

**Before the Environment Court  
At Wellington**

**ENV-2009-WLG-000224 and 225  
and 2010-WLG-003**

**Under** the Resource Management Act 1991  
**In the matter of** an appeal under section 121 of the Act  
**Between** **Waterfront Watch Incorporated**  
**Appellant**  
**And** **Wellington City Council**  
**Respondent**

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**Brief of evidence of Morten Tor Gjerde**  
**Date: 21 November 2011**

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## **Introduction**

- 1 My name is Morten Tor Gjerde. I am an architect, urban designer. I am a Senior Lecturer in the School of Architecture at Victoria University, where I teach and conduct research in the areas of urban and architectural design. I am also the director of a modest scaled architectural and urban design practice, Morten Gjerde Architect Ltd. My practice work includes giving advice on urban design to a number of territorial authorities, government departments and private clients. This work requires me to evaluate the anticipated urban design outcomes of unbuilt projects that have applied for resource consent. This is an area of work in which I have considerable expertise and a skill that I continue to strengthen through continuing education.
- 2 I hold a Bachelor of Architecture (Hons) from the California State Polytechnic University at San Luis Obispo, a Certificate in Urban Planning from the University of Oslo and a Master of Research in Urban Design from Oxford Brookes University. My thesis considered the ways people perceive and judge urban streetscapes.
- 3 I am a Fellow member of the New Zealand Institute of Architects, a past Chairman of the Wellington Branch of the NZIA and am registered to practice architecture in New Zealand and California. I also hold NCARB (USA) certification. I have over 25 years of professional experience, with most of that gained in New Zealand.

## **Code of Conduct**

- 4 I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note. I agree to comply with this Code. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## **Scope of evidence**

- 5 My evidence addresses matters related to the anticipated urban design outcomes of Variation 11. The scope of my evidence is as follows:
  - 5.1 Prior involvement with Variation 11
  - 5.2 Aspects of Variation 11 that relate to urban design

- 5.3 Outline of the matters at issue
- 5.4 Urban form considerations
- 5.5 Context considerations
- 5.6 Relationship to the established spatial structure
- 5.7 Organisation of built form in relation to views
- 5.8 Design of public open space
- 5.9 Provision of shelter
- 5.10 Shading effects
- 5.11 Building design and visual amenity
- 5.12 Particular design matters related historic heritage.
- 5.13 Ground floor accessibility and display windows
- 5.14 Assessment of the implications of Variation 11
- 5.15 Conclusion

6 In the period since Council filed its Bundle of Documents, dated 11 November 2011, a discrepancy in Appendix 13 at page 57 of the bundle has been identified. I attach the correct version of Appendix 13 in Appendix A to my evidence.

### **Prior involvement with Variation 11**

7 In April 2010 I was invited by Brett McKay of Wellington City Council to become involved with the appeal case of Variation 11. The scope of that involvement would be to provide assistance in my area of expertise to the mediation process and then to provide evidence to the Environment Court if that became necessary. Soon after being invited I accepted.

8 I have become familiar with the intent and scope of Variation 11 by way of

- Proposed District Plan Variation document
- Section 32 Report dated December 2008
- Decision Report on Proposed District Plan Variation 11 dated 11 November 2009

- 'Validity of Redevelopment at North Kumutoto' report prepared by Gerald Blunt dated 24 November 2008.

- 9 I have visited the area on a number of occasions, taking account of the way the area and the setting are currently developed. During these visits I have also envisaged how development of the area in accordance with Variation 11 will affect the surrounding public open spaces. I have walked between North Kumutoto and the central business district to consider the effects on the experience of moving between the city and waterfront areas.
- 10 I have attended a number of informal mediation discussions with other parties to the appeal including Waterfront Watch Inc, Landlease Ltd, Queens Wharf Holdings Ltd, Wellington Waterfront Ltd and New Zealand Historic Places Trust Ltd.
- 11 I was party to the Court assisted mediation that took place on 17 August 2011.

### **Variation 11**

- 12 My evidence on urban design matters will address a number of different aspects of Variation 11 as it is framed in the Proposed District Plan Variation 11 document. These different aspects are as follows:
- Organisational structure and design of public spaces
  - Siting, design and external appearance of buildings
  - Height of buildings
  - Design relationships of new buildings with existing buildings, particularly those of recognised heritage value
  - Ground floor accessibility and edge treatment of buildings

### **Matters at issue**

- 13 Arising from my understanding of the implications of Variation 11 in relation to the particular characteristics of the North Kumutoto Precinct and in relation to the wider city and the waterfront I am of the opinion that the key urban design matters that must be considered are as follows:
- Urban form considerations
  - Context considerations

- Relationship to the established spatial structure
- Organisation of built form in relation to views
- Design of public open space
- Provision of shelter
- Shading effects
- Building design and visual amenity
- Particular design matters related historic heritage.
- Ground floor accessibility and display windows

14 I address each of these issues in turn below

### **Urban form considerations**

15 The harbour is a key feature in Wellington's landscape. It has had and continues to have a strong influence on the shape, character and identity of the city. Taking a broad view, along with limitations imposed by the surrounding hills on the city's expansion westward, the strong edge of the harbour has tended to accentuate the height of the city. This condition is perhaps best expressed in the form and alignment of the buildings along the western side of the Quays, particularly in the area of North Kumutoto. The form and location of buildings stretching from Bunny Street to the City to Sea Bridge along the western side of the Quays are such that they form a consistent edge that is widely recognised and held in high regard.

