentially contaminated soil.	41) Accepted. We suggest removing proposed condition (g) and replacing it with the following condition which is consistent with Section 10.2 of the amended draft CSMP; <i>Validation testing of the walls and base of the basement excavation may be undertaken in the event that unexpected contamination conditions are encountered. The need for this would be assessed by a suitably qualified and experienced contaminated land practitioner.</i>
h) A Contaminated Site Management Plan (CSMP) shall be submitted to the <position>, Wellington City Council for approval prior to conducting ground disturbance works at the Site. The CSMP shall be based on the draft CSMP lodged as part of the consent application and shall be updated to reflect the proposed works methodology.	Accepted.	

URS Proposed Consent Conditions 16 Jan 2015	T&T Response 26 Feb 2015	URS Review Comment 9 Mar 2015
<p>i) A report shall be prepared by a suitably qualified and experienced contaminated land practitioner and submitted to the <position>, Wellington City Council within three months of completion of the contaminated land aspect of the works. The report shall include the following:</p> <ul style="list-style-type: none"> - Documentation of any assessments, including laboratory analytical results, undertaken as to the suitability of any contaminated soil/material to remain on site. - Documentation of additional sampling undertaken to characterise soils for off-site disposal. - Documentation of air quality monitoring results for asbestos. - Documentation of any off-site disposal of contaminated soil/material, including quantities, dates, and disposal locations. 	<p>We agree that Condition (i) is appropriate, with the exception of bullet point 1, which refers to Condition (g) (see above).</p>	<p>42) Accepted. We suggest that proposed condition (i) be removed and replaced with the following condition; A report shall be prepared by a suitably qualified and experienced contaminated land practitioner and submitted to the <position>, Wellington City Council within three months of completion of the contaminated land aspect of the works. The report shall include the following:</p> <ul style="list-style-type: none"> - Documentation of any assessments, including laboratory analytical results, undertaken as to the suitability of any contaminated soil/material to remain on site in the event that validation sampling is undertaken in accordance with condition (g). - Documentation of additional sampling undertaken to characterise soils for off-site disposal. - Documentation of air quality monitoring results for asbestos. - Documentation of any off-site disposal of contaminated soil/material, including quantities, dates, and disposal locations.
	<p>We note that all of the proposed conditions relating to contaminated land could be replaced by a single condition requiring that the works are conducted in accordance with the approved CSMP.</p>	<p>43) We accept this as an option, however, the amended Draft CSMP would need to be further amended to ensure that the proposed consent conditions are clearly documented, rather than embodied in the general text of the CSMP.</p>

3.2 Summary

On the basis of our review of the information provided by the Council on ground contamination in relation to Application 1, we consider that Site 10 is suitable for the proposed land use subject to the recommended Conditions of Consent (a) to (f) and advice notes (h) to (j) listed in Section 3.3.

3.3 Application 1 – Recommended Conditions of Consent and Advice Notes

Below are recommended conditions of consent:

- a) Off-site disposal of contaminated soil and material shall be at a facility licensed to accept such materials. Characterisation of soils for disposal purposes shall be in accordance with the receiving facility requirements.
- b) The suitability of soil/material for disposal at a cleanfill shall be confirmed through sampling and analysis of samples (characterisation) prior to off-site disposal. This characterisation shall be undertaken by a suitably qualified environmental practitioner.
- c) An asbestos removal plan, including an air quality monitoring plan, shall be prepared by a suitably qualified person. The plan shall be in accordance with *Asbestos - New Zealand guidelines for the management and removal of asbestos (3rd Edition)*. The asbestos removal plan shall be submitted to the <position>, Wellington City Council for approval prior to conducting asbestos removal works.
- d) Validation testing of the walls and base of the basement excavation may be undertaken in the event that unexpected contamination conditions are encountered. The need for this would be assessed by a suitably qualified and experienced contaminated land practitioner.
- e) A Contaminated Site Management Plan (CSMP) shall be submitted to the <position>, Wellington City Council for approval prior to conducting ground disturbance works at the Site. The CSMP shall be based on the amended draft CSMP lodged as part of the consent application and shall be updated to reflect the proposed works methodology.
- f) A report shall be prepared by a suitably qualified and experienced contaminated land practitioner and submitted to the <position>, Wellington City Council within three months of completion of the contaminated land aspect of the works. The report shall include the following:
 - Documentation of any assessments, including laboratory analytical results, undertaken as to the suitability of any contaminated soil/material to remain on site in the event that validation sampling is undertaken in accordance with condition (d).
 - Documentation of additional sampling undertaken to characterise soils for off-site disposal.
 - Documentation of air quality monitoring results for asbestos.
 - Documentation of any off-site disposal of contaminated soil/material, including quantities, dates, and disposal locations.
- g) Fuel storage facilities associated with the generator shall be in accordance with the Hazardous Substances and New Organisms Act. A copy of the HSNO stationary containment certificate shall be submitted to the <position>, Wellington City Council for information.

Below are recommended advice notes:

- h) Offsite transport of soil shall comply with the relevant requirements of Land Transport Rule 45001/1 (Land Transport Rule: Dangerous Goods 2005), NZS 5433 and the Hazardous Substances and New Organisms Act 1996.
- i) Excavation and removal of asbestos containing materials/soils shall be in accordance with the *Asbestos - New Zealand guidelines for the management and removal of asbestos (3rd Edition)* prepared by New Zealand Demolition and Asbestos Association (NZDAA) and the legislation controlling asbestos works described therein.
- j) Restricted asbestos work shall be carried out either by a person who holds an appropriate Certificate of Competence or is under the direct supervision of a person who holds an appropriate Certificate of Competence.

4.0 Application 3 – Review of Ground Contamination Assessment

4.1 Assessment of Information

The initial review undertaken by URS focussed on Site 10. **Application 3** relates to the construction of open space including site works around the periphery of the proposed building on Site 10, covering Sites 8 and 9. Documents 1 to 5 listed in section 1 contain information relevant to Site 8 and Site 9, including information on contamination, presented in the GCA and Draft CSMP prepared by T&T.

4.1.1 Site 8

Site 8 is located north of the Meridian Building and adjacent to the water's edge and is intended to be developed as public open space. It is stated in the AEE that:

The earthworks and site contouring [at Site 8] will result in approximately 1,000m³ of cut material being removed from Site 8. Approximately 750m³ of fill material will be required within Whitmore Plaza and the Wool Store Plaza. It is proposed to retain as much of the cut from Site 8 as possible on site, but due to unsuitable material there may be a need to dispose of up to 1,000m³ of the surplus material to licensed landfills. Suitable sub-base material will be imported to form a solid base for paving and built environments.

We assume that the ground surface will be capped by some form of hard paving, preventing direct human contact with the reclamation soils.

The GCA reports that Site 8 is underlain by 1970s fill comprising *quarried fill*. Two soil samples of this material were taken for analysis from a single borehole (BH3) within Site 8 in 2009. On the basis of this sampling and analysis and 'observations', T&T conclude that soils generated during earthworks from Site 8 can be managed as clean fill. It appears that T&T have based their assessment on the premise that the soils encountered in BH3 are laterally continuous below Site 8. Notwithstanding, T&T also propose that:

If fill material from Site 8 is to be excavated and disposed offsite, additional testing should be done on excavated material (or prior to excavation, when proposed excavation locations are known), to confirm this.

We agree that the analytical results for the two samples indicate contaminant levels well below guidelines for commercial land use. We also agree that the analytical results are generally consistent with expected Wellington Region background concentrations (for greywacke) and note the site will be paved following development. However, we do not consider that the two samples from a single borehole alone provide spatial information on soil quality at Site 8, although the analytical results could be used infer general soil quality across Site 8, in the event that the soils across site are the same as those encountered in the single borehole

On balance, we consider that:

- Soil quality below Site 8 when redeveloped for open space use will be compatible with that use.
- If fill material from Site 8 is to be excavated and disposed of offsite, additional testing should be done on the material to confirm its suitability or not, for disposal to clean fill.

4.1.2 Site 9

Site 9 is located to the north of Shed 13 and is intended to be developed in the future. We understand that no earthworks are proposed for Site 9 under Application 3. No further consideration has been given to Site 9 in this Report.

4.2 Summary

On the basis of our review of the information provided by the Council on ground contamination in relation to Application 3, we consider that Site 8 is suitable for the proposed land use subject to the recommended Conditions of Consent (a) to (d) and advice note (e) listed in Section 4.3.

4.3 Application 3 - Recommended Conditions and Advice Notes

Below are recommended conditions of consent:

- a) Off-site disposal of contaminated soil and material shall be at a facility licensed to accept such materials. Characterisation of soils for disposal purposes shall be in accordance with the receiving facility requirements.

- b) The suitability of soil/material for disposal at a cleanfill shall be confirmed through sampling and analysis of samples (characterisation) prior to off-site disposal. This characterisation shall be undertaken by a suitably qualified environmental practitioner.
- c) A Contaminated Site Management Plan (CSMP) shall be submitted to the <position>, Wellington City Council for approval prior to conducting ground disturbance works at the Site. The CSMP shall be based on the amended draft CSMP lodged as part of the consent application and shall be updated to reflect the proposed works methodology.
- d) A report shall be prepared by a suitably qualified and experienced contaminated land practitioner and submitted to the <position>, Wellington City Council within three months of completion of the contaminated land aspect of the works. The report shall include the following:
 - Documentation of any assessments, including laboratory analytical results, undertaken as to the suitability of any contaminated soil/material to remain on site in the event that validation sampling is undertaken in accordance with condition (g).
 - Documentation of additional sampling undertaken to characterise soils for off-site disposal.
 - Documentation of air quality monitoring results for asbestos.
 - Documentation of any off-site disposal of contaminated soil/material, including quantities, dates, and disposal locations.

Below are recommended advice notes:

- e) Offsite transport of soil shall comply with the relevant requirements of Land Transport Rule 45001/1 (Land Transport Rule: Dangerous Goods 2005), NZS 5433 and the Hazardous Substances and New Organisms Act 1996.

5.0 CLOSURE

We trust that this Report meets your requirements. Please do not hesitate to contact us if you have any questions or comments. We would be pleased to meet with you and/or the applicant prior to a hearing to clarify/address any matters that may arise.

Yours faithfully



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AECOM Consulting Services (NZ) Ltd formerly URS New Zealand (URS) has prepared this report in accordance with the usual care and thoroughness of the consulting profession for the use of Wellington City Council and only those third parties who have been authorised in writing by URS to rely on this Report.

It is based on generally accepted practices and standards at the time it was prepared. No other warranty, expressed or implied, is made as to the professional advice included in this Report.

It is prepared in accordance with the scope of work and for the purpose outlined in the contract Resource Consent Advice, Contaminated Site, dated 24 June 2014, Variation 1 (Site 10, 10 Waterloo Quay - SR No: 319386), dated 22 December 2014.

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Annexure 7
Michael Donn – Wind

10 Waterloo Quay

Wind Environment Assessment

BUILDING ENVIRONMENTAL PERFORMANCE SIMULATION

March 31, 2015

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10 Waterloo Quay

Wind Environment Assessment

Expertise

My full name is Dr Michael Robert Donn

My audit of this wind tunnel test report is provided for the Wellington City Council in relation to the Assessment of the Aerodynamic Environmental Effects of the proposed building on Site 10 of the Wellington Waterfront.

Qualifications and Experience

I have Honours and Masters degrees in physics from Victoria University, and a PhD in Architecture in the area of design decision support tools used for predicting the interaction of buildings and climate.

I am currently a senior lecturer in the School of Architecture at Victoria University, Wellington, leading the Building Science postgraduate programme development. I am also the Director of the Centre for Building Performance Research at Victoria University. I have been employed by Victoria University for over 40 years.

I am also a consultant advising Wellington City on pedestrian wind environments, and have done this for over 30 years. In this role with the Wellington City Council I helped write the wind regulations first introduced into the City Ordinances in the 1980s and then in the District Plan. I have continued this role in the rephrasing of the wind performance requirements in District Plan Change 48 finalised in 2012. I have also advised Lower Hutt (e.g. District Plan, 545 High St and 12 Daly St) and Christchurch (Airport Development), Palmerston North (Hospital, Library) and Auckland City (Elliott Tower) on major projects affecting pedestrian level wind.

I am a member of the International Building Performance Simulation Association (since 1993).

I am a member of the editorial boards of: *International Journal of Ventilation* (since 2002), and the *Journal of Building Performance Simulation* (since 2008).

I am an invited referee for the *Building Research and Information Journal* (since 2003), *Building and Environment Journal* (since 2008) and *Energy and Buildings Journal* (since 2003) plus the *International Journal of Ventilation and Journal of Building Performance Simulation*.

I regularly publish research papers in academic journals and conferences in the area of wind effects and assessment. Recent papers include: Michael Donn, Steve Selkowitz, and Bill Bordass "The Building Performance Sketch" *Building Research and Information Journal* (March 2012); With Anthony John Gates, and Ben Liley "New Zealand's New Weather Data - How Different?" *International Building Performance Simulation Association* (Sydney, November 2011); With Darren Walton and Vince Dravitzki, *The Relative Influence Of Wind, Sunlight And Temperature On User Comfort In Urban Outdoor Spaces*. *Building and Environment*, 42, 9. (2007, September).

My role in the Project

My normal role with the Wellington City Council is to provide an expert audit of the technical wind tunnel test and recommend approval or design modifications. I am familiar with the area the Project relates to and have carried out site visits both in relation to the Site 10/10 Waterloo Quay project and other proposed building developments in this area of Wellington.

Scope of Evidence

This Statement of Evidence provides the following (the relevant subheading is noted in brackets in each case):

- a summary of my evidence (**Summary**);
- a listing of the documents reviewed in the development of this statement (**Documents Seen**);
- an introduction describing the context for the information reviewed for this statement (**Background**);
- an audit of the wind tunnel test results submitted by the applicant for Resource Consent in the format that I normally submit to the Wellington City Council (**Wind Report**);
- a review of the amelioration measures that could be considered to address any issues raised by my audit of the applicant's wind tunnel test results in the format that I normally submit to the Wellington City Council (**Amelioration**);
- a summary of my recommendations to the WCC on action to approve the Resource Consent for the building from an aerodynamics point of view, with any added recommendations as to conditions to be placed on that approval.

Documents Seen

The entire application was available online:

<http://wellington.govt.nz/have-your-say/public-inputs/public-notices/closed/north-kumutoto>

The Wind Report was labelled Appendix 13.

Plans were obtained from: <http://wellington.govt.nz/~media/have-your-say/public-input/files/public-notices/resource-consents/2014/North-Kumutoto/6-architectural-drawings.pdf>

Summary

This is an audit of the wind tunnel test report for the proposed building at 10 Waterloo Quay: "Site 10" in the Wellington Waterfront development plan. It addresses in particular the areas labeled "Kumutoto Lane and Waterloo Quay in the plan in Figure 1.

The wind tunnel testing has provided evidence that no alternative design in terms of bulk and form on the site will produce a significant improvement on the wind in the adjacent streets. To do this, the wind tunnel test has clearly demonstrated the height of the building is not a problem. In fact, overall there is a general improvement in the wind environment. The changes that occur appear to be as a result of a shifting about of wind flows in the street as a result of placing a structure on what is at present an open site.

However, the design has not in my opinion addressed adequately the issue of a sheltered route away from the acknowledged windiness of this part of the city. Nor has it identified what is to be the scale and function if any of the windbreaks mentioned in the applicant's wind tunnel test as of potential benefit at the corners of the proposed building. And finally, as a consequence of the inevitable shifting of the wind flows in the street, the site of the new

memorial park on the corner of Waterloo Quay and Whitmore street, and the adjacent footpath will be made more windy.

I therefore recommend that the building design be accepted as is from an aerodynamic point of view. No change to the overall bulk and form of the proposed building is necessary to ameliorate its aerodynamic effects. However, as there are a number of detail issues that need considering, and that have no major effect on the design of the building, I suggest that this proposal is acceptable in relation to wind subject to the following condition, which could be met during construction:

- Proposing a solution in conjunction with the traffic and urban design units at WCC to the improved shelter of the pedestrian access to the City along the West side of Waterloo Quay.

In addition, the wind environment in the neighbourhood of Site 10 could be improved by considering the following:

- Working with the Urban Design Department of WCC on the appropriate design of the Waterloo Quay to waterfront links at the North and South ends of the site to ensure they are welcoming and pleasant urban spaces – perhaps incorporating and enhancing the role and function and hence scale of the screens suggested in the applicant’s wind tunnel test for the corners of the building;
- Establishing with reasonable evidence the scale and the nature of the wind shelter to be provided to deal with the potential wind tunnel effect through the building, this to be based on evidence but not needed prior to construction.

Introduction

The following analysis examines the wind tunnel test report for the proposed building at 10 Waterloo Quay: “Site 10” in the Wellington Waterfront development plan. It addresses in particular the areas labeled “Kumutoto Lane and Waterloo Quay in the plan in Figure 1.



FIGURE 1 GROUND FLOOR PLAN OF PROPOSED BUILDING (FROM THE DOCUMENTS SUBMITTED WITH THE RESOURCE CONSENT APPLICATION)

The brief for this exercise is to provide comment on whether there is any concern with the proposal in terms of wind effects and whether further info on wind effects is required; or whether the proposal will not have any wind effects and thus no further information or mitigation is required. It has been assumed that this type of request is to be interpreted in terms of the acceptability or otherwise of the proposed building vis-a-vis the relevant planning control Rule 13.6.3.5 of the District Plan. The relevant sections of the District Plan specify standards of performance with which new buildings or structures above 4 storeys in height (to be interpreted as 18.6m) shall be designed to comply. These are: a safety criterion – the maximum annual 3 second gust speed shall not exceed 20m/s; a cumulative effect criterion – which establishes a 170 hours per year as the maximum amount that strong or light winds may deteriorate in any public space; and a comfort criterion – which only applies to particular listed public spaces, none of which are affected by this proposal.

The AEE wind tunnel test identifies this part of Wellington as already a particularly windy location. The District Plan looks for a design in such a windy location to provide safe alternate routes past the existing windy areas and to demonstrate that it has explored how to reduce the wind, not increase it. At present the safe route for pedestrians through this part of town during strong Northerlies is along the East façade of the old NZ Post building on the left of the illustration in Figure 2 and Figure 3.

The overall conclusion of the wind tunnel test report can be summarised in this sentence from its conclusions: *“Existing gust wind speeds varied from a low value of 7m/s to a very high 29m/s, compared with a range of 4m/s to 30m/s for the proposed building.”* The difference between 29 and 30m/s is marginal as the instrumental error in the measurement of these speeds is of the order of 1m/s so the maxima cannot be distinguished. The details of the wind tunnel test report suggest that the overall impact of the building is *‘neutral to beneficial’*, so it meets the District Plan performance requirements. In general, the evidence is presented to support this conclusion. However, the understanding of the aerodynamics of the site afforded by the wind tunnel test suggests that the Resource Consent approval of the building should include consideration of conditions on amelioration measures in the neighbourhood, but not design changes to the building’s bulk and form.



FIGURE 2 SITE (ON RIGHT) SHOWING WATERLOO QUAY LOOKING NORTH – SHELTERED ROUTE DURING NORTHERLIES FROM STATION TO THE CITY ALONG FOOTPATH TO THE LEFT. SAME ROUTE IS VERY EXPOSED TO SOUTHERLIES BY OPENNESS OF SITE 10



FIGURE 3 SITE WITH PROPOSED BUILDING IN PLACE

Wind Report

The wind tunnel test report states that around the proposed Site 10 building annual wind gusts at pedestrian height will be experienced within a range of 4m/s to 30m/s (14.4km/hr to 108km/hr). As the force experienced is

proportional to the square of the wind speed, the force at 30m/s is more than twice that of the city's 20m/s safety limit. This is consistent with this area being a notoriously windy part of Wellington. To place these gusts in context, the wind speeds in the open at Wellington Airport are often reported (<http://goo.gl/TEJWYT>) as well above these values (Figure 4). However, even in the open at the airport, a gust at the 10m height of the recording anemometer for weather reports will be more than twice the wind speed experienced at pedestrian height. 150km/hr gusts at 10m at the airport are therefore less than 75km/hr at pedestrian height below the anemometer. The District Plan street level 20m/s gust speed set by the city as its safety limit is 72km/hr at head height.

