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Figure 1 Site 9 North Kumutoto including Whitmore Plaza (centre) and showing Site 10 (left) and Shed 13 (right)

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assessment of environmental effects on historic heritage

site 9 north kumutoto

for

Willis Bond Capital Partners No3 Ltd
july 2018

prepared for:

Willis Bond Capital Partners No3 Ltd

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auckland, july 2018



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1. executive summary

This Assessment of Environmental Effects (AEE) with respect to heritage considers matters arising from the proposed development on Site 9 within the North Kumutoto area of the Wellington waterfront.

The proposed development of Site 9, should be read within the emerging development already consented and under construction in this area including the Site 10 PWC building and the encompassing Kumutoto North public landscaping project, as this reflects many of the principles found in the Wellington Waterfront Framework, and objectives, policies and rules of the Operative District Plan. In that context the proposed Site 9 development has been carefully designed as part of a collective response to the existing historic heritage values to be found in the area. The proposal makes a conscious response to those wider area values (including heritage, building height, bulk, and scale in that context) and in doing so will enhance the overall public and environmental quality and general amenity of the wider North Kumutoto Area and the waterfront as a connected whole.

The range of heritage buildings, features and elements (including gates, fences, wharves, wharf, and reclamation edges) lend the area a distinctive historic heritage and amenity values collectively and the proposal enhances those values by responding to those heritage elements and extending the opportunity for the public to engage with them and the amenity of the area. Site 9 is not formally recorded as an archaeological site and there are no structures on it, extant or demolished, that predate 1900. The following physical resources are recognised as contributing to the understanding and appreciation of the historic heritage associated within the wider area or adjacent to the proposed site, and all are relevant:

- the former Eastbourne Ferry Terminal Building and wharf;
- wharves and wharf edges;
- the reclamation edge (rip-rap wall);
- Shed 13 (and its partner Shed 11) and Shed 21;
- Iron gates and railings; and,
- the potential for sites of archaeological value.

In terms of the District Plan there is no specific rule or assessment criteria with respect to effects on heritage that applies to this application. Consent is required for a Discretionary Activity (Unrestricted). The consent authority's discretion is not restricted, therefore regard can be had to any effects on historic heritage. It is principally for these reasons that this assessment is more appropriately a 'contextual' assessment given the presence of listed buildings and other heritage assets in the wider area within which the proposed development is read.

The proposed development of Site 9 retains the heritage buildings, features and elements that have been recognised in the area. In accordance with guidelines promoted by the Wellington City Council the proposed building development has chosen to respond architecturally to the existing heritage of adjacent buildings in a manner consciously of its own time, rather than mimic those buildings and their fabric which, in doing so, would risk lessening the values of both the authentic historic heritage and the qualities of the new as a building of its time.

Proposed works within Site 9 and in the integrated landscaping approach across and between Sites, 8, 9, 10, and adjoining waterfront areas will not present any adverse effects on heritage, and will enhance the amenity of the area.



2. Introduction

This Assessment of Environmental Effects [AEE] with respect to heritage considers matters arising from the proposed development of a new five story (ground plus four floors) mixed use commercial building and associated enabling infrastructure, and landscape ground works within the footprint of the proposed building. The building is to be located on Site 9 within the North Kumutoto area of the Wellington waterfront as indicated on the Athfield Architects Limited (AAL) drawing RC1.00-A that forms part of the application bundle.

In terms of the District Plan there is no specific rule or assessment criteria with respect to effects on heritage that applies in this case. The proposal does not directly affect a listed heritage building and the site is not within a listed heritage area. As the consent required is for a Discretionary Activity (Unrestricted) the WCC as consent authority¹ is not restricted in the assessment criteria used in its discretion. Therefore regard can be had to any effects on historic heritage. It is principally for these reasons that this assessment is more appropriately a 'contextual' assessment given the presence of listed buildings and other heritage in the area (Eastbourne Ferry Terminal building, Shed 21, and Sheds 11 and 13, and the potential for sites of archaeological value). Mary O'Keffe's *Kumutoto Site 9 Archaeology, 2018* report attached within the application bundle recognises that "*Site 9 Kumutoto is not an archaeological site in its own right, as it was reclaimed after 1900AD, and thus does not fulfil the definition of archaeological sites contained within the Heritage New Zealand Act 2014*".

In accordance with the objective and policies found at 12.2.8 of the Wellington City Operative District Plan this AEE considers the effect of creating a new building with associated open spaces and their interconnectedness to the wider built and landscaped harbour edge, public zones, and heritage. This AEE can be considered as part of that wider context as the application shares "common ground" with the recent and emerging development on Site 10 and the Kumutoto North public landscaping as the proposed Site 9 development lies within that important wider context which includes recognised heritage. This AEE looks at the shared context within which the proposed activity falls.

The North Kumutoto Precinct (which contains the application site) lies between the property at 28 Waterloo Quay (formally Shed 21) to the north and Kumutoto Plaza to the east. It occupies an area of approximately 9,500m². The Site 9 area is bounded on its landward (western) side by Customhouse Quay. To the south are the former Harbour Board Waring Taylor Street Gates opposite Waring Taylor Street (and adjacent to Shed 13 and the Meridian Building and associated public open space) and to the north is the PWC Centre on Site 10 and beyond that the adaptively redeveloped historic heritage Shed 21 building. The eastern side of the site is the publicly accessible Lady Elizabeth Lane (formerly known as Kumutoto Lane) and the recently completed public open landscaped space (Site 8) development. To the west of the site is Customhouse Quay and west of that again the central business district. Many qualities contribute to the 'sense of place' experienced in this area, none more so than the city and sea relationship that distinguishes this part Wellington. The waterfront is an integral and defining feature of the city. Enhancing this 'sense of place', protecting those features that lend this area its distinctive qualities and make this area special and unique, and enhancing accessibility between the city and the

¹ The Site 9 site is outside of but adjacent to the Lambton Harbour Development Area (within the CMA) as defined in the Greater Wellington Regional Council's Regional Coastal Plan.



waterfront and along the waterfront are essential ingredients of a stimulating and memorable city.²

In the absence of any specific criteria this assessment references, as a guide, a range of objectives, policies, rules, assessment criteria, and guides found in a number of statutory and non-statutory documents including:

- the Regional Policy Statement for the Wellington Region;
- the Wellington Regional Coastal Plan;
- the Wellington City Operative District Plan, including the Central Area Urban Design Guide Appendix 4 – North Kumutoto Precinct (Nk)³;
- the Wellington Waterfront Framework.

