

**Section 95A-95F of the Resource Management Act 1991
Notification Decision Report**

17 October 2022

Service Request No: 510418
File Reference: 1996765

APPLICATION DETAILS

<u>Site Address:</u>	110 Jervois Quay, Wellington Central
<u>Legal Description:</u>	Lot 1 DP 494594
<u>Applicant:</u>	MFC Development Limited Partnership
<u>Proposal:</u>	Construction of a Central Area building within a listed Heritage Area with associated earthworks
<u>Owners:</u>	Wellington City Council
<u>Service Request No:</u>	510418
<u>File Reference:</u>	1996765
<u>District Plan Area:</u>	Central Area
<u>Notations in District Plan:</u>	<ul style="list-style-type: none">- Heritage Area: Civic Centre- Heritage Buildings: Ref 70 and 325- Sunlight Protection Area: Civic Square- Hazard (Ground Shaking) Area- Verandahs and Display Windows Required (Map 49E)- Frontage where vehicle access is restricted (Map 34)
<u>Activity Status:</u>	Land Use - Discretionary Activity NES-CS - Discretionary Activity

SITE DESCRIPTION

The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate and it should be read in conjunction with this report.

In summary, the site is located at the southern end of Jervois Quay, and is bound by Harris Street to the north, Jervois Quay to the east, Wakefield Street to the South and Victoria Street to the west. It is in the Central Area zone, covers the whole of the Te Ngākau Civic Precinct and has an area of 3.3645ha.

The relevant area of the subject site is on the corner of Jervois Quay and Wakefield Street and has a future nominated address of 110 Jervois Quay. It is located within the former Michael Fowler Centre (MFC) carpark and is currently the site of a temporary building occupied by the Royal New Zealand Ballet. The relevant portion of the site is generally flat.

The surrounding environment is also within the Central Area and consists of a combination of commercial and residential apartment building, with the Whairepo Lagoon to the north.



Figure 1: Aerial photograph of site and surrounding area

PROPOSAL

Details of the proposal are provided in the AEE and application plans. I adopt the applicant’s proposal description that should be read in conjunction with this report.

In summary, the applicant proposes to construct a new nine-level building comprising three principal building components, which are described below:

- The Lantern: a ground + 8 levels component and is the highest and most prominent part of the building.
- The East Wedge: a ground + 5 levels component located within the ‘sharper’ eastern portion of the site.
- The West Wedge: a ground + 2 levels component with a roof terrace.

The ground floor, which will incorporate an internal pedestrian link, will be occupied by entrance lobbies, retail/hospitality spaces, and some Victoria University of Wellington (VUW) School of Music teaching spaces. End-of-trip and building services areas are also located on the ground floor.

Levels 1 and 2 will be occupied by the School of Music (with some sub-leased space to the NZSO). Levels 3 to 7 will be commercial office space. Extensive site landscaping will occur around the building. The landscaping is described in more detail later in this report.

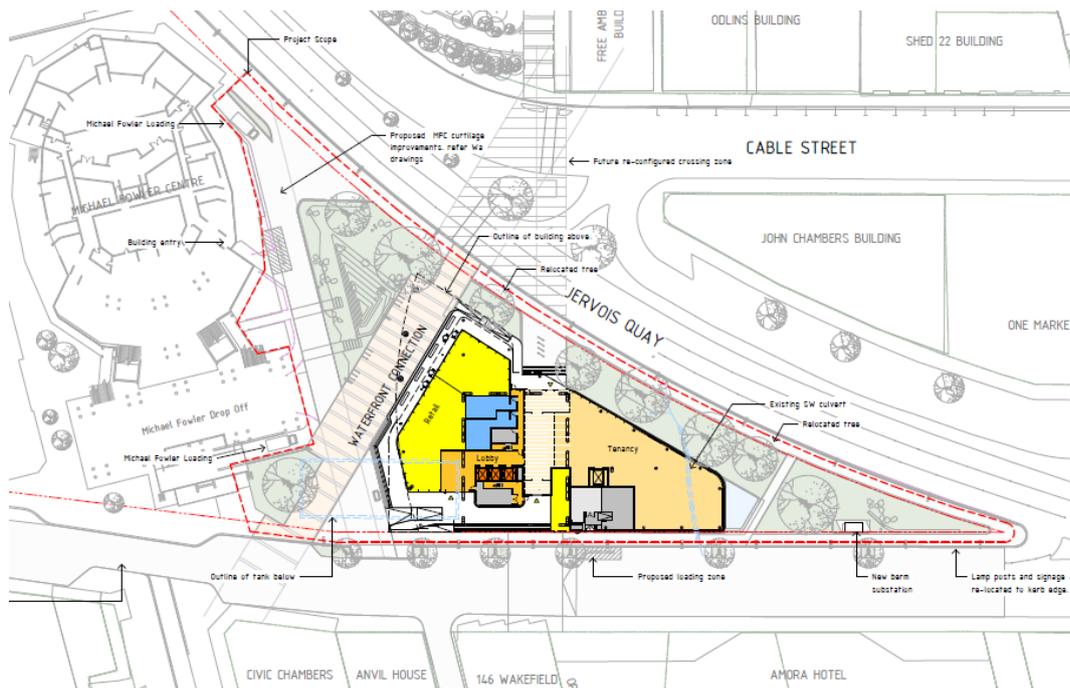


Figure 2: Site Plan, reference RC_1.00

Proposed buildings heights for the proposal for each of the three main components, the building heights (measured above ground level) are:

- The Lantern: 37.7m
- The East Wedge: 26.8m
- The West Wedge: 16.7m

The plant room has a maximum height of 39.3m.



Figure 3: Wakefield Street Context Elevation, reference RC_2.00

Additional details are provided with the AEE, the Architectural Design Statement and the application plans titled '16.10 110 Jervois Quay Resource Consent Architectural Drawings' (dated 12 August 2022), all of which should be read in conjunction with this report.

It is noted that the design of the building has been amended from the original proposal that was submitted. These changes include a reduced scale and height of the west wing, adjusted floor to floor heights, an additional part floor level 8 to the lantern, façade refinement and design, and rearrangement of the ground floor. The above noted application plans includes an outline of the building outline of this originally submitted proposal.

NATIONAL ENVIRONMENTAL STANDARD

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.

In particular, if a person wishes to change the use of land, undertake land disturbance or subdivide a site that is, has been, or is more likely than not to have been subject to an activity or industry described in the HAIL and is reasonably likely to harm human health, that activity must be assessed for compliance in accordance with the NES-CS.

