

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

PROPOSED RESIDENTIAL DEVELOPMENT

1-23 TASMAN STREET

PUKEAHU / MOUNT COOK

1 INTRODUCTION

1.1 BACKGROUND

One Tasman Development Limited Partnership (the Applicant) proposes to undertake a comprehensive development of site located at 1 and 23 Tasman Street, Pukeahu/Mount Cook.

The site is presently occupied by a residential complex known as Tasman Gardens Apartments (1 Tasman Street) and the now vacated Tasman Street Vet Clinic (23 Tasman Street).

The redevelopment of the site involves the demolition of the existing buildings and the construction of new buildings comprising a residential complex of 221 units.

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

Previously, in October 2021, an AEE was prepared for a proposed development of the site comprising:

- a ten-storey building at the northern end of the site with 104 apartments;
- a nine-storey building at the southern end of the site with 92 apartments;
- nine three-storey terrace houses, five fronting Old Buckle Street and four fronting Tasman Street; and
- eight two-storey terrace houses situated above the central carpark

a total of 213 residential units.

After lodgement of the October 2021, and following further discussions with the Council advisors, the Applicant subsequently modified the proposal to reduce the height of the ten-storey building to eight storeys and the nine-storey building to five storeys. Resource consent was granted for the revised proposal on 15 December 2022 (SR 5008760).

The current application is for a development similar to the October 2021 proposal, with the height of the northern building increased to ten storeys and the height of the southern building increased to nine storeys.

This AEE has been prepared for the current application, the scope of which is further detailed in Section 2.4 below.

1.2 REPORT STRUCTURE

After this introduction, the report provides the following information:

- Section 2 provides a description of the site and the proposed development, along with a brief summary of the site's recent planning history.

- Section 3 outlines the District Plan objectives, policies and rules applicable to the proposal and identifies the resource consents required.
- Section 4 describes the consultation undertaken.
- Section 5 provides a resource management assessment.
- Section 6 provides a notification statement.
- Section 7 provides a conclusion.

This AEE and Appendices, plus the Application for Resource Consent (Form 9) and the attached drawings, address the requirements of Rule 3.2 of the Operative District Plan, which identifies what information is to be supplied with a resource consent application.

1.3 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

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 at Clause (3)(c) of Schedule 4, it is stated that an 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

1.4.1 Clause 6 - Information Required

Schedule 4 lists at Clause 6 the information required in an assessment of environmental effects as follows:

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 development of the site for Central Area activities, in accordance with the Central Area zoning, will not result in any significant adverse effects on the environment.¹

Accordingly, it is not necessary to give consideration to alternative locations or methods.

Nevertheless, during the design process an assessment of different development options for the site was undertaken, as recorded in the Architectural Design Statement (refer **Appendix 1**).

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

The AEE at Section 5 provides an assessment of the actual and potential effects on the environment in relation to:

- building height;

¹ Under the Wellington City Proposed District Plan (PDP) publicly notified on 18 July 2022, the Central Area is 'renamed' City Centre Zone (CCZ).

- urban design;
- townscape / visual amenity;
- heritage;
- cultural / archaeology;
- wind;
- shading;
- transportation;
- earthworks; and;
- site construction.

Positive effects are also addressed.

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. No hazardous substances will be stored on site.

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.**

Not applicable. There will be no discharge of contaminants associated with the proposed residential activities. The proposed café will incorporate a ventilation flu.

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.

Given the proposal is to develop the site in accordance with the Central Area/City Centre zoning, no specific mitigation measures (post construction) are deemed necessary.

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

Pre-application consultation with Council's planning, urban design, heritage, traffic and wind advisors was undertaken.

Consultation was also undertaken with:

- Wellington Tenth Trust;
- Heritage New Zealand Pouhere Taonga;
- Ministry of Culture and Heritage;
- Massey University;
- Wellington High School;
- Wellington Water Limited; and
- Wellington Electricity.

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.

In the Applicant's opinion no on-going monitoring is required given the nature and scale of the proposed residential activities.

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.

1.4.2 Clause 7- Matters to be Addressed

Schedule 4 lists at Clause 7 the matters that must be addressed by the assessment of environmental effects.

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. The site is essentially a 'brownfields' urban site devoid of any significant animal or plant ecosystems.

An existing mature Pohutukawa tree on the Old Buckle Street frontage (refer Photo 1) is to be retained and incorporated into the landscape development of the site.

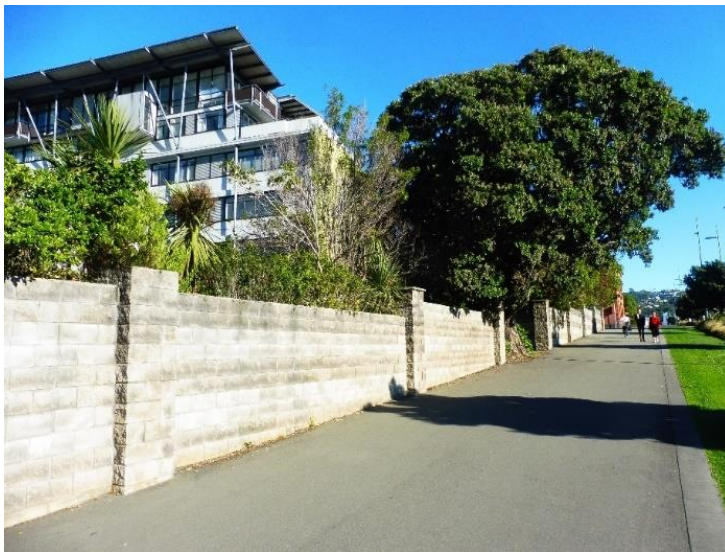


PHOTO 1: existing Pohutukawa to be retained [Clause 1(c) Schedule 4 RMA]

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

Although the site itself does not contain any natural or physical resources of the type listed in Clause 1(d), it is in close proximity to a number of listed heritages items, and adjoins the Pukeahu National War Memorial Park.²

Note: one of the listed heritage buildings is the “National Museum 1933-36” (Symbol Ref 41, Heritage List: Buildings, District Plan Chapter 17, Appendix / page 7), which is sometimes referred to as the “former Dominion Museum”.

This AEE has adopted the “former National Museum description. However, where other reports refer to the “former Dominion Museum” it is a reference to the listed “National Museum 1933-36”.- i.e. the former National Museum.

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.

Post construction there will be no discharge of contaminants into the environment associated with the proposed residential activities or the cafe.

During the redevelopment of the site, measures will be in place to ensure that any discharge of dust and/or sediment associated with the building demolition works and site earthworks, and construction-related noise and traffic associated with the construction of the new buildings, are mitigated to the greatest extent practicable.

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 redevelopment of the site for residential activities will not put the local neighbourhood or wider community at risk from natural hazards and/or from the use of hazardous substances or hazardous installations.

The proposed apartment buildings will incorporate high seismic resilience (base isolation) technologies.

² The Pukeahu National War Memorial Park is not a listed heritage area under the Operative District Plan (nor is it proposed for listing under the Proposed District Pan), although there are several listed heritage buildings in the near vicinity - National War Memorial and Carillon (#40), National Museum 1933-36 (#41), former Home of Compassion Creche (#42), and Mount Cook Police Station and retaining wall (#43).

2 THE SITE AND THE PROPOSED DEVELOPMENT

2.1 THE SITE

The application site has frontage to both Old Buckle Street and Tasman Street and consists of two existing 'properties' - 1 Tasman Street and 23 Tasman Street. The site comprises a total area of some 5,088m².³

The legal description of the site is:

- 1 Tasman Street: Section 1219 Town of Wellington
- 23 Tasman Street: Lot 1 DP 568221 (as recorded on the Record of Title)



FIGURE 1: 1 Tasman Street⁴

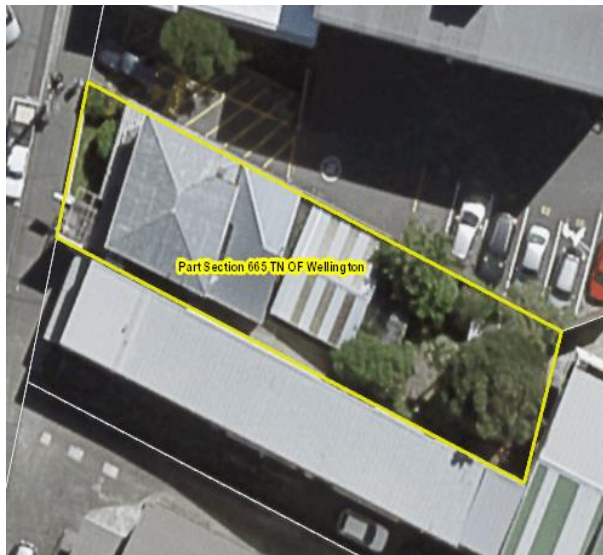


FIGURE 2: 23 Tasman Street

Current Records of Title are attached to the Application Form.

³ As recorded on the Records of Title,

⁴ Aerial photos courtesy of WCC Property Search.

1 Tasman Street is occupied by a number of existing buildings (Tasman Gardens Apartments), including a six-storey apartment block and ten two-story townhouses fronting Tasman Street.

23 Tasman Street is a two-storey dwelling-house style building until recently occupied by the Tasman Street Vet Centre.



PHOTO 2: view of the 1 Tasman Street frontage



PHOTO 3: 23 Tasman Street

Other site context photographs are included in the Architectural Design Statement (refer **Appendix 1**).

2.2 THE PROPOSED DEVELOPMENT - ONE TASMAN PUKEAHU PARK

The proposed development is a comprehensive redevelopment of the site commencing with the demolition of the existing buildings.

A detailed description of the development - "One Tasman Pukeahu Park" - is provided the Architectural Design Statement (refer **Appendix 1**). However, and in summary, it involves:

(a) demolition of the existing buildings⁵ and the preparation of the site (principally earthworks) for the construction of the new buildings, comprising:

- Terrace Houses: 3-storey terrace houses, five fronting Old Buckle Street and four on the corner of Old Buckle Street and Tasman Street;
- Courtyard Terraces: eight 2-storey terrace houses situated above the central carpark building;
- Northern Apartments: a 10-storey base-isolated building at the northern end of the site with 106 apartments; and
- Southern Apartments: a 9-storey base-isolated building at the southern end of the site with 98 apartments.

A café will occupy the ground floor unit on the corner of Old Buckle Street and Tasman Street;

(b) on-site parking provision (138 spaces) and on-site servicing/loading, both accessed from Tasman Street, along with on-site bicycle storage; and

(c) landscaping to both street frontages and an internal central courtyard/laneway.

Details of the proposed landscaping are provided in the Landscape Design Statement and accompanying landscape plans (refer **Appendix 2**).



FIGURE 3: site layout (refer Architectural Design Statement - page 13)

⁵ Consent has been granted for the demolition of the existing buildings - reference WCC SR 513053 dated 22 June 2022.

2.3 PLANNING HISTORY

SR 513053

On 22 June 2022 resource consent was granted by the Wellington City Council (SR 513053):

To demolish the existing buildings to create vacant land within the Central Area.

The consent is subject to a three-year lapse period.

At page 10 of the Decision Report, it was recorded that:

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 a sale 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.

Condition (k) Temporary Hoardings required that:

(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; and*
- *the hoarding design must include a sufficient number of signs to provide a sufficient level of visual interest on the Tasman Street site perimeter.*

Demolition of the existing buildings in accordance with SR 513053 is programmed to commence in Q4 2023 and to be completed by Q1 2024.

SR 500876

On 15 November 2022, resource consent was granted by the Wellington City Council (SR No. 500876):

To demolish the existing buildings on the sites at both 1 and 23 Tasman Street and construct a development comprising of 171 residential units and one commercial unit (café) within five buildings.⁶

The Decision Report recorded that two of the five buildings, the Northern Apartments (Building A) and the Southern Apartments (Building E), would be base-isolated. These two buildings were consented at eight storeys and five storeys respectively.

The consent granted on 15 November 2022 was for an application first lodged with the Wellington City Council on 8 October 2021.

The 8 October 2021 application was for a development incorporating a ten-storey building (Building A) and a nine storey building (Building E). However, after responding to the Council's s92 requests for further information and subsequent discussions with the Council's advisors, and being advised that the Council's heritage advisor did not support the height of the proposed apartment buildings, the Applicant submitted a revised design, the principal change being a reduction in height of the two apartment buildings to eight and five storeys.

⁶ Wellington City Council, Notice of Decision, SR No 500876, 1-23 Tasman Street, Mt Cook, 15 November 2022, page 22.

The revised design was submitted given the imperative of achieving a non-notified resource consent to address commercial risk in what are very challenging economic times for major construction projects, with delays in consenting being a major contributor to that risk.

In accordance with SR 500876, site preparation works, including earthworks, will commence in Q1 2024 following the completion of the demolition of the existing buildings under SR 513053,⁷ with construction of the new buildings under SR 500876 to follow.

2.4 SCOPE OF APPLICATION

With the granting of the consents under SR 513053 and SR 500876, and the ‘soon to commence’ start of the works in accordance with those consents, the outcome of a comprehensive residential development incorporating northern and southern apartment buildings at eight and five levels respectively is part of the ‘environment’ for the purposes of assessing the environmental effects associated with the current application.⁸

Consequently, the principal difference between the approved development (SR 500876) and the current application is the increase in the height of the Northern and Southern Apartments buildings from eight and five levels to ten and nine levels respectively.

The other changes to the development approved under SR 500876 are:

1. an increase in the number of on-site carparks in an additional basement level car park, an increase from 112 spaces consented under SR 500876 to a now proposed total of 138; and
2. some minor changes to the façade treatment of the Northern and Southern Apartment buildings.

Drawings RC_2.00 to RC_2.03 and RC3_00 and RC_3.30 that show the location of the additional height on the Northern and Southern Apartment buildings, and the location of the additional basement level, are attached - refer **Appendix 3**.

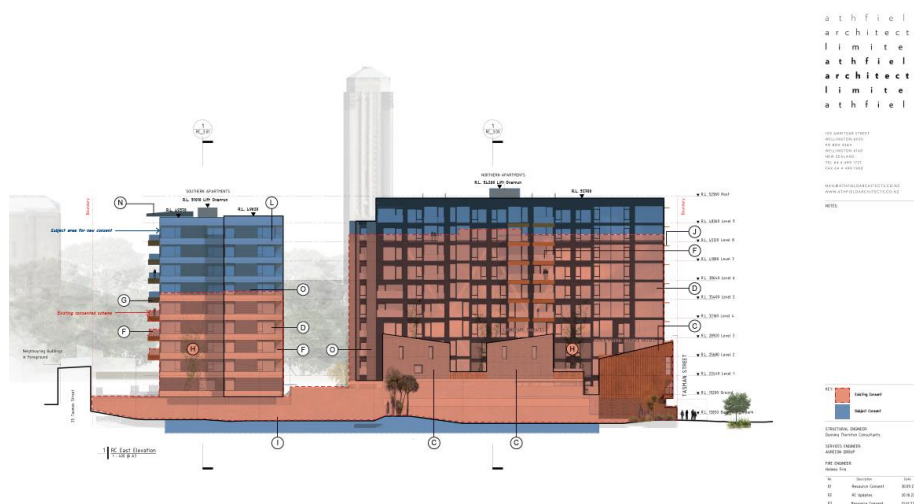


FIGURE 4: Drawing RC_2.01 - location of additional building height (shaded blue)

⁷ Demolition of the existing buildings is to commence Q4 2023.

⁸ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 (CA) at [84]:

[84] in our view the word ‘environment’ embraces the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activity under a district plan. It also includes the environment as it might be modified by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.

2.4.1 Applicable Planning Framework

As noted above, the starting point for the consent issued under SR 500876 was the application lodged with the Wellington City Council on 8 October 2021. This was prior to the public notification of the Proposed District Plan (PDP) on 18 July 2022. As the Decision Report for SR 500876 records, only the objectives and policies of the PDP were considered in processing the October 2021 application.

However, the current application requires assessment against both the ODP and the PDP as s104(1)(b)(vi) of the Act requires that in assessing an application for resource consent regard must be had to any relevant provisions of:

a plan or proposed plan.

Consequently, in Section 3 to follow, the relevant provisions (objectives, policies and rules) of both the ODP and the PDP are summarised, as these collectively constitute the applicable planning framework for an assessment of the current application.

2.5 INFORMATION PROVIDED WITH THE APPLICATION

In addition to the Application Drawings and the assessment of environmental effects (AEE) report, the following information is provided in support of the current application:

- Architectural Design Statement (Appendix 1)
- Landscape Design Statement and Plans (Appendix 2)
- Consent Scope Diagrams (Appendix 3)
- District Plan Objectives and Policies Assessment (Appendix 4)
- District Plan Audit (Appendix 5)
- Record of Pre-Application Consultation (Appendix 6)
- Urban Design Assessment (Appendix 7)
- Townscape Views (Appendix 8)
- Heritage Assessment (Appendix 9)
- Heritage Peer Review (Appendix 10)⁹
- Cultural Effects Assessment (Appendix 11)
- Wind Report (Appendix 12)
- Sun Studies (Appendix 13)
- Acoustical Design Report (Appendix 14)
- Transportation Assessment Report (Appendix 15)
- CPTED Assessment (Appendix 16)

⁹ As noted in Section 2.3 above when summarising the site's recent planning history, in relation to the consented development under SR 500,876, it was noted that the Council's heritage advisor did not support the 8 October 2021 proposal on the basis that the height of the two apartment buildings at ten and nine storeys would give rise to adverse effects on historic heritage, principally due to the effect that the height of the apartment buildings would have on the landmark status of the Carillon and the visual relationship between the Carillon and the former National Museum. To review and address this concern, the Applicant commissioned Richard Knott an independent heritage and urban design expert to review the Applicant's heritage assessment prepared by Adam Wild of Archifact and the documentation prepared by the Council's heritage advisor, given the Applicant's understanding that for Council the main issue was in relation to heritage.

- Structural Effects and Construction Methodology (Appendix 17)
- Land Contamination Assessment Letter (Appendix 18)
- Civil Engineering Services Report (Appendix 19)
- Draft Construction Management Plan (Appendix 20)
- Consent Conditions for SR 500876 (Appendix 21)

All of the above information was submitted with the October 2021 application, with the exception of the Consent Drawings Scope (Appendix 3), Heritage Peer Review (Appendix 10) and the Consent Conditions for SR 500876 (Appendix 21).

For the current application, given that the changes now proposed do not affect the conclusions recorded in a number of the reports submitted with the October 2021 application, no material changes are made to those reports other than an acknowledgment, where appropriate, that the conclusions reached in the October 2021 reports remain valid. Those reports are:

- Cultural Effects Assessment (Appendix 11);
- Acoustical Design Report (Appendix 14);
- CPTED Assessment (Appendix 16);
- Structural Effects and Construction Methodology (Appendix 17); and
- Land Contamination Assessment Letter (Appendix 18).

Some minor updates have been incorporated into the following reports:

- Landscape Design Statement and Plans (Appendix 2);
- Townscape Views (Appendix 8);
- Sun Studies (Appendix 13);
- Civil Engineering Services Report (Appendix 19); and
- Draft Construction Management Plan (Appendix 20).

Two Appendices have been updated to include an assessment of relevant Proposed District Plan (PDP) provisions, given that, at the time they were first prepared (October 2021), the PDP had not been publicly notified:

- District Plan Objectives and Policies Assessment (Appendix 5); and
- District Plan Audit (Appendix 6).

The remaining reports, along with this assessment of environmental effects (AEE) report, have been updated to address:

1. the proposed height of the Northern and Southern Apartment buildings at 10 and 9 storeys respectively;
2. minor changes to the design and external appearance of the Northern and Southern Apartment buildings undertaken subsequent to the granting of the December 2022 consent under SR 4500876;
3. an increase in on-site carparking; and
4. relevant PDP provisions.