For completeness reference is also made to the following:

- the decision of the Environment Court on Variation 11; and,
- the decision of the Environment Court on the direct referral for development of the North Kumutoto Precinct (Sites 8 and 10).

3. the existing context

The North Kumutoto area including Site 9 is a pivotal point on the Wellington Waterfront. It is a zone rich in a history marked by traces of pre-European occupation, Colonial reclamation, sea walls wharves, maritime activity, and associated working harbour edge buildings. The provision for a higher concentration of buildings in the North Kumutoto locality does not compromise the overriding objective of maintaining the waterfront primarily as open space with localised public spaces around buildings designed to a high standard, as is proposed in this development. It is a zone of transition between the public harbour edge and the working port; the harbour edge and the CBD, including the Government precinct; and, land and maritime transport hubs and the northern gateway to the public harbour promenades.

Distinguishing this area is also a rich surviving collection of recognised historic heritage assets from sea walls, to gates and fences, to buildings of particular scale. Development of previously occupied zones such as Site 9 informs appropriate development which acknowledges the historic road network and site lines which address surviving historic elements and distinctive scales of built and open space. The proposed development of Site 9 provides a mechanism for development which has consciously acknowledged the character of the area, the values of the adjacent heritage, and a regard for the intimate linkages between the Kumutoto North area and the central city. With an understanding of the historic built form of the area, the building envelope of the Site 9 development recognises the historic development in the spaces that are left over between the arms of the spatial network. This is

² Wellington City District Plan, Chapter 12- Central Area, section 12.1.1 and 12.1.7

³ The North Kumutoto Design Guide was withdrawn as a consequence of the Environment Courts' decision on Variation 11, but has been used in this assessment as a useful reference. The design guide for the North Kumutoto Precinct, which was a proposed statutory design guide under the RMA has not been replaced.

The North Queens Wharf Brief and the more recent North Kumutoto Design Brief were Wellington Waterfront Limited [WWL] prepared design briefs on behalf of the owner (Wellington City Council) and these were not RMA statutory documents. Thus, they do not replace the withdrawn North Kumutoto Precinct design guide (Appendix 4 to the CAUDG) as a statutory RMA document.



accepted as good practice in the context of new in-fill elements within an existing urban context of distinctive character including recognised heritage assets.

The proposed Site 9 development responds directly to the distinctive sense of place associated with the maritime history of this area. Existing historic structures, spaces and elements inside the North Kumutoto area are protected and will be conserved, while historic patterns established by elements such as the historic road network and the rhythm of built and open space expressed in Sheds 11, 13, and 21 and the scale and form of the Site 10 PwC building have directly informed or influenced the patterns that ensure that the essential maritime connection of the North Kumutoto area are maintained, and through design excellence enhanced. Regard for the protection and, where appropriate, enhancement of heritage value is entrenched in parallel statutes which must all be considered concurrently and collectively. While development adjacent to heritage buildings must have regard to those values for which such places have been recognised, these values and that understanding has guided the design excellence evident in the Site 9 development in order to ensure those heritage values are maintained.

4. heritage values

Site 9 and its immediate context (which includes Sites 8 and 10) has recognised aesthetic, architectural, historic, social and technological significance. This is evident in its picturesque setting, collection of eclectic architectural buildings designed by a range of prominent New Zealand architects, the role the port has played in the social and economic development of Wellington City, and the range of materials and technological developments employed in the construction of the buildings, wharves and reclamations that are still extant, including particularly its historic heritage assets. It continues to be a working port and this provides a vital historic link between the past and the present mixed activities.

A number of individual places associated with the history of the waterfront have been identified for their heritage value and recognised through listing in either the Wellington Regional Policy Statement and Coastal Plan⁴ and/or the Wellington City Operative District Plan⁵ and included in the New Zealand Heritage List⁶ administered by Heritage New Zealand. While not a statutory document the Wellington Waterfront Framework also sets out the historic significance of the area where it says:

Traces of history include not only the remaining waterfront buildings, artefacts and wharf structures, but the evidence of usage and industrial/maritime wear and tear. These are irreplaceable indicators of the history of the area, and while they are often damaged, they substantially enrich the experience of the waterfront. Physical traces of age and occupation are the collective memory of the waterfront, and are a fundamental in establishing its identity.⁷

⁴ Refer Appendix 1

⁵ Refer Appendix 2

⁶ Refer Appendix 3

⁷ Wellington Waterfront Framework, 2.2 *the waterfront themes – mercantile history*, p12



Importantly the Wellington Waterfront Framework recognises that “*by acknowledging its history and layering that area with contemporary culture the identity of the waterfront can develop and grow.*”⁸

There are three sets of historic gates adjoining the application area, being those (from north to south):

- the recently installed Whitmore Street gates;
- the Ballance Street gates; and,
- the Waring Taylor Street gates.

Refer specifically to the Isthmus drawing 0.030 B and 1.044 B – 1.044 B.

All these gates and gate posts will be conserved (including repainting) and it is noted that:

1. the repainting was part of a previous consent, not this application;
2. the gateway closest to the north façade of the proposed building on Site 9 will not be fitted with its gate in order to avoid be a clash with the building; and
3. the Waring Taylor St gates will be adjusted by shifting the gates slightly to the south and reducing the spacing between them; a change that will better align the opening with the pedestrian crossing.

The proposed concept is to provide a consistent alignment of gates relative to Waterloo and Customhouse Quays. It is of note that the Ballance Street and Waring Taylor Street gates remain and will be conserved (including repainting). It is equally of note that the Waring Taylor Street gates were restored as part of the Kumutoto redevelopment in 2007. The existing gate posts at Waring Taylor Street are to be subtly relocated south to better reflect the set-out of Waring Taylor Street and improve the relationship with the new Site 9 building.

