

24 January 2023

Kia ora [REDACTED]

Thank you for your request made under the Local Government Official Information and Meetings Act 1987 (the Act), received on 24 November 2022. You requested the following information:

- All resource consent applications which were publicly notified in the calendar years 2019-2022 inclusive:
 - Address
 - Date received
 - SR No.
 - Description
 - The Notification Decision Report or equivalent document in which it was decided that the application must be publicly notified, or which identified affected persons or properties.

As per our letter on 13 January 2023, Wellington City Council had **granted** your request for information. Please see below for information requested.

A planner assesses the resource consent application and determines whether notification is required based on the level of effects of the proposal. A notification decision is then made in writing either separately or as part of the substantive decision. This decision is always made by delegated officers in order to provide a check and balance of this process. There are two forms of notification, if required; one is referred to as limited notification whereby only those parties that the delegated officers deem affected are served notice and can make a submission, the other is referred to as public notification whereby any party can make a submission should they choose.

Usually if the applicant requests public notification, it's because they know their application will have public interest or effects that do not just affect neighbouring sites and will most likely need to be publicly notified. This speeds up the notification process as the planner does not need to do a notification report and the application can be notified to the public sooner.

Address and description	SR No.	Date Received	Comments
90 Hanson St - new 3-storey building, car parking, earthworks and landscaping	414740	18/07/2018	Applicant requested public notification

15 Customhouse Quay - Site 9 - new building	415317	27/07/2018	Applicant requested to be publicly notified as noted in RC Report
2-12 Aitken St - New Central Area building	451042	27/09/2019	Applicant requested public notification
28 Stewart Duff Drive (Main Site Area) - Notice of Requirement	455891	5/12/2019	Notification report
673 Hutt Road - Change of conditions relating to sign conversion	457045	20/12/2019	Notification report
1 Stewart Duff Drive (East Side Area) - Notice of Requirement	462159	20/03/2020	Applicant requested public notification
114 Adelaide Road - Demolition of heritage dwelling and creation of vacant space.	464277	19/05/2020	Notification report
Partial demolition and additions and alterations to a heritage building, earthworks and signage	490717	14/05/2021	Applicant requested public notification
26 Donald Street & 37 Campbell Street - The construction, operation and maintenance of a retirement village	471670	2/09/2020	Applicant requested notification as noted in the RC hearing Panel on Publicly Notified RC report
2 Morgan Street - To allow Johnsonville Market to continue to operate	477991	18/11/2020	Applicant requested public notification
252 Takarau Gorge Road - Establish a farm park	480449	18/12/2020	Notification Report
292 Main Road - The establishment and use of a four-storey building containing 24 household units	505203	3/12/2021	Applicant requested public notification
348 Ohiro Road - To undertake a three-lot subdivision	507153	13/01/2022	Planner advised application was to be publicly notified

110 Jervois Quay - Construction of a Central Area building within a listed Heritage Area with associated earthworks	510418	3/03/2022	Notification report
2 Jervois Quay - To erect an electronic billboard to the existing framework on the roof of the building	513399	21/04/2022	Notification report
127 & 141 Stewart Duff Drive - The construction, operation and Maintenance of a new Sludge Minimisation Facility	519248	3/08/2022	Applicant (Wellington City Council) requested public notification

Below are the documents that fall in scope of your request and my decision to release the document.

Item	Document name/description	Decision
1.	90 Hanson Street - SR 414740	Release
2.	15 Customhouse Quay - SR 415317	Release
3.	2-12 Aitken Street – SR 451042	Release
4.	28 Stewart Duff Drive – SR 455891	Release
5.	673 Hutt Road – SR 457045	Release
6.	1 Stewart Duff Drive – SR 462159	Release
7.	114 Adelaide Road- SR 464277	Release
7a.	114 Adelaide Road	Release
8.	26 Donald Street and 37 Campbell Street	Release
9.	2 Morgan Street – SR 477991	Release
10.	252 Takarau Gorge Road – SR 480449	Release
11.	292 Main Road – SR 505203	Release
12.	348 Ohiro Road – SR 507153	Release
13.	110 Jervois Quay – SR 510418	Release
14.	2 Jervois Quay - SR 513399	Release

Right of review

If you are not satisfied with the Council's response, you may request the Office of the Ombudsman to investigate the Council's decision. Further information is available on the Ombudsman website, www.ombudsman.parliament.nz.

Please note, we may proactively release our response to your request with your personal information removed.

Thank you again for your request, if you have any questions, please feel free to contact me.

Kind regards

From: [Alistair Aburn](#)
To: [Laura Brownlie](#)
Cc: [Courtney Bennett](#)
Subject: Southern Cross - SR 414740 - 90 Hanson Street
Date: Monday, 12 November 2018 10:55:10 am
Attachments: [image001.jpg](#)

Good morning Laura

Following up on my earlier verbal advice, I confirm that Southern Cross request, pursuant to s95A93)(a) of the Resource Management Act 1991, public notification of the above application.

Southern Cross also request that the application be publicly notified so that the closing date for submissions is no later than Wednesday 19 December 2018.

I will arrange for the appropriate application deposit fee to be paid and also for a revised set of drawings to be provided to you by COB on Wednesday 14 November 2018.

Please do not hesitate to contact me if you require anything further at this stage

Warm regards
Alistair

Alistair Aburn



In the office Mondays to
Thursdays inclusive, and
not on Fridays.
ph: 04 474 4111
Level 5, 82 Willis Street
PO Box 9042, Wellington
New Zealand

Site 9 – North Kumutoto, Wellington Waterfront

Proposal: Construction of a five-storey commercial building

Application Reference: 415317

Applicant: Willis Bond Capital Partners No. 3 Limited

Address: 15 Customhouse Quay, Wellington (Site 9)

Legal Description: Lot 1 Deposited Plan 490659 (Part)

Preamble

1. My name is Elliott Thornton. I hold the position of Senior Consent Planner at the Wellington City Council ('the Council') where I have been employed since 2017. My role involves processing a variety of applications sought under the Resource Management Act 1991 ('the Act') through various parts of Wellington City, including more specifically as it relates to this application, developments within the 'Central Area' of Wellington City and within the Lambton Harbour Area.
2. I hold the qualification of a Bachelor of Urban and Environmental Planning from Griffith University (Australia). I am an intermediate member of the New Zealand Planning Institute and a former full member of the Planning Institute of Australia.
3. Although I am employed by the Council, which is the land owner of the subject site, my role is in a regulatory capacity within the City Consenting and Compliance Unit. My involvement in this project commenced on 01 March 2018, being the date when I attended a formal pre-application meeting with the applicant to discuss lodgement of a resource consent application. I can confirm that I have visited the application site(s) on numerous occasions and I am familiar with the surroundings.

Scope of Assessment

4. This report is completed as required under section 87F(3) and (4) of the Resource Management Act ('the Act').
5. I have also relied on the expert advice (attached as Annexure 1 to 9 to this report) from the following Council advisors:
 - Technical Advisory Group (Chaired by Graeme McIndoe) – Urban Design (**Annexure 1**)
 - Amanda Mulligan – Heritage and Archaeology (**Annexure 2**)
 - Andrew Rowe – Traffic (**Annexure 3**)
 - AECOM (Prepared by Sean Hudgens) – Contaminated Land (**Annexure 4**)
 - Michael Donn – Wind (**Annexure 5**)
 - Wellington Water (Prepared by Joey Narvasa and Chandra Koswatte) – Water Supply, Stormwater and Wastewater (**Annexure 6**)
 - John Davies – Earthworks (**Annexure 7**)
 - Ryan Cameron – Noise and Vibration (**Annexure 8**)
 - Nayan Swaminarayan – Lighting Standards (**Annexure 9**)

Structure of this Report

6. The structure of this report is as follows:
 - Section 1 sets out a **Description of the Site 9 Project**
 - Section 2 provides a **Description of the Site and Surrounds**
 - Section 3 sets out the relevant **Planning Framework**
 - Section 4 sets out **Written Approvals**
 - Section 5 provides an overview of the **Notification and Submissions**
 - Section 6 outlines the relevant **Statutory Considerations**
 - Section 7 provides an assessment under **Section 104 of the Act**
 - Section 8 provides an **Overall Evaluation of Part 2 of the Act**
7. In addition to the expert advice listed above, the following documents are also attached to this report:

- List of Submitters (**Annexure 10**)
- Recommended Conditions of Consent (**Annexure 11**)

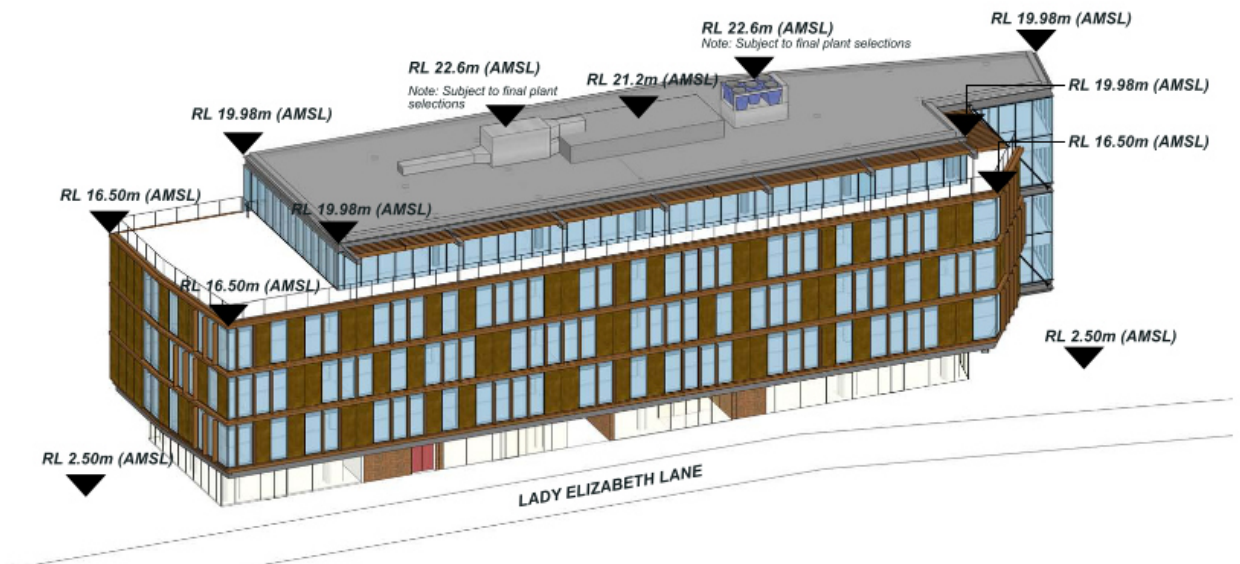
SECTION 1 – DESCRIPTION OF THE SITE 9 PROJECT

8. A full description of the proposal is provided within the Applicant’s Assessment of Environmental Effects (AEE)¹; Athfield Architects Design Report²; and, Urban Perspectives Urban Design Assessment³. However, the key components of each application are outlined briefly below.

Proposal: Construction of a five-storey commercial building

9. The construction of a five storey commercial building (ground level plus four levels above) with a height of 19.98m measured above mean sea level (AMSL) at the northern section, and a height of 16.5m (AMSL) at the southern section. An additional plant room, lift overrun and cooler units will reach a height of up to 22.6m (AMSL). The overall building heights are clearly identified in *Fig 1* below.

Fig 1: Height Diagram of Site 9 Building



Source: Athfield Architects Architectural Drawings dated 14/01/2019

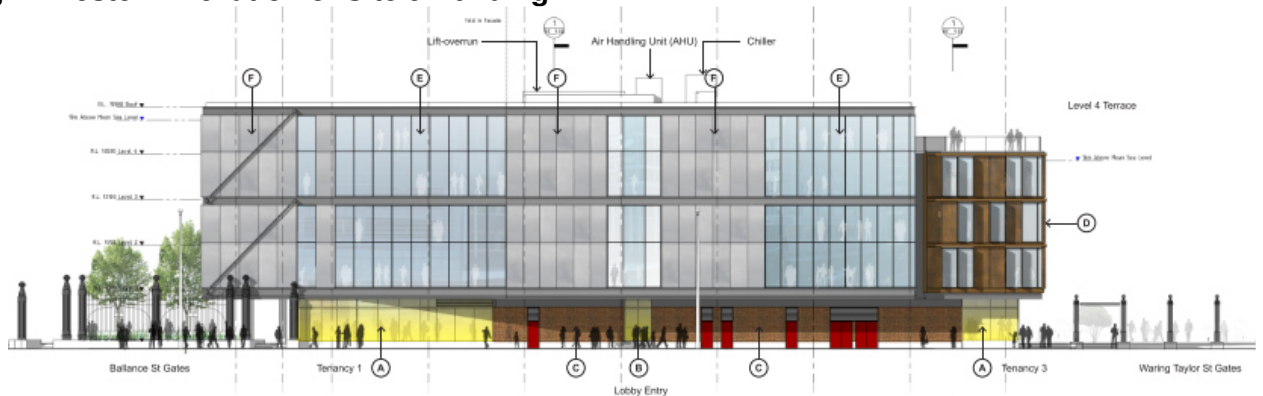
10. The proposed building will be a contemporary designed building, generally rectangular in shape with a slight ‘kink’ in the street façade to accentuate the historical change from Customhouse Quay to Waterloo Quay. The building has an area of approximately 900m² with the buildings mass broken up into a series of two forms. The main features of the proposed building are described and annotated on the images included as *Fig 2* and *Fig 3* below.

¹ Applicant’s AEE, Pg 5

² Appendix 2 Architects Design Report

³ Appendix 11 Urban Design Assessment

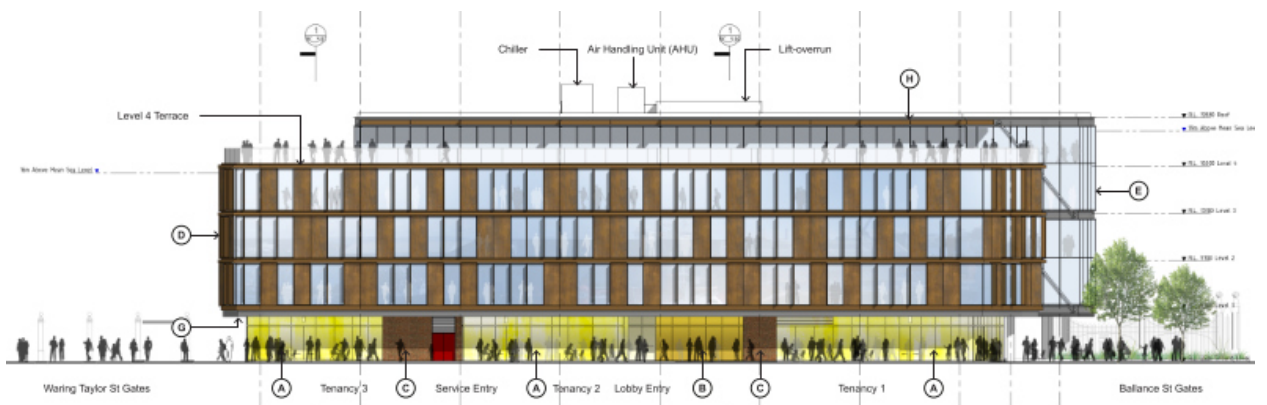
Fig 2: Western Elevation of Site 9 Building



Source: Athfield Architects Architectural Drawings

11. The building represents 4 storeys above a recessed lower level. The building form is seen as having two distinct components. The eastern component (facing Wellington harbour) reads as 4 storeys (ground + 3 levels) with an open roof deck, and the western component (facing the city) reads as 5 storeys (ground + 4 levels). The height of the ground level to the first level is 3.8m and the height of each level for all upper levels is 3.4m (allowing for a floor to ceiling height of 2.7m).
12. The eastern component is stated by the applicant as taking strong historical maritime cues in its design with the eastern façade containing a ‘hit and miss’ façade being inspired by ‘shipping container stack’. This complements the PWC Centre building on Site 10 (referred here on as ‘Site 10’) being a slighter taller building with a design also taking on historical maritime cues, and is stated as being a ‘working gantry’ to the ‘shipping container stack’ of Site 9. The facades comprise of porcelain panels or pre-coloured aluminium panels and louvres offset with glazed panels. This wraps partly around the northern and southern elevations. The roof deck includes translucent glass balustrade.
13. The western component is stated as being more ‘urban’ in its expression referencing the taller buildings nearby, including Site 10 and city buildings to the west. It is stated as providing the ‘elevated frame’ to the ‘shipping container stack’. The western component also represents a more modern façade treatment being predominately glazed (frosted and clear) with aluminium panels banded horizontally in 2 storey bands, reflecting a design that is more similar to other city buildings to the west and also providing an element that complements the ‘gantry’ structure of Site 10.
14. The building includes a recessed lower level which provides for a ‘lobby’ with through access between the waterfront, Customhouse Quay, and the central core. The recessed lower level provides ground level commercial tenancies intended for retail and hospitality uses. The ground level also provides for servicing to the building. Ground level commercial tenancies primarily front the eastern elevation (waterfront) wrapping around the northern (Whitmore Plaza) and southern (Shed 13) elevations. The recessed lower level also provides weather protection to the east and west providing for some pedestrian shelter between Site 10 and the Meridian Building. The recessed lower level also provides weather protection to the north and south for outdoor dining.

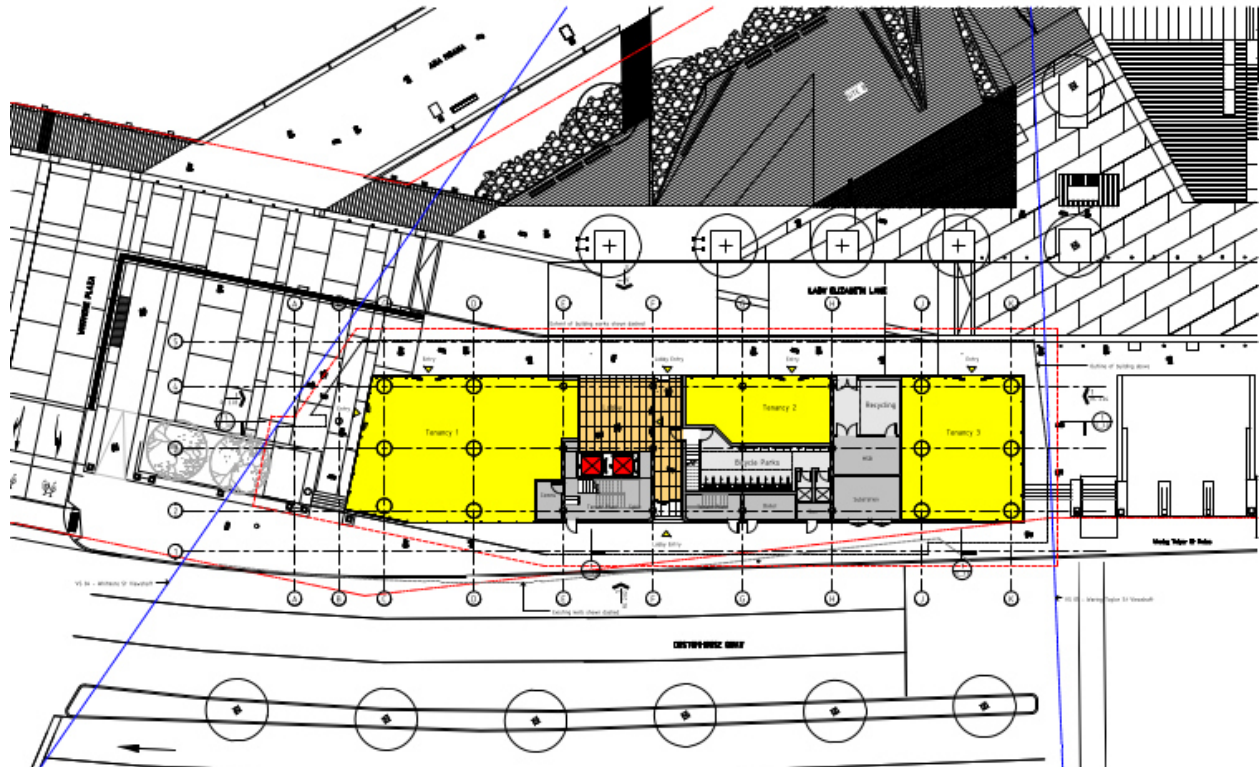
Fig 3: Eastern Elevation of Site 9 Building



Source: Athfield Architects Architectural Drawings

15. External works are proposed to connect with the recently completed North Kumutoto public space works. The works include minor amendments to the location of the heritage fence posts fronting Waring Taylor Street to provide an improved alignment to the pedestrian crossing and symmetry to Waring Taylor Street. The amendments will also reduce the gap between fence gates when closed.
16. This building contains:
 - 16.1 Ground level:
 - Three commercial tenancies (tenancies 1 to 3) are provided for in the ground floor and will be available for retail and hospitality uses. The largest tenancy (Tenancy 1) opens out to Whitmore Plaza to the north and links back to the 'lobby'.
 - A 'lobby' is provided to give access to the upper levels via lift and stairs. Entrance to the 'lobby' is easily accessible from both Lady Elizabeth Lane (eastern elevation) and Customhouse Quay (western elevation).
 - Service plant and equipment rooms are located fronting Customhouse Quay with the exception of a refuse and recycling area fronting Lady Elizabeth Lane.
 - Loading and servicing is to be carried out from Lady Elizabeth Lane, with a space located outside the recycling entrance for a vehicle to park.
 - A sheltered walkway is provided within the recessed lower level providing for ground level shelter adjacent to Lady Elizabeth Lane and Customhouse Quay.

Fig 4: Ground Floor of Site 9 Building



Source: Athfield Architects Architectural Drawings

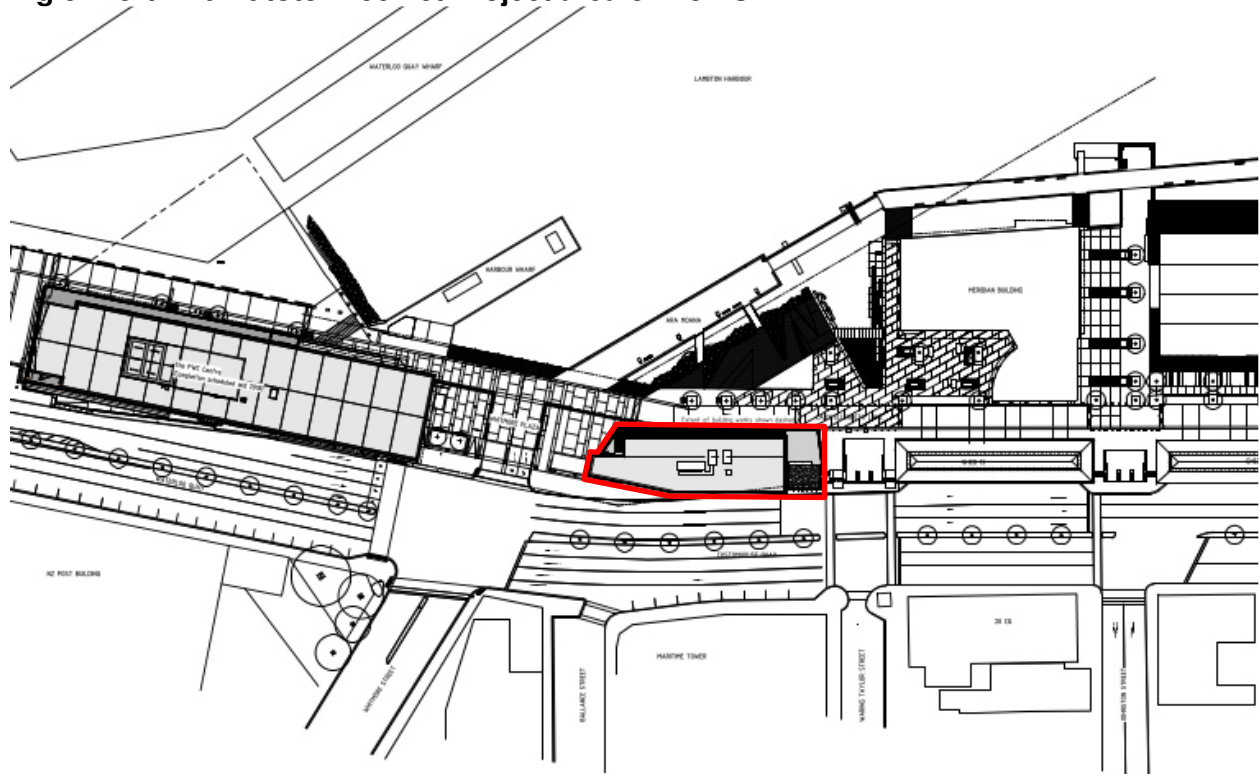
- 16.2 Upper Levels (1 to 4): Each floor contains flexible format office space. Each floor can be accessed via the ground floor lobby with direct access from Customhouse Quay and Lady Elizabeth Lane. Level 4 has access to a roof deck wrapping around the south and east elevations, and part of the north elevation.
- 16.3 Roof Top: The roof top of the proposed building will contain plant, lift overrun, and chiller unit. These elements of the building will be more or less centralised in the middle of the building, away from its side edges, and located north of centre (on a north-south axis).
- 16.4 The construction of the building will involve earthworks and the use and development of potentially contaminated land.

SECTION 2 – SITE DESCRIPTION AND SURROUNDS:

- 17. Site 9 is located within the southern extent of the North Kumutoto Precinct along the Wellington waterfront (‘the application site’). The site lies between the buildings at 59 Customhouse Quay (Site 10) to the north, 37 Customhouse Quay (Shed 13) to the south and 33 Customhouse Quay (the Meridian Building) to the south-east. The site is flanked by public open space with Kumutoto Plaza located to south-east, and Whitmore Plaza located directly adjacent to the north providing a wide

area of open space between Site 9 and Site 10. This area is fronted by Whitmore Street heritage gates. The area of the application site is identified centrally in red on Fig 5 below.

Fig 5. North Kumutoto Precinct Project area of works



Source: Athfield Architects Architectural Drawings

18. The application site is a largely vacant site. Site 9 was identified in the North Kumutoto public open space resource consent (SR No. 320128) as a temporary car park for 18 cars and a covered sheltered walkway. The Council has proposed to vary the number of temporary car parks as well as delaying the establishment of the covered walkway, landscaping and pavement works as part of a change to the North Kumutoto resource consent (SR No. 424528). The change to the North Kumutoto resource consent proposes that Site 9 will temporarily provide car parking for 37 cars and that the covered walkway, landscaping, pavement works and new artwork be completed post the construction of a new building on Site 9 subject to this resource consent.
19. Immediately adjoining the application site are:
 - Shed 13, to the south, which is a heritage building currently housing Mojo Coffee Roaster. Shed 13 is separated from the subject site by a shared vehicle and pedestrian access which includes a number of heritage fence posts perpendicular to Waring Taylor Street.
 - Kumutoto Plaza, to the south-east, which is an area of publicly accessible open space featuring a shelter, public art, landscaping and waterfront access. Kumutoto Plaza is separated from the subject site by Lady Elizabeth Lane being a shared zone providing vehicular access for loading and deliveries to the waterfront tenancies. The 'mouth' of Kumutoto Stream, which is piped underneath Waring Taylor Street, meets the harbour at Kumutoto Plaza.

- The Meridian Building, to the south-east, which is a four-storey building currently housing Meridian Energy, the Harbourmaster, Dam Safety Intelligence, Davanti Consulting, Mojo Café, Portofino Italian Restaurant, Wagamama Restaurant and Hot! Like a Mexican Take-away. The Meridian Building is separated by Kumutoto Plaza and Lady Elizabeth Lane.
 - Tug Warf, to the east, connects the application site to the wider waterfront promenade to the south-east.
 - Whitmore Plaza, to the north, including an area of public open space separating Site 9 and Site 10 and providing the main entrance to the North Kumutoto precinct. It is embellished with pavement and landscaping with a number of heritage fence posts fronting Customhouse Quay perpendicular to Whitmore Street.
 - Customhouse Quay, to the west, is a 6 lane public road, identified as an arterial road in the Wellington City District Plan (referred hereon in as 'District Plan'). It provides a major thoroughfare linking State Highway 1 with the Port, Stadium, Railway Station, and Waterfront.
20. On the opposite side of Customhouse Quay, to the west of the application site, is a series of buildings predominately office and commercial in nature with some ground level retail and including: Maritime Tower at 10 Customhouse Quay (corner of Ballance Street and Customhouse Quay); Z Energy Petrol Station (corner of Ballance Street, Whitmore Street and Customhouse Quay); 20 Customhouse Quay (corner of the Waring Taylor Street and Customhouse Quay); and, 109 Featherston Street (corner of Waring Taylor Street, Featherston Street and Customhouse Quay). Further north is the New Zealand Post Building at 7 Waterloo Quay (corner of Whitmore Street and Customhouse Quay); Waterloo Hotel at 27 Waterloo Quay (corner of Waterloo Quay and Bunny Street); and the Wellington Railway Station.

SECTION 3 – PLANNING FRAMEWORK:

Activity Status:

21. The construction of the proposed building on Site 9 (including earthworks, and the use and development of potentially contaminated land) is assessed on a 'bundled' basis as a **Discretionary (Unrestricted) Activity** under the District Plan. Resource consent is also required as a **Discretionary (Unrestricted) Activity** under the Resource Management (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES'). The principal 'triggers' for which resource consent is required are outlined within the tables below:

District Plan:

Central Area – Chapter 13:		
Rule 13.3.3	Activities that do not meet one or more of the following standards outlined in 13.6.1 (Activities, Buildings and Structures): <u>13.6.1.3.4:</u> No on-site loading is proposed. The building is proposed to be serviced from the adjacent loading bay in Lady Elizabeth Lane.	Discretionary (Restricted)
Rule 13.3.8	Construction of new buildings and structures that do not meet one or more of the following standards outlined in 13.6.3 (Buildings and	

	<p>Structures):</p> <p><u>13.6.3.1.3:</u> The building exceeds the height standard which provides for a 0m above mean sea level. The building has a proposed building height of 19.98m above mean sea level (up to 22.6m above mean sea level for plant and equipment).</p> <p><u>13.6.3.5.2(a):</u> The new building will result in wind speeds in public space (Whitmore Plaza and Waring Taylor Street waterfront entrance) exceeding 20m/s (identified as C1 and M, Figure 7 of Wind Tunnel Study).</p> <p><u>13.6.3.5.2(b):</u> The new building will result in wind strengths in public space (Lady Elizabeth Lane, Shed 13 and Waring Taylor Street waterfront entrance) exceeding 2.5m/s and 3.5m/s for more than 20 days (identified as E1 M, and K Figure 8 of Wind Tunnel Study).</p>	
Rule 13.4.7	Construction of new buildings and structures within the Lambton Harbour Area.	Discretionary (Unrestricted)
Heritage – Chapter 21		
Rule 21A.2.2	Construction of a new building on a site on which a listed heritage building or object is located (Part of former Eastbourne Ferry Terminal Building).	Discretionary (Restricted)
Earthworks – Chapter 30:		
Rule 30.2.2	<p>The proposal involves earthworks that do not meet one or more of the following standards outlined in 30.1.3:</p> <p><u>30.1.3.2:</u> The area of cut or filling will exceed 250m²</p>	Discretionary (Restricted)
Contaminated Land – Chapter 32:		
Rule 32.2.1	The use and development of contaminated land.	Discretionary (Restricted)

NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011:

Regulation 11	The proposal involves an activity which involves disturbing soil, and also involves a change in land use, on land which is identified as having had occurring, or is more than likely to have had occurring, an activity or industry described in the Hazardous Activities and Industries List (HAIL); and the applicant has not provided a detailed site investigation (DSI) that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations.	Discretionary (Unrestricted)
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Overall Activity Status

22. The overall activity status of this application is a **Discretionary (Unrestricted) Activity**.

SECTION 4 – WRITTEN APPROVALS:

23. No written approvals were provided with the application.

SECTION 5 – NOTIFICATION AND SUBMISSIONS

24. The resource consent applications associated with the proposal were publicly notified under section 95A of the Act (at the Applicant's request) by Council. The Public Notice appeared in the Dominion Post on 11 October 2018. Notice of the application was directly served by mail on 65 properties. A site inspection was carried out by Council officers on 11th October 2018 to serve notice on occupants of all directly adjoining neighbouring properties including tenants and building managers. This may have resulted in some occupants having received double notices. Signs advertising the public notification of the application were also erected on the site. The submissions period closed 9 November 2018.

25. A total of 9 submissions were received in relation to the application.

26. The general position of the submissions are tabled below:

General Position of Submission	Total
Oppose	3
Oppose in part	2
Support	3
Submissions that are Neutral	1
Total Submissions received	9

27. A full list of submitters is attached as Annexure 7 of this report.

28. Issues raised by submissions in opposition include:

Issue	Submitters	Comments
Views:		
Views would be diminished as a result of a new building. In particular views of the harbour and sea.	2, 4, 7	<p>As outlined in the assessment below, I consider the value of views to be subjective. I consider that important views referred to in the District Plan and the Wellington Waterfront Framework (WWF) are primarily those of the harbour and water as seen public open spaces along the waterfront where people typically enjoy these views. I do not consider the area directly opposite the building on Customhouse Quay to be an area where views are as important as views are interrupted by traffic on Customhouse Quay.</p> <p>I accept that the view from Customhouse Quay and the buildings opposite will be altered by the proposal including a reduction in the extent of a clear line of sight of water from opposite Customhouse Quay.</p> <p>The proposal does not however intrude within the identified viewshafts of the District Plan and the harbour and water will still remain highly visible from important views nearby including the open space areas between Site 9 and the water's edge.</p> <p>When viewed at a distance from the water, Roseneath, or Mr Victoria, the building will largely be seen against a backdrop of the taller city buildings which minimises any visual dominance of the proposed new building which I consider acceptable.</p>
The building may intrude within identified viewshafts of the District Plan.	8	As mentioned above, the building does not intrude within the identified viewshafts of the District Plan based on the advice of the Council's Technical Advisory Group (TAG) and on information submitted with the application.
Public open space:		
The use of Site 9 should be for	2, 4, 7, 8	The area of Site 9 has been

<p>public open space rather than for a private commercial development.</p>		<p>identified as a potential development site for some time including Council's proposed Variation 11.</p> <p>Both the District Plan and the WWF acknowledge some degree of development will and should occur along the waterfront where it is appropriately designed. I also note the site is not currently open space but an at grade car park.</p> <p>The vast majority of the waterfront will remain open space post development of Site 9. I also accept that private development can enhance adjacent open spaces through creating activity, vibrancy and safety through the establishment of complementary uses such as commercial offices, retail and hospitality.</p>
<p>The building continues the extension of the CBD into the waterfront.</p>	<p>4</p>	<p>In my view the Wellington CBD already extends to the water's edge which is acknowledged through the site being within the same zone under the District Plan as the rest of the Wellington CBD, being within the Central Area. However the waterfront is a distinct precinct from other city precincts with greater levels of public open space and amenity than some other areas of the Wellington CBD. It does however contain a number of commercial buildings, which are typically lower in height than other areas of the Wellington CBD, and all buildings will require design excellence due to this area having a zero height limit. Building design also often reflects the waterfront's heritage and maritime themes.</p>
<p>Lambton Harbour is overdeveloped by commercial buildings.</p>	<p>8</p>	<p>The site coverage within Lambton Harbour remains under 35% as per District Plan Standard 13.6.3.8.1 and the precinct continues to remain predominately open space.</p>

<p>The ground floor and rooftop should enable generous degrees of public access and open space.</p>	<p>5</p>	<p>I consider that generous public access and open space has already been provided at ground level in the directly adjacent Whitmore Plaza and Lady Elizabeth Lane. I do not consider it practical or appropriate to provide rooftop public space accessed through a private building. Should rooftop public space have been proposed, I would have concerns regarding casual surveillance of the rooftop space, whether public safety can be achieved, and whether such an area would be able to be maintained to an appropriate level.</p>
<p>Natural Hazards:</p>		
<p>Buildings on the waterfront will be at risk of weather events including effects from climate change.</p>	<p>4</p>	<p>The site is located away from the water's edge and the foreshore is armoured.</p> <p>The ground level is approximately 2.5m AMSL which is well above the current highest astronomical tide and projected sea level rise within the next 100 years. The applicant and Wellington Water have confirmed that should sea level rise become an issue during the design life of the building, technology exists that could address potential inundation should this risk occur.</p>
<p>Design:</p>		
<p>The ground floor needs to provide shelter and facilitate access across the site.</p>	<p>5</p>	<p>The ground floor is recessed below the upper levels providing shelter. The design includes direct access between Customhouse Quay and Lady Elizabeth Lane providing access across the site.</p>
<p>Rooftop is unattractive.</p>	<p>5</p>	<p>It is common for buildings in the Central Area to use the rooftop for plant and equipment. I note that a common solution to visual effects of plant and equipment is to enclose the area which I consider will likely add additional bulk and height to the building. I consider that the applicant has made efforts to minimise clutter of plant and equipment as centralising</p>

		these elements of the building reduces the visual effects. The plant and equipment being set in the middle of the rooftop limits their visibility at ground level. Further refinement through recommended conditions requiring final details to be agreed between the applicant and the Council will further minimise the visual impacts.
Building design should be stunning rather than average.	7	<p>As outlined by Applicant's Urban Design Assessment prepared by Ms Deyana Popova, and the Council's Urban Design Review carried out by TAG, the building is considered to meet design excellence as required by the District Plan. I consider the design of the building, reflecting elements of both the modern city office block, maritime references of a 'container stack', and materials of Shed 13 through the brick ground level façade, to be an acceptable architectural outcome responding to the context of the sites' location on the waterfront.</p> <p>It was noted by TAG that design excellence does not necessarily mean bravura architecture, but architectural design that responds to the site and its surrounds and contributes to the public realm.</p>
Details of art at ground level has not been provided.	5	There are no standards within the District Plan that require public art in a private development. The Council does however have a proposal to provide public art directly adjacent to the open space (SR 424528). The ground level is predominately glazed and I consider it appropriate that the future occupants of ground level tenancies determine appropriate art and displays that may be visible from outside the building.
Te Reo Maori should be used in street and building signage.	5	While I would encourage the use of Te Reo Maori in the building signage, it will be up to the building owner(s) and future occupant(s) to determine

		appropriate signage.
Heritage:		
The building dominates historic Category 1 listed Shed 13	8	A thorough assessment of heritage effects has been carried out below. The Council's Heritage Advisor (Ms Amanda Mulligan), the applicant's heritage consultant (Archifact – Architecture and Conservation Limited), and Heritage New Zealand Pouhere Taonga (HNZPT) have all agreed that the height of the proposed building and its relationship to Shed 13 is acceptable.
The site should be landscaped to enhance the values of the Former Eastbourne Ferry Terminal Building.	2	The Council has recently completed works to establish open space around Site 10 and the area adjoining Former Eastbourne Ferry Terminal which was considered in detail by the Environment Court in SR 320128.
Parking:		
Building has a lack of on-site parking facilities.	8	There is no requirement to provide on-site parking within the Central Area and I consider that, given the highly pedestrianised nature of the waterfront and cross links to the city along with the proximity to public transport including Wellington Railway Station, the exclusion of on-site car parking is acceptable.
Number of bicycle parking spaces is insufficient. Recommend use of hi-density bicycle racks.	5	There are no standards within the District Plan that require bicycle parking and therefore the provision of 12 spaces and end-of-trip facilities is a positive aspect of the design. Should there be demand for additional bicycle parking, modifications could be made to the internal layout to accommodate additional parking including the use of hi-density bicycle racks as recommended by the submitter.
Other Matters:		
The proposal is inconsistent with the WWF.	4	A thorough assessment against the WWF has been carried out by TAG and they have considered that the proposal meets the WWF. I agree with their assessment and conclusions.
Site coverage calculation includes Jervois Quay and	4	District Plan Standard 13.6.3.8.1 relates to a maximum site

Waterloo Quay in calculations.		coverage in the Lambton Harbour Area which is mapped as including the adjoining roads of Jervois Quay and Waterloo Quay. The site coverage calculations have been applied correctly.
There is a need to accommodate social and affordable housing in the city. The construction of an office building does not manage the use of physical resources in a way that enables people and their communities to provide for their social, economic and cultural wellbeing.	5	District Plan activity rules for the Central Area permit a wide range of activities. A flexible approach of land uses and activities enables owners and developers to respond to market needs. In this regard the developer has considered that the most economic use of the site is for commercial space. Commercial spaces also provide for the social, economic, and cultural wellbeing of people and their communities. However subject to meeting Central Area standards, there is nothing to prevent the building being converted for a residential activity in the future.
Recommend that a shading diagram be provided for 1pm.	5	I consider that the information provided by the Applicant being 12pm and 2pm is sufficient to consider the likely effects of shading of the building on the adjoining open space.
Kumutoto Stream should be enhanced and made more natural for the area of open space.	7	The site is a heavily modified urban environment and the naturalisation of Kumutoto Stream would be potentially expensive and require significant modification of the existing urbanised environment. The site does not extend over, or is it directly adjacent to, Kumutoto Stream. The stream meets the harbour at Kumutoto Plaza and the development of Site 8 is designed to integrate with that space. The proposal does not inhibit further developments or activities which may enhance and acknowledge the mouth of Kumutoto Stream.
The building height exceeds the Environment Court Decision of 24 April 2012, Waterfront Watch vs Wellington City Council.	8	The building is only marginally taller than the height considered as appropriate in the Environment Court decision on Variation 11. This decision did not consider any specific aspects of the design in

		its decision but rather the height upon which a more permissive District Plan activity status might apply for buildings below 16m – 19m. Noting the urban design assessment by Ms Popova and review by TAG, I therefore consider that the marginal increase over that thought acceptable by the Court for setting a more permissive activity status is entirely appropriate.
Site should be a pa	7	A Cultural Impact Report (CIR) has been included with the application which was prepared in association with Port Nicholson Block Settlement Trust and Wellington Tenth's Trust. There was no suggestion that the site should be a pa in the CIR, with the CIR giving support to the development.

29. Issues raised by submissions in support include:

Issue	Submitters	Comments
Public open space:		
The building brings people and amenities to the waterfront.	3	I consider this a positive effect of the development complementing the adjoining open space.
Wind:		
Building positively mitigates wind levels on the waterfront.	5	This is noted in the wind effects assessment below and confirmed by both Mr Jamieson and Dr Donn. I consider this a positive effect of the development.
Design:		
Building provides a barrier to motorway traffic on the Quays.	3	I consider that the building may provide some acoustic relief along the waterfront from traffic on the Quays and will visually screen the traffic when viewed from the waterfront. I consider this to be a positive effect of the development.
Building demarcates transition between tall CBD buildings and public realm of the waterfront.	3	I consider that the design of the building provides a transition between the waterfront and taller CBD buildings through the use of two core elements in the design. The waterfront fronting façade having a more maritime theme and is lower height than the Customhouse Quay fronting

		façade, and the latter facade is more modern in design and slightly taller.
Ground floor reinforces the public and pedestrian use of the waterfront.	6	I consider this a positive effect of the development.
Heritage:		
The building does not overwhelm or dominate heritage buildings and features in the local heritage environment.	6	TAG, Ms Mulligan, and Archifact – Architecture and Conservation Limited form the same conclusions.
The building is reasonably consistent in historic building alignment and scale.	6	TAG, Ms Mulligan, and Archifact – Architecture and Conservation Limited form the same conclusions.
The height of the building, in general transitions appropriately from Site 10 to Shed 13 and from the city towers to the seaward edge.	6	TAG, Ms Mulligan, and Archifact – Architecture and Conservation Limited form the same conclusions.
The design includes specific features that contribute to a supporting relationship with surrounding heritage features and values including: <ul style="list-style-type: none"> - The receding upper level of the building assists in the buildings relationships to those buildings to the north and south; - The size and siting of the roof plant; - The materials of the east and west elevations. 	6	TAG, Ms Mulligan, and Archifact – Architecture and Conservation Limited form the same conclusions. TAG has however recommended conditions to refine the siting of roof plant and equipment.
Natural Hazards:		
The building adopts base isolation and has anticipated sea level rise in the design.	5	These features are noted in the natural hazards effects assessment below. The design in my opinion has duly considered natural hazard effects including seismic activity and climate change.
Parking:		
Building removes car parking both on the site and the adjacent footpath.	1	The building does remove a temporary car park on the site and it is noted that the District Plan does not require on-site car parking within the Central Area. Given the pedestrianised nature of the waterfront, cross links to the city, proximity to public transport including the Wellington Railway Station and cycling

		facilities proposed, I consider it appropriate to replace at grade car parking with an appropriately designed commercial building. I also consider the reduction in car parking on the waterfront will improve the pedestrian environment on the waterfront by reducing potential conflicts between pedestrians, cyclists and vehicles.
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30. Issues raised by submissions that were neutral include:

Issue	Submitters	Comments
Construction:		
Construction workers should lower noise levels between 12 pm and 1:30 pm Monday to Friday due to effects on local business during peak periods.	9	It is anticipated that the Construction Management Plan will outline how on-site construction activities will be managed including effects on nearby businesses.

SECTION 6 – STATUTORY CONSIDERATIONS:

31. Section 87F of the Act outlines that if a consent authority grants a request for direct referral it must prepare a report on the application and in the report, the consent authority must—

- (a) *address issues that are set out in sections 104 to 112 to the extent that they are relevant to the application; and*
- (b) *suggest conditions that it considers should be imposed if the Environment Court grants the application; and*
- (c) *provide a summary of submissions received.*

32. The application is for a Discretionary (Unrestricted) Activity under the District Plan. The consent authority may grant or refuse consent under section 104B of the Act and, if granted, may impose conditions under section 108 of the Act.

33. Section 104(1) of the Act sets out matters a consent authority shall have regard to in considering an application for resource consent and any submissions received. Subject to Part 2 of the Act, the matters relevant to this proposal are:

Section 104(1)(a) any actual and potential effects on the environment of allowing the activity;

Section 104(1)(b) any relevant provisions of:

- (i) *a national environmental standard:*
- (ii) *other regulations:*
- (iii) *a national policy statement:*
- (iv) *a New Zealand coastal policy statement:*
- (v) *a regional policy statement or proposed regional policy statement:*
- (vi) *a plan or proposed plan.*

Section 104(1)(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

SECTION 7 – SECTION 104 ASSESSMENT:

Section 104(1)(a) Effects Assessment

34. The assessment of environmental effects below considers the key effects within the jurisdiction of the Council. These effects can be categorised as:
- Townscape and Urban Design
 - Effects on Historic Heritage and Historic Values
 - Archaeological Values
 - Cultural Values
 - Transportation and Parking
 - Public and Private Views
 - Shading
 - Wind
 - Public Safety
 - Natural Hazards
 - Earthworks
 - Construction
 - Contaminated Land
 - Ecological Effects
 - Positive Effects

Townscape and Urban Design (including bulk, height and scale):

35. A design review of the proposal has been undertaken by TAG which is made of up Graeme McIndoe (Architect and Urban Designer), Stuart Gardyne (Architect), Chris McDonald (Architect and Urban Designer), and Robin Simpson (Landscape Architect and Urban Designer). Their assessment of the application is included as Annexure 1 of this report. TAG has assessed the proposal in the context of: the relevant objectives and policies of the District Plan (including the Lambton Harbour Area); the Central Area Urban Design Guide; the Wellington Waterfront Framework 2001; and general urban design principles.
36. A full assessment of the design quality of the building is provided within the assessment by TAG. In summary, TAG's collective view is that:

*"It complies with the requirements and satisfies the objectives of the Central Area Urban Design Guide, and in doing so goes over and beyond what would normally be expected to satisfy the Guide... An exemplary degree of edge activation and appropriate frontage to all adjoining streets and public spaces is provided."*⁴

*"Excellence will be best achieved by a building that relates positively to the context of other buildings and spaces, contributing to the public realm and completing the existing network of open space and line of related buildings in a refined and accomplished way. That is the approach seen with this proposal."*⁵

37. TAG's collective view is that the building achieves design excellence. Attributes TAG considered contributing to design excellence include:
- *the quality of a concept-driven architectural approach and resulting building form*
 - *positive response at ground to a challenging four-fronted site*

⁴ Annexure 1 Urban Design Assessment, Pg 3

⁵ Annexure 1 Urban Design Assessment, Pg 4

- *positive relationship to waterfront spaces and city streets*
- *recognition of the character of both the waterfront and CBD environment*
- *integration of considered and subtle reference to other buildings and*
- *sophisticated façade composition.*⁶

38. TAG have made note that the proposed height is marginally above the height recommendation by the Environment Court in its decision on the Council's proposed Variation 11 to the District Plan where a maximum height for Site 9 of 16m to the southern end and 19m to the northern end was identified (which would equate to the height of the Meridian Building annex and provide relativity to Shed 13). However, TAG's collective view is that the height and modelling of the building form is appropriate, maintaining a respectful relationship with neighbouring buildings, and providing an appropriate degree of spatial definition to the spaces around. In particular, TAG has noted that the form and aesthetic design of the south end of the building achieves a successful and respectful relationship to Shed 13.
39. Further, the Applicant's Urban Design Assessment carried out by Ms Popova noted that the 'increase' of 0.5m in height to the 'shipping container stack' will not be easy to detect and will not affect the height/scale relationship to Shed 13 in any significant way. Ms Popova also notes that the 'increase' in height of 0.98m for the 'elevated frame' component would not affect the height/scale relationship with Site 10 as the building will remain approximately a storey lower than Site 10 therefore maintaining the notion of a stepping-down building form when viewed from the Quays between Site 10 and Shed 13. This is further reinforced by the 'shipping container stack' component to the east wrapping to the southern façade providing an elevation of 16.5m ASML that is similar to the Meridian Building.
40. The transition between Site 10 and Shed 13 is further reinforced by the lower level of the proposal being clad with brick and therefore having a similar material form and feel as that of Shed 13 and Shed 11, with Ms Popova noting that the form, alignment and façade treatment of the ground level reflects the alignment, footprint configuration and materials of Shed 13.
41. In considering the advice of TAG and Ms Popova, I also note that the proposal provides two distinct components being the taller 'elevated frame' and slightly shorter 'shipping container stack'. I consider that the taller 'elevated frame' fronting the Quay is entirely appropriate having a more modern contemporary design reflecting the taller and more modern CBD buildings to the west, and the 'shipping container stack' being shorter and having a more maritime design reflecting the historical aspects of the Wellington Waterfront to the east. This also reinforces a transition between the Wellington Waterfront and the 'high city' which relates to the downtown area where most of the city's high-rise buildings are clustered. In my opinion, the proposed design response will preserve the present high city/low city urban form with the site being directly opposite that part of the city where taller buildings dominate. The site has a 0m height restriction and therefore a proposed buildings height is assessed on its merits and in response to its surrounds. To this regard, the height of the building will be considerably lower than Maritime Tower opposite the site on Customhouse Quay, and lower than the height of the building on Site 10. The building will be of a similar height to the Meridian Building (19m at the roof apex) and provide a transition of height between the building on Site 10 and Shed 13.
- 42.

⁶ Annexure 1 Urban Design Assessment Pg 4

43. TAG have advised that the overall roof-top height of 22.48m is limited in extent, and that the effects of rooftop plant and equipment on outlook and scale are negligible or nil, although some refinement and consolidation should be further considered as a condition of consent. They have also recommended that the roof-deck glass balustrade be set back from the roof-edge to avoid the appearance of a 'crown' to the upper level.
44. The alignment of the building maintains the historical alignment along the Quays and is in keeping with the overall alignment between Shed 13 and Site 10, with the façade accentuating the 'kink' or transition between Waterloo Quay and Customhouse Quay.
45. I have noted that the footprint of 900m² is in keeping with the Environment Court's acknowledgement in its decision on Variation 11 that a footprint of 920m² for Site 9 was generally considered to be satisfactory by the Environment Court and across all relevant witnesses. In considering the effects of building bulk being the building footprint, dimensions and overall height, I consider this appropriate with the building being smaller in footprint than both Site 10 and the Meridian Building.
46. In relation to the buildings materials, TAG have advised that the materials and façade systems achieve a positive aesthetic effect. TAG have advised that the materials respond successfully to multiple drivers including the waterfront spaces and buildings around. In this regard I consider the materials are appropriate and reflect the intended maritime design elements and modern city building elements as well as acknowledging aspects of the materials of Shed 13.
47. Based on the advice of TAG and Ms Popova, I consider that the height, bulk, scale and materials of the proposed building within Site 9 will be appropriate.
48. In considering the advice of TAG and Ms Popova, I agree that the building provides a high quality design that responds and relates well with the surrounding environment. I am also of the view that while the building is not exceptionally tall when considering the height of adjoining buildings, the proposed building is still of a height that would be visually prominent in relation to the character of the surrounding waterfront neighbourhood which is primarily public open space within a harbour setting. In this regard, and considering the advice of TAG and Ms Popova, I consider that the proposal meets design excellence and overall the buildings design is acceptable in relation to townscape and urban design. I also agree with the recommended conditions suggested by TAG.

Effects on Historic Heritage and Historic values:

49. The site is located within the Wellington Waterfront which is recognised as having a high historical heritage value. The application site is in close proximity to several historic heritage items (listed and unlisted) which contribute to the waterfront heritage landscape. The list of those items which are formally recognised by the Council, the Greater Wellington Regional Council (GWRC), or Heritage New Zealand Pouhere Taonga (HNZPT) are summarised in Table 1 of the Heritage Assessment provided by the Council's Senior Heritage Advisor, Ms Amanda Mulligan, which is attached as Annexure 2 of this report.
50. The key components of the application which have the potential to impact on historic heritage and heritage values are: the construction of the proposed building within Site 9, and the reconfiguration and relocation of the waterfront gates. These

items are assessed further below. I note that the proposed works will not physically alter any heritage listed 'building' (Shed 11, Shed 13 or the Former Eastbourne Ferry Terminal); however, the works will potentially impact on the heritage value associated with the waterfront setting where these items are located. For convenience, the effects of the project on archaeological sites *and/or* sites of significance to Maori are considered separately below under the headings *Cultural Values* and *Archaeological Values*.

Site 9 Building:

51. An assessment of environment effects (AEE) on historic heritage was prepared by Archifact – Architecture and Conservation Limited and submitted with the application. A review of the Applicant's AEE and full assessment of the effects on historic heritage in relation to the proposed building has been completed by Ms Mulligan whose full assessment should be read in conjunction with this report. She summarises her view as follows:

"The proposed development at Site 9 in the North Kumutoto Precinct is unlikely to have an adverse effect on any of the heritage items in the vicinity that are listed in the Wellington City District Plan. The siting, height, form, massing and materials of the proposed building ensure that it will not dominate, but complement the adjacent Shed 13. The new building on the site of the former Shed 13, completes the setting of Shed 13 and is not likely to have any adverse effects on other listed heritage items in the vicinity".⁷

52. Ms Mulligan has also had regard to the architectural response and materials proposed for the proposed building and acknowledges that while the building is contemporary in form and character, its design is informed by a number of heritage buildings and elements in the context area, notably the use of brick and the alignment of the lower levels reflecting the form and material of Shed 13, and the alignment of the building reflecting the alignments of the wharves, old sea wall, Quays, and old tram tracks. In particular, the proposal responds well to the historical 'kink' in the edge of the Quays, and to the scale of the former 1904 Shed 15 and the spatial / scale relationship Shed 15 had with its historical Shed 13 neighbour.
53. Ms Mulligan also notes that the building restores a pattern of linear sequence of buildings running between the Quays and old waterfront, with gaps aligning with cross streets.
54. HNZPT also lodged a formal submission in support of the proposal during public notification. As part of its submission, HNZPT carried out an assessment on the potential effects on historic heritage and historic heritage values. HNZPT find that the proposed building would not overwhelm or dominate heritage buildings and features and considers that it is reasonably consistent with historic building alignment and scale. They also note that the height of the building transitions appropriately from Site 10 through to Shed 13 and from the city towers west to the seaward edge. HNZPT considers a number of proposed design features would contribute to supporting an appropriate relationship with surrounding heritage features and values which are summarised in its submission. Overall HNZPT supports the proposal.

⁷ Annexure 2 Heritage Assessment Pg 11

55. Both Ms Mulligan and HNZPT conclude that the proposed building will not have adverse effects on historic heritage. I accept both Ms Mulligans and HNZPT conclusions.

