

**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**ENV-2015-WLG-024**

**IN THE MATTER** of the Resource  
Management  
Act 1991

**AND**

**IN THE MATTER** of applications for  
resource consent by  
Site 10  
Redevelopment  
Limited Partnership  
and Wellington City  
Council in respect of  
the area known as  
Site 10

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**STATEMENT OF EVIDENCE OF FRANCIS [FRANK] GERARD STOKS  
ON BEHALF OF SITE 10 REDEVELOPMENT LIMITED PARTNERSHIP AND  
WELLINGTON CITY COUNCIL**

**CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

**3 July 2015**

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Simpson Grierson  
Solicitors  
PO Box 2402  
Wellington 6410  
Tel: 04 499 4599  
Fax: 04 472 6986  
Solicitor Acting:  
Duncan Laing / Lizzy Wiessing  
Email: [duncan.laing@simpsongrierson.com](mailto:duncan.laing@simpsongrierson.com) / [lizzy.wiessing@simpsongrierson.com](mailto:lizzy.wiessing@simpsongrierson.com)

## **INTRODUCTION**

1. My name is Francis [Frank] Gerard Stoks. I am the Director of Stoks Limited a company established in 1995 specialising in Crime Prevention Through Environmental Design (**CPTED**), corporate security and risk management consultancy.
2. I hold a Bachelor of Architecture (1st class Hons, Victoria University of Wellington), Master of Architecture (VUW), and Doctor of Philosophy (University of Washington). I am a registered architect (ANZIA). I have over 35 years' experience as a CPTED practitioner and educator. Over the last 12 or more years, I have provided CPTED advice on most of the redevelopment projects on the Wellington Waterfront. I have also conducted periodic CPTED audits including an earlier CPTED review of Kumutoto North in 2004.
3. Full details of my qualifications and relevant past experience are at **Attachment A** to this evidence.
4. I have been engaged by the applicants to provide evidence in relation to CPTED. This evidence primarily presents and compares CPTED assessments of the receiving environment and the applicants' redevelopment project (**Project**). Evidence includes responses to submissions.

## **CODE OF CONDUCT**

5. I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and agree to comply with it. I confirm I have considered all the material facts I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise.

## **BACKGROUND AND SCOPE OF EVIDENCE**

### **Scope**

6. My evidence examines the extent to which the Project will have effects on both the perceptions and the likely actual safety and security for the general

public who pass through the public spaces of the Project area as pedestrians or cyclists.

### ***Assumptions and exclusions***

7. The scope of my CPTED assessment and design advice covers:
  - (a) public spaces within the Project Area;<sup>1</sup> and
  - (b) crime and fear of crime against the person e.g. intimidation, assault, disorder; and public property crime e.g. graffiti and vandalism.
  
8. My CPTED assessments specifically exclude:
  - (a) crime on private or commercial property not within the public domain; and
  - (b) safety in the physical injury prevention sense such as pedestrian-vehicle conflict, pedestrian-cyclist conflict and cyclist-vehicle conflict for which I defer to traffic safety specialists.

### ***Prior involvement***

9. My previous involvement with this Project was to review the proposed building, the surrounding landscaping and their combined context for the CPTED Report<sup>2</sup> for the resource consent applications.
  
10. I am familiar with the site and have carried out several CPTED assignments in the area and on the waterfront over the last 12 years. This experience includes assessments carried out at different times during the day, at night and all weathers and seasons.

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1 Being Site 10 (Proposal One – Applications 1 and 2), and Sites 8 and 9 (Proposal Two – Applications 3 and 4).

2 Appendix 23 to the AEE.

### ***Key documents***

11. The key documents I have used in forming my view regarding CPTED effects including the further information provided in response to the s 92 requests are:
- (a) Athfield Architects Limited. Kumutoto Site 10. Architectural Drawings for Resource Consent Submission. 25 September 2014.
  - (b) Athfield Architects Limited. Kumutoto Site 10. Architectural Design Report [for Resource Consent Submission]. 25 September 2014.
  - (c) Athfield Architects Limited. Kumutoto Site 10 S92 Response. WCC. 27 February 2015.
  - (d) Donn, Michael. 10 Waterloo Quay. Wind Environment Assessment. 31 March 2015. Isthmus Limited. Kumutoto Site 10. Landscape Drawings for Resource Consent Submission. 25 September 2014.
  - (e) Isthmus Limited. Kumutoto Site 10. Landscape Design Statement [for Resource Consent Submission]. 25 September 2014.
  - (f) Isthmus Limited. Kumutoto Site 10. Landscape Design Further Information. 20 February 2014.
  - (g) Isthmus Limited. Landscape letter to WCC. 27 February 2014.
  - (h) McIndoe, Graeme. Urban Design Review for Wellington City Council. North Kumutoto Precinct Project. 31 March 2015.
  - (i) O'Leary, Ryan. North Kumutoto Precinct Project Section 87F(4) Report for Wellington City Council. 7 April 2015.
  - (j) Opus Research Report 14-529D91.00. Wind Tunnel Study of the Proposed Site 10 Development, Wellington. 10 February 2014.
  - (k) Spencer Holmes. Assessment of Effects on Sunlight. 17 September 2014.

- (l) Stoks Limited. North Kumutoto Landscape Redevelopment: CPTED Statement. 25 September 2014.
- (m) Traffic Design Group. Transportation Assessment Report. 29 September 2014.
- (n) Traffic Design Group. LT McGuinness. Site 10 Development, Wellington Waterfront Construction Traffic Management Plan. TDG Ref: 12950 141007. 7 October 2014.
- (o) Wellington City Council. North Kumutoto Precinct Project, Section 87F(4) Report. 7 April 2015.
- (p) Willis Bond and LT McGuinness. Kumutoto - Site 10. Construction Management Plan. October 2014.

