

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF an application for resource consent by His Majesty the King C/- Simpson Grierson under section 88 of the Act, for the construction and use of new buildings with associated site works and modifications at 1 Molesworth Street, Pipitea, Wellington (Section 1 SO Plan 38114).

Wellington City Council Reference
SR514663

DECISION OF THE HEARING COMMISSIONER

3 July 2023

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Introduction

1. This is the decision on a resource consent application made on behalf of His Majesty the King, (through Parliamentary Services c/- Simpson Grierson), for the construction and use of two new buildings with associated site works and landscape modifications at the rear of Parliament House Wellington. The site, formally known as being part of 1 Molesworth Street, Pipitea, Wellington (Section 1 SO Plan 38114), is currently used primarily for carparking and circulation between the Parliamentary Buildings complex and the recently refurbished Bowen State Building. Access to the site is via Museum Street off Bowen Street and from Ballantrae Place further to the west.
2. The two proposed buildings comprise firstly the six-storey Museum Street Building (also known as MUS) to provide for additional accommodation for Members of Parliament and support functions. The three-storey Ballantrae Place Building ('BAL'), to the west of the proposed MUS building, is to provide for centralised incoming and outgoing deliveries for the site, via Ballantrae Place. The remainder of the site is to be modified for site access, landscaping, improved site security and enhancement of pedestrian spaces.
3. The property is zoned Central Area in the Operative Wellington District Plan and City Centre Zone in the Proposed Wellington District Plan. Being part of the Parliament Buildings complex and reflecting the significance of the site to the nation of the wider Parliamentary Precinct, the overall site is subject to a number of plan notations particularly in respect of heritage values and view protection.
4. I have been delegated the authority from Wellington City Council (WCC or Council) to hear and determine this application on behalf of the Council as consent authority.
5. In making this decision I firstly record that, in determining this resource consent I have read and considered the application and further information supplied to WCC, the submissions received and the s42A report prepared by Council planner Mr Matthew Brajkovich which incorporates other Council adviser comments. In addition, I have taken account of the applicant's evidence and legal submissions, the submissions received, the representations from Heritage New Zealand Pouhere Tāonga, Mr Ben Blinkhorne and Mr Ewen Robertson and the further Council advice presented at the hearing that was held on 30 May 2023.
6. After receipt of the applicant's written closing and confirmation of the Council's agreement to the conditions, the proceedings were formally closed on 7 June 2023.

The Site and Surrounds

7. The s42A report¹ accurately describes the site and environment surrounding 1 Molesworth Street as follows:

The subject site is Parliament Grounds, being a 4.5592ha irregular shaped site and legally described as Section 1 SO Plan 38114. The site is bound by Hill Street to the north, Molesworth Street to the east, Bowen Street to the south, and Ballantrae Place and the 'Bowen Precinct' office campus to the west (34-44 Bowen Street). The site comprises the landmark government buildings of Parliament House, the Executive Wing ("Beehive"), and Parliamentary Library, surrounded by vegetation and landscaping, paved areas, vehicle access and parking. Included within these areas are the Seddon and Ballance Statues and the heritage listed English oak tree referenced above.

The site is located toward the northern end of the Wellington city centre and is surrounded by a range of activities and buildings at varying scales akin to this high- intensity urban environment, including office, commercial, university, government, residential and community uses.

The site and existing buildings are highly visible within the context of the surrounding environment, particularly as viewed from the south-west, south and east. This is deliberately the case due to the elevated topography of the site, siting of the buildings, and the several protected viewshafts outlined in the District Plan (and listed below), with particular emphasis on the Beehive within the Executive Wing.

8. The site is currently used for carparking, site deliveries, pedestrian thoroughfare with some landscaping. A feature of the site is the Heritage Listed oak tree located some 20 metres from the western façade of Parliament House. Further details of the site and surrounds are provided in the applicant's AEE and associated plans and technical documents. The existing site plan from the application plan set is provided below.

¹ S42A report, para 14-16.

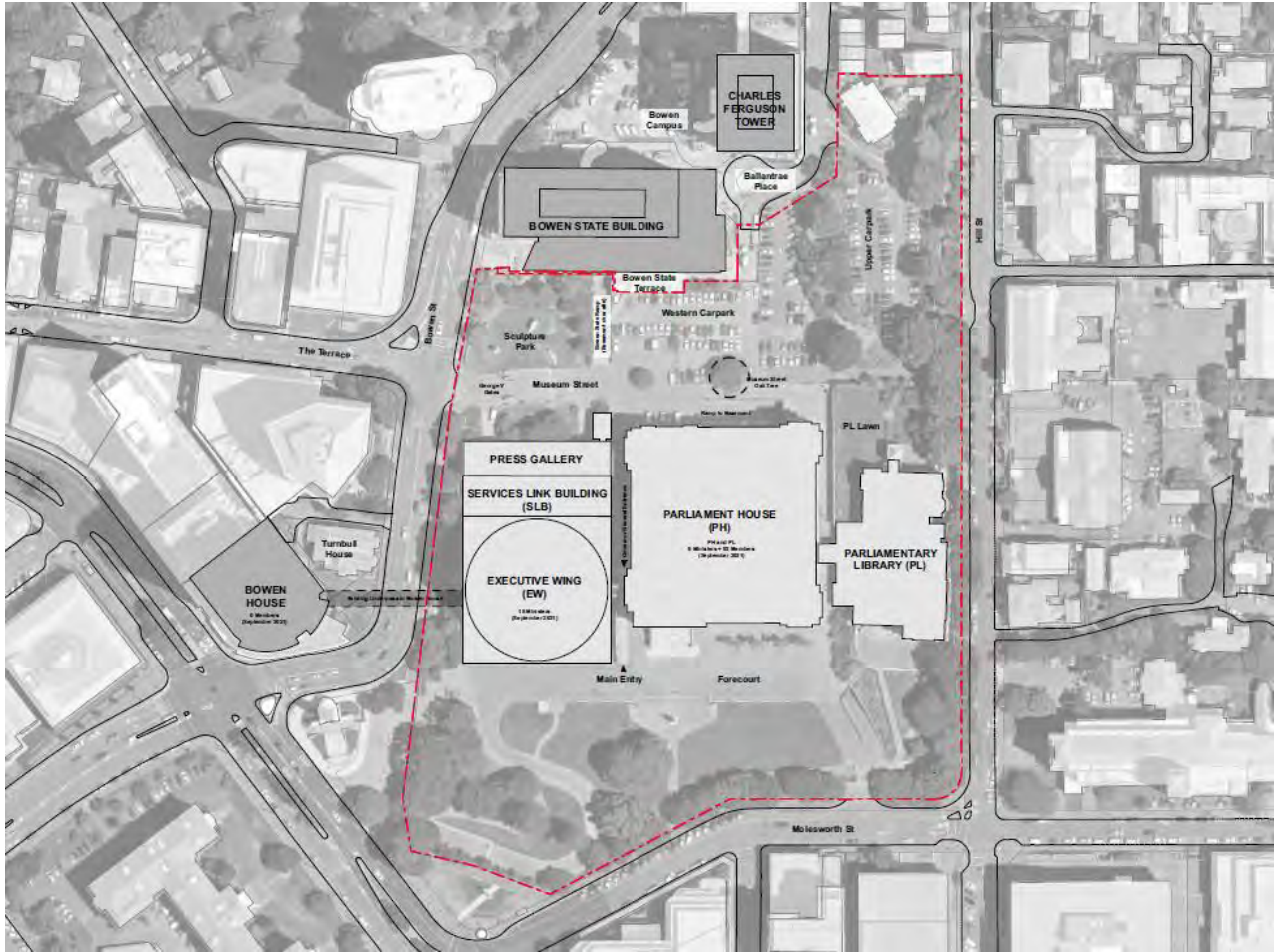


Figure 1: Existing Site Plan - Location Plan, Layout I.D P A1-01, revision 2 prepared by Studio Pacific Architecture.

The Proposal

9. Mr Brajkovich also adopted the description of the proposal which was provided on pages 4-5 of the applicant's Assessment of Environmental Effects ('AEE') dated 28 September 2022.
10. Mr Brajkovich summarises the proposal for which resource consent is sought in his report² as follows:

In summary, the FAS Project involves redevelopment throughout the western portion of the site comprising:

- *Construction of a new six-storey building, named the Museum Street Building ('MUS'), to the west of Parliament House, providing Members' accommodation and office space, with a new bridge link to Parliament House. This also involves modification to the western façade of Parliament House.*

² S42A report, para 13.

- Construction of a new three-storey building, named the Ballantrae Place Building ('BAL'), to the west of the proposed MUS building, providing for centralised incoming and outgoing deliveries for the site, via Ballantrae Place.
- Relocation of the existing heritage listed English oak tree located to the west of Parliament House to make way for the proposed MUS building. The tree will be relocated to the west of the MUS building and incorporated into other landscaping.
- Modification of the site access, car parking and landscaping within the western portion of the site and enhancement of pedestrian spaces and landscaping.
- Associated site works, including earthworks and contaminated soil removal/ remediation.

11. The applicants proposed layout within the comprehensive plan set is shown below.

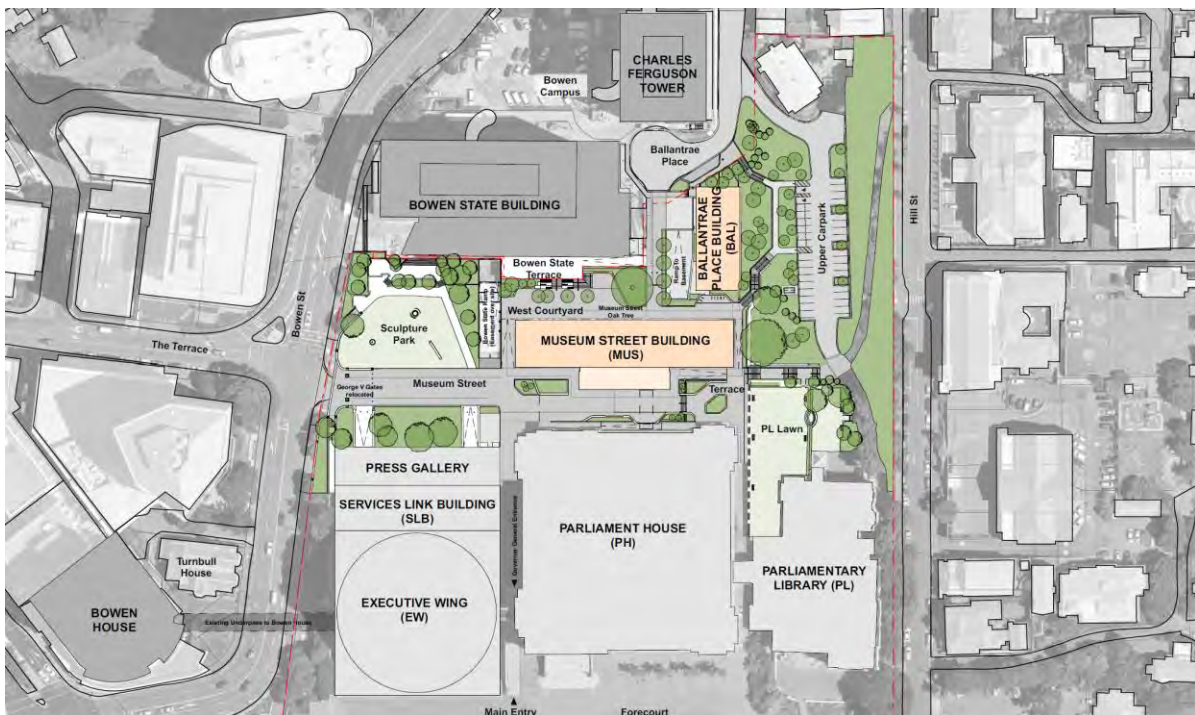


Figure 2: Proposed Site Plan - Location Plan, Layout I.D P A2-03, revision 2 prepared by Studio Pacific Architecture.

12. The detail of the Project was also outlined by Project Architect Mr Michael Davis in his evidence which he further explained at the hearing. He summarised the detailed components of the design as follows³.

