

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

15 November 2022

Service Request No: 500876  
File Reference: 1014088

**APPLICATION DETAILS**

<b><u>Site Details:</u></b>	1 Tasman Street, Mt Cook Section 1219 Town of Wellington (4733m <sup>2</sup> )  23 Tasman Street, Mt Cook Part Section 665 Town of Wellington (655m <sup>2</sup> )
<b><u>Applicant:</u></b>	One Tasman Development Limited Partnership C/- Urban Perspectives Limited (Alistair Aburn)
<b><u>Proposal:</u></b>	To construct a new multi-building, multi-storey residential development, with a café; along with associated earthworks
<b><u>Owner:</u></b>	One Tasman Development Limited Partnership
<b><u>Operative District Plan Area:</u></b>	Central Area
<b><u>Notations in Operative District Plan:</u></b>	<ul style="list-style-type: none"><li>- Low City Area – 18.6 metre maximum height limit (1 Tasman St) and 10.6m 23 Tasman St</li><li>- Tasman Street is a Local Road in the District Plan Hierarchy of Roads</li><li>- Buckle Street is part of State Highway 1</li><li>- Te Aro Corridor</li></ul>
<b><u>Activity Status Operative District Plan:</u></b>	Non-complying Activity
<b><u>Proposed District Plan Zone:</u></b>	City Centre Zone
<b><u>Notations Proposed District Plan:</u></b>	<ul style="list-style-type: none"><li>- Height control: 28.5m</li><li>- Flood hazard (inundation)</li><li>- WIAL Wellington Airport Obstacle Limitation Surfaces</li></ul>

**SITE DESCRIPTION**

**Subject Site:**

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

The site comprises the following:

- 1 Tasman Street – being the 4733m<sup>2</sup> corner parcel of land, that contains the ‘Tasman Gardens’ residential complex. The apartments, which are largely vacant, are in three buildings. There is also an on-site gymnasium within the north-eastern corner of the site. The units are held in a unit title arrangement, with 42 principal units, 76 accessory units and common property. The Operative District Plan (ODP) height limit for this site is 18.6 metres with the central apartment block exceeding this by approximately 1m.
- 23 Tasman Street – being the 665m<sup>2</sup> to the immediate south of 1 Tasman Street, that contained the Tasman Street Vet Clinic prior to being purchased by the applicant. The ODP height limit for this site is 10.2 metres.

The site slopes gently downwards from the west towards the east. An aerial photograph showing the site is provided below, with the site highlighted.



**Figure 1: Aerial photograph of site and surrounding area**

### Surrounding context:

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

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

### *The National War Memorial*

The land to the west of Tasman Street is elevated above the road carriageway and contains the National War Memorial, which includes the Carillon, Hall of Memories, Tomb of the Unknown

Warrior, steps, pool and forecourt. Most immediately adjacent is the pohutukawa-clad escarpment (containing pedestrian routes at various levels) and heritage listed brick wall.

Also, within this site is the former National/Dominion Museum and National Art Gallery building (which until recently has been occupied by the Great War Exhibition), along with associated carparking and landscaping. This is jointly owned by Massey University and the Wellington Tenth Trust (through Capital Hill Limited).

To the south of the former National/Dominion Museum and National Art Gallery building, also elevated above the subject site, are the Massey University Wellington campus and Wellington High School.

All of the land described above is zoned Institutional Precinct under the Operative District Plan (ODP) and Special Purpose Tertiary Education Zone under the Proposed District Plan (PDP).

### *Pukeahu National War Memorial Park*

Pukeahu National War Memorial Park comprises the land between Cambridge Terrace (to the east) and Taranaki Street (to the west). This land is currently zoned Central Area and forms part of the Te Aro Corridor. The park is a public space associated with the National War Memorial and has a collection of national memorials. It is used for events such as ANZAC day celebrations.

The closest national memorials to the subject site are the U.S. Memorial and Belgian 'Laurel Wreath Memorial' (to the north). The Pacific Islands Memorial, 'Te Reo Hotunui of Te Moana-nui-a-Kiwi' and former Home of Compassion Crèche are also in close proximity (to the north-east).

With the exception of the former Home of Compassion Crèche, neither Pukeahu National War Memorial Park nor any items within it are listed in the ODP or by Heritage New Zealand Pouhere Tāonga (HNZPT).

It is also noted that State Highway 1 continues underneath Pukeahu National War Memorial Park via the Arras Tunnel.

### *Basin Reserve*

The Basin Reserve is located on the eastern side of Sussex Street, at a distance of approximately 50 metres from the subject site. The Basin Reserve is zoned Open Space A.

### *Existing development on other sites*

The remainder of the block containing the subject site contains a mixture of activities, including the residential apartment complexes at 4 Sussex Street to the immediate east (Basin Reserve Apartments), 22 Sussex Street to the southeast and 25 Tasman Street to the south (Te Awhina Apartments are across both of these sites). To the south of 22 Sussex Street/25 Tasman Street is the Seventh Day Adventist Church (27 Tasman Street), with the church building at the Tasman Street frontage and carparking/access at Sussex Street. The site to the south of the carpark on Sussex Street contains the Marksman Motor Inn. The southern part of the block contains smaller scale residential development.

All of the land in the block containing the subject site is zoned Central Area under the ODP and City Centre Zone under the Proposed District Plan.

The land to the south of Rugby Street is zoned Centres Area and contains a mix of activities, including residential development and vacant land awaiting development. Resource consent has been granted for the construction of a new Chinese Embassy on the vacant land at 53, 55, 57, 59, 61, 63, 65-69, 81, 83, 85 Rugby Street, 45, 49, 51, 53, 55-59, 69-71, 75 Tasman Street, 16-22 Douglas Street and 2 Belfast Street.

The land to the south-west (beyond the Massey University campus) is the closest residentially zoned land. This is at a distance of approximately 160 metres from the southern boundary of 23 Tasman Street.

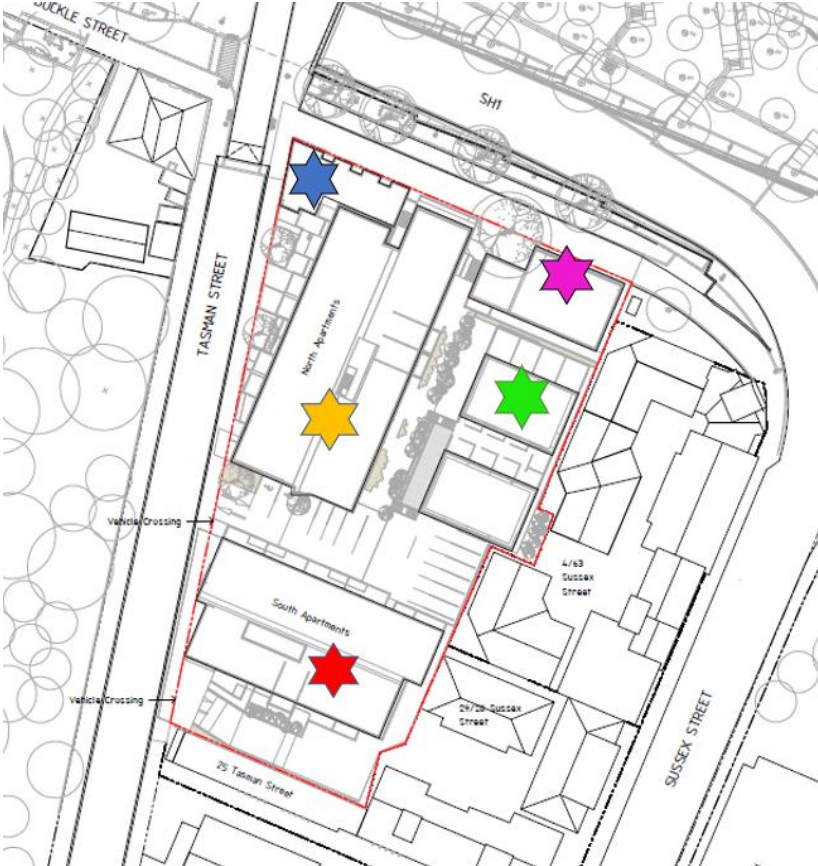
Further Details:

Section 2.1 of the applicant’s Assessment of Environmental Effects (AEE) provides further details about the site and its immediate surroundings, as do the various appendices. The AEE and supporting documents should be read in conjunction with this report.

**PROPOSAL**

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






The layout of the proposed development is shown in the applicant’s Site Plan below:



**Figure 2: Site Plan, reference RC\_1.00**

Details of the proposed buildings are provided at Table 1 below:

**Table 1: Building Details**

Building	Building Name	Apartments	Storeys	Maximum Height (m)
A 	Northern Apartments	100	8 (G+7)	29.3m (at parapet) 29.45m (lift overrun)
B 	Pukeahu Terrace Houses	4 + cafe	3 (G+2)	12.7m
C 	Buckle Street Terrace Houses	5	3 (G+2)	13.8m
D 	Courtyard Studio Apartments	8	2 (above carpark)	15.8m
E 	Southern Apartments	54	5 (G+4)	19.5m (at parapet) 19.3m (lift overrun)

Buildings A and E will be base-isolated. Ground floor units in Building E will be configured to facilitate live/work opportunities.

Earthworks will be undertaken to clear the site and facilitate the construction of the new buildings.

The applicant’s images below show the proposed buildings:



**Figure 3: Proposed development looking south with northern tower in centre and southern apartments to the rear, with Buckle Street terrace houses in the foreground, viewed from the corner of Buckle Street and Tory Street. Mt Cook Police Barracks in far right (not on subject site). From Plan RC-2.00 dated 20.10.2022**

Additional details are provided within the original AEE, and appendices submitted in October 2021, and in the plans titled ‘One Tasman Pukeahu Park, Resource Consent, Architectural Drawings’ (dated September 2021).

These 2021 reports and plans discuss the proposal with a 10-storey northern apartment block and a nine-storey southern apartment block. The design has been refined over the intervening year and amended to better fit the context and consequently the heights of both blocks have

been reduced to eight-storeys for the northern apartment block and five-storeys for the southern apartment block. The application was amended to reflect this, and this Notification Decision Report relates to the amended design.

The amended heights are shown in the amended plans and appendices titled ‘**20.42 One Tasman Pukeahu Park, Resource Consent, Architectural Drawings**’ (dated **20 October 2022**), all of which should be read in conjunction with this report. The footprint of each building remains the same.

Additionally, the colour and materiality of the southern apartment block has been amended to be more neutral greys and not white.

**Background**

As set out above, the proposal was lodged on the 8 October 2021 as a comprehensive development which, amongst other things, proposed a northern apartment block of 10-storeys and a southern building of nine-storeys. Figure 4 below provides a cross section of the proposed development as lodged in 2021.



**Figure 4: Cross section of proposed development with 10-storey and nine-storey towers.**

Prior to lodgement, the project went through a comprehensive pre-application process including feedback provided from an Urban Design Panel which recommended a number of things as commented (refer Appendix One):

- Locating the highest building form to the north of the site and close to the Tasman Street corner is in our opinion an optimal approach. This allows relationship to the higher parts of the city in the north and for transitioning down to lower scale development to the south

- The design of the individual tower building tops should be simple, clean and unarticulated to be viewed as ‘ground’ with the Carillon beyond as the figural element. Clutter should be eliminated. Instead, variation in building height and type within the complex as a whole contributes to skyline diversity and breaks down the visual bulk of the development.
- Elements that contribute to design excellence are - design strategy for fit with context at both macro and micro scales:
  - Contributes to the existing city spatial structure; and
  - Responds well to the scale, alignments and materiality of significant buildings around with different design responses on Buckle Street and Tasman Street.

Feedback from this panel was incorporated into the design response by the applicant and in particular the decision to go with additional height on two of the towers.

The application documentation provided a comprehensive suite of assessments and technical reports as set out in Section 5 below.

During the assessment of the resource consent, concerns were raised by the Council as to how the development, and in particular the height of the nine-storey southern apartment block and 10-storey northern apartment block, would potentially diminish the heritage values associated with the National War Memorial site, and when viewed from the north and east.

In response to these concerns the applicant has gone through an iterative design process in order to determine a design response that would adequately address the concerns raised. As a result the applicant formally amended the proposal on 29 August 2022 to reduce the height of the southern and northern towers to five-storey (southern) and eight-storey (northern). As part of this amended proposal, updated technical assessments were provided by the applicant with the majority of experts confirming that their original assessments were still applicable to the amended design.

On 23 October 2022 a slightly amended design was presented to the Council and has been further reviewed by Chessa Stevens, the Council’s consultant Heritage Advisor and Andrew Burns, the Council’s consultant Urban Design Advisor. The amendments relate to:

- Buckle Street townhouses (Buildings B and C) internal layout changes and minor building footprint adjustments improvements to terrace house layouts
- Consolidated waste areas into one, bike and loading arrangements amended and consequential car parking arrangements and footprint change (at basement and ground level).
- Building A with adjusted building footprint to address parking changes, entry lobby and resident’s amenity space layout.
- Building A internal changes with reduced basement footprint below.
- Building E with relocated bicycle storage and revised ground floor layout.
- Overall increase of 20 residential units

Their final reports are held on file. The assessment that follows reflects the amended plan set (Drawings prepared by Athfield Architects Limited, titled “One Tasman Pukeahu Park” (project no. 20-42, **dated 20 October 2022**).

## **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 superseded 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).

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 notification of 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.

This application was lodged in October 2021, before the Plan Change was notified. Only the objectives and policies of the Proposed Plan are to be considered in the processing of this application.

## ACTIVITY STATUS

### District Plan:

Resource consent is required for a **Non-complying Activity** under the following District Plan rules:

#### Activities - Rule 13.3.1:

As the proposal involves the provision of more than 70 on-site carparks on the site at 1 Tasman Street (112 in total), consent is required under Rule 13.3.1. There are no conditions under Rule 13.3.1.

#### Activities - Rule 13.3.3:

The proposal does not meet the following permitted activity standards for vehicle parking, servicing and site access:



- Standard 13.6.1.3.4 – As the distance between the outdoor loading area and the lift exceeds 15 metres.
- Standard 13.6.1.3.11 – As there will be two vehicle accesses along Tasman Street.

There are no relevant conditions under Rule 13.3.3.

**Buildings – Rule 13.3.4:**

Resource consent is required under Rule 13.3.4 for the construction of a new Central Area building. There are no conditions under this rule.

**Buildings - Rule 13.3.7:**

As the proposal is for the construction of a building that involves the provision of more than 70 on-site carparks, consent is required under Rule 13.3.7 (in conjunction with Rule 13.3.1). There are no conditions under Rule 13.3.7.

**Buildings – Rule 13.3.8:**

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

- Standard 13.6.1.3.4 – Servicing
- Standard 13.6.1.3.11 – Site access
- Standard 13.6.3.1.1 – As detailed at Table 1, the tower buildings exceed the maximum height specified on ODP planning map 32 (being 18.6 metres at 1 Tasman Street, which is where the buildings will be located).
- Standard 13.6.3.5.2 – As the proposed building does not achieve the specified requirements in relation to wind.

Condition 13.3.8.14 states that the maximum building height must not exceed more than 35% and the building mass standard must not be exceeded (or that neither the height nor mass are exceeded by more than 15%).

In this case, the building mass standard for the site is not exceeded; however, Building A (Northern Apartments) exceed the maximum height of 18.6 metres by more than 35%. Building E exceeds the height by 1m. Therefore, condition 13.3.8.14 under Rule 13.3.8 is not met.

**Signage – Rule 13.3.9:**

Resource consent is required under Rule 13.3.9 for the installation of signage, comprising marketing information on the construction hoardings. Condition 13.6.4.1.5 as the signage will be attached to a structure, is expected to exceed 10m<sup>2</sup> in area and there will be more than one sign per frontage. There are no conditions under this rule.

**Buildings – Rule 13.4.10:**

Where condition 13.3.8.14 under Rule 13.3.8 is not met, Rule 13.4.10 applies. Condition 13.4.10.1 states that the maximum building height must not be exceeded by more than 35%. This condition is not met.

**Buildings – Rule 13.5:**

As condition 13.4.10.1 is not met the proposal requires resource consent under Rule 13.5.

**Earthworks – Rule 30.2.2:**

The earthworks exceed the permitted activity requirements for the Central Area as the total area of the earthworks exceeds 250m<sup>2</sup>. There are no conditions under Rule 30.2.2.

**Activity Status Summary:**

Overall, the proposal adopts the highest activity status and must be assessed as a **Non-Complying Activity**.

**WRITTEN APPROVALS**

No written approvals were provided with the application.

I note that the application includes letters of support from HNZPT, Massey University, the Wellington Tenth Trust and Wellington High School. As these were not accompanied by signed copies of the application plans, they cannot be accepted as written approval.

The Ministry of Culture and Heritage has confirmed (27 August 2021) their support for the design however this has not been treated as a written approval.

**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 not 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.

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

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

Preclusions to Limited Notification:

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

### Limited Notification - Affected Persons:

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

### Special Circumstances:

I have turned my mind to an assessment of special circumstances in relation to this application. 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. I have also considered the purpose of public notification, which is to identify further information relevant to the issues for determination on the substantive application for consent.

The neighbouring site is a nationally significant location bestowed the title 'National' War Memorial through an Act of Parliament. As is discussed elsewhere in this report, the National War Memorial is part of a wider context with rich heritage significance and with a high symbolic significance to the general public. This context has been significantly enhanced since the current District Plan provisions became operative through the construction of the Arras Tunnel (providing for the re-routing of State Highway One) and Pukeahu National War Memorial Park above this.

After a number of iterations, an amended application was relodged in August 2022, to reduce the height of the two apartment blocks to eight-storeys in the northern end of the site and five-storeys for the southern block. Significant effort and care have been made to reach an appropriate design response that is not considered by both the applicant's and Council's experts to diminish the setting and context of the Carillon and surrounding heritage values. It is now considered by the respective experts that the height of the northern apartment block does not dominate the adjoining historic area and building, and the southern block allows for the connection between the two historic buildings to be understood. Additionally, the colour palette and materiality of the southern building contributes to reduced dominance in this landscape.

Alongside this reduction in height, I have considered the context and existing use of the site with over height buildings already constructed and a general intent for higher intensification as directed by recent legislation and implemented through the Proposed District Plan. Building heights as proposed have been widely consulted on through both the spatial plan and Draft District Plan. This Central Area site has been previously occupied by a 40 plus unit residential complex with the central building being over height and located along the ridge. Essentially this proposal can be understood as a replacement development, albeit with more development across the expanded site. This type of development is not unusual in itself and not unusual given the zoning of the site.

It is acknowledged that while there might be public interest in this proposal on account of its proximity to Pukeahu National War Memorial Park and other heritage features, it is considered that the amended design with eight and five storey towers, and muted colour palate for the southern tower, led by experts and reviewed by Council's Urban Design advisor Mr Burns and Council's Heritage advisor, Ms Stevens does not require the application to be notified on the basis of special circumstances.

Given the nature of the heritage values engaged and the experts' views of the effects, notification is unlikely to produce any additional material of substance to assist in resolving

that issue. Without being in any way determinative, I take into account that HNZPT and the Ministry for Culture and Heritage have provided a letter of support as well.

On this basis, I am satisfied that the circumstances of the application are not exceptional or unusual. Therefore, there are no special circumstances that warrant public notification under section 95A(9).

### **Public and Limited Notification Decision:**

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

## **ASSESSMENT OF ADVERSE EFFECTS**

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 existing environment
4. The NPS-UD.
5. The information provided in the application, including the conditions offered to mitigate the effects of the proposal.
6. The advice provided by relevant Council experts.

These are detailed below.

### **1. Permitted Baseline:**

Pursuant to sections 95D(b) and 95E(2)(a), in deciding whether the adverse effects on the environment will be more than minor and who is an affected person, I may disregard an adverse effect of an activity if a rule or national environmental standard permits an activity with that effect ('permitted baseline'). The proposed buildings would require resource consent, there is no 'permitted baseline' for the new buildings in the central Area.

### **2. Existing Environment:**

As detailed above the existing site contains five-storey apartment block constructed along the ridge parallel to Tasman Street. This apartment block is some 19.5m in height for a length of some 54m. It is set 134m east of Tasman Street boundary (at its closest point) and 24.5m south of Buckle Street. As noted above the site contains a total of 42 residential units and on-site parking and has a site coverage of some 40%.