5. background and review context

While there is no recognised heritage on the Site 9 land, the site sits within a wider context that includes a number of recognised heritage assets. Sheds 11, 13 and 21 are recognised as Category I places in the Heritage New Zealand New Zealand Heritage List and are also recognised in the Appendix to Chapter 21 of the Wellington City Operative District Plan’s schedule of historic buildings. The Former Eastbourne Ferry Terminal and the Harbour Board Iron Gates and Railings (along the frontage with Customhouse Quay and Waterloo Quay) are listed as Category II assets by Heritage New Zealand. The Ferry Building and the wharves and wharf edges from the Tug Wharf to the Clyde Quay development, including the reclamation edge from the Lagoon to the Tug Wharf vicinity, are recognised in the Regional Coastal Plan⁹ in a list of buildings and features of historic merit.

The following physical resources are recognised as contributing to the understanding and appreciation of the subject sites and their distinctive context with respect to their contribution to the understanding and appreciation of the historic heritage associated within the subject area or adjacent to it, and all are relevant:

- the former Eastbourne Ferry Terminal Building and wharf;
- wharves and wharf edges;
- the reclamation edge (rip-rap wall);

⁸ Ibid.

⁹ The Wellington Regional Council, Appendix 7 Planning Map 4D



- Shed 13 (and its partner Shed 11) and Shed 21;
- Iron gates and railings.

While some of these features fall outside the subject area, they influence and may be affected by development on Site 9.

The Regional Coastal Plan does not include any assessment criteria governing Site 9 as such, rather guidance is taken from the policies. There are also the heritage policies in the Regional Policy Statement.

5.1 regional policy statement [rps]

All places recognised as Category I places in the New Zealand Heritage List administered by Heritage New Zealand fall under provisions of the RPS. Accordingly the RPS recognises Sheds 7, 11-13 and 21.

Chapter 3.5 *Historic Heritage* of the RPS for the Wellington region recognises that “*incremental development is resulting in a loss of historic heritage in some of the region’s towns, particularly in higher density inner centres where heritage buildings are being inappropriately modified or replaced by new buildings*”.

Objective 15 seeks the identification, protection and management of historic heritage from inappropriate modification, use and development and is linked to policies which individually target identification (policy 21), protection (policy 22), and managing (policy 46).

Generally these objectives and policies are reflected in the operative District Plan and through a variety of ‘Methods’ in the RPS such as those at Methods: 1, 2, 20, & 32. For completeness these policies are:

policy 21 – identifying places, sites and areas with significant historic heritage values

In determining historic heritage value the RPS recognises that a place, site or area will satisfy one or more recognised criteria. Accordingly at Appendix 4 the RPS identifies the following features or buildings of historic merit:

- Former Eastbourne Ferry Terminal;
- Wharves and Wharf Edges shown on Planning Map 4D in Appendix 7; and,
- Reclamation edge shown on Planning Map 4D in Appendix 7.

policy 22 – protecting historic heritage values

Of note policy 22(b) requires district and regional plans assess which activities could destroy unidentified archaeological sites or *wāhi tapu* with significant heritage values and ensure such activities avoid adverse effects.

In evidence to appeals on Variation 11 to the Environment Court¹⁰ heritage consultant Ms Barbara Fill made particular reference to the subject area’s sensitivity to the potential for destruction of unknown archaeological sites. Mary O’Keeffe¹¹

¹⁰ ENV-2009-WLG-000224, *Statement of Evidence of Barbara Fill*, dated 16 December 2011, paras 35-37

¹¹ O’Keeffe, M., *Sites 8 & 10 Kumutoto, Wellington: Archaeological assessment or proposed refurbishment of site*, Heritage Solutions, September 2014, p19. This report is attached to the



however suggested (in the subsequent application for a building on Site 10 and surrounding landscaping works) that “*heritage fabric is very likely to be revealed by site clearance and excavation work*” for the (then) proposed new building on Site 10 and that accordingly archaeological monitoring in accordance with policies around accidental discovery may form reasonable consent conditions. O’Keeffe also noted that “*remnants of the original woodblock paving which would have been in the entire wharf area can be seen.[...] It is possible that these wooden cobbles are extant beneath the more recent asphalt.*”¹² Observations on site through both the Site 10 and wider North Kumutoto public landscaping projects (including Site 8) have corroborated this suggestion and such wooden paving blocks have been found elsewhere in the wider waterfront area and where this has occurred these blocks have been adapted for reuse and interpretation within the wider landscaping design solution as can be seen to the south of the Meridian Building and now in the North Kumutoto public landscaping project today.

policy 46 – managing effects on historic heritage values

In determining whether an activity is inappropriate particular regard shall be given to:

- (a) ***the degree to which historic heritage values will be lost, damaged or destroyed;***

With the exception of former Wellington Harbour Board gates and fences recently reordered in the North Kumutoto public landscaping project currently under construction, there is no recognised heritage within the Site 9 area. The proposed Site 9 building development will require the further reordering of sections of fence and gates as described in both the Athfield Architects drawings and the Isthmus landscape drawings¹³ through a process of variation to the existing Kumutoto North public landscaping resource consent through a s127 process. Accordingly there can be no degree to which historic heritage values will be lost, damaged or destroyed more than can be reasonably and appropriately anticipated in the Site 9 proposal.

- (b) ***the irreversibility of adverse effects on heritage values;***

The proposed development of Site 9 is not considered to present adverse effects on the heritage in the wider adjoining context to this site. The history of the area has seen a series of changes which have included a level of cumulative adverse effects on surviving heritage arising from the demolition of related contemporary buildings (such as Sheds 15 and 17 and the Customs House building). These effects have been exacerbated by the maintenance of some sites (such as Site 9) as undeveloped open sites disconnected to the wider resolution of the aspirational objectives found in the Wellington Waterfront Framework. There is some risk that below-ground archaeology may be disturbed and compromised by development on Site 9, but there is no evidence to corroborate this at this time.

- (c) ***the opportunities to remedy or mitigate any previous damage to heritage values;***

The relatively complex and “eclectic” mix of buildings, vacant sites, and public open spaces inherent in the North Kumutoto area signals one of the final opportunities for the long-anticipated and conscious development of the Wellington waterfront as guided by the Wellington Waterfront Framework. The undeveloped Site 9 space

bundle of documents connected to the application for Resource Consent prepared by Urban Perspectives for the Applicant.