³ Evidence of Michael Davis paras 6.2 to 6.4

The larger of the two buildings is the 6-storey Museum Street building, MUS. This new building, located approximately equidistantly between the Bowen State Building and Parliament House, is conceptually a new wing of the latter. Like the other buildings on the precinct, it is very much 'of its time' in its design and construction. This includes the use of base isolators and viscous dampers to resist seismic loads and meet IL 4 requirements for post-event functionality; mass timber construction for all main structural members including all upper floors; a unitized façade system with high performance glass, seismic detailing, and a decorative metal screen/sunshade; the use of a re-useable demountable partitioning system for flexibility; a 6-star (world leading) Greenstar rating; an east-west public pedestrian link through the ground floor; and the integration of artworks that express the cultural narrative of mana whenua.

The smaller 2-storey building is the secure deliveries building, BAL. This is located at the Ballantrae Place entrance where all deliveries to the precinct will arrive, be security-screened, and then delivered via the basement network to the other buildings on the precinct. This building will also be where all contractors and trades visitors to the site are processed. It is intended to be a more recessive building than MUS but in its own way is also of its time and includes mass timber floor construction; 5-star Greenstar minimum; IL 3 seismic standard; and the expression of the cultural narrative.

The landscape treatment LAN linking all the buildings on this part of the precinct will change what is currently a vehicle dominated area into a connected and legible series of outdoor spaces – principally a redefined Museum Street and a new west courtyard. The latter being a new setting for the relocated Museum Street oak tree. The landscape is part of the Greenstar rating of the buildings and uses a simple materials palette, and plant selections to maintain ecological values. The design has evolved to address CPTED issues whilst also providing good amenity, accessibility, and through-site links. It will also express the cultural narrative through ground and wall surface treatments.

13. Both Mr Davis and Mr Brajkovich also reference the importance of the site from a national perspective being the seat of Government and the need for a high-quality built response to the citywide setting of the site.

Planning Framework and Activity Status

Operative District Plan

14. The site is zoned Central Area in the Operative Wellington District Plan (ODP) and the following notations apply to the site:

- Heritage Area: Parliament Grounds (#14);
- Heritage Buildings: The Beehive (#36), Parliament House (#214), Parliamentary Library (#215);
- Heritage Objects: Seddon Statue (#36), Ballance Statue (#37);
- Heritage Tree: Quercus Robur / English Oak (#187);
- Specific Rules: Chapter 13 Appendix 11 Central Area Viewshafts #1, #2, #3, #4A; and
- Hazard Area: Ground Shaking

15. I have also had regard to the following non-District Plan notations that also apply to the site:

- Heritage New Zealand Pouhere Tāonga (‘HNZPT’) New Zealand Heritage List: Executive Wing (#9629), Parliament House (#223), Parliamentary Library (#217), Seddon Statue (#230), Ballance Statue (#211);
- Contaminated land (HAIL and SLUR); and
- Rainfall flood risk (Wellington Water Ltd modelling).

16. Mr Brajkovich’s s42A report contains a summary of the consent status of the activity and I note that Mr Coop, the planning adviser for the applicant, concurred that the summary was accurate.

Central Area	
<p>Rule 13.3.2 – Critical facilities</p> <p>The proposal involves the establishment of a critical facility¹ in a Ground Shaking Hazard Area, which requires consent under Rule 13.3.2.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	<p>Restricted Discretionary</p>
<p>Rule 13.3.3 – Activities not meeting standards</p> <p>The proposal involves activities that do not meet the following standard in section 13.6.1, which requires consent under Rule 13.3.3:</p> <ul style="list-style-type: none"> - Access to the site via Museum Street is located less than 20m to the intersection of Bowen Street and The Terrace, which does not meet Standard 13.6.1.3.17. <p>There are no relevant conditions, standards or terms under this rule.</p>	<p>Restricted Discretionary</p>
<p>Rule 13.3.4 – Buildings</p> <p>The proposal involves construction and alteration of buildings that are not Permitted or Controlled Activities, which requires consent under</p>	<p>Restricted Discretionary</p>

<p>Rule 13.3.4.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	
<p>Rule 13.3.8 – Buildings not meeting standards</p> <p>The proposal involves construction and alteration of, and additions to buildings that do not meet the following standards in sections 13.6.1 and 13.6.3, which requires consent under Rule 13.3.8:</p> <ul style="list-style-type: none"> - Access to the site via Museum Street is located less than 20m to the intersection of Bowen Street and The Terrace, which does not meet Standard 13.6.1.3.17. - The proposed MUS building intrudes into Viewshaft 4a which does not meet standard 13.6.3.3.1. - The proposed development results in non-compliances with the safety and cumulative standards for wind speeds, which does not meet Standard 13.6.3.5.2. <p>There are no conditions in this rule in relation to above standards. There are no relevant standards or terms under this rule.</p>	<p>Restricted Discretionary</p>
<p>Rule 13.4.9 – Absolute maximum height</p> <p>The proposal involves construction of a building that is located in the Parliament Grounds Heritage Area and exceeds the absolute maximum height standard in 13.6.3.1.6. In this case, the proposed MUS building exceeds the absolute maximum height of 27m by 2m.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	<p>Discretionary</p>
Heritage	
<p>Rule 21A.2.1 – Modification and demolition</p> <p>The proposal involves modification to the western façade of Parliament House that is not a Permitted Activity, which requires consent under Rule 21A.2.1.</p> <p>There are no relevant conditions under this rule. The relevant standards and terms are met.</p>	<p>Restricted Discretionary</p>
<p>Rule 21A.2.2 – New buildings</p> <p>The proposal involves construction of new buildings (MUS and BAL) on a site containing listed heritage buildings and objects, which requires consent under Rule 21A.2.2.</p> <p>There are no relevant conditions under this rule. The relevant standards and terms are met.</p>	<p>Restricted Discretionary</p>
<p>Rule 21B.2.1 – New buildings in a heritage area</p> <p>The proposal involves construction of new buildings (MUS and BAL) on a site in the Parliament Grounds Heritage Area, which requires consent under Rule 21B.2.1.</p> <p>There are no relevant conditions under this rule. The relevant standards and terms are met.</p>	<p>Restricted Discretionary</p>

<p>Rule 21B.2.3 – Earthworks in a heritage area</p> <p>The proposal involves earthworks in the Parliament Grounds Heritage Area that is not a Permitted Activity, which requires consent under Rule 21B.2.3.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	Restricted Discretionary
<p>Rule 21C.2.1 – Heritage trees</p> <p>The proposal involves relocation of the heritage listed oak tree that is not a Permitted Activity, which requires consent under Rule 21C.2.1.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	Discretionary
Utilities	
<p>Rule 23.4.1 – Utilities</p> <p>The proposal involves the installation of an above-ground electricity transformer cabinet not specifically provided for as a permitted, controlled or restricted discretionary activity, which requires consent under Rule 23.4.1.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	Discretionary
Earthworks	
<p>Rule 30.2.1 – Earthworks</p> <p>The proposal involves earthworks that do not meet the following Permitted Activity conditions in Rule 30.1.2 for earthworks in a heritage area and on a site containing listed heritage items, which requires consent under Rule 30.2.1:</p> <ul style="list-style-type: none"> - The cut height and/or fill depth exceeds the maximum of - 1.5m under 30.1.2.1(a)(i)/(b)(i); and - The area of earthworks exceeds the maximum of 100m² under 30.1.2.1(a)(iv)/(b)(iii). <p>There are no relevant conditions, standards or terms under this rule.</p>	Restricted Discretionary
Contaminated Land	
<p>Rule 32.2.1 – Contaminated land</p> <p>The proposal involves the remediation, use and/or development of contaminated land, which requires consent under Rule 32.2.1.</p> <p>There are no relevant conditions, standards or terms under this rule.</p>	Restricted Discretionary

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

17. For completeness and not discussed in any detail at the hearing is the provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES- CS') that enables the establishment of the Hazardous

Activities and Industries List ('HAIL'). HAIL is a list of activities and industries that are likely to cause land contamination resulting from hazardous substance use, storage or disposal. It has been identified that HAIL activities have (or are likely to have) occurred on the site.

18. The proposal therefore requires consent under the following regulation of the NES-CS:

<p>Regulation 10 – Restricted Discretionary Activities</p> <p>The proposal involves the disturbance of soil on a HAIL site. The application includes a Detailed Site Investigation ('DSI') which states that the soil contamination exceeds the applicable standard in Regulation 7. Therefore, consent is required as a Restricted Discretionary Activity under Regulation 10.</p>	<p>Restricted Discretionary</p>
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19. Overall, based on the advice I received at the hearing in relation to bundling of these activities, I have considered the application as a **Discretionary Activity** under the Operative Wellington District Plan and the NES-CS.

Proposed District Plan

20. On 18 July 2022 WCC notified the Wellington City Proposed District Plan ('PDP'). Mr Brajkovich has advised⁴ that pursuant to section 88A of the Act, as the resource consent application for the proposal was lodged prior to notification of the PDP the proposal retains the activity status at the time of lodgement under the ODP and NES-CS.

21. However, for completeness, the site is located in the City Centre Zone in the PDP.

22. The following PDP notations apply to the site:

- Heritage Area: Parliament Grounds (#14)
- Heritage Buildings: The Beehive (#36), Parliament House (#214), Parliamentary Library (#215)
- Heritage Objects: Seddon Statue (#36), Ballance Statue (#37)

23. The following PDP notations apply to the subject site:

Specific Controls:

- Height Control Areas: 0m, 15m, 27m
- Minimum Sunlight Access – Public Space: NZ Parliament Grounds (green space within Parliament Precinct facing Molesworth Street)

⁴ S42A report, para 24.

Hazards and Risks Overlays:

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

Historical and Cultural Values Overlays:

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

Designations:

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

Wellington Regional Plans

24. The applicant's AEE notes⁵ that relevant consents will be sought from Greater Wellington Regional Council (GWRC) once the NES-CS and district land use consents have been obtained. I agree with both Mr Coop and Mr Brajkovich that the regional consents can be sought as separate considerations to the NES-CS and district land use consents and that the applicant's approach in this regard is reasonable.

Relevant RMA Provisions

25. Under section 9(1) of the Act:

No person may use land in a manner that contravenes a national environmental standard unless the use—

(a) is expressly allowed by a resource consent; or

⁵ Applicant's AEE Section 2.4.3, page 7.

- (b) *is allowed by section 10; or*
- (c) *is an activity allowed by section 10A; or*
- (d) *is an activity allowed by section 20A.*

26. Under section 9(3) of the Act:

No person may use land in a manner that contravenes a district rule unless the use-

- (a) *is expressly allowed by a resource consent; or*
- (b) *is allowed by section 10; or*
- (c) *is an activity allowed by section 10A.*

27. As stated, the application is for a Discretionary Activity under the NES-CS and ODP. My discretion to grant or refuse the application is set out in section 104B of the RMA, which states:

Section 104B – Determination of applications for discretionary or non-complying activities

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

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

Section 104 Considerations

28. Section 104 of the RMA sets out the matters to which I must have regard when considering the application and submissions received. For this application, they are:

- (1)(a) *Any actual and potential effects on the environment of allowing the activity;*

29. Actual and potential effects are considered in detail later in this decision.

- (1)(b) *Any relevant provisions of -*
 - i. *A national environmental standard.*
 - ii. *Other regulations;*

30. The NES-CS is applicable to the proposal. No other NES's or regulations are relevant.

- iii. *A national policy statement*

31. The only relevant NPS is the National Policy Statement for Urban Development 2020 (NPS-UD). I am entirely comfortable that the proposal is consistent with the Objectives of the NPS-UD in relation to constructing buildings in a City Centre environment.

- iv. *a New Zealand Coastal Policy Statement 2010;*

32. This has broad applicability as the site is within the Coastal Inundation Hazard: Medium and the Coastal Tsunami Hazard: Low and Medium overlays of the PDP.

v. A regional policy statement or proposed regional policy statement.

33. The applicable documents are the Regional Policy Statement (RPS) for the Wellington Region 2013 and Proposed Change 1 to the RPS which was notified by GWRC on 19 August 2022.

vi. A plan or proposed plan

34. While the Operative Wellington District Plan is the primary document of relevance in terms of determining the application, I have also considered the Proposed Wellington District Plan.

(1)(c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

35. I have also taken account of relevant plans administered by Heritage New Zealand Pouhere Tāonga including the Code of Practice for Land Development, Parliament Conservation Plans.

Notification and Submissions Received

36. As advised in the s42A report the application was publicly notified on 7 November 2022 in accordance with section 95A. Notice was placed in the Dominion Post and on WCC's website, with signs giving notice of the application being placed at the site's frontages at the intersection of Bowen Street and The Terrace; at the Molesworth Street entrance gates; and at the north-western pedestrian entrance on Hill Street. In addition, 37 specifically identified parties were served notice of the application on the same date.

