

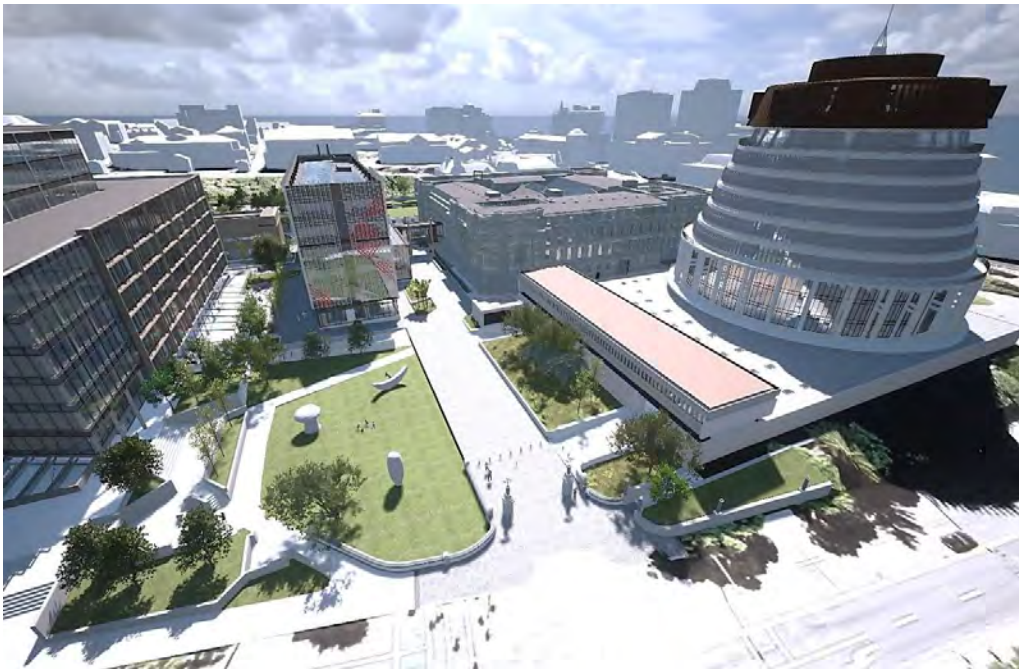
**His Majesty the King
Future Accommodation Strategy Project**

Section 87F(4) Report

Wellington City Council

Matthew Brajkovich

16 February 2023



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Future Accommodation Strategy Project, Parliament Grounds

Proposal: Construction and use of new buildings with associated site works and modifications



WCC Reference No: 514663

Applicant: His Majesty the King
C/- Simpson Grierson

Address: 1 Molesworth Street, Pipitea, Wellington

Legal Description: Section 1 SO Plan 38114

Approx. Map Reference: NZTM: 1748764, 5428881

Report prepared by:	Matthew Brajkovich	Senior Consents Planner, Resource Consents Team		16/02/2023
Report reviewed by:	Bill Stevens	Team Leader Resource Consents, Resource Consents Team		16/02/2023

PREAMBLE

1. My name is Matthew Brajkovich. I hold the position of Senior Consents Planner at Wellington City Council ('WCC') where I have been employed since 2021. My role involves processing a variety of applications sought under the Resource Management Act 1991 ('the Act') through various parts of Wellington City.
2. I hold the qualification of a Bachelor of Urban Planning (Honours) from the University of Auckland. I am an Intermediate member of the New Zealand Planning Institute.
3. My involvement in this project commenced on 9 June 2021, being the date when I attended a formal pre-application meeting with the applicant to discuss the proposal in preparation for lodgement of a resource consent application. I can confirm that I have visited the application site on numerous occasions, and I am familiar with the surroundings.

SCOPE OF ASSESSMENT

4. This report is completed as required under sections 87F(3) and 87F(4) of the Resource Management Act 1991 ('the Act') and will focus on the assessment of the land use consent application within the jurisdiction of WCC.
5. There are certain aspects of the assessment where I have relied on the expert advice (attached as Annexures 1 to 11 to this report) from the following advisors:
 - Michael Kelly – Consultant heritage advisor (**Annexure 1**)
 - Sarah Duffell – Urban design advisor (**Annexure 2**)
 - John Davies – Earthworks advisor (**Annexure 3**)
 - Suzanne Lowe – Consultant contamination advisor (**Annexure 4**)
 - Kim Thaker – Consultant hazardous substances advisor (**Annexure 5**)
 - Patricia Wood – Transport advisor (**Annexure 6**)
 - Ben Young – Arboricultural advisor (**Annexure 7**)
 - Richie Hill – Consultant arboricultural advisor (**Annexure 8**)
 - Whitney Cocking – Acoustic advisor (**Annexure 9**)
 - Michael Donn – Consultant wind advisor (**Annexure 10**)
 - Ye Mon Oo – Wellington Water land development engineer (**Annexure 11**)

STRUCTURE OF THIS REPORT

6. The structure of this report is as follows:
 - Section 1 sets out a **Description of the FAS Project**
 - Section 2 provides a **Description of the Site and Surrounds**
 - Section 3 sets out the **Relevant Planning Framework**
 - Section 4 outlines **Written Approvals and Consultation**

- Section 5 addresses **Notification and Submissions**
 - Section 6 provides an overview of the **Statutory Considerations**
 - Section 7 provides an **Assessment under Section 104 of the Act**
 - Section 8 provides an **Overall Evaluation of Part 2 of the Act**
7. In addition to the expert advice listed above, the following documents are also attached to this report:
- List of Submitters and Copies of Submissions (**Annexure 12**)
 - Suggested Conditions of Consent (**Annexure 13**)

BACKGROUND

8. On 13 May 2022 Simpson Grierson lodged, on behalf of His Majesty the King ('the applicant'), an application for resource consent from WCC for the Future Accommodation Strategy ('FAS') Project. This application included a request for the application to be publicly notified.
9. On 4 July 2022 WCC made a request to the applicant for further information under section 92(1) of the Act. Responses were provided to this request.
10. On 7 November 2022 the application was publicly notified in the Dominion Post and on WCC's website. In addition, 37 specifically identified parties were served notice of the application on the same date. Similarly on the same date signs advertising the application were erected at the site's frontages at the intersection of Bowen Street and The Terrace; at the Molesworth Street entrance gates; and at the north-western pedestrian entrance on Hill Street.
11. By close of the submission period at 11.59pm on 5 December 2022 a total of five submissions were received. No submissions were received in support (either in full or in part) and four submissions were received in opposition (either in full or in part). One submission was neutral. No late submissions were received.
12. On 9 December 2022 WCC received a request from the applicant for the application to go directly to the Environment Court for determination under the direct referral process. On 22 December 2022 the request for direct referral was granted by WCC to allow the publicly notified resource consent application relating to the FAS Project to be determined by the Environment Court.

SECTION 1 – DESCRIPTION OF THE FAS PROJECT

13. A full description of the FAS Project is provided on pages 4-5 of the applicant's Assessment of Environmental Effects ('AEE'). This AEE is dated 28 September 2022 and replaced the AEE initially submitted with the application to address changes to the resource consent as originally sought. I consider the description provided in the AEE

report to be an accurate representation of the proposal. Therefore, I adopt this description.

14. In summary, the FAS Project involves redevelopment throughout the western portion of the site comprising:
- Construction of a new six-storey building, named the Museum Street Building ('MUS'), to the west of Parliament House, providing Members' accommodation and office space, with a new bridge link to Parliament House. This also involves modification to the western façade of Parliament House.
 - Construction of a new three-storey building, named the Ballantrae Place Building ('BAL'), to the west of the proposed MUS building, providing for centralised incoming and outgoing deliveries for the site, via Ballantrae Place.
 - Relocation of the existing heritage listed English oak tree located to the west of Parliament House to make way for the proposed MUS building. The tree will be relocated to the west of the MUS building and incorporated into other landscaping.
 - Modification of the site access, car parking and landscaping within the western portion of the site and enhancement of pedestrian spaces and landscaping.
 - Associated site works, including earthworks and contaminated soil removal/remediation.

SECTION 2 – DESCRIPTION OF THE SITE AND SURROUNDS

15. The subject site is Parliament Grounds, being a 4.5592ha irregular shaped site and legally described as Section 1 SO Plan 38114. The site is bound by Hill Street to the north, Molesworth Street to the east, Bowen Street to the south, and Ballantrae Place and the Bowen Precinct office campus to the west. The site comprises the landmark government buildings of Parliament House, the Executive Wing ("Beehive"), and Parliamentary Library, surrounded by vegetation and landscaping, paved areas, vehicle access and parking. Included within these areas are the Seddon and Ballance Statues and the heritage listed English oak tree referenced above.
16. The site is located toward the northern end of the Wellington city centre and is surrounded by a range of activities and buildings at varying scales akin to this high-intensity urban environment, including office, commercial, university, government, residential and community uses.
17. The site and existing buildings are highly visible within the context of the surrounding environment, particularly as viewed from the south-west, south and east. This is deliberately the case due to the elevated topography of the site, siting of the buildings, and the several protected viewshafts outlined in the District Plan (and listed below), with particular emphasis on the Beehive within the Executive Wing.

18. Further details of the site and surrounds are provided in the applicant’s AEE and associated plans and technical documents, which I adopt.

SECTION 3 – RELEVANT PLANNING FRAMEWORK

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

19. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (‘NES-CS’) enabled the establishment of the Hazardous Activities and Industries List (‘HAIL’). HAIL is a list of activities and industries that are likely to cause land contamination resulting from hazardous substance use, storage or disposal. It has been identified that HAIL activities have (or are likely to have) occurred on the site.
20. The FAS Project requires consent under the following regulation of the NES-CS:

<p>Regulation 10 – Restricted discretionary activities</p> <p>The proposal involves the disturbance of soil on a HAIL site. The application includes a Detailed Site Investigation (‘DSI’) which states that the soil contamination exceeds the applicable standard in Regulation 7. Therefore, consent is required as a Restricted Discretionary Activity under Regulation 10.</p>	<p>Restricted Discretionary</p>
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Operative Wellington District Plan

21. The site is located within the Central Area. The following Operative District Plan (‘ODP’) notations apply to the subject site:
- Heritage Area: Parliament Grounds (#14)
 - Heritage Buildings: The Beehive (#36), Parliament House (#214), Parliamentary Library (#215)
 - Heritage Objects: Seddon Statue (#36), Ballance Statue (#37)
 - Heritage Tree: Quercus Robur / English Oak (#187)
 - Specific Rules: Chapter 13 Appendix 11 Central Area Viewshafts #1, #2, #3, #4A
 - Hazard Area: Ground Shaking
22. The following non-District Plan notations also apply to the subject site:
- Heritage New Zealand List: Executive Wing (#9629), Parliament House (#223), Parliamentary Library (#217), Seddon Statue (#230), Ballance Statue (#211)
 - Contaminated land (HAIL and SLUR)
 - Rainfall flood risk (Wellington Water Ltd modelling)
23. The FAS Project requires consent under the ODP for the following activities:

Central Area	
<p>Rule 13.3.2 – Critical facilities</p> <p>The proposal involves the establishment of a critical facility¹ in a Ground Shaking Hazard Area, which requires consent under Rule 13.3.2.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	Restricted Discretionary
<p>Rule 13.3.3 – Activities not meeting standards</p> <p>The proposal involves activities that do not meet the following standard in section 13.6.1, which requires consent under Rule 13.3.3:</p> <ul style="list-style-type: none"> - Access to the site via Museum Street is located less than 20m to the intersection of Bowen Street and The Terrace, which does not meet Standard 13.6.1.3.17. <p>There are no relevant conditions, standards or terms under this rule.</p>	Restricted Discretionary
<p>Rule 13.3.4 – Buildings</p> <p>The proposal involves construction and alteration of buildings that are not Permitted or Controlled Activities, which requires consent under Rule 13.3.4.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	Restricted Discretionary
<p>Rule 13.3.8 – Buildings not meeting standards</p> <p>The proposal involves construction and alteration of, and additions to buildings that do not meet the following standards in sections 13.6.1 and 13.6.3, which requires consent under Rule 13.3.8:</p> <ul style="list-style-type: none"> - Access to the site via Museum Street is located less than 20m to the intersection of Bowen Street and The Terrace, which does not meet Standard 13.6.1.3.17. - The proposed MUS building intrudes into Viewshaft 4a which does not meet standard 13.6.3.3.1. - The proposed development results in non-compliances with the safety and cumulative standards for wind speeds, which does not meet Standard 13.6.3.5.2. <p>There are no conditions in this rule in relation to above standards. There are no relevant standards or terms under this rule.</p>	Restricted Discretionary

¹ As outlined in the AEE, the continued operation of Parliament and national emergency functions are considered to fall under the District Plan definition of 'critical facility'.

<p>Rule 13.4.9 – Absolute maximum height</p> <p>The proposal involves construction of a building that is located in the Parliament Grounds Heritage Area and exceeds the absolute maximum height standard in 13.6.3.1.6. In this case, the proposed MUS building exceeds the absolute maximum height of 27m by 2m.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	<p>Discretionary</p>
<p>Heritage</p>	
<p>Rule 21A.2.1 – Modification and demolition</p> <p>The proposal involves modification to the western façade of Parliament House that is not a Permitted Activity, which requires consent under Rule 21A.2.1.</p> <p>There are no relevant conditions under this rule. The relevant standards and terms are met.</p>	<p>Restricted Discretionary</p>
<p>Rule 21A.2.2 – New buildings</p> <p>The proposal involves construction of new buildings (MUS and BAL) on a site containing listed heritage buildings and objects, which requires consent under Rule 21A.2.2.</p> <p>There are no relevant conditions under this rule. The relevant standards and terms are met.</p>	<p>Restricted Discretionary</p>
<p>Rule 21B.2.1 – New buildings in a heritage area</p> <p>The proposal involves construction of new buildings (MUS and BAL) on a site in the Parliament Grounds Heritage Area, which requires consent under Rule 21B.2.1.</p> <p>There are no relevant conditions under this rule. The relevant standards and terms are met.</p>	<p>Restricted Discretionary</p>
<p>Rule 21B.2.3 – Earthworks in a heritage area</p> <p>The proposal involves earthworks in the Parliament Grounds Heritage Area that is not a Permitted Activity, which requires consent under Rule 21B.2.3.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	<p>Restricted Discretionary</p>
<p>Rule 21C.2.1 – Heritage trees</p> <p>The proposal involves relocation of the heritage listed oak tree that is not a Permitted Activity, which requires consent under Rule 21C.2.1.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	<p>Discretionary</p>

Utilities	
<p>Rule 23.4.1 – Utilities</p> <p>The proposal involves the installation of an above-ground electricity transformer cabinet not specifically provided for as a permitted, controlled or restricted discretionary activity, which requires consent under Rule 23.4.1.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	Discretionary
Earthworks	
<p>Rule 30.2.1 – Earthworks</p> <p>The proposal involves earthworks that do not meet the following Permitted Activity conditions in Rule 30.1.2 for earthworks in a heritage area and on a site containing listed heritage items, which requires consent under Rule 30.2.1:</p> <ul style="list-style-type: none"> - The cut height and/or fill depth exceeds the maximum of 1.5m under 30.1.2.1(a)(i)/(b)(i); and - The area of earthworks exceeds the maximum of 100m² under 30.1.2.1(a)(iv)/(b)(iii). <p>There are no relevant conditions, standards or terms under this rule.</p>	Restricted Discretionary
Contaminated Land	
<p>Rule 32.2.1 – Contaminated land</p> <p>The proposal involves the remediation, use and/or development of contaminated land, which requires consent under Rule 32.2.1.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	Restricted Discretionary

24. Overall, the proposal is a **Discretionary Activity** under the Operative District Plan.

Proposed Wellington District Plan

25. On 18 July 2022 WCC notified the Wellington City Proposed District Plan ('PDP'). This resource consent application was lodged prior to notification of the PDP, and therefore it retains the activity status at the time of lodgement pursuant to section 88A of the Act, being under the ODP and NES-CS.