Those reports are:

- Architectural Design Statement (Appendix 1);
- Urban Design Assessment (Appendix 7);

- Heritage Assessment (Appendix 8);
- Wind Assessment (Appendix 12); and
- Transportation Assessment (Appendix 15).

3 DISTRICT PLAN PROVISIONS

This section of the AEE provides an overview of the key District Plan objectives, policies and rules that are applicable to an assessment of the current application.

On 18 July 2022 the Wellington City Proposed District Plan (PDP) was publicly notified. Submissions closed on 12 September 2022 and further submissions on 2 December 2022. It is anticipated that hearings will commence in February/March 2023.

The PDP is a comprehensive review of the Wellington City Operative District Plan (ODP).

Under s104(1)(b)(vi) of the Act the provisions of both plans are relevant to an assessment of the current application.

3.1 DISTRICT PLAN MAPS

Under the ODP the full city block between Buckle Street, Tasman Street, Rugby Street and Sussex Street, including the application site, is zoned Central Area (refer Figure 5). Under the PDP the zoning is City Centre (refer Figure 6).

To the east of Sussex Street is the Basin Reserve (Open Space A under the ODP) and to the west of Tasman Street is Puke-ahu (Institutional Precinct under the ODP).

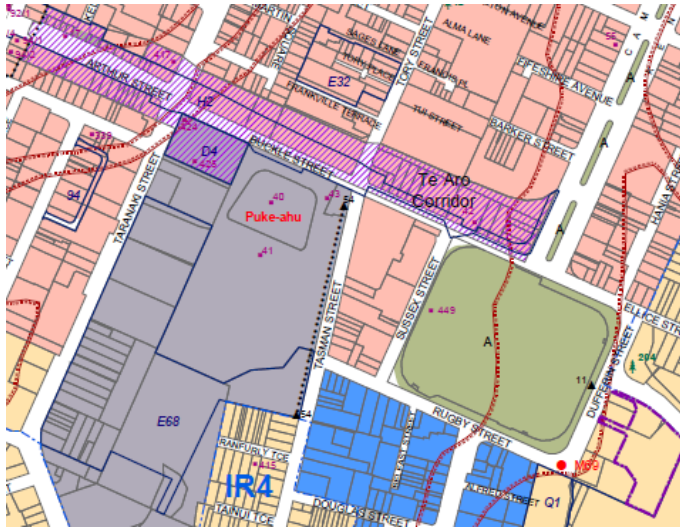


FIGURE 5: ODP Planning Map 16

Under the PDP the Basin Reserve is zoned Open Space, as is the Pukeahu National War Memorial Park. The National War Memorial, including The Carillon, and the former National Museum are within the Special Purpose Zone (Tertiary Education).

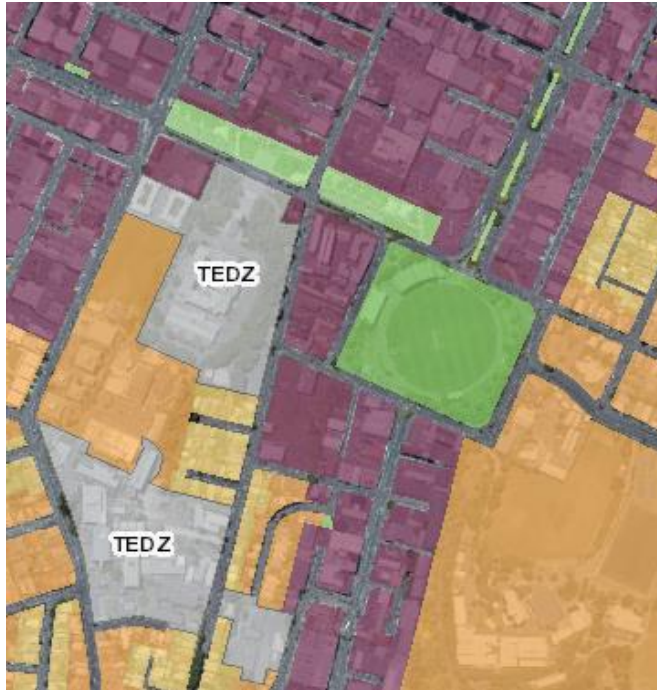


FIGURE 6: PDP Zoning (purple shading = City Centre Zone (CCZ))

On ODP Planning Map 32, the development site is shown to have a permitted building height limit of 18.6m above ground level. Under the PDP the maximum building height is 28.5m.

No identified viewshafts cross the site under either the ODP or the PDP.

3.2 CENTRAL AREA - ODP

The Central Area is the principal zone covering Wellington’s central business district (CBD) and the Te Aro Flat south of Manners Street/Courtney Place.

In the Introduction to the Central Area provisions (Chpt 12.1) under the heading “The Character and Functions of the Central Area”, it is noted, inter alia, that the Central Area:

... is a vibrant mix of inner city living, entertainment and commercial activity

and that:

The diversity of activities within the Central Area is a successful outcome of the ‘first generation’ District Plan prepared under the Resource Management Act, and the approach set out in that plan will continue.

The Central Area’s provisions are based on eight principles that will guide future development:

- 12.1.1 Enhance ‘sense of place’**
- 12.1.2 *Sustain the physical and economic heart of the Central Area*
- 12.1.3 *Enhance the role of the ‘Golden Mile’ and ‘Cuba’*
- 12.1.4 Enhance the Central Area as a location for high quality inner city living**
- 12.1.5 Enhance the built form of the Central Area**
- 12.1.6 *Enhance the quality of the public environment*
- 12.1.7 *Enhance city/harbour integration*
- 12.1.8 *Enhance the sustainability of the Central Area*

Note: the highlighted headings (both above and below) are those considered to be relevant to an assessment of the current application.

In relation to 21.1.4 “Enhance the Central Area as a location for high quality inner city living”, it is explained that:

Increasing the amount and quality of residential dwellings will be encouraged, building on the overall vibrancy of the Central Area and supporting the primary commercial function of downtown Wellington and the ‘Golden Mile’.

For the Central Area the objectives and policies are grouped under sixteen headings as follows:

Containment and Accessibility

Activities

Urban Form and Sense of Place

Sensitive Development Areas

Effects of New Building Works

Buildings and Public Amenities

Building Amenity

Lambton Harbour Area

Wellington Regional Stadium

Signs

Subdivision

Coastal Environment

Natural and Technological Hazards

Hazardous Substances and Contaminated Sites

Access

Tangata Whenua

3.3 CITY CENTRE ZONE - PDP

The proposed City Centre Zone (CCZ) covers much the same area as the Central Area under the ODP, with the exception that it is extended southwards from Rugby Street to include Adelaide Road.

In the Introduction to the CCZ it is stated that the purpose of the zone is:

... to enable and reinforce the continued primacy of the Wellington central area as the principal commercial and employment centre servicing the city and metropolitan region. The City Centre Zone is the commercial heart of Wellington and the wider region and New Zealand’s capital city. It is also a major employment hub for the region and contains a vibrant and diverse mix of inner city living, entertainment, educational, government and commercial activity. Relative to other areas of the city it exhibits a heightened intensity and scale of development.

As well as a diversity of activity, the City Centre Zone contains a variety of environments ranging from high-rise office towers and residential apartments through to distinct heritage areas and buildings, and an array of public and open space, including the waterfront. These combine to give the City Centre Zone a distinctive identity and character

while adding that:

To maximise development capacity and accommodate projected growth, an increase in the scale and intensity of development is enabled across the zone. This includes building height, density and urban form tailored to align with the outcomes sought by the National Policy Statement - Urban Development (NPS-UD) and to reflect the

higher, denser nature of development within the City Centre Zone. To complement this the Zone also contains measures to ensure that buildings and spaces are designed to:

- be accessible and of a good quality;
- positively contribute to public space and built form of the City Centre;
- offer a suitable level of amenity for users such as access to sunlight and open space;
- provide opportunities for active and passive recreational pursuits; and
- mitigate relevant adverse effects.

3.4 POLICY FRAMEWORK

3.4.1 ODP Objectives and Policies

The following are considered to be the ODP objectives and policies that will be relevant to an assessment of the current application:

Containment and Accessibility

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.*

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

12.2.1.2 *Contain Central Area activities and development within the Central Area.*

Activities

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.*

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.*

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.*

12.2.2.4 *Control the adverse effects of noise in the Central Area.*

Urban Form and Sense of Place

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.*

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

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

Sensitive Development Areas

12.2.4 *To ensure that any future development of large land holdings within the Central Area is undertaken in a manner that is compatible with, and enhances the contained urban form of the Central Area.*

12.2.4.5 *Ensure that development within the Te Aro Corridor assist to integrate the inner city bypass into the urban fabric of southern Te Aro.*

Effects of New Building Works

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.*

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

- *reinforce the high city/low city urban form; and*
- *ensure that new buildings acknowledge and respect the form and scale of the neighbourhood in which they are located; and*
- *achieve appropriate building height and mass within identified heritage and character areas.*

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.*

12.2.5.3 *Manage building mass in conjunction with building height to ensure quality design outcomes.*

12.2.5.4 *To allow 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*
- *reduces 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.

12.2.5.5 *Require design excellence for any building that is higher than the height standard specified for the Central Area.*

12.2.5.6 *Ensure that buildings are designed to avoid, remedy or mitigate the wind problems that they create and when existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably practical.*

12.2.5.7 *Ensure that the cumulative effect of new buildings or building alterations does not progressively degrade the pedestrian wind environment.*

12.2.5.8 *Ensure that the wind comfort levels of important public spaces are maintained.*

12.2.5.9 *Encourage consideration of wind mitigation measures during the early stages of building design and ensure that such measures are contained within the development site.*

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

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.*

12.2.6.1 *Enhance the public environment of the Central Area by guiding the design of new building development, and enhancing the accessibility and usability of buildings.*

12.2.6.2 *Require high quality building design that acknowledges, and responds to, the context of the site and the surrounding environment.*

- 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.*
- 12.2.6.4 *Protect sunlight access to identified public spaces within the Central Area and ensure new building developments minimise overshadowing of identified public spaces during periods of high use.*
- 12.2.6.5 *Advocate for new building work to be designed in a way that minimises overshadowing of any public open space of prominence or where people regularly congregate.*
- 12.2.6.6 *Protect the panoramic view from the public viewing point at the top of the Cable Car.*
- 12.2.6.7 *Protect, and where possible enhance, identified public views of the harbour, hills and townscape features from within and around the Central Area.*
- 12.2.6.16 *Promote and protect the health and safety of the community in development proposals.*

Building Amenity

- 12.2.7 *To promote energy efficiency and environmental sustainability in new building design.*
- 12.2.7.1 *To promote a sustainable built environment in the Central Area involving the efficient end use of energy and the use of renewable energy, especially in the design and use of new buildings and structures.*
- 12.2.7.2 *Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.*
- 12.2.7.3 *Enhance the quality and amenity of residential buildings in the Central Area by guiding their design to ensure current and future occupants have adequate ongoing access to daylight and an awareness of the outside environment.*

Access

- 12.2.15. *To enable efficient, convenient and safe access for people and goods within the Central Area.*
- 12.2.15.6 *Manage the supply of commuter car parking.*
- 12.2.15.8 *Manage on-site parking to ensure any adverse effects on the surrounding street network are avoided, remedied or mitigated.*
- 12.2.15.9 *Require the provision of servicing or loading facilities for each site in the Central Area.*
- 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.*
- 12.2.15.13 *Require all vehicle access to sites to be safe.*

Tangata Whenua

- 12.2.6 *To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Māori.*
- 12.2.6.1 *Identify, define and protect sites and precincts of significance to tangata whenua and other Māori using methods acceptable to tangata whenua and other Māori.*
- 12.2.6.2 *Enable a wide range of activities that relate to the needs and wishes of tangata whenua and other Māori, provided that physical and environmental standards in the Plan are met.*

3.4.1.1 ODP Central Area - Summary and Overall Planning Strategy

The above identified ODP objectives and policies (which number nine objectives and thirty-two policies in total) assist in identifying a number of 'themes' underpinning Central Area development, which collectively establish an overall planning strategy for development proposals.¹⁰

Those themes are considered to be:

- (a) promote the efficient use of Central Area resources [*containment and accessibility*];
- (b) allow a wide range of activities to establish [*activities*];
- (c) promote good urban form based on the high city/low city concept [*urban form and sense of place*];
- (d) manage the effects of building mass to achieve positive environmental and urban design outcomes [*effects of new building works*];
- (e) maintain the context, setting and streetscape value of adjacent listed heritage items [*effects of new building works*];
- (f) promote quality design outcomes [*effects of new building works*];
- (g) manage wind effects of new buildings [*effects of new building works*];
- (h) promote good streetscape and pedestrian amenity [*effects of new building works*];
- (i) manage the supply of commuter car parking within the Central Area [*access*];
- (j) provide for safe and efficient on-site servicing and loading facilities [*access*]; and

¹⁰ 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 ...". [emphasis added]

Court of Appeal (2008) CA651/2007.

- (k) protect sites of significance to Wellington's tangata whenua and other maori [*tangata whenua*].

3.4.2 PDP Objectives and Policies

The following are considered to be the PDP objectives and policies that will be relevant to an assessment of the current application:

CCZ-01 Purpose

The City Centre Zone continues to be the primary commercial and employment centre servicing Wellington and the wider region, supported by residential and a diverse mix of other compatible activities that reflect its role and function in the hierarchy of centres.

CCZ-02 Accommodating growth

The City Centre Zone plays a significant role in accommodating residential, business and supporting community service growth, and has sufficient serviced development capacity to meet its short, medium and long term residential and business growth needs, including:

- 1. A choice of building type, size, affordability and distribution, including forms of medium and high-density housing;*
- 2. Convenient access to active and public transport activity options;*
- 3. Efficient, well-integrated and strategic use of available development sites; and*
- 4. Convenient access to a range of open space, including green open space, and supporting commercial activity and community facility options.*

CCZ-03 Urban form and scale

The scale and form of development in the City Centre Zone reflects its purpose as Wellington's primary commercial and employment centre, with the highest and most intensive form of development concentrated in the zone relative to other parts of the city.

CCZ-05 Amenity and design

Development in the City Centre Zone positively contributes to creating a high quality, well-functioning urban environment, including:

- 1. Reinforcing the City Centre Zone's distinctive sense of place;*
- 2. Providing a quality and level of public and private amenity in the City Centre Zone that evolves and responds positively to anticipated growth and the diverse and changing needs of residents, businesses and visitors;*
- 3. Maintaining and enhancing the amenity and safety of public space;*
- 4. Contributing to the general amenity of neighbouring residential areas;*
- 5. Producing a resilient urban environment that effectively adapts and responds to natural hazard risks and the effects of climate change;*
- 6. Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and*
- 7. Acknowledging and sensitively responding to adjoining heritage buildings, heritage areas and areas and sites of significance to Māori.*

CCZ-06 Development near rapid transit

Activities and development near existing and planned rapid transit stops:

1. *Are located to enable convenient access by local residents, workers and visitors, particularly around transport hubs;*
2. *Are of sufficient residential scale and intensity to support a frequent rapid transport network and associated mixed use development; and*
3. *Provide vibrant, attractive an easily accessible public space.*

CCZ-07 Managing adverse effects

Adverse effects of activities and development in the City Centre Zone are managed effectively both:

1. *Within the City Centre Zone; and*
2. *At interfaces with:*
 - a. *Heritage buildings, heritage structures and heritage areas;*
 - b. *Scheduled sites and areas of significance to Māori;*
 - c. *Identified public spaces;*
 - d. *Identified pedestrian streets;*
 - e. *Residential Zoned areas;*
 - f. *Open Space and Recreation Zoned areas; and*
 - g. *The Waterfront Zone.*

CCZ-P1 Enabled activities

Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity including; ...

2. *Residential activities, except:*
 - a. *Along any street subject to active frontage and/or verandah coverage requirements; and*
 - b. *On any site subject to an identified natural hazard risk.*

CCZ-P4 Housing choice

Enable high density, good quality residential development that:

1. *Contributes towards accommodating anticipated growth in the city; and*
2. *Offers a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities.*

CCZ-P5 Urban form and scale

Recognise the benefits of intensification by:

1. *Enabling greater overall height and scale of development to occur in the City Centre Zone relative to all other centres; and*
2. *Requiring the available development capacity of land within the zone to be efficiently optimised.*

CCZ-P8 Sense of place

Provide for good quality new development and supporting public space that reinforces the City Centre's identity and unique sense of place at a city scale, including its:

1. *Surrounding topography and harbour setting;*
2. *Rich Māori and tauiwī/non-Māori history;*
3. *Compact, walkable city structure;*
4. *Diversified and vibrant mix of activities;*
5. *Visually prominent buildings and variety of architectural styles; and*
6. *Diversity of accessible, well designed civic and public space.*

CCZ-P9 Quality design outcomes

Require new development, and alterations and additions to existing development, at a site scale to positively contribute to the sense of place and distinctive form, quality and amenity of the City Centre Zone by:

1. *Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:*
 - a. *Acts as a catalyst for future change by reflecting the nature and scale of the development proposed within the zone and in the vicinity and responds to the evolving, more intensive identity of the neighbourhood;*
 - b. *Optimises the development capacity of the land, particularly that sites are:*
 - i. *Large; or*
 - ii. *Narrow; or*
 - iii. *Vacant; or*
 - iv. *Ground level parking areas;*
 - c. *Provides for the increased levels of residential accommodation anticipated; and*
 - d. *Provides for a range of supporting business, open space and community facilities; and*
2. *Ensuring the development, where relevant:*
 - a. *Responds to the site context, particularly where it is located adjacent to:*
 - i. *A scheduled site of significance to Māori;*
 - ii. *A heritage building, heritage structure or heritage area;*
 - iii. *An identified character precinct;*
 - iv. *A listed public space;*
 - v. *Identified pedestrian streets;*
 - vi. *Residential zones;*
 - vii. *Open space zones; and*
 - viii. *The Waterfront Zone;*
 - b. *Responds to the pedestrian scale of narrower streets;*
 - c. *Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;*
 - d. *Provides a safe and comfortable pedestrian environment;*
 - e. *Enhances the quality of the streetscape and the private/public interface;*
 - f. *Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and*
 - g. *Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.*

CCZ-P10 On-site residential amenity

Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including:

1. *Providing residents with access to an adequate outlook; and*
2. *Ensuring access to convenient outdoor space, including private or shared communal areas.*

CCZ-P11 City outcomes contribution

Require over and under height, large-scale residential, non-residential and comprehensive development in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed-Use Design Guide guideline G107 [sic],¹¹ including through either:

¹¹ The correct 'city outcomes contributions' guideline reference is G97.

