

PROPOSED NEW CENTRAL AREA BUILDING

2-12 AITKEN STREET

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1 INTRODUCTION

1.1 BACKGROUND

PSPIB/CPPIB Waiheke Inc (the Applicant) proposes to construct a new Central Area building at 2-12 Aitken Street, Thorndon, Wellington. The building will be occupied by Archives New Zealand “Te Rua a Mahara o te Kāwanatanga”.

The purpose of this report is to describe the proposal and provide an Assessment of Environmental Effects (AEE) report in accordance with Schedule 4 of the Resource Management Act 1991.

1.2 REPORT STRUCTURE

After this Introduction, the report provides the following information:

- Section 2 provides a description of the site, site context and outlines the proposal and provides a brief planning history of the site.
- Section 3 outlines the District Plan objectives, policies and rules applicable to the site and the proposal, and identifies the consents required.
- Section 4 summarises the consultation that has been undertaken.
- Section 5 provides a resource management assessment of the proposal.
- Section 6 provides a notification assessment.
- Section 7 provides an overall summary and conclusion.

This Assessment of Environmental Effects, along with the plans and drawings attached to the Application for Resource Consent (Form 9), addresses the requirements of Rule 3.2 of the District Plan, which identifies what information is to be supplied with an Application for Resource Consent.

1.3 ASSESSMENT OF ENVIRONMENTAL EFFECTS

An Assessment of Environmental Effects (AEE) is required under s88 of the Resource Management Act 1991 (the Act) for an application for resource consent, as specified in Schedule 4. In turn, Schedule 4 at Clause (3)(c) states that the AEE must include:

“... such detail as corresponds with the scale and significance of the effects that the activity may have on the environment”.

This AEE has been prepared in response to this requirement.

1.4 SCOPE OF ASSESSMENT OF ENVIRONMENTAL EFFECTS

Schedule 4, as amended by the Resource Management Amendment Act 2013, lists at Clause 6 the information required in an assessment of environmental effects as follows:

1.4.1 Clause 6 - Information Required

1(a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity

The proposed new building will not result in significant adverse effects. Accordingly, it is not necessary to consider possible alternative locations or methods. The proposal is to replace a previously existing Central Area building (Defence House) which was demolished as a consequence of damage suffered during the November 2016 Kaikoura Earthquake, with a new Central Area building built in accordance with the applicable District Plan provisions.

1(b) an assessment of the actual and potential effects on the environment of the activity

The AEE at Section 5.2 provides an assessment of the actual and potential effects on the environment in relation to:

- urban design effects;
- heritage effects;
- wind effects;
- shading effects;
- traffic effects;
- public amenity effects;
- residential amenity effects;
- temporary construction-related effects; and
- positive effects.

1(c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use

Not applicable. The activities proposed to occupy the new building will not involve the storage and use of hazardous substances.

**1(d) if the activity includes the discharge of any contaminant. A description of -
(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;
and
(ii) any possible alternative methods of discharge, including discharge into any other receiving environment**

Measures will be put in place to manage the potential for adverse effects / discharges of dust and/or sediment during the construction of the new building.

1(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to prevent or reduce the actual or potential effect

No on-going mitigation measures will be necessary following the completion of construction and occupation of the building.

1(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted

This matter is addressed in Section 4 of the AEE.

1(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved

No on-going monitoring will be necessary following the completion of construction and occupation of the building.

1(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group)

Not applicable. No protected customary rights will be affected. Preliminary consultation has been undertaken with the Port Nicholson Block Settlement Trust.

1.4.2 Clause 7 - Matters to be Addressed

Schedule 4, as amended by the Resource Management Amendment Act 2013, lists at Clause 7 the matters that must be addressed by the assessment of environmental effects. They are:

1(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects

This matter is addressed in Section 5 of the AEE.

1(b) any physical effect on the locality, including any landscape and visual effects

This matter is addressed in Section 5 of the AEE.

1(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity

Not applicable. There will be no effect on any ecosystem or habitat.

1(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations

The site does not contain any of the listed values. However, in the near vicinity are several listed heritage buildings including Old St Paul's Cathedral 1865-66, Bishop's Court (Anglican House) 1879, Cook Islands High Commission (56 Mulgrave Street) and the Thistle Inn 1866.

Heritage effects are addressed in Section 5 of the AEE.

1(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and the options for the treatment and disposal of contaminants

Not applicable. There will be no discharge of contaminants associated with the proposed activities.

1(f) any risk to the neighbourhood, the wider community, or the environment through natural hazard or the use of hazardous substances or hazardous installations

The development of the new building, which will be base isolated and built to building importance level IL3, will not change any risk to the neighbourhood or wider community through natural hazard events.

2 SITE AND PROPOSAL

2.1 SITE AND CONTEXT

The site of the proposed new building is a 3,691m² lot on the corner of Aitken Street and Mulgrave Street (2-12 Aitken Street). The site is presently vacant following the demolition of Defence House as a consequence of structural damage suffered during the November 2016 Kaikoura Earthquake.

Photo 1 below is of the Defence House building; while Photo 2 is of the site following the demolition of Defence House.



PHOTO 1: Defence House (Ministry of Defence) demolished following November 2016 Kaikoura earthquake



PHOTO 2: vacant site with the 15-storey Freyberg Building to the rear

The legal description of the site is Lot 1 DP 356040.

The site adjoins:

1. to the immediate west, Guthrie Lane a private access way to the 15-storey Freyberg Building (refer Photo 2);
2. on the west side of Guthrie Lane, the National Library of New Zealand “Te Puna Matauranga O Aotearoa”;
3. on the north side with frontage to Mulgrave Street, the 8-storey St Paul’s Apartments;
4. to the east on the opposite side of Mulgrave (from north to south), Old St Paul’s Cathedral, Bishop’s Court (Anglican House), both of which are listed heritage buildings, and Archives New Zealand (current location); and
5. to the south on the opposite side of Aitken Street (from east to west), the 8-storey 5 Aitken Street residential apartments building and the Justice Centre, which includes the 15-storey former Vogel Tower. At the western end of Aitken Street on the south side is the Court of Appeal.

The site is within the Central Area’s ‘low city’. The maximum building height (Rule 13.6.3.1 and Planning Map 32) is 27m above ground level.

2.2 THE PROPOSAL

The proposal involves the construction, occupation and use of a new 9 storey building (see image on following page) which will be occupied by Archives New Zealand “Te Rua a Mahara o te Kāwanatanga”.

The new building will incorporate the basement of the now demolished Defence House - refer Photo 3 below.

The ground floor frontage will incorporate ‘active edge’ display windows.

The footprint of the new building will be some 2,690m².

The balance of the site, some 1,000m², will be developed as a publicly-accessible landscaped plaza.

The proposal incorporates an elevated pedestrian bridge across Guthrie Lane linking the new building to the adjacent National Library of New Zealand “Te Puna Matauranga O Aotearoa”.

A more detailed description of the proposal is provided in the Architectural Design Statement - refer **Appendix 1**.



PHOTO 3: showing the portion of the site fronting Aitken Street to be occupied by the new building - excluding the part of the site to be developed as a landscaped plaza (facing Mulgrave Street)

2.3 PLANNING HISTORY

As noted above, Defence House was demolished due to damage suffered during the November 2016 Kaikoura Earthquake.

2.3.1 SR No 112583

Defence House was granted resource consent in May 2004 (SR No 112583). The cited reasons for the decision were:

1. *The effects of the proposal on the environment will be no more than minor.*
2. *There are no other parties greater than the general public who are considered to be affected by the proposal.*
3. *The proposal is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.*

Constructed in 2005, Defence House consisted of ground floor plus six levels of office accommodation. The building covered the full 3,691m² site and had a maximum height above ground level of 31.1m.

2.3.2 'Existing Use Rights'

In May 2017 an application was made for an 'existing use certificate' under s139A of the Resource Management Act 1991.