16 The only gap in this pattern occurs at the site of the service station on the corner of Whitmore Street and Waterloo Quay. I am of the opinion that this gap has a negative effect on the setting. The negative contribution made by the current development of the site is accentuated by the building typology and site activity. Future commercial opportunities will likely see this site developed in a similar manner to its neighbours.

17 The waterfront area between the Quays and the harbour's edge is at its narrowest at North Kumutoto. Because of this, the intensive form of the city is very much a part of the North Kumutoto setting.

18 In my opinion the close proximity of central area buildings enables the North Kumutoto area to accommodate a higher intensity of built form than that which is evident or may otherwise be acceptable along other

stretches of Wellington's waterfront area. I note that this is also a view expressed in the Wellington Waterfront Framework, which states that the strong connection of the area to the city centre will "be reflected with a stronger sense of the city form being developed in this area through a higher proportion of buildings than on the rest of the waterfront".

19 Wellington's prevailing urban form is coherent and the Council has sought to strengthen this quality by establishing the 'high city' and 'low city' areas. The District Plan also provides for transition zones in the prescriptions for allowable height limits between the 'high city' and the neighbouring Thorndon and Te Aro 'low city' areas. These transition zones are important because they allow the form of the city to step progressively down from the taller buildings to the lower heights of buildings in the 'low city'.

20 The concept of height transitions can also be considered when analysing the urban form as it approaches the harbour. Cross sections A to C on drawing UD\_2 attached to Pen Moore's evidence, illustrate how buildings generally step down in height across Customhouse Quay toward the waterfront. The section drawings also illustrate that the extent of the step differs in each circumstance. In some cases the step is abrupt, such as in the block between Waring Taylor and Johnston Streets which is depicted in Cross section B, UD\_2 and in others the transition is more regular, such as at the Harbour Board building (Cross section C, UD\_2). This second example is similar to the transitions that occur between the 'high city' and 'low city'. In my opinion the smoother transitions between the taller buildings and lower buildings illustrated in Cross section C is the preferred approach because the resultant urban form is more coherent.

21 I now consider the building volumes allowed for in Variation 11 in terms of their effects on urban form. Drawing UD\_3 illustrates the different conditions that buildings within the described envelopes will help create in conjunction with the existing buildings around them. At 30 metres, Block A allows for the tallest building in North Kumutoto. I discuss all heights in relation to Mean Sea Level and note that the North Kumutoto ground level is some 2.5 metres above mean sea level. This height of Block A is not arbitrary; it has been struck in relation to the height of the podium of the NZ Post building opposite.

Cross section A on UD\_2 and cross sections 1 to 5 inclusive on UD\_3 illustrate the effect of Block A on urban form.

- 22 Block A is set at an appropriate height to create a transition from the taller NZ Post building to the lower buildings that stand alongside, including Shed 21 and Blocks B and C. While the cross sections are two dimensional representations, the form of the city is three dimensional and so some visual interpolation of the drawing into three dimensions is necessary. Block A will mediate between the NZ Post building and Shed 21, a condition that is particularly evident in cross section 3.
- 23 Similarly, we can see that the envelope heights of Block B and Block C have been set to transition between buildings in Customhouse Quay and those on the waterfront. The stepping forms of Blocks B and C help mediate differences in height between the taller buildings, including Block A, and Shed 13 as well as the Meridian building. The effect is illustrated in cross sections 4 and 5 on UD\_3.
- 24 Considered in relation to Wellington's urban form, the building envelopes defined in Variation 11 will enhance the way in which the city meets the harbour's edge. The prescribed pattern of volumes follows patterns that can be observed elsewhere along the waterfront. The stepping of volumes acknowledges existing buildings around the North Kumutoto area including Shed 21, Shed 13 and the Meridian building. I consider that the building heights and volumes allowed for in Appendix 13 are appropriate to the context of the wider city. I base this opinion on the close relationship of North Kumutoto to the heart of the central area and on the approach taken to stepping the building volumes in relation to the taller buildings of the central area and the waterfront area.

### **Context considerations**

- 25 The principal use of the North Kumutoto area is currently as a car parking and manoeuvring area. In terms of spatial definition and visual amenity the outcomes of this situation are poor. Development of the area in accordance with Variation 11 will lead to significant improvement of visual amenity within the area and into the surrounding areas.
- 26 On the waterfront side of Customhouse and Waterloo Quays I note that a strong theme linking the buildings is the waterfront condition, which in each case has been interpreted a little differently. Through

the history of their development each can be seen to express the nature of the waterfront at the time they were originally built. That is to say, as the waterfront area has evolved from being principally a place of work and waterfront activity to one that caters to cultural, recreational and a broader range of commercial activities, this has been reflected in the built form. The Old Ferry Terminal building and Sheds 11 and 13 are examples of buildings that catered to early activities on the waterfront; the recent Meridian building as well as the adaptively reused Shed 21 express contemporary activities that take place there.