1. *Positively contributing to public space provision and the amenity of the site and surrounding area; and/or*
2. *Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or*
3. *Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or*
4. *Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or*
5. *Enabling ease of access for people of all ages and mobility.*

CCZ-P12 *Managing adverse effects*

Recognise the evolving, higher density development context anticipate in the City Centre Zone, while managing any associated adverse effects including:

1. *The impacts of building dominance and the height and scale relationship;*
2. *Building mass effects, including the amount of light and outlook around buildings;*
3. *The impacts of sunlight access to identified public space; and*
4. *The impacts of related construction activity on the transport network.*

3.4.2.1 PDP City Centre Zone - Summary and Overall Planning Strategy

As noted for the ODP, the PDP objectives and policies, when considered collectively, identify a number of ‘themes’ to guide development in the CCZ, the purpose of which is clearly set out in the Introduction to the CCZ:

To maximise development capacity to accommodate projected growth, an increase in scale and intensity is enabled across the zone. This includes building height, building density and urban form tailored to align with the outcomes sought by the National Policy Statement - Urban Development (NPS-UD) and to reflect the higher, denser nature of development within the City Centre Zone. To complement this, the Zone also contains measures to ensure that buildings and spaces are designed to:

- *be accessible and of good quality;*
- *positively contribute to public space and built form of the City Centre;*
- *offer a suitable level of amenity for users such as access to sunlight and open space;*
- *provide opportunities to active and passive recreational pursuits; and*
- *mitigate relevant adverse effects.* ¹²

The themes considered relevant to an assessment of the current application are:

- (i) *accommodating growth, including growth in residential accommodation;*
- (ii) *enabling intensive forms of development/recognising the benefits of intensification;*
- (iii) *recognising the benefits of well-designed, comprehensive development;*
- (iv) *creating a high quality, well-functioning urban environment;*
- (v) *ensuring that developments respond to their site context;*
- (vi) *achieving a high standard of amenity for residential activities;*

¹² Wellington City Proposed District Plan, City Centre Zone, page 1 “Introduction”.

- (vii) delivering 'city outcomes contributions' where over-height buildings are proposed;
- (viii) acknowledging and sensitively responding to heritage buildings, structures and areas;
- (ix) encouraging development near existing and rapid transport stops; and
- (x) managing adverse effects, including the impacts of building dominance, height and scale.

3.4.3 Summary - Policy Assessment

The matters identified as underlying themes, for both the ODP and PDP, are considered further in the resource management assessment to follow (refer Section 5).

In addition to assessing the proposal against the identified themes, and notwithstanding the Court of Appeal's observation that:

.. dealing with the planning instruments on a thematic basis seems to us to have been entirely sensible and desirable

an assessment of the proposal has also been undertaken against the individual objectives and policies of both the ODP and the PDP (refer **Appendix 4**).

3.5 DISTRICT PLAN RULES

3.5.1 Operative District Plan

3.5.1.1 Activities

The proposed activities (residential and café) and the supporting on-site car parking, are all permitted activities subject to complying with the standards specified in section 13.6.1 (activities, buildings and structures) and Section 13.6.2 (activities).

The applicable standards under Section 13.6.1 relate to:

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

The applicable standards under Section 13.6.2 relate to:

- noise;
- temporary activity noise;
- lighting;
- screening of activities and storage; and
- dust.

For any non-compliance with any of the standards in Section 13.6.1 and Section 13.6.2, consent would be required for a Discretionary Activity (Restricted) under Rule 13.3.3 in relation to the effects generated by the standard(s) not met.

Also, due to the proposal providing more than 70 on-site car parks, Rule 13.3.1 applies and, as such, consent is required for a Discretionary Activity (Restricted) in relation to:

13.3.1.1 the movement of vehicular traffic to and from the site; and

13.3.1.2 the movement of vehicular traffic within the surrounding street network.

3.5.1.2 Buildings

For the construction of new buildings in the Central Area, consent is required under 13.3.4 for a Discretionary Activity (Restricted) in relation to:

13.3.4.1 design, external appearance and siting; and

13.3.4.2 the placement of building mass.

A Design Statement which assesses the proposed development against the Central Area Urban Design Guide is required.

Additionally, if a proposed new building does not comply with one or more of the standards outlined in Section 13.6.1 (activities, buildings and structures) and Section 13.6.3 (buildings and structures), consent is required under Rule 13.3.8 for a Discretionary Activity (Restricted) in relation to the effects generated by the standard(s) not met.

Due to the proposal providing more than 70 carparks Rule 13.3.7 applies (in addition to Rule 13.3.1) and accordingly consent is required for a Discretionary Activity (Restricted). Again the matters over which restriction is restricted are:

13.3.7.1 the movement of vehicular traffic to and from the site; and

13.3.7.2 the movement of vehicular traffic within the surrounding street network.

3.5.2 Proposed District Plan

3.5.2.1 Activities

As with the ODP, all of the proposed activities are permitted activities. In relation to residential activities, Rule CCZ-R12 states that residential activities are a permitted activity where:

- a. *The activity is located:*
 - i. *above ground floor level; or*
 - ii. *at ground floor level along any street edge not identified as an active frontage;*
 - iii. *at ground level along any street not identified as requiring verandah coverage; or*
 - iv. *at ground level on any site contained within a Natural Hazard Overlay*

The Old Buckle Street and Tasman Street site frontages are not identified as an active frontage or street(s) requiring verandahs. Residential activities are therefore permitted at ground level, as proposed.

3.5.2.2 Buildings

The construction of new buildings in the City Centre Zone, that have a gross floor area greater than 100m², require consent for a Restricted Discretionary Activity under Rule CCZ-R20.2.

Where compliance with the requirements of CCZ-S4 cannot be achieved, consent is required for a Discretionary Activity.¹³

Note: CCZ-S4 - relates to minimum building height and sets a minimum building height of 22m .

3.6 EARTHWORKS

The ODP's earthworks provisions address the following issues:

- stability;
- erosion, dust and sediment control;
- flood hazard areas;
- character and amenity of streams and wetlands;
- visually sensitive areas;
- transport of material; and
- cultural and archaeological sites.

The objective and policies relating to the issues relevant to earthworks in the Central Area are:

Objective 29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

Policy 29.2.1.1 Ensure that the design and assessment of earthworks and associated structures is coordinated with future land development and subdivision.

Policy 29.2.1.2 Provide for minor earthworks to allow the use and development of land where the risk of instability is minimal.

Policy 29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability.

Policy 29.2.1.11 Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.

Policy 29.2.1.12 Protect koiwi (human remains), taonga, Māori and Non-Māori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.

Earthworks in the Central Area are Permitted Activities under Rule 30.1.3, provided that they comply with the following conditions:

- the cut height or fill depth does not exceed 1.5m measured vertically; and
- the cut or fill is not on an existing slope angle exceeding 34 degrees; or
- the cut or fill is to be retained by a structure or building authorised by a building consent (which is obtained prior to any earthworks commencing);

¹³ CCZ-S4 sets a minimum building height of 22m.

- the area to be cut or filled does not exceed 250m²; and
- there is no visible evidence of settled dust beyond the boundaries of the site.

The necessary site development earthworks (site scraping, hard landscaping removal and building foundation work, including piling, and lift pits) will involve cuts exceeding 1.5m and be across an area greater than 250m² - accordingly, consent under Rule 30.2.2 for a Discretionary Activity (Restricted) is required.¹⁴

3.7 DISTRICT PLAN AUDIT

A District Plan audit of the current proposal against the provisions of both the ODP and the PDP has been undertaken (refer **Appendix 5**).

In summary, the audit confirms that consent is required for the following:

ODP

- Rule 13.3.1 for a Discretionary Activity (Restricted) in relation to an activity involving the provision of more than 70 car parking spaces;¹⁵
- Rule 13.3.4 for a Discretionary Activity (Restricted) in relation to building design, external appearance and siting, along with the placement of building mass;
- Rule 13.3.7 for a Discretionary Activity (Restricted) in relation to the erection of a building involving the provision of more than 70 car parking spaces (refer Footnote 14)
- Rule 13.3.8 for building mass above 75% ; and
- Rule 13.3.9 for a Non-Complying Activity in relation to building height.

Accordingly, on a 'bundled basis', under the ODP consent for the current application (increased building height) requires consent for a Non-Complying Activity.

PDP

- Rule CCZ-R20.2 - non-provision of outdoor living space - a Restricted Discretionary Activity;
- Rule CCZ-R20.2 - construction of new buildings exceeding the maximum building height - a Restricted Discretionary Activity;
- Rule TR-R2.2 for the additional 26 carparks - a Restricted Discretionary Activity; and
- Rule TR-R5.2 for non-compliance with on-site vehicle parking and manoeuvring standards associated with the additional on-site parking - a Restricted Discretionary Activity.

¹⁴ The necessary site earthworks were approved, subject to consent conditions, under SR 500876 granted on 15 November 2022. In the Council's Notification Decision Report (at page 35) it was recorded that:

The proposal involves earthworks across the entirety of the site to facilitate site preparation works, along with establishing building foundations and services, placement of floor slabs and ground beams, and excavation of lift pits.

At page 36 it was recorded that:

... the effects of the earthworks will not be more than minor.

¹⁵ Although SR 500876 consented a total of 112 carparks, the current proposal increases the total to 138.

3.7.1 Other Potential Consent Triggers

The Applicant's position is that the consent triggers that apply to the current application are as outlined in the District Plan Audit (refer **Appendix 5**), as summarised above, and are consents required due to:

- the increase in the building height of the Northern and Southern Apartment buildings;
- an increase in the number of on-site carparks in an additional basement level car park, an increase from 112 spaces consented under SR 500876 to a now proposed total of 138;
- non-provision of private outdoor living space for some of the apartments on the additional floors of the Northern and Southern Apartment buildings; and
- some changes in façade detail of the Northern and Southern Apartment buildings.

The other consent(s) required to enable to proposed One Tasman Pukeahu Park residential development to proceed have been granted under SR 513053 and SR 500876.

If the Council is of the opinion that other rules are 'triggered' and therefore additional consents are required for the current proposal, the Applicant specifically applies for those consents.

3.8 PRELIMINARY EVALUATION

Drawing on the objectives, policies and rules under both the ODP and the PDP, and the themes identified in Sections 3.4.1.1 and 3.4.2.1, which are relevant to an assessment of the current application, a number of questions can be 'posed' for s.104 evaluation. Those questions are:

Question 1: will the proposal represent an efficient use of the site?

Question 2: is the level of intensification appropriate for the Tasman Street site?

Question 3: are the building heights proposed for the Northern and Southern Apartment buildings, and consequent urban form, appropriate in this part of the Central Area / City Centre Zone?

Question 4: will the proposed building heights of the Northern and Southern Apartment buildings result in any unacceptable heritage effects?

Question 5: will the proposed building heights of the Northern and Southern Apartment buildings result in any unacceptable wind effects?

Question 6: will the proposed building heights of the Northern and Southern Apartment buildings result in any unacceptable shading effects?

Question 7: will the proposed increase in on-site parking result in any unacceptable transportation effects?

Answers to these questions are provided in the resource management assessment to follow (refer Section 5).

4 CONSULTATION

4.1 October 2021 Application

Prior to lodging the October 2021 application, the following pre-application consultation was undertaken.

4.1.1 Pre-Application Meetings

The Applicant consulted with Council planning, urban design, heritage, traffic and wind advisors in the lead-up to lodging the application.

Pre-application Meetings were held on 3 March 2021, 30 April 2021, 18 June 2021 and 8 July 2021.

A separate meeting was held with the Council-appointed Urban Design Panel on 20 May 2021.¹⁶

Principal issues that were identified / discussed during the four pre-application consultation meetings with the Council advisors included:

Urban Design¹⁷

- overall site planning and the placement and height of buildings (northern and southern apartments)
- openness of the courtyard (sunlight and outlook)
- design coherence
- building tops
- relationship to surrounding context
- building articulation and ways to alleviate issues of visual bulk
- interface between private space and public space
- design excellence
- townscape analysis (selection of viewpoints)
- potential to move the southern apartment building further south / visibility of the Carillon (from the east)
- overall architectural composition

Heritage

- need for the development to be incorporated 'sympathetically' into a sensitive environment
- need for a respectful height-scale relationship with nearby heritage items
- height, bulk and mass of the apartment buildings ['within a heritage landscape'], particularly when viewed from the east

Traffic

- on-site parking for bicycles, including electric bikes
- charging stations for electric vehicles
- parking for trade vehicles
- pick-up/drop-off zone for delivery/uber
- carparking provision

¹⁶ The Applicant attended the Urban Design Panel's meeting as an 'observer' and did not participate in the discussion but did respond to Panel Members when they sought clarification on a particular design detail.

Planning

- level of intensification on the site
- s104D gateway tests
- need for a thorough analysis of District Plan objectives and policies

Urban Design Panel

Following a request from the Council's Team Leader, Design Review (Dr Farzad Zamani) the Applicant endorsed the Council's request to establish an independent urban design panel as "a tool for assessing the urban design outcomes of the development". The agreed 'process' included:

The Panel will provide advice according to previous urban design feedback for this project on District Plan rules and standards and the Central Area Urban Design Guide. This advice will assist the Applicant to address the design issues raised by the Council's Urban Design Advisor.

Under the heading "Conditions", it was recorded that:

The Council's urban designer and planner will reserve the right to use part or all of the Panel's recommendations in the final assessment of the development proposal, with transparent reasoning as to why any dismissals were deemed appropriate.

...

The Panel's recommendations should not be interpreted in contrast or in relation to other experts' advice. The Panel's comments should be read independent of heritage advice provided by heritage advisors.

A copy of the Panel's report "Urban Design Panel Recommendations" is attached (refer **Appendix 6**).

In relation to the matter of 'overall site planning and the placement and height of buildings' previously raised by the Council's urban designer (Dr Morten Gjerde); the Panel opined that:

- 6. Locating the highest building form to the north of the site and close to the Tasman Street corner is in our opinion an optimal approach. This allows relationship to the higher parts of the city to the north and transitioning down to lower scale development to the south.*
- 7. We also consider that the height of the north tower is appropriate in views from the city to the north. This is because building separation and offsets make it relatively uncommon to have the proposal, the Carillon and the Dominion Museum in the same view.*
- 8. In the view emerging from the tunnel, the height of the south tower is in our opinion appropriate in relation to the Dominion Museum. However, in the view from the east the south end of the north tower could be considered to challenge the primacy of the Dominion Museum. If that is the case, consideration should be given to adjusting the height of this part of the building. Additional views in the approach from the east should be developed to interrogate this matter. The height of the north tower is such that the Carillon is still significantly higher / the primary skyline element in this view, and we do not see any issues with overall building heights in relation to the Carillon.*

In relation to building design, the Panel opined, inter alia, that:

- 13. The design of the individual tower building tops should be simple, clean and unarticulated to be viewed as 'ground' with the Carillon beyond as the figural element. Clutter should be eliminated. Instead variation in building height and type within the complex as a whole contributes to skyline diversity and breaks down the visual bulk of the development.*

4.1.2 Consultation Meetings and Engagement

Consultation meetings were held with:¹⁸

Wellington Tenth Trust

A hui was held with the Wellington Tenth Trust on 15 June 2021. Following the hui, the Trust confirmed its overall support for the proposed development (refer **Appendix 6**).

Also, as noted in the Trust's letter, and also recorded in the cultural impact report, the Trust is the part (50%) owner of former National Museum and grounds, with Massey University the other part (50%) owner .

Thus, the Wellington Tenth Trust's endorsement of the One Tasman Pukeahu Park development is both as mana whenua and as part owner of Lot 2 DP 87064, which incorporates the former National Museum and Pukeahu Ridge with its substantial Pohutukawa trees fronting Tasman Street.

Heritage New Zealand Taonga Pouhere

Several meetings were held with Heritage New Zealand Pouhere Taonga as the proposal proceeded through the design phase. Amendments to the proposal were made, notably to the height and setback of the Northern Apartments building (Building A), to respond to comments made during the first meeting.

A letter from Heritage New Zealand Pouhere Taonga confirming that:

... Heritage New Zealand is able to fully support the development. The development reaches but is not considered to overstep, the scale which might cause domination over important heritage assets ...

is included in **Appendix 6**.

Ministry of Culture and Heritage

The proposal for One Tasman Pukeahu Park was shared with Manatū Taonga - Ministry of Culture and Heritage on 27 August 2021, with Manatū Taonga represented by the Manager Memorials and Commemorations (Mr Brodie Stubbs). Mr Stubbs confirmed that the Ministry was generally supportive of and aligned with the One Tasman Pukeahu Park proposal but confirmed that it was not Manatū Taonga's policy to provide letters endorsing a project, adding however that if the Council required confirmation of Manatū Taonga's position the Council could contact Mr Stubbs directly.

Massey University and Wellington High School

In addition to the above consultation meetings, engagement was also undertaken with Massey University and Wellington High School.

Massey University

In a letter dated 23 September 2021, Mr David Povey, National Facilities Director, confirmed Massey University's support for the One Tasman Pukeahu Park development - refer **Appendix 6**.

Note: Massey University is a 50% owner of the former National Museum and grounds (Lot 2 DP 87064, Record of Title WN 54C/503).

¹⁸ The proposal presented to the parties consulted in the lead-up to lodging the October 2021 applications was for a 10-storey Northern Apartments Building and a nine-storey Southern Apartments Building, as proposed in the current application.

Wellington High School

In its letter dated 17 September 2021 (refer **Appendix 6**), Wellington High School confirm the opportunity to discuss the project and any potential impact it might have on MoE / WHS owned assets in the area, stating that:

We appreciate this engagement and as a result WHS offers its support in favour of the One Tasman Pukeahu Park development.

5 RESOURCE MANAGEMENT ASSESSMENT

This section of the AEE presents an assessment of the proposal to increase the height of the Northern and Southern Apartment buildings in relation to:

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

with the focus on the:

- changes in the building heights proposed;
- changes in design detail, principally to the east facades of the two apartment buildings; and
- the increase in on-site carparking.

5.1 SECTION 104 OF THE RMA

Section 104(1) of the Act states that, subject to Part 2 and any submissions, 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, other regulations, national policy statement, 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.

Each of these matters is now addressed in turn.

5.2 ASSESSMENT

Overall Approach to Assessment

In view of the above matters under s104(1), the approach taken in this AEE report is as follows:

- assess the environmental effects of the proposal - s104(1)(a) - (5.3 below);
- address national and regional policy directives - s104(1)(b)(iii) and (v) - (5.4 below);
- address District Plan objectives and policies - s104(1)(b)(vi) - (5.5 below);
- assess any relevant "Other Matters" - s104(1)(c) - (5.6 below);
- provide a summary s104 assessment - (5.7 below);
- assess the proposal as a Non-Complying Activity - s104D - (5.8 below);
- address Part 2 of the Act (5.9 below);
- provide a final assessment of the proposal - s104B - (5.10 below); and
- outline potential consent conditions - s108 - (5.11 below).

5.3 ENVIRONMENTAL EFFECTS OF THE PROPOSAL

In terms of actual and potential effects, for the October 2021 application, the following matters were considered relevant and therefore required assessment:

- building height;
- urban design (Central Area Urban Design Guide) - including 'townscape' and 'design excellence';
- heritage;
- cultural / archaeology;
- wind;
- shading;

- noise;
- transportation;
- CPTED (crime prevention through environmental design);
- earthworks;
- civil design/infrastructure; and
- construction management.

With the granting of consent under SR 500876, and given the scope of the current application, the following matters are considered to be those requiring assessment:

- building height;
- urban design;
- heritage;
- wind;
- shading; and
- transportation.

Nevertheless, and to enable an overall understanding of the One Tasman Pukeahu Park development, the assessments relating to the other matters are retained, but with reference to the conclusions reached in the Council's Notification Decision Report on SR 500876.

5.3.1 Building Height

Operative District Plan

One Tasman Pukeahu Park comprises two apartment buildings and three groups of terraces houses. Maximum heights above ground are:¹⁹

- Northern Apartments (10 storeys) 36m (37.7 to the top of lift overrun)
- Southern Apartments (9 storeys) 33m (33.7m to the top of the lift overrun)
- Pukeahu Terrace Houses (3 storeys) 12.1m
- Buckle Street Terrace Houses (3 storeys) 12.3m
- Courtyard Terrace Houses (2 storeys) 13.1m²⁰

The permitted activity building height for the site under the ODP (Planning Map 32) is 18.6m above ground. Under Rule 13.3.8.14 maximum building height can be increased by up to 35% subject to the 75% building mass standard not being exceeded.

