

Application for Resource Consent

NOTICE OF DECISION

<u>Site Details:</u>	1 Tasman Street, Mt Cook Section 1219 Town of Wellington (4733m ²) 23 Tasman Street, Mt Cook Part Section 665 Town of Wellington (655m ²)
<u>Applicant:</u>	One Tasman Development Limited Partnership C/- Urban Perspectives Limited (Alistair Auburn)
<u>Proposal:</u>	To demolish the existing buildings to create vacant land within the Central Area; and To install signage (hoarding) along the Tasman Street frontage
<u>Owners:</u>	One Tasman Development Limited Partnership
<u>Service Request No:</u>	513053
<u>File Reference:</u>	1014088
<u>District Plan Area:</u>	Central Area
<u>Notations in District Plan:</u>	<ul style="list-style-type: none">- Low City Area- Tasman Street is a Local Road in the District Plan Hierarchy of Roads- Buckle Street is part of State Highway 1- Te Aro Corridor
<u>Activity Status:</u>	Discretionary (Unrestricted) Activity

DECISION – Land Use Consent:

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104B of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to demolish the existing buildings to create vacant land within the Central Area and install signage (hoarding) at **1 & 23 Tasman Street, Mt Cook** (being Pt Sec 1219 Town of Wellington and Pt Sec 665 Town of Wellington), subject to the conditions below.

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. 513053 and the following plans prepared by Athfield Architects Limited, Job No. 20-42, revision B and dated 08/04/2022:
- ‘Location Plan’, RC.01
 - ‘Existing Site Plan’, RC.02
 - ‘Existing Elevations’, RC.03

- ‘Demolition Site Plan’, RC.04
- ‘Demolition Elevations’, RC.05
- ‘Post-Demolition Site Plan’, RC.06
- ‘Post-Demolition Elevations’, RC.07
- ‘Indicative Hoarding Elevations’, RC.08

Accidental Discovery Protocol:

- (b) If during any site works involving excavation any kōiwi (human skeletal remains), ovenstones, worked stones, middens, charcoal or other Māori cultural material are unearthed, the consent holder must notify Iwi authorities to inspect the site. If as a result of this investigation there is a need for an appropriate ceremony, the iwi authorities’ representative(s) will arrange for that process at the consent holder’s expense. All materials discovered will be handled and removed by the Iwi authorities’ representative(s) responsible for the tikanga appropriate to their removal and preservation, or re-interment.

The relevant iwi contacts are:

- Port Nicholson Block Settlement Trust
C/- Tramways Building, 1-3 Thorndon Quay
PO Box 12164
Thorndon
Wellington 6144
www.portnicholson.org.nz
- Te Runanga o Toa Rangatira Incorporated
C/- 2/4 Nohorua Street
PO Box 50355
Takapuwahia
Porirua
<http://www.ngatittoa.iwi.nz/runanga>
Email: resource.consent@ngatittoa.iwi.nz
onur.oktem@ngatittoa.iwi.nz

- (c) The consent holder and any contractors working on the site must familiarise themselves with, and follow the methods within, the Accidental Discovery Protocol condition as set out in condition (b) above.

Demolition Management Plan:

- (d) At least 10 working days before any works commence on the site, the consent holder must submit a Demolition Management Plan (DMP) to the Council’s Compliance Monitoring Officer. The DMP must be certified by the Compliance Monitoring Officer before any work begins.

The DMP must establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. Such standards are expected to include but not be limited to the following:

- A contact (mobile) telephone number(s) for the on-site manager where contact can be made 24 hours a day / 7 days a week.
- Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details.

- Management of dust and sediment laden stormwater/runoff
- A communication and complaints procedure; and
- Safety fencing and associated signage for the site.

Note:

- The Compliance Monitoring Officer will approve the final DMP and related CTP and DNVMP following consultation with, and acceptance from, appropriate officers within the Council.