The Council declined to issue an existing use certificate, but, in the alternative, issued a letter dated 28 June 2017 (refer **Appendix 2**) which stated, inter alia, that:

"As this consent has been given effect to, the consent holder has the right to re-construct this building providing it is compliant with the conditions of consent. Amongst other things, these conditions require the building to be constructed in accordance with the approved plans, which are stipulated in the Notice of Decision. Should this building be re-constructed in accordance with this consent, it is not bound by the 12 month limitation as stipulated by the existing use provisions of the Resource Management Act and nor is an extension of existing use rights required. This will remain the situation as long as the Council does not invoke section 126 of the Act if reconstruction does not occur for a period exceeding 5 years, noting that there are objection and appeal rights to this provision, or that the resource consent is not surrendered under section 138 of the Act.

As discussed with you, the Council has previously obtained legal advice that it should not be issuing Existing Use Right Certificates for developments that have been authorised via a resource consent which has been given effect to. This is because the use is expressly allowed by section 9(3)(a) of the Act. Accordingly, the Council will not issue an Existing Use Certificate in this instance".

The Council's advice confirms that a building to the maximum height of 31.1m above ground and covering the full 3,690m² site, as detailed in the approved resource consent drawings for SR 112583, could be constructed without requiring resource consent.

2.3.3 SR No 412951

In July 2018 ¹ consent was granted for the:

"Demolition of existing building and the temporary creation of vacant open space (Retrospective)".

The Decision Report records, at page 4, that:

¹ Note: although the Notice of Decision is dated 25 July 2017 it was issued on 25 July 2018

“The applicant is proposing for the site to remain vacant for up to three years while a proposal is developed to establish a replacement Central Area building onsite”.

Condition (a) “General” includes the Note that:

“The application is only for temporary vacant space. If the redevelopment has not occurred within the next three years (i.e. by 25 July 2021), the consent holder/landowner must obtain a new land-use consent”.

A condition of consent required the construction of site hoardings as follows:

“(b) The proposed hoarding and storyline graphics must be installed within two months of the grant of this consent. The applicant must advise the Council’s Compliance Monitoring Officer once the works have been completed”.



PHOTOS 4 and 5: site hoardings erected street frontages - Mulgrave Street (top photo) and Aitken Street (bottom photo)

3 DISTRICT PLAN PROVISIONS

3.1 INTRODUCTION

This section provides an overview of the key District Plan provisions for the Central Area that are applicable to the site and the proposed development.

3.2 DISTRICT PLAN

3.2.1 Central Area Provisions

The relevant Central Area provisions are found in the operative District Plan - Central Area [Chapters 12 and 13].

The Introduction to the Central Area outlines the Council's planning strategy for the area stating, inter alia, that:

"The Central Area is the commercial heart of Wellington City and the region and is the nation's seat of government. It is a vibrant mix of inner city living, entertainment and commercial activity.

...

Rapid social, economic and technological change is prompting changes in the form and function of the Central Area. Council intends to encourage positive growth that promotes the city's comparative advantages. This process will be guided by strategic planning and the District Plan.

The District Plan sets a vision for a vibrant, prosperous, liveable city. At its heart is a contained Central Area comprising a commercial core with a mix of related activities. The Plan's Central Area provisions are based on eight principles that will guide future development".

The eight principles are

- **Enhance 'sense of place'**
- **Sustain the physical and economic heart of the Central Area**
- Enhance the role of the 'Golden Mile' and 'Cuba'
- Enhance the Central Area as a location for high quality inner city living
- **Enhance the built form of the Central Area**
- **Enhance the quality of the public environment**
- Enhance city/harbour integration
- Enhance the sustainability of the Central Area.

The highlighted principles are considered to be particularly relevant to the current proposal.

Enhance 'sense of place'

The application site is within a part of the Central Area that has developed a distinctive 'sense of place' based on a combination of important heritage buildings, including Old St Paul's Cathedral, and significant public buildings, including "The Beehive" and Parliament Building.

The proposed new building will contribute to this distinctive character and sense of place.

Sustain the physical and economic heart of the Central Area

The proposed new building will make an important contribution towards sustaining the economic viability of the city centre and assist towards achieving a compact, viable city centre.

Enhance the built form of the Central Area

In relation to the Central Area's 'built form' the application site is within the "low city" which covers the CBD core.

The proposed ground plus 8-level building is generally consistent with this low city urban form, and the built/urban form of adjacent and nearby buildings, including the Justice Centre and Freyberg Building.

Enhance the quality of the public environment

The proposed building will enhance the public environment through replacing a current 'vacant site' with a quality designed building, which will accommodate the nationally significant Archives New Zealand.

The adjacent publicly-accessible landscaped plaza will add to the quality of the public environment.

3.2.2 Objectives and Policies

3.2.2.1 Central Area

Following the Introduction to the Central Area provisions (Section 12.1 of the District Plan), the objectives and policies that underpin the overall planning strategy for the Central Area are stated.

The objectives and policies considered to be the most relevant in the context of the present application are:

Containment and Accessibility

Objective 12.2.1 To enhance the Central Area's natural containment, accessibility, and highly urbanised environment by promoting the efficient use and development of natural and physical resources.

Policy 12.2.2.1 Define the extent of the Central Area in order to maintain and enhance its compact, contained physical character.

Policy 12.2.2.2 Contain Central Area activities and development within the Central Area.

Activities

Objective 12.2.2 To facilitate a vibrant, dynamic Central Area by enabling a wide range of activities to occur, provided that adverse effects are avoided, remedied or mitigated.

Policy 12.2.2.1 Encourage a wide range of activities within the Central Area by allowing most uses or activities provided that the standards specified in the Plan are satisfied.

Policy 12.2.2.2 Ensure that activities are managed to avoid, remedy or mitigate adverse effects in the Central Area or on properties in nearby Residential Areas.

Urban Form and Sense of Place

Objective 12.2.3 To recognise and enhance those characteristics, features and areas of the Central Area that contribute positively to the City's distinctive physical character and sense of place.

Policy 12.2.3.1 Preserve the present 'high city/low city' general urban form of the Central Area.

Policy 12.2.3.2 Promote a strong sense of place and identity within different parts of the Central Area.

Effects of New Building Works

Objective 12.2.5 Encourage the development of new buildings within the Central Area provided that any potential adverse effects can be avoided, remedied or mitigated.

Policy 12.2.5.1 Manage building height in the Central Area in order to:

- *reinforce the high city/low city urban form;*
- *ensure that new buildings acknowledge and respect the form and scale of the neighbourhood in which they are located;*

- *achieve appropriate building height and mass within identified heritage and character areas.*

- Policy 12.2.5.2 Manage building mass to ensure that the adverse effects of new building work are able to be avoided, remedied or mitigated on site.*
- Policy 12.2.5.3 Manage building mass in conjunction with building height to ensure quality design outcomes.*
- Policy 12.2.5.4 To allow building height above the specified height standards in situations where building height and bulk have been reduced elsewhere on the site to:*
- *provide an urban design outcome that is beneficial to the public environment; or*
 - *reduce the impact of the proposed building on a listed heritage item.*
- Any such additional height must be able to be treated in such a way that it represents an appropriate response to the characteristics of the site and the surrounding area.*
- Policy 12.2.5.5 Require design excellence for any building that is higher than the height standard specified for the Central Area.*
- Policy 12.2.5.6 Ensure that buildings are designed to avoid, remedy or mitigate the wind problems that they create and where existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably practical.*
- Policy 12.2.5.7 Ensure that the cumulative effect of new buildings or building alterations does not progressively degrade the pedestrian wind environment.*
- Policy 12.2.5.8 Ensure that the wind comfort levels of important public spaces are maintained.*
- Policy 12.2.5.10 Provide for consideration of ‘permitted baseline’ scenarios relating to building height and building bulk when considering the effect of new building work on the amenity of other Central Area properties.*