Reconfiguration and Relocation of Waterfront Gates

56. The proposal also involves minor changes to the alignment and location of the waterfront gates and railings; the gateway closest to the north façade of Site 9 will not be fitted with its gate in order to avoid a clash with the building; and the Waring Taylor Street gates will be adjusted by shifting the gates slightly to the south and reducing the spacing between them so that they will better align with the pedestrian crossing. While noting that ideally the gates and railing should be installed in their historic alignment, in the absence of such information Ms Mulligan supports these works from a heritage perspective.

Construction Effects

57. The Applicant's draft Construction Management Plan (CMP) prepared by LT McGuinness Ltd outlines measures proposed to manage potential risks to heritage items during construction. It is proposed that a photographic survey be carried out of existing buildings prior to works commencing, which would include heritage listed Shed 13. The CMP identifies that the gates and pillars at Whitmore Street and adjacent to Shed 13 entrance may need to be protected against damage and may require the fencing to be removed, stored, and reinstated at the completion of the development to minimise potential damage during construction. The Council's Noise Advisor, Mr Ryan Cameron, has advised that this is an acceptable solution to managing affects during construction and noted a number of international standards in managing vibration affects that would be relevant and applicable in any future approved final CMP. Based on the draft CMP and advice of Mr Cameron, I consider the proposed measures to manage effects on heritage buildings during construction to be acceptable.

Effects on Historic Heritage and Historic Values Conclusion

58. Based on the advice of Ms Mulligan and HNZPT, I am satisfied that overall the effects of the proposal on historic heritage and heritage values are acceptable.

Archaeological Values:

59. It is noted that Site 9 is not an archaeological site under the Heritage New Zealand Act 2014 as it was reclaimed after 1900 and thus does not fulfil the definition of archaeological sites within that Act.
60. Irrespective, an Archaeological Assessment was prepared by Ms Mary O'Keeffe of Heritage Solutions and submitted with the application (Appendix 8). A review of the Archaeological Assessment and full assessment of the effects on archaeological artefacts during construction has been completed by Ms Mulligan whose full assessment should be read in conjunction with this report. Ms O'Keeffe's assessment focuses on the archaeological values associated with the area of redevelopment, and makes no comment on the Maori (cultural) values of this area, which are addressed in the Cultural Impact Assessment referred to below.
61. Ms Mulligan notes that Ms O'Keeffe identifies that the construction of the building will substantially modify or destroy [post-1900] archaeological features and fabric that may be present within the proposed building's footprint and could include

wooden cobbles, foundations or features associated with the 1904 Shed 15, and the 1901 seawall. Ms O’Keeffe identifies that it is very likely that such archaeology will be revealed based on similar adjacent site works. Even though the site does not fulfil the definition of archaeological sites under the Heritage New Zealand Act 2014, Ms O’Keeffe has recommended that the development incorporate typical archaeological practices that would be undertaken if an archaeological authority was in place, including archaeological monitoring, investigation, and recording when earthworks are carried out, as subsurface remains could add value to our understanding of the historical buildings and previous historical activities that occurred in this area. Ms Mulligan agrees with Ms O’Keeffe’s recommendation adding that in addition, any in-situ evidence of Shed 15, the Custom House, the seawall, or original woodblock paving, should be incorporated into the design of Site 9 where possible and has recommended that both Ms O’Keeffe’s recommendations and the incorporation of in-situ evidence into the design form conditions of consent.

62. Based on the advice of Ms O’Keeffe and Ms Mulligan, I am satisfied that the effects of the proposal on archaeological values are acceptable and can be appropriately managed through suggested conditions.

Cultural Effects:

63. A Cultural Impact Report (‘CIR’) has been included with the application (Appendix 7) which was prepared in association with Port Nicholson Block Settlement Trust and Wellington Tenth Trust. The Wellington Harbour area is a Statutory Acknowledgement Area under Schedule 11 of the Act and the CIR has been prepared in recognition of the cultural significance of the waterfront and Coastal Marine Area. The concluding comments of this report record that:

“The reconnection of the people of Wellington with te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important, not only in terms of Maori culture, but also in terms of the overall culture of the City of Wellington. The Kumutoto Stream and its discharge to the harbour is now highly visible to all visitors to this end of the waterfront. The Waipiro Stream and the Tutaenui Stream however, are much less evident from the waterfront. This report does not suggest that the other two streams[s] require any special treatment.

The proposed building on Site 9 raises no particular Maori cultural issues in an area where large buildings were the norm for the last 100 years or more. The buildings bulk and form raise no particular cultural issues.

There is however some possibility that Maori cultural artefacts or archaeological items from the site and it would be prudent to have an accidental discovery protocol in place. A draft protocol is attached to this report. Although there appears to be no need for a full archaeological examination of the site on the grounds of the possible finding of Maori archaeological material, that may not be the case for all possible archaeological remains. The presence of the old Customhouse would suggest this is likely to be a site of interest archaeologically”.⁸

64. The potential cultural impacts of the proposal have also been summarised on Pages 7 and 8 of the CIR which notes the following points:
- The Site 9 area of the waterfront is reclamation, and therefore there are no wāhi tapu or urupa directly in the site.

⁸ Appendix 7 Cultural Impact Report Pg 7

- The area was close to Pipitea Pa and Kumutoto Pa and would have been heavily used by the people of the Pa prior to colonisation and reclamation.
 - The area of the harbour is not a particular area that is or was fished for cultural reasons, and is not an area that would impact on waka as used today.
 - The proximity of the construction works to Lambton Harbour could mean issues of water quality in the harbour if construction run-off and stormwater run-off are uncontrolled. Appropriate conditions of consent are required during construction to manage this and stormwater management will be integrated into the design of the building.
 - With careful design and planned usage of the area this development can have a positive cultural impact by including various features that recognise the ancestral connection with the area (including reference to the former pā site), and in particular the [Kumutoto] stream.
65. Attached to the CIR is a draft accidental discovery protocol that the Trusts request be implemented during construction and the Applicant has confirmed that imposing such a condition is appropriate in their opinion. In addition, archaeological monitoring during the site works will also ensure that any cultural artefacts or Taonga discovered will be documented and assessed appropriately. Having regard to the conclusions and recommendations of the CIR, and subject to the imposition of appropriate conditions of consent, I consider that the cultural effects of the proposal will be acceptable.

Transportation and Parking Effects:

66. A Transportation Assessment Report has been provided by the Applicant prepared by Jamie Whittaker, Principal Transportation Planner with TDG now Stantec (Appendix 14 submitted with the application). The Transportation Assessment Report has been reviewed by the Council's Transport Engineer, Mr Andrew Rowe, whose assessment is attached as Annexure 3 of this report.

Traffic Generation

67. No on-site car parking is proposed. The site is within close proximity to the Wellington Railway Station, connections to major pedestrian thoroughfares along the waterfront, and the proposal includes 'end of journey' facilities for cyclists. I therefore do not consider that Site 9 will likely generate any substantial increase in traffic other than some minor loading and unloading as discussed below.
68. Mr Whittaker has advised in his assessment that it is anticipated that the proposal would likely generate a need for 10-15 servicing visits per day, similar to other Central Area office developments in the city. Mr Whittaker is of the view that service vehicles such as delivery vehicles, couriers, and rubbish collection trucks will likely be visiting the waterfront to service multiple buildings, in particular noting the close proximity of Site 9 to the existing Meridian Building, and suggests that servicing will cause no additional demands on Lady Elizabeth Lane or the adjacent intersections. I do not entirely agree that Site 9 will not cause any additional demands on Lady Elizabeth Lane or adjacent intersections as, subject to the occupants of the new building, their individual needs, and the timing of their demands, it seems more likely that not all servicing of the new building will be carried out in conjunction with servicing other buildings on the waterfront.
69. However, I agree that a portion of servicing will be shared between the proposed site and adjacent sites accepting that such operators will seek to achieve as much efficiency as they can in this regard. Mr Rowe has advised that in his opinion the

additional service vehicle movements generated by Site 9 will not cause any noticeable traffic delays and Mr Rowe has not raised any specific concerns regarding safety, I therefore consider the potential effects from additional traffic to be negligible and acceptable.

Servicing

70. Mr Whittaker identifies that rubbish collections are contracted to occur early in the morning with the likely collection location being the Lady Elizabeth Lane kerbside adjoining the rubbish / recycling storage room. Mr Whittaker advises that Lady Elizabeth Lane has sufficient width to allow for vehicles to pass during the short duration of time necessary to collect rubbish or recycling and given that collections will likely occur in the early morning hours will not adversely affect the safety or convenience of other laneway users.
71. Other servicing vehicles such as deliveries are proposed to be carried out within the existing loading bay located directly in front of the Meridian Building. Mr Whittaker suggests that given the nature of the proposed use, courier visits to the nearby Meridian building will likely serve Site 9 at the same time and as such no new trip generation or parking demand at the loading would be created. He also identifies that given the nature of the use; servicing demands for a commercial office will largely be limited to small item deliveries that can be delivered by hand with only occasional larger items such as furniture. While I note the availability of a dedicated loading bay in front of the Meridian Building, I disagree with Mr Whittaker and consider that deliveries are more likely to be directly in front of the building from Lady Elizabeth Lane given the distance from Site 9 to the loading bay in front of the Meridian Building. Mr Rowe has considered the effects of deliveries occurring from Lady Elizabeth Lane to be similar to that identified by Mr Whittaker for rubbish collection. Mr. Rowe has noted that with a 6m wide carriageway, speed humps and posted speed limit of 10 km/h, vehicles are able to pass any vehicles temporary parked on Lady Elizabeth Lane while making a delivery and that this servicing arrangement is acceptable. I therefore consider servicing of the site for both deliveries and rubbish collection via Lady Elizabeth Lane to be acceptable.
72. Mr Rowe does however raise concerns with the potential for large servicing vehicles to strike the building. He advised that the proposed setback of 300mm from the kerb is not compliant with Council's Encroachment Roading Setback Guidelines and Clearances which requires 450mm from the kerb, and therefore considers the proposed setback as not being acceptable. Mr Whittaker has advised that the setback does comply with Australian Standard 2890.2-1989 – Off-street parking Part 2: Commercial Vehicle Access Facilities and notes that given the very low traffic volumes associated with the Lady Elizabeth Lane believes that the site can accommodate a large truck at the kerbside without risk of conflict with the building edge. Mr Whittaker also notes that the 300mm proposed is compliant with the Council's 'maximum extent of exoskeletal structure on street space' allowed for building encroachments associated with an exoskeleton to strengthen earthquake prone buildings.
73. I note the exoskeletal setback the Council allows is for retrofitting of existing buildings and potentially allows for a reduced setback than would otherwise be considered to encourage strengthening of existing buildings. I therefore do not consider it a suitable reason to reduce the Council's guideline for new buildings. Notwithstanding this, presumably the reduced setback allowed is the very

minimum considered by the Council to be considered acceptable in terms of safety and building strike risk.

74. While I do not consider that the Council's exoskeleton setback policy is applicable, it does provide a useful guide to the absolute minimum of safety and building risk the Council considers acceptable. I also note that the Council's Encroachment Roading Setback Guidelines and Clearances is applied universally regardless of the actual conditions of the road. For example, the policy applies equally to a 70 km/ hr road as it would to Lady Elizabeth Lane which is a lower speed and shared pedestrian environment and therefore I would anticipate that drivers would take care when traversing the area or parking and have a greater awareness of the surrounding buildings. I also anticipate, based on the advice of Mr Whittaker and Mr Rowe, that the size of common delivery vehicles to the site, being more likely a van sized vehicle, would be typically lower than the recessed canopy on the lower level, further reducing any potential impacts. For this reason and considering the advice from Mr Whittaker and Mr Rowe, I consider the proposed setback of 300m acceptable

Access

75. Mr Whittaker advises that access will be carried out via Lady Elizabeth Lane with vehicles using one of the established signalised intersections at Bunny Street, Whitmore Street or Brandon Street. He has not raised any concerns with access via these streets, however suggests that a Servicing Management Plan (SMP) be prepared to ensure that suitable management measures are put in place, such as for occasional larger trucks being instructed to route via the Whitmore Street or Bunny Street intersections rather than Brandon Street which has a restricted entry width associated with the existing gates. As neither Mr Whittaker nor Mr Rowe have identified any issues with regards to site access, I consider site access where appropriately managed through an approved SMP acceptable.

Pedestrian Safety

76. Mr Whittaker has carried out a review of New Zealand Transport Agency's (NZTA) national Crash Accident Database which identified 7 crashes between 2013 – 2017 within close vicinity to Site 9. His review identified that 5 of the 7 crashes were of collisions between pedestrians and vehicles on the waterfront, primarily at locations where provision is not made for pedestrian crossings. Mr Whittaker notes that some crossing improvements have been made and does not believe there are any inherent safety deficiencies. Mr Rowe has reviewed the proposal and is concerned that pedestrians could be hit by moving vehicles under the balcony and from the ground floor retail tenancies and has requested mitigations measures such as bollards, street furniture or landscaping be carried out to clearly distinguish between primary pedestrian and vehicle areas on Lady Elizabeth Lane.
77. I acknowledge that Lady Elizabeth Lane is a shared zone and that there is a desire from TAG that no bollards be incorporated along Lady Elizabeth Lane. However, in considering the NZTA crash data identified by Mr Whittaker which shows the majority of conflicts occurring between vehicles and pedestrians, I concur with Mr Rowe's recommendation and consider that pedestrian safety could be acceptable subject to the installation of additional design measures such as bollards, street furniture or landscaping to clearly distinguish between areas primarily for pedestrian use and vehicle use. Mr Rowe has also suggested that pedestrian walkway levels be modified to mitigate the tripping hazard risk to pedestrians by

highlighting this kerbface. I also concur with this suggestion and that appropriate conditions of consent can deal with both of these matters.

Construction Traffic

78. The effects from construction traffic have been considered below in the Construction Effects assessment. However, in summary Mr Whittaker has recommended that a Construction Traffic Management Plan be prepared for the approval of Council detailing details of work phases and forecast traffic volumes. Mr Whittaker has advised that the road network is capable of accommodating larger trucks associated with construction activities utilising existing access points to the waterfront, with some exceptions which can be managed under temporary Traffic Management measures to the satisfaction of the Council. Mr Rowe agrees with Mr Whittaker's recommendation and has put forward a suggested condition to that affect. I therefore consider that subject to such a condition the effects of construction traffic can be appropriately managed and will be acceptable.

Summary of Transportation and Parking Effects

79. Based on the information provided by Mr Whittaker, and the assessment of Mr Rowe, I consider that the effects of the proposal in terms of transportation and parking are acceptable.

Public and Private Views:

80. Artists impressions of the visual effects on public views of the proposal have been prepared by BuildMedia and submitted with the application (Appendix 10). The artists impressions provided are taken for various public vantage points within close proximity to the site and from across the harbour. BuildMedia have also modelled the District Plan protected viewshafts and modelled the visual effect of any potential intrusions into the viewshafts.
81. As assessment of the visual effects has been carried out in the Urban Design Assessment prepared by Ms Popova and submitted with the application (Appendix 11). A review has also been carried out by TAG on behalf of the Council. Ms Popova identifies that Site 9 will be visible from various locations, including close-up views from the immediate city streets and waterfront, and distant views primarily from the south/east notably Oriental Bay and Mt. Victoria. Ms Popova identifies the proposal's visual impact will be most pronounced on pedestrian experience in views from the near vicinity of the North Kumutoto area and motorists along Customhouse Quay.
82. From afar and across the harbour, Ms Popova identifies that the building will appear small in scale against a backdrop of taller city buildings and that the proposal in distant views will not be significant as it will blend into and complete the visual context of the harbour setting. I agree with Ms Popova on this matter.
83. The proposal will be visual from nearby office buildings and will reduce to some degree views of the harbour from some nearby office buildings. It is noted that the ground floor of office buildings on the opposite side of Customhouse Quay is of 6 lanes of road traffic and a planted road median, and therefore I consider the views of the harbour from these buildings to be of value to those levels above the ground level.

84. Ms Popova summaries that the proposal, while prominent in some areas, fits in well with its visual context. The massing creates a building of height and scale that relates well to nearby buildings while referencing important patterns and alignments of the surrounds such as the alignment of the Quays and defining edges of public space. In particular, the context-specific detailed façade modelling reduces the impact of bulk and enhances its visual quality and integration with surrounding buildings and spaces.
85. Ms Popova and TAG have reviewed the modelled District Plan viewshafts and found that the proposal will not affect the identified 'frames' of either Viewshafts 4 or 5, i.e. it will not be within the viewshafts.
86. In considering the advice from Ms Popova and TAG, along with a review of the artists impressions, I consider the potential visual effects primarily on public and private views to be acceptable.

Shading Effects:

87. A shading assessment is contained within the architect's Design Report submitted with the application. The shading assessment has been carried out at the Spring Equinox between 10am and 4pm showing that the proposed development will cause some additional shading beyond that caused by existing buildings.
88. The shading assessment shows that the building will cause no shading effects on Kumutoto Plaza between 12 pm and 2 pm as required by Standard 13.6.3.4 of the District Plan. The Applicant's AEE prepared by Alistair Aburn does however note that the proposed building will cause some shading effects on other public spaces. However, he also notes that during the times that the proposal will cause shading effects on public spaces beyond that caused by existing buildings, other nearby public spaces will be receiving sun.
89. TAG has also reviewed the shading assessment and information provided by the applicant. TAG are of the view that they consider the effect of shading cast by the building as whole to be insignificant, specifically noting the shading effects between the proposed height and the heights considered as part of Variation 11 which I note the Environment Court considered to be acceptable. TAG note that shading is only over a minor portion of public space available in the area, and that substantial portions of open space remain in sun, and that in late afternoon shading caused by the existing taller city buildings to the west tend to be larger and longer than any shading directly caused by the proposal.
90. I consider that the overall effects of shading on public space directly caused by the proposal are acceptable. I note that the proposal will cause no shading effects on Kumutoto Plaza at Spring Equinox between 12pm and 2pm, and in considering the advice from Mr Aburn and TAG, I consider the shading effects on other public spaces acceptable given the availability of sunlight in other nearby public spaces.

Wind Effects:

91. A Wind Tunnel Study has been completed by Mr Neil Jamieson of Opus International Consultants Ltd and his findings are included within the application (Appendix 13). This has been reviewed by the Council's Wind Advisor, Dr Michael Donn, whose report is included in Annexure 5.

92. In his report, Mr Jamieson notes that:

"This area of the Wellington Waterfront is quite exposed to strong horizontal flows in both northerly and southerly winds, primarily because of the large open areas that include Customhouse Quay and Waterloo Quay, along the waterfront in general, and also the large expanse of Wellington Harbour. There are only well separated low-rise and medium-rise buildings that can provide direct shelter. Consequently, existing gust wind speeds range from low to extremely high depending on the degree of shelter afforded to different areas. At many locations existing gust speeds can be well over 20m/s in both northerly and southerly winds. These windier regions mostly occur around the windward corners and sides of the more exposed buildings, at the intersections of streets and in large open areas."⁹

93. Mr Jamieson has advised that the maximum gust speed would increase by 2m/s at five locations, and decrease by 2m/s at thirteen locations as a result of the proposal. He has not modelled changes below 2m/s as he has advised that changes in wind of 1m/s or less are not significant.

94. Mr Jamieson found that the proposal will directly result in changes to the wind environment in two locations where the wind speeds would increase over the 20m/s Safety Threshold set by the District Plan, and corresponding with the following wind effects identified by Mr Jamieson being that gusts of between 17-21m/s result in great difficulty with balance, body blown sideways, dangerous for elderly people, and that gusts exceeding 21m/s can result in people being blown over. Alternatively Mr Jamieson found one location where the wind speeds would decrease below the 20m/s as a result of the proposal.

95. Taken as an average over all locations and directions, Mr Jamieson has found that overall the proposal would result in a net decrease in average gust speed. Dr Donn agrees with this finding:

"Constructing a 3-4 storey wall effectively means every outdoor point on the site affected by a building (except near the corners), received wither a Southerly or a Northerly, so roughly half the current wind; a significant general improvement in the wind on site."¹⁰

96. Based on Mr Jamieson's findings, I note that the increased gust speeds above the Safety Threshold of 20m/s will occur at the edges of the proposed building, approximately adjacent to Customhouse Quay pedestrian crossings on the southern edge of the building, and adjacent to the northern building edge, close to but not directly adjacent to the Waterloo Quay pedestrian crossing. Mr Jamieson has tested design measures that could reduce wind conditions within the pedestrian environment.

97. On the southern edge of the building, Mr Jamieson found that incorporating a small canopy along the Customhouse Quay frontage had little effect, however extending the vertical screen associated with the historical gate adjoining the building within the Council's land at the southwest corner produced some sizeable reductions in gust speeds and frequency and could provide good shelter for pedestrians waiting to cross Customhouse Quay.

98. I agree with his suggestion and while not currently included in the proposal, the Applicant has advised that a vertical glass screen could be incorporated on the

⁹ Appendix 13 Wind Tunnel Study Pg 18

¹⁰ Annexure 5 Wind Assessment

northern end of the existing gate shelter as per photo submitted in email 19th December 2018. In particular, given the proximity of pedestrian shelter to the public road adjacent to a crossing point, I consider that an addition of a vertical screen on the northern edge of the existing gate shelter could reduce the safety risks of pedestrian being blown into traffic while waiting to cross Customhouse Quay while also providing for wet weather protection.

99. Dr Donn has advised that he also agrees with the advice of Mr Jamieson. Dr Donn has recommended that the extension of the shelter screen be wind tunnel tested and designed in consultation with the design team to manage potential wind channelling between the new screen and the building and provide for safer walking along and past the building and while waiting for the crossing lights to turn green.
100. On the northern edge of the building, Mr Jamieson found that screening and/or planting had the potential to improve wind conditions around the northern end of the building also, particularly under the large undercroft. While not currently tested, the Applicant has suggested that the public art proposed by the Council in this location would provide some wind relief (currently subject to Resource Consent SR424528), and improvements could be made by raising the backs of public seats which may aid in providing some wind relief. I note that the northern edge where wind effects exceed 20m/s is close to but not directly adjacent to a pedestrian crossing or public road. At the closest pedestrian crossing point to the northern building edge across Waterloo Quay, wind effects are improved.
101. Dr Donn is sceptical that planting along the northern edge of the building will adequately mitigate wind effects, or be carried out and survive, and has recommended that a combination of screen and planting be carried out in consultation with the design team to provide shelter past the windiest area around the building and a major entry point into the building. Based on the advice of Mr Jamieson and Dr Donn, I would recommend that additional wind testing be carried out to determine if the addition of public art and raising the backs of public seats would result in an improved wind environment, and that consideration of design modification should be carried out to reduce wind effects to below 20m/s in consultation with TAG. Should wind tunnel testing show an improvement to below 20m/s, I recommend a condition be imposed requiring the provision of improvements by the applicant if not provided by the Council within 6 months of occupation.
102. Mr Jamieson found that the proposal will directly result in an increase in the amount of time that the District Plan Cumulative Effect Criteria 2.5m/s or 3.5m/s exceeded 20 days/year at three locations, and decreased at 10 locations, resulting in an overall average decrease in wind discomfort levels. Of the locations where there is an increase in the number of days, this includes locations located along Customhouse Quay and at the Waring Taylor Street crossing point, both locations where I do not consider it important to protect comfort levels as they are essentially thoroughfares. I note that one location (E1) is a location where I consider people may gather and enjoy views of the harbour, however during extreme weather such as during high winds I consider this less likely and overall there is a general improvement in the Cumulative Effects of wind on public space. I consider there is unlikely to be any practical mitigation measures that could improve the wind environment at location E1.
103. Mr Jamieson has tested design measures that could reduce wind conditions within the pedestrian environment. He found that incorporating a small canopy along the Customhouse Quay frontage had little effect, however extending the vertical

screen associated with the historical gate at the southwest corner produced some sizeable reductions in gust speeds and frequency and could provide good shelter for pedestrians waiting to cross Customhouse Quay. He also found that screening and/or planting had the potential to improve wind conditions around the northern end of the building also, particularly under the large undercroft.

104. The applicant has suggested that pedestrians crossing Customhouse Quay at the southern end could wait on the southern side of the existing vertical screen. However they have acknowledged that the installation of a vertical screen to the northern end of the southern shelter could improve wind conditions. I find that to effectively mitigate wind effects during wet weather, a vertical screen should be installed on the northern end of the existing shelter as recommended by the applicant and Mr Jamieson as a necessary mitigation measure.
105. This is confirmed in the advice from Dr Donn who also suggests that to ensure there isn't a wind tunnel from channelling between the new screen and the building, the design be wind tunnel tested in combination with advice from TAG, the architect, and landscape architect, to ensure safe waiting for crossing lights to turn green. I recommend that conditions should require that the screen include further design considerations as recommended by Dr Donn.
106. Overall I consider that the wind effects are acceptable noting both Mr Jamieson and Dr Donn note an overall improvement to wind effects. I note that both the applicant, Mr Jamieson and Dr Donn have identified measures that may improve adverse effects of wind including the public art, vertical screening and landscaping to the northern and southern ends of the building all of which are within the current application site and directly adjacent and within influence of the building. Consent for any of these measures will be required from the Council, and on the basis that I can't see any reason why the Council in its landowner capacity would object to any of these measures, I recommend that further wind tunnel testing of design improvements be carried out and if an improvement is likely, final design and installation be carried out in consultation with the design team and land owner to minimise wind effects.

Public Safety:

107. An assessment of the proposal's consideration of Crime Prevention through Environment Design Principles (CPTED) has been carried out by Dr Frank G. Stoks of Stoks Limited and submitted with the application (Appendix 20). The assessment notes many improvements to the public realm carried out by the Council and other developments nearby including as a result of developing Site 10. Dr Stoks notes that the provision of a new building would not introduce any new CPTED related safety and security concerns. The proposal will bring passive surveillance through the inclusion of ground floor tenancies, use of clear glazing and building openings at the ground floor, new lighting from the building, and introducing new ground level activity providing for a greater presence of people over that of the existing temporary carpark. Dr Stoks also notes that the new building would bring an improvement to the quality and attractiveness of the waterfront precinct. TAG has reviewed the assessment by Dr Stoks and concurs with his assessment. After considering the CPTED assessment and advice from TAG, I agree that the proposal introduces no new public safety effects, and therefore consider any CPTED related effects to be acceptable subject to recommended conditions relating to lighting being installed in accordance with relevant Australian and New Zealand standards as confirmed by Mr Nayan Swaminarayan, Council's Street Lighting Engineer as appropriate.

Natural Hazards Effects:

108. A Structural Statement has been provided by Dunning Thornton Ltd (Appendix 19) outlining the expected response of the proposed building in relation to several natural hazards. The conditions of the site, and the performance of the building are summarised as follows:

“Kumutoto Site 9 presents a reasonably significant challenge from a natural hazard perspective with its high shaking hazard, liquefaction/lateral spreading potential and susceptibility to tsunami / seiching waves. The site is also relatively low and could be subject to potential, occasional, future inundation, particularly as a consequence of prolonged sea-level rise. The structural, geotechnical and architectural design mitigates these issues with a high-performance structure expected to perform well in excess of code minimum requirements. In addition, the development will result in the remediation of existing in-ground contamination.

...

As with other low-lying properties around the Wellington region, ground floor spaces may be inundated during tsunami or seiching waves. The first floor level has been set sufficiently high to avoid damage, based on maximum wave height predictions. While significant damage could be expected to the ground floor non-structural elements, the primary structure will have sufficient resilience to resist the wave actions”¹¹

109. Dunning Thornton Ltd have identified that the proposal includes several measures to minimise effects from Natural Hazards including the use of contiguous-piled walls or piled frames to prevent effects of liquefaction / lateral spreading, and the use of base-isolation, steel-framing and reinforced concrete to the upper floors to provide strength and resilience. Dunning Thornton Ltd does identify however that the ground floor may become susceptible to occasional inundation after approximately 100 years, however note that it would be possible with current technology to raise the building structure at the isolator level to mitigate this effect.
110. A Natural Hazard Assessment has been provided by Richard Sharpe from Beca Ltd (Beca) which provides an assessment of climate change/sea-level rise issues (Appendix 18). Mr Sharpe notes that the ground level is the same as that for Site 10, being 2.5m AMSL, and as such the natural hazards and their mitigation are comparable to those reported in the Environment Court decision for Site 10. Mr Sharpe also acknowledges the mitigation measures outlined in the statement by Dunning Thornton as appropriate.
111. Joey Narvasa of Wellington Water has carried out a review of the effects of flooding and sea level rise of the proposal for the Council. Mr Narvasa has prepared a report which is included at Annexure 6. Mr Narvasa has identified potential hazards caused by stormwater run-off resulting from inadequacy or failure of primary stormwater works systems to accommodate the flow, and storm surge due to sea level rise. Mr Narvasa has recommended that the minimum floor level be set at 2.6m (including freeboard). However, Mr Narvasa has advised that given the use of the building as commercial, and the potential for future proofing identified in the statement by Dunning Thornton Ltd, the proposed ground level of 2.5m ASML is acceptable and has recommended conditions to monitor and make alterations to respond as necessary to appropriately manage risk.

¹¹ Appendix 19 Structural Effects Construction Methodology

112. I have considered the advice from Dunning Thornton Ltd, Mr Sharpe, and Mr Narvasa and I consider the potential effects from natural hazards are acceptable and have been adequately considered in the design or can be appropriately managed through monitoring and alterations through the conditions recommended by Mr Narvasa.

Earthworks Effects:

113. The proposed earthworks have the potential to affect ground stability, to create visual effects, dust, silt and sediment run-off, and to create effects relating to the transportation of excavated material.
114. The principal area of earthworks as outlined in the draft Construction Management Plan (CMP) prepared by LT McGuinness Ltd (Appendix 21) is generally limited to the building footprint with the CMP identifying sheet piles installed to an offset of 2m outside the ground floor slab with depths of approximately 0.6m – 2m excluding piles. I anticipate that this will require earthworks to significantly deeper depths beyond the level of reclaimed material which is identified in the Ground Contamination Assessment as occurring to depths of 3.5m to 6.5m with the CMP identifying that foundations will either be bored or Continuous Flight Auger piling. The CMP outlines a number of measures proposed to manage the potential effects caused by construction earthworks including dust control measures, traffic management, and managing hours of works to minimise disruption as outlined further in the Construction Effects assessment carried out below.
115. Mr John Davies, Council's Earthworks Engineer, has carried out an assessment of potential earthworks effects which is attached as Annexure 7 to this report. Mr Davies acknowledges the submission of the draft CMP and Site Management Plan which outline some proposed erosion, sediment and dust controls; however given the nature and extent of earthworks, Mr Davies has requested more detail on managing potential effects from earthworks be provided by way of an Earthworks Management Plan (EMP) as a condition of consent which is standard practice across larger development sites once construction methodology and contractors are finalised. I note the earthworks are likely similar to that of Site 10 with the exception that Site 10 had a basement whereas Site 9 does not. I note that post construction earthworks will not be visible as they are only to the extent necessary to construct a new building. Further, Mr Davies has not raised any concerns regarding earthworks and anticipates that standard industry methodologies will be implemented to minimise any potential earthworks effects.
116. I have considered the management plans proposed by the Applicant and the advice from Mr Davies. In anticipation that industry best practice will be employed, I consider the potential effects from earthworks can be appropriately managed and acceptable.

Construction Effects:

117. For land development and construction projects of this nature and scale, I acknowledge that effects associated with construction works cannot be avoided altogether. The construction of the proposed building and other site works will generate accompanying effects such as construction noise and vibration (including impacts from piling); dust and sediment generation; construction traffic; temporary visual impacts; onsite activity; and, public access restrictions during the construction works. These effects will be localised and limited to the construction

period. The applicant has placed emphasis on mitigation measures in an effort to minimise the scale, extent and duration of construction effects, as is further discussed below.

118. The CMP prepared by LT McGuinness Building Contractors details measures proposed to be carried out during construction to manage potential effects of construction activities.
119. The CMP proposes that dust effects will be managed through scaffolding and scrim, sprinklers, water mister and wheelwashers, dust fighters, and washing down trucks prior to departing the site. The CMP also advised that trucks will have their loads covered to minimise dust effects off-site.
120. The CMP proposes that construction traffic will be managed through establishment of temporary loading zones and use of gatemen at site entrances. Protective overhead gantries will also be established to footpaths and outside the site to Lady Elizabeth Lane, and use of suitable signage and diverting pedestrian's access to preferred access points will also be employed.
121. The CMP proposed that visual impacts during construction will be managed through a temporary hoarding that will be 2.4m high around much of the construction site area.
122. The CMP doesn't outline specific mitigation measures for noise or vibration. However effects of construction noise are acknowledged within the District Plan (Policy 12.2.2.4) as temporary in nature and that construction be best managed in accordance with NZS6803:1999: *Acoustics – Construction Noise* as well as applying s16 of the Act. The Applicant has also nominated that conditions of consent be imposed to address construction noise and I consider it appropriate that conditions of consent managing construction noise be imposed including restricting the hours of work (as set out in the Standard) to between 7:30am and 6pm, Monday to Saturday and quiet setting up on site (not including running of plant or machinery) may be permitted to begin at 6:30am, with no work being carried out on Sundays or public holidays. Mr Cameron has reviewed the CMP and has suggested that that ground works and piling in particular tend to have a higher likelihood of exceeding the standard and therefore would be better dealt with under section 16 of the Act.
123. While no mitigation measures are identified for vibration effects, I note that construction activities have the potential to have vibration effects which could be felt at adjacent commercial buildings and in rare instances can cause damage to adjoining properties. In particular, I note the sensitivity of nearby heritage buildings, notably Shed 13.
124. I have been advised by Mr Cameron that New Zealand currently has no New Zealand standards for managing vibration. However Mr Cameron has advised that there are international standards that are often applied during construction for managing vibration. Based on a review of online district plans, I note that international vibration standards have been used in a number of district plans throughout New Zealand including Auckland. Relevant standards include: DIN4150-3:1999 Structural vibration – Effects of vibration on structures, NS8176.E Vibration and shock – Measurement of vibration from land based transport and guidance to evaluation of its effects on human beings, and BS5228-2:2009 Code

of practice for noise and vibration control on construction and open sites – Part 2: Vibration.

125. The CMP identifies that photographs of the road and surrounding buildings will be carried out pre-construction and the applicant has stated intent to carry out construction activities using best practice methodologies and thus anticipates that industry best practice for managing effects from vibration during construction would be carried out. Mr Cameron confirms that while the CMP identifies vibration effects but lacks detailed assessment.
126. Mr Cameron has therefore suggested that to manage both noise and vibration effects, a revised management plan be submitted to adequately manage effects in accordance with relevant Standards once a more detailed methodology is available. Mr Cameron has advised that this would be effective at mitigating construction effects as far as practicable. I agree with the conclusions and recommended condition from Mr Cameron.
127. I also note that one submission raised concerns regarding construction effects, particularly in relation to effects of construction activities during peak business periods. The draft CMP does identify that noisy activities will be carried out by advising tenants / neighbours 48 hours in advance of potential noise issues and schedule works out of hours to minimise any impact on businesses and residential neighbours. A complaints procedure will also be in place to enable affected parties to raise concerns which will be investigated and raised with the consent holder.
128. Overall, it is my view that the effects of the proposal associated with construction will be localised, limited in extent and temporary in nature. Based on the advice of Mr Cameron, I consider such effects can be managed to a level that will be acceptable through consent conditions including implementation of a Construction Management Plan and a Construction Noise and Vibration Management Plan which identifies measures based on industry best practice and includes effective measures to manage construction effects.

Contaminated Land:

129. A Ground Contamination Assessment has been carried out by Tonkin + Taylor (Appendix 16) and reviewed for Council by Sean Hudgens and Natalie Rowe from AECOM (Annexure 4).
130. The Ground Contamination Assessment by Tonkin + Taylor identified a number of sources of potential contamination by carrying out a review of archival records and aerial photos. Identified potential sources of contamination include reclaimed fill, asbestos that was contained within the former Shed 15 now demolished, and the storage of fuel oils on the site. Tonkin + Taylor have also advised that it reported on a combined geotechnical and ground contamination investigation of Site 9 in 2009 which included a total of four boreholes within the boundary of Site 9. Limited soil sampling and testing was conducted as part of the investigation works. Based on the review of site history and former investigations carried out, Tonkin + Taylor advise that metals, polycyclic aromatic hydrocarbons and total petroleum hydrocarbon contamination is present. All results were below guidelines for commercial use of the site, however background concentrations were exceeded and copper, lead and zinc concentrations exceeded landfill screening criteria. Tonkin + Taylor suggest that additional intrusive investigations would be needed to

reduce uncertainty regarding the nature and extent of contamination and has advised that soil would require management during earthworks.

131. Site remediation is not proposed, however a draft Site Management Plan (SMP) has also been prepared by Tonkin + Taylor and submitted with the application (Appendix 17) outlining measures to be carried out during construction to minimise effects from contaminated land. These include employing a Contaminated Land Specialist during earthworks, additional investigations and modifications to the SMP as necessary, use of personal protective equipment, and use of safe working procedures. During earthworks the SMP identifies controls and reporting that will need to be in place during soil disturbance, stockpiling and transportation to contain and control contaminated soil.
132. The Contaminated Land Review carried out by AECOM agrees with the conclusions reached by Tonkin + Taylor and has recommended conditions, including that a Detailed Site Investigation be carried out, that works to be carried out in accordance with the SMP, that works to be carried out in accordance with an approved Construction Management Plan, that soil removed for the site is disposed at a licenced facility, and that a Site Validation Report be submitted at completion of the works. It is also recommended that all reporting is to be carried out by a Suitably Qualified Environmental Practitioner. AECOM concludes that the suggested conditions will assist to avoid, remedy or mitigate adverse effects.
133. I have considered the advice from Tonkin + Taylor, and review by AECOM. While I note that the site will not be remediated, measures will be in place to contain material on-site and minimise exposure during construction or dispersal into the wider environment. I also note that keeping material in situ is often preferred to removing it where risk of exposure and contamination can be greater. I note that given the nature of the use and surrounding environment, risk to exposure post construction is extremely minimal as the site will be capped with hardstand or buildings. Therefore overall I consider any potential effects on human health or the environment resulting from contaminated land are acceptable and can be appropriately managed during construction.

Ecological Effects:

134. An assessment of potential effects on the marine environment has been carried out by Dr Jeremy Helson and submitted with the application (Appendix 15). Dr Helson notes the immediate marine environment is already contaminated with heavy metals and any groundwater would merely introduce additional contaminants into an already contaminated environment. Dr Helson also notes that any potential contamination is reduced by proposed active mitigation measures including the construction of subterranean concrete walls as part of the building's foundations although if not employed, Dr Helson doesn't consider it will have any significant effect on the marine environment. In addition, given the nature of the environment, it is unlikely the construction will lead to any significant sedimentation. Dr Helson concludes that the development is not likely to significantly affect the marine environment. Considering the nature of the existing environment and advice from Dr Helson, and that appropriate conditions can manage any potential effects from contamination or sedimentation as discussed above, I consider any ecological effects from the proposal to be acceptable.

Positive Effects:

135. In the applicant's AEE, Mr Aburn identifies a number of positive effects which he considers will be delivered through the implementation of the Project, which include:
1. Providing certainty as to the future development of Site 9 which for more than 15 years has been identified as a site for an appropriate waterfront building;
 2. Providing a high quality building which is appropriate to the site and with publicly accessible ground level activity and sheltered pedestrian amenity;
 3. Removing at-grade commuter parking and associated vehicle movements; and,
 4. Bringing to the waterfront a significant daytime population that will add to the vitality of the waterfront.
136. I agree with the Applicant's summary of positive effects in this regard. In addition, I note that the proposal will have the following positive effects:
5. Provision of additional office space at a time when office vacancy rates in Wellington are at a 10 year low¹², providing new economic and employment opportunities;
 6. The realignment of specific items of historic merit (waterfront gates);
 7. Providing visual and noise separation between the city and waterfront precincts including framing of adjoining open space;
 8. Restoring the historical alignment of buildings along Customhouse Quay; and
 9. An overall net improvement to the existing wind environment along the waterfront including alternatives paths of travel providing shelter from wind either side of the building in both northerly and southerly winds.

Section 104(1)(b) Assessment

Higher Order Planning Documents:

137. Relevant to the assessment of the North Kumutoto Precinct Project is a hierarchy of statutory planning instruments, each intended to give effect to the Purpose and Principles of the Act. In considering this application I have had regard to provisions of the following planning documents:

National Planning Instruments:

- The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)
- The New Zealand Coastal Policy Statement (2010)
- The National Policy Statement on Urban Development Capacity (2016)

Regional Planning Instruments:

- The Regional Policy Statement for the Wellington Region (2013)

District Planning Instruments:

- The Wellington City District Plan (2000)

Despite the close proximity to Kumutoto Stream (which is likely tidal at the point it enters Wellington Harbour), I have not considered the National Policy Statement for Freshwater Management (2011) as relevant as the site is directly adjacent to a

¹² Colliers International, Wellington CBD Office (28 March 2019)

coastal environment and the proposal is unlikely to affect or discharge into a source of freshwater.

National Planning Instruments:

NES for Assessing and Managing Contaminants in Soil to Protect Human Health

138. The proposal requires resource consent under the NES in relation to both soil disturbance and a change in land use. An assessment of the proposal in this regard has been provided above. It is noted that there are no relevant objectives or policies under the NES. However, the stated policy objective of the NES is explained within the Ministry for Environment User Guide (2012) as follows¹³:

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

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

139. I have had regard to the NES and, in particular the policy objective above. I consider that the proposed works will be consistent with this stated policy objective in that contaminants in soil will be adequately identified and assessed when land development is to occur. Best practice measures have been identified to be in place during construction to contain and control movement of contaminated materials into the environment. Best practices measures will also be in place to minimise exposure to contaminants during construction and minimise potential hazards to human health.

New Zealand Coastal Policy Statement (2010)

140. The New Zealand Coastal Policy Statement 2010 (NZCPS) took effect on 3 December 2010. The preamble states that the New Zealand coastal environment is facing a number of key issues, as relevant to the subject site:
- *loss of natural character, landscape values;*
 - *continuing decline in species, habitats and ecosystems in the coastal environment under pressure from use, vegetation clearance, loss of intertidal area, plant and animal pests, poor water quality, and sedimentation in estuaries and the coastal marine areas;*
 - *demand for coastal sites for infrastructure use to meet the economic, social and cultural needs of people and communities;*
 - *poor and declining coastal water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges;*
 - *adverse effects of poor water quality on aquatic life and recreational uses*

¹³ NES User Guide, ME 1092, Ministry for the Environment 2012, Page 7.

- *compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area;*
 - *continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property.*
141. The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. It recognises that the coastal environment has characteristics, qualities and uses that mean there are particular challenges in promoting sustainable management¹⁴.
142. Under Section 104(1)(b)(iv) of the Act a consent authority must, subject to Part 2 of the Act, have regard to the relevant provisions of the NZCPS (amongst other things) when considering an application for a resource consent.

Objectives

143. I have had regard to the following objectives of the NZCPS as considered to be relevant to the proposal:

Objective 1:

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and,*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural conditions, with significant adverse effects on ecology and habitat, because of changes associated with human activity.*

The site is located on reclaimed coastal land and is therefore in an already significantly modified coastal environment and the proposal will have no effect on biological or physical coastal processes as the site does not contain any representative or significant natural ecosystems. The proposal is not anticipated to result in any alteration to coastal water quality with construction measures proposed, or able to be managed through conditions, to manage the potential effects of further sedimentation and dispersal of contamination into an environment which already contains contaminated sediments. I consider that the proposal will not be inconsistent with this objective.

Objective 2:

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*

¹⁴ New Zealand Coastal Policy Statement 2010, pg 6.

- *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and,*
- *encouraging restoration of the coastal environment.*

The site being located on reclaimed land with a history as a working waterfront environment has limited natural character, features or landscape values. The site retains attributes of natural character with its harbour setting and outlook. Given the nature of the historical land use as a working waterfront environment, its context close to the heart of the Wellington Central Business District, and likely continued use as an urban environment incorporating recreational activities, I consider that the proposal is not inappropriate and restoration would be impractical. I therefore consider the proposal will not be inconsistent with this objective.

Objective 3:

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating matauranga Maori into sustainable management practices; and,*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

As discussed under the assessment of effects relating to Cultural Values above, the Applicant has submitted a CIR with the application. This report was prepared in association with Port Nicholson Block Settlement Trust and Wellington Tenth's Trust in recognition of the cultural significance of the waterfront and Coastal Marine Area. In addition, the Wellington Harbour area is recognised as a Statutory Acknowledgement Area under Schedule 11 of the Act. In this case, as the CIR is supportive of the proposal and has raised no significant concerns in relation to coastal effects other than the need to include an accidental discovery protocol requirement in the conditions as a precautionary measure, I consider that the proposal will not be inconsistent with this objective.

Objective 4:

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the coastal environment is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean that this is not practicable providing alternative linking access close to the coastal marine area; and,*
- *recognising the potential of coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*

The Waterfront promenade is generally continuous and provides public walking access along this part of the coastal marine area. It provides a hard surfaced route for people commuting and recreating, as well as extensive areas of public open

space for events and other activities. The proposal will maintain and enhance the public open space qualities of the area through transforming the large open car parking area into a new building with ground level tenancies which could contain retail, food and beverage complementing the adjoining open space, and provide for passive casual surveillance. The proposal does not change formalised public walking access along the waterfront to any great extent, and enhances it by provision of shelter from rain and wind, lighting, and activation. There is nothing to suggest that public access along the waterfront will be permanently altered by the potential effects of coastal processes, including climate change, during the design life of the building. I consider the proposal to be consistent with this objective.

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and,*
- *protecting or restoring natural defences to coastal hazards.*

The effects of coastal hazard risks, including taking account of climate change, have been considered in the natural hazard effects assessment above. Mr Sharpe of Beca and Mr Narvasa of Wellington Water have considered coastal hazards in their assessment and review and neither have raised any concerns that the proposal would be inappropriate due to coastal hazard risks or that these risks are not able to be appropriately managed. I note that the waterfront contains a number of buildings which are located well above the sea level and that the existing wharf structure and former reclamation provides armouring against coastal processes. Given the historical built up nature of the waterfront containing a mix of existing buildings and structures, I do not consider it appropriate that a managed retreat or restoration of natural defences is practical or appropriate. I therefore consider that coastal hazards are effectively able to be managed by the building's location and recommended conditions requiring monitoring and alterations as appropriate to manage any potential future risks. I consider the proposal to not be inconsistent with this objective.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and,*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

The proposed development provides for social and economic wellbeing with a proposal that will be a complementary use to the adjoining open space, providing for activation and casual surveillance, and by enabling a new commercial building at a time when office vacancy rates in Wellington are at a 10-year low. While the proposed use is not necessarily required on the waterfront to meet specific demand in this immediate area, the site is considered appropriate as the waterfront currently and historically provided for a mix of land uses including commercial office space. There are also limited opportunities within the Wellington City to accommodate development of a similar nature. Given the current and historical use of the waterfront, the proposal will not further compromise the potential to protect, use, and develop natural and physical resources in the coastal marine area. I also consider the historical heritage in the coastal environment has been adequately considered in the heritage effects assessment above where the proposal was found to be acceptable. I therefore consider the proposal to not be inconsistent with this objective.

Policies

144. A total of 29 policies are identified under the NZCPS which are intended to achieve the purpose of the Act in relation to the coastal environment. Those of particular relevance are outlined below:

Policy 2: The Treaty of Waitangi, Tangata Whenua and Maori Heritage:

As discussed in greater detail under the assessment of Cultural Effects under the section 104(1)(b) assessment above, the Applicant has consulted with Wellington Tenth Trust and the Port Nicholson Block Settlement Trust which have prepared a CIR in association in relation to the Project. The CIR confirms that this area of the waterfront was not a particular place that was fished for cultural reasons and the CIR has stated that the proposed development raises no cultural issues.

Policy 6: Activities in the coastal environment

Policy 1(b)

Policy 6(1)(f) requires consideration of instances where development that maintains the character of the existing built environment should be encouraged. In this case, the Lambton Harbour Area has a distinctive character in relation to the coastal environment. The proposed development would be consistent with that character in my opinion as outlined in the urban design assessment above. Views of the harbour will not be significantly altered and important viewshafts retained. Policy 6(2)(b) seeks to maintain and enhance the public open space and recreational values of the coastal marine area. I consider that the proposal will provide complementary uses, activation, and casual surveillance of open space which enhance opportunities in this regard.

Policy 17: Historic heritage identification and protection

The effects on historic heritage have been carried out above. The proposed use and development is not considered to be inappropriate in relation to historic heritage.

Policy 18: Public open space

The proposed building maintains and enhances the public open space by providing a complementary use and introducing an activated lower level and casual surveillance of the open space. The proposal's design and access has given consideration of the interface with the directly adjoining open space. The proposal also maintains and enhances walking access linkages between Shed 13 and the Meridian Building, to Site 10 and Whitmore Street, which ultimately provides good access to other parts of the city, Parliament House, and the Wellington Railway Station, by providing a covered thoroughfare for pedestrians for shelter from rain and wind in both northerlies and southerlies. As noted above, access to public open space alongside the waterfront will not be affected by coastal processes or climate change as a result of the proposal.

Policy 19: Walking access

As outlined in the assessment of Policy 18 above, the proposal maintains and enhances public walking access along and adjacent to the Wellington waterfront by providing covered shelter. Other than internal to the building, there is no restriction on public walking access around the building and under the sheltered walkway and the proposal will have minimal effects in terms of restricting public access to the promenade along the coastal edge.

Policy 22: Sedimentation

The proposal is not anticipated to result in any alteration to coastal water quality with construction management measures already proposed in the application, or able to be managed through conditions, to manage the potential effects of further sedimentation.

Policy 23: Discharge of Contaminants

The proposal is not anticipated to result in any alteration to coastal water quality with construction management measures already proposed in the application, or able to be managed through conditions, to manage the potential effects of dispersal of contamination into an environment which already contains contaminated sediments.

Policy 24: Identification of coastal hazards

As outlined in the natural hazard effects assessment above, the proposal has given consideration of potential coastal hazards including the risk of tsunami and sea level rise. It is noted that much of the Wellington Central Business District is vulnerable to the effects of a tsunami and the proposal includes measures such as having a first floor of sufficient height to avoid damage and the primary structure having sufficient resilience to resist wave actions. It was noted that while the ground floor may experience occasional inundation due to sea level risk over the next 100 years, technology exists such that if necessary the floor level can be raised.

Policy 25: Subdivision, use and development in areas of coastal hazard risk

As per the assessment of Policy 24, the coastal hazard risks have been duly considered in the natural effects assessment above. It is not considered practical or feasible to avoid coastal hazards risks entirely, however the potential effects have been duly considered and mitigated in the buildings design.

Conclusion on NZCPS

Overall, having considered the relevant provisions of the NZCPS, I consider that the proposal will be consistent with the strategic intent of the NZCPS.

National Policy Statement on Urban Development Capacity (2016)

145. The National Policy Statement 2010 (NPSUDC) took effect on 1 December 2016. The NPSUDC is about recognising the national significance of urban environments and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments. The NPSUDC directs decision making under the Act to ensure that planning decisions enable development through providing sufficient development capacity for housing and business.
146. Under Section 104(1)(b)(iv) of the Act a consent authority must, subject to Part 2 of the Act, have regard to the relevant provisions of the NZSUDC (amongst other things) when considering an application for a resource consent.
147. The objectives of the NPSUDC most relevant to this proposal are:
- OA1 – To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.
 - OA2 – To provide sufficient residential and business development capacity to enable urban areas to meet residential and business demand.
 - OA3 – To enable ongoing development and change in urban areas.

In addition to this, Policies PA3 and PA4 in particular apply to all decision makers in all circumstances. The proposal has been assessed against these and any other relevant objectives and policies.

148. In considering the NPSUDC, I note that the Wellington waterfront has been used for a variety of activities over the years and the proposal continues a change process that commenced in the late 1980's where the Wellington waterfront transitioned from a working port to containing a mix of open space, recreational facilities, and residential and commercial buildings. The proposal continues that progressive change providing for additional supply of business floor space enabling additional working environments and places to work for Wellingtonians.

Recent reporting¹⁵ on office vacancy rates identify that Wellington is experiencing a 10-year low. I am also aware that Wellington's topography constrains development leading to natural urban containment, and thus limits opportunities for expansion of the Central Business District. Site 9 being on the waterfront presents an attractive location for a high profile tenant(s) seeking provision of premium office space. I therefore consider that the proposal is consistent with the strategic intent of the NPSUDC.

¹⁵ Colliers International, Wellington CBD Office (28 March 2019)

Regional Planning Instruments:

Regional Policy Statement for the Wellington Region (2013)

149. The Regional Policy Statement for the Wellington Region (RPS) provides an overview of the resource management issues significant to the region and outlines the objectives, policies and methods required to achieve the integrated management of the region's natural and physical resources. It is considered to be the dominant statutory planning instrument for the Wellington region.

150. The 'issues' to be addressed in the RPS include the following topics:

- 3.2: The Coastal Environment (including public access);
- 3.5: Historic Heritage;
- 3.8: Natural Hazards;
- 3.9: Regional Form, Design and Function;
- 3.10: Resource Management with Tangata Whenua; and
- 3.11: Soils and Minerals

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

Policy 35: Preserving the natural character of the coastal environment and Policy 36: Managing effects on natural character in the coastal environment.

The effects of the proposal on the natural character of the coastal environment have been addressed above in consideration of the NZCPS and the conclusions reached are relevant to Policy 35 and Policy 36 of the RPS. I consider the proposal to be consistent with these policies.

Policy 41: Minimising the effects of earthworks and vegetation disturbance

152. The effects of earthworks including erosion, siltation and sedimentation cannot be entirely avoided as noted in Policy 41 but with appropriate controls in place including conditions, these effects can be appropriately managed to minimise effects during construction particularly given the proximity to the coastal marine area. I consider the proposal to not be inconsistent with this policy.

Policy 42: Minimising contamination in stormwater from development

153. The site is currently a completely hardsealed and impervious area. The removal of the temporary car park and replacement with a building will likely result in reduced pollutants from vehicles parked on-site entering the stormwater resulting in a net improvement to stormwater quality entering Wellington harbour. Given the sites current condition, there are limited opportunities to improve stormwater quality post development. The applicant has previously indicated that zinc panelling may be used on the façade of the building. The degree to which this may result in zinc run-off into stormwater systems is unknown. I therefore I consider that the potential for contamination through panelling remains however this can be confirmed through recommended conditions of consent once the final materials have been identified at detailed design and if necessary a treatment or similar alternative may be necessary

Policy 46: Managing effects on historic heritage values

154. The impacts of the proposal on historic heritage have been considered in the heritage effects assessment above which concluded that the proposal would be appropriate with regards to effects on historic heritage including Shed 13. I also note that the proposal will involve the realignment of specific items of historic merit (waterfront gates). I consider the proposal to be consistent with this policy.

Policy 48: Principles of the Treaty of Waitangi

Policy 49: Recognising and providing for matters of significance to tangata whenua

155. A CIR has been prepared in association by Wellington Tenth's Trust and Port Nicholson Block Settlement Trust in recognition of cultural values of Maori in relation to Wellington Harbour. The CIR states that there are no cultural issues in relation to the development and that support for the proposal is given, subject to an accidental discovery protocol being implemented as a condition of consent. This condition will ensure the on-going participation by the relevant iwi groups in the event that any material of significance to iwi is discovered during the course of the works. The proposal is not inconsistent with the principles of the Treaty of Waitangi in my opinion, and is also consistent with Policy 49.

Policy 51: Minimising the risks and consequences of natural hazards

156. A full assessment of the risks and consequences has been made in relation to the proposed building under the natural hazards effects assessments above which concluded that the proposal has an acceptable level of resilience from potential natural hazards including tsunami, earthquakes and effects of climate change, including sea level rise. I consider the proposal to not be inconsistent with this policy.

Policy 53: Public access to and along the coastal marine area

157. Public access to and along the Wellington waterfront will not be reduced but enhanced with the addition of pedestrian shelter and introduction of complementary activities improving activations and casual surveillance of the adjoining open space. I recommend a condition of consent that public access is maintained around the site during the construction period. I consider the proposal to not be inconsistent with this policy.

Policy 54: Achieving the region's urban design principles

158. The region's urban design principles reflect those specified within the New Zealand Urban Design Protocol. Both Ms Popova and TAG have carried out a full assessment of the proposal and based on their assessments and conclusions I am satisfied that the proposed development will be of high quality and will be in accordance with the region's urban design principles. I consider the proposal to be consistent with this policy.