Figure 5: Existing site plan (left) and proposed site plan (right).



Figure 6: Existing townhouses along Tasman Street



**Figure 7: Existing development on site. Apartment Block viewed from Buckle Street (left). Rear view of apartment block (right).**

I note the bulk and mass of the existing development is located centrally and to the south of the site predominately along the ridge with townhouses occupying the Tasman Street frontage to a height of two-storeys.

### 3. The District Plan policy 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...*”<sup>1</sup>. The Operative District Plan (ODP) continues to apply until the Proposed District Plan notification and appeal process has been completed. Under the ODP the site is located within the Central Area, where the objectives and policies<sup>2</sup> 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.

#### ***Operative District Plan:***

There are a range of Operative District Plan policies that apply to the development. In particular, the policies discussed below have informed my assessment of the proposal.

ODP Policy 12.2.5.1, 12.2.5.5 and 12.2.5.10. This policy requires that new buildings “*acknowledge and respect the form and scale of the neighbourhood in which they are located*”, recognising that a development that does not respect the form and scale of adjacent buildings may detract from the level of amenity available to the owners/occupiers of buildings on adjacent site. It requires that over height developments achieve design excellence and mitigate effects to an acceptable level. I considered this development in the context of the Central Area while considering the existing built environment on site, the proximity to the National War Memorial, and the ‘permitted baseline’ scenario afforded by policy 12.2.5.10.

ODP Policy 12.2.5.3. This policy encourages building mass to be managed in conjunction with height to produce a quality design outcome. This design has been through a number of design iterations and the resultant amended design addressed both mass across the site and height.

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

<sup>2</sup> Central Area objectives and policies, District Plan chapter 12

ODP Policy 12.2.5.4. This policy allows 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.

ODP 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”*. Given neither Pukeahu National War Memorial Park nor any items within it are listed in the ODP or by Heritage New Zealand Pouhere Tāonga (HNZPT) I have considered the ‘context of the site’ rather than a site abutting a heritage area (policy 12.2.6.3).

### ***Proposed District Plan:***

Since the lodgement of the original proposal the Council has notified the Proposed District Plan. This Plan represents a strategic shift towards greater intensification within the urban limits subject to meeting various outcomes.

There are a range of Proposed District Plan policies that apply to the development. In particular, the policies discussed below have informed my assessment of the proposal.

Policy CCZ-P4: This policy seeks to: *“Enable high density, good quality residential development that: (1) Contributes towards accommodating anticipated growth in the city; and (2) Offers a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities”*. This policy is relevant given the provision of 171 residential units to the Wellington pool which are made up of one-, two- and three-bedroom units.

Policy CCZ-P5: This policy seeks to: *“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”*. The site has a height control of 28.5m under the PDP with a built height to 29.3m for the northern tower, and the land is efficiently developed; and I therefore consider this policy relevant.

Policy CCZ-P9: This policy : *“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 in this assessment given the site’s location on the edge of the city ‘proper’ and scaled relationship to the Pukeahu National War Memorial Park.

Policy CCZ-P12: This policy seeks to: *“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”*. The relevance of this policy is with regard to anticipated higher density development and mitigation.

### **4. The National Policy Statement:**

The National Policy Statement on Urban Development (NPS-UD) is directly relevant to this proposal and provides both objectives and policies as guidance until such time as the NPS-UD

is implemented through a plan change<sup>3</sup>. The plan change, in Wellington City's case, is the Proposed District Plan, which has limited legal effect at this stage.

NPS-UD objectives and policies, I consider relevant to this assessment:

**Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.* The emphasis on changing amenity values in response to diversity and changing needs is considered relevant to this development.

**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"*. I note a height overlay for this site of 28.5 metre. This height reflects the 8-storey height in the Wellington Council Spatial Plan (the Spatial Plan), adopted on 24 June 2021, which sought to intensify development potential to meet the housing needs of the City's population and the requirements of the NPS-UD.

**Policies 1, 4, 5, 9(c) and 9(d)** of the NPS-UD require that the Council enables a variety of homes to meet the needs of a changing community, to modify heights and density.

**Policy 6(b)** requires decision makers to have particular regard to the following: *"that the planned urban built form .... may involve significant changes to an area, and those changes: (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect"*. I have regard to this policy where the effect of the changes on amenity effects of neighbouring sites and people, in the context of the ODP objective and policy framework are not, of themselves, an adverse effect.

The applicant's Design Statement seeks to compare the effects of the proposal against those that would occur if the site was developed to the maximum potential set by both the Spatial Plan and the Proposed District Plan. As detailed above, since lodgement, the Council has subsequently notified the Proposed District Plan which sets out the strategic direction for future growth in the Wellington District in line with the NPS-UD (and Spatial Plan) and as noted above both the NPS-UD and PDP policies and objectives provide a clear direction and I have had regard to them. The NPS-UD will be further addressed at the section 104 assessment.

#### 5. Applicant's Assessment of Environmental Effects:

On 1 September 2021 the applicant submitted an amended AEE to address the effects of reducing the height of the 10-storey northern apartment block to an eight-storey and the southern apartment block from nine-storey to five-storey. A change to the colour and materiality of the southern apartment block has also been submitted. The remainder of the development and proposal remains the same and is detailed in the original AEE.

The Addendum dated 1 September 2022, provides an assessment of the adverse effects of the proposal under the following headings: Urban Design (Central Area Urban Design Guide) – including 'townscape' and 'design excellence'; Heritage Effects; Wind Effects; and Shading Effects.

The Addendum AEE also includes the following plans and information:

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<sup>3</sup> Eden-Epson Residential Protection Society Inc v Auckland Council [2021] NZEnvC 082



Appendix 1 Drawings prepared by Athfield Architects Limited, titled “One Tasman Pukeahu Park” (project no. 20-42, dated August 2022):

- Proposed Site Plan – RC\_1.00 Revision 2
- GA Plans – RC\_1.01 to RC\_1.10 Revision 2
- Proposed Elevations – RC\_2.00 to RC\_2.03 Revision 2
- Proposed Sections – RC\_3.00 to RC\_3.03 Revision 2

**Note: Appendix 1 plans have been superseded by the plan set dated 20 October 2022**

Appendix 2 Southern Apartment Cladding Study

Appendix 3 Consultant Amended Comments:

1. Email dated 26 August 2022 from John Hardwick-Smith (Athfield Architects), confirming other aspects of the original design remain the same and the Design Statement remains unchanged.
2. Email dated 23 August 2021 from Adam Wild (Archifact Architecture and Conservation), confirming his original advice remains the same.
3. Email dated 26 August 2021 from Deyana Popova (Urban Perspectives), confirming her original townscape assessment and conclusion around ‘design excellence’ remains unchanged.
4. Email dated 26 August 2021, Neil Jamieson (WSP), confirming there is no detrimental effect on the wind environment from the reduced height.

Appendix 4 Sun Studies

Appendix 5 Height Plane Diagram

Appendix 6 Townscape Views

**Note: Appendix 6 townscape views have been superseded by the set dated 20 October 2022**

Section 5 of the applicant’s originally submitted AEE (dated 7 October 2021) provides an assessment of the adverse effects of the (original) proposal under the following headings: Building Height Effects; Urban Design (Central Area Urban Design Guide) – including ‘townscape’ and ‘design excellence’; Heritage Effects; Cultural Effects; Wind Effects; Shading Effects; Noise Effects; Transportation Effects; CPTED Effects; Earthworks Effects; Civil Design/Infrastructure Effects and Temporary Construction Effects.

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

- Appendix 1 Architectural Design Statement, prepared by Athfield Architects Limited (reference 20.42, September 2021)
- Appendix 2 Landscape Design Statement and Plans, prepared by Wraight + Associates Landscape Architects (reference 2115, 05/10/2021) **Plan now superseded.**
- Appendix 3 District Plan Objectives and Policies Assessment
- Appendix 4 District Plan Audit
- Appendix 5 Record of Pre-application Consultation
- Appendix 6 Urban Design Assessment, prepared by Deyana Popova of Urban Perspectives Limited (30 September 2021)
- Appendix 7 Townscape Views, prepared by Athfield Architects Limited (reference 20.42, September 2021) **Now superseded.**
- Appendix 8 Heritage Assessment, prepared by Archifact Limited (September 2021)

Appendix 9	Cultural Effects Assessment, prepared by Raukura Consultants (September 2021).
Appendix 10	Wind Tunnel Study, prepared by WSP (reference 21-529P79.00, 17 September 2021).
Appendix 11	Sun Studies, prepared by Athfield Architects Limited (reference 20.42, September 2021)
Appendix 12	Acoustical Design Report, prepared by Marshall Day Acoustics (reference Rp 001 r04 20210604, 15 September 2021)
Appendix 13	Transportation Assessment, prepared by Stantec (project no. 310204761, 17/09/2021)
Appendix 14	CPTED Assessment, prepared by Stoks Limited (v3, 17 September 2021)
Appendix 15	Structural Effects and Construction Methodology, prepared by Dunning Thornton Consultants
Appendix 16	Contaminated Land Status Letter, prepared by Tonkin + Taylor (job no. 1017965, 13 September 2021)
Appendix 17	Civil Engineering Services Report, prepared by Aurecon (reference 512101 rev A, 2021-08-31).
Appendix 18	Draft Construction Management Plan, prepared by LT M <sup>c</sup> Guinness (August 201).

**And:**  
Architectural  
Plans **Now superseded.**

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

1. Email dated 9 November 2021, with response to points raised
2. Letter from HNZPT with feedback on the proposal, dated 8 October 2021
3. Consultation summary between the applicant and HNZPT
4. Additional plan prepared by Stantec titled "Tracking Paths for 8m Rigid Truck", drawing C001 rev A, dated 05/11/2021
5. On 30 November 2021 the applicant provided an addendum to the AEE and Memorandum prepared by Archifact (dated 26 November 2021).
6. Email dated 20 June 2022, with response to points raised by WWL
7. Letter from Neil Jamieson (WSP) Wind Mitigation Study dated 29 March 2022
8. Additional plans prepared by Athfield Architects titled "Pedestrian Canopy" dated 17/12/2021
9. Additional plans prepared by Wraight and Associates Ltd, titled "Wind Screen Study" dated 31/05/2022
10. Additional 'Sun Studies' prepared by Athfield Architects dated 26/08/2022
11. Email dated 14 September 2022, response to height and number of units form Willis Bond
12. Email dated 21 October 2022 providing final drawing sets and clarifying amendments

On 23 October 2022 the applicant provided a complete set of plans, elevations and townscape views with slight amendments to the design detail. As noted earlier the footprint remains the same as does the height of eight and five storeys.

1. Drawings prepared by Athfield Architects Limited, titled "One Tasman Pukeahu Park" (project no. 20-42, **dated 20 October 2022**):
  - Proposed Site Plan – RC\_1.00 Revision 2
  - GA Plans –RC\_1.01 to RC\_1.10 Revision 2
  - Proposed Elevations – RC\_2.00 to RC\_2.03 Revision 2
  - Proposed Sections – RC\_3.00 to RC\_3.03 Revision 2
2. Townscape views set, dated 20 October 2022

3. Wraith + Associates Ltd Landscape Concept Plan, Drawing dated 21 October 2022

**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**

<b>Advisor</b>	<b>Area of Expertise</b>	<b>Date</b>
Morten Gjerde Andrew Burns	Consultant Urban Design Advisor Consultant Urban Design Advisor	30 November 2021 22 September 2022 3 November 2022
Chessa Stevens	Consultant Heritage Advisor	22 November 2021 9 September 2022 1 November 2022
Mike Donn	Consultant Wind Expert	28 November 2021 27 September 2022
Patricia Wood	Transport and Vehicle Access Engineer	16 November 2021 13 September 2022
John Davies	Senior Earthworks Engineer	27 October 2021 2 September 2022
John Davies	Contamination Expert	28 October 2021 2 September 2022
Shane Crowe	Encroachments Advisor	10 November 2021 2 September 2022
Lindsay Hannah	Acoustics Engineer	17 November 2021 6 September 2022
Zeean Brydon	Consultation Engineer (Wellington Water)	24 November 2021 19 September 2022
Robert Hon Golnaz Nazem	Waste Engineer Waste Engineer	18 October 2021 14 September 2022
Ben Brown Bob Barber	Senior Compliance Officer Team Leader Compliance and Monitoring	3 November 2021 7 November 2022

These assessments are saved on the electronic record of the application and are available on request.

**Potential Adverse Effects:**

The effects of the proposal are assessed below under the following categories:

- Building Design/Design Excellence
- Building Height/Mass
- Heritage
- Views / Cityscape
- Wind
- Amenity
- Encroachments
- Traffic
- Acoustic Design
- Earthworks
- Construction
- Signage
- Contamination
- Servicing

### Building Design (including /Design Excellence):

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

The Architectural Design Statement provided at appendix 1 describes the original proposal in detail. In an addendum to this statement, provided for the eight-storey and five-storey amendment (26 August 2022), John Hardwick-Smith, Athfield Architect Principal noted “*As the amendments are localised to a reduction in height of the North and South apartments, we confirm other aspects of the design remain as per the original application, and therefore confirm there are no new or additional adverse effects in these areas from the advice already provided in our original statement*”.

In section 3.1 of the originally submitted Architectural Design Statement, the client’s brief to the design team was: “*[To] provide a high quality comprehensive residential development commensurate with the value, quality and premium location within Wellington*”. It is also noted that the proposed design seeks to optimise:

- The quality of accommodation in terms of amenity, safety, sustainability and resilience.
- The range of accommodation types, providing for a range of demographics and price points.
- The quantity of accommodation, in line with the NPS-UD

The design approach is discussed at section 3.3 of the Architectural Design Statement where it is noted that various other designs were considered, including a more uniform six storey height across the site. It is also noted prior to lodging the application the proposed design was discussed by an Urban Design Panel (20 May 2021).

The Architectural Design Statement identifies the following elements that, in the applicant’s view, achieve a design that meets the provisions of the CAUDG:

- The proposed design allows for a varied and dynamic building composition across the site, greater variation in apartment type, better configuration of open space areas within the site, improved amenity for the apartments.
- Pukeahu Terrace Houses and the Buckle Street Houses have modest heights and materials that reflect the scale of the Mt Cook Police Station building and listed heritage wall` and provide a transition between Pukeahu National War Memorial Park and the taller tower elements. Additionally, these buildings provide for activation and passive surveillance at this interface.
- The varied scale of the buildings and separation between the two towers (achieved through the purchasing of the site at 23 Tasman Street) defers to the presence of the Carillon and results in sympathetic relationship within the wider heritage-rich context.
- Base isolation of the two tower buildings achieves high quality resilience.
- Carparking is generally concealed from the street. A large number of bicycle parks are provided, thereby supporting alternative transport modes.
- The building is self-sufficient in terms of providing amenity to the occupants, with apartments having access to light and outlook on an ongoing basis due to fact that no further development will occur to the north or west, and boundary setbacks are provided to the south and east.
- No fixed plant will be visible from the street.
- The proposal includes sustainable design elements, targeting 7-Star Homestar v4 Certification. Environmentally sustainable elements are set out at section 3.11.

- Safety / Crime Prevention Through Environmental Design (CPTED) has been considered at the design stage and the proposal incorporates measures to achieve on-site and public safety.

The Architectural Design Statement also provides a comprehensive assessment of the design features that, in their view, result in a design that exceeds the expectations of the objectives and guidelines set out in the CAUDG. On this basis, they conclude that the proposal achieves ‘design excellence’ (refer to section 3.16).

Deyana Popova (Urban Designer – applicant) has also assessed the original 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”. She has since provided an amended statement (dated 25 August 2022) based on the change in the height of the northern and southern apartment blocks, in which she stated:

- *The urban design outcomes of the amended proposal, although slightly modified will, in my view, be similar to the outcomes of the original proposal and therefore will be consistent with the Central Area Urban Design Guide.*
- *Similarly, the proposed changes do not alter my conclusion on ‘design excellence’, including the original recommendation for a condition requiring a review of the final detailed design of the proposal prior to lodging for building consent.*

At section 4.2.2 of her original assessment, Ms Popova identifies the design features that achieve a positive relationship to the context of the site, in particular the heritage features. These include:

- Positioning and massing the tall elements in a way that respects the axial composition of the National War Memorial and Carillon and moderates the impact on visual connections to these.
- Distributing the mass across the site and providing a scale transition at the adjacent street edges.
- Referencing the scale, texture and materiality of the immediately adjacent heritage buildings/elements and spaces.

Further assessment in relation to these matters, along with the other CAUDG objectives and guidelines, is provided in Ms Popova’s assessment at appendix 6 of the original AEE. Notably, at section 6 of her assessment, Ms Popova provides an assessment in relation to design excellence and states that the proposal will achieve this outcome (which will be further addressed in the building height section below).

Overall, Ms Popova is confident that the proposal aligns with the intention of the CAUDG. At section 7 of her original assessment, she provides a summary of her conclusions, noting that:

- The proposal is for a large-scale comprehensive development in an area surrounded by publicly important buildings and spaces. While the current height limits for the site are exceeded, the overall building bulk/mass is within the expectations of the [Operative] District Plan.
- The sensitive nature of the receiving environment calls for a comprehensive development approach, which has been undertaken. As a result of this, the design of the development achieves the objectives of the CAUDG; results in an acceptable visual outcome within the immediate and wider townscape; and achieves design excellence.

While the above relates to the design as lodged Ms Popova has confirmed in writing (25 August 2022) to Council that her comments (in relation to the original proposal) above apply to the amended proposal and the above is taken as such.

Mr Burns has undertaken a review of the revised design utilising the previous assessments provided by Dr Gjerde and reviewing Ms Popova’s assessments. Mr Burns concludes: *“Design Excellence is achieved by the original proposal as assessed in the UDA and the report by the Urban Design Panel. Notwithstanding the issues for Building E [reduced height], I agree with those conclusions and find the amended proposal also achieves Design Excellence. Additionally, I find the amended proposal can be supported from an urban design perspective in relation to both the CAUDG and Design Excellence”*.

It is noted that Dr Gjerde, who reviewed the original design (10-storey and nine- storey) also concluded that this design achieved design excellence noting that the proposal demonstrates design coherence as the massing of build form across the site, the specific heights of the building and the way the taller forms are stepped at the street edges, the engagement development site and the streets and the legibility of the spaces between the buildings all contribute to the coherence of the design”.

I acknowledge the comprehensive assessments provided by Ms Popova, Dr Gjerde and the architect, and Mr Burn’s assessment of the amended proposal. I agree that the overall proposal aligns with the objectives of the CAUDG and meets the test of design excellence. I also acknowledge that based on the advice provided, that the design response is appropriate for the site and the surrounds.

Building Height/Mass:

Table 1 sets out the heights of the five proposed buildings as submitted in the amended application in August 2022. Buildings B, C and D meet the 18.6 metre height limit for the site, whereas the two tower buildings (buildings A and E) are in excess. Building A (the northern apartment block) is more than 35% higher than this limit. Building E is within the 35%.

Based on these early discussions and a number of modelling scenarios, through this iterative process the applicant reached the current height design position. Mr Burns accepts the applicants’ position that it was through the pre-application meetings and Design Panel process that it was concluded that a podium tower design response was a better response to the context of the site and surrounding heritage features. The applicant has also provided a number of townscape images that show the proposed buildings against the backdrop of the existing urban form (refer to appendix 7), which Ms Popova has assessed at section 5 of her original Urban Design Assessment.

As has been discussed in the Building Design section of this report, the proposal has been designed as a comprehensive development, and seeks to respect the context and not be visually dominant in relation to the heritage buildings (in particular the National War Memorial). This has had an influence on the heights of the two tower buildings, as well as the distribution of buildings throughout the site. Most notably, the purchase of the site at 23 Tasman Street has enabled the applicant to separate the two tower blocks further than was originally proposed. The applicant notes that the separation, along with the high-quality design and retention of large areas of undeveloped space within the site assist to mitigate the effects of the building height.