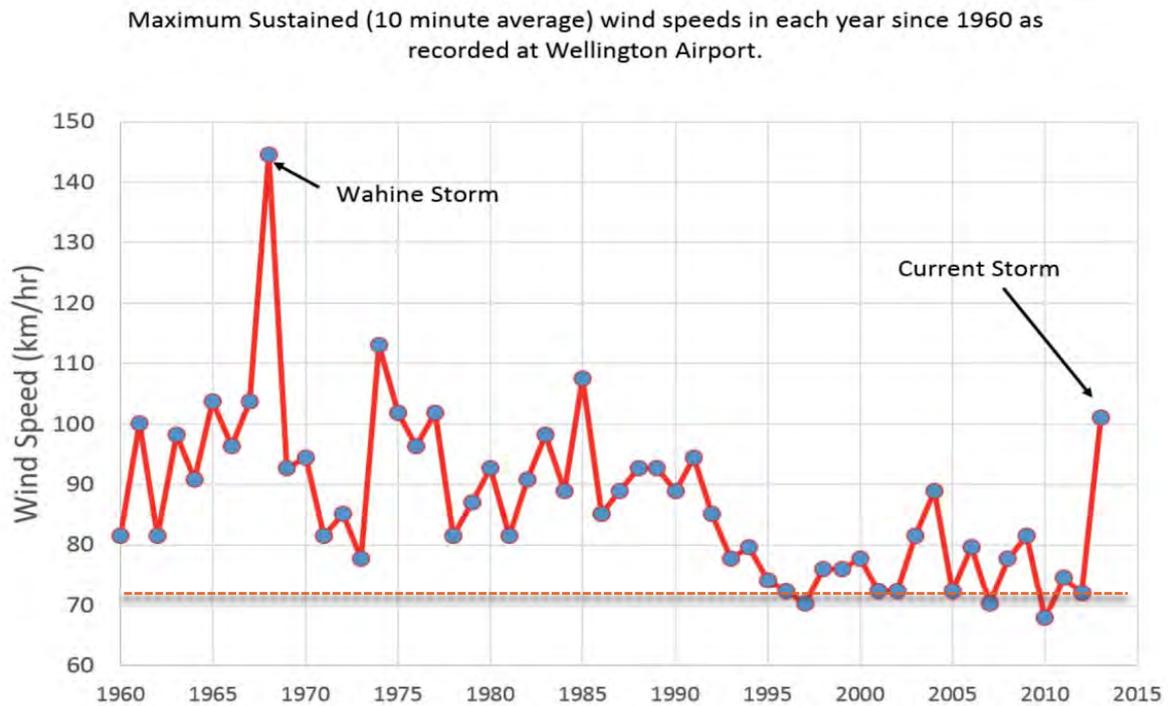


FIGURE 4 NIWA DATA ON MAXIMUM WIND GUSTS AT 10M HEIGHT AT WELLINGTON AIRPORT ([HTTP://GOO.GL/GLAUBU](http://goo.gl/GLAUBU)) - THESE VALUES ARE LESS THAN HALF THESE RECORDED VALUES AT HEAD HEIGHT: DOTTED LINE, SAFETY CRITERION @ HEAD HEIGHT

The area just South of the Railway Station has become significantly more windy in recent years. The pedestrian route along Waterloo Quay on the footpath opposite Site 10, is a critical route for commuters in Wellington because it allows pedestrians to avoid the now well-documented (Figure 5) problems of walking Featherston Street in a Northerly. The number of positions in the neighbourhood experiencing the wind gust speeds reported in the wind tunnel test confirm the match between risk of danger and the City's safety criterion.

17 of the 43 locations that have been reported in the wind tunnel test currently experience winds that exceed the WCC safety criterion. When the proposed building on Site 10 is completed the wind tunnel test shows that 15 of these 43 locations will experience dangerous winds. 12 of the current 17 locations that experience wind in excess of the safety criterion, also experience these winds after the introduction of the proposed building; a further 3 that currently are on the borderline just below the safety threshold are lifted just above it; and 5, currently above it are reduced below it, three of these are reduced significantly (more than 1m/s). The green, blue, orange and yellow circles overlaid on Figure 6 show this change. It is clear from this overlay that the change brought about by the proposed building is a shifting of the spots exceeding the danger criterion around in the neighbourhood: wind

exceeding the danger criterion on the waterfront is now kept away by the building, and channeled into Waterloo Quay. There are no points where an annual gust wind speed previously below the safety threshold is significantly raised above it. What these wind tunnel results show is that the places where the worst wind is experienced in the street is shifted, as is inevitable when an open space is replaced by any building. On the basis of these data, it can be concluded that the proposed building has met the District Plan safety performance criteria (13.6.3.5.2 (a) Safety).



FIGURE 5 ILLUSTRATION OF THE POTENTIAL SEVERITY OF THE WIND IN THE NEIGHBOURHOOD FROM VIDEO CAPTURED BY TV3 MONDAY 21 NOVEMBER 2011, WHEN THE AIRPORT WIND GUST WAS 146KM/HR (PICTURE TAKEN FROM: [HTTP://GOO.GL/EPXR28](http://goo.gl/EPXR28))

The Wind Tunnel Report concludes that there are the expected changes to the local wind environment resulting from the introduction of a building but: "*the windiest conditions with the proposed development are no worse than they are currently*" (p. 22). The basis for this statement, is the evidence presented that the number of points experiencing wind speed increases is balanced by an equal number of points in the general area experiencing decreases. Pages 18 and 19 of the wind tunnel test report contain graphics representing the overall change in windiness (Copy of Opus Figure 7 in Figure 6 below). These show that adjacent to the building the wind speeds are improved markedly (the green measurement positions). This is unsurprising given that at present the space is wide open. With the proposed building in place each side of the building experiences half the wind experienced previously: the more North facing Waterloo Quay experiences Northerlies, but almost no Southerlies; there may be an increase in Northerly wind speeds, but overall less total wind is experienced. Similarly on the other, seaward, side of the building the spaces are largely protected from Northerlies, but experience the Southerlies channeled along the facade. Overall, the wind tunnel test shows a reduction in total wind experienced.

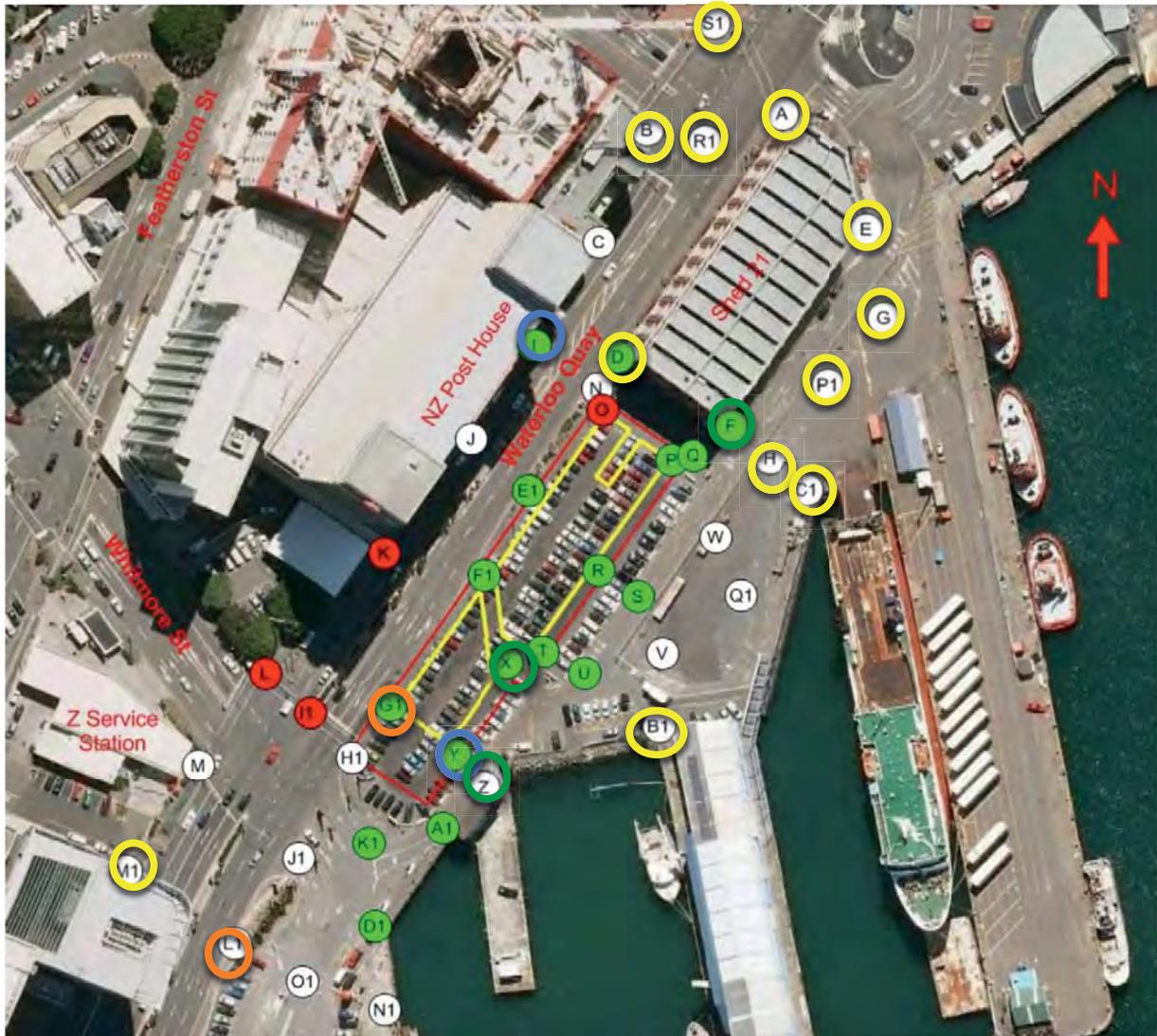


FIGURE 6 THE POINTS HIGHLIGHTED IN RED ARE THOSE THAT EXPERIENCE WORSENING OF AVERAGE WIND (FIGURE 7 IN OPUS REPORT) – ANNOTATED WITH CIRCLES IDENTIFYING THE LOCATIONS WHERE THE CITY’S DANGER CRITERION IS EXCEEDED: GREEN, WHERE THE WIND HAS BEEN SIGNIFICANTLY REDUCED BELOW THE CRITERION; BLUE WHERE IT HAS BEEN REDUCED JUST BELOW THE CRITERION; RED WHERE IT HAS BEEN SIGNIFICANTLY INCREASED ABOVE THAT CRITERION; ORANGE WHERE IT IS LIFTED JUST ABOVE THE SAFETY CRITERION; YELLOW WHERE IT REMAINS WHERE IT IS NOW, ABOVE THE SAFETY CRITERION.

The underlying data summarised in Figure 6 is from the Wind Tunnel test and shows the change in number of days per year for average wind speeds, a measure of the general windiness. The far greater number of green measurement points supports my and the applicant’s general conclusion that placement of the proposed building as a barrier to the wind where there is currently an open car park will improve the overall pedestrian experience, so long as the pedestrian can choose to walk on either the Waterloo Quay or seaward side of the site, depending on the wind direction. This would meet the Cumulative Effect requirement of the District Plan that the “*overall impact of a building on the wind conditions must be neutral or beneficial – WCC DP 13.6.3.5 (c).*”

The concern that must be noted about the wind tunnel test results is that the positions in Figure 6 where the wind speed is shown to be measurably increased are on the other side of Waterloo Quay. These are grouped near the

corner of Whitmore Street and Waterloo Quay and are therefore on one of the most highly used pedestrian routes in Wellington. It is unfortunate that it is the route to use to avoid the Northerly winds in Featherston Street and the wind is increased in Northerly and Southerly winds. It is clear to see that this is a result of the shifting of wind in the street by contrasting the green and orange highlight circles in Figure 6.

The intention of the wind tunnel testing requirements (WCC District Plan 13.6.3.5.3) as outlined in Appendix 8 of the District Plan is “to provide documentary evidence of the proposed building’s positive effect on the wind environment, emphasising measures taken to improve the wind environment, and demonstrating, where required, that every reasonable alternative design has been explored and that the proposed building is the best practical aerodynamic design arising from the other options that have been tested.” A positive effect on the wind would be moving the wind so that higher priority pedestrian areas are improved and lower priority areas where fewer people walk are made worse. In this context, the higher priority points highlighted in red in Figure 6 experience increases of average wind speed above of more than 20 (480 hours) days per year. The limit set in the District Plan is no more than 170 hours or 1 week. The Plan requires that each new project demonstrate everything feasible has been done to ameliorate any deterioration in the wind environment (13.6.3.5.2 (b) Cumulative Effect). Stronger average winds of 12.6 km/hr (gusts would be twice this amount) at the pedestrian intersection between Waterloo Quay and Whitmore Street are experienced 40-70 hours per year currently, and this becomes 65 to 100 hours per year – a 50% increase in wind frequency. The pedestrian experience will be a significant increase in windiness. Nothing in the wind tunnel test information enables the reader to understand the exact reason for these changes in wind speed. It seems most likely to be the channelling of the wind into Customhouse Quay. The lack of improvement of the wind when the 18.6m design alternative is tested is evidence enough that the height of the proposed Site 10 building is not the cause of the deterioration of these few places. 18.6m is the maximum height of a building that does not need to be wind tunnel tested.

It has been accepted that the effects of such a building define the limit of what could be an acceptable amount of change in the wind environment as the result of a new building. It also helps establish whether the aerodynamic problems with a proposed building are a result of the height and bulk, or just the channeling of the wind along a street. The wind tunnel test of this simple, smaller, building for Site 10 demonstrates that the wind speed changes caused by the proposed building are a direct result of building a wall or building surface close to the edge of the footpath, not the height or bulk of the proposed building. In these circumstances, the resolution of the increases in wind speed highlighted by the red points in Figure 6 is not a radical change in building design, but rather local screens and landscaping.

Examination of the data in Table F1 in Appendix F of the wind tunnel test report shows the data behind the Cumulative Criteria report in the body of the report (Figure 7). Here the changes in the wind from individual wind directions, both Northerly and Southerly, can be read. Wind speed increases for Northerlies are much more likely to be the major cause of the observed changes, than Southerlies. This suggests that the use of this area as a pedestrian route on days when the wind is blowing from the North and making Featherston Street unpleasant is compromised by the introduction of a building on Site 10. The evidence suggests that these changes will occur for almost any building design on the site.

	150	170	190	210	320	340	360	20
	South				North			
K	Decrease	Equal	Increase	Increase	Small Inc	Equal	Small Dec.	Increase

L	Equal	Small Inc.	Small Inc.	Increase	Equal	Increase	Increase	Small Inc.
11	Equal	Equal	Equal	Small Inc.	Equal	Increase	Increase	Small Inc.

FIGURE 7 TABLE SHOWING THE CHANGES IN ANNUAL GUST SPEED REPORTED IN APPENDIX F OF THE WIND TUNNEL TEST REPORT EXPERIENCED AT THE POINTS NEAR THE CORNER OF WATERLOO QUAY AND WHITMORE STREET WHERE THE WIND INCREASES

An issue not directly addressed by the wind tunnel test, that in my opinion should be examined is the utility of the passageway through the building. This and the gap between Site 10 and Shed 21 to the North will be experienced in strong winds as unpleasant ‘wind tunnels’. The wind tunnel test demonstrates they are unlikely to be dangerous features of the building. It is highly likely that the hole through the building, and the gap between buildings will be more unpleasant on a regular basis than if they did not exist. More pleasant than the conditions now, but less pleasant than they could be. Currently winds in the gap between Site 10 and Shed 21 exceed 9km/hr for 163 days a year, and with the proposed building this figure is still 123 days; in the passageway, currently 9km/hr is exceeded 152 days a year, and with the proposed building, 63 days. The continued exposure is because in both Southerlies and Northerlies these two holes link the high pressure on one side of the building with the low pressure suction on the other side.

Neither could be considered as a contribution to the quality of urban semi-indoor spaces. Such features are listed in the WCC wind design guide as an aerodynamic design to be avoided because the wind will be unnecessarily accelerated in them. The area under the overhang at the Southern end of the proposed building will likely experience a similar squeezing of the air and hence acceleration of the wind through the ‘gap’ under the building.



The link under the apartments between Waitangi Park and the Chaffers Marina shows that it is very difficult to link through a building, and enterprises open to the link struggle to truly open up the North and Northwest faces to the wind (Figure 8). It seems likely that this link through the proposed building for Site 10 will have a similar problem. We only need to observe the Featherston Street façade of the Asteron building where the Mojo coffee shop regularly locks its doors against the wind (Figure 9), to understand the likely incident wind. It is likely that the wind during Northerlies along the Waterloo Quay façade of the proposed Site 10 building will regularly reach similar levels. Linking this wind through to the harbour will make any retail outlet opening onto the link itself even more problematic.

FIGURE 8 PLACARD PLACED ON DOORS TO CITY MARKET THAT HAS BEEN CAREFULLY PRINTED AS IT IS USED SO OFTEN – ANOTHER CASE OF A LINK UNDER A BUILDING CREATING AN UNPLEASANT THROUGH FLOW OF WIND



FIGURE 9 PRINTED SIGN USED BY MOJO CAFE IN THE FEATHERSTON STREET FACADE OF THE ASTERON BUILDING – AN ILLUSTRATION OF THE TYPE OF WIND EXPOSURE WEST FACING FACADES EXPERIENCE IN THIS NEIGHBOURHOOD

Amelioration

The main issue in terms of the wind effects of the proposed building is the effect of the proposed design on the major pedestrian route to the City, on the West side of Waterloo Quay. The wind tunnel test has demonstrated that the overall effect of any building on the site is largely similar to that of the proposed building. What has not been proposed is a solution to this pedestrian priority route issue. To my mind the simplest, and most effective solution would be to place windbreak and landscape elements on the opposite side of the road from the development adjacent to the corner of Whitmore Street and Waterloo Quay. I understand that in general it is considered an unreasonable urban design move to solve a problem by placing a wall or landscape element in front of someone else's building. However, the wind tunnel test suggests that no other reasonable alternative can be considered. It is not the height or bulk of the building itself. No amount of screening placed near the proposed building could possibly affect the wind experienced across the road.

In relation to the gap through the building, the simplest act of amelioration would be to close the gap. The wind along Waterloo Quay in a Northerly might rise very slightly, and similarly, the wind in Kumutoto but the risk would be lower than an undesirable wind tunnel-like connection between the two main facades of the building with no mitigating features.

A series of screens is also tested in the wind tunnel. In the conclusion to the applicant's wind tunnel test these are referenced as "...additional testing also showed that vertical screens could potentially be used to provide localised screening at specific locations if considered appropriate, although it is realised that the desire for wind shelter would need to be balanced against other design considerations." These are distributed at the four corners of the building, and in the gap between the proposed building and shed 21. The ones at the corners are shown in the plan as being very small. To be genuinely effective in my opinion they should be much larger. The effectiveness of the scale of the screens at the corners of the Site 10 building can be assessed simply by walking around the BNZ building to the North on the waterfront. There, similar small windbreaks were shown, in the wind tunnel test for that building, to have a similar local beneficial effect at the measurement points. In practice, this effect is very limited. The screen between the proposed building and shed 21 is shown to be of little use in mitigating the localized effect of the building at this point; an alternative needs to be found.

Recommendations

I do not believe that any alternative design in terms of bulk and form of the proposed building on site 10 will produce a significant improvement of the wind in the adjacent streets. The wind tunnel test has clearly demonstrated the height of the building is not a problem. In fact, overall there is a general improvement in the wind environment. The wind tunnel evidence is of a shifting about of wind flows in the street as a result of placing a structure on what is at present an open site.

However, the design has not addressed the issue of its effect on the sheltered route away from the acknowledged windiness of the neighbourhood; as a consequence of the shifting of the wind in the street. Basically, the site of the new memorial park on the corner of Waterloo Quay and Whitmore street, and the adjacent footpath will be made more windy. Nor has the test identified what is to be the scale and function, if any, of the windbreaks mentioned in the wind tunnel test at the corners of the proposed building. The links between Waterloo Quay through the Site whether to the North of the building, or directly through the building, need to be examined in terms of the design of appropriate amelioration measures.

I therefore recommend that the building design be accepted as is from an aerodynamic point of view. No change to the overall bulk and form of the proposed building is necessary to ameliorate its aerodynamic effects. However, as there are a number of detail issues that need considering, and that have no major effect on the design of the building, I suggest that this proposal is acceptable in relation to wind subject to the following condition, which could be met during construction:

- Proposing a solution in conjunction with the traffic and urban design units at WCC to the improved shelter of the pedestrian access to the City along the West side of Waterloo Quay.

In addition, the wind environment in the neighbourhood of Site 10 could be improved by considering the following:

- Working with the Urban Design Department of WCC on the appropriate design of the Waterloo Quay to waterfront links at the North and South ends of the site to ensure they are welcoming and pleasant urban spaces – perhaps incorporating and enhancing the role and function and hence scale of the screens suggested in the applicant's wind tunnel test for the corners of the building;
- Establishing with reasonable evidence the scale and the nature of the wind shelter to be provided to deal with the potential wind tunnel effect through the building, this to be based on evidence but not needed prior to construction.

Annexure 8
Dick Beetham – Earthworks and Geotechnical



31 March 2015

Environmental Consents
Wellington City Council
101 Wakefield Street
Wellington

Our ref:51/33107/01/Geotechnical
Review Report Kumutoto development
for WCC Rev 0

Attention: Ryan O'Leary

Dear Ryan,

Geotechnical Peer Review of Resource Consent Documentation for Kumutoto – Site 10 Proposed Development

1 Introduction and Project Brief

GHD Limited (GHD) has been commissioned by Wellington City Council (WCC) to complete a geotechnical review of the Consent Documentation for the North Kumutoto – Site 10 proposed development of a new building and public space area. This review has been undertaken by the following GHD personnel and has encompassed the geotechnical components of the following Documentation provided to GHD by WCC. GHD personnel have visited the site.