26. However, for completeness, the site is located in the City Centre Zone. The following PDP notations apply to the subject site:

Specific Controls:

- Height Control Areas: 0m, 15m, 27m

- Minimum Sunlight Access – Public Space: NZ Parliament Grounds (green space within Parliament Precinct facing Molesworth Street)

Hazards and Risks Overlays:

- Flooding Hazard: Inundation Area and Overland Flowpath
- Coastal Inundation Hazard: Medium
- Coastal Tsunami Hazard: Low and Medium

Historical and Cultural values Overlays:

- Heritage Buildings: The Executive Wing of Parliament (#36), Parliament House (#214), Parliamentary Library (#215)
- Heritage Structures: Seddon Statue (#36), Ballance Statue (#37)
- Heritage Area: Parliamentary Precinct (#14)
- Viewshafts: The Beehive (VS1), Oriental Bay from Parliament Steps (VS2), The Beehive and The Cenotaph – Whitmore Street (VS4)
- Notable Tree and Notable Tree – Indicative Root Protection Area: English Oak (#187)
- Sites and Areas of Significance to Māori (line): Waipiro Wāhi Tupuna (#140)

Designations:

- WIAL – Wellington International Airport Ltd: Wellington Airport Obstacle Limitation Surfaces (WIAL1)

Wellington Regional Plans

27. In section 2.4.3 of their AEE the applicant outlines that no regional consents from Greater Wellington Regional Council ('GWRC') have been sought for the FAS Project at this time. The applicant notes that they will do this once obtaining the district land use and NES consents. I am satisfied that the regional consents can be sought as separate considerations to the district land use and NES consents, and that the applicant's approach in this regard is reasonable.

Overall Activity Status

28. Overall, applying the most stringent activity status outlined above on a 'bundled' basis, the application is a **Discretionary Activity** under the WCC ODP and NES-CS.

SECTION 4 – WRITTEN APPROVALS AND CONSULTATION

29. No written approvals have been provided as part of this application.
30. The applicant has undertaken consultation with a number of parties prior to lodgement, specifically including Heritage New Zealand Pouhere Tāonga ('HNZPT'), WCC, GWRC, Precinct Properties (as owner of the adjoining Bowen Street office campus),

and the Wellington Architecture Centre. Details of this consultation are outlined in section 2.4 of the AEE and the associated appendices.

SECTION 5 – NOTIFICATION AND SUBMISSIONS

31. A total of five submissions were received in relation to the application. The general positions of the submissions are outlined below:

General Position of Submission	Total
Oppose	4
Support	0
Neutral	1
Total Submissions received	5

32. These submissions have been attached as **Annexure 12** to this report.

33. The issues raised by the submissions include:

Issues
Retention of the heritage oak tree.
Adverse effects on historic heritage values of Parliament Grounds and buildings, including concern with the height and positioning of the MUS building, obstructing views to Parliament House, and removal of original fabric.
Intrusion of the new building(s) into District Plan Viewshaft 4A.
Adverse impacts on adjacent business, including concern that height and position of the MUS building will affect sunlight and visual amenity on an outdoor terrace.
Disturbance and disruption from noise, dust and traffic during construction.
Adverse effects on local residents due to operational traffic.
Inefficient use of the site.
Not meeting carbon neutrality requirements.
Lack of prior consultation with local residents.

34. While no submissions were in overall support of the application, the following positive issues raised by the submissions include:

Issues
Ongoing use of the site contributes to its overall heritage values.
Preservation of the ceremonial landscape and spaces in front of the Parliament Buildings.
Enhancement of the pedestrian and landscape treatment of the precinct.

The BAL building is suitably tucked away from Parliament House.

SECTION 6 – STATUTORY CONSIDERATIONS

35. Section 87F of the Act outlines that if a consent authority grants a request for direct referral, it must prepare a report on the application and in the report, the consent authority must—
- (a) *address issues that are set out in sections 104 to 112 to the extent that they are relevant to the application; and*
 - (b) *suggest conditions that it considers should be imposed if the Environment Court grants the application; and*
 - (c) *provide a summary of submissions received.*
36. The application is for a Discretionary Activity overall. Accordingly, consent may be granted or refused under section 104B of the Act and, if granted, conditions may be imposed under section 108 of the Act.
37. Section 104(1) of the Act sets out the matters that must be given regard to in considering an application for resource consent and any submissions received. Subject to Part 2 of the Act, these matters are:
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter considered relevant and reasonably necessary to determine the application.*

SECTION 7 – ASSESSMENT UNDER SECTION 104 OF THE ACT

Section 104(1)(a) Effects Assessment

38. The assessment of environmental effects below considers the relevant effects arising from the activity. These effects include:

- Historic Heritage Effects
- Design and Visual Amenity Effects
- Māori Cultural Effects
- Wind Effects
- Arboricultural Effects
- Transport and Vehicle Access Effects
- Earthworks Effects
- Contaminated Land Effects
- Hazardous Substances Effects
- Construction Effects
- Natural Hazard Effects
- Three-Waters Servicing Effects
- Positive Effects

Historic Heritage Effects

39. The site and setting are rich in historic heritage. As outlined in paragraphs 21 and 22 above, the Parliament Grounds makes up the Parliament Grounds Heritage Area and contains the listed buildings of Parliament House, the Executive Wing and Parliamentary Library, along with the Seddon and Ballance Statues on the eastern side of the site. These buildings and statues are also included in the HNZPT list.
40. The application is accompanied by assessments from two heritage practitioners, conservation architects Adam Wild of Archifact Ltd (Appendix 4 of the application) and Ian Bowman (Appendix 5 of the application). These reports have assessed the impacts of the proposal on the heritage values of the listed buildings on the site and the overall heritage area. The applicant's planner has summarised the conclusions of Mr Wild and Mr Bowman in section 4.2.4 of the AEE. The expert reports have been peer reviewed and analysed by the Council's heritage consultant Mr Michael Kelly, whose assessment is attached as **Annexure 1** to this report. Mr Kelly's report outlines further the heritage significance of the site.

Impact on the Executive Wing and Parliamentary Library

41. Mr Bowman and Mr Wild, on behalf of the applicant, consider that the proposed new buildings will have minor and acceptable effects on the Executive Wing and Parliamentary Library, noting in particular that the BAL building is suitably low in height and prominence and that the MUS building is suitably separated to detract from the heritage values of these buildings. In section 7.0 of his assessment, Mr Bowman considers that no mitigation is required as adverse effects on the Executive Wing and Parliamentary Library are suitably minor.
42. Mr Kelly generally agrees in this regard and considers that *"the effects of [the MUS building] on the Parliamentary Library and Executive Wing will be mostly visual and therefore slight."*²

² Annexure 1, Heritage Assessment by Michael Kelly, Page 8

Impact on Parliament House

43. Mr Bowman assesses the magnitude of the impact of the proposal on Parliament House to be 'minor' and the significance of the impact of the proposed link bridge and new buildings is assessed as having a 'moderate/slight negative impact' on heritage values before mitigation measures have been taken into account. In Mr Bowman's opinion, this equates to a minor impact overall. In section 7.2 of his assessment, Mr Bowman has suggested consent conditions that can, in his opinion, contribute to mitigating adverse effects on Parliament House, particularly in relation to the window removal, impact on original fabric, and views to and from the western side of Parliament House, all from the installation of the link bridge.
44. In relation to Parliament House, Mr Wild assesses that heritage effects of the height of the MUS building are acceptable, noting that the building will only be 'marginally higher' than the 27m in the ODP for buildings west of Parliament House. Further, Mr Wild considers that the link bridge will be designed in detail to mitigate visual and physical effects on Parliament House to an acceptable extent and that *"it is ultimately a reversible intervention; a test common in considering effects on historic heritage values."*³
45. Having regard to the assessments of Mr Bowman and Mr Wild, Mr Kelly assesses that the effects on Parliament House will be significant, specifically as a result of the MUS building and the proposed link bridge. Mr Kelly considers that the height, form and positioning of the MUS building will have consequential effects on Parliament House, in particular that the height and rectangular box-like form of MUS will result in a substantial height difference and transition, and will bring with it adverse shading effects on Parliament House.
46. While Mr Kelly notes that there is no specific mitigation for the height and positioning of the MUS building bar reducing its height, he concurs with the suggested conditions of consent put forward by Mr Bowman in mitigating effects on Parliament House as a result of the link bridge. In particular, he considers that the detail design of the link bridge ensures that it is as light and transparent as possible to minimise its impact on Parliament House and allow for sightlines through the bridge.
47. In relation to the link bridge, Mr Kelly notes this will result in the removal of original building fabric and will interrupt views of the western façade of Parliament House from either direction that are currently unimpeded. Mr Kelly further notes that although this is not the primary elevation, it *"is one of country's great Imperial Baroque façades and its interruption will be a significant loss."*⁴
48. Furthermore, regarding Mr Wild's description that the loss of heritage fabric will be reversible, I agree with Mr Kelly's point that the link-bridge could be in place for generations, which, for all intents and purposes, will be a permanent change to Parliament House and its setting. Mr Kelly has however suggested a condition of

³ Appendix 4, *Assessment of Effects on Heritage*, Archifact Ltd, Page 37

⁴ Annexure 1, *Heritage Assessment* by Michael Kelly, Page 9

consent that ensures appropriate photographic record and storage of the removed fabric.

49. Further, the proposal involves the modification of ground levels that obscure views to Parliament House's basement on the western elevation, opposite the proposed MUS building. This is a result of narrowing the width of the existing vehicular access that was formed in the 1995 refurbishment of Parliament House. Further information by way of assessment was provided by Mr Bowman in this regard⁵. Mr Bowman concludes that the effect of the change will be to further reduce the visibility of this part of the western elevation and that this is a minor adverse effect.
50. Based on the expert advice outlined above and the mitigation measures included in the suggested conditions of consent, I consider that the proposal, in particular the height and presence of the MUS building; interruption of visibility to Parliament House's secondary elevation; and the loss of a small amount of heritage fabric on this elevation, will not result in unacceptable adverse effects on its heritage values overall.

Impact on the Grounds

51. Mr Bowman, on behalf of the applicant, has assessed the effects of the proposal on the Parliament Grounds as a whole in section 5.5 of his assessment. Mr Bowman notes that the 'western precinct' is considered to have 'some' heritage value and has undergone a significant amount of modification over time, with many buildings constructed, demolished and replaced over time. Mr Bowman further references the Parliament Grounds Conservation Plan which reiterates that this area has been subject to considerable change. Mr Bowman concludes that the magnitude of impact on the Grounds is 'minor negative' overall and the significance of impact is 'moderate/slight negative'. Overall, this equates to a minor impact in Mr Bowman's opinion.
52. Mr Kelly's assessment in relation to the wider Grounds and heritage primarily discusses this in the context of the setting of Parliament House and the impact on this as a result of the MUS building as described above. However, he has undertaken an assessment of the criteria within Chapter 21B (Heritage Areas) of the ODP. In summary, the proposal aligns with the development vision for Parliament in the Central Area Urban Design Guide (Appendix 3 – Heritage Areas, Parliamentary Precinct) which aims to locate new buildings to the rear (west) of the existing Parliament Grounds to primarily preserve the ceremonial landscape and setting to the front (east) of these buildings. Further, Mr Kelly notes that both new buildings will stand alone and large, and that it is more appropriate for them to be designed to respond to the era of today, rather than to replicate or be directly compatible with the older buildings. Mr Kelly notes that a modern design will enable the new buildings to add to the richness of architectural history of the Parliamentary Precinct.
53. In a similar vein, Mr Kelly considers that the formation of a more articulated Museum Street will help define the buildings and access and will preserve the pedestrian access

⁵ Appendix 5a

between Bowen Street and Hill Street. The landscaping works will further enhance the amenity of this access.

54. Further, while sightlines to the rear of Parliament House will be partially obstructed as discussed above, sightlines to, from and around the precinct as a whole will be largely maintained, particularly from Bowen Street and Molesworth Street.
55. Overall, having regard to the expert advice outlined above, I consider that the overall adverse effects of the proposal on the values of the Parliamentary Precinct Heritage Area have been appropriately mitigated and minimised through the design and placement of the new buildings and will be acceptable.

Earthworks and Landscaping

56. In relation to earthworks, Mr Kelly notes that there is potential, although unlikely, that the works will discover archaeological material during the excavation process. However, Mr Kelly concludes that the archaeological authority granted by HNZPT will be sufficient to manage the possibility of discovering sub-surface material in this regard, and that the prospect of archaeology being uncovered during the work has been acknowledged and catered for appropriately through that process.
57. Mr Kelly raises no further concerns regarding the proposed earthworks and its impacts on the values of the heritage area. In reference to the assessment criteria in Chapter 21B of the ODP, Mr Wild opines that the earthworks enhance the wider heritage area through enabling construction of the proposed development which in turn provides for the on-going efficient operation of Parliamentary functions. I find this an acceptable conclusion.
58. In regard to the proposed landscaping, Mr Kelly supports the proposed landscaping treatment overall, being the integration of the new and old buildings with landscaping, and introducing a new plaza, pedestrian walkways and plantings. Similarly, Mr Kelly supports the relocation of the George V gates.
59. I adopt the conclusions of Mr Kelly in this regard and consider that adverse effects of the proposed earthworks and landscaping on historic heritage values will be acceptable.

Oak Tree

60. Mr Kelly agrees with the applicant's analysis that the listed oak tree sits in a compromised location, surrounded by concrete walls and paving, which offers no context for the tree and no compatibility with any other plantings or features of the precinct. Mr Wild, on behalf of the applicant, has a similar opinion and notes that the above factors all compromise its heritage value. Mr Kelly concludes that shifting the tree to make way for the MUS building can be supported from a heritage perspective, noting that the tree has already been previously modified for removal and that there has been a loss of any physical context from the period when the tree was planted.

61. I adopt the conclusions of Mr Kelly in this regard and consider that adverse heritage effects associated with the oak tree relocation are acceptable.
62. The tree relocation and the arboricultural effects associated with this have been assessed under the 'Arboricultural Effects' section of this report below.

Submissions

63. HNZPT raised matters pertaining to heritage effects in its submission, in particular raising concerns over the height and positioning of the proposed MUS building in relation to Parliament House, and removal of heritage fabric to install the link bridge to Parliament House. HNZPT reiterates the importance of consent conditions to mitigate adverse effects as has been suggested by Mr Bowman in his assessment and outlined in the AEE. I have incorporated the conditions suggested by Mr Bowman, Mr Kelly and HNZPT into the conditions suggested in **Annexure 13** to this report. I have drafted the conditions with the aim to achieve the outcomes recommended by the heritage experts while including suitable precision and clarity for all involved in their implementation.
64. HNZPT through its submission has also raised positive effects associated with the proposal, which have been summarised in paragraph 34 above and paragraph 138 below.
65. I am satisfied that the issues raised by HNZPT in its submission have been adequately addressed by the heritage experts on behalf of the applicant and WCC as described throughout this assessment.

Conclusion

66. Overall, having regard to the proposal as a whole, Mr Kelly considers that while there are adverse effects on Parliament House as a result of the proposal, the proposal is acceptable from a heritage perspective. Based on the expert advice received and through the imposition of and adherence to the suite of conditions suggested in **Annexure 13** to this report, I consider effects on heritage will be satisfactorily mitigated and are acceptable overall.