37. Five submissions were received, with four in opposition and one neutral. The submissions were received from the following parties:

No.	Submitter	Position
1	Sandra-Lee Monk	Oppose
2	Heritage New Zealand Pouhere Tāonga	Neutral
3	Eldin Family Trust	Oppose
4	Ben Blinkhorne	Oppose
5	Ewen Robertson	Oppose

38. Mr Brajkovich identified the following issues raised within the submissions:⁶

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

39. Mr Brajkovich also identified the following positive issues raised within the submissions:

- a. Ongoing use of the site contributes to its overall heritage values.
- b. Preservation of the ceremonial landscape and spaces in front of the Parliament Buildings.
- c. Enhancement of the pedestrian and landscape treatment of the precinct.
- d. The BAL building is suitably tucked away from Parliament House.

40. Heritage New Zealand Pouhere Tāonga, Mr Blinkhorne and Mr Robertson appeared at the hearing and the Eldin Family Trust withdrew its submission prior to the hearing. Ms Monk did not appear at the hearing but I was advised by the applicant that they have had discussions with Ms Monk as to the reasons and methodology for the relocation of the Heritage Oak tree.

Section 42A Report

41. Prior to the hearing, I received and reviewed the s42A report prepared by Mr Brajkovich. Attached to this report were:

⁶ S42A report, para 32-33

- a. Annexure 1 – List of Submitters and Copies of Submissions
- b. Annexure 2 – Heritage Advisor Assessment
- c. Annexure 3 – Urban Design Advisor Assessment
- d. Annexure 4 – Wind Advisor Assessment
- e. Annexure 5 – Arboricultural Advisor Assessment 1
- f. Annexure 6 – Arboricultural Advisor Assessment 2
- g. Annexure 7 – Transport Advisor Assessment
- h. Annexure 8 – Earthworks Advisor Assessment
- i. Annexure 9 – Contamination Advisor Assessment
- j. Annexure 10 – Hazardous Substances Advisor Assessment
- k. Annexure 11 – Acoustic Advisor Assessment
- l. Annexure 12 – Wellington Water Assessment
- m. Annexure 13 – Suggested Conditions of Consent

42. The reporting officer Mr Brajkovich concluded that⁷:

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

43. Mr Brajkovich therefore recommended that resource consent should be granted subject to conditions.

⁷ S42A report, para 260.

The Hearing

44. I held the hearing on 30 May 2023 at Wellington City Council. After hearing the evidence from the applicant, the submitters representations, the views of Council officers and advisers and a brief applicant's right of reply, I adjourned the hearing. This adjournment was for:
- a. conditions to be discussed between the applicant's planner and the Council; and
 - b. the applicant's right of reply to be put in writing.

Applicant's evidence

45. At the hearing briefs of evidence on behalf of the applicant were provided by:
- a. Mr Mitch Knight (Overview of the Project);
 - b. Mr Dave Wills (Consultation with iwi);
 - c. Mr Michael Davis (Architecture and Design);
 - d. Mr Russell Allen (Construction Management);
 - e. Mr Adam Wild (Historic Heritage);
 - f. Mr Chris McDonald (Urban Design);
 - g. Mr Andrew Carnell (Transport);
 - h. Dr Jeremy Trevathan (Noise);and
 - i. Mr Peter Coop (Planning).
46. Each of these experts summarised their evidence at the hearing and were supported by Mr Matt Conway, legal counsel for the applicant who gave opening submissions.
47. Pre-submitted evidence from Registered Surveyor Mr Hudson Moody on viewshaft verification was also received while Mr Nick Locke a wind engineer provided a short statement at the hearing and was available to answer questions.

Submitters Representations

48. As outlined above the following three submitters spoke at the hearing being Heritage New Zealand Pouhere Tāonga, Mr Blinkhorne and Mr Robertson.

Council Representatives

49. In attendance at the hearing and providing summary comments were the reporting officer Mr Brajkovich, Urban Design Adviser Ms Sarah Duffell and Heritage Consultant Mr Michael Kelly. Dr Michael Donn Councils Wind Adviser also provided comment via MS Teams.

Necessity for and Positive Effects of the Proposal

50. Before turning to actual and potential effects of the proposal on the environment under s104(1)(a), it is helpful to consider the rationale for the project and other positive effects.

51. I firstly note that the application was accompanied by a statement from the Rt. Hon Adrian Rurawhe the Speaker of the House of Representatives⁸ that concluded that:

The Parliamentary Precinct and its buildings, services, staff and MP's have been serving the needs of New Zealand since 1865.

The application for resource consent seeks to continue this heritage by increasing the capacity of the Precinct to accommodate necessary Parliamentary functions and significantly enhancing the environmental quality of the rear of the Precinct.

It is acknowledged that the proposal requires significant investment, however we must look at the long term. Ultimately, this is the right and responsible course of action to ensure our nation's Parliament is supported to operate efficiently and effectively for many years to come.

52. Two witnesses for the applicant further outlined the positive benefits of the proposal to provide for long term accommodation needs for elected members and for the functioning of Parliament. Mr Knight the Deputy Chief Executive at the Parliamentary Service who's remit within the Service includes the Buildings Project Management Office, explained the rationale while further evidence on necessity for the project was from Mr Wills the Manager of the Parliamentary Service Project Management Office and the Project Director for the Parliament Future Accommodation Project.

53. Mr Knight outlined the Objectives of the project⁹.

The proposal seeks to add crown-owned capacity to the Precinct in the form of a new members building (MUS, which will be 100% IL4) located on the Western Side of Parliament House, as well

⁸ Applicants statement page 5.

⁹ Evidence of Mitchell Knight Para 6.1 and 6.2

as a secure deliveries building (BAL, which will be 100% IL3) on the precinct's Ballantrae Place frontage.

54. In light of what the applicant is seeking to achieve, the evidence as to need is best summarised in Mr Conway's opening submissions¹⁰.

The Parliamentary Precinct has unique requirements for its buildings due to it being the heart of New Zealand's political system, housing the debating chamber and offices of the Prime Minister and Cabinet Ministers, and needing to function efficiently and effectively in those respects. As the composition and number of political parties change after each election, the spaces must be reconfigured to ensure that parties can be accommodated together (with their staff), with sufficient space separation and security – as well as ensuring a sufficient degree of separation between different political parties. Mr Knight explains that currently it takes around three months after each election for this reconfiguration to occur, and the custom fit-outs every three years places greater stress and fatigue on the infrastructure than an average office building. The current buildings on the Parliamentary Precinct are at capacity, and struggle to accommodate even small adjustments in party and member ratios and numbers.

55. Mr Knight in commenting on the inadequacy of and unavailability of space for elected members explained that the Parliamentary Precinct has also lost space to seismic issues and the previous long-term arrangement to utilise Bowen House on the corner of Bowen Street and Lambton Quay has now terminated. Mr Wills explained that the project to provide for the necessary space requirements for the functioning of Parliament particularly for its elected members, had been in progress since 2015 with a pause after the 2017 election.

56. In terms of necessity there is, as Mr Knight calls it, a 'capacity crisis' for Parliamentary accommodation and the proposed Museum Street Building will provide a long term solution. The Ballantrae Place Building will also provide for a secure and practical solution to the current deficiencies in the management of deliveries into the wider precinct.

57. In addition, due to the national importance of Parliament Grounds and its heritage values, it is clear that a quality and well thought through building design and landscape response to the site is also required.

58. To put this in context, Mr Knight outlined¹¹.

¹⁰ Submissions of Council for the applicant para 3.2

¹¹ Evidence of Mitchell Knight Paras 6.2 and 6.3

Another important aspect of the proposal is to transform this part of the Precinct from a surface car park into an attractive pedestrian and landscaped plaza (LAN). This transformation eliminates a significant hazard in the shared vehicle pedestrian space it is today, and the traffic hazard from the uncontrolled Museum Street entry /exit onto Bowen Street. This egress point is uncontrolled into the centre of the Bowen Street / The Terrace intersection. This is discussed in more detail in the evidence of Andrew Carnell.

Other project outcomes are to achieve a level of security that is commensurate with the growing risk environment, to add a visible representation of our bi-cultural nation, to reduce long term opex costs by running efficient and environmentally friending buildings, and to provide parties with fit-for-purpose office space immediately after an election or other change in party configuration.

59. The area is underutilised, contains surface parking, and in light of the site location, new buildings of quality and associated landscape treatments are also positive effects not only to the operation of Parliament but to a very important location within Wellington City.
60. There was some discussion at the hearing as to the need to enhance security to Parliament Grounds both in terms of limiting public access, enhancing security of deliveries and improving overall safety from an operational point of view. The experience of the Parliamentary occupation in February 2022 have also heightened the current limitations of the site layout.
61. I agree with the applicant's view that the Museum Street Building will have positive effects due to the provision of high-quality purpose-built facilities for the Parliamentary Precinct while respecting the Heritage Values that exist on Parliament House and the wider Parliamentary Precinct. The Ballantrae House Building will provide for enhanced functions for the secure delivery and operational functioning of the Precinct. Enhanced landscaping and associated public open spaces on this site is also seen to be a significant positive.

Cultural Values

62. In his evidence Mr Davis for the applicant stated that there has been significant attention through a co design process on recognition of cultural values throughout development of the project. He states¹²:

¹² Evidence of Michael Davis para 5.2

The mana whenua co-design process, in particular working with the cultural design lead Len Hetet, has continued to be very positive. Much of the work has been concentrated on the interior of MUS but also on the other project aspects BAL and LAN. All of this work continues to support the expression of the cultural and site-specific narrative.

63. Further Mr Wills of Parliamentary Services summarised consultation with Te Āti Awa, Ngāti Toa and Taranaki Whānui ki Te Upoko o Te Ika in relation to the parts of the Future Accommodation Strategy for which resource consent is sought.
64. I am therefore comfortable that there has been the right engagement and that there has been an approach to mana whenua design throughout the development of the project to support the provision of a high-quality outcome for this important site.

Other Actual and Potential Effects - s104(1)(a)

65. Setting aside positive and cultural effects which I have discussed above, I now focus on the matter of potentially adverse effects and available methods of avoiding, remedying or mitigating any adverse effects.
66. I consider that the categories of effect which are of relevance are:
- a. Historic heritage effects
 - b. Arboricultural effects in respect of the Heritage Listed Oak Tree
 - c. Design and visual amenity effects
 - d. Shading and pedestrian amenity effects
 - e. Wind effects
 - f. Transport and vehicle access effects
 - g. Construction effects
 - h. Other effects including
 - Earthworks
 - Contaminated land
 - Hazardous substances
 - Natural hazards
 - Three-Waters servicing

Historic Heritage Effects

67. It is well recognised that the heritage values of the seat of the nation's Parliament is of prime importance in respect of the proposal. The site is within a Heritage Area and contains several buildings and objects that reflect the history of the country. Therefore, it is appropriate to consider the design proposal for the west of Parliament Buildings in this context.
68. The primary evidence on Heritage Effects was given by Mr Adam Wild for the applicant. In his view the Parliamentary Precinct is rich in historic heritage and contains a number of listed buildings. Of particular relevance to Mr Wild was any heritage effects on Parliament House from the link structure from the Museum Street Building including loss of heritage fabric, any effects on the setting within the precinct and the effects of the loss of the heritage oak tree. In his evidence and in questioning, Mr Wild was satisfied that heritage effects of the proposal had been appropriately addressed through design development. Mr Wild also considered that the heritage related conditions as to construction methodology, recording and reuse of heritage fabric were appropriate.
69. In his summary statement ¹³ Mr Wild outlined his overall view:
- The AEE-H I prepared for the resource consent application recognised that while there are some adverse effects arising from the proposed works on the historic heritage fabric of Parliament House and the historic Museum Street Oak tree, there are positive effects associated with the project overall. On balance, the proposed adaptive reuse of Parliament House and development of the new Museum Street and Ballantrae Place buildings, and the enhancement of the associated landscaping of the western precinct are appropriate and supportable.*
70. Heritage advice to the s42A report writer was given by Mr Michael Kelly. In that document Mr Kelly was somewhat reticent to give his full support for the proposal particularly in respect of the link structure and the loss of heritage fabric being a window on the second floor that would need to be removed. He was also somewhat concerned about the height of the Museum Street Building and questioned whether there could be greater separation. After considering the design response as to why the Museum Street Building needed to be where it was and the necessity for a raised link bridge, Mr Kelly confirmed that any effects on historic heritage matters in what is a very important heritage context had been appropriately thought through and addressed.
71. Dr Jamie Jacobs the Central Region Director at Heritage New Zealand Pouhere Tāonga also gave a short presentation to the hearing. There he confirmed that HNZPT agreed with the conclusions of Mr

¹³ Evidence of Adam Wild Para 5.9

Brajkovich and Mr Kelly with regards to effects on heritage values. Dr Jacobs also provided support for the proposed conditions particularly in respect of recording the heritage fabric of Parliament House that would need to be removed to enable construction of the link bridge structure.