Construction Traffic Plan:

- (e) The final DMP must include a Construction Traffic Plan (CTP) that sets out methods to avoid, remedy or mitigate adverse construction traffic effects during the works phase. The CTP must include but not be limited to the following matters:
- Timing of specific work phases.
 - Key activities and anticipated traffic levels for each work phase.
 - Truck routes for the removal of demolition materials.
 - Expected frequency of vehicle movements specific to the construction phase, with details of the proposed hours and days of the week. Vehicle movements into and out of the site should be restricted during peak traffic times (7-9am and 4-6pm weekdays). With special consideration given to pedestrian activity generated by the pupils of Mt Cook School to the north.
 - Locations of where construction related vehicles will park, wait, turn and carry out loading and unloading of materials.
 - Locations where construction materials would be stored.
 - Arrangements for temporary traffic management, including pedestrians, car-parking and servicing.
 - Temporary pedestrian safety measures, including directional signage where applicable.
 - Details of how servicing and access to adjacent site activities will be provided for, specific to each development phase.
 - Methods for the public to contact the site manager for complaints. There should be a 1m² sign facing the public footpath at all points of entry to the site with the site manager's contact details.

Notes:

- The CTP does not constitute an approved Traffic Management Plan (TMP) for any of the works. This approval must be gained separately. The TMP must reflect each different stage of the project including vehicle movements in and out of the site.
- A Corridor Access Request (CAR) must be approved before construction activities within the road corridor starts. This is for mitigating public safety risks associated with the proposed earthworks and construction activities. The application needs to be made through <https://www.submitica.com/>.
- A Road Usage Licence (RUL) is necessary if any temporary structures or sole use of space (scaffolding, hoarding, loading zones, tower crane positioning, gantry etc.) are needed on road reserve during any stage of the development and construction. Please note additional fees can occur and will apply when occupying legal road reserve for private use. A quote will be sent to you for acceptance if this applies.

Demolition Noise and Vibration Management Plan:

- (f) The final DMP must include a Demolition Noise and Vibration Management Plan (DNVMP) that:

- Is prepared by a suitably qualified acoustic specialist.
 - Specifies hours of operation, a description of the main stages of work proposed, the equipment to be used and the predicted noise levels for receivers at sensitive nearby boundaries.
 - Includes an assessment of expected construction and vibration levels.
 - Includes specific details relating to methods for control of noise associated with demolition works. Demonstrate these controls adopt the best practicable option to reduce noise to a reasonable level in accordance with section 16 of the Act and at all times be formulated to so as far as practicable, comply with the recommended upper limits for construction noise (which includes demolition) specified in NZS 6803:1999, Acoustics - Construction Noise when assessed in accordance with this standard.
 - Specifies details of complaint handling, communication procedures including notification and any necessary monitoring.
 - Is amended, where directed by the Compliance Monitoring Officer, to address any proven deficiencies in its operation.
- (g) The final DMP approved under condition (d) above, and associated CTP and DNVMP approved under conditions (e) and (f) must be implemented and maintained throughout the entire demolition and site works period, and if required, modified as directed by the Compliance Monitoring Officer to address proven deficiencies in their operation.

Dust:

- (h) Dust created by transport activities must be controlled to minimise nuisance and hazard. The controls must be implemented for the duration of the site works and continue until the site stops producing dust.

Hours of Work:

- (i) The consent holder must ensure that site works including earthworks and demolition activities occur only between the hours of 7.30am and 6.00pm Monday to Saturday.

Construction Noise:

- (j) The consent holder must ensure that construction, earthworks and any demolition activities are managed and controlled so that the noise received at any residential or commercial site does not exceed the limits set out in Table 2 and Table 3 of 'NZS6803:1999 Acoustics – Construction' noise when measured and assessed in accordance with that standard.

Where a specific construction activity cannot comply with the limits set out in 'NZS6803:1999 Acoustics – Construction' the consent holder must provide the Council's Compliance Monitoring Officer with an assessment of physical and managerial noise control methods that must be adopted. The assessment must be in line with section 16 of the Act (Best Practical Option (BPO)).

The BPO is defined as the best method for preventing or minimising the adverse noise or vibration effects on the environment having regard to (1) the sensitivity of the receiving environment to adverse noise or vibration effects, (2) the financial implications and (3) the current state of technical knowledge and the likelihood that the option can be successfully applied.