Design and Visual Amenity Effects

67. The proposal involves the construction of new buildings within the Central Area under the ODP, and the MUS building intrudes on the context elements in Viewshaft 4a and therefore requires consideration of design and visual amenity effects. On behalf of the applicant, the urban design effects of the proposal have been assessed by urban design experts Graeme McIndoe and Chris McDonald of McIndoe Urban Ltd (Appendix 9 of the application). The report also undertakes an assessment of the proposal against the Central Area Urban Design Guide ('CAUDG') of the ODP and the more specific Parliamentary Precinct Heritage Area Design Guide ('PPHADG').

68. The application is also accompanied by a Design Statement by Studio Pacific Architecture (Appendix 3a of the application); a CPTED Report⁶ by Boffa Miskell (Appendix 10 of the application); and feedback from Wellington Architectural Centre (Appendix 19 of the application). The applicant's planner thereafter summarises these assessments in sections 4.2.3 and 4.2.5 of the AEE. The applicant's combined analyses find that the proposal will result in acceptable design and visual amenity effects.
69. The applicant's assessments have been reviewed and analysed by the Council's Senior Urban Design Advisor, Ms Sarah Duffell, whose assessment is attached as **Annexure 2** to this report. Ms Duffell generally agrees with and adopts the assessments provided by the applicant and in particular Mr McIndoe. Informed by the CAUDG, these include the aspects of design coherence; relationship to context; siting, height, bulk and form; edge treatment; façade composition and building tops; and materials and detail. More specifically, Ms Duffell makes the following additional conclusions.

Design

70. With regard to the context, Ms Duffell opines that the existing car park space in the western portion of the site is "a low-quality environment with few redeeming urban design features and an undistinguished sense of place"⁷ and offers a poor environment for pedestrian access and amenity and CPTED conditions. She considers that the proposal will enhance the space in this regard. Further, Ms Duffell considers that the proposal maintains appropriate consistency with patterns of building siting and logic, with an acceptable introduction of contrast in architectural form and style.
71. With regard to height, bulk and form, Ms Duffell finds the proposed new buildings have acceptable effects in this regard and notes the importance of exterior detailing to visually soften the linear parapet and box-like shape of the MUS building. She has suggested consent conditions requiring detail design be developed and provided for Council certification, which I have included in **Annexure 13** to this report. Ms Duffell also considers this necessary for the link bridge detail design.
72. Overall, Ms Duffell concludes that the proposal meets the CAUDG and considers that the consent conditions suggested (which I have included in **Annexure 13**) can suitably mitigate remaining matters that require further consideration, refinement or control, to ensure acceptable design effects overall.

Viewshafts

73. Parliament Grounds are impacted by three protected viewshafts in the ODP: Viewshafts 1, 3 and 4A. The proposal does not intrude into Viewshafts 1 and 3 but the proposed MUS building will be partially visible in the bottom part of Viewshaft 4A, as shown on Plan P A6-04 (Appendix 3 of the application). Viewshaft 4A is northwards

⁶ Full title: *Future Accommodation Strategy at Parliamentary Precinct: Crime Prevention through Environmental Design Assessment*

⁷ Annexure 2, Urban Design Assessment by Sarah Duffell, Page 4

along Whitmore Street, from the Featherston Street intersection, toward the Beehive and Cenotaph. The Focal Elements of this viewshaft are the Beehive and the Cenotaph. The Context Elements are Tinakori Hill (Te Ahumairangi) and Thorndon Residential Area.

74. The intrusion of the MUS building into Viewshaft 4A is the principal issue raised by Submitter 3. Ms Duffell has undertaken a thorough analysis of the intrusion of MUS into this viewshaft in section 4.0 of her assessment. Ms Duffell concludes in this regard that *“the effect [of the intrusion by the MUS building] is appreciable but the viewshaft still retains adequate integrity in terms of the identified quality elements.”*⁸ Having considered the expert assessment by Ms Duffell in this regard, I conclude that the adverse effects on the values of the viewshaft will be acceptable.

CPTED

75. Ms Duffell has reviewed the abovementioned CPTED Report by Boffa Miskell provided in the application. Ms Duffell provides a helpful summary this report as follows⁹:

“The report by Boffa Miskell thoroughly assesses the receiving environment in terms of actual crime and of behaviour that concerns the site’s security services. This is summarised in section 2.3 of the report, noting specifically that the site has significantly more serious and complex security considerations than most other sites and also requires the capacity to ‘lock down’ in situations of serious threat. However, this must be balanced with the legislative requirement to allow ‘access to Government’. The site has a dedicated Security Team.”

76. Ms Duffell agrees with the findings and recommendations of the report to enhance safety and security for the public throughout the site. The CPTED Report identifies a number of aspects that are recommended to be addressed by conditions of consent, as outlined in Section 5.2 of the CPTED report. These include external lighting detail design; CCTV monitoring of the plaza spaces; window placement in BAL; safety for people accessing vehicles at night; and other recommendations for landscaping design, basement ramps, etc. I have included these matters in the suggested conditions in **Annexure 13** to this report accordingly. On this basis, I consider these effects to be acceptable.

Neighbouring Amenity

77. The proposed new buildings have the potential to adversely affect the amenity of neighbouring properties. In this regard, the closest neighbour to the proposed development is the Bowen State Building at 34 Bowen Street, to the west of the site. The Bowen State Building is a Central Area office building that contains Huxley’s Bar and Eatery on the ground floor, which utilises an east-facing outdoor terrace for seating. The restaurant and outdoor terrace currently have unencumbered views across the Parliament car park to the rear of Parliament House and the Executive Wing.

⁸ Annexure 2, Urban Design Assessment by Sarah Duffell, Page 11

⁹ Annexure 2, Urban Design Assessment by Sarah Duffell, Page 20

78. The principal issue raised by Submitter 4 is in relation to adverse impacts on this business, including concern that the height and position of the MUS building will affect sunlight and visual amenity on the outdoor terrace. The matters of concern relate to shading and views of the western elevation of Parliament House, to the detriment of the operation of the restaurant and bar.
79. Ms Duffell has undertaken an assessment of these effects in response to this submission in section 5.1.2 of her assessment. This primarily includes analysis of the shading diagrams provided by the applicant. Having regard to her assessment, Ms Duffell finds that the outdoor terrace currently receives direct sunlight during the morning, and after noon the terrace is shaded by the building in which it is located as the sun moves around to the west. Ms Duffell further comments that the shading diagrams supplied indicate that despite an increase in early morning shading, the terrace remains unshaded after 11am and over the lunchtime period, with afternoon shading already generated all year round by the existing buildings. Ms Duffell observes that this indicates that shade itself does not appear to be a matter that would preclude operation of the business.
80. She does conclude in this regard that *“loss of direct sunlight especially in cooler weather is regrettable. However, the submitter has already implemented measures to improve the warmth and shelter of this space, recognising that it is already in shade for the majority of their trading hours.”*¹⁰
81. In regard to shading, I note that Policy 12.2.5.10 of the ODP provides for the consideration of ‘permitted baseline’ scenarios relating to building height and bulk when considering the effects of new buildings in the Central Area on the amenity of other Central Area properties. The policy directs the decision maker to consider the neighbouring amenity effects (shading, dominance, privacy, etc.) to be acceptable for a building constructed to the height and massing limits in the District Plan. In this case, a 27m height limit applies to the portion of the subject site west of Museum Street.
82. I therefore consider that a scenario involving a 27m high building in this location will, by default, generate shading on the outdoor terrace of the neighbouring restaurant during morning hours when there is currently little shading. I do not consider that additional shading as a result of the 2m height exceedance of the MUS building will result in an unacceptable amenity outcome for the neighbouring business, noting that it is not an overly sensitive activity (such as a residential dwelling) and operates for the majority of its trading in shade as observed by Ms Duffell above.
83. In regard to views to Parliament, I am of the view that the neighbouring restaurant is currently taking advantage of ‘borrowed amenity’ over the undeveloped western portion of the subject site. While Parliament House and the Beehive are notable landmarks in this part of the city and views toward them are desirable, the restaurant and its patrons are not entitled to this view and outlook. In reference to Policy 12.2.5.10 above, consideration can be given to a 27m high building in the location proposed which would in any case remove the view to Parliament. In the context of this policy, I

¹⁰ Annexure 2, Urban Design Assessment by Sarah Duffell, Page 14

consider that the loss of views to the Parliament buildings is an acceptable adverse effect.

84. Furthermore, in this regard, Ms Duffell notes that the combination of the “well-considered” exterior design of the MUS building; its adequate separation from the neighbouring restaurant; and the presence of the relocated oak tree and introduction of new landscaping; will still create a sufficiently pleasant outlook for patrons of the restaurant.
85. All other surrounding Central area properties, including the cluster of residential homes at 15 to 31 Ballantrae Place and 81 to 93 Hill Street, are considered to be sufficiently separated from the proposed new buildings such that any effects on their amenity will be acceptable.

Conclusion

86. Overall, Ms Duffell supports the proposal from an urban design perspective and concludes that:
- The assessments provided in support of the application related to urban design matters are thorough and generally agreeable.
 - The development satisfies the CAUDG and PPHADG.
 - The matters raised by submissions in related to urban design have been adequately addressed.
 - Although Viewshaft 4A is altered, the modified view retains positive qualities.
 - CPTED and public safety matters have been adequately considered.
 - The conditions proposed by the applicant are generally agreeable and have been adopted, subject to expansion of detail.
87. Having regard to the expert assessment by Ms Duffell as outlined above, I consider that adverse design and amenity effects will be acceptable. The conditions suggested by Ms Duffell have been included in those listed in **Annexure 13** to ensure appropriate mitigation and design detail.

Māori Cultural Effects

88. The applicant has undertaken an assessment of Māori cultural effects in section 4.2.2 of the AEE, which should be read in conjunction with this report. The applicant outlines that they have been involved in ongoing consultation with Te Āti Awa, Ngāti Toa and Taranaki Whānui ki Te Upoko o Te Ika in developing the detailed design of the proposed development, particularly the MUS building. Further, sections 2.4 and 6.3 of the applicant’s Design Statement (Appendix 3a of the application) discuss the consultation that has been undertaken with mana whenua and other persons

considered to hold cultural mana for this site. Their input and interests are reflected in the submitted design for both the building and the landscaping, with opportunities identified for further expression of Māori culture within the building in the future if desired.

89. The site is not subject to a statutory acknowledgement area under Schedule 11 of the Act, however it sits atop the now-underground Waipiro Stream which is identified in the WCC PDP under the Sites and Areas of Significance to Māori Overlay.
90. As part of the notification process for the application, notice was serviced directly on Ngāti Toa and Taranaki Whānui ki Te Upoko o Te Ika (Port Nicholson Block Settlement) Trust. I note that no submissions were received from these parties.
91. I find myself in agreement with the applicant's assessment in the AEE that the applicant should continue consultation with Te Āti Awa, Ngāti Toa and Taranaki Whānui ki Te Upoko o Te Ika in developing the detailed design of the proposal. This could potentially be included as a condition of consent as suggested by the applicant in section 4.2.2 of the AEE. I have included this in the suggested conditions in **Annexure 13** to this report.
92. I also note that HNZPT has granted an archaeological authority for the works, which includes a suite of appropriate conditions in this regard. I consider this appropriate to suitably manage archaeological effects in this regard and do not see the necessity for additional conditions on the resource consent in relation to archaeology.
93. Having regard to the above, and subject to ongoing consultation, I consider that the adverse effects of the proposal in terms of Māori cultural effects will be acceptable.

Wind Effects

94. The proposed MUS building exceeds a height of 18.6m and requires consideration of wind effects. The application is accompanied by a wind assessment by WSP Ltd (Appendix 13 of the application). The report presents the results of a wind tunnel study of pedestrian wind conditions around the proposed development, including the results of wind mitigation measures. The report has been prepared in accordance with the requirements in Appendix 8 of the Central Area provisions of the ODP. The applicant's planner has summarised the findings of the wind report in section 4.2.8 of the AEE.
95. The Council's consultant wind advisor, Mr Michael Donn, has reviewed the wind report by WSP, and his assessment is attached as **Annexure 10** to this report. Upon his review, Mr Donn notes that the wind speeds identified in the wind report as both existing and proposed are high, and that 18 of the 27 points measured before and after would still experience wind speeds in excess of the WCC safety limit, even though three of these are slightly improved by the design. Mr Donn further considers that the application documents contain little information on any consideration of wind mitigation measures. In light of Mr Donn's review, further information was requested which the applicant has responded to in Appendix H of the WSP report. This includes further consideration of safe passage through the site during high wind speed periods and integration of wind mitigation measures into the design of the MUS building entrances.

96. Having considered the concerns and requests raised by Mr Donn, WSP, in summary, concludes the following throughout its report:

- Existing wind speeds around the site range from very low to extremely high.
- The north-south alignment of the MUS building is a beneficial design feature aerodynamically for minimising the effect of the development on surrounding wind conditions.
- The proposed BAL building is sufficiently low to have a minimal effect on the surrounding wind speeds.
- The overall effect of the development on wind gusts is neutral, with increases in speeds to the west of the MUS building (which are more channelled) approximately balanced by decreases elsewhere, including to the east of the MUS building (which becomes more sheltered).
- The maximum gust speed increases from 28m/s to 30 m/s with the development, while the frequency of winds exceeding 2.5m/s and 3.5m/s decreases overall. The safety threshold of 20m/s is exceeded over much of the site, essentially unchanged from the existing situation.
- The placement of wind mitigation measures such as screens would be beneficial but is limited by vehicle and pedestrian access and by differing property ownership between Parliament and the Bowen State Campus to the west, concluding there is little that can be practicably done to reduce very high wind speeds.
- The report finds that *“taken overall, wind conditions are improved with the proposed development, but existing unsafe windspeeds are unaffected as well.”*¹¹
- In relation to the relocated oak tree, the report finds that although the proposed location for the relocated heritage oak tree is windier overall than the tree’s existing location, the maximum gust speed at the proposed location is essentially the same as the existing location. The report therefore expects that there will be no significant change in the maximum wind speed that the tree will be exposed to at the relocation site compared to the existing location. Further, the Arborlab report (Appendix 11 of the application) also considers these effects and finds that the tree *“will be able to adapt to the wind loads over time.”*¹² In this regard, Mr Donn observes that the lop-sided shape of the tree at present is primarily attributed to high wind loads on the tree in its existing position and blowback off the rear of Parliament House.

97. Having considered the expert assessments by WSP and Mr Donn, I consider that, subject to further consideration given to wind mitigation measures, these effects will be acceptable overall. I agree with the conclusion in section 4.2.8 of the AEE as

¹¹ Appendix 13, *Wind tunnel study of Parliament precinct development, Wellington, Page 24*

¹² Appendix 11, *Arboricultural Report, Page 24*

follows, and have included this as a suggested condition of consent in **Annexure 13** of this report:

“For the proposed pedestrian areas, at the detail design stage it is proposed that wind mitigation along with other design factors (such as visual effects, CPTED, security considerations etc) will be further considered and assessed with the objective of making the proposed on-site pedestrian areas as safe and attractive as practicable.”