Note: total building mass across the site is 71,530 (78%) - refer page 37 of the Architectural Design Statement.

For the One Tasman Pukeahu Park development, the applicable ODP building heights are:

- permitted 18.6m; and
- discretionary 25.11m.

The building heights (to rooftop level) of the apartment buildings exceed the discretionary height limit by 10.89m (Northern Apartments) and 7.89m (Southern Apartments), resulting in consent being required for a Non-Complying Activity under Rule 13.5. Guidance on the matters to be considered when assessing the additional height is usefully provided by the matters for discretion under Rule 13.3.8.4.A, which include, inter alia, the effect of the additional building height on:

¹⁹ Refer page 37 of the Architectural Design Statement - Appendix 1 to the AEE.

²⁰ The Courtyard Terrace Houses, although only two storeys, sit on top of the carpark building (which consists of ground floor + two basement levels).

- *the urban form of the city.*

Policy 12.2.5.4 also provides some guidance in that it anticipates allowing 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*

with the 'proviso' that the :

... 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.

Furthermore, and notwithstanding the District Plan's objective to manage building height to reinforce a high city/low city urban form, it is acknowledged that buildings of "*significant visibility and prominence*" may be appropriate - buildings that the District Plan describes as "*over height buildings*".

The assessment framework for 'over height buildings' is provided in the explanation to Policy 12.2.5.5:

As all buildings contribute to the character and public environment of central Wellington, design quality is a fundamental consideration in the assessment of any development application. The issue of design quality is even more important for buildings of unusual height or bulk, which due to their size, height and massing can have a significant impact on the city, both at street level and from a distance. To ensure that over height buildings visually enhance the cityscape of the Central Area, the Council will require that they display design excellence.

When processing a consent application for an over height building, Council will consider both the scale of the proposed height increase and the comparative height of the resulting building in relation to its surroundings. While all Central Area buildings must be of sufficient design quality that they make a positive contribution to the urban environment, the requirement to deliver design excellence applies particularly to proposals that will result in a building that is significantly higher than the surrounding built form.

There are two scenarios regarding the development of significantly over height buildings in the Central Area. The first is a building of exceptional height in comparison to every other building in the city (i.e. in excess of 130 metres in height). The second is a building that is very tall in relation to the scale of the surrounding properties. Both scenarios are likely to result in a building of significant visibility and prominence.

Design excellence is also required for buildings that are tall in relationship to the surrounding neighbourhood. Though not 'exceptionally' tall, these buildings can still be highly visible and have a significant impact on the character of the surrounding neighbourhood. As such they require careful consideration and should display a quality of design that corresponds appropriately to their level of visibility.

The environmental result will be excellence in the design of any building that exceeds the height standards specified in the District Plan.

Proposed District Plan

The PDP adopts a different approach to the ODP in setting maximum height limits for the City Centre Zone (CCZ).

A maximum building height standard is set under CCZ Standard S1, which for the Tasman Street site is 28.5m. Unlike the ODP, no percentage discretionary limit is identified. Rather, as 'explained' in Policy CCZ-P11, 'over height buildings' are required to demonstrate the achievement of 'city outcomes contributions' as further detailed/explained in Guideline 97 of the Centres and Mixed-Use Design Guide:

City outcomes contribution

G97. ... The scale of larger commercial, residential, or mixed-use developments has a direct bearing on the quality and level of amenity offered by the city's public environment, and the public's enjoyment of it. To address this, five factors, collectively referred to as **City Outcomes Contribution**, will be considered in assessing the quality of larger scale development - provision of public space, sustainability, accessibility, provision of assisted housing and urban design quality. The aim of this assessment is to incentivise "density done well" by giving density-related development concessions in return for publicly beneficial outcomes. The following tables set out the development types that trigger consideration of **City Outcomes Contribution**, including associated numeric thresholds to be satisfied and the outcomes sought.

In turn, Table 1 sets the thresholds for an over height development comprising 50 or more units:

Table 1: City Centre Zone - Thresholds for any under or over height development comprising 50 or more units or any comprehensive development

Threshold	Points required	Comments
Maximum height limit		
Any development that exceeds the maximum height limit by 10% - 24%	20	Developments that are within the 10% height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development that exceeds the maximum height limit by 25% - 49%	30	-
Any development that exceeds the maximum height limit by 50% or more	40	-
Minimum height limit		
Any development below the minimum height limit by 25% - 49%	30	Developments below the 25% minimum height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development below the minimum height limit by 50%	40	

At 36m the Northern Apartments building is 7.5m or 26.3% above the 28.5m maximum building height standard. Consequently, 30 points are required to 'off-set' to additional height; while the Southern Apartments building at 33m is 4.5m or 15.8% above the 28.5m maximum building height standard.

The additional height above 28.5m of both apartment buildings is principally due to the additional floor-to-floor height, which in turn is a direct function of the base-isolation structure

Table 3 under Guideline G97 sets out the relevant city outcomes contribution sought in response to buildings that exceed the thresholds set in Table 1, with the comment that:

To achieve the minimum numeric value associated with the relevant threshold in these values, a score based on the aggregate points of two or more of the outcomes listed in Table 3 is required.

As demonstrated by the following table, One Tasman Pukeahu Park has attributes which are considered to enable the development to achieve sufficient points to support the proposed height of the apartment buildings.

TABLE 1: Applicant’s Assessment of City Outcome Contributions

Outcome	Points ²¹	Comments
Contribution to Public Space and Amenity 1-10 Points	3 2	<p>The proposal provides a through-block connection (Tasman Street/Old Buckle Street) through a central courtyard/laneway providing controlled through-site access, site permeability and walk-up access to internal facing ground floor apartments. A rooftop outdoor terrace (for Level 10 residents’ use) is proposed for the roof of the Northern Apartment Building.</p> <p>Extensive landscaping of the Tasman Street frontage and retention of Pohutukawa tree on the Old Buckle Street frontage.</p> <p>In relation to through-block connection, the Urban Design Panel recorded that:</p> <p><i>We do not consider that a through site link is essential given the scale of the development and the uncertainty as to whether it could be realised through to Sussex Street, and even on the need for or merits of that connection should it be possible. However, that the configuration provides for a future connection is not a negative. We also support access control of the on-site open spaces.</i></p>
Universal Accessibility 5-10 Points	0	The development has many positive attributes that facilitate universal accessibility. However, official certification is not sought at this time.
Sustainability and Resilience 1-10 Points	5 5	<p><u>Sustainability:</u></p> <p>Green Star 7 minimum standard for all residential units.</p> <p><u>Resilience:</u> (1-5 points)</p> <p>Both apartment buildings are base-isolated to provide a high level of seismic resilience.</p>
Urban Design Panel 1-10 Points	10	<p>The Applicant agreed to the October 2021 proposal being review/assessed by an independent urban design panel.</p> <p>The October 2021 proposal incorporated a 10-storey Northern Apartment Building and a 9-storey Southern Apartment Building.</p>

²¹ The allocated points are based on the Applicant’s assessment.

		<p>Referring to “Building Height” the Panel recorded, inter alia, that:</p> <p><u>Northern Apartments Building</u>: <i>locating the highest building from to the north of the site and close to the Tasman Street corner is in our opinion an optimal approach. This allows relationship to the higher parts of the city to the north and for transitioning down to the lower scale development to the south. We also consider that the height of the north tower is appropriate in views from the city to the north.</i></p> <p><u>Southern Apartments Building</u>: <i>in the view in emerging from the tunnel, the height of the south tower is in our opinion appropriate in relation to the Dominion Museum. However, in the view from the east and south end of the north tower could be considered to challenge the primacy of the Dominion Museum. If that is the case, consideration should be given to adjusting the height of this part of the building. Additional views in the approach from the east should be developed to interrogate this matter. The height of the north tower is such that the Carillon is significantly higher / the primary skyline element in this view, and so we do not see any issues with overall building heights in relation to the Carillon.</i></p> <p><u>Note</u>: additional townscape views from the east were undertaken and assessed in the urban design assessment submitted with the October 2021 application.</p> <p>The Panel’s Report is attached at Appendix 6.</p>
Total Points	25	

In relation to the allocated points, the following comments are relevant considerations in an overall assessment of One Tasman Pukeahu Park’s city outcomes contributions:

1. a principal reason for the additional height on both the Northern and Southern Apartment buildings is the incorporation of base-isolation technologies without compromising ceiling height commensurate with the product quality sought. This results in an increase in the floor-to-floor heights. This in turn results in the Northern Apartments Building exceeding the 10%-24% threshold by 2,3%, a threshold that requires 20 points, which would not be exceeded if the proposed levels were constructed using conventional construction systems; and
2. the Southern Apartments Building at 33m is 4.5m or 15.8% above the 28.5m permitted height, and, notwithstanding the incorporation of base isolation techniques, falls within the 10-24% threshold that requires 20 points.

Assessing the One Tasman Pukeahu Park development as a whole, with one building falling within the 25%-49% (30 points) threshold and one building falling within the 10-24% (20 points) threshold, an ‘average’ across the total development of 25 points is indicated.

An alternative approach to determining the city outcomes contribution would be to adopt a pro-rata methodology to the allowable height based on the city outcomes contribution achieved.

At a maximum height of 36m, the proposed additional height:

- breaches the 28.5m height limit by 7.5m or 26.3%; and
- breaches a 35.3m height limit (which includes a 24% additional height allowance) by 0.66m or 2.3%.

0.66% represents 9% of the total 7.4m additional height available when 30 points are achieved. It is considered reasonable to assume each additional point (of the 10 required) above the 24% threshold enables an additional 0.74m of height (or 10% of the available 7.4m). Therefore, 21 points would earn a maximum height of 36.1m. Based on the above city outcomes contribution, the proposed development exceeds this minimum requirement by four points.

Planning Assessment / Comment

In assessing the One Tasman Pukeahu Park development in terms of any effect of the additional building height on the urban form of the city, and in the context of the ODP provisions, regard should be had to the following:

- permitted building heights in the low city range from 10.2m to 43.8m above ground level;
- sites to the immediate north have a permitted building height of 27m, with a discretion to be 36.45m; and
- specific District Plan acknowledgement of the opportunity for ‘over-height buildings’, buildings which have significant visibility and prominence.

Given the specifics of the One Tasman Pukeahu Park development, both in relation to its location and the proposed height of the two apartment buildings, the following points are central to the assessment:

- at 36m (Northern Apartments) and 33m (Southern Apartments) Buildings A and E are in the mid-range of building height limits set for the low city - i.e. buildings of between 30m and 40m and up to 43.8m are anticipated in the low city (although clearly not in every part of the low city);²² and
- buildings of significant visibility and prominence (i.e. over height buildings) can be appropriate, subject to achieving design excellence.

Regard should also be had to Policy 12.2.5.4 which allows building height above specified standards in situations where height and bulk have been reduced elsewhere on the site.

The two apartment buildings cover approximately 38% of the 5,087m² site.

Elsewhere, the other three buildings (Buildings B, C and D), all of which are significantly below the 18.6m permitted building height, collectively cover 830m² (16.3% of the site).

Consequently, approximately half of the 5,087m² site (45.8%) remains without buildings and consists of the central courtyard, landscaped frontages and the pedestrian and vehicle accesses.

The question that arises is: will the ‘height and bulk’ of the proposed One Tasman Pukeahu Park development - that is the height of the Northern and Southern Apartments buildings, which cover only 38% of the site, give rise to an unacceptable effect on the urban form of the city?

Although the Urban Design Panel did not specifically comment on overall urban form, it did form the view that the height of the Northern Apartments building was “*appropriate in views from the city to the north of the site*”, but also opined that in the view from the east the building could be “*considered to challenge the primacy of the Dominion Museum*”, adding that “*if that is the case, consideration should be given to adjusting the height of this part of the building*”.

Note: Heritage New Zealand expressed a similar concern during the initial consultation meeting.

The height of the Northern Apartments building was subsequently revisited as part of the evolving design process and amended to respond to the Urban Design Panel’s observation.

²² In one part of the low city (Aotea Quay) the permitted building height is 50m above ground level.

The result was a 'split' in the building top of the Northern Apartments Building, with the western portion at nine levels and the eastern portion at ten levels.

The conclusion reached, with reference to the ODP's acceptance of the opportunity for over-height buildings in both the high city and the low city, is that the One Tasman Pukeahu Park development does not result in an unacceptable urban form in this part of the low city.

Refer also to the conclusion reached in the townscape assessment - part of the urban design assessment.

In relation to the PDP, when assessing building height (i.e. site intensity) appropriate weight should be placed on the over-arching policy direction of encouraging appropriate high-density development(s), in line with the NPS-UD directive under Policy 3.

Given that the One Tasman Pukeahu Park development can deliver the city contribution outcomes as detailed in the table above, in terms of urban form and townscape, any adverse effects associated with the additional height sought under the current application are assessed as being less than minor.²³

5.3.2 Urban Design

Under ODP Rule 13.3.4 all new Central Area buildings require consent in relation to 'design, external appearance and siting' and the 'placement of building mass'.

In the margin note to Rule 13.3.4 it is recorded that:

Building works covered by Rule 13.3.4 will be assessed against the provisions of the Central Area Urban Design Guide. Note: Section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against a Design Guide.

Section 3.2.4 "Design Guide Applications" states that:

Any application for a resource consent that is to be assessed against a Design Guide must be accompanied by the Design Statement.

The submission of a clear and sufficiently comprehensive application including all the material below (general and specific requirements) will assist the approval process by demonstrating that all relevant matters have been assessed.

The primary concern of any urban design assessment is not the architectural design qualities of a proposal as such, but the way that the proposal is integrated into its surroundings through the quality of its design.

The urban design assessment of a proposal will evaluate the architectural design only in terms of its contribution to the overall quality of the urban environment.

A development will be judged in relation to the contribution that it makes to the enhancement of the public environment (including, among other elements, streetscapes, urban form, public spaces, views, visual qualities of the built environment and connections to other building(s)) and this should be made explicit within the design statement. The design statement should also illustrate the potential effects that the proposed development may have on the fabric of the city and the expected changes that it may generate.

Then, under Section 3.2.4.1 "General Requirements" and Section 3.2.4.2 "Specific Requirements", it is further explained that:

²³ The potential effects of the additional height on historic heritage values are assessed in the Heritage Assessment and the Independent Historic Heritage Review, as summarised in Section 5.3.3 of this AEE.

3.2.4.1 General Requirements

The design statement will set out the design principles of the development proposal. The statement will comprise a significant element of the assessment procedure. It must:

- demonstrate how, through the design process, the respective design guide objectives and guidelines have been considered, for example, through considering options, before a final solution has been reached
- describe the significant features of the development site
- outline the relevant history of the site
- explain how the proposal strengthens or enhances the existing form and character of the city
- where the development is of a size or in a location with city-wide significance, include a description of how the development is seen in the context of the wider city and how it links into that context
- describe how the development integrates into its surroundings and the contribution that it makes to the overall quality of the environment.

If a proposal does not comply with the objectives of the Design Guide, the Design Statement must convincingly justify that the development does not detract from the intention of the Design Guide and that the proposal does not create an adverse effect on the environment.

If a proposal does not comply with the guidelines or specific requirements under 3.2.4.2, the Design Statement must convincingly justify the applicant's choice of the particular approach and demonstrate how the objectives of the Design Guide are satisfied.

3.2.4.2 Specific Requirements

3.2.4.2.3 For the Central Area Urban Design Guide

Additions to the Design Statement are required for developments within the Central Area that:

- are adjacent to or front public spaces.

In this case the Design Statement should clarify how the proposal will contribute to the cityscape when viewed from close up or from a distance.

To address the information requirements under Section 3.2.4, urban designer Deyana Popova was commissioned to prepare an urban design assessment of the proposal - refer **Appendix 7**.

Context for the Urban Design Assessment

A comprehensive Urban Design Assessment was prepared for the October 2021 proposal, which included ten storey (Northern) and nine storey (Southern) apartment buildings.

The current Urban Design Assessment is again an assessment of ten and nine storey apartment buildings, given that the current application is to increase the height of the buildings consented under SR 500876 from eight and five storeys to ten and nine storeys respectively.

Under the ODP, buildings that exceed the maximum building height are required to demonstrate 'design excellence' and identify/confirm how the proposal delivers an overall quality that clearly exceeds the quality of a development that merely satisfies the Design Guide.

Given this requirement, the Urban Design Assessment supporting the current application for the additional height of the Northern and Southern Apartment buildings provides a comprehensive assessment of the overall development, and not just an assessment of the requested additional height.

The Urban Design Assessment should be read in conjunction with the Architectural Design Statement prepared by the project architect, Athfield Architects.

Urban Design Assessment is structured as follows:

- Introduction
- The Site & Context
- The Proposal
- Assessment of Central Area Design Guide
- Townscape Assessment
- Design Excellence
- Assessment of Centres and Mixed-Use Design Guide
- Summary and Conclusions.

This section of the AEE records the overall conclusions as follows:

The proposal is for a large scale comprehensive residential development on a site with a sensitive contextual setting surrounded by publicly important buildings and spaces (Pukeahu National War Memorial Park, National War Memorial, the former National Museum, and the Basin Reserve). The proposal comprises both lower and taller buildings with the taller buildings exceeding the current height limit for the site.

An assessment of the urban design outcomes of the proposal against the relevant District Plan provisions was carried out including: (a) assessment against the Central Area Urban Design Guide (CAUDG)/Operative District Plan and the Centres & Mixed Use Design Guide and the Residential Design Guide/Proposed District Plan; (b) visual impact assessment of the proposal on its immediate and wider townscape setting; and (c) a 'design excellence' assessment - the extent to which the proposed design is exemplary and capable of delivering 'design excellence'.

The key assessment findings are summaries below.

Design Guide / Operative District Plan

- *The urban design outcome of the proposal is overall consistent with the objectives of the Design Guide. Based on a thorough analysis of the existing context, the planning and design of the proposal will deliver an integrated development with a coherent building form designed with reference to its context.*
- *The massing and the form/design of the individual buildings create a well-integrated site layout which: (a) responds well to the varied conditions along the two street frontages of the site; (b) acknowledges the key contextual elements of the setting including heritage assets; (c) enhances existing urban patterns; and (d) aids the relationship of the development to its setting.*
- *The arrangement of buildings across the site is well coordinated to moderate the apparent height/bulk of the taller buildings and reduce the impact on existing visual connections to the National War Memorial and the Carillon.*
- *The formal composition and design treatment of the individual buildings respond well to their location within the site and acknowledge the range of distances they will be viewed from. The façade design will create positive and visually interesting street frontages that will generate street activity and improve the safety of adjacent spaces.*
- *The proposal will provide a large number of residential units within a mix of residential typologies on a central city site well suited to high-density residential development. The amenity of the individual units and the shared amenities provided by the proposal demonstrate a commitment to delivering a high-quality residential environment within safe and seismically sound buildings.*
- *The height of the two taller buildings has been appropriately managed in relation to the immediate context and the setting and values of the nearby heritage buildings - the Carillon and National War Memorial. The composition of form and space across the site with an emphasis on the spaces between buildings and the massing of the taller buildings are the main reasons for that. Visual connections between the city and the Carillon and National War Memorial, will be maintained, albeit in a different and less open setting and with a reduced prominence from some vantage points to the east.*
- *The proposal has provided a balanced 'in-the-round' response to the Design Guide while creating high amenity/well-functioning residential spaces within a range of housing typologies in an area of the central city highly suitable for new residential development.*

Centres and Mixed-Use Design Guide and Residential Design Guide / Proposed District Plan

- *The proposal responds positively to the relevant PDP guidelines under the Centres & Mixed-Use Design Guide, noting that most of them cover the same design aspects as those in the current CAUDG. The coordinated massing across the site and the well-considered articulation and façade composition of the individual buildings are the primary design responses that help to achieve the outcomes sought by the relevant guidelines.*
- *The proposal has considered the relevant guidelines under the PDP Residential Design Guide. The level of residential amenity associated with the new units is the same as that in the consented proposal and is generally consistent with the outcomes sought under the relevant guidelines. The shortfall of private open space for some of the units is considered an acceptable outcome in the context of a large-scale central city residential development adjacent to a large public open space.*

Visual impact on the surrounding townscape

- *The proposal will change the current visual/physical setting around the site. The impact of that change will vary with distance and viewpoint location. However, the 'reading' of existing important contextual elements, features and relationships that make up the character of the existing setting, will be retained as part of the dynamic visual experience of the proposal when moving around and towards the site.*
- *The distribution of building mass across the site, the composition and articulation of the building forms and their specific façade treatments are the primary design attributes that help to moderate the visual impact of height/bulk and relate the proposal to its setting.*

Design Excellence

- *The assessment of 'design excellence' established that the proposal has addressed the Council 'design excellence' considerations in an exemplary way and has, therefore, passed the 'design excellence' test.*
- *The proposal is an integrated development that is coherently resolved - it is both site-specific and concept driven. This is illustrated in the coordinated way it balances massing, building form and façade composition with contextual considerations and residential amenity requirements.*
- *The proposal demonstrates a high level of professionalism and a commitment to building design quality that clearly can deliver an outcome that goes over and above what would normally be expected to satisfy the Central Area Urban Design Guide provisions.*

Planning Assessment - Urban Design

The planning (policy) framework for assessing urban design is principally set by ODP Policies 12.2.5.2, 12.2.5.3, 12.2.5.4, 12.2.5.5, 12.2.6.2 and 12.2.6.3 and PDP Policy CCZ-P9.