Temporary Hoardings:

- (k) Upon completion of the demolition works a hoarding design must be submitted to, and approved by, the Compliance Monitoring Officer (in accordance with the Urban Design

Advisor). The hoarding design must provide visual interest to the public realm on the Tasman Street site perimeter. The design and treatment of the hoarding must be of sufficient quality to make a genuine contribution to the public realm and must be relevant to the site or surrounds.

Note:

- The hoardings must advertise the development.
- The hoarding design must include a sufficient number of signs to provide a sufficient level of visual interest on the Tasman Street site perimeter.

Lapse Period:

- (l) In accordance with section 125(1) of the Act, this consent will lapse within three years of being granted, if not given effect to.

Monitoring and Review:

- (m) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to rcmonitoring@wcc.govt.nz.
- (n) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link:
<http://wellington.govt.nz/services/consents-and-licences/resource-consents/resource-consent-monitoring>.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Advice Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time as granted by the Council pursuant to section 125 of the Act.
2. Section 36 of the Act allows the Council to charge for all fair and reasonable costs associated with the assessment of your application. We will confirm in due course whether the time spent on the assessment of this application is covered by the initial fee paid. If the time exceeds the hours covered by the initial fee you will be sent an invoice for additional fees. If the application was assessed in less time you will be sent a refund. For more information on your fees contact planning.admin@wcc.govt.nz.
3. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.

4. Out of courtesy, it is suggested that you advise your nearest neighbours of your intention to proceed with this land use consent, your proposed construction timetable and contact details should any issues arise during construction.
5. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
6. The existing buildings may contain asbestos. We recommend an asbestos survey is undertaken prior to demolition, and procedures and personnel dealing with asbestos removal and disposal are informed by this survey.
7. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that land owner approval is required under a separate approval process and that this will need to be sought and approved prior to any works commencing.

For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>

8. The Council has launched a pilot 'Creative Hoardings' programme, which has been designed to enliven building sites and celebrate creativity across the city. Creative hoardings present opportunities for artists and property developers to contribute to the revitalisation of the city and the consent holder is encouraged to use this programme during the construction phase. Local artists, Gabby O'Connor, Ariki Brightwell, Ruth Thomas-Edmond and Telly Tuita have been commissioned to design artworks for hoarding. Their work can be downloaded from the Creative Hoardings Library on the Council's website, printed and installed on hoarding. For more information visit the Council's website or contact the City Arts and Events Team, email: arts@wcc.govt.nz.
9. The consent holder must ensure that construction, earthworks and any demolition activities are managed and controlled so that the noise received at any residential or commercial site does not exceed the limits set out in Table 2 and Table 3 of 'NZS6803:1999 Acoustics – Construction' noise when measured and assessed in accordance with that standard. Where a specific construction activity cannot comply with the limits set out in 'NZS6803:1999 Acoustics – Construction' the consent holder must provide the Council's Compliance Monitoring Officer an assessment of physical and managerial noise control methods that must be adopted. The assessment must be in line with section 16 of the Act (Best Practical Option (BPO)).

The BPO is defined as the best method for preventing or minimising the adverse noise or vibration effects on the environment having regard to (1) the sensitivity of the receiving environment to adverse noise or vibration effects, (2) the financial implications and (3) the current state of technical knowledge and the likelihood that the option can be successfully applied.

10. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Tāonga Act 2014. An archaeological site is defined as physical evidence of pre-1900 human activity. This can include above ground structures as well as below ground features. Below ground features can include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches,

banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

It is the responsibility of the property owner and/or person undertaking the work to obtain an archaeological authority (consent) from Heritage New Zealand Pouhere Tāonga (HNZPT) for all work that modifies or destroys an archaeological site. The applicant is advised to contact HNZPT prior to works commencing if the presence of an archaeological site is suspected in the area of works. If archaeological features are encountered during works, the applicant is advised to stop and contact HNZPT.

11. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

Reasons for Decision:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be less than minor.
 3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.
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DECISION REPORT

SITE DESCRIPTION

Subject Site:

The applicant's Assessment of Environmental Effects (AEE) includes a description of the sites and their immediate surroundings. The description can be found in section 2.1. I consider that this description is accurate, and it should be read in conjunction with this report.