Two areas of the subject site are listed on Greater Wellington Regional Council's Selected Land Use Register (SLUR) as being, or potentially being, on land that contains a Hazardous Activity or Industry. The relevant area of the site is listed under file number: SN/05/1378/02.

NATIONAL POLICY STATEMENT

The National Policy Statement on Urban Development (NPS-UD) came into effect on 20 August 2020 and is relevant to this proposal. The NPS-UD supersedes the National Policy Statement on Urban Development Capacity (NPS-UDC), which came into effect from 1 December 2016. Both the NPS-UD and earlier NPS-UDC recognise the national significance of urban environments and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

The purpose of the NPS-UD is to enable development by maximising the benefits of intensification. The NPS-UD directs decision making under the Act to ensure that planning decisions enable development through providing sufficient development capacity for housing and business.

PROPOSED DISTRICT PLAN

On 18 July 2022 the Council notified the Wellington City Proposed District Plan (PDP).

The PDP gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), enacted in December 2021, as well as the NPS-UD policies 3 and 4 (intensification and qualifying matters).

The following provisions in the PDP have immediate legal effect:

1. Historic Heritage
2. Significant Natural Areas
3. Medium Density Residential Standards (MDRS) – being intensification provisions within the Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) that give effect to the Amendment Act.

Decision making processes for the PDP will follow both the Resource Management Act 1991 (RMA) Intensification Streamlined Planning Process (ISPP) and the Part One, Schedule One process. This means that the PDP will be split into two separate processes:

- The ISPP process uses an independent hearings panel, has no merit appeals to the Environment Court and must be completed in around one year.
- The First Schedule process follows the normal Plan Change process and can be subject to appeals to the Environment Court.

Provisions relevant to the Resource Management (Enabling Housing supply and other matters) Amendment Act 2021 and NPS-UD will be determined through the ISPP. The remaining provisions will be determined through the Schedule 1 process.

The application was submitted prior to the notification of the PDP and for the purposes of notification has no relevance to this notification decision.

ACTIVITY STATUS

Operative District Plan:

Activities

Rule 13.3.3

Resource consent is required as a Discretionary (Restricted) Activity under Rule 13.3.3. In particular the proposal does not provide on-site servicing and thereby does not comply with standard 13.6.1.3.

Construction of a Central Area Building

Rule 13.3.4

Resource consent is required as a Discretionary (Restricted) Activity under Rule 13.3.4 for the construction of a new Central Area building. There are no conditions under this rule.

Rule 13.3.8

In addition to Rule 13.3.4 the construction of a new Central Area building requires resource consent as a Discretionary (Restricted) Activity under Rule 13.3.8, as the proposal does not meet the following standards:

- Standard 13.6.3.5 in relation to wind as the proposal will result in wind conditions that exceed 20m/s.
- Standard 13.6.3.6 in relation to verandahs as the building will not provide verandahs in accordance with this standard.

Rule 13.4.9

As the proposal exceeds the absolute maximum height of 27m, resource consent is required as a Discretionary (Unrestricted) Activity under Rule 13.4.9 for the construction of new buildings that are located in an identified Heritage Area, and which exceed the absolute maximum height standards specified in 13.6.3.1.6. The maximum building height proposed is 39.3m.

Heritage

Rule 21B.2.3

Resource consent is required as a Discretionary (Restricted) Activity for earthworks in a heritage area as the proposed earthworks exceeds 10m².

Rule 21B.2.1

Resource consent is required as a Discretionary (Restricted) Activity for the construction of a new building on a site in a Heritage Area. There are no relevant conditions.

Contamination

Rule 32.2.1

As the area for development is listed on Greater Wellington Regional Council's SLUR database as being contaminated, consent is required under Rule 32.2.1 for activities on contaminated land. There are no relevant conditions.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS):

Regulation 11

Resource consent is required under the NESCS as a Discretionary Activity.

Note: The Tonkin + Taylor assessment provided with the is limited in terms of soil sampling and testing with the majority of the boreholes unable to reach target depths. For this reason it is not considered to be a complete Detailed Site Investigation. Regulation 10 of the NES is therefore not applicable.

Activity Status – Summary:

Overall, the proposal must be assessed as a **Discretionary Activity** under the Operative District Plan and a **Discretionary Activity** under the NESCS.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

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

Preclusion to Public Notification:

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

Public Notification – Rule/Adverse Effects:

While the application does not include an activity which is subject to any rule in the District Plan that requires public notification, it has been determined in accordance with section 95D that the adverse effects of the proposal on the environment will be more than minor [s95A(8)(b)]. A full assessment of the effects of the proposal and reasons for this decision is provided in this report.

Special Circumstances:

Special circumstances are circumstances that are unusual or exceptional and are assessed on a case-by-case basis, taking into account the particular circumstances of the site.

In my view there are no special circumstances applicable to this application.

Limited Notification - Section 95B:

Limited notification is not required as I have determined that the proposal should be publicly notified; however, I note the following:

- There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].
- Regulation 10(2)(a) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 states that when an application is publicly notified the Council must serve notice on every 'prescribed person', including every person that is determined to be adversely affected under section 95B of the Act. As will be discussed in the Assessment of Adverse Effects section of this report, a number of parties will be adversely affected to an extent that is at least minor (i.e. not 'less than minor').
- A further assessment of special circumstances with respect to section 95B(10) is not necessary.

ASSESSMENT OF ADVERSE EFFECTS

In assessing the effects of the proposal, I have taken into account the following:

1. The permitted baseline.
2. The District Plan policy framework.
3. The NPS-UD.
4. The information provided in the application, including the conditions offered to mitigate the effects of the proposal.
5. The advice provided by relevant Council experts.

These are detailed below.

1. Permitted Baseline

Pursuant to section 95D(b) and 95E(2)(a), in forming the opinion outlined below as to whether the adverse effects will be more than minor and who is an affected person, the Council may disregard an adverse effect of an activity if a rule or national environmental standard permits an activity with that effect (permitted baseline).

The Central Area provisions of the District Plan encourage a wide range of activities by allowing most uses or activities to occur as a permitted activity, provided that standards relating to these activities (such as noise) are met. Hence under the District Plan the use of the proposed building for education and commercial office space are Permitted Activities. Effects associated with these activities can be disregarded.

The construction of any new building (other than minor structures) in the Central Area requires resource consent under Rule 13.3.4 with discretion in assessing the application restricted to design, appearance and siting, and the placement of building mass. This assessment is undertaken in the context of the Central Area Design Guide (CAUDG), which sets out the desirable urban design outcomes and provides guidance on achieving those

outcomes. This consent requirement is irrespective of whether the permitted activity standards for activities, building or structures are met. In addition, the site is within a Heritage Area, and the construction of any new building requires resource consent under Rule 21B.2.1. On the basis that the proposed building would require resource consent, there is no 'permitted baseline' for the new building.