With regard to respecting the context there has been a number of discussions and iterations around the heights of Buildings A and E (the northern and southern tower blocks). As indicated in the applicant’s urban design assessments they took guidance from the pre-application

meeting advice and the Urban Design Panel advice with regard to the relationship of height to the neighbouring heritage features where the *“design of the individual tower building tops should be simple, clean and unarticulated to be viewed as ‘ground’ with the Carillon beyond as the figural element”*. It is understood that this has driven the design response for the site with the ‘two towers’ being the dominant visual features

Further the existing situation has a similar layout and footprint as the proposal with an over height central apartment block running north – south along the ridge and set back similarly from Buckle and Tasman Streets. Massing is not dissimilar with the location of the bulk central to the site and the over height dimension to the north. Effectively neither development exceed the massing requirement while both exceed height, with the greatest exceedance at the northern end of the site. While noting the CCZ heights have no legal effect as they are still going through the submission and decision process the height was set lower for this site to acknowledge the Carillon. As guided by both ODP Policy 12.2.5.4, and PDP Policy CCZ-P12 I must consider *“the evolving, higher density development context anticipated in the City Centre Zone”* and in the light of the guidance provided by the experts in Urban Design I conclude that the reduced height and mass are in line with the general intent to provide for greater density and height in the Central Area while balancing the impact on nearby Heritage listed items.

Ms Popova’s assessment is that the effects associated with the over-height buildings are mitigated as these do not occupy the whole site, but rather the height of the taller buildings is off-set by the lower buildings and areas of open space within the site. These effects are also mitigated by design elements such as the massing of the buildings, set-backs from adjoining streets and adjacent sites, façade articulation and the use of materials that complement the existing heritage buildings.

In terms of building height, Dr Gjerde has commented that the design approach and massing of the development as a whole results in a positive design outcome. He also notes that Buildings B and C off-set the more imposing heights of Buildings A and E and provide more human-scale building forms at the street edge.

Further assessment undertaken by Mr Burns of the buildings’ height and bulk across the site notes: *“[Dr Gjerde’s urban design assessment (UDA)] correctly identifies five objectives for assessment. Street edge definition and building alignment is well-supported by the amended proposal along Old Buckle and Tasman Streets. Whilst heights vary along street edges, the UDA concludes the aims of G3.4 (re consistency) are achieved due to overall coordination and buildings and spaces, and I agree with that position.*

*Building bulk has been addressed in the UDA concluding that the compositional form of Building A mitigates bulk. The lower heights of B and C moderate and transition bulk into Tasman Street. The retained tree (Old Buckle Street) and new landscape elsewhere supports mitigation of bulk. Building E hard against Tasman Street is mitigated by veranda and transparent live/work facades. Outlook and light are achieved due to the distribution of buildings and open spaces. Regarding ‘positive open spaces’, the proposed through-block link between buildings A and E is noted in the UDA as positive and I agree that it affords views of the Carillon from the east”*.

I adopt the advice of Mr Burns as it relates to Design.

### *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 a street level and in the distance and are therefore required to visually enhance the cityscape.

Ms Popova has provided an analysis of design excellence and conclude that the proposal achieves this.

Mr Burns has reviewed the amended proposal and the test of design excellence and notes “*I consider height/bulk to be critical to excellence and prefer the Panel’s comments in this regard (paragraph 10, page 2). The only reservation relates to the amended proposal’s overly squat and less coherent outcome for the south building relative to the north building. However, that does not change my overall conclusion that excellence is achieved*”.

Dr Gjerde’s assessment of the original proposal is that the proposal as a whole achieves design excellence due to its complexity, physical qualities (i.e. structural resilience), the design approach and other matters. I acknowledge Dr 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).

I acknowledge both Dr Gjerde’s and Mr Burns’ assessments and recognise that while building height is critical to design excellence, in this case, across the entire site, the proposed amended design achieves ‘design excellence’.

#### Heritage:

Operative District Plan Policy 12.2.6.3 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*”. In addition, Objectives O2.2 and O3.2 of the CAUDG provide for an assessment of heritage effects. Proposed District Plan Objective CCZ-O7 also requires adverse effects to be managed *at the interface with heritage buildings, heritage structures and heritage areas*.

The subject site does not contain any listed heritage items but is located in an area where there is a concentration of these. It is also noted that the context has recognised cultural value, being an area of pre-European occupation and a site of significance to Māori.

Listed heritage items in the immediate context are listed in Table 3. I note that further details in relation to each item are available at the following links:

<https://www.heritage.org.nz/the-list>

<https://www.wellingtoncityheritage.org.nz/search-results?q=buckle+st&tpl=>

<https://www.wellingtoncityheritage.org.nz/search-results?q=basin+reserve&tpl=>

**Table 3: Listed Heritage Items**

<b>Heritage Item</b>	<b>Operative District Plan reference</b>	<b>HNZPT reference</b>
National War Memorial and Carillon	16/40	1410, category 1
National Art Gallery and Dominion Museum	16/41	1409, category 1
Home of Compassion Crèche	16/42	3599, category 1
Mount Cook Police Station	16/43	1408, category 1
Tasman Street Brick Wall	16/43	7758, category 2



Former Army Headquarters Building	12/424	7518, category 2
HMNZS Olphert	12/425	
Basin Reserve Historic Area	-	7441
Basin Reserve Pavilion	-	1339, category 2
William Wakefield Memorial	16/11	1441, category 1
Museum Stand	16/449	-

Heritage and cultural effects are addressed at sections 5.3.3 and 5.3.4 of the applicant's (original) AEE respectively, and at appendices 8 and 9. In addition, there is a letter of support from the Wellington Tenth Trust at appendix 5.

Within the Cultural Impact Assessment prepared jointly on behalf of the Port Nicholson Block Settlement Trust and the Wellington Tenth Trust (appendix 9), it is noted that due to past earthworks and development on the site it is unlikely that items of cultural significance will be discovered. Nonetheless, the applicant has offered to enter into an Accidental Discovery Protocol, so that if any items of potential significance to iwi are unearthed suitable processes will be followed.

The applicant has also provided a letter from HNZPT (dated 8 October 2021) in full support of the (original) proposal. HNZPT acknowledges the design process that the applicant has undertaken and is satisfied that the resultant design *“does not dominate the surroundings, both the surrounding heritage elements and the National War Memorial settings”*, which will continue to manage to hold their own. In addition, the residential units overlooking Pukeahu National War Memorial Park will provide *“excellent oversight of the park at all times of day and night”*, thereby assisting to reduce anti-social behaviour within the park and around the listed buildings.

Adam Wild, of Archifact is the applicant's heritage advisor. In an email dated 23 August 2022 Mr Wild confirms he considers his earlier assessment is still applicable at the reduced heights of the Buildings A and E. which is generally as follows Turning to the effects on the buildings within the context of the site, Mr Wild concludes that the proposal:

- Represents an appropriate and supportable scheme that respects the identified historic heritage values of the adjacent and nearby heritage buildings, elements, and spaces, while minimising effects.
- Enhancing heritage values and the wider public benefit.
- Uses massing, height, scale and proportions, architectural forms, detailing and materiality to respect and be sympathetic to, the nearby heritage; with the tower heights being a site-specific response to the particular and distinctive topography of the site.
- Respects and maintains the character and significance of the individual and collective heritage elements and enable their continued appreciation and interpretation.
- Retains the focal status of the Carillon tower and National War Memorial.
- Overall *“demonstrates a commitment to respecting, maintaining, and enhancing the nearby heritage buildings, and the wider heritage and urban context, providing a positive and appropriate outcome with a resultant less-than-minor adverse effect on heritage values”*.

Ms Stevens (Heritage Advisor- Council) raised concerns about the original proposal submitted in 2021, with regard to height and cladding: the 10-storey and 9-storey tower blocks were both finished in white, and she noted that the towers may dominate and obscure views of the National War Memorial and permanently alter the skyline along the Pukeahu ridge. Subsequently the proposal has been amended to reduce the height of both the northern and southern tower blocks and introduce a more neutral colour to the cladding to the southern

tower. The following assessments (dated 22 November 2021 and 9 September 2022) by Ms Stevens, is specifically in relation to the amended proposal.



**Figure 8: View of Carillon from Mt Victoria Tunnel showing (top) existing and (below) eight-storey at a height of 29.3m and five-storey at 19.5m.**

Ms Stevens acknowledges the amended ‘reduced height’ application received in August 2022, has been put forward based on the applicant attempting to address her concerns around diminishing the context and setting of the surrounding Heritage values in the surrounding area. The selected option has an eight-storey tower at the northern end of the site and a five-storey tower at the southern end of the site. The proposed colour of the cladding of the Southern Apartments has also been changed from white to “more neutral greys”.

A number of views/viewpoints were considered in the relation to the visibility of the Carillon itself and the visibility of the relationship between the Carillon and the former museum.

One viewpoint considered by Ms Stevens to have significant merit was across The Basin Reserve from the Mt Victoria tunnel and surrounding walkways, looking west towards the Carillon and the former museum. Careful consideration has therefore been afforded to the effects on this viewpoint.

Another viewshaft Ms Stevens considered important was to the north (Pukeahu Park) and north-east (corner of Kent, Cambridge and Buckle and Ellice Streets) looking south and east. Ms Stevens notes the eight-storey northern tower is substantially higher than current ODP height control but acknowledges the visual impact is mitigated, from Pukeahu Park, “*by breaking up the tower form with vertical and horizontal stepping and a variation of materials*”. She goes on to say: “*As evidenced by previous design work undertaken by the Applicant, if the Northern Apartments were to be any higher, its dominance in relation to the*

*Carillon would increase, negatively impacting on its landmark significance*". I consider that in the round the height is acceptable and that any higher than eight storeys may have a more than minor effect.

Ms Stevens notes: *"[The amended proposal] allows the relationship between the Carillon and the former Museum to be read within the heritage landscape from these views from long established views, including from the Mt Victoria Tunnel across the Basin Reserve, and from within the Basin Reserve itself, because the Southern Apartments are set at a height of 5 storeys"*.

Ms Stevens goes on to say: *"The view of the Carillon and former Museum from the intersection of Buckle and Ellice Streets with Kent and Cambridge Terraces is still substantially obscured by the Northern Apartments; however, it is acknowledged that a development to 18m in height on this site would also be likely to obscure this view. The Northern Apartments also affects the setting of Pukeahu Park and the Home of Compassion Creche at the eastern end of the Park"*.

This is shown in the viewpoints provided by the applicant in Figure 9.



**Figure 9: View of Carillon from the intersection of Kent and Cambridge Terrace and Buckle and Ellice Streets with (top) existing and (below) eight-storey at a height of 29.3m.**

Views of the Carillon from The Basin Reserve have also been carefully considered and partly driven the response to drop the heights of the north and south apartments. This is demonstrated in Figure 11 below.

Further Ms Stevens notes: *"[The amended proposal] is considered to be acceptable on heritage grounds, but it is very finely balanced. Any changes to [the amended proposal], particularly changes in the height, bulk and mass of the Northern and Southern Apartments, are likely to increase negative heritage effects"*.

In relation to the minor amendments put forward October 2022 Ms Stevens stated that (dated 2 November 2022): *"Considering the proposal as a whole, while there is a discernible closing of the space between the Carillon and the Northern Apartments [from the earlier proposals] when the proposal is viewed from the east (views 01 and 04), the landmark status of the Carillon or the former Museum remains intact, and the relationship between them remains legible. Therefore, the revised proposal does not materially change the conclusions of the assessment given in my Addendum"*.

I have also considered views from the north and northwest as set out in The Te Aro Corridor Design Guide, Appendix 2 of the CAUDG, where TAG1.1 notes the importance of maintaining *a significant contrast* in height between the National War Memorial and any development to the north and west of this building. While the current site does not fall within the area described in the design guide Dr Gjerde notes that from the north and northwest of the park, the development would not challenge the prominence of the National War Memorial and Carillon.

I have considered whether this application may have a precedent effect in that it establishes some additional height and mass around the Carillon when viewed from afar. But in light of the PDP objectives and policies and expected level of development it signals and given any future applications would be assessed on their unique set of circumstances, and even though it is a non-complying activity, I do not consider that I can put any significant weight on precedent effect as a relevant factor.

Careful consideration has been given to how the proposal will impact on the setting of the Carillon and other significant heritage features. The proposal itself has been significantly re-designed to respond to concerns raised around the original design's impact on this setting to the point that the respective advisors are in support of the current, amended design. Based on this, overall, I have considered the advice provided by the applicant's heritage advisor and Council's heritage advisor and conclude that the effects of the proposal on heritage (setting and context environment) are not more than minor. The effects on any persons in relation to heritage are less than minor.

Views/Cityscape:

The impact of the proposal in relation to how the over height elements of the buildings has been assessed above by both the Urban Design and Heritage experts. Careful consideration has been given during the re-design of the buildings from that originally lodged to how views of the Carillon and War Memorial might be compromised by various building heights. It has been demonstrated by the applicant in the various images and montages provided that the reduction in building heights has minimised the impact on views and settings of the Carillon and War Memorial as viewed from mid to long distance views and in particular when viewed from the Mt Victoria tunnel. In relation to near views as described by Ms Stevens, a development to 18m would also be likely to obscure these views.



**Figure 10: View of Carillon from Pukeahu Park: (top) existing and (below) the northern apartment block at a height of 29.3m.**

Mr Burns has additionally assessed in his report, the relationship the development has to the context. He agrees with the Dr Gjerde’s original assessment and accepts the heritage position such that the amended proposal will relate well to its heritage context.



**Figure 11: View of Carillon and National Museum building from The Basin Reserve on the eastern bank: (top) existing and (below) eight-storey northern apartment block at a height of 29.3m with five-storey southern block indiscernible.**

Overall, I consider the effects of the amended development on the cityscape and long views of the development are not more than minor. The effects on persons being considered less than minor given the distances and number of viewpoints available.

Wind:

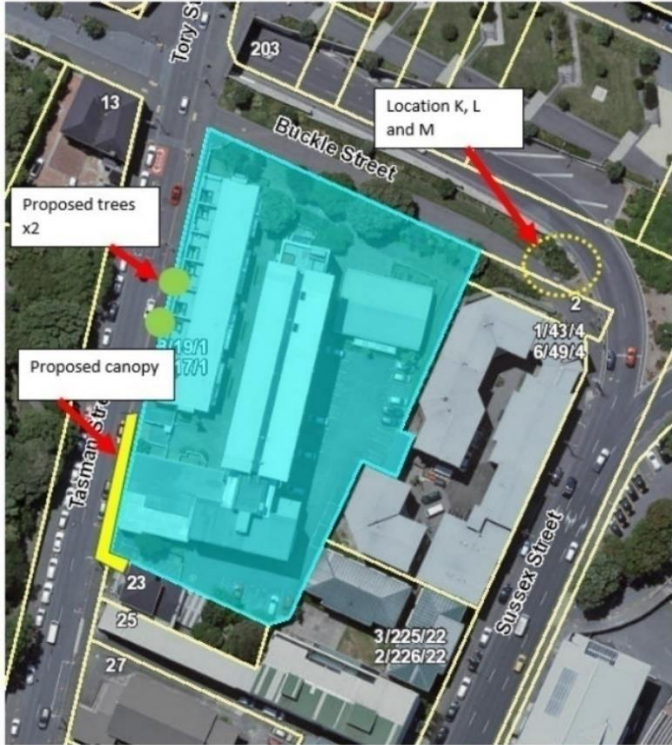
Within Wellington City, the wind effects resulting from any new multi-storeyed building are an important and relevant matter. Displacement of wind into public spaces from new building development exceeding 18.6 metres in height is scrutinised closely as adverse wind effects have the potential to impact on the amenity of the surrounding streets and public places and to change the way the public experience that environment. ODP policies 12.2.5.6 to 12.2.5.9 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.

The site has frontage to both Buckle Street in the north and Tasman Street in the east. As shown in Figure 12 (below).

Both of Tasman and Buckle Streets are used by pedestrians and therefore safety and amenity need to be taken into consideration. I have reviewed the Council’s pedestrian count data, which reveals that Tasman Street has higher than average pedestrian counts. Thus, the wind effects in this location have the potential to detract from the public’s safe use of this highly used route between the southern suburbs and the City. The count is much lower in Buckle Street with data showing that for 7am – 9am on an average Monday to Friday, in Buckle Street (west of the Basin) 71 persons/per hour are inbound and 26 persons/per hour are outbound. This is three times less than the foot traffic in Tasman Street.

With regard to the proposed wind response (mitigation) this has been through a design mitigation process to address concerns around pedestrian experience (section 7.5 of Wind Report Appendix 10). The two towers, while reduced in height are set back from both Buckle and Tasman Streets and lower buildings about the pedestrian environment. This placement, variety of forms and heights and overall reduced heights of the northern and southern towers,

are factors which contribute to a more appropriate wind environment than would otherwise occur. Some redesign was undertaken as a result of the wind test tunnels as noted in section 7.5 of the WSP report (Appendix 10) and are an appropriate design response to mitigate the wind environment:



**Figure 12: Subject site and proposed wind mitigation and location of K, L and M.**

While it is acknowledged that that while wind tunnel testing was undertaken for the 10 and 9 storey development no specific wind tunnel test has been undertaken for the eight and five storey tower designs, Mr Jamieson of WSP has confirmed however the amended reduced height (eight and five storey tower blocks) will have no detrimental impact on the wind environment compared to that which was originally tested (email dated 25 August 2022) which Council’s wind advisor Dr Donn has reviewed. It is understood from the modelling and options chosen the following wind parameters were assessed: the safety criteria of a maximum gust speed of 20m/s, an acceptable level of comfort and the change in “frequency of occurrence” to limit the overall deterioration in wind conditions. Of concern were the findings in Tasman Street on the eastern side with an increase of more than 2m/s over the safety threshold at some locations and at 15 locations in Tasman Street most exceeded 20m/s for more than 20 days cumulatively. In Buckle Street the same tests indicated an increase of more than 2m/s for most locations with significant gust speeds 20m/s for more than 20 days cumulatively indicated at K, L and M as a result of the development with the mitigation in place.

As set out by Mr Jamieson and as set out in the Dr Donn’s report (dated 27 September 2022), the wind exceedances on Tasman Street identified above can likely be dealt with through the mitigation measures for the high pedestrianised areas in Tasman Street by the proposed canopy along the eastern elevation of the southern apartment block, and two large trees and underplanting as offered by the applicant. A condition has been offered by the applicant that further wind modelling is undertaken to confirm that this is achieved and if not, additional mitigation required to achieve this reduction. It is noted that no wind speeds along Tasman Street exceed the significant gust speeds of 20m/s as a result of the development with the mitigation in place.

Final mitigation responses for Buckle Street, the lower pedestrian area, will be dealt with by a condition of consent offered by the applicant once specific wind tunnel modelling has been undertaken. As this is a lower pedestrianised area this is considered an appropriate response and way to manage any potential effects. It is noted that Dr Donn has agreed if the agreed mitigation is employed that effects of wind are acceptable. This is detailed as per below.

In Dr Donn's final review of the proposal at eight and five storeys (dated 27 September 2022) based on the updated wind analysis provided by Neil Jamieson of WSP on 29 March 2022, he notes:

- *The canopy (Option 2) on the South building should be included in the approved design as it has some positive value on the two WCC performance criteria: safety, and reduction in the general deterioration of the wind. It should be complemented by tall trees and associated wind break structures with installation conditions that ensure the ongoing provision of wind shelter to the footpath on the eastern side of Tasman Street.*
- *The proposed large trees to be planted on the east side of Tasman Street adjacent to the building on the corner of Tasman Street and Old Buckle Street make a positive contribution to achievement of both the WCC wind performance criteria.*
- *The wind tunnel tested canopy over the footpath on the west side of Tasman Street does nothing to reduce the effect of the building on that wind environment. It is likely that the only way shelter might be provided against this type of safety and general wind environment deterioration would be a wall along the street edge of the footpath.*
- *The proposed design options for windbreaks near the north-eastern corner of the site and submitted for consideration do not appear to match the aerodynamic properties tested in the wind tunnel tests. A more continuous form of windbreak with appropriate consideration of CPETD and overall porosity properties and placed close to the footpath is recommended.*

*There seems every reason to recommend acceptance of the design proposal as is, subject to agreement of the conditions around the canopy and trees on Tasman Street and agreement to find a wind screen solution to the wind at the north-eastern corner of the site.*

I agree with Mr Jamieson and Dr Donn's assessments and subject to the conditions offered being implement I consider the Tasman Street pedestrian wind environment can be adequately mitigated by the proposed wind mitigation measures and Buckle Street wind environment will be further tested by way of condition as agreed by the applicant. I consider, overall, the pedestrian environment effects to be not more than minor. The effects on persons from wind are considered to be less than minor.