The advice sought by WCC from GHD is in the capacity of a Consulting Earthworks Engineer. WCC seeks advice on whether the proposed excavation strategy is sound (i.e. will the ground remain stable during the excavations) and what conditions of consent (or outcomes) would GHD recommend as necessary to manage the effects of earthworks (ground stability; dust, silt and sediment controls; and any other matter considered necessary). These would relate primarily to the basement construction under Proposal One; but GHD may have further recommendations in relation to the construction on the public space area.

Our review provides a brief overview of site geology, conclusions on the geotechnical work and advice provided thus far, and recommendations for WCC to consider in terms of possible consent conditions.

1.1 GHD Personnel Involved

GHD has experienced and technically capable personnel involved in this project for WCC. These people are:

Dick Beetham. Dick is a Principal Geotechnical Engineer and Engineering Geologist. He has 43 years' experience in NZ and overseas on large and small projects in civil engineering, including hydro development, highways, rail and buildings, earthquake engineering, natural hazard assessments and disaster (and project) risk reduction. He has competency and experience in geology and geophysics, and soil mechanics, liquefaction assessment, engineering seismology and site investigations and interpretation. Dick has the following qualifications: MSc (soil mechanics & engineering seismology, London University), 1983; BSc (geology & geophysics, Auckland University), 1978; BE (civil, Canterbury University), 1971. He is a Fellow of IPENZ; an active member technical societies; has a Diploma of Imperial College 1983, Chartered Professional Engineer since inception in 2003, International Professional Engineer since 2003, and Professional Engineering Geologist since inception in 2013.



Razel Ramilo. Senior Geotechnical Engineer. She is qualified MSc (Geotechnical), 2007; BSc (Civil Engineer), 2003; PMP, 2011; CPEng 2014; IntPE 2014. Razel is a member of the Institution of Professional Engineers New Zealand, Project Management Institute, New Zealand Geotechnical Society, New Zealand Society for Earthquake Engineering, National Association of Women in Construction, International Society for Rock Mechanics, and International Society for Soil Mechanics and Geotechnical Engineering. She has 13 years of professional work experience in geotechnical engineering involving small to large scale projects. Major projects included retaining wall, embankment/slope, deep excavation, tunnel, foundation, ground anchor, guniting/shotcreting, ground improvement, ground movement prediction, road upgrading, drain/culvert improvement, and pipeline installation.

Bruce Simms. Principal Engineering Geologist / National Service Group Manager Geotechnical. Bruce is qualified B.Sc (Tech) Earth Science University of Waikato; MSc Earth Science and Technology, University of Waikato. He is a member of the New Zealand Geotechnical Society, and a Fellow of the Geological Society of London. He has efficiently managed projects for over 12 years. As National Manager for the NZ Geotechnical Group at GHD, he has a wide range of practical experience in site investigation, design and project management. His work experience in New Zealand and the United Kingdom includes geotechnical reporting on highways, commercial, industrial and large scale subdivision developments within complex geological settings, earthworks inspections and testing, retaining wall design and construction inspections, stability assessments, residential and industrial foundation inspections.

1.2 Documents Reviewed

The following documents have been considered by GHD:

- WWC web site Application for Resource Consent - North Kumutoto Precinct Project - 10 Waterloo Quay and 59 Customhouse Quay, which includes:
 1. Assessment of Effects on the Environment
 2. Application Drawings – Architectural (Athfield Architects, 25 Sept. 2014);
 3. Application Drawings – landscape (Ismuth);
 4. Appendix 17 Basement Construction Method Statement – Dunning Thornton;
 5. Appendix 20 Structural Engineering Statement – Dunning Thornton;
 6. Appendix 22 Draft Construction Mangement Plan,
 7. Site 10, Wellington Waterfront Geotechnical Concept Design Report for Willis Bond Ltd by Tonkin & Taylor Feb 2014.

1.3 Site Location

The site is located on the Wellington waterfront wharves area between the renovated Waterloo Quay Apartments Building (Shed 21) to the north and the Meridian Building to the south.

1.4 Site Area “Geology”

In accordance with the “Geology of the Wellington Area”, Institute of Geological and Nuclear Sciences (IGNS), 1:50,000 Scale Geological Map 22, 1996, the site is reclaimed land on old beach and terrestrial deposits that are underlain by Wellington Greywacke rock.



Four maps from Semmens S; Perrin ND; Dellow G, 2010: It's Our Fault – Geological and Geotechnical Characterisation of the Wellington Central Business District; GNS Science Consultancy Report 2010/176. 52p. indicate the following:

1. Map 4, depth to (greywacke) bedrock is ~ 90 m;
2. Map 6, the site has a low amplitude natural period of ~0.8 s;
3. Map 7, the site is within NZS 1170.5: 2004 Site Subsoil Class D, deep or soft soil.
4. Map 8, Wellington City Vs30 zone < 250 m/s, where Vs30 is the shear wave velocity over the top 30 m of ground

1.5 Observations

The site is currently “undeveloped” and mainly used for car parking. It is a flat urban area on reclaimed land and is without rock exposures.

2 Proposed works

The documents assessed describe/illustrate the principal components of the proposed development as:

- A new five-level commercial building on Site 10 (10 Waterloo Quay); and
- New public open spaces, including Site 8, and associated small buildings and structures, and including waterfront furniture, lawns and gardens.

Our GHD review is concerned mainly with the proposed five-level commercial building planned for Site 10. Plans for this building include excavations for a basement garage, and a robust foundation comprising secant pile perimeter foundation walls, and a grid of internal piles below the basement, required to support the building on relatively low strength reclaimed land and underlying soils. It is proposed that this development would proceed as Stage 1 and be constructed ahead of the proposed Site 8 new open spaces, Stage 2.

Earthworks proposed for the new public open spaces on site 8 are shallow and modest in scope.

3 Assessment of reviewed documents

The assessed documents are listed in Section 1.2 above:

1. Assessment of Effects on the Environment

This is a lengthy and detailed 86 page document dealing with all aspects of the proposed development. Aspects of natural hazards are discussed (p 25), Earthworks and Contaminated land, Section 4.7.2, p 35; 6.3.11 Earthworks and Contaminated Land p 63; 6.3.11.1 Preliminary Excavation Methodology; 6.3.11.2 Ground Contamination p 64 & 65; 6.4.9 Managing Earthworks in Areas Adjacent to the Coastal Marine Area, p 71; 6.4.10 Managing the Remediation of Contaminated Land, p 71; 6.4.11 Appropriately Addressing Risk and Consequences of Natural Hazards, p71.

The basement excavation will involve excavation over an area of 2,288 m² to a maximum depth of 3.7 m. Some 7,600 m³ would be excavated and removed from the site to an appropriate approved landfill, recognising there may be some contamination from the past.

2. Application Drawings – Architectural (Athfield Architects, 25 Sept. 2014);



These illustrate a modern, five-level building with a basement. Drawing RC3.01-A shows the basement plan, and Dwgs RC3.00-A and RC3.01_A show basement cross-sections.

3. Application Drawings – landscape (Ismuth);

A set of landscape drawings illustrating the “surface” features of the proposed development.

4. Appendix 17 Basement Construction Method Statement – Dunning Thornton;

A brief methodology statement for site preparation; construction of DSM (Deep Soil Mixing) perimeter foundation walls; excavation to expose old foundations and site materials including exposing any contamination, dewatering, drilling internal grid of DSM piles, followed by basement construction.

Deep soil mixing (DSM) is an in situ ground improvement technique that enhances the characteristics of the existing soil by mechanically mixing the soil with cement or compound binder. The action of mixing materials such as cement or compound binder with soil causes the strength of the soil to improve significantly. It is typically used for embankments on soft soils, foundation support, protection of excavation pits, stabilisation of slopes, and reduction of liquefaction potential.

5. Appendix 20 Structural Engineering Statement – Dunning Thornton;

This mentions that it is proposed to base-isolate the new proposed building at ground level, and the building takes account of, as far as is practicable, tsunami or seiching and assessed sea-level rise. Potential liquefaction and lateral spreading are taken account of in the foundation design.

6. Appendix 22 Draft Construction Management Plan;

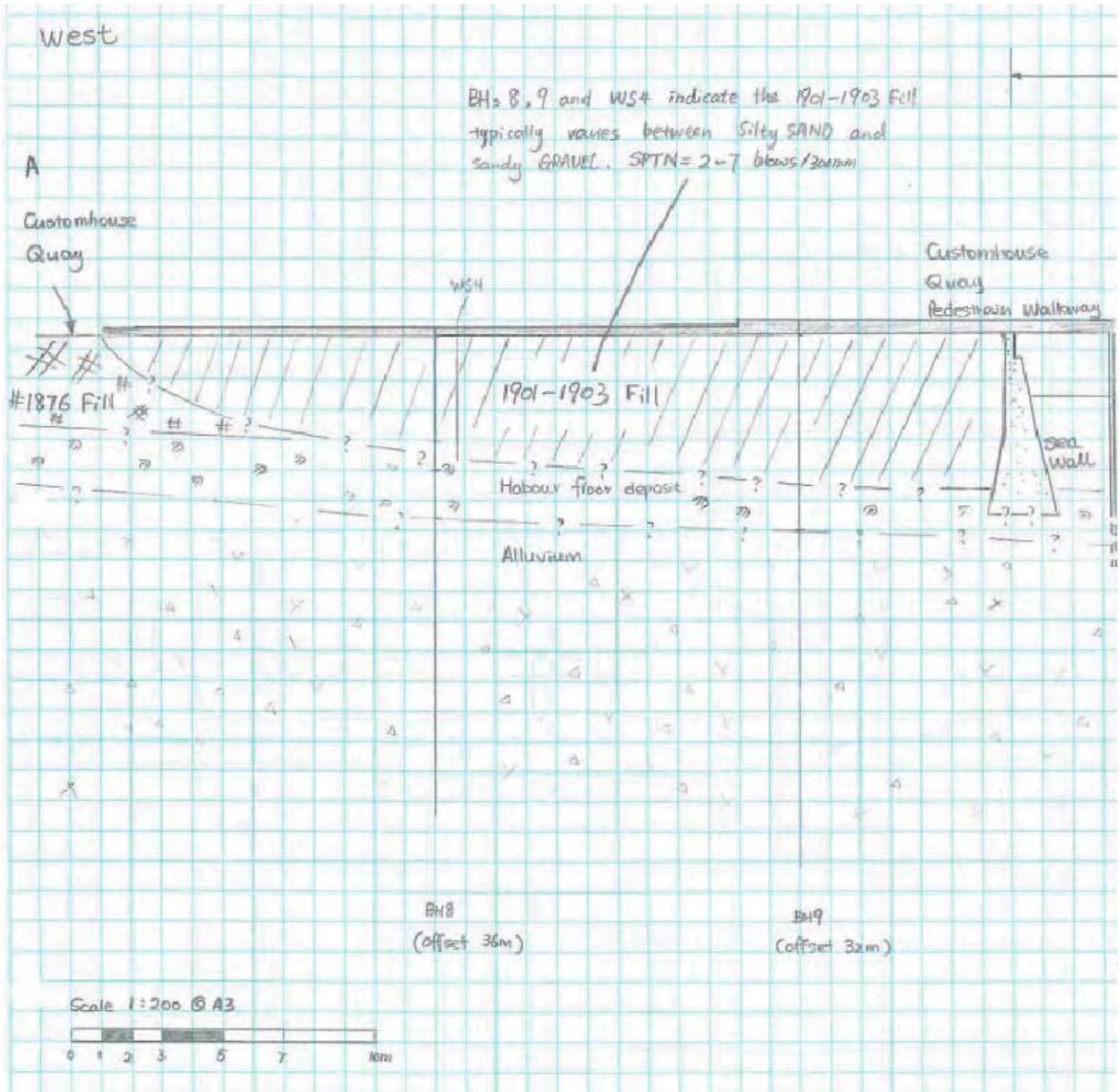
A detailed construction management plan that appears to address all aspects of construction.

7. Site 10, Wellington Waterfront Geotechnical Concept Design Report for Willis Bond Ltd by Tonkin & Taylor (T&T) Feb 2014.

The T&T report assesses the ground conditions and foundation options. DSM is assessed as being a sound, cost effective solution. In our experience with foundation construction in Christchurch, DSM foundations are technically sound, quick to install and cost effective. However, in the situation at Site 10 difficulties with DSM could be encountered with hard, dense objects through which DSM cannot penetrate. This may include both the fill and the foundation alluvium. In this case a contingency will need to be developed, which may include large diameter drilling and/or a technique such as jet grouting.

The sketch below from the T&T report shows that there are two boreholes available to indicate the ground layering and properties at the site. It is not clear as to the locations of these drill holes and if they are on the proposed building site. GHD recommends that high priority is given to undertaking a better assessment of subsurface properties and layering at the site. This subsurface investigation should be completed as a condition of consent, prior to construction commencing. These investigations may include:

- Cored drill-holes and CPT's (Cone Penetrometer Tests), including seismic CPT's or seismic dilatometer;
- Seismic refraction and reflection profiling with MASW (Multiple Analyses of Surface Waves); and,
- GPR (Ground Penetrating Radar) to find shallow obstacles to the DSM perimeter secant pile walls.



4 Review Conclusions and Recommendations

In summary GHD finds the geotechnical component of the consent application to be thorough and detailed, recognising that a detailed site specific sub-surface investigation will be required to finalise the foundation design and construction methodologies which at this stage are in more of a concept format. This investigation should occur as a condition of consent prior to construction commencing.

In our assessment the proposed excavation, dewatering and foundation construction strategy is sound, and the ground will remain stable during the excavations, using that methodology. Additional subsurface investigations are required to assess whether or not the proposed DSM secant pile methodology is completely applicable as described. However, in our view there are other possibly viable and similar alternatives.

In our assessment the consent application describes viable and practical options for managing the effects of earthworks (ground stability; dust, silt and sediment controls; potential ground contamination in



the 1901 – 1903 landfill, ground dewatering, the construction of sound foundations, and for mitigating the effects of natural hazards (liquefaction and lateral spreading, ground settlement by using DSM pile systems, earthquake strong shaking to the building by installing base isolation, tsunami, seiching and sea level rise, by elevating the ground floor and preventing water access into the basement.

5 Supplementary Considerations

We recommend that the following should also be included as a condition of consent:

- Prior to construction commencing, an appropriate ground instrumentation and/or monitoring programme prepared by an appropriate qualified geotechnical engineer must be submitted to, and have approved by the Wellington City Council. This programme shall be appropriate to monitor the effects of construction to the surrounding ground and properties, and allow for early warning so that any potential effects can be avoided or mitigated.
- All excavation, fill, retaining and building foundations construction shall not cause damage to any existing structure, adjoining public or private property, and existing underground services. Any damaged caused by the construction work shall be made good.

If you have any further questions please contact the undersigned.

Yours sincerely
GHD Ltd

Dick Beetham
Principal Geotechnical Engineer
027 221 8853

Razel Ramilo
Senior Geotechnical Engineer
04 495 5826

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Project Director
04 495 5832

Annexure 9
Patricia Wood – Earthworks

Earthworks Assessment on Resource Consent Application North Kumutoto Precinct Project

31 March, 2015

Service Request No: 319386
File Reference: 1014791

Site Address: 10 WATERLOO QUAY & 59 CUSTOMHOUSE QUAY, Pipitea

Introduction:

My name is Patricia Wood and I am employed by the Wellington City Council (WCC) as a Vehicle Access and Earthworks Engineer. I hold a NZ Certificate in Engineering (Civil) and Registered Engineers Associate. I have been working as a Vehicle Access Engineer role with WCC for 15 years. During this time I have worked mainly on the vehicle access assessment of resource consents with some assessment of the vehicle access related aspects of building consent applications. For the last five years, I have also been assessing the earthworks related aspects of resource consents. Prior to my current role, I worked in the WCC's Roading Design section for 15 years. This work involved the design and construction management of road and footpath improvements.

Introduction:

The proposal is for earthworks associated with the construction of a new building in Site 10 and the development of landscaped open areas in Site 8. The site is on land reclaimed from the sea.

Scope of Assessment:

This assessment is limited to the earthworks related aspects of the application, but does not discuss aspects of the proposal which relate to earthworks stability or geotechnical considerations in relation to the basement excavations for the commercial building within Site 10. Earthworks stability aspects for the development of public open space are considered.

Assessment:

General:

Earthworks and geotechnical information is provided in the Ground Contamination Assessment, the "Site 10 – Basement Construction Method Statement" and the "Site 10 – Structural Effects". Some further information is provided in the "Construction Management Plan" and the "Geotechnical Concept Design Report".

Height/Depth of Earthworks:

The Applicant's Assessment of Environmental Effects and Ground Contamination Assessment indicates that earthworks up to 3.7 metres deep (excluding foundations) are proposed. Lesser depths of earthworks (e.g. 1.0 metre on average), are proposed for the landscaped areas of Site 8, Site 9 and its surrounds.

Location of Earthworks in relation to adjacent boundaries:

The depth of the excavation exceeds the distance of the excavation from the adjacent road boundary. This is due to the building being located as close as 2.5 metres approx. from the road.

Stability – Site 10:

The applicant has provided a “Basement Construction Method Statement” by Dunning Thornton Consultants which explains that temporary retaining would be provided by a perimeter wall around the building footprint. The construction technique to be used is known as “Deep Soil Mixing” (DSM) where existing in-situ material is mixed with cement grout to form this perimeter wall and internal foundation walls.

The building site is on land reclaimed from the sea in the 1900’s. Some geotechnical investigations were undertaken in Site 10 and are discussed in the “Ground Contamination Assessment” by Willis Bond Ltd. These comprised 9 boreholes, excavated to a depth of 3 metres.

The boreholes indicate that the fill comprises a mixture of domestic waste, silt, sand, gravel, rock and boulders. These investigations indicate that the nature of the material on Site 10 is generally unsuitable for standard foundations. The applicant has provided details of the proposed construction methods within the Basement Dunning Thornton Consultants reports: “Construction Method Statement” and “Structural Effects”. Further details of the methodology are available in the “Construction Management Plan by Willis Bond & Co and L T McGuinness Building Contractors”.

Stability – Sites 8 and 9 and surrounds:

Site 8 is understood to have been reclaimed in the 1970’s using quarried gravel. The applicant has allowed for the removal of unsuitable material, and replacement with suitable material, if required. The average excavation depth of 1.0 metre is not expected to result in stability problems. Minimal excavation/fill is expected within Site 9.

Geotechnical Aspects:

Refer to the separate review of the geotechnical aspects of the proposal by GHD geotechnical staff.

Area of Earthworks:

The stated area of earthworks for the new building is 2288 m². The area of earthworks within Site 8 is not detailed, but is expected to be about 1000 m². This is due to an expected volume of earthworks material of 1000 m³, and the average excavation depth of 1 metre expected. Limited depth excavation is proposed elsewhere. The combined earthworks area therefore greatly exceeds the 250 m² earthworks area under permitted activity standard 30.1.3.2.

The Basement Construction Method Statement indicates the measures to be used to minimise the likelihood of erosion, dust and silt run-off due to the earthworks. These include the erection of perimeter walls around the building footprint. These walls are intended to prevent stormwater flowing from the site, and to act as temporary

retaining of the excavation. A concrete tidy slab across the basement footprint would minimise dust problems and mud being tracked from the site. Temporary filters are to be installed at the very start of the project to prevent silt from entering the stormwater system.

Dust control measures are provided in the Construction Management Plan by Willis Bond & Co and L T McGuinness Building Contractors. These comprise mesh covered scaffolding, hoardings/fences, sprinklers and “dust fighters”. Dust fighters spray fine water particles to quell dust nuisance. These are standard measures used in this type of construction and are expected to be effective.

Coastal Marine Area:

The effects of the proposal on the adjacent coastal marine area have been assessed under the report prepared by the Greater Wellington Regional Council.

Volume of Earthworks:

- Excavation of Site 8 will result in 1000 m³ of material to be removed from the landscaping area. About 750 m³ of fill material will be brought in to replace unsuitable (e.g. contaminated) material.
- Approx. 7600 m³ of excavated material is to be removed from Site 10 (new building).
- These areas greatly exceed 200 m³, thus allowing discretion regarding the effects of the transportation of earthworks material. The applicant has provided a “Construction Traffic Management Plan” by TDG which would be assessed by the Transport Planner.

Conclusion:

Subject to compliance with the following conditions, the proposal is acceptable on earthworks grounds.

The following suggested conditions/advice notes should be included on the decision:

Application 1 Redevelopment Limited Partnership’s application for land use consent for earthworks etc within site 10

- (1) Prior to any earthworks commencing, the consent holder must submit to, and have approved by, the Wellington City Council’s Compliance Monitoring Officer (“CMO”) an Erosion, Dust and Sediment Control Plan (EDSC Plan).