**12.** My evidence will cover:

- (a) A baseline CPTED assessment of the existing receiving environment including the existing crime profile;
- (b) A CPTED review of the proposed developments for the Project;
- (c) The Council's Section 87F report and associated CPTED-related technical reports; and
- (d) Submissions that raise CPTED implications.

***CPTED Assessment Process***

**13.** The process for preparing the CPTED assessment for the baseline and for the Project was to:

- (a) ascertain the existing, pre-redevelopment crime profile;
- (b) consider pedestrian travel within the Project Area;
- (c) conduct several field visits during the day (on week days and weekends) and at night in order to evaluate the baseline safety and

security of the Project Area using CPTED evaluation criteria (refer paragraph 14 below) from internationally recognised references<sup>3</sup> and Council guidelines;<sup>4</sup>

- (d) consider the Project in terms of the statutory considerations related to safety and security (crime prevention) namely: the Building Act 2004; Health Act 1956; and the Resource Management Act 1991; as described more fully in **Attachment B**;
- (e) consider submissions related to crime and crime prevention; and
- (f) come to a conclusion as to the CPTED effects of the Project.

### ***CPTED Evaluation Criteria***

14. The CPTED criteria<sup>5</sup> used for the baseline assessment and also for evaluating the Project include, in summary:

- (a) *Informal and formal surveillance, pedestrian sightlines* – see and be seen, active (occupied) edges, appropriate lighting, minimisation of concealment opportunities, vegetation clear of walkways;
- (b) *Safe movement and connections* – avoidance of entrapment spaces and cul-de-sacs, elimination of long pedestrian movement predictors without frequent exit choices;
- (c) *Clear and logical layout* – legible and uncluttered space for pedestrians (enhancing perception of safety) with easy way-finding, logical and obvious entrances and exits, and clarity of purpose between adjoining spaces having different intended uses;
- (d) *Activity mix, ‘eyes on the street’* – good use of public spaces and a mix of compatible uses appropriate to the location with extended

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3 Ministry of Justice (2007). “Crime Prevention Through Environmental Design – Draft New Zealand Guidelines”. (part of the New Zealand Urban Design Protocol); Ministry for the Environment (2005). “New Zealand Urban Design Protocol”.

4 Wellington City Council (2005) “Guidelines for Design Against Crime”, Wellington City District Plan; Wellington City District Plan (Introduction, s.1.6.1; s.1.6.3); Wellington City Council (2008). “Walking Policy” (Objectives 2 and 3).

5 Wellington City Council (2005) “Guidelines for Design Against Crime”, Wellington City District Plan; Wellington City District Plan (Introduction, s.1.6.1; s.1.6.3); Wellington City Council (2008). “Walking Policy” (Objectives 2 and 3).

hours of activity to maximise natural supervision and sense of safety in numbers;

- (e) *Sense of ownership* - showing spaces are cared for through clear indications of what is public, communal, semi-private or private space, plus expressions of key stakeholder involvement;
- (f) *Quality environments* - well designed, managed and maintained environments necessary to sustain high standards of presentation and minimise soiling, vandalism and graffiti which engender a sense of risk; provision of a 'quality' environment designed with management and maintenance in mind; and
- (g) *Physical protection* – use of basic, active security measures such as access control and security lighting as applicable.

## **BASELINE ASSESSMENT**

- 15. Safety and security of the existing site were assessed in order to establish a baseline against which any safety and security impacts of the proposed development can be compared. The objectives are to:
  - (a) Minimise adverse safety and security conditions through the design of the Project - if there are any and if it is practicable to do so; and
  - (b) Check the Project is 'no less safe',<sup>6</sup> i.e. does not introduce new or additional safety and security concerns in advertently.
- 16. The baseline assessment was completed in two parts:
  - (a) Identification of the present rate of crime within the Project Area, and
  - (b) A physical CPTED survey of the Sites against the above-mentioned (paragraph 14) CPTED assessment criteria.

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<sup>6</sup> A formal risk management term. The Project should of course be more positive than this.

## **Crime Profile**

17. Crime statistics for the calendar year ending 2014 obtained from the Police for reported offences in the public realm only, indicate:
- (a) 72 recorded public place offences within the Kumutoto North area. This is less than 2% of the 4,395 public place offences recorded in the wider Wellington Police Station area;
  - (b) Of the 72 recorded offences within the Kumutoto North area:
    - (i) the most prevalent were theft (51 incidences) [71%];
    - (ii) public disorder offences (10 incidences) [14%];
    - (iii) acts intended to cause injury (4 incidences) [5%];
    - (iv) offences against justice (3 incidences) [4%]; and
    - (v) illicit drug offences (2 incidences) [3%].
  - (c) Compared with the wider Wellington Police Station area, Kumutoto North recorded proportionately:
    - (i) a higher rate of theft [71% v 46%]. This is mostly attributable to thefts from vehicles in the underground car parks at Queens Wharf (in the southern part of the same crime statistics mesh block) and the motorhome park;
    - (ii) the same rate for disorder [14% v 14%] mainly due to liquor ban breaches;
    - (iii) fewer acts intended to cause injury [5% v 10%];
    - (iv) less property damage [1.5% v 14%]; and
    - (v) none of the recorded 103 abduction/harassment incidents, 80 prohibited regulated weapons, 55 fraud/deception, 29



sexual assaults and 14 burglaries recorded for the wider area.