72. Overall and based on the evidence of the heritage experts, I recognise the importance of heritage values to the Parliamentary Precinct and consider that the design response and the associated heritage specific conditions are appropriate to this very important heritage location in Wellington City.

Heritage Oak Tree

73. There was little discussion as to the heritage oak tree relocation to a position, approximately 30m to the west of where it currently is. However, I note that the applicant has provided two comprehensive reports from Arborlab¹⁴ that assessed the health and condition of the tree and the effects of any proposed relocation on its health and condition. These reports also outlined a methodology to successfully relocate the tree along with future aftercare requirements. I was advised that other sites were assessed for relocation, however discounted due to various factors.
74. The assessments were peer reviewed and analysed by the Council's Team Leader Arboriculture, Mr Ben Young, and consultant arboricultural advisor, Mr Richie Hill. They were in agreement with the details and findings of the Arborlab assessments and consider that moving the tree is feasible.
75. Clearly in order to achieve the objectives of the project the tree is simply in the wrong place. I am satisfied based on the advice of the arboricultural experts that a successful relocation can be achieved. I also note the proposed conditions of consent that stress the importance of aftercare for the tree to ensure its success in the new location.

Design and Visual Amenity Effects

76. I have previously referenced the comprehensive design statement and the suite of Application Drawings prepared by the Project Architect which were outlined by Mr Davis. I note that particular attention was given to the height and precise location of the Museum Street Building, the link to Parliament House and the form and function of the Ballantrae Place Building.
77. In terms of the proposed design, I am satisfied that a substantial Museum Street Building can be accommodated on the site and that the design approach taken by the applicant has responded to

¹⁴ Arborlab - Application to relocate the Museum St Oak Tree November 2021; Preparatory root pruning for proposed tree relocation completion August 2022

the sites' context. I also agree that the height and scale of this building is appropriate in relation to the adjoining buildings as it is significantly lower than the Bowen State Building and sufficiently separated from Parliament House.

78. In respect of the Ballantrae Place Building, this is much smaller but is also of a design quality respecting its function as the Inwards/Outwards goods delivery location for the entire precinct.
79. I note also the design support given to the overall proposal from the Urban Design Consultant from the applicant Dr Chris McDonald and from Councils urban design adviser Ms Sarah Duffell. Ms Duffell concludes:

This application is for a large-scale development at Parliament that will address matters of Parliamentary accommodation as well as improving efficiency and secure operation of the site. Two new buildings are proposed, complemented by surrounding site landscaping, and there are matters to consider in terms of listed heritage items.

The applicant has supplied a quantum of assessment related to urban design matters, which is thorough and generally agreeable. The conclusion of this report is that "the development satisfies Parliamentary Precinct Heritage Area guidelines and meets the objectives of the Central Area Urban Design Guide".

I also consider that the development satisfies Parliamentary Precinct Heritage Area guidelines and meets the objectives of the Central Area Urban Design Guide.

80. In respect of visual effects and any impacts of the proposal from views into the site it is noted that the proposal is within View Shaft 4A of the Operative District Plan. This is the view northwest along Whitmore Street towards the Beehive and Tinakori Hill in behind. View Shaft 4A is best shown in Surveyor Mr Hudson Moody's evidence¹⁵ which he was not required to discuss at the hearing.
81. In considering any effects I am guided by the evidence of Dr McDonald. He showed the elements of importance in Viewshaft 4A in the following graphic.

¹⁵ Evidence of Hudson Moody Attachment 1.

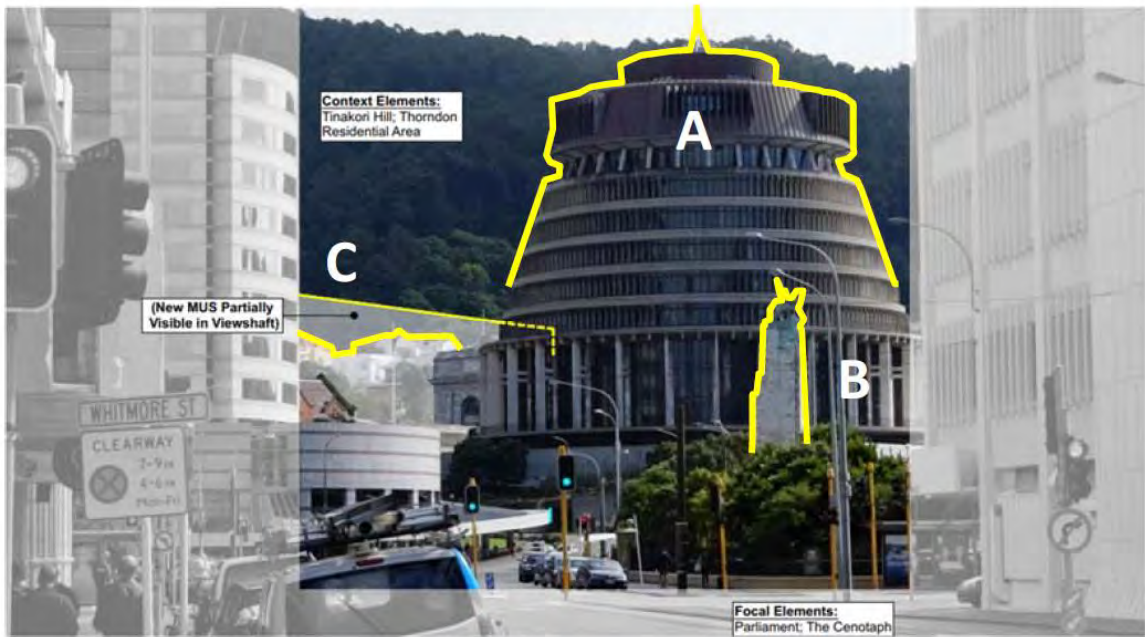


Figure 2: Viewshaft 4A with key elements highlighted [A Beehive profile, B Cenotaph, C Thorndon roofline].

82. Dr McDonald¹⁶ concludes that:

Although the view of a context element is lost (the Thorndon Residential Area), Viewshaft 4A will remain effective because the content of the view is simplified and updated. As set out above, I regard the change as partially beneficial.

83. I agree with Dr McDonald that while there will be a change and the loss of the view of residential properties within Viewshaft 4A, the view still contains the important contextual elements of the Beehive, the Cenotaph and Tinakori Hill. I note that Ms Duffell also considered these effects to be acceptable.

84. The Ballantrae Place Building is smaller and located towards the rear of the site behind the Bowen State Building and well removed from Ballantrae Place residential buildings to the west.

85. In respect of other visual effects, I consider that these will be largely positive. The site currently is dominated by surface carparking. The proposal will add buildings of interest with remaining land being utilised for a combination of pedestrian circulation space, hard landscaping and planting.

86. Noting the above I also note that there will be a permanent change to the views from Huxley's Restaurant located at the eastern side of the ground floor of the Bowen State Building. This business

¹⁶ Evidence of Chris McDonald para 8.1

includes outdoor seating on what is shown on the application plans as the Bowen State Terrace. Amongst other matters including shading and construction effects, Mr Blinkhorne the proprietor of Huxley's was concerned about the visual impact of the Museum Street Building from the restaurant.

87. In noting that the Bowen State Terrace has a largely uninterrupted view of Parliament House Dr McDonald in his evidence¹⁷ notes:

The terrace's immediate context consists of a view out to the large parking lot on the Parliamentary Precinct. This area has a distinctly prosaic character and contains only rudimentary landscape. A row of parking stalls is located along the boundary with Bowen Campus. However, for observers seated on the terrace, a raised datum and solid balustrade mean that parked cars and asphalt are largely hidden from view.

MUS will replace the view of Parliament House and the Parliamentary Library as seen from Huxley's. The Beehive will remain fully or almost fully visible from the southern end of the terrace. The Beehive will appear less dominant owing to the size and proximity of MUS. However, the landmark will remain recognizable and will continue to signal proximity to Parliament [see Figure 4].

88. Further Dr McDonald further comments

In summary, FAS will change the visual context of Bowen State Terrace from an expansive open space to a smaller courtyard, which is framed on three sides by buildings. Although reduced in extent, the terrace's new setting will be generously proportioned, softened by vegetation and well connected with its surroundings. As a result, the West Courtyard will create a positive visual relationship between Bowen Campus and the Parliamentary Precinct. The visual amenity will exceed what is normally achieved along the common boundaries of adjacent central-city sites [see Figure 5].

89. I agree that the aspect from Huxley's will inevitably change but that is contemplated by the Operative District Plan as the site has a 27 metre height limit and development has been signalled for some time. I also note that every care has been taken to ensure that the Museum Street Building design including the western façade is of high quality.

¹⁷ Evidence of Chris McDonald paras 7.9 and 7.10.

Shading and Pedestrian Amenity effects

90. Locating a 6 storey building where one does not currently exist, will change the current levels of sunlight within the proposal area. This will also reduce the amount of sunlight received for the Huxley's restaurant located at the eastern side of the ground floor of the Bowen State Building.
91. Mr Blinkhorne was concerned about loss of the current levels of sunlight that the outdoor seating at Huxley's currently enjoys. Dr McDonald and Ms Duffell for the Council also consider this. In commenting in his s42A report, Mr Brajkovich¹⁸ states:

Ms Duffell has undertaken an assessment of these effects in response to this submission in section 5.1.2 of her assessment. This primarily includes analysis of the shading diagrams provided by the applicant. Having regard to her assessment, Ms Duffell finds that the outdoor terrace currently receives direct sunlight during the morning, and after noon the terrace is shaded by the building in which it is located as the sun moves around to the west. Ms Duffell further comments that the shading diagrams supplied indicate that despite an increase in early morning shading, the terrace remains unshaded after 11am and over the lunchtime period, with afternoon shading already generated all year round by the existing buildings. Ms Duffell observes that this indicates that shade itself does not appear to be a matter that would preclude operation of the business.

She does conclude in this regard that "loss of direct sunlight especially in cooler weather is regrettable. However, the submitter has already implemented measures to improve the warmth and shelter of this space, recognising that it is already in shade for the majority of their trading hours."

92. Clearly there will be additional shading to the outdoor seating at Huxley's but considering the fact that a Central City scale building can be contemplated and that the terrace is in shade for the majority of restaurant trading hours, shading effects are acceptable. I therefore agree with the assessments of shading effects of Dr McDonald and Ms Duffell.
93. For completeness and while not discussed in any detail at the hearing I note that there has been an assessment of CPTED¹⁹ effects. In closing Counsel for the applicant²⁰ advised that:

The entire Precinct will be monitored with 24/7 security surveillance, which in the Applicant's view adds a high level of CPTED control, uncommon in other developments. The Applicant considers

¹⁸ S42A report paras 80 and 81

¹⁹ Crime Prevention through Environmental Design

²⁰ Right of Reply submissions para 4.5

that this additional control is an important factor to take into account in considering CPTED compliance.

94. I consider that the landscape design and measures such as security surveillance, have appropriately taken personal safety issues into account and will be subject to detailed assessment through the relevant conditions of consent relating to detailed Landscape Design.

Wind Effects

95. It is common practice for buildings of scale within the Central City to be subject to wind assessments. In this location and with the creation of new courtyards and other public spaces there is a need to have confidence that wind effects are taken into account and mitigated to the extent that they are possible. Wellington is a windy city and the buildings have been through the necessary assessments via wind tunnel testing and analysis.
96. While there was no specific wind evidence at the hearing, Mr Locke gave a short statement where he commented²¹ on the wind study report.

The development has a neutral overall effect on wind conditions. The primary effect of the development is a redistribution of wind flows, from the eastern to the western side of the site. The MUS building deflects northwest wind flows through the courtyard to its west, and shelters Parliament grounds to its east.