- 27 Development of the buildings and open spaces allowed for in Variation 11 provides another opportunity for contemporary interpretation of the waterfront setting to be made. This will in part be enabled by Appendix 4-North Kumutoto Precinct of the Central Area Urban Design Guide. The guide is part of the Wellington City Council Bundle of Documents (pages 58-65). Objective (Nk) O3.0 (page 61) of the guide seeks to ensure that new work will “complement and maintain the sense of place and waterfront character of the North Kumutoto area”.
- 28 I have noted earlier the relative consistency in patterns of development along the western side of Customhouse and Waterloo Quays. With the exception of the current development on the western corner of Whitmore Street and Waterloo Quay these are all tall buildings. The Post Office building reaches to 67 metres and the more recent Maritime Tower extends to 69 metres.
- 29 Commensurate with the strategy of stepping urban form down toward the water’s edge, the built form on the harbour side of the Quays is lower. Here the buildings range in height from Shed 13 at 15 metres to Shed 21 at 21 metres and the Meridian Building at 21.7 metres.
- 30 I have discussed how manipulation of building height can effectively model urban form at a broad scale; the height of new building interventions can also be specified to help mediate between buildings of varying height when the environment is considered at closer range. Particularly when there is strong variation between buildings a strategy that considers each development as an opportunity to “heal the city” will see new interventions set at heights that mediate between them. The concept of healing the city in this manner has been described by Christopher Alexander in his book *A New Theory of*

*Urban Design.* This well respected approach is known to generate outcomes that relate well to their context.

- 31 In my opinion the heights prescribed for Blocks A, B and C in Variation 11's Appendix 13 are appropriate to mediate between the heights of the existing buildings in the immediately surrounding area. Seen together, the new and existing buildings will have a coherent urban form. This is a significant factor to help ensure that new buildings are integrated with their surroundings.

### **Relationship to the established spatial structure**

- 32 When I use the term spatial structure I am referring to the layout and definition of streets, lanes and public spaces. This terminology is commonly used when discussing urban environments and their form. The spatial structure provides the means by which people move around the city. Important attributes of an effective and successful spatial structure include legibility, permeability and coherence. Coherence is principally achieved by positive three-dimensional definition of the spatial structure. When designing new interventions into a city a key consideration is the manner in which the new piece will fit with the existing spatial structure around it.
- 33 The spatial structure can be envisaged as the 'negative' spaces that people can move through in relation to the 'positive' forms (primarily buildings) that help define these spaces at their edges. Sound urban design will privilege the spatial structure because it is the spaces between buildings that people occupy. The design of an infill development such as North Kumutoto will, according to best practice recommendations, seek to link through the area from the endpoints of existing spatial structure around it.
- 34 I can see a clear rationale for the layout and plan dimensions of the different arms of the spatial structure planned within the North Kumutoto area. Beginning at the northern end, a gap between Shed 21 and the northern end of Block A will enable pedestrians to move between the waterfront area and Waterloo Quay. This space is likely to be used by those wishing to gain access to the residences and businesses in Shed 21 or to make use of the sheltered walkway the building provides along its northwestern edge. The space is currently suggested by the fence south of Shed 21.
- 35 The walkway situated along the southeastern edge of Block A establishes a logical extension from the walkway that currently runs

alongside Shed 21. This walkway will provide an important link in the walkway that extends along the whole of the waterfront area. The walkway through North Kumutoto is currently only marked out on the ground over part of its length as it passes through a car parking area.

- 36 The major space to be formed in the North Kumutoto area is formed where the Whitmore Street space extends across the area to the harbour's edge. Although this condition exists at present, the connection between Whitmore Street and the harbour is conceptually weak. This is in part due to the expansiveness of the space on the seaward side of Customhouse/Waterloo Quay and more importantly because the area is simply formed as roadway. With the three dimensional definition of the space provided by Blocks A and B, the space can be conceived of as a threshold between the city and the harbour.
- 37 I use the term 'positive space' to describe how this new space, coherently linked with other parts of the spatial network and well defined in three dimensions, will actively organise the elements that face onto or cross over it. This space will enhance connections between the city north and west of the Quays and the harbour.
- 38 Although not part of the North Kumutoto area as it is described in Appendix 13, the walkway at the water's edge to the east of Block C is inherently linked with the spatial network across North Kumutoto. This waterfront promenade links to the walkway along the southeastern edge of Block A and, along with Viewshaft 4, it has influenced the width of the major space I describe at paragraph 36.
- 39 The linear space between Blocks B and C serves as a connector between the existing lane east of Shed 13 and the major space south of Block A and then on to other parts of the spatial network. This lane is an important link with an alternative 'inland' route along the waterfront that has its southern terminus at Frank Kitts Park. This route provides for choice as pedestrians navigate north and south along the waterfront precinct. Again, its dimensions and alignment are not arbitrary and occur as a natural extension of the existing laneway.
- 40 The North Kumutoto area, as defined in Appendix 13, borders at its northwestern/western and southern edges onto two significant spaces in the surrounding network. The first of these is the major arterial corridor along Customhouse and Waterloo Quays. The prescribed building envelopes of blocks A and B engage positively with these

spaces and will serve to provide enhanced three dimensional definition. Alignment of the block edges recognises the alignment of buildings north and south along the corridor. Block A includes a transition in the alignment of its northwestern edge as it responds to changes in the width of the Waterloo Quay carriageway. Block B is set to maintain the alignment of Sheds 11 and 13. This will reinforce an existing positive feature of the Customhouse Quay space; a strong and consistent edge definition.

- 41 The extension of the Waring Taylor Street space across the waterfront precinct at South Kumutoto (between Block B and Shed 13) is already established but this space is poorly defined along its northern edge. The alignment of the southern edges of Blocks B and C will help strengthen the spatial definition. The current design of the space appears to anticipate a building at Block B; this element is particularly important to help distinguish the space as a threshold of the kind described at paragraph 36 above. I am aware of similar situation at the point where the Johnston Street space crosses into the waterfront precinct (between Sheds 11 and 13). I find that spatial arrangement to be strongly positive.
- 42 It appears as if the prescription of future building envelopes in the North Kumutoto area has been made after the layout was defined. That is to say, building envelopes have been provided for in the spaces that are left over between arms of the spatial network. This is good practice and will help ensure that the network is positively defined in three dimensions by the buildings.
- 43 Overall, I am confident that the definition of a spatial network across the North Kumutoto area has followed a logical process that has taken account of the existing network around it. This will ensure the area is well integrated with the setting around it. Legibility of the spatial network is strong, aided by positive definition of the spaces by Blocks A, B and C. The blocks will also enhance the three dimensional qualities of surrounding spaces bordering onto the North Kumutoto area. This includes the Waterloo Quay and Customhouse Quay corridor and the space linking Waring Taylor Street to onto the waterfront precinct.