#### Amenity:

The District Plan policy framework actively seeks to intensify development within the Central Area and to achieve this outcome the District Plan generally allows sites to be developed to their full potential, with the focus being on maintaining levels of public rather than private amenity. Nonetheless, as the proposal is for a Non-complying Activity, a wider consideration of the effects of the proposal is appropriate. Taking into account the assessments above, I have considered whether there will be the potential for adverse effects on public amenity, or the amenity experienced at any adjoining sites.

With respect to public amenity, I note:

- The proposed tower buildings are set back inside the site. The northern tower will be located behind Buildings B and C, which provide a graduation in scale and reduce the visual dominance of the taller building as viewed from Pukeahu National War Memorial Park. The southern tower is closer to the road (at the southern end of the site) but achieves a positive relationship with the street at ground level and introduces verandah cover, which provides a human scale element and reduces the perceived visual bulk of this five-storey tower.
- While the primary purpose of the verandah along the western elevation of the southern tower is to mitigate adverse wind effects, this will also provide pedestrian cover. I note that the District Plan does not require verandah cover along Tasman Street.
- The localised wind effects have the potential to detract from the current levels of amenity (pedestrian safety and comfort).
- None of the public open spaces protected from shading are in close vicinity to the subject site. In addition, as Pukeahu National War Memorial Park is to the north it will not experience shading. This is confirmed in the applicant's shading diagrams (appendix 11).
- The over-height buildings will be visible both within the immediate context and in long range views from public spaces including the western slopes of Mount Victoria, Pukeahu National War Memorial Park and the Basin Reserve. I have visited the site and surrounding suburbs and consider that the Carillon is a landmark that is highly visible 'in the round' and that while it is not within a protected viewshaft, Appendix 2 of the CAUDG clearly seeks to protect its landmark nature. Ms Stevens has carefully considered this amenity in her assessment of the reduced height towers and the development overall. She concludes "*Due to its position, larger floor plate, and greater height, the Northern Tower obstructs the setting of the Carillon from certain positions in the vicinity of the development; however, this is considered to be acceptable when the [amended proposal] is considered as a whole*".

Therefore, based on Mr Burns, Dr Gjerde, Ms Popova and Ms Steven's assessment and acknowledging the National War Memorial given its importance on a public scale, with both landmark status and symbolic status, the proposal as amended is considered to be acceptable and create a not more than minor adverse effect on public amenity (as well as heritage) with the effects on persons being less than minor.

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

In considering the effects on private amenity I am guided by the following policies:

- ODP Policy 12.2.5.1. This policy requires that new buildings "acknowledge and respect the form and scale of the neighbourhood in which they are located", recognising that a development that does not respect the form and scale of adjacent buildings may detract from the level of amenity available to the owners/occupiers of buildings on adjacent sites, including apartments. The policy provides a level of protection to adjacent sites as appropriate design ensures that new buildings within a view, while impeding that view, will not have a detrimental visual effect.
- ODP Policy 12.2.5.2. This policy encourages building mass to be used as a mechanism to ensure that the effects of new buildings are avoided, remedied or mitigated on site to ensure that new buildings are self-sufficient in providing for the amenity of their occupants. The explanation to this policy notes that where there are existing buildings



with “principal windows to habitable rooms located on (or very near) the common boundary” ... “the Council will work with the developer to explore whether the new building can be sited and massed in a manner that allows the neighbouring residential units to retain some degree of daylight and outlook”.

- ODP Policy 12.2.5.10. This policy implies that consideration will be given to the amenity experienced in other Central Area properties but allows for a consideration of ‘permitted baseline’ scenarios. In this case, this would require a reduction in the height of each tower building to 18.6 metres.
- PDP Policy CCZ-P12. 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.

The proposal represents a change to the existing environment, with new buildings of varying heights. I acknowledge that the design incorporates a set-back from the southern boundary (provided by the site at 23 Tasman Street) and lower building heights at the interface with the western boundary.

At appendix 4 of the amended application the applicant has provided a set of shading diagrams that demonstrate the shading effects of the proposal over the year and with regard to the greater environment. Additional shading diagrams were provided in August 2022 specifically addressing shading to the south. This information is useful in assessing the shading effects generated by the proposal, particularly in light of the intent of Policy 12.2.5.10, as it shows the shading that would be generated by both the proposal and an 18.6m high building.

With the reduced heights the shading from the proposal is largely contained within a shading envelope that would be generated by an 18.6m high building. I note the amended height proposal will still create shading effects in the front yard of 33, 35 and 37 Tasman Street for approximately an hour, around 9am, during the winter solstice as indicated in the submitted amended shading diagrams. I have undertaken two site visits (1 and 2 July 2022) to understand amenity experienced by the occupiers of 23 - 41 Tasman Street, 30, 46 - 48 Sussex Street and 80/80A/80B Rugby Street. Buildings A will have windows above the 18.6 metre level that provide overlooking towards the east and south respectively. Buildings B, C and D have views to the north overlooking Pukeahu Park, west to Tasman Street or internal to the site. Building E is five-storey with views to the south but largely under 18.6m and overlooking in this context is not unexpected. It is also setback within the site some 10m.

I acknowledge that there are no north-facing windows within the building to the immediate south of the subject site (which extends across 25 Tasman Street and 22 Sussex Street) and that there is a considerable separation distance to the smaller scale residential buildings at 33 to 39/39A Tasman Street.

My assessment, for the amended proposal with regard to shading and amenity effects is a less than minor effect as a result of the reduced height, the consideration of ‘permitted baseline scenarios<sup>4</sup>’ for shading and absence of windows and decks over the 18.6m facing south. The effects on persons are considered to be less than minor.

#### Encroachments:

The verandah along the western elevation of the southern apartment building will extend over the Council’s footpath, as will the canopy over the southern entrance to the northern tower.

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<sup>4</sup> ODP Policy 12.2.5.10: Provide for a ‘permitted baseline’ scenarios related to building height and building bulk.

The verandah, which has been designed to meet the requirements of District Plan standard 13.6.3.6.3, has a length of 16 metres, whereas the canopy will be 2.4 metres wide. As the site does not have a verandah requirement (standard 13.6.3.6.1, including the 2.5 metre height clearance requirement and the 450mm set-back from the edge of the footpath), an encroachment licence will be required. Mr Crowe (Encroachment Officer) has advised that this is acceptable in an email dated 2 September 2022, subject to the relocation of any streetlights and/or signage occurring at the applicant's expense.

The application plans also indicate that the café within Building B will have outdoor seating that extends into Pukeahu National War Memorial Park (Old Buckle Street footpath). This seating will require a pavement permission via a separate approval process. A 2.4 metre unimpeded footpath width will need to be maintained, and this appears achievable. Given the small scale of the café and limited capacity, only a small number of outdoor seats are expected. This will not detract from the use of the footpath or public space.

Given that the verandah meets the requirements of the Operative District Plan and the advice received from the Council's Encroachments Team, I am satisfied that the effects associated with these aspects of the development will be less than minor, with the effects on persons less than minor.

#### Traffic:

I now refer to effects associated with vehicle parking, servicing and site access. The Transportation Assessment Report at appendix 13 of the AEE addresses these matters, as does the assessment prepared by Ms Wood (Council's Transport Engineer). Ms Wood has confirmed in an email dated 13 September 2022 that her original assessment remains unchanged.

The proposal includes a total of 112 carparks and 144 bicycle parks. Sixty-seven carparks will be at basement level and 45 will be at surface level. A crossing to the south of Building E will provide access to the basement parking, via a ramp to the south of the building. A second access located centrally along the site's Tasman Street frontage provides access to the surface level carparking, as well as a centralised loading zone. I note that the District Plan does not require parking in the Central Area. Where parking is provided it must meet the requirements at standards 13.6.1.3.1 to 13.6.1.3.3, including compliance with the joint Australian and New Zealand Standard 2890.1 2004, Parking Facilities, Part 1: Off Street Car Parking. Ms Wood has advised that the carparking and manoeuvring provided appropriately meets the requirements of the District Plan.

An outdoor loading area will be provided centrally within the site, on the ground level courtyard. This will provide parking for service vehicles, including private rubbish collection. Ms Wood notes that the loading area meets the minimum required dimensions for an outdoor loading area (3 metres x 9 metres); however, it is not within 15 metres of the lifts. Hence standard 13.6.1.3.4 is not met. Based on the additional plan submitted by the applicant (Stantec Plan reference COO1 rev A, dated 05/11/2021), Ms Wood is satisfied that as service vehicles will be able to exit the site in a forward direction and has advised the non-compliance with standard 13.6.1.3.4 is acceptable. I agree with her assessment in this respect and consider the adverse effects resulting from this aspect of Operative District Plan non-compliance to be less than minor with no persons adversely affected.

With the exception of the second site access along Tasman Street, the site access requirements at standards 13.6.1.3.11 to 13.6.1.3.18 are also met. In relation to the non-compliance with standard 13.6.1.3.16 I note that while two site accesses are provided along Tasman Street, there are in fact two separate parcels of land. As each could have one site access, the effects

associated with this non-compliance are within the expectations of the District Plan. In addition, the effects of the site access non-compliance are mitigated by the fact that the proposal reduces the existing eight access points along this frontage to a total of two. As such, Ms Wood has no concerns with respect to the number of site accesses along Tasman Street. She has also advised that these meet the requirements of the joint Australian and New Zealand Standard 2890.1 2004, Parking Facilities, Part 1: Off Street Car Parking and has not raised any concerns in relation to traffic or pedestrian safety.

For the reasons set out above, the traffic effects of the proposal are considered to be not more than minor. No specific persons are considered to be adversely affected in terms of traffic.

#### Acoustic Design:

The Acoustical Design Report at appendix 12 of the AEE assesses the potential noise effects that will be associated with the development including external sound insulation, noise from fixed plant and on-site activities (specifically the café and carparking), and construction noise and vibration. The applicant's assessment is as follows:

- *External sound insulation:* Given the layout of the proposed building it is expected that these will comply with the Operative District Plan standards; however, this will be confirmed at the detailed design stage when materials are finalised. The applicant has offered a condition requiring that they provide this confirmation at the building consent stage.
- *Fixed Plant:* The applicant notes that fixed plant requirements have also not been finalised but will include ventilation for the apartments/residential blocks and extract fan(s) for the carpark. With the exception of Building C and the carpark the fixed plant will be located far enough from any adjoining boundary so as to comply with the Operative District Plan standards. The applicant will locate fixed plant associated with Building C (which includes the carpark) so as to also ensure this complies with standard 13.6.1.1.1. This will also be confirmed at the building consent stage.
- *On-site activities:* Noise associated with the small café on the site is not expected to exceed Operative District Plan limits, noting that the café is significantly separated from any adjoining boundary. Likewise, given the expected number of traffic movements, noise associated with the carpark building will also comply.

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

I accept the assessment provided by the experts discussed above. On this basis, I am satisfied that the noise effects arising from the proposed residential and café activities, including fixed plant noise, will be less than minor and no there are no adversely affected persons in this respect.

#### Earthworks:

The proposal involves earthworks across the entirety of the site to facilitate site preparation works, along with establishing building foundations and services, placement of floor slabs and ground beams, and excavation of lift pits. Full details are provided in the Structural Effects and Construction Methodology provided at appendix 15.

Mr Davies notes that the geotechnical statement developed by Tonkin and Taylor Limited provided at appendix 16 includes a review of the site with respect to the geology and high level geotechnical risks. This has identified a potential risk of localised liquefaction that will need to be addressed as part of the foundation design.

At section 15 of their draft Construction Management Plan (CMP) the applicant has provided a draft 'Excavation Management Plan' (EMP) that sets out how earthworks effects will be managed during the construction period. Mr Davies notes that typically, the controls required to minimise the risk posed by erosion, sediment and dust loss from the site are documented in an Erosion and Sediment Control Plan (ESCP). He has advised that these effects can be appropriately managed using industry standard methodologies, which will be documented in either the final certified CMP or a standalone ESCP. All contractors will be required to adhere to methodologies in the certified CMP/ESCP and these will include matters such as a process for dealing with complaints, should these arise.

Approximately 6500m<sup>3</sup> of material will be removed from the site, to be disposed at a local landfill. Ms Wood has advised that a Traffic Management Plan is required in this case, noting that a draft is included within the draft TMP is also provided in the CMP submitted with the application.

Visual effects associated with the earthworks will be limited to the construction period as exposed land will be covered with buildings, driveways/carparks and landscaping on completion of construction. If there is a delay prior to construction, the earthworked area would be grassed for a temporary duration. As such, the visual effects of the earthworks are considered to be less than minor.

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

#### Construction:

Construction effects associated with the proposal will include noise, dust, vibration, traffic associated with construction vehicles and temporary structures. As noted above, at appendix 18 the application includes a draft CMP that indicates how such effects will be managed. The applicant has offered conditions to mitigate the effects associated with construction including requirements for a final CMP, a Construction Noise and Vibration Management Plan (CNVMP), a Construction Traffic Plan (CTP) and an Earthworks Management Plan (EMP/ESCP) to be submitted for certification by the Council's Compliance Monitoring Officer (the CMO) prior to works commencing.

The draft CMP has been reviewed by the CMO who has advised that this is satisfactory, subject to final details being provided closer to construction (when full details of construction methodologies are available).

As previously noted, Mr Davies has advised that dust, along with other earthworks effects, will be managed appropriately and has no concerns in this respect.

In the Acoustical Design Report submitted at appendix 12 of the original application the applicant acknowledges that construction noise and vibration will likely be discernible at adjacent sites, most notably 4 and 22 Sussex Street. Mr Hannah has raised concerns in relation to construction noise and vibration, but is satisfied that that this will be addressed through the CNVMP that would be produced at a later stage (ie once the construction methodology has been confirmed and through the adoption of a best practicable option (BPO) to manage noise

and vibration effects). This is the typical and accepted approach in managing such effects, which are inevitable for a construction project of this scale but ultimately are temporary in nature.

Ms Wood has advised that construction related traffic can also be managed through the adoption of a suitable CTP and that the local street network has capacity to accommodate such traffic. Therefore, she has no concerns in this respect.

Mr Davies (email dated 2 September 2022), Ms Wood (email dated 13 September 2022) and Mr Hannah (email dated 5 September 2022) have reviewed the amended proposal with regard to earthworks, construction and associated construction and noise effects; they have all noted there no relevant changes and their original assessments are still considered to be valid.

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

#### Signage:

The applicant intends to install signage on the exterior of the construction hoardings, some of which will indicate the future use of the site. While this signage needs resource consent as there will more than one sign per frontage and the sign area will exceed 10m<sup>2</sup>, the effects of this signage will also be limited to the construction period. The applicant has advised that the signage will not be used for third party advertising and is amenable to this being addressed through a condition on the decision. As such, I consider the effects of the signage to be less than minor. The effects on persons are considered to be less than minor.

#### Contamination:

The applicant has confirmed that the site is not contained in the Greater Wellington Regional Council Selected Land Use Register (SLUR) and the applicant has confirmed that Hazardous Activities and Industries List (HAIL) activities have not occurred there. Therefore, the proposal does not need to be assessed against the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) or Chapter 32 of the District Plan.

Nonetheless, earthworks material will be tested for contamination and treated/disposed of as necessary. The applicant has provided a Contaminated Land Status Letter at appendix 16 where it is noted that the CMP will outline the process that will be followed if contaminated material is discovered during the construction phase.

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

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

#### Servicing:

At appendix 17 the original application has provided a Civil Engineering Services Report that sets out how the development will be serviced. This has been developed following consultation

with the Wellington Water Land Development Team (Wellington Water) and Wellington Electricity (WE) and incorporates their recommendations.

Wastewater, stormwater and water supply services will be installed at the construction stage and will involve new infrastructure where necessary. Wellington Water has asked for clarification of the future subdivision as this will have implications in terms of how the development is serviced, particularly if more than one body corporate is proposed.

A substation will be provided inside the site (at the south-western corner of building E), with the current under-capacity substation to be decommissioned.

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

### **Effects Conclusion:**

I have considered the effects of the amended eight-storey and five-storey proposal in conjunction with the grey colour palette for the southern apartment block, on the neighbouring heritage values and Central Area context and note that the Council's Heritage advisor identifies these effects as being finely balanced. My consideration has been in the context of the NPS-UD, the Operative and Proposed District Plans' objectives and policies and the existing use of the site.

On the basis of the assessment above and relying on the various advisors I conclude that the overall effects on the environment to be not more than minor. The effects on any persons are considered to be less than minor. Furthermore, for the reasons set out in this report, there are no special circumstances.

### **NOTIFICATION DECISION**

For the reasons detailed in this report the application for the construction of a new multi-building, multi-storey residential development, with a café; along with associated earthworks on the site at 1 – 28 Tasman Street, Mt Cook be assessed on a **non-notified** basis.

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Report prepared by Monique Zorn



**Monique Zorn**  
Delegated Officer



**Hamish Dean**  
Delegated Officer

15 November 2022

15 November 2022

## Application for Resource Consent

### NOTICE OF DECISION

<b><u>Site Address:</u></b>	1 Tasman Street, Mt Cook Section 1219 Town of Wellington (4733m <sup>2</sup> )  23 Tasman Street, Mt Cook Part Section 665 Town of Wellington (655m <sup>2</sup> )
<b><u>Applicant:</u></b>	One Tasman Development Limited Partnership C/- Urban Perspectives Limited (Alistair Aburn)
<b><u>Proposal:</u></b>	To construct a new multi-building, multi-storey residential development, with a café; along with associated earthworks
<b><u>Owners:</u></b>	One Tasman Development Limited Partnership
<b><u>Service Request No:</u></b>	500876
<b><u>File Reference:</u></b>	1014088
<b><u>Operative District Plan Area:</u></b>	Central Area
<b><u>Notations in Operative District Plan:</u></b>	<ul style="list-style-type: none"><li>- Low City Area – 18.6 metre maximum height limit (1 Tasman St) and 10.6m 23 Tasman St</li><li>- Tasman Street is a Local Road in the District Plan Hierarchy of Roads</li><li>- Buckle Street is part of State Highway 1</li><li>- Te Aro Corridor</li></ul>
<b><u>Activity Status Operative District Plan:</u></b>	<b>Non-complying Activity</b>
<b><u>Proposed District Plan Zone:</u></b>	City Centre Zone
<b><u>Notations Proposed District Plan:</u></b>	<ul style="list-style-type: none"><li>- Height control: 28.5m</li><li>- Flood hazard (inundation)</li><li>- WIAL Wellington Airport Obstacle Limitation Surfaces</li></ul>

### **DECISION – Land Use Consent:**

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104B of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to construct a new multi-building, multi-storey residential development, with a café; along with associated earthworks at **1 - 23 Tasman Street, Mt**

**Cook** (being Section 1219 Town of Wellington and Part Section 665 Town of Wellington), subject to the conditions below.

### **Conditions of Consent:**

#### General:

1. The proposal must be in general accordance with the information provided with the application **Service Request No. 500876** and the following plans and information, or any updated plans and information certified under Conditions 2:
  - Plans prepared by Athfield Architects Limited titled “One Tasman Pukeahu Park”, project no. 20-42, all dated 20.10.2022:
    - GA Plan Ground – RC\_1.02
    - GA Plans Level 01 – 07 + Roof – RC\_1.03 to RC\_1.10
    - Proposed Elevations – RC\_2.00 to RC\_2.03
    - Proposed Sections – RC\_3.00 to RC\_3.03
  - Landscape Design Statement and Plans, prepared by Wraight + Associates Landscape Architects (reference Resource Consent Landscape Design, Revision A, 21/10/2022).

#### Design Details:

2. Prior to lodging an application for building consent, the consent holder must prepare and submit to the Council Compliance Monitoring officer (CMO), the following information to show consistency with the plans referred to in condition (1):
  - For all buildings: final set of drawings, including all plans (including roof plans); relevant cross sections; and all elevations;
  - For all buildings: final material palette (including specifications), façade detail and colour scheme; and
  - For the Pukeahu Terraces (Building B)
    - the brickwork on the western façade facing Tasman Street should include a pattern / design to mitigate the blank wall element; and
    - the western parapet shall be articulated to create an element of visual interest (for example a localised increase in height of ~0.5m or similar)
  - For the Buckle Street Terrace Houses (Building C)
    - the roof form on the north-eastern extent of the building, (above terrace house C.05) shall be articulated to provide additional height toward the east.