Buildings and Public Amenity

- Objective 12.2.6 To ensure that new building works maintain and enhance the amenity and safety of the public environment in the Central Area, and the general amenity of any nearby Residential Areas.*
- Policy 12.2.6.1 Enhance the public environment of the Central Area by guiding the design of new building development, and enhancing accessibility and usability of buildings.*
- Policy 12.2.6.2 Require high quality building design within the Central Area that acknowledges and responds to the context of the site and the surrounding environment.*
- Policy 12.2.6.3 Ensure that new buildings and structures do not compromise the context, setting and streetscape value of adjacent listed heritage items, through the management of building bulk and building height.*
- Policy 12.2.6.8 Ensure that pedestrian shelter is continuous on identified streets where there are high volumes of pedestrians, and on identified pedestrian access routes leading to the Golden Mile from the outskirts of the Central Area.*
- Policy 12.2.6.10 Encourage the provision of pedestrian shelter along streets and public spaces throughout the Central Area (including within the Pipitea Precinct).*
- Policy 12.2.6.11 Enhance the informal pedestrian network within the Central Area, by encouraging the retention and enhancement of existing pedestrian thoroughfares, and promoting the creation of new thoroughfares where they would enhance walkability and permeability for pedestrians.*

- Policy 12.2.6.12 Maintain and enhance the visual quality and design of ground floor level developments fronting on to streets, parks and pedestrian thoroughfares throughout the Central Area.*
- Policy 12.2.6.13 Maintain and enhance the commercial character and visual interface of ground floor level developments facing the public space along identified frontages within the Central Area.*
- Policy 12.2.6.16 Promote and protect the health and safety of the community in development proposals.*
- Policy 12.2.6.17 Ensure that public spaces in the Central Area (including privately owned spaces that are characterised by public patterns of use) are suitably lit at night time to improve safety and security of people.*

Building Amenity

- Objective 12.2.7 To promote energy efficiency and environmental sustainability in new building design.*
- Policy 12.2.7.1 Promote a sustainable built environment in the Central Area, involving the efficient use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.*
- Policy 12.2.7.2 Ensure that new buildings provide appropriate levels of natural light to occupied spaces within the building.*

Access

- Objective 12.2.15 To enable efficient, convenient and safe access for people and goods within the Central Area.*
- Policy 12.2.15.1 Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.*
- Policy 12.2.15.6 Manage the supply of commuter car parking.*
- Policy 12.2.15.8 Manage on-site parking to ensure any adverse effects on the surrounding street network are avoided, remedied or mitigated.*
- Policy 12.2.15.9 Require the provision of servicing or loading facilities for each site in the Central Area.*
- Policy 12.2.15.10 Ensure that the design and location of servicing or loading facilities is appropriate having regard to the nature of the development and the existing or likely future use of the site.*
- Policy 12.2.15.13 Require all vehicular access to sites to be safe.*

3.2.3 Summary - District Plan Policy Context for the Central Area

In summary, the District Plan policy context for the proposed new Central Area building at 2-12 Aitken Street emphasises:

- (a) encouraging a wide range of uses within the Central Area to enhance its vitality and dynamism and reinforce its role as the primary economic, social and cultural heart of the city;
- (b) maintaining and enhancing the Central Area's distinctive physical character and 'sense of place';
- (c) ensuring building developments reinforce the city's general 'high city/low city' urban form;
- (d) maintaining and enhancing the Central Area's amenity values and controlling adverse effects;
- (e) promoting building design that enhances the quality of the Central Area's public environment;
- (f) achieving urban design outcomes that are beneficial to the public environment;

- (g) ensuring that new Central Area buildings do not compromise the context, setting and streetscape value of adjacent and nearby heritage buildings;
- (h) minimising the effects of commuter traffic on the road network; and
- (i) ensuring safe and efficient site access and on-site servicing.

It is these themes or 'intentions' that collectively establish the overall planning framework against which the proposed new building at 2-12 Aitken Street can be assessed.

3.2.4 Rules and Standards

3.2.4.1 Activities

Rule 13.1 states any activity (with few exceptions) in the Central Area is a permitted activity, provided that compliance with the standards specified in section 13.6.1 and section 13.6.2 is achieved:

13.6.1

- noise (fixed plant)
- noise insulation and ventilation
- vehicle parking, servicing and site access

13.6.2

- noise
- lighting
- use, storage or handling of hazardous substances
- screening of activities and storage
- dust
- electromagnetic radiation
- discharge of contaminants
- street car race

3.2.4.2 Buildings

In relation to buildings, compliance is required in relation to the standards specified in section 13.6.1 and section 13.6.3. Under 13.6.3 the standards relate to:

13.6.3

- height
- building mass
- view protection
- sunlight protection
- wind
- verandahs
- ground floor frontages and display windows.

Additionally, for all new buildings in the Central Area, consent is required under Rule 13.3.4, which states that:

13.3.4 The construction or alteration of, and additions to buildings and structures in the Central Area that are not Permitted or Controlled Activities ... are Discretionary Activities (Restricted) in respect of:

13.3.4.1 design, external appearance and siting; and

13.3.4.2 the placement of building mass.

Under Rule 13.3.4 an application must be accompanied by a Design Statement that assesses the proposed development against the Central Area Urban Design Guide.

Where a proposed building development does not meet the standards in 13.6.1 and 13.6.3, consent is also required under Rule 13.3.8.

Rule 13.3.8 states:

13.3.8 The construction or alteration of, and addition to buildings and structures which are Permitted, Controlled or Discretionary Activities (Restricted) that do not meet one or more of the following standards outlined in section 13.6.1 (Activities, Buildings and Structures) and 13.6.3 (Buildings and Structures), are Discretionary Activities (Restricted).

Discretion is restricted to the effects generated by the standard(s) not met.

3.2.5 District Plan Audit

An audit of the proposal against the standards specified in sections 13.6.1, 13.6.2 and 13.6.3 for Central Area activities and buildings has been undertaken (refer **Appendix 3**).

Based on the audit, it is concluded that resource consent is required:

- (a) under Rule 13.3.3 in relation to the location of the loading/service areas vis-a-vis lift access;
- (b) under Rule 13.3.8 in relation to building height;
- (c) under Rule 13.3.8 in relation to wind effects; and
- (d) under Rule 13.3.8 in relation to the provision of a sheltered colonnade in lieu of a verandah on the Aitken Street and Mulgrave Street frontages.

In each case, the activity status under the rules is Discretionary Activity (Restricted).

In addition to the above rules, consent is also required under Rule 13.3.4, again for a Discretionary Activity (Restricted), in relation to 'design, external appearance and siting' and 'the placement of building mass'.

In relation to building height, the Discretionary Activity (Restricted) 'status' is subject to the following condition:

13.3.8.14 *maximum building height assessed under 13.3.8.4.A and 13.3.8.4.B must not be exceeded by more than 35 percent, and the building mass standard must not be exceeded; or*

maximum building height must not be exceeded by more than 15 percent, and the building mass standard must not be exceeded by more than 15 percent.

As the Application Drawings confirm, the proposed development, at 36.45m to the top of the rooftop plant (refer Drawing A20.005 "Proposed Elevations") comes within the scope of the 35% discretion for building height; while the 75% permitted activity building mass standard is met - for the calculations, refer Appendix 1 "Architects Design Statement" at page 4 and Drawing A05.005 "Volume Calculations".

Overall, therefore, consent is required for the building as a Discretionary Activity (Restricted).

3.2.6 Landscaped Plaza

Apart from the Lambton Harbour Area (LHA), there is no rule relating to the development of new open space within the Central Area.

Accordingly, the rule that is applicable to the proposed landscaped plaza is Rule 13.4.2, which states:

"The creation of vacant land, open land or parking areas (at ground level) and not associated with activity for which consent is required under rule 13.3.4 or 13.3.8 that are visible from public spaces is a Discretionary Activity (Unrestricted)".

[emphasis added]

The definition of “open land” (Chapter 3 of the District Plan) is;

“... any land (whether or not located in Open Space A, B or C areas) which is developed for recreation or amenity values that do not take place in buildings”.

On the basis that the landscaped plaza is being developed for “*amenity values*” it follows that consent may be required under Rule 13.4.2, UNLESS it is accepted that the landscaped plaza is associated with an activity (i.e. a new Central Area building) for which consent is required under Rule 13.3.4 and Rule 13.3.8.

