

# **Waterfront Watch Inc: Redevelopment of Frank Kitts Park**

## **Supplementary Oral Submission**

Dr Patrick McCombs  
President  
Waterfront Watch Inc  
11 October 2016

I wish to draw Commissioners' attention to some aspects of the Evidence presented in support of the application:

### **Mr Spence (Traffic):**

In section 4.6 of his Evidence, Mr Spence has responded to multiple submissions (paras: a, c, d, e) that drew attention to the negative effect of the proposal to remove the City Link walkway aligned with Willeston St. To the first three, his comments indicated that he thought the issues was adequately dealt with, but in his response to the fourth submission he said:

There will still be a pedestrian connection through the park to link with Willeston Street. However this proposed pedestrian route through the remodelled park appears quite narrow. It is not possible from the plans to determine its suggested width but I propose a wider path should be provided to deal with potential pedestrian movements. Furthermore, a more "walkable" surface than the proposed lime chips surface should be considered for this key connection through the path."

This is the planned pathway that I have previously described as "doglegged", and pointed out would be lit to only 7Lux, half the brightness of the Promenade.

If the redevelopment is to proceed as planned this path will carry the pedestrian traffic which, in the original park design, is catered for by the City Link. As I noted earlier in my Submission, it appears that no pedestrian counts have been undertaken to inform the design.

I support Mr Spencer's view that the path should be widened and sealed. But more changes than that would be required. For pedestrians entering from Willeston St and heading for the Promenade, the path has not been designed as a fork to the left, skirting the Chinese garden. Rather, one is asked to turn sharply to the left and use a character walkway or bridge to cross the "stormwater filtration" field, and again turn 90 degrees to skirt the park.

I would point out that for a pedestrian heading to the Promenade from the Quay, this entrance is confused, and difficult to "read". The focus is completely on the entrance to the Chinese Garden to the detriment of the "Pedestrians First" principle that is supposed to apply under the Waterfront Framework.

The lack of resolution of the replacement pedestrian links between the Promenade and the City reinforces that impression that the needs of pedestrians, far from leading the design, have been relegated behind the dual objectives of accommodating the Chinese Garden and catering for large marquees.

This treatment can be compared to the treatment of the objectives set out in the Framework and carried into the design brief: improved access from the CBD (the designers proposed removing of the footbridge under Mr Spence had an opportunity to comment), and improved access from the Events Centre and to the water, both of which were ignored completely.

The park designers appear to have made a deliberate choice to provide a low-key path around the southern edge of the Harbour Lawn. Perhaps a wider, sealed pathway might interfere with the main goal of accommodating a large marquee on the site.

If the designers are opposed to accommodating a full sized and well-aligned path linking the Promenade to Willeston Street and the CBD, then I would strongly suggest the proposed placement of the Chinese Garden is simply not acceptable.

### **Mr Donn (Wind):**

In his report to the Council Planner (Appendix 9) on “the likely impact of the proposed design changes on the comfort of people in the park”, Mr Donn said that he had reached “some undeniable conclusions”.

In relation to the area of the proposed flat, square Harbour Lawn adjacent to the Promenade (referred to as Zone A) Mr Donn found:

“The loss of the existing wall that defines the amphitheatre **will likely lead to much worse wind conditions** whenever the wind is blowing (the majority of the time) in this localized zone, **because of the loss of the sheltered nooks, crannies and edges created by this irregular wall.**” (emphasis added).

He added, “The replacement of this [sheltering wall] by a band of trees running East-West across the site around the play area and between the Park and the Events Centre will likely shelter the areas further away from the sea edge but not Zone A.”

“**Neither will the trees provide much local wind shelter if they are grown as illustrated with large gaps underneath an overhead canopy where the wind is likely to be concentrated.**”

“Zone B: The footpath parallel to the Jervois Quay edge of the park will likely remain as it is, or become slightly less windy due to the significant increase in planting here. What is difficult for this planting is to provide an effective barrier to wind because the wind largely flows parallel to the rows of trees and under-planting.”

“Zone C: The new play area is likely to be more sheltered in Northerlies because of the adjacent stadium and because of the apparently larger amount of planting; not enough detail is provided to estimate how much shelter these trees [will] provide, or whether they will grow as indicated. If they form **canopies that are open underneath they will likely not provide shelter but local increases in wind speed underneath.** This is why the Opus report recommends a mix of ‘taller and shorter planting’ in their conclusions. By this I assume **they mean tall, thick trees under-**

**planted with similarly dense lower trees – not planting of the type illustrated in Fig 4.”**

Mr Donn concluded (page 4), “Finally, the large open lawns (between Zones A and B in Figure 2) **is likely to be less welcoming than the current amphitheatre**. At present, even though the amphitheatre faces away from the sun, **the tiered landscape provides opportunities to sit with ones back to the wall sheltering against the worst of the Northerly. This opportunity is lost in the new proposal with no replacement apparent.**”

This conclusion by a wind Expert engaged by the Council sums up the concerns about the loss of the amphitheatre that are held by Waterfront Watch and by many others, both those who have made formal submissions on the application and those who have left comments on the on-line petition and survey.

In his report (page 6) Mr Donn has commented on other’s evaluations of the proposal. He has quoted TAG’s view that “an analytical drawing should be produced to describe provision of, and changes to, wind shelter”. He notes that he could find no evidence of this type of analysis presented in the submission.

He quoted (page 7) from the AEE Landscape Architectural Statement which said

“To the west of the Lawn, there will be concentrations of free standing seating set in front of planting. The planting will buffer the effects of northerly winds that blow down Jervois Quay, and further filter out views of the busy street from the Lawn. ...”. Mr Donn commented: **“As noted in the previous section, if planted in the manner shown in the plans and illustrations, the proposed wind shelter will not be achieved”**.