In summary, the site is located at the north-western corner of the Central Area block that is bounded by Buckle Street to the north, Tasman Street to the west, Sussex Street to the east and Rugby Street to the south.

The site comprises the following:

- 1 Tasman Street – being the 4733m² corner parcel of land, that contains the 'Tasman Gardens' residential complex. The apartments, which remain occupied, are in three buildings. There is also an on-site gymnasium within the north-eastern corner of the site. The units are held in a unit title arrangement, with 42 principal units, 76 accessory units and common property.
- 23 Tasman Street – being the 665m² to the immediate south of 1 Tasman Street, that contained the Tasman Street Vet Clinic prior to being purchased by the applicant.

The site slopes gently downwards from the west towards the east.

An aerial photograph showing the site is provided below at figure 1, with the site highlighted. Photos showing the individual sites are included at figures 2 to 4.



Figure 1: Aerial photograph of site and surrounding area



Figure 2: The site at 23 Tasman Street



Figure 3: Taken looking north along part of the Tasman Street frontage of 23 Tasman St



Figure 4: Taken from close to 1 Tasman St's north east boundary on Old Buckle Street, looking south west over the site

Surrounding context:

The site sits at the interface between the Central Area (Te Aro) and Mt Cook.

The immediate context is most notable for the National War Memorial and associated Pukeahu National War Memorial Park (to the west/north-west), and the Basin Reserve (to the east). A brief summary of these sites is provided below, with further details in relation to the heritage items provided later in this report.

PROPOSAL

The applicant is proposing to demolish all buildings from the site with the exception of the single storey gymnasium located in the north east corner of the main site (1 Tasman Street). This building will be repurposed as the sales suite for the future redevelopment of the site.

Hoardings advertising the intended residential development will be erected on temporary fencing on the Tasman Street frontage. The concrete block wall on the site’s Old Buckle Street frontage will be retained.

Further details of the proposal are provided in the AEE (refer section 2.2) and application plans. I adopt the applicant’s proposal description which should be read in conjunction with this report. In addition, the applicant confirmed via email dated 19 May 2022 that the proposed demolition will be down to the ground floor slabs of the buildings, and it is not intended to remove any below ground foundations or services infrastructure.

BACKGROUND

In October 2021 the applicant applied for a land use consent (SR No. 500876) to undertake a comprehensive redevelopment of the sites including earthworks in preparation for the construction of 213 residential units within a series of separate buildings. During the processing of the application the Council determined that a range of adverse effects were at a more than minor level, thereby requiring public notification of the application. Rather than pursuing a public notification process, the applicant has since made an application to the Environmental Protection Agency (EPA) under the COVID-19 Recovery (Fast-track Consenting) Act 2020. At the time of writing this decision report the outcome of that process is yet to be determined.

ACTIVITY STATUS

District Plan:

Resource consent is required under the following rules:

Activities	Discretionary (U)
<p>The creation of vacant land, open land or parking areas (at ground level) and not associated with an activity for which consent is required under Rule 13.3.4 or 13.3.8 that are visible from public spaces requires consent as a Discretionary (Unrestricted) Activity in accordance with Rule 13.4.2.</p> <p>There are no relevant conditions.</p> <p>There are no relevant standards and terms.</p>	

<p>Signage</p> <p>The hoardings to be installed on the sites' Tasman Street frontage comprises signage as defined at Chapter 3 of the District Plan and fails to meet Standard 13.6.4.1.5 with respect to the number of signs being more than one on the single frontage.</p> <p>Signs that do not meet one or more of the standards specified in section 13.6.4.1 require resource consent as a Discretionary (Restricted) Activity in accordance with Rule 13.3.9.</p> <p>There are no relevant conditions.</p> <p>There are no relevant standards and terms.</p>	<p>Discretionary (R)</p>
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Overall, the proposal is assessed as a **Discretionary (Unrestricted) Activity** under the District Plan.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rules in the District Plan do not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at section 95A(5)(b)(i) or 95A(5)(b)(iii) of the Act.