¹² Ibid. p18

¹³ As described under Section 4 “heritage values” at page 9



(different to the public open spaces) has in itself detracted to some degree from the values of the recognised heritage which surrounds it (particularly as it is currently used as an open air at-grade car park). Development in the form of the proposed building on Site 9 draws directly from site specific references including the varying scales of height between Sheds 13 and 21, the nature of the Quays, the former Eastbourne Ferry Terminal building, the wharves, wharf edges and reclamation edges, views to and from and across the area and the continuation of historically determined pedestrian routes. With an understanding of the historic built form of the area, the building envelope of the Site 9 development recognises the historic development in the spaces that are left over between the arms of the spatial network and restores that pattern. The proposed building is designed to be broadly within the footprint of the former 1904 Brick Store Building¹⁴ and continues the line of old and newer waterfront buildings along Waterloo, Customhouse, and Jervis Quays. This reflects the decision of the Environment Court¹⁵ to the direct referral of applications for resource consent for Sites 8 and 10 in acknowledging that the Wellington Waterfront Framework refers to "...a strong connection to the CBD to be reflected in a stronger sense of city form being developed in this area [including Site 9] with a higher proportion of buildings than on the rest of the waterfront". The proposal for Site 9 demonstrates an appropriately informed and responsive development that responds to the currently unfinished opportunity at this critical interface between the city and the sea in a measured and successful way completing a meaningful transition in building height and scale from that of Shed 13 to the new Site 10 development and Shed 21.

(d) *the degree to which previous changes that have heritage value in their own right are respected and retained;*

The greater area within which Site 9 lies is one that has developed overtime to varying degrees of success. The recognition, conservation, adaptive reuse, and (re)introduction of a number of notable historic buildings, features, and elements (including the historic harbour board gates and fences, and Falcon Shoal Buoy) has ensured a mix of activity and vitality. These adaptations have seen an engagement with the spaces between and around these elements which the proposal for Site 9 picks up and enhances. The Site 9 development provides transition in scale and modulation (including materiality) between Shed 13 and the Site 10 development currently under construction. This transition is managed in a manner similar to the way the former brick store building (on the Site 9 site) transitioned between the height and scale of Shed 21 to the north and Shed 13 to the south. Where the Site 10 development can be read as a working waterfront 'gantry', Site 9 is a frame of containers; smaller in scale to the heroic gesture of the Site 10 gantry but linking spatially with Site 10 to frame the Whitmore Street gates and Whitmore Plaza, while the shift in scale to the southern end of Site 9 engages more directly with the scale and materiality of Sheds 11 and 13. The nature of the pedestrian-prioritised environment in this area today is a fundamental enhancement to the existing heritage of the area and the proposal contributes constructively and positively to those values, that environment, and its amenity.

¹⁴ Of some note the R&D Architects *Heritage Values, Kumutoto / North Queens Wharf Area, 18 June 2008* describes the site as having contained Shed 17 the former Wharf Police Building (Section 3, page 5), but the site in fact contained Shed 15

¹⁵ ENV-2015-WLG-000024 *Decisions of Applications, 09 October 2015*, para 30, p11



(e) *the probability of damage to immediate or adjacent heritage values;*

This AEE is primarily focussed on effects arising from the proposed development at Site 9 on adjacent heritage values. In this case focus is given to effects from the proposed development on Sheds 11, 13 and 21, on the former Eastbourne Ferry Terminal building, on the Wharves and Wharf Edges, and on the reclamation edge (rip-rap). With these buildings, elements, and features in mind the proposed building and associated open space development has paid particular attention to matters of height (and its transition), scale, form, materiality, and overall context.

(f) *the magnitude or scale of any effect on heritage values;*

The proposed development of Site 9 is not considered to have any significant negative effect on surrounding heritage values. The Environment Court¹⁶ noted the positive effects arising from the proposed Site 8 and 10 development and the public landscaping that bound these developments with the wider context. The proposed Site 9 development is part of that same context and will allow the public to continue to use and enjoy the coastal marine area and adjoining open space for both active and passive recreation. In the *Decision on Appeals* of the Environment Court to Variation 11¹⁷ the Court noted a particular concern of Waterfront Watch (an appellant to the appeal) over the scale and bulk of buildings that could overwhelm the remaining heritage buildings. In that hearing the then New Zealand Historic Places Trust introduced the concept of a transition zone as an attempt to address the heritage context. Site 9 provides an important transition in scale and modulation between Site 10 and Shed 13 in a manner similar to the way the former brick store transitioned down from the taller Customhouse Building towards Shed 13. The scale (height, bulk), articulation, public and visual permeability of the development on Site 9 adheres to the decision of the Environment Court when it considered the appeal on the Wellington City Council's Variation 11 and particularly to the Court's consideration of appropriate height and bulk on that Site and the wider context. The development of public open space on Site 8 to which the proposed Site 9 development seamlessly merges also reflects some of the observations of the Environment Court with respect to the sensitive interface between new built form and the adjacent heritage buildings and heritage values of the surrounding area.

The development of Site 8 as public open space has been recognised as enhancing both the public domain and the opportunity to further improve the interpretation of heritage values of the site (including those local Maori values associated with the site at the mouth of the Kumutoto Stream) and in its completed form has shown to enhance these values. The integrated landscape opportunities afforded the proposed Site 9 development in this wider public context enhance those values and that interpretation of heritage values.

(g) *the degree to which unique or special materials and/or craftsmanship are retained;*

This criterion is not relevant in the sense that the proposal is not working with existing heritage fabric.

The proposed development of the bare Site 9 site retains the heritage values found adjacent to the site (the former Wellington Harbour Board gates and fences) and more widely the buildings, features and elements that have been recognised in the

¹⁶ ENV-2015-WLG-000024 *Decisions of Applications, 09 October 2015, para 37-38, p14*

¹⁷ ENV-2009-WLG-000224, ENV-2009-WLG-000225 *Decisions on Appeals, 24 April 2012, para 34, p11*



immediate surrounding area. In accordance with guidelines promoted by the Wellington City Council (discussed at 4.4.3 below) the proposed building development has chosen to reference the materiality of Shed 13 and then transition that materiality as contrast and in deference to 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 and the qualities of the new as a building consciously of its time.