The Applicant’s position is that the landscaped plaza, which will be publicly-accessible, is an integral part of the proposal (i.e. it is “*associated with the activity*” for which consent is being sought).

However, if the Council concludes otherwise, then, on a precautionary basis, consent is sought under Rule 13.4.2.

Note: the application (Form 9) seeks “*all necessary land use consents*”. If any consent requirement additional to those itemised above is subsequently identified by Council, consent is also sought for that item.

4 CONSULTATION

Preliminary consultation has been undertaken with the Port Nicholson Block Settlement Trust, notwithstanding that the site falls outside of the Pipitea Precinct being an area of significance to Maori; and with Balanced Investments Ltd the owner of Guthrie Lane and the adjacent Freyberg Building and Zircon Properties the owner of Rugby House.

5 RESOURCE MANAGEMENT ASSESSMENT

This section of the AEE provides an assessment of the proposed development in the context of:

- the District Plan provisions; and
- the statutory requirements of the Act.

The assessment is in the nature of an audit with the focus being on any actual or potential effects on the environment, and on the 'measure of fit' between the proposed development and the District Plan's objectives and policies - i.e. the 'planning strategy' for the Central Area.

5.1 SECTION 104 RMA

Section 104(1) of the Act states that when considering an application for resource consent the consent authority must have regard to:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of a national environmental standard, national policy statement, other regulations, New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, and a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

5.1.1 Overall Assessment Approach

In view of the above matters, the approach taken in this AEE report is as follows:

- assess the environmental effects of the Proposal (5.2 below);
- assess the proposal against the District Plan provisions (5.3 below);
- assess the proposal against relevant national and regional policy statements (5.4 below)
- assess the proposal against Part 2 of the Act (5.5 below); and
- assess s104C matters (5.6 below).

5.2 ENVIRONMENTAL EFFECTS

The potential environmental effects associated with the proposed new building are, in the opinion of the Applicant, limited to:

- urban design effects;
- heritage effects;
- wind effects;
- traffic effects;
- public amenity effects;
- residential amenity effects;
- temporary construction-related effects; and
- positive effects

5.2.1 Urban Design Effects

An urban design assessment of the proposed new building with reference to the Central Area Urban Design Guide (CAUDG) has been undertaken by urban designer Deyana Popova - refer **Appendix 4**.

The overall conclusion is that:

"The proposal is for a new Central Area building located on the Aitken/Mulgrave Street corner. An assessment against the relevant provisions of the District Plan (including the provisions of the Central Area Urban Design Guide and the 'design excellence' criteria) established that the urban design outcome of the proposal is

consistent with the stated intent, principles and objectives of those documents. The result will be a development with a distinctive image that will reinstate the street edge definition and restore street activity, while providing high quality repository/archival space and associated office/work spaces designed to the specific functional requirement of Archives New Zealand, a publicly accessible ground level with active frontages, and a new good-quality publicly accessible landscaped open space”.

Support for the above conclusion is provided in the report.

In relation to ‘design excellence’ the conclusion is that the overall quality of the proposal, as a whole, shows that the outcome will exceed the quality of a development that merely satisfies the Design Guide.

The considerations leading to this conclusion are detailed in section 4.2 of the report (refer Appendix 4, pages 12 to 15).

The report recommends that a condition of consent re making final choice of materials and associated detailing subject to Council’s approval prior to lodging a building consent be imposed to provide certainty on the outcome of the detailed design quality, should consent to the proposed building be granted.

5.2.2 Heritage Effects

As assessment of potential adverse effects on historic heritage values of listed heritage buildings, including Old St Paul’s Cathedral and Bishop’s Court (Anglican House), has been undertaken by architect and conservator Ian Bowman - refer **Appendix 5**.

The overall conclusion is that:

*“The impacts of a new eight storey above ground level development opposite Bishop’s Court and Old St Paul’s is generally **neutral to moderate/slight** positive. There is no impact on the heritage values of other buildings further away. The new design generally follows accepted national and international guidelines for a compatible new design adjacent to heritage buildings”.*²

Full support for this overall conclusion is contained in the report, particularly in Section 6 “Assessment of Impacts”.

5.2.3 Wind Effects

The proposed new building has been assessed for wind effects by WSP/Opus Research. The resultant report is attached - refer **Appendix 6**.

Note: the September 2019 Addendum, which is also attached at Appendix 6, reports on the revised proposal, whereas the main Wind Report (July 2018) assesses an earlier proposed building for the site. As the September 2019 Addendum explains:

“In July 2018 WSP Opus Research carried out a full environmental wind tunnel study of a proposed development for 2-12 Aitken Street, the site of the former Defence House. The results of this study were presented in WSP Opus Research Report 18-529K01.00. The development design has subsequently been revised for a number of reasons, which includes requirements of the prospective main tenant. This assessment is intended to consider the likely effects of the revised design on wind conditions compared to those identified in our earlier wind tunnel study”.

The overall conclusions recorded in the July 2018 Report were:

² Ian Bowman “Assessment of Environmental Effects - New Development – 2-12 Aitken Street”, August 2019, page 26.

Conclusions

- 1 Existing wind conditions in the immediate area around the site range from moderate to quite high. While many gust speeds are moderate, there are a number of locations where the gust speeds are close to, or above, the Safety Criteria Threshold of 20m/s.
- 2 Overall, the proposed development caused a small, and largely localised, deterioration in the very local wind environment.
- 3 Increases in both the gust speeds and the frequency of occurrence data were identified with the new building, mainly along the west side of Mulgrave Street adjacent to the new plaza. These increases were somewhat offset by scattered reductions in both Aitken Street and Mulgrave Street.
- 4 The new plaza itself was found to be exposed to high wind speeds, with the maximum gust speed at all measured locations being above 20m/s.
- 5 Investigation of a range of wind mitigation options showed that wind conditions on the western side of Mulgrave Street and in the plaza could be significantly improved through the incorporation of either vertical screens, walls, dense planting (trees and shrubbery), or a free-standing canopy. Of these measures, the vertical screens and planting performed best, indicating that wind conditions in the plaza and adjacent area of Mulgrave Street are primarily driven by horizontal wind flows. While each of the mitigation options had beneficial effects as individual elements, combining several options together produced better overall results. These tests showed that it is possible to significantly improve wind conditions in the newly created plaza, and the adjacent Mulgrave Street footpath through a variety of means.

Following receipt of the wind report, vertical screens and planting have been incorporated into the design of the landscaped plaza, thus mitigating the identified localised wind effects along the west side of Mulgrave Street.

The updated Addendum report concludes that in some locations the wind speeds are likely to be 1-2m/s higher than with the original design. However, they are unlikely to significantly exceed the levels that occurred with the previously existing Defence House, except at one location, Location I.

In relation to this location, the report comments that:

“Here the gust speeds with either the original design or the current revision are higher more because of the creation of the open plaza at the northern end of the site than specific design features of the building”.

5.2.4 Traffic Effects

The Applicant commissioned an independent traffic assessment from Stantec to identify any adverse traffic effects associated with the proposal - refer **Appendix 7**.

The report's conclusion records that:

“The proposal plans seek to redevelop land at 2 Aitken Street to provide a 9-storey Central Area building on the southern portion of the site, with the balance of land given over to provide a new pedestrian plaza on the northern side of the building.

The proposal plans include a basement level providing 7 car parks, which represents a significant reduction to the number of parking spaces previously accommodated at the site, with commensurate benefits of reduced vehicle movements as well as alignment with the Council's policy to reduce Central Area commuter parking. The on-site basement carparking and associated vehicle circulation arrangements have been designed to comply as far as practicable with industry standards in terms of space dimensions and manoeuvring widths, noting that the minor deviations are adequately mitigated through the provision of a wider aisle or parking stalls, which provides additional manoeuvring space. The development proposal also includes secure cycle parking and end of trip facilities.

Vehicular access to the site will be achieved off Guthrie Lane, via Aitken Street, in a similar manner to the previous access arrangements in place under the site's former office development use.

