

6 September 2012

**Re: National War Memorial Park (Pukeahu) Empowering Bill**

Committee Secretariat  
Transport and Industrial Relations Committee  
Parliament Buildings  
New Zealand

This submission is from the Architectural Centre, an incorporated society dating from 1946 which represents both professional and non-professionals interested in the promotion of good design, and, more specifically, in the promotion of good design in Wellington. Any members directly employed on this project by NZTA, or working for firms involved in the project (and hence having a potential or actual conflict of interest), have not been involved in the writing of this submission.

The Architectural Centre cannot comprehensively support this Bill.

(1) We consider that a tunnel under Memorial Park is the most appropriate way to address the conflict between State Highway 1 traffic and the need to provide a respectful and contemplative place of remembrance forecourting our National War Memorial. The Centre fully supports central government's decision to fund this Memorial Park tunnel, and endorses the Minister for Arts, Culture and Heritage's observation that "State Highway 1 is incompatible with the memorial's status as a place of quiet contemplation and reflection where families, dignitaries, and visitors can honour the service of our forebears" (Hansard, 28 August 2012 683:41).

(2) We endorse the Park Design Principles (Sched 2, Pt 3), particularly the principle to "Reconnect the memorial space to the Basin/Government House precinct." In addition we urge the Select Committee to include a design principle which will ensure that the design of the tunnel also enables road-users driving through the tunnel to be aware of their close proximity to the National War Memorial, and that they are passing through sacred ground. We note, with respect to design issues, that NZTA has commented on the need for ventilations stacks in Memorial Park. We consider that the ventilation of the tunnel is important to resolve appropriately for a successful park and would argue that alternatives to ventilation stacks such as horizontal plenum are possible and would be a better solution.

(3) The Bill in its current form does not appear to take into account surrounding development (roading and building), especially the Basin project. We seek consideration in the legislation which ensures that the design of Memorial Park considers its impact and potential impact on other near future works.

(4) We support the formation of a Review Panel (§26(1)-§26(7)). We recommend that the Bill include the skills and experience required of the two undescribed members of the Review Panel. This panel and its leadership will be critical to the integrity and credibility of the project as it replaces the usual regulation making process.

(5) In addition to a Review Panel we strongly recommend that the legislation establish a Technical Advisory Group (TAG) of at least six members with appropriate professional



the architectural centre inc.  
PO Box 24178 Wellington

expertise to operate as a Design Review Panel. We recommend this TAG because it will:

- (a) provide a design review in lieu of the consent notification process
- (b) allow the Review Panel to focus on legal technicalities and the viability of the Orders In Council, rather than design impacts etc., and
- (c) mitigate risk, and minimise negative press regarding design issues.

More specifically the TAG would:

- (d) review and comment on the design brief
- (e) review and report on early conceptual work
- (f) project review and report on key aspects of construction documentation

These roles are in accordance with those of Wellington City Council's Waterfront TAG, and Waterfront Auckland's TAG, and are different to the certification process (§18-§21, §23)

We strongly encourage that the membership of the TAG include:

- (i) three independent design professionals from any of the following fields: urban design, landscape architecture, architecture.
- (ii) local iwi representative/s
- (iii) a heritage advisor from the New Zealand Historic Places Trust.
- (iv) a social historian

(6) We support the formation of a Community Forum (§36(1)-§36(3)). In addition, we urge the select committee to include within the membership of the proposed Community Forum:

- (i) a representative of the Catholic Church, because of the historical involvement in and significance of the area to the Catholic Church via the work of Mother Suzanne Aubert (1835-1926), and the Sisters of Compassion (e.g. St Joseph's Home for the Incurables and the Home of Compassion Crèche (1914) and St Joseph's church), and St Patrick's College all based in Buckle St.
- (ii) a representative of Mt Cook Mobilised and/or Newtown Residents Association, as the representative of local residents
- (iii) a representative of the Architectural Centre given our involvement in issues pertaining to this area and Wellington design more generally.

(7) The Architectural Centre endorses the need for independent certification (§18(10)-§20(3); 23(1)-(3)).

(8) We understand that the New Zealand Historic Places Trust has issued an archaeological authority making the sections in the Bill which grant archaeological authorities redundant (§9, Schedule 4 Pts 1-2; Schedule 5 Pts 1-2). We recommend that these sections of the Bill are removed, and strongly recommend that section 17 of the Historic Places Act be respected, namely that NZHPT approve archaeologists with respect to the archaeological authority which has been issued.

(9) While we strongly support the intention of the Bill to effect a tunnel under Memorial Park, the Architectural Centre does not support the process which bypasses fundamental legislation designed to ensure public and expert input into the shaping of our environment, including the removal of "the standard objection and appeal rights available under legislation." The above points (4)-(7) are a pragmatic response to the direction the project has taken, not an acceptance of the removal of the fundamental legislation being removed through this process. We believe that the proposed speed for enacting the legislation and the lack of detailed design information about the project disables basic democratic functions, as well as preventing both supporters and detractors from making informed decisions regarding the proposal. We are concerned about the viability of the project, due to the abolition of code compliance (§12(1)), and

about the potential infringements of rights consequent to the Bill's wide-ranging granting of access to property and suppression of current property rights (§16(1)-§17(5)).

Thank you for this opportunity to make a submission on the National War Memorial Park (Pukeahu) Empowering Bill.

Yours faithfully

Christine McCarthy  
President, The Architectural Centre  
arch@architecture.org.nz