Arboricultural Effects

98. Further to the historic heritage effects assessment above, the arboricultural effects associated with the relocation of the listed oak tree have been assessed within the Arboricultural Report and subsequent Arboricultural Completion Memorandum (Appendices 11 and 11a of the application) provided by Arborlab. These reports have been peer reviewed and analysed by the Council’s Team Leader Arboriculture, Mr Ben Young, whose assessment is attached as **Annexure 7** to this report, and consultant arboricultural advisor, Mr Richie Hill, whose assessment is attached as **Annexure 8** to this report.
99. The applicant’s planner provides an assessment and summary of the effects of the proposed tree relocation in section 4.2.6 of the AEE, which I adopt. Further, Mr Young and Mr Hill are in agreement with the details and findings of the Arborlab assessments and consider that moving the tree is feasible. Both advisors stress the importance of aftercare for the tree to ensure its success in the new location. Conditions of consent have been included in **Annexure 13** to this report to ensure that the transplanting methodology and aftercare programme are finalised prior to the commencement of works and for the works to be undertaken accordingly.
100. A concern raised through the submissions received is that the proposal will result in the loss of the oak tree, with the submitter recommending that the tree be relocated. In this regard, the proposal involves relocation of the tree to a suitable location nearby on the site. The arboricultural experts are in agreement that this can be done in a manner that avoids loss of the tree and provides for its ongoing health, in addition to offering an improved setting.
101. Based on the assessment provided in the AEE, and the assessments of Mr Young and Mr Hill, I consider that the adverse effects of the proposal in terms of the oak tree relocation will be suitably minimised and mitigated, and are acceptable.

Transport and Vehicle Access Effects

102. In this regard, the proposal involves changes to the site accesses and the circulation of vehicles through the site, including the introduction of a purpose-built deliveries and servicing building (BAL) and a reduction in on-site car parking for staff. The application is accompanied by an Integrated Transport Assessment prepared by Aurecon (Appendix 14 of the application). The findings of the report have been summarised by the applicant’s planner in section 4.2.9 of the AEE.

103. The transport aspect of the proposal has been assessed by the Council's Transport and Vehicle Access Engineer, Ms Patricia Wood, whose assessment is attached as **Annexure 6** to this report. Overall, Ms Wood finds the proposal acceptable from a transport perspective, subject to conditions of consent which I have included in **Annexure 13** to this report. Ms Wood reaches the following conclusions in this regard:
- Due to the reduced use of the Museum Street entrance by vehicles, Ms Wood agrees with the applicant that the pedestrian safety and operation of the Bowen Street and The Terrace intersection are expected to improve. Ms Wood also agrees that there will be a better pedestrian environment throughout the site due to the reduced potential for interactions and conflict between vehicle and pedestrians.
 - Similarly, while the approximate 20 metre proposed distance between the relocated bollards and the Bowen Street footpath would be less than at present (about 35 metres), Ms Wood considers that there would be sufficient queuing capacity due to the reduced number of vehicles using this route.
 - In terms of servicing, Ms Wood advises that the loading areas meet the District Plan requirements and that the height and dimensions of the servicing area are acceptable.
 - In terms of trip generation and the surrounding road network, Ms Wood agrees that the trip generation by vehicles parking or visiting the precinct will reduce overall due to the reduction in parking spaces. However, there is an expected increase in traffic movements on Ballantrae Place due to the greater use of that entrance for access. The transport assessment by Aurecon has assessed this in the context of the operation of the Ballantrae Place and Bowen Street intersection and advises that there will be an expected increase in the number of vehicles turning into Ballantrae Place and the potential for increased queuing. Further, the report models that there could be a 12% increase in daily traffic volume in Ballantrae Place accordingly. However, based on the findings of the Aurecon report, Ms Wood concludes that there is sufficient capacity in the right turn bay on Bowen Street and in Ballantrae Place itself to accommodate the anticipated increased traffic volumes and potential for increased queuing.
 - Ms Wood has also suggested a condition of consent requiring the submission of detail design plans in relation to the driveway construction to ensure appropriate levels, gradients and transitions for the access is provided.
104. A concern raised through the submissions received is around the potential for increased traffic movements on Ballantrae Place due to the modifications proposed on the site and that vehicular access to the site will primarily be via Ballantrae Place. The expert advice outlined above concludes that there is sufficient capacity in Ballantrae Place to accommodate the expected increase in traffic on this road. I also consider that traffic movements from commuter and servicing vehicles are generally to be expected in the Central Area particularly considering the commercial and office activities occurring nearby. I therefore find these effects acceptable.

105. Overall, based on the expert advice of Ms Wood, I consider that the adverse effects of the proposal in terms of transport and vehicle access will be acceptable.
106. Transport effects associated with the proposed earthworks and construction are assessed separately below.

Earthworks Effects

107. The earthworks effects of the proposal relate to ground stability, visual effects, dust, silt and sediment run-off, and the transportation of excavated material. The principal area of earthworks proposed is that associated with the basement excavations, with an estimated cut volume of 24,000m³ and approximately 400m³ of material to be used as fill. The extent of earthworks proposed and how this work will be managed are outlined further in the Contamination Reports (Appendices 8 and 8a of the application), the Geotechnical Report (Appendix 12 of the application), and the Three Waters and Earthworks Report (Appendix 15 of the application), all provided by Aurecon.
108. The earthworks in relation to ground stability, dust, silt and sediment run-off have been assessed by the Council's Earthworks Engineer, Mr John Davies, whose assessment is attached as **Annexure 3** to this report.
109. Regarding stability, Mr Davies has reviewed and agrees with the geotechnical assessment supplied as part of the application. The report reviews the current proposal and the ground conditions in the area, and makes recommendations for temporary and on-going support for the proposed excavations. Mr Davies advises that he considers the proposal to adequately address the long-term stability risks through redevelopment of the site with specific engineered retaining walls. Further, Mr Davies has suggested a suite of consent conditions specifically to ensure the works be monitored by a geotechnical professional, and that a construction management plan be developed and employed to avoid uncontrolled instability with risk of collapse. Mr Davies is therefore satisfied that the risk of instability can be mitigated, subject to the conditions of consent included in **Annexure 13** to this report.
110. Furthermore, Mr Davies considers that standard industry practices and the adoption of an erosion and sediment control plan (ESCP) can suitably minimise the risk of erosion, sediment and dust effects resulting from the works. This is to be provided via conditions of consent included in **Annexure 13** to this report.
111. A concern raised through the submissions received is around dust affecting the outdoor seating area of the Huxley's restaurant located on the eastern ground floor of the neighbouring Bowen State Building. It is acknowledged that avoiding dust effects all together is unfeasible, especially on windy days. Mr Davies considers that this can be appropriately addressed through requirements of the conditions including details of how dust in relation to earthworks will be managed and monitored as part of the ESCP. This would ensure that dust effects would be kept to a minimum.
112. With regards to potential visual effects of the earthworks, such effects will be temporary, and the proposed excavations will be built upon by the proposed buildings

and retaining walls, with the balance of earthworks landscaped upon the completion of construction. Appropriate use of hard and soft landscaping will be incorporated into the design for the areas of public space surrounding the buildings.

113. Traffic effects associated with the earthworks activity has been assessed by Council's Transport and Vehicle Access Engineer, Ms Patricia Wood, whose assessment is attached as **Annexure 6** to this report. Ms Wood considers that the transportation of excavated material can be adequately managed by a construction traffic plan (CTP) submitted via conditions of consent to minimise effects on the road network. This is also considered warranted given the large volume of material to be excavated and high number of vehicle movements expected, and the central city location of the site. Overall, Ms Wood advises that the proposal is acceptable from a traffic and vehicle access perspective subject to the conditions included in **Annexure 13** to this report.
114. Overall, having regard to the specialist advisor input above, and noting the relevant conditions that have been suggested, adverse effects associated with the earthworks will be suitably minimised and are acceptable.

Contaminated Land Effects

115. The applicant has submitted two Detailed Site Investigations (DSI) provided by Aurecon (Appendices 8 and 8a of the application). The Ballantrae Place DSI report indicates that former HAIL activities that may be applicable to the current carpark include category E1 (asbestos) and category G5 (uncontrolled fill). The Ministerial and Museum Street DSI report indicates that former HAIL activities that may be applicable include category A2 (bulk storage – underground storage tanks), category E1 (asbestos) and category G5 (uncontrolled fill).
116. The reports present the results of subsurface testing undertaken in and around the location of the proposal. The reports also outline recommendations for further soil investigation to be undertaken and include mitigation measures, namely the development of a contaminated soil management plan (CSMP) as there is a potential to come across unexpected contamination during the works.
117. The DSIs have been reviewed by the Council's consultant contaminated land advisor, Ms Suzanne Lowe of AECOM, whose assessment is attached as **Annexure 4** to this report. Ms Lowe has reviewed and agrees with the findings and recommendations of the DSIs submitted in the application and has suggested several conditions of consent to ensure that the potential effects arising from contaminated/potentially contaminated material are appropriately managed.
118. Having considered the reports provided by the applicant and based on the advice of Ms Lowe, I consider that the effects related to contaminated material will be acceptable and that these effects can be adequately controlled through appropriate consent conditions outlined in **Annexure 13** of this report.

Hazardous Substances Effects

119. The proposal in this regard involves installation of new tanks for the storage of diesel within the basement of the proposed MUS building and additional hazardous substances (listed in Section 2: Hazardous Substances on site of the Hazardous Substance Assessment report provided by ENGEO; Appendix 16a of the application). These are necessary as fuel supply for the emergency generators that are proposed within the basement. In addition to the above report, the applicant has provided a HSNO Report also by ENGEO (Appendix 16 of the application). The report makes a number of recommendations for the design and commissioning of the proposed new tanks.
120. A peer review of the management and appropriate considerations for the use and storage of hazardous substances within the facility has been undertaken by the Council's consultant hazardous substances advisor, Ms Kim Thaker of AECOM, whose assessment is attached as **Annexure 5** to this report. Ms Thaker has reviewed and agrees with the findings, procedures and suggested conditions outlined in the applicant's reports. Ms Thaker also suggests additional requirements that can be incorporated into consent conditions, all of which have been included in **Annexure 13** to this report.
121. The storage of diesel fuel for the operation of back-up generators is a common feature of many buildings within the Central Area, particularly for government buildings that contain emergency operation functions. Through compliance with HSNO, and having considered the advice of Ms Thaker, I am of the view that the risks associated with the use and storage of hazardous substances can be appropriately minimised through the HSNO requirements and conditions of consent included in **Annexure 13** to this report.

Construction Effects

122. For land developments and construction projects of this nature and scale, I acknowledge that effects associated with construction works cannot be avoided altogether. The construction of the proposed buildings and other site works will generate accompanying effects such as construction noise and vibration; dust generation; construction traffic; temporary visual impacts; onsite activity; and, public access restrictions during the construction works. These effects will be localised and limited to the construction period.
123. The applicant has placed emphasis on mitigation measures in an effort to minimise the scale, extent and duration of construction effects. In particular, the applicant advises that Parliamentary activities will continue within the nearby Parliamentary Library, Parliament House and Executive Wing. Accordingly, for its own purposes the applicant will be requiring contractors engaged in the construction of the project to manage construction activities to minimise disruption and nuisance to the nearby operation of Parliament, and by extension, surrounding properties and activities.
124. I note various submitters have raised concerns in relation to disruption and disturbance during the construction phase of the project, particularly noting the presence of nearby

residential units on Ballantrae Place and the outdoor seating area for the Huxley's restaurant.

125. Temporary construction noise is acknowledged within the District Plan (Policy 12.2.4.4) as an anticipated effect within the Central Area and is managed using the best practicable option, in accordance with *New Zealand Standard NZS6803:1999: Acoustics – Construction Noise*, as well as applying section 16 of the Act. Construction noise and vibration has been assessed by the Council's Environmental Noise / Compliance Officer, Ms Whitney Cocking, whose assessment attached as **Annexure 9** to this report. On the advice of Ms Cocking, I consider it is appropriate to impose conditions of consent requiring development, certification and implementation of a construction noise and vibration management plan ('CNVMP'), and that the works be managed in accordance with NZS6803:1999.
126. Other relevant construction effects, including those relating to earthworks, traffic, and contaminated soil, have been specifically assessed above and are found to be acceptable in light of the suggested conditions to ensure they are mitigated and managed appropriately.
127. Overall, it is my view that the adverse effects of the proposal associated with construction will be localised and temporary in nature and can be appropriately managed to an acceptable extent.

Natural Hazard Effects

128. The redevelopment site is subject to the known natural hazards of ground shaking and inundation from the 1-in-100 year rainfall flood risk. The flood risk has been assessed by Wellington Water Ltd ('WWL') engineer, Mr Ye Mon Oo, whose assessment is attached as **Annexure 11** to this report. Mr Oo advises that WWL GIS mapping indicates that there are overland flow paths and minor flooding within the site in the event of an extreme flood event (1-in-100 year with climate change also taken into account). Mr Oo advises that these risks can be appropriately managed by maintaining overland flow paths from Hill Street through the site and setting appropriate floor levels for the extreme flood risk. Mr Oo has suggested consent conditions in this regard that I have included in **Annexure 13** to this report.
129. Further, the proposal involves the establishment of a critical facility in the ground shaking hazard risk area identified in the WCC ODP. Specifically, the applicant has identified that the continued operation of Parliament and the National Emergency functions within the MUS building are critical in an emergency. The applicant advises that this building will be of an IL4 earthquake resilience standard and self-sustaining for approximately two weeks to enable essential Parliamentary operations to continue in a major emergency event affecting Wellington.
130. I also note the following commentary from the Geotechnical Report (Appendix 12 in the application) provided by Aurecon in relation to earthquake risk¹³:

¹³ Appendix 12, *Geotechnical Report for Land Use Resource Consent*, section 4.6, Page 9

“Wellington is a seismically active region. Bradley Seismic Limited, on behalf of Parliamentary Service, has carried out a site-specific seismic hazard study for the Parliament Precinct. This study, known as Probabilistic Seismic Hazard Analysis (PSHA) has found increased earthquake load demands for the Parliament site as compared to the NZ Seismic Load Standard NZS1170.5. Reasons for the increased load demand are better understanding of the soil characteristics under building footprints and depths to rock. Also, recent scientific advances around the world have identified shortcomings in many Codes with regards to large earthquakes and associated long period shaking events that PSHA studies better address. Parliament Service has decided that all the new structures in the Precinct are to be designed as per the recommendation from the PSHA study including the site liquefaction hazard analysis.”

131. Relying on the advice of the technical experts listed above, I consider that the risks posed for the proposed buildings in relation to natural hazards will be appropriately managed.

Three-Waters Servicing Effects

132. The applicant has provided a Three Waters and Earthworks Report by Aurecon (Appendix 15 in the application) which in this regard assesses the servicing of the proposed development in terms of stormwater drainage, water supply and wastewater drainage, collectively referred to as three-waters. The report outlines the proposed three-waters servicing design in accordance with the applicable design standards and code of practice requirements, and makes recommendations where mitigation is necessary. The report and servicing strategy has been peer reviewed by WWL engineer Ye Mon Oo, whose assessment is attached as **Annexure 11** to this report.
133. In terms of water supply, Mr Oo advises that available flow rates are less than Fire Engineering New Zealand ('FENZ') requirements and mitigation measures are required. It is proposed that the new buildings will all harvest stormwater for treatment and use as potable water within the buildings which will reduce the draw on the WCC system and is acceptable. Further, Mr Oo is satisfied with the new water supply connections and water main upgrades proposed by the applicant.
134. In terms of wastewater, Mr Oo advises that WWL modelling indicates that the wider Bowen Street wastewater network has upwards of 30 l/s spare design capacity. This is adequate capacity to support the development – which will have a peak design wet weather flow of around 9 l/s. Mr Oo finds this acceptable along with the proposed wastewater connections and wastewater main upgrades proposed by the applicant.
135. In terms of stormwater, Mr Oo notes that stormwater neutrality will be required for the development, along with stormwater treatment. The applicant is proposing stormwater retention (stormwater reuse within the new buildings) to provide water treatment through removing stormwater volume from the receiving environment. New car parking and road areas will need to be appropriately treated for contaminant loading through the use of rain gardens or similar. These requirements have been suggested as consent conditions.