#### **Organisation of built form in relation to views**

- 44 The North Kumutoto area falls within the margins of two important viewshafts, these being VS4 and VS5. As these views are specifically

noted in the District Plan it is important to consider the effects development of North Kumutoto will have on them. However, it is also relevant to consider the influence development of the area will have on other views across and around the area.

- 45 VS4 is taken down the Whitmore Street corridor from a point at its intersection with Lambton Quay. I note that Blocks A, B and C are all defined to be situated outside the margins of VS4. No building that is constructed within the envelopes defined in Variation 11 will affect views taken along the viewshaft as is it defined in the District Plan.
- 46 I note that following discussions with NZHPT it was agreed to amend the outline of Block A. The southeastern edge of Block A, as described in the amended Appendix 13, is now set well back from the northern margin of VS4. It is unlikely however, that this difference will be perceived at the origin of the Viewshaft. This is because of intrusions into the northern margin of the viewshaft along its length, primarily at the Rydges Hotel (formerly Holiday Inn) on the corner of Featherston and Whitmore Streets. While the amendment will not affect views along the viewshaft it will enhance views of the Old Ferry Terminal building, a matter I will address later in my evidence.
- 47 In my opinion the quality of VS4 will improve with development of the major open space in the Kumutoto North area at the extension of Whitmore Street. This part of the area is currently used for traffic purposes and as a consequence it is not particularly distinguished from the roading surface or activity of Whitmore Street. A change in the use of this space to one related to pedestrian and recreational activities, as is anticipated, will enhance the quality of VS4. A well designed place for people is more attractive to look at than paved vehicular circulation space. The change will serve to highlight the waterfront area to viewers along the length of the viewshaft and so serve to attract people into the waterfront precinct. This will be a positive outcome.
- 48 Viewshaft VS5 is taken down Waring Taylor Street. The Block B and C building envelopes are established outside the viewshaft margins and so buildings in these locations will not impede views along the viewshaft. Positive outcomes arising from development of the space for people that I have alluded to in the previous paragraph are already evident in this location.

49 Two important viewshafts cross the area and any effects related to these must be considered, which I have done at paragraphs 44-48. It is also useful to consider how Blocks A, B and C might affect other views around and across the area. Clearly it would be impossible to evaluate all views as they vary with movement around the environment. However, in an effort to evaluate the impact of development I will consider several key existing views.

- General view across the area toward the harbour
- The effect of the area in views
- View from the waterfront area back toward the city
- Views of Sheds 13 and 21
- Views of the Old Ferry Terminal building

I now deal with each of these in turn

50 It is clear that views taken across the area from Waterloo and Customhouse Quays will be affected by Blocks A, B and C. Blocks A and B will limit the extent to which the harbour and the distant hills and horizon will be able to be seen. This will undoubtedly lead to a loss of the amenity that comes with being able to see these distant views from a wide range of vantage points along the street and of being able to gain expansive views of the harbour from any one of the vantage points. This loss of amenity attached to views is anticipated by the Framework, as it calls for a higher proportion of buildings in the Kumutoto area than on the rest of the waterfront.

51 In my opinion there are several matters that help mitigate the level of the loss of this amenity. Existing views across the area are negatively affected by the car parking areas, particularly when the area is being fully utilised. This condition is accentuated when the viewing location is on the city side of the Quays, where the heavy traffic flows generate additional visual clutter. In my opinion the current foreground view tarnishes the quality of the view across the space to the harbour such that its loss will not be as severe as might otherwise be the case if foreground conditions were more visually attractive.

52 Views from the Quays will still be available, although they will be largely framed by buildings. One opportunity for such a view to the harbour is at the gap between Shed 21 and Block A. In this location the view will be across a working wharf and to the hills in the distance.

A key view to the harbour is across the major open space aligned with Whitmore Street. It is this view that most people currently enjoy as they wait to cross from the western side of Waterloo Quay into the North Kumutoto area. The visual appeal of the space will improve dramatically when it is changed from a part of the traffic network to a space for people. This will enhance the foreground of the view out to and across the harbour, thereby improving the quality of the view from this particular vantage point.

- 53 It must be acknowledged that the view from the intersection of Whitmore Street and Waterloo Quay will not be as expansive as it currently is as it will be limited and framed by Blocks A and B. Such framing of a view is a potentially positive outcome of development. Not only will the key features of the current view across the harbour – St Gerard's Monastery, elements of the classic Wellington hillside development pattern, the horizon line - remain available in the space between Blocks A and B but the view will unfold and enlarge as pedestrians cross the street and move through the major space toward the waterfront. This dynamic revelation of a view is considered positive, not only by me but also by other experts such as Gordon Cullen. Cullen's seminal texts *Townscape* and *The Concise Townscape* brought to the attention of planners and urban designers the merits of designing places as a series of unfolding sensory experiences. Time and movement are the key considerations that inform such an approach. In contrast, the current expansive view changes little as one moves across and up to the water's edge.
- 54 Views along the Waring Taylor Street corridor will remain available although Block B will limit the expansiveness of the view. With the eastern side of the intersection and Kumutoto Plaza already developed as public open space, the quality of the view across these spaces will remain unchanged.
- 55 It can be noted that expansive views of the harbour and hills will remain available along the waterside promenade through the North Kumutoto area.
- 56 In my opinion, although expansive views of the harbour will not remain available from vantage points along Waterloo and Customhouse Quays, this loss is effectively mitigated by improvements in the quality of views that will still be available and by the fact expansive views will continue to be available from an improved environment in the North Kumutoto area.