In Heritage Areas the District Plan permits earthworks up to 10m².

Disregarding permitted activity effects is appropriate in this case as use of the permitted baseline scenario is not inconsistent with the wider context of the District Plan and Part 2 of the Act. Accordingly, in assessing the effects of the proposal, I have focussed on the additional effects of the proposal beyond the effects of a credible permitted scenario.

2. The Operative and Proposed District Policy Plan Framework

Caselaw supports that decisions on environmental effects should not be considered in a vacuum, but rather have to be "*considered in the context of the legislation and the district plan...*".¹ The site is located within the Central Area, where the District Plan objectives and policies² seek to promote intensification through developments that result in a high quality and vibrant urban environment, while also creating positive interfaces between private and public spaces.

There are a range of Operative and Proposed District Plan policies that apply to the development, a full set of which will be addressed at the section 104 substantive assessment stage. It is also noteworthy that the Proposed District Plan (PDP) policies are not relevant in terms of a notification decision, however these will also be discussed at the section 104 substantive assessment stage. In particular, the policies discussed below have informed my assessment of the proposal.

Policy 12.2.5.1: This policy seeks to manage building height in the Central Area in order to reinforce the high city/low city 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.

As identified above, the subject site is located within the Civic Centre Heritage Area. Within identified heritage areas Council seeks to protect the established urban character of each area and ensure that any new development recognises and respects the character, scale and form of the area. As in the remainder of the Central Area, the desired outcome is high quality building design that respects its context and protects the heritage values of the area. Height standards are specified in each heritage area to guide the scale of development that occurs on vacant sites or on sites containing 'non-heritage' buildings. 'Lower Thresholds' and 'Upper Thresholds' are provided for each heritage area. These 'thresholds' represent the predominant scale of existing buildings within each of the heritage areas. 'Absolute Maximum Heights' represent the maximum scale of building that could be anticipated within the heritage area without significant detrimental impact on the heritage value and character of the area.

Any application that exceeds the height standards specified in the District Plan will be considered on a site specific basis, acknowledging the context at the time the proposal is being developed. Matters to be considered will include:

- Whether the proposal reinforces the Central Area's 'high city/low city' urban form.

¹ Discount Brands Ltd v Westfield (New Zealand) Ltd [2005] 2 NZLR 597

² Central Area objectives and policies, District Plan chapter 12

- Whether the height, scale and mass of the proposal is consistent with the scale and form of buildings in the surrounding neighbourhood.
- Whether the proposal will result in a building that will be complementary to, and of a scale appropriate to, existing buildings on adjacent sites.
- The extent to which the height, scale and mass of the proposal acknowledges and respects the scale and form of any adjacent listed heritage item.

For applications for new buildings (or additions and alterations to existing buildings) within an identified heritage area the following matters will also be considered in addition to those above:

- Whether the height, scale and mass of the proposal respects and enhances the heritage values and sense of place of the heritage area.
- Whether the proposed work will enable an existing heritage building to be earthquake strengthened.
- Whether the work will facilitate the on-going retention of an existing heritage building.

Policy 12.2.5.4: This policy enables the Council to allow a building that exceeds the maximum stated building height for the site where building height and bulk have been reduced elsewhere on the site to:

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

The policy notes that any such additional height must represent an appropriate response to the characteristics of the site and the surrounding area, with the intended result being positive outcomes for the public environment and heritage.

Policy 12.2.5.5: This policy requires design excellence for any building that is higher than the height standard specified for the site (the absolute maximum for the subject site being 27m). Design excellence is not defined in the District Plan but is generally interpreted as building design that is of a higher quality than a building that meets the provisions of the Central Area Urban Design Guide, as this would be required regardless of the building height. The purpose of this policy is “to ensure that over-height buildings visually enhance the cityscape of the Central Area”, both at street level and from a distance.

Policies 12.2.5.6 to 12.2.5.9: These policies relate to wind and seek to ensure that new development in the Central Area does not degrade the pedestrian environment or create unsafe wind conditions in public spaces.

Policy 12.2.5.10: This policy is unique in that it refers to the ‘permitted baseline’, to be informed by the building height and mass standards in the District Plan. The policy states that I am required to:

“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”.

As discussed previously in this report, there is rarely a true permitted baseline for a new Central Area development. Therefore, the Council has interpreted this policy as allowing the amenity effects (daylight, outlook and privacy) of an over-height building to be compared against those that meet the applicable building height for the site, with the intention of giving only limited protection to existing levels of amenity so as to enable high rise development. Where the building height exceeds the specified height for the site, effects on amenity at adjacent sites can be considered. In determining the effects on other Central Area permitted baseline would be a building that meets the permitted height standards of the District Plan. In the context of this site that would constitute a 15m high building given any building exceeding this height would require resource consent for building height.

Policy 12.2.6.3: This policy seeks to: “*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*”. This policy has relevance as the site is in a Heritage Area.

Policy 20.2.1.8: This policy seeks to: “*Maintain and enhance the heritage values, qualities and character of listed heritage areas.*” This policy has relevance as the site is in a Heritage Area.

Policy CCZ-P9: This policy in the Proposed District Plan requires “*new development, at a site scale to positively contribute to the sense of place and distinctive form, quality and amenity of the City Centre Zone*”. This policy has relevance as the site is located within the City Centre Zone of the Proposed District Plan.

4. The National Policy Statement:

Policy 3 of the NPS-UD requires that the Council (as a Tier 1 Council) sets building and density controls so as to “*realise as much development capacity as possible, to maximise benefits of intensification*”.

As noted earlier, the Proposed District Plan was notified on 18 July 2022. Given the caselaw, I am not able to give any weight to the rules of the Proposed District Plan, as to do so would potentially predetermine the outcome of the Schedule 1 process. The NPS-UD and Proposed District Plan policies and objectives will be further addressed at the section 104 assessment stage.

5. Applicant’s Assessment of Environmental Effects:

Section 5 of the applicant’s AEE provides an assessment of the adverse effects of the proposal under the following headings: heritage effects; building height effects; urban design effects; landscape effects; wind effects; transportation effects; CPTED effects; noise effects; earthworks effects; contaminated land effects; civil works/ infrastructure effects; and construction effects.