The EDSC Plan shall include, but not be limited to:

- plans of the location of sediment control measures and the locations where material will be stockpiled;
- dust suppression measures;
- a detailed description of sediment control measures;
- a wheel wash (or similar measures) to address tracking of material to road;
- silt fences as required;
- measures to ensure run-off is controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road and the adjoining coastal marine area.
- Measures to ensure sediment, earth or debris does not collect on land beyond the site or enter WCC’s stormwater system; and,

- measures that will be implemented to minimise dust, silt and sediment, in relation to the coastal marine area.
- (2) The consent holder must install, operate and maintain all erosion and sediment control measures in accordance with the approved EDSC Plan until the site is stabilised. The consent holder must amend their EDSC Plan where directed by the CMO to deal with any deficiencies in its operation.
 - (3) Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the CMO.
 - (4) The working hours for the carrying out of earthworks on the site and transport of excavated material from (or to) the site, are restricted to:
 - Monday to Saturday 7:30am to 6pm.
 - Quiet setting up of site (not including running of plant or machinery) may start at 6:30am.
 - No work is to be carried out on Sundays or public holidays

Note: These hours have been selected from Table 2, NZS 6803: 1999 “Acoustics – Construction Noise”. The Standard applies in all other respects, including the permitted noise levels in Table 2, and all persons undertaking earthworks and management of the site must adopt the best practical option to control noise to a reasonable level.

- (5) The discharge of dust created by earthworks, transport and construction activities must be controlled to minimise nuisance and hazard. The controls must be implemented for the duration of the site works and continue until the site stops producing dust. All parts of the condition must be complied with to the satisfaction of the Council’s Compliance Monitoring Officer.
- (6) Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road. Sediment, earth or debris must not collect on land beyond the site or enter the Council’s stormwater system.

This condition applies for the duration of the site works and until the site has been stabilised. The condition must be complied with to the satisfaction of the Council’s Compliance Monitoring Officer.

- (7) Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the Council’s Compliance Monitoring Officer.

Application 2 Redevelopment Limited Partnership’s application for regional resource consents associated with site 10

Refer the report by the Greater Wellington Regional Council

Application 3 Wellington City Council's application for land use consent for earthworks etc within sites 8 and 9

Earthworks:

- (1) Prior to any earthworks commencing, the consent holder must submit to, and have approved by, the CMO an Erosion, Dust and Sediment Control Plan (EDSC Plan).

The EDSC Plan shall include, but not be limited to:

- plans of the location of sediment control measures and the locations where material will be stockpiled;
 - dust suppression measures;
 - a detailed description of sediment control measures;
 - a wheel wash (or similar measures) to address tracking of material to road;
 - silt fences as required;
 - measures to ensure run-off is controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road and the adjoining coastal marine area.
 - Measures to ensure sediment, earth or debris is not collect on land beyond the site or enter WCC's stormwater system; and,
 - measures that will be implemented to minimise dust, silt and sediment, in relation to the coastal marine area.
- (2) The consent holder must install, operate and maintain all erosion and sediment control measures in accordance with the approved EDSC Plan until the site is stabilised. The consent holder must amend their EDSC Plan where directed by the CMO to deal with any deficiencies in its operation.
 - (3) The Consent Holder must use a suitably experienced Chartered Professional Engineer (CPEng) to supervise the engineering aspects of the earthworks and the construction of the retaining structures. The Chartered Professional Engineer must ensure the stability of the land and the retaining structures throughout the project. The Engineer must ensure that the work does not cause damage, or have the potential to cause damage, to neighbouring land or buildings.
 - (4) The consent holder must submit to the CMO a final "Earthworks Methodology" from a suitably experienced Chartered Professional Engineer (CPEng), required under condition (10) above.

If unexpected ground conditions are encountered or other engineering problems occur, the Chartered Professional Engineer may revise the Earthworks Methodology. The consent holder must follow the revised Earthworks Methodology and provide the CMO with a copy for his/her records.
 - (5) Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the CMO.
 - (6) The Consent Holder must provide the CMO with a copy of the producer statement (PS4), for the retaining structures, prepared for the associated building consent. It must be from a suitably experienced Chartered

Professional Engineer (CPEng). The PS4 must be provided to the CMO within one month of the retaining structures being completed.

- (7) The discharge of dust created by earthworks, transport and construction activities must be controlled to minimise nuisance and hazard. The controls must be implemented for the duration of the site works and continue until the site stops producing dust. All parts of the condition must be complied with to the satisfaction of the Council's Compliance Monitoring Officer.
- (8) Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road. Sediment, earth or debris must not collect on land beyond the site or enter the Council's stormwater system.

This condition applies for the duration of the site works and until the site has been stabilised. The condition must be complied with to the satisfaction of the Council's Compliance Monitoring Officer.

- (9) Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the Council's Compliance Monitoring Officer.

Application 4 Wellington City Council's application for regional resource consents for works within the coastal marine area.

Refer to the report by the Greater Wellington Regional Council



Patricia Wood
Vehicle Access and Earthworks Engineer

Annexure 10
Iain Dawe – Natural Hazards

MEMO

TO Chris Fern; Doug Fletcher

COPIED TO Lucy Harper

FROM Dr Iain Dawe

DATE 20 February 2015

FILE NUMBER ENV/23/02/01

FOR YOUR INFORMATION

Kumutoto site 10 review of natural hazards assessment

1. Summary and recommendation

Overall I support the assessment of natural hazards for site 10 Kumutoto undertaken by BECA, however, the extreme water level assessment did not use the latest understanding of storm surge in the Harbour and it is not clear how the proposed ground floor elevation was derived.

The design building levels, that are pegged to the New City Datum/Wellington Vertical Datum 1953, have not taken into account the 1% AEP storm tide water level elevation and changes in relative mean sea level for Wellington since 1953, which amounts to *ca.* +0.20 m. Therefore, and for the reasons outlined in more detail below, I recommend that a more thorough assessment be made by a suitably qualified coastal expert to advise on a suitable design ground floor level or alternately, the proposed ground floor level be set at a minimum of 2.70 m (as opposed to 2.5 m).

2. Seismic Hazards

It would have been good to see more discussion of the seismic hazards. There is mention of liquefaction and ground shaking hazard, but no details are provided, (as they are for other hazards in the report) for example, of ground accelerations or of the nature of the subsurface soil profile. I should hope that some drilling will be/has been undertaken to identify a suitable depth for the foundation piles, but this is not specifically mentioned. It is also mentioned that some ground treatment works are being proposed by the consulting engineers to mitigate the risk of liquefaction and lateral spreading, but again, no details are provided to demonstrate what these might be.

3. Tsunami

The tsunami hazard is probably not as high as presented in the report. The 2013 review of tsunami hazard in New Zealand by GNS Science is used as a basis to derive inundation heights for the assessment. The GNS report provides some probability curves showing return periods and tsunami heights that includes the Wellington open coast and harbour. However, more recent research

indicates that there will be attenuation of tsunami wave heights within Wellington Harbour. This is good news for the Wellington CBD [3].

The report mentions that horizontal loads on the wharf and building from a tsunami are likely to be less than from a similar return period earthquake, but research into this is in its infancy and it's too early to make this assumption. However, observations following tsunami events show that reinforced concrete structures survive the best.

A great deal of damage inflicted on buildings during a tsunami is caused by debris entrained in the flow, which acts like a battering ram. It is acknowledged in the report that this might happen, but, it is almost inevitable that there will be some impact damage to structures from debris. This is because a tsunami is a series of waves, each with a return flow. With each successive wave, there is an increasing amount of debris in the water which gets entrained in onshore and return flows. Again, observations from events indicate that reinforced concrete structures survive these impacts the best. These considerations can be built into the design features of the structure and in particular on the ground floor of the building. The assessment suggests that some mitigation features could be built into the landscape and design and I support this consideration.

4. Climate change and sea level rise

Mean sea level (MSL) is the level of the sea that would occur in the absence of any tidal or wave fluctuations. It is commonly measured relative to a fixed terrestrial survey mark. Mean sea level around Wellington has been measured relative to Wellington Vertical Datum 1953 (WVD-53), also known as New City Datum (NCD), which is referenced to survey mark BM K80/1 at the intersection of Featherston Street and Lambton Quay.

There has been considerable analysis of eustatic sea level trends, both globally and around New Zealand using historical tide gauge data and more recently with remote sensing via satellite altimetry. The long term global average from tide gauges is *ca.* +1.7 mm/yr. More recent satellite altimetry measurements show that since 1993, this rate has increased to 3.1 mm/yr. It is unclear whether this change represents an acceleration in the long term rate, but presently relative sea level at Wellington is tracking toward a rise of 1.0 m by 2115 (Fig 1). The assessment accepts this figure and incorporates it into the ground floor level.

The New Zealand Coastal Policy Statement recommends that 100 year planning horizon be used when considering development at the coast and it is good to see that 1.0 m sea level rise over 100 years is used in the assessment. Importantly, sea level will continue to rise beyond 2115 [2].

In the assessment, reference is made to a report to Greater Wellington Regional Council by NIWA in 2002 that *predicted* an increase in sea level of 1.7 mm/yr due to climate change [5]. In fact, this was not a prediction, it was the measured rate of sea level rise up to that date. The report discussed projections, that at the time that were based on the Third Assessment Report of the IPCC, that were greater than the long term average.

The same NIWA 2002 report also stated that MSL over the previous two decades at the Queens Wharf tide gauge was 0.12 m above WVD-53/NCD. The assessment acknowledges that mean sea

level is now in the order of 0.17 m above WVD-53/NCD, but it does not appear to account for this when setting the proposed ground floor level.

In 2012, NIWA was contracted to undertake an analysis of the tide gauge data from Queens Wharf. It showed that the long term annual average sea level rise for Wellington is +2.03 mm/yr (1891-2011). This has been updated recently to 2.1 mm/yr (1891-2014). Mean sea level in Wellington is now +0.20 m above WVD-53/NCD (as measured for the period 2006-2011) (Fig. 2) [1].

There are two causes contributing to this change. First, is the rise in eustatic sea level since 1953. Eustatic sea level is a measure of the total volume of water in the ocean. However, there can be local *relative* rises or drops in sea level due to tectonic uplift or subduction. Measurements from the GNS Science continuous GPS (cGPS) network show that the whole region is subsiding. The rate for Wellington City is *ca.* -1.7 mm/yr. The cGPS has been collecting data since the early 2000s, and it is thought the subsidence has been occurring since the mid-1990s and is related to slow slip earthquakes occurring on the plate boundary subduction interface (Fig. 3). This is a significant contribution to the local rate of sea level change; effectively doubling the long term rate. This is also evidenced in the rate of sea level rise on the Wellington Harbour gauge from 1993 to 2011, which is 4.3 mm/yr.

Consequently, the ground level of the building is not 2.5 m above mean sea level as defined by WVD-53/NCD, because this datum was set in 1953, and is based on tide gauge measurements taken from between 1909 to 1946. There has been a considerable rise in local sea level and a subsidence in regional landmass since 1953, such that local mean sea level no longer aligns with WVD-53/NCD. Any assessment of impacts from coastal inundation from storm tide, must make the measure from the current mean sea level.

The change in sea level since the Wellington Vertical Datum/New City Datum was set was an issue for the Environment Court in the proposed Marine Education Centre development at Te Raekaihau Point. In that case, expert witnesses agreed that any storm surge calculations and floor levels needed to take account of sea level rise that has occurred since 1953 ie, since the Wellington Vertical Datum was set.

Effectively, sea level rise will increase the probability of coastal flooding by reducing the ARI of particular water level exceedances.

5. Storm surge and wave height and tide levels

The assessment looks at the water levels that could be reached by storm surge, extreme tides and waves and considers the likelihood of these effects combining to create an extreme water level elevation. The assessment makes reference to previous studies, to allow for these effects, but in the end there is no clear link between the extreme water levels discussed in the report and the final proposed ground floor level.

The proposed elevation provides enough clearance for the highest predicated tides, known as the mean high water perigeon springs (MHWPS) and the highest astronomical tide (HAT). It is good

practice to account for this and the levels that could be exceeded in future on the basis of sea level rise, because it is guaranteed to occur.

In addition to tides there are inter-annual and inter-decadal variations in the sea surface that fluctuate by as much as -0.16 to +0.20 m. The Bell and Hannah 2012 report recommends that +0.2 m be incorporated into assessments of coastal hazard to account for this variation [1].

Consideration must be given to the potential for storm surge events to occur in the part of the tidal cycle when the tides and water levels are at their highest. Storm surge is a temporary elevation in sea level due to a combination of low air pressure (inverse barometer effect) and strong wind blowing water against the shore (wind setup). Large storms and associated surges can persist for 48-72 hours, so there is a high likelihood of storm surge coinciding with a high tide. This is known as a storm tide. Storms also generate large, short period waves and when these break against a shore they produce an additional effect known as wave setup. Wave setup adds to the storm surge water elevation and can allow wave runup to reach high up the shore and inundate low lying coastal areas.

The assessment makes reference to the NIWA 2002 report, which looked at a large ex-tropical cyclone that impacted Wellington in 1936. This storm is widely acknowledged as the largest storm in the past century. It was similar to, but even larger than the 1968 Wahine storm (ex-tropical cyclone Giselle). The 1936 storm is a good analogue to use, because it is based on a known event. Furthermore, because of the uncertainties associated with climate change, there is the potential for an increase in the frequency of ex-tropical cyclones affecting New Zealand, in addition to a potential increase in the intensity of storms that already occur.

The NIWA 2002 report estimated that the storm tide elevation for this event was 1.7 m above WVD excluding wave effects, however it is not clear how the hazards assessment has taken this into account in setting the ground floor level because when this is added to sea level rise of 1.0 m with associated wave effects the level is higher than the ground floor level.

Lambton Harbour is sheltered from ocean swells and receives only locally generated wind waves. The assessment uses a figure of 0.3 m to account for wave height effects on top of storm surge, but doesn't account for wave setup and breaking (runup elevation). These effects are likely to be quite small in the sheltered basin of Lambton Harbour. But again, it is not clear how this has been taken into account in setting the ground floor level elevation.

More recent work by NIWA undertaken for Greater Wellington Regional Council has refined the understanding of storm tide within the Wellington Harbour [4]. Based on combined probability analysis, the 1% AEP storm tide was calculated to be 1.32 m above WVD-53/NCD, excluding any wave effects. Taking into account sea level rise of 1.0 m and potential increased intensity of storm events, a 1% AEP event in 100 years could reach elevations above WVD-53/NCD of 2.42 m, in the absence of any wave activity. When this is measured from the present day sea level it comes to 2.62 m. Wave activity is inevitable in a storm event, and needs to be taken into account, although the report indicates its effects are likely to be quite small in this location, ie, less than 0.1 m [4]. When these effects are accounted for, the design ground floor level needs to be at 2.7 m.

6. Conclusions and recommendations

There are a number of times in the assessment where the risk from flooding and inundation, from sea level rise or tsunami, to the development would be no greater or worse than other waterfront properties in the CBD. However, this is no justification to allow a structure to be built to the same specifications as others in an area at risk from natural hazards. Each site and development needs to be assessed on its own merits, regardless of what development decisions have been made in the past. It is contrary to all known best practice hazards and risk management guidelines and resilience building. As new information comes to light, risk assessments need to take account of the changing risk profile and adapt accordingly.

The assessment takes into account the major hazards and risks, both present and future, to the proposed development, but there needs to be a more thorough assessment of the potential for inundation and flood from sea level rise and storm surge in order to more accurately define the design ground floor elevation.

It would be good to see further information on the seismic hazards and risks from liquefaction and how this will be taken into account in the foundation design.

I support and recommend the idea of tsunami impact mitigation features being incorporated into the design of the building.

The proposed building level for the first floor is high enough to take account of extreme tides and storm surge at present, but the probability of inundation will increase over time due to sea level rise.

It is important the underground carpark is designed to withstand the impacts from increased water levels.

I strongly support a hundred year planning horizon and the allowance for 1.0 m of sea level rise into the ground floor level because sea level is currently trending to 1.0 m by 2115.

I strongly support the design of a building foundation that could technically be raised because sea level will continue to rise beyond 2115.

Importantly, sea level is already rising and this needs to be taken into account when setting design floor levels on the basis of Wellington Vertical Datum 1953/New City Datum. Currently mean sea level in Wellington is 0.2 m above this datum.

Any assessment of impacts from coastal inundation and storm tide, must account for the extreme water level elevations measured from the current mean sea level.

Therefore, I recommend that a more thorough assessment by a suitably qualified coastal expert be made to advise on the minimum ground floor level of the development.

Alternately, on the basis of information presented in this assessment, the proposed ground floor level be set at a minimum of 2.70 m. This takes into account the 1% AEP extreme water level as

measured from present mean sea level and based on a combined probability analysis out to 100 years.

Dr Iain Dawe
Senior Policy Advisor (Hazards)
Environmental Policy

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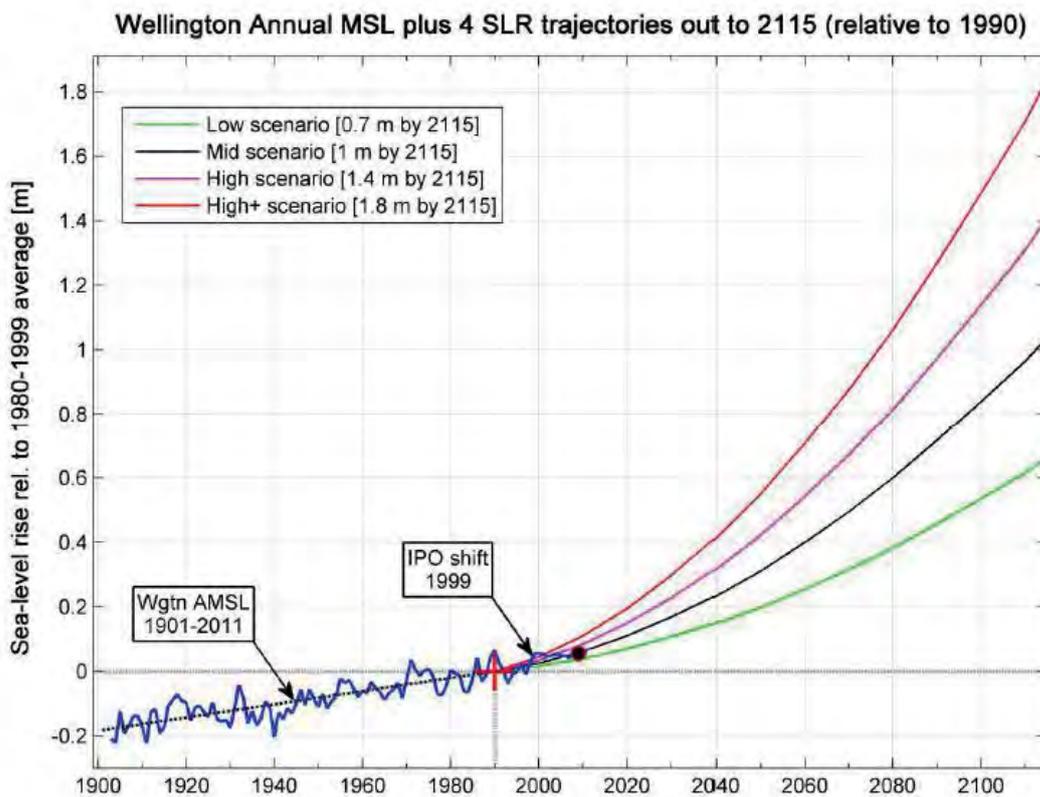


Figure 1: Sea level projection for Wellington. Currently on trend for a 1.0 m rise by 2115 [1].

Wellington Annual MSL trend

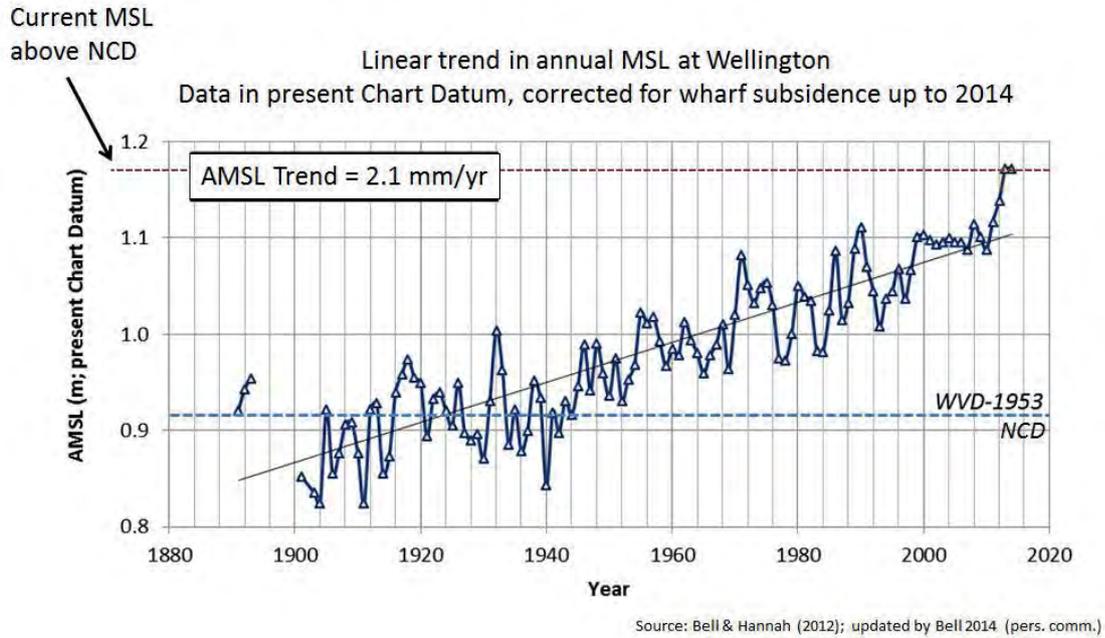


Figure 2: Sea level trend for Wellington [1].