Policy 57: Integrating land use and transportation

159. A full assessment of transportation effects has been carried out above. It is noted that the proposal does not propose any additional on-site car parking and that

additional traffic demand will be limited to that necessary for deliveries and servicing generally during business hours. The assessment has found that the existing road network and access are able to cater for the proposal, and provision of safe pedestrian movements can be accommodated through recommended conditions of consent.

160. Given the Central Area location of the site, it has good access to public transport (bus and rail in particular), good connections to the Central Business District, and will provide for, and generally maintain existing, pedestrian thoroughfares. Safe and attractive environments will be provided for walking and cycling as part of the proposal, enhancing physical connections to the site's immediate surrounds. I consider the proposal to not be inconsistent with this policy.

Conclusion on RPS

161. Overall I consider that the proposal is considered to be in accord with the general strategic direction of the Wellington Regional Policy Statement.

District Planning Instruments:

Wellington City District Plan

162. The site is located within the Central Area of the District Plan and is located within the 'Lambton Harbour Area' (see Map 17 of the District Plan). The Central Area provisions of the District Plan are outlined in both Chapter 12 (Objectives and Policies) and Chapter 13 (Rules, Standards and Appendices).
163. In addition to the Central Area based provisions mentioned in the paragraph above, the proposal is also subject to provisions for certain activities which apply across all areas of the city, including: Earthworks under Chapter 29 (Objectives and Policies) and Chapter 30 (Rules); and, Contaminated Land under Chapter 31 (Objectives and Policies) and Chapter 32 (Rules). Shed 13 while not technically on the site is identified as a Heritage Building (Map 17, Symbol Ref: 333), however there is uncertainty whether part of the Former Eastbourne Ferry Terminal Building (Map 17, Symbol Ref: 337) is on the same computer freehold register and as such the Heritage provisions under Chapter 20 (Objectives and Policies) and Chapter 21 (Rules) are considered relevant. All of these Chapters are fully operative and there are no relevant plan changes.

District Plan Notations

164. The site is subject to the following District Plan notations:
- Hazard (Ground Shaking) Area (Map 17);
 - Lambton Harbour Area (Map 17);
 - Height Limit is Zero Metres above Sea Level (Map 32)
 - Waterloo Quay and Customhouse Quay are both identified as Arterial Roads and Whitmore Street is a Principal Road. All are identified frontages where vehicle access is restricted (Map 34);
 - Inner Port Noise Affected Area - Central Area (Map 55)
 - Sunlight Protection to Listed Public Spaces - Kumutoto Plaza (Chapter 13, Appendix 7, Pg 22)
 - Central Area Viewshaft VS4 (Whitmore Street) - (Chapter 13, Appendix 11, Pgs 43 - 44)

- Central Area Viewshaft VS5 (Waring Taylor Street) - (Chapter 13, Appendix 11, Pg 47 - 48)
- Site containing a Heritage Building - Eastbourne Ferry Terminal Building (former) – (Map 17, Symbol Ref: 337).

Central Area Provisions

Introduction

165. The site is located within the Central Area of the District Plan and is located within the 'Lambton Harbour Area' (see Map 17 of the District Plan). The Central Area provisions of the District Plan are outlined in both Chapter 12 (Objectives and Policies) and Chapter 13 (Rules, Standards and Appendices).
166. The Introduction section (12.1) of the objectives and policies explains that:
- "The District Plan sets a vision for a vibrant, prosperous, liveable city. At its heart is a contained Central Area comprising a commercial core with a mix of related activities"*
167. The Plan's Central Area provisions are based on eight principles that will guide future development¹⁶. These eight principles are:
- Enhance 'sense of place'
 - Sustain the physical and economic heart of the Central Area
 - Enhance the role of the 'Golden Mile' and 'Cuba'
 - Enhance the Central Area as a location for high quality inner city living
 - Enhance the built form of the Central Area
 - Enhance the quality of the public environment
 - Enhance city/harbour integration
 - Enhance the sustainability of the Central Area
168. Specifically, the Lambton Harbour Area is recognised as a 'Special Area' within the framework of these provisions where the following explanation is given¹⁷:

"Several unique neighbourhoods and precincts crucial to the Central Area's cultural heritage and sense of place are identified in the Plan as heritage and character areas. Rules and design guidance are included to help to maintain and enhance the character of these special neighbourhoods.

Reflecting the importance of Wellington's waterfront, in 2004 Council adopted the Wellington Waterfront Framework to guide waterfront development in a way that makes the most of this unique and special part of the city. The principles and values of the Framework underpin the District Plan's objectives and policies for the Lambton Harbour Area. The Framework aims to bring coherence along the waterfront and express its connections with the city and the harbour. To this end, the Framework is based around several inter-linking themes: historical and contemporary culture, city to water connections, promenade, open space, and diversity. Because the waterfront is predominantly a public area in public ownership, Council is committed to engage fully with the public on decisions relating to waterfront developments. This commitment is further described in the Framework, which also proposes governance arrangements requiring ongoing monitoring by a group of both professional and community representatives."

¹⁶ Wellington City District Plan, Chapter 12, Central Area, pg 12/2

¹⁷ Ibid pg 12/3

District Plan Context for the Project

169. The site is located within the Lambton Harbour Area where the height limit is zero metres above sea level on Map 32 of the District Plan (commonly referred to as the 'zero height rule'). This height limit is intended to act as a mechanism to trigger a resource consent application for any new building development in that no building could be constructed on that site as a permitted activity. It is not necessarily to signal that buildings in such an area would be unacceptable. Rather, the 'zero height rule' enables the merits of a building's design and height effects in that location to be assessed.

Permitted Baseline

170. Having regard to the permitted height rule discussed in the paragraph above, I consider that there is no possible permitted baseline that can apply to this proposal.

Existing Environment

171. Resource Consent was granted by the Environment Court for the construction of a temporary car park over Site 9 (reference: SR 320128). The temporary car park is to provide car parking for 18 cars and included a temporary location for the Whitmore Plaza Historic Toll Booth which is 3.59m in height with a footprint of approximately 31m². A temporary pedestrian shelter comprising of a glass canopy and folded perforated metal screens on steel supports is to be provided adjacent to the Customhouse Quay road frontage providing shelter and screening between the temporary car park and road.

Objectives and Policies Assessment

172. The assessment below will outline the objectives and policies relevant to the proposal. I will begin by assessing the specific provisions relevant to the Lambton Harbour Area (Objective 12.2.8 and Policies 12.2.8.1 to 12.2.8.9). This will then be followed by an assessment of the objectives and policies which apply to the wider Central Area (under Chapter 12 of the District Plan) which are also relevant to the assessment of this proposal.

Lambton Harbour Area

Objective 12.2.8 **To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront.**

Policy 12.2.8.1 *Maintain and enhance the public environment of the Lambton Harbour Area by guiding the design of new open spaces and where there are buildings, ensuring that these are in sympathy with their associated public spaces.*

173. In relation to Policy 12.2.8.1, it is stated that¹⁸:

"The main focus of the Lambton Harbour Area is to reinforce its role as a primary open space on the waterfront. A series of different open spaces - some green

¹⁸ Ibid pg 12/38

some sheltered and some paved - that cater for diverse uses and activities will predominate. Furthermore, there will be a network of paths through the area, including a promenade along the length of the waterfront, predominantly at the water's edge. Buildings will support the open spaces, both in their design and their associated uses and activities. The ground floors of buildings will be predominantly accessible to the public and buildings will have "active edges". Particular consideration will be given to providing for equitable access to the water's edge and all other facilities on the waterfront by older people and all others with mobility restrictions".

174. In my opinion, the proposal will assist in reinforcing the role of Lambton Harbour Area as a primary open space on the waterfront. The proposed new building frames the Whitmore Plaza open space area and continues a line of buildings providing a physical separation between the Central Business District and the waterfront as outlined by Ms Popova. The proposal does not reduce or diminish any existing areas of public open space as Site 9 is currently consented for use as a car park.
175. The proposed new building complements the adjoining open space areas of North Kumutoto and Whitmore Plaza by providing an active edge through new ground level commercial tenancies providing casual surveillance through presence of people and building light. It would also provide a use that is complementary to the adjoining open space with tenancies that would likely be used for a mix of retail and hospitality which enhance the utility of the adjoining open space by providing economic activity and opportunities such as sharing light refreshments in the adjoining open space areas. This also further cements the waterfront and adjoining open space areas as a destination for a wide range of uses. The proposal includes provision of improved pedestrian shelter enhancing the linkage between Site 10 and the Meridian Building, and between open space areas of Whitmore Plaza and Kumutoto Plaza. The pedestrian shelter provides shelter from rain, and alternative paths of travel in both northerly and southerly wind conditions.
176. The building design is considered to be in sympathy with the adjoining open space having a design which references the waterfront's maritime history and providing an appropriate height transition between Site 10 and Shed 13 without causing any significant shading effects on the adjoining open spaces.
177. I therefore consider the proposal consistent with Policy 12.2.8.1 as the building's design is appropriate to its location, complementing other spaces around the waterfront whilst also being sympathetic to the surrounding open space along the waterfront.

Policy 12.2.8.2 Ensure that a range of public open spaces, public walkways and through routes for pedestrians and cyclists and opportunities for people, including people with mobility restrictions, to gain access to and from the water are provided and maintained.

178. Public access to the water is not altered but maintained through this proposal. In addition, the proposal will improve walkways and through-routes for pedestrians by provision of a new link through the centre of the proposed new building between Customhouse Quay and the waterfront, and the construction of pedestrian shelter either side of the building to Customhouse Quay and the waterfront. I therefore consider the proposal consistent with Policy 12.2.8.1.

Policy 12.2.8.3 Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.

179. North Kumutoto (also referred to as North Queens Wharf) is recognised in Policy 12.2.8.3 as one of the five areas with its own distinctive local character ('sense of place') that contributes to the overall richness and cohesion of the collection of areas which makes the waterfront such an important part of the City. The local character of the North Queens Wharf is further described within the Wellington Waterfront Framework ('WWF') as having both a maritime character and a strong connection to the CBD (Whitmore Street is the closest point where the Quays meet the Waterfront).

180. I accept TAG's view that the proposal will enhance the overall public environmental quality and amenity of the Lambton Harbour Area through defining the edges of the public spaces, activating their edges, and removal of the existing temporary car park. It will enhance physical connections between the waterfront and the Central Business District. It will provide a high quality public environment; through providing occupation, overlooking and consequently enhancing the safety of the public realm. I therefore consider the proposal consistent with Policy 12.2.8.3.

Policy 12.2.8.4 Maintain and enhance the heritage values associated with the waterfront.

181. I accept the advice of Archifact – Architecture and Conservation Limited and Ms Mulligan whom have both concluded that the proposal will have no adverse effects on adjoining heritage. In particular they note the scale is appropriate and the design includes elements such as brick and proportions which assist in integrating with the adjoining heritage building being Shed 13. In addition, in reviewing the site's history, the building's design highlights the historical 'kink' in the change of the Quays and restores what was historically a line of buildings along Quays defining the waterfront precinct from the Central Business District. Ms Mulligan supports the scale, bulk and historical consistency of the new building's alignment to Waterloo Quay and the harbour. I also note the proposal has the support of Heritage New Zealand Pouhere Taonga. I consider that the proposed building will maintain and enhance the heritage values of the waterfront consistent with Policy 12.2.8.4.

Policy 12.2.8.5 Recognise and provide for developments and activities that reinforce the importance of the waterfront's Maori history and cultural heritage.

182. The CIR provided with the application recognised that the careful design and planned usage of the area can have a positive cultural impact by including various features that recognise the ancestral connection with the area, particularly in relation to Kumutoto Stream. This stream meets the harbour at Kumutoto Plaza and the development of the open space (Site 8) is designed to integrate with that space. The proposal does not inhibit further developments or activities occurring within the area which further reinforce the waterfront's cultural heritage and historical importance to Maori.

183. I also note that the CIR raised no particular Maori cultural issues with the proposed building on Site 9, acknowledging that large buildings in this area have been commonplace for the last 100 years or more.

184. In this case, I consider that the proposal will not be inconsistent with Policy 12.2.8.5.

Policy 12.2.8.6 Provide for new development which adds to the waterfront character and quality of design within the area and acknowledges relationships between the city and the sea.

185. Policy 12.2.8.6 recognises that the waterfront is intended to meet the needs of a diverse range of people, providing for a variety of cultural, civic and recreational uses, with some allowance for commercial development. The prerequisite for new development within the Kumutoto/North Queens Wharf Area is that it be of a high quality and be generally complementary to, and of an appropriate scale with, heritage buildings. Ms Popova and TAG are satisfied that the proposed building is well-resolved in this regard.

186. Policy 12.2.8.6 also outlines that several matters in the associated guidance notes to which any application for a new building will have regard to. Relevant to this proposal are the following matters which are summarised under the following topics¹⁹:

1. The principles and objectives of the Wellington Waterfront Framework:

187. While the Environment Court found the inclusion of the Wellington Waterfront Framework to not be a statutory Design Guide as part of the District Plan in its decision relating to the *Intercontinental Hotel v Waterfront Investments W015/2008*, TAG has comprehensively considered the principles and objectives in their assessment. I am satisfied, based on their advice, that the proposal will be consistent with the relevant principles and objectives.

2. Active edges on the ground floor of buildings that are publicly accessible and support public use:

188. The building design contains ground level commercial tenancies likely to be used for retail or hospitality. These provide active edges to the adjoining areas or public open space including Whitmore Plaza, Lady Elizabeth Lane, and Customhouse Quay. All of these areas remain publicly accessible and complement the public use of the adjoining open space areas. The building design of the ground level tenancies includes a large extent of glazing providing good opportunities for casual surveillance. The ground level tenancies are also likely to be hospitality and retail in nature both of which are generally accessible to the public. I therefore consider the proposal consistent with this requirement.

3. Whether the building will be complementary to, and of an scale appropriate in relation to other existing buildings adjacent and nearby:

189. Ms Popova and TAG have considered the design in the urban design effects assessment above. Both have concluded that the overall height of the building is complementary to that of the adjoining buildings having an overall height similar to

¹⁹ Several of the matters requiring consideration for a new building refer to the impacts of an 'addition and alteration'. The overarching policy (12.2.8.6) refers to 'new development' in the broad sense, and clearly encompasses new buildings as well as additions and alterations. As such, I interpret reference to 'addition or alteration' in the context of this policy to encompass both a new building and additions and alterations.

that of the Meridian Building and providing a transitional overall height between the height of Site 10 and Shed 13. Further, TAG have noted that the height is only marginally greater than that previously recommended in the Environment Court's consideration of Variation 11 which would have provided for a more permissive height of 19m and 16m respectively rather than setting a height limit. Further, the design provides for a horizontal scale at the ground level that is complementary to that of Shed 13, including the use of complementary brick materials in the ground level façade. Based on the advice of Ms Popova and TAG, I consider the proposal consistent with this requirement.

4. *Whether the works will have a material effect on sunlight access to any open space:*

190. As the application site is currently vacant of any significant buildings, the construction of the proposed building will inevitably result in having some effect on sunlight to parts of the waterfront, including open space. The shading assessment carried out by Athfield Architects Limited shows some shading from 12pm during the spring equinox on the area surrounding Site 9. This is primarily on areas I consider to be primarily thoroughfare. The shading assessment shows that by 4pm the shading cast by Site 9 overlaps with shading cast by existing buildings. Importantly however, the proposed building will not result in any further significant shading on existing formalised/dedicated public open space areas than that already cast by nearby city buildings and there is no additional shading on Kumutoto Plaza. The waterfront area also provides a collection of public spaces which, at different times provide access to sun, as well as shelter from the rain and wind which, during times when shading is cast by Site 9, users will be able to find sunny open space nearby either within Site 8, Whitmore Plaza, Kumutoto Plaza, or on the Tug Wharf. TAG has also reviewed the shading assessment and information provided with the Applicant. TAG are of the view that they consider the effect of shading cast by the building as whole to be insignificant. I therefore consider the works will not have a material effect on sunlight access to open space.

5. *Whether the works will intrude on an identified viewshaft:*

191. The proposed building will be sited clear of identified viewshaft 'VS4 Whitmore Street', and identified viewshaft 'VS5 Waring Taylor Street', as shown on Athfield Architects Design Statement and confirmed in the assessment by TAG. I therefore consider the proposal consistent with this requirement.

6. *The adverse effects of the building work on wind, views, shading and sunlight on adjacent properties within the Central Area:*

192. I note that no submissions received have raised specific concerns regarding the effects of the proposal on private properties in relation to views, wind or shading. Submissions on these matters have focussed on the public environment or on impacts within the waterfront area. There are no potential adverse effects from the proposed building within Site 9 identified in terms of wind, or shading on adjacent properties as outlined in the shading and wind assessment above.
193. The proposed building will however alter the view from the Meridian Building which currently overlooks a temporary car park and Customhouse Quay. Post development this will now be looking at the Site 9 building façade. I do not consider this to be an adverse effect as the views of a car park or road are not

generally considered views of high value, and the distance between the Meridian Building and Site 9 is sufficient to not have any bulk or dominance effects.

194. The proposed building will also alter some views from Maritime Tower and the building at 20 Customhouse Quay, limited to the first 4-5 floors of these buildings. I do note that the ground level of both buildings currently have an outlook into traffic on Customhouse Quay which will not be altered, and the 2nd and 3rd floor of Maritime Tower is car parking. Both buildings overall have a height such that the levels above 4-5 floors will still enjoy views of the waterfront post construction and there is no intrusion into protected viewshafts.
195. The impacts on the wind environment on adjacent properties have not been explored directly by the applicant, with the focus being on the public environment in this regard. Notwithstanding, the applicants wind report does not identify any additional adverse wind effects on nearby buildings as a result of the proposal with the exception of Shed 13 which will experience an increase in cumulative effects at the Customhouse Quay frontage and an increase in gust speeds on the north-west corner of the building. In considering the effects on Shed 13, I note the Customhouse Quay frontage is not the primary pedestrian thoroughfare or access due to having limited entrances and a narrow footpath. The building is designed so that the primary entrance and access is on the waterfront frontage where wind comfort levels are identified as not affected. In addition, while there is an increase of gust speeds on the north-west corner of Shed 13, this does not raise the wind gust speeds above the 20m/s safety threshold in the District Plan and may be partly mitigated by improving wind mitigation around the pedestrian shelter at the pedestrian entrance.
196. Having considered the matters outlined above in the context of the overarching policy and being informed by the advice of TAG, I consider that the proposal will be of high design quality and will contribute positively to the waterfront character of the area. City to sea relationships in the context of this policy will be acknowledged and will not be adversely affected to any unreasonable extent. I consider that the proposal is generally consistent with Policy 12.2.8.6.

Policy 12.2.8.7 Maintain and enhance the Lambton Harbour Area as an integral part of the working port of Wellington.

197. The North Kumutoto Area is bordered by several existing maritime activities, uses and functions. The Wellington Police Maritime Unit is based within the Former Eastbourne Ferry Terminal Building and operates from the Harbour Wharf. To the north-east of the site are areas of the Operational Port Area (owned by Centreport Ltd). The proposal will not inhibit the continuation of any existing working port or maritime activity. The proposed building maintains access to the waterfront promenade and other existing maritime activities. I consider that the values of the Lambton Harbour Area as an integral part of the working port will be maintained and enhanced as a result of this proposal.

Policy 12.2.8.8 To provide for and facilitate public involvement in the waterfront planning process.

198. The consent was publicly notified at the request of the Applicant upon lodgement under the provisions of the Resource Management Act 1991 including publication in The Dominion Post, copy of the consent and public notification on Council's website, copy of the consent available for viewing in the Central Library, serving

notices to nearby property owners and tenants, and signage attached to the hoarding near the site. I therefore consider the proposal consistent with this policy.

Policy 12.2.8.9 Encourage and provide for consistency in the administration of resource management matters across the line of mean high water springs (MHWS).

199. The proposal does not cross the line of mean high water springs.

Summary of Objectives and Policies Assessment for the Lambton Harbour Area:

200. Having considered the specific objective and policies relevant to the Lambton Harbour Area, I am of the opinion that the proposal will positively contribute to the public environment. It will maintain and enhance the special components and elements that make up the Kumutoto/North Queens Wharf Area and will be well integrated with the waterfront as a whole. The proposed building will maintain visual connections with the waterfront, as far as is appropriate, and the proposal will enhance physical connections with the remainder of the City's Central Area.

201. Overall, I consider that the proposal will be consistent with Objective 12.2.8 and Policies 12.2.8.1 to 12.2.8.9.

Central Area Objectives and Policies

202. The following Central Area objectives and policies are also considered relevant to the assessment of the proposal:

Containment and Accessibility

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

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

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

203. Policy 12.2.1.1 recognises that the central city naturally lends itself towards containment and sets policy to ensure this is maintained and enhanced. The urban form of the city is reinforced by both the harbour and the surrounding hills, emphasising its compact and contained physical character. Policy 12.2.1.2 recognises that the central city has developed over a long time as Wellington's largest centre of activity (day and night) supporting a range of uses and functions. This containment helps ensure activities are conducted within reasonable walking distances which minimises the need for motorised transport. I consider that the proposal meets and is consistent with Objective 12.2.1 and Policies 12.2.1.1 and 12.2.1.2 as the proposed building and associated activities will be appropriately located within the Central Area close to the CBD, and will contribute to the range of functions, uses and activities.

Activities

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

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

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

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

204. Policy 12.2.2.1 outlines a flexible approach to where certain land uses or activities are located and encourages efficiencies in the Central Area through enabling owners to respond appropriately to meet market needs or other economic or technological changes. Importantly, the District Plan would provide for a mixture of activities to occur 'as of right' on the ground floor of the proposed building within Site 9, including hospitality, and retail, subject to meeting relevant performance standards (noise standards for example). I consider that the proposal will enable a wide range of activities within the tenancies provided for, particularly at ground level.

205. Policy 12.2.2.2 recognises that activities within the Central Area have the potential to have effects within the Central Area (noting the site is not within close proximity to a Residential Area). I consider effects generated by the proposed activities can be appropriately controlled through compliance with the relevant performance standards of the District Plan and conditions of consent, particularly in relation to construction effects.

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

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

207. These temporary effects are, in my opinion, best managed through appropriate conditions of consent and through compliance with NZS6803:1999.

208. I consider that the proposal meets and is consistent with the Objective 12.2.2 and Policies 12.2.2.1, 12.2.2.2 and 12.2.2.4.

Urban Form and Sense of Place

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

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

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

209. Policy 12.2.3.1 seeks to preserve the ‘high city/low city’ general urban form of the Central Area which is located “within an amphitheatre of the surrounding hills and ridgelines to the west and the harbour to the east”²⁰. The high city/low city urban form reinforces the City’s ‘sense of place’ and assists with people orientating themselves around the City.

210. In my opinion, the proposed building is not explicitly identified as being within the high city identified in District Plan Map 32, but is located directly adjacent to an area that is within the high city. The site has a 0m height restriction and therefore building heights are assessed on their merits and in response to their surrounds. To this regard, the height of the building will be considerably lower than Maritime Tower opposite the site on Customhouse Quay, and lower than the height of Site 10. The building will be of a similar height to the Meridian Building (19m at the roof apex) and provide a transition of height between Site 10 and Shed 13. In my opinion, the general urban form of the Central Area (high city/low city) will be maintained.

211. Policy 12.2.3.2 outlines that ‘sense of place’ is shaped by both an area’s social activity, and the quality and character of the built environment. Under this policy, the waterfront area as a whole is identified as an area of special character that has a specific set of policies and a related objective (12.2.8), which I have assessed earlier in this report. Site 9 will contribute to the distinctiveness of this part of the Lambton Harbour Area, particularly owing to the architect’s use of maritime themes in the building design and use of materials of a scale and design which based on the opinion of TAG and Ms Popova complement and integrate well with the existing waterfront and other nearby buildings which it adjoins.

212. Overall, I consider that the proposal meets Objective 12.2.3 and Policies 12.2.3.1 and 12.2.3.2.

Effects of New Building Works

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

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

- *reinforce the high city/low city urban form;*
- *ensure that new buildings acknowledge and respect the form and scale of the neighbourhood in which they are located; and*

²⁰ Wellington City District Plan, Chapter 12, Central Area, pg 12/12

- *achieve appropriate building height and mass within identified heritage and character areas.*

213. It is expressed in Policy 12.2.5.1 (managing building height) that development within the Lambton Harbour Area will reflect the low-rise nature of development in this area and will be both complementary to, and of a scale appropriate to the existing buildings around them. The height of the proposed building at 16.5m to 19.98m (plus a plant room height of 22.6m) will, in the view of TAG, reflect a positive relationship with other nearby waterfront buildings including Shed 13 and the Meridian Building.

214. The proposed plant room and roof top elements will be centrally located, away from the outer edges of the building where they will not be easily visible from pedestrian level and will have a generally negligible effect in terms of shading, wind, outlook or scale.

215. Importantly, the height and scale of the proposed building remains similar to that of the Meridan Building, whilst providing a height transition between Site 10 and Shed 13. In addition, the scale of the ground floor heights and materials provide a relationship with Shed 13 that is complementary and not dominating.

216. Having considered the advice of TAG, I am of the opinion that the proposed height can be appropriately and sympathetically incorporated into the existing context. The proposal will reinforce the high city/low city urban form whilst acknowledging and respecting the form and scale of the neighbourhood. I consider that the proposal will be consistent with Policy 12.2.5.1.

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

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

217. In relation to Policy 12.2.5.2, the placement of building mass (volume) for new building works is seen as an important tool in managing the effects of new building works on the public realm (urban design, pedestrian wind environment, impacts on identified viewshafts and the loss of sunlight to public spaces); and managing the impacts on adjacent heritage items.

218. Similarly, Policy 12.2.5.3 seeks to manage building mass in conjunction with building height, with the anticipated outcome being²¹:

“that there will be increased quality, variety and vitality in the built form of the City, and greater capacity to negotiate positive heritage and urban design outcomes throughout the Central Area”.

219. A review of the effects from the building mass (in conjunction with height) has been carried out in detail elsewhere in this report. In particular, the effects caused by the building in terms of shading, wind, viewshafts and its relationship with the adjoining public realm have been considered in detail which I consider appropriate when assessing the effects of the proposed building’s mass.

²¹ Ibid pg 12/23

220. In the above assessment I note that the limited additional shading above that of existing buildings on areas of public space do not fall on Kumutoto Plaza and that where limited shading does occur, there are ample other waterfront areas that will have access to sunlight. I also noted that the shading primarily falls on areas of public thoroughfare which I consider to be less important in terms of maintaining access to sunlight.
221. In terms of wind, Mr Jamieson and Dr Donn have considered this in detail as outlined above. I concur with their assessment and with appropriate measures such as additional screening and details of landscaping in place, I consider that wind effects can be managed to an acceptable level with additional mitigation measures such as additional screening as suggested by Mr Jamieson and Dr Donn. Mr Jamieson and Dr Donn have concluded that the proposal will have an overall net improvement in the wind environment as a result of the proposal.
222. Despite being raised in submissions, I consider there to be no effects on District Plan viewshafts.
223. I also consider the relationship to the adjoining public open space not to be dominating or out of character with the footprint of Site 9 having been duly considered in the design of the adjoining public open space. Further, the slender nature of the building matching in scale with Shed 13 and other waterfront buildings, along with its design which includes variation in textures, materials, colours and form, reduce any perceived building bulk and add to public interest along the waterfront.
224. The assessment by Archifact – Architecture and Conservation Limited, Ms Mulligan, and the submission by HNZPT all concluded that the proposal was acceptable in scale to that of the adjoining heritage listed Shed 13.
225. I consider that the proposal is not inconsistent with Policies 12.2.5.2 or 12.2.5.3.

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

- *provide an urban design outcome that is beneficial to the public environment, or*
- *reduce the impact of the proposed building on a listed heritage item*

Any such additional height must be able to be treated in such a way that it represents an appropriate response to the characteristics of the site and the surrounding area.

226. In my opinion, this policy primarily relates to the additional height and mass provided for under Rule 13.3.8 of the District Plan, which expressly does not apply to buildings within the Lambton Harbour Area. However, it is my view that the environmental outcomes anticipated under this policy will still be met as outlined in the assessment above. That is, building height and volume will be managed appropriately to ensure quality urban design outcomes and minimise any impact on the adjacent heritage listed Shed 13. I specifically note that the overall benefit to the public wind environment outlined by Mr Jamieson and Dr Donn, and the framing of the adjacent open space with a high quality building design as outlined by TAG, would both be beneficial on the public environment.

227. Policy 12.2.5.4 recognises that in some situations building height and building mass may be reduced in order to achieve positive heritage or urban design outcomes. In these instances, this policy provides for the Council to consider whether it is appropriate for additional building height to be provided elsewhere on the site whilst maintaining the integrity of the building's design and respecting the characteristics of the site and setting. Positive urban design outcomes in this context include:
- providing for sunlight on identified (protected) areas of public space (like Kumutoto Plaza), or any other space of prominence, or space where people regularly congregate;
 - providing for shelter in various wind environments and an overall net reduction in wind on the waterfront; and
 - retention of identified viewshafts.
228. Despite the shadow cast by the building on primarily public thoroughfares, as discussed within the 'Shading Effects' assessment above, I consider that the proposal will still largely achieve the intent of Policy 12.2.5.4. The proposed building will not cast a shadow on Kumutoto Plaza and shading onto Whitmore Plaza hasn't been identified. Further, the shading is generally similar to that already cast by nearby city buildings.
229. I also consider the height has been reduced as outlined in detail above to protect and provide an appropriate transition to the adjoining heritage listed Shed 13. This is confirmed in the assessment by TAG, Archifact – Architecture and Conservation Limited, Ms Mulligan and HNZPT.
230. For these reasons, I believe that the anticipated environmental result of building work being designed to provide positive public environment and heritage outcomes will be achieved consistent with Policy 12.2.5.4.

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

231. The explanation under Policy 12.2.5.5 outlines that, in accordance with Policy 12.2.6.2, all buildings within the Central Area should contribute to its character and public environment, with the design quality being a fundamental consideration. However, any building that is over the specified height limit for the Central Area (on Maps 32 and 32A) will require excellence in its design ('design excellence'). Site 9 is located within part of the Lambton Harbour Area where the 'zero height rule' applies.
232. I note that Design Excellence is not defined in the District Plan and there is limited guidance provided in what constitutes excellence in design. TAG in their assessment have noted the guidance provided by the Council in pre-application meeting notes dated 7th June 2018 which stated that design excellence requires:
- *A coherent and concept driven design, relevant to its context. This will include a thorough site analysis identifying matters of importance to the site and how they influence the design.*
 - *A design that enhances:*
 - *The site*
 - *The street (including neighbouring buildings)*
 - *The urban block*
 - *The wider city*

- *A high level of internal and external building functionality and amenity*
- *Three-dimensional articulation of building form and building top to reduce the visual impact of the building, mitigate wind effects, and create a strong architectural identity.*
- *Detailing and materials that add visual interest to the façades*
- *A design which goes over and above what would normally be expected to satisfy the Central Area Urban Design Guide provisions.*

233. In considering the guidance notes provided by Council in the pre-application meeting notes, TAG have concluded that in their opinion the proposal achieves 'design excellence' due to a combination of the following attributes being:

- *the quality of a concept-driven architectural approach and resulting building form;*
- *positive response at ground to a challenging four-fronted site;*
- *positive relationships to waterfront spaces and city streets;*
- *recognition of the character of both the waterfront and CBD environment;*
- *integration of considered and subtle reference to other buildings; and*
- *sophisticated façade composition.*

234. TAG note in their assessment of design excellence that it does not necessarily mean that a building need be bravura architecture. In this instance they are of the view that it will be best achieved by a building that relates positively to the context of other buildings and spaces, contribution to the public realm and completing the existing networks of open space and line of related buildings in a refined and accomplished way. In this regard they also consider that the building is of a higher quality than what would normally be expected to meet the Central Area Urban Design Guide.

235. I accept the advice of TAG in this regard and consider that Policy 12.2.5.5 will be satisfied. I also acknowledge the assessment from Ms Popova (included as Volume 3 – Appendix 11 of the application) which provides a comprehensive assessment of the proposal against the provisions of the Central Area Urban Design Guide, and guidance provided on design excellence.

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

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

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

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

236. Policies 12.2.5.6 to 12.2.5.9 relate to improving the pedestrian wind environment through new building works. An assessment of the 'Wind Effects of the proposed building has been provided under the section 104(1)(a) assessment above. The explanation to this set of policies explains that:²²

²² Ibid pg 12/25

“The wind rules seek to encourage a safe and pleasant environment by decreasing the worst effects of wind. That is, a development should not make the existing wind environment dangerous or significantly worse”.

“The rules are designed to prevent a cumulative degradation of the wind environment by a number of developments and to protect the comfort levels in important public spaces.”

237. As outlined above in the wind assessment, Mr Jamieson notes that the existing wind gust speeds are varied ranging from low to extremely high depending on the degree of shelter available. This is also partly due to the lack of shelter and wide open space on the waterfront. Mr Jamieson does however anticipate that the wind environment will progressively improve as the city develops, notably the development of the Z Petrol Station opposite the site may result in an improved wind environment around Site 9. In any case, both Mr Jamieson and Dr Donn confirm that overall the proposal will result in a net improvement the wind environment.
238. Mr Jamieson’s assessment identifies two locations where the proposal will result in a change in wind gusts to levels that are potentially dangerous or significantly worse. With consideration of Policy 12.2.5.6, Mr Jamieson has considered in detail aspects of the design which could improve the wind environment and has recommended some further matters that may improve the wind environment including localised screening including landscaping, and an additional screen to the Waring Taylor Street entrance gates. I also note that the ground floor will provide shelter from wind and that the building provides two pedestrian routes which will provide respite from shelter in both northerlies and southerlies.
239. In considering the nature of the existing wind environment, I am of the view that the matters considered and mitigation measures proposed by Mr Jamieson have reduced the wind effects as far as reasonably practicable. I also note that measures proposed are contained within the site (or directly adjacent to) consistent with Policy 12.2.5.9.
240. In considering the cumulative effects on the wider public environment, I noted in the wind effects assessment above that there was a single location where the cumulative effects of wind may progressively degrade the pedestrian wind environment. I considered this location (E1) to be a location where people’s comfort may be affected as it could be a point where people may gather to enjoy views of the harbour. However in considering this effect, I note there are ample other opportunities along the waterfront where views of the harbour can be obtained without being adversely affected by wind. I also note the overall improvements to the wind environment and shelter provided mitigate the single location where the pedestrian wind environment may worsen and I therefore consider the proposal consistent with Policy 12.2.5.7.
241. Policy 12.2.5.8 seeks to ensure that wind comfort levels are maintained for important public spaces, and this would specifically include Kumutoto Plaza. The wind tunnel test shows no change to the wind effects on Kumutoto Plaza and therefore I consider wind comfort levels of Kumutoto Plaza will be maintained.
242. Having regard to the advice of Dr Donn and Mr Jamieson, I consider the proposal will be consistent with Policies 12.2.5.6 to 15.2.5.9 and the corresponding Objective 12.2.5.

Buildings and Public Amenity

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

Design Guidance

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

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

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

243. The strong relationship between the design and external appearance of buildings and the quality of the public environment is recognised under Policy 12.2.6.1. The environmental result anticipated on the waterfront is an experience of openness and transition between the built up city and the open expansiveness of the harbour; buildings (where appropriate) will support open spaces both in their design and associated uses and activities. Similarly, Policy 12.2.6.2 seeks for the design of new development to respond to the context of the site and the character of the surrounding area.

244. I consider that the public environment of the Central Area is enhanced by the design. As outlined above, TAG and Ms Popova consider that the building achieves design excellence and responds appropriately to the surrounding environment and I concur with their conclusions. In particular it has been noted that the design provides an appropriate height transition responding to the height of Site 10, Shed 13, and the Meridian Building. It is also noted that the building provides for framing of the adjoining open space areas and also provides visual and potential noise barrier screening of traffic along Customhouse Quay from the waterfront while also continuing a historical alignment of buildings that prevails along Customhouse Quay with visual gaps between building generally aligning with city streets.

245. The design acknowledges the surrounding context as noted by TAG, Ms Popova, and Athfield Architects, by incorporating both maritime and modern elements in the design the proposal reflects and enhances the transition between the more modern city environment opposite the site on Customhouse Quay, and the historical working port and elements of the heritage listed Shed 13 directly adjacent.

246. In addition, I consider that the design enhances the public environment which includes the directly adjoining open space areas by introducing complementary activity at the ground floor with new paths of travel with shelter from wind and rain. The design also provides for complementary activities such as hospitality and retail to the adjoining open space, and provides for casual surveillance, overlooking and additional lighting enhancing the safety of the adjoining open space.

247. Accessibility is also enhanced by providing for direct entrances from Lady Elizabeth Lane and Customhouse Quay and improving the alignment of the waterfront gates at Waring Taylor Street enhancing the access from Customhouse Quay and the waterfront.
248. Policy 12.2.6.3 seeks to ensure that development recognises and responds to adjacent listed heritage items through variation in height, the appropriate use of proportion, scale and setbacks. The design responds sensitively to the adjoining heritage building of Shed 13 through the use of materials, horizontal scale, and a transitioning height between that of Site 10 and Shed 13 as confirmed by Archifact – Architecture and Conservation Limited, Ms Mulligan, and HNZPT.
249. Overall I consider the proposal is consistent with Policies 12.2.6.1 – 12.2.6.3 and corresponding Objective 12.2.6.

Sunlight Protection to Public Spaces

Policy 12.2.6.4 Protect sunlight access to identified public spaces within the Central Area and ensure new building developments minimise overshadowing of identified public spaces during periods of high use.

Policy 12.2.6.5 Advocate for new building work to be designed in a way that minimises overshadowing of any public open space of prominence or where people regularly congregate.

250. As discussed in the assessment of ‘Shading Effects’ above, Kumutoto Plaza is identified in Appendix 7 (Chapter 13) of the District Plan as an identified public space with sunlight access required to be maintained between 12 noon and 2:00 pm (all year round). The information provided by the Applicant demonstrates that the proposed building will ensure sunlight access to Kumutoto Plaza between 12 noon and 2:00 pm, therefore meeting Policy 12.2.6.4.
251. Policy 12.2.6.5 advocates for new building work to be designed in a way which minimises overshadowing on any public space of prominence or where people regularly congregate (such as pocket parks, paved seating areas and places of civic importance). This policy identifies that opportunities may arise to design new buildings in a way which minimises overshadowing of any public open space of prominence or where people regularly congregate. However, the policy also recognises that in some cases, “overshadowing of public open spaces from new building work is inevitable”²³ and that not all public spaces are listed for protection.
252. In this case, I accept that the design of the building has been considered with regard to maintaining sunlight access to public open spaces, noting that the building will not shade Kumutoto Plaza and that very little shading will occur within the adjoining public open space that won’t already experience shading from the significantly taller city buildings opposite on Customhouse Quay. Despite the limited shadow cast by the building on the waterfront, I consider that the proposal will still achieve Policy 12.2.6.5 in that shading has been minimised.

²³ Wellington District Plan, Chapter 12 Central Area, pg 12/29

Protecting views

Policy 12.2.6.7 Protect, and where possible enhance, identified public views of the harbour, hills and townscape features from within and around the Central Area.

253. As discussed in the assessment 'Visual Effects' above, I do not consider that the Site 9 building will intrude into the District Plan identified viewshafts No. Vs 4 (Whitmore Street) or No. Vs 5 (Waring Taylor Street). I consider that the building will protect the identified public views of the harbour and Mt. Victoria in the background. As such I consider the proposal meets 12.2.6.7.

Pedestrian shelter

Policy 12.2.6.8 Ensure that pedestrian shelter is continuous on identified streets where there are high volumes of pedestrians, and on identified pedestrian access routes leading to the Golden Mile from the outskirts of the Central Area.

Policy 12.2.6.9 Ensure that in providing pedestrian shelter any adverse effects on the architectural integrity and historic heritage value of a building to which the shelter is affixed, and any adverse effects on public safety and the informal surveillance of public spaces are avoided, remedied or mitigated.

Policy 12.2.6.10 Encourage the provision of pedestrian shelter along streets and public spaces throughout the Central Area (including within the Pipitea Precinct).

Policy 12.2.6.11 Enhance the informal pedestrian network within the Central Area, by encouraging the retention and enhancement of existing pedestrian thoroughfares, and promoting the creation of new thoroughfares where they would enhance walkability and permeability for pedestrians.

254. I note that this portion of Waterloo Quay, Customhouse Quay and Lady Elizabeth Lane are not identified as an identified street requiring continuous verandahs (See District Plan Map 49E), as referred to Policy 12.2.6.8. Notwithstanding this, through the District Plan, the Council seeks to encourage verandahs to be provided in appropriate circumstances where it will contribute to improving pedestrian amenity (Policy 12.2.6.10). In this case, the building design provides for a recessed lower level enabling pedestrian shelter around the building and therefore enhances the pedestrian network and also promotes the creation of new sheltered thoroughfares along the waterfront. In turn this would enhance the waterfront as an attractive destination for walkability and pedestrians and provide a new partly sheltered link between waterfront buildings (Site 10 to Meridian Building), the city, and the Wellington Railway Station. Overall, I consider that the proposal will meet Policies 12.2.6.8 to 12.2.6.11.

Ground floor frontages

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

Policy 12.2.6.13 Maintain and enhance the commercial character and visual interface of ground floor level developments facing the public space along identified frontages within the Central Area.

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

255. The ground floor level of the development is recognised under Policy 12.2.6.13 as a major contributor to both pedestrian amenity and the quality of the public environment (including streetscape). I note that the site is not located on an identified frontage requiring ground floor display windows (District Plan Map 49E). However, all frontages of the building will contain active edges and positive ground floor interfaces with the public realm, interrupted only by a service entry facing Lady Elizabeth Lane and the plant room entrances facing Customhouse Quay.
256. As outlined previously, TAG have previously stated that the proposal achieves a 'positive response at ground to a challenging 'four-fronted site' and have considered the level of ground floor activation as a positive attribute of the proposal. The proposal provides for 100% glazing to the north and south façade, 85% to the east (noting the primacy of the waterfront as a primary pedestrian route), and 40% to the west. Complementing the glazing and service doors, the ground floor facing the Quays textured façade with bricks similar to those on the adjacent Shed 13. TAG consider that the extent of ground floor activation contributes potential for vibrant edge activation and provides variation in the façade which enhances the ground floor interface by providing eliminating wall surfaces that are featureless or plain.
257. TAG have also noted that the ground floor stud height of 3.8m will be suitable for a range of retail and other publicly relevant uses, although they do not consider this to be especially generous as it does not meet the guideline that ground floor height should be 30-50% higher than upper floors. Nevertheless it will be able to comfortably accommodate retail and remains acceptable.
258. Based on the advice from TAG, I consider that the proposal will be consistent with Policies 12.2.6.12 to 12.2.6.14.

Health, safety and security

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

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

Policy 12.2.6.17 Ensure that public spaces in the Central Area (including privately owned places that are characterised by public patterns of use) are suitably lit at night time to improve the safety and security of people.

259. Policy 12.2.6.15 seeks to employ urban design measures to reduce or prevent crime, and minimise or reduce threats to personal safety and security (commonly referred to as CPTED). As discussed in the assessment 'Public Safety' above, many improvements to the public realm have been carried out by the Council and by other developments nearby. The proposal will bring passive surveillance through the inclusion of ground floor tenancies which include the use of clear glazing at the ground floor, new lighting from the building, and replacement of a temporary carpark with activities which will likely increase presence of people and include public access. I therefore consider that the proposal is consistent with Policy 12.2.6.15 to 12.2.6.17.

260. I do note within the CPTED Statement prepared by Dr Stoks submitted with the application, lighting of the immediate public realm has been carried out by the Council in accordance with Resource Consent SR 320128, and that detailed lighting design for the proposed building would occur in the next stage of development. For this reason I believe that effective lighting of the building can be reinforced by conditions to ensure that Policy 12.2.6.17 will be met.

Streetscape

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

Policy 12.2.6.19 Maintain and enhance the streetscape by controlling the creation of vacant or open land and ground level parking areas.

261. The proposed building does not extend on or over legal road. However, the programme of final streetscape improvement works associated with the open space Resource Consent SR 320128 includes works to Whitmore Plaza and Lady Elizabeth Lane which are anticipated to be completed post construction of Site 9 to avoid having to carry out repairs or re-work should damage occur during construction. As such I consider the proposal will meet Policy 12.2.6.18.

262. The proposed building replaces the temporary car parking consented within Resource Consent SR 320128 with a new building consistent with Policy 12.2.6.19.

Objective 12.2.6 conclusion

263. Having considered the matters discussed above, I consider that the proposal will be consistent with Objective 12.2.6 and that the proposal will enhance the amenity and safety of the public environment within this part of the Central Area.

Building Amenity

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

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

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

264. Policies 12.2.7.1 and 12.2.7.2 seek to encourage opportunities to incorporate sustainable building design features and sustainable building methods to minimise potential adverse effects on the environment (as users of natural and physical resources). While the Applicant has not made any statement regarding the use of energy or other natural resources, including the use of renewable energy, the building must be constructed in accordance with the Building Code which includes provisions relating to energy efficiency. I also note that the building includes a substantial amount of glazing which will enable natural light to occupied spaces. In this regard I consider the proposal not inconsistent with Policies 12.2.7.1 and 12.2.7.2.

Coastal Environment

Objective 12.2.12 To maintain and enhance access to, and the quality of the coastal environment within and adjoining the Central Area.

- Policy 12.2.12.1 Maintain the public's ability to use the coastal environment by requiring that, except in Operational Port Areas, public access to and along the coastal marine area is maintained and enhanced where appropriate and practicable.*
- Policy 12.2.12.2 Enhance the natural values of the urban coastal environment by requiring developers to consider the ecological values that are present, or that could be enhanced, on the site.*
- Policy 12.2.12.3 Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment.*

265. Objective 12.2.12 identifies that maintaining and enhancing public access to and along the coast is an important issue. The explanation which follows under this objective and its corresponding policies records that²⁴:

"The coastal environment is an important asset for Wellington, and Council is concerned that its qualities and character are not degraded through inappropriate activities or development. Council aims to maintain and enhance the character and public amenity of the coastal environment by means of rules and strategies. The development of the Lambton Harbour Area as a unique and special part of the city and as a predominantly public area is an important element of the Council's coastal policy".

266. It is my opinion that the unique and special characteristics of this area of the Lambton Harbour Area are its distinctly urban coastal environment showcasing part of its former history as an operational port, rather than the natural environment which has been significantly modified. Natural features are limited to views of the harbour and the surrounding hills. In this regard, I consider that the proposal maintains these values through its setback from the water's edge, maintaining viewshafts identified in the District Plan, and not limiting or restricting any existing access to the waterfront. I also consider the range of diverse high quality public spaces within the North Kumutoto Precinct will remain and the precinct will continue to be predominantly a public area.
267. As discussed in the assessment 'Ecological Assessment' above, the Applicant has considered the likely effect on the marine environment from the proposal. As outlined above, it was noted by Dr Helson that the coastal environment has been significantly modified and therefore is not considered to have any significant ecological values. I also note that the immediate marine environment is identified by Dr Helson as being contaminated. Dr Helson does not anticipate that the proposal will significantly worsen the marine environment and I consider that these effects can be effectively controlled through conditions and therefore conclude that I do not consider the proposal to be inconsistent with Policy 12.2.12.2.
268. In considering the characteristics of the immediate environment, I believe the building's design enhances this character by taking inspiration from maritime themes and the site's former history as an operational port in the buildings design. Features such as a façade that mimics a container stack, and use of colours and

²⁴ Wellington District Plan, Chapter 12 Central Area, pg 12/50

materials like the ground floor brick wall which complement the character of the immediate adjoining building such as Shed 13, also enhance these characteristics of the coastal environment. I also consider that the proposal further enhances the coastal environment by bringing activity to the waterfront, and shelter that will enable public enjoyment of the coastal environment in various weather events.

269. I therefore consider that the proposal is consistent with Policies 12.2.12.1 and 12.2.12.3, and will not be inconsistent with Policy 12.2.12.2. The proposal will meet Objective 12.2.12 in my opinion.

Natural and Technological Hazards

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

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

Policy 12.2.13.4 Ensure that the adverse effects on the natural environment arising from a hazard event are avoided, remedied or mitigated.

270. As discussed in the assessment of 'Natural Hazards Effects' above, I am satisfied that hazards have been identified and that the proposal does not represent a vulnerable use or activity that is subject to a significant threat. I note in the assessment above that potential threats includes earthquake, tsunami, coastal flooding (including storm surge), and localised flooding from stormwater. The potential effects from climate change including rising sea levels have also been duly considered in the assessment.
271. The proposal in my view, being primarily commercial in nature, does not introduce vulnerable uses or activities to the area. The building will be required to meet National Building Standards in relation to earthquake risk and, in addition, includes base isolated upper levels. Further, the core structure of the building has been designed to withstand the effects of a tsunami, with upper levels providing refuge in the unlikely event that a tsunami were to affect Wellington.
272. The proposal has considered flood effects and the potential for sea level rise. Being located 2.5m above mean sea level, the proposal is not at present in any immediate risk of coastal flooding. It is identified that technology currently exists that can raise the ground floor in the event of a coastal flood and that this can be appropriately managed through conditions.
273. I am therefore satisfied that in the unlikely event of a natural hazard, the proposal has been designed to be able to avoid or mitigate such effects and therefore be consistent with Objective 12.2.13, Policy 12.2.13.1 and Policy 12.2.13.4.

Access

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

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

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

Policy 12.2.15.3 Manage the road system in accordance with a defined road hierarchy.

Policy 12.2.15.6 Manage the supply of commuter car parking.

274. As discussed in the assessment of 'Transportation and Parking Effects' above, I am satisfied the proposal will enable efficient, convenient and safe access for people and goods.

275. I consider that Policy 12.2.15.1 has been met. The waterfront is a popular destination for pedestrians with progressive upgrades to the environment by the Council and through private development within the precinct. The proposal further contributes to encouraging active transport as a preferred mode of transport by including within the design a recessed ground level providing shelter from rain and wind (both northerlies and southerlies) adjacent to both Lady Elizabeth Lane and Customhouse Quay. The proposal also includes end-of-trip facilities such as showers and lockers encouraging users of the building to use active transport as a preferred mode of transport.

276. I also consider the site's proximity to high quality public transport including the Wellington Railway Station and the pedestrian friendly nature of the waterfront will encourage users to consider these modes of transport and discourage car use as a preferred mode of transport.

277. The proposal doesn't provide for any car parking consistent with Policy 12.2.15.6. I consider that this will further encourage users to consider alternative modes of transport to the site and will minimise adverse effects from additional commuter traffic on the road network consistent with Policy 12.2.15.2. As outlined in the 'Transportation and Parking Effects' above, loading and rubbish collection will not result in an adverse effect on Lady Elizabeth Lane, with vehicles anticipated to use the existing loading bay nearby the Meridian Building or kerb directly adjacent to the proposed building, with Lady Elizabeth Lane having sufficient carriageway width to enable vehicles to pass when this occurs. I consider this appropriate with Lady Elizabeth Lane being a lower order road suitable to cater for deliveries consistent with Policy 12.2.15.3.

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

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

Policy 12.2.15.11 Consider waivers from the servicing or loading requirements:

- where suitable alternative off-street provision can be made; or*

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

278. As outlined in the 'Transportation and Parking Effects' above, servicing and loading facilities are not being provided within the building. The Council has lodged a resource consent to subdivide the proposed Site 9 building footprint onto an individual parcel for leasing purposes (SR424304) and therefore if resource consent is granted, post subdivision the servicing and loading facilities will not be on-site. I note that District Plan standards for the Central Area require each site to have on-site servicing and loading facilities. While land constraints make complying with this provision difficult, I consider that given size, scale and the nature of the activity being office, hospitality and potentially retail, the existing servicing and loading facilities provided being a dedicated loading bay near the Meridian Building, and ability to park in Lady Elizabeth Lane without affecting the movement of vehicles, the proposal is consistent with Policies 12.2.15.9 – 12.2.15.10.

279. In considering Policy 12.2.15.11 with regard to whether the on-site servicing and loading requirements can be waived, I have considered the size and shape of Site 9 post subdivision in SR424304 and considered the alternative provisions for servicing and loading provided in Lady Elizabeth Lane and adjacent to the Meridian Building. I have also considered the impracticality of providing on-site servicing and loading, noting the effects it would likely have on the design of the ground floor and its relationship to the adjoining open space. I consider the proposed provisions to be a suitable alternative consistent with Policy 12.2.15.11.

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

280. The Council aims to maintain, enhance and protect existing access arrangements in proximity to the proposed building. In this case, I consider the proposal meets Policy 12.2.15.14 in that no existing access will be lost or diminished as a result of the proposal. Access from Waterloo Quay and Customhouse Quay will be retained predominately as it is provided for today, with the pedestrian access from the Waring Taylor Street enhanced through an improvement alignment of the waterfront heritage gates. Lady Elizabeth Lane will continue to provide servicing and access to the waterfront and as mentioned previously, I consider that this access will be enhanced by provision of shelter via the recessed ground floor of the proposed new building.

Tangata Whenua

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

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

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

281. The applicant has obtained a CIR from the relevant Tangata Whenua in recognition of the cultural significance of the area to Maori. Wellington Harbour also has Statutory Acknowledgement under Schedule 11 of the Act. Although the CIR did not raise any cultural issues with the construction of the building, the report highlights that reconnecting the people of Wellington (Maori or otherwise) with te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important to Tangata Whenua. The proposal is supported by Tangata Whenua in this regard, subject to an accidental discovery protocol being implemented during the site works, as is intended.
282. As is the case with any resource consent application, the principles of the Treaty of Waitangi/Te Tiriti o Waitangi must be considered (taken into account) in relation to Section 8 of the Act. These matters are discussed further under the assessment below in relation to Part 2 of the Act.
283. I consider that the proposal will be consistent with Policy 12.2.16.1 and 12.2.16.3, and will not be inconsistent with Objective 12.2.16.

Heritage

284. The Heritage Chapters of the District Plan (Chapters 20 and 21) set out the objectives and policies and rule framework intended to protect the City's historic heritage from inappropriate use, development and subdivision. The Heritage provisions identify both the City's built heritage (buildings, objects, specific areas, archaeological sites and their surroundings) and sites of significance to Maori.
285. As outlined in the 'Heritage Effects' assessment above, the proposal will not alter or physically affect any listed heritage building or object in the District Plan, nor will the proposed works be located on the same 'site' (as defined in the District Plan) as any specific heritage listed item. As such, consent is only required under the heritage rules due to some uncertainty as to whether the eaves of the Former Eastbourne Ferry Terminal, a heritage listed building, is technically on the same computer freehold register as Site 9. The Former Eastbourne Ferry Terminal building is located on the opposite side of Whitmore Plaza 30 – 40m away, directly in front of Site 10. I consider that the height and scale of Site 10 has a much stronger relationship to the Former Eastbourne Ferry Terminal building than Site 9 which is smaller in scale and located some distance away. As such, I consider that Site 9 will have no effects on the heritage values of the Former Eastbourne Ferry Terminal building.
286. As such, I do not consider Chapter 20 and 21 strictly applicable, with the effects of height on Shed 13 duly considered in the assessment of the 'Heritage Effects' above. However for completeness, I have considered Chapter 20 and 21 relevant and have considered the Objectives and Policies as they apply to Shed 13.

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

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

287. As outlined in the 'Heritage Effects' assessment above, I consider that the proposal has recognised the potential effects on matters of historic heritage. I consider the matter of potential impact is limited to the directly adjacent Shed 13 and heritage gates to the waterfront from Waring Taylor Street and Whitmore Plaza. The conclusion of the assessment by Archifact – Architecture and Conservation Limited, Ms Mulligan and HNZPT is that the proposal has no adverse effects on matters of historic heritage and that these objects will remain protected. In addition, as mentioned elsewhere in this report, I consider that the heritage values of Shed 13 have been incorporated into the design including the height, horizontal scale, and ground level façade design. I therefore consider that the proposal is consistent with Policy 20.2.1.4.

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

288. As outlined in the 'Archaeological Values' assessment above, it was noted that the site is not an archaeological site as defined within the Heritage New Zealand Act 2014 as it was reclaimed after 1900. However, Ms O'Keeffe and Ms Mulligan have identified that the works may have an effect on post 1900 archaeological values, including wooden cobbles, foundations or features associated with the 1904 Shed 15, and the 1901 seawall. Neither Ms O'Keeffe or Ms Mulligan have raised any significant concerns regarding post 1900 archaeological values, however Ms Mulligan has recommended that where possible, post 1900 archaeological artefacts be incorporated into the design of Site 9. I concur with Ms Mulligan's recommendation and have included conditions of consent requiring a archaeologist be present and where possible retention of post 1900 archaeological artefacts which I consider will assist in remedying or mitigating these effects. I therefore consider that the proposal is not inconsistent with Policy 20.2.1.11.