97. Further Mr Locke outlined potential wind mitigation including landscaping, porous and solid screening in the west courtyard area and wind lobbies in the MUS building, all of which are intended to minimise the strong horizontal wind flows at ground level.
98. Dr Mike Donn has been the primary Council assessor of wind effects for a considerable period of time. Dr Donn was somewhat critical of the approach as summarised in the s42A report²² as follows:

Upon his review, Dr Donn notes that the wind speeds identified in the wind report as both existing and proposed are high, and that 18 of the 27 points measured before and after would still experience wind speeds in excess of the WCC safety limit, even though three of these are slightly improved by the design. Dr Donn further considers that the application documents contain little information on any consideration of wind mitigation measures. In light of Dr Donn's review, further information was requested which the applicant has responded to in Appendix H of the WSP

²¹ Evidence on Nik Locke para 4

²² S42A report para 97

report. This includes further consideration of safe passage through the site during high wind speed periods and integration of wind mitigation measures into the design of the MUS building entrances.

99. In questioning Dr Donn agreed that further design work would be beneficial and suggested that it would be useful for consideration to be given to whether particular plant species are beneficial for wind mitigation.

100. I consider that wind effects and wind mitigation measures have been identified and will be further considered during the detailed design phase of the project. I note that conditions of consent have been agreed between the applicant and the Council so that optimisation of the wind environment can be achieved.

Transport and Vehicle Access Effects

101. Mr Carnell the transport planner for the applicant, outlined in evidence that the transport effects from the proposal are largely positive. He considered²³ that these arise from:

- a. The removal of day-to-day service, staff and visitor vehicle entry and egress movements from the Museum Street site access is expected to improve safety and the environment for pedestrians and cyclists in the vicinity of the Bowen Street/Museum Street/The Terrace intersection.*
- b. The proposal includes a reduction of on-site staff parking by 42% which will significantly reduce the volume of private vehicle traffic to the site. The reduction in on-site parking provision aligns strongly with the Wellington District Plan Policies (12.2.15.6, 12.2.15.7 and 12.2.15.8), and objectives which aim to reduce reliance on private vehicle use.*
- c. Because of the excellent levels of accessibility to the site via public transport, walking and cycling staff have good opportunities to switch to other modes of travel besides private vehicle. The development proposal includes significant increases in on-site cycle parking by 89 spaces to support this transition.*
- d. The proposal significantly reduces vehicle access to the Parliamentary Precinct via Museum Street, relocates servicing of the site to the proposed Ballantrae Place building (accessed via Ballantrae Place), and increases on-site cycle and mobility parking. Internal*

²³ Evidence of Andrew Carnell para5.1

vehicle movements within the site would be simplified and primarily restricted to the basement linkages to increase the safety of pedestrians and cyclists within the site.

102. Mr Carnell also considered that the access reconfiguration of the site, with the primary access point becoming Ballantrae Place instead of Museum Street, will result in an overall improvement to safety and amenity compared to the existing access point from Museum Street.

103. I note that Ms Patricia Wood, the Council's Transport and Vehicle Access Engineer, was in agreement with the above assessment.

104. Mr Robertson and Ms Collins own a residential property in Ballantrae Place. Mr Robertson outlined that they were concerned about operational traffic and requested that there be an hours of operation condition on traffic movements to the Ballantrae Place Building so residents are not unduly affected by construction traffic.

105. In reply²⁴ the applicants state that:

For operational reasons, and the fact it will not have control over all third parties delivering to the Ballantrae Place building once it is operational, the Applicant cannot provide an assurance that no vehicles will use Ballantrae Place outside of 7am to 7pm Monday to Friday. However, the Applicant proposes new condition 79 to limit the hours when rubbish and recycling collection occurs at the Ballantrae Place building, given that these types of vehicles and the way collection takes place tend to be the noisiest.

106. Disregarding construction traffic that I consider next under construction effects, I consider that the proposal will provide for an enhanced level of mobility to and within the site. The proposal will also provide for a more logical and secure method of entering the site via vehicle from Ballantrae Place and at the secure vehicle access onto Museum Street from Bowen Street. In respect of hours of operation, I consider that the offered condition above is an acceptable compromise to the concerns raised by Mr Robertson at the hearing.

Construction effects

107. Primary evidence on construction matters was given by Mr Russell Allen who advised that he would be the point of accountability for construction delivery and in maintaining a level of oversight in relation to conditions of consent. Detailed evidence on construction noise and vibration was also

²⁴ Right of reply para 2.7

given by acoustic consultant Dr Jeremy Trevathan while Mr Carnell commented on construction traffic management.

108. Mr Robertson and Ms Collins were particularly concerned about construction effects. Mr Robertson outlined that their tenants have already had a considerable level of disruption through the redevelopment of the Bowen State Building and the Charles Ferguson Tower further to the west. He made particular comment on construction traffic where noise associated with vehicles is of concern including such annoyance factors as reversing beepers.

109. Similarly Mr Blinkhorne raised concerns about construction activity and the effect that it would have on the operation of the Huxley's restaurant business.

110. In relation to noise Dr Trevathan concluded²⁵ that the temporary adverse effects of construction can be adequately mitigated through the drafting and implementation of a Construction Noise & Vibration Management Plan (CNVMP). This will consider the Best Practicable Option for managing noise particularly when the noisier activity of sheet piling was to occur. I note that there is a comprehensive range of conditions proposed and these have been agreed with Ms Cocking the acoustical adviser for the Council. Similarly, conditions relating to operational noise including fixed plant and hours of operation have been agreed.

111. In respect of construction traffic Mr Carnell was of the view that can be managed as part of a Construction Traffic Plan (CTP) as specified in the recommended conditions. He noted the proposed condition for the CTP as set out in the s42A report includes for example agreement with the Council as to the method, timing and mitigation measures to manage construction traffic.

112. In my view appropriate development needs to occur across New Zealand and there are standard processes for construction management and other standards such as construction noise standards to address effects. These look at the best practicable options taken to reduce construction noise, construction vibration and traffic effects within an overall Construction Management Plan. Even though the construction programme may be quite a lengthy annoyance, construction traffic will in my view be transitory depending on where construction activity is happening. Particular attention needs to be given in Central City sites where the scale of construction is larger and there is the need to effectively manage public access.

113. While construction effects can at times be annoying, construction activities will occur during the day lessening potential adverse effects. Construction noise and construction traffic effects may still occur

²⁵ Evidence of Jeremy Trevathan para 10.1

but are subject to control through conditions. I also consider that the hours of operation are what are expected with the construction of central city developments such as this.

Other Effects

114. For completeness there were a number of other matters which require consent and therefore consideration which were not discussed in any detail at the hearing. These are subject to detailed design, have been the subject of specialist reports or are routine construction related matters that are subject to conditions of consent. These include:

- Earthworks Effects including dust and erosion and sediment control which are considered in the conditions of consent relating to Construction Management.
- Contaminated Land Effects under the NES-CS, where the applicant has carried out the appropriate level of assessment in respect of potentially contaminated land. Conditions for the management of contaminated land are included in the conditions of consent.
- Hazardous Substances Effects relating to the installation of new tanks for the storage of diesel within the basement of the proposed MUS building have been assessed and are acceptable. Again, conditions of consent to manage these effects have been included.
- Natural Hazard Effects in relation to flood hazards and ground shaking. The applicant proposes to construct the buildings to a high seismic standard and flood effects can be managed. These effects have been assessed by the applicant and peer reviewed as necessary by the Council. I agree that the risks posed for the proposed buildings in relation to natural hazards will be appropriately managed.
- Three-Waters Servicing Effects where the applicant has provided a Three Waters and Earthworks Report which was peer reviewed by Wellington Water. Subject to conditions I agree that any servicing effects can be appropriately operated.

Conclusion on Effects

115. Overall and taking account of the assessment above of the actual and potential effects of the proposal, I consider the effects of the proposal will be acceptable. In particular, I consider that there are significant positive effects to the city and the nation from the proposal, that the design has been well thought out and is of high quality and that adverse effects associated with the proposal and through its construction, can be effectively managed through conditions of consent.

Statutory Instruments – s104(1)(b)

116. Mr Brajkovich and Mr Coop both provided an analysis of the relevant statutory instruments, particularly the Objectives and Policies of both the Operative and Proposed District Plan which the proposal is required to be assessed against. The New Zealand Coastal Policy Statement 2010 and the Wellington Regional Policy Statement are also broadly applicable although not determinative in my view.

New Zealand Coastal Policy Statement 2010 (NZCPS)

117. The site is located within Coastal Inundation Hazard: Medium and the Coastal Tsunami Hazard: Low and Medium overlays of the Proposed District Plan, therefore the NZCPS is a relevant consideration. However, I consider that the site is well removed from the actual coast and as such the NZCPS is not overly determinative on the use of a central city site.

The Wellington Regional Policy Statement (RPS)

118. Mr Brajkovich identifies applicable objectives and policies in the RPS relating to:

- a. Earthworks;
- b. Contamination;
- c. Historic heritage;
- d. The principles of the Treaty of Waitangi;
- e. Natural hazards;
- f. Urban design; and
- g. Transport.

119. Mr Brajkovich has also had regard to Proposed Change 1 to the RPS which was notified by GWRC on 19 August 2022.

120. I adopt Mr Brajkovich's position on the Wellington Regional Policy Statement (RPS), that the proposal accords 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 District Plan Objectives and Policies

121. The objectives and policies of the Operative District Plan require particular consideration as they express the intentions of the Council and community in relation to the Central Area and the outcomes that the community seeks to achieve through the District Plan.

122. Mr Brajkovich carried out a comprehensive review of the Operative District Plan objectives and policies related to:

- a. The Central Area
- b. Heritage
- c. Earthworks; and
- d. Contaminated land.

123. I note that the application documents and the evidence of Mr Coop also considered these in detail. I do not intend to replicate that assessment here as there was no discussion about plan provisions at the hearing. I have also traversed these matters in as much as they relate to effects, in the preceding sections of this decision. I therefore adopt Mr Brajkovich's assessment in relation to these matters and consider that the proposal is entirely consistent with the intent of the relevant Objectives and Policies of the Operative District Plan.

Proposed District Plan

124. Mr Brajkovich also carried out a comprehensive assessment of the relevant provisions of the Proposed District Plan. The objectives and policies covered relate to:

- a. He Rohe Pokapū Tāone/City Centre Zone;
- b. Te Takenga ā-Hītori/Historic Heritage;
- c. Te Tūāhanga o Ngā Wai e Toru/Three Waters;
- d. Tūnuku/Transport;
- e. Te One Hawa/Contaminated Land; and
- f. Ngā Matū Mōrearea/Hazardous Substances.

125. The Proposed District Plan is currently in its hearing phase so limited weight can be put on the provisions. However the application was lodged prior to the notification of the Proposed District Plan so technically I can give the provisions no weight. If I had to make an assessment I would have concluded that the proposal is generally consistent with the Proposed District Plan.

Conclusion on Statutory Instruments

126. For the foregoing reasons I consider that the proposal is consistent with the intent of the Statutory Instruments that apply to the site.

Other Matters - s104(1)(c)

127. Mr Brajkovich identifies the following other matters that are relevant to the consideration of the proposal:

- a. Heritage New Zealand Pouhere Tāonga Act 2014;
- b. Wellington City Council's Code of Practice for Land Development; and
- c. Parliament Conservation Plans.

128. I was advised that early discussions were held between Heritage New Zealand Pouhere Tāonga and the applicant which is particularly important in respect of Parliament Buildings being a Category 1 Historic Place under the Heritage New Zealand Pouhere Tāonga Act 2014. Additionally I note that and that an Archaeological Authority has been granted a The Conservation Plans have also been also been referenced.

129. The Wellington City Council's Code of Practice for Land Development has been taken into account and the intent is largely reflected in the conditions of consent. There are no other matters that I need to take account of.

Conditions

130. As my decision is to grant resource consent subject to conditions, the conditions are a fundamental part of avoiding, remedying or mitigating adverse effects on the environment and as such have been given due consideration.

131. The planners, Mr Brajkovich and Mr Coop, conferred on conditions after the hearing was adjourned and have provided a set of recommended conditions which I adopt.

S104 Assessment

132. Based on the above I consider that the actual and potential effects on the environment of allowing the proposed activity to be acceptable under s104(1)(a).