- 57 As I have noted at paragraph 51, the area itself is not particularly attractive in views from around the surrounding area and from within the North Kumutoto area. Views of the area will improve immensely with development of the area in accordance with the design guide. The whole of the design guide seeks to “achieve high quality buildings, places and spaces in the North Kumutoto area of the waterfront that meet the principles and objectives as set out in the Wellington Waterfront Framework 2001” (Council’s Bundle of Documents Page 59). I assess the ability of the design guide to deliver on this expectation at paragraphs 89 and 90. Well designed and well maintained buildings and open spaces will be perceived positively in any views of the area.
- 58 While views toward the harbour are the primary focus, views from the waterfront area westward toward the city and the hills beyond are also desirable, particularly because these views inform Wellington’s sense of place. Wellington is after all a city perched between the hills and the water. There are places in the North Kumutoto area from which expansive views westward will diminish in number, including along the majority of the length of the waterfront promenade as it passes through the area. Views back toward the city and hills will however, continue to be available from within the space between Block A and Block B. Particularly as one advances toward the edge of Waterloo Quay, the city and western hills will be able to be seen in expansive views.
- 59 Views of Sheds 13 and 21 are important and, in acknowledging this, the design guide encourages new interventions to enhance views of these buildings. The effect of Blocks A, B and C on views of these two heritage structures bear consideration. Certainly views of the buildings from within the North Kumutoto area and, in the case of Shed 13, from the harbour will be affected by the form and location of new buildings. Change enabled by Variation 11 will reduce the number of places from which these existing buildings will be able to be viewed. I have no concerns about the loss of some viewing angles toward Shed 21; the reduction is largely limited to locations within the existing car park.
- 60 Viewing opportunities toward Shed 13 along the length of the waterfront promenade will diminish but not be lost completely. Development of Block C will limit views of the building from vantage points north of the Kumutoto Lagoon. I am not concerned about this

loss. The waterfront promenade is but one place from which to gain views of Shed 13, although it must be noted that views from this location are important. Shed 13 is a building designed to be seen in the round and a number of other potential viewing places will remain unchanged. The principles of view framing and dynamic revelation of views I have discussed earlier at paragraphs 52 and 53 can be considered and I am of the opinion that, although views from the east including the waterfront promenade of Shed 13 will change, this does not mean they are any less positive. Indeed, framing the view of Shed 13 by the Meridian building and Block C will only serve to enhance the view in my opinion.

61 Within the North Kumutoto area important views can be obtained of the Old Ferry Terminal building. Currently views of the Old Ferry Terminal building can be gained looking north or south along the dockside promenade. I note that these views of the Old Ferry Terminal building will not be substantially affected other than in terms of the changed context for the building. I address the relationship between Block A and the Old Ferry Terminal building at paragraphs 96 to 102 of my evidence. I note that fulsome views of the Old Ferry Terminal building will continue to be available from along the wharf side promenade.

62 Views of the Old Ferry Terminal building are also currently available across the sealed carparking and vehicle manoeuvring areas from positions west of the building, including both sides of Waterloo Quay. I consider the quality of these views of the Old Ferry Terminal building to be poor. This is principally because of the affect parked and moving cars have on the view. This effect is illustrated in the image on UD\_4 attached. In my opinion the negative influence this foreground has on appreciation of the heritage building is pronounced. The expansiveness of the space in which the Old Ferry Terminal building stands also tends to diminish the scale and presence of the building from these vantage points.

63 Block A and to lesser extents Blocks B and C will limit the vantage points from which views of the Old Ferry Terminal building can be gained. I do not consider this to be a poor outcome and refer to my discussion at paragraph 53 on the value of framed views. Views toward the Old Ferry Terminal building will be framed by the Block A building and this will tend to highlight and focus visual attention on the Old Ferry Terminal. Distracting visual clutter which is a product of the

current use of the area only serves to distract visual attention from the Old Ferry Terminal building. Provided matters affecting the scale relationship between the Block A building and the Old Ferry Terminal building can be effectively managed through design, I am of the view that framing provided by Block A will enhance visual appreciation of the Old Ferry Terminal building.

- 64 Appendix 13 has been amended in two important ways that will help ensure people have sufficient opportunities to view the Old Ferry Terminal building from the west. The southern extent of Block A has been moved northward to be in line with the southern wall of the Old Ferry Terminal portal opening. This will ensure that approximately one-third of the façade width will extend beyond the edge of Block A, enhancing its visibility.
- 65 The amended Appendix 13 also requires that the ground floor of Block A be designed and managed in a manner that enables views through the building toward the Old Ferry Terminal building. The effect of the two changes is illustrated on page UD\_4 of the attached drawings. Amended design guideline (nk) G3.9 requires that the Old Ferry Terminal building “should for the most part be viewable from the southwest corner of Block A with minimal built form impeding views”. I support this control on building design on Block A because it will help ensure appropriate views can be obtained of the Old Ferry Terminal building from locations south and west of Block A.
- 66 People are prone to engage with views over extended periods of time, particularly where the view is out over a natural setting that changes with time. Currently there are no places to sit and enjoy the view in the North Kumutoto area. In my opinion the current configuration of the area is not conducive to lingering.
- 67 Development of the open spaces in the North Kumutoto area will provide opportunities for people to enjoy views out into and across the harbour. I note that guideline (nk) G6.3 acknowledges this opportunity and encourages designers to use built form to create spaces that people will want to linger in. This will naturally include seating and shelter from weather.
- 68 Development of the North Kumutoto area will affect views into, around and through the area. While the expansiveness of some views out over the harbour will reduce I am of the opinion that this loss will be offset by enhancement of spaces within the area from which views