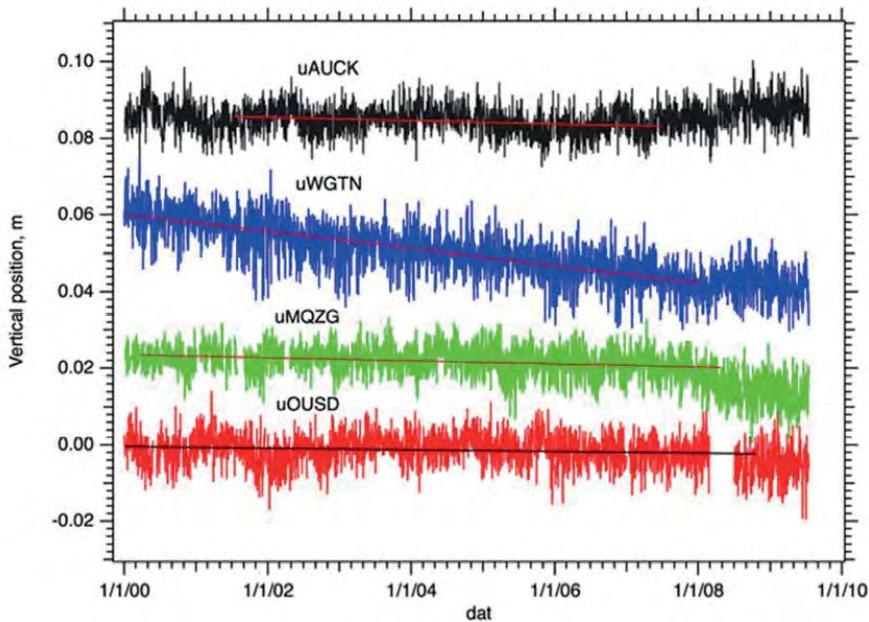


Figure 3: Vertical landmass movements at from the ports at Auckland, Wellington, Christchurch and Dunedin [1].

1. Bell, R.G. & Hannah, J. (2012), *Sea Level Variability and Trends: Wellington Region*. Report prepared for Greater Wellington Regional Council, National Institute for Water and Atmospheric Research (NIWA), HAM2012-043, 74p.
2. IPCC (2013), *Climate Change 2013: The Physical Science Basis*. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.). Cambridge University Press, 1535 p.
3. Mueller, C., Wang. & Power, W.L. (2014), *Investigation of the Effects of Earthquake Complexity on Tsunami Inundation Hazard in Wellington Harbour*. GNS Science Consultancy Report 2014/198, 43p.
4. Stephens, S., Reeve, G. & Bell, R. (2009), *Modelling of the 2 February 1936 Storm Tide in Wellington Harbour*. Report prepared for Greater Wellington Regional Council, NIWA client report, HAM2009-014, 33p.
5. Tait, A., Bell, R., Brgess, S., Gorman, R., Gray, W., Larsen, H., Mullan, B., Reid, S., Sansom, J., Thompson, C. & Wratt, D. (2002), *Meteorological Hazards and the Potential Impacts of Climate Change in Wellington Region: A Scoping Study*. Report prepared for Greater Wellington Regional Council, WLG2002/19, WRC/RP-T-02/16, 155p.

Annexure 11
List of Submitters

North Kumutoto Precinct Project: List of Submitters

No.	Submitter Name	Support/Oppose
1	Grant Corleison & Mark Dunajtschik	Support
2	Rosamund Averton	Oppose in part
3	Andrew Bowman	Support
4	Robert Lowe	Oppose
5	Helen Marshall	Oppose
6	Don and Ann Locke	Oppose
7	Julia Burgess	Oppose
8	Virginia Andersen	Oppose
9	Alexander Gough	Oppose
10	Waterfront Watch Inc c/- Mary Munro	Oppose
11	Gayle Cullwick	Oppose
12	Philippa Boardman	Oppose
13	Pauline and Athol Swann	Oppose
14	Chris Greenwood	Oppose
15	Rachel Underwood	Oppose
16	David Underwood	Oppose
17	Jean Morgan	Oppose
18	Sue Watt	Oppose
19	Ponatahi Trust c/- James Graham & Rebecca Treacy	Oppose
20	Body Corporate 309984 c/- Allan Pledger	Oppose
21	Allan Pledger	Oppose
22	Peter & Roy Ferguson	Oppose
23	John Hayes	Oppose
24	Carlos Constable and Megan Compain	Oppose
25	David Barber & Ruth Jamieson	Oppose
26	Chris Horne & Barbara Mitcalfe	Oppose
27	Architecture Centre c/- Christine McCarthy	Oppose
28	Anne Ryan	Oppose
29	Ann Mitcalfe	Oppose
30	Heritage NZ c/- Jillian Kennemore	Support
31	PowerCo Ltd c/- Burton Planning Consultants Ltd	Neutral

No.	Submitter Name	Support/Oppose
32	Alana Bowman	Oppose
33	David Stevens	Oppose
34	Frances Lee	Oppose
35	NZ Police C/- Senior Sargeant David Houston	Support in part
36	Wellington Civic Trust c/- Alan Smith	Oppose
37	David Zwartz	Oppose
38	Ron England	Oppose
39	Action for the Environment c/- David Lee	Oppose
40	Judith M Graykowski	Oppose
41	Living Streets Aotearoa c/- Ellen Blake	Support in part
42	Victor Davie	Oppose
43	John Graham Galloway	Support in part
44	Sri Farley	Oppose
45	Catharine Underwood	Oppose

Annexure 12
Summary of Submissions

Summary of Submissions North Kumutoto Precinct Project

This 'Summary of Submissions' summarises the 45 submissions received in relation to the North Kumutoto Precinct Project (the Project').

The resource consent applications associated with the Project (Applications 1 to 4) were publicly notified jointly by both WCC and GWRC under Section 95A of the RMA (at the applicant's request). The Public Notice appeared in the Dominion Post on 20 November 2014. Signs advertising the public notification of the application were also erected on the site. The submissions period closed 18 December 2014.

A total of 45 submissions were received in relation to the applications. Three of these submissions (Submission No: 42 to 45) were late submissions, but were each received on the next working day after the close of submissions. All late submissions were accepted with the agreement of the applicant.

The general position of these submissions are:

Position	Total
Oppose	37
Oppose in part	1
Support	3
Support in part	3
Neutral	1
Total Submissions Received	45

The majority of submissions have been categorised into separate topics under the following headings:

- A) Matters raised in Submissions in Opposition**
- B) Matters raised in Submissions in Support**
- C) Matters raised in Submissions that are Neutral**

Submissions that raised matters of a specific nature in detail have been summarised separately under the following headings:

- D) Waterloo Apartments - 28 Waterloo Quay (Shed 21): Submissions 19-22 &44**
- E) Architecture Centre: Submission 27**
- F) Powerco Ltd: Submission 31**
- G) Wellington Police Maritime Unit: Submission 35**

Where these parties raised a matter in detail that is also discussed in Sections A-C, this is noted underneath the relevant table of comments in Sections A-C with an asterisk (*) and note.

Conditions requested by submitters have been listed under the following heading:

- H) Conditions Requested by Submitters**

A) Matters raised in Submissions in Opposition

- Inappropriate Use of the Land
- Building Size, Height and Dimensions
- Design, External Appearance and Architecture
- Heritage
- Archaeology
- Views and Viewshafts
- Wider Waterfront Amenity
- Wind and Shading
- Traffic Safety and Pedestrian/Vehicle Conflicts
- Traffic Generation
- Vehicular Access, Circulation and Pedestrian Crossings
- Public Open Space
- Contamination, Coastal Environment and Ecology
- Inconsistency with Planning Framework/Higher Order Documents
- Holistic Planning on the Waterfront
- General/Other Matters

Inappropriate Use of the Land (Site 10)		
Comment	Submitter No.	Total
Will take up 'finite' public space/open space available for the leisurely enjoyment of the Waterfront for the benefit of all citizens.	2, 8, 10, 11, 12, 18, 25, 26, 28, 33, 34, 37, 39, 40, 45	15
Site 10 should remain a public space.	2, 8, 10, 11, 12, 14, 18, 25, 26, 28, 34, 37, 39, 40, 45	15
Privatisation of public space/alienation of public land for private use.	2, 7, 8, 10, 11, 14, 15, 18, 25, 26, 28, 29, 37, 39, 40, 45	16
Wellington Waterfront not an extension of the CBD; office blocks belong in CBD.	2, 10, 14, 18, 26, 28, 29, 34, 37, 45	10
There are many existing underutilised buildings in CBD and many "for lease" signs.	14, 16, 17, 25, 29, 45	6
Effects of a building on Waterfront irreversible.	12	1
Commercial development of area/No commercial reasoning given for the building.	7, 16	2
Need for more recreational space in area due to growth of office and apartments in the Capital, Railway and Centreport Precincts.	13	1
Footprint encroaches into what should be public space.	14	1
Wellington Waterfront walkways are a great attraction for overseas tourists, visitors and local residents; Waterfront should not be swamped with buildings like Auckland's Waterfront.	16	1
Opposed to more tall buildings on Waterfront.	17	1

Building Size, Height and Dimensions		
Comment	Submitter No.	Total
Bulk is excessive for the site.	6, 10, 11, 15, 18, 29, 33, 42, 45	9
Height is excessive/too large for the area.	4, 5, 6, 11, 15, 17, 18, 29, 33, 42	10
Size should be considerably reduced.	11	1
Height exceeds height stated in Environment Court decision for Variation 11.	10, 14, 15, 16, 18, 37, 39, 45	8
Width and length exceed width and length stated in Environment Court decision for Variation 11 when taking into account the building's overhangs.	10, 15, 18, 45	4
Disregards Environment Court recommendation that buildings have a gentle downward slope from Shed 21 to Shed 13.	45	1
If approved, the size of the Building's southern end should be reduced so that it only occupies the solid footprint area shown on Drawing 1.041 to keep views of Mt Victoria unobstructed and leave the Former Eastbourne Ferry Terminal Building as a feature.	33	1
Will crowd existing buildings and public access.	4	1
Any development must be small scale with minimum effect on movement, light and sun.	6	1

Design, External Appearance and Architecture		
Comment	Submitter No.	Total
The Building's design should be in keeping with the architecture of historic buildings (RE: Shed 11).	12	1
Flying Gantry adds massively to the Building's bulk and bears no resemblance to a gantry.	18	1
The Building should be integrated with the sea, open space and maritime heritage rather than CBD buildings.	18	1
The Building does not strike a balance between urban design, heritage and contextual considerations.	45	1
The Building's design does not meet exacting standards of design excellence as required by the District Plan.	37*	1

* *Note: Matters relevant to design, external appearance and architecture have also been raised by the Architectural Centre (Submission 27) whose comments are summarised in greater detail in Section E below.*

Heritage		
Comment	Submitter No.	Total
Size is inappropriate for heritage setting and will dominate and overwhelm surrounding heritage buildings (Shed 21, Former Eastbourne Ferry Terminal Building, Wharf Gates).	6, 10, 12, 15, 16, 17, 18, 33, 34, 37, 39, 45	12
Will significantly shade or overshadow the Former Eastbourne Ferry Terminal Building.	10, 33, 37, 39, 45	5

Design not sympathetic to historic surroundings and other buildings on Waterfront.	33	1
Focus of current open space is on listed heritage buildings; this will be lost following and the standing of the surrounding listed heritage items will be diminished.	45	1
No contribution to heritage values of North Kumutoto Area.	10	1
Gestures and representations of historic heritage of development on the Waterfront does not compensate for the destruction of heritage features.	10	1
The Building and the areas of public open space fail to recognise or reflect both historical Maori and European connections to the Waterfront.	18	1
The Waterfront's heritage should be protected, not destroyed.	15, 16, 29	3
Proposal inconsistent with WCC's Heritage Policy.	10	1
Planned use inconsistent with WCC's stated heritage values.	45	1
The Building, with its horse float-like extension, will dominate and overwhelm the heritage listed Former Eastbourne Ferry Terminal and conflicts with Section 6 of the RMA in that it does not <i>protect historic heritage from inappropriate development</i> .	39	1
Site 10 is being researched for possible registration with Heritage NZ; Queens Wharf is one of the earliest wharf sites of European origin left in Wellington City. There must be more protection of these features rather than their destruction.	29	1
Toll Booth Building should not be moved from its historic site.	13	1
Historic sea wall (currently unseen) should be preserved and restored. Historic photographs show a lovely edge to the wharf that is likely to be buried under the concrete.	45	1

Archaeology		
Comment	Submitter No.	Total
Disturbance of archaeological features.	2	1
WCC should undertake an exploratory excavation along the line of the former wharf to investigate whether there are any remnants of the old wharf that still exist and, if so, whether it can be exposed and restored as a historic feature.	43	1
Although Site 8 and 10 are not archaeological sites (refer Mary O'Keefe's Archaeological Assessment attached to Application), the area has Maori ancestral connections and European settler connections and, in particular, Site 8 and 10 contain a range of significant features and references that require protection. Both Proposal One and Two fail largely to recognise these connections.	18	1

Views and Viewshafts		
Comment	Submitter No.	Total
Structures should remain at a human scale and should not restrict harbour views.	2	1
Will block harbour views from Molesworth Street, Parliament and Whitmore Street.	14	1
Will block a viewshaft from the CBD to Lambton Quay and the hills beyond, and an existing view from the harbour edge to Te Ahumairangi (formerly Tinakori Hill).	26	1
Will block views of the harbour and surrounding hills from the CBD.	28, 40, 45	3
Disrupted harbour views from Cenotaph/Will leave only framed viewshafts and glimpses of the inner and outer harbour for the public.	13	1
Loss of viewshafts.	34	1
Will be constructed right up to the protected Whitmore Street Viewshaft (VS6 in the District Plan) so will not be enhanced under District Plan Policy 12.2.2.7.	39	1
Will compromise viewshaft from Bowen Street/Lambton Quay to Harbour.	37	1
Viewshafts and glimpses of the harbour not substitutes for panoramic views.	2	1
Will block the breath-taking view going down Whitmore Street and through the gates onto the Wharf of the Harbour, Hutt Valley and Mt Victoria.	28	1
Will look ghastly and have a dominating impact on the Waterfront (refer Drawing No. 0.016/View 5).	33	1
Will spoil views of the approach to the Waterfront along Customhouse Quay and the views of pedestrians who use the area.	12	1
The space is an important gateway to the Waterfront and will be disrupted.	12	1
The Building creates a canyoning effect for Waterloo Quay, which is not mitigated by the diagonal tunnel through the Building.	18	1

Wider Waterfront Amenity		
Comment	Submitter No.	Total
Amenity value of adjoining open space will be heavily impacted.	45	1
The Waterfront provides an escape from the large buildings of the CBD; people can walk unimpeded, enjoy a different scene and engage with a wider view of the sea.	28	1
The two over-engineered bridge structures from the Tug Wharf are unnecessary as there is already a connecting structure.	18	1

The reconnection with Te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important not only in terms of Maori culture but also in terms of the overall culture of the City of Wellington.	29	1
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Wind and Shading		
Comment	Submitter No.	Total
Will increase wind issues on adjacent public land and pedestrian areas.	11, 12, 13, 17, 34, 37*	6
Will significantly shade areas of public space along the waterfront.	11, 12, 13, 15, 18, 34	6

* *Note: The Architecture Centre (Submission 27) have provided detailed comments on potential wind issues associated with the building and these summarised in greater detail in a separate section titled: 'Architecture Centre: Submission 27' below.*

Traffic Safety and Pedestrian/Vehicle Conflicts		
Comment	Submitter No.	Total
Mixture of traffic will be confusing and increase vehicle and pedestrian conflicts.	9, 12, 33, 34, 36, 37, 41, 45	8
Opposed to mixing of vehicles on waterfront side of the development.	9, 36	2
Will create an opportunity to provide a pedestrian-free route along waterfront side of the building.	9, 25, 33, 36, 41	5
Encourages traffic into public open space.	29	1
Principle of 'pedestrians come first' should be considered.	10, 15, 41, 45	4
No pedestrian assessment undertaken independently of other elements.	41	1
Safety issues of shared pathways not addressed in the "Crime Prevention through Urban Design (CPTED)" Report.	41	1
No reference to NZ Pedestrian Planning and Design Guide in the Application.	41	1
Additional vehicle access, associated parking and servicing detrimental to pedestrians and those with mobility restrictions.	2	1
Mix of vehicles and pedestrians and lack of clear pathways will make it difficult for people with visual impairments. Good walking surfaces are required (no slippery or uneven surfaces).	41	1
Hard surfaces focus almost entirely on the movement of cars.	3	1
Vehicles need intervention to ensure they move slowly through the area.	41	1
Safety concerns with a two-way vehicle route along Waterfront and traffic 'pinch-point' near the Former Eastbourne Ferry Terminal.	10	1

No reason for anything more than limited vehicle access. Consideration should be given to preventing vehicle access during busy pedestrian times.	9	1
Truck dock on eastern side of Building will be problematic given it is a main pedestrian route.	10, 45	2
Will be less space available for pedestrians and cyclists due to increase in service vehicles and cars.	17	1
Bicycle exits onto Customhouse Quay need to be improved so that cyclists do not tend to use the pedestrian footpath.	41	1
Truck dock will generate large, noisy vehicles with the possibility of vehicle back-ups. There are dangers with certain types of deliveries (i.e. diesel).	10	1
Reversing manoeuvres from the truck dock may be dangerous therefore the truck dock should be relocated to the basement level.	36	1
Concerns with mixed traffic use over Whitmore Plaza.	10	1

Traffic Generation		
Comment	Submitter No.	Total
Will be consistent movement of cars coming and going throughout the day from the basement level car park.	10	1
Continued use of Site 9 for commuter car parking will result in increased car use and further development of Site 9 (to include car parking) may worsen traffic safety concerns.	10	1
Commercial building will result in more vehicles in the area.	12	1
Opposes subterranean car park.	2	1

Vehicular Access, Circulation and Pedestrian Crossings		
Comment	Submitter No.	Total
Vehicles should enter from Woolstore Plaza only (not from Whitmore Plaza) and exit via Bunny Street gates.	36	1
Need new pedestrian crossing from Whitmore Street to Site 10 across Customhouse Quay. Improvements could be made by moving pedestrian crossing from northern to southern side of Whitmore Street.	36	1
Traffic entering from Whitmore Street should only be able to turn right.	36	1
There should be no right turn at Woolstore Plaza.	33	1
Vehicle access to Site 10 and Shed 21 should be via Woolstore Plaza only. Whitmore Street entrance to Waterfront should be restricted to pedestrians and cyclists.	33	1
Whitmore Plaza is a muddle of people and vehicles. It is the access point to Kumutoto Lane to the north and south. Cars entering will be under pressure to move quickly as they leave busy Customhouse Quay via the slip lane.	10	1

If entering Bunny Street entrance from south there will be pressure to turn quickly. Commuters will be walking and arriving or leaving by car or bicycle at the same time.	10	1
Access and egress points for campervans need to be considered as part of this application.	10	1

* *Note: Matters related to traffic circulation and access have also been raised in several of the submissions from Waterloo Quay Apartments (Shed 21) (Submissions 19 to 24 & 44) and the Wellington Police Maritime Unit (Submission 35). Comments from these parties are summarised in greater detail below in Section 'D' and 'G' respectively.*

Public Open Space		
Comment	Submitter No.	Total
This public open space development is inextricably linked to the development of Site 10.	10, 18	2
Limited public space will remain after development of Site 10.	15	1
Little or no public space within the building.	14	1
Existing open space will become a "structured" area.	28	1
Will reduce the quality of the public space.	45	1
Waterfront should be a people-friendly open space for the enjoyment of all Wellingtonians.	18	1
District Plan Policy 12.2.8.3 seeks to achieve high quality public spaces and opportunities for vibrant activities. The design for the proposed public open space area is poor and unimaginative with an absence of planting and gardens. The landscape design should focus on bringing nature back to the Waterfront while providing for commercial development. The design fails to achieve quality design outcomes and does not enhance the 'sense of place' on the waterfront.	3	1
Kumutoto Estuary should be made more natural.	10, 45	2
Permit applications would not be needed if Site 10 remained as a public open space.	34	1
Woolstore Plaza essentially a carpark entrance.	10	1

Contamination, Coastal Environment and Ecology		
Comment	Submitter No.	Total
Opposed to all permit applications related to Applications 2 and 4. Contaminating Harbour will be detrimental to the economic, social, cultural and environmental goals of Wellingtonians.	2	1
Release of contaminants into Harbour, waterways and/or Coastal Marine Area that will occur during construction unacceptable/of great concern.	11, 13, 14, 15, 29	5
Hazardous waste matter underneath the ground will create problems during the construction phase.	12	1
Civic funds should be directed to "cleaning up" the harbour.	29	1
Disturbance/harmful intrusion of Coastal Marine Area.	2, 15, 29	3