133. I also consider that the application is consistent with the relevant policy statements and plans as required under s104(1)(b).

134. I have also taken account of other matters as required under s104(1)(c).

Part 2 Considerations

135. In terms of whether the proposal represents the sustainable management purpose of the Act I have outlined above the principal matters and constituent parts of s104.

136. In terms of Part 2, in accordance with caselaw²⁶, decision makers can no longer refer to matters under Part 2 of the RMA when considering resource consent applications, unless there is a 'gap' in the lower order planning document provisions. This includes section 5 purpose, section 6 matters of national importance, section 7 other matters and section 8 Treaty of Waitangi under the RMA. The reliance on specific sections under Part 2, for example section 7(c) the maintenance and enhancement of amenity values, is no longer be able to be considered unless the relevant district plan is invalid, has incomplete coverage or is uncertain.

137. I have not been provided any evidence which states that the Operative District Plan does not have complete coverage of the relevant Part 2 matters.

138. As such, I consider that the Operative District Plan is a valid planning document, has complete coverage over the proposed activities and anticipated effects, and is of sufficient certainty to not require an assessment of the activity against Part 2 matters. If I had to have assessed Part 2 matters, I would conclude that the proposal meets the sustainable management purpose of the Act.

Decision

139. In accordance with the authority delegated to me by the Wellington City Council, and pursuant to section 104B of the Resource Management Act 1991, I grant resource consent to the application made by His Majesty the King (through Parliamentary Services c/- Simpson Grierson) subject to the conditions set out in Appendix A (Council reference SR514663).



²⁶ R J Davidson Family Trust v Marlborough District Council [2017] NZHC 5

Lindsay Daysh

Independent Commissioner

Decision dated 3 July 2023

For the Wellington City Council

Appendix A

Conditions

SR514663 - Approved Conditions

General:

- (1) Unless otherwise modified by conditions of this consent, the proposal must be in accordance with the information provided with the application Service Request No. 514663 and the following sets of plans within the overall drawing package titled: *“Future Accommodation Strategy (FAS); Architectural Drawings for Resource Consent”*, by Studio Pacific Architecture, dated September 2022:
- ‘A0 - Visualisations’, drawings P A0-01 to P A0-02, ref. 2650
 - ‘A1 - Existing (EXT)’, drawings P A1-01 to P A1-07, ref. 2650
 - ‘A2 - Proposed Landscape (LAN)’, drawings P A2-01 to P A2-45, ref. 2662
 - ‘A4 – Proposed Museum Street Building (MUS)’, drawings P A4-01 to P A4-15, ref. 2652
 - ‘A5 – Proposed Ballantrae Place Building (BAL)’, drawings P A5-00 to P A5-06, ref. 2650
 - ‘A6 – Supporting Information’, drawings P A6-01 to P A6-24, ref. 2650

Earthworks:

Geotechnical Professional:

- (2) The consent holder must engage a Geotechnical Professional for the detailed design and construction phases of the project.

A ‘Geotechnical Professional’ is defined as a Chartered Professional Engineer (‘CPEng’) with specialist geotechnical skills and experience in the design and construction of earthworks and retaining works similar to those proposed and in similar ground conditions.

The name and the contact details of the Geotechnical Professional must be provided to the Council’s Compliance Monitoring Officer, at least 20 working days prior to any work commencing.

- (3) The Geotechnical Professional must monitor the earthworks and 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 design and construction of the temporary and permanent retaining; and
 - the earthworks methodology is consistent with the recommendations in the geotechnical assessment by Aurecon Ltd. (date 2022-02-16) and to ensure adequate engineering monitoring is undertaken of the earthworks.

The consent holder must follow all the advice of the Geotechnical Professional in a timely manner.

Construction Management Plan:

- (4) At least 10 working days prior to any work commencing on the site a Construction Management Plan (‘CMP’) developed by the consent holder must be submitted to the Council’s Compliance Monitoring Officer for certification in relation to any temporary works and earthworks to ensure

there is not uncontrolled instability or collapse affecting any neighbouring properties, buildings, or infrastructure.

- (5) The CMP must be consistent with the findings and recommendations of the geotechnical assessment by Aurecon Ltd. (date 2022-02-16) and must include, but is not limited to, the following:
- Details of the staging of work including hold points for engineering inspections and an illustrated plan showing the proposed staging and earthworks.
 - Measures to limit the exposure of unretained earthworks at any one time including maximum cut heights of earthworks before the support is put in place.
 - Any runoff controls required to minimise the risk of instability.
 - Roles and responsibilities of key site personnel.
 - A contact (mobile) telephone number(s) for the on-site manager, where contact can be made 24 hours a day / 7 days a week.
- (6) The CMP must be reviewed by the CPEng prior to being submitted to the Council, to ensure that the methodology is in accordance with the geotechnical assessment, by Aurecon Ltd. (date 2022-02-16).

The review must be provided to the Council's Compliance Monitoring Officer when the final CMP is filed for certification.

- (7) Work must not commence on the site until the CMP is certified by the Council's Compliance Monitoring Officer. The earthworks and retaining work must be carried out in accordance with the certified CMP.

Note: Any amendments to the CMP (once work starts) must be approved by the CPEng and certified by the Council's Compliance Monitoring Officer.

- (8) To mitigate adverse visual amenity effects during construction, the consent holder must install creative or interpretive material on any construction hoardings that will be visible from a public place. This may be limited to elements on the hoardings, or to a portion of the hoarding only, rather than in entirety.

Note: The Council has launched a pilot 'Creative Hoardings' programme, which has been designed to enliven building sites and celebrate creativity across the city. Creative hoardings present opportunities for artists and property developers to contribute to the revitalisation of the city and the consent holder is encouraged to use this programme during the construction phase. Local artists, Gabby O'Connor, Ariki Brightwell, Ruth Thomas-Edmond and Telly Tuita have been commissioned to design artworks for hoarding. Their work can be downloaded from the Creative Hoardings Library on the Council's website, printed and installed on hoarding. For more information contact the City Arts and Events Team (arts@wcc.govt.nz) or visit the Council's website: <https://wellington.govt.nz/arts-and-culture/arts/creative-hoardings>

Erosion and Sediment Control Plan:

- (9) An Erosion and Sediment Control Plan ('ESCP') must be developed by the consent holder and submitted to the Council's Compliance Monitoring Officer for certification, at least 10 working days prior to any work commencing on site.

The purpose of the ESCP is to identify the erosion and sediment control measures that will be implemented on site during construction activities and how these will comply with the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region* (February 2021).

The ESCP must include, but is not limited to, the following:

Erosion and Sedimentation Controls:

- An illustrated plan that records the key features of the ESCP (including the approved earthworks plan).
- A description of the broad approaches to be used to prevent 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.
- Detail of the use of diversion bunds/cut-off drains, as required, to minimise stormwater entering the site and discharging onto earthworks areas where it can pick up sediment and not discharged on to sloping ground.
- The type and location of silt fences to control water-borne sediment.
- Methods for protecting stormwater sumps from the infiltration of water-borne sediment.
- Stabilisation of soil or other material that is stockpiled on the site or transported to, or from, the site, to prevent dust nuisance or erosion by rain and stormwater (creating water-borne sediment).

Dust Suppression:

- Limiting the vehicle speed on site to 10 kilometres an hour.
- Assessing weather and ground conditions (dryness and wind) before undertaking potentially dusty activities.
- Ceasing 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.

The ESCP must be reviewed by the suitably qualified engineering professional prior to being submitted to Council, to ensure that the methodology is in accordance the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region* (February 2021). The

review must be provided to the Council's Compliance Monitoring Officer when the final ESCP is filed for certification.

- (10) No work may commence on site until the ESCP is certified by the Council's Compliance Monitoring Officer. The earthworks and associated work must be carried out in accordance with the certified ESCP.
- (11) Any amendments to the ESCP once work starts must be certified by the suitably qualified engineering professional and certified by the Council's Compliance Monitoring Officer.
- (12) The erosion, dust and sediment control measures put in place must not be removed until the site is remediated to the satisfaction of the Council's Compliance Monitoring Officer. '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.

Note: If necessary, the Council's Compliance Monitoring Officer 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.

- (13) A copy of the certified ESCP must be held on site throughout the duration of the earthworks and must be made available on request.

Producer Statements:

- (14) 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 Council's Compliance Monitoring Officer within one month of the structures/buildings being completed.

Grassing of Earthworks:

- (15) All exposed areas of earthworks, unless otherwise built on and/or stabilised, are to be grassed or re-vegetated within 1 month of completing each stage of the earthworks, to a level of establishment satisfactory to Council's Compliance Monitoring Officer.

The Council's Compliance Monitoring Officer may agree to a longer period than 1 month, if appropriate, and will certify it in writing.

- (16) If construction works at the site cease for a period of greater than 2 months, the exposed areas of earthworks must then be stabilised to reach a level of establishment satisfactory to the Council's Compliance Monitoring Officer.

General Earthworks Conditions:

- (17) 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.

Contaminated Land:

- (18) Additional soil quality sampling must be completed to supplement the Ballantrae Place DSI completed by Aurecon in 2021. The additional soil quality sampling must be completed under the guidance of a suitably qualified and experienced practitioner ('SQEP'). The additional soil quality sampling must be carried out in accordance with the *Ministry for the Environment's (MfE) Contaminated Land Guidelines No.5 (CLMG 5), June 2021* and the *New Zealand Guidelines for Managing and Assessing Asbestos in Soil (Building Research Advisory Council New Zealand, 2017)*.
- (19) A report summarising the additional soil quality sampling must be prepared by a SQEP in general accordance with *MfE Contaminated Land Guideline No. 1 (CLMG 1), June 2021*. The additional soil sampling report must be submitted to the Council's Compliance Monitoring Officer for certification prior to earthworks commencing.
- (20) If the additional soil quality sampling confirms a risk to human health for the proposed land use, a remediation action plan ('RAP') must be prepared by a SQEP.
- (21) A Contaminated Land Management Plan ('CLMP') for the proposed development must be completed by a SQEP and submitted and certified by the Council's Compliance Monitoring Officer prior to earthworks being undertaken at the site. The CLMP must include the following:
- Date and version control.
 - A summary of soil sampling results including the further soil sampling undertaken as part of the additional soil quality sampling.
 - A summary of the proposed redevelopment works.
 - Roles and responsibilities and contact details for the parties involved, including the SQEP.
 - Health and safety and environmental management procedures for implementation during the works including but not limited to:
 - Personal protection and monitoring.
 - On site soil management practices including stockpile management and stormwater and sediment controls.
 - Off site soil transport and disposal.
 - Asbestos in soil removal procedures in accordance with the approved code of practice *Management and Removal of Asbestos*, November 2016 and Building Research Association of New Zealand, November 2017. *New Zealand Guidelines for Assessing and Managing Asbestos in Soil (BRANZ Guidelines)*.
 - Contingency measures in the event of accidental/unexpected discovery including the discovery of asbestos and asbestos related controls.
- (22) Soil disturbance works must be undertaken in accordance with the certified RAP and CLMP.

- (23) If unexpected soil conditions, such as staining, odorous material or evidence of potential asbestos containing materials are encountered during the soil disturbance works, work in that area must cease and the Council notified. Any unexpected contamination and contingency measures must be overseen and assessed by a SQEP.
- (24) All soil material with contaminant concentrations above background concentrations that requires removal from the site must be disposed of at a licensed facility that holds a consent to accept the relevant level of contamination.
- (25) If remedial works are required, a Site Validation Report must be prepared in general accordance with *MfE CLMG No. 1* and must be provided to the Council within 3 months of completion of the soil disturbance activities. The Site Validation Report must include the following:
- The location and dimensions of the excavations carried out, including a relevant site plan.
 - Records of any unexpected contamination encountered during the works.
 - Soil validation results, if applicable (i.e. if remediation is carried out or unexpected contamination is encountered).
 - Copies of the disposal dockets for the material removed from the site and any clean fill imported onto the site.
 - Specify the requirements for ongoing monitoring and management (if required).
 - The report should outline the site's suitability for the intended use.