Public Notification – Rule/Adverse Effects:

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan that requires public notification and it has been determined in accordance with section 95D that adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)]. The reasons why the effects on the environment have been deemed to not be more than minor are detailed in the Assessment of Adverse Effects and conclusions set out in this report.

Special Circumstances:

None of the circumstances of the application are exceptional or unusual. Therefore, there are no special circumstances that warrant public notification under section 95A(9).

Limited Notification - Section 95B:

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the District Plan that precludes limited notification of the application [s95B(6)(a)] and the application is not for a district land use consent with Controlled activity status [s95B(6)(b)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. The reasons why the effects on the environment have been deemed to not be more than minor are detailed in the Assessment of Adverse Effects and conclusions set out in this report.

I note that members of the public have registered an interest in the application. Registration of interest in a proposal does not, in itself, constitute 'affected person' status under the Act. For the reasons outlined in the Assessment of Adverse Effects section of this report, these members of the public are not considered to be adversely affected parties.

Special Circumstances:

I have considered whether there are special (ie exceptional or unusual) circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification of any additional party under section 95B(10). This includes the members of the public that have registered an interest in the application.

Public and Limited Notification Decision:

For the reasons set out above, the application does not require either public or limited notification.

ASSESSMENT OF ADVERSE EFFECTS

Potential Adverse Effects:

Having regard to the proposed development and the relevant rules, objectives and policies; the actual and potential effects of this proposal are considered to fall into the following categories and are addressed in turn below:

- Streetscape effects
- Construction traffic effects
- Demolition and noise effects.

Applicant's Assessment:

I consider the AEE prepared by the applicant to provide an accurate assessment of the likely and potential effects of the proposal, however this is limited to streetscape effects only. This assessment has been adopted with further assessment being provided below.

Streetscape Effects:

Ground level open space in the Central Area is generally discouraged by the Council as vacant sites diminish the streetscape character and the City's commercial viability. In this case, it is my understanding that the buildings at 1 Tasman Street have been identified as being earthquake prone as well as suffering from water tightness issues¹.

I note that the buildings are not listed heritage buildings in the District Plan and the demolition in itself is a permitted activity. It is the subsequent creation of vacant land which triggers the requirement for resource consent. It is the applicant's intention to develop the site in the future, as evidenced by their applications to both the Council and the Environmental Protection Agency (EPA), and the demolition itself is the first step in facilitating such works. The proposed demolition requires resource consent so that the buildings can be demolished without plans for a new building being approved concurrently.

In terms of streetscape effects, the Council is concerned that the site will be used for car-parking. In this case the applicant has confirmed that there is no intention to establish temporary car parking on the site. Regardless of the applicant's assurance in this regard, additional resource consent approval would be required for such an activity to be established on the site.

I note that the applicant has agreed to install hoarding along the Tasman Street frontage of the site that includes images relating to the development. This will have the dual function of providing a level of visual interest for pedestrians and screening the vacant land. The Council's Urban Regeneration and Design Manager Farzad Zamani has recommended that the applicant implements, in addition to their own branding, the Council's hoarding policy or preferably, engage with a Mana Whenua artist to implement some narrative art or a mural. The applicant does not accept this as a condition of consent and accordingly, an agreement has been reached in relation to signage advertising the development being erected on the Tasman Street frontage. A condition to this effect has been included on the decision and has been accepted by the applicant.

Overall I am satisfied any effects on the streetscape will be temporary in duration. I consider the streetscape effects associated with the demolition of the building to be less than minor. No parties are adversely affected in this regard.

Construction Traffic Effects:

Due to the large quantity of demolition material that will need to be transported from the site following the demolition of the buildings it is necessary to consider how this may impact on the local roading network. As the site is located in close proximity to major traffic routes, including State Highway 1, access for heavy vehicles may be expected to create a hazard and/or inconvenience to other road users.

The proposal has been reviewed by the Council's Team Leader, Transport Consents Anbuselvan Pungiah. Mr Pungiah's comments are dated 26 April 2022 and can be read in conjunction with this decision report. Mr Pungiah has concluded that the proposal is

¹ Refer to WCC Teamwork for SRs in relation to earthquake prone buildings and water tightness issues

acceptable from a transport perspective, provided the applicant submits a Construction Traffic Plan (CTP) to the Council prior to any works commencing on the site. The certification of, and adherence to, a CTP will ensure that adverse effects related to construction traffic will be managed as far as is practicable, in order to limit effects on adjoining road users, local residents and pedestrians. The applicant has accepted this condition and as such, it forms part of the application.