The site's servicing activities will be accommodated within two dedicated on-site loading area, with associated trucks afforded ample manoeuvring space on-site to allow them to enter and exit in a forward direction.

Overall, it is assessed that the proposed development aligns well with the traffic expectations of the District Plan, in a way that presents better traffic outcomes (with fewer on-site car parks provided and therefore fewer vehicle movements) as compared to the previous building”.

5.2.5 Public Amenity Effects

The new building will deliver significant ‘public amenity’ outcomes, including:

- (a) a sheltered and active street edge; and
- (b) publicly-accessible landscaped plaza.

In Section 3.4.4 above, it was noted that on a precautionary basis consent was being sought under Rule 13.4.2 for the landscaped plaza on the basis that it constituted “*open land*”, although some doubt was expressed as to whether (or not) consent was required under the open land rule given that the landscaped plaza is associated with an activity (i.e. the proposed new Central Area building) for which consent is required and is being sought under Rule 13.3.4 and Rule 13.3.8.³

The relevant policy for assessments under Rule 13.4.2 is:

Policy 12.2.6.19: Maintain and enhance the streetscape by controlling the creation of vacant or open land and ground level parking areas.

The explanatory statement to Policy 12.2.6.19 states, inter alia, that:

The creation of vacant space, open space or parking areas, at street level, on sites in the Central Area can have a detrimental effect on the amenity and streetscape of the city. These effects include:

- *the loss of vitality and viability, particularly in the main retail or commercial areas; and*
- *the erosion of streetscape.*

Use of these sites for activities that do not replace the contribution to streetscape made by the demolished buildings, or add to the vitality of retail and commercial areas, is discouraged.

Comment

Against the background of the above policy (Policy 12.2.6.19) and rule (Rule 13.4.2) the following comments are made:

1. the proposed landscaped plaza is associated with and linked to the proposed new building;
2. the proposed landscaped plaza will add significant public amenity to the neighbourhood;
3. developing the landscaped plaza will not adversely affect the vitality and viability of any nearby retail or commercial area;
4. although the landscaped plaza may potentially ‘read’ as a gap in the streetscape, offset against that is the outcome where it will serve as a forecourt/entrance to two Central Area buildings, one existing (Freyberg Building) and one proposed, Archives New Zealand, in much the same way as the very successful Midland Park serves as a forecourt/entrance to the “Vodafone on the Quay” building on Lambton Quay; and

³ Rule 13.4.2 refers to open land not associated with an activity for which consent is required under Rule 13.3.4 and 13.3.8.

5. the proposed landscape plaza assists in establishing a more positive relationship with Old St Paul's than would likely be the case with a new building across the full footprint of the site, as indeed was the case with the now demolished Defence House.⁴

For the above reasons, it is considered that the addition of the landscaped plaza is a positive outcome rather than one resulting in adverse effects on the vitality and viability of the retail/commercial function of Mulgrave Street, or on streetscape values.

5.2.6 Residential Amenity Effects

Adjacent to or opposite the site are two residential apartment buildings:

1. "St Paul's Apartments" to the north; and
2. "Mulgrave Suites" to the south at 5 Aitken Street (the corner of Aitken Street and Mulgrave Street).

Two potential effects on the amenity of these residential apartments are in relation to: (a) sun loss/shading; and (b) outlook.

The District Plan does not expressly protect the level of sunlight received within sites in the Central Area, whether they are adjacent or not. Indeed, the District Plan allows Central Area sites to be developed to their full site coverage (100%), subject to meeting the building mass standard, which the District Plan states may assist in retaining some degree of daylight and outlook:

*"... it is not intended that the building mass standards will be used to require new building works to be set back from boundaries in order to preserve access to daylight for existing buildings on adjacent sites. However, it is acknowledged that there are likely to be some situations where a development is proposed adjacent to an existing building that contains residential units with principal windows to habitable rooms located on (or very near) the common boundary. In this situation, Council will work with the developer to explore whether the new building can be sited and massed in a manner that allows the neighbouring residential units to retain some degree of daylight and outlook".*⁵

Even more pertinent is Policy 12.2.5.10:

Policy 12.2.5.10

Provide for consideration of 'permitted baseline' scenarios relating to building height and building bulk when considering the effect of new building work on the amenity of other Central Area properties.

This policy provides for comparing the amenity effects of building height and building bulk for new buildings to that of a building meeting the Central Area height and mass standards.

The explanation (or "guidance note") to the policy states, inter alia, that:

⁴ Further support for this conclusion is found in Policy 12.2.5.4 which provides for building height above the specified standards in situations where building height and bulk have been reduced elsewhere on the site to:

- "provide an urban design outcome that is beneficial to the public environment", or
- "reduce the impact of the proposed building on a listed heritage item".

By placing the additional building height and bulk in the manner proposed, the opportunity is created for the landscaped plaza which will add significant public amenity to the neighbourhood and establish a better relationship with the heritage buildings opposite, than was previously the case with the now demolished Defence House which occupied the whole site, a building which could be [re]constructed without resource consent.

⁵ District Plan, Chapter 12 Central Area, page 12/22, Explanatory Statement to Policy 12.2.5.2

“ ... it is impractical to require that all potential adverse effects of new buildings be restricted to the site. It is inevitable that new building works will impact to some degree on surrounding properties in terms of daylight, outlook and privacy ...”.

In the explanation to Policy 12.2.6.4, which seeks to protect sunlight to identified public spaces, it is stated that:

*“ ... People need access to direct sunlight. However, **it is accepted that within the Central Area, full access is neither reasonable nor practicable**. Because there are few rules protecting sunlight within the Central Area, Council will work to ensure that sunlight is maintained to identified public spaces ...”* [emphasis added]

Against the background of the above District Plan policy guidance, the situation in relation to the two adjacent residential properties is, in the Applicant’s opinion, as follows:

St Paul’s Apartments

St Paul’s Apartments is an 8-storey building. Previously there was a gap between St Paul’s Apartments and Defence House of some 8 metres. With the proposed development now incorporating the landscaped plaza, there will be a gap in the order of 48 metres. Accordingly, and notwithstanding the slightly higher building now proposed compared to the former Defence House, daylight and outlook will be significantly improved.

It is also noted that the windows on the south facing elevation of St Paul’s Apartments are not windows to principal living areas. The main living area windows and balconies are on the east (harbour facing) elevation.

Conclusion: the proposed new building will not result in any loss in the residential amenity (daylight/sunlight or outlook) enjoyed by the south-facing apartments in the St Paul’s Apartments complex. Indeed, for those apartments, the outcome is considered to be positive given the significantly greater setback of the new building from the common boundary.



PHOTO 6: St Paul’s Apartments

5 Aitken Street

5 Aitken Street is an 8-storey building incorporating ground floor retail and residential apartments on Levels 1 to 7.

Given the separation distance between the proposed new building at 2-12 Aitken Street and the apartments at 5 Aitken Street, there will be no change in relation to the daylight received through the north-facing windows of the apartments. Also, being to the south of the proposed building, which is on the north side Aitken Street, there will be no significant shading effect, with any shading not being discernibly different from that associated with the previous Defence House building, a building that could be [re]constructed without requiring resource consent.

The shading effects associated with the new building will not be discernibly different from the shading effects associated with the Defence House building.

In terms of outlook, notwithstanding the additional height of the new building compared to that of the previous building (Defence House), no significant outlook will be adversely affected.



PHOTO 7: 5 Aitken Street

In assessing any potential effects on the amenity of the residential apartments at 5 Aitken Street (and also in the St Paul's Apartments) it should be noted that in the explanation to Policy 12.2.5.10 it is acknowledged that:

“ ... it is impractical to require that all potential adverse effects of new buildings be restricted to the site. It is inevitable that new building works will impact to some degree on surrounding properties in terms of daylight, outlook and privacy ... ”.

Furthermore, the explanatory statement adds that:

“ ... scenarios (informed by building height and building mass standards in the Plan) are appropriate when considering the impact of the height and mass of new buildings in the Central Area on the amenity of surrounding properties. Occupiers of adjoining properties should be aware that the emphasis on protection of amenity in the Central Area is significantly less than applies in the city's Residential Areas ... ”.