Hazardous Substances:

- (26) The proposed tanks containing hazardous substances must be designed, installed and certified in accordance with the recommendations as listed in the HSNO Report by ENGEO Ltd dated 17 September 2021, with the exception of the following points:
- (a) The 4 x 7216 Litre fuel tanks SVR 7000 Fuel-Chief Super Vault tanks situated in the Museum Street building are to supply fuel to the generators in the same building. As a result, the appropriate Regulation 17.63 (3) (b) for the Museum Street building holding fuel must be looked at as per requirements that fall under fuel supply 'in that building' (17.63 Subclause 4 under HSW (HS) Regs 2017) and 'in another building' (17.63 Subclause 6 under HSW (HS) Regs 2017) if the same SV4 fuel tanks are to supply fuel to the generators housed in the Parliament building.
- (b) As a consequence of (a) above, the separation distances in section 4.4 of the HSNO Report will need to be reviewed.
- (c) Prior to the installation of the hazardous substances, an addendum to the HSNO Report must be provided to the Council that includes:
- A review of the SV3 11000 diesel fuel tank (11,400 Litres).
 - A review of hazardous classifications required for the wastewater tanks situated in the Museum Street building and appropriate controls associated to the overall design that have been verified and deemed sufficient.

Transport:

Construction Traffic Plan:

- (27) The consent holder must submit a Construction Traffic Plan ('CTP') to the Council's Compliance Monitoring Officer at least 10 working days before any works commence on the site.
- (28) The CTP must be certified by the Council's Compliance Monitoring Officer in consultation with the Traffic and Vehicle Access Team before any work begins.
- (29) The CTP must include methods to avoid, remedy or mitigate adverse construction traffic effects during the works. The CTP must include, but not be limited to, the following matters:
- Timing of specific work phases.
 - Key activities and anticipated traffic levels for each work phase.
 - Expected frequency of 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 (7-9am and 4-6pm weekdays).
 - Locations of where construction related vehicles will park, wait, turn and carry out loading and unloading of materials.
 - Locations where construction materials would be stored.
 - Arrangements for temporary traffic management, including pedestrians, car-parking and servicing.
 - Temporary pedestrian safety measures, including directional signage where applicable.
 - Details of how servicing and access to adjacent site activities will be provided for, specific to each development phase.
 - Methods for the public to contact the site manager for complaints. There should be a 1m² sign facing the public footpath at all points of entry to the site with the site manager's contact details.
- (30) The consent holder must carry out the work in accordance with the certified CTP.

Notes:

- 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.
- A Corridor Access Request ('CAR') must be approved before construction activities within the road corridor starts. 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/>
- A Road Usage Licence ('RUL') is necessary if any temporary structures or sole use of space (scaffolding, hoarding, loading zones, tower crane positioning, gantry etc.) are needed on road reserve during any stage of the development and construction. Please note additional fees can occur and will apply when occupying legal road reserve for private use. A quote will be sent to you for acceptance if this applies.

Driveway Construction and Street Level Matching Plans:

- (31) Driveway Construction and Street Level Matching Plans showing how the proposed new buildings will match the existing public road (Ballantrae Place) and private road (Museum Street) must be submitted to the Compliance Monitoring Officer for certification (in consultation with the Transport Team) before construction starts. This plan must:
- Indicate how building entrances, floor levels and other street-dependent aspects have been designed to match the existing footpath and/or road levels.

- Include full construction details of any changes needed to the existing turning area at the end of Ballantrae Place and for the construction of the proposed adjacent two vehicle parking bay.
- Show the location and levels of the vehicle and pedestrian entrances and any other sections of the building that require access to nearby sections of existing footpath and/or road carriageway.
- Show existing levels of the top of the adjacent street kerb and/or back of footpath levels near vehicle and pedestrian access areas.
- Show details of any proposed street layout and level changes.
- Show details of any new features proposed in public road land or other changes to the existing public road layout.
- Show construction details for the turning area at the end of Ballantrae Place
- Show confirmation that all areas needing to be trafficable will be provided with suitable pavements. Details of the pavement design must be provided for certification.

Noise and Vibration:

Construction Noise:

- (32) The consent holder must ensure that construction activities are measured, assessed, managed and controlled in accordance with the requirements of 'NZS6803:1999 Acoustics – Construction' Noise..

Construction Noise and Vibration Management Plan ('CNVMP'):

- (33) The consent holder must ensure that not less than 20 working days prior to commencing any construction activities authorised by this consent, the consent holder must submit to Council's Compliance Monitoring Officer a draft Construction Noise and Vibration Management Plan ('CNVMP') for certification.

The Construction Noise and Vibration Management Plan must include but not be limited to:

- Background and purpose of Construction Noise Management Plan
- Objectives of Construction Noise Management Plan
- Description of the project (nature and scale)
- Description of the site, designated areas and construction work areas
- Description and location of noise sensitive sites (commercial and residential)
- Construction and vibration levels
- Noise and vibration sources
- Project period(s), sequencing and staging
- Performance noise and vibration standards
- Hours of operations (all activity types and activity area)
- Physical noise and vibration mitigation measures in line with section 16 of the RMA
- Managerial noise and vibration mitigation measures in line with section 16 of the RMA
- Community consultation and communication procedures
- Consultation and communication procedures with Council regarding noise complaints
- Contact details of the person in charge of noise management
- Construction noise and vibration monitoring and reporting
- Non-compliance contingency planning and monitoring

- Methods to review the CNVMP with respect to changes in the program
- (34) The consent holder must not undertake any activities authorised by this consent until the draft CNVMP has been signed off by the Council’s Compliance Monitoring Officer as final and is denoted by Council as being ‘approved for use’ as the final CNVMP.
- (35) The consent holder must at all times ensure the on-site activities are carried out in accordance with the final ‘for use’ CNVMP.

Boundary Noise Emissions (as received in adjacent Central Area sites):

- (36) The consent holder must ensure noise emission levels (excluding fixed plant noise other than generators) when measured at or within the boundary of any fee simple site, other than the site from which the noise is emitted, must not exceed the following:

At all times: 60 dBA $L_{Aeq(15\ min)}$

At all times: 85 dBA L_{AFmax}

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”.

Boundary Noise Emissions (as received in adjacent Inner Residential Area sites):

- (37) The consent holder must ensure noise emission levels (excluding fixed plant noise other than generators) when measured at or within the boundary of any fee simple site, other than the site from which the noise is emitted, must not exceed the following:

Monday to Saturday, 7am to 7pm: 55 dB $L_{Aeq(15\ min)}$

Monday to Saturday, 7pm to 10pm: 50 dB $L_{Aeq(15\ min)}$

At all other times: 40 dB $L_{Aeq(15\ min)}$

All days, 10pm to 7am: 70 dB L_{AFmax}

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”.

Fixed Plant Boundary Noise Emissions (as received in adjacent Central Area sites):

- (38) The consent holder must ensure all fixed plant and equipment including heating, cooling and ventilation plant must be located, designed and operated so that noise emission levels, when measured at or within the land parcel, other than the building or site from which the noise is emitted, do not exceed the following limits:

At all times: 55 dBA $L_{Aeq(15\ min)}$

At all times: 70 dBA L_{AFmax}

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”.

Fixed Plant Certification:

- (39) The consent holder must ensure that noise emission levels emanating from all fixed plant and equipment must be monitored at the commissioning stage (prior to occupation) by a qualified and experienced acoustic expert suitable to the Council. Written certification in the form of an acoustic measurement and compliance commissioning report must be provided to the Council's Compliance Monitoring Officer and Acoustic Engineer for certification. The certificate must certify that commutative worst case fixed plant noise emissions comply with the noise limits set out in **condition (38)** above.

Three-Waters Servicing and Flooding:

Minimum Flood Levels:

- (40) Any building constructed on the site must have a minimum ground floor level of 12.25m RL (Wellington 1953 Datum).

Location of Secondary Overland Flow Path:

- (41) A suitably qualified engineer must demonstrate that any overland stormwater flow paths which may flow through the development site are redirected away from any new or existing building.

Engineering Standards:

- (42) The consent holder must comply with the requirements of the Wellington City Council Code of Practice for Land Development, unless otherwise modified by condition(s) of the consent. These are the engineering standards for mitigating adverse effects on the environment from earthworks, traffic (roading and vehicle access), wastewater and stormwater drainage, water supply and utility structures.
- (43) Construction must not start until the following engineering plans in relation to water supply, stormwater or wastewater drainage, being accepted in writing by the Council's Compliance Monitoring Officer in consultation with the Wellington Water Land Development Team:
- Engineering plans
 - Specifications

Notes:

- 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.
- 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.

- Engineering development for drainage require permits in addition to this resource consent, such as drainage permit/building consent for private drains and public drainage permit for public drains. The consent holder shall ensure any redundant water supply, stormwater and wastewater laterals are disconnected and capped at the main. The location of capping will need to be included on the final as-built plan.
- Application for approval of the new water, stormwater and wastewater connections will need to be made to Wellington City Council prior to commencing the works.

Water Supply:

- (44) The consent holder must provide each building with an appropriately sized metered water supply connection to the public main for domestic supply. An engraved plastic tag reading “WATER SUPPLY MANIFOLD FOR (Street No)” will need to be secured to the manifold clearly showing which property is served by the manifold. An RPZ-type backflow preventer is required if the connection is greater than 20mm DI.
- (45) The consent holder must provide for fire-fighting requirements 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. Calculations must be provided by a suitably qualified engineer to certify that there is sufficient pressure and flow for the development to meet the Code of Practice for Land Development requirements. Calculations must be based on pressure logging (seven-day log) and flow readings taken from the nearest hydrant.

Notes:

- If a separate fire connection is required, a separate application for the fire connection will need to be submitted. Applications for fire service connections will need to provide a copy of a flow test and pressure log (seven-day log) along with supporting calculations conducted by a suitably qualified engineer as well as a detail layout plan showing the proposed connection. The design of the fire service connection and sprinkler system will need to allow for any head loss incurred by the required backflow prevention containment device.
 - Please note that permission is required prior to using or testing hydrants.
- (46) The consent holder must provide all fire connections/sprinkler connections with a double check detector check backflow prevention containment device.

Note: Upgrading of the existing water infrastructure may be required if the Code’s requirements cannot be achieved or if the proposal will have a detrimental effect on existing users.

- (47) A backflow device of a commercial or industrial site must be added to the building warrant of fitness (‘BWOFF’) compliance schedule for the property.

Relaying Public Mains Clear of Buildings:

- (48) The existing public gravity water, stormwater, and wastewater mains within the proposed building site must be re-laid to achieve a minimum 1.0m distance from the building platforms (including fencing and retaining walls) and any associated foundations.

Notes:

- Any alteration or addition to the existing public drainage network is required to be carried out under a Public Drainage Permit (as distinct from a building consent) issued by the Wellington Water Land Development Team.
- All Public Drainage work is required to be carried out by a suitably experienced Registered Drainlayer, who is employed by a contractor who has an approved Health and Safety Plan and Public Liability Insurance.
- All newly constructed stormwater mains to be vested in Council will need to 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. A pan tilt camera will need to be used, and lateral connections shall be inspected from inside the main.

Stormwater and Wastewater Connections:

- (49) The consent holder must provide the development with a separate and direct connection to the public wastewater and stormwater networks, in accordance with the Wellington City Council Code of Practice for Land Development. Alternatively for stormwater, a separate connection may be to an approved stormwater outfall at a location accepted in writing by the Council's Compliance Monitoring Officer in consultation with the Wellington Water Land Development Team.

Stormwater Neutrality and Treatment:

- (50) To avoid impact on the receiving environment, stormwater treatment must be provided for all new roading and car parking surfaces.
- (51) To avoid impact on downstream properties, stormwater treatment and neutrality is required for any stormwater drained to the public drainage system and the site must be provided with a stormwater retention system. The stormwater retention design must be certified by the Council's Compliance Monitoring Officer in consultation with the Wellington Water Land Development Team and the following aspects must be met:
- The consent holder must construct an approved stormwater retention system in accordance with plans approved under a building consent and agreed with the Council's Compliance Monitoring Officer in consultation with the Wellington Water Land Development Team.
 - The stormwater retention system(s) must be designed so that the total stormwater discharge post development from the proposed development for all events up to the 1% AEP event is less than or equal to the stormwater runoff flows prior to development.
 - The stormwater retention system must facilitate water re-use within the buildings.
 - The consent holder must ensure that all connections to the system are trapped to minimise debris entering the system.
 - The consent holder must not 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.
- (52) Prior to completion of the construction works, the consent holder must prepare a draft Operation and Maintenance Manual for all stormwater devices 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 must be submitted to the Council's Compliance

Monitoring Officer in consultation with the Wellington Water Land Development Team for certification and is to include, but not be limited to:

- a detailed technical data sheet
- a programme for regular maintenance and inspection of the stormwater system
- a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices
- a programme for post storm maintenance
- a programme for inspection and maintenance of outfall erosion
- general inspection checklists for all aspects of the stormwater system, including visual check of sumps
- a programme for inspection and maintenance of any vegetation associated with the stormwater devices.