18. Anecdotal information was also obtained from the Police, WCC's City Shaper (formerly Wellington Waterfront Limited), and the Council's Local Hosts<sup>7</sup> all of whom have security roles and presence on the waterfront – including Site 10, and Sites 8 and 9. Anecdotal information is useful for incidents that go unreported and captures more detail about *where* and *how* offences occur. Anecdotal information reveals that:
- (a) Serious incidents such as assaults appear to be very infrequent;
  - (b) Most of the incidents are low level disorder offences where people are spoken to by the authorities but go unreported;
  - (c) Most offences on the waterfront are breaches of the liquor ban and mostly on Thursday through Saturday 'party nights' in the City. Offenders tend to be youth from the outer suburbs who, before going into the late night entertainment areas in Courtenay Place and Cuba Street - 'side-load' on the waterfront with inexpensive alcohol to minimise the evening's expense. Fewer offences occur in the North Kumutoto area than in the southern sectors of the waterfront that are closer to town and have places to congregate out of public view;
  - (d) Occasional robberies of cell phones, music players and sports clothing occur on the waterfront during major events but tend to be further south of Kumutoto;
  - (e) Graffiti on walls and structures tends to be random and minor. It is quickly removed. Vandalism is minimal partly because the environment is reasonably robust and of a high quality, and partly because repairs are made promptly; and
  - (f) Vehicle related offences have occurred in the car parks and the motorhome park.

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<sup>7</sup> Local Hosts in green uniforms replaced Walkwise known for their yellow jackets in August 2012.

19. I believe it would be reasonable to conclude from the Year 2014 crime statistics and from anecdotal crime information that Kumutoto North:
- (a) is a low risk crime area in respect of crimes against the person;
  - (b) will continue to risk low level, afterhours, alcohol influenced disorder offences associated with the late night economy, that should be taken account of in the Project's design; and
  - (c) has no other apparent existing crime issues that would point to specific or unusual design considerations.

***CPTED features of the existing sites***

20. The main features of the existing Project Area that are significant from the CPTED perspective include:
- (a) Being part of a longer waterfront promenade and walkway practically from Oriental Bay to the Railway Station and on to the CentrePort business park and the Stadium. Site 10 is one of the key phases in this continuum required to maintain continuity, provide route choices at its pedestrian and/or vehicular nodes, and hold its own in terms of safety and amenity;
  - (b) Waterloo on Quay Apartment Building, Shed 21, for:
    - its sheltered walkway along the Waterloo Quay edge which helps pedestrians activate the route between Bunny Street and the waterfront to the south;
    - providing natural supervision from the various, especially residential occupancies within the building; and
    - contributing lighting to the surrounding public spaces.
  - (c) The current motorhome park for:
    - helping to activate this section of the waterfront;
    - providing supervision when there is an attendant;
    - contributing lighting to the adjoining pedestrian routes.

Previous vehicle break-ins are attributable to ambiguity between 'free public space' and 'protected space' for motorhomes caused by weak boundaries. Development of Site 10 will remove the parking area and eliminate this problem;

- (d) Former Eastbourne Ferry Terminal building for providing a sense of supervision due to its use as the Police Maritime Unit's base and parking of marked police vehicles;
- (e) Immediately south of the current motorhome park and the Police Maritime Unit is an open, tarmacked and lane-marked, shared point of convergence where pedestrians and vehicles exit the waterfront onto Waterloo Quay, Jervois Quay and Whitmore Street. It is also the pedestrian entry point to the greater waterfront promenade and to the adjoining car park - the southern edge of which connects to Kumutoto Lane. This pedestrian-vehicle junction is a legible, open area, free of any apparent CPTED issues. There is no shelter from weather for pedestrians at this point;
- (f) The southern end of the Project Area between Whitmore Street and Ballance Street is presently occupied by the above-mentioned car park. There are no apparent CPTED issues with the car park even though it presently does not have the higher quality, waterfront aesthetic of the adjoining already-redeveloped promenade and plazas. The quality of the latter imbues respect and is therefore beneficial for crime prevention; and
- (g) There is one safety and security issue regarding a rubbish and recycling shed in the car park which was found unsecured during the day and of more concern, late at night. This constitutes a significant entrapment and assault risk given its proximity to pedestrian routes and lack of oversight. This storage facility will be removed as part of the redevelopment.

**21.** In summary, the key CPTED findings from the baseline assessment of the existing environment are that:

- (a) The crime profile is low. However, care needs to be taken to acknowledge the risk of occasional disorder;

- (b) Positive CPTED features of the sites will be retained; and
- (c) CPTED issues around the motorhome park and the storage shed will be eliminated by the redevelopment.

## **SCHEME ASSESSMENT**

22. In the following CPTED assessment of the Project I will explain how the existing abovementioned CPTED issues are mitigated and how the positive existing features are reinforced and added to.

### ***Waterloo on Quay Apartment Building***

23. Landscape redevelopment works around the Waterloo on Quay Apartment Building are mainly confined to footpath upgrades on the north and east sides. The new footpath is significantly widened and interspersed with new specimen trees, low planting, timber seating and upgraded paving – the materiality and alignment of which maintains good connectivity and legibility with the entire waterfront promenade.
24. The red Falcon Shoal Buoy at the northern end serves as a useful wayfinding marker - part of a family and continuum of other markers along Kumutoto Lane and the waterfront - such as the gantry on the outer Kumutoto bridge, the lighthouse play structure in Frank Kitts Park, Kupe statue, Hikitea floating crane, and the bascule bridge at the end of the Taranaki Street Wharf.

### ***Wool Store Plaza***

25. Between the Waterloo on Quay Apartment building and the proposed new Site 10 Building, the Wool Store Plaza is a wide, paved shared space which provides service access to the ends of both buildings whilst allowing unobstructed view shafts and pedestrian access from the Waterloo Quay to the waterfront.
26. Building edges do not contain unsafe recesses. The entrance to Site 10's basement car park entry ramp off the plaza is more or less flush with the

building and intended to be secured with a normally-closed overhead roller door.

27. The edge of the Site 10 building is extensively glazed and expected to be activated.

***Proposed Site 10 Building***

28. The proposed Site 10 Building is part of this CPTED assessment only to the extent of its integration with and effects on the proposed landscape redevelopment.