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.*

12.2.5.3 *Manage building mass in conjunction with building height to ensure quality design outcomes.*

12.2.5.4 *To allow 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.*

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.

12.2.5.5 *Require design excellence for any building that is higher than the height standard specified for the Central Area.*

12.2.6.2 *Require high quality building design that acknowledges, and responds to, the context of the site and the surrounding environment.*

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.*

Under Policy 12.2.5.2 it is explained, inter alia, that:

The placement of building mass is an important tool in mitigating the effect of new building works on the amenity of the public realm.

Under Policy 12.2.5.3 it is further explained that:

By controlling building mass but at the same time providing for a greater degree of flexibility in relation to building height, the Council anticipates that there will be increased quality, variety and vitality in the built form of the City, and greater capacity to negotiate positive heritage and urban design outcomes throughout the Central Area.

Under Policy 12.2.5.4 it is explained, inter alia, that:

In situations where building height and building mass are reduced to achieve a positive heritage or urban design outcome, the Council will consider applications for consent to provide additional building height elsewhere on the site.

...

Any additional building height must be able to be treated in such a way that it maintains the integrity of the building's design, and respects the characteristics of the site and surrounding area.

Under Policy 12.2.5.4 it is explained, inter alia, that:

As all buildings contribute to the character and public environment of central Wellington, design quality is a fundamental consideration in the assessment of any development application (see policy 12.2.6.2). The issue of design quality is even more important for buildings of unusual height or bulk, which due to their size, height and massing can have a significant impact on the city, both at street level and from a distance. To ensure that over height buildings visually enhance the cityscape of the Central Area, the Council will require that they display design excellence.

Under Policy 12.2.6.2 it is explained, inter alia, that:

Quality design is particularly important for buildings that are significantly taller or larger than their neighbours, as their size, height and massing can have a significant impact on the character of the city, both at street level and from a distance.

Under Policy 12.2.6.3 it is explained, inter alia, that:

Development of sites adjacent to listed heritage items should not dominate or compete with the existing scale of adjacent listed heritage items, particularly at the public/street edge.

The environmental results that are sought through the implementation of the ODP policies are:

- buildings that are of a volume capable of effectively managing any adverse effects on the environment [12.2.5.2];
- buildings of a height and volume that ensure quality design outcomes [12.2.5.3];
- building work that is designed to provide positive public environment and heritage outcomes [12.2.5.4];
- excellence in design of any building that exceeds the height standards specified in the District Plan [12.2.5.5];

- new building work that contributes to the positive urban design characteristics of the surrounding locality [12.2.6.2]; and
- new buildings that are of a height and bulk that do not detract from the setting of any adjacent listed heritage item [bu12.2.6.3].

Under the PDP, Policy CCZ-P9 seeks 'quality design outcomes through requiring:

... new development at a site scale to positively contribute to the sense of place and distinctive form, quality and amenity of the City Centre Zone.

In relation to over height, large-scale residential development , Policy CCZ-P11 requires the development to deliver 'city outcome contributions'.

From the above policies, both ODP and PDP policies, it can be concluded that:

1. the District Plan does anticipate buildings that exceed the District Plan's maximum building height standards, including buildings that can have a significant visual presence;

but that:

2. 'over-height buildings' must deliver design excellence and make an overall positive contribution to the urban environment (via city outcomes contributions).

Drawing on the conclusions of the urban design assessment, the proposal does not represent a form of Central Area/City Centre Zone development that is not contemplated by the District Plan provisions, notwithstanding that due to the height of both the Northern and Southern Apartment Buildings consent is required for a Non-Complying Activity under the ODP.

The District Plan (both the ODP and PDP) does anticipate buildings that exceed the building standards in situations where:

1. building height and building mass have been 'organised' across the site to achieve positive outcomes, including:
 - positive on-site residential amenity; and
 - positive relationships with adjacent heritage buildings;
2. the over-height buildings achieve design excellence, and
3. the development overall delivers positive city outcomes contributions.

Drawing on the urban design assessment, it is concluded that any urban design effects, including effects on townscape and visual amenities, associated with the increased building height for the Northern and Southern Apartments Building, as sought under the current application, will not result in unacceptable urban design effects, including townscape effects.

5.3.3 Heritage Effects

Firstly, it is confirmed that the development does not require consent under the District Plan's heritage rules, both the ODP and the PDP, as there is no direct physical effect on any listed heritage item, and the site is not within or adjacent to a listed heritage area.

Rather, the context for the assessment of any heritage effects is the effect of building height on:

- *the historic heritage values of any listed heritage item in the vicinity.*²⁴

To address the issue of “heritage effects” the Applicant commissioned an independent heritage/conservation architect, Adam Wild of Archifact, to prepare a heritage assessment of the proposal. The full report is attached - refer **Appendix 9**.

The overall conclusion is that:

The proposed One Tasman Pukeahu Park development at 1 and 23 Tasman Street represents an appropriate and supportable scheme that respects the identified historic heritage values of the adjacent and nearby heritage buildings, elements, and spaces, minimises effects, and enhances those values and the wider public benefit.

The proposed massing, height, scale and proportions, architectural forms, detailing, and materiality of the new development are designed to respect and be sympathetic to the nearby heritage. The varied architectural massing and relationship of the various built forms within the site have been carefully considered so that the proposed development sits appropriately within the site, maintains the characteristic mixed-grain of the surrounding existing context, and does not dominate the surrounding heritage elements. The proposed height is a site-specific response to the particular and distinctive topography of the site.

The collection of heritage elements grouped on and around the ridge and slopes of Pukeahu/Mount Cook including the National War Memorial, the former Dominion Museum, the former Mount Cook Police Station building and the Tasman Street wall on its eastern boundary, and the former Army Headquarters Building to the west can be considered collectively, in conjunction with the Pukeahu National War Memorial Park public setting to the north, to describe a collective heritage context. The proposed development sits adjacent to, but outside of, this important setting. The proposed scheme respects and maintains the character and significance of the individual and collective heritage elements and enables their continued appreciation and interpretation.

The National War Memorial’s Carillon tower is significantly higher than the proposed development and remains the primary skyline element that will be visible from the Te Aro Valley and the wider Wellington context. The focal status of the Carillon tower and the National War Memorial is reinforced in the configuration of the apartment towers across the site: the bulk of the apartment towers have been separated in two, with the threshold aligned on the historic Te Aro (Heaphy) grid axis using the Carillon tower as the reference datum point for the axis. The separation of the Northern and Southern Apartment blocks also maintains sightlines from the Mount Victoria Tunnel eastern portal.

*Overall, the proposed works demonstrate a commitment to respecting, maintaining, and enhancing the nearby heritage assets, and the wider heritage and urban context, providing a positive and appropriate outcome with a resultant less-than-minor adverse effect on heritage values.*²⁵

A peer review of the Archifact heritage assessment was commissioned by the Applicant - refer **Appendix 10**. The peer review addressed both the ODP and the PDP relevant provisions. The peer reviewer Richard Knott stated that:

*The Archifact Assessment of Effects on Heritage (Archifact Report) follows an appropriate methodology, based on the identification of the place, an identified methodology, background to the site and context, and an assessment of effects on heritage*²⁶

and concluded that:

²⁴ ODP Rule 13.3.8.14.A.

²⁵ Assessment of Effects on Heritage Report, page 25.

²⁶ Independent Historic Heritage Review, Richard Knott Limited, page 5.

Having visited the site, considered the proposed plans, Archifact Assessment and WCC Review, I consider that the proposed development will maintain the values of its wider heritage setting. Overall, the effects of the proposal on historic heritage will be less than minor.²⁷

5.3.3.1 Planning Assessment - Heritage Effects

As noted above, it is the Central Area/City Centre Zone provisions, and not the Heritage provisions, that apply to the assessment of effects on heritage given that the proposed One Tasman Pukeahu Park development:

- does not directly affect any listed heritage building or item; and
- is not located within or adjacent to a listed heritage area.

Rather, the planning framework/rule trigger for assessing effects on heritage is ODP Rule 13.4.8 which requires an assessment of building height above the permitted activity level (18.6m) on:

- *the historic heritage values of any listed heritage item in the vicinity*

and PDP Rule CCZ-R20.2, which includes as a matter of discretion, how a development responds to the site context where it is located adjacent to:

- *a heritage building, heritage structure or heritage area.*

The Archifact Report addresses this matter in detail in Section 7 and concludes that any effects on historic heritage values are less than minor.

Principal considerations leading to this overall conclusion include:

- overall site planning including the separation of the apartment forms to manage and break-up the perception of greater building mass on the site;
- the incorporation of lower building forms on the Old Buckle Street/Tasman Street corner to respond to the lower scale of the historic former Mount Cook Police Station;
- alignment of the apartment building forms with the historic Te Aro (Heaphy) grid;
- achievement of an appropriate scale transition and relationship with the adjoining Pukeahu National War Memorial Park public space - it does not dominate the space, but provides a sense of enclosure to the space;
- while adjacent to the Pukeahu National War Memorial Park public space, One Tasman Pukeahu Park does not result in any severance of the park from its wider setting; and
- with the Carillon being significantly higher than the proposed apartment buildings, it remains the primary skyline element.

The peer reviewer Richard Knott came to similar conclusions when addressing ODP Policy 12.2.5, which is directed toward managing building heights in the Central Area in order, inter alia, to:

... ensure that new buildings acknowledge and respect the form and scale of the neighbourhood in which they are located

opining that:

Whilst the development exceeds the building heights for the area, the effects of this on its wider heritage setting are mitigated by the overall design and layout of the scheme.

²⁷ Independent Historic Heritage Review, Richard Knott Limited, page 20.

... the placement of the towers and the gap between them, and the provision of lower scale buildings on the frontage to the site to the National War Memorial ensures that the heritage values of the wider heritage setting are maintained.²⁸

Conclusion

The One Tasman Pukeahu Park development will not adversely affect the historic heritage values of any listed heritage item in the vicinity, including the Carillon and the former National Museum, nor on the amenity and historic heritage values of the Pukeahu National War Memorial Park, above a less than minor threshold.

Accordingly, the proposed One Tasman Pukeahu Park development does not constitute an 'inappropriate development and use' of the site when regard is had to historic heritage.

5.3.4 Cultural Effects

In recognition of the cultural significance of the wider area in which the One Tasman Pukeahu Park site is situated, and following initial engagement with the Wellington Tenth Trust, Raukura Consultants were commissioned by the Applicant to prepare a cultural impact report (CIR) on behalf of the Wellington Tenth Trust and the Port Nicholson Block Settlement Trust - refer **Appendix 11**.

The report confirms the cultural context and importance of the development site which is located in an area "*which is of very high cultural and historical significance*".

The report sets out the Māori cultural history and the connection with this part of Wellington and explains how it fitted in the overall tribal situation around Te Whanganui a Tara, and confirms that the Port Nicholson Block Settlement Trust (PNBST) and Wellington Tenth Trust (WTT) are the iwi authorities in Wellington representing the tangata whenua as mandated iwi authorities, on whose behalf the report was prepared.

The report also records that:

In this area Wellington Tenth Trust through Capital Hill Limited in partnership with Massey University has an ownership of old Dominion Museum Building with a boundary extending along Buckle Street

and that:

The Mana Whenua iwi organisations of Te Atiawa - Taranaki Whānui have both land interests through the Old Dominion Museum building and grounds and the cultural interests in part through Ngā Tapuae o Te Kahui Maunga in the Pukeahu National War Memorial Park.

The report records that one of the issues for iwi mana whenua is whether the size of the proposed development has a negative impact on Ngā Tapuae o Te Kahui Maunga as a significant part of the Pukeahu National War Memorial Park, but notes that:

The development is well set back from the east side of Pukeahu with the trenched roadway leading to the Arras Tunnel and then the accessway that was part of the old Buckle Street.

With reference to the significance of the 'old' Dominion Museum building (aka National Museum 1933-1936), the report notes that:

The development would replace the existing apartment building on the site and so its impact on the Old Dominion Museum Building - Tokomaru jointly owned by Wellington Tenth Trust through Capital Hill Limited and Massey University comes into consideration. The elevation and height of the Tokomaru Building meaning the rooflines of

²⁸ Independent Historic Heritage Review, Richard Knott Limited, page 14.

Tokomaru and the proposed development are similar, however the separation of the buildings reduces the impact of the proposed development.

Having assessed the proposed One Tasman Pukeahu Park development against the cultural significance of the wider area, as well as the Wellington Tenth's Trust's ownership, jointly with Massey University, of Tokomaru, the report concludes and recommends as follows:

- 1. This proposed development at 1-23 Tasman Street will replace a large existing apartment building however it will be larger in height than the existing building. Although it will be high it fits the scale of buildings and roading around the site.*
- 2. The proposed development is close to Pukeahu National War Memorial Park built in 2015 atop the Arras Tunnel which takes the State Highway 1 traffic. The Park was created to cater for large national events such as Anzac Day Memorials utilising the large parade ground with the various Nation's Memorials to both the west and east of the parade ground. The development will overlook the eastern arm of the Park. The buildings should respect their location especially in their design and how they are used.*
- 3. The Port Nicholson Block Settlement Trust and the Wellington Tenth's Trust believe it is unlikely that any Maori cultural archaeology would be found on the site as it has been the subject of many building developments from the time of colonisation. The Trusts do not think any archaeological examination of the site prior to development is required after clearance of the existing buildings.*
- 4. There is a need for an accidental protocol for this development to cover the low possibility of cultural material being discovered on the site.*
- 5. The Trust can advise of appropriate cultural ceremony for the site and the project prior to the start of works and then at the completion of the project.²⁹*

5.3.4.1 Planning Assessment - Cultural Effects

The ODP's policy framework for assessing cultural effects is set by Objective 12.2.6 and Policies 12.2.6.1 and 12.2.6.2:

- 12.2.6 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.*
- 12.2.6.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.*
- 12.2.6.2 Enable a wide range of activities that relate to the needs and wishes of tangata whenua and other Maori, provided that physical and environmental standards in the Plan are met.*

During the design process the Applicant first engaged with the Wellington Tenth's Trust to outline the proposal and seek feedback from the Trust.

The Trust subsequently confirmed its support for the proposed development (refer Section 5) with the following recommendations including:

- *future guidance and provision of cultural advice.*

To acknowledge and reinforce the importance of this recommendation, with the endorsement of the Wellington Tenth's Trust, Raukura Consultants were subsequently engaged to prepare a cultural impact assessment report on behalf of the Wellington Tenth's Trust and the Port Nicholson Block Settlement Trust.

²⁹ Cultural Impact Assessment Report, page 15.

The decision to name the development One Tasman Pukeahu Park was shared with the Wellington Tenth Trust and endorsed by the Trust.

The proposed landscape plan confirms the Applicant's commitment to incorporate Pohutukawa and Rata in the proposed planting(s), especially on the Tasman Street frontage, thus providing a strong cultural acknowledgement and connection to the Pohutukawa trees on the Pukeahu Ridge, Pohutukawa planted by descendants of the Wellington Tenth Trust to acknowledge the contribution of whanau to the Maori Battalion during the Second World War.³⁰

As confirmed in Section 5.11 "Consent Conditions", the Applicant endorses the imposition of a Discovery Protocol as a consent condition, as requested by the Wellington Tenth Trust and endorsed in the cultural impact report.

Against the above background of engagement with the Wellington Tenth Trust and the preparation of a cultural impact report, the Applicant considers it has positively responded to its obligations under s6(e), s7(a) and s8 of the Act:

- s6(e): the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- s7(a): kaitiakitanga; and
- s8: taking into account the principles of the treaty of Waitangi (Te Tiriti o Waitangi)

thus ensuring that the proposed One Tasman Pukeahu Park development demonstrates respect for Maori cultural values.

5.3.5 Wind Effects

Note: to provide a background to the assessment of wind effects, and the process involved in assessing those effects, the following section is as stated in the AEE submitted with the October 2021 application, which included buildings of ten storeys (Northern Apartments building) and nine storeys (Southern Apartments building).

Rule 13.6.3.5 requires that all new Central Area buildings above 18.6m must be designed to comply with specified standards and a wind report, which includes the results of a wind tunnel test, must be supplied with the resource consent application.

WSP was engaged to prepare the required wind report, a copy of which is attached - refer **Appendix 12**.

The conclusions reached were:

Existing Wind Conditions

1. *Existing wind conditions in the area around the site mostly range from moderate to high, with localised areas of higher wind speed, where gust speeds exceed the safety threshold of 20m/s specified in the District Plan.*

Gust Speeds - Safety Criteria

2. *The gust speed data shows that the original development design causes a net deterioration in the local pedestrian wind environment, with the increase in wind speeds, mostly in Tasman Street, outweighing the reductions, mostly around the northwest corner of the development. Most of the larger increases identified occurred in northerly winds, with vertical wind flows being deflected down the windward faces of the two taller buildings and being channelled south along Tasman Street.*

³⁰ Comment by Liz Mellish MNZM during the hui with the Wellington Tenth Trust on 15 June 2021.