Policy 12.2.5.10, to which the above explanatory statement relates, indicates that ‘consideration’ can be had to permitted baseline scenarios, which includes a building to 27m above ground level, and, in the context of the current site and proposal, a building to 31.5m given the Council's acceptance that a building of that height (i.e. the building recently demolished) can be [re]constructed on the site.⁶

In the context of the above, any diminution in residential amenity for the apartments at 5 Aitken Street will be less than minor and limited to some loss of high level (‘to the sky’) outlook as a consequence of the top floor of the proposed development, being the floor above 31.5m.

⁶ Refer **Appendix 2**. The Council statement is:

*As this consent has been given effect to, the consent holder **has the right to re-construct** this building providing it is compliant with the conditions of consent [emphasis added]*

5.2.7 Temporary Construction-Related Effects

As with any Central Area [re]development project there will be adverse effects associated with the construction phases of the project, including effects associated with construction traffic moving to and from the site and from construction noise.

A DRAFT construction management plan (CMP) has been prepared by LT McGuinness - refer **Appendix 8**. LT McGuinness are a very experienced construction contractor and have successfully completed a significant number of new Central Area buildings, including, most recently, the new Site 10 building (PWC Centre) at North Kumutoto.

As stated in the Draft CMP, the CMP objectives are:

- *To outline a construction methodology for the 2-12 Aitken Street project.*
- *Identify any construction activities during the course of the construction that have the potential to impact on the immediate environment.*
- *To demonstrate management procedures to deal with potential effects of construction activity on the environment.*
- *To establish how public interface will be managed.*
- *Ensure the safety of public at all times during the works.*
- *To outline potential issues and corrective procedures in consultation between neighbouring buildings, public, contractors and Wellington City Council.*

The Applicant accepts that a consent condition should require the preparation and approval of a FINAL construction management plan (CMP) prior to any works commencing on site, with the FINAL CMP to be based on the DRAFT CMP submitted with the application.

The principal phases of work are outlined at page 5 of the DRAFT CMP. If consent is granted, it is anticipated that construction will commence in March 2021 and be completed in June 2024 - refer "Preliminary Programme" at page 38 of the DRAFT CMP.

5.2.8 Positive Effects

The principal positive effects associated with the proposed development include:

- replacement of 'vacant land' with an architecturally-designed building that will contribute to the character and 'sense of place' of a strategically important part of the Central Area given the proximity of Parliament Buildings, significant buildings occupied by the judiciary and government departments and important heritage buildings, including Old St Paul's Cathedral and Bishop's Court;
- establishment of a 'start of art' building for the nationally significant Archives New Zealand "Te Rua a Mahara o te Kāwanatanga"; and
- enhancement of the public environment with the development of a significant portion of the site as a landscaped plaza that will be publicly accessible 24/7.

5.2.9 Summary - Environmental Effects

Overall, it is concluded that any adverse effects associated with the proposed new Central Area building will be less than minor. Potential adverse effects that have been assessed include:

- urban design effects;
- heritage effects;
- wind effects;
- public amenity effects;

- residential amenity effects;
- traffic effects; and
- construction-related effects.

On the other hand, significant positive effects will accrue as a result of utilising the site for a new Central Area building to be occupied by Archives New Zealand “Te Rua a Mahara o te Kāwanatanga”.

5.3 DISTRICT PLAN PROVISIONS

5.3.1 Section 104(1)(b) RMA

Section 104(1)(b) of the Act requires the consent authority to have regard to the provisions of relevant national, regional and district level policy statements and plans.

In the present instance, it is considered that the District Plan is the principal statutory instrument and that consequently the s104(1)(b) assessment should therefore focus on an assessment of the ‘measure of fit’ between the proposed new building and the District Plan’s planning strategy (objectives and policies) for the Central Area.⁷

In Section 3.2 above the District Plan objectives and policies considered to be relevant to an assessment of the proposal were listed. In total there were 7 objectives and 33 policies. Given the number of objectives and policies, and following the ‘guidance’ provided by the High Court in *Living Earth Matters v Auckland Regional Council*,⁸ key themes were identified which were seen as providing an overall planning framework for assessing the development under s104(1)(b). The themes that were identified were:

- encouraging a wide range of uses within the Central Area to enhance its vitality and dynamism and reinforce its role as the primary economic, social and cultural heart of the city;
- maintaining and enhancing the Central Area’s distinctive physical character and ‘sense of place’;
- ensuring building developments reinforce the city’s general ‘high city/low city’ urban form;

⁷ Notwithstanding the focus on the District Plan, a brief assessment of relevant national and regional policy statements is included in section 5.4 to follow.

⁸ The reference to ‘themes’ draws on the case *Living Earth Limited v Auckland Regional Council* wherein the Environment Court recorded that:

“Having previously identified the relevant provisions of the applicable planning instruments, we have now to have regard to them by considering the proposal by reference to themes. To do so in a reasonably concise way, without making a point-by-point examination in respect of each provision, we have identified the important themes of the regional and district instruments. The themes are ...”

The Court then listed eight themes, adding that:

“We consider the proposal by these themes ...”

EnvC, Decision No A126/2006, page 110.

Subsequently at the Court of Appeal the approach of the Environment Court was endorsed when the Court stated that:

“[45] ... while its thematic approach necessarily provides no more than a summary of the relevant planning documents, there can be no suggestion that it was in any respect materially in error. Indeed, dealing with the planning instruments on a thematic basis seems to us to have been entirely sensible and desirable ...”

Court of Appeal (2008) CA651/2007

- (d) maintaining and enhancing the Central Area's amenity values and controlling adverse effects;
- (e) promoting building design that enhances the quality of the Central Area's public environment;
- (f) ensuring that new Central Area buildings do not compromise the context, setting and streetscape value of adjacent and nearby heritage buildings;
- (g) minimising the effects of commuter traffic on the road network; and
- (h) ensuring safe and efficient site access and on-site servicing.

The policy assessment that follows addresses each of these themes and associated objectives and policies.

The 'heading' to which each theme relates are those under which the District Plan objectives and policies are listed.

Containment and Accessibility

Theme: encouraging a contained and accessible Central Area.

Comment

The proposed development is consistent with the containment objective utilising a 'vacant land' site previously utilised for Central Area activities.

The site is in a highly accessible location in terms of the public transport network (bus and rail).

[Objective 12.2.1 and Policies 12.2.1.1 and 12.2.1.2]

Activities

Theme: encouraging a wide range of uses within the Central Area to enhance its vitality and dynamism and reinforce its role as the primary economic, social and cultural area of the city.

Comment

The proposed activities will be Central Area 'permitted activities' (retail and cafe at ground floor and archival and office activities associated with Archives New Zealand on the upper levels), plus the landscaped plaza which will be publicly accessible.

The activities per se will not result in any adverse effects on adjacent or nearby Central Area activities or properties.

The proposed activities will contribute to an enhancement of the vitality of the surrounding environment.

Given the 'bespoke' nature of the building for Archives New Zealand, its location within the wider Parliamentary Precinct is also appropriate and helps to reinforce Wellington's capital city and constitutional role.

[Objective 12.2.2 and Policies 12.2.2.1, 12.2.2.2.2]

Urban Form and Sense of Place

Theme: maintaining and enhancing the Central Area's distinctive physical character and 'sense of place'.

Comment

At a maximum height of 36.45m above ground the proposed new building is consistent with the general urban form of this part of the 'low city' where existing buildings are of equal or greater height. The proposed new building will not strike a 'discordant' note in the surrounding existing environment in terms of building height.

It is also only one storey higher than the previous Defence Building, which can be [re]constructed under resource consent SR 112583.

The new building will enhance the 'sense of place' of the immediate neighbourhood and in a manner that acknowledges and respects the proximity of important listed heritage buildings, including Old St Paul's Cathedral and Bishop's Court.

[Objective 2.2.3 and Policies 12.2.3.1 and 12.2.3.2; and Objective 20.2.1 and Policy 20.2.1.4]

Effects of New Building Works

Theme: maintaining and enhancing the Central Area's amenity values and controlling adverse effects.