136. A condition has also been provided limiting the use of bare galvanised, zinc alum, or unpainted metal (including copper) that may result in contamination of stormwater runoff upon corrosion of surfaces.
137. Overall, Mr Oo has also suggested a standard suite of three-waters servicing conditions that I have included in **Annexure 13** to this report, and having regard to the above assessment, adverse three-waters servicing effects will be acceptable.

Positive Effects

138. The applicant has undertaken an assessment of positive effects in section 4.2.1 of the AEE. I agree with this assessment. In particular, I agree and conclude that the positive effects delivered through the implementation of the project will be significant and enduring, and summarise them as follows:
- Enhancement of the efficiency and effectiveness of Parliament.
 - Reduction in the need for Parliament to rent suboptimal floorspace outside of the Precinct.
 - Reduction in earthquake prone building risk.
 - Visual and pedestrian amenity enhancement of the 'back of house' area to the rear (west) of the current parliament buildings, and conversion of this space to a pedestrian oriented environment fit for a precinct.
 - Enhancement of public accessibility, use, education and enjoyment within Parliament House.
 - Enhancement of the ability for Parliamentary activities and operation of the National Crisis Management Centre to be self-sufficient and maintained in a major emergency event / natural disaster.
 - Enhancement of safety and security for deliveries and servicing, and a significant reduction in existing risks.
 - Encouragement of greater use of public transport and active transport modes for Parliamentary staff.
 - Improvement to the safe and efficient operation of the intersection of The Terrace and Bowen Street.
 - Improvement to CPTED outcomes throughout the Precinct.
 - Promotion of sustainable energy use.

Effects Conclusion

139. Taking into account the assessment above of the actual and potential effects of the proposal (including both adverse and positive effects), I consider the effects of the proposal will be acceptable. In particular, I consider that the significant positive effects of the proposal, on balance, outweigh the adverse effects of the proposal.

Section 104(1)(ab) Measures to ensure Positive Effects to Offset or Compensate for any Adverse Effects

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

Section 104(1)(b) Relevant Planning Provisions

141. Relevant to the assessment of the application is a hierarchy of planning instruments, each intended to give effect to the Purpose and Principles of the Act. In considering this application, I have had regard to provisions of the following planning documents as specified in section 104(1)(b)(i)–(vi) of the Act:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- Other regulations
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Operative District Plan
- The Proposed District Plan (objectives and policies only)

Higher Order Planning Documents

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

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

143. An assessment of the proposal in relation to the relevant NES-CS provisions is provided above. It is noted that there are no relevant objectives or policies under the NES-CS. However, the stated policy objective of the NES-CS is explained within the User Guide as follows¹⁴:

“to ensure land affected by contaminants in soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land safe for human use. The NES enables the safe use of affected land by:

- *establishing regulations for five activities that ensure district planning controls relevant to assessing and managing public health risks from contaminants in soil are appropriate and nationally consistent*
- *establishing soil contaminant standards protective of human health and requiring their use when decisions are made under the NES*
- *ensuring best practice and consistent reporting on land affected or potentially affected by contaminants is applied that enables efficient information gathering and consistent decision-making.”*

144. I have had regard to the NES-CS and in particular, the policy objective above. Having drawn on the expert advice discussed in the section 104(1)(a) assessment above, I consider that the proposed works will be consistent with this stated policy objective in that contaminants in soil are identified and assessed when land development is to occur; the site will be remediated and/or contained following the works and made safe for human use; and, the use of the Soil Contaminant Standards under the NES-CS has been applied. Further, the approach to remediation and ongoing management is deemed appropriate, including the transport and disposal of materials taken off the site.

Wellington Regional Policy Statement

145. The Regional Policy Statement for the Wellington Region ('RPS') provides an overview of the resource management issues significant to the region and outlines the objectives, policies and methods required to achieve the integrated management of the region's natural and physical resources.

146. Section 4.2 of the RPS contains regulatory policies which need to be given particular regard (where relevant) when assessing and deciding on a resource consent application. The most relevant policies to consider in assessing this application are listed below:

Policy 41: Minimising the effects of earthworks and vegetation disturbance

¹⁴ NES-CS User Guide, ME 1092, Ministry for the Environment 2012, Page 6

147. Appropriate silt, sediment and erosion controls will be required to be implemented during the earthworks. Policy 41 recognises that erosion, siltation and sedimentation cannot always be avoided, I consider that appropriate management techniques are necessary to ensure that these effects will be minimised.

Policy 42: Minimising contamination in stormwater from development

148. Mr Oo of WWL has assessed the proposal with respect to stormwater management. Considering his assessment above, conditions of consent have been suggested that will minimise contamination of stormwater runoff through providing on-site stormwater quality treatment and through the minimisation of galvanised, zinc alum or unpainted metal for exterior construction to further manage this effect.

Policy 46: Managing effects on historic heritage values

149. Effects on historic heritage values of the Parliament buildings and Precinct have been assessed extensively by the applicant's and Council's experts. Considering the expert assessments undertaken and the conditions suggested in **Annexure 13**, I consider that these effects have been appropriately managed, including having regard to the matters listed in (a) to (i) in Policy 46.

Policy 48: Principles of the Treaty of Waitangi

150. Conditions have been suggested to ensure accidental discovery protocols are implemented as required ensuring on-going participation by the relevant iwi groups in the event that any material of significance to iwi is discovered during the works. Further, the applicant has offered conditions ensuring the on-going consultation and involvement of the relevant iwi groups through the detail design phase of the development, and wider proposal within the precinct. The proposal is not inconsistent with the principles of the Treaty of Waitangi in my opinion.

Policy 51: Minimising the risks and consequences of natural hazards

151. The known natural hazards affecting the development site include the 1-in-100 year rainfall flood risk and ground shaking. The applicant, in consultation with Wellington Water Ltd, has designed the proposal to minimise risks and consequences of the flooding hazard in relation to the site and surrounding properties. This is assessed in detail in the Natural Hazards Effects section of the section 104(1)(a) assessment above. In a similar vein, the proposed MUS building has been designed to an IL4 standard for earthquake resilience to ensure the Parliament and emergency management operations in the building remain operational in the event of an earthquake or other natural hazard. As such, the proposal adequately accords with this policy.

Policy 54: Achieving the region's urban design principles

152. It has been assessed and concluded by the applicant's urban design expert and Ms Duffell that the proposal achieves the urban design principles of the WCC ODP, which

in turn accords with this policy. This has been assessed in detail in the Design and Visual Amenity Effects section of the section 104(1)(a) assessment above and the Central Area objectives and policies in the section 104(1)(b) assessment below.

Policy 57: Integrating land use and transportation

153. The proposal has been designed with the intention of integrating the land use development with transport considerations, particularly as the proposal involves removing a substantial amount of car parking, with a greater focus on pedestrian and cycle access to and within the site. Further, given the Central Area location of the site, it has good access to public transport (bus and rail in particular) and good connections to the wider CBD. Safe and attractive environments will be provided for walking and cycling as part of the proposal, enhancing physical connections through the site to its immediate surrounds.
154. Further, the assessment undertaken by Ms Wood concludes that the traffic generated by the proposed development can be adequately accommodated within the existing transport network and that there will be minimal impacts on the efficiency, reliability and safety of the network and its users. In relation to Museum Street and its intersection with Bowen Street, the outcome will be positive.

Proposed Change 1

155. Proposed Change 1 to the RPS was notified by GWRC on 19 August 2022. The focus of Proposed Change 1 to the RPS is to implement and support the National Policy Statement on Urban Development 2020 ('NPS-UD') and to start the implementation of the National Policy Statement for Freshwater Management 2020 ('NPS-FM'). The change also addresses issues related to climate change, indigenous biodiversity and high natural character. I have had regard to Proposed Change 1 and consider that no further analysis is required.
156. Overall, I consider that the proposal accords with the general strategic direction of the Wellington Regional Policy Statement.

Operative Wellington District Plan

157. The site is located within the Central Area of the Operative District Plan ('ODP'). The District Plan notations are listed in paragraph 21 above.

Central Area

Containment and Accessibility

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

Policy 12.2.1.1: Define the extent of the Central area in order to maintain and enhance its compact, contained physical character.

Policy 12.2.1.2: Contain Central Area activities and development within the Central Area.

158. Objective 12.2.1 and the underlying policies relate to containment and accessibility within the Central Area. The site is within the Central area and the redevelopment allows for the efficient and ongoing use of the existing land resource. In my opinion this objective and the policies are met. I consider the proposal to be an efficient use of the Central Area land being for government activities at a height and mass that is generally considered acceptable by the relevant experts.

Activities

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

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

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

Policy 12.2.2.4: Control the adverse effects of noise in the Central Area.

Policy 12.2.2.5: Ensure that appropriate on-site measures are taken to protect noise sensitive activities that locate within the Central Area from any intrusive noise effects.

159. The proposal contributes to the wide range of activities occurring within the Central Area through providing an extension to the existing government activities taking place on the site. The proposal also frees up private office space nearby as Parliament activities will be brought on-site as a result of the proposed new buildings, thereby enabling owners to respond appropriately to market needs.

160. Policy 12.2.2.2 recognises that activities within the Central Area have the potential to have effects both within the Central Area and to nearby residential zones. In my opinion, effects generated by the proposed activities can be appropriately controlled through compliance with the relevant performance standards and conditions of consent. In terms of residential zones, the Inner Residential Area is located to the north-west of the site, across Hill Street. The British High Commission is the closest Inner Residential property and is located approximately 60m from the proposed BAL building and 75m from the proposed MUS building. The proposed activities are suitably

set back from the Inner Residential Area and will be screened and separated such that adverse effects on these residential properties will be largely avoided.

161. Policy 12.2.2.4 relates, in particular, to potential adverse effects resulting from both fixed plant noise from new noise sources, and noise generated by construction activities. It is my opinion that these can be appropriately controlled through compliance with the relevant performance standards of the District Plan, which should be reinforced by the appropriate conditions of consent. Construction noise will generate noise which will be temporary in nature. In this regard I note Policy 12.2.2.4 states:

“The plan acknowledges that construction noise has effects on the Central Area but that these are generally temporary in nature. Construction noise is managed using best practical [sic] option, in accordance with NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.”

162. Temporary noise effects are, in my opinion, best managed through appropriate conditions of consent and through compliance with NZS6803:1999. This draws on the expert advice of Ms Cocking discussed above.
163. Further, in regard to Policy 12.2.2.5, I note that there are nearby residential activities in the Central Area that are classed as noise sensitive activities, being the townhouses fronting Ballantrae Place to the east of the site. For the reasons discussed above, I consider that appropriate on-site measures are and will be taken to protect these nearby activities from undue noise effects.
164. Overall, I consider that the proposal meets and is consistent with the Objective 12.2.2 and Policies 12.2.2.1, 12.2.2.2, 12.2.2.4 and 12.2.2.5.

Urban Form and Sense of Space

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

Policy 12.2.3.1: *Preserve the present ‘high city/low city’ general urban form of the Central Area.*

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

165. The site is located within the ‘low city’ area and borders the ‘high city’ area on the opposite side of Bowen Street to the south. In my opinion, the proposed buildings will preserve the ‘high city/low city’ urban form. Notably, the height of the MUS building will be considerably lower than the neighbouring office buildings in the Bowen State Campus to the immediate west, and the combination of the MUS and BAL buildings provide an appropriate transition from the taller office buildings to the west and south

to the 'low city' form of the existing Parliament buildings and those to the north on Hill Street. This view has drawn on the expert advice of Mr Kelly and Ms Duffell.

166. Policy 12.2.3.2 outlines that 'sense of place' is shaped by both an area's social activity and the character and quality of the building environment. This part of the Central Area has a distinctive character and features derived from its role as the place of Parliament. The proposal seeks to further enhance this sense of place and identity with additional Parliamentary buildings in a setting that will be better than existing. Ms Duffell in this regard finds that the proposal has an appropriate relationship to context and considers that the proposal will enhance the sense of space for the western portion of the site that is currently dominated by low-quality car parking areas.
167. Overall, I consider that the proposal meets Objective 12.2.3 and Policies 12.2.3.1 and 12.2.3.2.

Effects of New Building Works

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

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

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

168. Having regard to the expert design assessment provided by Ms Duffell, the proposal will reinforce the high city/low city urban form whilst acknowledging and respecting the form and scale of the neighbourhood with reference to the adjoining Bowen Street Campus, the existing buildings and open spaces in the Parliament Grounds, and the adjacent Central Area sites. I consider that the proposal will be consistent with Policy 12.2.5.1.

Policy 12.2.5.2: Manage building mass to ensure that the adverse effects of new building work are able to be avoided, remedied or mitigated on site.

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

169. The proposal has been assessed by Ms Duffell to achieve appropriate building height and mass with reference to the existing buildings and open spaces within the Parliamentary Precinct. Further, she is satisfied with the design outcome achieved and has suggested conditions ensuring appropriate detail design is developed and implemented accordingly.

Policy 12.2.5.4: To allow building height above the specified height standards in situations where building height and bulk have been reduced elsewhere on the site to 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.

170. As discussed throughout this report and having regard to Ms Duffell's assessment, I consider that the effects of the height of the MUS building have been appropriately assessed and mitigated through the design of the building. While the MUS building is high, the proposed BAL building is sufficiently low in height to minimise the overall height and impact on the heritage values of the existing buildings and precinct.

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

171. In this regard, the proposed MUS building exceeds the maximum building height by up to 2m. The District Plan objectives and policies assessment provided by the applicant (Appendix 18 of the application) addresses Policy 12.2.5.5. Specifically, the assessment references the explanatory text beneath the policy and notes, in summary, that the design excellence test is primarily directed toward buildings that are unusually high; significantly higher than the surrounding building form; or tall in relationship to the surrounding neighbourhood.

172. I agree with the applicant's comment that the proposal does not fit these descriptions, however a strict application of the policy requires any over height building in the Central Area achieve design excellence. The applicant's assessment by Mr McIndoe (Appendix 9 of the application) and the assessment provided Ms Duffell have not specifically addressed the design excellence test. However, it is noted that Mr McIndoe's assessment concludes that the proposal achieves positive urban design outcomes and is acceptable in terms of the Central Area Urban Design Guide. I note Ms Duffell agrees with Mr McIndoe's assessment overall and comes to the same conclusion.

173. The applicant's objectives and policies assessment goes on to make the following assessment in relation to design excellence¹⁵:

"The additional building height for MUS is small (up to approximately 2m) and the overall height of MUS is not large in relation to the building height standards for the Central Area and in the context within which the additional building height is located, refer drawing PA2-25 lodged with the application. Notwithstanding this, MUS has been designed with a high level of professionalism and commitment to design excellence so that it is "not just another office building" (ref Heritage NZ feedback). This is reflected in the very careful attention to context and the adjoining heritage buildings, superior external design and appearance, excellent proposed materials, high level of seismic resilience, unmatched ability for continuity of use in a disaster affecting Wellington, environmental sustainability features, pedestrian enhancements, reduction in commuter car parking, a safer environment, and

¹⁵ Appendix 18, *District Plan Objectives and Policies Assessment*, Page 3

opportunities to further address the “Eurocentric” character of the Precinct. These attributes of MUS and its proposed setting exceed the quality that would satisfy the Central Area Urban Design Guide.

174. I generally agree with the above assessment that the proposed MUS building displays the abovementioned positive qualities; however, it is my opinion that the design excellence test is more appropriately concluded by the design experts. Subject to this conclusion being reached, the proposal is consistent with Policy 12.2.5.5.

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

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

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

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

175. The proposal has been designed with input from wind experts at WSP Ltd. The report outlines that the proposal has been designed to mitigate as far as practicable wind problems generated from the proposed development and where existing wind conditions are dangerous. A condition of consent is suggested ensuring that wind mitigation is considered further in the detail design stage alongside other design objectives. Considering the assessment provided by WSP, the proposal will overall maintain the existing wind environment and will generally accord with these policies as a result, subject to further consideration of mitigation measures.