The AEE also includes the following plans, technical reports and information:

Appendix 1	Architectural Design Statement, prepared by Athfield Architects Limited (reference 16.10, August 2022)
Appendix 2	Landscape Design Statement and Landscape Drawings, prepared by Wraight + Associates Landscape Architects (titled ‘110 Jervois Quay Landscape’, 01/03/2022)
Appendix 3	Pre-application Meeting Notes
Appendix 4	Design Panel Report, (titled ‘Urban Design Panel Recommendations – MFC Building’, 24/11/2021)
Appendix 5	Third-Party Consultation (from Heritage New Zealand Pouhere Tāonga, dated 14/02/2022)
Appendix 6	Heritage Assessment, prepared by Archifact Limited (February 2022 and addendum dated 26 August 2022)
Appendix 7	Urban Design Assessment, prepared by Urban Perspectives Limited (August 2022)
Appendix 8	

Appendix 9	Townscape Views, prepared by Athfield Architects Limited (reference 16.10, 12 August 2022)
Appendix 10	Arboricultural Assessment, prepared by Tend Trees Limited (27/02/2022)
Appendix 11	Wind Tunnel Study, prepared by WSP (reference 21-529P92.00, 01/03/2022 and revised assessment dated 1 August 2022).
Appendix 12	Transportation Assessment prepared by Stantec (project no. 310204858, 01/03/2022 and addendum letter dated 29 August 2022)
Appendix 13	CPTED Assessment, prepared by Stoks Limited (17/02/2022 and addendum dated 22 August 2022)
Appendix 14	Acoustical (Noise) Assessment, prepared by Marshall Day Acoustics (reference Rp 001 20211048, 02/003/2022)
Appendix 15	Structural/Geotechnical Effects and Construction Methodology (reference 220303)
Appendix 16	Archaeological Assessment, prepared by Capital Heritage Limited (December 2021)
Appendix 17	Civil Design Report
Appendix 18	Draft Construction Management Plan
And: Architectural Plans	District Plan Objectives and Policies Assessment Drawings prepared by Athfield Architects Limited, titled “16.10 110 Jervois Quay Resource Consent Architectural Drawings February 2022” (project no. 16.10, dated 12 August 2022): - Proposed Plans – RC_1.00 to RC_1.10 - Proposed Elevations – RC_2.00 to RC_2.05 - Proposed Sections – RC_3.00 to RC_3.02

In addition, the applicant has submitted the following information in response to a request for further information made in accordance with section 92 of the Act:

1. Shading Diagrams, prepared by Athfield Architects Limited titled '16.10 110 Jervois Quay Resource Consent Sunlight Analysis' (project no. 16.10, dated 19/05/2022)
2. Outlook Assessment Views, prepared by Athfield Architects Limited titled '16.10 110 Jervois Quay Resource Consent Outlook Assessment Views' (project no. 16.10, dated 16/05/2022)
3. Further assessment of effects
4. Email correspondence regarding freeboard
5. Email from Wellington Water accepting reduced design sea level of 2.1m AMSL
6. Email issuing CCTV to Wellington Water
7. Revised planting plan
8. Hydrant testing documentation

6. Assessments provided by the Council's Experts:

My assessment also draws on the expert advice provided by the following Council experts:

Table 2: Advice from the Council's Experts

Advisor	Area of Expertise	Date
Zeean Brydon	Engineer on behalf of Wellington Water	14 April 2022

Suzanne Lowe	Environment Consultant – Contamination	12 April 2022
Michael Kelly	Heritage Consultant	4 April 2022
John Davies	Earthworks Engineer	21 March 2022
Angela McArthur	Landscape Architect	6 April 2022
Morten Gjerde	Urban Design Consultant	4 April 2022
Lindsay Hannah	Acoustic Compliance Officer	14 March 2022
Anbuselvan Pungiah	Transport Advisor	12 May 2022

These assessments are saved on the electronic record of the application and are available on request. I note that Council experts have not updated their assessments following the amendments to the proposal as their original assessments remain relevant for the notification assessment. The Council experts will provide updated assessments following notification, taking into account submissions.

Potential Adverse Effects:

The actual and potential effects of this proposal are:

- Building design, including CPTED
- Building height
- Heritage
- Amenity of Neighbouring Properties
- Wind
- Transportation and Servicing
- Noise
- Earthworks
- Contamination
- Construction.

Building Design and CPTED

Building Design

As all buildings contribute to the character and public environment of central Wellington, design quality is a fundamental consideration in the assessment of any resource consent application. The primary reference for assessing the design of any new building is the Central Area Urban Design Guide (CAUDG).

The Architectural Design Statement provided with the application describes the proposal in detail noting in the client's brief to the design team was: *“to provide a high quality comprehensive commercial workspace development commensurate with the value, quality, amenity and premium location within Wellington”*.

The proposed design was developed from the winning scheme in a WCC-led design/ tender competition held in 2016 and has been developed through 2016- 2022 by the design team.

The Architectural Design Statement notes that the design process has included engagement, input, and review by Council officers (including an independent Urban Design Panel assessment), HNZPT, Wellington Water Limited and Wellington Tenth's Trust.

The design approach is discussed in the Architectural Design Statement where it is noted that: *“Because of the scale of the site, and the varying and specific contextual conditions on each side, the design approach has considered the project as a series of inter-connected building and landscape parts. The scale, form and articulation of each part has been determined by its local context and the nature of activity within or adjacent to it.”*

The application provides an Urban Design Assessment, prepared by Ms Popova, which assesses the application against the CAUDG. As identified by Ms Popova, the intention of the CAUDG is: “to achieve high quality buildings, places and spaces in the Central Area of the City” by ensuring these:

- *Are coherently designed*
- *Make a considered response to context*
- *Address heritage values*
- *Establish positive visual effects*
- *Provide good quality living and working environments*
- *Integrate environmental sustainability principles, and*
- *Provide conditions of safety and accessibility.*

Ms Popova assesses the proposal against the urban design outcomes. Some key points of her assessment include:

- *proposed site-planning and design, while taking into account the Design Guide objectives, also responds to the comments/recommendations of the Urban Design Panel review and issues raised by the Council at pre-application meetings.*
- *The proposal has responded to the key contextual conditions of the site in a considered way while taking into account the relevant ‘relationship to context’ design objectives/guidelines. This has been achieved through: (a) the proposed site planning/massing into three distinctive and yet well-integrated components; (b) the form and external design of the individual components which reference the scale and character of their neighbours; (c) the configuration, treatment and spatial quality of the proposed pedestrian through-links; and (d) the proposed landscape treatment/enhancements that complement the collective built form and facilitate the integration of the proposal to its setting.*
- *The proposed landscape treatments (as illustrated and documented in the Landscape Plans) have been approached in an integrated manner to aid the integration of the development to its site and setting while promoting the ecological and cultural significance of the historic Waimapihi Stream.*
- *The proposal is aligned with but setback from the Jervois Quay street edge. This is an appropriate response to the context of the site as it recognises the street alignment, while maintaining the existing characteristic line of Pohutukawa trees that currently define the street edge. Retaining the Pohutukawa trees provides a soft background to views from the north/east which will aid the integration of the building bulk to its visual setting.*
- *Positive open space & pedestrian block permeability.*
- *the building form and façade composition of each building component have been appropriately resolved as part of an overall design concept to create a coherent collective building form.*

Ms Popova provides an assessment in relation to design excellence and states that the proposal will achieve this outcome (which will be further discussed below).

