

From: [Lisa Hayes](#)
To: [Liam Hodgetts](#); [Mark Pattemore](#)
Cc: [Halley Wiseman](#)
Subject: FW: Email re Notification Issues - 1 Tasman Street - SR 500876
Date: Thursday, 2 December 2021 3:21:22 pm

Hi Liam & Mark

The email below has now been sent to Alistair Aburn and will be passed on to Willis Bond. We've also called them.

I expect one of you will get a phone call in the near future.

Let me know if you have any questions

Lisa Hayes

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From: Lisa Hayes <Lisa.Hayes@wcc.govt.nz>
Sent: Thursday, 2 December 2021 12:24 pm
To: Lisa Hayes <Lisa.Hayes@wcc.govt.nz>
Subject: Email re Notification Issues - 1 Tasman Street - SR 500876

Hi Alistair

I recall you asking for a draft notification decision and am sending you the following email having now had the opportunity over the last couple of days to review my advisor comments and the application in its entirety, and seek legal advice. Please take this email as my current thinking - rather than as a final concluded view about public or limited notification.

Effects of the Proposal:

Wind: The Council's wind assessment concludes there are potentially significant adverse wind effects at two locations – being the corner of Sussex Street and Buckle Street (to the north-east) and on Tasman Street to the south-west, as far as the Seventh Day Adventist church. There is a generally accepted deterioration of the wind environment in areas that we consider to be highly pedestrianised.

Summary comment: Unless the above issues are resolved, wind effects are potentially more than minor.

Urban Design: While the proposal is largely supported, it has been identified that the ground floors of buildings A and E (the towers) do not meet the expectation that these levels are 30-40% greater in floor-to-floor dimension than the levels above. This limits the extent that these can be 'future-proofed'. Achieving the internal floor-to-floor height would require an increase in building height, which would have flow on effects in terms of wind, heritage and shading.

Summary comment: Based on the current design, urban design effects are likely no more than minor and we accept that the proposed design likely meets the test for design excellence (notwithstanding the concerns raised below).

Amenity of Adjacent Sites: The shading diagrams show that there are adverse shading effects on the sites to the south to an extent that exceeds the District Plan expectations (ie shading from an 18.6/10.2 metre high building). There will also be afternoon shading on the Basin Reserve in winter. This is less of a concern due to the reduced use of this site at this time of year.

It is also noted that the tower buildings will have south and west facing windows at a height above 18.6 metres and thus have the potential to create adverse privacy effects on adjoining sites.

Summary comment: The proposal is likely to result in at least minor adverse amenity effects at the following sites: 4, 22, 40-44 Tasman Street, 25, 27 and 33-39/39A Tasman Street and 80/80A/80B Rugby Street.

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Heritage: As discussed in the meeting on 24 November 2021, the Council's heritage advisor has commented that the proposal has the potential to detract from the landmark status of the National War Memorial (in particular the Carillon tower).

While the National War Memorial are not within 'protected viewshafts', views of these are protected by the Te Aro Corridor Design Guide. In addition to this, the District Plan heights in themselves have been set to offer a level of protection to the National War Memorial. The District Plan provides no inherent expectation of development above these levels (ie 18.6 metres in this case).

Summary comment: There is likely an adverse effect on the setting and significance of the National War Memorial and Carillon. This is an effect on the environment and wider public that is at least minor as opposed to an effect that is considered to fall on the owner. The effects on

the owners of the National War Memorial and Carillon are potentially less than minor, meaning that written approval from MCH could not be used to disregard the effects.

Overall Assessment: While I have determined above that there are a number of minor effects, my current assessment is that when these effects are considered collectively, the proposal will create a more than minor effect. This is directly attributable to the height non-compliances.

Summary comment: Considered cumulatively, the effects of the proposal overall are more than minor.

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Special circumstances:

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Further to the effects noted above, I note the following special circumstances:

- The National War Memorial and Carillon are nationally significant, as is the wider context (ie the Pukeahu National War Memorial Park). As such, there is potentially higher public interest than would occur at a typical Central Area site.
- Public notification of the application might provide information that the Council is not currently aware of. Additionally, public notification may identify parties that have an interest that is greater than the public in general – while the Council can identify some parties, there is a chance that we don't know all of these. Of particular concern is how veterans associate with the National War Memorial and Carillon might be impacted by the proposed development beyond the current District Plan height controls.
- The proposal has the potential to set a precedent for the area – whereby future proposals with similar circumstances would need to be assessed in the same way, resulting in further degradation of the landmark/symbolic status of the National War Memorial and Carillon over time.

Summary comment: My assessment is that there are special circumstances.

NPS-UD and District Plan review:

There has been discussion about the status of the NPS-UD, which I have had regard to. As discussed in the AEE, and as we acknowledge, the NPS-UD requires that the Council maximises development potential in the central city (as a Tier 1 Council). However, we are considering the proposal within the law as it currently exists, being the current District Plan provisions. I note that the NPS may be taken into greater consideration at the 104 assessment stage.

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Next Steps:

For the reasons set out above my current view is that this application needs to be publicly notified.

Once you've discussed this with your client please let me know how you wish to proceed.

Kind regards

Lisa Hayes

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