Comment

Firstly, it is noted that Objective 12.2.5 seeks to encourage the development of new buildings within the Central Area (as proposed), provided that any potential adverse effects can be avoided, remedied or mitigated.

The principal methods by which adverse effects are to be 'avoided, remedied or mitigated' is through controls on building height and building mass; backed up by the aspiration to achieve design excellence.

The new building and associated landscaped plaza will positively enhance the amenity values of Aitken Street/Mulgrave Street. At the same time, any adverse effects on the amenities of other Central Area properties, when consideration is given to 'permitted baseline' scenarios and the ability to rebuild the previously consented building, will not be less than minor and therefore will be acceptable.

[Objective 12.2.5 and Policies 12.2.5.1, 12.2.5.2, 12.2.5.3, 12.2.5.4, 12.2.5.5, 12.2.5.6, 12.2.5.7, 12.2.5.8 and 12.2.5.10]

Buildings and Public Amenity

Theme: promoting building design that enhances the quality of the Central Area's public environment.

Comment

The proposed new building achieves an overall design quality that will enhance the public environment. Both the building design and the design and quality of the landscaped plaza, will make a significant contribution to this enhancement of the public environment.

[Objective 12.2.6, Policies 12.2.6.1, 12.2.6.2, 12.2.6.3, 12.2.6.8, 12.2.6.10, 12.2.6.12, 12.2.6.13, 12.2.6.15, 12.2.6.16, and 12.2.6.17]

Heritage

Theme: ensuring that new Central Area buildings do not compromise the context, setting and streetscape value of the adjacent and nearby listed heritage buildings, including Old St Paul's Cathedral and Bishop's Court.

Comment

The independent heritage assessment concludes that;

*"The impacts of a new eight storey above ground level development opposite Bishop's Court and Old St Paul's is generally **neutral to moderate/slight** positive. There is no impact on the heritage values of other buildings*

*further away. The new design generally follows accepted national and international guidelines for a compatible new design adjacent to heritage buildings”.*⁹

Based on the above expert assessment, it is concluded that the proposal is consistent with the relevant District Plan policies that seek to ensure that new Central Area buildings do not compromise the context, siting and streetscape value of adjacent listed heritage items through the management of building bulk and building height [refer Central Area Policy 12.2.6.3]

[Objective 12.2.6 and Policy 12.2.6.3]

Access

Theme: minimising the effects of commuter traffic on the road network.

Comment

The now demolished Defence House provided some 60 on-site (basement) carparks. In the current proposal there are 7 parks in the basement, an 88% reduction.

As the traffic assessment report notes, this will result in fewer vehicle movements (notably during morning and evening commuter peaks).

At 18,845m² gross floor area (gfa), excluding the basement, the permitted activity standard of 1 park per 100m² gfa, up to 188 on-site car parks could be provided, subject to consent being granted under Rules 13.3.1 and 13.3.7.

Thus, the actual provision (7 spaces) is only 3.7% of the permitted activity standard allowance.

The outcome is therefore consistent with minimising the effects of commuter traffic on the road network.

[Objective 12.2.15 and Policy 12.2.15.6]

Theme: ensuring safe and efficient site access and on-site servicing

Comment

Full on-site servicing is provided with two dedicated on-site loading areas, accessed from Guthrie Lane.

The outcome is therefore consistent with the requirement to provide servicing/loading facilities for each Central Area site.

[Objective 12.2.15 and Policies 12.2.15.9 and 12.2.15.10]

5.3.2 Overall Conclusion - District Plan Objectives and Policies

Based on the assessment summarised above in section 5.3.1, it is concluded that the proposed new Central Area building at 2-12 Aitken Street to be occupied by Archives New Zealand is consistent with the environmental results anticipated through the implementation of the above objectives and policies. Those environmental results are:

- (a) contributing to the District Plan’s containment objective and development of the main functions of the Central Area;
- (b) uses or activities in the Central Area that will not cause any nuisance or danger within the Central Area;

⁹ Ian Bowman “Assessment of Environmental Effects - New Development – 2-12 Aitken Street”, August 2019, page 26.

- (c) maintenance and enhancement of the Central Area’s general urban form;
- (d) a city that has distinctive places and memorable qualities of a positive nature;
- (e) buildings that are of a volume capable of effectively managing any adverse effects on the environment;
- (f) building work that is designed to provide a positive public environment and heritage outcome;
- (g) excellence in the design of any building that exceeds the height standard specified in the District Plan;
- (h) Central Area buildings that create a positive relationship to public spaces and the wider city setting;
- (i) new buildings that contribute to the positive urban design characteristics of the surrounding locality;
- (j) new Central Area buildings that are of a height and bulk that do not detract from the setting of any adjacent listed heritage item;
- (k) quality ground level pedestrian streetscapes;
- (l) buildings incorporating sustainable building design features; and
- (m) improved access to streets in the Central Area through a reduction in the supply of commuter parking and the provision of on-site servicing.

5.4 NATIONAL AND REGIONAL POLICY

At the national and regional level two relevant policy statements are:

1. National Policy Statement on Urban Development Capacity;
2. Regional Policy Statement for the Wellington Region

5.4.1 National Policy Statement on Urban development Capacity

At the national level, a relevant policy statement is the National Policy Statement on Urban Development Capacity (NPSUDC).

A stated purpose of the NPSUDC is to recognise the national significance of:

“urban environments and the need to enable such environments to develop and change”

Listed among The NPSUDC’s objectives in relation to “Outcomes for planning decisions” are:

“OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing”.

The NPSUDC also seeks to promote:

“... the efficient use of urban land and development infrastructure ...”.

The development of the currently vacant site at a strategic position in the Parliamentary Precinct for a ‘state of art’ building for Archives New Zealand is consistent with the NPSUDC.

5.4.2 Regional Policy Statement for the Wellington Region (2013)

Section 3.9 of the RPS addresses “Regional Form. Design and Function”. In the “Introduction” it is stated that:

“Central Wellington city contains the central business district for the region. Its continued viability, vibrancy and accessibility are important to the whole region”.

In turn, Objective 22 seeks to achieve:

A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and (inter alia):

“(a) a viable and vibrant regional central business district in Wellington city”

Supporting policies include:

Policy 30: maintaining and enhancing the viability and vibrancy of regionally significant centres - district plans

Policy 54: achieving the region’s urban design principles - consideration

Policy 57: integrating land use and transportation - consideration

In relation to Policy 30 it is explained, inter alia, that:

“The range of appropriate land uses to be encouraged through this policy will vary depending on the character and context of each centre”.

Given the capital city/constitutional role of the Wellington CBD, the location of the new building for Archives New Zealand at the ‘heart’ of the parliamentary precinct, and adjacent to the National Library of New Zealand, is entirely appropriate.

Policy 54 directs that in assessing resource consent applications a key consideration is achieving the region’s urban design principles, which are based on the seven design qualities described in the New Zealand Urban design Protocol, which are:

- Context
- Character
- Choice
- Connections
- Creativity
- Custodianship
- Collaboration

The proposed new building for Archives New Zealand delivers an outcome that is consistent with these urban design principles.

Policy 57 requires that regard should be had to whether (or not) there is good access to the strategic public transport network.

The site of the proposed Archives New Zealand is well located in relation to the regional public transport network with rail and regional bus services located at the Wellington Railway Station and the city-wide bus service located immediately adjacent to the railway station and only a short walk 5-10 minutes’ walk away.

The conclusion reached is that the proposal to establish Archives New Zealand in a ‘bespoke’ building at 2-12 Aitken Street is consistent with regional policy

5.5 PART 2 RMA

Part 2 of the Act “Purpose and Principles” comprises sections 5 to 8.