Concerns over environmental sensitivity of proposal and changes to the interface zone between land and water, which have their own ecologies.	38	1
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Coastal Hazards		
Comment	Submitter No.	Total
Site 10 not suitable for building development given the growing evidence of man-made climate change and more frequent extreme weather events.	10, 13, 14, 26, 45	4
Building on reclaimed land means it will be subject to liquefaction in a severe earthquake.	26	1

Inconsistency with Planning Framework/ Higher Order Documents		
Comment	Submitter No.	Total
Fails to give effect to New Zealand Coastal Policy Statement objectives and policies.	18	1
Inconsistency with Wellington Waterfront Framework.	13, 36, 40	3
Key over-arching principle for the waterfront is that it should be people-friendly open space for the enjoyment of all Wellingtonians and visitors as per the <i>Wellington Waterfront Framework</i> and the vision for Wellington as a 'people-centred city' (see <i>Wellington Towards 2040: Smart City</i>).	18	1
Non-compliance with Wellington District Plan Objective 12.2.11 which seeks to maintain and enhance the unique and special components and elements that make up the Waterfront.	39	1
Covering more of the Waterfront's open space with a private office building will not "reinforce" the Lambton Harbour Area's role as a "primary open space on the waterfront".	39	1
Wellington Waterfront Framework specifies that " <i>Public Space development does not depend on funding on commercial development and the waterfront as a whole will remain a unique asset to the city that is a draw card in its own right</i> ".	13	1

Holistic Planning of the Waterfront		
Comment	Submitter No.	Total
Site 9 not integrated with rest of precinct.	36	1
Proposed Pavilion sounds like a glorified carport and would block off a future building on Site 9.	18	1
Environment Court decision on Variation 11 stated, inter alia, that " <i>new buildings are to be designed in a coherent fashion so they relate to and complement each other</i> ". There is still no indication of intended development on Site 9 apart from the former Toll Booth Building on its boundary.	36	1
The Waterfront must be considered as a whole, researched and planned, and designed to global expectations with clear character differences from other building groups.	38	1
Decision on Site 8 should be delayed until decision made on Site 10. Until then we can only comment that we are not	13	1

greatly impressed with the design.		
Site 9 should remain as public open space, perhaps with a small pavilion to function as a cafe and information kiosk.	33	1

General/Other Matters		
Comment	Submitter No.	Total
Loss of campervan space.	9, 37, 40, 45	4
No provision for public toilets.	10	1
Suggested "Creative Business Units" will become offices and the general public will have no reasons to access the area.	10	1
It is unclear whether ground floor tenants will attract people given their isolation from retail activities.	19	1
Most successful public places on the waterfront incorporate retail and commercial space that drive people to use them at various times. This design does little to take this success forward.	3	1
No details given of cost of 125 year lease or estimated rates received.	34	1
Peter Brooks, an influential and passionate supporter of development on the Waterfront, should be commemorated. Naming the Pavilion "Peter Brooks Pavilion" would be a fitting tribute.	36	1
WCC has conflict of interest as both applicant and decision-maker therefore independent commissioner requested.	27	1
Consultation has been limited to assumption that a building is to be constructed on Site 10 and excludes other alternatives. Consultation has been limited to the remainder of the Precinct Area.	10, 32, 34, 45	4
Figures and pictures in application inaccurate/deceptive.	10	1
Average submitter has not had time to assess the application; application should be explained more lucidly.	13	1

B) Matters raised in Submissions in Support

- General Comments in Support
- Design, External Appearance and Architecture
- Heritage
- Archaeological
- Public Open Space
- Wider Waterfront Amenity
- General/Other Matters

General Comments in Support		
Comment	Submitter No.	Total
Supports the proposal outright.	1	1
Supports the North Kumutoto Area as a more pleasant space that is accessible to all.	41	1

* Note: The Architecture Centre (Submission 27) supports a building on Site 10 accommodating a commercial activity and considers that a building will attract more people to the area; activate this part of the City better; and, ensure a more viable link to Harbour Quay. This submission is summarised in greater detail below in a separate section below titled: 'Architecture Centre: Submission 27'.

Design, External Appearance and Architecture		
Comment	Submitter No.	Total
Buildings will benefit area.	9	1
Little objection to Building's style and finish; design is light and translucent.	36	1
Softens the Brutalism of the NZ Post Building when viewed from the Waterfront.	36	1

Heritage		
Comment	Submitter No.	Total
Height and bulk is in comparative proportion with Shed 21 and does not overwhelm this building in terms of size or through the appearance of external fabric.	30	1
Efforts have been taken to align the features of the Building with the detailing of the Shed 21 building and show sensitivity to Heritage features. Alignment of the proposed building will ensure views of Shed 21 building from the roadway.	30	1
Building does not compete with either Shed 21 or the Former Eastbourne Ferry Passenger Terminal	36	1
There is enough space between the Building and the Former Eastbourne Ferry Terminal Building to enable it to be approached, seen and understood in its three-dimensional nature.	30	1
The cantilevered space provided by the Building will provide sheltered space to appreciate waterfront heritage and view the Former Eastbourne Ferry Terminal Building.	30	1
Use of the wharf gates (presently in storage) recommended as it will offer increased understanding and interpretation of the area as a historic place.	30	1
Proposal respects nearby heritage items in terms of bulk and location of the building; its exterior appearance is not overwhelming.	30	1

*Note: The Architectural Centre (Submission 27) considers the building size, form, orientation and location as being appropriate relative to its historic neighbours and outlines that they have no problems with a building from a heritage perspective. This submission is summarised in greater detail below in a separate section below titled: 'Architecture Centre: Submission 27'.

Archaeological		
Comment	Submitter No.	Total
Welcome Applicant's agreement to have a consent condition imposed requiring an 'Accidental Discovery Protocol' to be in place for the duration of the site works.	18	1

Public Open Space		
Comment	Submitter No.	Total
Welcome reintroduction of Toll Booth Building to Waterfront but regret it is only an interim use of the site.	18	1
Improved walkway and cycleway from the Ferry Terminal to the north end of Shed 21.	18	1
Pavilion will provide shade and shelter.	36	1
Great to see descending access to the water.	36	1
Supports the use of marine gardens (no use of non-Wellington Pohutukawa).	41	1
Supports use of appropriate lighting along the waterfront but this should be lighting so that it does not blind pedestrians	41	1
Supports application despite design being poor and failing to achieve the District Plan objectives as a decline would result in more years of delay and arguing. Requests that the applicants redesign the public spaces to include significantly larger trees and landscaping elements and be strongly focussed on bringing nature back to the Waterfront while providing commercial development to provide facilities that Waterfront visitors want. The landscape design should focus on people and movement.	3	1

Wider Waterfront Amenity		
Comment	Submitter No.	Total
The buildings cantilever will provide a good area of covered and sheltered open space underneath the building.	36	1

General/Other Matters		
Comment	Submitter No.	Total
Site 8 better left as public space.	3, 18, 36	1

C) Matters raised in Submissions that were Neutral

General/Other Matters		
Comment	Submitter No.	Total
Neutral towards pavilion shelter but seems pointless taking up space that could be better used for planting large trees and green space. Support some form of shelter but it could better incorporate nature within and around it.	3	1
Neutral to plans for the Precinct Project as a whole but suggests an enhancement to the public open space on the area on the seaward site of Site 10. Requests that WCC undertake an exploratory excavation along the line of the former wharf (detailed further in submission) to ascertain whether any of it still exists and, if so, whether it is of sufficient	43	1

quality and quantity for a suitable length to be exposed and restored as a historic feature of the North Kumutoto Precinct.		
Design approach good in general; Buildings will benefit area.	9	1

** Note: Both Powerco Ltd (Submission 31) and Wellington Police Maritime Unit (Submission 35) have indicated that they are neutral towards the proposal overall but have specific comments that they wish to make for consideration.*

D) Waterloo Apartments - 28 Waterloo Quay (Shed 21): Submissions 19-22 & 44

Submission 20 was received from the Chairperson of Body Corporate 309984 for the apartment owners of Waterloo Apartments (Shed 21) at 28 Waterloo Quay. Similar submissions were received by individual unit owners (Submission 19, 21, 22, 23, 24 and 44) who represent themselves as individuals.

The majority of the content of these submissions is similar (if not the same) and is summarised in general terms below. Where submitters have raised additional matters, these are identified under the heading 'Specific Comments'.

General Submission:

Underground carpark
Interactions between trucks, cars, cyclists and pedestrians would take place within a small area, which is contrary to good traffic management practice.
It would be better traffic management to locate the basement entry and exit to the southern end or the eastern side of the Building (where the truck dock is currently proposed) where the number of interactions between trucks, cars, cyclists and pedestrians would be fewer.
Vehicles entering an exiting the basement would cause unnecessary disruptions to apartment owners and commercial units at the southern end of Shed 21, generating noise and the nuisance of vehicle headlights shining into units during hours of darkness.
The entrance to Shed 21 is not integrated with, or complementary to, the entrance to Shed 21 (a listed heritage building) and will clutter and downgrade the entrance to Shed 21.

Wharf Gates at Southern End of Shed 21
Unnecessary to move the Wharf Gates near the southern end of Shed 21 to line up with the Building's built edge as these gates currently align with the built edge of Shed 21.
The southern entrance to Shed 21 differs from the waterfront entrances near the Customhouse Quay/Waring Taylor Street intersection and the Customhouse Quay/Johnston Street intersection but they do not need to conform.
The new location of the Wharf Gates will unnecessarily obstruct views through the only exterior window of the commercial unit (Unit 1.04) at the southern end of Shed 21.

Changes to Ground Levels at Southern End of Shed 21

Introducing two new (downward) steps at the southern end of Shed 21 will change the ground level and make it more difficult for people accessing Shed 21 (for deliveries; pick ups of furniture, appliances and equipment; tradespeople; and other pedestrians). Submission 20 identifies that the body corporate agreement for the apartment owners requires these activities to be conducted from the southern end of the building.

The Woolstore Plaza is not integrated with, and complementary to, the Environment Court decision (*Waterfront Watch Inc v Wellington City Council* [2012] NZEnvC 74), in particular, Para [82], [83], [86] and [107]. It is requested that this level change is reconsidered as it is only needed as a result of the relocation of the Wharf Gates.

Eastern Accessway

The proposal makes no provision for the two commercial units on the eastern side of Shed 21 to stop or park temporarily for deliveries other than on the two-way laneway (potentially to become a one-way laneway).

There is no provision for emergency vehicles to get close to the eastern or northern walls of Shed 21. The fire sprinkler inlet, which hoses are to connect to in the event of a fire, is in the middle of the northern wall of Shed 21 and the proposed landscaping changes do not provide access to this point.

The proposal will reduce the total number of car parking spaces occupied by Shed 21 from 9 to 7 with other spaces relocated.

Construction Phase

Should consent be granted, robust conditions must be imposed to mitigate dust and noise.

Conditions should be imposed to ensure care is taken to reduce the impacts on the Shed 21 building through pile driving and ground compaction works and to repair any structural damage to the Site 10 building.

Lack of Consultation

Consultation between the applicant and the Body Corporate has not been effective with no discussion regarding the location of the basement carpark (even though the Body Corporate had raised this as an issue beforehand), the change in ground levels or the landscaping and laneway.

Specific Comments from Individual Submitters:**Submission 20**

One of the key principles of the original consents, which provided for the conversion of 28 Waterloo Quay into apartments, was to ensure that its southern access area would be primarily a pedestrian area. The primary access to the underground basement carpark of Site 10 is contrary to this principle.

The proposal is in breach of the registered Right of Way Easement (5297344) held by the Body Corporate because it entails the use of the southern access area (Woolstore Plaza) that is not permitted for use by vehicles without the consent of the Body Corporate, which has not been given.

Access will be difficult, if not impossible, for height access equipment essential for maintenance or repair work for the Shed 21 building (scissor lifts, cherry pickers, cranes or

static scaffolding).

Submission 23

No pile driving or compaction works should be allowed for the foundations of the new building on Site 10; metal sea wall foundations must be drilled.

Submission 24

Changes to the laneway and landscaping should not remove any existing structures, namely our columns.

Summary of Outcomes Sought:

1. Entry/exit to the basement level carpark relocated to the southern or eastern side of the building;
2. Effective consultation from the Applicant with the Body Corporate and give effect to the agreements reached;
3. Wharf Gates remain in situ;
4. Reconsider the changes to ground levels (the two downward steps) within the Woolstore Plaza;
5. Ensure that laneway changes and landscaping do not compromise the existing rights represented in the right of way easement;
6. Impose conditions of consent (and commitment from the Applicant) to make good any structural damage to the Shed 21 building resulting from pile driving or other works.

E) The Architectural Centre: Submission 27

The Architectural Centre opposes the resource consents for the North Kumutoto Project. It considers that the building is not of sufficient design quality for its context on this sensitive and significant publicly-owned site. In the opinion of the Architectural Centre, the proposed building does not meet the exacting standard of 'design excellence' and is deficient in terms of meeting the needs of Wellingtonians social and cultural well-being.

The proposal also falls short in terms of compliance with the Council's ethic of stewardship - both in terms of enhancing public amenity, and perhaps, more importantly, in its obligations to ensure an ethically responsible design in terms of energy-use, water-use and pollution mitigation (e.g. having a green roof). These ethical aspects are not separate to those which determine other parameters of design quality, and our current design industry would expect high standards in sustainability as fundamental to notions of design excellence...This current proposal is a lukewarm one, and a missed opportunity; a disheartening engagement with what must be one of the country's most cherished urban coastal landscapes.

Buildings on the Waterfront are vital to attract high quality public amenity to the waterfront by providing adequate environmental protection (from wind, rain and sun) and facilities (public amenities, retail and event space).

The Architectural Centre supports a building on Site 10 accommodating a commercial activity and considers that a building will attract more people to the area; activate this part of the City better; and, ensure a more viable link to Harbour Quay.

The Architectural Centre is of the view that the proposal is inconsistent with the Wellington Waterfront Framework (WWF), an important Policy document with respect to development on the Waterfront. Consistency with the ambitions and intent of the WWF is considered particularly relevant to the Architectural Centre given the long term commitment (125 years) of the lease to Site 10 Redevelopment Limited Partnership.

Constant themes in the opinion of The Architectural Centre include:

- (a) a requirement for exciting, innovative, high quality, and a diverse range of, design to facilitate a wide variety of activities;
- (b) the provision of high quality outdoor space, with views of the harbour;
- (c) new design, which is cognisant of heritage buildings (specifically their design, scale and appearance);
- (d) recognition of the importance of the connection between the city and the sea
- (e) the description of the waterfront as a very special civic place (e.g. "an exciting playground of beautiful and inspiring spaces that connect our city to the sea, and protect our heritage for future generations;" "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."

The Architectural Centre consider that the application is inconsistent with the WWF because the proposed Site 10 building, and the Whitmore Plaza, are of insufficient quality and character when considered in the context of the very high threshold for both quality and character of design that the WWF requires. The proposed building is a standard commercial office building, which is seemingly oblivious to its obligations as a public building to demonstrate this design excellence, and to contribute positively to the city.

Architectural Centre considers that achieving the building's responsibilities as public architecture, which obligations include:

- (a) Site-specific design;**
- (b) The provision of public space on the ground floor of the building, which is important in contributing to the social and cultural well-being of Wellingtonians, and enhancing the amenity values of the site;**
- (c) Outstanding architectural design of the interior public spaces, the exterior facades of the building, and external public spaces, including aspects of amenity; and**
- (d) Ethical design.**

Each of these is expanded on further below:

(a) Site-specific design

This includes:

- (i) understanding the narrative of ambitious and idiosyncratic design which characterises the waterfront;
- (ii) engaging with the formal qualities of the existing heritage building (materials, proportionality, scale etc)
- (iii) achieving exemplary design, with an obligation to engage with the complex interaction between the city and the harbour, including the facilitation between the harbour and the city, with the ground floor being predominantly transparent.

The Architectural Centre considers that the building behaves conscientiously relative to its historic neighbours. The scale of Shed 21 establishes and is related to the new Site 10 building. Scale references are made to the Former Eastbourne Ferry Terminal Building. Additional moves via material references might also have been made but the Architectural Centre has no problems with a building of this size, form, orientation and location from a heritage or urban design perspective.

The waterfront is described by the Architectural Centre as an idiosyncratic and risk-taking built environment amid the existing heritage infrastructure, which “productively and creatively challenges and tests the meaning of public architecture”. It is a gutsy and tough environment, unafraid of controversy. The District Plan describes this form of development as “imaginative developments, which in turn encourage an improvement of the amenities of the waterfront for use and enjoyment by the public.”

The WWF and its preceding policy stress the special character of the waterfront and the need to maintain and preserve views as one of the mechanisms for preserving this character. The Architectural Centre identifies the need for thoughtful and careful design to maximise views between city and sea, with Policy 12.2.8.3 of the District Plan which aims for “views from city streets preserved, and improved where possible”¹.

Careful and thoughtful design is needed to maximise views between harbour and city at ground floor. Currently, the proposed design will block off 70% of the ground floor, preventing views through the building. The fit-out of tenancies within the building are likely to further block views (kitchens, product shelving, staff-only spaces). The Architectural Centre suggests that it may be appropriate for the design on the building to meet specific conditions regarding transparency through the ground floor.

(b) Provision of public space on the building’s ground floor

The Architectural Centre considers ground floor public space as important to contributing to the social and cultural well-being of Wellingtonians, and enhancing the amenity values of the site. In their opinion, this includes space which:

- (i) is welcoming to the public, and open and transparent;
- (ii) aesthetically engages with the cultural values of the public
- (iii) does not require the public to purchase anything in order to occupy the space;
- (iv) includes public use, as well as being publicly accessible space; and
- (v) provides public facilities (e.g. public toilets, bookable community meeting rooms).

The ground floor of proposed building, in their opinion, requires skill to convey that the building is a fundamentally generous public space (through a high floor to ceiling dimension, high quality materials, the inclusion of community-orientated functions, active edges, high quality adjacent public outdoor space). The floor to ceiling dimension of the proposed building is high-ish, at approximately 3.5 metres. However, the planning ground floor of the building reflects a conventional commercial space at the expense of public use.

The Architectural Centre acknowledges the capacity of the ground floor for retail and hospitality tenancies, which will enable publicly-accessible space, and will broaden the destination value of the ground floor, but we consider that the brief for ground floor space must also require specific public-use functions, which do not require the public to purchase goods or services in order to occupy spaces. Interior spaces need to be designed to encourage the occupation of ground floor spaces by the public (rather than simply facilitating their passing through these), and that

¹ Wellington Waterfront Framework , quoted in Applicant’s AEE, pg. 12

some of these spaces must have exclusively public functions, even if they are as mundane as the provision of public toilets, showers and changing rooms to supplement waterfront activities.

The Architectural Centre suggests a resource consent condition which requires a minimum of 65% of the ground floor being designated space accessible to the public. The explanation to District Plan Policy 12.2.8.6 requires consideration of “active edges” that support public use and which is predominantly accessible to the public. In their opinion this suggests a policy intention for meaningful public use at the ground floor beyond commercial activity.

The initial consultation of the redevelopment of Site 10 included a publicly accessible roof area and active use of the top floor. One of the fundamental changes following the initial consultation was a change of the building from 6 storeys to 5 storeys and the loss of this publicly accessible roof space. The Architectural Centre considers this to be a missed opportunity which would have been a ‘grand civic gesture’.

In the opinion of the Architectural Centre, the current design of the roof needs greater attention given that it will be looked down upon by several neighbouring buildings.

(c) Outstanding architectural design of the interior public spaces, the exterior facades of the building, and external public spaces, including aspects of amenity, such as:

- (i) innovative and challenging design
- (ii) a higher design quality threshold than normal commercial development.

The proposed building won a design competition in 2013, and the same firm (Athfield Architects) also won a design competition in 2007 for a related proposal. However, in the opinion of the Architectural Centre, the earlier (2013) design was more elegant and sophisticated in design terms than the current proposal which appears ‘clutter-up’; and, the current proposal is a ‘watered-down’ version of the 2007 design. The current design of the Waterloo Quay façade is, in the opinion of the Architectural Centre, ‘over-cooked’, hard to read and prevents clarity of the building’s form. The Architectural Centre suggests that an inquiry is made by the decision makers as to the different nature of these competitions (e.g. a strong focus on architectural design vs. developer driven to deliver a project).

In the opinion of the Architectural Centre, the building lack ambition and is ‘thin on the ground’ when it comes to site specificity.

The idea of the working gantry has potential but the two level volume is a placed awkwardly beneath it making it difficult to read as a cantilevered structure. Expressions of the remaining gantry references may be largely lost should tenants install blinds within the building to control sunlight.

