

6 April 2009



the architectural centre inc.
PO Box 24178 Wellington

Re: Proposed District Plan Change Variation 11

This submission is from the Wellington Architectural Centre, a group which represents both professional and non-professionals interested in architecture and design, and in the promotion of good design in Wellington. Any members of the Centre who are involved in projects on the Waterfront or who work for firms working on the Waterfront have not been involved in the writing of this submission.

We support building on the waterfront and consider that most of the building on the waterfront to-date has been a positive addition to the waterfront. While we acknowledge that the Proposed DPC Variation 11 appears to in the main to be trying to do all the right things, we do not, however, support the proposed District Plan Change Variation 11. Our reasons are below.

We consider the waterfront to be a special and an exceptional place for Wellingtonians. It is our urban beach, our marketplace, and our playground. It is a place of promenade, of civic meeting, festivity and carnival. We love and cherish it, and so it is the place we must be most serious about. The waterfront expresses the character of Wellington as idiosyncratic, risky and accomplished. It is too precious to risk. As such the Architectural Centre believes the continued success of the built environment of the waterfront is dependent on two key things: Design Excellence and Public Involvement. These are equally important - but they are not able to be achieved by the same mechanism.

Public Involvement

Understandably public involvement is the thing the council is most hesitant about. Public consultation is time consuming and expensive. It could conceivably be argued that to date millions of dollars have been "wasted" on public consultation about the waterfront: the steep price of democracy, particularly in a recession - but one that never-the-less must be paid. The wayward and sometimes fickle public voice might be seen as a weak point in the council's ability to guarantee certainty to those involved in building projects: architects, landscape architects, developers, and potential tenants. But such thinking is too simplistic. We note the council's own conclusion, voiced in the Section 32 Report on Variation 11, that: "The public nature and measured pace of development on the waterfront has not been unduly frustrated by the necessity to publicly notify proposals and the expectation of full public involvement in the consent process has been met."

The Architectural Centre believes arguments to reduce the legal obligation for public involvement are trivial in comparison with the civic benefits of public buy-in of projects and the council's ethical obligation to seek advice from the WCC's principal funders (the rate-payers) in the development of publicly-owned land. The waterfront is not simply part of the Central Area CBD. It is not the gridded landscape of commercial interests jostling for prominence and profit in the increasing competitive marketplace. It is therefore not right that the waterfront be subsumed into the same consent process as the rest of the CBD. The waterfront is in contrast managed by public finance. It quite literally belongs to all of us. We believe our waterfront is too important for us to be excluded from the debate about the merits, or otherwise, of all proposals. Transparency and participation, and the ability to voice our opinions, is our role and you must not take it from us. Our voice determines robustness and accountability in the process, enables wider perspectives, and ensures a measured pace in decision-making.

We do not support the proposal for waterfront buildings to be non-notified Discretionary Activities (Restricted). In contrast to the Section 32 Report, we consider that removing

the obligation for publicly notified consent will undermine the ability of interested parties to be involved in the planning of the waterfront, as without publicly notified consents there will be no legal obligation for council to ensure public involvement. We consider that the role of public input into the waterfront has been a productive one. As such, the Architectural Centre considers that the zero-height limit has been a useful mechanism for triggering Notified Resource Consents. We have no particular attachment to the mechanism used, but some kind of mechanism must ensure that the public are able to meaningfully contribute to the discussion of all development of the waterfront through the legal requirement of a publicly notified Resource Consent (Unrestricted) process.

Design Excellence

The public voice though, cannot in and of itself determine design excellence. Neither though can a Design Guide, nor a District Plan. These are mechanisms for setting the bar of mediocracy. The District Plan determines the lowest acceptable common denominator. It is a document prescribing minimum standards. It is hence useless if the aim is the more nuanced one of design excellence. Design Guides provide a utopian and woolly wish list which has little, if any, legal clout. Although we support a new Design Guide for the North Kumutoto area, and realise the limitations on the Waterfront Framework as a Design Guide, such guides are crude instruments to assist designers lacking the skill to produce even average standards of design. An untested Design Guide (in particular one which applies the recent idea of "qualitative tests") is even more the case, requiring interpretations to be made rigorous through public involvement in the Resource Consent process. These, and District Plans, are not the mechanisms for the kind of building our waterfront requires: building which inspire, which care for Wellington's citizens and which challenge all of us.

To guarantee continued innovation and adventurously built environments, which Wellingtonians can continue to be both surprised by and proud of, a team of experts drawn from allied design and building professions (designers, builders, architects, developers, property owners, landscape architects, academics, urban designers), independent of council must be called upon as guardians of the building process. Exceptional design requires independent expertise. Even if council officers have such expertise they will always be subserviant to the council's agenda, politics and inhouse power relations. Such hampering of expertise is not good for our city's built environment. The opinion of design experts must explicitly consider the outcome of public submissions. Their reports, validating their decision-making, must be published and made easily accessible to interested members of the public. We therefore strongly advocate for a strengthened and more public role for TAG - a kind of TAG on steroids - and we recommend that members of TAG be appointed by professional bodies, rather than by council, and that reports from TAG about specific developments be included as part of the documentation made available in the public Resource Consent process.