29. The main CPTED features of the proposed Site 10 building are that it:

- (a) results in the motorhome park being relocated, which:
  - (i) allows the promenade to be widened and continued in a manner which is more legible and consistent (in terms of quality and materiality) with the southern redeveloped sections of the waterfront promenade;
  - (ii) eliminates the CPTED issues previously experienced with the motorhome park;
- (b) has external faces that are mainly shopfronts that would suit creative business units, office tenancies and retail. The edges are more or less flush and fully glazed which:
  - (i) helps to activate all the edges of the building and provide interest and natural supervision;
  - (ii) contributes additional [spill] lighting;
  - (iii) eliminates the risks of lurking and entrapment; and
  - (iv) minimises the risk of soiling associated with the late night economy.

30. Servicing of the building and temporary storage of incoming goods and outgoing waste is understood to occur via the normally-closed truck dock on the east side. This eliminates the need for screened enclosures outside the building. Such enclosures are often insufficient and unpleasant and left insecure and are known to impact upon public perceptions of safety and security.
31. The diagonal Harbour Wharf Link and entrance lobby is generous, clear and legible without recesses and points for unsociable occupation. Its glazed edges are expected to create a greater sense of spaciousness. Care is needed at the detailed design stage to eliminate window ledges and informal seating which invite unintended afterhours loitering.
32. At a grander scale, the paving from Whitmore Plaza is extended into the entire southern section of the building. Bringing key landscape elements inside, together with the glazed building edges and sheltering overhang of the floors above, strongly integrates the building with Whitmore Plaza. I expect this will encourage the occupants of this part of the building – most suitable for a café or such – to exercise significant supervision and guardianship over the wider plaza.
33. The proposed café or the like with outdoor tables blending into the southern end of the building will also help to activate Whitmore Plaza.

#### ***Waterfront Promenade Extension***

34. The waterfront promenade extension showcases the former Eastbourne ferry building. The extension includes a timber deck with two levels providing edges to sit on and engage with the water. Both of these features help to activate the waterfront.
35. Possibly the only CPTED issue concerns the means by which access to the jetty beyond the old ferry building is controlled. A gate under a portico preserves views and partly secures access to the jetty. Some additional measures for controlling access to the jetty are likely to be required between the northern edge and the jetty's edge. I see this has also been noted by WCC as Applicant.

### ***Whitmore Plaza***

- 36.** Whitmore Plaza provides a generous open space with flexible use possibilities and opportunities for activation. The thresholds at the Jervois/Customhouse Quay edge with their restored waterfront entrance gates and specimen trees, signal strong connections with the City and terminus to Whitmore Street.
- 37.** Whitmore Plaza forms a significant orientation node along the waterfront as one of a few key points to access, and be accessed, from the City – well supported with pedestrian crossings and shelters.
- 38.** Superior materials and finishes with good appearance–retention qualities are consistent with other eminent spaces on the waterfront, Civic Centre and in the City - which tend to promote positive responses and to minimise antisocial behaviour.
- 39.** Subject to obtaining resource consents, the next more detailed level of design development would benefit from additional CPTED considerations, i.e.:

  - (a) provision of suitable and sufficient street furniture, especially rubbish bins;
  - (b) illuminated wayfinding signage;
  - (c) provision of access to power and drinking water;
  - (d) uplighting to showcase the restored gates and gateposts without blinding pedestrians.
- 40.** A Toll Booth relocated from Queen’s Wharf will provide a temporary ‘pavilion’ and shelter at the south end of Whitmore Plaza pending the redevelopment of Building Site 9. It holds and helps activate the south edge of the plaza. Depending on its occupancy and purpose the pavilion may also encourage a worthwhile sense of proprietorship and supervision.

## **Sites 8 & 9**

41. The main elements in the redevelopment of Sites 8 & 9 are the extension of Kumutoto Lane and integration with Kumutoto Plaza, extensive timber decking down to the water's edge (Site 8) with bridges to the Tug Wharf, additional seating on the Tug Wharf, a new shelter, and a temporary car park (Site 9) with temporary shelter.
42. The extension of Kumutoto Lane provides continuation to Whitmore Plaza and to Bunny Street at the northern end of the Project Area. The same materiality and design language is used which improves the legibility of this shared waterfront route. It also provides an alternative pedestrian route to the promenade which is closer to the City and may well be perceived as a better pathway at night. This is further mentioned in relation to a submission.
43. The extensive timber decking (on Site 8) is designed as a generous pause space and activity node. There are bleachers to sit on and tables to use. The slopes are gentle making the seawater edge accessible. Somewhere to sit, obtain shelter, get food and drink, access a toilet, change a baby, leave rubbish, and be entertained (by others and the view) - with sufficient space to engage or to distance oneself from others as desired - are all good ingredients for activation, safety and security – good supporting collateral for CPTED.
44. There are excellent views into and out of the timber decked area from the lane, plaza, and the promenade on Tug Wharf - all of which provide natural supervision.
45. The abutments under the two bridges to Tug Wharf on shore side, which under normal circumstances could encourage sleeping rough, antisocial behaviour, soiling and littering, will be filled in.
46. It is understood consideration is being given to habitat creation and interpretation of marine wildlife. Small tidal pools and marine aquatic planting may also be considered to provide added interest and activity at the water's edge.
47. There are no negative CPTED issues anticipated with the proposed new shelter which is more for shade than rain and strong wind. Open sides



maximise supervision and provide useful views through it. CPTED at the detailed design level will be required to minimise the risk of antisocial use whilst providing shelter.

48. It is recognised the temporary car park will remain until Site 9 is redeveloped. New paving and simple planting will improve its appearance. From the CPTED point of view an ideal permanent car park would not encourage pedestrians through, who have not parked their cars there – the motorhome car park problem.
49. The problematic storage shed (mentioned in para.20(f)) which could simply be kept locked to secure it, will be removed.
50. Other than shared pathways through the car park, and assuming good lighting, there does not appear to be any other intrinsic safety and security issues with the temporary car park.