- (53) Any combination of exposed (i.e. unpainted) galvanised steel (with greater than 99% zinc coating) or copper may result in contamination of stormwater runoff upon corrosion of surfaces and therefore stormwater from these materials used for exterior construction (including but not limited to roofing, cladding, gutters and downpipes) must not be discharged to the public stormwater network unless treated on-site by a water quality device. For the avoidance of doubt, this condition does not apply to copper alloys such as brass and bronze.

As-Built Plans:

- (54) At the conclusion of engineering works, the consent holder must submit as-built drawings that meet the requirements of *Wellington Water Regional As-built Specification for Water Services* for water supply, wastewater and stormwater drainage.
- (55) Once an as-built plan has been submitted and within one month of completion of the drainage works and/or before vesting of assets, the consent holder must arrange for a final inspection with the Wellington Water Senior Drainage Inspector.

Notes:

- 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.
- Engineering plans and as-built plans will be required to be in terms of the New Zealand Vertical Datum 2016 (NZVD2016).
- Wellington Water Ltd may require an easement in gross in favour of Wellington City Council over the public water, wastewater and stormwater mains.

Oak Tree Relocation:

- (56) The contractor engaged by the consent holder to carry out the transplanting works and aftercare must demonstrate a proven record of successfully transplanting and establishing large mature trees. A statement of experience must be submitted to the Council's Compliance Monitoring Officer prior to commencement of the transplanting works.
- (57) Prior to the commencement of the transplanting works, the consent holder must provide to the Council for certification a transplanting methodology and aftercare programme by their

nominated contractor. The methodology and aftercare programme must be in general accordance with the Arboricultural Report, job no. 35419, by Arborlab, dated November 2021.

- (58) To allow the best chance of survival following its relocation, the oak tree must be provided with a soil vault and irrigation system (as outlined in section 16 of the Arboricultural Report) and an artificial lighting system (as outlined in section 17 of the Arboricultural Report) in its new location.

Heritage:

Recording:

- (59) The consent holder must submit to the Council's Compliance Monitoring Officer (in consultation with the Heritage Advisor) a photographic record in digital format, and labelled with a location and date, and these locations should be noted on a plan or elevation. A 3-D scan survey in digital format is an acceptable alternative to a full photographic survey.

Prior to carrying out the record, the consent holder must liaise with the Council's Compliance Monitoring Officer (in consultation with the Heritage Advisor) to agree the positions from where photos/survey are to be taken. The record must be submitted at the following stages, or upon request:

(a) Prior to Development:

Record the existing external fabric on the west elevation (window and surrounding stonework) and of the interior of the room behind the window of Parliament House before it is removed, and including:

- The window and associated fabric in situ;
- Overall views from different angles; and
- Views of any significant details of the window and the interior space behind.

(b) During Development:

Record the removal of the window and its aftermath, including:

- Storage of the window and its surrounds;
- Work to remediate the loss of fabric; and
- The installation of the bridge and works internal to Parliament House.

- (c) Following Development (but no later than three months of the completion of construction of the bridge link to Parliament House):

Record of the above completed works to Parliament House, including from the locations used for (a) above.

Design Details and Mitigation Measures:

- (60) The consent holder must engage a suitably qualified and experienced conservation architect (and a suitably qualified urban designer where relevant) to provide advice on and input into all detail design and implementation on all heritage-related aspects of the project.
- (61) The consent holder must engage a suitably qualified and experienced conservation architect to prepare a Temporary Protection Plan(s) ('TPP') that includes measures to protect the existing heritage fabric that are prepared according to Christchurch City Council, *Heritage Information, Guideline 14: Temporary Protection of Heritage Items*, Christchurch City Council, *Temporary Protection Number 2, Specifying Temporary Protection of Historic Interiors during Construction and Repair*, US National Park Service Cultural Resources, 1993.

The TPP must be submitted to and certified by the Council's Compliance Monitoring Officer (in consultation with the Cultural Heritage Advisor) prior to the commencement of works to Parliament House.

- (62) The works to Parliament House must be undertaken in accordance with the certified TPP.
- (63) Prior to the commencement of construction of the MUS building and works to Parliament House, the consent holder must submit to the Council's Compliance Monitoring Officer a set of detailed design drawings showing the full and final details for the link bridge to Parliament House. The information must be prepared by an appropriately qualified person and be designed to:
- Minimise damage to the heritage fabric in accordance with best practice and the TPP above.
 - Minimise aesthetic and structural impact on Parliament House.
 - Confirm that the connecting bridge between MUS and Parliament House be structurally independent; designed to be as visually open and unobtrusive as possible; and attached to the heritage building as lightly as practicable.
 - Use appropriate, high-quality materials.

The final design and details must be certified by the Council's Compliance Monitoring Officer (in consultation with the Cultural Heritage Advisor) prior to the commencement of construction of the MUS building.

- (64) The works must be undertaken in accordance with the final design and details certified under **condition (63)** above.
- (65) Prior to commencement of the works to Parliament House, the consent holder must submit a brief method statement for appropriate long-term storage of the windows and other heritage fabric removed from Parliament House, and must include:
- Details of where items will be stored.
 - Details of where the key to the storage will be located and who will have access to this.
 - Details of who will be responsible for regular visits to check that items have not been damaged or removed, and how this information will be recorded.

Urban Design:

Building Design Detail:

- (66) Prior to the construction of each building commencing, the consent holder must submit a set of drawings showing the full and final details to be used for certification by the Compliance Monitoring Officer. The information must include the following details and provisions:
- Final details for the exterior building materials (including finish and colour).
 - Final design and detailing of the link bridge, in accordance with the Heritage conditions above.
 - End-of-trip facilities for staff.
 - Signage on the buildings for identification of the MUS and BAL buildings, wayfinding, and traffic management.
 - Any interpretative information.

Note: The Compliance Monitoring Officer will liaise with the Urban Design Advisor to confirm that the materials and design are appropriate.

- (67) The final details of the building design must be constructed in accordance with detailed design as certified under **condition (66)** above.

Landscaping Design Detail and CPTED:

- (68) Prior to construction commencing, a final landscape plan(s) must be submitted to, and certified by, the Council's Compliance Monitoring Officer. The final landscape plan(s) must include the following details and mitigation measures:
- Materials to be used for pedestrian areas and paving
 - Planting, including the rationale for plant selection
 - Exterior lighting
 - Design detail for the finishing of any seismic joints visible from a public space.

The information submitted must be to a quality and outcome consistent with the application drawings and as far as reasonably practicable, the recommendations in section 5.2 of the CPTED Assessment prepared by Boffa Miskell Ltd (Appendix 10 of the application).

Note: The Compliance Monitoring Officer will liaise with the Urban Design Advisor to confirm that the details are appropriate.

- (69) The landscaping and other elements certified under **condition (68)** above must be established on-site prior to occupation of the new buildings.
- (70) Any modifications at any time to the design or layout or structures of the landscaping in order to address wind conditions arising from construction of either of the two new buildings must be submitted to the Council's Compliance Monitoring Officer (in consultation with the Urban Design Advisor) for certification.
- (71) Prior to occupation of the new buildings, the consent holder must submit to the Council's Compliance Monitoring Officer confirmation that CCTV monitoring and measures for the safety of people accessing on-site external car parking at night have been put in place as per the recommendations of the CPTED Report prepared by Boffa Miskell Ltd (Appendix 10 of the application).

Wind:

- (72) At the detail design stage and during the development of the finalised plans required by the Heritage and Urban Design conditions above, the consent holder must, in consultation with their architectural and wind advisors, further consider and assess wind mitigation with the objective of making the proposed on-site pedestrian areas as safe and attractive as reasonably practicable.

The particular focus of this work must be documentation of:

- (i) the means of dealing with safe transition between indoors and outdoors to the west entrance of MUS by screening and/or providing large (i.e. 2.5m) wind lobbies;
 - (ii) integration of CPTED concerns, landscaping including the rationale for plant selection, windbreaks and natural lines of walking across the site and into and out of the building entrances; and
 - (iii) identification within the landscape plan of suitable sheltered outdoor seating areas that receive sun and are out of the extreme northerly winds.
- (73) The consent holder must then provide a written statement to the Council's Compliance Monitoring Officer outlining the wind measures that have been considered and the rationale for their inclusion in or exclusion from the final design.

Iwi Consultation:

- (74) Prior to the application for building consents for the construction of the MUS and BAL buildings (whichever building consent is lodged first), the consent holder must provide to the Council's Compliance Monitoring Officer a report that:
- Summarises the results of consultation with Te Āti Awa, Ngāti Toa and Taranaki Whānui ki Te Upoko o Te Ika (and with any other Māori); and
 - Identifies the specific design elements representative of tangata whenua, mana whenua, Māori values and cultural landscapes associated with Māori that will be included in the finished buildings, plaza and plantings.

Monitoring and Review:

- (75) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to rcmonitoring@wcc.govt.nz.
- (76) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer 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 costs²⁷ may include site visits, correspondence and other activities,

²⁷ Please refer to the Council's current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link:

<https://wellington.govt.nz/property-rates-and-building/building-and-resource-consents/resource-consents/applying-for-a-resource-consent/monitoring-resource-consent-conditions>

Consultation with Submitters:

- (77) Prior to the preparation of the Construction Traffic Plan (CTP) and Construction Noise and Vibration Management Plan (CNVMP), the consent holder and its principal contractor shall consult the owners of the townhouse at 29 Ballantrae Place and Huxley's as tenant of the eastern ground floor of the Bowen State Building for the purpose of identifying and discussing measures to avoid or to mitigate the adverse noise effects of construction activities. A written record of this consultation shall be prepared by the consent holder and shall include all the measures identified during consultation, the extent to which the measures are included in the above Plans, and where measures are not included, the reasons for this. The written record shall be submitted to the Council's Compliance Monitoring Officer (CMO) at the same time as the CTP and CNVMP. The consent holder will provide the CTP and CNVMP to the owner of 29 Ballantrae Place once certified.
- (78) The consent holder shall offer to meet with the owners of the townhouse at 29 Ballantrae Place and Huxley's at 3 monthly intervals during the construction period to review the effectiveness of the certified CTP and CNVMP. A written record of the meetings shall be prepared by the consent holder and submitted to the CMO within 5 working days of the meeting for consideration as to whether any changes will be required by the CMO to the certified CTP and CNVMP.

Rubbish and Recycling Collection:

- (79) Upon project completion, and to mitigate the noise effects on the townhouses with frontage to Ballantrae Place, the collection of rubbish and recycling from the Parliamentary Precinct by vehicles using Ballantrae Place shall be limited to between 7.30am and 6pm Monday to Saturday.

Advice Notes:

- a) 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.
- b) 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.
- c) 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.

- d) This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
- e) This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
- f) A vehicle access bylaw consent is required under Part 5, Section 18 of the Council's Consolidated Bylaw 2008 for the construction of a kerb crossing or driveway within legal road.
- g) Out of courtesy, it is suggested that you advise your nearest neighbours of your intention to proceed with this land use consent, your proposed construction timetable and contact details should any issues arise during construction.
- h) 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 landowner 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 landowner 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>

- i) 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/Documents/2022/03/Erosion-and-Sediment-Control-Guide-for-Land-Disturbing-Activities-in-the-Wellington-Region.pdf>
- j) The WIAL1 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:
 - i. 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
 - ii. 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
 - iii. 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 the obstacle limitation surfaces at the link below and you can contact WIAL at planning@wellingtonairport.co.nz for any questions that you might have or if you need to seek their approval: <https://eplan.wellington.govt.nz/proposed/rules/0/258/0/10267/0/32>

- k) As consent involves construction works in the Central Area the consent holder may be required to provide details about how the construction will integrate with other major construction projects. For more information contact the Network Activity Manager by email: denise.beazley@wcc.govt.nz

- l) In order to provide for the efficient relocation of the heritage oak tree in advance of construction of MUS and BAL, the tree relocation activity will not be subject to Construction Management Plan, Erosion and Sediment Control Management Plan, Contaminated Land Management Plan, Construction Traffic Plan and Construction Noise and Vibration Management Plan conditions.