Other Issues

(i) Legal sustainability

We believe that proposing a Design Guide and removing reference to the Waterfront Framework as a Design Guide will largely accomplish legal sustainability post-Hilton. We do not believe that a reduced legal obligation for public notification is a necessary requirement for legal sustainability.

(ii) Public Accessibility to Ground Floors

We support the new policy and rules ensuring that the ground floors of buildings are predominantly accessible by the public and have active edges.

(iii) Parking

The waterfront has existing parking which is more than sufficient. Given the council's policies to reduce private automotive traffic in the central city and to encourage more sustainable modes of transportation, parking reduction on the waterfront and elsewhere should be given serious and meaningful action, rather than lip-service. Parking spaces on the waterfront must be progressively reduced.

(iv) Section 32 documentation

We consider this instance of Section 32 documentation to be more than insufficient. We do not feel that this is not a genuine nor helpful exploration of options and demonstrates a cynical administrative expediency. It clearly demonstrates that a wider range of ideas, thinking and opinions is needed.

(v) Maximum height plus 15%?

The Listener has a weekly column "Life in New Zealand" where readers submit published instances of the ridiculous. "Maximum height plus 15%" is surely a valid candidate for inclusion. We understand the rationale for this is to ensure height variation along a streetscape, to prevent visual monotony - though consider 15% far too high - an excess of what is really needed. We also know that such good intentions have become an expectation to build to the "maximum plus" among the developer community - and why not? - it's money for jam, so to speak.

This logic though has no place on the waterfront. There are no streets of buildings needing variation. The Maximum + 15% is ridiculous and should not be included here.

(v) Height and Bulk of buildings in the North Queens Wharf area

Appropriate building height and bulk has a direct relationship to design excellence. While clearly any building will obscure views and likely increase shade to areas, additionally increasing the height of buildings in this northern section of the waterfront is likely to significantly diminish sunlight to public areas along the waterfront. We strongly encourage the council to commission and publish a full daylighting study, and to realise that the protection of sunlight from 12-2pm (as is common) is insufficient for the waterfront which has useage at multiple times during the day, especially (but not only) for weekend recreation. Such research in this and other environmental areas is vital to have before one-dimensional statements advocating proximity to taller building (as a viable argument for additional height) can be seriously scrutinised, particularly on the northern edge of a site. Issues such as the impact on sunlight, wind, view, shelter and the environment of public spaces, rather than height or bulk as absolutes, should be considered in terms of design excellence and adjudicated on by an independent panel, as discussed above.

We admit though that such a suggestion to have design excellence (rather than absolute height and bulk restrictions) is somewhat idealistic (or naive?) on our part. The example of inner city areas such as Te Aro have demonstrated to our eyes a council tendency for height leniency and a general abuse, and diminishing, of the term "design excellence." Such a situation does not convince us deep in our heart of hearts that reliance on a council interpretation of "design excellence" is wise. A more robust definition of design excellence is needed - and criteria developed with public and professional input, and one that is administered by design professionals, rather than council employees. Hence our request for an independently appointed TAG-on-steroids as described above.

The current condition of the zero-height limit means that height and bulk must be decided on a case-by-case basis, considering the specific design and its context with input from the public and TAG. This is not a bad place to begin to start considering changes to the shape of the arguably most important part of Wellington's built environment. It is our preferred option until indepth research about sunlight etc., the establishment of robust criteria for Design Excellence, and a truely independent design professional advisory group is established.

Conclusion

We cannot understand the council's agenda for wanting to disarm the public voice. We consider the proposed DPC Variation 11 as a crude knee-jerk reaction to the Hilton decision, aimed at rushing projects through, and removing the public right to challenge council decisions simply because the council has been proven wrong recently in the Environment Court. Is this WCC's version of the Foreshore and Seabed Act? Remove the right to challenge rather than address key issues raised? Regardless whatever it is

we consider it to be a misplaced over-reaction. We expect more professionalism from our council.

We are particularly concerned with this consultation about Variation 11 to the District Plan, as it seems to us to have conflated too much into one consultation with the almost certain outcome of confusion. We believe the proposed system of waterfront consultation should be a distinct consultation to that regarding the specific Design Guide, for example. There may be some who support the Design Guide but who do not support the removal of public notification as the status quo - and others with the contrary opinion providing overall a particularly unclear direction for the council.

Given today's release of the finding from the "Quality of Life Survey" that one of the two most cited reasons for lack of confidence in Council decision-making being lack of public consultation, and 36.3% of Wellington's citizens wanting to have more say in what the Council does c.f. 23.4% who do not, we consider that, regardless of the outcome, WCC consultation processes must be rigorously designed to prevent such muddling of results.

The waterfront is Wellington's most important public space. Perhaps no other space in Wellington is cherished as much. It is an emotive and contentious space because we care so much about it. The public are right to care about and to invest the time, effort and money into making sure the decision-making process around waterfront development is robust. We want the right decisions to be made. We want good developments and good developers involved. This is prime real-estate and a high bar of competence must be met by the developers who are involved. It may be cheesy to restate that good things take time - but it's very often true. It is important to get the waterfront right. To do this will need independent design expertise as well as public buy-in and involvement. Alienating and muzzling the public is not right in any development of public land. It is especially wrong in the development of our waterfront.

Thank you for the opportunity to comment on this proposal. If you have any questions about any of the points raised please contact me.

Yours faithfully

Christine McCarthy
Immediate Past President
The Architectural Centre