289. Overall, I consider that the proposal meets Objective 20.2.1.

Earthworks

290. Under the 'Introduction' section to Chapter 29 of the District Plan, it is recorded that²⁵:

"Earthworks are essential to the development of the City. They create the areas of level land used for living, business and recreation, and the even gradients for paths and roads that enable people to get from place to place. They are integral to the construction of foundations and buildings. For all these reasons, and more, earthworks are part of many development projects in the City..."

291. The objectives and policies under Chapter 29 of the District Plan have been developed to achieve the sustainable management of earthworks, concentrating on the type of earthworks that are environmentally acceptable, and how the adverse effects of earthworks (including associated structures) can be avoided, remedied or mitigated as appropriate. Effects from earthworks are limited primarily to the construction phase as, other than foundations and site preparation for the building, the land outside of the building footprint will remain unchanged. As such consideration of the below objectives and policies have been carried out as relevant to the construction phase of the project only.

²⁵ Wellington District Plan, Chapter 29 - Earthworks, pg 29/1

Objective 29.2.1 **To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.**

Policy 29.2.1.1 *Ensure that the design and assessment of earthworks and associated structures is coordinated with future land development and subdivision.*

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

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

Policy 29.2.1.11 *Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.*

292. The proposed earthworks have been designed specifically to accommodate the building of Site 9. I therefore consider that Policy 29.2.1.1 has been met in that this specific design will be coordinated with the future development of the land.

293. An assessment of earthworks effects including instability, erosion, dust and sedimentation has been carried out in the assessment of 'Earthworks Effects' above. Mr Davies has reviewed the draft construction methodology for earthworks submitted with the application and proposed mitigation measures. Mr Davies has requested that an EMP is submitted which is standard practice across larger development sites once construction methodology and contractors are finalised. I note the earthworks are likely similar to that of Site 10 with the exception that Site 10 had a basement whereas Site 9 does not. I note that post construction earthworks will not be visible as they are only to the extent necessary to construct a new building. Further, Mr Davies has not raised any concerns regarding earthworks and anticipates that industry standard methodologies will be able to control earthwork effects during construction and will be carried out and can be appropriately controlled through conditions. I agree with Mr Davies and thus consider that Policy 29.2.1.3 and 29.2.1.4 will be able to be met.

294. The Draft Demolition Management Plan submitted with the Construction Management Plan outlines measures that will be carried out to control effects from transportation of earth and construction fill. These include traffic control, covering loads leaving the site, signage, hoarding and fencing to control public access, and compliance with a Traffic Management Plan. No concerns have been raised by Mr Rowe in regards to the capacity of the road network to cater for traffic, noting that similar routes would have been employed during the construction of Site 10. As such, I consider that transportation effects from earthworks can be appropriately managed as outlined by the Applicant and through conditions and consider that Policy 29.2.1.11 would be able to be met.

295. Considering the matters above and through the implementation of appropriate conditions of consent, I consider that the proposal will be consistent with Objective 29.2.1 and the relevant corresponding policies.

Contaminated Land

296. On 1 January 2012, the NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations came into effect. The provisions of the NES take precedence over the matters under Chapters 31 and 32 in relation to human health. Therefore, aspects of Chapters 31 or 32 which refer to human health have not been considered, despite remaining specified within the current version of the District Plan. These matters are appropriately considered under the NES. Notwithstanding, the Contaminated Land Chapters contains matters relating to wider environmental factors, including: effects of contamination on built structures, ecological and amenity values, soil quality and the wider environment. These factors still require consideration under Chapters 31 and 32. With this in mind, the relevant objectives and policies under Chapter 31 are outlined below with text related to human health shown as ~~strikethrough~~.

Objective 31.2.1 *To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on ~~human health and the environment~~.*

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

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

Policy 32.2.1.4 *Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on ~~human health and the environment~~.*

297. As outlined in the 'Contaminated Land Effects' assessment above, I consider that the proposal has recognised the potential effects resulting from works on contaminated land. While remediation is not proposed nor feasible, measures are proposed to be carried out during construction to control adverse effects from earthworks and are outlined in the draft SMP. These include employing a Contaminated Land Specialist during earthworks, use of personal protective equipment, and use of safe working procedures. During earthworks the SMP identifies that controls and reporting will need to be in place during soil disturbance, stockpiling and transportation to contain and control contaminated soil to minimise further contamination into the wider environment. The SMP is proposed to be modified as necessary during construction.

298. The SMP identifies that during any dewatering procedures, ground water contamination can be managed through soakage on-site (for shallow excavations), or disposal via the stormwater or tradewaste network, with water treated prior to disposal to the stormwater network via a settlement tank, filter, flocculants, and if needed a hydrocarbon separator.

299. I note that in many instances contaminated soil is best retained in-situ where it can be appropriately contained and controlled to minimise exposure to the wider environment. I consider in this instance, other than during construction, contaminated land will remain capped via handstand and retained in the ground. I consider that based on the measures contained within the SMP to control

potential effects during construction, the potential effects from contaminated land can be appropriately managed and controlled on-site consistent with Policies 31.2.1.2 to 32.2.1.4.

Contaminated Land Assessment Criteria

300. The following assessment criteria are also considered relevant in considering the proposal and what conditions to impose, as identified under Rule 31.2.1

32.2.1.5 The proposed methodology for the remediation of the land, including as appropriate the provision of a Remediation Plan that addresses:

- *How any adverse effects on the surrounding environment resulting from earth moving or removal and any potential discharges from the site will be managed (eg sediment control, site covering and dust control),*
- *Where soil is to be removed from the land, the appropriate tracking and safe transport to land that is authorised and / or consented for the disposal of any contaminated soils.*
- *How the ~~health~~ and safety of the workers and the wider community will be provided for during works, including, if necessary, the presence of public exclusion zones, site security and location of worker amenity facilities.*
- *The standard of remediation on completion.*
- *The potential for recontamination to occur, where the land may become contaminated due to the presence of contamination on adjacent land or sites.*
- *Any alternatives to remediation, where there are more appropriate mitigation techniques to remediation that will avoid risk to ~~public health~~ and safety and prevent exposure to the contaminated soil.*
- *Any potential long-term or cumulative effects of discharges from the land.*

32.2.1.6 The extent to which any proposal for the remediation and / or ongoing management of contaminated land meets the Ministry for the Environment's Contaminated Land Management Guidelines 1 to 5, any relevant Ministry for the Environment industry-specific contaminated land guidelines, ~~the Ministry of Health's Guidelines for Public Health Services for Managing Lead Exposed Persons and the Management of Asbestos in the Non-Occupational Environment, and the Department of Labour's Health and Safety Guidelines on the Cleanup of Contaminated Sites.~~

32.2.1.7 The extent to which any potential adverse effects of remediation and / or ongoing management are acceptable.

32.2.1.8 The suitability of the land for its proposed end use, including whether adequate measures are proposed to ensure the on-going safe use of the land.

32.2.1.9 The nature of any relevant Regional Council requirements or consent conditions.

301. As noted, the site is not proposed to be remediated but rather to retain the contaminated land in-situ where it will be capped through hardstand and building above, which controls potential long term exposure to the contaminated land. Therefore, the consideration of the assessment criteria is limited to managing the potential effects of construction activities which I am satisfied will be acceptable through the measures outlined in the SMP and controlled via conditions.

Overall Summary of District Plan Provisions

302. Having considered the relevant objectives and policies within the Central Area, Heritage, Earthworks and Contaminated Land Chapters of the District Plan; and, having regard to the relevant assessment criteria, I consider that the proposal will be generally consistent with the strategic direction of those provisions.

Section 104(1)(c) Other Matters

Wellington Waterfront Framework (2001)

303. The Wellington Waterfront Framework (WWF) was adopted by Council in 2001. The purpose of the WWF was to guide the future development of Wellington's central waterfront area, particularly given the extent of interest the community has on waterfront development. The intention of the WWF was to provide people with clarity and certainty of development on the waterfront while retaining some flexibility. The establishment of the WWF follows a period of public engagement and consultation. I note that the strategic intent of the WWF was reviewed by the Council and the outcome of this exercise was that on 8 September 2011 the Council agreed to reaffirm the values, principles and objectives of the 2001 Framework.
304. The WWF is referenced within the District Plan as a way of achieving a number of Central Area policies (Policy 12.2.3.2, 12.2.6.1, 12.2.6.4, 12.2.8.1 – 12.2.8.9 and 12.2.12.4). Despite references in the District Plan, the Environment Court declared that the WWF was 'ultra vires' or beyond the law as part of its decision *Intercontinental Hotel vs Waterfront Investments Limited W014/2008* on the basis that the WWF itself did not go through the plan change process under Schedule 1 to the Resource Management Act 1991, and therefore does not form part of the District Plan.
305. Notwithstanding the directive of the Environment Court, I consider the WWF to be a relevant 'other matter' under s104(c) when considering development on the waterfront, given its long standing history as a guidance document prior to the 2008 decision and the level of public consultation which led to its creation.
306. Ms Popova and TAG have carried out a detailed assessment of the proposal against the values and principles within the WWF as discussed above. I do not consider that anything further need be added in this report and consider that the proposal has adequately taken the WWF into consideration as part of the design of Site 9.

Wellington Towards 2040: Smart Capital (2013)

307. *Wellington Towards 2040* is a non-statutory document that sets out a vision for Wellington focused on the future development of the city over the next 30 years. As a 'vision' document, it provides a statement of the future that the Council wants for Wellington and how this could be best achieved and can be used by decision makers as an aid in future decision making.
308. *Wellington Towards 2040* acknowledges a number of challenges the city faces now and over the medium to long term. In particular, it identifies a need to build

resilience to respond to these challenges including economic, social, physical and environmental resilience.

309. The document identifies that Wellington faces competition from big cities and global competition for talent. It notes that smaller cities like Wellington need to find ways to stand out and position themselves in terms of what a city can offer to attract skilled populations.
310. I consider the proposal meets the vision and responds well to the challenges identified in *Wellington Towards 2040*. I consider the provision of a new premier office building on the waterfront would provide accommodation for skilled employment and be an attractive location for a global or local company and their staff. The design is climate resilient having considered the effects of climate change including sea level rise and is also resilient to natural hazards with the design considering the potential effects of an earthquake and tsunami.
311. The proposal is also consistent with the four city goals outlined in *Wellington Towards 2040* as outlined below:
- People-Centred City - The maritime themes in the building's design reflect the historic working nature as an operational port on the waterfront which contributes to shaping Wellington's character and sense of identity. The building frames the adjoining public open space, enhances pedestrian accessibility through new shelter, and enhances activation through ground level activities on the waterfront.
 - Connected City – The building's location is well connected to the waterfront and it has good accessibility to the business heart of Wellington, other offices in the CBD, and the Wellington Railway. The building is located adjacent to an arterial route (Waterloo Quay / Customhouse Quay) and provides opportunities for active transport through the provision of end-of-trip bicycle facilities and storage.
 - Eco-City – Effects from potential environmental harm during construction have been identified and mitigation and management measures have been proposed. This includes effective industry standard measures to manage potential exposure of contaminated land and sedimentation during earthworks. The proposal discourages driving as a mode of transport by not providing dedicated car parking and encourages alternative modes such as cycling and walking to reduce carbon emissions. The site is also within close proximity to high quality public transport being only a short walk from the Wellington Railway Station.
 - Dynamic Central City – The building contributes to Wellington as a dynamic centre providing a new premier office building which will be attractive to global and local firms and their staff. The ground level tenancies provide active uses such as retail and hospitality offerings reinforcing the Wellington Waterfront as a destination of choice by providing new opportunities for businesses to offer lifestyle, entertainment and services that are expected in a bigger city.
312. In my view, the proposed development will contribute to the values and vision outlined above in the *Wellington Towards 2040*.

Central City Framework (2013)

313. Following from the *Wellington Towards 2040*, the 'Central City Framework' outlines how the vision of *Wellington Towards 2040* will be implemented by the Council including objectives, opportunities and priorities. It reinforces implementation of the WWF which has been addressed in detail by Ms Popova and TAG. It also specifically identified opportunities for the Council to improve waterfront connections which the proposal contributes towards this by improving the realignment of the heritage gates on the Waring Taylor Street entrance and provision of new pedestrian shelter within the recessed ground floor. While I consider the document has only limited applicability to a private development, I consider the proposal contributes to the implementation of the Central City Framework.

Walking Policy (2008)

314. The Council's Walking Policy provides a framework for initiatives to collaboratively improve the pedestrian walking environment in Wellington, with a focus on promoting walking trips that would otherwise be taken by car. The policy recognises the recreational, transport, environmental, community/social, and economic benefits of walking. Specific objectives of the Walking Policy relevant to the proposal include:

- Objective 2: To improve pedestrian safety throughout the city; and
- Objective 3: To improve the experience of those moving through or about the Central Area.

315. In relation to Objective 2, it is suggested that the proposal provide visual cues to delineate the edge of the vehicle carriage way and potentially minimise conflicts between pedestrians and vehicles. These may include bollards, street furniture or planter boxes recommended as a condition by Mr Rowe. This will improve pedestrian safety along Lady Elizabeth Lane and aid in identifying the vehicular carriageway from the pedestrian environment whilst also reducing impacts of building strike from vehicles.

316. In relation to Objective 3, the proposal improves the experience of those moving through the Central Area by provision of pedestrian shelter, lighting and ground level activation. It also provides alternative paths of travel depending on the wind direction.

317. In relation to personal safety and security, Dr Stoks has concluded in Section 3 of his Crime Prevention Through Environmental Design (CPTED) Statement (Appendix 20 of the application) that in his opinion, there are no intrinsic safety or security weaknesses. It is his view that the proposed design and landscape redevelopment has taken into account and has achieved an appropriate level of CPTED commensurate with the level of detail reached for consideration of this resource consent.

318. Considering this advice, I am of the view that the proposal will be consistent with Objective 2 of the Council's Walking Policy in that pedestrian safety throughout the area will be maintained and enhanced as a result of this proposal.

Guidelines for Design Against Crime

319. Volume 2 of the District Plan contains Guidelines for Design against Crime. This design guide is specified as Non-Statutory and for guidance only²⁶. Through applying the established CPTED principles, this design guide intends to reduce the opportunity for crime to occur against both people and property in public spaces. Dr Stoks in his CPTED statement has specifically considered the *Guidelines for Design Against Crime* in his assessment which was also reviewed by TAG. I accept Dr Stoks conclusions that the design takes into account these guidelines and that further works will be undertaken at the detailed design stage (in terms of investigating lighting for instance) to improve the performance on the proposed public space area.

WCC Heritage Policy (2010)

320. The WCC Heritage Policy is described as the ‘background statement’ which sets out the intent for the Council to carry out its responsibilities required by legislation, including its obligations under the Resource Management Act 1991. The policy is intended to provide a focused direction for the management and identification of Historic Heritage for the future.
321. The policy consists of an overall vision that²⁷: *“Wellington is a creative and memorable city that celebrates its past through the recognition, protection, conservation and use of its heritage for the benefit of all the community and visitors, now and for future generations”*.
322. This vision is supported by three high-level goals, being:
- **Recognition** – *Wellington’s heritage is recognised as contributing to our understanding of our cultural diversity and awareness of sense of place.*
 - **Protection, conservation and use** – *Wellington’s unique character is enhanced by the protection, conservation and use of its heritage.*
 - **Sustainable economic use** – *Wellington’s heritage is acknowledged as contributing to a vibrant economy.*
323. The policy outlines six objectives with corresponding action points. These objectives are broadly summarised as follows:
- **Objective 1 - Recognition:** Identify and recognise buildings, places and areas which have significant heritage value; expand and maintain a heritage inventory; and, continue to ensure that such places are fully researched and documented
 - **Objective 2 – Protection:** Protect heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration, earthquake risk and inappropriate subdivision, development and use. This is to be achieved through the District Plan and other statutory instruments (such as the Building Act 2004).

²⁶ Wellington District Plan, Volume 2, Guidelines for Design against Crime, pg 1

²⁷ WCC Heritage Policy 2010, pg 4

- **Objective 3 – Public Awareness:** To promote and celebrate the City’s heritage by highlighting the contribution that heritage conservation makes to the built and non-built environment; and, establishing effective partnerships with owners and stakeholders for the better management and sustainable use of the city’s heritage.
- **Objective 4 – Conservation:** To ensure that best practice in heritage conservation is followed by Council staff, practitioners, owners and occupiers of heritage buildings and archaeological sites, and to minimise the loss of heritage values.
- **Objective 5 – Sustainable Economic Use:** To encourage and support economic growth that preserves and enhances the distinct character of communities, neighbourhoods, urban quarters and suburban centres through the sustainable use of the city’s heritage assets. This includes encouraging the sustainable use of existing heritage buildings and supporting owners in the management of heritage items through the Council’s Built Heritage Incentive Fund.
- **Objective 6 – Council Effectiveness:** To provide effective support for the implementation of the Council’s objectives and aspirations for the city’s heritage within both Council-related functions and through developing strong relationships with relevant mana whenua and other key stakeholders.

324. The Heritage Policy outlines that²⁸:

“Protecting the city’s heritage is not about locking it up. Constantly acknowledging the past provides the population with an enhanced sense of place, sense of belonging and sense of pride in the heritage of the city, in both urban and rural areas. The continued use of heritage buildings is essential to the city’s survival and should not be at the loss of important heritage fabric. The challenge is to protect the most valued heritage places in an evolving environment while meeting the needs of a rapidly changing community”.

325. WCC Heritage Policy recognises that the protection and use of the city’s historic heritage resources are fundamental to the sustainable management of Wellington’s natural and physical resources and seeks to align its definition and interpretation of the historic heritage with that of the Resource Management Act. The policy provides direction for the Council in exercising its broad range of functions in terms of heritage management in a way which is consistent with the Act.

326. For the reasons outlined in the ‘Heritage Effects’ assessment above and relevant policies and objectives of the District Plan which relate to heritage, I consider the proposal to be consistent with the Council’s Heritage Policy.

Port Nicholson Block (Taranaki Whanui ki Te Upoko o Te Ika) Claims Settlement Act 2009

327. The Wellington Harbour Area is identified as a Statutory Area under the Port Nicholson Block (Taranaki Whanui ki Te Upoko o Te Ika) Claims Settlement Act 2009.

²⁸ WCC Heritage Policy 2010, pg 4

328. Section 25 of this Act requires consent authorities to consider whether trustees of the Port Nicholson Block Settlement Trust are persons who may be adversely affected as the activity is within, adjacent to, or directly affects a statutory area. In this case, public notification was requested by the applicant under section 95A of the RMA and notice was served directly on the Port Nicholson Block Settlement Trust. I note that a CIR has been included with the application (Appendix 7) which was prepared in association with Port Nicholson Block Settlement Trust and Wellington Tenth Trust. No further submission or subsequent comments have been received in relation this statutory acknowledgement.

Ngati Toa Rangatira Claims Settlement Act 2014

329. The Wellington Harbour Area is identified as a Coastal Statutory Area under the Ngati Toa Rangatira Claims Settlement Act 2014.
330. Section 25 of this Act requires consent authorities to consider whether trustees of the Te Runanga o Toa Rangatira (Ngati Toa) are persons who may be adversely affected as the activity is within, adjacent to, or directly affects a statutory area. In this case, public notification was requested by the applicant under section 95A of the RMA and notice was served directly on the Te Runanga o Toa Rangatira (Ngati Toa). No further submission or subsequent comments have been received in relation this statutory acknowledgement.

Variation 11 Decision

331. The Environment Court's decision on Variation 11 rejected the Variation and instead, Plan Change 48 became operative without the Variation. Accordingly, Variation 11 has no legal status and is not a document listed in section 104(1)(b) of the RMA. The question is whether the decision is an 'other matter' the consent authority considers relevant and reasonably necessary to determine the application (section 104(1)(c) of the RMA) and if so, what weight to give it.
332. The Environment Court's decision is a decision on a Variation to a Plan Change, not a resource consent. The context of what was being considered is therefore different. In Variation 11 the Court was looking at what the most appropriate planning provisions were for the Kumutoto area, not necessarily the specific detail of what is an acceptable level of development on any particular site. The height referred to by others was the Court considering (in the context of Variation 11) that the level of development that could be dealt with as a restricted discretionary activity on Site 9 (referred to as Block B in the Court decision) and allow a comparison to a permitted baseline was a 16-19m high building with a development footprint of 920m².
333. In my view, the commentary provided as part of the Environment Court's decision is noteworthy as it provides guidance as to what it considered an appropriate height and footprint over Site 9. I consider the Courts position on the site only relevant insofar as determining what it considered in generic terms to be an appropriate height and development footprint for Site 9. It did not consider any specific aspects of design which would still be subject to discretion as part of a resource consent. In this regard the Court noted that all witnesses agreed that a footprint of 920m² was appropriate, as was a height adjustment between 16m (south) – 19m (north), for consideration as a restricted discretionary activity had Variation 11 proceeded.

334. Accordingly, I consider that the decision on Variation 11 is relevant as part of the planning history for this site, and I believe that some weight can be given to this decision in order to help determine the application.

SECTION 7 – OVERALL PART 2 EVALUATION

335. Consideration of an application under section 104 of the Act is subject to Part 2 (sections 5, 6, 7 and 8 of the Act). Part 2 sets out the purpose and principles of the Act. “Subject to” gives primacy to Part 2 and is an overriding consideration when applying the provisions of the Act. In achieving the purpose of the Act, Part 2 of the Act requires the consent authority to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

Section 5: Purpose

336. The purpose of the Act is stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5(2) goes on to state that sustainable management means:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 6: Matters of National Importance

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

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*

338. The subject site is located within a heavily modified coastal environment. The Lambton Harbour Area is recognised specifically in the Regional Coastal Plan and the Wellington City District Plan as having a distinctive character. The site is located on reclaimed land and is highly modified with many man-made structures. However, the site retains natural character through, in particular, its outlook and harbour setting. The proposed development will preserve this natural character in

my view and I consider that the proposed development and use will be appropriate.

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers

339. This area of the Wellington waterfront area is a significant area of public space and the proposal will maintain and enhance public access to and along the coastal marine area. Specifically, the proposal will provide pedestrian shelter along the waterfront and will not reduce any existing areas of public access.

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

340. Recognition of the significance of the coastal marine area and the immediate surrounds (in particular Kumutoto Stream, Waipiro Stream and the Tutaenui Stream) has been provided for through the consultation with relevant tangata whenua and the statutory acknowledgement of the Wellington Harbour Area. The CIR recognises the importance of reconnecting the people of Wellington with te moana o te Whanganui a Tara (the waters of Wellington Harbour). In this regard, the CIR explicitly states that the building on Site 9 raised no Maori cultural issues..

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

341. The area is rich in historic heritage. Particular regard has been had for the protection of historic heritage from inappropriate use and development. The effects resulting from the proposal are not considered by Archifact – Architecture and Conservation Limited, Ms Mulligan, or HNZPT to be inappropriate. The proposed site works will offer opportunities to uncover potential archaeological sites which remain extant underneath the site. These may contribute to the understanding and appreciation of New Zealand's history and cultures.

Section 7: Other Matters

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

(a) Kaitiakitanga

343. The Applicant has consulted with Wellington Tenth's Trust and the Port Nicholson Block Settlement Trust which raised no cultural issues with the building of Site 9 but have requested that a condition of consent be imposed requiring an accidental discovery protocol to be implemented during the works. This condition would require ongoing contact with tangata whenua during the construction period in the event that cultural items of taonga are discovered. Tangata Whenua will continue their kaitiaki relationship to the site in this regard.

(aa) The ethic of stewardship

344. The applicant has carried out a comprehensive AEE and together with the supporting reports, documents and recommended conditions I consider effects from the building on the surrounding environment will continue to be effectively addressed to an acceptable level. The applicant has identified the potential environment effects and mitigation is offered to manage these. It is considered that the building's owner, along with the Council who has accepted the mitigation measures as appropriate will continue to own the land under the building as well as manage the area adjoining the building will remain stewards of the immediate environment, and that the proposal demonstrates an ethical approach to the stewardship of the area

(b) The efficient use and development of natural and physical resources

345. The proposed development and the construction of the proposed commercial building will be appropriately located within the Central Area where the infrastructure and transport services are provided to service this building. It is also located in an area containing a mix of public open space and commercial development. The site is currently used for at-grade carparking. The proposal will be a more efficient use of natural and physical resources than its current use as a car park. Further, it will provide addition commercial office space and complementary activities to the adjoining open space.

(c) The maintenance and enhancement of amenity values

346. 'Amenity values' is defined under section 2 of the Act as "those natural or physical qualities or characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes". I acknowledge that the construction of the proposed building will result in a change in private views from adjoining buildings (particularly across from Customhouse Quay) and from some areas of the waterfront and adjacent road network (including for pedestrians). However I consider that the intrinsic value of views is very subjective and the change in views from an open car park to an architecturally designed building could actually enhance the amenity values. I acknowledge that views across the harbour from some levels of these properties may be impacted, however I consider these impacts would be minor and that the proposed building will enhance amenity values in other respects (building design quality, pedestrian shelter among other things).

(d) The intrinsic values of ecosystems

347. The site being a heavily modified reclaimed foreshore has limited or no intrinsic values of ecosystems and I consider it fanciful that it would ever be naturalised given the historical and built-up nature of the site. As outlined above, the proposal is unlikely to have any effect on the ecosystem values in the harbour with sedimentation and potential release of contaminated soil able to be appropriately controlled during construction.

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

348. I note that under the Act, 'environment' is broadly defined to include (a) ecosystems and their constituent parts (including people and communities); (b) all natural and physical resources; and (c), amenity values. 'Environment' also includes the social, economic, aesthetic and cultural conditions which affect matters (a) to (c) or which are affected by those matters. The effects on ecosystems and their intrinsic values have been assessed above. As stated

earlier, it is my opinion that the proposal will result in the efficient use of natural and physical resources. Consideration has been given to the effects on a range of amenity values and I conclude that overall, the amenity of the environment will be enhanced. I have also given consideration to social, economic, aesthetic and cultural conditions of the proposal and consider that overall the proposal will result in a positive enhancement in the quality of the environment.

(g) The finite characteristics of natural and physical resources

349. The availability of land is a finite resource, particularly land within or in close proximity to the coastal environment. Having considered the application, I consider that the development of a commercial building on this site is appropriate and complementary to the adjoining open space. The majority of the waterfront remains public open space and the proposal is considered consistent with the District Plan policies and other strategic documents relating to the waterfront.

(i) The effects of climate change

350. The effects of climate change and the potential effects on natural hazards have been considered as part of the assessment of this application and through the technical experts listed within this assessment. Regard has been had to the effects of climate change including taking into account potential sea level rise and storm surge flooding.

Section 8: Treaty of Waitangi

351. Section 8 states that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi. The Treaty and its principles are an important part of the cultural and constitutional identity of New Zealand. Treaty principles interpret the Treaty as a whole, its underlying meaning, intention and spirit to provide further understanding of the expectations of the signatories.
352. The Applicant has consulted with the relevant Tangata Whenua and cultural issues have been considered as part of this application. Wellington Tenth Trust and Port Nicholson Settlement Trust have provided their support to the proposal, subject to an accidental discovery protocol being implemented as a condition of consent. This condition will ensure the on-going participation by the relevant iwi groups as the proposal progresses through to excavation and construction. The proposal is not inconsistent with the principles of the Treaty of Waitangi in my opinion.

Overall Examination of Part 2

353. Drawing from the conclusions of this report, I consider that the proposed development will be consistent with the purpose of the Act (Section 5), and Part 2 more generally. Specifically:
- The proposal will promote the sustainable management of natural and physical resources through the use and development of high quality commercial building that complements and enhances the adjoining (established) areas of public open space on the waterfront.
 - The proposed use and development of the new commercial building will also enable people and communities to provide for their social, economic and cultural well-being.

- The proposal involves the removal of existing at-grade carparking and will facilitate the construction of a building as anticipated by the strategic framework relevant to the assessment of the proposal.
- The proposed development will provide for a number of positive effects, and generally the adverse effects of the proposal on the environment can be appropriately avoided, remedied, or mitigated. Additionally, as discussed within the report, I consider that by providing additional information in relation to rooftop design, façade treatment, wind mitigation and kerb treatment during detailed design any potential adverse effects can be appropriately mitigated so that the overall environmental outcome will be acceptable. I invite the applicant to comment further in this regard.

354. Subject to a satisfactory outcome in relation to the effects of the proposal on the public wind environment, which may require further information and analysis, and the other matters mentioned above, I am satisfied that the proposal will promote the sustainable management of natural and physical resources in accordance with the purpose of the Act, and in accordance with Part 2 of the Act more generally.



Elliott Thornton
Senior Consents Planner
Wellington City Council

9th April 2019

urban

PERSPECTIVES LTD

Level 5
82 Willis Street

PO Box 9042
Wellington 6141
New Zealand

24 September 2019

City Planning
Wellington City Council
P O Box 2199
Wellington

Attention: Peter Daly
Senior Consents Planner

Dear Peter

Re: 2-12 Aitken Street - Application for Resource Consent

I refer to our pre-application meeting held on Thursday 12 September 2019 and our subsequent discussions relating to the new Central Area building proposed for 2-12 Aitken Street, Pipitea.

On behalf of our client, PSPIB/CPPIB Waiheke Inc, I now enclose a resource consent application prepared in accordance with s88 of the Resource Management Act 1991.

As requested, four copies of the application are enclosed, plus an electronic copy on the USB Flash Drive.

Public Notification Requested

As previously advised, I confirm the Applicant's request, pursuant to s95A(3)(a) of the Resource Management Act 1991, that Council publicly notify the application.

To this end, I have attached our cheque for \$16,000.00 as the application deposit fee for a publicly notified resource consent application.

Timing of Public Notification

Notwithstanding the application being lodged with Council on 24 September 2019, could you please not commence the actual process of public notification prior to receiving confirming instructions from the Applicant's representative, Bob Hall. Mr Hall's contact details are:

Bob Hall
rjha limited
bob.hall@rjha.co.nz
Mob: 021 412 210

For all matters associated with the application, Bob Hall should be your first point of contact for the Applicant.

tel: 64 4 499 9725
urban@urbanp.co.nz

Urban Perspectives Contact

As advised, I will be on leave from Wednesday 25 September 2019 returning to the office on Tuesday 29 October 2019.

Therefore, if during my absence you need assistance from Urban Perspectives, after discussing the nature of your request with Bob Hall, you should contact:

Mitch Lewandowski
mitch@urbanp.co.nz
DDI: 474 4112

Yours sincerely



Alistair Aburn
Environment and Resource Management Consultant
Director
URBAN PERSPECTIVES LTD
DDI (04) 474 4111 email: alistair@urbanp.co.nz

**Notice of Requirement
Section 149ZCB (1)-(4), 149ZCC (1)-(4), 149ZCE, 149ZCF
of the Resource Management Act 1991
Notification Decision Report**

8 September 2020

Service Request No: SR455891

File Reference: 0600 1001102

1. APPLICATION DETAILS

<u>Site Address:</u>	28 Stewart Duff Drive / 52 Moa Point Road; 124 Calabar Road; 333 – 343 Broadway; 3 – 25 Miro Street
<u>Legal Descriptions:</u>	See appended table
<u>Owners:</u>	Wellington International Airport Limited (WIAL)
<u>Application Type:</u>	Notice of Requirement (NOR)
<u>Requiring Authority:</u>	Wellington International Airport Limited
<u>Purpose:</u>	Airport Purposes
<u>Service Request No:</u>	SR455891
<u>File Reference:</u>	0600 1001102
<u>District Plan Area:</u>	Airport and Golf Course Precinct, Outer Residential Area and Open Space B
<u>Notations in District Plan:</u>	Subject to designations M5, A2, A3, G2, G3, 58
<u>Locality Plan:</u>	Refer to Figure 1 below

1.1 Application Documents

The Requiring Authority has provided the following information with the NOR:

- A notice of requirement document (NOR) dated 4 December 2019.
- Supporting appendices to the NOR document including:
 - Appendix A: Proposed Designation
 - Appendix B: Legal Descriptions and Certificate of Titles
 - Appendix C: Designation Form and Conditions
 - Appendix D: Conceptual (Partial) Master Plan
 - Appendix E: Wellington International Airport Ltd as Requiring Authority
 - Appendix F: Map of Utilities

- An updated draft of proposed conditions, responding to issues raised by the Council's requests for further information¹.

2. SITE AND SURROUNDING ENVIRONMENT DESCRIPTION

2.1 Site Description

Wellington International Airport and the Miramar Golf Course cover approximately 142ha in the east of the city. Until recently, the Airport landholding was around 110ha, and the Golf Course is about 32ha. In October 2019 it was announced that 15.6ha of the Golf Course would be sold to the Airport.

The district plan Airport and Golf Course Recreation Precinct separates the activities of Wellington Airport and the Miramar Golf Course into two distinct areas; the Airport area, and the Golf Course recreation area. The Airport area is divided into five sub-areas being: Terminal; Rongotai Ridge²; Broadway³; South Coast; and West Side. The designation sought by WIAL adopts the same descriptors for those sub-areas, although it refers to them as "precincts". Other than the Rongotai Ridge and Broadway precincts, the remainder of the Airport is held under titles with the collective address of 52 Moa Point Road / 28 Stewart Duff Drive.

The Airport site exists within a complex current and proposed planning environment. The subject of this notification report is referred to here as the 'Main Site' NOR. Other notices of requirement issued by WIAL, but which are not the subject of this report, are referred to as the 'Kauri Street' and 'East Side' NORs.

The Kauri Street NOR has progressed through a notification and hearings phase although the recommendation of commissioners has not yet been issued. The East Side NOR relates to WIAL's intention to designate an area of the Miramar golf course for eastern expansion. As noted above, Miramar Golf Club has agreed to sell the affected land and a sale and purchase agreement is in place. The Council has issued a further information request in relation to the East Side NOR which is anticipated to be answered in August or September 2020. The East Side NOR will be addressed in a separate notification report.

Land covered by the Main Site, Kauri Street and East Side NORs is shown by Figure 1 below. Adding to the complexity of the site are a number of other designations, two of which are also shown by Figure 1. For the sake of clarity, some other designations which affect the Airport are not shown by Figure 1. In particular, designation G2 which sets the obstacle limitation surface (OLS) is not shown. See Table 3 for an outline of all relevant designations.

The OLS is an important controlling factor in future built development at the Airport. In effect, it sets a 'height control plane' through which built development cannot intrude. The OLS will have ongoing relevance as an ultimate height control at the Airport, regardless of what might otherwise be enabled by the Main Site designation conditions.

The most intense area of built structures associated with the Airport's function as a travel hub are located in the Terminal precinct. However, a further concentration of built development occurs within the West Side precinct, which includes the Tirangi Road Retail Park.

¹ The update draft of proposed conditions is attached at the end of this notification report

² 124 Calabar Road

³ Including 333 – 343 Broadway, 3 – 25 Miro Street, and part of 28 Stewart Duff / 52 Moa Point

Locations in or near the Broadway ‘gateway’ area are highly visible to the travelling public. They are therefore also attractive to advertisers (and to the Airport as a source of revenue). There are currently two locations used for large sign boards within Airport land beside Calabar Road.

Up until 2020 when the Covid-19 global pandemic had an unprecedented impact on air travel, Wellington Airport had experienced a trend of significant growth in passenger numbers. On the assumption that these trends will resume at some point, WIAL is taking a proactive approach of seeking designations to facilitate future development.

Over the 10 year planning period for the district plan (i.e, up to about 2030), WIAL forecasts a significant (29%) increase in passenger numbers at the airport, with growth projected to continue beyond that period. Relevant base and projected (pre-Covid) numbers are shown by Table 1 and Table 2.

Table 1 - Forecast growth in airport usage⁴

Annual passengers (millions)	Approximate Year	Annual Aircraft Movements	Busy Hour Passengers (Departures + Arrivals)
6.2	2019	85,000	1,400
8.0	2024 – 2029	90,000	1,800
10.0	2031 – 2038	100,000	2,300
12.0	2038 – 2050	105,000	2,700

Table 2 - Percentage changes in forecast growth⁵

	Percentage increase over 2019 base		
	2024 – 2029	2031 – 2038	2038 – 2050
Annual passengers	29%	61%	94%
Annual aircraft movements	6%	18%	24%
Busy hour passengers	29%	64%	93%

⁴ Section 2.3.1, Notice of Requirement for an Airport Purposes Designation, East Side Area, WIAL, 25 February 2020

⁵ Calculated from Table 1



2.2 Surrounding Environment

Outside the proposed Airport designation, surrounding land is occupied by a mix of residential and commercial land. To the east lie the suburbs of Strathmore Heights, Strathmore and Miramar, and to the west lie the suburbs of Kilbirnie and Lyall Bay. The Airport site lies adjacent to Cobham Drive and the Evans Bay coast to the north, and Moa Point Road and Lyall Bay to the south and west.

Noise sensitive developments, such as residences and schools, are subject to district plan noise overlay provisions (the Air Noise Boundary) within which a Noise Management Plan is in operation. Within parts of that area, WIAL has a longstanding programme offering homeowners within the Air Noise Boundary (ANB) a subsidised package of acoustic mitigation treatment. The tailored treatments are designed to reduce aircraft noise in

habitable rooms to a day/night average (L_{dn}) of 45 dB. Homes built before March 2012 are eligible, with either a 100% or a 75% subsidy of the cost depending on the degree of aircraft noise experienced. By mid-2020 the initiative's phased roll out had been offered to 119 properties, with 104 applications having been received and 67 packages of treatment completed. The initiative commenced in 2016 and is programmed for completion in 2023.

The Airport is a major generator of land transport traffic movements. Pre-Covid, there were estimated to be around 16,000 to 17,000 daily car trips to and from the Airport using the Cobham Drive route. Of those, there is a near 50-50 split between cars and taxis for people going to and from the Airport. Given that the estimate of a 50-50 split is based on visual observations, the percentage of non-private transport is likely to be greater (i.e., people using Uber or similar services, which are provided by unbranded vehicles). Public transport currently accounts for less than 10% of trips to/from the Airport.

Traffic volumes in the vicinity of the Tirangi Road Retail Park (in the Airport's West Side precinct) are around 7,000 to 8,000 per day, and additional 2,000 per day in nearby Kingsford Smith Street. Altogether, the Airport land and its various activities may therefore generate around 23,000 to 25,000 trips per day.

3. PURPOSE OF THE DESIGNATION AND DESCRIPTION OF THE PROJECT

3.1 Purpose of the Designation

Pursuant to section 168(2) RMA, Wellington International Airport Limited (WIAL) has given notice to Wellington City Council (the Council) of its requirement for a designation for Airport Purposes. The designation is to provide for the following airport operational and ancillary activities:

- Aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;
- Aircraft rescue training facilities and emergency services;
- Runways, taxiways, aprons, and other aircraft movement areas;
- Airport terminal, hangars, control towers, rescue and fire facilities, navigation and safety aids, lighting and telecommunication facilities, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances;
- Associated administration and office activities;
- Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, infrastructure and utility activities, and landscaping;
- Vehicle parking and storage, rental vehicle facilities, vehicle valet activities, and public transport facilities;
- Signage, artwork or sculptures, billboards and flags;
- Hotel/visitor accommodation, conference facilities and services;
- Retail activities, restaurants and other food and beverage facilities including takeaway food facilities and industrial and commercial activities, provided they serve the needs of passengers, crew, ground staff, airport workers and other associated workers and visitors;
- Structures to mitigate against the impact of natural hazards;
- All demolition (if required) construction and earthworks activities, including associated structures;
- Ancillary activities, buildings and structures related to the above; and

- Servicing, testing and maintenance activities related to the above.

3.2 Structure of Conditions

The proposed designation and its associated conditions have a specific ‘structural’ relationship with the district plan provisions. Works under the designation would be able to proceed under the designation, subject to meeting the designation conditions.

Several of the conditions set requirements where failure to comply would mean resource consent would be required or compliance action could occur. These are conditions that relate to aircraft operations noise (conditions 6-10); engine testing (condition 11); GPUs/APUs (condition 12); land based noise (condition 13); noise management plan (conditions 14-17); and a car parking demand and supply report requirement (condition 18).

However, there are other ‘conditions’ under the heading ‘Need for Outline Plan – Criteria’ (conditions 1-5) that are seek to include a pre-approved section 176A(2) waiver provision (conditions 1 & 2), and conditions where certain requirements would need to be met with an outline plan lodged under 176A such as building height limits that would need to be met and information requirements (conditions 3-5).

In relation to building works it appears that the intent of condition 1 is that it would be applied in conjunction with condition 3 such that building works under the designation would be able to proceed, subject to the designation conditions:

- *without the need for an outline plan of works*⁶, if the works are within defined ‘first-level’ thresholds; or
- *with the submission of an outline plan* to Council, if the works are above a first-level threshold (and in some case, also below an upper ‘second-level’ threshold); or
- *with the submission of a resource consent application* if proposed buildings are above a second-level threshold.

As noted under the third bullet above, the district plan would act as a ‘backstop’ to manage building development not covered by the thresholds specified in the designation conditions. For instance, buildings over 30m height in the Terminal precinct would require resource consent under the district plan.

In all other cases, it appears the intent is that non-compliance with condition 1 would simply trigger the circumstance outlined by the second bullet point above. That is, the proposed work / activity could proceed, subject to the submission of an outline plan to Council. This would apply specifically to non-aviation lighting, landscape design, electromagnetic radiation, site access for vehicles, and signage.

3.3 Designation Objectives

The objectives of the designation, as described by WIAL, are:

- To establish a suitable planning regime that properly recognises the regional significance of Wellington International Airport, while also ensuring the impact of aircraft noise on the surrounding community is appropriately managed.
- To operate, maintain, upgrade and extend the facilities at Wellington International Airport to continue to provide for the aircraft types currently in use, and likely to be in

⁶ Which would otherwise be required under section 176A of the RMA

use in the foreseeable future by New Zealand's major domestic airlines and international airlines in a sustainable manner.

- To ensure the Airport facilities and activities continue to meet the forecast passenger and aircraft demand and provide a quality service to its users through:
 - Providing for facilities and activities which will ensure the safe, effective and efficient operation of the Airport;
 - Providing for non-Airport activities and developments within the Airport, provided they do not compromise the ongoing and strategic transport role of the Airport;
 - Allowing the development of additional buildings and activities to ensure the effective and efficient functioning of the Airport.
- To enable an efficient and flexible approach to developing the Airport, while also managing the actual or potential effects of future development particularly at its interface with sensitive land use activities.

It is important to note that the NOR does not cover a 355m extension to the take-off runway available (TORA), which WIAL has previously proposed via a reclamation south of the runway. In 2016, WIAL requested that its application for the relevant resource consents for the reclamation / extension be directly referred to the Environment Court for determination instead of by the Greater Wellington Regional Council and Wellington City Council. However, in early 2019, WIAL withdrew the runway extension application. The company had intended to make an updated resource consent application in early 2020 but this has been delayed by the circumstances surrounding Covid-19, and a Civil Aviation Authority review of some of the restrictions related to runway length and operations.

3.4 Necessity for Designation

Section 171(1)(c) RMA states that, when considering a NOR, the Council must consider whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority.

WIAL considers the designation to be reasonably necessary as a means of recognising the unique planning nature and characteristics of Wellington Airport. The designation is considered a key mechanism in delivering long term operations and growth at the Airport, including meeting the passenger and aircraft demand which was forecast prior to Covid-19.

By comparison with reliance on district plan land use provisions, WIAL considers that the proposed designation conditions (and the use of outline plans in some instances) will provide greater flexibility and more certainty in meeting the company's objectives. Efficiency and flexibility are expected to be enhanced through removing the need for resource consent processes for many land use activities. Some development under a designation may require an outline plan process. However, WIAL considers the outline plan process will take significantly less time than seeking resource consent and incur lower costs.

WIAL therefore considers that a designation provides certainty to both the company and the public about future use of the land. WIAL also considers that the proposed conditions will ensure development meets Part 2 of the RMA while enabling the Airport to evolve and grow in response to technology and passenger demand. It will also ensure ongoing certainty around the management of aircraft noise.

3.5 Consideration of Alternatives

Section 171(1)(b) RMA requires the Council to have particular regard to whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work. This consideration must be undertaken if:

- WIAL does not have an interest in the land sufficient for undertaking the work; or
- it is likely that the work will have a significant adverse effect on the environment.

WIAL either owns or has a sufficient interest in the land to which this NOR applies (e.g. via related road stopping processes that are in train). The WIAL NOR documentation does not identify any significant adverse effects on the environment because of the proposed designation.

For those reasons, WIAL contends that the NOR does not require an assessment under section 171(1)(b). I am satisfied that, by comparison with Airport development and associated effects already enabled by district plan provisions and those already established and operating on the site, additional effects enabled by the designation will not be significant when the Airport is considered as a whole. For that reason, I agree a consideration of alternative sites, routes, or methods is not required.

However, as noted elsewhere in this report, there may be some relatively localised effects that are either more than minor, or potentially significant.

4. BACKGROUND

4.1 Requiring Authority

Wellington International Airport Limited is the requiring authority for the proposed designation.

WIAL was approved as a requiring authority under section 167 RMA, via Order 1992 of the Governor General and through notification in the NZ Gazette dated 10 December 1992. The Order provides a general approval to WIAL for “the operation, maintenance, expansion, and development of the airport known as Wellington International Airport”. In my opinion, this provides WIAL with a wide ranging remit as a requiring authority in pursuing its development objectives.

4.2 Other Relevant Designations and Notices of Requirement

The Airport and its operations are already subject to designations issued by WIAL and other requiring authorities. The main designations include associated conditions that control the nature of development and the extent of WIAL’s authority under relevant provisions of the Resource Management Act. Chapter 24 of the district plan contains a table of all designations in Wellington, including related Appendices “F” (airspace designation) and “U” (runway end safety area).

The designations are as follows and are also listed in Table 3 below.

4.2.1 Airspace designation

The purpose of the airspace designation (G2) is to help ensure the safe and efficient operation of the Airport. Appendix F of district plan chapter 24 describes the designation, and its extent is depicted by planning maps 36, 37 and 38.

The designation limits the height of objects, such as new buildings below and to the side of aircraft flight paths, by imposing an obstacle limitation surface (OLS). The OLS applies to obstacles both within and outside of the Airport. The airspace designation is an overlay in

the district plan and development that breaches the OLS can only occur with the prior written consent of WIAL.

WIAL is the requiring authority for the designation but it reflects Civil Aviation Authority (CAA) regulations. For that reason, it is a limiting factor in the height and location of built development within the Airport, as well as on land outside.

4.2.2 Land use designations and NOR

WIAL has three other existing or intended smaller designations covering different parts of the Airport and surrounding land. The designations cover separate areas because they were issued at different times for different purposes. In brief summary, the WIAL designations are:

- Designation G3: The southern runway end safety area extension
- WIAL NOR⁷ for Kauri Street (SR417661): Covering an area of land in Miramar, enabling its development and use for flight catering, rental car operations, and freight operations.
- WIAL NOR⁸ for the East Side Area (SR462159): Being an eastward extension onto land currently used as part of the Miramar golf course.

4.2.3 Other designations

There are other non-WIAL designations which affect parts of the Airport, but their geographic extent is not necessarily limited to within the boundaries of the Airport designation sought by WIAL. Those designations are:

- Designation M5: Meteorological purposes
- Designation 58: Moa Point Sewage Treatment Plant
- Designation A2: Control Tower Height Restriction Controls

As is shown by Figure 1 on page 4, the proposed airport designation overlaps the WCC wastewater treatment plant designation in several locations, due to the fact that the existing WCC designation extends over some WIAL owned land⁹. In addition, the East Side Area NOR overlaps the Main Site NOR, as does the Kauri Street NOR. WIAL proposes that these overlaps are resolved as part of the statutory process.

⁷ The notice of requirement hearing has been held, and the panel has released its recommendation, in favour of the designation, to WIAL. The requiring authority (WIAL) must make a decision on the recommendation before the designation is confirmed.

⁸ A notification report has not yet been prepared for this NOR

⁹ Conversely, the WIAL NOR does not extend onto the land owned by WCC for the wastewater treatment plant

Table 3 - Designations with Relevance to the Airport

<i>Designation Number and DP Map¹⁰</i>	<i>Requiring Authority</i>	<i>Purpose</i>	<i>Further Explanation</i>
M5 <u>Map 5</u>	Met Service	Meteorological Purposes, north of the Airways ILS bunker near the southern end of the runway	
A2 <u>Maps 5, 7, 39, 40</u>	Airways Corporation	Control tower height restrictions (for visibility)	“The objective of the restrictions is to limit any building, structure, pole, mast or other object which may obstruct visibility from the control tower of the airport’s approach paths and runway, thereby inhibiting the safe and efficient operation of the Wellington International Airport.”
A3 <u>Map 7</u>	Airways Corporation	Air traffic control tower, 34-36 Tirangi Road	A3 covers the site, and A2 is the associated height restriction designation over other land
G2 <u>Maps 36, 37, 38</u>	WIAL	Airspace in the vicinity of Wellington International Airport. The designation includes the runway strip and flyover area, all take off and approach fans, transitional side and horizontal surfaces, and the instrument circling area	“The objective of the restrictions is to limit the construction of any structure including any building, aerial, antennae or other objects which may inhibit the safe and efficient operation of Wellington International Airport. Refer to Appendix F for details.”
G3 <u>Map 5</u>	WIAL	Runway End Safety Area Extension (RESA) – Southern End. The designation includes the southern end of the runway strip, the airspace above Moa Point Road, and an area of the sea wall to the south of Moa Point Road	“The designation includes both temporary and permanent components. The temporary designation covers the full extent of the RESA development area (including the permanent designation) and includes the surface of Moa Point Road. The temporary designation is intended to last for the duration of testing and construction. The permanent designation covers the RESA as finally built. It is in the form of a strata where it passes over Moa Point Road. The road surface and airspace below the RESA structure over Moa Point Road will remain legal road. Outline plans for the RESA development were submitted with and approved as

¹⁰ Main district plan maps only

<i>Designation Number and DP Map¹⁰</i>	<i>Requiring Authority</i>	<i>Purpose</i>	<i>Further Explanation</i>
			part of the Notice of Requirement. See Appendix U for outline plan details and conditions attached to the designation.”
58 <u>Map 5</u>	WCC	Drainage - Sewage Treatment	Appendix L “To make planning provision for the establishment of a sewage treatment plant, through a designation to treat Wellington sewage to a level sufficient to ensure that it is no longer a source of pollution on the south coast”

4.3 Resource Consents Required

WIAL is undertaking a detailed site investigation (DSI) to determine the nature and extent of any potential contamination across the entirety of its Airport land holdings. Depending on the outcome of this investigation, WIAL intends to seek a global resource consent that addresses any contamination issues for the entire site. WIAL considers this approach to be more robust than the current district plan limitations on earthworks in areas identified in Appendix 5 of district plan chapter 11 (potentially contaminated sites). Consenting processes related to contaminated land are now managed under the 2011 NESCS¹¹. For these reasons, WIAL is not seeking to carry the district plan provisions forward into the designation.

Where proposed activities / structures are not provided for by designation conditions, resource consent will still need to be sought. As an example, within the Terminal precinct, the proposed designation conditions would allow the development of buildings up to 25m in height without the need for any Council process (other than building consent). Between 25m and 30m, the designation conditions would allow the development of a building subject to the outline plan process provided for under section 176A RMA. A building over 30m height would require resource consent. It should also be borne in mind that buildings in the Terminal Precinct (and elsewhere) are subject to the OLS as outlined in section 4.2.1 above which, depending on location, may be the ultimate arbiter of height.

¹¹ National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

5. NOTIFICATION ASSESSMENT (SECTION 169)

Section 169(1) of the RMA states –

- (1) If a territorial authority is given notice of a requirement under section 168, the territorial authority must, within 10 working days, decide whether to notify the notice under—
 - (a) subsection (1A); or
 - (b) sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, which apply with all necessary modifications and as if—
 - (i) a reference to an application or notice were a reference to the notice of requirement; and
 - (ii) a reference to an applicant were a reference to the requiring authority; and
 - (iii) a reference to the Minister or the EPA were a reference to the territorial authority; and
 - (iv) a reference to an activity were a reference to the designation.

Section 169(1A) of the RMA states –

- (1A) Despite section 149ZCB(1), a territorial authority must publicly notify the notice if—
 - (a) it has not already decided whether to give public or limited notification of the notice; and
 - (b) either—
 - (i) the territorial authority requests further information from the requiring authority under section 92(1), but the requiring authority—
 - (A) does not provide the information before the deadline concerned; or
 - (B) refuses to provide the information; or
 - (ii) the territorial authority notifies the requiring authority under section 92(2)(b) that it wants to commission a report, but the requiring authority—
 - (A) does not respond before the deadline concerned; or
 - (B) refuses to agree to the commissioning of the report

5.1 PUBLIC NOTIFICATION ASSESSMENT (s149ZCB (1) to (4) and 149ZCE)

Public notification of the NOR is at the Council's discretion.

Section 169 RMA specifies that sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, apply with all necessary modifications and as if a reference to an application or notice were a reference to the notice of requirement.

Section 149ZCB(1)-(4) specifies the criteria the Council must consider to determine whether an NOR is to be publicly notified. These criteria are addressed in statutory order below.

5.1.1 Section 149ZCB (1)

The Council may, at its discretion, decide whether to publicly notify a NOR. Based on the matters set out below I recommend that the Council exercise its discretion and require notification for the reasons outlined in this report.

5.1.2 Mandatory public notification – s149ZCB(2)

The Council must publicly notify a NOR if:

- a) it decides that the designation will have, or is likely to have, adverse effects on the environment that are more than minor;

- b) the requiring authority has requested public notification; or
- c) a rule or national environmental standard requires public notification of the NOR.

In this case the requiring authority has not requested public notification and there is no rule or national environmental standard which requires public notification. The Council must therefore determine whether the designation will have effects that are more than minor. This question is addressed in section 5.2 below.

5.1.3 **Effects that must be disregarded – s149ZCE(a)**

When considering whether the adverse effects of the designation will be, or are likely to be, more than minor the Council must disregard the following effects:

- Trade competition and the effects of trade competition; and
- Any effect on a person who has given written approval in relation to notice of requirement; and
- Effects on persons who are owners and occupiers of the land in, on or over which the NOR relates, or of land adjacent to that land.

In relation to these matters, trade competition is not relevant, and no person has provided written approval.

The land adjacent¹² to the NOR site is listed in the following table. WIAL, as owner of some of the adjacent land, can be deemed to have provided written approval for the purposes of the assessment under s149ZCE(a).

Table 4 - Adjacent Land

<i>Street</i>	<i>Address</i>	<i>Owned by WIAL</i>	<i>Location Relative to NOR Boundaries</i>
Jean Batten Street	1 – 5 9, 13	-	West
Rongotai Road	234, 234A	-	West
Cairns Street	25, 29	-	West
Bridge Street	3 4 – 14A and 14B 15 – 21 23 – 67 73	3 - 15 – 21 25 – 67 73	West
Coutts Street	257 – 267 224 – 232	- -	North and West
Tirangi Road	84 – 94 102 – 142	- -	West
Cochrane Road	2 – 20	2 – 20	West (internal to Tirangi Road Retail park)
George Bolt Road	4 – 14 1 – 11	4 – 14 1 – 11	West (internal to Tirangi Road Retail park)
Moa Point Road	20A	-	West and South

¹² Directly adjoining a proposed designation boundary, or on the opposite side of a separating street

<i>Street</i>	<i>Address</i>	<i>Owned by WIAL</i>	<i>Location Relative to NOR Boundaries</i>
	23 33	- -	East and South
Stewart Duff Drive	127 1 (Miramar Golf Course)	- -	South and East
Broadway	372 – 376A	-	North
Calabar Road	48 – 50 54 (3 Kedah) 56 – 74 88 - 120	48-50 54 64 -	East
Caledonia Street	1 4	- -	East
Wexford Road	76 - 84	-	South
Southampton Road	6	-	East
Portsmouth Road	4, 16	-	East
Miramar Avenue	2	-	North
Ropa Lane	13	-	North
Shelly Bay Road (aka Great Harbour Way)	1	-	North
Cobham Drive	142	-	West

5.1.4 Effects that may be disregarded – s149ZCE(b)

When considering adverse effects of the designation the Council may disregard:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In other words, the Council may consider the ‘permitted baseline’. In line with case law, Council has the discretion to disregard those effects where an activity is not fanciful.