### ***Lighting***

51. 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 Wellington City Council's lighting strategy and guidelines.<sup>8</sup> These documents also deal with required levels of illuminance and light quality such as light pollution and avoiding glare to satisfy CPTED, Injury Prevention through Environmental Design and Accessibility objectives.
52. 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.

### ***Wayfinding***

53. Wayfinding is an important CPTED factor mostly for visitors and tourists to the City. It is expected the same types of signs that have already been

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<sup>8</sup> WCC Waterfront Lighting Strategy; WCC District Plan, Vol.2, Non-statutory Design Guides. Guidelines for Design Against Crime; Section 2.

established throughout the completed sections of the waterfront would be used within the Project Area to maintain continuity and legibility.

54. As noted (in para. 24 above) certain key obelisks along the waterfront also help with wayfinding and orientation.
55. Subject to obtaining resource consents, I understand that it is Wellington City Council (City Shaper's) intention that CPTED principles will continue to be embedded at increasing levels of detail corresponding to all subsequent stages of the design process, construction, and fine tuning upon completion.

### **Summary**

56. In summary and with reference to the objectives (stated in para 15) for the CPTED review, I consider:
- (a) The safety and security issues identified in the baseline review will be mitigated and that no additional CPTED concerns have been introduced at this stage of the design – thus dealing with prospective negative effects;
  - (b) The Project will be 'no less safe' than the baseline conditions and contribute positive effects, by:
    - (i) bringing more people into the area to actively work, play, commute, pause, 'own' and respect it;
    - (ii) having sufficient and diverse activities to keep it activated and thus mutually supervised;
    - (iii) providing a physical environment that is intrinsically low risk, in terms of crime and fear of crime, by embedding CPTED principles;
    - (iv) providing a sustainably high quality environment; and
    - (v) being committed to facilities management, including security.

## **SUBMISSIONS**

57. I have also been asked to identify and comment on CPTED related issues raised in submissions.
58. Aside from the Wellington City Council's Section 87F report which I comment on later, there was one submission [41] which raised the 'CPTED' term directly. No other submissions mentioned CPTED or crime. Nor was there any specific mention of disorder, liquor ban breaches, vehicle offences, vandalism and graffiti, fear of crime or its influences on the proposed development, as might reasonably be expected. This suggests that crime is not the greatest concern amongst submitters and possibly the public for this project. Nonetheless there are several mandates for embodying CPTED principles in the design proposals as detailed above (from para.22 to para. 56).
59. I wish to address the following matters raised in the submissions:
- (a) CPTED, shared spaces and traffic safety which raised the CPTED term [41];
  - (b) Police Marine Unit's request for parking, CCTV and lighting which does not mention CPTED or crime but is believed to have security implications [35];
  - (c) Public toilets – submissions [10], [27] which do not mention CPTED or crime but have CPTED implications;
  - (d) Wind shelter – submissions [11], [12], [13], [17], [27], [34] which also do not mention CPTED or crime but have CPTED implications.

### ***Shared spaces***

60. Living Streets Aotearoa in Submission [41] correctly pointed out that safety issues of shared spaces was not addressed in my CPTED Report. I consider the safety issues around shared spaced are essentially traffic related and are the domain of traffic specialists – a view that appears to be shared in the Council's Section 87F Report. (Page 6, Annexure 12).

61. I note the matter of traffic safety of shared spaces was specifically raised by the Council and responded to by Mr Mark Georgeson, Traffic Design Group, the crux of the response being that the shared space concept is well established with numerous situations where pedestrians co-exist with vehicles on the waterfront and elsewhere already (para. 13 TDG letter of 27 February 2015 Ref: 12834.001).
62. Mr. Soon Teck Kong in his Traffic Report also states "...the proposal has included several new pedestrian facilities which will benefit pedestrian usage and improve pedestrian safety" (para 29) and that safety audits of the design are to be completed pre and post construction (paras. 47.5 and 47.6). (Annexure 12, WCC Section 87F Report).
63. Assurance for the [traffic] safety of shared spaces is further covered in the Council's Recommended Condition 16 for Application 3.
64. I do not believe any negative CPTED issues arise from the shared spaces. To the contrary, there is a positive safety and security dimension to vehicles using shared spaces.
65. Well-slowed, intermittent and very low numbers of vehicles – including the occasional police car or contract security vehicle afterhours - trickling safely through an area can be both a deterrent and a source of intervention for antisocial and criminal behaviour.
66. Vehicles help bring more people into the area. Slow drivers have a significant opportunity and necessity in shared spaces to engage with their surroundings. They activate what might otherwise become an unsupervised area – particularly after hours.
67. Equally important is that the shared spaces provide an alternative pathway for pedestrians to choose from. They may well be more comfortable with open shared spaces than other pathways which are not as open or as visible from adjoining areas, buildings and motorists.

### ***Police requests***

68. Without mentioning CPTED or crime prevention, three submissions are noteworthy for their contribution to CPTED and safe successful spaces.

Submission [35] from the NZ Police requested that Police car parks in front of the Police Maritime Unit's waterfront office be retained during the day. Having marked Police vehicles on the site promotes positive perceptions of safety and security and create a 'go to' point.

69. Police also asked for monitored CCTV. I do not know whether this is for the Police base, members of the public in the surrounding public spaces, or both. If CCTV also covers the public realm that may well be of some benefit and I would support it. Any CCTV would be considered at the detailed design stage. Appropriate lighting, particularly in areas where people may seek shelter in wet weather was also called for. This has already been allowed for as mentioned in the CPTED Report and has been noted by WCC.