Policy 12.2.5.10: Provide for consideration of ‘permitted baseline’ scenarios relating to building height and building bulk when considering the effect of new building work on the amenity of other Central Area properties.

176. This policy has been taken into consideration in the assessment on neighbourhood amenity undertaken in the section 104(1)(a) assessment above. In the context of this policy, adverse effects on the amenity of other Central Area properties will be acceptable.

Buildings and Public Amenity

Objective 12.2.6: To ensure that new building works maintain and enhance the amenity and safety of the public environment in the Central Area, and the general amenity of any nearby Residential Areas.

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

Policy 12.2.6.2: Require high quality building design with the Central Area that acknowledges, and responds to, the context of the site and the surrounding environment.

Policy 12.2.6.3: Ensure that new buildings and structures do not compromise the context, setting and streetscape value of adjacent listed heritage items, through the management of building bulk and building height.

177. Based on the expert advice of Ms Duffell and Ms Kelly discussed in this report, and having regard to the applicant's assessments, I consider that the proposed new buildings do not result in an undue compromise of the context, setting and streetscape value of the surrounding heritage items. While the MUS building exceeds the height limit, I consider that the adverse effects have been, and can further be via conditions of consent, mitigated to ensure this outcome is adequately achieved.

Policy 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.

Policy 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.

178. While there are no identified public spaces (i.e. listed in Central Area Appendix 7) in the vicinity of the rear of the Parliamentary Grounds, the proposal will maintain an acceptable degree of sunlight access to Parliament's Sculpture Park. However, it is also noted that this 'park' is part of the Parliament site and is zoned for future building development rather than be preserved as a public open space.

Policy 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.

179. The 'identified public views' in this policy refer to the Central Area viewshafts shown in Appendix 11 of the Central Area provisions. As outlined in paragraph 21 of this report, Parliament Grounds is subject to four protected viewshafts in the Operative District Plan: Viewshafts 1, 2, 3 and 4a. The proposed MUS building will be partially visible in the bottom part of Viewshaft 4a. The Focal Elements of this viewshaft are the Beehive and the Cenotaph. The Context Elements are Tinakori Hill (Te Ahumairangi) and Thorndon Residential Area. The extent of intrusion into Viewshaft 4a and this policy are also a matter of concern raised in the submissions.

180. The impact on Viewshaft 4a has been specifically assessed by Ms Duffell in the Design and Visual Amenity Effects section under the section 104(1)(a) assessment above.

Having regard to that assessment and Ms Duffell's conclusion that "*I consider that the effect is appreciable but the viewshaft still retains adequate integrity in terms of the identified quality elements*"¹⁶, I consider that the identified views of Viewshaft 4a are adequately protected in accordance with this policy.

181. I note that the proposed development is not visible within any other viewshaft listed in Central Area Appendix 11 and will therefore have no impact on those respective views.

Policy 12.2.6.15: Improve the design of developments to reduce the actual and potential threats to personal safety and security.

Policy 12.2.6.16: Promote and protect the health and safety of the community in development proposals.

182. The proposal has been designed to incorporate CPTED principles as described in the CPTED Report (Appendix 10 of the application). The report outlines measures to enhance the safety of persons within the site and reduce threats. Conditions of consent have been suggested to ensure the measures outlined in the report be implemented accordingly. Further, health and safety will be promoted by the IL4 standard proposed for the MUS building; by the centralisation of deliveries through the BAL building with enhanced security and safety; and by the replacement of surface car parking with a pedestrian oriented plaza that is safe, including safer operation of the Bowen Street / The Terrace intersection through a reduction in vehicle movements. The proposal is therefore considered to align with these policies.

Building Amenity

Objective 12.2.7: To promote energy efficiency and environmental sustainability in new building design.

Policy 12.2.7.1: Promote a sustainable built environment in the Central Area, involving the efficient end use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.

Policy 12.2.7.2: Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.

183. The proposal includes sustainable design and energy efficiency measures as summarised in the reports appended in the application. Further, the applicant outlines¹⁷ that the MUS building in particular has been designed to optimise natural light, avoid excessive solar gain, and enable visual activation and surveillance between occupied spaces and the surrounding proposed plaza and Bowen Street. I consider that the proposal positively contributes to promoting a sustainable built environment in the Central Area.

¹⁶ Annexure 2 of this report, Paragraph 4.11, Page 11

¹⁷ Appendix 18, *District Plan Objectives and Policies Assessment*, Page 6

Signs

Objective 12.2.10: *To achieve signage that is well integrated with and sensitive to the receiving environment, and that maintains public safety.*

Policy 12.2.10.5: *Control the number and size of signs within heritage areas and areas of special character.*

Policy 12.2.10.6: *Ensure that signs contribute positively to the context of the Parliamentary Precinct Heritage Area.*

184. The applicant advises¹⁸ that all signage associated with the proposed development will be limited to identification of the buildings, wayfinding and traffic management. I have included in the suggested conditions of consent that this information be provided at the detail design stage for Council certification prior to installation.

Natural and Technological Hazards

Objective 12.2.13: *To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.*

Policy 12.2.13.1: *Identify those hazards that pose a significant threat to Wellington, to ensure that areas of significant potential hazard are not occupied or developed for vulnerable uses or activities.*

Policy 12.2.13.3: *Ensure that the adverse effects of hazards on critical facilities and lifelines are avoided, remedied or mitigated.*

185. The proposal has been assessed by Wellington Water in relation to the flood hazard that traverses the site, and it has been concluded that adequate mitigation measures have been included in the design of the development to avoid or mitigate adverse effects of this hazard.

186. Further, the applicant is committed to designing the proposed MUS building to an IL4 level of seismic resilience which they consider adequate to ensure the ongoing operation of Parliament and the emergency functions in this building during an earthquake hazard. Overall, I consider that the proposal accords with these objectives and policies.

Hazardous Substances and Contaminated Sites

Objective 12.2.14: *To prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal.*

¹⁸ Appendix 18, *District Plan Objectives and Policies Assessment*, Page 6

Policy 12.2.14.1: Ensure that the use, storage, handling and disposing of hazardous substances does not result in any potential or actual adverse effects on the environment, by requiring that the proposed activity is assessed using the Hazardous Facilities Screening Procedure, and where appropriate, the resource consent process.

Policy 12.2.14.5: In assessing an application for a resource consent relating to hazardous substances, the following matters will be considered:

- *Site layout, design and management to avoid, remedy or mitigate any adverse effects of the activity.*
- *The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:*
 - *any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented*
 - *the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented*
 - *the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.*
- *Necessity for secondary containment of bulk storage vessels.*
- *Location of and separation distance between the hazardous facility and residential activities.*
- *Location of and separation distance between the hazardous facility and critical facilities and lifelines.*
- *Location of the facility in relation to the nearest waterbody or the coastal marine area.*
- *Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.*
- *Transport of hazardous substances to and from the site, including the tracking of waste where it is disposed off-site.*
- *Existing and proposed (if any currently under consideration by Council) neighbouring uses.*
- *Potential cumulative hazards presented in conjunction with nearby facilities.*
- *Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.*
- *Fire safety and fire water management.*
- *Site drainage and utility infrastructure.*
- *Whether the site has adequate signage to indicate the presence of hazardous substances.*

- *Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated, including whether off-site disposal is a more appropriate solution.*
- *Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.*
- *Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event.*
- *Type and nature of the existing facility.*
- *Whether appropriate contingency measures and emergency plans are in place.*
- *Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.*

187. The District Plan seeks to ensure that people and the environment are not exposed to unnecessary risks generated from hazardous substances and seeks to minimise the risks of exposure from accidental release. In this case, Policy 12.2.14.1 seeks to work in conjunction with the Hazardous Substances and New Organisms Act 1996 to ensure the safe use and storage of hazardous substances. Based on the advice from Ms Thaker from AECOM, who has reviewed the information included within the application presented, and given the suggested conditions included in **Annexure 13** to this report, Policy 12.2.14.1 will be met in my view.

188. Consideration has also been had to the matters listed in Policy 12.2.14.5. The storage of diesel fuel will in this case support a core function of the proposed building (the operation of emergency generators) and appropriate secondary containment measures will be installed. I have had regard to the matters outlined under Policy 12.2.14.5 and based on the advice of Ms Thaker, I consider that the proposal will be consistent with this policy.

Access

Objective 12.2.15: *To enable efficient, convenient and safe access for people and goods within the Central Area.*

Policy 12.2.15.1: *Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.*

Policy 12.2.15.2: *Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic on the amenity of the Central Area and the surrounding Residential Areas.*

Policy 12.2.15.6: *Manage the supply of commuter car parking.*

Policy 12.2.15.8: Manage on-site parking to ensure any adverse effects on the surrounding street network are avoided, remedied or mitigated.

Policy 12.2.15.9: Require the provision of servicing or loading facilities for each site in the Central Area.

Policy 12.2.15.10: Ensure that the design and location of servicing or loading facilities is appropriate having regard to the nature of the development and the existing or likely future use of the site.

Policy 12.2.15.13: Require all vehicular access to sites to be safe.

Policy 12.2.15.14: Protect and enhance access to public spaces in the Central Area.

189. It has been demonstrated by the transport experts referenced in this report that the proposal will improve the safety and efficiency of people travelling by public transport, cycle or foot, particular in relation to the Museum Street entrance and the reduction in vehicle movements at this interface and within the precinct, and in relation to relocating goods deliveries to a more suitable Ballantrae Place location.

190. In reference to Policy 12.2.15.2, Ms Wood agrees with the applicant's findings that the road network can accommodate the expected traffic movements and that adverse effects will be appropriately avoided or mitigated. Similarly, per Policy 12.2.15.6, commuter parking will be significantly reduced which is consistent with the Council's Parking Policy, the District Plan, and the promoting of sustainable alternative modes of transport.

191. In terms of Policy 12.2.15.8, the proposal will reduce the potential for adverse effects in relation to on-site parking and enhances the positive effects on the surrounding street network for the reasons discussed in this report. Further, the applicant advises that generous provision will be made for e-bike, bicycle and motorbike parking to avoid the need for on-street parking and large amounts of off-street parking. Appropriate end of trip facilities will be incorporated into the detailed design, which I have included in the suggested conditions included in **Annexure 13** to this report.

192. In terms of Policies 12.2.15.9 and 12.2.15.10 in relation to servicing and loading, the BAL building will create a centralised and dedicated goods delivery and goods/rubbish/recycling pick-up facility serving the whole site. In her assessment, Ms Wood has reviewed the servicing arrangement and finds it acceptable from a transport perspective. In a similar vein, Ms Wood and the applicant's transport consultant Aurecon find that the access points at Museum Street and Ballantrae Place will be safe, per Policy 12.2.15.13, and will maintain public access along the street and within the site, per Policy 12.2.15.14.

193. Overall, having regard to the above, I consider that the proposal accords with Objective 12.2.15 and the accompanying policies.

Tangata Whenua

Objective 12.2.16: *To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.*

Policy 12.2.16.1: Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.

Policy 12.2.16.3: In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

194. The proposal provides the opportunity for the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Māori through the consultation and engagement undertaken by the applicant in developing the proposal and through the detail design stage.

Heritage

Objective 20.2.1: *To recognise the City's historic heritage and protect it from inappropriate subdivision use and development.*

Policy 20.2.1.2: To discourage demolition, partial demolition and relocation of listed buildings and objects while:

- *acknowledging that the demolition or relocation of some parts of buildings and objects may be appropriate to provide for modifications that will result in no more than an insignificant loss of heritage values; and*
- *giving consideration to total demolition or relocation only where the Council is convinced that there is no reasonable alternative to total demolition or relocation.*

Policy 20.2.1.3 Promote the conservation and sustainable use of listed buildings and objects while ensuring that any modification avoids, remedies or mitigates, effects on heritage values of the listed buildings or objects and where relevant:

- *ensures that modifications to the main elevations are minimised, or if possible are unaltered;*
- *any modifications respect the scale of the building or object; and*
- *any modifications maintain the relationship of the building or object with its setting.*

195. The overarching objective of the Heritage rules in the ODP is to protect historic heritage from "inappropriate" subdivision, use and development. While there will be adverse effects of the proposal on historic heritage values, the proposed use and development are not considered by Mr Bowman, Mr Wild, Mr Kelly, or HNZPT to be inappropriate. The assessments overall conclude that the proposal is appropriate in its effects on

heritage values of the listed buildings and heritage area, including consideration of the mitigation measures and consent conditions offered.

196. Policy 20.2.1.2 “discourages” partial demolition of heritage buildings, acknowledging that some modification might be acceptable in certain circumstances. As described by the applicant, an aboveground link bridge between the MUS building and Parliament House is required for operational reasons, which will involve minor modification of the western elevation of Parliament House. The link bridge has been, and will be through further detail design, carefully designed to minimise removal of original heritage fabric and in light of the mitigation measures offered by Mr Bowman and endorsed by Mr Kelly and HNZPT.
197. In relation to Policy 20.2.1.3, the proposal promotes the long-term sustainable use of the existing Parliament buildings, in particular Parliament House, and modifications have been limited to a small portion of the rear (secondary) elevation of the building. The proposal therefore maintains the prominent primary elevation of the Parliament Buildings and its primary setting. While the proposal modifies the immediate setting in the western part of the site, it generally maintains the setting overall, according with this policy.

Policy 20.2.1.4: Protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied and mitigated.

198. Policy 20.2.1.4 applies to the MUS and BAL buildings and the plaza works within the western portion of the site. The effects of these new buildings and works have been assessed in the section 104(1)(a) assessment above and it has been concluded that adverse effects on the heritage values of the listed buildings, in particular Parliament House, can be satisfactorily mitigated. In particular, the bridge connection to Parliament House can be mitigated by careful and appropriate detail design, which has been incorporated into the suggested conditions of consent. This approach has also been proposed by Mr Bowman, on behalf of the applicant, and endorsed by Mr Kelly and HNZPT.

Policy 20.2.1.6: Protect buildings, structures, spaces and other features integral to the significance of a heritage area and allow demolition, destruction or relocation, where there are no significant effects on heritage values.

Policy 20.2.1.7: Ensure additions and alterations to existing buildings, any new buildings or subdivision within a heritage area avoid, remedy or mitigate the adverse effects on the heritage values of the heritage area.

Policy 20.2.1.8: Maintain and enhance the heritage values, qualities and character of listed heritage areas.

199. Policies 20.2.1.6 to 20.2.1.8 collectively seek to protect and enhance heritage areas and the contributing buildings, structures and spaces of significance within them, and

to ensure that adverse effects are avoided, remedied or mitigated. In this case, they apply to the Parliamentary Precinct Heritage Area. It has been assessed in the section 104(1)(a) assessment undertaken in this report that the values of the Parliament grounds and heritage area overall will be maintained overall and, in some cases, enhanced through the improvements to the pedestrian and landscaped environment within the western portion of the site. It has also been assessed that the adverse heritage effects of proposed new buildings and link bridge can be appropriately mitigated. The proposal is therefore considered to result in an acceptable outcome for the Parliamentary Precinct Heritage Area in accordance with these policies.

Policy 20.2.1.9: *Ensure that signs on listed heritage buildings or objects (or sites on which they are located) or within Heritage Areas do not adversely affect heritage values and qualities and avoid unnecessary or inappropriate signage.*

200. The applicant outlines¹⁹ that any signage is proposed to be limited to the identification of the MUS and BAL buildings, wayfinding and traffic management to minimise effects on heritage values of the precinct. I have included a requirement that the proposed signage is located and designed accordingly in the suggested conditions of consent in **Annexure 13**.