In this case the permitted baseline is defined by permitted activity rules and standards in the district plan’s Airport chapter (chapter 11). Chapter 11 permits a wide range of activities at the Airport, including those summarised below¹³:

- Activities related to the primary function of the Airport area, subject to conditions related to:
 - Noise
 - Screening of activities and storage
 - Dust
 - Vehicle parking
 - Site access for vehicles
 - Lighting
 - Use, Storage or Handling of Hazardous Substances
 - Signage

¹³ Note that these are in summary form, relate only to the main categories of permitted activity and, to be permitted, must comply with conditions and standards detailed by the district plan

- Waste management
- Landscape design
- Discharge of contaminants
- Electromagnetic radiation
- Signs, subject to conditions related to:
 - Height, size, and location
- Earthworks on Rongotai Ridge, subject to conditions related to:
 - Depth and area of change
 - Slope of affected land
- The construction alteration of or addition to buildings and structures related to the primary function of the Airport, subject to conditions related to:
 - Maximum heights
 - Height control adjoining residential areas
 - Height control adjoining the golf course

Some other activities, notably earthworks, are also permitted or otherwise managed by different chapters of the district plan.

Disregarding permitted activity effects is appropriate in this case as use of the permitted baseline is not inconsistent with the wider context of the District Plan and Part 2 of the Act. More specifically, WIAL is proposing designation conditions which, to a large extent, reflect the baseline created by existing permitted activity rules and standards. However, with regard to building heights, the conditions proposed by WIAL would extend allowable development (accompanied by an outline plan) to the restricted discretionary limit of Rule 11.3.2.

Accordingly, in assessing the proposed designation, I have focussed on effects which are additional and beyond those enabled by the permitted baseline.

5.2 Adverse Effects

In this case, having regard to the permitted baseline and the nature of designation conditions sought by WIAL, I consider that the following effects are relevant to the designation. In making this assessment I have had regard to expert advice provided by persons both within and external to Council.

5.2.1 Aircraft noise

Noise from aircraft, and to a lesser extent from other operations, is a significant environmental effect and is experienced well beyond the boundaries of the Airport. Airport noise can affect residential quality of life, as has been evidenced by residents' surveys. This is an existing effect, but it is enabled and managed by district plan permitted activity conditions.

The district plan manages the effects of aircraft noise through the use of the Air Noise Boundary (ANB) shown by planning Map 35. The NOR does not propose to change that boundary. The ANB is linked to district plan rule 11.1.1.1.1 which requires that on a 90 day rolling average, a sound level of 65 dB L_{dn} is not exceeded outside the ANB. Other significant aspects of the district plan noise conditions include controls over:

- night time flying¹⁴ (conditions 11.1.1.1.5 and 11.1.1.1.6);
- engine testing (condition 11.1.1.1.7); and

¹⁴ The controls are also referred to as a 'curfew'

- ground power and auxiliary units¹⁵ (condition 11.1.1.1.9).

The NOR seeks to include designation conditions that largely ‘roll over’ the existing district plan noise rules and conditions.

There are however some differences between the district plan rules and the proposed designation conditions. The differences include:

- a) The proposed designation conditions do not include restrictions on the operations of military aircraft; and
- b) Proposed conditions 14 and 15 go beyond the permitted baseline by requiring a Noise Management Plan (NMP) to be prepared, demonstrating how the Airport will be managed to comply with the noise conditions set out in Conditions for the designation. There is no similar rule in DP. Instead, the proposed conditions have substantially¹⁶ adopted the NMP provisions outlined in the explanation to Policy 10.2.5.4.

The number of military aircraft movements at the Airport are understood to be small, but this still represents the risk of a minor, unmanaged increase in noise effects.

That aside, the growth of general air traffic, and any associated increase in noise, is something that would occur under the existing district plan provisions. It will not be exacerbated by the Airport operating under the proposed designation. Importantly, the ‘bucket of noise’ enabled by the 90 day rolling average sound level, and the Air Noise Boundary, will both remain unchanged from the district plan provisions. In addition, proposed conditions 14 and 15 are a positive outcome which will lock in the benefits of the Airport / community noise management plan and related processes.

5.2.2 Airport traffic

As noted in section 2.2 above, activities within the Airport land generate around 23,000 to 25,000 vehicle trips per day. The existence of the Airport, the traffic it generates, and the associated effects, are one of the drivers for projects associated with Let’s Get Wellington Moving (LGWM). A regional, multi-modal demand model used by LGWM to forecast demand between Ngauranga and the Airport is the WTSM, an output of which is shown below in Table 5.

¹⁵ An Auxiliary Power Unit or APU allows an aircraft to operate autonomously without reliance on ground support equipment such as a ground power unit. The APU is a small jet engine which is normally located in the tail cone of the aircraft.

¹⁶ A difference is that the proposed conditions do not include the district plan reference to refinement (shrinkage) of the ANB

Table 5 – WTSM Road traffic forecasting to and from Airport

Year	Daily air passengers		Daily car trips		Airport Annual Passengers (millions) ¹⁷	
	Number	Growth over previous period	Number	Growth over previous period	Number	Growth over previous period
2013	14,023		14,800		5.25	
2023	17,523	25%	16,900	14%	6.75	27%
2033	21,523	23%	19,600	16%	8.55	27%
2043	21,523 ¹⁸	0%	19,900	2%	11.00	29%

The impacts of rising volumes of vehicle traffic are an existing effect. Growth in vehicle movements generated by passenger growth would occur at the Airport under the current district plan provisions. The proposed designation may have some additional effect on traffic volumes through facilitating an increase in building bulk to cope with increased passenger numbers.

5.2.3 Airport parking

Information about parking provision at the Airport was provided in WIAL’s Kauri Street NoR¹⁹. It is unknown whether these projections, outlined in Table 6 below, take into account any modal shift that may occur due to LGWM projects, especially the development of a rapid mass transit connection at the Airport.

Table 6 - WIAL existing and projected Airport parking²⁰

Type of Park	Existing Number (2018)	Forecast Need (2047)	Increase (2018 to 2047)	Additional Area (m ²)
Premium	140	340	200	7,600
Terminal	1,825	3,465	1,640	55,760
Remote	800	1,365	565	16,950
Staff	795	2,095	1,300	39,000
Total	3,560	7,265	3,705	119,310

As can be seen from the figures in Table 5 and Table 6, future management will require a focus on the effects of Airport parking demand.

The Airport’s multi-storey parking building provides 1,088 spaces out of the total 3,560 spaces onsite. The consents for the Tirangi Road Retail Park (West Side area of the Airport

¹⁷ From WIAL forecasts in 2013. Note that this is somewhat less than the growth recently projected by WIAL and reported in its 2019 masterplan.

¹⁸ The WTSM model assumes that passenger numbers are capped at 2033 levels. It also assumes no airport runway extension, but if the runway were extended, a further small 5% growth in patronage might occur between 2013 and 2043.

¹⁹ Notice of Requirement for Designation Former Miramar South School, WIAL, 31 August 2018

²⁰ From: Table 4, page 11, Notice of Requirement for Designation Former Miramar South School, WIAL, 31 August 2018

land) require approximately 400 carparks²¹ and there is no known significant kerbside parking issue.

Elsewhere however, issues have been reported with people parking in suburban streets as a means of avoiding paid parking at the Airport itself. To counter that problem, the Council introduced a time restricted 24-hour parking zone around the area bounded by Calabar, Broadway, Ellesmere and Caledonia.

The district plan permitted activity standards are very prescriptive with regard to the required level of parking at the Airport. However, I note that the recent NPS-UD²² requires the Council to make changes to the district plan, removing provisions that require a minimum number of car parks for a particular development, except with regard to accessible spaces.

In the NOR assessment of effects, WIAL notes that “car parking is a matter that WIAL considers and manages very carefully and it considers the limits in the District Plan are not reflective or consistent with the management approach that is appropriate for the Airport”. WIAL goes on to say that the Terminal precinct “is already a highly developed part of the Airport and flexibility is required to be able to respond to evolving demand for passenger, airline and aircraft requirements, sometimes at a very fast pace”.

For these reasons, WIAL is not seeking to carry forward the district plan parking standards. Instead, WIAL proposes a designation condition that would require it to report to the Council annually on parking demand, supply, and planned responses within the Airport.

Although the non-inclusion of prescriptive parking standards may be consistent with the direction of the NPS-UD, it is unclear whether the approach proposed by WIAL would lead to better, similar, or worse outcomes than under the current district plan standards. The NPS-UD encourages councils to manage effects associated with the supply and demand of car parking through the development and use of comprehensive parking management plans. The condition proposed by WIAL would not be a comprehensive parking management plan.

5.2.4 Airport visual effects

The NOR seeks to enable new development which may be both higher than at present and, like the current district plan provisions, without any restriction on footprint.

Terminal precinct buildings

The Terminal complex is home to substantial built development. Higher parts of the existing Terminal buildings are visible from a significant distance, being up to 30 metres high in the case of the Airport’s parking building. Depending on future growth in air traffic, it is likely that the scale of development will increase in the future. The Airport’s masterplan for development up to 2040 suggests large scale redevelopment of and addition to the Terminal buildings. Given the scale of the projected passenger and aircraft demand, it seems likely that at least some of the future development will include multi-storey development.

The designation conditions proposed by WIAL would allow development up to 25m high within the Terminal precinct as of right, which is consistent with the district plan permitted activity limits. For buildings 25m and under, there is no design guidance provided by either the district plan or the proposed designation conditions. For buildings above 25m the

²¹ Appendix 5, *Traffic Assessment*, Section 42A report by Wellington City Council, SR325662, July 2015

²² National Policy Statement on Urban Development, July 2020

district plan requires resource consent to be gained, and there are some design criteria the Council may use in its assessment. Under the designation, buildings between 25 and 30 metres high would be allowed, subject to an outline plan and the provision of a Design Statement which addresses criteria intended to encourage good design outcomes. Two core matters to be addressed by the Design Statement are:

- “b) That site levels and building form, colour and texture reduce the apparent height and bulk of large buildings when viewed from adjoining public or residential areas;
- c) Variations in building mass, height and architectural form have been considered in order to provide visual interest, reduce visual massing and promote visual permeability through the higher elements of built form to maintain view lines from adjoining more elevated properties to the east where this is practicable.”

The visual effects of development in the Terminal precinct currently are and will continue to be felt most by viewers on the hills of Strathmore and Miramar to the east. Due to the additional 20% height enabled by the designation conditions (30m versus 25m), future development may increase the overall scale of visual effects by a more than minor degree, when compared to the existing district plan permitted standards. However, the proposed requirement for a Design Statement to address the matters outlined above may help to mitigate the effects.

Other buildings

Outside the Terminal precinct, the current district plan provisions permit buildings such as hangars up to 12m, or 15m for hangars serving aircraft with high tails. In contrast the proposed designation conditions would permit buildings up to 18m but with an allowance for hangars up to 20m high for widebody aircraft²³. WIAL has indicated that there is only one possible location for a 20m high widebody aircraft hangar. That is, next to the existing 17m high hangar on Tirangi Road. The combined outcome of both hangars could potentially be a 100m near-continuous length of tall, blank-walled buildings hard up against or very close to the Tirangi Road boundary. Development enabled by the NOR in this location seems likely to increase the scale of visual effects by a more than minor or significant degree, when compared to the existing district plan permitted standards. The effects would mostly be experienced by motorists using Tirangi Road to access the nearby retail / trade businesses.

Height adjacent to boundaries

District plan permitted activity standards controlling height immediately adjacent to the residential and golf course boundaries would be replaced by similar designation conditions. The height outcomes would be slightly more permissive with regard to development near residential boundaries.

5.2.5 Signs / billboards

The introduction to the proposed designation conditions notes that land within the designation may be used for “activities for the operation of Wellington International Airport” including “signage, artwork or sculptures, billboards and flags”. It is unclear whether the phrase “activities for the operation of” would be read to exclude purely commercial advertising. The introductory statement may therefore provide a basis for signs

²³ For example, the Airbus A350-800 which is 60m long, 65m wingspan, and 17m tail height

of any type, in any location, subject to the designation conditions. It is noted that commercial advertising is presently common around the airport.

The district plan limits free standing signs to 9m high within the Terminal area and 4m high elsewhere, with a face area limit of 8m². There are other controls on sign characteristics, such as a 20m² face area limit in the West Side precinct, and restrictions on flashing / moving signs. Many of the district plan's signs controls are rolled over into the designation conditions, but only with respect to the Terminal precinct where meeting those conditions would allow the signage to proceed without an outline plan. Within the Terminal area, it appears that signs exceeding those conditions could still proceed, without any limits, subject to the provision of an outline plan. Outside of the Terminal area it appears that signs could proceed without any condition limits, subject to submitting an outline plan to the Council.

Some permissive aspects such signage for directing pedestrian or vehicular traffic, or to provide safety and security information would have little impact.

Some of the more desirable locations for billboards may be beside the runway along Calabar Road. I note that WIAL is the owner of some adjacent land and have had regard to that fact in my assessment. Notwithstanding WIAL's landholdings in that particular location, the lack of limits on advertising signage could, in relation to land elsewhere and depending on location, be considered to have more than minor effects.

5.2.6 Hazardous substances

WIAL note that the hazardous substances conditions in the Airport chapter of the district plan are not 'rolled forward' into the proposed designation conditions. The rationale for that is explained in the NOR as:

"... WIAL do not intend to carry forward the [district plan] provisions relating to hazardous substances within the designation. This is to avoid unnecessary duplication of control, as it is considered that the storage, use, disposal and transportation of hazardous substances is properly and comprehensively managed via other legislation and relevant New Zealand standards. ... amendments to the RMA in 2018 saw the removal of this [hazardous substances] function from local authority plan requirements²⁴".

In providing advice to local authorities on the intent of the 2018 RMA amendments, the Ministry for the Environment stated that:

"In most cases HSNO and Worksafe controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances.

Councils still have a broad function of achieving integrated management, and may use this function to place extra controls on hazardous substance use under the RMA, if existing HSNO or Worksafe controls are not adequate to address the environmental effects of hazardous substances in any particular case²⁵".

In terms of the permitted baseline, the district plan includes detailed controls regarding the storage and use of hazardous substances at the Airport²⁶. These controls rely on a complex

²⁴ Page 30, Notice of Requirement

²⁵ Resource Legislation Amendments 2017 – Fact Sheet 2, Revised functions for Resource Management Act 1991 decision-makers

²⁶ These controls pre-date the 2018 amendments to the RMA

'hazardous facilities screening procedure' (HFSP) to determine when consent is required. However, the HFSP fails to recognise the controls which now exist under other legislation.

I understand that at the Airport, the jet fuel tanks are all underground, and therefore below the lower tier MHF²⁷ threshold. I also understand that the nature of jet fuel is such that there will be no risks beyond the boundary of the site. Given these matters, and the legislative framework created by the 2018 RMA amendments, I consider there will be no additional effects related to hazardous substances created by non-inclusion of a hazardous substances condition in the designation.

5.2.7 Dust management

The district plan includes rules related to the management of dust from earthworks at the Airport. The proposed designation conditions include no similar condition and there is no reference back to reliance on the rules of the district plan's Earthworks chapter. This is a relatively minor issue as the creation of dust (or a dust nuisance) would not arise on a regular basis, and the proposed designation conditions do not specifically enable the creation of dust.

The environmental effects are potentially manageable through section 17(1)(b) RMA which requires that:

- “(1) Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with ...
- (b) a national environmental standard, a rule, a resource consent, or a designation.”

The duty to avoid nuisance is enforceable by the Council under section 17(3).

5.2.8 Adverse effects conclusion

Overall, I consider that the effects of the proposal on the environment are more than minor. In some specific locations, the effects may be significant.

In summary, effects which may be experienced beyond the permitted baseline established by existing district plan rules includes:

- Noise impacts arising from the removal of current restrictions on military aircraft movements. It is unclear what the level of effect might be.
- Parking at the Airport would no longer be subject to detailed standards. The annual reporting proposed by WIAL may be an efficient way to manage the issue, but this approach remains untested, is of uncertain effect, and questions remain about whether this would be consistent with the requirements and guidance of the NPS-UD. Adverse effects arising from this approach may be felt throughout the surrounding community if it results in 'overflow' parking on public streets.
- The additional 20% height of buildings in the Terminal precinct (30m versus 25m) may increase the overall scale of visual effects by a more than minor degree. This effect would be especially evident to hillside residents east of the Airport.
- Development of a 20m high hangar for widebody aircraft fronting Tirangi Road may have a localised but significant impact.

²⁷ Major Hazardous Facility, under The Health and Safety at Work Regulations 2016

- An apparent lack of limits on advertising signage outside of the Terminal precinct could, depending on location and size, have more than minor or significant effects.
- Management of dust nuisance from earthworks.

5.2.9 Public notification at Council’s discretion

Under s149ZCB(1), public notification is at the Council’s discretion. My recommendation is that the NOR be publicly notified, for the reasons set out generally in section 5 of this report, and specifically in sections 5.2.8, 5.2.14, and 5.2.15.

5.2.10 Public notification at the requiring authority’s request

Under s149ZCB(2)(b) a NOR requires public notification if the Requiring Authority requests public notification. In this instance the Requiring Authority has not requested public notification.

5.2.11 Public notification under a rule of a National Environmental Standard

Under s149ZCB(2)(c) a NOR requires public notification if a rule or national environmental standard requires public notification of the NOR. In this instance there are no rules or national environmental standard that require public notification.

5.2.12 Circumstances where public notification is precluded

Section 149ZCB(3)(a) states that despite subsection (1) and 2(a) the Council must not publicly notify the NOR if a rule in a national environmental standard precludes public notification of the NOR and the Requiring Authority has not requested public notification of the NOR. The NOR is not precluded from public notification as the activities are not subject to a rule or national environmental standard which precludes public notification.

5.2.13 Limited notification

Section 149ZCC states that if the Council decides not to publicly notify the NOR it must decide if there is any affected person or customary rights group. In this case, my recommendation is that the NOR should be publicly notified and section 149ZCC therefore does not apply.

5.2.14 Public notification in special circumstances

Despite the notification criteria in s149ZCB(1) to (3) the Council may publicly notify a NOR if it decides that special circumstances exist that warrant public notification.

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance it is possible to conclude that many of Airport’s effects will continue to fall within the levels set by permitted activity standards under the district plan and would therefore be no more than minor.

WIAL’s projections for growth at the Airport indicate that the nature and intensity of some effects is likely to change significantly over the longer term. These include:

1. Continuing growth in the number of flights and passenger numbers.
2. Related impacts arising from aircraft noise and land transport accessing the Airport.

3. A greater level of built development to service the needs of passengers and air traffic. These effects by themselves are not reasons for notification, as they would also occur under the existing district plan provisions.

However, there are individual aspects of the activities enabled by the proposed designation conditions which, on a localised basis, could have a more than minor or significant effect by comparison with outcomes expected under the district plan provisions. Considered individually, these increases in effect might not warrant notification.

5.2.15 Public notification conclusion

However, having regard to the Airport as a whole, expected development over time, and cumulative locally significant impacts, I consider that the public interest would be served by notification.

I have considered whether limited notification would be a practical course of action. My conclusion is that it would not, due to:

- The size of the designation and the various communities affected by the Airport's presence;
- The complexity of the proposed designation conditions, and some uncertainties about their effectiveness in managing adverse impacts; and
- The importance of the Airport as a regional asset and the associated interest of all sectors of the community in the way future development is managed.

6. NOTIFICATION DECISION

For the reasons detailed in this report the Notice of Requirement for Airport Purposes on the site at 28 Stewart Duff Drive / 52 Moa Point Road; 124 Calabar Road; 333 – 343 Broadway; and 3 – 25 Miro Street must be processed on a **notified** basis.

I also recommend that the public interest would be served by notifying and hearing this Notice of Requirement in conjunction with the NOR for the East Side area, if a similar conclusion is reached to notify that NOR.

Report prepared by: Mark Ashby



Mark Ashby
Consultant Planner

We have read the above recommendation report and all documentation (etc) submitted with the notice and agree with the recommendation. Accordingly the Notice of Requirement shall be processed on a **Notified** basis.



Bill Stevens
Delegated Officer

8 September 2020



Halley Wiseman
Delegated Officer

8 September 2020

Table of Legal Descriptions

<i>Land in NOR</i>	<i>Legal Description</i>	<i>Title Reference</i>
Main Airport Areas (including RESA Areas and Bridge Street)	Pt Lot 1 DP 78304 and Pt Sec 1 SO 37422 Sec 2 – 3 SO 37422 Sec 3 SO 38205 Sec 1, 5 SO 342914	518352
250 Coutts Street	Lot 1 DP 7159 and Lot 1 DP 33243	WN10B/942
252 Coutts Street	Lot 2 DP 7159	WN355/113
254 Coutts Street	Lot 3 DP 7159	WN358/16
2 Miro Street	Lot 5 DP 2385	WN295/38
3 Miro Street	Pt Lot 3 DP 2385	WN287/226
3 Miro Street	Pt Lot 4 DP 2385	WN305/266
7 Miro Street	Pt Lot 6 DP 78304	WN45A/78
9 Miro Street	Pt Lot 5 DP 78304	WN45A/77
11 Miro Street	Pt Lot 19 DP 5210	WN896/19
13 Miro Street	Part Lot 20 DP 5210 Lot 4 DP 20924	WN863/60
15 Miro Street	Part Lot 21 DP 5210	WN300/140
17 Miro Street	Part Lot 22 DP 5210	WN298/224
19 Miro Street	Part Lot 23 DP 5210	WN298/135
333 Broadway ²⁸	Lot 5 DP 2385	Wn295/38
335 Broadway	Lot 6 DP 2385	WN42B/707
337 Broadway	Lot 7 DP 2385	WN42B/708
341 Broadway	Lot 8 DP 2385	WN42B/710
343 Broadway	Lot 9 DP 2385	WN42B/709
77 Wexford Road	Sec 1 SO 3187	WN36D/925
28 Stewart Duff Drive	Lot 2 DP 78304 and Lot 7 DP 5054	WN45A/74 and WN327/110
350 Broadway	Lot 4 DP 5054	WN317/104
362 Broadway	Lot 5 DP 5054	WN374/298
364 Broadway	Lot 1 and Lot 2-3, 6 DP 5054	WN47D/260
368 Broadway	Lot 8 DP 5054	WN357/296
370 Broadway	Lot 9 DP 5054	WN356/267
Wellington City Council land	Road Reserve	116794 Licence to occupy

²⁸ NB: this property missing from table of property in NOR document, but is included as one of the appended titles

WELLINGTON INTERNATIONAL AIRPORT LTD

AIRPORT PURPOSES DESIGNATION

Designation

The designation shall cover the area shown in **Attachment 1** ("the Designated Area").

Subject to the conditions set out below, land within the Designated Area may be used for activities for the operation of Wellington International Airport ("the Airport") including but not limited to:

- Aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;
- Aircraft rescue training facilities and emergency services;
- Runways, taxiways, aprons, and other aircraft movement areas;
- Airport terminal, hangars, control towers, rescue and fire facilities, navigation and safety aids, lighting and telecommunication facilities, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances;
- Associated administration and office activities;
- Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, infrastructure and utility activities, and landscaping;
- Vehicle parking and storage, rental vehicle facilities, vehicle valet activities, and public transport facilities;
- Signage, artwork or sculptures, billboards and flags;
- Hotel/visitor accommodation, conference facilities and services;
- Retail activities, service retail, restaurants and other food and beverage facilities including takeaway food facilities and commercial activities, provided they are located within the Terminal Precinct;
- Industrial and commercial activities provided they are associated with aircraft operations or serve the needs of passengers, crew, ground staff, airport workers, and other associated workers and visitors;
- Structures to mitigate against the impact of natural hazards;
- All demolition (if required) construction and earthworks activities, including associated structures;
- Ancillary activities, buildings and structures related to the above; and
- Servicing, testing and maintenance activities related to the above.
- Airport Precinct Development Areas ("Precincts") are shown in **Attachment 2**.

Conditions

Glossary:

Aircraft Operations

Means the engine runup, taxiing, take-off or landing at the Airport of an aircraft, and “operate” has a corresponding meaning.

Need for Outline Plan - Criteria

1. An outline plan in accordance with section 176A(2) of the Resource Management Act 1991 (“**RMA**”) need not be submitted for any works within a Precinct or at a location if, where relevant, the following criteria are met:

Airport Precinct / Location and Criteria for Exclusion of Outline Plan

Condition Sub-Reference	Precinct / Location	Activity / Criteria
A	Rongotai Ridge Precinct	Any earthworks shall achieve the following: <ol style="list-style-type: none"> i. The existing ground level shall not be altered by more than 2.5 metres measured vertically; and ii. The total area of ground surface disturbance shall be less than 250m²; and iii. The earthworks shall not be undertaken on slopes of more than 45°.
B	Terminal Precinct	Buildings or structures shall not exceed height limits (above existing ground level) of 25 m except that: <ol style="list-style-type: none"> i. Buildings or structures located within 8m of the Golf Course Recreation Area shall not exceed a height limit of 12m.
C	All Precincts with the exception of the Terminal Precinct	Buildings or structures shall not exceed a height limit of 12m above existing ground level; except that: <ol style="list-style-type: none"> i. Buildings or structures used for hangars shall

Condition Sub-Reference	Precinct / Location	Activity / Criteria
		<p>not exceed a height limit of 15m; and</p> <p>ii. Buildings or structures within 5m of any adjoining Residential zone shall not exceed a height limit of 3m.</p>
D	All Precincts	<p>Lighting – Non-Aviation Activities</p> <p>i. Any development or activity which includes pedestrian routes and/or car parks available for public use during the hours of darkness shall be lit at a minimum of 10 lux measured in accordance with AS/NZS 1158.3.1:2005 and any subsequent amendments; and</p> <p>ii. The direct or indirect illumination of outdoor areas associated with any other non-aviation activity shall not exceed 8 lux at the windows of residential buildings in any adjoining Residential zone.</p>
E	All Precincts	<p>Landscape Design</p> <p>i. Existing trees within the Designated Area are to be retained except where they affect the safe operation of the Airport, and provided that;</p> <p>ii. Any pōhutukawa trees adjacent to Tirangi Road required to be removed shall be resited as close as is practicable to the boundary of Tirangi Road</p>
F	All Precincts	<p>Electromagnetic Radiation</p> <p>i. Any activity shall be conducted to comply with the New Zealand NZS 6609:1990 (Radio Frequency Radiation) and any subsequent amendments.</p>
G	Sites identified on Attachment 3	<p>Restricted Site Access for Vehicles</p> <p>i. No vehicle shall be permitted to a site</p>

Condition Sub-Reference	Precinct / Location	Activity / Criteria
	<p>(Sites on the east side of the runway fronting Broadway, Miro Street and Calabar Road.</p> <p>Sites on the west side of the runway).</p>	<p>across any Restricted road frontage identified on Attachment 3.</p> <p>Site Access for Vehicles</p> <ul style="list-style-type: none"> i. Site access for vehicles shall be provided and maintained in accordance with the standards set out in Appendix 3 of the Wellington City District Plan Airport and Golf Course Recreation Precinct Chapter 11; and ii. There shall be a maximum of one site access to any site, except that sites with more than one frontage may have one access across each frontage; and iii. The width of any site access shall not exceed 6 metres; and iv. Where site access can be provided from a service lane or right of way registered in favour of the site or other private road or private right of way, no site access shall be from a street; and v. No site access shall be sited closer to a street intersection than the following: <ul style="list-style-type: none"> - Arterial and principal streets: 20m - Collector streets: 15m - Other streets: 10m; and vii. Any site access shall be designed to permit a free flow of traffic so that vehicles do not have to queue on the street.
H	Terminal Precinct	<p>Signage</p> <ul style="list-style-type: none"> i. Any sign located on a building: <ul style="list-style-type: none"> a. That is affixed to the underneath of a verandah shall provide at least 2.5 metres clearance directly above the

Condition Sub-Reference	Precinct / Location	Activity / Criteria
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- footpath or ground level; and
- b. Shall be displayed only on plain wall surfaces; and
 - c. Shall not obscure windows or architectural features; and
 - d. Shall not project above the parapet level, or the highest part of that part of the building/structure to which it is attached (including above verandah). This part of the condition does not apply to temporary signs; and
 - e. Any sign located on a building in excess of 12 metres in height above ground shall bear only the name and/or logo of the building owner or occupier, or the building on which the sign is located; and
 - f. Any sign located on a building in excess of 12 metres in height above ground level shall not flash; and
- ii. Any illuminated sign (excluding signs below verandah level) within 50 metres and visible from any Residential zone shall not flash; and
 - iii. Any free-standing sign or sign located on a structure shall not exceed a maximum height of 9 metres (above ground level).

2. Notwithstanding Condition 1, in accordance with section 176A(2) of the RMA an outline plan need not be submitted for works and activities associated with the following:

- a) Any activity relating to or supporting Airport Operations within the Airside Precinct; or
- b) Signage within any precinct where it is related to the purpose of directing pedestrian or vehicular traffic, or to provide safety and security information; or
- c) Lighting poles and navigational instruments; or

- d) Building or structure maintenance or repair; or
 - e) Upgrade or maintenance of existing formed roads and public accessways; or
 - f) Pavement maintenance or repair; or
 - g) Landscape maintenance or repair; or
 - h) Earthworks, other than those which do not comply with the conditions in Table 1 in the Rongotai Ridge Precinct; or
 - i) Placement / maintenance of street furniture or art / sculptures; or
 - j) Maintenance or repair of lighting, signage and other existing fixtures or structures.
3. Where an outline plan is required under Section 176A of the RMA as a result of non-compliance with any relevant criteria of Condition 1, the outline plan shall include, in addition to the matters required under section 176A(3) of the RMA, a Design Statement. The purpose of this Statement shall be to demonstrate how the following outcomes will be achieved:
- a) A maximum building/structure height of 30 metres (above existing ground level) in the Terminal Precinct, and 18 metres (above existing ground level) in other Precincts, except that:
 - i. In the West Side Precinct, buildings or structures used for Code E (or other wide body aircraft) hangars shall not exceed a height of 20m.
 - ii. Buildings or structures located within 8m of the Golf Course Recreation Area shall not exceed a height limit of 15m.
 - iii. Buildings or structures within 5m of any adjoining Residential zone shall not exceed a height limit of 4m.
 - iv. For the purpose of this condition, lift shafts, plant rooms, stairwells, water tanks, air conditioning units, ventilation ducts, chimneys, lighting poles and similar features on buildings or structures shall be excluded from this calculation of maximum height.
 - b) That site levels and building form, colour and texture reduce the apparent height and bulk of large buildings when viewed from adjoining public or residential areas;
 - c) Variations in building mass, height and architectural form have been considered in order to provide visual interest, reduce visual massing and promote visual permeability through the higher elements of built form to maintain view lines from adjoining more elevated properties to the east where this is practicable;
 - d) Incorporation of landscaping treatment where appropriate in order to assist in providing visual softening of large buildings and the screening of parking, loading and storage areas;
 - e) That any signage proposed will be integrated with the building form and surrounding architectural and landscape design; and

- f) That low glare, high cut off exterior lighting is used, and integrated with the building form and surrounding architectural and landscape design.
4. Within the Rongotai Ridge Precinct, where an outline plan is required under Section 176A of the RMA, the outline plan specific to this area shall include, in addition to the matters required under section 176A(3) of the RMA, a report or reports covering the following matters:
- a) Whether any earthworks will alter the existing topography of the site and the impacts on the area's amenity values and cultural values;
 - b) The extent to which earthworks affect the stability and erosion potential of the site and surrounding sites; and,
 - c) Whether any landscape treatment is necessary, and if so, whether it is in scale with the proposed development.
- 5) Prior to any work or activity which requires an outline plan under Section 176A of the RMA, the Requiring Authority shall prepare or update a Network Utilities Management Plan. The purpose of the Plan shall be to inform the relevant network utility providers that enabling work, design, and construction of any development or construction activity, takes account of (and includes measures to address) the safety, integrity, protection (or where necessary) relocation of exiting network utilities.

Aircraft Operations Noise

- 6) The Requiring Authority shall ensure that all aircraft operations are managed so that the rolling day average 24 hour night-weighted sound exposure does not exceed a Day/night Level (Ldn) of 65dBA outside the Air Noise Boundary shown on District Plan Map 35.
- 7) Aircraft noise shall be measured in accordance with NZS6805:1992 and calculated as a 90 day rolling average. All terminology shall have the meaning that may be used or defined in the context of NZS:6805.
- 8) The following aircraft operations shall be excluded from the calculation of the rolling 90 day average described in Conditions 6 and 7:
- a) Aircraft landing in an emergency;
 - b) The operation of emergency flights required to rescue persons from life-threatening situations or to transport patients, human vital organs or medical personnel in an emergency;
 - c) The operation of unscheduled flights required to meet the needs of a national civil defence emergency declared under the Civil Defence Act 2002;
 - d) Military aircraft operations.
- 9) The Requiring Authority shall ensure that:
- a) All domestic aircraft operations shall not occur during the hours from midnight (12am) to 6am; and

- b) All international aircraft operations shall not occur during the hours:
 - i. Midnight to 6am for departures.
 - ii. 1am to 6am for arrivals.

For the purposes of this condition, "operations" means the start of the take-off roll or touch down on landing.

10) The following are exceptions to Condition 9:

- a) Disrupted flights where aircraft operations are permitted for an additional 30 minutes;
- b) In statutory holiday periods where operations are permitted for an additional 60 minutes;

For the purposes of this condition, statutory holiday period means:

- i. The period from 25 December to 2 January, inclusive. Where 25 December falls on either a Sunday or Monday, the period includes the entire of the previous weekend. Where 1 January falls on a weekend, the period includes the two subsequent working days. Where 2 January falls on a Friday, the period includes the following weekend.*
 - ii. The Saturday, Sunday and Monday of Wellington Anniversary weekend, Queens Birthday Weekend and Labour Weekend.*
 - iii. Good Friday to Easter Monday inclusive.*
 - iv. Waitangi Day.*
 - v. ANZAC Day.*
 - vi. Where Waitangi Day or ANZAC Day falls (or is recognised) on a Friday or a Monday, the adjacent weekend is included in the statutory holiday period.*
 - vii. The hours from midnight to 6am immediately following the expiry of each statutory holiday period defined in (i) to (vi).*
- c) Aircraft using the Airport as a planned alternative to landing at a scheduled airport, but which shall not take-off unless otherwise permitted under Condition 9;
 - d) Aircraft landing in an emergency;
 - e) The operation of emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs, or medical personnel in a medical emergency;
 - f) The operation of unscheduled flights required to meet the needs of any state of emergency declared under the Civil Defence Emergency Management Act 2002 or any international civil defence emergency;
 - g) Aircraft carrying heads of state and/or senior dignitaries acting in their official capacity or other military aircraft operations;

- h) No more than 4 aircraft movements per night with noise levels not exceeding 65 dB LAFmax (1 sec) at or beyond the Air Noise Boundary.

For the purposes of this condition, night means between midnight and 6am [and consistent with Condition 9].

Engine Testing

- 11. The Requiring Authority shall ensure that aircraft propulsion engines may be run within the Designated Area for the purpose of engine testing as follows:
 - a) Undertaken during the hours of 6am to 8pm only;
 - b) To carry out essential unscheduled maintenance between 8pm and 11pm only;
 - c) To operate an aircraft within flying hours but provided the engine run is no longer than required for normal procedures, which for the purpose of this condition, shall provide solely for short duration engine runs by way of flight preparation while the aircraft is positioned on the apron;
 - d) No person shall start or run any aircraft propulsion engine for the purposes of engine testing on the locations shown on the map attached as **Attachment 4**;
 - e) Restrictions on engine testing from 11pm to 6am do not apply if engine testing can be carried out in compliance with all of the following:
 - i. measured noise levels do not exceed 60 dB LAEQ (15 min) at or within the boundary of any residential zone;
 - ii. measured noise levels do not exceed 75 dB LAFmax at or within the boundary of any residential zone;
 - iii. noise levels shall be measured in accordance with NZS6801: 2008 Acoustics – Measurement of Environmental Sound;
 - iv. the total number of engine test events relating to aircraft using the Airport as an alternate landing site shall not exceed 18 in any consecutive 12 month period;
 - v. the total duration of engine test events relating to aircraft using the Airport as an alternate landing site in terms of Condition 10 c) shall be no more than 20 minutes.

Ground Power and Auxiliary Power Units (GPUs/APUs)

- 12. The Requiring Authority shall ensure that the operation of ground power units (**GPUs**) and auxiliary power units (**APUs**) when measured at any adjoining Residential zone shall not exceed the following limits:
 - a) Monday to Saturday 7am to 10pm 55 dB LAEQ (15 MIN)
 - b) At all other times 45 dB LAEQ (15 MIN)

- c) All days 10pm to 7am 75 dB LAF_{max}

Exception that these limits shall not apply to APUs for:

- i. Aircraft under tow;
- ii. The first 90 minutes after an aircraft has stopped on the gate;
- iii. 60 minutes prior to scheduled departure;
- iv. The use of APUs to provide for engine testing pursuant to Condition 11.

Land Based Noise

13. The Requiring Authority shall ensure that noise emission levels from any activity within the Designated Area, other than aircraft operations, engine testing and the operation of APUs when measured at any adjoining Residential zone, shall not exceed the following limits:

- a) Monday to Saturday 7am to 10pm 55 dB LAEQ (15 MIN)
- b) At all other times 45 dB LAEQ (15 MIN)
- c) All days 10pm to 7am 75 dB LAF_{max}

Noise Management Plan

14. Without in any way limiting its obligations to fully comply with the conditions attaching to this designation, the Requiring Authority shall update its Noise Management Plan ("**NMP**") which describes in detail how it proposes to manage the Airport in order to comply with the relevant noise conditions.

15. The Noise Management Plan shall include, as a minimum:

- a) A statement of noise management objectives and policies for the Airport;
- b) Details of methods and processes for remedying and mitigating adverse effects of Airport noise including but not limited to:
 - i. improvements to Airport layout to reduce ground noise;
 - ii. improvements to Airport equipment (including provision of engine test shielding such as an acoustic enclosure for propeller driven aircraft) to reduce ground noise;
 - iii. aircraft operating procedures in the air and on the ground procedures to minimise noise where this is practicably achievable;
- c) The procedures for the convening, ongoing maintenance and operation of the Airport Noise Management Committee ("**ANMC**") as set out in Condition 17;
- d) The mechanisms to give effect to a noise monitoring programme to assess compliance with Conditions 6 – 13;

- e) The procedures for reporting to the ANMC any Aircraft Operations and engine testing activities which contravene a condition of this designation;
 - f) Fulfilment of the LUMINs programme (as required);
 - g) The dispute resolution procedures to resolve any disputes between Wellington International Airport Limited ("**WIAL**") and ANMC about the contents and implementation of the NMP;
 - h) The procedures for reviewing and amending the NMP.
16. The relevant version of the Noise Management Plan shall be made available to the public on WIAL's web site.
17. The Requiring Authority shall at its cost be responsible for the ongoing membership and function of the ANMC identified in Condition 15 c). The purpose, membership and functions of the ANMC shall be set out within the Terms of Reference included in the NMP.

Car Parking

18. On an annual basis, the Requiring Authority shall submit to the Wellington City Council a report describing the current status of Airport car parking demand and supply. The report shall include a description of traffic management and car parking within the Airport environs, and an overview of any planned changes or improvements in order to improve the efficiency and effectiveness of the provisioning for car parking within the Airport.

Notification Decision Report for Change of Conditions (Section 127 RMA)

10 February, 2020

Service Request Number: 457045
File Reference: 1056818

Application Details:

<u>Site Address:</u>	673 Hutt Road
<u>Legal Description:</u>	Part Section 1 SO 36654
<u>Applicant:</u>	Prime Property Group C/- Spencer Holmes Limited
<u>Owner:</u>	Pukehuia Limited
<u>Original Proposal:</u>	Construction of billboard signage
<u>Proposed Change:</u>	Digitisation of billboard signage
<u>Amended Plan No:</u>	<ul style="list-style-type: none">- Billboard Plan and Elevation showing Lighting and Finishings, Drawing No. SO8-0704-BO1 Rev. A, dated 28th July 2009- Location Plan, Drawing No. SO8-0704-PH10 Rev. B, dated 28th October 2009

BACKGROUND

On 20th November 2009 resource consent was granted SR No. 197019 to an application for construction of new billboard signage.

On 9th August 2010, a change to conditions under s127 of the Resource Management Act 1991 (RMA) was granted SR No. 215303 to enable additional signage lettering and characters by introducing separate requirements for a main message and secondary message.

On 12th April 2019, a further change to conditions under s127 of the RMA was granted SR No. 237287 to reduce the size of signage lettering and increase the number of characters to enable greater flexibility on the billboards signage.

A site description was provided within the Assessment of Environmental Effects (AEE) that was submitted in relation to the original resource consent's SR No. 197019, 215303 and 237287.

The original proposal as described in the decision report for SR No. 197019 is as follows:

Construction and use of four billboards (each 6m high and 10m wide) along the frontage of the application site. These billboards are intended to display advertising material unrelated to the site. Each billboard is intended to be mounted on a frame supported by two 1.4m diameter steel columns. Each frame and billboard would be between 2 and 3 metres above ground, making the overall height of the construction between 8 and 9 metres. The billboards are proposed to be externally illuminated by four lighting stalks attached to the top of each billboard.

The plans accompanying the application showed the positions of the proposed billboards to be near the extremities of the frontage with the other two spaced roughly equidistant along the frontage. The application stated that all existing signage would be removed.

At the hearing the applicant amended the proposed locations of two of the billboards to a position some 80m south of the northern-most proposed billboard. These repositioned billboards are now intended to form a 'V' shaped structure such that one billboard is seen from the north and one is seen from the south. These amendments were as a result of discussions with the NZTA and are intended to establish compliance with the nationally accepted guideline for roadside advertising: Roads and Traffic Standard 7: Advertising Signs and Road Safety: Design and Location Guidelines (RTS7).

The application was publicly notified on 25th August 2009. The resource consent was granted by Hearing Commissioner Stuart Kinnear subject to conditions relating to the display of messages on the signage, placement for safety, colours, shapes, lighting, landscaping and contaminated land.

PROPOSED CHANGE

This request is for a change of the original condition (a) of the original consent and to add additional conditions that relate to the operation of digital signs.

The applicant has requested this change to enable the digitisation of two signs.

Existing condition:

Condition (a) imposed on the current resource consent is as follows:

That the proposal must be in accordance with the information provided with Service Request No. 197019 and the following plans drawing by Spencer Holmes Limited, entitled "New Billboard, 673 Hutt Road, Wellington", Drawing Nos.:

- *So8-0704-B01 Rev A, labelled 'Billboard Plan and Elevation showing Lighting and Finishing', dated 28/07/09; and*
- *So8-0704-PPH10 Rev B, labelled 'Location Plan', dated 28/10/09*

Proposed condition:

The requested change is to amend the condition (a) as follows (additions underlined):

That the proposal must be in accordance with the information provided with Service Request No. 197019, 457045, and the following plans drawing by Spencer Holmes Limited, entitled New Billboard, 673 Hutt Road, Wellington", Drawing Nos.:

- *So8-0704-B01 Rev A, labelled 'Billboard Plan and Elevation showing Lighting and Finishing', dated 28/07/09; and*
- *So8-0704-PPH10 Rev B, labelled 'Location Plan', dated 28/10/09*

And addition of the following conditions:

The two (replacement) 10m x 6m digitised signs on the site (ie: the southern and northern signs on the site) must be in accordance with the following condition:

Lighting

1. *The digital billboards must be designed to operate and avoid any back spill lighting.*

2. The digital billboards must have a maximum LED brightness of 5,000cd/m² (Nits);
3. The digital billboards must not have any brightness exceeding 5,000cd/m² between sunrise and sunset (ie: day);
4. The digital billboards must not have any brightness exceeding 250cd/m² between sunset and sunrise (ie: night);
5. The digital billboard must use LED technology that does not have a filament visible to motorists;
6. The LED digital billboard must have an automatic dimming systems based on an ambient light level sensor so that the night time maximum luminance is 250cd/m² and the daytime maximum luminance is 5,000cd/m². Without exceeding the maximum luminance set by this condition, sign brightness must be equal to or less than the brightness of a standard vinyl-skinned billboard under the same lighting conditions between sunrise and sunset.

Note: A three to five minute lag in adjustment of brightness to change in ambient levels is acceptable.

7. Within 30 days of the LED digital billboard being put into service the Consent Holder shall submit a report from a suitably qualified and experienced lighting practitioner, to the satisfaction of the CMO, confirming the following:
 - The automatic dimming system provides the function defined in condition (6) above
8. Any recommendations of the lighting report required by condition (7) above must be implemented and modified as directed by the CMO to deal with the deficiencies in operations. Any changes to the luminance of the signage recommended by the Lighting report or required by the CMO must be made within five working days of direction by the CMO.

Dwell time

9. The digital billboard must operate with a minimum dwell time of 25 seconds;
10. The digital billboard must have a transition time of 0.5 seconds between image displays. The images must fade in and out rather than there being an abrupt change.

Image content

11. Image content must be static, and must not incorporate flashes, movement or animation;
12. The image content must not imitate traffic signs of any traffic control device, or give instructions to motorists that conflict with any traffic sign or traffic control device;
13. The consent holder must ensure that any lettering and/or symbols will be clearly legible, and the message must contrast with the background. The sign message must be designed to best practice guidelines to ensure the message is readily understood by the approaching driver.

DISTRICT PLAN AND RESOURCE MANAGEMENT ACT 1991

Planning Maps:

The site is located in the Rural Area of the District Plan.

The site is adjacent to the H1 designation for State Highway 2, Terrace Tunnel to Hutt Road North. It is also adjacent to the R5 designation for the North Island Main Trunk Railway, the Wairarapa line from Kaiwharawhara to the city boundary at Horokiwi.

Hutt Road (State Highway 2) is identified as an Arterial Road under Map 33.

The site also contains an Item or Site of significant to Tangata Whenua or other Maori (Map Symbol M48, Map 24), being the Te Ana Puta Cave, which is identified as a significant site of High Significance.

Activity Status:

The original proposal to construct billboards was assessed as a Discretionary (Unrestricted) Activity under Rule 15.4.1 and 15.4.4 (Rule 15.4.4 would no longer apply due to Variation 8) of the District Plan. Pursuant to section 127(3)(a) of the Act, this application for a change of conditions is assessed as a Discretionary (Unrestricted) Activity.

Scope of Assessment:

The following assessment takes into account the provisions of the District Plan. Pursuant to section 127(3)(b) of the Act, the assessment of effects does not revisit or reassess the original proposal in its entirety but limits the consideration to the effects of the change only.

WRITTEN APPROVALS

No written approvals were provided with the application.

However, the applicant has included a letter from the New Zealand Transport Agency (NZTA) dated 21st October 2019 (NZTA ref: 2019-780) advising that they wish to provide comment and considers themselves to be an affected party.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification and there are no outstanding section 92 matters [s95A(3)(b)].

Preclusion to Public Notification:

There is no rule or national environmental standard that precludes public notification of this change, which is deemed to be a Discretionary (Unrestricted) Activity under section 127(3)(a).

Public Notification – Adverse Effects:

It has been determined in accordance with section 95D that the adverse effects of the proposal on the environment will be more than minor [s95A(8) (b)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

There are no special circumstances that warrant public notification under section 95A(9). None of the circumstances of the application are exceptional or unusual.

Public and Limited Notification Decision

For the reasons set out above, I have decided to publicly notify the change of conditions application.

ASSESSMENT OF ADVERSE EFFECTS

Scope of Effects Assessment:

In forming the opinion outlined below as to whether the adverse effects will be more than minor and who is affected, only effects of the change were considered.

Potential Adverse Effects:

The actual and potential effects of this change are considered to be:

- Traffic safety effects;
- Visual and character effects.

Traffic Safety Effects:

A Traffic Engineering Report prepared by Stantec was submitted with the application. The report identifies the stretch of road upon which the signs are located to be an area with a high crash rate being 68 crashes over a period of 4 years and over a relatively short section of road. Their report advises that none of the reported crashes explicitly listed advertising signs as a cause of the accident, but did conclude that other distractions were a cause of some accidents. They also note that none of the crashes resulted in serious injury or death.

In their assessment, Stantec has made reference to various studies which suggest that glancing at a billboard image momentarily is unlikely to generate road safety problems. However, they also state that there is no study in New Zealand or elsewhere that has been able to demonstrate any empirical relationship between the presence of billboards and consequential degradation in road safety, nor have they sighted any evidence to suggest that billboards conclusively are not a contributor to driver distraction and do not cause a potential effect on road safety. It is also not clear whether the road environment sited in the studies in Stantec's assessment is similar to that proposed being a 100 km/hr dual carriageway road with a curve, and with a high crash rate.

The applicant also included in their assessment a letter from Ms Susan Rawles, Senior Planner at the NZTA, who has advised that the NZTA considers the billboards to have adverse safety, operational and efficiency effects that are not able to be mitigated and that it considers the location unsuitable for third party digital advertising. She specifically notes the high crash rate on this stretch of highway, and the high number of commuting cyclist who are vulnerable users.

In addition, in correspondence directly to me, Mr Luke Braithwaite, Consultant Planning Advisor to the NZTA, has advised that the NZTA has undertaken further assessment and remains concerned that the conversation of static to digital billboards will be associated with safety and efficiency implications on the State Highway 2 network at this location. They site alternative studies to that in the Stantec assessment stating that it is the opinion of the NZTA that digital billboards do have adverse effects on road safety, especially in high speed environments.

Mr Anbuselvan Pungiah, Council's Senior Transport Engineer, has carried out a review of the assessment by Stantec and reviewed the information provided by the NZTA. He has also discussed the application with Mr Soon Teck Kong, Manager Transport and Infrastructure. They have prepared an assessment of traffic effects which is held on file and should be read in conjunction with this report. The assessment concludes that the Council's Transport Team considers the effects of the change to the sign to be more than minor, particularly noting the speed of the road and high crash rate.

In addition, I note that since the application was lodged, an accident between a vehicle and cyclist occurred on State Highway 2 near Horokiwi and near the location of the proposed digital signs which resulted in the death of the cyclist, highlighting again that this is an area of road where any further distraction needs careful consideration.

Having considered the respective views of Stantec, NZTA and Mr Pungiah, I consider that there is inconclusive evidence to determine that the digitisation of signage will not result in an adverse road safety effect. In addition, noting the existing high crash rate on this stretch of road, the recent fatality, and that this is a high speed environment, I consider that the consequence of an accident due to driver distraction from the digital signage could potentially be fatal which I consider to be a significant effect. I therefore consider the potential traffic safety effects on the environment to be more than minor.

Visual and character effects:

The stretch of State Highway 2 between Ngauranga George and Petone is characterised by steep vegetated hills to the north-west, and the Wellington Harbour to the south-east. There are minimal built structures or dwellings on this portion of road with the exception of an unmanned BP Service Station and the railway corridor. It is also the entrance to Hutt City which is indicated by a sign saying 'welcome to Hutt City' just before the Petone exit.

The existing environment contains a number of existing billboard signs which are lit by lights mounted on poles protruding from the signage.

In comparing the visual and character effects of the digitisation of the signs, I have considered the visual changes that have occurred throughout Wellington in converting other static signs to digital, including a number of CBD signs, and signs on Aotea Quay.

Post conversion, the signs are more noticeable as they appear brighter during the day (due to the need to backlight the sign against the light from the sun). They are also more noticeable as the content of the sign changes more frequently.

At night, the nature of the lighting is different with LED technology typically being more 'vibrant' than a static sign, even though the light levels may be the same. Colours are often more pronounced when compared to printed content and light is distributed more evenly over the signage surface when compared to a static sign in natural light or under artificial lights.

As such, I consider that the visual effects of the digitisation of the signs will be more noticeable during day and evening.

However, as the site is already characterised by signage, and the proposal does not intend to increase the size or number of signs, while the proposed digital signage will be visually more obvious than the existing signage I consider the visual and character effects will be no more than minor.

Effects Conclusion:

Overall, I consider that the effects of the proposal on the environment are more than minor. Consequently, the application must be publicly notified in accordance with section 95A of the Act.

NOTIFICATION DECISION

For the reasons detailed in this report the application for digitisation of billboard signage on the site at 673 Hutt Road, Horokiwi must be processed on a **notified** basis.



Elliott Thornton
Delegated Officer
10th February 2020



Bill Stevens
Delegated Officer
10th February 2020

Delegated Authority Code: (5)



30 October 2020

Manager, Resource Consents Team
Wellington City Council
P O Box 2199
WELLINGTON

Attention: Bill Stevens and Halley Wiseman
Cc: Mark Ashby (4Sight Consulting Ltd)

Dear Ms Wiseman and Mr Stevens

Wellington International Airport Limited (WIAL) Notice of Requirement –East Side Area (SR 460636) and Main Site (SR 455891) Designations

Please find attached a response to the Wellington City Council's further information request regarding the East Side Area Notice of Requirement (NOR).

With the provision of this additional information, WIAL requests that pursuant to section 169 of the RMA the NOR is publicly notified.

In light of the letter received on 6 October 2020, WIAL also agrees that the East Side NOR should be notified concurrently with WIAL's Main Site NOR. WIAL recognises the efficiencies that this would achieve. WIAL also appreciates the Council recognising its concern with regard to submitter confusion relating to the two notices but agrees that this could be suitably managed via a very clear public notice outlining there are two separate NORs being notified. In addition to this, it would be appropriate for the Council to also use the correct submission form for NORs (as opposed to the resource consents one) to further reduce submitter confusion (i.e. Form 21 of the Resource Management (Forms, Fees and Procedure) Regulations 2003). In this regard, WIAL would welcome the opportunity to review the public notices as indicated in your letter and looks forward to receiving these drafts as soon as possible.

Yours sincerely,

A handwritten signature in blue ink that reads "J Lester".

J Lester
Airport Planner

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

1 September 2020

Service Request No: 464277
File Reference: 0600-811652

APPLICATION DETAILS

<u>Site Address:</u>	114 Adelaide Road, Mount Cook
<u>Legal Description:</u>	Lot 1 and 2 DP 21496
<u>Applicant:</u>	IPG Corporation Limited C/- Spencer Holmes Ltd
<u>Proposal:</u>	Demolition of existing heritage building and creation of ground level open space
<u>Owners:</u>	Lakhi Maa Limited
<u>Service Request No:</u>	SR464277
<u>File Reference:</u>	0600-811652
<u>District Plan Area:</u>	Centres Area
<u>Notations in District Plan:</u>	Chapter 7 Appendix 1 Mount Cook Height Area Hazard: Ground Shaking Area Heritage Building: Reference 397 – Adelaide Hotel 1899
<u>Activity Status:</u>	Discretionary (Restricted) Activity

SITE DESCRIPTION

The Assessment of Environmental Effects, supplied as part of the application, includes a description of the site and its surroundings. This should be read in conjunction with this report.

In summary, the subject site is located on the corner of Adelaide Road and Drummond Street, situated in the inner city suburb of Mount Cook. The surrounding environment is characterised by a mix of commercial activities located along Adelaide Road, and predominantly residential land-use located to the west.

The site is occupied by the former Tramway Hotel (also commonly known as “The Adelaide”), which ceased operations in 2008-2009. This two-storey brick and masonry building fronts onto both Adelaide Road and Drummond Street, with entrances on both elevations. The building is currently red-stickered, and is in a derelict condition.

PROPOSAL

The proposed development consists of demolishing the existing hotel building, and retaining the site as vacant for an undisclosed period of time. Whilst the applicant advises that they

propose to construct a replacement building in the future, no further details are provided at this stage.