He quoted further from the same landscaping report:

“5.3.1 Wind. The Harbour Lawn will be open to wind from the harbour, but partially protected from northerlies by the mass tree planting along the north and western edges. The courtyard spaces throughout the Chinese Garden, and the planted areas to the north, will provide refuge on very windy days. ...”. Mr Donn commented: “[This] provides a reasonable summary of the likely effects of the proposal: **the Harbour Lawn is likely to be more exposed to the wind than at present**”.

Mr Donn went on to say “the smaller walled spaces of **the Chinese Garden will likely experience swirling winds** but of a much lower strength than is experienced at present.”

Again, this Expert’s analysis of the effects of removing the amphitheatre confirms the intuitive views of our members about the implications of the Council’s proposal, and supports Waterfront Watch’s objection to the application.

### **Willeston Street Viewshaft**

The application fails to highlight the effect that the Chinese Garden would have on the Willeston Street viewshaft (VS11).

Appendix 3 of the AEE is a record of a meeting at which TAG considered the impacts of the proposals on the two viewshafts and reconfirmed their earlier analysis. In that assessment, provided to the Council, they said “

“Redevelopment of Frank Kitts Park presents an opportunity to further open the view connection between the city and the harbour along the Willeston St viewshaft. The current design does not achieve this, and recent design investigations establish that it is not possible to do so without a complete revision of the park concept.”

TAG also recommended:

“A pavilion roof at then north-east corner of the Chinese Garden (that is at the north end of the ‘Garden for contemplating the future’) is [proposed] to be removed. This removal is supported as ... it provides better view connection to the harbour, as the soffit of the roof would be prominent in the view up the ramp towards the harbour, and opening a further view of the sky here is positive”.

Mr Aburn in his Evidence [73] referred to the illustrations provided in Appendix 5, commenting “... while a number of structures associated with the Chinese Garden will be located within the frame of the viewshaft [VS11], they are an integral park of the redeveloped Frank Kitts Park and therefore part of the focal element of the view.”

He continued [74] “In terms of the identified context elements of the VS11 (Clyde Quay Apartments, Oriental Bay, Roseneath, Te Ranga a Hiwi (Mt Victoria) Precinct) there will be no intrusion.”

Mr Aburn did not explain in his Evidence why he has presented only photographs taken view points along the sides of VS11. He did, however, comment :

[75] “Also, I consider that it is important to acknowledge that the viewshafts are taken from a ‘fixed’ position (in the case of VS11 from the Stewart Dawson’s corner), and that as one approaches the waterfront (in this case moving down Willeston street) a wider panorama is available (as opposed to the narrow-focused viewshaft) which enables [a] more open view of the harbour.”

[76] “Accordingly, my overall conclusion was that the viewshafts are maintained and in some respects enhanced. I would now add that I consider it quite appropriate that the Chinese Garden, as a new element in the Park, should be a feature of the viewshaft. I do not consider that this is an ‘adverse’ effect.”

This is the first time that I have heard viewshafts described in such terms on behalf of the Council. Last year when we were before the Environment Court opposing the Council’s plans for a multi-storied building at Kumutoto adjoining the Whitmore Street viewshaft, the Council dismissed any argument that broader views outside the bounds of the “narrowly-focused” defined viewshaft were important or relevant for discussion at an RMA hearing.

Now the Council is arguing that additional views through where the amphitheatre currently sits should be allowed to compensate for the loss of defined features in the defined viewshaft (VS11), such as the Clyde Quay Apartments, the escarpment below the Monastery and the Mt Victoria skyline.

Waterfront Watch favours adhering to the Principle established in the Framework that “**Important views and vistas from the city to the sea will be protected and important new ones created.**” [page 20]

Waterfront Watch submits that the proposed location for the Chinese Garden compromises the defined viewshaft to such an extent that it should not be agreed to, particularly when no proper evaluation has been carried out of the alternative sites that have been suggested for the garden, either on the waterfront or elsewhere.

Clause 6.1(a) of Schedule 4 of the RMA requires alternative sites to be considered, in this case, because the negative effects of placing the Garden not only on the City Link walkway but also within the defined Willeston Street viewshaft, would be more than minor. If alternatives have been properly assessed, and it could be demonstrated that each of the alternative sites is significantly deficient, the applicant should have presented evidence to this effect at this hearing.

### **Chinese Embassy’s Response**

As mentioned in my earlier submission, Waterfront Watch has approached the Chinese Embassy in Wellington regarding the planned location of the proposed Chinese Garden. In reply, the Director of the Embassy’s Cultural Section said that the Garden would “promote the diversity of culture in this multi-cultural city, which is consistent with the spirit of openness and inclusiveness of New Zealand. Having this in mind the Chinese Garden deserves a good location”

He continued: “As for the decision-making process for the location, it’s up to the Wellington City Council to decide”.

This advice is consistent with the wording of the MOU entered into by the Council. The agreement to build a Chinese Garden to be built in Wellington is conditional on consent being obtained for the site. There should be no embarrassment, or loss of face, on behalf of the City Council in the event that Commissioners decline the present application, because, I believe, the Council’s staff and consultants have put forward the best possible case that could be made for the proposition. However, in my opinion, the benefits they have highlighted cannot outweigh the negatives effects of the site chosen for the Garden, nor for the removal of the amphitheatre.

### **Recommendation**

**Again, I recommend that the Application be Declined.**

Patrick McCombs  
President  
Waterfront Watch Inc