(h) *whether the activity will lead to cumulative adverse effects on historic heritage;*

Earlier development in the North Queen's Wharf/Kumutoto area including the Queen's Wharf Events Centre and office/shopping complex in the 1990s; the addition of the Union Steam Ship Company Store which was moved from its original location at Greta Point, Evans Bay, and reconstructed on the seaward side of Shed 11 in 2003; the construction of the Meridian Building seaward of Shed 13 in 2007; and the PWC Building on Site 10 in tandem with the wider public landscaping also underway across Sites 8 and 10 represent a range of considered cumulative effects on the existing historic heritage found in the area. Of some note the Union Steam Ship Company Store and Meridian Building developments were established after the publication of the Wellington Waterfront Framework. It can be accepted that these developments collectively have had a cumulative positive effect on the authentic surviving heritage of the area. It can be seen that the public accessibility, use, and amenity of the area has been enhanced while the maritime 'spirit' of the place has been maintained and better interpreted. It can also be observed that the rigour of the heritage buildings in the area has meant that they have not been overwhelmed by the intensification of the area by newer and larger scaled buildings. The proposed development of Site 9 balances effects against each other and against the wider existing development context.

In the context of the Wellington Waterfront Framework, heritage is recognised as a fundamentally important element and this is consciously expressed in the considered development of Site 9. The scale of proposed development on Site 9 will not overwhelm the adjacent heritage places as key features on the waterfront and has in fact responded directly to the height, scale, form and materiality of Shed 13 and transitioned from that heritage building to the emerging development of Site 10 to the north positively. In this particular area development does not have to be slave to the existing scale of historic heritage assets adjacent to the development site, but it should respond consciously to a range of factors that, if ignored, would detract from the heritage values recognised in the wider context. This was tested in the Environment Court during appeal of the Wellington City Council Variation 11 and the proposed development of Site 9 adheres closely to the development envelope identified by the Court in its decision on that appeal. Accordingly, the height, scale and bulk of the proposed Site 9 development is considered appropriate and its articulation (the open public plaza at the northern end of the proposed building) mitigates any sense of cumulative negative effects as the proposed building and its landscape treatment has been carefully designed to relate directly to and within the wider area's distinctive historical context and public open space.

(i) *whether the relationships between distinct elements of an historic place, site or area will be maintained*

The development of Site 9 maintains and enhances the site's relationship between distinct elements of the wider area including its heritage assets and its public landscaped areas. In establishing an appropriate building form, bulk, and materiality on Site 9 the visual connection to the sea from Shed 13 at its scale is maintained, as is the framing of the Central Area View Shaft No. VS5 (Waring Taylor Street) to the



harbour across the north end of Shed 13. In the same way Central Area View Shaft No. Vs4 (Whitmore Street) will be enhanced by the framing of that view shaft by the proposed works and its transitional height between Shed 13 and the Site 10 development currently under construction. The Site 9 development also references the values of those other heritage elements including the reclamation edge (rip-rap) and the enhanced interpretation of the mouth of the Kumutoto Stream and its associations with local Iwi through the landscape treatment currently under construction across Site 8 and the North Kumutoto area and will enhance these values along with the physical opportunity to touch the sea. The proposed Site 9 development reflects and reinforces the spatial shift in Customhouse Quay where, between the Whitmore Plaza gateway and the Waring Taylor Street gateway the Quay bends and in responding to that geometry the Site 9 building enhances that distinction between the CBD and the waterfront development. At the same time, the floating of the upper floors of the Site 9 building provides further public amenity along the interface of the proposed building with the public domain. This coordinates with a number of other related urban design and landscaping devices including:

- the proposed Waterfront promenade wharf extension which terminates the Harbour Wharf link; and,
- the proposed extension (and restoration) of the Lady Elizabeth Lane (formerly Kumutoto Lane) which tracks the former Shed 11 and 13 wharf edge as new and enhanced pedestrian access along the whole of the public waterfront.

5.2 regional coastal plan [rcp]

The RCP recognises the Former Eastbourne Ferry Terminal, Wharves and Wharf Edges, and the Reclamation Edge (rip-rap wall). The RCP contains objectives and policies to protect heritage including objectives at 4.1.2 and 4.1.6 and policies 4.2.12 and 6.2.2.

Policy 4.2.12 states:

“to protect significant cultural and historic features in the coastal marine area from adverse effects of use and development. In particular, the values of the feature and building identified in Appendix 4 will be protected.”

Policy 6.2.2 states:

“To not allow the use of development of structures in the coastal marine area where there will be: adverse effects on: ... Significant places or areas of historic or cultural significance: ... of Significant adverse effects on; ... Structures of architectural or historic merit.”

General Objectives and Policies within the RCP include, at 4.2.45 *In the Lambton Harbour Development Area:*

- (a) **[recognition of] the heritage character, development and associations of the area**

This criterion refers to the retention of buildings and other features which have heritage values. The proposed development on Site 9 satisfies this criterion in as much as it engages with the recognition and retention of the existing heritage character of the area. No buildings or other features which have heritage values (wharves, wharf edges, reclamation edges and known archaeology) are lost as a result of this development. With respect to unidentified archaeological remains, a condition of consent with respect to the accidental discovery of in-ground archaeology could be proposed.



and,

- (b) *Develop and have particular regard to any design guide for the area which are contained in any proposed or operative Wellington City District Plan*

This criterion refers to design guides which have been prepared for the Lambton Harbour Development Area and requires that new development be assessed against these guides. Refer 4.4.3 (below).

- (c) Section 6.2 *Policies* includes at 6.2.2 a policy “to not allow [unless such adverse effects can be satisfactorily mitigated, or remedied] *the use or development of structures in the coastal marine area where there will be [with respect to heritage] adverse effects on:*

- *significant places or areas of historical or cultural significance*

While the Site 9 development is outside the coastal marine area consultation undertaken has not identified concerns on this matter with the exception of the potential for discovery of archaeology outside the defined Site 9 boundary (the area defined within the Site 9 zone is post-1900 and, by definition, not an archaeological site). The proposed Site 9 development maintains and enhances the key attributes of the historic waterfront area identified by R & D Architects in their 2008 *Report on Heritage Values – Kumutoto Area* which identified:

- *consistent scale of buildings*
- *space around and between buildings*
- *relationship of buildings and structures to the water’s edge*
- *relationship of buildings and structures to the city*
- *architectural form and quality of buildings*
- *consistency and quality of building materiality and construction.*

- *structures of architectural or historic merit*

The proposed development does not present any significant adverse effects on structures of architectural or historic merit. The proposed building provides important and relevant transition in scale between the historic heritage scales of Shed 13 and Shed 21 (referencing also the emerging Site 10 development scale). The shift in the articulation and texture of built form of the proposed Site 9 building with the Meridian Building is similarly established through the use of its smaller ‘container’ modules, finer and warmer textured façade with screens and louvres, and transitional textures and warmer materiality.