Before construction of the northern or southern apartment buildings can commence, the CMO must certify (after consulting with the Cultural Heritage Advisor and the Urban Design Advisor, if necessary) that the information set out above is in general accordance with the information referred to in Condition (1).

#### Notes:

- The purpose of this information is to ensure that any change made to the proposal through the detailed design are within the scope of the consent.
- Façade details includes but is not limited to; location of downpipes, ducting, air conditioning units, vents and other external plant on the elevations of the buildings.
- If the development is constructed in stages, then this condition applies to the building that the building consent application applies to.



- All works shall be carried out in accordance with any final design details approved under condition (2) above.

#### Landscaping:

2. The landscaping shown in the Landscape Plan approved under condition (1) above must be completed by the consent holder within 3 months of completion of construction. Additionally respect to the 'Te Parari' laneway between Buildings A and D:
  - Shade tolerant species must be selected (given the reduced sunlight in this area).
  - Plant height should be sufficient to promote screening of the blank walls of the refuse and car parking built edge along the east side of the lane. Species are currently proposed to be low growing (1m) plus occasional taller nikau / lancewood trees. Medium height shrubs (1.5m-2m height) are also required.
  - Irrigation will be required through either drippers or micro sprays.
3. The two trees required under condition (6) abutting Tasman Street must be underplanted with appropriate vegetation to ensure there is no acceleration of wind under the tree canopies.
4. Prior to the occupation of the habitable buildings, the consent holder must submit to the CMO a management plan and maintenance contract for certification in which they address:
  - a. Monitoring and maintenance of all plantings for 18 months from time of planting in order to allow for plant establishment; and
  - b. Monitoring of the trees approved under condition (8) on an on-going basis so as to prevent any further deterioration of the pedestrian wind environment.

#### Wind:

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

#### Notes:

1. The trees must be evergreen (rata or similar).
2. Any disturbance of the footpath when planting, and the subsequent reinstatement is the responsibility of the consent holder. The footpath must be reinstated to its original condition and match the level of the undisturbed path

3. The trees must be underplanted as outlined in Dr Donn's report dated 27 September 2022.
8. Prior to occupation of the buildings, the plantings (and any other mitigation measure which may result from the application of condition (5)), such as screening to serve as mitigation for wind effects, must be installed to the satisfaction of the Council's CMO.

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

#### Old Buckle Street Pohutukawa Protection:

9. Rigid protection walls (or other protection device designed with the input of a Council's approved consulting arborist) must be erected around the dripline of the tree for the duration of construction unless the consulting arborist determines and confirms in writing to the CMO that it is not practically possible.
10. Excavations within one metre of the dripline of the tree to be retained must be hand dug or an alternate methodology may be selected with the input of a Council approved consulting arborist. It is recommended a depth of 600 millimetres be dug to identify any roots that will be affected by excavations. Roots with a diameter less than 60 millimetres may be cut cleanly with a pruning saw. Any roots over 60 millimetres need to be assessed by a Council approved consulting arborist before proceeding with any excavations.  
<https://www.nzarb.org.nz/find-an-approved-contractor>.

#### Verandah:

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

#### Notes:

Unless modified by Condition (5) above:

1. The verandah must be continuous.
  2. The verandah includes a 1.2m high solid upstand
12. Prior to the construction of the verandah the existing streetlight must be relocated clear of the verandah location at the consent holder's expense.
  13. Verandah poles must not be constructed within the legal road without prior approval from the Council.
  14. The verandah must be designed to ensure that all stormwater discharges to the Council's public drainage network and not on the public footpath.

#### Design Safety:

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

#### Notes:

1. The reviewed CPTED assessment must be approved by the CMO (in consultation with the Council's Urban Design Advisor).
2. Any additional CPTED measures recommended in the original review or by the CMO or Urban Design Advisor as a result of the review must be incorporated into the building design.
3. Design changes required by the Urban Design Advisor or CMO to meet this condition will be considered within scope of this application.

### **Construction Management:**

#### Accidental Discovery Protocol:

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

The relevant iwi contacts are:

- Port Nicholson Block Settlement Trust  
C/- Tramways Building, 1-3 Thorndon Quay  
PO Box 12164  
Thorndon  
Wellington 6144  
[www.portnicholson.org.nz](http://www.portnicholson.org.nz)  
Email: [reception@portnicholson.org.nz](mailto:reception@portnicholson.org.nz)
- Te Runanga o Toa Rangatira Incorporated  
C/- 2/4 Nohorua Street  
PO Box 50355  
Takapuwahia  
Porirua  
[www.ngatitoea.iwi.nz/runanga](http://www.ngatitoea.iwi.nz/runanga)  
Email: [resourcemanagement@ngatitoea.iwi.nz](mailto:resourcemanagement@ngatitoea.iwi.nz) or [onur.oktem@ngatitoea.iwi.nz](mailto:onur.oktem@ngatitoea.iwi.nz).

Note: Wellington Tenth Trust has requested their representatives are also contacted should material be uncovered: Vicky Hollywell and Chris Fox: [vicki@tekau.maori.nz](mailto:vicki@tekau.maori.nz) and [chris@ngahuru.maori.nz](mailto:chris@ngahuru.maori.nz) or via Wellington Tenth Trust Level 1, Te Raukura (Te Wharewaka), 2 Taranaki St, Wellington and Hikoikoi 24D Marine Parade, Petone.

17. The consent holder and any contractors working on the site must familiarise themselves with, and follow the methods within, the Accidental Discovery Protocol condition as set out in condition (16) above.

#### Certification of Management Plans:

18. At least 20 working days prior to any relevant work commencing on site, the following management plans must be submitted to the CMO for certification:

- Construction Management Plan (CMP) – refer to condition (21)
- Construction Traffic Plan (CTP) – refer to condition (22)
- Construction Noise & Vibration Management Plan (CVNMP) – refer to condition (23)
- Erosion and Sediment Control Plan (ESCP) - refer to condition (25)

It is expected that the Draft Construction Management Plan prepared by LT M<sup>c</sup>Guinness (dated August 2021) that was submitted with the application will form the basis of the final CMP, CTP, CVNMP and ESCP to be submitted to the CMO for certification.

The CMO will certify the final CMP and related CTP, CVNMP and ESCP following consultation with appropriate officers within the Council.

19. Relevant work must not commence on site until the management plans relevant to that work under condition (20), have been certified by the Council's CMO and stamped 'Approved for Final Use' (or similar). Relevant management plans are those that are reasonably intended to manage the effects of the relevant work.
20. The final CMP and associated CTP, CNVMP and ESCP must be implemented and maintained throughout the entire construction period. The consent holder may submit amended management plans if required, and any such amended plans shall be subject to the same certification process as set out in condition (18).

#### Construction Management Plan:

21. The final Construction Management Plan (CMP) must establish acceptable performance standards regarding public safety and amenity protection during the construction phases of the development. It must include the following:
  - A contact (mobile) telephone number(s) for the on-site manager where contact can be made 24 hours a day / 7 days a week;
  - Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m<sup>2</sup>) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including mobile number and after-hours contact details;
  - A communication and complaints procedure for adjoining property owners/occupiers, pedestrians and interested parties; and
  - Safety fencing and associated signage for the construction site.

#### Construction Traffic Plan:

22. The final CMP must include a detailed Construction Traffic Plan (CTP) that sets out methods to avoid, remedy or mitigate adverse construction traffic effects during the development of the site. The CTP must include:
  - Timing of specific work phases;
  - Key activities in each work phase;
  - Truck routes for the removal of demolition materials;
  - Expected frequency of heavy vehicle movements specific to the construction phase, with details of the proposed hours and days of week. Vehicle movements into and out of the site should be restricted during peak traffic times (7-9 am and 4-6 pm weekdays);
  - Provision for maintaining safe pedestrian and vehicle movements in the vicinity of the site;

- Locations where construction vehicles will park, wait, manoeuvre and carry out loading (and unloading) of materials.

CTP Advice Notes:

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

Construction Noise and Vibration Management Plan:

23. At least 20 working days prior to any works commencing on the site, the consent holder must submit to the CMO a draft Construction Noise and Vibration Management Plan (CNVMP) for approval. The draft CVNMP must be prepared by a suitably qualified and experienced acoustic expert acceptable to the Council and include an assessment of construction and vibration levels. The assessment in the CNVMP must be in line with section 16 of the Act (Best Practical Option (BPO)).
24. The final CMP must include a CNVMP, based on the draft CNVMP approved in accordance with condition (23) above.

CVNMP Advice Note: The Best Practical Option is defined as the best method for preventing or minimising the adverse noise or vibration effects on the environment having regard to 1) the sensitivity of the receiving environment to adverse noise or vibration effects 2) the financial implications and 3) current state of technical knowledge and the likelihood that the option can be successfully applied. Refer to the Act for full definition of BPO.

Erosion and Sediment Control Plan:

25. The final CMP must include an Erosion and Sediment Control Plan (ESCP) that is consistent with the recommendations within the report titled 'Structural Effects and Construction Methodology' prepared by Dunning Thornton Consultants. The final ESCP must include, but is not limited to, the following:

*Erosion and Sediment Controls*

- An illustrated plan that records the key features of the Erosion, sediment and dust including the approved area of earthworks (including the approved earthworks plan).
- A description of the broad approaches to be used to mitigate erosion and minimise problems with dust and water-borne sediment.
- Measures to limit the area of earthworks exposed to the weather at any one time (sources of dust and sediment).
- Stabilisation of the site entrance(s) to minimise the tracking of earth by vehicles onto the adjoining roads.

- The type and location of silt fences to control water-borne sediment.
- Methods for protecting stormwater sumps from the infiltration of water-borne sediment.
- Covering of soil or other material that is stockpiled on the site or transported to, or from, the site, to mitigate dust nuisance or erosion by rain and stormwater (creating water-borne sediment).

#### *Stability Controls*

- Measures to ensure temporary excavations remain stable. Slips or failures can significantly increase dust and sediment.

#### *Dust Controls*

- Measures to ensure that the discharge of dust created by earthworks, construction and transport activities are suitably controlled to minimise dust hazard or nuisance.
- Minimise and mitigate all dust generating activities if site dust is observed blowing beyond the site boundary.
- Stabilising exposed areas that are not being worked on, using mulch, hydroseeded grass, chemical stabilisers or other similar controls.

#### *Management of Controls*

- The methods for managing and monitoring the ESCP controls.
- Nomination of a site person responsible for the implementation and administration of the ESCP.

26. The erosion, dust and sediment control measures put in place under the ESCP must not be removed until the site is remediated to the satisfaction of the CMO. 'Remediated' means the ground surface of the areas of earthworks have been stabilised (no longer producing dust or water-borne sediment), and any problems with erosion, dust or sediment that occur during the work have been remedied.

ESCP Note: If necessary, the CMO may require changes to the implementation of the ESCP to address any problem that occurs during the work or before the ground surface is stabilised.

#### Construction Hoardings:

27. The signage installed on the construction hoardings that will be used to screen construction work must provide visual interest to the public realm. The design/treatment of the hoarding must be of sufficient quality to make a genuine contribution to the public realm and must only display images relating to the development of the site. It must not be used for third party advertising signage.

Note: The hoardings should be of a robust material that will not degrade when exposed to weather and time.

#### **Earthworks and Contamination:**

##### Chartered Professional Engineer:

28. A Chartered Professional Engineer (CPEng) must be engaged by the consent holder for the detailed design and construction phases of the project, and monitoring of the earthworks.
29. The CPEng must advise on the best methods to ensure:

- The stability of the site and surrounding land.
- The construction of cut faces, fill batters, staging, shoring, and benching as required for stability of the earthworks,
- The earthworks methodology to ensure consistency with the report titled ‘Structural Effects and Construction Methodology’ prepared by Dunning Thornton Consultants.

The consent holder must follow all the advice of the CPEng in a timely manner. If necessary, the CMO may require information regarding the engineer’s monitoring and/or specific assessments to address any potential or actual instability issues in relation to earthworks.

Producer Statements:

30. A construction review statement must be supplied by a suitably experienced Chartered Professional Engineer (CPEng) to the CMO within one month of the earthworks being completed. The document must:
  - Include a statement of professional opinion that any un-retained cuts slopes and batters are considered stable with respect to the future use, and that the risk of instability is low as reasonably practicable.
31. A copy of the producer statement ‘PS4 – Construction Review’ and its accompanying documents for structures/buildings required for the stabilisation of earthworks and prepared for the associated building consent process, must be provided to the CMO within one month of the structures/buildings being completed.

General Earthworks Conditions:

32. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council’s stormwater system. Any material that falls on land beyond the site during work or transport must be cleaned up immediately (with the landowner’s permission on land that isn’t public road). The material must not be swept or washed into street channels or stormwater inlets or dumped on the side of the road.

Note: As a minimum, 100 mm clarity is required to allow water to be discharged offsite. If clarity is less than 100mm then the water is considered to be muddy and must be captured and treated on site.

33. Dust created by earthworks, transport and construction activities must be controlled to minimise nuisance and hazard. The controls must be implemented for the duration of the site works and continue until the site stops producing dust.

Contaminated Material:

34. Any soil or material found on site containing asbestos, unknown fill, emitting an odour or showing staining must be disposed off-site disposal to a facility licensed to accept such materials. Characterisation of soils for disposal purposes shall be in accordance with the receiving facility’s requirements. Where contaminated material is disposed of off-site to a licensed landfill, evidence must be supplied to the CMO demonstrating the quantities and locations (including landfill receipts) within 1 month of these materials being deposited.

## **Construction Noise and Vibration:**

35. The consent holder must ensure that construction activities operate between the following hours:
- a. Monday to Saturday 7.30am and 6:30pm
  - b. Monday to Friday (but not Saturday) quiet setting up of site (not including running of plant or machinery) may start at 6:30am.

### Note:

No work can take place on a day when any notable event is scheduled for the Pukeahu National War Memorial Park for a minimum of one (1) hour before and one (1) hour after the publicly scheduled notable event time. A list can be found here: <https://mch.govt.nz/pukeahu/news-events/events> or contact [pukeahu@mch.govt.nz](mailto:pukeahu@mch.govt.nz).

If work is to take place at night time please follow the Council process for 'end of noise notification works' <https://wellington.govt.nz/report-a-problem/noise-control/construction-noise>.

36. The consent holder can undertake construction activities up to 6.30pm as set out in condition (35) however should there be any complaints received directly relating to the period 6pm to 6.30pm, the consent holder in discussion with the CMO, must return to a 6pm finish.

Note: The timeframe extension has been approved at 6.30pm to address the post-covid environment and any extension is on a case-by-case basis.

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

Note: S16 RMA requires that every occupier of land shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

38. The consent holder must ensure construction, earthworks and demolition activities must be controlled to ensure any vibration does not exceed the vibration limits set out in German Standard 'DIN 4150-3:2016 "Structural Vibration – Part 3: Effects of vibration on structures"'.

## **Servicing Conditions:**

### Engineering Standards:

39. The consent holder must comply with the requirements of the Wellington City Council Code of Practice for Land Development (either its current version or replacement document), unless otherwise modified by condition(s) of the consent or agreed in writing by the Wellington Water Land Development Team. These are the engineering standards for mitigating adverse effects on the environment from wastewater and stormwater drainage, water supply and utility structures.



40. No construction shall start prior to following engineering plans in relation to water supply, stormwater or wastewater drainage, being accepted in writing by the Wellington Water Land Development Team:
- i. engineering plans and design certificate,
  - ii. specifications,
41. Where existing buildings are to be or have been demolished to create these dwellings / Lots, all existing water supply, wastewater and stormwater connections and any existing redundant public mains are required to be disconnected by capping (stormwater and wastewater) or disconnection (water) from the public main, with the Council advised of the final treatment by way of including this information on the as-built plan.

Notes:

1. Where drainage works are required, permits in addition to this resource consent is required: namely
  - o Building Consent for private drains,
  - o Public Drainage Permit for public drainsSome of the engineering plans and specifications in the consent condition above are to be submitted during the application stage for these permit(s).
2. The Design and Construction documentation needs to include a copy of the Safety in Design documentation generated in response to the legal requirements under the Health and Safety at Work Act (2015) section 39.
3. Scheme and other indicative layout plans that were submitted as part of the application will be used by Council for information purposes only. These plans will not be used for granting approval under the condition above. Approvals will only be given on detailed engineering plans.
4. Wellington Water Ltd are updating to the New Zealand Vertical Datum 2016 (NZVD2016) on 1 July 2022. Hence Engineering Plans and As-Built plans will be required to be in terms of the NZVD2016 from 1 July 2022. Prior to 1 January 2023 either Wellington Vertical Datum 1953 or NZVD2016 will be accepted.
5. Prior to connection, an application for water supply, wastewater and stormwater is required to be made to the Council. All works must be inspected, and all testing

Water:

42. The consent holder must provide to Wellington Water Land Development Team for review and approval, a design statement endorsed by a Chartered Professional Engineer on:
- i. Calculations, specifications and design plans to confirm:
    - a. That there is sufficient water supply pressure and flow for the development to meet the Wellington City Code of Practice for Land Development 2012 for domestic water, and
    - b. that the site achieves a compliant fire design in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008,
    - c. the size of the Block A, D and E domestic connections,
    - d. the size of the Block A and E firefighting connections.
  - ii. Calculations based on pressure logging (for a minimum one-week period) and flow readings taken from the nearest hydrant.

Notes:

1. Upgrading of the existing water infrastructure and / or site solutions (sprinklers and / or tanks) may be required if the Code's requirements cannot be achieved or if the proposal will have a detrimental effect on existing users.
2. The design statement shall include the following statement: "The design of the water mains and services complies with the Wellington City Council Code of Practice for Land Development and current Wellington City Council Water Supply Specification"
3. Please note that permission is required prior to using or testing hydrants.

43. The consent holder must provide:

- i. Each residential dwelling in Blocks B and C with separate and individual 20 mm ID water supply connections to the public water supply main in Old Buckle Street, each with a manifold at the property boundary.

Alternatively, single 32 mm ID connection can be provided to service groups of 2 Lots splitting to individual tobies at the property boundary.

- ii. the Café within Block B with a separate appropriately sized metered water supply connection to the public water supply main in Old Buckle Street, with a manifold at the property boundary. An RPZ – type backflow preventer is required if the connection is greater than 20 mm ID.
- iii. Blocks A, D and E with an appropriately sized separate and individual water supply connection to a public water supply main for domestic water supply, with an appropriately located manifold. An RPZ – type backflow preventer is required if the connection is greater than 20 mm ID.

44. An engraved plastic tag reading "WATER SUPPLY MANIFOLD FOR (Street No)" is to be secured to the manifold clearly showing which house is served by the manifold.

Note: Where the manifold is located that can be identified as clearly serving a specific lot, an engraved plastic tag may not be required.

45. The consent holder may construct a new public water main within the site to service Blocks A, D and E.

46. The consent holder shall provide each dwelling/unit within Block A, D and E with a separate water supply shut-off valve. The shut-off valve shall be located such that each dwelling or unit can be independently isolated, if required.

47. The consent holder shall provide Blocks A and E with separate and individual fire-fighting connections in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies NZS PAS 4509:2008 [and the Code of Practice for Land Development], and:

- i. a separate application for the fire connection must be submitted to Council, along with detailed calculations as per condition (d) and a layout plan showing the proposed connection. The design of the fire service connection and sprinkler system shall allow for any head loss incurred by the required backflow prevention containment device.

- ii. The consent holder shall provide all fire connections/sprinkler connections with a double check detector check backflow prevention containment device.

Note: A backflow device of a commercial or industrial site is required to be added to the building warrant of fitness (BWOFF) compliance schedule for the property.

48. No water supply pipe(s) for Blocks B or C can pass through a new lot, or cross a proposed boundary between lots, to serve another lot being created by the subdivision, except where it is within an associated right of way or access lot.

A Surveyor must certify in writing that, at the time of certification, this has been achieved.