### ***Public toilets***

70. Submissions [10] by Waterfront Watch Inc. and [27] by the Architecture Centre both called for public toilets to be provided within the development. Generally speaking, safe toilets - along with water fountains, shelter and the like - are part of the important public collateral which supports ongoing activation and utilisation of the surrounding spaces. Active spaces provide what is termed 'capable guardians' who deter and ideally initiate interventions for crime prevention purposes.
71. It is proven that safe toilets go a long way towards preventing soiling in ad hoc places. Prevention of soiling has obvious benefits for public health and keeping a safe, successful and high quality public amenity. The requirement for reasonable access to toilets could be said to be satisfied by the two 'lobster' public conveniences some 200 metres to the south. Moreover there will be a number of other toilets in the cafes and restaurants adjoining the site.

### ***Shelter***

72. I mentioned *shelter* along with public toilets (in para 70 above) as examples of important collateral needed to support and sustain occupancy of well-activated, safe and successful spaces. The matter of wind shelter, and the recommendations to bear this in mind during developed design has been

raised in the technical reports<sup>9</sup> and in the submissions.<sup>10</sup> The Architectural Centre [27] advanced a condition regarding shelter from the wind.

73. In the interests of safety and security, I would support creating spaces that are sheltered from disagreeable wind, rain and direct sun if required. Shelter makes a significant contribution to safety by encouraging occupancy for longer periods than might occur if there was no such shelter.
74. Shelters would need to be carefully designed with CPTED principles in mind to ensure they do not introduce other public safety or nuisance risks. The canopy Pavilion is proposed for Site 8 is intended to provide the shelter required. During the developed design stage the Pavilion and any other structures that may serve as a shelter should be fully evaluated as safe, high quality amenities and places to support lawful, prolonged engagement with the adjoining spaces.

#### **WCC SECTION 87F REPORT**

75. I have read the Wellington City Council's Section 87F report prepared for this matter. I believe the following sections are relevant to CPTED/public safety issues:
- (a) North Kumutoto Precinct Project. Ryan O'Leary – overview for the Council;
  - (b) Annexure 1. Graeme McIndoe – Urban Design;
  - (c) Annexure 4. Soon Teck Kong – Traffic;
  - (d) Annexure 7. Michael Donn – Wind;
  - (e) Annexure 12. Summary of Submissions; responded to from paragraph 57 above;
  - (f) Annexure 13. Recommended Conditions of Consent.

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9 Mr Neil Jamieson. Opus Research Report 14-529D91.00. Wind Tunnel Study of the Proposed Site 10 Development, Wellington. 10 February 2014.

10 Gayle Cullwick [11], Philippa Boardman [12], Pauline and Athol Swann [13], Jean Morgan [17], Architectural Centre [27], Frances Lee [34].

I have responded to each of these matters below.

***CPTED and the WCC Section 87F report***

76. Mr Ryan O’Leary has assessed the proposals for and on behalf of the Council. In respect of CPTED safety and security matters, I note that Mr O’Leary:
- (a) has referred to my CPTED Report accompanying the Applications (para. 384);
  - (b) is satisfied the proposals achieve the requirements for CPTED and safety to be considered in conformance with the Council’s Health, Safety and Security policy within the District Plan (para. 293);
  - (c) finds the proposals will be consistent with Policy 12.2.6.15 and Policy 12.2.6.16 which seek to employ urban design measures to reduce or prevent crime, and minimise or reduce threats to personal safety and security (para.293);
  - (d) agrees that it is appropriate for lighting to be designed in greater detail at the next stage consistent with the applicable guidelines (paras. 293, 294, 295. page 62.);
  - (e) notes that CPTED has been duly considered in the proposals to satisfy the mandates under WCC’s *Wellington Towards 2040 and Our Capital Spaces’ – Open Spaces and Recreation Framework* (2013) which give priority to design and maintenance for personal safety; and to incorporate CPTED and principles respectively (para. 364);
  - (f) expresses the view that upon considering the CPTED advice provided (in the CPTED Report) “...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” (para. 370);
  - (g) accepts my conclusions that the design takes into account the non-statutory Guidelines for Design against Crime in the District Plan

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 (para. 384).

***CPTED and urban design***

77. There are numerous affirmative references to CPTED related matters in Mr Graeme McIndoe's Urban Design Report for the Council contained within the section 87F report. In respect of CPTED safety and security matters, I note that Mr McIndoe:
- (a) has referred to the CPTED Statement prepared for this Project (para. 1.11);
  - (b) comments positively about the urban design features – particularly in relation to amenity and 'exemplary edge conditions, which will significantly enhance the quality of environment for pedestrians' (Appendix 3, page A3-6) – a statement which confirms the presence of the environmental attributes CPTED strives for and relies on;
  - (c) confirms *The Waterfront Framework's* requirement for 'The waterfront to be, and to be perceived to be, safe at all times' has been addressed in the proposal (Appendix 4. Para. 29);
  - (d) in his comments on the Council's Public Space Design Policy (December 2010):
    - (i) echoes and reinforces the CPTED Report regarding the requirement for purpose-designed lighting for vitality and safety to be detailed in the next design stages [Appendix 5. Page A5-5];
    - (ii) believes the requirement to ensure that public spaces incorporate high-quality design has been satisfied (Appendix 5. A5-7). This materially assists CPTED by imbuing respect and promoting appropriate behaviours;



- (iii) affirms CPTED in public space design has been incorporated as required ([Appendix 5. Page A5-8). No CPTED concerns were raised by Mr McIndoe;
- (iv) reinforces the requirement to effectively manage and maintain public places (Appendix 5. Page A5-9);
- (v) notes the requirement in the North Kumutoto Design Brief to maximise personal safety in line with the Council's Guidelines for Design Against Crime and best practice CPTED - has been addressed (Appendix 6. Page A6-3);
- (vi) considers that aspects of the design intended to provide for "natural surveillance and allow for activities that engage people using these spaces" - has been achieved (Appendix 6. Page A6-8).