ACTIVITY STATUS

District Plan:

Resource consent is required under the following rules:

<p>Rule 7.3.3 - Vacant Open Space</p> <p>Pursuant to Rule 7.3.3, the proposed demolition of buildings to create ground level open space is a discretionary (restricted) activity.</p> <p>Council’s discretion is limited to:</p> <ol style="list-style-type: none"> 1) The effect on the vitality of the Centre, and 2) The effect on the visual quality of the streetscape. <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 21A.2.1 – Demolition of Heritage Building</p> <p>Pursuant to Rule 21A.2.1, the proposal is a discretionary (restricted) activity as it is for the demolition of a listed heritage building.</p> <p>Council’s discretion is limited to:</p> <ol style="list-style-type: none"> 1) Historic heritage; and 2) Height, coverage, bulk and massing of buildings (in terms of the extent that these affect historic heritage). <p>There is no applicable non-notification clause under this rule. There are no relevant conditions.</p>	<p>Discretionary (R)</p>

Activity Status – Summary:

Overall, the proposal must be assessed as a Discretionary (Restricted) Activity.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the

application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as there is no rule in the District Plan that precludes notification of the application [s95A(5)(a)] and the application is not for one of the following activities:

- A Controlled Activity [s95A(5)(b)(i)];
- A residential activity with Discretionary (Restricted) or Discretionary (Unrestricted) activity status [s95A(5)(b)(ii)];
- A subdivision of land with a Discretionary (Restricted) or Discretionary (Unrestricted) activity status [s95A(5)(b)(ii)]; or
- A boundary activity with Discretionary (Restricted), Discretionary (Unrestricted), or Non-Complying status [s95A(5)(b)(iii)].

Public Notification – Rule/Adverse Effects:

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

ASSESSMENT OF ADVERSE EFFECTS

Permitted Baseline:

Pursuant to sections 95D(b) and 95E(2)(a), in deciding whether the adverse effects on the environment will be more than minor and who is an affected person, I may disregard an adverse effect of an activity if a rule or national environmental standard permits an activity with that effect ('permitted baseline').

In this instance there are no comparable activities that can be undertaken as a permitted activity, and accordingly there is no credible permitted baseline that the proposal can be considered against.

Potential Adverse Effects:

The actual and potential effects of this proposal are considered to be:

- 1) The impact on streetscape.
- 2) The impact on the vitality of the centre.
- 3) The impact on historic heritage.

These matters are respectively discussed below.

Streetscape Effects:

The proposed development will result in the removal of a relatively high-profile building on a visually prominent corner site, which has the potential to adversely impact on the streetscape values of the surrounding environment.

In this regard Council's urban designer, Sarah Duffell, has reviewed the proposal and has provided an assessment of the likely impact that the proposed development will have in terms of streetscape character. In the essence of brevity, I will not repeat Ms Duffell's

assessment; rather this is to be read in conjunction with this report. However, the key messages of Ms Duffell's assessment are:

- The corner site is in a visually prominent position, and the building makes a positive contribution to the townscape character of its locality.
- What it lacks in terms of its dilapidated condition, is made up for in its design features.
- The proposed grassing of the site will not be a positive streetscape contribution, and will not be of similar value to a street corner park.
- Whilst replacement buildings can often have positive effects that outweigh the loss of the building being demolished, in this case no building is being proposed.

Overall, Ms Duffell concludes that the proposal will have a negative effect on the local streetscape environment, and there are no plans to mitigate this in the near future.

I accept the advice of Ms Duffell, which leads me to conclude that the proposed development will have notable adverse streetscape effects, which will not be mitigated by any replacement building.

Accordingly, I conclude that the adverse streetscape effects will be more than minor

Centre vitality:

The removal of buildings and creation of vacant open space has the potential to generate adverse effects on the vitality of a Centres area. In particular, the loss of buildings reduces the visual attractiveness of the area, and reduces the availability of space for businesses to trade from, which in turn can negatively impact on the liveliness in the area.

In her assessment, Ms Duffell has considered the impact on the vitality of the Centres Area, and whilst she acknowledges that the vacant building does not currently draw anyone into the area and create any localised movement, the creation of vacant open space will further detrimentally impact on the vitality of the area. I accept the advice of Ms Duffell in this regard.

For these reasons, I conclude that the adverse effects on centre vitality will be no more than minor

Impact on Historic Heritage:

The proposed development will result in the removal of a listed heritage building, which will entirely remove the heritage values offered by that building.

The subject application has been reviewed by Council's consultant heritage advisor, Chessa Stevens, who has provided an initial assessment of the heritage effects that the proposal is likely to have. In the essence of brevity, I will not repeat Ms Stevens's assessment in detail, rather this is to be read in conjunction with this report. However, the key messages of Ms Steven's assessment are:

- The building has high heritage significance
- The applicants AEE identifies that the proposal will have permanent and irreversible heritage effects.
- There are some concerns that not all reasonable options have been considered.

Overall, Ms Stevens considers that the proposal will have significant heritage effects, and is not aligned with the assessment criteria of the relevant rules.

Based on the advice of Ms Stevens, and that of the applicants Heritage Assessment, I conclude that the adverse effects on historic heritage will be more than minor

Effects Conclusion:

Overall, I consider that the effects of the proposal on the environment are more than minor. Consequently, the application must be publicly notified in accordance with section 95A of the Act.

NOTIFICATION DECISION

For the reasons detailed in this report the application for demolition of existing heritage building and creation of ground level open space on the site at 114 Adelaide Road, Mount Cook must be processed on a **notified** basis.

Report prepared by: Peter Daly



Peter Daly
Delegated Officer

2 September 2020

Delegated Authority No. (1)



Bill Stevens
Delegated Officer

2 September 2020

SpencerHolmes

engineers - surveyors - planners

190867 Appn letter 114 Adelaide Rd

13 May 2021

Resource Consents Team
City Consenting & Compliance
City Planning
Wellington City Council
PO Box 2199
Wellington 6140

PO Box 588
Level 10, 57 Willis Street
Wellington 6140, New Zealand
Phone 04 472 2261
Email admin@spencerholmes.co.nz

Dear Sir/Madam,

Application for resource consent: 114 Adelaide Road, Mt Cook

On behalf of the applicant, IPG Corporation Limited, we submit an electronic version of a resource consent application for additions and alterations to the existing heritage building at the above address.

This application is made pursuant to section 88 of the Resource Management Act 1991, and incorporates all information required by Form 9 and Schedule 4 to the Act.


Please accept this application and we request this application be publicly notified.

We note that Council already have an existing application to demolish the building (SR464277). We therefore request that Council consider and hear both of the applications for this site (ie: SR464277 and this new application for additions and alterations to the existing heritage building) concurrently.

Please issue an invoice for the processing fee deposit required by Council. The applicant intends to make payment of the fee utilising Council's online payment method or via internet banking. We trust the attached information is satisfactory and look forward to your favourable response.

If you have any further queries, please do not hesitate to contact me on (04) 472 2261.

Yours faithfully
Spencer Holmes Limited



Ian Leary
Director

itl@spencerholmes.co.nz

**Report to the Resource Consents Hearing Panel
on a Publicly Notified Resource Consent**

22 August 2022

Service Request No: 471670
File Reference: 1927348

<u>Site Address:</u>	26 Donald Street and 37 Campbell Street, Karori
<u>Legal Description:</u>	Section 2 Survey Office Plan 515832 and Section 1 Survey Office Plan 28414
<u>Applicant:</u>	Ryman Healthcare Limited c/o Mitchell Daysh
<u>Proposal:</u>	To establish a comprehensive care retirement village
<u>Owners:</u>	Healthcare Shelf Company No. 28 Limited
<u>District Plan Area:</u>	Outer Residential Area
<u>Activity Status:</u>	Non-Complying Activity

PROFESSIONAL BACKGROUND

1. My name is Laura Brownlie, I am a Senior Planner at Urban Edge Planning Limited and have been engaged by Wellington City Council to assess the subject application. I hold a Bachelor of Arts from Victoria University of Wellington and a Master of Resource and Environmental Planning from Massey University.
2. I was employed in a variety of planning roles at Wellington City Council between 2011 and 2020 and have worked as a Senior Planner at Urban Edge Planning Limited since 2020.
3. Over the past 11 years, I have prepared, assessed and decided a range of resource consent applications. Of particular relevance to this application, I have processed applications for a variety of mid to large scale multi-unit developments, Central Area high rise buildings, a new hospital building, works on heritage-listed buildings, and projects with large infrastructure components, all of which have some relevance to this application.
4. I confirm that I have read the Code of Conduct for expert witnesses contained in section 7 of the 2014 Environment Court Practice Note and agree to abide by the principles set out therein.

SITE DESCRIPTION AND CONTEXT

Site Description and Surrounding Context:

5. Section 3 of the applicant's Assessment of Environmental Effects (AEE) provides a comprehensive description of the site and its surrounds, and it should be read in conjunction with this report.

6. In summary, the site comprises two land parcels: 26 Donald Street, which is 2.9449 hectares and 37 Campbell Street which is 1,126m². For clarity, the site does not include 24 Donald Street (Section 1 Survey Office 515832). The combined area of the site is approximately 3.05ha and it is located between Campbell Street and Donald Street in Karori.
7. The site is located in an established residential area and is surrounded by residential dwellings along Campbell Street, Donald Street, Scapa Terrace, and further afield. Dwellings in the area are typically detached on separate sites and are either one or two storeys in height. The Karori shops are approximately 300m to the north (as measured from the Campbell Street frontage) and Ben Burn Park is located to the south-west at 50 Campbell Street. There are also a number of non-residential activities and buildings in the immediate area, including:
 - Wellington City Council's Karori Pool and the associated car parking area and public accessway, which adjoin the site to the north-west and north-east at 22 and 24 Donald Street;
 - Karori Normal School, which is located further north at 2 Donald Street;
 - Karori RSA, which is adjacent to the site to the north-west at 27A Campbell Street; and
 - Karori Kids Inc., which is a community childcare centre and is located to the north at 29 Campbell Street.
8. A public walkway is located parallel to the site's northern boundary which provides through access between Donald Street and Campbell Street.
9. The site and its surrounds are shown in Figure 1 below. For context, the above-listed non-residential uses and buildings are identified with a yellow star.

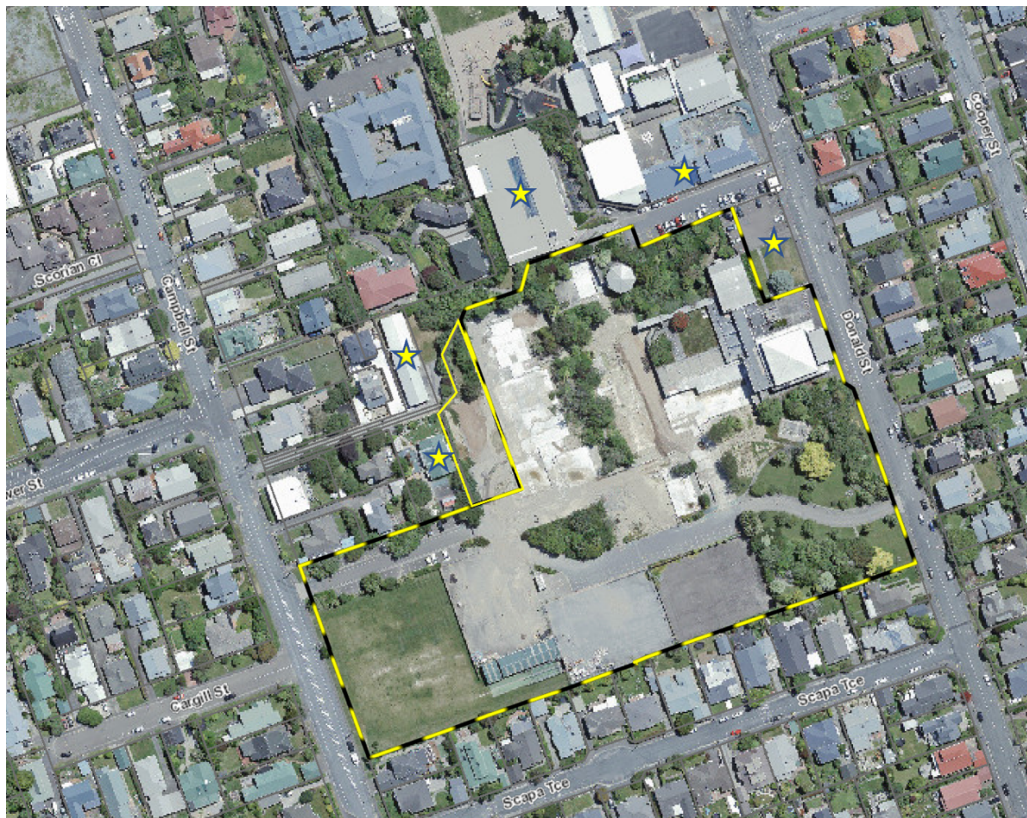


Figure 1: Subject site and its surrounds.

District Plan Context:

10. The site is located within the Outer Residential Area. The following District Plan notations apply to the subject site:
 - Educational Precinct – Victoria University (Karori Campus)
 - Collector Road – Campbell Street.
11. The following non-District Plan notations apply to the site:
 - Historic Place Category 1, as identified by Heritage New Zealand Pouhere Taonga (HNZPT) (List Number 9797)
 - SN/05/1067/02 on Greater Wellington Regional Council’s (GWRC) Selected Land Use Register (SLUR)
 - 1% AEP flood hazard as identified on GWRC’s flood hazard maps.
12. The Wellington City Council property maps identify an open stormwater channel/stream corridor in the south-eastern corner of the site, as shown in Figure 2 below.

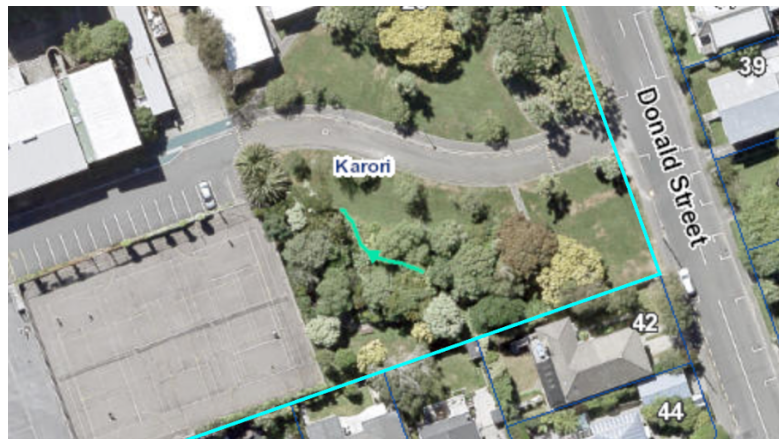


Figure 2: Open stormwater channel/stream. Source: WCC Property Maps.

RELEVANT RMA BACKGROUND

Certificates of Compliance:

13. On 1 May 2018, the Council issued a Certificate of Compliance (SR No. 407395) for the demolition of select buildings on site as a permitted activity.
14. On 27 November 2019, the Council issued a second Certificate of Compliance (SR No. 453248) for the demolition of select buildings on site as a permitted activity.
15. The Certificates of Compliance did not include the demolition of the Allen Ward VC Hall or the Tennant Block.
16. The two Certificates of Compliance were given effect to and all buildings covered by the Certificates of Compliance have been demolished, except for the octagonal building associated with the Oldershaw Block, which could have been demolished under SR No. 407395 but has been retained.
17. Accordingly, of the buildings that formerly existed on site the Allen Ward VC Hall, the Tennant Block, and the octagonal building associated with the Oldershaw Block have been retained and will be adaptively re-used as part of the subject application. All other buildings have now been demolished. For reference, the buildings identified in red in Figure 2, below, are those that have now been demolished.

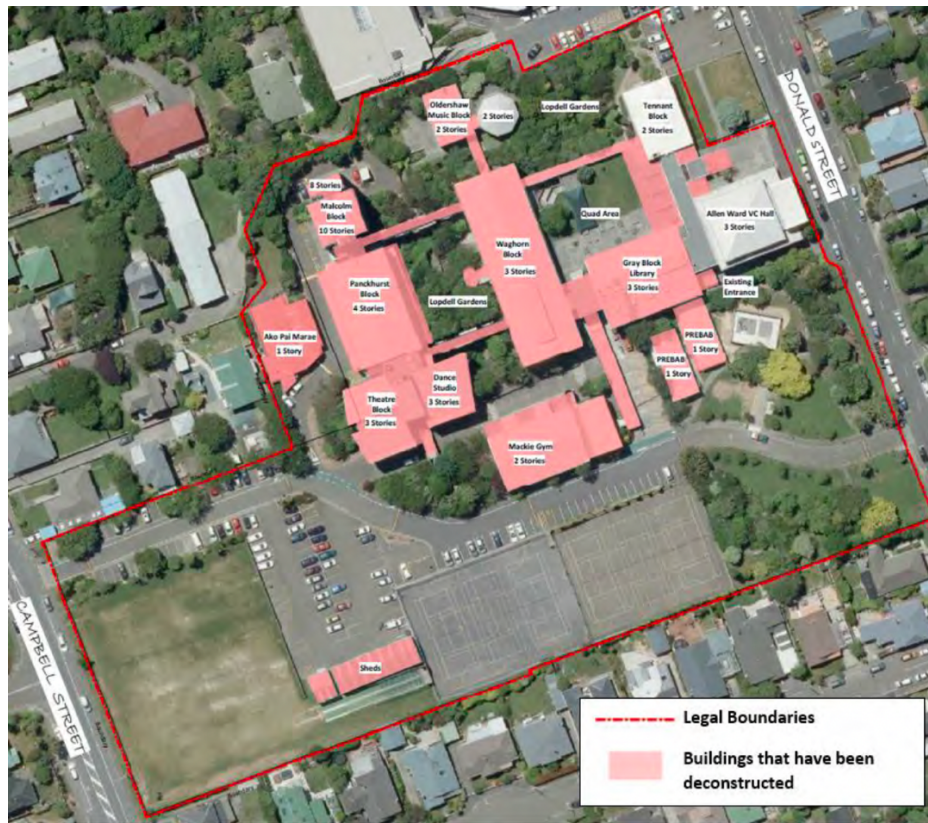


Figure 3: Former buildings that have been demolished. Source: AEE.

Previous Application:

18. On 30 March 2020, the applicant, Ryman Healthcare Limited, applied for resource consent for the establishment of a comprehensive care retirement village (Council’s reference SR No. 462500), similar to the subject proposal. I was involved in this application during the time I was previously employed by Wellington City Council. The application did not advance to a point where a decision on notification was made and the application was formally withdrawn on 1 September 2022.

SITE VISITS

19. During my previous involvement in SR No. 462500 I had visited the site on a number of occasions. These were largely from the external site boundaries and included visiting the site prior to the former buildings being demolished as well as during demolition.
20. In addition, I organised a site visit with the directly adjoining properties and visited their sites on 19 May 2020 (where permission had been arranged in advance). I visited the below listed properties to support my understanding of the relationship between the application site and their properties. A photographic record was made and the photographs were saved against Council’s files and have been drawn upon in this application, where and when required.

Scapa Terrace	Scapa Terrace	Campbell Street	Donald Street
6 Scapa Terrace	16 Scapa Terrace	29 Campbell Street	42 Donald Street

8 Scapa Terrace	18 Scapa Terrace	31 Campbell Street	44 Donald Street
10 Scapa Terrace	20 Scapa Terrace	31A Campbell Street	
12 Scapa Terrace	24 Scapa Terrace	33A Campbell Street	
14 Scapa Terrace	26 Scapa Terrace	49 Campbell Street	

21. On 9 August 2022, I undertook a site visit with Moira Smith, Council’s consultant heritage advisor, and the applicant and was able to access all parts of the subject site. I was also able to view the Scapa Terrace properties, 49 Campbell Street, and Karori Kids (29 Campbell Street) from within the site. On 16 August 2022, at the request of Jeremy Sprott (submitter number 60) and with permission arranged in advance, I visited their property at 32 Campbell Street.

PROPOSAL

22. Section 2 of the applicant’s AEE provides a comprehensive description of the proposal and this should be read in conjunction with this report.
23. There are two sets of plans which have been made public. The first set is the RC set and the second is the RCA set. The RC set is the one that would be approved should the Hearing Panel be of a mind to grant consent, and the RCA set is more for information purposes (as it contains 3D perspectives, shading diagrams, and other illustrative matters) and is not intended to form part of a ‘General’ condition of consent.

Ground works

24. Earthworks are required across the site to facilitate the development, including excavations for the basement car parking, building foundations, and the 1,400m³ water storage tank which is located between buildings B04 and B05 under the car park and courtyard area. Earthworks will be undertaken over an area of approximately 25,000m² and will involve 37,000m³ of cut and 2,500m³ of fill, with approximately 34,500m³ being transported off site. The maximum cut height and fill depth should be confirmed by the applicant as the Tonkin + Taylor report¹ suggests the maximum cut will be around 5.5m but there is no cross section to confirm the exact excavation height. Tonkin and Taylor also say that “the maximum fill heights are expected to be in the order of 3m” but it looks like it will be circa 4.5m.
25. As mentioned above, the site is identified in GWRC’s SLUR due to the presence of an above ground diesel storage tank when the site was operating as Victoria University. As outlined in the application², there is potential for this Hazardous Activities and Industries List (HAIL) activity to have resulted in ground contamination and there is the potential for other HAIL activity to have occurred across the site. Accordingly, the proposal is for the disturbance of, remediation, and management of contaminated or potentially contaminated land.

Servicing / Three Waters

26. The proposal involves the establishment of new infrastructure to service the development. This includes water supply, wastewater, stormwater, telecommunications, electricity, and gas. Sections 2.2.1 to 2.2.5 of the application and

¹ Refer to Appendix H of the application.

² Refer to Appendix J of the application.

the applicant's Infrastructure Assessment Report³ outline the existing and proposed infrastructure arrangements. For brevity, the existing and proposed arrangements will not be duplicated here but they should be read in conjunction with this report as there is extensive servicing/infrastructure proposed. Noteworthy, a 45m (l) x 10.5m (w) x 3m (d) stormwater detention tank is proposed under the car park and courtyard between B04 and B05. It will have a volume of 1,400m³.

Buildings

27. It is proposed to construct 11 new buildings on the site and adaptively re-use the existing Allen Ward VC Hall and Tennant Block which are located on the Donald Street side of the site. It is also proposed to retain the existing octagonal building room associated with the Oldershaw Block. The proposed buildings are described in further detail below and are shown in Figure 4 below.



Figure 4: Site plan and building references.

28. The buildings will provide a range of housing options including:
- 179 apartments (four x one bedroom, 134 x two bedroom, and 41 x three bedroom apartments across B01A, B01B, B02-B07);
 - 68 assisted living suites (contained within B01B); and
 - 60 care bedrooms (split equally between dementia, hospital and rest home and all contained in B01B).
29. The buildings are summarised below.

B01A

³ Refer to Appendix D of the application.

Bo1A is a collection of six buildings, comprising three proposed buildings and the existing Allen Ward VC Hall, Tennant Block, and octagonal building associated with the Oldershaw Block.

Bo1A is located in the northern part of the site and has an interface with Donald Street. These buildings contain a mix of uses, including the main entrance to the village, the village centre which is where the communal amenities are located, the bowling green, the operational and administration facilities, and 44 apartments. Pages 9 and 10 of the AEE provide a detailed overview of Bo1A's layout and key features. Two pedestrian gates are provided off Donald Street. A fire exit is proposed from the boundary shared with 24 Donald Street (WCC car park) which will only be used as a fire exit, not as a pedestrian entrance to the village.⁴

The three existing buildings will retain their existing heights and will be adaptively re-used. The larger Bo1A building, which is located between the bowling green and Bo1B, as shown in Figure 4 above, will be five storeys in height (which includes a level of car parking and an area of base isolation). The two other proposed buildings (one located to the west of the existing Oldershaw Block and the other to the south of the bowling green, as shown in Figure 4), will be base isolated and will be three storeys in height.

Bo1B

Bo1B comprises two buildings and will be located centrally within the site. Bo1B will have a basement level which will accommodate car parking and storage rooms. The building will be seven storeys in height, including the basement level. Bo1B will contain the residential care area including the rest home, hospital, and dementia care facilities, 68 assisted living suites, as well as a number of apartments.

Pages 10 and 11 of the applicant's AEE provide a detailed overview of Bo1B's layout and key features.

Bo2-Bo6

Bo2-Bo6 is a collection of five buildings with Bo2 fronting Campbell Street and with all buildings immediately adjacent the rear boundaries of the properties on the northern side of Scapa Terrace. The five buildings are interconnected at the ground floor where adjacent the Scapa Terrace properties (including 49 Campbell Street), which is where the undercroft car parking area is. Roof terrace areas providing private outdoor living space are provided at Level 1 between the main five building forms. Bo2-Bo6 are up to three storeys in height. There are two entrances to the car park: one directly from Campbell Street and the other is internal to the site between Bo4 and Bo5.

Scapa Terrace interface

Bo2-Bo4 are set back 5.5m from south-eastern boundary whereas Bo5 and Bo6 are set back 4.2m.

The areas where the roof terrace areas are located are single storey in height. The five buildings are then two storeys in height where set back 5.5m or 4.2m. The five buildings are three storeys in height where they have been set back a further 11m from the south-eastern boundary. Visual corridors ranging between approximately 17.8m and 20.2m in width (including the wing walls) are provided between the two storey components of the buildings. Figure 5 below shows the arrangement of Bo2-

⁴ Refer to Appendix O of the application.

Bo6 in relation to the boundary shared with the Scapa Terrace properties and 49 Campbell Street.



Figure 5: Buildings Bo2-Bo6, as viewed from the Scapa Terrace properties and 49 Campbell Street. Source: applicant's AEE.

Campbell Street interface

Bo2 directly addresses Campbell Street and is 72.5m in length along this frontage. It is set back between 5.2m and 7.2m from the south-western boundary. Vehicular access to the undercroft car park is provided off Campbell Street as well as a number of pedestrian access points, including ones to individual units located at ground level. When Bo2 is viewed from the residential properties on the opposite side of Campbell Street, it will predominately be three storeys in height except where it tapers to two storeys at either end.

Bo2 and Bo3 will be set back 4.1m from the north-western boundary where directly adjoining the properties at 29, 33, and 33A Campbell Street. These buildings will be two storeys in height where set back 4.1m from the boundary and will be three storeys in height where they are set back further into the site. The third level of Bo2 will be set back approximately 8.1m from the boundary and the third level of Bo3 will be set back approximately 15m (excluding the eave) from this boundary. A visual corridor approximately 15m wide is provided between Bo2 and Bo3 when viewed from these Campbell Street properties.

Pages 11 to 13 of the applicant's AEE provide a detailed overview of Bo2-Bo6's layout and key features.

Bo7

Bo7 is a single building located adjacent to the main entrance and will directly address Donald Street. It is two and three storeys in height, with basement car parking provided under the northern part of this building (which connects to the basement car park under the main village entrance). This building contains apartments.

Pages 13 and 14 of the applicant's AEE provide a detailed overview of Bo7's layout and key features.

Bo8

Bo8 is located between Bo1A and Bo1B, is small in area and is single storey in height. It will house bins and a compactor for recycling.

Access and parking

- 30. As shown in Figure 4 above, there will be two vehicular access points to the site: one from Campbell Street which will provide direct access to the undercroft car parking area in Bo2-Bo6 and will be 6m wide, and the other from Donald Street which is where the existing access point to the site is located and is proposed to be 9m wide. The Donald Street access point will provide access to the entrance portico of Bo1A, which will be the primary access point for visitors to the village and where drop off and pick up of the residents will occur.

31. The internal roading network will be 5.5m wide and will provide for two-way vehicle access throughout the site.
32. 229 car parks will be provided across the development. 39 will be located at grade around the site and 190 will be in basement or undercroft parking areas. The applicant has advised that 25 car parks will be for staff use and that the ratio and allocation of resident car parking and visitor car parking will be determined by Ryman prior to the village becoming operational, should the Hearing Panel be of a mind to grant consent.

Landscaping, fencing, lighting, and signage

33. The existing Lopdell gardens, which are located in the northern part of the site and in between B01A and B01B, will be retained where it is practicable to do so. Some existing vegetation and trees will need to be removed where required for construction-related purposes or if diseased. Any of the existing vegetation removed from the Lopdell gardens will be replaced with appropriate native species.
34. Extensive landscaping is proposed across the site, as shown on the indicative landscape plan⁵. This includes both hard and soft landscaping. The indicative landscape plan also identifies existing vegetation for retention and removal.
35. A publicly accessible pocket park will be located in the site's eastern corner, adjacent to the property at 42 Donald Street. This will not be vested with Council and Ryman will retain ownership and associated maintenance responsibilities. It is noted that the latest plan set only includes two out of the three sheets – Sheet 3 is not included but can be found in the RCA plan set. Sheet 3, being LO-xxxPP Rev A, dated 07/02/2020, identifies an existing memorial kowhai tree in this area. The existing tree will be retained and protected. The pocket park will be landscaped and will have seating, but the applicant advises it will not have lighting. If the space is not intended to be used after dark no light would be the preferable approach. If it is intended to be used after dark, it definitely should be well-lit. The applicant is invited to provide further commentary on this; further commentary on CPTED matters is recommend. The applicant should confirm if the abovementioned Sheet 3, dated 07/02/2020, is the latest version and is to be included as part of the RC plan set.
36. Fencing is proposed across the site. The proposed fencing is shown on RC12, Drawing No. AO-110 (Revision A, dated 18 June 2021), with all external site boundaries being fenced, except where the pocket park faces Donald Street or where a vehicle or pedestrian gate is required.
37. Section 2.1.14 of the applicant's AEE identifies the types of lighting proposed across the site and this is shown on RCA06, Drawing No. AO-20 (noting this is not part of the RCA set).
38. Entrance signage (shown on RC12), wayfinding signage, and posted speed limit signage is proposed⁶. Section 2.1.12 of the AEE describes the different types of signage proposed and Drawing No. AO-20 includes basic signage information. Based on what is shown and described in the plans and AEE, the Donald Street entrance will have two external-facing signs and Campbell Street will not have any external-facing signage.

Other

⁵ Please note the indicative landscape plan does not have a corresponding appendix letter, but it is part of the latest application documents as stated on the WCC dedicated webpage for this resource consent application. The plan revision is 'Amendment S' dated 14/07/21 but it is noted that the detailed plan for the public pocket park is included in the RCA plan set.

⁶ Wayfinding signage and speed limit signage is shown on RCA06, which is part of the RCA set.

39. It is noted that Part A of the AEE outlines the consents required from GWRC. It is my understanding that, at the time of issuing this recommendation report, the consents and permits required from GWRC had not yet been approved.
40. The applicant owns the site at 33 Campbell Street and therefore written approval from this property is implicit and is attached at Appendix P of the application. Any actual and potential effects on 33 Campbell Street must be disregarded.

RESOURCE MANAGEMENT AMENDMENT ACT 2013

41. The Resource Management Amendment Act 2013 (RMAA) came into effect on 3 March 2015 and this application was lodged on 7 September 2020. Consequently, the provisions of the RMAA apply. Of particular relevance, the RMAA changed the resource consent process and timeframes relating to notification and hearings.

RELEVANT NATIONAL ENVIRONMENTAL STANDARD

42. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) enabled the establishment of the Hazardous Activities and Industries List (HAIL). HAIL is a list of activities and industries that are likely to cause land contamination resulting from hazardous substance use, storage or disposal. It has been identified that HAIL activities have (or are likely to have) occurred on the site.
43. In particular, if a person wishes to change the use of land that is, has been, or is more likely than not to have been subject to an activity or industry described in the HAIL and is reasonably likely to harm human health, that activity must be assessed for compliance in accordance with the NES-CS.

RELEVANT NATIONAL POLICY STATEMENT

44. The National Policy Statement on Urban Development (NPS-UD) came into effect on 20 August 2020 and is relevant to this proposal. The NPS-UD supersedes the National Policy Statement on Urban Development Capacity (NPS-UDC), which came into effect from 1 December 2016. Both the NPS-UD and earlier NPS-UDC recognise the national significance of urban environments and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
45. The purpose of the NPS-UD is to enable development by maximising the benefits of intensification. The NPS-UD directs decision making under the Act to ensure that planning decisions enable development through providing sufficient development capacity for housing and business.

PROPOSED DISTRICT PLAN

46. On 18 July 2022 the Council notified the Wellington City Proposed District Plan.
47. The Proposed District Plan gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), enacted in December 2021, as well as the NPS-UD policies 3 and 4 (intensification and qualifying matters).
48. The following provisions in the Proposed District Plan have immediate legal effect:

1. Historic Heritage
 2. Significant Natural Areas
 3. Medium Density Residential Standards (MDRS) – being intensification provisions within the Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) that give effect to the Amendment Act.
49. Decision making processes for the Proposed District Plan will follow both the Resource Management Act 1991 (RMA) Intensification Streamlined Planning Process (ISPP) and the Part One, Schedule One process. This means that the notification of the Proposed District Plan will be split into two separate processes:
- The ISPP process uses an independent hearings panel, has no merit appeals to the Environment Court and must be completed in around one year.
 - The Schedule One process follows the normal Plan Change process and can be subject to appeals to the Environment Court.
50. Provisions relevant to the Resource Management (Enabling Housing supply and other matters) Amendment Act 2021 and NPS-UD will be determined through the ISPP. The remaining provisions will be determined through the Schedule One process.

ACTIVITY STATUS

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect human Health 2011 (NES-CS):

51. Resource consent is required under the following regulation:

<p>Regulation 10</p> <p>The proposal does not meet Regulation 8(3) with respect to the volume of disturbance of soil and the volume of soil to be taken away. The proposal does not meet Regulation 8(4) for a change of use as no PSI has been prepared to assess the risk to human health. The proposal includes a Detailed Site Investigation (DSI) which indicates that concentrations of soil contaminants exceed background concentrations, thus will not meet Regulations 9(1) or 9(3). As such, consent is required as a Discretionary (Restricted) Activity under Regulation 10 of the NES-CS.</p>	<p>Discretionary (R)</p>
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52. The proposal is assessed as a **Discretionary (Restricted) Activity** under the NES-CS.

District Plan:

53. Resource consent is required under the following rules:

<p>Rule 5.3.1 – Activities</p> <p>The proposal requires resource consent as a Discretionary (Restricted) Activity as it will not comply with the following standards:</p> <p><u>Standard 5.6.1.1.1 - Noise</u></p> <p>It is proposed to exceed the permitted standard by 3dB (when measured from 29 Campbell Street) once or twice a week during refuse collection.</p>	<p>Discretionary (R)</p>
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<p><u>Standard 5.6.1.3 - Vehicle Parking</u></p> <p>When the application was lodged, standard 5.6.1.3 applied a minimum car parking rate of one per household unit and one visitor car park per four household units. The proposal did not comply with this requirement at the time of lodgement.</p> <p><u>Standard 5.6.1.4.3 – Site Access</u></p> <p>The site has frontage to both a Collector Road and a Local Road and therefore does not comply with this standard as each frontage will have a crossing, including one onto a Collector Road (Campbell Street).</p> <p><u>Standard 5.6.1.4 .7 - Site Access</u></p> <p>The vehicle crossing on Donald Street will have a maximum width of 9m, which therefore exceeds the permitted width of 6m. The vehicle crossing on Campbell Street will comply.</p> <p>There are no relevant conditions.</p>	
<p>Rule 5.5 – Buildings</p> <p>Resource consent is required as a Non-Complying Activity. It will not comply with the below permitted activity standards and it will not comply with conditions 5.3.4.15, 5.3.4.16, and possibly 5.3.4.19 (refer to footnote 12) under Rule 5.3.4.</p> <p><u>5.6.2.3 – Ground Level Open Space</u></p> <p>50m² of ground level open space is not provided for each unit.</p> <p><u>5.6.2.4 – Site Coverage</u></p> <p>The proposal will have a site coverage of 47.1%⁷.</p> <p>Condition 5.3.4.15 is not met as the site coverage exceeds 42%.</p> <p><u>5.6.2.5 – Maximum Height</u></p> <p>The proposed buildings exceed the 8m maximum building height⁸. The below measurements are not the total building height per building, but rather the exceedance from the 8m permitted height limit. Please refer to Drawing AO-041 for B01A and B02’s building numbers for ease of reference.</p> <ul style="list-style-type: none"> • B01A (1): 11.82m • B01A (2): 3.49m • B01A (3): 3.84m • B01A (4): existing Allen Ward VC Hall (but does not comply) • B01A (5): existing Tennant Block (but complies) 	<p>Non-Complying</p>

⁷ The applicant needs to confirm how site coverage has been calculated. Page 39 of the AEE says it will be 47.1% but this has not been included on the plans. RCO3 says the total building footprint will be 14,533.15m², which, if the total footprint has been used to calculate the site coverage across the 30,575m² site, the site coverage would be 47.5%. It is also not known if the total footprint includes eaves greater than 1m – this should also be confirmed. Based on what is known, I consider it reasonable to say the site coverage exceeds 42%, which is the threshold to elevate the application to Non-Complying activity status.

⁸ Pages 40 and 41 of the AEE list the building height exceedances and the sections in the RC plan set show the exceedances. Drawing AO-041 also includes the RLs for the buildings. It is noted there are some discrepancies between the maximum exceedances between the ones listed on pages 40 and 41, and the sections when working through the RLs. This is particularly the case with B01B (both buildings) and B07. The exceedance in building heights for B02-B06 are consistent between what is listed in the AEE and with the RLs, however, there are some differences shown in the sections (refer to Long Section 5 on RC16).

- Bo1A (14): existing Oldershaw building (but complies)
- Bo1B (6): 15.51m – 17.58m⁹ (this needs to be confirmed by the applicant – refer to footnote)
- Bo1B (7): 14.49m – 14.54m¹⁰ (this needs to be confirmed by the applicant – refer to footnote)
- Bo2: 3.39m
- Bo3: 3.68m
- Bo4: 3.91m
- Bo5: 3.91m
- Bo6: 2.54m
- Bo7: 2.32m – 3.13m¹¹ (this needs to be confirmed by the applicant – refer to footnote)
- Bo8: complies.

While some of the building heights need clarification, I am confident that condition 5.3.4.16 is **not** met as the maximum building height is exceeded by more than 20%.

5.6.2.8 – Building Recession Planes

- North-western boundary (where adjacent to 33 Campbell Street): 841mm (as shown on RC17).
- North-western boundary (where adjacent to 29 Campbell Street) at Bo3: 1,449mm (as shown on RC17).
- Bo1A (northern boundary, as measured to the west of the Oldershaw building): either 2,979m or 4,022m¹² (this needs to be confirmed by the application – refer to footnote).

The proposed buildings comply with the recession planes along the south-eastern boundary shared with the Scapa Terrace properties and 49 Campbell Street and 42 Donald Street¹³.

Compliance with condition 5.3.4.19 cannot be determined at present as confirmation from the applicant is required in respect to the recession plane along the northern boundary. Notwithstanding, the application is already being assessed as a Non-Complying activity as it does not meet conditions 5.3.4.15 and 5.3.4.16.

5.6.2.9 – Alterations and Additions to Buildings with an Existing Non-Compliance

The existing Allen Ward VC Hall exceeds the 8m permitted height limit and the proposal will increase the degree of non-compliance indirectly through the incorporation of the proposed buildings associated with Bo1A as they are all connected.

⁹Bo1B (building 6): The AEE says the exceedance will be 17.58m, the difference in RL says 23.51m so an exceedance of 15.51m, and the section (refer to Long Section 1 on RC16) shows the exceedance to be 16m.

¹⁰ Bo1B (building 7): The AEE says the exceedance is 14.54m, the difference in RL is 14.49m, and the section (refer to Long Section 6 on RC15) shows the exceedance to be 14.783m.

¹¹ Bo7: the AEE says the exceedance will be 3.13m, the difference in RL is 2.32m, and there is no section in the RC set for Bo7, however, the elevations on RC37 show the maximum height at 10.45m, so based on this the exceedance would be 2.45m.

¹² This recession plane needs to be confirmed by the applicant as RP07 on RC14 shows this to be 2.979m whereas section 2 on RC14 shows this to be 4.022m and the ground level is the same as is the 181.52 RL. This will determine whether condition 5.3.4.19 is met for not.

¹³ Page 40 of the AEE states there will be building recession plane infringements along the south-eastern boundary for Bo4 and Bo5. Based on the latest plans and sections, it would appear these buildings comply, but the applicant is invited to confirm this.

<p>Rule 5.3.7 – Multi-unit Development Resource consent is required as a Discretionary (Restricted) Activity. There will be 179 independent living apartments and 68 assisted living suites, both of which meet the definition of a household unit, and 60 care beds (which meets the definition of a residential activity).</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 5.3.10A – Educational Precinct The proposal requires resource consent as a Discretionary (Restricted) Activity as it involves the construction of buildings and structures within an Educational Precinct. The gross floor area of the proposed buildings exceeds 100m², therefore they cannot be provided for as Permitted activities.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 5.3.11 – Signage Resource consent is required as a Discretionary (Restricted) Activity for the proposed entrance signage. There will be two signs at the main entrance on Donald Street and both will be greater than 0.5m² in area (but less than 1.5m²).</p> <p>The relevant condition under this rule, which requires permanent signs on residential sites and buildings to not have a sign area exceeding 1.5m², will be met.</p> <p>The wayfinding and speed limit signage within the site are not considered to be intended principally to attract the attention of the public and do not have implied or actual commercial advertising intent.</p>	<p>Discretionary (R)</p>
<p>Rule 30.2.1 – Earthworks Resource consent is required as a Discretionary (Restricted) Activity as the earthworks will be undertaken over an area of approximately 2.5ha, which exceeds the permitted area of 250m², and the maximum cut height and fill depth will exceed 2.5m.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 32.2.1 – Contamination Resource consent is required as a Discretionary (Restricted) Activity as it involves the remediation, use, development and subdivision of any contaminated land, or potentially contaminated land.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>

Notes:

- a. When the application was submitted in September 2020, the Council had minimum car parking requirements, which was one car park per household unit. There were also minimum visitor car parking requirements of one car per every four units. All

minimum car parking requirements were removed from the District Plan on 4 May 2021 and this had immediate effect.

- b. The District Plan does not have a separate rule framework, including any relevant bespoke standards, for retirement villages. As such, the proposed retirement village and care facility are considered to be a 'residential activity' and the proposal is being assessed as a multi-unit development as more than two 'household units', albeit not in traditional sense, are proposed.
 - c. Rule 5.3.10A does not state that the construction of buildings within an Educational Precinct has to be for educational purposes only. As such, consent is required under this rule given the Operative District Plan overlay for this site and that the proposal involves the construction of buildings. However, where residential development is proposed this rule cannot be applied in isolation from the rules and associated standards that apply directly to the construction of residential buildings and structures as Rules 5.1.9 and 5.3.10A do not include a statement that precludes this. While the proposal is a Discretionary (Restricted) activity under Rule 5.3.10A, it involves the construction of residential buildings which do not comply with the standards outlined in section 5.6.2 which then requires consideration under Rule 5.3.4. As the conditions of this rule are not met, the proposal is elevated to a Non-Complying activity under Rule 5.5. In addition, Rule 5.3.7 applies to all residential buildings where the result will be a multi-unit development.
 - d. The Operative District Plan maps do not map the open stormwater channel/stream corridor located in the south-eastern part of the site, however, this is identified on the Council's property maps. Notwithstanding, there are no proposed buildings in that area and there is an existing fence that will be replaced, such that it is not considered Standard 5.6.2.2.11 is breached. As shown on the landscape plan, no impervious surfaces are proposed in this part of the site, thus compliance with Standard 5.6.2.2.12 would be achieved.
 - e. Despite the site and existing buildings, being the Allen Ward VC Wall, Tennant Block, and Octagonal building associated with the Oldershaw Block, being listed as a Historic Place Category 1 by HNZPT, the buildings are not identified in District Plan as being heritage listed. Accordingly, the proposal does not require consent under Chapter 21 - Heritage.
54. The proposal is assessed as a **Non-Complying Activity** under the Operative District Plan.

Overall Activity Status:

55. Overall, the proposal is assessed as a **Non-Complying Activity** under the NES-CS and the Operative District Plan.

NOTIFICATION AND SUBMISSIONS

Notification:

56. The application was publicly notified on 19 April 2022 in accordance with section 95A of the Act as the applicant requested that the application be publicly notified. A public notice appeared in the Dominion Post on this date and a sign was erected on the site. Notice of the application was also posted on the Council's website. Owners and occupiers of land in the immediate area were served a copy of the application:

Campbell Street properties	3, 5, 6, 7, 8, 8A, 9, 9A, 10A, 10B, 11, 11A, 12, 14, 15, 16, 17, 17A, 17B, 18, 19, 19A, 20, 21, 21A, 22, 23, 24, 25, 26, 1/27, 2/27, 28, 28A, 29, 30, 31, 31A, 32, 33, 33A, 34, 36, 38, 40, 42, 49, 53, 55, 57, 59
Karori Road properties	221, 221A, 221B, 221C

Cooper Street properties	1, 2
Lewer Street properties	3, 6, 6A, 7, 7A, 8
Scapa Terrace properties	5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26
Donald Street properties	2, 7, 9, 19, 21, 21A, 22, 23, 23A, 25, 27, 29, 31, 33, 35, 37, 39, 41, 42, 43, 44, 45, 46, 47, 49, 51, 52, 53, 54, 56, 58,
Cargill Street properties	6A, 6B, 7, 8A, 8B, 9, 10, 10A, 11, 12, 13, 14, 15, 16, 17

57. In addition, notice was served on GWRC, Taranaki Whānui ki Te Upoko o Te Ika, Ngāti Toa Rangatira, the Karori Residents Association, and other interested parties registered with the Council.

Submissions:

58. A total of 75 submissions were received by the close of submissions on 18 May 2022. Of these submissions 36 were opposed to the application, 38 were in support of the application, and 1 was neutral.
59. On 18 August 2022 a late submission was received from HNZPT. The applicant has agreed to a section 37 extension to the submission timeframe, so the submission has been accepted.
60. Submissions were received from the following parties:

#	Submitter	Address	Oppose/ Support
1	Heng Hu	27 Hathaway Avenue	Oppose
2	Margaret Halton	IA 703 / 134 Burma Road	Support
3	Tim Prescott	3B/3 Clyde Quay Wharf	Support
4	Richard Hesom-Williams	16 Blakey Avenue	Support
5	Jan Heynes	14 Tisdall Street	Support
6	Donald Craig	12 Lancaster Street	Support
7	Kevin Carr	Flat B05, 10 Ebor Street	Support
8	Darko Petrovic	5/12 Stanley Street	Support
9	Sandra Lamb	81 Silverton Road	Support
10	Helen Carr	Flat B05, 10 Ebor Street	Support
11	Geraint Scott	3/42 Cambridge Terrace	Support
12	Susan Harper	162 Daniell Street	Support

13	J S McPherson	PO Box 3559	Support
14	Michelle Jansen	14 Edgeware Road	Support
15	Jacqueline O'Hagan	53 Campbell Street	Oppose
16	Francine Tyler	26 Scapa Terrace	Oppose
17	Maryann Healy	42 Donald Street	Oppose
18	Yew Mun Ho	5 Ridd Crescent	Support
19	Mei C Ho	5 Ridd Crescent	Support
20	David Wallace Marshall	1 Lancaster Street	Support
21	Gabrielle Anne Marshall	1 Lancaster Street	Support
22	David Powell	46 Donald Street	Oppose
23	Cheryl Harrison	(address not supplied)	Support
24	John Sarfati	275 Karori Road	Support
25	Sandra Waldrom	31 Donald Street	Oppose
26	Denis Stoops	13 Rochester Street	Support
27	Noeline Stoops	13 Rochester Street	Support
28	Judy Elliott	23 Donald Street	Support
29	Angela Werren	27 Standen Street	Support
30	Jennifer Rutledge	11 Farm Road	Support
31	Janet Hercus	25 Donald Street	Support
32	Karori Residents Association c/o Andrea Skews	27 Buller Street	Support
33	Roger E Lane	11 Rutland Way	Support
34	Sandra Fitzgibbon	Apt 618/134 Burma Road	Support
35	Silvana C Evans	3/229 Karori Road	Support
36	Mary Miria Finny	34 Campbell Street	Oppose
37	Helen Meo	6 Scorian Close	Support

38	Barbara Carruthers	14 Scapa Terrace	Oppose
39	John McArdle	15 Scapa Terrace	Oppose
40	Sarah Minson	5 Scapa Terrace	Oppose
41	Nikki Fraser	19A Campbell Street	Support
42	David Butcher	6 Horopito Road	Support
43	Jude Wallace	13 Scapa Terrace	Oppose
44	Simon Ross	383A Karori Road	Neutral
45	Michael Hamilton	18 Scapa Terrace	Oppose
46	Jennifer Mattlin	36 Cooper Street	Oppose
47	Carol Allan	67 Chamberlain Road	Support
48	Virginia Carpenter	21 Donald Street	Oppose
49	Bonita Gestro	6 Scapa Terrace	Oppose
50	Joost and Kerri van Amelsfort	12 Scapa Terrace	Oppose
51	Fire and Emergency New Zealand c/o Fleur Rohleder - Beca Ltd	PO Box 3942	Oppose
52	R & C Blair	7 Cargill Street	Oppose
53	Margaret MacLaren	2 Kate Way	Oppose
54	Richard Brandon	23 Scapa Terrace	Oppose
55	John Eyles	38 Campbell Street	Oppose
56	Andrew and Julie Cooper	49 Campbell Street	Oppose
57	Richard Leikis and Vanessa Porter	20 Scapa Terrace	Oppose
58	Clinton Moran	16 Scapa Terrace	Oppose
59	J Aim	6/260 Oriental Parade	Support
60	Jeremy and Debbie Sprott	32 Campbell Street	Oppose
61	Michelle Frances Walton	3 Spencer Street	Support

62	Bruce Dunstan	11 Scapa Terrace	Oppose
63	Timothy Jacomb	161-163 Karori Road	Oppose
64	Harriette Carr	10 Matai Road	Support
65	Responsible Development Karori Inc c/o Andrew Cooper	49 Campbell Street	Oppose
66	David Jupp	21 Scapa Terrace	Oppose
67	Lina Hao	40 Campbell Street	Support
68	Peter Taylor	21A Campbell Street	Oppose
69	Catherine and Michael Hallagan	42 Campbell Street	Oppose
70	Mark Moore	17 Paddington Grove	Oppose
71	Dr Margaret E. Gordon	41 Ngaio Road	Support
72	Bernadette and Tristram Ingham	22 Scapa Terrace	Oppose
73	Margot King	15 Scapa Terrace	Oppose
74	Bruce and Miranda Major	37 Donald Street	Oppose
75	David Winston King and Anna Reese McKinnon-King	24 Scapa Terrace	Oppose
76	HNZPT	N/A	Oppose

61. The following issues were raised in the submissions:

Visual effects, streetscape and character

- Buildings are too high and overbearing
- Skews the skyline
- The development is too large
- Loss of visual amenity
- Design will fit in well with the residential area
- Development will be compatible with the area and will have less impact than the former Campus
- High quality buildings

Residential amenity

- Shading effects from buildings
- Shading effects from the proposed trees along the southern boundary
- Visual bulk and dominance effects
- Loss of outlook and views

- Privacy effects
- Effect on neighbours will be minimal when compared with the previous use

Landscaping

- Shading effects from the proposed trees along the southern boundary
- Council should impose requirements for planting new trees
- Council should impose requirements to retain existing vegetation
- Exotic plants should not be used; natives will create a haven for bird life
- Trees along the southern boundary are not appropriate
- No mitigation planting adjacent to 16-22 Scapa Terrace
- Landscaping is appealing and is high quality
- Retention of existing vegetation and there will be new landscaping

Wind effects

- Wind effects on backyards
- General wind effects from the development
- Wind funnelling
- Not enough has been done to mitigate wind effects

Construction effects (noise, traffic)

- Duration
- Construction period should be limited to two years
- The scale of the development means there will be a longer construction period
- There should be a published construction program to be part of any building consent, with provision for liquidated damages paid to affected residents should the developer delay or procrastinate
- Construction noise effects
- Noise from construction workers, including use of radios
- Vibration
- Construction traffic effects
- Construction hours should be limited i.e. stricter than NZ6803:1999

Earthworks and Geotechnical

- Dust effects (also exacerbated by the windiness of the site)
- Creation of pollutants
- Ryman Healthcare should make good on their original offer to frequently wash the exterior of affected houses
- Impacts of ground movement from excavations
- Ryman to honour their original offer to neighbours impacted by the development to have their homes assessed pre and post-construction and to rectify any movement or shaking impacts on the houses from construction activities
- Works should not be able to proceed until there is an understanding of soil types and potential impacts to existing buildings
- Should be controls and mitigations in place for heavy rain events during construction

Operational noise

- Noise from garage door alarm
- Noise from tyres screeching from the undercroft car park
- Noise from laundry and air conditioning

Infrastructure / Servicing

- Development will exacerbate existing infrastructure issues

- Additional pressure on existing infrastructure
- Regional Standard and Specification for Water Services (RSWS) used by the applicant is out of date (i.e. not the 2021 version)
- Old data from Ryman's other sites has been used
- That Council excluded Karori from the zoning and height changes because of the constraints further development would have on infrastructure and that Karori cannot sustain high levels of intensification
- Wastewater mitigation is required and should not be left to the engineering approval stage
- Matters should not be left to the engineering approval stage

Flooding

- Flooding impacts on adjoining properties
- Flooding impacts on the surrounding area
- Flooding impacts from over-capacity stormwater pipes
- Stormwater detention should capture a 1% AEP
- Existing open space area acts as a de-facto soakpit

Loss of green space / amenities

- Ryman should provide more green space
- Loss of public open space
- Loss of tennis courts, cricket nets amenities/facilities on site
- Buildings will be in place of open space

Lighting

- Lightspill effects
- Concerns there will be flood lights like there are at Karori School

Traffic

- Increased pressure on public transport
- Increased demand and stresses on on-street car parking during construction
- Increased demand and stresses on on-street car parking once operational
- Safety concerns for daycare, school children, pedestrians
- Not enough on-site car parking for staff, visitors, and residents
- Increased levels of traffic
- Increased level of construction
- Access issues for fire appliances
- Too many car parks are being provided given the public transport in the area
- Council should have dedicated residents car parking in the nearby streets
- Council should have restricted parking or loading zones in the area
- Traffic modelling is outdated
- Concerns that staff will park on the surrounding streets / car parks in front of Ben Burn Park
- Residents concerned they will not be able to park in front of their houses
- Car parks should be allocated for staff and visitors
- There should be a judder bar to slow vehicles exiting from the Donald Street exit

Heritage

- The proposed buildings detract from the heritage values of the buildings that are being retained
- Concerns about the use of aluminium joinery
- That existing timber joinery should be retained and repaired

- Concerns pertaining to the two screens on either side of the entrance lobby

Other

- Impacts on the stream that runs through the site
- There are issues with rodents/vermin on site
- Pest eradication conditions should be imposed
- Lack of consultation by Ryman
- Loss of value to properties
- Internal amenity effects for residents
- Council should promptly respond to residents' complaints regarding noise, traffic, vehicles blocking driveways and the like
- Effects on bird life

STATUTORY CRITERIA

62. 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.”*

63. The application is for a Non-Complying Activity under the District Plan. Subject to section 104D, the Council may grant or refuse consent under section 104B of the Act and, if granted, may impose conditions under section 108 of the Act.

64. Section 104(1) of the Act sets out matters a consent authority shall have regard to in considering an application for resource consent and any submissions received. Subject to Part 2 of the Act (Purposes and Principles), the matters relevant to this proposal area:

Section 104 (1) (a) “any actual and potential effects on the environment of allowing the activity;”

Section 104 (1)(b) “any relevant provisions of-

- (i) a national environmental standard:*
- (ii) other regulations:*
- (iii) a national policy statement:*
- (iv) a New Zealand coastal policy statement:*
- (v) a regional policy statement or proposed regional policy statement:*
- (vi) a plan or proposed plan”*

Section 104 (1)(c) “any other matter the consent authority considers relevant and reasonably necessary to determine the application.”

65. Part 2 (Sections 5, 6, 7 and 8) of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is *“to promote the sustainable management of natural and physical resources”*. Section 5 goes on to state that sustainable management should enable *“people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment”*.

66. In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).
67. An assessment against Part 2 of the Act will be undertaken later in this report.

SECTION 104 ASSESSMENT

Section 104D Assessment – Gateway Test:

68. As the proposal is for a Non-Complying Activity the gateway test of section 104D must be fulfilled, namely that either the effects are not more than minor or that the proposal is not contrary to the objectives and policies of the Operative District Plan and Proposed District Plan, before the application can be considered under section 104B of the Act.
69. As the applicant requested public notification and a Notification Report was accordingly not prepared, the Council has not yet determined whether the effects of the proposal will be no more than minor. As such, the effects will be assessed below.