Policy 20.2.1.10: *Protect listed trees from destruction and loss, and control the effects of trimming and changes to ground levels or other activities within the dripline of trees, to only allow these activities when they maintain or enhance the heritage values recognised in the listing of trees in section 20.1.3.*

201. The proposal is to relocate the heritage oak tree and avoid its destruction and loss, and the relocation and aftercare will be appropriately managed. Subject to the successful transplanting of the tree which the relevant experts believe is achievable, it is anticipated that the tree's values will be maintained or enhanced having drawn on the expert advice discussed above.

Policy 20.2.1.11: *Avoid, remedy or mitigate the adverse effects of development on the archaeological values of any site.*

202. An archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 has been obtained by the applicant. This provides for the monitoring of earthworks and the appropriate management of any archaeological material encountered, and will ensure adverse effects on archaeological values are avoided, remedied or mitigated.

Objective 20.2.2: *To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.*

¹⁹ Appendix 18, *District Plan Objectives and Policies Assessment*, Page 8

Policy 20.2.2.1: Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.

203. The site is not within Māori Precinct identified in the District Plan, however District Plan Map 18 shows that the Parliamentary Grounds were traversed by the Wai-piro Stream, which is a feature of importance to tangata whenua. As discussed throughout this report and the application, the applicant has undertaken consultation with local iwi and the applicant outlines²⁰ that consultation is ongoing, and it is proposed that elements of the Wai-piro Stream could be reflected in the detail design of the proposal in a way that is acceptable to tangata whenua.

Earthworks

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

Policy 29.2.1.4: Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands and the coastal marine area.

Policy 29.2.1.7: Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.

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, Maori and Non-Maori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.

204. I have consulted with Mr Davies whose expert advice I have relied on in regard to earthworks. The earthworks proposed are of a scale that is reasonably expected for a Central Area development such as this. Mr Davies has assessed and concluded that

²⁰ Appendix 18, *District Plan Objectives and Policies Assessment*, Page 9

the proposal will be managed in terms of minimising instability, and the proposed earthworks and construction methodology design will manage the works such as to minimise erosion, and the movement of dust and sediment beyond the area of the work. Further, a suite of conditions of consent have been suggested in this regard and to further address general works and construction. In addition, the removal of material from the site can be appropriately managed by a Construction Traffic Plan in the opinion of Ms Wood. I consider, based on Mr Davies and Ms Wood advice, that the proposal is consistent with these objectives and policies.

205. In regard to Policy 29.2.1.12, the archaeological authority granted by HNZPT will appropriately manage the potential for disturbance to the underlying archaeological site present in the locality.

Contaminated Land

Objective 21.2.1: *To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment.*

Policy 31.2.1.2: Minimise and control the adverse effects that may arise from the use, development and subdivision of any contaminated or potentially contaminated land.

Policy 31.2.1.3: Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.

Policy 31.2.1.4: Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on human health and the environment.

206. I have consulted with Ms Lowe whose expert advice in this regard I have relied on. Having regard to Ms Lowe's advice, the use and development of the contaminated land will be appropriately managed and mitigated through the measures proposed by the applicant and those included in the suggested conditions of consent. Implementation of these measures will ensure the proposed works accord with the objectives and policies above.

Operative District Plan Conclusion

207. Overall, I consider that the proposal is generally consistent with the objectives and policies of the Operative District Plan as outlined above.

Proposed Wellington District Plan

208. The Proposed District Plan ('PDP') was notified in July 2022, during the processing of this application. I have therefore had regard to the following relevant objectives and

policies of the PDP in accordance with section 104(1)(b)(vi) of the Act. The site is located in the City Centre Zone of the PDP. The PDP notations are listed in paragraph 26 above.

He Rohe Pokapū Tāone / City Centre Zone

Objective CCZ-O1: *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.*

Objective CCZ-O2: *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 space, and supporting commercial activity and community facility options.*

Objective CCZ-O3: *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.*

209. The proposal accords with these objectives through its role in enhancing the operation of Parliament, being an integral activity to the city centre of Wellington, and through providing for increased capacity for Parliament and government activities in the city centre. The scale and form of the proposed development reflect this, taking advantage of underutilised land in the city centre for accommodating growth and needs of Parliament activities.

Objective CCZ-O4: *Taranaki Whānui and Ngāti Toa Rangatira are acknowledged as the mana whenua of Te Whanganui ā Tara (Wellington) and their cultural associations, and landowner and development interests are recognised in planning and developing the City Centre Zone.*

210. The applicant has undertaken the planning and design of the proposal in conjunction with mana whenua. There is ongoing consultation and involvement in the project by Taranaki Whānui and Ngāti Toa Rangatira as summarised in the AEE and Design

Statement (Appendix 3a of the application) to ensure that the development recognises their interests.

Objective CCZ-O5: 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 positively responds 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.**

211. Ms Duffell has undertaken an assessment of this policy, which I adopt where applicable to my planning assessment. Ms Duffell concludes as follows:

"The new buildings will reinforce the sense of place of the Parliamentary Precinct and its functions. The development responds to the growth and change of the nation's government structure over time, requiring a new building that externally moves the Parliament buildings into the 21st century and addresses a part of the site with less-than-ideal existing conditions by converting it from a ground-level car park to a safe, attractive, useable public space. Existing valued open space areas on the eastern side of the site will not be detrimentally affected.

There will not be detrimental impact on the amenity of any residential areas, which are at some distance from the site.

The building has been designed to achieve seismic resistance of IL4 by including base isolation.

The heritage and cultural aspects of the development will be commented on by others, but the commitment to engage with mana whenua and provide expression of Te Ao Maori in the design of the building and surrounding landscaping is noted."

Objective CCZ-O6: 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 and rapid transit network and associated mixed use development; and**
- 3. Provide vibrant, attractive and easily accessible public space.**

212. The combination of more floorspace on the Parliamentary Grounds and enhancement to the publicly accessible spaces throughout the grounds, which is adjacent to Wellington's main public transport hub, is consistent with and will promote this objective.

Objective CCZ-O7: Adverse effects of activities and development in the City Centre Zone are managed effectively both within the City Centre Zone, and 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.**

213. It has been assessed and concluded throughout this report that the proposal adequately manages adverse effects on historic heritage values of the Parliament Precinct (including the specifically listed buildings); sites and areas of significance to Māori; and surrounding residential zones and uses. For the reasons discussed in this report, the proposal accords with this objective.

Policy CCZ-P1: 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:

- 1. Commercial activities;**
- 2. Residential activities, except:**
 - a. Along any street subject to active frontage and/or verandah coverage requirements;**
 - b. On any site subject to an identified natural hazard risk;**
- 3. Community facilities;**
- 4. Educational facilities;**
- 5. Arts, culture and entertainment activities;**
- 6. Emergency service facilities;**
- 7. Marae activities;**
- 8. Community corrections activities;**
- 9. Public transport activities;**
- 10. Visitor accommodation;**
- 11. Repair and maintenance service activities; and**
- 12. Recreation activities.**

Policy CCZ-P2: Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include:

- 1. Industrial activities;*
- 2. Yard-based retail activities;*
- 3. Carparking at ground level;*
- 4. Demolition of buildings that result in the creation of vacant land; and*
- 5. Ground floor residential activities on streets identified as requiring either an active frontage or verandah coverage and sites subject to an identified hazard risk.*

Policy CCZ-P5: Recognise the benefits of intensification by:

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

Policy CCZ-P7: Recognise and enable Taranaki Whānui and Ngāti Toa Rangatira cultural associations and landowner and development interests in the City Centre Zone by:

- 1. Providing for the development of papakāinga, kaumātua housing and affordable Māori housing on their landholdings;*
- 2. Managing new development adjoining scheduled sites of significance to Māori; and*
- 3. Collaborating on the design and incorporation of traditional cultural elements into public space within the zone.*

214. The proposed building will support the purpose and ongoing viability of the Parliamentary Precinct Area by concentrating Parliamentary activities onto one site for efficiency of function. It will also introduce buildings that signify the ongoing development of Parliamentary activities on the site into the present time and into the future. Further, the proposal supports Policy CCZ-P2 in eliminating a potentially incompatible and discouraged activity, being ground level car parking, and replacing it with new buildings and high-quality landscaping and public space. This further contributes to enhancing the vibrancy and amenity of the City Centre Zone as sought by CCZ-P1.

215. In terms of Policy CCZ-P5, Ms Duffell considers that the building proposed is of a height and scale that is compatible with the Zone outcomes, and with the nature of the site and setting. In addition, the proposal supports Policy CCZ-P7 as discussed under CCZ-O4 above.

Policy CCZ-P8: 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 tauiwi/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.*

216. The sense of place has been previously assessed by Ms Duffell. In regard to this policy, Ms Duffell specifically notes the following, which I adopt where applicable to my planning assessment:

“The development [sic] this policy by reinforcing and building on the location’s identity as the seat of the nation’s government.

The Māori and non-Māori history of the site is reflected in both the building and the landscaping via a narrative developed with appropriate representatives of mana whenua. The new building will be visually prominent from certain viewpoints, but sits within a collection of buildings that it supports and explains in terms of the development of government activities on the site over time. The introduction of a 21st-century building into this context to follow behind 19th- and 20th-century buildings is an appropriate response to development and expansion of this site over time.”

Policy CCZ-P9: 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 sites that 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 that 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.*

217. This policy aims to achieve quality design outcomes for development in the City Centre Zone. In this regard, Ms Duffell concludes the following, which I adopt where applicable to my planning assessment:

“The development positively contributes to the sense of place, quality and amenity of the location by presenting a comprehensive development that responds to the constraints and opportunities of the site. It redevelops a part of the site with poor urban design amenity and presents a design which complements development of government activity on the site while explicitly expressing a modern response that befits the times.

...

Site conditions are much improved, with better landscaping, more purposeful and considered pedestrian conditions and inclusion of cultural references. User safety on the site has been satisfactorily considered, and generally, public access to the site will still be permitted in much the same manner as at present.

The building itself is designed to a high standard of resilience.

The development supports this policy.”

Policy CCZ-P11: *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 (CMUDG) guideline G107, including through either:*

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.*

218. While the City Outcomes Contributions as laid out in the CMUDG has not been ‘scored’ I do note the proposal does address points 1-3 above for the reasons discussed in this report. Specifically, the proposal enhances the publicly accessible spaces within the western portion of the Parliament Grounds; and provides for a high-level of building performance, being a high seismic resilience and promoting sustainable energy use.

Policy CCZ-P12: Recognise the evolving, higher density development context anticipated 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; and*
3. *The impacts on sunlight access to identified public space; and*
4. *The impacts of related construction activity on the transport network.*

219. This policy recognises the evolving, higher density development context anticipated in the City Centre Zone, while managing any associated adverse effects including the impacts of building dominance and the height and scale relationship and building mass effects, including the amount of light and outlook around buildings. For the reasons discussed in this report the proposal has Council advisors’ overall support for the heights and placement of buildings.

Te Takenga ā-Hītori / Historic Heritage

Objective HH-O1: *Historic heritage recognised [sic] for its contribution to an understanding and appreciation of the history, culture and sense of place of Wellington City, the Wellington region, and New Zealand.*

Objective HH-O2: *Historic heritage is retained and protected from inappropriate use, subdivision and development.*

Objective HH-O3: *Built heritage is well-maintained, resilient and kept in sustainable long-term use.*

220. The application and proposal appropriately recognise the significance and contribution of the historic heritage values of the Parliament Grounds and buildings in accordance with HH-O1.
221. Objective HH-O2 aligns with ODP objective 20.2.1 in protecting historic heritage from “inappropriate” use and development. The proposal accords with this objective for the reasons discussed in paragraph 195 of this report.
222. The proposal aligns with Objective HH-O3 in that it promotes the sustainable long-term use of the existing Parliament Buildings, in particular Parliament House, through providing appropriate accommodation and services to enable the efficient on-going operation of Parliament functions.

Policy HH-P4:

Enable works to built heritage that:

- 1. Increase the resilience through seismic strengthening, either in isolation or as part of additions and alterations;*
- 2. Support providing a sustainable long-term use;*
- 3. Increase accessibility and support means of escape from fire; or*
- 4. Provide the opportunity to promote, enhance, recover or reveal heritage values.*

223. The proposal is consistent with this policy to the extent that the MUS building and the works to Parliament House will support the sustainable long-term use of the existing Parliament buildings by enabling more Parliamentary activities to be located on the precinct and close to, and linked into, Parliament House. This will increase accessibility for MP’s and Parliamentary staff and in turn contribute to enhancing and promoting the heritage values of Parliament.

Policy HH-P5:

Encourage the preparation of conservation plans and take them into account when considering the effects of development proposals on the identified heritage values of built heritage.

224. The Parliament Grounds are subject to several conservation plans, which have been considered in the expert assessments of Mr Bowman and Mr Kelly in assessing this development proposal. In particular, Mr Bowman considers that the proposal is in accordance with the conservation plan for Parliament House.

Policy HH-P7:

Provide for additions and alterations to, and partial demolition of heritage buildings and heritage structures where it can be demonstrated that the work does not detract from the identified heritage values, having regard to:

- 1. The extent to which the work:*
 - a. Supports the heritage building or heritage structure having a sustainable long term use;*
 - b. Promotes, enhances, recovers or reveals heritage values;*
 - c. Retains the main determinants of the architectural style or design of the heritage building or heritage structure;*

- d. *Is compatible with the scale, form, proportion and materials of the heritage building or heritage structure;*
 - e. *Respects the identified relationship of the heritage building or heritage structure with its setting;*
 - f. *Enables any adverse effects on identified heritage values to be reversed;*
 - g. *Minimizes the loss of fabric and craftsmanship;*
 - h. *Is in accordance with any conservation plan that has been prepared by a suitably qualified heritage professional;*
 - i. *Increases structural stability, accessibility and means of escape from fire;*
 - j. *Fulfils the intent of the Heritage Design Guide;*
2. *The visibility of the work from street frontages;*
 3. *Whether the works would lead to cumulative adverse effects on identified heritage values;*
 4. *Whether there has been any change in circumstances since scheduling in the District Plan, including damage from natural disaster;*
 5. *Any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga; and*
 6. *The identified heritage values of the heritage area, where located within a heritage area.*

225. Mr Kelly has undertaken a detailed analysis of the proposal (specifically the alterations to Parliament House to install the link bridge) against this policy in section 6 of his assessment, which I adopt. In summary, and having considered Mr Kelly's assessment, I consider that the proposed work generally accords with this policy in not detracting from identified heritage values, having regard to points 1 to 6 above.

Policy HH-P8: Provide for new buildings and structures, and modifications to existing non-scheduled buildings and structures on the same site as heritage buildings or heritage structures where it can be demonstrated that the work does not detract from the identified heritage values, having regard to (1) the extent to which the work:

- a. *Is compatible with the scale, form, proportion and materials of the heritage building or heritage structure;*
- b. *Respects the identified relationship of the heritage building or heritage structure with its setting; and*
- c. *Fulfils the intent of the Heritage Design Guide.*

226. In a similar vein, Mr Kelly has undertaken a detailed analysis of the proposal (specifically the new buildings) in section 6 of his assessment. In this regard, Mr Kelly notes that while new buildings in the general locations proposed are supported, the height of the MUS building will be *“out of scale with the prevailing height of both Parliament House and the Parliamentary Library”* and considers that the MUS building's size and location *“will challenge the presence and status of, particularly,*

Parliament House.” These conclusions pull against clauses (1)(a) and (1)(b) in this policy and Mr Kelly through his analysis alludes to this policy not being met.

227. The applicant’s analysis²¹ concludes that the proposal accords with this policy having drawn on the expert advice of their urban design and heritage experts, particularly stating that the proposal has been informed by consideration of the Heritage Design Guides and that the effects of the overall building height on Parliament House are acceptable. The applicant also considers that further mitigation measures will be implemented through the detail design which are reflected in the proposed conditions of consent.