**78.** Overall I believe the Wellington City Council's Section 87F Report points to a safe and successful development from the CPTED point of view for the reasons that are included in that report and consistent with the CPTED Report.

### ***Construction Management Plans***

**79.** The Section 87F Report calls for a detailed construction management plan as a condition of consent (section 4. Annexure 13). I am aware that a Construction Management Plan (**CMP**)<sup>11</sup> has been prepared as Appendix 22 to the AEE; as has a Construction Traffic Management Plan (**CTMP**)<sup>12</sup> been provided as one of the Applicant's further information responses. These documents have provisions for ensuring the safety of the public as well as workers and visitors to site. They refer to hoardings, signage, site access and on-site procedures. My interest lies in assurances regarding the safety and the perceptions of safety of the public from the crime prevention point of view.

**80.** The proposed draft CMP, CTMP and construction management plans in general, consider 'safety' with a strict emphasis on traffic safety, injury

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<sup>11</sup> Willis Bond and LT McGuinness. Kumutoto - Site 10. Construction Management Plan. October 2014.

<sup>12</sup> Traffic Design Group. LT McGuinness. Site 10 Development, Wellington Waterfront Construction Traffic Management Plan. TDG Ref: 12950 141007. 7 October 2014.

prevention and WorkSafe criteria and the minimising of disruption and inconvenience (CTMP). I believe they do not address the potential effects on crime and fear of crime for pedestrians affected by the construction site, its set down areas, detours, obstructed sightlines, glary or poor lighting, scaffolding props and cranes and the like whilst work is in progress.

- 81.** I raise these matters mindful of the extent of the construction site, the potential impact on pedestrians and cyclists during the construction period, and the known presence of vulnerable members of the public at all hours of the day around the construction area.
- 82.** The simple solution to this is for the construction management plans to take CPTED principles explicitly into account to assure the safety and security of the public during the construction period, for which there has been a precedent, e.g. the Basin Bridge Application. This could be achieved by including in the conditions of consent that the construction management plans must be reviewed and signed-off by a suitably qualified person with CPTED expertise prior to being submitted to the CMO for approval.

### ***Conditions of Consent***

- 83.** Some of the conditions advanced in the submissions have CPTED implications. The relevant conditions and my comments concern:

(a) Submission 27: The Architectural Centre for:

- (i) Ground floor activation and not having a need to purchase to occupy.

I support the CPTED benefits of this as a means of achieving more intense and equitable occupancy of public space which is desirable for safety and success.

- (ii) Improved design of outdoor spaces to improve the wind environment and provide appropriate levels of amenity for users.

I support the CPTED benefits of good shelter for the reasons I discussed in paras 72 and 73 above.

- (iii) Ensure at least three public toilets are provided within the development (i.e. one male, one female, one disabled).

I support the CPTED benefits of access to a public toilet as discussed in para. 70 and para. 71 above.

- (b) Submission 35: NZ Police for:

- (i) retention of Police car parks during the day;
- (ii) installation of monitored CCTV; and
- (iii) appropriate lighting.

I support the CPTED benefits of these for the reasons I discussed in para 68 above.

**84.** The Wellington City Council has also recommended Conditions of Consent (Annexure 13). The conditions and the elements that have CPTED implications for **Application 1**, are identified and commented on as follows.

- (a) Condition 5 for a Construction Traffic Management Plan to include safety matters.

I support inclusion of safety matters but recommend they include safety in the crime prevention sense as well - as discussed in paras. 80 to 82 above.

- (b) Condition 23 and 24 regarding selection and installation of final finishes to be confirmed in consultation with the Council's Waterfront Technical Advisory Group (**TAG**).

I support this condition as a means of assuring materials and finishes that are less vulnerable to vandalism and graffiti, and which help with good appearance retention necessary to maintain respectful use and minimise abuse.

- (c) Condition 28 regarding basement access by vehicles and in particular “control gate(s) or any other physical means of preventing vehicles from entering or exiting the basement carpark”.

I support this condition if it takes into account the CPTED objectives to eliminate threshold recesses, places for entrapment, anti-social behaviour and soiling.

- (d) Condition 30 regarding a servicing management plan which includes the requirement to consider external storage.

I support this condition as an incentive to manage, if not ideally, completely eliminate external storage with associated entrapment spaces, untidiness, vermin and odours which impact upon public safety and security and perceptions thereof.

- (e) Condition 35 regarding public access and in particular the requirement to keep ‘Waterloo Colonnade’ and the ‘Harbour Wharf Link’ open and accessible at all times.

This condition has implications for the developed design to ensure the intrinsic safety evident in the Concept Design is not diminished inadvertently and that the Developed Design deliberates on details such as finishes, informal seating, visual transparency, avoidance of recesses, lighting, etc., in order to continue CPTED at the next level of design. Being closed between midnight and 6:00 am would do no harm in CPTED terms, but should not be necessary if CPTED is taken into account in the detailed design.

- (f) Condition 36 for ensuring views into the display windows are maintained at all times.

I support this condition for the CPTED benefit of maintaining natural supervision where possible. It will also help activate the edges and preserve sightlines along the sides and through the corners of the Harbour Wharf Link. This will reduce perceptions of its length under the building, enhance perceptions of width, and increase perceptions of safety by being able to see well ahead – especially at the exit points which are often the most problematic.

**85.** The conditions and the elements that have CPTED implications for **Application 3**, are identified and commented on as follows.

- (a) Condition 2 for Final Landscaping Plan covering landscaping details.

This condition has implications for the Developed Design to consider matters of injury prevention, appearance retention, resilience to vandalism and graffiti, and related CPTED considerations at the next level of detail.

- (b) Condition 4 for a Construction Management Plan to include safety matters.

I support inclusion of safety matters but recommend they include safety in the crime prevention sense as well - as discussed in paras 79 to 82 above.