Regarding her assessment of the CAUDG, Ms Popova concludes that: “*The proposal is based on a well-considered and context-driven design concept that has taken into account and appropriately addressed the relevant Design Guide objectives and guidelines.*”

The application, along with Ms Popova’s urban design assessment, has been reviewed by the Council’s consultant urban designer advisor, Morten Gjerde. Mr Gjerde notes:

- The overall design of the Michael Fowler Centre (MFC) commercial development is coherent and responsive. In my opinion, it satisfies this part of the design guide to a high standard.

- The interface between the MFC and the proposed building creates a new public space, not only to enhance movement between the city and the waterfront but also as a space to linger in. This is enabled by the form of the building along this edge, which creates a form of loggia or covered area in which people are invited to sit informally on steps. In my opinion, the proposal meets the guidelines for street edge definition.
- The arrangement of building volumes across the site effectively addresses G3.5 to G3.8 in the design guide.
- The design manages these opportunities well to create accommodation that will be light filled with plenty of outlook. In my view, guideline G3.9 is clearly met.
- The primary public open space is the one linking the Cuba/Wakefield Street to the waterfront, utilising the existing crossing point with some enhancements. This space is oriented to receive sunlight, set up to enable people to sit and linger in and is highly legible, helping people to move between the city and the waterfront more easily. In my opinion, the design responds effectively to G3.10 and G3.12.
- In this case, comparatively smaller proportions of the building perimeter are given over to cars and servicing. The urban design outcomes, and conformance with G4.6, are enhanced.
- The drawings provide little understanding of the mechanical plant, noting that figs. 59 and 60 of the ADS present conflicting representations of the size of this plant. Should resource consent be granted, it would be important to allow a condition requiring this aspect of the design to be checked early on, with a view to minimising visibility from surrounding public spaces and from elevated positions. There is a distinct lack of parapet around the edges of the various roof surfaces, which can lead to unintended visibility of minor roof mounted elements. This should also be carefully considered as the design continues to be developed and certainly should be incorporated into the roof design consent condition referred to above. At ground level, there is sufficient transparency in the shopfront design to help ensure communication of human scale. Above ground level, the setout of openings across the façade and setout of the curtainwall module will also help convey a sense of human scale. (G5.11).

Overall, Mr Gjerde notes that the proposed development has been found to meet expected urban design outcomes, as outlined by the CAUDG.

Design Excellence

District Plan policy 12.2.5.5 requires that over-height buildings achieve ‘design excellence’. This is because over-height buildings can have a significant impact on the city from both at street level and in the distance and are therefore required to visually enhance the cityscape.

Both Ms Popova and Mr Gjerde have provided an analysis design excellence and conclude that the proposal achieves this. Mr Gjerde’s assessment is that the project achieves Design Excellence, concluding that: *“The proposal goes beyond the CAUDG expectations in the way it responds and contributes to public open spaces around and across the site; the physical qualities of the proposed building and in the quality of the relationships formed with the setting.”*

I acknowledge Mr Gjerde’s assessment in this respect but note that design excellence is a matter that is more relevant to the substantive assessment under section 104 of the Act (as it relates to the assessment of the application against the policies).

CPTED

The application included a CPTED Statement prepared by Stoks Limited. This statement considers the receiving environment crime profile, CPTED related features of the receiving environment and the CPTED observations of the proposed development. Overall, the

statement concludes that prudent CPTED measures have been embedded and refined into the design process.

Overall Building Design and CPTED Conclusion

For the reasons discussed above I consider that the proposal represents a high quality building design that the appropriate for the visually prominent site and will align with CPTED design principals. I am therefore of the opinion that there will be no adverse effects directly attributed to the design quality of the building.

Building Height

The height of the three proposed buildings is:

- The Lantern: 37.7m
- The East Wedge: 26.8m
- The West Wedge: 16.7m

The plant room has a maximum height of 39.3m.

As noted in the Activity Status section, the building height regime applying to the Civic Centre Heritage Area sets an absolute maximum height of 27m, and therefore requires resource consent as a Discretionary (Unrestricted) Activity under Rule 13.4.9. Resource consent with respect to building height is required for any building that exceeds 15m in height.

An over-height building has the potential to create adverse effects of the level of amenity experienced with surrounding streets and public spaces. It is also necessary to consider whether the building will detract from the townscape character and underlying urban form.

As has been discussed above, given the scale of the site, and the varying and specific contextual conditions on each side, the design approach has considered the project as a series of inter-connected building and landscape parts. The scale, form and articulation of each part has been determined by its local context and the nature of activity within or adjacent to it.

Effects associated with the over-height buildings are discussed in the AEE and in the urban design assessments provided by both Ms Popova and Mr Gjerde. The applicant has also provided a number of townscape images that show the proposed buildings against the backdrop of the existing urban form.

In relation to townscape views, Ms Popova concludes: *“the proposal will be seen primarily in close-up and short to mid-distance views from viewpoints located up to 250m away from the site. It will be experienced primarily in dynamic views obtained by motorists moving along the street edges of the site and by pedestrians in sequential views when approaching the site from either the city or the waterfront and when traversing the site.*

The assessment established that the proposal relates well to the MFC, the wider Civic Centre Heritage Area and the surrounding setting in terms of scale and visual integration”.

In terms of building height, Mr Gjerde has commented that *“The proposed height of the Lantern is important to the success of the architectural composition, in purely compositional terms. During a meeting prior to lodgement, the applicant presented images with the Lantern height set lower. These images helped convey that a key factor in the success of the current proposal is the relationship of heights between the three constituent parts. The relationships between the different components help to set up a visually pleasing sculptural form.”*

Whilst I acknowledge both Ms Popova's and Mr Gjerdes's urban design assessments with respect to building height in terms of how the building sits within the context with the wider townscape views, I am of the view that the degree in which the building exceeds the absolute maximum height limit of 27m has the potential to result in more than minor effects on the immediately surrounding environment experienced by the general public.