can be obtained. This includes provision of shelter and places to sit. Views gained from within the area will be dynamic as one moves through alongside and between buildings. This dynamic quality is considered positive by researchers and members of the public. Views of existing heritage and character buildings around the area will also change but there is opportunity for these views to gain in quality through framing and improvement of the foreground spatial quality. On balance, I am of the opinion that the effects of Variation 11 on views in the North Kumutoto area are acceptable and in some cases the views will be improved.

### **Design of public open space**

- 69 I have confirmed earlier in my evidence that the layout of the spatial network is logical and relates well to the network of the surrounding area. The dimensions and layout of the network and the resultant platforms for three buildings leads to several new open spaces being defined in North Kumutoto. An important consideration is the quality of these spaces.
- 70 There are five principal open spaces within the North Kumutoto area, these being
- The area between Shed 21 and the northern edge of Block A
  - The promenade along the southeastern edge of Block A
  - The large public plaza residing in the gap between Blocks A and B
  - The lane between Blocks B and C
  - The promenade along the eastern side of Block C, although this walkway technically falls outside the boundary of North Kumutoto
- 71 The Framework anticipates a variety of public spaces in this part of the waterfront including squares, lanes, and a waterfront promenade. Important characteristics of open spaces as they are described in the Framework include spatial definition, access to sunshine, areas of shelter, activity around the edges, views in and out and physical connections with other spaces.
- 72 The five principal open spaces in the North Kumutoto area are well situated to deliver on the expectations of the Framework. Definition of

these spaces varies from the well defined lane between Blocks B and C to the more loosely defined major open space south of Block A. Although the large central space is defined by buildings along its northern and southern edges, it is defined in three dimensions with less certainty in the other directions. As such, the space will function as a connector between the Whitmore Street corridor to the harbour and as a threshold space for pedestrians arriving to or departing from the waterfront at this location. The five open spaces noted above are defined in different ways and to varying degrees of certainty but I am confident that each is suited to the ways they will be used and to the opportunities presented by the setting.

73 Given the setting of North Kumutoto at the harbour's edge and the requirement for all buildings to be predominantly accessible at ground level the Framework expectation of activity around the edges of all public spaces will be achieved. I note that objective (nk) O6.0 in the Appendix 4 design guide (Page 63 of Council's Bundle of Documents) is aimed at ensuring that buildings enhance the public spaces they face onto.

74 While basic configurations of the open spaces are established by Variation 11, development of the design of each space will take place in the future and most likely this work will be done in relation to design of the buildings. The design guide for the North Kumutoto area addresses the design of the open spaces as well as the buildings. In my opinion the design guide robustly establishes the requirements for the design of these spaces. It is a useful tool to help ensure the open space design will meet expectations outlined in the Framework.

#### **Provision of shelter**

75 A feature of Wellington's climate is the often severe winds from northerly and southerly directions. These winds are often accompanied by rain. During such periods of harsh weather pedestrians are drawn to the shelter provided by buildings in any urban setting.

76 The waterfront area is a popular place to walk, not only for recreation but as a convenient commuter link between the Wellington Railway Station and the southern parts of the city including Te Aro. The distance between Shed 13 and Shed 21 is in the order of 240 metres. Along this path the North Kumutoto area does not provide walkers

with any form of shelter other than that which may be gained alongside the Old Ferry Terminal building.

- 77 The buildings envisaged by Variation 11 will lead to useful shelter being provided for pedestrians along the waterfront. Design guideline (nk) G5.1 specifically guides designers to provide “a range of sheltered routes that facilitate the primary north-south pedestrian flows.”
- 78 Blocks A and B will provide convenient shelter for pedestrians moving between the waterfront and western parts of the central area at the key crossings of Whitmore Street and Waring Taylor Street. In his 2004 study of the relationship between Wellington’s waterfront and the city, Jan Gehl identified poor pedestrian amenity at crossings as a deterrent to use of the waterfront area. In my opinion buildings at Blocks A and B will enhance pedestrian amenity at these key crossing locations.
- 79 The northwestern faces of Blocks A and B will provide for sunny sheltered areas to walk along, although these sides are not particularly favoured for walking because of the influence of traffic along the Quays.

### **Shading effects**

- 80 Shading of streets, lanes squares and other urban spaces is a natural consequence of constructing buildings. Any city, including Wellington, would not exist if no shading effects were to be allowed. I note Brett McKay’s statement at paragraph 111 of his evidence that shading is inevitable and that the District Plan rules do not provide for protection from the effects of shading. It is however important to manage shading effects, including balancing these against the many positive contributions buildings make, to help ensure the public realm is perceived positively.
- 81 I note that Council officers conducted a study of the potential shading from future buildings in the North Kumutoto area onto Kumutoto Plaza. The source of this information is in the evidence of Brett McKay at paragraph 111. I understand that the study concluded that there will be no shading impact on this important space.
- 82 I will now offer a number of observations about the shading that can be expected to occur in and around the North Kumutoto area. These

observations are informed by the shadow diagrams done by Council officers in 2008 and by my knowledge of how shading occurs.