Taking into account Mr Pungiah's assessment and conclusion I consider that the adverse construction traffic effects will be less than minor. No persons are considered adversely affected in this regard.

Demolition and Noise Effects:

The proposal has been reviewed by the Council's Environmental Noise/Compliance Officer Whitney Cocking with respect to environmental noise expected to originate from the demolition works. Ms Cocking's assessment is dated 28 April 2022 and should be read in conjunction with this decision report.

Ms Cocking has noted that the demolition works will produce temporary demolition and vibration noise from the construction including demolition and vibration. Due to the sites' proximity to commercial sites and the Inner City By-pass (Te Aro Corridor), the existing background sound levels are modest to high during a typical day with lower noise levels produced in the evenings and night time. Ms Cocking goes on to note that due to the nature and scale of the proposed demolition, noise levels will be a key source for adjacent sites and accordingly, has the potential to cause adverse noise effects if not suitably managed. Ms Cocking is of the opinion that in order for the demolition noise to be suitably managed, a noise management plan (and other requirements) is required. The applicant has accepted conditions in this regard and as such, they form part of the application.

Taking the above assessment into account, it is considered that the adverse demolition and noise effects will be less than minor. No persons are considered adversely affected in this regard.

Summary of Effects:

Taking into account the assessment set out above, I conclude that the proposal will result in less than minor adverse effects as they relate to streetscape, construction traffic and environmental noise. No persons are considered adversely affected in this regard.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse Effects:

An assessment of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act and no further assessment is required.

Positive Effects:

The meaning of 'effect', as set out in section 3 of the Act, includes positive effects. Positive effects are an important consideration in the overall balancing exercise involved in assessing resource consent applications.

In addition to the above-mentioned environmental effects I consider the proposal to have the following positive effects:

- Removal of the risk to human safety by demolishing the earthquake prone buildings; and
- Providing for the carefully planned and environmentally appropriate future development of the sites.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The District Plan

Higher Order Planning Documents:

Other than the NPS discussed below, there are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant.

National Policy Statement:

Whilst I note that the general intent of the NPS-UD does not directly relate to this proposal in that it does not enable residential development of the site, the creation of vacant land is considered the first step in the future development and intensification of the site for residential purposes.

Regional Policy Statement:

The policies of the Wellington Regional Policy Statement (RPS) have been taken into consideration. In particular I have had specific regard to the following policies:

- **Policy 42:** Minimising contamination in stormwater from development.

The proposal is considered to accord with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of the District Plan.

District Plan:

I consider the applicant's assessment against the relevant objectives and policies to be accurate. I therefore adopt the applicant's AEE. No further analysis is required.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the purpose and principles in Part 2 of the Act and I do not consider that detailed evaluation of Part 2 matters is necessary and would add anything to my evaluative exercise.

SECTION 108 CONDITIONS

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- The accidental discovery of historic material.
- The management of demolition effects by way of a final approved DMP and associated CTP and DNVMP.
- Hours of work, to mitigate any temporary demolition effects.
- Management of dust effects.
- The content of the temporary hoardings around the Tasman Street site. The purpose of this condition is to ensure that the hoardings provide suitable visual interest for the public on an on-going basis.

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
 - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
 - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on the environment, which may occur if the proposal is not built in accordance with the approved plans. Therefore this condition meets section 108AA(1)(b)(i).

The conditions satisfy section 108AA(1)(b) of the Act for the reasons discussed in this report.

The applicant has agreed to the conditions. Therefore section 108AA(1)(a) is satisfied.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

CONCLUSION

The effects of this proposal are acceptable and the proposal is consistent with the objectives and policies of the District Plan. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be less than minor.
3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.

Report prepared by Sally Clarkson



Sally Clarkson
Delegated Officer

23 June 2022



Monique Zorn
Delegated Officer

23 June 2022