Wastewater and Stormwater:

49. The development of this site will require the public stormwater and wastewater mains to be extended to serve the proposed lots. All newly constructed wastewater and stormwater mains to be vested in Council shall be approved by Wellington Water Land Development Team based on a [video or] closed circuit television (CCTV) inspection carried out by the consent holder in accordance with the New Zealand Pipe Inspection Manual Fourth Edition. A pan tilt camera shall be used, and lateral connections shall be inspected from inside the main.

Note: It is anticipated that public stormwater and wastewater mains will be extended from Old Buckle Street into the site to service the apartments and fee simple lots.

50. The consent holder must provide:
- i. each residential dwelling in Blocks B,
  - ii. the Café within Block B, and
  - iii. Blocks A, D and E,

with appropriately sized separate and direct, wastewater and stormwater connections to a public wastewater and stormwater network.

Note: It is anticipated that the above condition will be achieved by providing each dwelling / block with a connection to the public main extended under condition (50), alternatively Block E may be provided with separate and direct connections to the public mains in Tasman Street or the existing public main within the site itself.

51. The consent holder may create common shared private stormwater and wastewater drains to serve Blocks B and / or Block C (separately), and
- i. A shared services plan in accordance with Wellington Regional Specification for As-built Water Services is required that identifies the shared services and the respective ownership.
  - ii. Each Lot must be provided with suitably sized, separate and direct lateral connections to the shared private drain.

Note: The shared private drain must be located in an accessible location for ongoing operation and maintenance. The creation of a common shared private drain within the basement at the rear of Block B will not be accepted by WWL.

52. All stormwater and wastewater lateral connections and / or shared drains are to in accordance with the Wellington City Council Code of Practice for Land Development and must be at locations approved in writing by the Wellington Water Land Development Team.

Stormwater Treatment:

53. To avoid impact on the receiving network and environment, stormwater treatment is required. The site must therefore be provided with a stormwater management system. The stormwater management system(s) must be approved in writing by the Wellington Water Land Development Team and the following aspects must be met;
- i. Stormwater Treatment must be designed in accordance with the Wellington Water Ltd Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019, Version 1.1 and approved by the Wellington Water Land Development Team,
  - ii. All connections to the stormwater system must be trapped to minimize debris entering the system.
54. Prior to Engineering Approval, the consent holder must prepare a draft Operation and Maintenance Manual for all stormwater device(s) setting out the principles of the general operation and maintenance for the stormwater system(s) and associated management devices. The draft Operations and Maintenance Manual shall be submitted to the Wellington Water Land Development Team for approval and is to include, but not be limited to:
- i. a detailed technical data sheet
  - ii. all the requirements as defined within the Water Sensitive Design for Stormwater: Treatment Device Design Guideline.
  - iii. details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices
  - iv. a programme for regular maintenance and inspection of the stormwater system
  - v. a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices
  - vi. a programme for post storm maintenance
  - vii. a programme for inspection and maintenance of outfall erosion
  - viii. general inspection checklists for all aspects of the stormwater system, including visual check of roadside sumps and outfalls
  - ix. a programme for inspection and maintenance of vegetation associated with the stormwater devices.
  - x. recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas.

Notes:

1. The consent holder may also require Greater Wellington Regional Council approval for the proposed stormwater management system.
  2. The stormwater treatment devices must be located so that they are owned and operated by a single entity.
55. Bare galvanised, zinc alum or unpainted metal (including copper) may result in contamination of stormwater runoff upon corrosion of surfaces and therefore shall not be used for exterior construction, including but not limited to roofing, cladding, gutters and downpipes.

### As-builts:

56. At the conclusion of the engineering works and prior to s224 approval (should a subdivision be undertaken), the consent holder must submit as-built drawings that meet the requirements of Regional As-Built Specification for Water Services, for any new water supply, wastewater and stormwater drainage.
57. Once an as-built plan has been submitted and within one month of completion of any drainage works and prior to s224 (should a subdivision be undertaken), the Consent holder must arrange for a final inspection with the Wellington Water Senior Drainage Inspector.

### Notes:

1. Where possible, all as-built plans are to be submitted in both hard copy (PDF) and electronically. Electronic copies are to be submitted in CAD format (.DWG file) drawn in the NZGD 2000 New Zealand Transverse Mercator' coordinate system.
2. Wellington Water Ltd are updating to the New Zealand Vertical Datum 2016 (NZVD2016) on 1 July 2022. Hence Engineering Plans and As-Built plans will be required to be in terms of the NZVD2016 from 1 July 2022. Prior to 1 January 2023 either Wellington Vertical Datum 1953 or NZVD2016 will be accepted.

### **Car-parking, Servicing and Site Access:**

#### Site Access:

58. Prior to occupation of the development, heavy duty vehicle crossings must be installed at both crossings.
59. Prior to occupation of the development, redundant sections of vehicle crossing must be reinstated with full height kerb and standard public footpath. Construction must generally comply with the requirements of the Council's Code of Practice for Land Development 2012.

#### Pedestrian Safety:

60. Prior to occupation of the development, warning sign(s) must be installed to discourage pedestrian use of the southern access driveway. The wording and location of the sign(s) must be discussed with or submitted to the CMO before the sign(s) are installed.

Note: The CMO will discuss the proposed wording and location of signs with the Transport Engineer.

61. The pedestrian visibility splays indicated on the Ground Level Plan must contain low level planting (not exceeding 1.0 metre in height above driveway/footpath levels). Any tree branches (or other obstruction) blocking visibility between pedestrians and drivers in the pedestrian visibility splay area must be removed in the area between 1.0 metre and 1.8 metres above driveway/footpath levels).

#### Traffic Resolution:

62. Prior to occupation of the development, the applicant must make an application to the Council's Transport Engineers at [transportenquiries@wcc.govt.nz](mailto:transportenquiries@wcc.govt.nz) for the approval by the Council of the indicated Pick-up and Drop Off Zone.

Note: As this process can take several months, it is recommended this is attended to early in the construction process.

### **Operational Noise:**

#### Boundary Noise Emissions:

63. The consent holder must ensure noise emission levels when measured at or within the boundary of any fee simple site or at the outside wall of any building on any site, other than the site from which the noise is emitted, do not exceed the following:
- At all times: 60 dBA LAeq(15 min)
  - At all times: 85 dBA LAFmax

#### Fixed Plant Noise:

64. The consent holder must ensure noise emission levels from fixed plant does not exceed the following levels at or within the boundary of any land parcel, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted:
- At all times: 55 dB LAeq(15 min)
  - 10pm to 7am: 70 dB LAFmax

Note: Measurements must be measured and assessed in accordance with NZS 6801:2008 "Acoustics – Measurement of environmental sound" and NZS 6802:2008 "Acoustics - Environmental Noise"

#### Electronic Sound System (Commercial Operations):

65. The consent holder must ensure noise emission level in any public space (including streets and parks) generated by outside electronic sound systems associated with the commercial activities on site shall not exceed 75 dB LAeq(15 min) when measured over any 2 minute period.

Note: Measurements shall be made no closer than 0.6 metres from any part of a loudspeaker and at a height no greater than 1.8 metres (representative of the head of a passer-by).

#### Sound Insulation:

66. Prior to lodging building consent, the consent holder must submit to the Council's CMO an acoustic design certificate that illustrates that any new habitable room has been designed and specified to achieve a minimum acoustic insulation performance standard of  $D_{nT,w} + C_{tr} > 30$  dB. The acoustic design certificate shall provide the calculated  $D_{nT,w} + C_{tr}$  for each habitable space type. The Acoustic Design Certificate must be prepared by a suitably qualified and experienced acoustic expert acceptable to the Council.

#### Ventilation:

67. Prior to lodging building consent, the consent holder must submit to the Council's CMO written certification that illustrates that any habitable room has been designed and

specified to achieve a minimum ventilation performance standard of a of 7.5 litres per second per person. The ventilation certification must be prepared by a suitably qualified and experienced person acceptable to the Council.

### **Monitoring and Review:**

68. Prior to starting work the consent holder must advise the CMO of the date when work will begin. This advice must be provided at least 48 hours before work starts to the CMO either by telephone (04) 801 4017 or email ([rcmonitoring@wcc.govt.nz](mailto:rcmonitoring@wcc.govt.nz)) and must include the address of the property and the Service Request Number.
69. The conditions of this resource consent must be met to the satisfaction of the CMO. The CMO will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs\* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

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

### **Advice Notes:**

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time as granted by the Council pursuant to section 125 of the Act.
2. Section 36 of the Act allows the Council to charge for all fair and reasonable costs associated with the assessment of your application. We will confirm in due course whether the time spent on the assessment of this application is covered by the initial fee paid. If the time exceeds the hours covered by the initial fee you will be sent an invoice for additional fees. If the application was assessed in less time you will be sent a refund. For more information on your fees contact [planning.admin@wcc.govt.nz](mailto:planning.admin@wcc.govt.nz).
3. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
4. This resource consent is not a consent to build. A building consent will be required under the Building Act 2004 prior to commencement of construction.
5. This resource consent does not authorise any works which also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
6. This consent was granted based on the proposal achieving 'Design Excellence' and any changes must continue to meet 'Design Excellence' or are unlikely to be supported by Council.

7. The methods set out in the Greater Wellington Regional Council guideline for erosion and sediment control for the Wellington Region should be followed when undertaking earthworks on the site:  
<https://www.gw.govt.nz/assets/Resource-Consents/Erosion-and-Sediment-Control-Guide-for-Land-Disturbing-Activities-in-the-Wellington-Region.pdf>
8. A vehicle access bylaw approval is required for the construction of new sections of vehicle crossing under Part 5, Section 18 of the Council's Consolidated Bylaw 2008.
9. The consent holder will need to apply for an encroachment licence for the canopy and any other structures on the legal road. Applications for encroachment licences must be made to the Council's Property Team ([encroachments@wcc.govt.nz](mailto:encroachments@wcc.govt.nz)).
10. It is expected that rubbish associated with the building will be collected by a private collector. For more information and/or contact the Council's Waste Operations [wasteplans@wcc.govt.nz](mailto:wasteplans@wcc.govt.nz)
11. New addresses have been allocated to the development. An 'Allocation of Addresses Sheet' will be provided on request.
12. The consent holder is responsible for all costs associated with the changes on legal road required to implement this development, including changes to parking signs, road markings, streetlights, and/or the kerb and channel. A vehicle access bylaw approval may also be required.
13. The WIAL<sup>1</sup> Designation protects the airspace for the safe and efficient operation of Wellington International Airport. The Designation requires that any person proposing to construct or alter a building or structure, which does the following, must advise Wellington International Airport Limited (WIAL) and obtain approval from them under section 176 of the Act:
  1. a new building/structure, additions and/or alterations or a crane or scaffolding which penetrates the Take-off and Approach Surfaces and exceeds a height of 8m above existing ground level; or
  2. a new building/structure, additions and alterations or a crane or scaffolding which penetrates the Conical, Inner Horizontal, or Transitional Side Slopes of the Airport; or
  3. a new building/structure, additions and/or alterations or a crane or scaffolding which results in a height of more than 30m above ground level in the remainder of the Designation area (Outer Horizontal Surface).

You can find these surfaces and slopes [here](#) and you can contact WIAL at [planning@wellingtonairport.co.nz](mailto:planning@wellingtonairport.co.nz) for any questions that you might have or if you need to seek their approval.

14. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that land owner approval is required under a separate approval process and that this will need to be sought and approved prior to any works commencing.



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

15. The proposal may affect a recorded archaeological site. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority (consent) from Heritage New Zealand Pouhere Taonga (HNZPT) must be obtained for works to proceed if the archaeological site has the potential to be modified or destroyed. It is illegal to modify or destroy an archaeological site without obtaining an archaeological authority. The consent holder is advised to contact HNZPT for further information prior to works commencing.
16. Wellington Water Land Development Team (Wellington Water) has advised that the following requirements will apply, in addition to the conditions above, to the development at subdivision stage:

- Where a common shared private drain is created upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify the wording below to be registered against the Record of Title to issue in respect of the lots connected to the common shared private drains.

*‘The owners of <Lots To Be Confirmed Following Construction> share a private <stormwater drain / wastewater drain> and shall operate and maintain the common private drain(s) existing at the time of granting of the subdivision consent in full working order on an ongoing basis. The owners of each Lot will be responsible, not the Council, for any damage that may occur downstream as a result of failure to maintain and operate their shared private wastewater drain to its design requirements and capacity.*

- The site has been provided with a stormwater treatment device. The future owner(s) / Body Corporate must:
  - iv. ensure that all connections to the system(s) are trapped to minimise debris entering the system.
  - v. follow the required operation, maintenance and renewal of the system(s), set out in the operation and maintenance manual, to ensure the stormwater treatment system it is in full working order at all times.
  - vi. cannot increase stormwater discharge, through an increase in non-permeable areas, without Council approval; as an increase in stormwater discharge may result in failure of the stormwater detention systems.

Note: Upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify condition (s) including all subclauses above to be registered against the Record of Title to issue in respect of the parent parcel of the Balance Lot created for Blocks A, D and E.

- Any utility services contained within another allotment of this subdivision, must have appropriate easements duly granted or reserved. The easements, as necessary and subject to other conditions of this consent, are to ensure that the

lots can be serviced for water supply, drainage, domestic energy supply and telecommunications (including broadband).

- Where shared private stormwater and wastewater services are provided an easement instrument for the shared private stormwater and wastewater services shall be provided and shall include specific provisions, in plain English, about the respective obligations of the parties to the easement in relation to the shared private wastewater services, including maintenance and replacement.

Note: A standard (plain English), approved, easement wording example is available upon request from the Subdivision Compliance Officer.

- An easement in gross in favour of the Wellington City Council over the public wastewater, stormwater and water supply mains where they are laid within private property must be duly granted or reserved.

Note: Easements in Gross shall be in accordance with the requirements of the Regional Standard for Water Services.

17. The development will be assessed for development contributions under the Council's Development Contributions Policy. If a development contribution is required it will be imposed under section 198 of the Local Government Act 2002. If you want to obtain an indication of the amount of the development contribution payable you can:

- Access the development contributions policy at [www.Wellington.govt.nz](http://www.Wellington.govt.nz); or
- Contact the Council's Development Contribution Officer.

It is noted that if the development achieves a 5 Green Star rating a standard remission equating to 50% of the total standard assessed levy can be applied, subject to the criteria as outlined in the policy.

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

### **Reasons for Decision:**

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be not more than minor and there are no affected persons. The effects on persons are less than minor. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be not more than minor.
3. The proposal is in accordance with the relevant objectives and policies of the Operative and Proposed District Plans and Part 2 of the Act.

# **DECISION REPORT**

## **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 notification of 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.

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

The site comprises the following:

- 1 Tasman Street – being the 4733m<sup>2</sup> corner parcel of land, that contains the ‘Tasman Gardens’ residential complex. The apartments, which are largely vacant, are in three buildings. There is also an on-site gymnasium within the north-eastern corner of the site. The units are held in a unit title arrangement, with 42 principal units, 76 accessory units and common property. The Operative District Plan (ODP) height limit for this site is 18.6 metres with the central apartment block exceeding this by approximately 1m.
- 23 Tasman Street – being the 665m<sup>2</sup> to the immediate south of 1 Tasman Street, that contained the Tasman Street Vet Clinic prior to being purchased by the applicant. The ODP height limit for this site is 10.2 metres.

The site slopes gently downwards from the west towards the east. An aerial photograph showing the site is provided below, with the site highlighted.

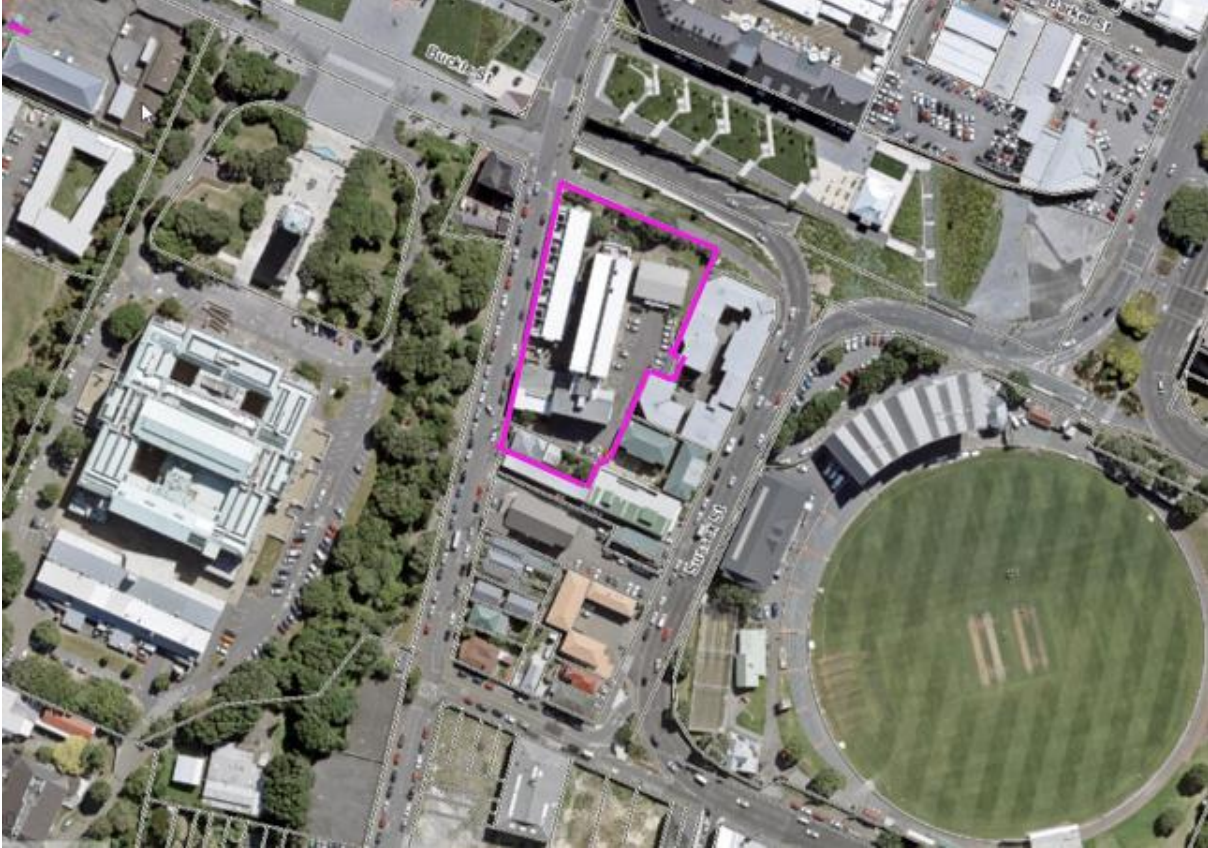


Figure 1: Aerial photograph of site and surrounding area

**PROPOSAL**

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

The layout of the proposed development is shown in the applicant’s Site Plan below:

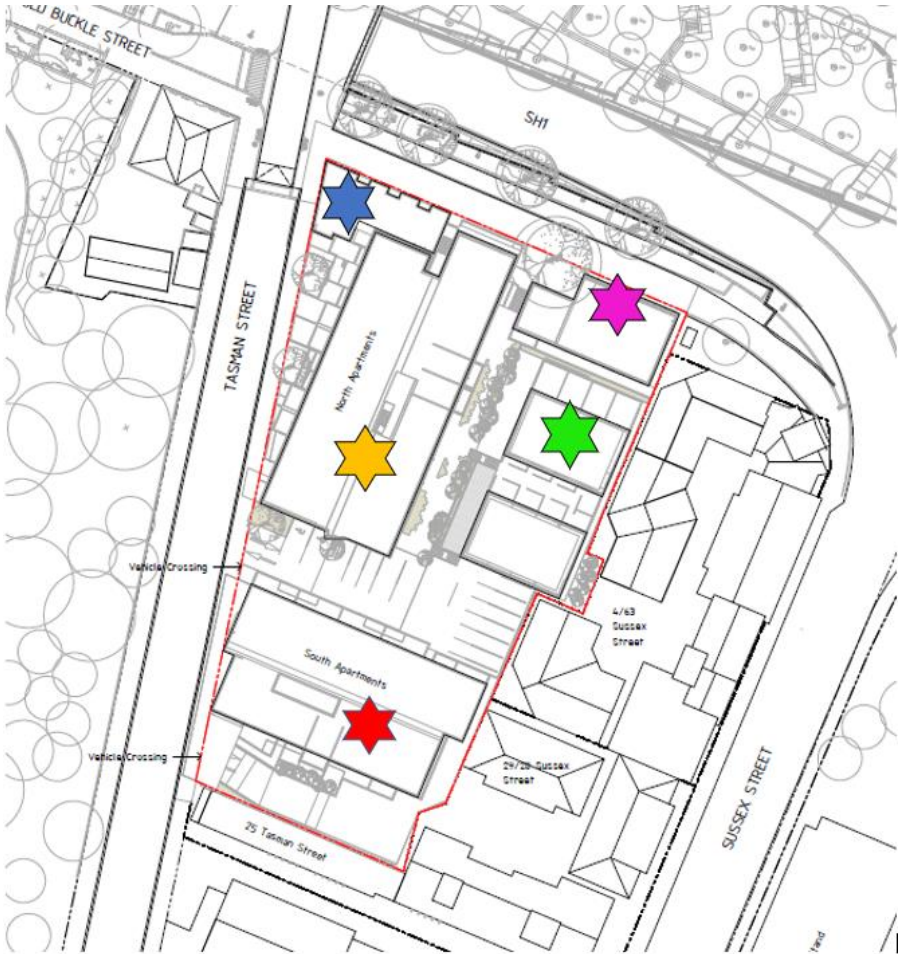


Figure 2: Site Plan, reference RC\_1.00

Details of the proposed buildings are provided at Table 1 below:

Table 1: Building Details

Building	Building Name	Apartments	Storeys	Maximum Height (m)
A	Northern Apartments	100	8 (G+7)	29.3m (at parapet) 29.45m (lift overrun)
B	Pukeahu Terrace Houses	4 + cafe	3 (G+2)	12.7m
C	Buckle Street Terrace Houses	5	3 (G+2)	13.8m
D	Courtyard Apartments Studio	8	2 (above carpark)	15.8m
E	Southern Apartments	54	5 (G+4)	19.5m (at parapet) 19.3m (lift overrun)

Buildings A and E will be base-isolated. Ground floor units in Building E will be configured to facilitate live/work opportunities.