3. *There are seven locations where the gust speeds are reduced with the original development design, compared to twenty-two where the gust speed is increased. At fifteen of these locations the gust speeds are increased over the 20m/s District Plan Safety Criteria.*

Frequency of Occurrence - Cumulative Effect Criteria

4. *There are more locations where the original development design increases the time that the mean speed equals or exceeds the District Plan Cumulative Effect mean speed thresholds of 2.5m/s and 3.5m/s by more than 20days/year than where it reduces the time by more than 20days/year. Overall, this represents a deterioration in the amenity of the wind environment in the surrounding area.*
5. *The original development design does produce an improvement in the amenity around the northwest corner of the development, including over a sizeable area of Pukeahu Park.*

Overall Assessment of Design

6. *Taken overall, the original development design causes an identifiable deterioration in wind conditions in the pedestrian areas surrounding the site. This includes a substantial part of Tasman Street adjacent to the site.*

Effects of Design Changes

7. *Additional testing of design changes showed that the negative effects of the original design of the development as first tested, could be partially mitigated. An aggregation of different design changes (Option 1), including those informed by heritage, urban design and wind inputs, and influenced by the acquisition of the site to the south, produced some significant improvements over the original design. The further inclusion of a large canopy (Option 2) offered additional mitigation of some of the effects identified in Tasman Street.*
8. *It is understood that the design changes that were tested as Option 1 and Option 2 have been included in the development design that is being submitted for resource consent.³¹*

5.3.5.1 Planning Assessment - Wind Effects

The ODP's policy framework relating to wind is set by Policies 12.2.5.6 to 12.2.5.9:

- 12.2.5.6 *Ensure that buildings are designed to avoid, remedy or mitigate the wind problems that they create and when existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably practical.*
- 12.2.5.7 *Ensure that the cumulative effect of new buildings or building alterations does not progressively degrade the pedestrian wind environment.*
- 12.2.5.8 *Ensure that the wind comfort levels of important public spaces are maintained.*
- 12.2.5.9 *Encourage consideration of wind mitigation measures during the early stages of building design and ensure that such measures are contained within the development site.*

In the explanation to the policies it is commented, inter alia, that:

The wind rules seek to encourage a safe and pleasant environment by decreasing the worst effects of wind. That is, a development should not make the existing wind environment dangerous or significantly worse for pedestrians.

³¹ Wind Report, page 25.

The wind tunnel test of the initial October 2021 proposal demonstrated that:

... the proposed development causes a net deterioration in the local pedestrian environment, with increases in wind speeds, mostly in Tasman Street, outweighing the reductions that occur around the northern end of the development, including in Pukeahu Park. The increases in wind conditions identified are primarily due to a combination of vertical wind flows being deflected down the windward faces of the two taller buildings in the development proposal and horizontal wind flows at ground level being channelled and deflected around these two buildings.

Consistent with Policy 12.2.5.9, which encourages wind mitigation measures to be assessed as part of the building design process, further wind tunnel testing assessed the effect of design configuration changes (Option 1) along with potential mitigation measures (Option 2) - refer Section 7.5 of the Wind Report "Investigation of Design Changes".

Option 1: the design changes covered:

- north tower block shifted 2m south and 0.4m east
- north tower block Level 9 setback west façade (i.e. one floor reduction in height)
- north-west corner townhouses extended further south along Tasman Street
- large trees included along Tasman Street in front of the northern apartments
- south tower block shifted south approximately 7m (following the purchase of 23 Tasman Street and its incorporation into the site)
- south tower block increased by one level
- south tower block footprint adjusted
- proposed planting in the gap between the north and south tower blocks
- proposed planting in the space between the southern boundary and the south tower block.

Option 2: mitigation measures:

In addition to the Option 1 design changes, a large canopy extending from the north-west corner of the Southern Apartments (Building E) to the southern site boundary, 0.3m from the Tasman Street kerb and extending along part of the southern façade of the Southern Apartments Building - refer Figure 7 and 8 images.

Retesting the design changes (Option 1) and the mitigation measures (Option 2) confirmed that:

- (a) Option 1 performed better than the original design, both in terms of gust speeds and the frequency of occurrence data; and
- (b) adding the canopy (Option 2) resulted in measurable mitigation of wind conditions in Tasman Street.



FIGURE 7: proposed canopy, Southern Apartments (Building E)



FIGURE 8: proposed canopy, Southern Apartments (Building E)

Based on the testing undertaken following the incorporation of the design changes and mitigation measures, and the results recorded, the outcome, in the opinion of the Applicant, reaches the threshold test of achieving “as far as reasonably practicable” a safe pedestrian environment.

In particular, it is noted that there is an improvement around the northwest corner of the development, including over a sizeable area of the Pukeahu National War Memorial Park; while the south tower canopy offers additional protection from the wind in Tasman Street.

5.3.5.2 SR 500876 (Consented Scheme) and Current (Amended) Proposal

In the Council’s Notification Decision Report in relation to wind, it was recorded that:

“... subject to the conditions offered being implemented I consider the Tasman Street pedestrian wind environment can be adequately mitigated by the proposed wind mitigation measures and the Buckle Street wind environment will be further tested by way of condition as agreed by the applicant. I consider, overall, the pedestrian wind effects to be not more than minor. The effects on persons from wind are considered to be less than minor.”³²

The wind-related consent conditions were:

5. *Prior to the lodgement of a Building Consent the consent holder must undertake a wind tunnel test, the purpose of which is to confirm the advice provided by WSP (Neil Jamieson) dated 29 March 2022 and the wind mitigation measures identified by Dr Donn in his report (dated 27 September 2022) page 6, (a) to (g)). If the results show that the wind speeds exceed an acceptable level as determined by Mr Jamieson and Dr Donn, the mitigation devices (referenced in Dr Donn’s report dated 27 September 2022, page 9 and 10) or an acceptable alternative must be installed with the approval of the landowner (if required) and the CMO, in conjunction with the Encroachment Team.*
6. *In order to achieve mitigation for wind effects, the two trees planted along the Tasman Street site frontage must have a minimum height and width of 3-5 metres at the time of planting and must be planted by the consent holder within 3 months of the completion of construction.*
7. *A Council-approved consulting arborist must be engaged by the consent holder and provide a report that demonstrates the suitability of the species chosen for the Tasman Street wind mitigation trees.*

³² WCC Notification Decision Report, SR 500876, page 31.

Notes:

1. *The trees must be evergreen (rata or similar)*
 2. *Any disturbance of the footpath when planting, and the subsequent reinstatement is the responsibility of the consent holder. The footpath must be reinstated to the original condition and match the level of the undisturbed path.*
 3. *The trees must be underplanted as outlined in Dr Donn's report dated 27 September 2022.*
8. *Prior to the completion of the buildings (and any other mitigation measure which may result from the application of condition (5)), such as screening to serve as mitigation for wind effects, must be installed to the satisfaction of the Council's CMO.*

Note: the verandah / canopy is excluded from this condition and addressed in conditions (11) to (14).

In particular, Condition 11 records that:

11. *The verandah along the western elevation of Building E (southern apartment block) with partial wrap-around must be constructed and maintained, so as to provide on-going mitigation for wind effects occurring within Tasman Street.*

Notes:

Unless modified by Condition (5) above:

1. *The verandah must be continuous.*
2. *The verandah includes a 1.2m high solid upstand.*

Following the granting of SR 500876, the Applicant commissioned WSP Research Operations to undertake wind tunnel testing in accordance with Condition 5 - refer **Appendix 12A**. Based on the wind tunnel testing of the consented scheme it was concluded that:

- (1) *Compared to the submitted design, the consented design, which includes a range of specific mitigation features significantly reduces the number of locations where the calculated gust speeds exceed the 20m/s District Plan Safety Criteria.*
- (2) *On the footpaths immediately adjacent to the site there are three locations where the maximum gust speeds with the consented design remain above the 20m/s, these being around the northeast corner of the site.*
- (3) *Additional wind mitigation options, including large evergreen trees, showed that the maximum gust speeds at the locations around the northeast corner of the site could be reduced below the 20m/s threshold.*

WSP Research Operations also completed wind tunnel testing of the current proposal - i.e. with the Northern Apartments Building at ten levels and the Southern Apartment Building at nine levels - refer **Appendix 12B**. The results were similar to those recorded for the consented scheme, with the report concluding that:

- (1) *Compared to the submitted design, the amended design, which includes a range of specific wind mitigation measures, significantly reduces the number of locations where the calculated gust speeds exceed the 20m/s District Plan Safety Criteria.*
- (2) *On the footpaths around the northeast corner of the site are three locations where the maximum gust speeds with the amended design remain above the 20m/s threshold.*
- (3) *Additional wind mitigation, comprising large evergreen trees, reduce the maximum gust speeds at the locations around the northeast corner of the site below the 20m/s safety threshold.*

Conclusion

Drawing on the results of the wind tunnel testing, it is concluded that, with the mitigation measures in place, wind effects will be no more than minor and therefore be acceptable.

5.3.6 Shading Effects

An assessment of the shading effects is presented in the Architectural Design Statement at page 35 (also refer **Appendix 13** - Sun Studies) which confirms that there is a small amount of shading additional to that from a permitted baseline (18.6m) high building on:

- the north-east corner of Pukeahu National War Memorial Park; and
- the Basin Reserve eastern embankment.

None of the ODP Appendix 7 identified ('protected') public places are in close vicinity of the site

5.3.6.1 Planning Analysis - Shading Effects

ODP Rule 13.6.3.4 requires that all new Central Area buildings must be designed and located to maintain sunlight access to identified public spaces (as shown in Appendix 7 to Central Area Chapter 13).

In the explanation to Policy 12.2.6.2:

Policy 12.2.6.2 Protect sunlight access to identified public spaces within the Central Area and ensure new building developments minimise overshadowing of identified public spaces during periods of high use

it is explained 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 access is maintained to identified public spaces where people congregate, and at a time of day when they are more heavily used.

For the majority of the identified public spaces (10 out of 13) the 'protected' period is 12noon to 2.00pm (measured at either Equinox).³³

Neither the Pukeahu National War Memorial Park nor the Basin Reserve are identified as public spaces subject to Rule 13.6.3.4.

However, where the permitted activity height standards are exceeded, one of the assessment criteria under Rule 13.3.1.4.A is the effect of building height on:

- *the amenity of the surrounding streets, lanes, footpaths and other public spaces*

which could include the amenity of other public spaces aside from those subject to Rule 13.4.3.4.

The shading on Pukeahu National War Memorial Park is early evening (6.00pm) and only on the north-east portion; and during late afternoon (4.00pm) during winter on the Basin Reserve.

This shading will not in any material way diminish the amenity of those public spaces.

5.3.6.2 SR500876 (Consented Scheme)

In the Notification Decision Report for SR 500876 in relation to "private amenity" it was recorded that:

³³ The longest protected period is for Frank Kitts Park (10am to 4.00pm), while the protected hours for Manners Mall are 1.30pm-3.00pm) and Post Office Square (12noon-1.30pm).

... the subject site and the rest of this block, as well as the surrounding land to the north and east is zoned Central Area. Nonetheless, a large proportion of the land in the immediate block is developed for residential purposes. The Seventh Day Adventist Church at 27 Tasman Street and the Markman Motor Inn at 40-44 Sussex are the only non-residential buildings.³⁴

The report further records that:

With the reduced heights the shading from the proposal is largely contained within a shading envelope that would be generated by an 18.6m building. I note that the amended height proposal will still create shading in the front yard of 33, 35 and 37 Tasman Street for approximately an hour, around 9am, during the winter solstice as indicated in the submitted amended shading diagrams.³⁵

In response to a Council s92 request for further information in relation to shading effects associated with the October 2021 proposed development, attached at **Appendix 13A** is a reply prepared on behalf of the Applicant. The conclusion was that:

In the context of the District Plan provisions relating to Central Area development, provisions that acknowledge that the protection of residential amenity in the Central Area is significantly less than applies in Residential Areas, the additional shading on 33, 35 and 37 Tasman Street resulting from the proposed development at 1-23 Tasman Street during the winter solstice does not reach a level (extent and timing) that is considered to be unacceptable

A conclusion which remains valid.

5.3.7 Noise Effects

An acoustical noise assessment for the October 2021 application was undertaken by Marshall Day Acoustics (**Appendix 14**). The report addressed the following areas of potential noise effects:

- external noise insulation;
- fixed plant noise;
- activity noise; and
- construction noise and vibration.

In relation to external noise insulation, as required by Rule 13.6.1.2, Marshall Day concluded that:

Based on the proposed layout of the buildings, we expect that the external sound insulation requirement of the District Plan can be complied with, subject to appropriate glazing configurations. Final wall and ceiling linings would be determined as the design progresses.

To ensure compliance, Marshall Day proposed a consent condition that requires certification by a suitably qualified person that the external noise insulation and ventilation standards (13.6.1.2.1 and 13.6.2.2) are met.

In relation to fixed plant noise, given that specific details of the proposed fixed plant have yet to be confirmed, Marshall Day recommend the imposition of consent conditions directed at ensuring that all fixed plant, including car park exhaust fans, is designed, installed and operated to comply with the standards set out in Rule 13.6.2.1.1.

In relation to activity noise (i.e. noise from carparking and from the café), Marshall Day concluded that the activities will comfortably comply with the 60dB LAeq(15min) activity noise standard.

In relation to construction noise Marshall Day commented that:

³⁴ WCC Notification Decision Report, SR 500876, page 32.

³⁵ WCC Notification Decision Report, SR 500876, page 33.

At this stage, a construction methodology has not been developed and specifics of any exceedances cannot be reliably determined.

Due to the close proximity of some of the surrounding sites, it is highly unlikely that the construction noise limits would be complied with. This is not unusual for construction sites in Wellington.

Accordingly, Marshall Day recommended a consent condition requiring that a construction noise and vibration management plan (CN&VMP) be provided to the Council for approval prior to construction activities commencing on site.

5.3.7.1 Planning Assessment - Noise Effects

With the imposition of consent conditions recommended by Marshall Day, any adverse noise effects associated with the temporary construction phase, and once the residential complex is completed and occupied, will be less than minor and, in respect of internal insulation and ventilation and fixed plant noise, will be in compliant with the District Plan standards.

SR 500876 Conclusion

In the November 2022 Notification Decision Report for SR 5008 76, it is recorded that:

Mr Hannah (Acoustic Engineer) has reviewed the applicant's Acoustical Design Report and advised that he agrees with the applicant that the noise effects resulting from the permitted activities on the site will be less than minor. He acknowledges that the application has offered conditions to confirm compliance with the Operative District Plan standards in relation to noise insulation, ventilation and fixed plant noise and considers this to be acceptable. Mr Hannah has also sighted the amended plans and considers his original assessments still stand (email dated 5 September 2022).

The report concludes that:

... the noise effects arising from the proposed residential and café activities, including fixed plant noise, will be less than minor and there are no adversely affected persons in this respect.³⁶

Given that there are no changes to the proposed activities, the conclusion reached in relation to noise effects being less than minor remains valid.

5.3.8 Transportation Effects

An independent assessment of the proposed development from a transportation perspective has been undertaken by Stantec. A copy of the full report is attached - refer **Appendix 15**.

The overall conclusion is that:

... the transport related needs of the proposed new residential activity can be accommodated at the Site, and in the manner proposed, with little adverse effects on the surrounding transport network.

An assessment of the development Site's forecast traffic activity has shown that vehicle volumes generated on the adjacent roading network will be small, and will not give rise to any material impacts in terms of performance. Furthermore, the Site's proximity and easy pedestrian and cycle access to the CBD and its associated amenities, along with convenient access to key bus stops located within a short walk of the Site that connect with high frequency bus services to/from the CBD and surrounding wider suburbs, supports the use of sustainable transport modes over private vehicle transport.

³⁶ WCC Notification Decision Report, SR 500876, page 39.

Noting that on-street parking in the adjacent streets is already under pressure, the level of on-site car parking provision included in the proposal plans has been designed to provide sufficient resource to meet the forecast demand from residents. From a vehicle access perspective, the proposed development provides for an overall reduction in the number of current vehicle crossings serving the site, from six to two, delivering commensurate safety and amenity benefits to the adjacent pedestrian footpath environment.

Overall, it is assessed that the proposed redevelopment of this Site to provide a high-quality mixed typology of residential housing, can be supported from a traffic engineering and transportation planning perspective.³⁷

5.3.8.1 Planning Analysis Transportation

As confirmed in the Stantec Report, resource consent is required under the following ODP rules:

- (a) Rules 13.3.1 and Rule 13.3.7 in relation to the provision of more than 70 on-site carparking spaces; and
- (b) Rule 13.3.3 and 13.3.8 in relation to the provision of two vehicle crossings on the Tasman Street frontage, and the non-compliance with 13.6.1.3.11 relation to the distance from the loading area to the lifts.³⁸

5.3.8.1.1 Rules 13.3.1 and 13.3.7

Under both rules, where more than 70 parking spaces are provided, the matters for assessment are:

- the movement of vehicular traffic to and from the site; and
- the movement of vehicular traffic within the surrounding street network.

Comment

The Stantec report addresses both of these matters.

In relation to the movement of traffic to and from the site, it is confirmed that the site layout provides for sufficient internal space of vehicles, including service vehicles, to turn on-site removing the need for any reverse manoeuvres to or from Tasman Street.

In relation to any effects on the surrounding street network, Stantec estimate that total site traffic generation from the residential development is expected to amount to around 36-46vph (combined inbound and outbound across both driveways) during the AM and PM peak hours. While acknowledging that this level of movement represents an increase in traffic activity compared to the previous Tasman Gardens Apartments, of approximately one additional vehicle every two minutes, the conclusion reached is that:

Such small additions will not have a material impact on Tasman Street or the performance of local intersections along this corridor.

Based on the Stantec assessment, it is concluded that any adverse traffic effects associated with vehicle movement to and from the site and/or on the surrounding street network associated with the on-site provision of 138 carparks will be less than minor.

5.3.8.1.2 Rule 13.3.3 and Rule 13.3.8

Under Rule 13.3.3 and Rule 13.3.8 resource consent is required for the provision of two vehicle crossings and for the non-compliance with the standard relating to the distance from the loading area to the lifts.

³⁷ Transportation Assessment Report, Stantec, 30/01/2021, page 39.

³⁸ These matters were consented under SR 500876.

Comment

In relation to the number of vehicle crossings, the current six will be reduced to two, and, notwithstanding that both of the new crossings will experience more traffic movement, Stantec conclude that there will be an overall improvement to the pedestrian amenity on Tasman Street. In reference to the vehicle access design, Stantec note that:

*The proposed Site vehicle crossings will accommodate two-way vehicle movements and have been designed to a 6.0m and 6.8m wide crossing at the boundary for the basement carpark and ground level carpark accesses, respectively. Whilst this proposed driveway width for the surface level carpark exceeds the District Plan standard of 6m, it has been designed to enable safe tracking of a service vehicle to turn to/from the Site. This minor deviation from the standard is not assessed as having any material adverse impact on the driveway operation, noting pedestrian intervisibility splays at the adjacent Tasman Street boundary are able to be fully met.*³⁹

Based on the Stantec assessment, it is concluded that any adverse effects on pedestrian amenity and safety and/or on the safe movement of vehicles to and from the site, consequent upon the provision of two driveways, is less than minor.⁴⁰

In relation to the standard requiring that lifts be positioned within 15m of the loading area, Stantec note that:

*... the proposed residential nature means that any goods needed to be transport to/from the lifts will be infrequent.*⁴¹

This standard, in the Applicant's opinion, is more relevant to Central Area buildings which accommodate a range of commercial activities, which, by their very nature, generate a much higher level of daily servicing needs. For those buildings, convenient access to the lifts is more important to offset the 'potential' for service vehicles to park on the street.

In the case of the proposed residential development, any adverse effects associated with the non-compliance with standard 13.6.1.3.9 will be less than minor.

SR 500876 Conclusion

In the November 2022 Notification Decision Report for SR 500876, in relation to transportation effects, and having assessed the aspects of the non-compliance in relation to driveway width and the location of the loading area not being within 15m of the lifts, it is recorded that:

*... the traffic effects of the proposal are considered to be not more than minor. No specific persons are considered to be adversely affected in terms of traffic.*⁴²

Notwithstanding the increase in the number of car parks from 112 to 138, the increased number is well within the permitted activity standard of 1 space per 100sqm gross floor area. Accordingly, the conclusion that the traffic effects of the proposal are not more than minor remains valid.

³⁹ Transportation Assessment Report, Stantec, 30/01/2023, page 29.