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

Permitted Baseline:

70. In forming the opinion for the purposes of section 104D(1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (in accordance with sections 104D(2) and 104(2) of the Act).
71. The applicant has not provided a permitted baseline against which adverse effects can be compared and disregarded. Noting that while the applicant has not provided a permitted baseline argument, the Operative District Plan permits incremental development of a site utilising the permitted activity residential buildings and structures rules and the permitted activity subdivision rule. This can provide for the construction of two houses to begin with, or potentially three now the Medium Density Residential Standards of Schedule 3A of the Act have been notified in the Proposed District Plan, followed by a permitted activity subdivision. Each subdivision can facilitate a faster rate of permitted housing development than the subdivision before it. It is not uncommon for smaller scale developers to develop their land in an incremental way consistent with this.
72. However, without more information from the applicant such an approach cannot be properly considered in terms of credibility, or whether other resource consents may be required such as for earthworks. Additionally, without any information there is no ability to compare the proposal against anything.
73. For this reason, I have not considered a permitted baseline relating to the building development as part of the assessment to follow.
74. The permitted baseline that is of relevance is the construction of a 2m fence on the site's boundaries. Disregarding permitted activity effects from a 2m high fence is considered appropriate in this case as use of the permitted baseline is not inconsistent with the wider context of the District Plan and Part 2.

Existing Environment:

75. It is appropriate to consider the effects of the development in comparison to the existing building development on the site (i.e. the existing environment). In this case, the existing environment comprises the Allen Ward VC Hall, the Tennant Block, and the octagonal building associated with the Oldershaw Block. It also includes the garage building parallel to 20 and 22 Scapa Terrace.
76. For completeness, the existing environment does not include the former buildings associated with the Teachers' College/Victoria University of Wellington which were demolished circa 2020.

Effects Assessment:

77. The effects of this proposal are considered to fall into the following categories:
- Residential Amenity
 - Wind Effects
 - Streetscape, Character, and Visual Effects
 - Landscape Effects
 - Arboriculture Effects
 - Heritage Effects
 - Construction Effects
 - Earthworks and Geotechnical Effects
 - Contamination Effects
 - Traffic Effects
 - Noise Effects
 - Servicing / Three Waters Effects
 - Flooding Effects
 - Effects on Water Quality
 - Signage Effects
 - Lighting Effects
 - Open Space and Recreation
78. I will provide an assessment of the application under the sub-headings listed above which take into account relevant matters raised in the submissions, along with the further advice provided by the Council's expert advisors.
79. My assessment of the adverse effects of the proposal draws on the information provided in the applicant's AEE, along with advice provided by the Council's experts. The table below sets out in full the advice I have received from the Council's experts.
80. Table 1: Advice provided by the Council's experts

Advisor	Area of Expertise	Assessment Date
Sarah Duffell	Senior Urban Design Advisor	21 July 2022
Angela McArthur	Consultant Landscape Advisor	28 July 2022
Mike Donn	Consultant Wind Advisor	26 July 2022
Moira Smith	Consultant Heritage Advisor	25 July 2022 and memo 19 August 2022
Lindsay Hannah	Acoustic Engineer	18 July 2022
Soon Teck Kong	Transport Engineering and Operations Manager	July 2022
John Davies	Senior Earthworks Engineer	14 July 2022

Stephanie Cherfane	Consultant Senior Geotechnical Engineer	1 December 2020
Ayoub Riman	Consultant Geotechnical Engineer	2 August 2022
Suzanne Lowe	Principal Environment Consultant	2 August 2022
David Wilson	Consultant for Wellington Water Limited	19 August 2022

81. Should the Hearing Panel be of a mind to grant consent, **Appendix 1** contains a comprehensive list of conditions of consent as recommended by the expert advisors and as proffered by the applicant in their AEE. Where conditions that would mitigate adverse effects have been proffered or agreed to by the applicant, they can be relevant to determining whether the effects would be no more than minor and I will identify this where applicable.

Residential Amenity

82. The development has the potential to affect the residential amenity of nearby residential properties and on this basis an assessment must be undertaken to determine the scale of effects. Residential amenity includes factors such as shading, privacy and overlooking, and bulk and dominance. It is noted that at large proportion of the submitters who oppose the application have raised concerns relating to these matters. Wind effects are addressed separately.
83. It is also recognised that the directly adjoining and surrounding sites have benefited since the existing buildings were demolished on site in 2020 as, aside from the Tennant Block and Allen Ward VC Hall, the site has been largely vacant of buildings. The associated effects, including visual bulk, outlook, and shading of these buildings have not existed since these buildings were demolished.

Bulk and Dominance

84. Many submitters have expressed concerns relating to the visual impact and bulk and dominance effect the proposal will have of them due to the scale of the development.
85. In assessing the actual and potential visual bulk and dominance effects from the proposal on the adjoining properties, I have relied on the expert advice of the Council's Senior Urban Designer, Ms Sarah Duffell, and the Council's consultant Landscape Architect, Ms Angela McArthur attached at **Appendix 2** and **Appendix 3**, respectively. For completeness, it is noted that Ms Duffell and Ms McArthur's evidence are reviews of the applicant's Urban Design Assessment, prepared by Mr Andrew Burns (dated 16 July 2021), and the Landscape and Visual Effects Assessment, prepared by Ms Rebecca Skidmore (dated July 2021), respectively.
86. To provide a nexus between Ms Duffell's and Mr Burns' evidence, I will address the effects on a per street basis, with supplementary commentary provided where required.

Karori Road Properties

87. I agree with the conclusions drawn by Mr Burns and note Ms Duffell has adopted this assessment. Visual bulk and dominance effects will be less than minor.

Lewer Street Properties

88. Mr Burns' assessment largely relates to users of the street, not residential properties, and concludes that users "will experience minor adverse visual dominance and

character effects.” From a residential amenity perspective, Ms McArthur has advised that for some properties, the upper levels of the proposed buildings will be noticeable, however the separation distance and buildings in the foreground will help reduce the visual impact of B01B. Given the setback between B01B and residential properties on Lewer Street, I consider bulk and dominance effects as experienced from the residential properties will be less than minor. Effects from the other proposed buildings will not be as appreciable from the Lewer Street properties given the topography and intervening built form between these properties at the surrounding environment.

Donald Street Properties

89. There will be approximately 34m between B07 and 42 Donald Street and approximately 40m between this property and B06, with intervening landscaping which will assist in mitigating adverse effects. There is also sufficient separation between this property and B01A, B01B, and any other part of the development that would be visible to this property such that bulk and dominance effects will not occur. As such, I consider bulk and dominance effects on this property will be less than minor.
90. From 44 Donald Street, B07 will largely be screened by the two storey dwelling at 42 Donald Street. I also consider there to be sufficient separation between this property and B06, B01A, B01B, and any other part of the development that would be visible to this property such that bulk and dominance effects will be less than minor.
91. I agree with Mr Burns that for 21, 23, 25, 27, 29, and 31 Donald Street their direct outlook will not significantly change as they presently face the part of the site that contains the Allen Ward VC Hall and Tennant Block. 31 Donald Street will perceive B07, however, the I consider the physical separation of the legal road will provide a sufficient buffer.
92. I agree with Mr Burns that for 33, 35, 37, and 39 Donald Street their direct outlook will change, however, these properties will be physically separated from the site by the width of the legal road (approximately 15m) coupled with the 4.5m-6m setback of B07 from the site’s front boundary. These dwellings are also set back from their western (street facing) boundaries. There is a general consensus between the expert advisors that B07 is more in keeping with residential style apartments. For these properties, there will be change in outlook and they will experience some bulk and dominance from B07, however, I do not consider effects will be more than minor. 41 and 43 Donald Street will have views of B07, but will be sufficiently separated from the building and will have more of an oblique outlook towards this building such that bulk and dominance effects would be minimal.
93. Other proposed buildings will be further separated from the Donald Street boundary, with the topography of the site assisting in minimising visibility for persons at the abovementioned Donald Street properties and the increased separation distance mitigating any bulk and dominance effects.

Campbell Street (excluding 49 Campbell Street)

94. For the properties on the opposite side of Campbell Street (32-42), there will a noticeable change in outlook when compared to the existing site as it has been an open space devoid of buildings for decades. As such, properties have benefited from borrowed amenity so the introduction of B02 on the site will result in bulk and dominance effects and I have relied on the expert advice in determining the extent of

effects. The 20m width of the legal road, in addition to the front boundary setback of B02 (ranging between 5.2m and 7.2m) will assist in mitigating adverse bulk and dominance effects. It is also recognised that the front yards of these properties (32-42 Campbell Street) do not appear to be the primary outdoor living areas and many have fencing and/landscaping along the front boundary. Ms McArthur also noted that *“foreground trees will establish for building integration and will create a more contemporary but acceptable streetscape character to Campbell Street front”* which will soften the ground level. B01B and parts of B01A may be visible, but they are set back further into the site away from these properties. I consider that, overall, bulk and dominance effects will be no more than minor on these properties.

95. As for 29 and 33A Campbell Street, I agree with the conclusions reached by Mr Burns that the effects will be minor given the visibility of B01B and B03 in relation to these sites. It is acknowledged that there is separation distance from the proposed larger buildings and these properties that provides some mitigation, and that planting will also assist in mitigating visual effects over time.
96. I agree with the conclusions reached by Mr Burns that bulk and dominance effects on 27A Campbell Street will be less than minor due to this property’s non-residential use.
97. Properties further to the north (19, 19A, 21, 21A 23, 25, 1/27, 2/27, 31, 31A) will likely perceive B01B, however, given the separation distance and intervening built form, I consider bulk and dominance effects will be less than minor. In a similar vein, 53 Campbell Street and the properties further to the south may perceive the buildings, namely B02, B03, and B01B, but I consider bulk and dominance effects will be less than minor given the separation and intervening built form.

Scapa Terrace and 49 Campbell Street

98. 6-24 Scapa Terrace and 49 Campbell Street adjoin the site to the south. 26 Scapa Terrace is sited behind 49 Campbell Street, so it does not directly adjoin the site, but is in close proximity. These properties will largely experience the visual bulk and dominance effects associated with B02-B06, although B01B and B01A will have some visibility. B07 may also be visible but this will be filtered by existing vegetation that is being retained in the south-eastern corner. Submitters have expressed concerns about the visual bulk and dominance, including height and scale of the buildings, loss of outlook, and the role of landscaping to mitigate bulk and dominance effects.
99. Presently, these properties have an unobstructed northern outlook as they either face the open space area (Campbell Street end), garages that are still on site, tennis court and netball courts (with the part of the site that contains the slabs of the former buildings that have since been demolished in the background), or the vegetated south-eastern part of the site. A comparison of effects between the proposal and the former Teachers’ College cannot be undertaken as the existing environment is what currently exists on site today subsequent to demolition. Accordingly, the development of the subject site will inevitably change the outlook experienced by these properties and will introduce bulk and dominance effects to an area that, with the exception of the existing garages, is largely open space or vegetated.
100. Visual bulk and dominance assessments have been undertaken for these properties by Mr Burns and Ms Duffell (from an urban design perspective) and by Ms McArthur and Ms Skidmore (from a landscape and visual effects perspective). There is general agreement between the advisors in terms of the effects on these properties. I am relying on their expertise to inform my overall conclusions.

101. Ms Duffell advises in her evidence that she is “*not completely agreed with Mr Burns’ view that Scapa Terrace has a high level of visual containment which screens views beyond the dwellings. Particularly along the northern side, most of the houses are single-storey and set at street level. This creates a relatively open aspect northwards that will be impacted by the dwellings along the applicant’s south boundary.*” I agree with Ms Duffell’s point on this.
102. The ground and first floors of B02, B03, and B04 are set back 5.5m from the southern boundary and B05 and B06 are set back 4.2m. The upper floors are set back a further 11m, thus providing a separation of 16.5m and 15.2m from the southern boundary. It is noted that the southern boundary recession plane complies along this boundary. Ms Duffell advises that “*care has been taken in the design to moderate building bulk in this area by way of transition of volumes, orientation, and landscaping.*” Ms McArthur also shares this view.
103. Submitters expressed concerns about the landscaping and that it was disingenuous to rely on landscaping to mitigate adverse visual effects and that large trees will result in additional shading effects. This has been considered by Ms McArthur and is discussed in further detail in the ‘Landscape Effects’ section below, but, in short, Ms McArthur advises that a change is required and that landscaping along the southern boundary would need to be limited to a maximum height of 4m (at maturity), or it could be higher but only if the tree is deciduous, in order to achieve visual mitigation of the development without creating effects from the landscaping itself. Planting is proposed along the entire length of the southern boundary and Ms McArthur advised that this will help filter views and reduce visual impact of buildings rather than obscuring buildings entirely.
104. Ms McArthur notes in her evidence (paragraph 43, **Appendix 3**) that she concurs with Ms Skidmore that “*there may be greater visual intrusion effects for the residents at 49 Campbell Street and 24 Scapa Terrace with upper level windows overlooking the [application] site.*” Mr Burns has also provided an assessment on the upper levels of these dwellings. These dwellings are two storeys, however, having visited both properties in May 2020 their primary living areas are on the ground floor, not the upper floor. So while there may be greater visual change and associated effects as viewed out of the upper level windows, I do not consider this to result in a more than minor effect given bedrooms are not primary living areas and are not typically afforded the same level of amenity as primary living areas.
105. I agree with Mr Burns that bulk and dominance effects on 6 Scapa Terrace will be less than minor due to the physical separation between B07 and B06 and that this property will largely retain a planted northern outlook.
106. The properties to the south of Scapa Terrace, being 5-23 Scapa Terrace, will perceive the development but to a lesser degree than that of the properties on the northern side of Scapa Terrace. Buildings will be visible in the breaks between the buildings on the northern side of Scapa Terrace, as shown in the Visual Simulations package, with B01B having some visibility over the single storey dwellings on the northern side. Notwithstanding, these properties are set back some 40-45m from the subject site’s southern boundary which will moderate bulk and dominance effects to a degree. This, coupled with the intervening building form, leads me to conclude that bulk and dominance effects on these properties will be less than minor.
107. The building bulk and location standards are intended to provide for development while still achieving reasonable levels of amenity for neighbouring properties. The

proposed buildings B02-B06 comply with the building recession planes (standard 5.6.2.8) along the south-eastern boundary, deck in side yard (5.6.2.2.9) for the first level terraces, and where the building is two storeys in height along this boundary it is under the 8m height limit, (where there are exceedances with 5.6.2.5 the upper level is set back a further 11m from the lower two levels and will not be as evident). There are also no front yard requirements as the width of the legal road is 20m (Campbell Street) and, similarly, there are no requirements for side yards in the Outer Residential Area, thus the setbacks proposed (4.2m and 5.5m along the south-eastern boundary and 5.2m – 7.2m along the Campbell Street frontage) are over and above what the District Plan anticipates for buildings sited from boundaries.

108. The full extent of the additional building bulk from the site coverage infringement will not be appreciable from any one site given the size of the site, the siting of the buildings, and the topography of the site. The taller buildings within the site are physically separated from these sites, so while there may be visibility of these buildings, these will be separated and there will be intervening building bulk (from B02-B06) which will limit building bulk and dominance effect as the full extent of the these buildings will not be as visible.
109. Having considered the expert evidence, I consider that bulk and dominance effects will invariably change for these properties at 8-24 Scapa Terrace and 49 Campbell Street, but will not result in more than minor effects. Effects on 5-23 Scapa Terrace will be less than minor.

Other Residential Properties

110. The proposed buildings may be visible from other properties, such as Cargill Street, Cooper Street, Firth Terrace, and further afield, however given the physical separation and intervening built development, I consider bulk and dominance effects will be less than minor on all other properties.

Karori Pool and Karori Normal School

111. These properties may have views of the proposed buildings, however, given the site and separation and that they are less sensitive receivers due to the non-residential uses, effects will be less than minor.

Conclusion

112. Based on expert advice received, and taking into account the extent of compliance with the Operative District Plan bulk and location standards where relevant, I consider that actual and potential visual bulk and dominance effects as experienced by adjacent properties will not be more than minor.

Privacy

113. Abovementioned, a number of submitters have expressed concerns about loss of privacy and increased overlooking from the proposal. Privacy effects are a relevant matter of consideration given the scale of development and the location of the proposed buildings in relation to adjacent properties.
114. In assessing the actual and potential privacy and overlooking effects from the proposal on the adjoining properties, I have been informed by and will call upon the assessments and conclusions reached in the following:
 - a. Evidence prepared by the Council's Senior Urban Designer, Ms Sarah Duffell

- b. The applicant's Urban Design Assessment, prepared by Mr Andrew Burns.

49 Campbell Street and 6-24 Scapa Terrace

115. Section 3.3 of Mr Burns' Urban Design Assessment provides an assessment of privacy effects on the 'Scapa Terrace Properties', which includes the even numbered properties to the south of the site and 49 Campbell Street. Mr Burns' assessment includes the use of a representative selection of the cross sections (supplied in the proposed plan set) and has annotated the cross sections with setbacks and viewing lines to better illustrate his assessment.
116. B02, B03, and B04 are set back 5.5m from the common boundary on the ground and first floors, and the upper level is set back 16.5m. B05 and B06 are set back 4.2m from the southern boundary on the ground and first floors, and the upper level is set back 15.2m. All the dwellings at 6-24 Scapa Terrace are set back varying distances from the common boundary, with the dwelling at 49 Campbell Street being located the closest to the common boundary.
117. In terms of privacy and overlooking, I have considered the matters raised in the submissions, however, I agree with the assessment provided by Mr Burns in that the privacy and overlooking effects from B02 – B06 will be less than minor. I do note that Mr Burns' has referred to "*intervening tree planting (existing and proposed) will effectively mitigate adverse privacy effects*" but I have not relied on any existing vegetation on neighbouring sites as a form of mitigation as this is beyond the applicant's site and could be removed at any given time. Notwithstanding, this does not change my conclusion that effects will be less than minor as:
- a. There are no windows on the ground level of B02-B05, there are three windows along the ground level of B06; two are set back at least 4.2m from the boundary, with the third being set back slightly further. The setback, coupled with boundary fencing and landscaping, will assist in mitigating effects;
 - b. The first level only contains high level windows, which, by virtue of their design, will limit overlooking;
 - c. The first level terraces will be screened by planting. The Landscape plan notes that "*To address the potential privacy issues of being able to look into the rear of Scapa Terrace properties: planter boxes along the southern end of the mezzanine floor will be planted with species that will have a finished height (pot and plant) of 1.5m height.*" Ms McArthur has recommended conditions of consent that requires the landscaping details to be provided to Council for certification, including specifying minimum heights for planting. Planting will assist in mitigating privacy and overlooking from the first level terraces; and
 - d. The upper level of the buildings are set back either 15.2m or 16.5m from the southern boundary. While there are windows on the upper level that would have increased potential for overlooking, the setbacks and limited line of sight, as illustrated on the representative cross sections in Mr Burns' assessment, mitigate these effects. In particular, overlooking of the primary outdoor living spaces for the adjacent Scapa Terrace and Campbell Street properties will be heavily restricted due to building design and landscape treatment, if it occurs at all.
118. It is noted that the primary indoor living areas of 24 Scapa Terrace and 49 Campbell Street are not located on the upper levels, so while there may be a clearer line of sight between these upper levels and the middle and upper level of B02, this will not be into the primary living areas as these are located on the ground floor.

119. It is further noted that Ms Duffell has advised that she is satisfied with the conclusions drawn by Mr Burns in relation to these properties. For the above reasons, I therefore consider any actual and potential privacy effects on 49 Campbell Street and 6-24 Scapa Terrace will be no more than minor.

29 Campbell Street

120. Mr Burns states that this site contains a dwelling used as a childcare facility. For clarity, the building is used for a childcare centre and is not used as a dwelling.
121. Trees are proposed in front of B03 which will assist in screening overlooking from the ground level windows. The middle level windows are high level windows, which, by virtue of their design, will limit overlooking into 29 Campbell Street. The upper level is set back sufficiently from the shared boundary such that effects will be less than minor from B03.
122. B01B is seven storeys in height (including the basement level) and is located to the east of 29 Campbell Street and will be set back at least 21m from this site, which will assist in mitigating effects from the higher levels. The separation, coupled with the fencing and landscaping proposed along the length of the shared boundary will also assist in mitigating effects from the lower levels. Ms Duffell has stated that *“I don’t consider the use as a childcare centre to be residential in nature. Therefore, it would not be reasonable to apply the usual privacy expectations of a private household to this property.”*
123. I consider the childcare centre to be a relatively sensitive use, which should be afforded reasonable levels of privacy but not necessarily the same as a residential use. However, given the scale of B01B and the mitigation proposed, which includes the setback and landscaping along the length of the boundary, I consider privacy effects will be minor.
124. I also agree that planting and separation distance will moderate any ability to look into the outdoor space on this site.
125. I consider privacy and overlooking effects on this property will be no more than minor.

126. 33A Campbell Street

127. This property is largely located in the space between B02 and B03, but does have a direct interface with the western part of B03. There are no windows on the southern elevation of the dwelling such that effects will be negligible. In terms of effects on the outdoor living area, which is located to the east of the dwelling, I agree with Mr Burns’ assessment as the proposed trees (White Cedar and Upright Maidenhair) in front of B03’s northern elevation and boundary fencing will assist in mitigating adverse privacy effects. The middle level windows of B03 are high level windows, which, by virtue of their design, will limit overlooking into this property. The upper level of B03 is sufficiently set back from the common boundary and the upper level of B02, whilst closer to the northern boundary, will not directly face this property with any overlooking being at an oblique angle. Accordingly, privacy and overlooking effects on this property will be no more than minor.

128. 27A Campbell Street (RSA)

I agree with Mr Burns’ assessment that privacy and overlooking effects will be less than minor, primarily because of this site’s non-residential use.

129. 15, 17, 17A, 17B, 19, 19A, 21, 21A, 23, 25, 1/27, 2/27, 31, 31A Campbell Street and 26 Scapa Terrace
130. I agree with Mr Burns' assessment that privacy and overlooking effects will be less than minor given the setback from the site and screening by intervening built form.
131. Effects on 33 Campbell Street have been disregarded as the applicant owns this site, thus written approval is implicit and has been obtained.
132. 28/28A, 30, 32, 34, 36, 38, 40, and 42 Campbell Street
133. I agree with Mr Burn's assessment that privacy and overlooking effects will be less than minor given the separation distance afforded by the width of the legal road (approximately 20m). It is also noted that additional separation is provided as the ground level of B02 is further set back into the site between 5.2m and 7.2m. Landscaping is proposed along the Campbell Street frontage which may further mitigate any privacy and overlooking effects. Ms Duffell is satisfied with the conclusions drawn by Mr Burns'. Accordingly, I consider privacy and overlooking effects on these properties will be less than minor.
134. 25 – 41 Donald Street
135. I agree with Mr Burn's assessment that effects will be less than minor given the separation distance afforded by the width of the legal road (approximately 15m south of the Allen Ward VC Hall and approximately 17m north of it). It is also noted that additional separation is provided as B07 is set back into the site. There are no privacy and overlooking effects from the western elevation of the Allen Ward VC Hall as it contains no fenestration. Any privacy and overlooking effects from the Tennant Block will be further mitigated by this building's setback into the site. Ms Duffell is satisfied with the conclusions drawn by Mr Burns. I consider perceived privacy and overlooking effects from the Allen Ward VC Hall and Tennant Block will be comparable to the existing environment, as the physical separation will limit any perceived additional effects attributable to the changing activity within the site. Accordingly, I consider privacy and overlooking effects on these properties will be less than minor.
136. 42 Donald Street
137. I agree with Mr Burns' conclusion that privacy and overlooking effects will be less than minor on 42 Donald Street given the approximate 34m separation between B07 and this property. There is also approximately 40m between this property and B06.
138. With respect to the publicly accessible pocket park in the south-eastern corner of the application site, Submitter 17 (of 42 Donald Street) stated in their submission that "*I would appreciate Ryman funding a high fence that is aesthetically appropriate and allows me to enjoy privacy and peace next door.*" Ms Duffell has responded to this in her evidence, attached at **Appendix 2**, which I generally agree with respect to an urban design perspective, including the benefits the proposed fence has for passive surveillance. However, I note the following:
- a. The District Plan provides for fences up to 2m in height as a permitted activity so a solid 2m fence on the site boundary could be constructed (and shading effects on this property would be expected from this).
 - b. Should Ryman wish to change the fence height and transparency/solidity in response to this submitter's request (up to 2m as a permitted activity) then I do not disagree with that approach given a 2m solid fence is anticipated by the District Plan.

- c. It is noted that applicant has not sought consent to exceed the 2m permitted fence height.
 - d. While it is beneficial to have a semi-permeable fence where adjoining a publicly accessible space, there are no District Plan rules in Chapter 4 that prescribe different fence heights or typology where adjoining such a space.
139. Regardless of the above, I do not consider the proposed pocket park and current fencing design will result in adverse privacy and overlooking effects given it is adjacent to the front yard and driveway area of 42 Donald Street, rather than the primary outdoor living space, and that there are no windows on the ground level of the dwelling (as this relates to the garage aspect). Landscaping is also proposed which may assist mitigating privacy and overlooking effects so a certain degree. As such I consider privacy effects will be no more than minor.

Shading

140. Shading diagrams have been supplied with the applicant's AEE. These show the shading at 15 minutes intervals throughout the day in the summer solstice, equinox, and winter solstice.
141. The shading diagrams are showing the shading from:
- a. The existing buildings that are being retained
 - b. The former buildings which have been demolished
 - c. The proposed buildings
 - d. Shading from buildings built to residential buildings standards.
142. I consider that I can rely on a. and c. for the purposes of analysing the actual and potential shading effects. I do not consider it appropriate to use/compare/disregard the shading from the former buildings that existed on site (b.), as described in 'Existing Environment' section earlier, as there is no existing environment I can rely on that would include the demolished buildings as they have now gone. Furthermore, I do not believe I can use/compare/disregard the shading shown that is based on the residential standards for height and building recession planes (d.). What has been shown is shading from the 8m height limit and building recession plane, but effectively with 100% site coverage, which could never be built in accordance with the residential standards as the permitted site coverage is 35%, not 100%. The 50% building coverage introduced with the MDRS having been notified in the Proposed District Plan may provide some additional benefit, noting a good portion of the site is subject to a qualifying matter which adds complexity to the application of the MDRS, however again this is still well short of 100% of the site which is what the shading information is based on. I do, however, acknowledge that it is helpful to see where the shadow cast from the 8m height limit will fall on adjoining properties.
143. I understand that the shading diagrams do not show the shading from existing fences and vegetation.
144. The shading diagrams do not separately show shading from a 2m high permitted boundary fence, which is a relevant consideration in disregarding shading effects from a 2m high solid boundary fence which could be constructed on the site's boundaries as a permitted activity. The applicant may wish to show shading from a 2m high solid boundary fence during the winter solstice at selected times (not all the 15min intervals) to illustrate the extent of the shadow cast on the properties adjoining the site to the south (49 Campbell Street, even numbered Scapa Terrace, and 42 Donald Street).

145. The shading on the properties to the south (49 Campbell Street, the even numbered Scapa Terrace properties, and 42 Donald Street) can largely be attributed to buildings B02-B06 which are the two- three storey dwellings. The shading from B01A and B01B, being the five and seven storey buildings (with the seven storey buildings including a basement level), does not appear to impact these properties to a noticeable degree when viewed in conjunction with the shading from B02-B06 as shading from the taller buildings is largely being absorbed by B02-B06 except for a short time at the end of the day in the winter solstice where the shadow projects further south.
146. The receiving environment is an important consideration in determining whether shading effects will be less than minor, minor, or more than minor. The receiving environment is the environment upon which a proposed activity might have effects and it can include the future state of the environment as it might be modified by activities which can be lawfully undertaken as a permitted activity.
147. Where the term 'existing environment' has been referred to in the shading effects assessment below, I emphasise that this does not relate to the subject site as it was prior to the former buildings associated with the Teachers' College/University being demolished. It relates to the existing environment of the area beyond the application site boundaries, i.e. existing dwellings in the area.
148. I have read the applicant's Urban Design Assessment, prepared by Andrew Burns, including section 3.3 of his assessment and the conclusions reached therein. I have also viewed the accompanying shading breakdown attached at appendix 2 of Mr Burns' report and have studied the proposed solar studies supplied by the applicant.
149. So as to provide a nexus between the below shading analysis and that of Mr Burns', I have followed the order in which the properties were listed/assessed in Mr Burns' assessment. I will state if I agree or disagree with the assessment made by Mr Burns and will provide an explanation why I do not agree with the assessment and conclusion reached. I will also include any other relevant information and a supplementary assessment where warranted.
150. A number of submitters express concerns about the shading effects from the proposed buildings. Some concerns are expressed more generally and some are concerned for the shading effects on their neighbours' properties. Conversely, other concerns are specific. I have addressed concerns raised by submitters where they relate to a specific property.
151. It is recognised that the properties directly adjoining the site (even numbered Scapa Terrace properties, 49 Campbell Street, 42 Donald Street, 29 Campbell Street, and 33A Campbell Street) as well as the properties located on the opposite sides of Campbell Street and Donald Street (32-42 Campbell Street and 31-43 Campbell Street) have greatly benefitted from borrowed amenity as the southern, western, and part of the eastern boundaries/parts of the site have been largely undeveloped since the former Teachers' College was established in the late 1960s and late 1970s. Instead, these parts of the site have accommodated open spaces, at grade car parking, tennis courts, landscaping, and the garage-type building that is parallel to 20 and 22 Scapa Terrace, thus these properties have not experienced visual bulk and associated shading effects from this site (except perhaps from the garage-type building).
152. Importantly, the subject site is zoned Outer Residential. It is not zoned Open Space or Conservation, for example, which would imply that it is not suitable for residential development. Quite the contrary, the site is not only zoned for residential use subject

to the bulk and locations controls for such development, it also has an overlay that envisaged its use as an educational facility.

153. These properties have not experienced effects from proximate built development along the southern, western, and part of the eastern boundaries/parts of the site. Accordingly, these properties will likely experience the most noticeable change in effects, however, it is not reasonable to expect that a three hectare site with residential zoning in close proximity to amenities, services, and the CBD to be forever vacant or undeveloped along the western, southern, and part of the eastern boundaries. As such, borrowed amenity cannot be relied upon in perpetuity.
154. Policy 4.2.4.1 states “the building recession standards are intended to protect people’s access to a reasonable amount of direct sunlight.” While the proposal and associated effects are considered in the round (as proposals that exceed site coverage and building height can result in shading effects as well), it is acknowledged that the building recession plane along the southern boundary shared with 49 Campbell Street, the Scapa Terrace properties, and 42 Donald Street complies at all points. There is no non-compliance in respect of this standard along this boundary.

6 Scapa Terrace

155. Submitter 49 (Bonita Gestro of 6 Scapa Terrace) has stated in their submission that “*I also stand to lose a reasonable amount of sunlight from the shading effects of the new building.*”
156. I visited the site in May 2020 and have included a photograph of this property’s deck and northern elevation as it was then for reference – refer to Figure 6.



Figure 6 – 6 Scapa Terrace.

157. Winter solstice: at 3:15pm the shading from the building reaches this property’s western boundary and reaches the deck and dwelling thereafter. By 3:45pm the dwelling and deck are completely shaded. At all other times during the winter solstice this property is free of shading from the proposed buildings.
158. Equinox: this property experiences shading from the proposed buildings at 4:45pm. This starts at the common boundary and grassed area and reaches the edge of the deck at 5:15pm and has reached the dwelling by 5:45pm. At all other times during the equinox this property is free of shading from the proposed buildings.
159. Summer solstice: there is no shading from the proposed buildings on this property.

160. There would be a degree of shading from the existing environment from the two storey dwelling at 42 Donald Street.

161. In considering the above, and taking into account the conclusion reached by Mr Burns, I consider that the shading effects will be no more than minor on this property

8 Scapa Terrace

162. I visited the site in May 2020 and have included a photograph of this property's deck and northern elevation as it was back then for reference – refer to Figure 7.



Figure 7 – 8 Scapa Terrace.

163. Winter solstice: shading starts on this site (in the western corner) from 10:45am and gradually increases as the sun tracks westward. At 12:45pm the shading reaches the northern façade of the dwelling; the right photograph, above, shows the portion of the façade that will be shaded at this time. The deck and stepped back northern façade (image on the left) is not shaded by the proposed buildings until 2:00pm where a small amount of shading falls on the western-most part of the deck. From this time, the shadow increases in surface area to the south-east until 3:00pm at which time the deck is completely shaded and the shadow reaches the sliding doors seen in the figures above). I do not consider this to be a minor effect as there is sunlight on the deck and sliding doors (albeit it to varying degrees) up until 3:00pm and the northern façade is considered to receive adequate levels of morning and very early afternoon sunlight.

164. Equinox: this property experiences shading from the proposed buildings at 3:00pm. The shading falls on the outdoor area and by 4:45pm it reaches the edge of the deck and northern façade. A small part of the deck is not shaded at 5:30pm but is fully shaded by 5:45pm. At all other times during the equinox this property is free of shading from the proposed buildings.

165. Summer solstice: there is no shading from the proposed buildings on this property.

166. In considering the above, and taking into account the conclusion reached by Mr Burns, I consider that the effects will be no more than minor on this property.

10 Scapa Terrace

167. I visited the site in May 2020 and have included photographs of this property's deck, outdoor living area, and northern elevation as it was back then for reference – refer to Figure 8.



Figure 8 – 10 Scapa Terrace

168. Winter solstice: Shading is on this property as early as 8:30am in the winter solstice. This is due to this property being located to the south of the application site and south of the proposed buildings. The angle of the shadow at 8:30am until 9:00am is such that a small area of shading falls in the western corner of the site. There is some shading on the outdoor living area from 9:00am, however, this is restricted to the area near the common boundary and the shadow moves across the site to the east in this location near the boundary. It does not shade the entire outdoor living area. The shadows inch closer to the dwelling and cover more of the deck area around 1:30pm. At 2:30pm the shadow reaches the northern façade of the eastern part of dwelling (not the curved windows/conservatory shown in Figure 8 above) and it does not cover the entire outdoor living area, with the shadow free-part of this area still visible. By 3:15pm, the northern façade and outdoor living area are shaded. I have considered whether this would warrant a minor effect. The shading in the morning and near the boundary is not considered to be adverse and a compliant 2m fence (if it was modelled) would have a shading effect on this part of the site. Given the sliding doors and conservatory are not shaded by the proposed buildings until 3:15pm and that there are still areas of the outdoor living area that are unimpacted by shading until this time, effects are not considered to be significant or more than minor.
169. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is, however, localised to a small area in the northern corner of the site from 3pm until 5:00pm. At 5:00pm, the shadow appears like a semi-circle near the northern boundary at 5:15pm, the shadow covers approximately half of the outdoor living area and reaches the dwelling at 5:30pm. From 5:30pm the shadow is over half of the dwelling and is fully shaded by 6:00pm. At all other times during the equinox this property is free of shading from the proposed buildings.
170. Summer solstice: there is no shading from the proposed buildings on this property.
171. There would also be shading on the property from a 2m high permitted fence on the boundary.
172. On balance and in considering all of the above, taking into account the conclusion reached by Mr Burns, I consider that the effects will be no more than minor on this property.

12 Scapa Terrace

173. Submitter 50 (Joost and Kerri van Amelsfort of 12 Scapa Terrace) discussed shading effects in section 3 of their submission. Helpfully, they have included photographs which show shadows cast on their northern yard close to the winter solstice (19 June

2019). What is evident from the photos (taken at 12:17pm reproduced below at Figure 9) is that shading from the (presumably compliant up to 2m) fence shades almost half of the lawn, noting that this is believed to be set into the site as opposed to being on the boundary where the tennis court fence is/was. As mentioned earlier, the shading diagrams do not differentiate between shading from a 2m permitted fence and the proposed buildings, but it would be remiss to not consider the shading from permitted boundary fences and, abovementioned, the applicant is invited to provide plans that show the shading effects from a 2m permitted fence during the winter solstice.



Photo taken at 12.17pm on 16 June 2019 (ie near mid-winter)

Figure 9: photo from submitter number 50.

174. I visited the site in May 2020 and have included a photograph of this property's deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 10. A single garage is located in the north-eastern corner.



Figure 10: 12 Scapa Terrace.

175. Winter solstice: at 8:30am most of the lawn is shaded, but not all of the deck. This is like this until 10:00am where there is a small surface area of shading to the west of the garage. Shading on the garage can be considered less than minor given the nature and use of a garage. At 10:15am, the area of shading on the lawn reduces further and by 10:45am, the lawn is completely free of shade from the proposed buildings, with the

shading fall on the garage. The lawn, deck, and dwelling are completely free of shade from the proposed building until 1:00pm. Based on the image above, we know the lawn is partially shaded at 12:19pm from the existing fence, but the proposed buildings do not contribute to shade at that same time. At 1:00pm, shading falls near the boundary that is shared with 14 Scapa Terrace and is likely to reach part of the deck. By 2:30pm, more of the deck is shaded as is the lawn, but remembering the existing fence contributes to shade on the lawn from 12:19pm (as also a permitted 2m fence on the boundary would). From 3:00pm the dwelling and deck are shaded. I have turned my mind to whether this would warrant a minor effect and, while it is close, the determining factor is that the dwelling is not shaded until 3pm which means up until this time all northern facing windows are unaffected by the shading from the proposed buildings. There are also parts of the deck and lawn that are not impacted from shading throughout the day and can be utilised for outdoor living.

176. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is, however, localised to a small area in the north-western corner of the site from 3:00pm and by 4:00pm, the area of the shadow is covers slightly more of the grassed area, but not all of it. It is noted that the deck location and shape shown in the aerial image of the shading diagram appears to be outdated. As such, it is estimated that the deck (which is as per the image above) is likely to start receiving shading around 4:45pm-5:00pm. By 5:30pm the deck is shaded and the shading has reached the dwelling. The site is fully shaded by 6:00pm. At all other times during the equinox this property is free of shading from the proposed buildings.
177. Summer solstice: there is no shading from the proposed buildings on this property.
178. In considering all of the above, on balance and taking into account the conclusion reached by Mr Burns, I consider that the effects will be no more than minor on this property.

14 Scapa Terrace

179. Submitter 38 (Barbara Carruthers of 14 Scapa Terrace) has expressed concerns about the increased amount of shade on their property.
180. I visited the site in May 2020 and have included photographs of this property's deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 11.



Figure 11: 14 Scapa Terrace.

181. Winter solstice: at 8:30am the entire lawn and deck are shaded, as is the northern façade of the dwelling, by 9:15am the shadow has retreated and is no longer on the northern façade of the dwelling and deck, and part of the lawn is free of shading. From 9:15am until 10:30am the lawn is shaded to varying degrees (estimated to be at least 50% of the lawn area free from shading), but the deck is not. From 10:30am the surface area of shading on the lawn increases, but does not appear to reach the deck proper (there may be some at the very edge but this is difficult to tell from the shading diagrams). The shadows reach the edge of the deck by 12:00pm, and by 13:15pm has inched closer to the northern façade of the dwelling, thus covering most of the deck. By 2:00pm, the shadow has reached the roof of the dwelling. I have turned my mind to whether this would warrant a less than minor effect and, while it is close, the determining factor is that the lawn and deck area receive more shading, although it is noted that a 2m permitted boundary fence would also contribute to shade on this area. The northern façade of the dwelling receives at least four hours of sun.
182. Equinox: similar to 12 Scapa Terrace, this property experiences shading from the proposed buildings near the southern boundary just before 3pm. This is, however, localised to the area near the boundary shared with the site. As the sun tracks westward, the surface area of the shadow moves towards the north-eastern corner of the site where the lawn area is. At 5:00pm, more shading from the buildings appears on the lawn, but still leaving an area in the centre that is unshaded. Importantly, the shadow has still not reached the deck and dwelling at this time. At 5:15pm the shadows reach the deck and dwelling. The site is fully shaded at by 6:00pm. At all other times during the equinox this property is free of shading from the proposed buildings.
183. Summer solstice: there is no shading from the proposed buildings on this property.
184. There would also be shading on the lawn area from a 2m high permitted fence on the boundary.
185. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: “*A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.*”

16 Scapa Terrace

186. Submitter 58 (Clinton Moran of 16 Scapa Terrace) stated that “*We stand to lose significant sunlight from the shading effects of the new buildings overwinter months where the McIndoe Urban report included in the application currently acknowledges 'Shade from former or existing Teachers College buildings does not fall on the property. We currently grow vegetables and fruits in our backyard year round and stand to lose this capability.*” The submitter also stated that the proposed trees along the boundary will likely generate even more shading on their property. The tree matter is addressed at the ‘Landscape’ section later in this report, but, in short, the Council’s landscape architect recommends different tree species are selected so as to avoid additional shading.
187. I visited the site in May 2020 and have included a photograph of this property’s deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 12 below. A single garage is located in the north-eastern corner of the site.



Figure 12: 16 Scapa Terrace.

188. Winter solstice: at 8:30am the entire lawn and deck are shaded, as is the northern façade of the dwelling. At 8:45am, however, the deck and northern façade of the dwelling are not shaded. Based on the surface area of the shadow I would estimate that around 50% of the lawn is shaded until around 12:00pm. From 12:00pm, a decent part of the lawn is not shaded until 2:00pm. From 2:00pm, the shadows start to inch closer and also from the west and at 2:45pm the shading hits the north-western corner of the dwelling and more of the lawn and deck. By 3:30pm the lawn, deck, and dwelling are completely shaded. I have turned my mind as to whether this would warrant a less than minor effect and, whilst it is close, the determining factor is that the lawn and deck area receive more shading, although it is noted that a 2m permitted boundary fence would also contribute to shade on this area. The northern façade of the dwelling receives at least six hours of sun from 8:45am until 2:45pm.
189. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is, however, localised to a small area in the north-western corner of the site from 3:00pm and by 4:00pm, the area of the shadow is covers slightly more of the grassed area, but not all of it. There is still a decent area of the lawn that is not shaded and the deck is also not shaded. By 5:15pm, the shadows have reached the deck and have reached the dwelling by 5:30pm. At all other times during the equinox this property is free of shading from the proposed buildings.
190. Summer solstice: there is no shading from the proposed buildings on this property.
191. There would also be shading on the property, but certainly the lawn area, from a 2m high permitted fence on the boundary.
192. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: “A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.”

18 Scapa Terrace

193. Submitter 45 (Michael Hamilton of 18 Scapa Terrace) discussed shading effects in their submission. They also note that increasing the setbacks would diminish the shading effects and the energy efficiency of existing homes. They also note that “The situation we have today is that our raised deck and principle living areas receive sun until it sets behind the hills in the background.”
194. The two storey part of the proposed building is setback 5m and the third level is setback approximately 15m. I acknowledge that the submitter states they currently have uninterrupted sun until sunset on their deck and principal living areas, and I refer back to earlier assessment that mentions borrowed amenity.
195. I visited the site in May 2020 and have included photographs of this property’s deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 13. A single garage is located in the north-western corner of the site.



Figure 13: 18 Scapa Terrace.

196. Winter solstice: at 8:30am the entire lawn and deck are shaded, as is the northern façade of the dwelling. By 9:45am, the deck and northern façade of the dwelling are not shaded (although the shadow is close to the part of the northern façade shown where the window is to the left of the image on the left above). At 10:00am the middle part of the lawn is free of shading, with the shadows being cast in a sort of semi-circle near the boundaries – this is like this until 11:45am. From 11:45am the shadow falls more to the east and reaches the corner of the upper part of the deck and by 1:00pm the deck is completely shaded. By 2:15pm the deck and northern façade are shaded. I have considered whether this would result in a more than minor effect and I do not consider it will. The principal reason for this is that the northern façade of the dwelling will still receive a reasonable amount of sunlight during the winter solstice. The lawn and deck area are shaded more, but it is recognised that a 2m permitted fence on the boundary would result in a degree of shading, as evidenced by the image supplied by submitter 50.
197. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is largely where the existing bushes are until 4:00pm. From 4:00pm, these shadows are projected further towards the deck and dwelling with the shadow reaching the northern façade (window shown in the image on the left) but not the deck. By 5:15pm it has reached the deck and the dwelling. At all other times during the equinox this property is free of shading from the proposed buildings.
198. Summer solstice: there is no shading from the proposed buildings on this property.

199. There would also be shading on the lawn area, from a 2m high permitted fence on the boundary.
200. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: *“A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.”*

20 Scapa Terrace

201. Submitter 57 (Richard Leikis and Vanessa Porter of 20 Scapa Terrace) stated in their submission that “my family will go from a “No shade from existing property (Teachers College) exists” to “0.75 hours of sunlight at the equinox” and “According to the “Updated Urban Design (July 2021)” this development does not meet the RDG guidelines, which I understand to be 4 hours per day (min) for house and 3 hours per day for outdoor living space. The same report states my family will have 0.75 hours of no shading at the equinox. For this reason alone, this current design cannot be approved” – please refer to response in ‘Equinox’ section below and earlier discussion that mentions borrowed amenity. The RDG is also a guideline and there is no specific rule or standard in the District Plan that specifies minimum hours of sunlight.
202. I visited the site in May 2020 and have included photographs of this property’s deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 14. A double garage is located in the north-western corner of the site.



Figure 14: 20 Scapa Terrace

203. Winter solstice: at 8:30am the entire lawn/landscaped area and deck are shaded, as is the northern façade of the dwelling. By 9:00am, the northern façade is not shaded except for an exiguous area in the north-eastern corner. By 9:15am, part of the deck is free from shade although there is still shading over the garage and over the part of the site where the existing vegetation is. At 10:00am the majority of the deck is shaded (but not the northern façade) and this is like this until around 2:00pm when a small part of the deck becomes unshaded. The northern façade of the dwelling receives shade again by 3:15pm and then by 3:30pm the shadow casts over most of the dwelling. I have considered whether this would result in a more than minor effect and whilst it is

close, I do not consider it will. The principal reason for this is that the northern façade of the dwelling will still receive a reasonable amount of sunlight during the winter solstice. This property’s deck and vegetated area is affected by shading, more so than the other properties on Scapa Terrace, but I also acknowledge that a 2m permitted fence on the boundary would result in a degree of shading in this area.

204. Equinox: there is no shading on this property in the morning or early afternoon, with shadows reaching this property by 3:00pm, so what the submitter has stated in their submission about only having 0.75 hours of sunlight in the equinox is not accurate. At 3:15pm, the shadow from B03 reaches the roof of this property’s double garage. That shading from this building falls only on the roof of the garage until 4:15pm. From 4:15pm the shading falls on the landscaped area (seen in the image above) and part of the deck. By 5:00pm it has reached the northern façade of the dwelling. At all other times during the equinox this property is free of shading from the proposed buildings.
205. Summer solstice: there is no shading from the proposed buildings on this property.
206. There would also be shading from a 2m high permitted fence on the boundary and from the existing garage on site.
207. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: “*A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.*”

22 Scapa Terrace

208. Submitter 70 (Mark Moore of 22 Scapa Terrace) stated that “*we stand to lose significant sunlight from the shading effects of the new buildings.*”
209. When I undertook site visits in May 2020 I was not able to visit this site. I have, however, been able to obtain photographs online from when the property was last for sale – refer to Figure 15.

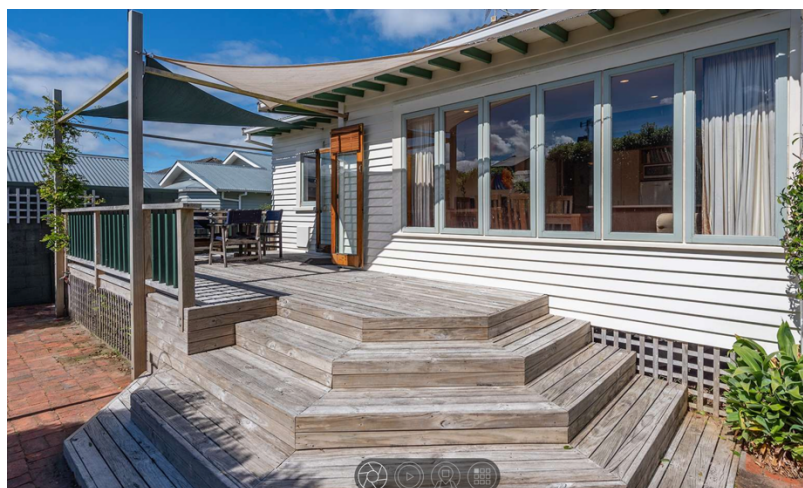


Figure 15: 22 Scapa Terrace. Source: Ray White¹⁴

¹⁴ Presumed to be taken around 2019 when the property was last on the market.

Winter solstice: at 8:30am the entire lawn and deck are shaded, as is the northern façade of the dwelling. By 9:45am, the northern façade of the dwelling is not shaded, nor is the western part of the rear yard. The deck shown in the image above will be shaded. At 10:15am, there is some shading on the deck near the boundary with 20 Scapa Terrace and this reduces in extent and by 10:45am there is no shading on the deck, but a small amount near the western boundary shared with 24 Scapa Terrace. Around 12:15pm the shadow coming from the west will reach the corner of the deck and will gradually extend over the north-eastern corner of the dwelling and deck. The deck and patio on the eastern side of the site are unshaded. By 2:15pm the deck and northern façade are shaded and will be shaded for the rest of the day. I have considered whether this would result in a more than minor effect and whilst it is close, and I do not consider it will. The principal reason for this is that the northern façade of the dwelling will still receive a reasonable amount of sunlight during the winter solstice. The patio and deck area are shaded more, but it is recognised that a 2m permitted fence on the boundary would result in a degree of shading, as evidenced by the image supplied by submitter 50.

210. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is largely along the northern boundary and patio area. From 3:45pm/4:00pm, the shadows reach the deck and by 4:45pm they have reached the northern façade of the dwelling. At all other times during the equinox this property is free of shading from the proposed buildings.
211. Summer solstice: there is no shading from the proposed buildings on this property.
212. There would also be shading on the property, but certainly the lawn area, from a 2m high permitted fence on the boundary.
213. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: “*A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.*”

24 Scapa Terrace

214. Submitter 75 (David Winston King and Anna Reese McKinnon-King of 24 Scapa Terrace) discussed shading effects on their property at paragraphs 140-145 of their submission, which I have read and considered.
215. I visited the site in May 2020 and have included photographs of this property’s deck, outdoor area, and northern elevation as it was back then for reference – refer to Figures 16 and 17.



Figure 16: 24 Scapa Terrace



Figure 17: 24 Scapa Terrace.

216. Winter solstice: at 8:30am the entire lawn and the northern part of the dwelling is shaded. By 9:00am the shading is not on the dwelling, but is still on the majority of the outdoor area. By 9:15am the lawn area to the east of the dwelling is free from shade, but the area patio is still shaded. By 10:00am the shadow is still on the patio and shades the north-eastern part of the site where the trees are in Figure 17 above. From 12:00pm, the shadow begins to move off the north-western part of the site (where the outdoor furniture is) and from 12:15pm, the shadow may reach around half of the ground level northern façade of the dwelling. By 1:15pm, I would estimate about one third of the outdoor area (in the north-western part of the site) is free from shade and that the shadows have reached the northern façade (where the two storey component of the dwelling is, but it has moved off the single storey part of the ground level northern façade). By 1:45pm I would estimate that approximately 50% of the outdoor area is free of shade and the shadow on the dwelling is on the apex/eastern side of the gable roof (i.e. half of the upper level bedroom window), noting that direct sunlight into the ground level fenestration directly under the two storey part of the dwelling may be limited given it is recessed beneath the upper level overhang. By 2:30pm, the shadow is largely off the two storey part of the dwelling and more of the outdoor area is free of shade, but there is now a sliver of shade along the northern boundary. As the sun tracks westwards, the extent of the shadow moves south within the site but also moves away

from the dwelling to the east. By 3:15pm, the shade falls in a semi-circle around the dwelling, with a part of the deck unshaded, but it has reached the northern façade of the dwelling (where it is closest to 49 Campbell Street). By 3:30pm, the outdoor area is completely shaded as is the western side of the dwelling and the site is completely shaded by 4:00pm.

217. I have considered whether this would result in a more than minor effect and whilst it is close, and I do not consider it will. The principal reason for this is that the northern façade of the dwelling will still receive a reasonable amount of sunlight during the winter solstice - 9:00am until 12:15pm; the western-most part of the northern façade and window (single storey part of the dwelling shown in Figure 16) may experience some shading from 12:15pm but the shading has moved off this window by 1:15pm and will be unshaded until 3:15pm. Bedrooms are not typically afforded the same level of amenity as indoor living areas so while there will be some shading on the upper level window in the morning until 9:00am and from 1:00pm – 2:30pm and then again from 3:15pm, there is still a portion of the day where it is not impacted. This is the same for the fenestration directly under the two storey part of the dwelling (although this is set back into the site so the effect would be less, noting also that the upper level overhang will likely restrict the amount of sunlight received into this ground level fenestration to a certain degree). It is also recognised that a 2m permitted fence on the boundary would result in a degree of shading of the outdoor area, as evidenced by the image supplied by submitter 50.
218. Equinox: by 3:00pm, shading from B03 falls on this site in the north-eastern corner. It remains this small, localised area until 4:00pm. By 4:15pm, shading from B02 falls in the north-western corner of the site (which is where the outdoor furniture in the above photo is) – it does not reach the dwelling. By 5:00pm, the shadow has reached the northern façade and covers the entire outdoor area. The shadows moves south across the dwelling between 5:00pm and by 6:00pm the site is fully shaded. At all other times during the equinox this property is free of shading from the proposed buildings.
219. Summer solstice: there is no shading from the proposed buildings on this property.
220. There would also be shading on the rear yard from a 2m high permitted fence on the boundary.
221. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: *“A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.”*

26 Scapa Terrace

222. Submitter 16 (Francine Tyler of 26 Scapa Terrace) expressed concerns about “the shade impact on neighbours” and that they *“will probably also lose sun during the winter time.”*
223. I visited the site in May 2020 and have included photographs of this property’s eastern elevation and outdoor living area as they were back then – refer to Figure 18. There is also a circular grassed area between the dwelling and garage near the Scapa Terrace frontage.



Figure 18: 26 Scapa Terrace.

- 224. Winter solstice: shading starts on this property at 3:15pm and will be over the outdoor living area with the pergolas by 3:30pm (image on the left) and most of the deck by 3:45pm. There will be an area near the eastern elevation that is not shaded by the proposed building B02 (image on the right), but this is likely to be shaded by the existing environment at 49 Campbell Street or the dwelling itself.
- 225. Equinox: there is no shading from the proposed buildings on this property.
- 226. Summer solstice: there is no shading from the proposed buildings on this property.
- 227. There would be a degree of shading created from the existing environment at 49 Campbell Street and at 24 Scapa Terrace, throughout the year. It is noted that both of these dwellings are two storeys in height at present and would inevitably result in shading on this property.
- 228. On balance and in considering all of the above, and taking into account the conclusion reached by Mr Burns, I consider that the effects will be no more than minor on this property.

49 Campbell Street

- 229. Submitter 56 (Andrew and Julie Cooper of 49 Campbell Street) discussed shading and how their property will be impacted by shading from the proposed buildings. They also mentioned that the trees along the boundary will create more shading – this is being addressed in the ‘Landscape’ section of this report. The submitters also advised that their property receives full sun year round; I refer back to earlier discussions on borrowed amenity.
- 230. I visited the site in May 2020 and have included photographs of this property’s deck, outdoor area, and northern elevation as it was back then for reference – refer to Figures 19 and 20. The submission also includes various photographs and I have reproduced one of these – refer to Figure 21. It is noted that the aerial image used for the shading diagrams does not include the pergola area, but I have considered this.



Figure 19: 49 Campbell Street.



Figure 20: Northern elevation of 49 Campbell Street.



Figure 21. Northern elevation supplied by the submitters.

231. Winter solstice: at 8:30am the northern half of the site (which includes the parts of the dwelling, pergola, and outdoor area) are shaded. By 9:15am this is largely off the dwelling, but still on the pergola and outdoor areas. By 9:45am this shadow is on the western part of the northern façade and in the north-eastern corner of the outdoor area. From this time, the shadow on the northern façade moves to the east, covering the windows shown in the above images to varying degrees and by 12:30pm the northern façade is fully shaded until the end of the day (except that a small part of the northern façade is not shaded in the late afternoon, but this does not align with window locations). From 12:30pm the shading reaches the pergola area. The pergola area is free of shading from around 9:45am until 12:30pm. The southern half of the outdoor area and the area near the boundary shared with 24 Scapa Terrace is unshaded for a

reasonable amount of time. From 2:30pm/2:45pm the shadows fall in the southern half of the site and extend closer to the boundary shared with 24 Scapa Terrace and by 3:00pm the dwelling and outdoor area are completely shaded.