Earthworks will be undertaken to clear the site and facilitate the construction of the new buildings.

The applicant’s image below shows the proposed buildings:



**Figure 3: Proposed development looking south with northern tower in centre and southern apartments to the rear, with Buckle Street terrace houses in the foreground, viewed from the corner of Buckle Street and Tory Street. Mt Cook Police Barracks in far right (not on subject site). From Plan RC-2.00 dated 20.10.2022**

Additional details are provided within the original AEE, and appendices submitted in October 2021, and in the plans titled ‘One Tasman Pukeahu Park, Resource Consent, Architectural Drawings’ (dated September 2021).

These 2021 reports and plans discuss the proposal with a 10-storey northern apartment block and a nine-storey southern apartment block. The process has been refined over the intervening year and amended to better fit the context and consequently the heights of both blocks have been reduced to **eight-storey for the northern apartment block and five-storey for the southern apartment block**. This application was amended to reflect this. The footprint of each building remains the same, so the site plans and general arrangements submitted in October 2021 are unaffected by the change in height.

Additionally, the colour and materiality of the southern apartment block has been amended to be more neutral greys and not white.

The amended heights are shown in the amended plans and appendices submitted in October 2022 and the amended plans titled ‘20.42 One Tasman Pukeahu Park, Resource Consent, Architectural Drawings’ (dated 20 October 2022), all of which should be read in conjunction with this report.

**ACTIVITY STATUS**

The activity status of this proposal is discussed in the Notification Assessment. In summary, resource consent is required for a **Non-complying Activity** under the following Operative District Plan rules:

- Rule 13.3.1

- Rule 13.3.3
- Rule 13.3.4
- Rule 13.3.7
- Rule 13.3.8
- Rule 13.3.9
- Rule 13.4.10
- Rule 13.5
- Rule 30.2.2

No Proposed District Plan rules apply.

## **WRITTEN APPROVALS**

As noted in the Notification Report no written approvals were provided with the application.

However, letters of support from HNZPT, Massey University, the Wellington Tenth Trust and Wellington High School were included with the application. The Ministry of Culture and Heritage also confirmed (27 August 2021) their support.

## **SECTION 95 ASSESSMENT AND DECISION**

The notification process was fully discussed in the Notification Report.

The conclusion reached was the overall effects on the environment to be not more than minor. The effects on any persons are considered to be less than minor; and the proposal is acceptable.

### **Public and Limited Notification Decision:**

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

## **ASSESSMENT OF ADVERSE EFFECTS**

A full assessment of the effects of the proposal is provided in the Notification Report. This assessment forms the basis for the notification decision and should be read in conjunction with this report. I note that this assessment draws on the information provided in the AEE, by the applicant's advisors and the assessments of the following Council experts:

- Morten Gjerde, Consultant Urban Design Advisor
- Andrew Burns, Consultant Urban Design Advisor
- Chessa Stevens, Consultant Heritage Advisor
- Mike Donn, Consultant Wind Expert
- Patricia Wood, Transport and Vehicle Access Engineer
- John Davies, Senior Earthworks Engineer and Contamination Expert
- Shane Crowe, Encroachments Advisor
- Lindsay Hannah, Acoustic Engineer
- Zeean Brydon, Consultation Engineer (Wellington Water)
- Robert Hon, Waste Engineer
- Golnaz Nazem, Waste Engineer
- Ben Brown, Senior Compliance Officer
- Bob Barber, Team Leader of Compliance and Monitoring

## SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

### **Section 104D Assessment – Gateway Test:**

As the proposal is for a Non-Complying Activity under the Operative and Proposed District Plans and the gateway test of section 104D must be fulfilled, namely that either the effects are minor or that the proposal is not contrary to the objectives and policies of the ODP and the PDP, before the application can be granted under section 104B of the Act.

Under the Assessment of Adverse Effects section in the s95 decision, the effects of the proposal on persons have been determined to be less than minor. Taking into account the further matters relevant under section 104 of the Act, I have determined that the overall adverse effects of the proposal on the environment will be not more than minor. Accordingly, the proposal passes through at least one of the limbs of the “gateway tests”.

As outlined above and in the Notification Report the Proposed District Plan has been publicly notified and submissions have closed. At this stage the rules of the PDP have no legal effect. As directed by NPS-UD and S104D(1)(b)(iii) RMA, the objectives and policies of both the PDP and ODP inform the decision. For completeness, I note that the following ODP and PDP objectives and policies are relevant to the proposal:

### ***Operative District Plan:***

#### **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.*

Objective 12.2.1 and the underlying policies relate to containment and accessibility within the Central Area. The sites are 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. The proposal is considered to be an efficient use of the Central Area land being for a mixed-use development at a height and mass that is considered acceptable by the relevant experts. Mr Burns and Ms Popova both view the proposed buildings as providing a positive contribution to providing housing within the Central Area. Being located in close proximity to the Pukeahu Park the residents of the complex will have easy access to a well-recognised and appreciated park area.

#### **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.*

The proposal contributes to the wide range of activities within the Central Area providing both accommodation and a retail operation (café). Further it provides a range of accommodation options within the city. It therefore accords with policies 12.2.2.1, 12.2.2.4 and 12.2.2.5.

With regard to policy 12.2.2.2 I note that the nearest Residential Zoned area is some 170m to the southeast with the Mt Victoria suburb approximately 280m to the east. Through the design process careful consideration has been given however to how the proposed development may impact on the residential zoned properties that have a view/outlook towards the Carilion and War Memorial buildings. Based on the advice from the various experts an appropriate balanced design response has been achieved which allows the site to maximise the development potential of the site in line with the intent of the NPS UD intent while carefully managing the diminishing of the outlook for the Residentially zoned properties and their outlook. The effects of the proposal on nearby residentially occupied sites has been assessed in the notification report and further below.

Mr Burns commented in his assessment of the amended proposal: *“Whilst heights vary along street edges, [Dr Gjerde’s report] concludes the aims of G3.4 (re consistency) are achieved due to overall coordination and buildings and spaces, and I accept that position.*

Mr Burns goes on to say: *“Building bulk has been addressed in [Dr Gjerde’s report] concluding that the compositional form of Building A mitigates bulk. The lower heights of B and C moderate and transition bulk into Tasman Street. The retained tree (Old Buckle Street) and new landscape elsewhere supports mitigation of bulk. Building E hard against Tasman Street is mitigated by veranda and transparent live/work facades. Outlook and light are achieved due to the distribution of buildings and open spaces. Regarding ‘positive open spaces’, the proposed through-block link between buildings A and E is noted in [Dr Gjerde’s report] as positive and I agree that it affords views of the Carillon from the east.*

With regard to servicing the site the proposal was reviewed by Wellington Water’s Land Development Engineer, Zeean Brydon. Ms Brydon has commented that through the management of conditions, accepted by the applicant, there should be no issues servicing the new dwellings for water, wastewater and stormwater. Based on this assessment, which is held on Council’s file, I consider the proposal meets the policy 12.2.2.2.

The proposal has been reviewed by Mr Hannah, Council’s Acoustic Engineer and he considers the effects of both the construction noise and development noise to be acceptable. A number of conditions have been accepted by the applicant to manage these effects.

I therefore consider that the proposal is consistent with Objective 12.2.2 and associated policies.

#### Urban Form and a Sense of Place:

***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.*

The 5388m<sup>2</sup> site is located within the 'low city' area. The proposed development does not meet rule 13.4.10 where the maximum building height must not be exceeded by more than 35% standard. However, I note the site is large and Buildings B, C and D meet the relevant height controls with Building E (southern apartment block) being 1m over the 18.6m height limit. Building A (northern apartment block) is the only building on site to exceed the 35%. The applicant notes in the AEE (section 5.3.1) just under half of the subject site remains at ground level and consists of courtyards, landscaped frontages and parking and manoeuvring areas.

While the building does not replicate the height of the adjoining buildings it is not inconsistent with the scale of the wider area, particularly to the north. Future development of the area as anticipated by the Proposed District Plan and Spatial Plan is expected to be consistent with that proposed under this consent. The height of the taller buildings has been carefully located centrally within the site with the lower 5 storey southern tower stepping down to the more residential scaled buildings to the south.

The 'sense of place' for this development is within the context of the neighbouring heritage items Pukeahu Park and the National War Memorial. Council's Urban Design advisors, Dr Gjerde and Mr Burns have both considered the relationship to the context and sense of place this development proposes. Mr Burns notes in his assessment "*The amended proposal reduces height and I acknowledge the heritage assessment that prefers this lower height as a technique to better manage relationships with the Carillon and former Museum. I agree with the UDA and accept the heritage position such that the amended proposal will relate well to its heritage context*". Ms Stevens also supports the amended proposal as relating better to the heritage values and context.

It is considered that the amended development as a whole provides a good response to the desired edge activity by providing active edges and entrances, and the pedestrian environment of both Buckle and Tasman Streets.

I rely on Dr Gjerde and Mr Burns' assessments that, despite the additional height of Building A and E, the proposal preserves the High City/Low City urban form in the context of Policy CCZ-P12 and contributes to the physical character and sense of place. I therefore consider that objective 12.2.3 and the relevant policies are met.

#### 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.*

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

*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.*

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

*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*

*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.*

Policy 12.2.5.1 requires that new buildings “*acknowledge and respect the form and scale of the neighbourhood in which they are located*”. It is recognised that a development that does not respect the form and scale of adjacent buildings may result in a development that detracts from the level of amenity available to the owners/occupiers of buildings on adjacent site. Therefore, this policy provides a level of protection to adjacent sites as appropriate design prevents adverse effects such as shading/loss of daylight and loss of outlook.

The proposed development is on a site of 5388m<sup>2</sup> and the proposed development is under mass across the site however Building A and E are taller than any other building in the block bounded by Tasman, Rugby, Sussex and Buckle Streets. The layout of the development, the placement of Building A centrally to the site and Building E being only 1m higher than the ODP height control are factors which contribute positively to a respectful outcome to form and scale. Neither apartment block prevents loss of outlook from neighbouring buildings or discernibly reduce the access to light. Policy CCZ-P12 of the PDP is more permissive and 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. Based on the NPS-UD’s direction, I consider Policy CCZ-P12 is more directive towards the NPS-UD than Policy 12.2.5.1 in this instance, and the height is acceptable in relation to the Proposed District Plan height control of 28.5m.

Policy 12.2.5.3 requires the management of building mass and building height to ensure quality design outcomes. The proposed development is a good quality design and will replace the existing apartment complex development. Ms Popova notes in her assessment Tasman Gardens, the existing development is aligned, both in terms of height and mass, with Tasman Street. Mr Burns considers of the proposal: “*Street edge definition and building alignment is well-supported by the amended proposal along Old Buckle and Tasman Streets*”. The building design has considered the interface with local street environment and the wider neighbourhood which is recognised by both the applicant’s and Council’s Urban Design advisors. The applicant has confirmed the building mass is at a permitted level across the

whole site (Appendix 6, page 9). The development has a footprint not dissimilar to the exiting lodged development however it will increase in prominence with the additional height. Mr Burns has considered this in his assessment and concludes: *“The amended proposal remains largely unchanged with regard to proposed site layout and distribution of buildings, open spaces, car parking and street edge configuration. I agree with the UDA that ‘coherence’ is a summative consideration with both macro and micro factors”*.

I have considered Policy 12.2.5.4 which requires that any additional building height must be able to be treated in such a way that it maintains the integrity of the building’s design and respects the characteristics of the site and the surrounding area. Through the iterative nature of the design process, consideration has been given to balancing how the proposed building heights respond to the characteristics of the site and the surrounding area, and in particular the sensitivities of the nearby heritage values. As detailed in the assessment of Mr Burns who has accepted a reduced amended height in respect to the heritage values of the area at the expense of design coherence while still maintaining design excellence. His final assessment concludes: *“Overall I confirm my original urban design conclusions that the Proposal can be supported from an urban design perspective”*. I consider this policy is met.

As discussed earlier in this report the amended proposal also maintains the streetscape by controlling the siting and design of the canopy in Tasman Street. It also provides a street edge which all Urban Design advisors agree speaks to scale at street level.

It is agreed by Dr Gjerde, Mr Burns and Ms Popova, the development meets the requirements for design excellence in accordance with Policy 12.2.5.5. I have accepted the conclusions reached by the three urban design experts.

With regard to policies Policy 12.2.5.6, Policy 12.2.5.7 and Policy 12.2.5.8 and the effect the development, specifically the northern and southern apartment blocks, have on wind; I have relied on the assessments provided by Mr Donn and Jamieson. And that the mitigation measures proposed to reduce the safety risk along Tasman Street are appropriate and the condition of consent offered by the applicant will address locations K, L and M. I note the conclusions of Mr Donn that subject to the further wind tunnel testing and mitigation being in place the effects of wind can be adequately addressed and *“there seems every reason to recommend acceptance of the design proposal as is, subject to agreement of the conditions around the canopy and trees on Tasman Street and agreement to find a wind screen solution to the wind at the NorthEast corner of the site.”*

I note that the building design and on/off site mitigation has been through an iterative process as a result of the 2021 wind testing in accordance with policy 12.2.5.9. In general, I am satisfied that the proposal is consistent in terms of policies 12.2.5.6 to 12.2.5.9.

Policy 12.2.5.10 provides 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. While it has been noted that no permitted baseline applies to this site it is noted that shading diagrams were provided that demonstrated shading effects on the residentially used, by Central City zoned sites, to the south will experience a less than minor effect with regard to shading. This is assessed in greater detail within the notification report. Access to daylight will remain similar to both the ‘permitted baseline scenario’ and the existing situation at the amended heights of eight-storey and five-storey.

### 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.*

*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.*

*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*

*Policy 12.2.6.12 Maintain and enhance the visual quality and design of ground floor level developments fronting on to streets, parks and pedestrian thoroughfares throughout the Central Area*

*Policy 12.2.6.14 Encourage new building development in the Central Area to provide ground floor stud heights that are sufficient to allow retrofitting of other uses.*

*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 (CPTED)*

*Policy 12.2.6.18 Maintain and enhance the streetscape by controlling the siting and design of structures on or over roads and through continuing programmes of street improvements.*

In response to these policies Dr Gjerde, Mr Burns and Ms Popova agree the amended proposed development, as designed, responds positively to the city scape and the nearby heritage areas.

The urban design assessments were undertaken in reference to the Central Area Urban Design Guide (CAUDG) and Appendix 2; the Te Aro Corridor Guide. The urban design experts use the CAUDG and a number of other design guidelines to inform their conclusions. I agree with the advisor's conclusions that the development will provide an outcome consistent with the stated over-arching intent if the CAUDG.

I note that there are no public spaces immediately abutting the subject site other than the footpath on legal road and the berm within Buckle Street. These spaces are transitory in nature and not one which provides specifically for congregation. Mr Burns has addressed the street-edge in his assessment "*Whilst heights vary along street edges, the UDA concludes the aims of G3.4 (re consistency) are achieved due to overall coordination and buildings and spaces, and I agree with that position.*"

With regard to protecting public views in policy 12.2.6.7, I note the Carillon and the National Museum and other heritage items, including Pukeahu Park, which is not a listed heritage area, have no protected District Plan viewshafts assigned to them in either the ODP (as impacted by this proposal) or as proposed in the PDP. However, views of (and towards) the heritage items have been considered throughout the development of this proposal, particularly in light of the direction provided by the Design Guide, Te Aro Corridor (Appendix 2) which provides useful guidance around how proposed buildings should respond to the context and setting of the nearby heritage buildings. Of primacy is the need to protect the views of and towards the Carillon and the War Memorial as viewed from the west and north which has been assessed by the various experts as not affected by the proposed development due to the placement and separation between Building A and E and the heritage items. When viewed from the east and south Ms Stevens notes in her assessment of the eight- and five-storey tower blocks that they do *“partially or entirely obstruct the Carillon from other common viewpoints, including from the intersection of Kent and Cambridge Terraces with Buckle and Ellice Streets (refer 12.2.5.1 below) which has some impact on its landmark significance”* However she goes on to acknowledge *“that any development at 1-23 Tasman Street is unlikely to avoid adverse effects on the visibility, and therefore the landmark status, of the Carillon from this perspective”*.

Overall, I accept the conclusions of Ms Stevens’ that *“The position and height of the apartment towers relative to the natural landscape mean that they are more prominent from the north and east than they are from the west; and the compositional relationship between the towers, the Carillon, the former National Museum, and the Basin Reserve, are particularly important from these perspectives. By breaking up the building forms and managing the height of the Southern Apartments in particular, [eight-and five storeys] achieves a finely balanced compositional relationship with the existing and highly sensitive heritage landscape in which it is located”*, this is consistent with emphasise within the Design Guide of the views from the north and east and I therefore consider the proposal consistent with policy 12.2.6.7.

In respect to policy 12.2.6.12 I consider that the amended design maintains and enhance visual quality with the street. The human scale is further reinforced with the provision of a canopy on Tasman Street and the trees and underplanting to soften and open up the site at street level. Mr Burns generally agrees with Dr Gjerde’s original assessment with regard to edge treatment although he noted *“I see no reason to disagree other than to note the western end of the north Old Buckle St elevation presents blank wall elements at ground. These are the less successful edge conditions but are limited in extent and mitigated by the café and site-wide entrance”*. The applicant has agreed to a condition to create interest in the brickwork and I now consider this forms part of the application and addresses Mr Burn’s concerns. I consider the proposal is consistent with policy 12.2.6.12

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

The amended proposal is consistent with the objective 12.2.6 and associated policies, as listed above. This conclusion is reached based on wind and urban design assessments. Dr Donn, Council’s Wind advisor has indicated the proposal is acceptable subject to the implementation of the mitigation and re-testing conditions. The applicant has accepted these conditions and I now consider they form part of the application.

Overall, I consider that the proposal is generally consistent with objective 12.2.6 and the associated 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.*

*Policy 12.2.7.3 Enhance the quality and amenity of residential buildings in the Central Area by guiding their design to ensure current and future occupants have adequate ongoing access to daylight and an awareness of the outside environment.*

The proposal is consistent with this objective and ensures that there is natural light to all occupied spaces. Noteworthy is the base-isolating in both Building A and E, The Pukeahu Terrace houses will have a green roof component to assist with stormwater retention, the shared Gully Garden courtyard garden, the provision of EV charging and garden terraces for Building D.