- 83 All buildings will generate areas of shading around their footprints that will vary with the time of day and time of year. Effects arising from Block A that are worth discussing including shading onto the wharf promenade along its southeast façade. This condition is not much different, given the width of the promenade walkway, to the effects currently created by the façade of similar orientation at Shed 21 and in other locations along the waterfront. I do not consider this effect untenable, particularly in light of the shelter from prevailing winds that the building will provide to pedestrians.
- 84 Shading onto the public space southwest of Block A will also occur. This shading will be most pronounced before noon and some time before then the shadows created by Block A will begin to move away. It is the narrow dimension of Block A that will shade this space and so the effect is minimised. This major open space will receive good afternoon sun throughout the year. I am of the view that this will be mainly a transitory space, as it occurs at the junction of several pedestrian routes. This fact may make any shading that does occur in the space south of Block A more tolerable but it is likely that the development of the space will generate discrete spaces in which to sit and linger. The design of these opportunities will necessarily take into account shading patterns to ensure adequate access to sun.
- 85 The design of most urban squares and open spaces successfully account for shading by buildings in their design. Wellington's Civic Square and Midland Park are local examples where the space is popular and of high amenity value despite the presence of buildings around their perimeter
- 86 Although Blocks B and C will not cast shadows into Kumutoto Plaza it is clear that they will cast shadows into the space along their southern edge. While this space is a significant part of the spatial network on the waterfront its use is more transitory in nature as it is the threshold for people arriving through the gates crossing from Waring Taylor Street. In my opinion the levels of shading resulting from Blocks B and C on the space to their south is acceptable.
- 87 The lane between Blocks B and C will not be a sunny space. At 6.5 meters in width the space will be alternately shaded by each building as the sun passes through the sky. Although its orientation will allow

some direct sun in each day, the period of time this will occur is brief. This is not in my opinion required to be a sunny place as it is one for pedestrians to move through between sunny spaces on the waterfront.

- 88 The section of waterfront promenade to the east of Block C will remain largely unshaded by any development of the North Kumutoto area until mid afternoon at the two solar equinox dates. Refer to the shading diagrams at tab 6 of Council's Bundle of Documents. The conditions are improved during the spring, summer and autumn period between those dates.

### **Building design and visual amenity**

- 89 The building envelopes provide for a level of certainty around the effects building form and location will have on public spaces around the North Kumutoto area. The urban design related effects have been addressed in preceding sections of my evidence and I am confident that on balance, the outcomes will be acceptable. Absolute certainty of the outcomes is not possible at this stage as the buildings that would occupy Blocks A, B and C and the public open spaces defined by these buildings have not yet been designed.

- 90 Two appellants have raised the question as to whether the building mass standard applicable in the Central Area should apply to the North Kumutoto area. In my opinion this is not necessary. I have determined that the building envelopes allowed for in Appendix 13 will facilitate suitable buildings on Blocks A, B and C. From an urban design perspective forms that are built to the limits of the prescribed envelopes will serve to define the surrounding public spaces effectively and will otherwise provide for acceptable amenity levels. A design guide (refer paragraph 91) has been developed in consideration of the allowable building envelopes and prepared to inform the detailed design of any building within these volumes. Modelling and sculpting of building forms within the allowable envelopes are methods that may be employed by designers. In my view it would be unnecessary to prescribe additional controls on building mass in this circumstance.

- 91 The Appendix 4 - North Kumutoto Precinct design guide (Council's Bundle of Documents at pages 58-65) provides specific information to help deliver exceptional building and open space design in the North Kumutoto area and is meant to be read in conjunction with the Central Area Urban Design Guide (CAUDG). The primary purpose of the

guide is to assist designers as they organise and detail form and space. The guidelines are written in a manner that specifies desired outcomes without specifying the means in any great detail. This allows designers to tailor their design ideas to achieve the desired outcomes and still ensure the overall coherence of their design proposal.

- 92 Another important use for the guide is to assist those responsible for assessing the design proposals. Control of the design of central area building developments by Council officers and/or consultants has been part of the resource consent process since the mid 1990s in Wellington. Design control around a well considered design guide limits the extent to which evaluation may be subjective. I have considerable experience using design guides in this manner and am of the opinion that the Appendix 4 design guide, used in conjunction with the CAUDG, is a useful and appropriate tool for design control.

#### **Ground floor accessibility and display windows**

- 93 Variation 11 sets standards for public accessibility of ground floors throughout the waterfront area. At least 60% of the gross floor area of any building must be accessible to the public (Rule 13.1.1 at page 14). I support this requirement and consider that it should be able to be achieved by all new developments. While the upper levels of new developments on the waterfront may be secured for private use, maintaining access for the public to the ground level will help create a sense of “public ownership” of these buildings. This is important, as the public have a vested interest in the waterfront area asset.
- 94 When implemented in conjunction with the requirement that at least 60% of the ground floor frontage to be entrance space or display windows (Rule 13.1.2.7 at page 16), the public nature of ground floors will present active edges to the public spaces they adjoin. The outcomes of this requirement will be positive.
- 95 The Meridian building adjacent to Kumutoto Plaza is a building that exemplifies the potential of these rules to enhance the quality of the public realm around it. The majority of ground floor uses are both visible and available for the public to access during business operating hours.