Heritage

District Plan Policy 20.2.1.8 seeks to: *"Maintain and enhance the heritage values, qualities and character of listed heritage areas."*

The subject site contains two listed heritage items and is in the Civic Centre Heritage Area.

The application includes a Heritage Assessment prepared by Archifact Architecture & Conservation Limited. The heritage assessment concludes:

- The District Plan recognises the heterogeneous nature of buildings defining and framing the Civic Square. It also notes the inclusion of the MFC car-park and Ilott Green within that area as development sites that can be "easily managed to protect the heritage values of the Civic Square and its buildings and features". While the District Plan also recognises that "contributing buildings in heritage areas" warrant "the same treatment and control as listed items" this is qualified to correspond with "demolition and the design of additions and alterations" to contributing buildings and does not govern matters of adjacent height on contributing buildings".
- While the eight-storey North Wing exceeds the absolute maximum height standard specified for the area, the overall building design (height, forms, scale, massing, materiality) has been carefully managed to reduce the impact on the surrounding Civic Centre Heritage Area, nearby individually listed heritage buildings, the immediately adjacent MFC building, and the nearby Cuba Street Heritage Area.
- The recognised values for the area note that the values are fundamentally vested in the Civic Square space and the surrounding collection of civic buildings (including the two individual heritage buildings). The proposed development will make no change to these recognised heritage values.
- This proposed development responds directly and appropriately to the recognised historic heritage values of the Civic CCHA [Civic Centre Heritage Area]. It occupies a site anticipated in the CCHA as readily developable and responds positively to that and the wider heritage context.

The applicant has also undertaken consultation with Heritage New Zealand Pouhere Taonga (HNZPT) and has included correspondence in their application. The letter from HNZPT (dated 14 February 2022) supports the proposal and notes: *"While the Michael Fowler Centre is not currently individually recognised by Heritage New Zealand, its distinctive architecture and august contribution to the cityscape mean it will undoubtedly be considered in the future. With this in mind and to honour its civic and celebratory presence, our primary advice for any development on the adjacent parcel should neither crowd the Michael Fowler Centre nor overwhelm it with excessive height.*

In our view the proposed development appropriately respects the form and location of the Michael Fowler Centre and will be a welcome addition to the urban form in this part of Wellington."

The Council's Consultant Heritage Advisor, Michael Kelly, has also assessed the application and makes the following key points in his assessment:

- The design guide anticipates development of this portion of the heritage area, but specifically states an absolute maximum height limit of 27 metres to protect the status of the MFC.

- The site is at the far south-eastern end of the heritage area and is sufficiently removed and blocked from the view of the main part of the heritage area that the effects of any new building are mainly confined to the MFC and heritage buildings outside the heritage area.
- The MFC is not a listed heritage building, which reduces the oversight of some rules and policies contained in Chapter 12 of the design guide.
- The design achieves many of the outcomes required under Chapter 12, thereby mitigating, to some extent, the impact on the MFC.
- At nine metres beyond the Design Guide's specified threshold for a new building on the site, the proposed building is undoubtedly going to be a significant presence alongside the MFC. Although attempts have been made to move mass to avoid the worst effects of this bulk on the MFC, I am not persuaded that it will not diminish the status of the MFC. However, balanced against that are the limited impact of the proposal on the wider heritage area, the urban design benefits of the proposal and the additional height allowed under Chapter 12 rules and policies. This reduces the effects of the proposal significantly.

Whilst I acknowledge both the applicant's and Mr Kelly's assessments with respect to heritage, I am of the view that degree in which the building exceeds the absolute maximum height limit of 27m has the potential to result in more than minor effects on the heritage area, and particularly the Michael Fowler Centre.

Amenity of Neighbouring Properties

As outlined in the permitted baseline section of this report above, when considering the amenity effects on neighbouring residential properties District Plan policy 12.2.5.10 is it states: *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.* For the purpose of assessing amenity on other Central Area properties the 'permitted baseline' would be a building of 15m in height. I note that the applicant in their assessment has incorrectly used a 27m building for the permitted baseline scenario because buildings up to 27m require resource consent as a Discretionary (Restricted) Activity. This also discussed further when considering the outlook effects of the development.

The application site is located on the eastern corner of the Heritage Area being largely bounded by Jervios Quay and Wakefield Street. The nearest neighbouring properties being properties to the northeast on the opposite side of the road on Market Lane and the properties to the south on the opposite side of Wakefield Street. The development has the potential to result in amenity effects on these properties with respect to shading and outlook. I don't believe there is any potential for loss of privacy or daylight given the separation of the proposed building from surrounding properties. The potential for shading and outlook effects is discussed in turn.

Shading

The application includes shading diagrams that demonstrate the proposed building will result in shading on the properties to the south opposite the site on Wakefield Street and to the elevation of properties immediately opposite on Market Lane. I note the shading diagrams only illustrate the shading from 10am through to 4pm at 2 hourly intervals so it would be expected that shading would also occur on neighbouring properties outside of these times and possibly to properties beyond those identified on the shading diagrams. It is also difficult to determine the exact extent of shading on these properties including how high on the building elevations the shading occurs and for exactly what duration.

I am therefore of the view that there is the potential for shading effect to occur on the following properties that is not less than minor:

- 1 Market Lane
- 3 Market Lane
- 132-136 Wakefield Street
- 138 Wakefield Street
- 142 Wakefield Street
- 148, 150 and 170 Wakefield Street
- 170 Wakefield Street.

Outlook

With regard to outlook, the applicant has provided an outlook assessment which illustrates that impact the proposed building will have on the outlook of neighbouring properties to the south. As noted earlier, these illustrations incorrectly compare the outlook from the proposed building to a 27m height plane.

It is important to note that the neighbouring properties to the south of the application site currently have a relatively open outlook over the temporary Royal New Zealand Ballet building toward the Wellington Harbour. Whilst these harbour views are not protected, the current open outlook contributes to the amenity of these properties and that the proposal has on this outlook can be considered. The building which is up to 39.3m in height is significantly above the 15m height that the District Plan anticipates for buildings on this site. Because of this height, and the extent of the building that exceeds 15m I am of the opinion that the proposal has the potential to result in adverse effects on the outlook from the following neighbouring properties to the south of the application site that are not less than minor.

- 132-136 Wakefield Street
- 138 Wakefield Street
- 142 Wakefield Street
- 148, 150 and 170 Wakefield Street
- 170 Wakefield Street.