5.3 heritage new zealand

The following assets are recognised in the New Zealand Heritage List administered by Heritage New Zealand;

- Shed 11 – Category I
- Shed 13 – Category I
- Shed 21 – Category I
- Gates and Fences – Category II
- Eastbourne Ferry Terminal building (former) and Ferry Wharf – Category II

The Heritage New Zealand Act 2014 recognises that “*any place in New Zealand associated with human activity that occurred before 1900*” can be defined as being an archaeological site.¹⁸

¹⁸ Heritage New Zealand Act 2014, Part 1, Section 6(a)(i)



5.4 district plan assessment

In considering the construction of any new building on Site 9, and in the lack of any specific rule in the Operative District Plan [ODP], we have considered assessment of effects with respect to:

- historic heritage; and,
- design, height, siting and coverage and the built and massing of buildings (to the extent that these might affect historic heritage).

5.4.1 general

Accordingly we have considered the proposal and effects arising from proposed development in its adjoining context against the following assessment criteria:

- (a) *the extent to which the form, mass, proportion and materials of the new building is compatible with the original architectural style predominant in the area*

The matters of form, mass, proportion and materiality relate to scale and predominant architectural style, but are themselves separate points whose detail is addressed in the Athfield Architects Limited *Resource Consent Design Report*¹⁹. The lower height of the southern end of the proposed Site 9 building references that of Shed 13 while also borrowing some of its materiality. The Site 9 building then transitions in height to meet the scale, of the Site 10 building and the scale of Whitmore Plaza to the north. The form, mass, proportion and materials of the proposed building on Site 9 are informed by, and compatible with, that of the surviving historic heritage in the area and take their lead from a number of area and site specific generators including Shed 21, the Whitmore Street view shaft towards the former Eastbourne Ferry Terminal building and the harbour, and historic lines associated with the working port and its wharves. The area has been recognised for what has been described as its “*collection of eclectic architectural buildings*”²⁰ and importantly the proposed new Site 9 building draws reference to wider urban design values including view shafts, street edges, open spaces and the water edge itself. In accordance with the Wellington Council *Central Area Urban Design Guide Appendix 4 – North Kumutoto Precinct*²¹ while form, mass, proportion and their articulation to other local drivers (such as building height) respond to a sense of consistency, the materials to be used in the proposed building respond appropriately by employing a degree of contrast and transition in respect to the surviving original architecture predominant in the area. This transition is of scale, texture, and materiality and is managed in a manner similar to the way the former Brick Store Building on Site 9 area (constructed in 1904 and demolished after 1983) transitioned between the height and scale of Shed 21 to the north and Shed 13 to the south. The shift in design articulation along the length of Site 9 also reflects this transition. The taller ‘container frames’ of the north north-west corner of Site 9 address Site 10 across Whitmore Plaza and other city buildings across the Quays and Whitmore Street intersection, while the lower more textured louvred south end of Site 9 addresses Shed 13 across the smaller scaled Waring Taylor gateway space and the North Kumutoto / Site 8 landscape to the east and towards the harbour edge.

- (b) *the extent to which the new building is positioned or sited to maintain continuity of front faced alignment of buildings in the vicinity*

¹⁹ Athfield Architects Limited, *Site 9 Kumutoto Resource Consent Design Report*, June 2018

²⁰ Env-2009-WLG-000224, Statement of Evidence of Barbara Fill, paragraph 12, p4

²¹ The North Kumutoto Design Guide was withdrawn as a consequence of the Environment Courts’ decision on Variation 11, but has been used in this assessment as a useful reference



While the site and the proposed development on it can be considered a building in the round, the particular aspect to Waterloo Quay responds to the historic precedents of the surviving historic Shed buildings and of the demolished Brick Store Building which occupied most of the Site 9 site. This continuity of line provided by the proposed Site 9 development restores an important sense of continuity and edge to Waterloo Quay while at the same time the articulation of the proposed Site 9 building provides critical transition between the scale of Shed 13 to the south and the Site 10 development (and the historic heritage Shed 21 beyond it to the north) while framing the Whitmore Street entrance and its respective defined view shafts and the Waring Taylor gateway.

(c) *the extent to which the proposal meets the provisions of any relevant Design Guide and the provisions of the Central Area Urban Design Guide*

Refer to Section 4.4.3 (below)

(d) *whether professional heritage or conservation advice has been obtained from Heritage New Zealand or any other professionally recognised expert in heritage conservation*

This Assessment is, in part, a reflection of engagement and consultation with a range of qualified and recognised experts in heritage conservation management and archaeology (Mary O’Keeffe) including Heritage New Zealand.

(e) *whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated*

According to the conclusions of the monitoring work undertaken across the North Kumutoto area in 2009 and the report of that monitoring in January 2010 by Kevin L. Jones Archaeologist Ltd:

- Site 9 is not a recorded archaeological site;
- some sites associated with human activity before 1900 may lie adjacent to the Site 9 development site and some earlier surface treatments may survive under more modern asphalt surfaces;
- modern service reticulation interventions south-west and north-east of the former Customs House (1902) site appear to have destroyed any pre-1900 fabric (certainly at depths less than 900mm);
- material earlier than 1900 may be found in lower levels of the c.1900 and later fills in the area of Sites 8 and 9 and this could cause Site 9 to be technically defined as an archaeological site in accordance with interpretation of an archaeological site provided at Part 1 section 6(a) of the Heritage New Zealand Pouhere Taonga Act 2014. Accordingly, and to the extent it could be said the site has any archaeological values, these will be appropriately managed / protected through an Accidental Discovery Protocol.

5.4.2 Lambton harbour area – objective and policies 12.2.8

The objective reads:

“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.”

Policies include (some are not described here as they are not directly concerned with historic heritage values and effects):

a) *12.2.8.1 Maintain and enhance the public environment of the Lambton Harbour Area by guiding the design of the new open spaces and where there are*



buildings, ensuring that these are in sympathy with their associated public spaces.