⁴⁰ The definition of "site: (Chapter 3 of the District Plan) is "... an area of land comprised wholly in one freehold computer register ..." The development site consists of two sites (1 Tasman Street, record of title WN48D/821 and 23 Tasman Street record of title WN401/11). Legally, therefore, the One Tasman Pukeahu Park development is entitled to two vehicle crossings - however, this point is not relied on, but rather the Stantec assessment is the basis for concluding that effects are less than minor.

⁴¹ Transportation Assessment Report, Stantec, 0/01/2023, page 21.

⁴² WCC Notification Decision Report, SR 500876, page 35.

5.3.9 CPTED

As part of the design process, the project architect Athfield Architects engaged Dr Frank Stoks, an acknowledged CPTED expert, to undertake a CPTED assessment of the proposal. Dr Stoks' subsequent report is attached (**Appendix 16**).

Dr Stoks' overall conclusion is:

... that prudent CPTED measures have been embedded and refined during the design process, and to a level commensurate with a resource consent application.

In the body of his report Dr Stoks identifies a small number of areas where, as part of the developed design process, some further amendments/refinements could be considered and addressed.

5.3.9.1 Planning Analysis - CPTED

Embedding CPTED principles into the design process has resulted in a development that is consistent with the ODP's Guidelines for Design Against Crime.

This focus and commitment to embedding CPTED principles into the developed design process will further enhance the overall safety of both residents; and importantly the safety of persons enjoying adjoining public spaces, including Pukeahu National War Memorial Park.

As noted in the Guidelines for Design and Crime:

Whether surveillance is coming from inside or outside buildings, the strategy to reduce crime and fear of crime is the same - to increase eyes on the street.

Locating a significant residential population in this location is a positive outcome in relation to this principle.

SR 500876 Conclusion

In the November 2022 Notice of Decision, in relation to CPTED, it was recorded that:

The proposal generally promotes and protects health and safety as required by Policy 12.2.6.15 and 12.2.6.16. A report was undertaken by the applicant by Stoks Limited to review the proposal in the context of Crime Prevention Through Environmental Design (CPTED). A number of recommendations were implemented and "the prudent CPTED measures have been embedded and refined during the design process". Mr Burns confirms and agrees CPTED conditions are appropriate to ensure a safe and secure environment will be established, I agree with Frank Stoks of Stoks Limited and my Urban Design advisor that the design addresses the relevant principal mandate for CPTED.⁴³

Given the scope of the current application, the above conclusion remains valid.

Condition 15 "Design Safety" on SR 500876:

15: Prior to lodging an application for building consent, the consent holder must submit to the CMO a review of the CPTED Statement prepared by Stoks Limited (dated 17 September 2021) that has been updated to take account of the design changes required by the preliminary assessment.

The required review will ensure that a safe and secure environment will be established.

⁴³ WCC Decision Report, SR 500876, 15 November 2022, page 32.

5.3.10 Earthworks

The proposed earthworks are summarised in the “Structural Effects and Construction Methodology” prepared by the project engineer, Dunning Thornton Consultants (**Appendix 17**). In summary, the earthworks will involve:

- bulk excavation involving the removal of approximately 6,500m³ from the site. All excavated material will be tested for contamination and treated/disposed as appropriate. It is expected that the excavated material will be transported to one of the Happy Valley landfills;
- excavation will be typically shallow with the exception of the piles; ⁴⁴
- piles will be in the order of 15-25m.

5.3.10.1 Planning Analysis - Earthworks

As the Introduction to Chapter 29 of the ODP “Earthworks” notes:

Earthworks are essential to the development of the City ... they are integral to the construction of foundations and buildings. For all these reasons, and more, earthworks are part of many development projects in the City

and, as noted in the explanation to Objective 29.2.1:

Objective 29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment

earthworks are an integral component of Central Area development, and the One Tasman Pukeahu Park development is no exception.

However, earthworks can result in adverse effects on the environment if they are not appropriately controlled and managed. Accordingly, consent is required for a Discretionary Activity (Restricted) in relation to:

- earthworks stability;
- erosion, dust and sediment control; and
- the transport of material exceeding a 200m³ limit.

In relation to earthworks stability, prior to any works commencing building consent(s) will be required, at which point the following works, as described in the Dunning Thornton Report, will be assessed:

Along the west side (Tasman Street), the excavation will typically be battered to meet existing back-of-pavement levels. In localised areas, temporary retaining will be required. Along the north (Old Buckle Street) boundary, low-level battering will be required. Along the adjoining properties (east and south sides), bulk excavation levels are typically above neighbouring land or will abut adjoining walls. Minor battering/temporary retaining will be carried out as required.

In relation to erosion, dust and sediment control measures will be implemented through the construction management plan (CMP) as outlined in section 15 “Excavation Management Plan” of the DRAFT construction management plan (CMP) prepared by L T McGuinness.

The preparation and approval of a FINAL CMP will be secured through the appropriate consent condition(s).

In relation to the transport of material, as with the majority of Central Area developments, a significant amount of material will need to be transported off site to an approved landfill. It is expected that the material will be transported

⁴⁴ As the piles will intercept with ground water, a separate resource consent application for regional consents from the Greater Wellington Regional Council (GWRC) will address any ground water take and discharge.

to one of the southern landfills via Tasman Street, Rugby Street, SH1, Taranaki Street, Webb Street, Brooklyn Road and Happy Valley Road, thus avoiding the need to traverse any local/primarily residential streets.

The management of the transport of material off site to the approved landfill will be addressed in the FINAL CMP.

With the imposition of resource consent conditions addressing 'erosion, dust and sediment control' and 'transport of material', effects on the environment associated with the earthworks phase of the development will be less than minor. They will also be temporary effects.

SR 500876 Conclusion

In the November 2022 Notification Decision Report for SR 500876, it is recorded that:

... the effects arising from the earthworks will not be more than minor. Effects will be contained within the site and the local road network and will be temporary in nature (in that they are limited to the construction period). Effects on specific persons will be less than minor. ⁴⁵

Although the PDP earthworks rules are now relevant, given that the matters to be assessed, namely:

- maintaining stability;
- erosion, dust and sediment control;
- landform and visual amenity effects; and
- transport of material

were all assessed under SR 500876, the above conclusion remains valid.

In any event, the necessary site earthworks have been consented under SR 500876.

5.3.11 Contaminated Land

To establish if the site was subject to the District Plan rules relating to Contaminated Land (District Plan Chapters 31 and 32), Tonkin & Taylor, environmental and contaminated land specialists, were commissioned to undertake a preliminary assessment of the site in relation to the potential for any site contamination - refer **Appendix 18**.

The conclusion reached was:

The site is not currently recorded on the Greater Wellington Regional Council's Selected Land Use Register (SLUR) as a site that is, or has been, occupied by an activity or industry that is listed in the Ministry for the Environment's Hazardous Activities of Industries List (HAIL). An initial assessment of the site's history, comprised of a review of previous site investigation reports, historic aerial images from 1930 and selected documents from the Wellington City Council's Archive File, has not identified HAIL activities occupying the site currently or having occupied the site previously.

As HAIL activities have not been identified on the site, the need for contaminated land consents for the proposed development is not triggered, in accordance with:

- *Regulation 5(7) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human health (2011)*
- *Rule 32 of the District Plan.*

Notwithstanding this conclusion, the required construction management plan (CMP) will outline the process to be followed if, during earthworks, contaminated soil is encountered.

⁴⁵ WCC Notification Decision Report, SR 500876, page 36.

SR 500876 Conclusion

In relation to site contamination, the November 2022 Notification Decision Report for SR 500876 recorded that:

Mr Davies has reviewed the application in his capacity as the Council's contaminated land expert. Noting that the site is not contaminated, Mr Davies is satisfied that outlining an appropriate methodology for dealing with contaminated material (if on site) in the CMP is acceptable in this case.

Noting the low risk of contaminated material being discovered and advice provided by Mr Davies, I consider any effects in terms of contamination will be less than minor. No persons will be adversely affected in this regard.⁴⁶

5.3.12 Civil Design

Aurecon NZ Limited were commissioned to provide a high-level assessment of the three waters services, power, telecommunications and gas ducting (refer **Appendix 19**). The assessment provided:

- confirmation of Wellington Water design requirements for the proposed development;
- high-level assessment of stormwater drainage and stormwater management requirements for the proposed development, including flooding impacts;
- high level assessment of new potable water and wastewater services for the proposed development (onsite and connections to existing network); and
- high level assessment of power, telecommunications and gas ducting for the proposed development.

Principal conclusions were:

Wastewater

The existing lateral connection for the site to the north is old and of unknown condition and is not recommended to be reused; a new connection is proposed [Section 2.2, page 7]

Flood Risks

The site does not sit within an existing overland flow path. Overland flow generated within the site will be allowed for within the design [Section 3.2, page 9]

Stormwater

The existing and proposed developments are both largely impervious, and the advice from Wellington Water, shown in Appendix B, confirms that the development will not have attenuation requirements since stormwater is already achieved [Section 3.3, page 9]

Due to the age of the site, the proposed stormwater infrastructure will need to be constructed new, as required by Wellington Water's Regional Standard for Water Services, May 2019. [Section 3.3, page 9]

Water Supply

Two new connections are proposed for the development. Any existing water connections will be disconnected and capped at the main [Section 4.2, page 11]

Power

In relation to power, a new substation will be installed as part of the development, with the current under-capacity substation being decommissioned [Section 5.1, page 12]

⁴⁶ WCC Notification Decision Report, SR 500876, page 37.

A record of the engagement with Wellington Water Limited and Wellington Electricity, and the advice received, is included as Appendix B to the Aurecon report.

SR 500876 Conclusion

In the November 2022 Notification Decision Report for SR 500876, it is recorded that:

*Effects relating to servicing will be internal to the site and will be further addresses at the substantive assessment under section 104 of the Act. The effects on persons are less than minor in this respect.*⁴⁷

5.3.13 Temporary Construction Effects

The principal contractor will be L T McGuinness & Co, one of Wellington's most experienced building contractors.⁴⁸

L T McGuinness & Co will have full responsibility for determining, implementing and managing the site preparation and construction phases.

A comprehensive DRAFT construction management plan (CMP) has been prepared (refer **Appendix 20**).

The CMP objectives are:

- *To outline a construction methodology for the 1-23 Tasman Street redevelopment.*
- *Identify any works during the course of the construction that have the potential to impact on the location environment.*
- *To demonstrate management procedures to deal with the potential effects of construction activity on the local environment.*
- *To establish how the public interface will be managed.*
- *To ensure the safety of the public at all times during the works.*
- *To outline potential issues and corrective procedures in consultation with neighbouring buildings, public and contractor.*

As is the standard approach for all Central Area development projects, a consent condition requiring the preparation of a FINAL construction management plan for Council's approval prior to works commencing on site would represent 'best practice' .

SR 500876 Conclusion

In the November 2022 Notification Decision Report for SR 500876, it is recorded that:

*While the construction of the proposed buildings will likely create a discernible effect, these effects will be localised, limited in duration and managed through the conditions offered by the applicant. Subject to works being undertaken in accordance with the certified plans, I consider that construction effects of the proposal will not be more than minor. The effects on adjacent persons are considered to be less than minor.*⁴⁹

⁴⁷ WCC Notification Decision Report, SR 500876, page 38.

⁴⁸ Recent Central Area projects that L T McGuinness have completed include: Chews Lane Precinct, Clyde Quay (OPT) Wharf Redevelopment, One Market Lane, Farmers Redevelopment, Site 10 (PWC Centre); and Site 9 (Bell Gully Building) - all of which are major Central Area projects. Currently LT McGuinness are constructing several new Central Area buildings including (a) the Victoria Quarter, the new Convention Centre; and the new Archives New Zealand building.

⁴⁹ WCC Notification Decision Report, SR 500876, page 37.

5.3.14 Positive Effects

The Act requires an overall judgment to be made regarding both adverse and positive effects.⁵⁰

The proposed One Tasman Pukeahu Park development will result in significant positive effects. It will:

1. provide for a significant increase in the supply of housing units, an increase from the previous 42 units (Tasman Gardens) to 221 residential units thus enabling a significant number of new residents to add to the vibrancy and vitality of the Central Area, as encouraged by the District Plan;
2. make a significant contribution to the Central Area's containment objective and hence a more efficient city;
3. provide for an efficient use of the site (a significant natural resource) consistent with s7(b) of the Act;
4. maximise the benefits of intensification consistent with the objectives of the National Policy Statement - Urban Development (2020);
5. establish a high quality 'built environment' combining architectural design excellence along with seismic resilience; and
6. establish a high-quality residential environment that will enable a significant number of Central Area residents to provide for their economic and social wellbeing.

5.3.15 Environmental Effects Conclusion

The proposed development of the site will result in the establishment of a significant architecturally designed new housing complex on a prominent but underutilised site.

The change is assessed as an overall positive outcome.

Given the considered design approach, both in terms of building design and landscaping, and the proposed mitigation measures to be secured through appropriate consent conditions, adverse effects on the environment will not be more than minor.

5.4 NATIONAL AND REGIONAL POLICY

5.4.1 National Policy

In July 2020 the National Policy Statement on Urban Development 2020 (NPS-UD) was approved by the Governor General under section 52(2) of the Act, with an operative date of 20 August 2020.

The NPS-UD directs local authorities to enable greater supply of housing and to ensure that planning is responsive to changes in demand, while seeking to ensure that new development capacity enabled by councils is of a form and in locations that meet the diverse needs of communities and encourages well-functioning, liveable urban environments.

It also requires the removal of overly restrictive rules that affect urban development outcomes for our cities, particularly for tier 1 local authorities, which the Wellington City Council is.

⁵⁰ In *Elderslie Park Ltd v Timaru District Council* the High Court commented that:

"To ignore real benefits that an activity for which resource consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity".

Under Part 4 of the NPS-UD, and in relation to urban 'intensification', the directive is that every tier 1, 2 and 3 local authority must amend its regional policy statement or district plan to give effect to the provisions of the NPS-UD as soon as practicable, but by no later than 2 years after commencement date - i.e. by 20 August 2022.⁵¹

A key NPS-UD policy that both regional policy statements and district plans must enable is Policy 3(a):

In city centre zones, building heights and density of urban form to realise as much development capacity, to maximise benefits of intensification.

A related policy is Policy 6 which states that:

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- a. *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- b. *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - ii. *are not, of themselves, an adverse effect.*
- c. *the benefits of urban development that are consistent with well-functioning urban environments (described in Policy 1)*
- d. *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or raise development capacity*
- e. *the likely current and future effects of climate change.*

Note: under the NPS-UD "planning decisions" include decisions on resource consent applications.

Comment

Overall the NPS-UD's objectives and policies direct intensive urban development that enables, inter alia, more people to live in city centres.

Under s104(1)(b)(iii) of the Act regard must be had to any relevant provisions of a national policy statement, and given the place of national policy statements in the 'hierarchy' of planning instruments, significant weight should be placed on relevant provisions.

The NPS-UD's identification of city centre zones as locations for intensive development should be had regard to in the s104 assessment, particularly given that the PDP City Centre Zone provisions are 'aligned' with the NPS-UD's directives as confirmed in the following statement:

To maximise development capacity to accommodate projected growth, an increase in the scale and intensity of development is enabled across the zone. This includes building height, density and urban form tailored to align with the outcomes sought by the National Policy Statement - Urban Development (NPS-UD) and to reflect the higher density of development within the City Centre Zone.⁵²

⁵¹ The objectives and policies incorporated into the PDP (notified 18 July 2022) align with the NPS-UD.

⁵² Wellington City Proposed District Plan, City Centre Zone, page 1.

5.4.2 Regional Policy

The Regional Policy Statement for the Wellington Region (RPS) became operative on 24 April 2013. As for the District Plan, as noted above, the RPS will require amendment to accord with the NPS-UD directives by 20 August 2022.

Under the operative RPS, the provisions most applicable to the proposed development are found in Chapter 3.5 “Historic Heritage” and Chapter 3.9 “Regional Form and Function”.

5.4.2.1 Historic Heritage

In relation to historic heritage, the over-arching objective is to protect identified and protected historic heritage from inappropriate modification, use and development. In turn:

Policy 46: managing effects on historic heritage values.

is a consideration for resource consent applications, namely whether “an activity may affect a place, site or area with historic heritage value”.

As noted in the Archifact heritage assessment report, while there are a number of adjacent and nearby listed heritage buildings which establish a distinctive heritage context for the One Tasman Pukeahu Park development, given the considered design approach underpinning the development any adverse effects on historic heritage values will be less than minor.

As directed by Policy 46, managing effects on historic heritage values has been a central consideration during the design process.

5.4.2.2 Regional Form and Function

In terms of regional form and function, the over-arching objective is Objective 22:

Objective 22: A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and

- a. a viable and vibrant regional central business district in Wellington city*
- b. an increased range and density of activities in and around regional significant centres to maintain vibrancy and vitality*
-*
- (g) a range of housing (including affordable housing).*

Several policies are advanced to achieve the objective, including

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

Policy 31: Identifying and promoting higher density and mixed use development - district plans

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

Policy 55: maintaining a compact, well designed and sustainable regional form - consideration

The One Tasman Pukeahu Park development is closely aligned with and therefore consistent with ‘regional form and function’ policy, in that it will:

- utilise a Central Area/City Centre Zone site capable of accommodating a high density, mixed typology residential development;
- provide for a significant number of residents to reside in a high amenity environment, residents who in turn will enhance the vibrancy of the Central Area; and

- deliver a strongly positive urban design outcome based around establishing a positive sense of place and delivering high quality 'design excellence' outcomes commensurate with the neighbourhood in which it is located.

5.4.2.3 Proposed Change 1 to the RPS

The Public Notice for Change 1 to the RPS stated that:

The focus of the Proposed Change 1 to the Regional Policy Statement is to implement and support the National Policy Statement of Urban Development 2020 (NPS-UD) and to start the implementation of the National Policy Statement for Freshwater Management 2020 (NPS-FM). We are also addressing issues related to climate change, indigenous biodiversity and high natural character.

In relation to the current application, the only Change 1 RPS provisions that have any relevance to the current application are those relating to the proposed amendment to Chapter 3.9 "Regional form, design and function", which relate back to the NPS-UD, including amendments to Objective 22, to give effect to the concept of a well-functioning urban environment as articulated by the NPS-UD.

The proposed development subject to the current application is consistent with the NPS-UD, including the directive to enable sufficient development capacity to meet expected housing demand.

Plan Change 1 does not propose any amendments to Chapter 3.5 "Historic Heritage", including Policy 46.

5.5 DISTRICT PLAN POLICY

5.5.1 Operative District Plan

The relevant Operative District Plan objectives and policies were identified in Section 3.4.1 (Central Area). Drawing on the detailed assessment of objectives and policies summarised in **Appendix 4**, it is considered that the proposal to [re]develop the site for the proposed residential development is appropriate, both in terms of the specific site and its Central Area zoning.