Amenity of Neighbouring Properties Conclusion

For the reasons discussed above I am of the opinion that the proposal will have the potential to result in amenity effect on the following properties that is not less than minor:

- 1 Market Lane
- 3 Market Lane
- 132-136 Wakefield Street
- 138 Wakefield Street
- 142 Wakefield Street
- 148, 150 and 170 Wakefield Street
- 170 Wakefield Street.

Wind

The applicant has submitted a Wind Tunnel Study prepared by WSP. This study presents the results of a wind tunnel study of the pedestrian wind conditions around the development. The wind tunnel study makes the following conclusions:

- The existing wind conditions around the development site range from low to high, with maximum gust speeds at a small number of locations exceeding the 20m/s District Plan Safety Criteria.

- Overall, the development causes a relatively small change in the local pedestrian wind environment. It does however cause a significant redistribution of wind flows in the surrounding area, causing some speeds to increase and others to decrease.
- The amended proposal generally performed better than the original design that was tested.
- Overall, the proposal results in a slight improvement in the amenity of the wind environment in the surrounding area.

I accept the assessment provided by WSP. On this basis, I am satisfied that the wind effects from the proposal will be less than minor, and no parties being adversely affected.

Transportation and Servicing

The applicant has submitted an Integrated Transport Assessment (ITA) prepared by Stantec with the application. The ITA has been prepared to examine and describe the assessment undertaken of the transportation features and effects of the proposal, and includes assessment of these of the following matters:

- The form and function of the existing local transport network.
- The traffic related components of the proposal.
- The servicing demands.

Overall, the ITA concludes that the proposal aligns well with the intent of the District Plan, and that development of this site to deliver a new commercial office building will achieve good transportation outcomes, including with associated improved active mode facilities and connections. To achieve this the ITA recommends:

- An on-street kerbside loading zone is established on Wakefield Street.
- A Travel Plan be developed in line with the Green Star building criteria, to promote and support sustainable transport modes for those travelling to/from the site
- A Construction Traffic Management Plan be developed.

These recommendations form part of the application.

The application, including the ITA, has been assessed by Anbuselvan Pungiah, the Council's Transportation Engineer. Mr Anbuselvan makes the following comments:

- The proposal includes changes to street parking and existing roading infrastructure. Detailed plans showing the design and specifications will be required to be provided prior to the commencement of works.
- It is acceptable to not provide an on-site service area due to the location and demand of the site.
- The proposal includes a loading area on the street which will need a traffic resolution.
- The rubbish collection arrangements for this building should be managed.

Overall, Mr Anbuselvan concludes his assessment that the proposal is acceptable from a transport perspective.

I accept the assessment provided by the experts discussed above. On this basis, I am satisfied that the transport and servicing effects of the proposal will be less than minor, and no parties being adversely affected.

Operational Noise and Construction Noise/Vibration

The Acoustic Report prepared by Marshall Day Acoustics submitted with the application assesses the potential noise effects that will be associated with the development including

operational noise from fixed plant and from the site activities, and construction noise and vibration. The applicant's assessment is as follows:

- *Noise emissions from fixed plant* – the equipment located within the plant room will consist of pumps and air handling units. These plant items can be attenuated sufficiently to ensure the cumulative noise level does not exceed the District Plan noise limits. Similarly, extract fans elsewhere in the building can easily be designed to comply with the District Plan noise limits, when combined with noise from other plant, by using attenuators.
- *Noise emissions from activities* – activity noise includes from people on the level 4 rooftop terrace. The predicted noise levels comfortably comply with the District Plan activity noise limits.
- *Construction noise* – at this stage, a construction methodology has not been developed sufficiently to carry out a noise assessment. This distance between the proposed building and the closet occupied building is 20 metres. Therefore, it is highly unlikely that the construction noise limits would be complied with at all times. We consider that the noise limits will be generally reasonable with the application of BPO measures that would be set out in a Construction Noise and Vibration Management Plan.
- *Vibration* – we understand that currently the contractor is considering installing piles using a bottom driven impact methodology. This method has been selected as it provides the highest level of resilience for the building. This method also causes higher vibration levels than other methods. It is intended to implement protocols to monitor and limit the effect of vibration on the surrounding environment.

The applicant offers a number of conditions of consent to mitigate the potential for noise effects. These include:

- A Construction Noise and Vibration Management Plan.
- A condition requiring that all fixed plant is located, specified and operated so that the cumulative noise emissions does not exceed District Plan standards.
- An Acoustic Design Certificate being submitted to the Council for approval prior to or at the same time as an application is made for building consent.

Mr Hannah, the Council's Acoustic Officer, has reviewed the proposal, and the applicant's Acoustic report. Mr Hannah notes that the applicant provides only a limited preliminary assessment only, however, agrees with the applicant with respect to their offered conditions of consent. Mr Hannah has raised no concerns with respect to noise effects.

I accept the assessment provided by the experts discussed above. On this basis, I am satisfied that the noise and vibration effects arising from the proposal, including fixed plant noise and construction, will be less than minor and no parties being adversely affected.

Landscape

The development includes comprehensive landscaping around the building. The application includes a landscape concept developed by Wraight + Associates Ltd. The site's ecological heritage and landscape context are the contextual drivers shaping the landscape design. To ensure an overall integrated landscape approach, the landscape design includes some spaces that are outside of the defined application site, namely the coastal gardens to the northwest. Being outside of the application site, this area doesn't fall within the proposal. Key features of the landscape concept include:

- A Cuba St - waterfront link that allows pedestrians to connect through the site located between the proposed building and the Michael Fowler Centre.
- Terraces around the western corner of the building.

- Widening the Wakefield Street footpath and relocation of streetlighting.
- Te Waimapihi Water Garden to the east of the building.
- Linkages to the pedestrian connection through the building.
- Relocating the Guy Ngan Sculpture.
- Gardens along the north and east side of the site retaining existing trees where possible.

The landscape concept has been reviewed by Angela McArthur, the Council's Consultant Landscape Architect. Overall, Ms McArthur supports the landscape design concept noting that it includes design elements such as rain gardens and riparian planting as interpretation of Waimapihi Stream and retention of mature Pohutakawa trees with overall views out to the waterfront being enhanced and boarded.

I accept the assessment provided by the experts discussed above. On this basis, I am satisfied that the landscaping effects of the proposal will be less than minor, and no parties being adversely affected.