228. I find myself in agreement with Mr Kelly’s analysis that this policy is not directly met so therefore there is inconsistency, however I consider, on the advice of the heritage experts involved, that mitigation measures including those in the suggested conditions of consent, can further contribute to maintaining heritage values to an acceptable extent.

Policy HH-P13: Provide for additions and alterations to, and partial demolition of buildings and structures within heritage areas where it can be demonstrated that the work does not detract from the identified heritage values of the heritage area, having regard to:

1. *The extent to which the work:*
 - a. *Supports buildings and structures having a sustainable long term use;*
 - b. *Promotes, enhances, recovers or reveals heritage values;*
 - c. *Respects the valued neighbourhood patterns of the heritage area including any predominant architectural style or design;*
 - d. *Is compatible with the scale, form, proportion and materials that have been identified as part of the heritage values of the heritage area;*
 - e. *Responds to the relationships between buildings and structures within the heritage area;*
 - f. *Enables any adverse effects on heritage values to be reversed;*
 - g. *Minimizes the loss of heritage fabric and craftsmanship;*
 - h. *Is in accordance with any conservation plan that has been prepared by a suitably qualified heritage professional;*
 - i. *Increases structural stability, accessibility and means of escape from fire; and*
 - j. *Fulfils the intent of the Heritage Design Guide;*
2. *The relative contribution of the building or structure to the identified values of the heritage area;*
3. *The visibility of the work from street frontages;*
4. *Whether the works would lead to cumulative adverse effects on the identified heritage values of the heritage area;*

²¹ Appendix 18, *District Plan Objectives and Policies Assessment*, Page 12

5. *Whether there has been any change in circumstances since scheduling of the heritage area in the plan, including damage from natural disaster; and*
6. *Any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga.*

229. Mr Kelly has undertaken a detailed analysis of the proposal (specifically the alterations to Parliament House to install the link bridge) against this policy in section 6 of his assessment. The conclusions reached in the assessment against Policy HH-P7 above are similar and can also be applied here to this policy. Overall, having regard to the assessments undertaken, it is considered that the proposed alterations to Parliament House will not detract from the heritage values of the heritage area in accordance with this policy.

Policy HH-P14: Provide for new buildings and structures within heritage areas where it can be demonstrated that the works will not detract from the identified heritage values of the heritage area, having regard to (1) the extent to which the work:

- a. *Respects any valued neighbourhood patterns of the heritage area including any predominant architectural style or design;*
- b. *Is compatible with the scale, form, proportions, design and materials of the heritage area;*
- c. *Is sited to maintain a consistent pattern of front façade alignment; and*
- d. *Fulfils the intent of the Heritage Design Guide.*

230. In Mr Kelly's analysis of this policy, he refers to his conclusions made against policies HH-P7 and HH-P8 above. For the reasons discussed above, I consider that the proposed MUS building does not directly meet the outcome sought by this policy so therefore there is inconsistency. However, in a wider sense the proposal does maintain the heritage values of the overall heritage area, particularly the open spaces and setting at the eastern and southern areas of the site. I again note that the ceremonial landscape and setting in the eastern part of the site (front of the Parliament buildings) will be maintained entirely, and the enhancements made to the pedestrian environment and landscaping throughout the western portion of the site will create much more of a 'campus' feeling rather than being a 'back-of-house' area dominated by car parking.

Other

231. Additionally, I have considered the objectives and policies noted below. The proposal can be serviced to meet the Three Waters objectives and policies as the applicant has provided appropriate three-waters servicing which has been reviewed by Wellington Water which has provided conditions to enable servicing of this site.

232. The proposal is generally in accordance with the PDP objective and policies as set out below, and the Council relevant advisors have reviewed the relevant issues and are in

support of the proposal with the provision of conditions which have been included in **Annexure 13** to this report.

Te Tūāhanga o Ngā Wai e Toru / Three Waters

- *Objectives THW-O1 to THW-O3*
- *Policies THW-P1 to THW-P5*

Tūnuku / Transport:

- *Objective TR-O1*
- *Policies TR-P1 to TR-P3*

Te One Hawa / Contaminated Land

- *Objectives CL-O1 and CL-O2*
- *Policies CL-P1 to CL-P3*

Ngā Matū Mōrearea / Hazardous Substances

- *Objectives HS-O1 and HS-O2*
- *Policies HS-P1 and HS-P2*

Ngā Mōrearea ā-Taiao / Natural Hazards

- *Objective NH-O1*
- *Policies NH-P2 and NH-P6*

Ngā Rākau Rangatira / Notable Trees

- *Objectives TREE-O1 to TREE-O3*
- *Policies TREE-P3 to TREE-P6*

Ngā Wāhi Tapu ki te Māori / Sites and Areas of Significance to Māori

- *Objectives SASM-O2 and SASM-O3*
- *Policy SASM-P4*

Ngā Rāhui Tirohanga / Viewshafts

- *Objectives VIEW-O1 and VIEW-O2*
- *Policies VIEW-P1 to VIEW-P3*

Ngā Mahi Apu Whenua / Earthworks

- *Objective EW-O1*
- *Policies EW-P2 to EW-P7 and EW-P16*

Te Oro / Noise:

- *Objective NOISE-O1*
- *Policies NOISE-P1 to NOISE-P4*

Ngā Tohu / Signs

- *Objective SIGN-O1*
- *Policies SIGN-P1 and SIGN-P3*

Ngā Hau / Wind:

- *Objective WIND-O1*
- *Policies WND-P1 to WIND-P4*

Proposed District Plan Conclusion

233. Overall, I consider that, while the proposal does not directly accord with all objectives and policies listed above so there is some inconsistency, the proposal in the round is generally consistent with the outcomes sought by the Proposed District Plan.

Section 104(1)(c) Other Matters

Heritage New Zealand Pouhere Tāonga

234. The subject site includes several items that are registered as a Historic Place Category 1 in the HNZPT List, including the Executive Wing (Beehive), Parliament House, Parliamentary Library, and the Ballance and Seddon Statues. I note that the applicant has consulted with HNZPT throughout the design and development phase of the proposal, and its advice is included in Appendices 6 and 6a of the application, along with its submission on the resource consent application.

235. Further, the site is a known place of pre-1900 human activity and is defined as an archaeological site under the Heritage New Zealand Pouhere Tāonga Act 2014. The applicant has obtained an archaeological authority (consent) from HNZPT to undertake the earthworks and construction work for this project. The archaeological authority includes conditions that must be met in addition to any conditions of the resource consent if granted. Ultimately, it would be the consent holder's responsibility to ensure that any HNZPT requirements are satisfied should resource consent be granted.

Code of Practice for Land Development

236. The Council's 2012 Code of Practice for Land Development, operative from December 2012, is a revision of the former Code of Practice for Land Development 1994 that is referred to in the District Plan. It is the Code of Practice for Land Development 2012 that holds the current technical standards required by the Council for the design and construction of earthworks, roading, water supply, wastewater, stormwater, and public open spaces. Whether the infrastructure will be vested with the Council or be a private asset, it is important that these assets are constructed to the Council's current standards.

237. With particular regard to water supply and wastewater, these standards must be met before the Council will allow a property to be connected to the City's water supply and wastewater system. However, it is not the intention of the Council to stifle innovation and ingenuity of design. Where the outcome will be a better-quality living environment, proposed alternative solutions for infrastructure design, other than for water supply and wastewater, should be negotiated with the Council to ensure that the Code of Practice for Land Development 2012 basic requirements are met.

238. Based on the advice provided by Wellington Water, Mr Davies and Ms Wood, it is considered that the proposal can generally be constructed to meet the standards contained in the Council's Code of Practice for Land Development 2012.

Parliament Conservation Plans

239. A suite of conservation plans has been prepared for the Parliamentary precinct which have been considered in the above assessments and in particular those undertaken by Mr Bowman and Mr Wild on behalf of the applicant and Mr Kelly on behalf of WCC.

Any Other Matters

240. I have considered whether there are any other matters other than those identified above which need to be considered when assessing the application. It is my opinion that there are no other matters which need to be taken into account.

SECTION 8 – OVERALL EVALUATION OF PART 2 OF THE ACT

241. Consideration of an application under section 104 of the Act is subject to Part 2 (sections 5, 6, 7 and 8) of the Act. Part 2 sets out the purpose and principles of the Act. 'Subject to' gives primacy to Part 2 and is a primary consideration when applying the provisions of the Act.
242. In achieving the purpose of the Act, Part 2 requires the consent authority to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).
243. A detailed evaluation of Part 2 matters is mostly helpful where there are deficiencies in the lower order planning documents. In this case, I consider the planning and regulatory framework discussed throughout this report to be sufficient to determine the outcome of the application. However, I have carried out an assessment against the relevant Part 2 matters below for completeness.

Section 5: Purpose

244. The purpose of the Act as stated in section 5 is *'to promote the sustainable management of natural and physical resources'*. Section 5(2) goes on to state that 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 well-being 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.”*

Section 6: Matters of National Importance

245. In relation to managing the use, development, and protection of natural and physical resources, section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this resource consent application. I consider that the following provisions of section 6 are relevant and provide my view and reasoning on each of these provisions accordingly.

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

246. As assessed throughout this report and within section 4.2.2 of the AEE, the applicant has been involved in ongoing consultation with Te Āti Awa, Ngāti Toa and Taranaki Whānui ki Te Upoko o Te Ika in developing the detailed design of the proposed development, particularly the MUS building. Further, sections 2.4 and 6.3 of the applicant's Design Statement (Appendix 3a of the application) discuss the consultation that has been undertaken with mana whenua and other persons considered to hold cultural mana for this site. Their input and interests are reflected in the submitted design for both the building and the landscaping, with opportunities identified for further expression of Māori culture within the building in the future if desired.

247. The archaeological authority granted by HNZPT will ensure the earthworks and construction of the proposal protect and manage the potential for archaeological material to be discovered during these works.

248. Having considered the application, I consider that the proposal appropriately provides for the above matter of national importance.

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

249. Protection of historic heritage from *inappropriate* subdivision, use and development is the recurring outcome aimed to be achieved by the lower-order planning documents to give effect to section 6(f) of the Act. Particular regard has been had for achieving this outcome. While there will be adverse effects of the proposal on historic heritage values, the proposed use and development are not considered by Mr Bowman, Mr Wild, Mr Kelly, or HNZPT to be inappropriate. This has been assessed further under the section 104(1)(a) and 104(1)(b) assessments above.

(h) the management of significant risks from natural hazards.

250. One of the primary objectives of the proposal as outlined by the applicant is to make Parliament more resilient and reduce risks from natural hazards. In particular, construction of the new MUS building will provide safer and more resilient accommodation for the National Emergency Management Centre and essential Parliamentary functions in a major disaster event affecting Wellington, such as an earthquake. These elements of the proposal positively contribute to the applicant being

able to manage, by way of avoiding or minimising, significant risks from natural hazards.

Section 7: Other Matters

251. Section 7 includes matters that the consent authority shall have particular regard to in relation to all decisions under the Act, including this resource consent application. I consider that the following provisions of section 7 are relevant and provide my view and reasoning on each of these provisions accordingly.

(b) the efficient use and development of natural and physical resources.

252. The proposed development and the construction of the proposed buildings will be appropriately located within the Central Area where the infrastructure and transport services are provided to service the activities. It is also located in an area containing a mix of public open space and commercial development. The majority of the redevelopment site is currently used for at-grade carparking. The proposal will be a more efficient use of natural and physical resources than its current use as a car park. Further, it will free up additional commercial office space in the surrounding locality as Parliament's functions are brought back onto the site itself.

(c) the maintenance and enhancement of amenity values.

253. 'Amenity values' is defined under section 2 of the Act as *'those natural or physical qualities or characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'*. In this instance, the proposal will maintain and enhance the amenity values of the western portion of the Parliament Grounds, through introducing new buildings, plazas and landscaping treatments that create a pleasant and inviting space for the public, rather than its existing operation as a low-quality, car park. Further, the proposed works in this regard will reduce potential conflicts between vehicles and pedestrians and will maintain overall the wind environment at pedestrian level.

(f) the maintenance and enhancement of the quality of the environment.

254. I note that under the Act, 'environment' includes (a) ecosystems and their constituent parts (including people and communities); (b) all natural and physical resources; and (c) amenity values. 'Environment' also includes the social, economic, aesthetic and cultural conditions which affect matters (a) to (c) or which are affected by those matters. In a similar vein to the paragraph above, the proposal will maintain and enhance the quality of the environment throughout the western portion of the Parliament Grounds for the reasons discussed. In addition, the existing land resource will be more efficiently utilised for building purposes rather than at-grade commuter car parking. Further, the proposal will contribute to enhancing the social and cultural environment of Parliament through introducing new elements that move away from the 'Eurocentric' theme of the Grounds at present.

(g) any finite characteristics of natural and physical resources.

255. The availability of land is a finite resource, particularly land within an existing urban environment served by existing infrastructure and services. Having considered the application, I consider that the development of the proposed buildings on this site is appropriate in the circumstances, while balancing with the heritage values of the precinct and not detracting from the ceremonial landscape and setting to the east of the existing Parliament buildings.

(i) *the effects of climate change.*

256. The applicant has outlined through their application that the proposal has been designed to take into account the effects of climate change, and that it incorporates measures to counter its consequences. The applicant has also outlined that the design of the building will contribute to the precinct being carbon neutral by 2025. It also directly promotes the use of public transport and through the provision of end-of-trip facilities for staff and a significant reduction in car parking.

(j) *the benefits to be derived from the use and development of renewable energy.*

257. The proposed development incorporates renewable energy sources, including solar panels on the roof of the MUS building. Solar panels have also recently been installed on the roof of Parliament House. These positively contribute to utilising renewable energy and reducing reliance on energy generated by non-renewable sources.

Section 8: Treaty of Waitangi

258. Section 8 states that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi. The Treaty and its principles are an important part of the cultural and constitutional identity of New Zealand. Treaty principles interpret the Treaty as a whole, its underlying meaning, intention and spirit to provide further understanding of the expectations of the signatories.

259. I am satisfied that section 8 has been met in that the applicant has taken into account the principles of the Treaty of Waitangi through their engagement with mana whenua in developing the proposal and will continue to through the detail design stage.

Part 2 of the Act: Conclusion

260. Drawing from the conclusions of this report, I consider that the proposed development will be consistent with the purpose of the Act (section 5), and Part 2 more generally. Specifically:

- The proposal represents the sustainable management of the existing land resource to enhance the operation of Parliament functions and accommodate its needs.
- The proposal adequately protects historic heritage values overall.

- The proposal will maintain and enhance amenity values and the quality of the environment in the western portion of the site to the rear of the existing Parliament buildings.
- The proposal appropriately manages risks and consequences from natural hazards.

261. Subject to further consideration of mitigation measures in relation to effects on historic heritage values of Parliament House and on the public wind environment, which may both require further information and analysis, I am satisfied that the proposal will promote the sustainable management of natural and physical resources in accordance with the purpose of the Act, and in accordance with Part 2 of the Act more generally.

FINAL CONCLUSION

262. In summary, I consider that adverse effects can be appropriately avoided or mitigated (or can be balanced against the significant positive effects); that the proposal is generally consistent with the direction in the relevant statutory planning documents; and that the proposal will promote the sustainable management of natural and physical resources in accordance with the purpose of the Act. In my view, subject to adequate consideration of the detail design to mitigate adverse heritage, design, and wind effects (as outlined above), consent could be granted.

SUGGESTED CONDITIONS

263. Should the consent be granted, I have included a set of suggested conditions in **Annexure 13** to this report.