- (c) Condition 22 for an approved final lighting design plan.

I support this condition for reinforcing the intentions and design guidelines for lighting already outlined in the CPTED Report.

- (d) Condition 23 regarding the pavilion design to be subject to consultation with WCC's TAG.

I support this condition for reinforcing consideration of shelter and other CPTED matters as I discussed in para 74.

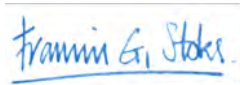
- (e) the intentions and design guidelines for lighting already outlined in the CPTED Report.

## **CONCLUSIONS**

**86.** Having conducted a baseline CPTED review of the existing receiving environment, reviewed the design proposals, and considered the Council's Section 87F Report, related technical reports, and the submissions with

CPTED implications I have formed the view that for this stage of the design development:

- (a) there does not appear to be any significant residual safety and security risks that may be considered as adverse effects given:
  - (i) safety and security issues identified in the baseline review will be mitigated;
  - (ii) the crime profile is not expected to increase;
  - (iii) submitters' CPTED related concerns have been specifically addressed; and
  - (iv) CPTED principles have been used to shape and to enhance the Project where applicable.
  
- (b) the CPTED approach can be considered along with the other effective design and management tools for achieving successful redevelopment outcomes inclusive of safety and security.



Francis [Frank] Gerard Stoks.

Stoks Limited.

3 July 2015

## ATTACHMENT A: COMPANY PROFILE AND RELEVANT EXPERIENCE.

Dr. Frank Stoks	<p>B.Arch. (1<sup>st</sup> class 1<sup>st</sup> div Hons - VUW), M.Arch (VUW), PhD (Washington). Registered architect: ANZIA. PISG Act Registration: SC 11-011109. Graduate of Pacific Northwest Crime Prevention Institute (Washington State, USA) Pioneer in CPTED research (1982) leading to present day CPTED assessment models, and CPTED terms used internationally. Internationally recognised leading CPTED Practitioner. Recipient of American Planning Association Award for original Research – 1982. Over 35 years Crime Prevention through Environmental Design (CPTED), corporate security, risk management and consultancy experience in New Zealand, Australia, Singapore, Hong Kong, UAE, Malaysia, USA. Former partner Coopers &amp; Lybrand, management consulting in risk, corporate security and CPTED (1986 - 1995).</p>
Stoks Limited	Fully incorporated, registered 1995.
Consultancy	<p>Assisting a wide range of significant Clients with a comprehensive range of independent and specialist crime prevention and risk management advice; including:</p> <ul style="list-style-type: none"><li>• Crime prevention in public places: urban design, pre and post development assessments; CPTED and security strategy and planning</li><li>• Development of safety and security policy, standards</li><li>• Linkages with Universal Access and Injury Prevention Through Environmental Design</li><li>• Security and CPTED for major civic and commercial property.</li></ul>

### Relevant experience:

- Resource Consent hearings. CPTED advice for City Councils and other Applicants. Expert witness / preparation of technical reports and briefs of evidence on CPTED issues.
- CPTED specialist for the NZTA: Grafton Gully cycleway; McKays to Peka Peka expressway and pedestrian cycleway; Mt Victoria Tunnel duplication project; Basin Bridge (Flyover) project; National War Memorial Project; Transmission Gully.
- CPTED audits, improvement plans and development project advice for the Wellington Waterfront.
- CPTED master plans and urban renewal for: Wellington Waterfront (ongoing); Palmerston North Square Redevelopment of Kilbirnie Town Centre (2009); New Lynn Transport Interchange; New Lynn Town Centre and Massey North township; Masterplan for major site redevelopment in Ponsonby; University of Canterbury Master Plan (pre earthquake); Hutt City Civic Centre redevelopment; Kapiti and Coast District Council.
- Christchurch re-build program – advice to CERA, ChCh City Council; CPTED design clinics, training, Avon River Precincts; South Frame; Criminal Justice Emergency Services Precinct; New Christchurch Central Library;

- CPTED and security advice for numerous high profile public buildings including Parliament, Supreme Court, Te Papa, several major art galleries and museums throughout Australasia.
- Assistance in the preparation of Wellington Draft Strategy and Guidelines for City Lighting.
- Co-author of the publication: - "Guidelines for Design Against Crime" for urban development adopted by Wellington City Council;
- Major contributor to Ministry of Justice "National Guidelines for Crime Prevention in New Zealand".



## ATTACHMENT B: STATUTORY CONSIDERATIONS for CPTED

### Statutory Considerations.

Statutory considerations in relation to safety and security (crime prevention and fear of crime) for the Project Area are:

- a. Building Act - 2004: In achieving the Act's purpose, a territorial authority (among others) must take into account certain principles including the need to ensure that any harmful effect on human health resulting from "...the use of...a particular building design, or from building work, is prevented or minimised". [s.4(2)(b)]. Territorial authorities also have powers in respect of dangerous buildings.
- b. Health and Safety in Employment Act 1992: Requirement to identify and manage all hazards in workplaces including threats to personal safety and security.
- c. Health Act 1956: Local authorities have a duty to improve, promote and protect public health and are empowered and directed, among others, to inspect and deal with nuisances or any conditions likely to be injurious to health or offensive.(s23(b) and (c)).
- d. Resource Management Act 1991: The Act's purpose is "to promote the sustainable management of natural and physical resources" (s5(1)). "Sustainable management" means managing, inter alia, physical resources in a way that enables people and communities to provide for their social, economic and cultural well-being and for their health and safety. I consider the reference to social well-being and health and safety includes freedom from fear of crime and security and freedom from *all* harm. Section 5 of the Act also requires avoiding remedying or mitigating adverse effects of activities on the environment. I note that 'environment' includes amenity values and the social, economic, aesthetic and cultural conditions which affect "...amenity values..." [Part 1; s.2, s3].