Earthworks

To enable the site redevelopment earthworks are required to enable construction foundations works as well as site landscaping. Following construction, all earthworked areas will be covered by the building or appropriately landscaped. This will ensure that following construction there will be no adverse visual effects from the earthworks.

With regard to erosion, dust and sediment controls measures, the applicant has submitted a draft Construction Management Plan and has offered condition of consent for a final Construction Management Plan to be submitted for certification prior to the commencement of construction.

Excess site material will be transported to an approved landfill. Details of construction transport will also be detailed in the final Construction Management Plan.

The earthworks effects of the construction have been assessed by John Davies, the Council's Earthworks Engineer. Mr Davies concludes his assessment that the earthworks are supported as it is expected that standard industry methodologies will be implemented to minimise any potential earthworks effects.

Given any potential for earthworks effects will be temporary in nature and that all earthworked areas will be covered by the building or appropriately landscaped, the earthworks will not have any adverse effects on the heritage values of the Civic Centre Heritage Area.

For the reasons discussed above, any actual or potential earthworks effects will be less than minor, with no persons being adversely affected.

Contamination

As noted earlier, two areas of the site are listed on Greater Wellington Regional Council's Selected Land Use Register (SLUR) Database as being, or potentially being, on land that contains a Hazardous Activity or Industry. The relevant area of the site is listed under file number: SN/05/1378/02.

The applicant has submitted a Ground Contamination Assessment prepared by Tonkin + Taylor. This assessment identifies that HAIL activities have been undertaken on the site. The applicant proposes to undertake a full contamination survey of the site once the Royal New Zealand Ballet building is removed from the site. The applicant has offered a condition

of consent requiring that a Contaminated Site Management Plan is submitted and certified prior to the commencement of construction works.

With respect to contamination, the draft Construction Management Plan also states that if contamination is present on the site, it may have following implications:

- Additional health and safety requirements during the works.
- Landfill disposal of surplus soil that has to be disposed of off-site (i.e. not clean fill).
- Pre-treatment would be required if highly contaminated material is found.
- Odour management during works to prevent odour entering buildings.
- Contamination Site Management Plan before works being and a Site Validation Report on completion of the works.
- A Long-Term Site Management Plan if contamination remains on site (e.g. below the building or paving).

On behalf of the Council AECOM were engaged to undertake a technical peer review of the above documentation provided with the application with respect to contamination. The AECOM review that Tonkin + Taylor assessment is limited in terms of soil sampling and testing with the majority of the boreholes unable to reach target depths. It also notes that the Tonkin + Taylor assessment was completed in 2016 and states that the site is not on the Greater Wellington SLUR. However, as of April 2022, the site is listed on the SLUR with the HAIL categories slightly different to those detailed in the Tonkin + Taylor assessment. Notwithstanding this, AECOM review generally aligns with the applicant in that further soil sampling is required, a Contaminated Land Management Plan is required prior to the commencement of works and if remedial works are required then a Site Validation Report will also be required at the completion of the works.

I accept the assessment provided by the experts discussed above. On this basis, I am satisfied that the potential for contamination effects from the proposal will be less than minor and no parties being adversely affected.

Construction

With a development of this nature and scale the potential for construction effects is inevitable. Construction noise and earthworks effects are discussed above. More generally, construction effects by nature are also temporary. The applicant's contractors will use construction best practice to ensure construction effects will be minimised as much as reasonably possible. The applicant has offered a condition of consent for a final Construction Management Plan to be submitted for certification prior to the commencement of construction.

For these reasons the actual and potential construction effects will be appropriately managed, are temporary in nature and are therefore less than minor with no persons being adversely affected.

Positive Effects

The proposal will result in many positive effects. Most importantly the proposal will result in the construction of new Central Area building utilising a what would otherwise be a vacant site adding vibrancy and vitality to the immediately surrounding area.

Effects Conclusion:

Overall, there are a number of areas where there will be adverse effects on the environment and adjacent sites. These include the effect of the height of the building on the surrounding streetscape and on the amenity of the following neighbouring properties with respect to shading and outlook:

- 1 Market Lane
- 3 Market Lane
- 132-136 Wakefield Street
- 138 Wakefield Street
- 142 Wakefield Street
- 148, 150 and 170 Wakefield Street
- 170 Wakefield Street.

I have assessed these effects as being at least minor in scale. Standing back and considering the application as a whole and these effects on their own and in combination, I conclude that the potential adverse effects will be more than minor, and that the proposal requires public notification for the purposes of section 95A(8)(b) of the Act.

NOTIFICATION DECISION

In summary, I have concluded:

1. That the effects of the proposal are more than minor, and public notification is required (section 95A(8)(b)).
2. That there are no special circumstances in relation to the application that warrant public notification (section 95A(9)).
3. That there will be adverse effects on the owners of the following sites that are not less than minor (section 95B(8)):
 - 1 Market Lane
 - 3 Market Lane
 - 132-136 Wakefield Street
 - 138 Wakefield Street
 - 142 Wakefield Street
 - 148, 150 and 170 Wakefield Street
 - 170 Wakefield Street.

For these reasons, my decision is that the application for the construction of a Central Area building, within a listed Heritage Area, with associated earthworks at **110 Jervios Quay, Wellington Central** (being Lot 1 DP 494594) must be assessed on a **publicly notified** basis.

Regulation 10(2)(a) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 states that when an application is publicly notified the Council must serve notice on every 'prescribed person', including the following:

- Every person that is determined to be affected under section 95B of the Act (10(2)(a)).
- Every person, other than the applicant, who the consent authority knows is an owner or occupier of the land to which the application relates (10(2)(b)).
- The regional council (10(2)(c)).
- Any iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons or bodies that the consent authorities should have notice of the application (10(2)(d)).
- HNZPT – if the application affects any historic place, historic area, wāhi tūpuna or wāhi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero (10(g)(ii)).

On this basis, notice will be served on the following parties:

1. The owners/occupiers of
 - 1 Market Lane
 - 3 Market Lane
 - 132-136 Wakefield Street
 - 138 Wakefield Street
 - 142 Wakefield Street
 - 148, 150 and 170 Wakefield Street
 - 170 Wakefield Street
2. The occupiers of the existing buildings on the subject site.
3. Greater Wellington Regional Council.
4. Iwi authorities, being the Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rāngatira.
5. Heritage New Zealand Pouhere Tāonga.

Report prepared by: Angela Jones, Consultant Planner



We have read the above Notification Decision Report, the AEE and the associated documentation provided with the application and confirm that we agree with the consultant planner's recommendation.



Monique Zorn
Delegated Officer

17/10/2022



Halley Wiseman
Delegated Officer

17/10/2022