The public environment of the North Kumutoto area features a number of historic heritage buildings, features and elements. The policy recognises that “*buildings will support the open spaces*”. This is how the proposed development of Site 9 should be read. The ground floor of the Site 9 development affords more than half its space to publicly accessible facilities including cafes, restaurants, shops and galleries with a combination of indoor /outdoor flows. The ground floor features a recessed ground floor that provides sheltered walkways on both the east and west sides. Athfield Architects describe the Site 9 building as being like a “*frame of containers*” whose articulation provides transition in scale between Site 10 and Shed 13 in a manner similar to the way the former brick store building on the Site 9 site transitioned between from the taller Customs Building (formerly on the site). Importantly the integrated approach to landscaping across the development site and the existing developed waterfront lands shows a commitment to maintaining and enhancing the public environment in this area.

- b) ***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.***

The proposed development on Site 9 includes provision for a range of accessible public open spaces which, importantly, connect and complete existing public open spaces and pedestrian-prioritised routes in the North Kumutoto area. The proposed Site 9 development features carefully composed form and scale which responds directly to the existing heritage of adjacent sites within the wider area, both to the harbour edge and the sea and to the city. The integrated approach provides a seamless continuity to the Waterfront walkway and the junction at Site 8 and the Whitmore Street Plaza (to the north) and to the existing pedestrian waterfront approaches and the shared pedestrian space to the east of Sheds 11 and 13 (to the south).

- c) ***12.2.8.3 Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.***

The proposed development of Site 9 should be read as the final element in an integrated design solution in the North Kumutoto area as this better reflects many of the principles found in the Wellington Waterfront Framework, and objectives policies and rules of the Operative District Plan. The proposal has been carefully designed as a part of a greater collective response to enhance the overall public and environmental quality and general amenity of the wider North Kumutoto Area and the waterfront as a connected whole. The range of heritage buildings, features and elements (including gates, fences, wharves, wharf, and reclamation edges) lend the area a distinctive amenity collectively and the proposal adds to and enhances those values by responding to those heritage elements and extending the public opportunity to appreciate the amenity of the area.

- d) ***12.2.8.4 Maintain and enhance the heritage values associated with the waterfront.***

There is no recognised heritage within the Site 9 development site. It is unlikely that development works in the Site 9 area would disturb any surviving archaeology, but provisions for accidental discovery could be included in any consent. The range of heritage buildings, features and elements (including gates, fences, wharves, wharf, and reclamation edges) lend the area a distinctive amenity collectively and the proposal adds to and enhances those values by responding to those heritage elements and extending the public opportunity to appreciate the amenity of the area.



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

Refer to the Cultural Heritage assessment provided by others.

- f) **12.2.8.6 Provide for new development which adds to the waterfront character and quality of design within the area and acknowledges relationship between the city and the sea.**

- **Any new building 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.**

The scale (height, bulk), articulation, public and visual permeability of the development on Site 9 adheres closely to the decision of the Environment Court when it considered the appeal on the Wellington City Council's Variation 11 and particularly to the Court's consideration of appropriate height and bulk on that Site. The matters of height and bulk each relate to scale, but are themselves separate points whose detail is addressed in the Athfield Architects Limited *Resource Consent Design Report*²². In recognising any effects arising from the proposed Site 9 building and its related public space to Whitmore Plaza and to the Waring Taylor gateway, the perception of bulk and mass with open space at both ends of the building acts as an important transition to meet the scale, elevational orders, and modulation of the Site 10 development to the north and the lesser scaled historic heritage Shed 13 and 11 buildings to the south. Associated with the Site 9 development is the integrated landscape works currently under construction which complement and enhance that found in adjoining developed waterfront sites and which will resolve the landscaping currently missing in the subject area. This includes the continuation of the shared pedestrian lane currently found running along the eastern side of Sheds 11 and 13. This space is reinforced by the Whitmore Plaza development currently under construction, the carefully considered and appropriate Site 8 landscaping interpretation and enhancement of values associated with the Kumutoto Stream mouth, and the mix of proposed restoration of wharf edge south of the former Eastbourne Ferry Terminal building. The development of public open space on Site 8 and the Site 9 interface with that also reflects some of the observations of the Environment Court with respect to the sensitive interface between new built form and the adjacent heritage buildings and heritage values of the surrounding area. The scale of proposed development on Site 9 will not overwhelm the adjacent heritage places as key features on the waterfront. In this particular area development does not have to be slave to the existing scale of historic heritage assets adjacent to the development sites, but it should respond consciously to a range of factors that, if ignored, would detract from the heritage values recognised in the wider context. This was tested in the Environment Court during appeal of the Wellington City Council Variation 11 and the proposed development of Site 9 closely adheres to the development envelope identified by the Court in its decision on that appeal.

Refer also to Urban Design, Architecture assessments provided by others.

5.4.3 central area urban design guide appendix 4 – north kumutoto precinct (Nk)²³

- a) **Objective (Nk) O1.0 to deliver design excellence in the form of buildings and public space.**

²² Athfield Architects Limited, *Site 9 Kumutoto Resource Consent Design Report*, June 2018

²³ The North Kumutoto Design Guide was withdrawn as a consequence of the environment Courts' decision on Variation 11, but has been used in this assessment as a useful reference



Guideline (Nk) G1.2 *Be responsive to the context via the recognition of the particularities of the site. Complement and enhance other waterfront and adjacent buildings, spaces and activities as well as the broader city context. This could be by employing consistency or contrast or both.*

The area has been recognised for a range of distinctive qualities including what has been described as its “*collection of eclectic architectural buildings*”²⁴. Importantly the proposed Site 9 building draws reference from and complements wider urban design values including historic heritage, view shafts, street edges, open spaces and the water’s edge itself and their associated activities. Together with the Site 8 and wider landscaping works currently underway, development in the area responds in the round to adjacent heritage, the harbour and the broader city heritage context.

b) **Objective (Nk) O2.0** *to provide design coherence both within the area and the wider environment*

Guideline (Nk) G2.1 *Respect neighbouring buildings. For this reason, developments on Blocks A [Site 10], B [site 9], and C [Site 8] should have a level of consistency that acknowledges each other’s presence.*

The proposed development of Site 9 draws from the existing fabric of adjacent heritage buildings while not appearing to mimic those buildings and their fabric which could have risked lessening the values of both the authentic historic and the qualities of the new as a building of its time.