The built volume within the space under the gantry also closes off the openness and visual connection to the Former Eastbourne Ferry Terminal Building. The Architectural Centre considers that removing the built volume under this space will “unblock” and “de-clutter” this space to better enable the cantilever of the gantry to be understood and will better enhance city to sea connections that the Wellington Waterfront Framework desires.

There are three key public spaces and the Architectural Centre comments on these spaces are as follows:

Site 8:

- is the most successfully designed and the only aspect of the application that it supports.

- whilst a comparatively meek example of public space compared to overseas examples it will make a new contribution to the waterfront, with its merging of landscape and furniture (such as the communal lunch table) and such thinking could be playfully teased out further through the site.
- The isolation of the pavilion from the aesthetically related ground is disappointing. These gestures stop short of achieving something truly creative and challenging; with the underdeveloped pavilion appearing more of an object on the waterfront, rather than an innovative space that provides shelter and functional opportunities at a more expansive scale.
- There is the potential to explore roof top access to the pavilion. It could become an artificial seaside landscape; a forest (engaging proximate tree canopies); a lookout; and fully functioning serial kiosk, facilitating temporary and ad hoc refreshment and novelty stalls during waterfront events.

Woolstore Plaza:

- The Woolstore Plaza is deceptively named as it is not a plaza at all, but rather an unattractive leftover space whose primary function is directed towards traffic circulation.

Whitmore Plaza:

- The Whitmore Plaza is a large barren circulation space, scaled towards the needs of a car.
- It is not a destination and lacks meaningful shelter, but does have some provision for seating, though all of this is to frame car use.
- This space should be primarily designed for the pleasure of people and at the very best a “shared space”.
- It appears to likely be an unpleasant and exposed space.
- The provision of near continuous verandahed spaces for pedestrians and cyclists will give this space a purpose.
- Despite its location as the closest point between the Quays and the harbour edge, and the connection between Parliament and the water, the proposed Plaza gives no reference to itself as a “tidal area”, nor its capital city aspirations.
- Visual connections along Whitmore Street and to and from a peripheral part of the Beehive are acknowledged.
- The material palette could be an appropriate way to amplify city to sea associations.

Comments on wider proposal for public open space:

- There is a lack of public toilets, cycle parking, rubbish bins, signage etc.
- Reclaimed cobblestones will slow traffic but could make journeys uncomfortable for cyclists. Continuous strips of a smoother surface could improve the ride for cyclists.

Wind Tunnel Study

The location is clearly windy, with 15 of the 43 locations measured in the *Opus Research Report* (Wind Tunnel Study) experiencing winds that exceed the Wellington City Council safety criterion. When the building is completed, 17 of these locations will experience dangerous winds. In the opinion of the Architectural Centre, is difficult to see this achieving the aims of the District Plan.

Clearly the wind environment on the close to the building will be markedly improved; but the wind speed will be significantly increased on the opposite side of Customhouse Quay, being the most highly used pedestrian path in the neighbourhood.

Although the building may not cause a worse wind environment than the present situation, the current wind environment is challenging to say the least and is frequently not an environment conducive to outdoor activities indicated by the design – suggesting that outdoor spaces will have low levels of amenity.

The diagonal route through the building appears to be a crude architectural move which doesn't understand the geometry of the building and will be appalling wind tunnel worsening the pedestrian experience. Linking the windy and windward side of a building is just not sensible (as the market area on the Herd Street Post Office Building demonstrates every northerly). The use of this link-through is not an safety concern but an amenity issue.

Awareness of sun and wind issues in relation to public amenity spaces are critical to the success of the project and the Architectural Centre believes that more development work is required to design and test appropriate shelter that retains access to the sun but enhances the experience of these spaces. An agreement is required upfront to work on large scale screens and landscaping interventions to address and improve this experience.

If the diagonal walkway through the building is removed to mitigate wind issues, the external wall of the ground floor tenancy could be pulled back to grid-line L (on the original Athfield Architects building plans), and, with the removal of the two level projection under the "gantry" cantilever, a vertically larger public space would be created, increasing the visual and physical openness to the waterfront.

Toll Booth Building

The Architecture Centre support the relocation, new position and orientation of the Toll Booth Building.

(d) Ethical Design

In the opinion of the Architectural Centre, ethical design would include:

- (i) sustainable design (in terms of: material selection, waste management and waste minimisation in its construction, achieving zero-energy design, roof collection of water, recycling water/use of grey water (e.g. for toilet flushing), a green roof, green walls - though these need maintenance.
- (ii) encouraging occupant use of sustainable and active transport options (e.g. provision of showers for cyclists, provision of cycle parks, reduced provision of car parks, maximises its proximity to public transport hubs).
- (iii) resilient design in terms of earthquake design, low damage design, and climate change (which would include its viability in the context of sea level rises).
- (iv) sustainable uses (e.g. recycling), and in this regard the provision near the Truck Dock Entry for recycling is a positive inclusion in the plan.

The building addresses some of these issues, in particular:

- 1) the building is base isolated, ensuring earthquake resilience;
- 2) issues relating to sea level rise appear to be accommodated;
- 3) the project reduced the net number of car parks;
- 4) showers appear to be provided on each floor;
- 5) the application refers to the building receiving a 5 star Green Star Certified Rating.

But all of this falls short of a zero-energy building, which the Architectural Centre consider is necessary to give meaning to the Council's aim to promote sustainable design. Large areas of glass may cause the building to overheat, requiring air-conditioning, when passive-energy design (openable windows and ventilation) would be much more responsible. In addition, there is no rainwater collection or water recycling. There is no mention of construction waste

minimisation strategies. A green roof would also improve the building's status as an exemplar and provide an enjoyable space for the building's occupants.

Notes about the Architectural Centre Submission:

The Architectural Centre Inc. is an incorporated society dating back to 1946 which represents both professionals and non-professionals interested in the promotion of good design.

No members of the Architectural Centre whose firms work on the waterfront or who are involved in projects on the waterfront have been involved in writing this submission.

The Architectural Centre have participated in consultation processes with respect to the energetic redevelopment of the waterfront dating from the early 2000s. Most recently, the Centre made a submission to the Wellington City Council (28 February 2014) on consultation initiated by the Wellington City Council for the North Kumutoto Site 10 Development Proposal.

F) Powerco Ltd (Powerco): Submission 31

Powerco Ltd is neutral towards application as a whole. However, Powerco has an existing gas distribution main located in the southern end of the North Kumutoto Precinct, partially within the location of the public space redevelopment.

Powerco Ltd wishes to ensure the proposed works do not have adverse effects on the existing gas distribution main, including:

- 1) ensuring works do not physically damage existing assets;
- 2) ensuring works do not disrupt gas supply to customers during construction works;
- 3) avoiding level changes which result in too much, or too little, coverage of existing underground assets;
- 4) preventing access to underground assets being restricted for required maintenance during construction, or by inappropriate placement of structures, buildings or landscaping.

Powerco have an existing easement (Easement Instrument 7531033.3) over Lot 1 DP 363596, being part of the North Kumutoto Precinct to be developed as public open space.

Powerco seek resource consent condition(s) imposed on the consent (if granted) which, in effect, reflect the restrictions imposed under Easement Instrument 7531033.3. The requested wording is outlined under Section H below.

G) Wellington Police Maritime Unit (NZ Police): Submission 35

The (former) Eastbourne Ferry Terminal Building accommodates both the 'Wellington Police Maritime Unit' (WPMU) and 'Police National Dive Squad' (PNDS). The building also provides secured (gated) access to the adjoining Service Jetty. Docked to this jetty are typically two vessels (18.5m long Lady Elizabeth IV and 12m long Police 8). These vessels carry out a wide range of functions for Police, Local and Central Government and the general public.

The focus of the submission is on maintaining current levels of service delivery and to meet critical functions, and also to ensure that the development does not hinder future capability pertaining to Police Business conducted on the site.

This includes:

- 1) refuelling of Police vessels via a fuel tanker driven to the site. There is no alternative provision for fuel to be delivered by other means.
- 2) Requiring clear access for Police, Ambulance and other Emergency Vehicles. This includes access to the service jetty through the secured gates; space to park a heavy duty truck and trailer to load and unload gear; and, appropriate turning circles for these vehicles.
- 3) Two car parks for Police vehicles between 0700 and 2400 hours.
- 4) Ensuring business continuity for the during construction for (including access to the service jetty; power supply; telecommunications; sewerage and drainage services).
- 5) Not hindering future possibilities of constructing another service jetty for Police use to house ablutions and storage facilities (uses that are currently houses off-site from the current premises).

Further Comments:

- Ensure CCTV is installed and is connected to the City's Central Monitoring system;
- Ensure appropriate lighting, particularly in areas where people may seek shelter in wet weather;
- Possibility to include some form of public art work or nautical themed sculpture to honour Police members who lost their lives at sea.

H) Conditions Requested by Submitters

Submission 2: Rosamund Averton

- The applicant must develop the site in a manner that matches the entire proposal and minimises environmental, ecological and archaeological harm. Clear and concise conditions are needed to ensure that what is constructed honestly reflects these proposals.

Submission 18: Sue Watt

- An Accidental Discovery Protocol is imposed for the entire period of the works.

Submissions 19-24 and 44: Waterloo Apartments (Shed 21)

- Have the entry/exit to the basement level carpark relocated to the southern or eastern side of the building.
- The applicant must undertake effective consultation with the Body Corporate and give effect to the agreements reached.
- That the Wharf Gates remain in situ.
- Reconsider the changes to ground levels (the two downward steps) within the Woolstore Plaza.
- Ensure that laneway changes and landscaping do not compromise the existing rights represented in the right of way easement.

- Impose conditions of consent (and commitment from the applicant) to make good any structural damage to the Shed 21 building resulting from pile driving or other works.

Submission 27: The Architectural Centre

- In relation to SR No: 319836 - Site 10 Building:
 - (a) Require 65% publicly-accessible ground floor space with half of this space (a total of 32.5% of the ground floor space) being given over to public facilities.
 - (b) Increase the connection between the city and sea - Increased transparency through the ground floor is one way to address this.
 - (c) Increase the floor to ceiling height of the ground floor to a minimum of 5m.
 - (d) Remove the built structure immediately under the "gantry" cantilever.
 - (e) Require net zero-energy use.
 - (f) Require water collection and greywater reticulation.
 - (g) Require a plan to reduce waste during construction.
 - (h) Specify a minimum area for cycle parks within the basement.
 - (i) Specify a maximum area for car parks within the basement.
 - (j) Re-design the basement to ensure safe cycling to cycle parks, including testing against Austroads specifications for cycling infrastructure.
- In relation to SR No: 320128 - Public Outdoor Spaces:
 - (k) Improved design of outdoor spaces to improve the wind environment and provide appropriate levels of amenity for users.
 - (l) Reduce car-priority in the design of Whitmore Plaza.
 - (m) Require cycle parks and rubbish bins in outdoor public spaces.
 - (n) Require continuous cycle-friendly surfaces on roadways (i.e. redesign of the reclaimed cobblestone segments).
 - (o) Require a plan to reduce waste during construction.
 - (p) Ensure that the location and orientation of Former Toll Booth building to reflect its former function.
 - (q) Ensure at least three public toilets are provided within the development (i.e. one male, one female, one disabled).

Submission 30: Heritage NZ

- Wharf Gates are to be reused where possible.

Submission 31: Powerco Ltd

- The Consent Holder shall not disturb or permit to be disturbed the soil below a depth of 300 millimetres from the surface of the land subject to easement in favour of Powerco.
- The Consent Holder shall not do anything that may damage or endanger Powerco's existing underground gas distribution assets including anything that would in any way reduce the clearance of the assets to less than the minimum clearance required from time to time by any applicable statutory regulation, code of practice or other authority.

Submission 33: Frances Lee

- The design must be revised to reduce its size by removing the overhang completely. Views of Mt Victoria would be largely unobstructed and the Former Eastbourne Ferry Terminal would be more prominent.

Submission 35: Wellington Police Maritime Unit

- Ensure CCTV is installed and is connected to the City's Central Monitoring system.
- Ensure appropriate lighting, particularly in areas where people may seek shelter in wet weather.

Submission 41: Living Streets Aotearoa

- The key walking route to and from Whitmore Street to the Railway Station must be maintained during construction.

END

Annexure 13
Recommended Conditions of Consent

Application One:

Conditions of Consent:

General:

- (1) The proposal must be in accordance with the information provided with the application Service Request No. 319386 and the following plans listed below, except in order to comply with specific consent conditions on this consent and any related consent condition(s) on SR No: 320128:

[List of Approved Plans]

Geotechnical:

- (2) Prior to construction commencing, a Geotechnical Report prepared by an appropriately qualified Geotechnical Engineer must be submitted to, and have been approved by, WCC's Compliance Monitoring Officer ('CMO'). This Report must assess the existing ground conditions and present the results from subsurface testing carried out within the site. The report must consider the proposed development with respect to the results of subsurface testing and provide recommendations as to how the site and surrounds will remain stable (including both temporary and permanent excavations).
- (3) All excavation, fill, retaining and building foundations constructed on the site must proceed in accordance with the recommendations of the Geotechnical Report approved under condition (2) above.
- (4) A suitably experienced Chartered Engineer must design and oversee the construction of all excavations, fill, building foundations and retaining structures and provide a completion statement/certification (PS4) to the CMO within one month of the retaining structures being completed. The Engineer must employ an appropriate ground instrumentation and/or monitoring programme to monitor the effects of construction to the surrounding ground and properties, and allow for early detection of damage or potential damage. The Engineer must ensure that the work does not cause damage, or have the potential to cause damage, to neighbouring land or buildings, and existing underground services

Construction Traffic Management Plan:

- (5) A detailed Construction Traffic Management Plan (CTMP) must be prepared, submitted to and approved by the CMO prior to the commencement of all work on site. The CTMP must establish acceptable performance standards regarding public safety including methods to avoid, remedy or mitigate adverse construction traffic effects during the development of the site.

The CTMP must include, but not be limited to, the following matters:

- a. A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;

- b. Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
- c. A communication and complaints procedure for adjoining property owners/occupiers, passer-bys and the like;
- d. measures to deal with any collateral damage to vehicles and property;
- e. Safety fencing and associated signage for the construction site;
- f. temporary pedestrian safety measures, gantry design(s) where required, and details of temporary pedestrian re-routing including directional signage;
- g. details of any public exclusion zones required outside of the area of works;
- h. specific consideration for maintaining public access to the coastal marine area;
- i. specific consideration of the operational requirements of the Wellington Police Maritime Unit (located within the Former Eastbourne Ferry Terminal Building);
- j. consideration of the Heritage Management Plan for the proposed works.
- k. details of the locations of any temporary construction hoardings to be erected;
- l. specific consideration for delivery of building materials including loading areas, truck waiting areas and access to the site (having regard to the gross combined weight of vehicles and weight per axle restrictions along Kumutoto Lane);
- m. ensure that access for emergency vehicles can be provided at all times;
- n. measures to ensure dirt, mud or debris or other materials are not left on the road;
- o. the size of trucks involved; and
- p. the covering of soil or other material that is to be trucked on or off the site.

Note: The CMO will review/approve this plan in consultation with the Council's Manager of Transport Networks and the Transport Asset Performance Team Leader.

- (6) The CTMP approved under condition (5) above must be implemented for the duration of the site works to the satisfaction of the CMO. The CTMP must also be modified, where directed by the CMO, to deal with any deficiencies in its operation.

Construction Noise:

- (7) A Construction Noise Management Plan (CNMP) must be prepared by a suitably qualified person experienced in Acoustic Engineering or construction management practices. The CNMP must be submitted to and approved by the CMO prior to the commencement of all works on site. The CNMP must describe the methods by which noise associated with the work will comply in all aspects with the

controls set out in NZS 6803:1999 and how all persons undertaking day-to-day activity management will adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with section 16 of the Resource Management Act 1991.

Note: Guidance on the preparation of a Construction Noise Management Plan can be found in the guidance document enclosed with this decision, and in Annexure E2 of New Zealand Standard NZS 6803:1999 *Acoustics— Construction Noise*.

- (8) The CNMP approved under condition (7) above must be implemented for the duration of the site works to the satisfaction of the CMO. The CNMP must also be modified, where directed by the CMO, to deal with any deficiencies in its operation.

Building Damage Record:

- (9) Prior to construction commencing, the consent holder must submit a report to the Wellington City Council detailing the results of a 'pre-construction survey' prepared by a Structural Engineer or a suitably qualified person in relation to the condition of Waterloo on Quay Apartments (Shed 21) and the Former Eastbourne Ferry Terminal. This report must include annotated photos of the condition of these buildings; label the location of these photos; and detail the general condition of the building. All photographs must be dated, mounted, and labelled with descriptive captions to indicate title, location, and the condition of the building at that location.
- (10) Within 1 month of completion of construction, the consent holder must undertake a post-construction survey of the condition of Waterloo Quay Apartments (Shed 21) and the Former Eastbourne Ferry Terminal prepared by a Structural Engineer or a suitably qualified person. This post construction survey must compare the results of pre-construction survey and describe any damage which may have occurred. This post-construction survey must include photographs that are dated, mounted, and labelled with descriptive captions to indicate title, location, and the condition of the building at that location.

Heritage:

- (11) Prior to construction commencing, the consent holder must submit to, and have approved by, the CMO (in liaison with the Council's Heritage Advisor) a Heritage Management Plan.

This Heritage Management Plan must include specific procedures to manage historic heritage during construction activities and forms part of the overall Construction Management Plan.

- a. Heritage Managements Plans must include, in relation to historic heritage, information on (but not limited to):
- b. statutory requirements under the RMA and Heritage New Zealand Pouhere Taonga Act;
- c. consent conditions and requirements related to heritage;
- d. roles and responsibilities of contractors;
- e. training requirements;
- f. operating procedures and mitigation measures;

- g. any necessary provision for site protection during construction (ie fencing off buildings or sites from machinery operators),
- h. Accidental Discovery Protocols (ADP);
- i. tangata whenua protocols;
- j. monitoring requirements;
- k. stand down periods; and
- l. reporting requirements.

(12) Works must be undertaken in accordance with the approved Heritage Management Plan under condition (11) above, to the satisfaction of the CMO.

Earthworks:

(13) Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the CMO.

(14) The working hours for the carrying out of earthworks on the site and transport of excavated material from (or to) the site, are restricted to:

- Monday to Saturday 7:30am to 6pm.
- Quiet setting up of the site (not including running of plant or machinery) may start at 6:30am.
- No work is to be carried out on Sundays or public holidays

Note: These hours have been selected from Table 2, NZS 6803: 1999 "Acoustics – Construction Noise". The Standard applies in all other respects, including the permitted noise levels in Table 2, and all persons undertaking earthworks and management of the site must adopt the best practical option to control noise to a reasonable level.

Archaeology:

(15) The consent holder must ensure that a qualified Archaeologist is present on site to monitor the excavation works. The Archaeologist must record any findings during the construction and excavation works and these details must be submitted to the CMO within one month of the works being undertaken.

Accidental Discovery Protocol:

(16) If any archaeological site(s) are uncovered during physical works, the Project Manager must require the contractor to adopt the protocol outlined below and this requirement must be specified in the Contract Specifications for the building project. Evidence of archaeological sites can include oven stones, charcoal, shell middens, ditches, banks, pits, and old building foundations, artefacts of Māori and European origin or human burials.

Protocol:

- a. Work shall cease immediately at that place.
- b. The contractor must shut down all machinery, secure the site and advise the Project Manager.
- c. The Project Manager must immediately advise representatives of Port Nicholson Block Settlement Trust and Heritage New Zealand (see below for contact details).
- d. If skeletal remains are uncovered, the Project Manager must also advise the New Zealand Police.
- e. Port Nicholson Block Settlement Trust or their representatives will organise a site inspection by the appropriate tangata whenua advisors.
- f. If as a result of this initial investigation there is a need for an appropriate ceremony the Iwi Authority representatives will arrange for that process at the Project's expense.
- g. Materials discovered will be removed by the Iwi responsible for the tikanga appropriate to their removal and preservation, or re-interment.
- h. Works affecting the archaeological site shall not resume until Heritage New Zealand, the Police (if skeletal remains are involved) and Iwi Authority representatives have each given the appropriate approval for work to continue.

Notes:

Contact details are as follows:

- Port Nicholson Block Settlement Trust (ph 04 472 3872)
- Wellington Tenth Trust (ph 04 901 3332)
- Heritage New Zealand (ph 04 802 0003)

Contaminated Material:

- (17) A final Contaminated Site Management Plan (CSMP) must be submitted to CMO for approval prior to conducting ground disturbance works. The CSMP must be based on the amended draft CSMP lodged as part of the consent application and updated to reflect the final methodology for the site works.
- (18) Off-site disposal of contaminated soil and material must be at a facility licensed to accept such materials. Characterisation of soils for disposal purposes shall be in accordance with the receiving facility requirements. Where contaminated material is disposed of off-site to a licensed landfill, evidence must be supplied to the CMO demonstrating the quantities and locations (including landfill receipts) within 1 month of these materials being deposited.
- (19) The suitability of soil/material for disposal at a cleanfill shall be confirmed through sampling and analysis of samples (characterisation) prior to off-site disposal. This characterisation shall be undertaken by a suitably qualified environmental practitioner.
- (20) Validation testing of the walls and base of the basement excavation must be undertaken in the event that unexpected contamination soil is encountered.
- (21) A report must be prepared by a suitably qualified and experienced contaminated land practitioner and submitted to the CMO within

three months of completion of the ground works for the basement excavation. The report must include the following:

- a. Documentation of any assessments, including laboratory analytical results, undertaken as to the suitability of any contaminated soil/material to remain on site in the event that validation sampling is undertaken.
 - b. Documentation of additional sampling undertaken to characterise soils for off-site disposal.
 - c. Documentation of any off-site disposal of contaminated soil/material, including quantities, dates, and disposal locations.
- (22) An Removal Plan for soil containing asbestos, must be prepared by a suitably qualified person. The plan shall be in accordance with *Asbestos - New Zealand guidelines for the management and removal of asbestos (3rd Edition)*. The Removal Plan must be submitted to the CMO for approval prior to conducting the asbestos removal works.