Section 5 sets out the Act’s purpose as follows:

- (1) *The overall purpose of the Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

(c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In turn, sections 6 to 8 set out 'principles' relating to:

- Matters of National Importance (s6)
- Other Matters (s7)
- Treaty of Waitangi (s8)

The recent Court of Appeal decision in *R J Davidson Family Trust v Marlborough District Council*¹⁰ confirms that decision-makers considering an application under s104(1) can have recourse to Part 2, although the extent to which Part 2 has a bearing on the outcome of a resource consent application will depend on the applicable planning instruments.

In the case of the operative District Plan for Wellington, some provisions were recently 'removed' by the High Court.¹¹ In light of this, and although in the opinion of the Applicant, most of the Central Area provisions, including the objectives and policies (including Policy 12.2.5.10 which provides for the consideration of 'permitted baseline scenarios'), remain entirely 'valid', it is appropriate to have regard to Part 2 as part of this assessment of environmental effects of the proposed new building at 2-12 Aitken Street.

In the Applicant's opinion the following s6 and s7 matters are relevant considerations:

- s6(f) the protection of historic heritage from inappropriate subdivision use and development.

Comment:

As the independent heritage assessment concludes, any effects resulting from the new building in relation to Old St Paul's and Bishop's Court are generally "*neutral to moderate/slight positive*". In relation to other more distant heritage buildings, there is no impact.

Based on this expert heritage opinion, it is concluded that the proposed new building does not constitute 'inappropriate use and development' within the meaning of s6(f).

- s7(b) the efficient use and development of natural and physical resources
- s7(c) the maintenance and enhancement of amenity values
- s7(f) maintenance and enhancement of the quality of the environment

Comment

The development of the currently 'vacant land' site at 2-12 Aitken Street, which is a significant physical/economic resource, with a new Central Area building that will provide accommodation for a nationally significant institution (Archives New Zealand) that will in turn contribute to the vitality of the Central Area, is an efficient use and development of the site and therefore consistent with s7(b).

The development will also make a significant and positive contribution to the site's amenity values and to the amenity values of the wider neighbourhood [s7(c)], as it will to the quality of the environment generally [s7(f)].

Specific enhancements include:

- (a) an architecturally designed building that achieves 'design excellence' standards and which will contribute to the streetscape/townscape and 'sense of place' of the neighbourhood which has a key role to play in supporting Wellington's capital city function;
- (b) a landscaped plaza that will provide an important public amenity; and

¹⁰ *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316. Also refer *Planning Quarterly* Issue 210, September 2018, and the article "Part 2 is Back" at pps 37-40

¹¹ *Sydney St Substation Limited v Wellington City Council*, CIV 2017 - 485-11 [2017] NZHC 2489

- (c) a strong active edge to the building that will enhance the pedestrian amenity of two important Central Area streets.

In terms of s5 and the over-arching responsibility to promote the sustainable management of, in this case, the physical resources of Wellington's Central Area, the new building will provide much 'state of the art' accommodation for Archives New Zealand, an institution that has an important role to play in the nation's seat of government and, in this way, contributing to sustaining the Central Area's economic base, and hence its vitality and viability.

In the absence of any significant adverse effects on the environment, a s5(2)(c) consideration, it is concluded that the proposed development is consistent with Part 2.

Importantly, the planning and regulatory framework envisages development of the type and scope now proposed – indeed, it encourages such development (Objective 12.2.5). Therefore, in the context of the operative District Plan provisions, it is concluded that the overall outcome is consistent with the sustainable management purpose of the Act.

5.6 SECTION 104C RMA

Section 104C states:

- (1) *When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which –*
 - (a) *a discretion is restricted in national environmental standards or other regulations;*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan.*
- (2) *The consent authority may grant or refuse the application.*
- (3) *However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which –*
 - (a) *a discretion is restricted in national environmental standards or other regulations;*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan.*

For the reasons outlined in this assessment of environmental effects (AEE) report, it is considered that the Council would be fully entitled to exercise its discretion as the consent authority and grant consent to the proposed new building at 2-12 Aitken Street given that the outcome will add a positive dimension to the streetscape/townscape of the 'low city' part of the Central Area.

In relation to the matters over which discretion is retained, namely:

- on-site servicing;
- design, external appearance and siting;
- building height;
- wind; and
- verandah provision

it is the conclusion of the assessments recorded in this AEE, including in the Appendices, that any adverse effects associated with those matters will be less than minor.

5.6.1 Recommended Consent Conditions

In the Applicant's opinion, the proposal is consistent with the District Plan strategy for new Central Area buildings.

Accordingly, the only (principal) matters that need to be covered by consent conditions (in addition to the standard monitoring conditions) are:¹²

¹² The current wording of the recommended consent conditions is not necessarily the final Council approved wording, but rather is intended to indicate the scope of the consent conditions that would be acceptable to the applicant.

General

1. The proposal must be in general accordance with the information provided with the application Service request No. <insert number>, and the following plans and information:

<insert plan references and reports>

Design Detail

2. Prior to lodging an application for building consent, the consent holder must submit plans showing the full and final details of the materials and façade detail to be used, for approval by the Council's Compliance Monitoring Officer (the CMO):
 - the CMO will liaise with the Council's Urban Design Advisor to confirm the materials and façade detail are appropriate.

Landscaping

3. Prior to lodging an application for building consent, a landscape plan must be submitted to, and approved by the Council's Compliance Monitoring Officer. The Landscape Plan must detail the proposed planting and all associated structures, including any lighting and wind mitigation structures:
 - the CMO will consult with the Council's Urban Design Advisor and Landscape Architect to confirm the proposed plantings and associated structures are appropriate; and
 - plant species should be locally sourced from the Wellington region (if available).

Construction Management

4. Prior to works commencing on the site a final Construction Management Plan (FINAL CMP) must be submitted to, and certified by, the Council's Compliance Monitoring Officer. The FINAL CMP must be based on the Draft CMP prepared by L T McGuinness Ltd and submitted with the application and must establish acceptable performance standards regarding public safety and amenity protection during the construction phase of the development.

Note: the FINAL CMP must incorporate a construction noise management plan (CNMP) and a construction traffic management plan (CTMP)

The Council's Compliance Monitoring Officer will approve the FINAL CMP following consultation with, and acceptance from, appropriate Council officers.

5. The FINAL CMP must be implemented and maintained throughout the entire construction period, and modified as directed by the Compliance Monitoring Officer to address any deficiencies in its operation.

6 NOTIFICATION ASSESSEMENT

The RMA and Notification

The notification of resource consent applications under the RMA is governed by ss95A to 95E of the Act.

Public Notification - s95A

Section 95A identifies mandatory public notification in certain circumstances, including under subsection 3(a) when the application has requested that the application be publicly notified.

The Applicant has requested that the application be publicly notified.

7 CONCLUSION

PSPiB/CPPIB Waiheke Inc (the Applicant) has applied for resource consent to [re]develop the now vacant site at 2-12 Aitken Street with a new Central Area building. The building is to be occupied by Archives New Zealand “Te Rua a Mahara o te Kāwanatanga”

The principal conclusions of this assessment of environmental effects are:

1. the proposed new building is consistent with the District Plan’s strategy for new Central Area buildings;
2. the proposed new building achieves ‘design excellence’ and will be a significant and positive feature in terms of the townscape and streetscape;
3. the proposed landscaped plaza will enhance the public amenity of Mulgrave Street;
4. there will be no adverse effects on the amenity of any nearby Central Area activities, including residential activities; and
5. there will be no adverse effects on the historic heritage values of Old St Paul’s Cathedral and Bishop’s Court, or on any other nearby heritage buildings.

The proposal will deliver a new ‘state of the art’ building for the repository of constitutionally significant archival resources on a site that is eminently suited to the purpose, being located within the wider Parliamentary Precinct and immediately adjacent to the National Library of New Zealand, with which it has close synergies,.

Accordingly, it is concluded that the proposed new Central Area building can be granted resource consent with the appropriate consent conditions

Alistair Aburn
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Director
Urban Perspectives Ltd

24 September 2019

APPENDICES

1. Architectural Design Statement
2. Council Letter (28 June 2017)
3. District Plan Audit
4. Urban Design Assessment
5. Heritage Assessment
6. Wind Report
7. Transportation Assessment
8. Draft Construction Management Plan