Guideline (Nk) G3.2 *Acknowledge aspects of history where opportunities exist. This could be in the form of highlighting traces which include not only the remaining waterfront buildings, but artefacts such as the wharf gates and wharf structures, and the evidence of usage and industrial/maritime wear and tear.*

The Site 9 development has some relationship with the location of the former Brick Store Building and its design articulation provides visual and physical connections to surrounding heritage such as Sheds 11 and 13, while the proposed Site 8 landscaping provides opportunity to enhance the interpretation of the site’s historic and cultural heritage through an integrated multi-site way. The proposed Site 9 and wider landscaping works completes a significant missing element in the Waterfront Framework’s aspirational goals of an accessible waterfront. This work builds from historic lines such as the reclaimed historic wharf edges.

Guideline (Nk) G3.8 *Views to the heritage buildings Sheds 11 and 13, Eastbourne Ferry building and Shed 21 should be enhanced. This could be through framing or adding elements to complement the view.*

The footprint at the northern end of the proposed Site 9 development frames new public open space on the southern edge of Whitmore Plaza. Similarly, to its southern end the Site 9 building undergoes a transition in height to align with the general scale of Shed 13 while the proposed Site 8 landscaping works links with the Site 9 development to enhance the heritage values, the movement associated with the harbour, wharf and harbour edge promenade which links public space and existing heritage assets including fences and gates. The soon-to-be-completed Whitmore Plaza is defined to its east by the original 1901 sea wall and timber wharf. This is the only place north of Queens Wharf where this historical edge is still operating as originally constructed. The plaza includes extension and enhancement of the movement connections of the pedestrian promenade along the harbour edge and an extension of Lady Elizabeth Lane and the proposed development on Site 9 will

²⁴ Env-2009-WLG-000224, Statement of Evidence of Barbara Fill, paragraph 12, p4



strengthen this to help reconnect and enhance the currently severed link between Sheds 21, 13 and 11.

c) *Objective (Nk) O6.0 To design and develop buildings that embrace new and existing public spaces.*

The Site 9 development completes three public spaces: to the north the Whitmore Plaza in association with Site 10; centrally; the integrated Site 8 public landscaped access and interpretation to the mouth of the Kumutoto Stream and the sea; and, to the south the Waring Taylor gateway which it frames with Shed 13.

Guideline (Nk) G6.4 Produce a defined space at the Whitmore Street Gates – a gateway that enhances the view and draws people from Whitmore Street to the waterfront.

The proposed Site 9 and wider public landscaping projects currently under construction meet this Guideline.

Guideline (Nk) G6.9 Provide a main vehicle entrance at Whitmore Street, and resolve the existing conflict between vehicles and pedestrians here.

The proposed Site 9 building integrates with Site 8 and the wider public landscaping through the provision of covered walkways and the overhang at its north end to create sheltered pedestrian spaces while the interface to an activated ground floor with three publicly accessible tenancies all work to collectively meet this Guideline. The Site 9 development importantly contributes enhanced public open space to this area through covered walkways, and the overhang at the north creating sheltered pedestrian spaces, plus the interface to an activated ground floor with three publicly accessible tenancies while maintaining and enhancing the historic heritage found in the area.

d) *Objective (Nk) O7.0 To provide a strong built edge to the Quays.*

Guideline (Nk) G7.1 Relate the new building edges in Block A [Site 10] and B [Site 9] to the current building edges of Shed 21 and Shed 13.

The proposed development of Site 9 takes some of its references for the re-establishment of a strong built edge to the Quays (particularly Waterloo Quay) from both existing historic precedent (Sheds 11, 13 and 21) and the former form of (the now demolished) Sheds 15 and 17 and the former Customs House.

The proposed Site 9 building and its integration into the wider public landscaping meets this Guideline.

Refer also to Urban Design and Architectural assessments provided by others.



5.4.4 the wellington waterfront framework

While the Framework is not a statutory document, it anticipates a “*stronger sense of the city form being developed in this area [the North Queens Wharf area] through a higher proportion of buildings than on the rest of the waterfront.*”²⁵ In the case of this proposed development the transitional scale, textural grain, and materiality through the proposed building is directly informed by that local context and sense of scale as Section 3 of the Framework establishes through a series of values, principles and objectives for the waterfront. These objectives include reference to the heritage and history of the area, including its heritage buildings and elements, and refer to a sense of place in a similar way to the District Plan. By way of example, the third bullet point principle under *sense of place* states:

- *Any new building will be complimentary to, and in a scale appropriate to, the existing buildings around them.*

The proposed Site 9 building will be “*in scale*” with adjacent heritage buildings. In its decision on appeals on the Wellington City Council Variation 11 the Environment Court helpfully confirmed²⁶ that “*being in scale is not an absolute requirement for dimensional equality*”. The Court recognised that “*scale relates to a number of features which are likely to influence relative acceptable proportionality*”²⁷ and this is the case in this proposal.

6. conclusion

The integrated approach to development across the Site 9 development site with its adjacent existing developed waterfront lands shows a commitment to maintaining and enhancing the public environment in this area and a regard for the historic heritage context that lends the area distinctive values.

The proposed development on Site 9 includes provision for a range of accessible public open spaces which, importantly, connect and complete existing public open spaces and pedestrian-prioritised routes. The integrated approach provides a seamless continuity to the Waterfront walkway, the junction at Site 8, the Whitmore Street Plaza to the north, the Waring Taylor Street gateway to the south, to the existing pedestrian waterfront approaches, and to the shared pedestrian space to the east of Sheds 11 and 13.

This environment is further enhanced by pedestrian links between city and sea and the Site 8 landscaping works which resolve the currently unresolved junction of land and sea at the mouth of the Kumutoto Stream as an active element in the public environment of this special area to which the Site 9 development engages.

The proposed development in the Site 9 area responds positively in the round to adjacent heritage, the harbour and the broader city heritage context.

²⁵ The Wellington Waterfront Framework, 4.2 North Queens Wharf, pp32-33

²⁶ Environment Judge CJ Thompson, Decision on Appeals, Decision [2012] NZEnvC 74, para 111, page 33

²⁷ Ibid.