Final Finish of Commercial Building:

- (23) Prior to construction commencing, the consent holder must submit to, and have approved by the CMO description of the detailed design of the external aspects and architecture of the building (and related paving) including composition, detailing, materials, shopfront treatments, and external finishes and colours. The CMO will consult with the Council's Waterfront Technical Advisory Group (TAG) on the suitability of this design.

Note: The consent holder is encouraged to consult with TAG prior to these details being submitted to the CMO.

- (24) The materials and finish of the building must be constructed in accordance with the final details approved under condition (23) above. Detailed design for the elements referred to above will be to the level of description defined by the NZ Construction Industry Council.

Basement Level Access and Carparking Layout:

- (25) All new vehicle crossings from Kumutoto Lane and Woolstore Plaza must be constructed as heavy duty crossings and must comply with the requirements of the Council's Code of Practice for Land Development 2011.
- (26) Prior to the occupation of the building, a signalised (automated) 'Car Coming' sign must be installed externally on the northern side of the building. This sign must be located where it is visible for both pedestrians and approaching vehicle(s). This sign must be maintained in full working order.
- (27) All basement carparks must be marked out onsite in a manner that is in accordance with sections 1, 2 and 5 of the joint Australian and New Zealand Standard 2890.1 - 2004, Parking Facilities, Part 1: Off-Street Car Parking.

- (28) The consent holder must submit to, and have approved by the CMO a pre-construction, 'detailed design safety audit' prior to construction commencing. This safety audit must outline how vehicles entering and exiting the basement carpark will be controlled (including any judder bar(s) or control gate(s) or any other physical means of preventing vehicles from entering or exiting the basement carpark). Details of vehicle waiting areas (internally and externally) must also be supplied. This audit must specify specific consideration for the access from the basement parking access ramp, pedestrian safety within Woolstore Plaza and pedestrian safety for service vehicles entering and exiting the internal loading bay.
- (29) The consent holder must undertake a post-construction, 'safety audit' and submit the results of this audit to the CMO within 4 months of the operation of the building's basement carpark. This safety audit must assess vehicular, cyclists and pedestrian safety in relation to access to and from the basement area; the operation of the safe operation of the vehicle access ramp; vehicular and pedestrian safety within Woolstore Plaza; and, pedestrian safety for service vehicles entering and exiting the internal loading bay.

Servicing Management Plan:

- (30) Prior to any deliveries occurring, a 'Servicing Management Plan' (SMP) must be submitted to the CMO. The SMP must appropriately outline how servicing and deliveries (including rubbish removal) will be managed to minimise disruption on the local roading network (including the local pedestrian environment). The SMP must include:
- a. the timing and frequency of deliveries;
 - b. measures to ensure that drivers are informed of how vehicle manoeuvring into and out of the internal loading bay will be conducted and include measures to ensure that the ongoing use of Kumutoto Lane is not obstructed;
 - c. confirmation that all individual tenancies within the building will have access to a loading space;
 - d. access for maintenance workers to the substation and other areas that may require routine maintenance.
 - e. controls on any external storage of goods within the internal loading dock which may restrict or inhibit vehicle access or disrupt sight lines for vehicles exiting the internal loading dock;
 - f. details of any waiting area for service vehicles in the event that the loading area, or loading area(s) are occupied; and
 - g. details of the hours rubbish will be collected from the building, including where rubbish is to be stored before collection, the location of the collection point(s), and how collection will likely be managed.
- (31) The (SMP) approved under condition (30) above, must be implemented to the satisfaction of WCC's CMO. The SMP must also be modified, where directed by WCC's CMO, to deal with any deficiencies in its operation.

Ground Floor Level Plan:

- (32) Prior to construction commencing, a 'Ground Floor Level Plan' must be submitted to, and approved by the CMO (in liaison with WCC's Vehicle Access Engineer). This plan must demonstrate:
- a. how building entrances, floor levels and other street dependent aspects will be constructed to integrate with the adjoining footpath levels and that of Kumutoto Lane;
 - b. the location and level of all pedestrian and vehicle entrances to the building (including those within the Harbour Wharf Link);
 - c. the gradients and locations of access ramps to the building and/or publicly accessible footpaths; and
 - d. the floor levels of those sections of the building that require access to public footpath.

Coastal Inundation Hazard:

- (33) The ground floor level of the building must be constructed in a manner to ensure that any coastal water up to an elevation of 2.67m above Wellington Vertical Datum 1953 shall not enter the building through any opening (including doors).
- (34) Prior to the occupation of the building, certification from a Registered Cadastral Surveyor must be provided to the CMO to confirm compliance with condition (33) above.

Public Access

- (35) Publicly accessible routes at ground level must be provided at all times along and through the building. Specifically, this includes the 'Waterloo Colonnade', the 'Harbour Wharf Link' and all external areas underneath any of the building overhangs.

Note: This condition does apply to any ground floor lobby area.

Ground Floor Frontages:

- (36) The consent holder must, at all times, ensure views into the display windows are maintained.

Note: The intention of this condition is to provide for active integration between the inside of the building and the adjoining public space. The condition is not intended to prevent stock being displayed in the windows, but aims to prevent the inside spaces from being fully obscured.

Landscaping on Legal Road:

- (37) Prior to any construction commencing, a Planting Plan in relation to the works on legal road is to be submitted to, and approved by, the CMO (in consultation with the Council's Parks, Sport and Recreation Team) that addresses the following matters:
- a. any adverse visual effects associated with development which affect streetscape amenity; and

b. the Planting Plan is to clearly show a scale, and the individual location, species (with both scientific and common names) and PB size of plants proposed, and plants to be removed or pruned. Species should be locally seeding natives sourced from the Wellington City district.

- (38) Within 3 months of the completion of construction, the Planting Plan approved under condition (37) above, must be completed by the consent holder within 3 months of completion of construction. The plantings must be monitored for 18 months from time of planting in order to allow for plant establishment to the satisfaction of the Council's Compliance Monitoring Officer. This includes the removal of weeds within the vicinity of the plantings and the replacement of plants that die or are removed unlawfully within this period in the same location, with the same species and sized plants. Any plants that fail must be replaced at the expense of the consent holder. All plantings must continue to be maintained by the consent holder thereafter.

Fixed Plant Noise

- (39) All new fixed plant and equipment including heating, cooling and ventilation plant must be designed to achieve the following:
- a noise limit of 60 dBA (L₁₀) at all times; and
 - a limit of 85 dBA (L_{max}) at all times,
- when measured in accordance with the District Plan requirements.
- (40) Prior to the submission of related Building Consent application(s), detailed specifications for the control of noise from any fixed plant and related equipment, including any proposed noise mitigation measures, must be provided to and approved by the CMO.

Fuel Storage:

- (41) Fuel storage facilities associated with any generator shall be in accordance with the Hazardous Substances and New Organisms Act. A copy of the HSNO stationary containment certificate shall be submitted to the CMO for information purposes.

Monitoring and Review:

- (42) Prior to starting work the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the Council's CMO either by telephone (801 4017), facsimile (801 3165) or email (rcmonitoring@wcc.govt.nz) and must include the address of the property and the Service Request Number.
- (43) The conditions of this resource consent must be met to the satisfaction of the WCC's CMO. The CMO will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities,

the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

- * Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Recommended Conditions of Consent:

Application Three:

General:

- (1) The proposal must be in accordance with the information provided with the application Service Request No. 320128 and the following plans listed below, except in order to comply with specific consent conditions on this consent and any related consent condition(s) on SR No: 319386:

[List of Approved Plans]

Final Landscaping Plan:

- (2) Prior to construction commencing, the consent holder must submit to, and have approved by, WCC's Compliance Monitoring Officer ('CMO') a Final Landscaping Plan. This plan must include:
 - a. Full details of: new street furniture; paving; location of planting and species types; the location of the proposed wharf gates;
 - b. Final details of the folded planar deck, including measures to ensure potential slip hazards are minimised;
 - c. Methods to ensure that the reclamation edge is recognised and interpreted in the final landscaping plan;
 - d. Interpretive signage or tracing of the historic sea wall;
 - e. Measures to recognise the original 'Queen's Wharf' location of the 'Toll Booth' Building;
 - f. Adaptive methods to incorporate any archaeological material discovered or in-situ evidence of the historic waterfront into the final landscape plan (where practicable). Specific consideration should be given to areas of original 'Woodblock' paving and tracing the former footprint of the Custom House building.

Note: The CMO will liaise with WCC's Heritage Advisor and Urban Designer in relation the appropriateness of the Final Landscaping Plan.

- (3) The works must proceed in accordance with the Final Landscaping Plan approved under condition (2) above to the satisfaction of the CMO.

Construction Management Plan:

- (4) A detailed Construction Management Plan (CMP) must be prepared, submitted to and approved by the CMO prior to the commencement of all work on site. The CMP must establish acceptable performance

standards regarding public safety and amenity including methods to avoid, remedy or mitigate adverse construction effects.

The CMP must include, but not be limited to, the following matters:

- a. A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;
- b. Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
- c. A communication and complaints procedure for adjoining property owners/occupiers, passer-bys and the like;
- d. measures to deal with any collateral damage to vehicles and property;
- e. Safety fencing and associated signage for the construction site;
- f. temporary pedestrian safety measures, details of temporary pedestrian re-routing including directional signage;
- g. details of any public exclusion zones required outside of the area of works;
- h. specific consideration for maintaining access to the coastal marine area;
- i. specific consideration of the operational requirements of the Wellington Police Maritime Unit (located within the Former Eastbourne Ferry Terminal Building);
- j. details of the locations of any temporary construction hoardings to be erected (if necessary);
- k. measures to ensure safe access to remaining commuter carparking spaces within the site;
- l. the staged/incremental decrease in commuter carparking spaces as construction occurs
- m. specific consideration for delivery of building materials including loading areas, truck waiting areas and access to the site (having regard to the gross combined weight of vehicles and weight per axle restrictions along Kumutoto Lane);
- n. measures to ensure dirt, mud or debris or other materials are not left on the road;
- o. ensure that access for emergency vehicles can be provided at all times; and
- p. consideration of the Heritage Management Plan for the proposed works.

Note:

The CMO will review/approve this plan in consultation with the Council's Manager of Transport Networks and the Transport Asset Performance Team Leader.

- (5) The CMP approved under condition (4) above must be implemented for the duration of the site works to the satisfaction of the CMO. The CMP must also be modified, where directed by the CMO to deal with any deficiencies in its operation.

Archaeology:

- (6) The consent holder must ensure that a qualified Archaeologist is present on site to monitor the excavation works. The Archaeologist must record any findings during the construction and excavation works and these details must be submitted to the CMO within one month of the works being undertaken.

Accidental Discovery Protocol:

- (7) If any archaeological site(s) are uncovered during physical works, the Project Manager must require the contractor to adopt the protocol outlined below and this requirement must be specified in the Contract Specifications for the building project. Evidence of archaeological sites can include oven stones, charcoal, shell middens, ditches, banks, pits, and old building foundations, artefacts of Māori and European origin or human burials.

Protocol:

- a. Work shall cease immediately at that place.
- b. The contractor must shut down all machinery, secure the site and advise the Project Manager.
- c. The Project Manager must immediately advise representatives of Port Nicholson Block Settlement Trust and Heritage New Zealand (see below for contact details).
- d. If skeletal remains are uncovered, the Project Manager must also advise the New Zealand Police.
- e. Port Nicholson Block Settlement Trust or their representatives will organise a site inspection by the appropriate tangata whenua advisors.
- f. If as a result of this initial investigation there is a need for an appropriate ceremony the Iwi Authority representatives will arrange for that process at the Project's expense.
- g. Materials discovered will be removed by the Iwi responsible for the tikanga appropriate to their removal and preservation, or re-interment.
- h. Works affecting the archaeological site shall not resume until Heritage New Zealand, the Police (if skeletal remains are involved) and Iwi Authority representatives have each given the appropriate approval for work to continue.

Note: Contact details are as follows:

- Port Nicholson Block Settlement Trust (ph 04 472 3872)
- Wellington Tenth Trust (ph 04 901 3332)
- Heritage New Zealand (ph 04 802 0003)

Earthworks:

- (8) Prior to any earthworks commencing, the consent holder must submit to, and have approved by, the CMO an Erosion, Dust and Sediment Control Plan (EDSC Plan).

The EDSC Plan shall include, but not be limited to:

- a. plans of the location of sediment control measures and the locations where material will be stockpiled;
 - b. dust suppression measures;
 - c. a detailed description of sediment control measures;
 - d. a wheel wash (or similar measures) to address tracking of material to road;
 - e. silt fences as required;
 - f. measures to ensure run-off is controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road and the adjoining coastal marine area;
 - g. Measures to ensure sediment, earth or debris does not collect on land beyond the site or enter WCC's stormwater system; and,
 - h. measures that will be implemented to minimise dust, silt and sediment, in relation to the coastal marine area.
- (9) The consent holder must install, operate and maintain all erosion and sediment control measures in accordance with the approved EDSC Plan until the site is stabilised. The consent holder must amend their EDSC Plan where directed by the CMO to deal with any deficiencies in its operation.
- (10) The consent holder must use a suitably experienced Chartered Professional Engineer (CPEng) to supervise the engineering aspects of the earthworks and the construction of the retaining structures. The Chartered Professional Engineer must ensure the stability of the land and the retaining structures throughout the project. The Engineer must ensure that the work does not cause damage, or have the potential to cause damage, to neighbouring land or buildings.
- (11) The consent holder must submit to the CMO a final "Earthworks Methodology" from a suitably experienced Chartered Professional Engineer (CPEng), required under condition (10) above.
- If unexpected ground conditions are encountered or other engineering problems occur, the Chartered Professional Engineer may revise the Earthworks Methodology. The consent holder must follow the revised Earthworks Methodology and provide the CMO with a copy for his/her records.
- (12) Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the CMO.
- (13) The consent holder must provide the CMO with a copy of the producer statement (PS4), for the retaining structures, prepared for the associated building consent. It must be from a suitably experienced Chartered Professional Engineer (CPEng). The PS4 must be provided to the CMO within one month of the retaining structures being completed.

Traffic

- (14) Prior to construction commencing, the consent holder must submit to, and have approved by, the CMO final design details for Kumutoto Lane. This must provide final details and specifications (including dimensions, heights and locations) of the raised platforms, the proposed finish, and other traffic calming measures within the laneway and any other associated measures to minimise confusion between pedestrians and vehicular traffic. Specific consideration must be given to manoeuvring for medium rigid vehicles in and out of the internal loading dock of the building on Site 10 (including any mountable kerbs).
- (15) The construction of Kumutoto Lane must commence in accordance with the final details and specifications approved under condition (14) above.
- (16) The consent holder must submit to the CMO a post construction safety audit within 4 months after the completion of Kumutoto Lane. This audit must assess the safe operation of vehicular access within the new section(s) of Kumutoto Lane and must consider vehicular and pedestrian access to all properties with access to this portion of Kumutoto Lane; and, must have specific regard to pedestrian safety of shared spaces within Kumutoto Lane. The audit must consider the location of street furniture or other structures in relation to the safe operation of Kumutoto Lane.
- (17) A new signalised pedestrian facility must be installed on the eastern side of Customhouse Quay to control the safe movement of pedestrians across the revised entry and exit. Prior to its installation, the consent holder must submit to the CMO detailed designs of the locations of pedestrian call buttons, signal displays and the traffic signal arrangement; and, details of the lane widths (including dimensions).
- (18) Prior to construction commencing, the consent holder must submit to, and have approved by, the CMO detailed traffic signal designs for the revised entry and exit at the intersection of Customhouse Quay/Whitmore Street. Consideration must also be given to potential impacts of the pedestrian shelter (near Site 9) on the visibility of any existing traffic signals/signs.

Note: The CMO will liaise with WCC's Transport Team in relation to compliance with this condition.
- (19) The final traffic signal design(s) approved under condition (18) above, must be installed prior to the operation of this revised intersection.
- (20) Redundant sections of kerb crossing must be reinstated with full height kerb and channel and standard Wellington City Council footpath at the consent holder's expense. Construction must comply with the Code of Practice for Land Development.
- (21) All carparks must be marked out or denoted on-site through materials/paving in a manner that is in accordance with sections 1, 2

and 5 of the joint Australian and New Zealand Standard 2890.1 - 2004, Parking Facilities, Part 1: Off-Street Car Parking.

Lighting:

- (22) Prior to construction commencing the consent holder must submit to, and have approved by the CMO, a final lighting design plan. Public areas must be lit during hours of darkness to a minimum of 10 lux, measured in accordance with AS/NZS 1158.3.1: 2005 (and any subsequent amendments).

Pavilion Design:

- (23) Prior to its construction, the consent holder must submit to, and have approved by CMO detailed design of the proposed Pavilion structure to be located within Site 8. These must include final resolution of its overall shape and form, detailing, materials, finishes and services. CMO will consult with the Council's Waterfront Technical Advisory Group (TAG) on the suitability of this design.

Note: The consent holder is encouraged to consult with TAG prior to submitted these details to the CMO.

- (24) The pavilion within Site 8 must be constructed in accordance with the final details approved under condition (23) above. Detailed design will be to the level of description defined by the NZ Construction Industry Council.

Contaminated Material:

- (25) A report shall be prepared by a suitably qualified and experienced contaminated land practitioner and submitted to the CMO within 3 months of completion of the contaminated land aspect of the works. The report shall include the following:
- a. Documentation of any assessments, including laboratory analytical results, undertaken as to the suitability of any contaminated soil/material to remain on site in the event that validation sampling is undertaken.
 - b. Documentation of additional sampling undertaken to characterise soils for off-site disposal.
 - c. Documentation of any off-site disposal of contaminated soil/material, including quantities, dates, and disposal locations.
- (26) Off-site disposal of contaminated soil and material must be at a facility licensed to accept such materials. Characterisation of soils for disposal purposes shall be in accordance with the receiving facility requirements.
- (27) The suitability of soil/material for disposal at a cleanfill shall be confirmed through sampling and analysis of samples (characterisation) prior to off-site disposal. This characterisation shall be undertaken by a suitably qualified environmental practitioner.
- (28) A final Contaminated Site Management Plan (CSMP) must be submitted to the CMO for approval prior to conducting ground disturbance works at the Site. The CSMP must be based on the amended draft CSMP lodged as part of the consent application and shall be updated to reflect the final proposed works methodology.

Heritage:

- (29) Prior to construction commencing, the consent holder must submit to, and have approved by, the CMO (in liaison with the Council's Heritage Advisor) a Heritage Management Plan.

This Heritage Management Plan must include specific procedures to manage historic heritage during construction activities and forms part of the overall Construction Management Plan.

- a. Heritage Managements Plans must include, in relation to historic heritage, information on (but not limited to):
 - b. statutory requirements under the RMA and Heritage New Zealand Pouhere Taonga Act;
 - c. consent conditions and requirements related to heritage;
 - d. roles and responsibilities of contractors;
 - e. training requirements;
 - f. operating procedures and mitigation measures;
 - g. any necessary provision for site protection during construction (ie fencing off buildings or sites from machinery operators),
 - h. Accidental Discovery Protocols (ADP);
 - i. tangata whenua protocols;
 - j. monitoring requirements;
 - k. stand down periods; and
 - l. reporting requirements.
- (30) Works must be undertaken in accordance with the approved Heritage Management Plan under condition (29) above, to the satisfaction of the CMO.
- (31) Restoration and reinstatement of the harbour wharf gates and railings must be undertaken in accordance with the recommendations and detailed methodology prepared by a suitably qualified heritage professional. These recommendations and a detailed methodology must be submitted to, and approved by, the CMO (in liaison with the Council's Heritage Advisor) prior to works of these gates and railings commencing.
- (32) Restoration of wharves, wharf edges and reclamation edge must be undertaken in accordance with the recommendations and detailed methodology prepared by a suitably qualified heritage professional. These recommendations and detailed methodology must be submitted to, and approved by, the CMO (in liaison with the Council's Heritage Advisor) prior to works of these gates and railings commencing.

Monitoring and Review:

- (33) Prior to starting work the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the Council's CMO either by telephone (801 4017), facsimile (801 3165) or email

(rcmonitoring@wcc.govt.nz) and must include the address of the property and the Service Request Number.

- (34) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The CMO will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.