#### 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 12.2.10.1 Guide the design of signs (and their associated structures and affixtures) to enhance the quality of signage within the Central Area.*

*Policy 12.2.10.2 Manage the scale, intensity and placement of signs to:*

- maintain and enhance the visual amenity of the host building or site, and
- ensure public safety.

*Policy 12.2.10.3 Ensure signs in the Central Area do not adversely affect the architectural integrity of the building on which the sign is located.*

*Policy 12.2.10.4 Ensure that signs contribute positively to the visual amenity of the building neighbourhood and cityscape above the fourth storey level.*

The proposal is for temporary signage around site information and marketing – prior to occupation. The details are spelled out in section 2.21 of the AEE, and I consider them generally consistent with this objective and policies.

#### 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 12.2.15.9: 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 12.2.15.11: Consider waivers from the servicing or loading requirements:*

- *where suitable alternative off-street provision can be made; or*
- *where site access restrictions apply and there is no suitable alternative means of access; or*
- *where it is necessary to protect any listed heritage item.*
- *where the topography, size or shape of the site, the location of any natural or built features on the site, or other requirements such as easements, rights of way, or restrictive covenants impose constraints which make compliance impractical.*

*Policy 12.2.15.12: Manage the creation of new vehicle accessways along identified roads in the Central Area, to ensure:*

- *efficient, convenient and safe movement of pedestrians, vehicles and public transport; and*
- *continuity of key commercial frontages.*

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

The site has convenient access to public transport, is walkable to the city and services. It abuts Pukeahu Park and The Basin Reserve and Mt Victoria (Town Belt) providing the occupiers with convenient access to open spaces.

The proposal provides more than 170 residential units of various sizes and configurations which provides safe, warm homes for the occupiers in contrast to the existing unliveable units, many of which will have access to on-site parking for vehicles (both motorised and non-motorised).

Based on the applicant's Transportation Assessment Report (Appendix 13) and Ms Wood's assessment of the proposal provides a sensibly located service and loading area and parking for both motorised vehicles and bicycles. Based on Ms Wood's advice I consider that the proposal accords with Objective 12.2.15 and associated policies.

Further waste management has been reviewed by Robert Hon and Golnaz Nazem, Council's Waste Engineers who both reviewed the proposal and recommend a waste storage area of 106m<sup>2</sup> which equates to the two 'resource rooms' proposed, plus the townhouses being serviced independently of the apartment blocks. I consider this adequately meets the policy direction.

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

*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.*

I note the applicant has undertaken a Cultural Impact Report (Appendix 9) and had a korero/hui with Wellington Tenth's Trust. They have provided a letter of support dated 15 June 2021 (Appendix 5). Wellington Tenth's Trust requested a discovery protocol condition which the applicant has offered, and contact should any material be discovered.

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 29.2.1.4: 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 29.2.1.11: 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.*

I have consulted with Mr John Davies (Earthworks Engineer) whose expert advice I have relied on. The earthworks proposed are of a scale that is reasonably anticipated for a Central Area site such as this. The proposed earthworks and construction methodology design will manage to minimise erosion, and the movement of dust and sediment beyond the area of the work. Further the applicant has agreed to the conditions requiring a Construction Management Plan and an Earthworks Management Plan which further addresses general works and construction, and the removal of material from the site. I consider, based on Mr Davies advice that the proposal is consistent with this objective.

While it is not necessary to achieve both requirements of the gateway test, in this case I consider that the proposal is not contrary to the operative objectives and policies as set out above.

***Proposed District Plan:***

In the introduction of the City Centre Zone Part 3 of the Proposed Plan the direction is clearly spelled out: to maximise development capacity to accommodate projected growth, an increase in the scale and intensity of development is enabled across the 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.**

The proposal is in accordance with this objective.

**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**

This objective is met with the provision of over 170 residential units of various sizes and configurations which provides safe, warm homes for the occupiers in contrast to the existing unliveable units. The site has convenient access to public transport, is walkable for the city and

services. The site abuts Pukeahu Park and The Basin Reserve and Mt Victoria (Town Belt) providing the occupiers with convenient access to open spaces.

A number of iterations to the design have resulted in a well-integrated development where the site is used to its potential under the PDP standards. As a comprehensive development the proposed development encapsulates a development style that is encouraged by this policy.

**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**

The proposal accords with this objective.

**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.**

The applicant has provided a Cultural Heritage assessment and consulted with Wellington Tenth Trust (WTT). A condition of consent respects WTT wishes to be notified should any significant material be uncovered.

**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.**

As discussed in the s95 assessment the amended development is considered by the experts to respect the sense of place particular to this site with neighbouring heritage items. The proposal respects the open space that is Pukeahu Park to the north and The Basin Reserve to the east with shading consistent with the ‘permitted baseline scenario’ of the ODP.

**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**

It is acknowledged that any building on this site has the potential to adversely impact on the setting of nearby heritage buildings and structures. The proposal has been through a number

of changes to reduce the effects of its dominance and location in proximity to the neighbouring heritage items. Viewpoints have been considered from every angle and heights were reduced and bulk was moved to accommodate the ongoing relationship between the War Memorial Museum and the Carillon. Overall Ms Stevens has noted the final amended design – at eight and five storeys – is an acceptable outcome for the neighbouring heritage environment which is consistent with the conclusions of Mr Wild. She notes this is finely balanced and accepts the conditions offered by the applicant to finish the southern tower in grey and not white.

The site does not abut open space as the nearest open space areas are Pukeahu Park to the north and northwest and The Basin Reserve to the east. These spaces are separated respectively from the subject site by Buckle Street and the neighbouring multi-units at 4 and 22 Sussex Street and Sussex Street itself. As the site is to the south there is no shading on Pukeahu Park. Despite the location of Building A on the ridge, a separation distance of some 60m and three additional storeys on the existing height there is no discernible shading on The Basin Reserve.

The pedestrian use of the street has been protected through the installation of the canopy / verandah, tree planting to mitigate wind and the design which steps the heights away from the pedestrian environment. A CPTEP assessment has been carried out and design principles either agreed as conditions or built into the development.

*Policy CCZ-P4: Enable high density, good quality residential development that:*

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

This policy is relevant given the provision of 171 residential units to the Wellington pool which are made up of one-, two- and three-bedroom units across a variety of forms including townhouses, apartments and smaller units. It is considered that this proposal is consistent with this policy.

*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.*

As discussed in the earlier assessment the amended proposal contains two tower blocks. The northern apartment block is 29.3m in height which exceeds the PDP height control of 28.5m (in places). The building exceeds the ODP height standard of 18.6m by more than 35%. The southern tower is 19.5m which also exceeds the ODP height standard but not the PDP height control. Specific heights under the PDP do not yet have legal effect but it is directed by the NPS-UD to look towards a *greater overall height and scale of development* and in the balance *the land is used to its capacity*. In the light of the direction of both the NPS-UD and this policy I consider the proposal is generally in accordance with it and the overall intent of providing for greater intensification in the CBD.

*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.

This policy requires a well-designed, comprehensive development which embodies the future change to scale and nature in this zone as indicated by the height overlay and the proposed rules. I consider for all the reasons discussed in this report the amended proposal does optimise development for a site adjoining a significant heritage location. As set out by the relevant technical advisors the heights as amended demonstrate respect for the neighbouring features while meeting the development requirements of yield and providing a variety of accommodation options.

As discussed under the ODP objectives and policies above the development is consistent with part 2 of Policy CCZ-P9. Overall, based on the eight and five-storey proposal I consider this policy is met, however it is finely balanced with regard having been paid to the special neighbouring heritage items through the amendment process.

*Policy CCZ-P10: Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including:*

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

The proposal has achieved design excellence as recognised by the urban design advisors as set out in the Operative District Plan CAUDG and has been through a comprehensive development process as outlined in the applicant's Architectural Design Statement (Appendix 1). I consider a high standard of residential development has been designed and this policy is met.

*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.*

While the City Outcomes Contributions as laid out in the CMUDG has not been 'scored' I do note the proposal does address 1 – 3 above including base-isolating Building A and E. No. 5 is not determined although I note the site accessible to pedestrians via courtyards and paths form both Buckle and Tasman Street. Lifts are provided for each tower block.

*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.*

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 above this amended proposal has Council advisors' support for the amended heights and placement of buildings. The overall design has been accorded design excellence. Overall, this policy is met.

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 a Civil Engineering Services Report (Appendix 17) and Zeean Brydon of Wellington Water has reviewed the proposal and the Aurecon report and provided conditions to enable servicing of this site. The applicant has agreed to the conditions, and they form part of the application

The proposal is generally in accordance with the PDP objective and policies as set out below, and the Council advisors: Mr. Hannah, Ms Wood, Dr Donn and Mr Davies have reviewed the relevant issues and are in support with the provision of conditions which have been accepted and now form part of the proposal.

*Three waters:*

- *THW-O1 to THW-O3 and THW-P1 to THW-P5.*

*Noise:*

- *NOISE-O1, NOISE-O3 and NOISE -P1 to NOISE-P4.*

*Transport:*

- *TR-O1 and TR-P1 to TR-P3.*

*Wind:*

- *WND-O1 and WND-P1 to WND-P4.*

*Earthworks:*

- *EW-O1 and EW-P1 to EW-P6, EW-P8.*

While it is not necessary to achieve both requirements of the gateway test, in this case I consider that the proposal is not contrary to the proposed objectives and policies as set out above and is generally consistent with them.

Gateway Test Conclusion:

Overall, as this proposal is assessed under both the Operative and Proposed District Plan, I have considered the proposal under both ‘gateway tests’ and, based on the current weighting I consider that the proposal is not contrary to the objectives and policies as set out above, for the PDP and the ODP.

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

Adverse Effects:

An assessment of the effects on the environment has been made in the notification assessment. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act no additional comments are provided.

Positive Effects:

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

I consider the proposal to have the following positive effects:

- The replacement of the existing unoccupiable development due to weathertightness issues
- The provision of over 100 additional residential units and a commercial unit (café)
- As set out by Urban designers, the replacement buildings better respond to the nearby heritage buildings than the existing.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be not more than minor.

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

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

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

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

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Operative District Plan and the relevant plan changes
- The Proposed District Plan (objectives and policies only)

### **Higher Order Planning Documents:**

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

### **National Policy Statement:**

The objectives of the NPS-UD most relevant to this proposal are:

- **Objective 1:** New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
- **Objective 2:** Planning decisions improve housing affordability by supporting competitive land and development markets.
- **Objective 4:** New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- **Objective 5:** Planning decisions relating to urban environments take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- **Objective 6:** Local authority decisions on urban development that affect urban environments are:
  - (a) integrated with infrastructure planning and funding decisions; and
  - (b) strategic over the medium term and long term; and
  - (c) responsive, particularly in relation to proposals that would supply significant development capacity.
- **Objective 8:** New Zealand’s urban environments:
  - (a) support reductions in greenhouse gas emissions; and
  - (b) are resilient to the current and future effects of climate change.

In addition to this Policies 1, 6, 9(c), 9(d) and 11 apply to resource consent decisions.

The NPS-UD directs the Council to enable housing even where this may result in significant changes to an environment and detract from existing amenity values. The requirements of the NPS-UD are incorporated into the Proposed District Plan review. As a higher order planning document, the relevant objectives and policies of the NPS-UD have been taken into consideration within this decision report.

**Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.* The emphasis on changing amenity values in response to diversity and changing needs is considered relevant to this development.

**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”*. I note a height overlay for this site of 28.5 metre under the PDP as directed by the Wellington Council Spatial Plan (the Spatial Plan), adopted on 24 June 2021, which sought to intensify development potential to meet the housing needs of the City's population and the requirements of the NPS-UD.

**Policies 1, 4, 5, 9(c) and 9(d)** of the NPS-UD require that the Council enables a variety of homes to meet the needs of a changing community, to modify heights and density. This policy is met.

**Policy 6(b)** requires decision makers to have regard that: *“the planned urban built form ... may involve significant changes to an area, and those changes: (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect”*. I have regard for this policy where the amenity effects of neighbouring sites, in the context of the ODP objective and policy framework *are not, of themselves, an adverse effect*.

Overall, the proposal is considered to achieve the outcomes sought by the NPS-UD. Notably, the proposal facilitates additional housing capacity (171 household units) at heights set out in the Spatial Plan and Proposed District Plan.

#### Regional Policy Statement:

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

- **Policy 41:** Minimising the effects of earthworks and vegetation disturbance.
- **Policy 42:** Minimising contamination in stormwater from development.
- **Policy 46:** Managing effects on historic heritage values.
- **Policy 48:** Principles of the Treaty of Waitangi.
- **Policy 49:** Recognising and providing for matters of significance to tangata whenua.
- **Policy 54:** Achieving the region's urban design principles.
- **Policy 55:** Maintaining a compact, well designed and sustainable regional form.
- **Policy 58:** Co-ordinating land use with development and operation of infrastructure.

Conditions have been offered to manage the earthworks associated with this build. A number of management plans which directly reference industry-led environmental accords and codes of practice have been offered and agreed.



Stormwater will be managed in accordance with Policy 42 such that the use of galvanised, zinc alum or unpainted metal (including copper) for exterior cladding may result in contamination of stormwater runoff and a condition has been agreed to manage this effect. Additionally, WWL advisors have reviewed the proposal and note the conditions imposed will address all matters pertaining to this policy however, they note a Greater Wellington Regional Council consent may be required for the 3,000m<sup>2</sup> stormwater discharge.

Policy 46 has been considered as the development *may affect a place, site or area with historic heritage value*. As discussed elsewhere in this report and in Ms Steven's assessments the proposal is considered to be finely balanced with regard to its effect on the neighbouring historic heritage values. I have had regard for (a) to (i) of policy 46 noting the amended proposal, complete with a grey colour palate, and (f) *the magnitude or scale of any effect on heritage values*. The reduced heights of the northern apartment block to eight-storeys and the southern to five goes some way towards reducing the scale of effects. This is confirmed by Ms Stevens in her assessment as carefully balanced and I consider this a not more than minor effect and acceptable.

With regard to (h) *whether the activity will lead to cumulative adverse effects on historic heritage*; I have considered this development to have undergone a number of redesigns as advised by both Council and the applicant's experts, to address effects on historic heritage and this final iteration is specific to the site, acceptable in terms of outcomes for heritage when viewed from the north and east with heights set though the Spatial Plan and PDP.

Hui with mana whenua has been undertaken at the design stage and conditions reflect the applicant's recognition of tangata whenua with regard to discovery protocol, addressing policies 48 and 49.

Lastly, the regard for a compact city and need for well-designed development of policies 54, 55 and 58 is met in this proposal which seeks to replace 42 uninhabitable units with 171 residential units on a site in the Central Area with existing available infrastructure.

I have additionally considered the Proposed Change 1 to the RPS to account for the new national direction to increase housing bottom lines for the Wellington Tier 1 urban environment and to implement and support the National Policy Statement on Urban Development 2020 (NPS-UD). This proposal is consistent with the policies and methods requiring the Council to achieve sufficient development capacity to meet expected housing demand.

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

#### Operative and Proposed District Plan Objectives and Policies:

The Operative and Proposed objectives and policies were discussed under the section 104D assessment.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out in section 104D.

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

##### The Spatial Plan:

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

#### Central Area Urban Design Guide Appendix 2 – Te Aro Corridor (Ta):

The proposal has been reviewed in the light of the Te Aro Corridor (Ta) Design Guide by Council’s Urban Design Advisor Dr Gjerde (assessment dated 30 November 2021). He notes several aspects of the design address the context of the objectives, specifically TAO1.1 and TAO1.2: *“Building massing that enables views through the site by separating Buildings A and E, and across the northwest corner of the site by stepping the two halves of Building A in plan. These two attributes of the design increase the extent to which views toward the Carillon and former Dominion Museum can be gained from vantage points northeast and east of the site”*. He goes on to say: *“Stepping the height of buildings down around at the street edges to help moderate the scale of the two taller buildings and to relate to the height of the former Mt Cook Police building”*.

I note Dr Gjerde, who assessed the original proposal acknowledged the most significant challenge in terms of this setting was the proposed heights of Buildings A and E.

The Te Aro Corridor Design Guide, Appendix 2 of the CAUDG, emphasises viewpoints from the north and northwest, where TAG1.1 notes the importance of maintaining *a significant contrast* in height between the National War Memorial and any development to the north and west of this building. The current site does not fall within the area described in the design guide. Dr Gjerde notes that from the north and northwest of the park, the development would not challenge the prominence of the National War Memorial and Carillon.

Ms Stevens has also reviewed the CAUDG and in particular the Appendix 2 for the Te Aro Corridor and notes with reference to (TA) O1.2: *“The landmark significance of the Carillon and the National War Memorial looking along Buckle Street from Taranaki Street and from within the western or central zones of Pukeahu Park is not significantly changed by [the amended proposal] From the Home of Compassion Creche, at the eastern end of Pukeahu Park, the dominance of the Carillon is reduced by the presence of the Northern Apartments, but not to such an extent that it loses its landmark status within the landscape”*.

With regard to (TA) O1.3: *Maintain and enhance the built edge to the Buckle/Taranaki St intersection*. She considers the proposal does not impact on this intersection.

Overall, I have considered Dr Gjerde’s assessment, which is confirmed by Mr Burns, and Ms Stevens’ assessment, and I consider the proposal satisfied the provisions of the relevant objectives set out in the CAUDG Appendix 2 for the Te Aro Corridor.

#### Rubbish Collection:

As the proposal involves more than 10 residential units, I have discussed the proposal with the Council’s Waste Operations team. They have advised the applicant of their options in terms of

waste collection – being by private collection. I have included an advice note in relation to this matter.

#### Code of Practice for Land Development:

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.

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.

Based on the advice provided by Wellington Water, Council's Traffic and Earthworks Engineers, 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.

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

## **PART 2 – PURPOSE AND PRINCIPLES OF THE ACT**

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

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

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. I have also assessed the proposal against the relevant matters in Part 2, particularly against section 6(f), *the protection of historic heritage from inappropriate use and development, is recognised and provided for through this development* because while there are impacts on the neighbouring heritage items overall after a number of iterative designs and advice from Council's Heritage advisor, the result is considered to be carefully balanced at the heights of eight and five storeys, to respect historic heritage and views of both the Carillon and the relationship between the Carillon and the National War Memorial. There are no relevant section 7 or section 8 matters.

## **SECTION 108 CONDITIONS**

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

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Landscaping condition and protection of the mature pohutukawa in Buckle Street as offered by the applicant.
- Wind mitigation conditions including the planting of two mature trees and the installation of the canopy/verandah on Tasma Street
- Conditions to review the CPTED statement
- Conditions relating to the management of construction and earthworks effects, including the ESCPP' CMP, CTP and CVNMP requirements. These conditions will mitigate the construction related effects of the proposal.
- A condition to ensure the hoarding is both robust and have visual interest.
- An Accidental Discovery Protocol condition that will mitigate the effects of damage to material of significance to the Council's mana whenua iwi partners, if this is discovered on the site.
- Conditions recommended by Ms Stevens to avoid or mitigate the heritage effects of the proposal through design detail and modification approval.
- Conditions relating to servicing, as requested by Ms Wood and Ms Brydon (WWL).
- Conditions relating to operational noise.
- A condition requiring appropriate disposal of any contaminated material found on site such as asbestos.
- Conditions relating to the monitoring of the resource consent.

The Council must not impose conditions under section 108 unless:

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

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

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

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

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

## **CONCLUSION**

I consider that the adverse effects of the activity are not more than minor, and that the proposal meets the relevant objectives and policies of the Operative and Proposed District Plans. With regard to the test of section 104D and having applied section 104 of the Act resource consent can be granted under section 104B of the Act.

## **REASONS FOR DECISION**

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

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be not more than minor. The effects on any persons are considered to be less than minor. There are no special circumstances.
  2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be not more than minor.
  3. The proposal is in accordance with the relevant objectives and policies of the Operative and Proposed District Plans and Part 2 of the Act.
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Report prepared by Monique Zorn



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Delegated Officer

15 November 2022



**Hamish Dean**  
Delegated Officer

15 November 2022