Overall the proposed development, incorporating the additional building height sought under the current application, is generally consistent with the ODP objectives and policies relating to:

- containment and accessibility [Objective 12.2.1 and Policy 12.2.1.2]
- activities [Objective 12.2.2 and Policies 12.2.2.1 and 12.2.2.2]
- urban form and sense of place [Objective 12.2.3, Policies 12.2.3.1 and 12.2.3.2]
- effects of new building works [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, 12.2.5.9 and 12.2.5.10]
- buildings and public amenity [Objective 12.2.6 and Policies 12.2.6.1, 12.2.6.2, 12.2.6.3, 12.2.6.4, 12.2.6.5, 12.2.6.6, 12.2.6.7, 12.2.6.8, 12.2.6.9, 12.2.6.10, 12.2.6.12, 12.2.6.13, 12.2.6.14, 12.2.6.16, and 12.2.6.18]
- building amenity [Objective 12.2.7 and Policies 12.2.7.1 and 12.2.7.2]
- access and transportation [Objective 12.2.15 and Policies 12.2.15.6, 12.2.15.8, 12.2.15.9, 12.2.15.10, 12.2.15.12 and 12.2.15.13]
- tangata whenua [Objective 12.2.16 and Policies 12.2.16.1 and 12.2.16.2]

in that it:

1. will make more efficient use of a Central Area site which is currently significantly under-developed/under-utilised, thereby contributing to the District Plan's containment and accessibility objective [containment and accessibility];
2. will add a significant residential population to the Central Area [activities] consistent with the Central Area principle - *enhance the Central Area as a location for high quality inner city living* through increasing the quality of residential dwellings and adding to the overall vibrancy of the Central Area;
3. will establish a development with a strong 'sense of place' [urban form and sense of place] consistent with the Central Area principle - *enhance 'sense of place'*;
4. through a considered approach to managing building height and mass, will result in a development that is not inconsistent with outcomes anticipated for the Central Area, including the city's high city/low city urban form, given that the District Plan does provide for heights up to 43.8m in parts of the low city, and also enables 'over-height buildings' that achieve design excellence [urban form and sense of place];
5. will establish a building that achieves 'design excellence' in a location of high public amenity [urban form and sense of place] consistent with the Central Area principle - *enhance the built form of the Central Area*;
6. distributes building mass across the site in a manner that provides for a range of housing typologies, while also establishing an appropriate relationship with adjacent and nearby listed heritage buildings and items [effects of new building works];
7. will have appropriate connectivity to the transportation network [access]; and
8. acknowledges the importance of the area to mana whenua [tangata whenua].

For these reasons, it is the Applicant's assessment that the proposal is consistent with the relevant District Plan objectives and policies applying to Central Area buildings.

5.5.1 Proposed District Plan

The relevant Proposed District Plan objectives and policies were identified in Section 3.4.2. Drawing on the detailed assessment of objectives and policies summarised in **Appendix 4**, it is considered that the proposal to [re]develop the site for the proposed residential development is appropriate, both in terms of the specific site and its proposed City Centre zoning.

Overall the proposed development, incorporating the additional building height sought under the current application, is generally consistent with the PDP objectives and policies relating to:

- (a) accommodating growth [Objective CCZ-02 and Policies CCZ-P1 and CCZ-P4];
- (b) urban form and scale and 'sense of place' [Objective CCZ-03 and Policies CCZ-P5 CCZ-P8];
- (c) amenity and design [Objective CCZ-05 and Policy CCZ-P9];
- (d) on-site residential amenity [Policy CCZ-P10];
- (e) managing adverse effects [Objective CCZ-07 and Policy CCZ-P12]; and
- (f) city outcome contributions [Policy CCZ-P11]

in that it:

1. represents an efficient use of the site at an appropriate level of intensification [accommodating growth];
2. is of a form and scale appropriate to the City Centre Zone [urban form and scale/sense of place];
3. make a significant contribution to the residential accommodation in the City Centre Zone [accommodating growth];

4. will appropriately fit within its context, a context that includes a number of buildings and spaces that have significant heritage values [amenity and design];
5. will provide a high level of on-site residential amenity [on-site residential amenity]
6. will not result in any significant and therefore unacceptable effects on the environment [managing adverse effects]; and
7. will deliver important city outcome contribution [city outcome contributions.

5.6 OTHER MATTERS

Section 104(1)(c) requires that when considering an application for resource consent, regard shall be had to:

any other matter the consent authority considers relevant and reasonably necessary to determine the application.

One such 'other matter' is "Our City Tomorrow: A Spatial Plan for Wellington City - An Integrated Land Use and Transport Strategy" (the Spatial Plan).

5.6.1 Wellington City 30-Year Spatial Plan

The Spatial Plan is a key component of the Council's Planning for growth programme. It is Council policy.

Given its adoption by Council on 24 June 2021, the Spatial Plan sets out the vision for where and how the city will accommodate 50,000-80,000 more people over the next 30 years.

As noted in the Council paper to the Planning and Environment Committee on 24 June 2021,⁵³ the Spatial Plan will guide the full review of the District Plan, with the further comment that amendments made to the initial draft of the Spatial Plan were made to respond:

... to the NPS-UD's requirements for planning for growth and enabling greater levels of intensification.

The report included a number of recommendations, including:

4. *Agree that the Spatial Plan will guide the development and implementation of the District Plan.*

Under the heading "Key Drivers for the Spatial Plan", it is recorded that:

In August 2020 the Government released the National Policy Statement for Urban Development (NPS-UD). The NPS-UD aims to ensure New Zealand has well-functioning urban environments that address capacity and demand for housing and business needs. It has directive policies, including:

- *realising as much development capacity as possible in city centre zones.*

The further comment is made that:

The Spatial Plan has been developed in line with the requirements of the NPS-UD and provides the basis for the statutory implementation of the NPS-UD through the District Plan. The Council must give effect to the requirements of the NPS-UD as part of the District Plan by August 2022. The Draft District Plan is scheduled for consultation in late 2021.

⁵³ Planning and Environment Committee, 24 June 2021, Item 3.2, Approval of 30-Year Spatial Plan.

Under the heading “key policy directions”, it is recorded that:

- 21 *The Spatial Plan sets out a renewed and updated approach to addressing the City’s future growth including our housing shortfall, climate change, infrastructure, ecological and resilience challenges. The policy approach represents a significant shift from the current planning framework and reflects the direction Council has been given by the community through the Planning for Growth engagement and the NPS-UD requirements. It seeks to strike a balance between protecting the special characteristics valued by Wellingtonians while enabling greater housing choice and supply, providing opportunities to improve vibrancy and viability of the city, and ensuring future development occurs in a resilient and sustainable manner.*
22. *The approach represents a consolidation of the City’s compact urban form. It shifts the existing approach of directing growth along a ‘growth spine’ (between Johnsonville and the Airport) to an extended city-wide approach, which in addition to the Central City and centres of Johnsonville and Kilbirnie, also directs growth to other key suburban centres and around rail stations.*

Comment

In the Decision Report for SR 500876 it was recorded that:

The Spatial Plan is a blueprint for the city that sets out a plan of action for where and how the city should grow and develop over the next 30 years and provides the key policy direction to influence the review of the District Plan (PDP). The Spatial Plan promotes development of up to 8-storeys across the entire site. I note that the applicant used the spatial height proposed in the Spatial Plan throughout their assessments and working drawings. I acknowledge the Spatial Plan heights reflect the requirements of the NPS-UD in terms of maximising development potential in the Central City. The Spatial Plan has some relevance given its subsequent expression in the notified PDP, though it is not itself a directly applicable Resource Management Act plan.⁵⁴

Against the background of the above statement, it is considered that while not a statutory plan regard can be had to a key driver of Spatial Plan being to realise as much development as possible in the City Centre Zone.



FIGURE 9: extract from Spatial Plan (approved by the Planning and Environment Committee on 24 June 2021)

⁵⁴ WCC Decision Report SR 500876, 15 November 2022, page 44.

With the strategic policy directions set by the Spatial Plan now incorporated into the Proposed District Plan, they now have statutory weight.

The following points are made regarding the Spatial Plan as an important “other matter” under s104(1)(c):

1. the Spatial Plan sets out the Council’s strategic policy direction as to how Wellington City should respond to the current growth pressures being experienced by the city;
2. the Spatial Plan is consistent with and implements key directive policies which tier 1 local authorities (including Wellington City Council) must implement under the NPS-UD and therefore is the Council’s strategic policy ‘expression’ of the NPS-UD, to which regard must be had under s104(1)(b)(iii); and
3. the ‘blueprint’ set by the Spatial Plan has now been incorporated into the Proposed District Plan, which is a relevant proposed plan under s104(1)(a)(vi) to which regard must be had in any assessment of a resource consent application.

5.7 SUMMARY S.104 ASSESSMENT

In Section 3.8 of this AEE ten questions were posed. These questions were in turn derived from the relevant District Plan objectives and policies.

It was noted that answers would be provided as part of the overall summary of the s104 assessment.

The questions were:

Question 1: will the proposal represent an efficient use of the site?

Yes. In line with the NPS-UD’s policy direction for city centre zones to enable building heights and density of urban form to realise as much development capacity as possible, i.e. to maximise benefits of intensification, the proposal represents an efficient use of the site - ‘measured’ by the move from the existing (now vacant) 42 housing units to a proposed 221 residential units; and adding a further 50 units to the development approved under SR 500876.

Question 2: is the level of intensification appropriate for the Tasman Street site?

Yes. The development at the level of intensification proposed, will not result in any adverse environmental effects that are more than minor.

Question 3: are the building heights proposed for the Northern and Southern Apartment buildings, and consequent urban form, appropriate in this part of the Central Area / City Centre Zone?

Yes. The Urban Design Assessment concludes that:

The height of the two taller buildings has been appropriately managed in relation to the immediate context and the setting and values of the nearby heritage buildings - the Carillon and National War Memorial. The composition of form and space across the site with an emphasis on the spaces between buildings and the massing of the taller buildings are the main reasons for that. Visual connections between the city and the Carillon and National War Memorial, will be maintained, albeit in a different and less open setting and with a reduced exposure/prominence from some vantage points to the east.⁵⁵

In addition, the District Plan specifically provides for over height buildings 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;

⁵⁵ Urban Design Assessment, Appendix 7, page 41.

- design excellence is achieved. (ODP Policy 12.2.5.5) and
- city outcomes contributions are incorporated into the development (PDP Policy CCZ-P11).

The One Tasman Pukeahu Park development delivers on these outcomes in a manner that responds to the site's surrounding context.

Question 4: will the proposed building heights of the Northern and Southern Apartment buildings result in any unacceptable heritage effects?

No. The Heritage Assessment and Heritage Peer Review both conclude that any heritage effects will be less than minor.

Question 5: will the proposed building heights of the Northern and Southern Apartment buildings result in any unacceptable wind effects?

No. The Wind Report [updated] concludes that:

- (1) *Compared to the submitted design,⁵⁶ the amended design, which includes a range of specific wind mitigation measures, significantly reduces the number of locations where the calculated gust speeds exceed the 20m/s District Plan Safety Criteria.*
- (2) *On the footpaths around the northeast corner of the site are three locations where the maximum gust speeds with the amended design remain above the 20m/s threshold.*
- (3) *Additional wind mitigation, comprising large evergreen trees, reduce the maximum gust speeds at the locations around the northeast corner of the site below the 20m/s safety threshold.*

With the incorporation of the amended design measures, and with the installation of a canopy at the southern end of the site (Building E), wind effects are mitigated to a point where they are not more than minor and therefore are acceptable.

Importantly, there is a significant improvement in wind environment experienced in the Pukeahu National War Memorial Park.

Question 6: will the proposed building heights of the Northern and Southern Apartment buildings result in any unacceptable shading effects?

No. The shading diagrams confirm:

- there will be no sunlight loss to any identified public space;
- shading on Pukeahu National Memorial Park and the Basin Reserve will be minimal; and
- shading on nearby residential properties and hence any associated loss of private residential amenity will not be significant.

Question 7: will the proposed increase in on-site parking result in any unacceptable transportation effects?

No. The Transportation Assessment concludes that:

"... the transport related needs of the proposed new residential activity can be accommodated at the site, and in the manner proposed, with little adverse effects on the surrounding transport network.

⁵⁶ The submitted design being the October 2021 proposal.

5.8 SECTION 104D ASSESSMENT

Section 104D of the Act sets particular restrictions for non-complying activities as follows:

1. *Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:*
 - (a) *the adverse effects of the activity on the environment (other than any effects for which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *an application is for an activity that will not be contrary to the objectives and policies of:*
 - (i) *the relevant plan, if there is a plan and no proposed plan in respect of the activity.*
2. *To avoid doubt, Section 104(2) applies to the determination of an application for a non-complying activity.*

Given that the maximum height of the proposal exceeds the ODP permitted activity height (18.6m above ground) plus the 35% discretion for a Discretionary Activity (Restricted), consent will be required for a Non-Complying Activity under ODP Rule 13.5.

Consequently, the proposal must pass one of the s104D gateway tests before it can be considered under s104B.

5.8.1 adverse effects of the activity [s104D(1)(a)]

Drawing on the independent assessments that have been undertaken, as summarised in Sections 5.3.1 to 5.3.13, the conclusion is that adverse effects will be no more than minor, and in some instances, less than minor.

5.8.2 objectives and policies [s104D(1)(b)]

Under s104D(1)(b), the consent authority must be satisfied that a proposal is not contrary to the objectives and policies of the District Plan. This assessment involves an overall consideration of the purpose and scheme of the District Plan.

In summary, and as detailed in Appendix 4= “District Plan Objectives and Policies”, it is concluded that the proposal to add additional height to the Northern and Southern Apartment buildings does not result in the development being contrary to the relevant objectives and policies of both the ODP and the PDP.

Consequently, the proposed additional height on the Northern and Southern buildings can be granted consent under s104B of the Act.

5.9 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*⁵⁷ 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.

Although it is not necessary to have recourse to Part 2, the proposed One Tasman Pukeahu Park development incorporating a ten-level Northern Apartments building and a nine-storey Southern Apartments building is consistent with the purpose of the Act, in that it will enable the more efficient utilisation of the site as encouraged by the District Plan provisions for Central Area/City Centre Zone development.

At the same time, potential adverse effects on the environment have been appropriately avoided and/or mitigated by the overall design approach to be no more than minor.

Thus, the proposal is generally consistent with:

- s6(f) the protection of historic heritage from inappropriate subdivision, use and development;
- s7(b) the efficient use and development of natural and physical resources;
- s7(c) the maintenance and enhancement of amenity values; and
- s7(f) the maintenance and enhancement of the quality of the environment.

It is also noted that regard has been had to the relationship of Māori to the site as evidenced through the consultation with mana whenua (Wellington Tenth Trust) and the commissioning of a cultural impact assessment report, with both initiatives being consistent with the s6(e) obligation to recognise and provide for this matter of national importance, and the s8 obligation to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

5.10 SECTION 104B ASSESSMENT

Section 104B of the Act states:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

- a. may grant or refuse the application; and*
- b. if it grants the application, may impose conditions under section 108.*

In Section 5.8 above, the requirements under s104D were addressed and the conclusion reached was that the proposed One Tasman Pukeahu Park development can pass both of the ‘gateway’ tests, thus enabling the Council to exercise its discretion under s104B.

For the reasons outlined throughout Section 5 of this assessment of environmental effects (AEE), it is the Applicant’s opinion that consent should be granted subject to the imposition of the appropriate consent conditions under s108 of the Act, as recommended in Section 5.11.

⁵⁷ [RJ Davidson Family Trust v Marlborough District Council](#) [2018] NZCA 316.

5.11 CONSENT CONDITIONS

Consent Conditions - SR 500876

The consent granted under SR 500876 was subject to 69 consent conditions covering the following:

- General ⁵⁸
- Design Details
- Landscaping
- Wind
- Old Buckle Street Pohutukawa Protection
- Verandah
- Design Safety
- Accidental Discovery Protocol
- Certification of Management Plans
- Construction Management Plan
- Construction Traffic Management Plan
- Construction Noise and Vibration Management Plan
- Erosion and Sediment Control Plan
- Construction Hoardings
- Earthworks and Contamination
- Construction Noise and Vibration
- Servicing
- Carparking, Servicing and Site Access
- Operational Noise
- Monitoring and Review.

The Council's Decision Report records that the Applicant agreed to the conditions.

A copy of the Consent Conditions and the Advice Notes for SR 500876 is attached for reference - refer **Appendix 21**.

Subject to appropriate amendments to Condition 1 "General" to list the architectural and landscape plans submitted with this application, the other conditions (Conditions 2 to 69 inclusive) are endorsed, subject to any 'fine-tuning amendments' that are deemed necessary.

⁵⁸ Condition 1: the proposal must be in general accordance with the information provided with the application and listed plans.

6 NOTIFICATION

6.1 Public Notification - s95A

In accordance with s95A(3) of the Act, the Applicant has requested that the application is publicly notified.

7 CONCLUSION

One Tasman Development Limited Partnership proposes to redevelop the site at 1-23 Tasman Street, Pukeahu/Mount Cook.

The proposal is for an integrated residential complex providing high quality residential accommodation in 221 housing units.

A comprehensive assessment of effects in accordance with s88 and Schedule 4 of the Resource Management Act 1991 has been undertaken. The assessment draws on specialist advice and assessments prepared in relation to the following matters:

- architecture;
- landscape;
- heritage;
- urban design;
- cultural / archaeology;
- transportation;
- CPTED;
- wind;
- infrastructure; and
- construction management.

The overall conclusion reached is that the proposal incorporating a ten-storey Northern Building and a nine-storey Southern Building will deliver significant positive effects, most notably in relation to the provision of high-quality residential accommodation consistent with the Central Area principle 12.1.4:

Enhance the Central Area as a location for high quality inner city living.

Situated in an area of high cultural and heritage significance, through a considered design process, which has involved input from a range of technical advisors, including architectural, heritage and urban design, the proposed One Tasman Pukeahu Park development delivers on key environmental outcomes, including:

- establishing a distinctive development with a strong sense of place;
- establishing buildings and associated landscaping that respond positively to the cultural and heritage context of the wider public environment; and
- delivering on design excellence and city outcome contributions.

The current proposal to enable additional height on the two apartment buildings above that for which consent was granted under SR 500876, is consistent with:

1. the over-arching objective of the National Policy Statement - Urban Development toward achieving appropriate intensification within 'city centre zones'; and
2. the Operative District Plan's policy framework for Central Area development, which includes provision for 'over height' buildings; and
3. the Proposed District Plan's policy framework for City Centre Zone development which requires available development capacity of land within the City Centre Zone to be efficiently optimised.

Notwithstanding that resource consent is required for a Non-Complying Activity under the Operative District Plan, s104D of the Act does not present a barrier to consent being granted under s104B.

The additional height sought for the Northern and Southern Apartment buildings, additional to the height consented under SR 500876:

- (a) will not result in adverse environmental effects, including effects on the significant cultural and heritage values associated with the site's wider context, that are more than minor; and
- (b) is not contrary to the District Plan's objectives and policies for Central Area/City Centre Zone development. Indeed it is consistent with those objectives and policies.

In the circumstances, it is concluded that granting consent s104B of the Act would be appropriate, subject to the imposition of appropriate consent conditions under s108 of the Act, in the knowledge that.

- 1. pursuant to s104 of the Act, the effects of the additional building height on the environment are acceptable;
- 2. the additional building height is in accordance with the relevant objectives and policies of the Operative and Proposed District Plans; and
- 3. overall, the proposed One Tasman Pukeahu Park development is consistent with the Part 2 of the Act.



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31 January 2023

APPENDICES

1. Architectural Design Statement
2. Landscape Design Statement and Plans
3. Consent Scope Diagrams
4. District Plan Objectives and Policies Assessment
5. District Plan Audit
6. Record of Pre-Application Consultation
7. Urban Design Assessment
8. Townscape Views
9. Heritage Assessment
10. Heritage Peer Review
11. Cultural Effects Assessment
12. Wind Report
 - 12A. Wind Mitigation Study (Consented Scheme)
 - 12B. Wind Mitigation Study (Amended Scheme)
13. Sun Studies
 - 13A. Sun Study Addendum
14. Acoustical Design Report
15. Transportation Assessment Report
16. CPTED Assessment
17. Structural Effects and Construction Methodology
18. Land Contamination Assessment Letter
19. Civil Engineering Services Report
20. Draft Construction Management Plan
21. Consent Conditions for SR 500876