## Implications of additional provisions agreed with NZHPT

96 At paragraphs 160 - 168 inclusive of his evidence, Brett McKay discusses the outcomes of mediation between Wellington City Council and the New Zealand Historic Places Trust. I participated in the mediation process. The process led to agreement on a number of changes that will affect urban design related outcomes of Variation 11:

- The southern end of Block A moved north to align with the southern wall of the portal opening through the old Ferry Terminal building (Appendix 13 at page 57)
- The southern end of Block A described as a Transition Area, which requires special design consideration in terms of the relationship between Block A and the Old Ferry Terminal building Rule 13.3.4A.5 at page 26)
- Other revisions to the design guidelines (pages 60 to 62)

These changes are shown in green at tab 1 of Council's Bundle of Documents.

97 Shifting the southern edge of Block A north will allow the southern one-third (approximately) of the Old Ferry Terminal building to project beyond the Block A envelope. The Old Ferry Terminal building is important in the mix of buildings in the North Kumutoto area and the whole of the waterfront. Its presence helps convey the passage of time and sense of the historic use and development of the waterfront. I support the change in footprint as it will allow more of the Old Ferry Terminal building to be visible from the southern edge of Block A and from points south of that. Visibility and prominence of this historic building on the waterfront is important to ensure ongoing relevance. As Block A will represent a different period and be of a different scale, the physical prominence of the Old Ferry Terminal building that this change to the envelope of Block A will help offset any negative effects this might have.

98 I do not favour retreating the edge any further north as doing so would diminish the quality of the spatial definition of the major open space in line with Whitmore Street.

99 Guideline G3.9 has been amended to help ensure that the Old Ferry Terminal building will be visible through the ground floor of Block A. This will lead to positive urban design outcomes as the building will be

visible from a wider area around the building perimeter and from inside the building.

100 Revisions to the design guide require that special attention be given to the architectural design of the Block A building adjacent to the Old Ferry Terminal building, particularly in the Transition Area. I anticipate the design relationship between the two buildings will improve as a result of this change. It would be impractical and ill advised to prescribe a certain approach for a design solution to the southern end of Block A in an attempt to mitigate against untoward differences in scale. Instead, this change will ensure the southern part must be integrated with the whole of the Block A building so that the design of that building is coherent. By highlighting that the allowable envelope for Block A can potentially lead to differences in scale between the two buildings, early design decisions can be made to mitigate against this. The amended guide suggests several common design tools for consideration by designers including sculpting of the form (mass/void) and the visual qualities of materials. I consider that the amended design guide enhances the potential for Block A to be designed in a manner that sits comfortably with the Old Ferry Terminal building.

101 A new guideline G3.8 requires new development to respect and not diminish the quality of the spatial settings of the heritage buildings in and around North Kumutoto. This is strong acknowledgement of the important role the setting of heritage buildings plays in how they are perceived. The guideline anticipates new buildings will be added in the setting to the envelopes prescribed in Appendix 13. This guideline provides opportunity to negotiate details of any design at the interface, including the way the open space is designed. Application of this guideline will help ensure positive urban design outcomes.

102 Overall, the mediation with NZHPT has been positive and the changes that have been agreed make the design guidance including prescriptions for building envelopes more robust in terms of protecting recognised historic heritage buildings in and around North Kumutoto.

## **Conclusion**

103 Variation 11 establishes parameters around which new buildings and open spaces can be developed in the North Kumutoto area. The following aspects of Variation 11 will have a bearing on the quality of the public spaces within and around North Kumutoto.

- Organisational structure and design of public spaces

- Siting, design and external appearance of buildings
- Heights of buildings
- Design relationships of new buildings with existing buildings, particularly those of recognised heritage value
- Ground floor accessibility and edge treatment of buildings

104 Following my assessment of the potential urban design related outcomes that would arise through implementation of Variation 11 I am able to conclude that the outcomes are on balance positive.

104.1 The organisational structure relates well to the surrounding spatial network and so the area will be integrated with its setting. The proposed spatial network within North Kumutoto is clearly legible and will facilitate a choice of routes along and across the waterfront area.

104.2 New buildings, in association with existing buildings within and around the North Kumutoto area, define a range of public spaces that will cater to a range of activities. The buildings will help activate the public spaces, particularly at ground level, and provide useful shelter from the elements.

104.3 Allowable heights for buildings at Blocks A, B and C have been prescribed in Appendix 13 and I consider these heights appropriate to the circumstances. New buildings will assist in mediating between the varying heights of existing buildings within and around the area. The allowable heights allow for the addition of buildings that will reinforce coherency of Wellington's overall urban form.

104.4 Detailed development of the public spaces will be informed by a robust design guide prepared as an extension to the existing Central Area Urban Design Guide. This tool will foster building and open space designs that reinforce the waterfront area's sense of place and establish appropriate design relationships with existing heritage buildings.

104.5 Buildings on the waterfront are required to maintain a majority of their ground floor area available for public use and visually connected to their surroundings by way of display windows. These requirements help reinforce the

public nature of the waterfront area and help activate the spaces around and between buildings.

104.6 Several changes to the design guidance documents have been agreed with the New Zealand Historic Places Trust around the physical relationship between the Old Ferry Terminal building and Block A. This relationship is important to manage well through effective and respectful design of the Block A building, particularly at its southern end. The relationship of new development in the North Kumutoto area with other existing heritage buildings is also important to execute well. The prescribed building envelopes are suitable to achieve this aim and the design guidelines will help ensure this as well.

105 Overall, I am able to conclude that development of the North Kumutoto area in accordance with Variation 11 will lead to positive outcomes. Indeed, completion of the North Kumutoto area will enhance people's perceptions and experiences of Wellington's waterfront area and of nearby parts of the city.

M Gjerde