232. Mr Burns concludes that the shading will be less than minor, however, I disagree with this conclusion. I do agree that a substantial portion of the outdoor area receives sunlight and that the eastern façade is the primary façade that opens onto the outdoor living area (refer to Figure 19 above), however, the large bay window on the northern elevation relates to the dining room and would likely be the principal source of daylight/sunlight on this elevation; this façade is shaded to varying degrees up until 12:30pm and then essentially shaded thereafter. As such, I consider this to be a minor effect.
233. Equinox: by 3pm the shading from Bo2 falls near the common boundary. This largely falls in the area between the boundary and edge of the dwelling, until it reaches the dwelling by 4:15pm. By 5:15pm the shadow is off the dwelling, but will still be over the north-eastern corner of the pergola area and the north-eastern corner of the outdoor area. By 6:00pm, the shadow from Bo2 is localised to the north-eastern corner of the site.
234. Summer solstice: there is no shading from the proposed buildings on this property.
235. There would be shading on the outdoor area from a 2m high permitted fence on the boundary.
236. On balance and in considering all of the above, I consider there will be a **minor** effect on this property. I note that I am not relying on the following comment made by Mr Burns to inform my position: *“A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.”*

42 Donald Street

237. I agree with the conclusion reached by Mr Burns that the shading effects will be less than minor on this property. Supplementary commentary is provided below. I visited this site in May 2020 and have included photographs from that visit in Figure 22.
238. Based on the shading diagrams provided, during winter the upper level deck at the rear of the dwelling (refer to Figure 22 (left image) below) as well as the grassed outdoor area are unaffected by shade up until 4:00pm, in which there will be some shade on the grass area only at this time. The deck is unaffected. The shadows that fall on the northern façade and area to the north of the dwelling do not shade this area or the façade in full; there are parts that are unaffected by shade as the sun tracks westwards. It is further noted that the grassed outdoor area to the north of the dwelling is not the primary outdoor living area (refer to Figure 22 (right image) below).
239. From 4:15pm at the winter solstice, the proposed buildings will shade this property, but this is not considered to result in adverse effects given the short duration until sunset.
240. At 5:15pm, there is some shading on the grassed outdoor area and a sliver of the deck. From 5:30pm until 6:00pm there will be shadow cast from the proposed buildings, but again, this is not considered to be for a prolonged duration.



Figure 22: 42 Donald Street..

5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 Scapa Terrace

241. I agree with the conclusion reached by Mr Burns that the shading effects will be less than minor on these properties.
242. Submitter number 62 (Bruce Dunstan of 11 Scapa Terrace) stated in their submission about loss of light and sunshine. Submitter number 54 (Richard Brandon of 23 Scapa Terrace) stated in their submission, *“As far as we can tell, there will be an element of shading cast on our house at certain times of the year, particularly in winter, when even a small reduction of sun can seem significant.”* A short duration of shading (from either 4:00pm or 4:15pm until 4:30pm) is not considered to be significant, which is what the shading diagrams show.
243. It is debateable if the shadow cast from the proposed buildings at 6pm at the equinox reaches 9 and 11 Scapa Terrace given the overlay falls on the site boundary line (identified by the white overlay). Irrespective of this, any shading from this would be inappreciable given the location in which it falls.

25 Donald Street

244. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property.

27 Donald Street

245. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property and note that the shading on this property is from the existing building on site that is being retained; effects will be comparable to the exiting environment.

29 Donald Street

246. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property and note that the shading on this property at 5:45pm at the equinox is from the existing building on site that is being retained.

31 Donald Street

247. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property and note that the shading on this property is from the existing building on site that is being retained, except at 8:00pm in the summer solstice where an exiguous amount of shading on the southern side yard is from the proposed building (B07). Regardless, this shading will be indiscernible.

33 Donald Street

248. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property. I further note that the majority of shading on this property at the winter solstice is from the existing building on site that is being retained, except for a sliver from proposed buildings (refer to RCA74 and RCA75). Regardless, that sliver of shading will not result in discernible adverse effects when viewed in conjunction with the shading from the existing buildings.

35 Donald Street

249. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property. I further note the below.
250. The majority of shading on this property at the winter solstice is from the existing building on site that is being retained, except for a sliver from proposed buildings (refer to RCA75). Regardless, that sliver of shading will not result in appreciable adverse effects when viewed in conjunction with the shading from the existing buildings.
251. The shading at the equinox is from a combination of the existing buildings that are being retained and the proposed building (B07). Shading from the existing building has been disregarded. At 4:30pm a sliver of shading from the proposed building will fall near the front (western) boundary and by 5:15pm would have reached the southern part of the dwelling. While the front yard is shaded at this time, part of the rear yard will not be shaded from the proposed building at 5:15pm and 5:30pm. From 5:30pm the site is completely shaded. Given there are still parts of the site in which outdoor living can occur, that the site is not completely shaded until 5:30pm, and that the site is not shaded by the proposed buildings for the most part of the day, effects will overall be less than minor.
252. Shading during the summer solstice from the proposed building B07 starts on this site at 6:45pm at the front yard and reaches the dwelling at 7:30pm. There is no shading on the rear yard until 8:00pm. Given the short duration of shading and that the site is not shaded from the proposed buildings at all other times during the summer solstice, effects will be less than minor.

37 Donald Street (Donald Street Pre-School)

253. Submitter number 74 (Bruce and Miranda Major of 37 Donald Street) have advised that their property is their residence and business (with the pre-school located on the ground floor). The submitters state that they “*stand to lose significant sunlight from the shading effects of the new buildings*” which I do not agree with.
254. It is noted that the shading that falls on this property from 3:30pm in the winter solstice is from the shading from the existing buildings that are being retained.

255. Shading from the new building starts on this site at 4:45pm at the equinox, but this is localised to the front yard, which is not a primary living/activity area for the pre-school. From 5:00pm, the shadows from B07 will fall on the building. The rear yard is unaffected by shading from the proposed building until 5:30pm.
256. Shading during the summer solstice from the proposed building B07 starts on this site at 6:45pm at the front yard and reaches the building at 7:15pm. There is no shading on the rear yard until 8:00pm. Given the short duration of shading and that the site is not shaded from the proposed building at all other times during the summer solstice, effects will be less than minor.
257. Overall, taking into account the conclusions reached by Mr Burns, I consider that the effects will be no more than minor on this property.

39 Donald Street

258. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property. It is noted that the shading that falls on this property from 3:30pm in the winter solstice is from the existing buildings that are being retained¹⁵. Shading during the equinox is from the proposed building (namely B07) and is from 4:30pm. While there is shading on the front yard and dwelling from 4:30pm, the rear yard will not experience shading from the proposed buildings until 5:15pm. The site will be in full shade from 5:30pm, also acknowledging that the dwelling at 37 Donald Street (the existing environment) may result in some shading on this property at this time.

41 Donald Street

259. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property. It is further noted that at 3:45pm in the winter solstice, the shading from the proposed building falls on the front part of the sites whereas the shading on the northern boundary is from the existing buildings¹⁶ that are being retained. Shading from 4:00pm is attributed to the shading from the existing buildings that are being retained.

43 Donald Street

260. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property.

45 Donald Street

261. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property.

47, 49, and 51 Donald Street

¹⁵ My understanding is that there is some overlap between the shading from the existing building and from that of B07 in the winter solstice shading diagrams where the shadows are cast to the east – refer to RCA73-75. The area that is shown in purple, whilst it may include shading from B07, is the extent of the shadow cast from the existing buildings (namely Allen Ward VC Hall) such that even if there is overlap in shading from B07, the area in purple is the shading from the existing environment. For clarity, I am not referring to the overlap between the purple and blue.

¹⁶ *Ibid.*

262. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on these properties. It is noted that shading from the existing environment (surrounding residential properties) is not shown and it is considered there would be a degree of shading on these properties from the existing environment.

Karori Pool

263. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on this site. I also note the site's non-residential use whereby such sites, which are not sensitive receivers, are not typically afforded the same levels of amenity protection as a residential site.

44 Donald Street

264. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on this property. I further note that the shading diagrams do not show shading from the existing environment (i.e. shading from 42 Donald Street and 6 Scapa Terrace that falls onto 44 Donald Street). Accordingly, there is likely to be overlap in the shading from the proposed buildings and with the shading that currently exists on site from the two storey dwelling at 42 Donald Street, thus the shading would not just be from the proposed buildings and could be largely accounted for by the existing environment.

46-58 Donald Street

265. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties.
266. Submitter 22 (David Powell of 46 Donald Street) stated that they "*will be directly affected by the shade from the buildings due to their height.*" These properties experience little shading at the winter solstice from either 4:15pm or 4:30pm and at no other times during the year. This is not considered to be an adverse effect.
267. I further note that the shading diagrams do not show the shading from the existing environment, i.e. the surrounding residential properties. Accordingly, while shading is shown on these properties from the proposed buildings, it is considered there would be a degree of shading from the existing environment, such that the shading from the proposed buildings is not necessarily a new shading effect experienced by these properties given the intervening built development to the north and north-west.

33A Campbell Street

268. B03 will result in a recession plane infringement along the northern boundary that is shared with 33A Campbell Street (refer to section B04 on Drawing No. RC17).
269. I visited this property and can confirm that their outdoor living area is located to the east of the dwelling and is accessed via French doors.
270. It is acknowledged that at the winter solstice, this property would experience a degree of shading from the existing environment, being 29, 31, and 31A Campbell Street, but this is not modelled so it is not known how much shading would be attributed to this existing environment.
271. I agree with the overall conclusion reached by Mr Burns in that the shading effects on this property will be **minor**.

29 Campbell Street (Karori Kids)

272. According to the Karori Kids website, the hours of operation are Monday to Friday 7:45am until 5:30pm.
273. I note in Mr Burns' assessment, reference is made to the shading from the former building on site and to that of a building that complied with the recession planes – both of which I am not considering for the reasons explained earlier. Notwithstanding, I agree with the conclusion reached by Mr Burns in that the shading effects on this property will be **minor**.

27A Campbell Street (RSA)

274. I agree with the overall conclusion reached by Mr Burns in that the shading effects on this property will be less than minor. I also note that there will be shading on this property from 8:00am until 10:00am at the equinox and solstice and from 7:00am until 10:00am in the summer solstice, but consider effects will be less than minor given the site's non-residential use.
275. For completeness, the grassed area to the west of the RSA building is part of 22 Donald Street (which is owned by the Council).

15, 17, 17A/17B, 19, 19A, 21, 21A, 23, 25, 1/27, 2/27, 31, 31A, and 33 Campbell Street

276. Written approval from 33 Campbell Street has been obtained and is implicit anyway as the site is owned by the applicant. Effects must therefore be disregarded.
277. It is reminded that despite some of these properties previously being shaded by the former buildings that existed on site, consideration has not been given to this and my analysis disregards these shadows (shown in blue) on the shading diagrams.
278. Shading from the existing environment (being the surrounding residential properties) is not modelled, but it is considered that in some instances the shadows cast from the proposed building would in fact already occur from neighbouring building(s), to various degrees.
279. I agree with the overall conclusion reached by Mr Burns in that the shading effects on these properties will be less than minor, but I have provided a supplementary assessment below.
280. *Winter solstice*
- There is no shading on the properties north/north-west of 25 Campbell Street. The shading on 25 Campbell Street falls in the south-eastern corner of the yard and will not be appreciable.
 - 1/27 and 2/27 Campbell Street will experience shading on the building at 8:30am and 8:45am. By 9:00am it has retreated and will fall on the south-eastern corner of the site.
 - 31 and 31A Campbell Street will experience shading to various degrees from 8:30am until 10:30am. From 9:30am 31 Campbell Street will not experience shading from the proposed buildings and 31A Campbell Street's northern yard (as well as the western yard) will be free from shade, although the dwelling is still shaded. During my site visit in May 2020, the small eastern yard (at the northern end) did have outdoor furniture, thus suggesting it was/is used as an outdoor living area. This will be shaded until 9:45am /10:00am. At 10:15am, there is a small

amount of shade on the south-eastern corner of the dwelling, with the dwelling being completely free from shade by 10:30am.

- Effects on these properties will be no more than minor.

281. *Equinox*

- There will be shading on the rear yard of 25 Campbell Street at 8:00am and would have retreated by 8:15am, with only a sliver near the eastern boundary. Note, this does not take into account any shading created by 1/27 and 2/17 Campbell Street.
- 1/27 and 2/27 Campbell Street will experience shading from 8:00am until 9:15am. The shading is completely clear of the northern part of the site at all times and is clear of the western yard from 8:30am. By 9:00am the shading is not on the dwelling and is localised to the south-eastern corner of the site. The shading diagrams do not show the shading from 27A Campbell Street (the RSA) on this site.
- 31 Campbell Street is not impacted by shading at the equinox.
- 31A Campbell Street will experience shading from 8:00am until 8:45am. As the sun tracks westwards the extent of the shading decreases, noting that much of the yards receive sunlight to varying degrees. It is also noted that the shading diagrams do not show the shading on this property from 29 Campbell Street (Karori Kids).
- Effects on these properties will be less than minor.

282. *Summer solstice*

- All of these properties will experience a degree of shading during the morning in the summer solstice except for 31 Campbell Street. The duration of shading varies depending on the property, but, generally speaking, the shading will be from 7:00am to 8:45am. Most properties will be shaded between 7:00am and 7:45am, however 25 and 27 Campbell Street will experience shading until 8:15am and 8:45am, respectively.
- It is noted that there would be a degree of shading cast from 221B Karori Road onto 21A Campbell Street. With 21A Campbell Street, by 7:45am the western and northern elevation are free from shade and by 8:00am the shading is clear of the dwelling. From 8:15am the property is free from shading.
- It is noted that there would be a degree of shading cast from 27A Campbell Street (the RSA) onto 1/27 and 2/27 Campbell Street. With this property, by 8:00am the western yard is not impacted by shading from the proposed building and by 8:30am the shading from the proposed building is clear of the house and is clear of the site by 8:45am.
- Effects on these properties will be no more than minor.

283. Submitter number 41 (Nikki Fraser of 19A Campbell Street) expressed concerns with *“increased shading on [their] property close by with planned tower block higher than last which affected my sun three months of the year.”* The shading diagrams show that there will be shading from the proposed buildings in the summer solstice at 7:00am but this will have fully retreated by 7:45am. The property does not experience shading at any other time during the year and it is recognised that there would be a degree of shading from the surrounding properties i.e. the existing environment. Effects are therefore less than minor.

28/28A, 30, 32, 34, 36, 38, 40, and 42 Campbell Street

284. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties.

285. These properties will be shaded to various degrees between 8:30am and 9:45am (worst case) during the winter solstice, with most of the properties being shaded for a shorter duration than this. The worst case is not considered to be a prolonged duration that

would warrant conclusion of a minor effect as the sites will be unimpacted from 9:45am during the winter solstice.

286. Submitter 55 (John Eyles of 38 Campbell Street) has stated *“I understand that my house will be shaded by the tall buildings in the proposed development. This is not acceptable to us at 38 Campbell Street as it will prevent us from enjoying our property to the full at all times in the day at all times of the year. Proposed buildings should be reduced in height and moved back further from boundaries to eliminate shading.”* This submitter’s property is fully shaded until 8:30am at the winter solstice. From 8:45am as the sun tracks westwards, the extent of shading reduces and the rear yard becomes free of shading. At 9:00am the rear yard is completely free of shading from the proposed building. At 9:30am shading is off the dwelling and part of the front yard is free from shading. At 9:45am there is only a sliver of shading near the front boundary. It is further noted that this property is not shaded in the equinox or summer solstice. This property also benefits from borrowed amenity of the subject site not being or having been developed with buildings in the location facing Campbell Street, but this does not mean that it will remain undeveloped. I consider that the shading effects are less than minor.
287. Submitter 60 (Jeremy and Debbie Sprott of 32 Campbell Street) has stated *“we stand to lose significant sunlight from the shading effects of the new buildings BO2 and BO1A on the front of our home.”* This property experiences shade in the morning at the winter solstice (mainly from BO1B), but the shadow has retreated from this property by 9:00am. This is not considered to be a significant shading effect. It is further noted that this property is not shaded in the equinox or summer solstice.
288. It is noted that 26 Campbell Street has not been addressed as it is unaffected by the shadows cast from the proposed buildings.

221A Karori Road

289. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on this property.

221B Karori Road

290. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on this property.

6A, 6B, 7, 8A, 8B, 9, and 11 Cargill Street

291. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties.

20, 22, and 24 Firth Terrace

292. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties.

34, 36, 38, 40, 41, 42, 43, and 44 Cooper Street

293. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties during the winter solstice, also noting that part of the shading is attributed to the existing buildings on site that are being retained.

294. Mr Burns' assessment does not address shading on these properties from the proposed buildings at the equinox. A supplementary assessment is provided and I note that effects from the existing buildings that are being retained on site form part of the existing environment and can therefore be disregarded. There will be shading from the proposed buildings on the rear of 32, 34, 36, 38, and 40 at 5:45pm and 6pm. Given the short duration, effects will be less than minor.
295. Submitter number 46 (Jennifer Mattlin of 36 Cooper Street) stated in their submission that they "*stand to lose significant sunlight from the shading effects of the new buildings.*" I do not agree and consider this property will not lose significant levels of sunlight for the reasons above and based on what is shown in the shading diagrams.

Properties not included in Mr Burns' assessment

221C Karori Road

296. This dwelling is not shown on the aerial imagery in the shading diagrams, however, 221C Karori Road's legal boundary includes the vacant portion of land located between 221A and 221B Karori Road – it is not what is as shown on the shading diagrams. Notwithstanding, shading occurs on this part of the site and on the dwelling during the summer solstice, but I note that effects will be less than minor given the short duration of shading, being from 7:00am until 8:15am.

221 Karori Road

297. There is some shading on this property at 7:00am until 7:30am during the summer solstice from the proposed buildings. Effects are considered to be negligible and therefore be less than minor.

17, 19, 20A, 21, 22 Vera Street

298. There will be some shading on these properties at 6pm at the equinox from the proposed buildings. Effects will be negligible and therefore less than minor.

35, 37, and 41 Cooper Street

299. There will be some shading on these properties at 6pm at the equinox from the proposed buildings. Effects will be negligible and thus less than minor.

45 Cooper Street

300. I further note that there is some shade that is cast on 45 Cooper Street at 4:30pm during the winter solstice, but at no other time and this is from the existing buildings on site that are being retained. Effects on 45 Cooper Street will be as per the existing environment.

53 Donald Street

301. There will be a sliver of shading on this property at 4:30pm during the winter solstice. Effects will be negligible and thus less than minor.

Other Properties

302. All other properties are considered to be sufficiently screened and separated from the subject site whereby any actual or potential adverse effects attributable to the proposal are considered to be less than minor.

Conclusion

303. Based on the information provided in the shading diagrams, Mr Burns' Urban Design Assessment, and my own analysis, I consider that overall shading effects of the proposal will not be more than minor.
304. As I have noted above, the District Plan does not intend to completely protect properties adjacent to a development from shading effects. The land is zoned for residential use with an overlay that also provides an expectation of use of the land for educational purposes. Some level of shading effect is a consequence of the land being used for its intended purpose.
305. While I have not accepted the shading from buildings built to the residential buildings standards shown on the shading diagrams as being an appropriate way of assessing the shading effects expected under the Operative District Plan for the reasons given above, the extent of shading shown does indicate that the level of non-compliance with the District Plan standards does not in itself lead to a higher level of shading effect than could be expected by the Plan.

Density

306. The level of density proposed on site is greater than the density levels in the area, which is primarily fine-grained development. Dwellings are typically stand alone on individual sections, with a noticeable amount of infill development and some multi-unit developments in the area. The density of the proposed village is indisputably higher than that of the surrounding area given 179 independent living apartments and 68 assisted living suites are proposed.
307. The proposed village does not conform to the traditional suburban patterns that have been established in Karori, however, the site is a windfall site and as Ms Duffell advises *"in my view it would not be reasonable to expect that any development on this site matches the patterns of the surrounding area which is largely characterised by buildings on individual sections. This is indicated by both the understanding that this is a 'windfall' site, and by the difference in functional typology between this development and the surrounding houses."*
308. It is further noted that the full extent of the development and associated density effects, such as privacy and overlooking, will not be appreciable from any one property given the layout of the development on site, the topography, screening providing by intervening buildings, and physical separation by legal road and between buildings and existing dwellings. As determined above, the privacy effects from the proposal will not be more than minor. Mr Burns also recognises the windfall nature of the site and that the District Plan anticipates some degree of departure from *"conventional suburban outcomes"* and a higher level of development on site. Ms Duffell agrees with this as do I. Density effects will therefore not be more than minor.

Wind Effects

309. The application is accompanied by a Wind Assessment, prepared by WSP¹⁷. This Wind Assessment is based on a desktop study as opposed to a wind tunnel test. As part of the section 92 response, additional wind and landscape information was supplied by WSP and Sullivan & Wall. The Council's Wind Advisor, Dr Michael Donn, has reviewed the Wind Assessment and section 92 responses and his evidence, attached at **Appendix 4**, should be read in conjunction with this assessment.
310. It is noted that there are no specific objectives and policies or standards pertaining to wind in the Outer Residential Area. WSP has undertaken the Wind Assessment based on the Centres Zone framework which requires a consideration of wind effects when a building is higher than three storeys/12m.
311. The Central Area and Centres Area focus for wind effects is primarily on the effects on public spaces and the pedestrian wind environment. They do not tend to focus on effects on private property. The Proposed District Plan also takes a similar approach as it states that *"the provisions do not apply to private spaces such as adjacent properties or backyards."*
312. Given the Non-Complying Activity status, I am not restricted to any specified matters of discretion and given there are no prescribed wind objectives and policies for the Outer Residential Area, and noting the significant scale of building development proposed for the site as compared to what is usually expected in the Outer Residential Area, it is not unreasonable to consider wind effects as an amenity effect on adjacent properties. It is also not unreasonable to consider on-site/internal wind effects from an amenity and comfort perspective for the future residents of the site.
313. In making the below assessment, I have relied on the expert advice received from Dr Donn. It is noted that the Wind Assessment is a desktop analysis, it is not a wind tunnel test and in one of Dr Donn's recommendations, he has stated that *"a more thorough analysis of wind effects of the selected form of the tallest building on site is recommended. This should consider alternate forms and potential effects on the nearest properties, and potentially the nearby public thoroughfare alongside the site, if it is retained."* The public pathway is being retained. As such, the applicant is invited to provide such analysis as part of their evidence.
314. Dr Donn has assessed the proposal in terms of effects on adjoining properties, effects on the public spaces, and effects that are internal to the site. Mr Donn's evidence differentiates between wind effects from the tall buildings (namely B01B which is seven storeys, including the basement level) and wind effects from the two to three storey buildings (B02-B07).
315. A key observation made by Dr Donn is that the proposed fences are not aerodynamically designed to mitigate wind effects and nor is the landscaping.

Adjoining properties

316. In respect to the wind effects on adjoining properties, Dr Donn has advised that the tall buildings will likely impact the rear of Karori Kids (29 Campbell Street), 27A Campbell Street (RSA), 221A, 221B, and 221C Karori Road and notes that *"these properties are outside of the worst zone of wind acceleration as they are more than two times the width of the proposed building away from it, the wind speeds on these properties is likely to increase in the wake of this building [B01B]."* This is attributed to the car spaces and vegetation removal. Dr Donn does, however, advise that *"the*

¹⁷ Refer to Appendix M of the application documents.

likely impact of the proposed buildings on the neighbours is likely to be small if the proposed fences were to be redesigned as genuine wind shelter devices” and that is most critical on the boundary adjacent to the tallest buildings (which I take to be the northern boundary up to where the Karori Pool is and the boundary shared with Karori Kids). Dr Donn further advises that the impacts would be very low if the improved aerodynamics of the wind fences were combined with planting of trees of a 3m-5m height along the northern and western boundaries of the site.

317. Based on this, I consider that with an aerodynamic fence along these boundaries the wind effects would be minor on 27 and 29 Campbell Street and 221A, 221B, and 221C Karori Road, and with an aerodynamic designed fence coupled landscaping the effects upon 27 and 29 Campbell Street and 221A, 221B, and 221C Karori Road would be less than minor. A condition of consent pertaining to the fencing is recommended should the Hearing Panel be of a mind to grant consent – this is critical for the effects not being more than minor. Ideally, this should be agreed by the applicant in order to give the Panel confidence that this aspect could satisfy section 104D(1)(a).
318. Moreover, comment from the applicant or further discussions with experts may be beneficial to determine whether landscaping along the north-western boundary shared with Karori Kids and the northern boundary (up to where the Karori Pool is) can include wind-suitable trees that can grow up to 5m in height and whether there is any ability to include trees along this part of the northern boundary as the landscape master plan does not presently include any. This would be to further mitigate wind effects.
319. I have included photographs of the existing vegetation in the north/north-western part of the site for reference, noting that some of the trees referred to in Figure 7 of Dr Donn’s evidence are likely to be on the adjoining properties so the applicant should also confirm this.



Figure 23: Existing vegetation along the north/north-western boundary.

320. In terms of wind effects on the properties to the south of the site, Dr Donn states that the low picket fence height¹⁸ is of poor aerodynamic design, *“but the proposed buildings near these buildings will likely significantly improve the wind on their properties, with or without a fence with improved aerodynamic shelter design.”* He further states that the buildings near most of the other site boundaries are much closer in height to the scale of the neighbouring properties [when compared to the taller buildings that is] such that these buildings are unlikely to cause wind issues. Dr Donn has not identified wind effects from the tall buildings on site as an issue for these properties.

¹⁸ This is based on fence type C, as shown on RC12. I further note that Figures 24 and 25 of Mr Burns’ Urban Design Assessment show this as a low-height picket fence.

321. Dr Donn also considers that the additional building height of B02-B06 (that exceeds the permitted 8m) *“would not significantly contribute to any increase in wind speeds experienced on site, or on the adjacent properties in Scapa Terrace.”* Further advice is that *“the function of the buildings [B02-B06] as a new barrier, largely oriented across the major wind flows, will hugely decrease the wind”* in the rear yards of these properties.
322. Two further observations are that there may be some increased turbulence around the south-western corner of B02 near 49 Campbell Terrace, but Dr Donn advises that *“the overall effect in the much more common northerly wind will be a significant reduction in windiness”* so, on balance, effects would not be more than minor. The second is that in a southerly there will be some redirection of winds along the face of the proposed buildings as previously wind flowed unobstructed over the open spaces. Dr Donn advises that *“any significant backwash off this south face of blocks B02 through B07¹⁹ will likely remain within the 5m space between the buildings and the legal boundary.”* Dr Donn considers the landscaping in this 5m setback will not diffuse these wind flows (southerlies) nor does the proposed fencing help with keeping these flows within the site. Whilst Dr Donn considers an overall improvement of wind effects on these properties (noting that southerlies are not the prevailing wind), I recommend that further discussions are had with parties to determine the necessity of having an aerodynamic wind shelter fence along the southern boundary to address southerly winds²⁰.
323. Dr Donn has advised that the winds in a northerly or southerly will be accelerated through the first level terraces of B02-B06. He has not mentioned whether this would impact the properties to the south as he had made these comments in respect of on-site/internal effects. I consider that through a landscape condition of consent imposed, the planting in these locations could function as a wind screen through careful plant selection, which Ms McArthur also recommends from a landscape perspective as well.
324. Based on the expert advice received, I do not consider the effects will be more than minor on these properties.

Public spaces

325. Dr Donn has advised that *“the distances of the largest proposed buildings from the surrounding streets makes it extremely unlikely that the site-adjacent public footpaths alongside Campbell and Donald Streets will be affected by these buildings.”* However, Dr Donn has indicated that the public footpath that runs along the site’s northern boundary will likely be affected from wind from the tall buildings. Peppered throughout Dr Donn’s evidence is commentary on fence design and landscaping.
326. The assessment above outlines that if an aerodynamic fence is constructed along the northern boundary, then effects will be small, and if that fence is coupled with landscape mitigation planting, effects will be very low. Again, further discussions should be had about the feasibility of having planting along that segment of the northern boundary, however, even if it is not feasible or practicable, I consider effects on the public pathway would be minor (not more than minor) if there is a suitably designed fence constructed alongside this pathway. As above, this could be secured via a condition of consent, should Hearing Panel be of a mind to grant consent.

¹⁹ Presumably this is meant to be B06 given B07 does not have a 5m space between the building at 42 Donald Street.

327. Dr Donn has considered the effects from B02 and B07 on Campbell Street and Donald Street, respectively, and notes that the proposed fencing between these buildings and the street has no aerodynamic qualities. Along Donald Street Dr Donn has advised that due to the length of the façade, wind would be worst on the south-eastern corner and that there would likely be an increase in wind on the footpath and in the main vehicle and pedestrian entry to the development. The proposed fence does not provide protection during a northerly wind, being the prevailing wind, to backwash off the façade. However, Dr Donn advised that *“for much of the length of this Donald Street façade, people walking past will experience far less southerly wind than they currently do.”*
328. As the issue appears to be with the northerly, which is the prevailing wind, I consider that effects could be mitigated to not be more than minor by changing the fence design or making changes to the proposed landscaping²¹. This can be secured via imposition of an appropriate condition of consent; recommended wording has been included, should the Hearing Panel be of a mind to grant consent. Again, agreement by the applicant would help give the Panel confidence that this aspect could satisfy section 104D(1)(a).
329. In Campbell Street the same issue arises but in a southerly, not a northerly. During a northerly, which is the prevailing wind, Dr Donn has advised that *“Campbell Street will be significantly less windy here because the long length of the building will impede the more frequent northerlies.”* Due to the slightly greater building set back on Campbell Street, there will be less backwash than Donald Street, however, Dr Donn advises that *“while this façade will provide significant protection from northerly winds, without these fences having an aerodynamic design, they will do nothing to reduce the southerly wind accelerations.”*
330. Consistent with the above conclusion reached for Donald Street but for a southerly wind in Campbell Street, I consider that effects could be mitigated to not be more than minor by changing the fence design or by making changes to the landscaping.

Internal

331. Dr Donn has identified some areas within the site where there may be wind effects as a result of design. These are shown on Figure 4 in Dr Donn’s evidence; these are the pocket park and terrace/courtyard facing Donald Street, the first floor terraces on B02-B06, and the area between B01A and B01B.
332. As mentioned above, I consider the first floor terrace landscaping can be addressed via the landscape condition to require it to function as a wind screen. As for the terrace/courtyard area and the pocket park, further comment from the applicant and/or wind experts should be had to determine wind effects on these two spaces can be mitigated by a change to the fence design. As for the pocket park, Crime Prevention Through Environmental Design (CPTED) principles would need to be considered here too so input from urban designers should be sought.
333. As for the wind effects between B01A and B01B and design of the building, I consider it would be beneficial to have comment from the applicant on this as part of their evidence and/or have the wind experts discuss this in more detail. This area between the buildings contains pathways, gardens, and the dementia terrace. Section 2.1.11 of

²¹ This may include planting trees closer together to perform as a wind screen (which may also require more trees to be planted than what is shown on the landscape plan) and/or have the proposed landscaping (what is presently shown) be supplemented by underplanting of a sufficient height.

the applicant's AEE states that there will be no direct access to the public pathway along the northern boundary, yet the plans show these will be a pathway directly to the fence. The applicant should clarify this in their evidence.

334. It is recognised that Ryman's development model is to develop the land and operate the village (as opposed to on-selling the land/apartments etc) and it is in the applicant's best interest to ensure this area is comfortable for the residents. Dr Donn highlights there are design solutions, thus further discussion is encouraged to work through such solutions for mitigation. As there are solutions to mitigate effects, I consider that internal amenity effects will not be more than minor, but can be addressed through further analysis and, ultimately, conditions of consent. I also consider appropriate CPTED outcomes can likely be achieved.
335. To clarify, in Figure 7 of Dr Donn's evidence in the areas where the two large yellow circles are these areas will contain a mix of retained vegetation and replacement vegetation (where vegetation is required to be removed). It is not proposed to remove all existing vegetation and not replace it.

Conclusion

336. Based on the expert input and acknowledging that conditions pertaining to fencing and landscaping are certainly required to mitigate both external and on-site amenity effects, I consider that, on balance, wind effects can be reasonably mitigated and will not be more than minor. While not a consideration for section 104D(1)(a), there will be wind effect benefits for the properties to the south of the development.

Streetscape, Character, and Visual Effects

337. Given the scale of the proposal, the proposal will alter the Donald Street and Campbell Street streetscapes when compared to the existing environment, which is essentially two street frontages that contain little built form for the full extent of Campbell Street and partial extent of Donald Street (to the south of the existing buildings that are being retained). The proposal will alter the landscape when viewed from further afield.
338. In forming a view on whether streetscape, character, and visual effects will be more than minor nor not, I have relied on the expert advice of Ms Sarah Duffell. Ms Duffell's evidence is attached at **Appendix 2** and is a review of Mr Burns' Urban Design Assessment. I have also relied on the expert advice of Ms Angela McArthur. Ms McArthur's evidence is attached at **Appendix 3** and is a review of the applicant's Landscape and Visual Effects Assessment (July 2021) prepared by Rebecca Skidmore.
339. Ms Duffell's and Ms McArthur's respective evidence provide supplementary commentary where necessary and highlight where they disagree with certain comments or positions taken by their counterparts. Overall, Ms Duffell has advised that the proposal has her support from an urban design perspective and Ms McArthur has confirmed her support for the proposal from a landscape and visual effects perspective.
340. Ms Duffell and Ms McArthur's evidence also provide responses to matters raised in the submissions relating to streetscape character, urban design, and visual impacts.
341. The site is not a typical Outer Residential site and it is considered to be a 'windfall site.' Expert advisors draw upon the windfall nature of the site in their assessments. Policy 4.2.1.5 in Chapter 4 states the following:

‘Windfall sites’ are loosely defined as relatively large properties that are located within an established residential area but which have never been developed for residential purposes. Often they are properties that have historically been used for commercial or community purposes. Because of their size these properties can provide significant opportunities for residential intensification. Because these sites have not been used for residential purposes, their re-development generally does not lead to a loss of existing residential character.

342. The Donald Street frontage will change by introducing B07, which is three storeys in height at its southern end. Mr Burns’ Urban Design assessment contains a detailed assessment which Ms Duffell has not raised any particular concerns with or made any additional comments. Mr Burns summarised that *“I therefore consider Building B07 to provide an appropriate and positive streetscape response that acknowledges and respects the character of Donald Street. Establishing a clear and consistent street edge with a ground level open space planted setback will create an attractive outcome that assists with integration of the Proposed Village into the existing residential environment.”* I accept the summary and position taken by the expert Urban Designers.
343. The Campbell Street frontage will change through the introduction of B02, which is three storeys in height, tapering to two storeys at either end. Mr Burns’ Urban Design assessment contains a detailed assessment with which Ms Duffell has not raised any particular concerns but has made the additional comments as per the below:
- *“I agree that the principal challenge presented by B02 is optimising use of this previously vacant part of the site while establishing an acceptable relationship to context.*
 - *The discussion around the height-to-width relationship between the building and Campbell Street is very agreeable and is a strong argument in favour of this building achieving a ‘comfortable’ relationship with the physical characteristics of the street.*
 - *Additionally, I consider that contrast with the surrounding development patterns is acceptable based on this type of use. Retirement complexes are frequently large-scale in nature and are increasingly rising to several storeys in height. Within the residential context, it’s acceptable for a large-scale retirement village to look like a retirement village, which this does.”*
344. In relation to B02 and B07, Ms McArthur assessed that *“the magnitude of change in character will be high. However, this change seems a predictable future street character given the available land and residential zoning. The buildings are contemporary in design for apartment style living. In my opinion the change in character will be compatible with the surrounding neighbourhood character and amenity values.”*
345. Ms McArthur has assessed that B01B may be visible or prominent from some neighbourhood viewpoints, but that the *“dark colours proposed for the upper levels together with other mitigating factors such as the building placement within the centre of the site in context with lower buildings, the set back from street frontages and adjoining residential properties will reduce adverse visual intrusion effects and loss of visual amenity. Tree planting proposed at site boundaries and road frontages will also help filter closer range views into the taller buildings.”* Ms Duffell has provided additional commentary in her evidence in respect to B01B and other taller buildings on site that *“it would be a principle of good urban design to locate height, where this might have potential to impact on the surroundings, in a location where the height could be moderated by placement and topography, and where was not directly adjacent to public roads, parks, or amenity spaces, so as to reduce the visual dominance by distance.”*

346. The proposed buildings will be visible from other public spaces, including surrounding streets and from long range views, as detailed further in Mr Burns', Ms Skidmore's, and Ms McArthur's evidence. It is acknowledged there will be change, but effects will not be more than minor for the reasons detailed above and included in the experts' assessment.
347. Extensive landscaping is proposed across the site and at the street frontages. Landscaping is addressed in further detail in the below section, however, it is acknowledged that Ms McArthur has recommended that all specimen trees proposed at the street edges are at least 2.5m-3m in height when planted to provide some immediate impact, in terms of visual softening.
348. I accept the advice received from Ms Duffell and Ms McArthur and consider that, while the proposal will introduce change to the area, streetscape, character and visual amenity effects will not be more than minor.

Landscape Effects

349. The proposal involves some vegetation removal, the partial retention and protection of the Lopdell Gardens and comprehensive site landscaping upon completion of construction. The proposal has been reviewed by the Council's consultant Landscape Architect, Ms Angela McArthur. Ms McArthur's evidence is attached as **Appendix 4** and should be read in conjunction with this report.
350. It is noted that concerns were raised in submissions that primarily related to suitability of tree species along the southern boundary and related shading effects, green space for residents to walk, impact on bird life, and lack of planting behind B03-B05. These concerns have been addressed and responded in Ms McArthur's evidence and I agree with the responses provided.
351. Ms McArthur notes that the Indicative Landscape Plan, Revision S prepared by Sullivan and Wall Landscapes shows a conceptual layout for garden areas and framework specimen trees only and further details in landscape plans, including paving, should be required as a condition of consent for all planting areas if the Hearing Panel is of a mind to grant consent. I further note that the applicant has proffered a condition of consent that requires a final landscape and paving plan to be provided. The wording they have proffered is slightly different to the Council's proposed wording; the Council's recommended wording incorporates specific matters raised in the submissions.
352. Ms McArthur has advised that the trees identified in the applicant's Arboricultural Report²² to be removed are consistent across the landscape plan and report and arboriculture effects are discussed in the subsequent section of this report.
353. In terms of the suitability of the species proposed, Ms McArthur advises that a higher level of wind tolerant species would be appropriate – I concur with this, noting it reinforces the conclusions of Dr Donn in regards to mitigation of wind effects.
354. As for the shading from trees proposed along the southern boundary, Ms McArthur has recommended that the large scale trees proposed in the Indicative Landscape Plan Revision S such as Pohutukawa, Rimu, Silver Tree Fern and Puriri should be removed from the southern boundary adjacent to buildings B02-B06 to reduce shading effects.

²² Refer to Appendix F of the application.

I support this recommendation and the condition Ms McArthur has recommended that requires trees species must be restricted to small to medium evergreen trees with light textured foliage that will reach a maximum height of 4m. The trees must be maintained at this height to avoid future shading within adjoining properties. I consider this an appropriate form of mitigation and note that Ms McArthur advised the 4m tree height will “help filter views and reduce visual impact of buildings rather than obscure buildings entirely” so limiting the height of the trees will still provide visual mitigation.

355. Ms McArthur has recommended that the specimen trees proposed at the street edges are at least 2.5m to 3m at the time of planting so as to provide immediate impact and visual amenity. However, she has included an option that if a tree species were to be higher then it must be deciduous. Ms McArthur has also recommended that the first floor terrace planting (that is to be a screen) should be 1.5m to 2m at the time of planting so that there is some immediate privacy. I concur with these recommendations and note that Dr Donn has recommended wind resistant species in these terrace areas.
356. Based on the expert advice from Ms McArthur and if the recommended conditions of consent are imposed should the Hearing Panel be of a mind to grant consent, I consider landscape effects will be no more than minor.

Arboriculture Effects

357. Section 5.8 of the applicant’s AEE addresses arboricultural effects and an Arboricultural Report, prepared by Tree Management Solutions²³, and Ms McArthur has reviewed this report as part of her landscape review.
358. Ms McArthur has not raised any particular concerns and notes that established trees and paths within Lopdell Gardens, and open lawns area within the south-east corner of the site will be retained and protected and that supplementary planting will be undertaken on completion of construction to replace any protected trees removed or damaged.
359. The Arboricultural Report recommends that a Tree Management Plan (TMP) should be prepared to address the management of retained vegetation during and after construction works, and the applicant has proffered a condition of consent accordingly. Ms McArthur agrees with this and has included a TMP condition in her list of recommended conditions, should the Hearing Panel be of a mind to grant consent. The TMP will need to be in accordance with this Arboricultural Report and provide a photographic record of the retention areas G1, G2, G3, and G4 including the Tree Protection Zone (TPZ). The final landscape plan, discussed above, would also need to show the existing vegetation that is being retained and protected.
360. Based on the expert advice received and subject to the imposition of and adherence to the TMP condition as proffered by the applicant and supported by Ms McArthur, I consider arboricultural effects will be no more than minor.

Heritage Effects

361. The subject site is not listed as a heritage item in the District Plan, however, it is identified as a Category 1 Historic Place by HNZPT. The remaining buildings on the site are acknowledged as having heritage value as are some of the open spaces. Accordingly, a consideration of effects on historic heritage is necessary.

²³ Refer to Appendix F of the application.

362. The application is accompanied by a heritage assessment prepared by DPA Architects²⁴. Appendix D of the further information response contains additional heritage plans and an addendum to the heritage assessment (July 2021) has been provided. The application has also been reviewed by the Council's Consultant Heritage Advisor, Moira Smith and her assessment attached at **Appendix 5** should be read in conjunction with this report.
363. Submitter 75 (David King and Anna McKinnon-King of 24 Scapa Terrace) raised matters pertaining to heritage effects, which Ms Smith has addressed in her evidence.
364. Additionally, on 18 August 2022 a submission was received from HNZPT. HNZPT echoed concerns Ms Smith had relating to the use of aluminium joinery and the screens near the Donald Street entrance. Due to the timing of this submission and the date in which this report is required to be circulated, Ms Smith's evidence, attached at Appendix 5, has not been updated, however, Ms Smith has prepared a supplementary memo, attached at **Appendix 13**, which addresses HNZPT's submission and the matters raised therein.
365. These reports and the HNZPT citation include detailed information explaining the heritage significance of the site. As a brief summary, the site is considered to have historical, aesthetic, architectural, and social significance. The values derive from the buildings collectively as well as the open spaces, particularly the Lopdell Gardens.
366. As discussed in the 'Relevant RMA Background' section of this report, the two Certificates of Compliance were given effect to and all former buildings on site that were included in the Certificates of Compliance were demolished, except for the Oldershaw building which was able to be demolished under the relevant Certificate of Compliance yet was retained. The Allen Ward VC Hall and Tennant Block were not included in the Certificates of Compliance and still remain on site. It should be noted though that regardless of this nothing on this site is heritage listed under either the Operative District Plan or the Proposed District Plan which contains no proposed heritage listing for this site. Accordingly, there is nothing under any district plan heritage provisions preventing the owners from clearing the other buildings or landscaping from the site.
367. For clarity, this consent cannot consider the effects from the loss of heritage values from the demolition of the buildings as this was a permitted activity (as confirmed by the two certificates of compliance). The effects of this cannot be reconsidered under this resource consent application and the site as it is now is the existing environment.
368. DPA Architects and Ms Smith agree that there is on-going heritage significance derived from the buildings proposed to be retained and the parts of the Lopdell Gardens that will remain, and that these continue to have architectural, historic, and social values.
369. Ms Smith's previous heritage assessment, dated 3 September 2021, outlined that her main concern:

"is that the works to the remaining heritage buildings and landscape areas will result in the loss of heritage values that is both unacceptable and avoidable. In particular:

- *Alterations to the Allen Ward VC hall including the removal of pre-cast panels to the north façade, and their replacement with a glazed screen. My view is that this work would need to be designed by a suitably qualified heritage architect to*

²⁴ Refer to Appendix C of the application.

ensure that it is sensitive to the remaining heritage values of the hall. It may be possible to address this issue with a suitable resource consent condition.

- *Replacement of timber window joinery with aluminium at the Allen Ward VC Hall and Tennant Block.”*
370. Ms Smith had also expressed concerns about the structures proposed for the entrance courtyard between the Allen Ward VC Hall and the Tennant Block.
371. In Ms Smith’s previous assessment, she was not able to support the proposal because of these primary concerns.
372. Ms Smith agrees with the DPA Architects that the B01A, B01B, B02, B03, B04, B05 and B06 will have little effect on the remaining heritage buildings.
373. Ms Smith and DPA Architects agree that B07 will change the streetscape along Donald Street and that B07 will partially screen the Allen Ward VC Hall when the site is approached from the south, but that this effect will be “relatively small.”
374. On 28 June 2022 the Council representatives, being Ms Smith and I, met with the applicant and their heritage advisor, Dave Pearson of DPA, to discuss Ms Smith’s concerns. The applicant confirmed they would use timber joinery and further clarification was sought on the screens near the entrance that were of a concern to Ms Smith.
375. Ms Smith sought further clarification from the applicant on the screens, however, a response from them was not provided at the time of finalising her evidence. However, Ms Smith has confirmed in her evidence that the proffered condition of consent, detailed further below, would address this concern.
376. On 22 July 2022 the applicant proffered a suite of heritage conditions of consent. These relate to:
- Submitting a photographic record
 - Consult with the Council’s heritage advisor on the locations from where the photographic record is to be taken
 - Retention of or replacement of timber joinery for the Allen Ward VC Hall, Tennant Block, and Oldershaw buildings
 - That design of the entrance canopy, doors and vertical timber louvres at the Donald Street entrance, between the Allen Ward VC Hall and the Tennant Block, is consistent with the original architecture of this entrance
 - Submitting a Heritage Management Plan that is to be prepared by a suitably qualified and experienced heritage architect
 - That a suitably qualified and experienced heritage architect is to be engaged to oversee, on a monthly basis or at a frequency otherwise agreed to, any remedial work to the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall
 - That the heritage architect briefs all lead contractors and supervising staff to communicate the significance of the Oldershaw Music Block, Allen Ward VC Hall and Tennant Block, the requirements of these consent conditions and the requirements of the Heritage Management Plan
 - Preparing of a Heritage Information Plan and implementation thereof
 - Accidental discovery.
377. Ms Smith has advised that *“my view is that the negative effects could be managed by the conditions proposed by the applicant in appendix 1 of this heritage assessment – if the Commissioners are minded to grant consent for the proposed development”* and

that “my assessment is that the overall development would have a reasonable effect on the heritage values of the remaining heritage items, subject to consent conditions.”

378. I accept Ms Smith’s advice and consider that the proposal is acceptable from a heritage perspective. Based on the expert advice received and through the imposition of and adherence to the suite of conditions proffered by the applicant, I consider effects on heritage will be no more than minor.

Construction Effects

379. Construction effects are an inevitable part of development and given the size and scale of the proposed works, the proposal may cause some disruption to neighbouring properties during the earthworks and construction stages. The applicant has advised that the construction period for the village is expected to be over a period of approximately 36 to 40 months. The applicant has advised that the final timing and staging of the construction works is not yet finalised and will be once the detailed design of the development is complete. It is not clear whether this includes the earthworks stage of the development as well as construction, so this should be confirmed by the applicant in their evidence. Either way, the earthworks/construction stage is long and cognisant of the construction-related effects that proposal may have on surrounding properties, the applicant has placed emphasis on the mitigation measures that may assist with minimising the scale and extent of effects associated with the proposed works as experienced by surrounding properties.
380. Adverse effects relating to construction include, but are not limited to, noise and vibration, traffic, and measures to handle contaminated soil. A number of submitters have expressed their concerns on such matters as well as the duration of the construction program, all of which will be addressed in turn. For reference, as outlined in their AEE the applicant proposes to manage construction related effects via a Construction Management Plan (CMP), which would include:
- Construction Noise and Vibration Management Plan (CNVMP)
 - Construction Traffic Management Plan (CTMP)
 - Erosion and Sediment Control Plan (ESCP)
 - Details regarding management of contaminated soils.
381. It is noted that dust, erosion, silt and sedimentation are addressed under the ‘Earthworks and Geotechnical Effects’ section below and the management of contaminated soils is addressed under the ‘Contamination Effects’ section below.

Construction noise and vibration

382. The applicant has provided a Construction Noise and Vibration Assessment attached at Appendix A of the further information response, prepared by Marshall Day Acoustics. This assessment has been reviewed by the Council’s Acoustic Engineer, Lindsay Hannah, whose assessment is attached at **Appendix 6** and should be read in conjunction with this report.
383. Submitters have expressed concerns about construction noise and the associated impacts it will have on them. Mr Lindsay has reviewed the relevant submissions that raise noise and vibration and has provided responses to these in his evidence.
384. The Construction Noise and Vibration Assessment prepared by Marshall Day Acoustics does acknowledge that there will be some noise and vibration activities that exceed NZS6803:1999 Acoustics – Construction Noise and DIN 4150-3:1999 ‘Structural Vibration – Part 3: Effects of vibration on structures’, respectively. The predicted exceedances are detailed further in the assessment prepared by Marshall Day Acoustics

and in Mr Hannah's evidence. I understand some of the exceedances will be by up to 2 dB but others will be more. For example, Mr Hannah has stated that in the specific case of concrete cutting for the Allen Ward VC Hall, the exceedance levels may be exceeded by 11 dB. Specific mention is also given to Karori Normal School, which is a noise sensitive site, whereby levels may be exceeded by up to 6 dB, and the Karori Pool (which has less sensitivity than a residential site) by up to 7 dB during piling activities. For context, Mr Hannah notes that a 10 dB increase in sound levels can be viewed as being twice as loud. It is also acknowledged there may be some instances when the vibration limits are exceeded, with piling and rollers being specifically mentioned.

385. It is recognised that certain activities will exceed the noise and vibration standards for discrete periods of time. However, the exceedances are not anticipated to be throughout the entire construction period. Mr Hannah advises that *“with respect to non-compliance, neighbours will not be exposed to ongoing high noise activities for the entire construction period, but some will experience at times high exposure during construction activities when these are conducted close to them”* and concludes that this is why a detailed CNVMP is essential. The CNVMP is detailed further below.
386. Mr Hannah has included recommended conditions of consent in his evidence, which I agree with, should the Hearing Panel be of a mind to grant consent. The conditions relate to construction noise hours (this is based on the hours Marshall Day Acoustics have referenced in their report and, noteworthy, this precludes work from occurring on Sundays, with the applicant invited to comment on their intention for working on public holidays) and that a CNVMP must be prepared and submitted to the Council for certification and adhered to through the earthworks and construction stages. Importantly, there is a requirement that the CNVMP must identify and describe all specific activities that cannot comply with the upper recommended noise limits in Table 2 of NZS6803:1999 Acoustics – Construction Noise and those that cannot comply with the vibration limits in DIN 4150-3:1999 ‘Structural Vibration – Part 3: Effects of vibration on structures’. The CNVMP must specify the predicated noise and vibration limits and identify the properties where this is going to be exceeded for each stage. Included in this is a requirement to specify the duration of the works exceeding the noise and vibration levels and a further requirement to specify the mitigation methods that must be adopted to reduce noise to a reasonable level and vibration in accordance with section 16 of the RMA.
387. As identified in Mr Hannah's evidence, construction noise has been predicted with the adoption of a 2.4m acoustic noise barrier around the full perimeter of the site. At paragraph 42 of Mr Hannah's evidence, he emphasises the importance of a 2.4m high site perimeter noise barrier. The Panel should be advised that a 2.4m high fence on the boundary would not comply with standard 5.6.2.10 and that the applicant has not sought consent for such non-compliance. Effects from a non-compliant 2.4m high fence on the site's external boundaries (in terms of shading, visual bulk on the neighbouring properties) have not been assessed. If the 2.4m fence is to be set back 1m from the boundary then it would not trigger non-compliance with standard 5.6.2.10 as this standard only relates to fences where within 1m of a boundary. If it is to be set back 1m from the site's external boundaries then it would also comply with standard 5.6.2.8 (building recession planes), however, it is not known if setting the fence back 1m from the site's external boundaries would alter the efficacy of its acoustic performance. The applicant is invited to respond to this fence matter in their evidence and provide further information on its location in relation to the site's legal external boundaries.
388. Based on the expert advice provided by Marshal Day Acoustics and Mr Hannah and through the imposition of the recommended conditions detailed above should the Hearing Panel be of a mind to grant consent, I consider adverse construction noise and

vibration effects can be appropriately managed and mitigated where possible and, overall, will not be more than minor.

Duration

389. As detailed above, the earthworks/construction stage is expected to be approximately 36 to 40 months. Submitters have expressed concerns about the duration of works and exposure to prolonged construction related effects. The concerns are well understood, and it is considered that through the adherence to the CNVMP, detailed above, and through section 16 - the adoption of the best practicable option - effects can be appropriately managed and mitigated. It is also noted that no works will occur on Sunday, as implied in Appendix A of the further information response. Mr Hannah addresses duration in his evidence attached at **Appendix 6**.
390. A submitter has requested for a published construction program to be part of a building consent along with the provision for liquidated damages. Liquidated damages are addressed in section 104(1)(c) further below. I do not think it is unreasonable for a construction program to be provided and consider this could be incorporated into the CMP condition, should the Hearing Panel be of a mind to grant consent, as details of staging and timing will be better understood at this stage in the development. The submitter also requested for the Council to restrict the construction time to a maximum of two years. The District Plan is unable to control the overall duration of construction effects, with resource consents generally having a lapse period of five years under the RMA. Furthermore, a restriction on construction would not be practicable given the applicant has already identified that the construction stage is likely to be between 36 and 40 months, so it would be unachievable and could not be a lawful requirement. However, it is anticipated that standard industry best practice will be followed to minimise effects to the maximum extent possible, and through conditions which should be imposed such as a CMP, CNVMP, and CTP, to name the key ones, if the Hearing Panel is of a mind to grant consent.

Construction traffic

391. Appendix E – Transportation Assessment Report, by Commute Transportation Consultations CTC, provides an overview of construction traffic effects and states that a Construction Traffic Management Plan (CTMP) is anticipated to form part of the suite of conditions. The CTMP will include details pertaining to construction dates and hours of operation, including any specific non-working hours for traffic congestion and noise. It advises that “traffic movements should look to avoid school pick up and drop off times during school terms.” It will also be required to detail the truck routes, temporary traffic management signage and details for both pedestrians and vehicles, and details for site access and egress.
392. The Council’s Transport Engineering and Operations Manager, Soon Teck Kong, has reviewed the proposal and, should the Hearing Panel be of a mind to grant consent, has recommended that a CTMP condition is imposed. The CTMP condition is similar to that proffered by the applicant, except that it requires additional information to be incorporated, including an emergency 24/7 contact number, a register for public complaints, measures to address any collateral damage to vehicles and property, and any related occupation of the public footpath or carriageway for construction related purposes. It will also need to be adhered to throughout the entire earthworks (and construction) stages. Furthermore, a key difference between the CTMP recommended by Council and the one proffered by the applicant is that Council considers it necessary to restrict truck movements such that they are avoided during school drop off and pick up instead of the more tentative “look to avoid” as stated by the applicant. This is considered necessary from a safety perspective and I note that a number of

submissions expressed safety concerns for school children during the earthworks and construction period. I agree with this inclusion.

393. A CTMP condition is standard for managing traffic effects associated with medium to large projects and it is used extensively throughout the city. Based on the imposition of and adherence to a CTMP, I consider construction traffic related effects can be managed and mitigated and will be less than minor.

Conclusion

394. Based on the advice received from the Council's advisors and the applicant's advisors, and through the imposition of and adherence to the proffered and recommended conditions, I consider adverse construction-related effects will not be more than minor.

Earthworks and Geotechnical Effects

395. Earthworks are proposed to be undertaken over an area of approximately 25,000m² and involve cuts around 5.5m in height (note the applicant is asked to confirm this) and fill up to 4.5m in depth. Effects associated with earthworks relate to stability and geotechnical considerations, erosion, dust, and sedimentation, visual amenity, and the transportation of excess material.
396. The proposal and relevant submissions that raised earthworks related matters have been reviewed by the Council's Earthworks Engineer, John Davies. Mr Davies' assessment is attached at **Appendix 8** and should be read in conjunction with this report.
397. The proposal and relevant submissions that raised geotechnical related matters have been reviewed by ENGEO on behalf of Council. ENGEO's original assessment is attached at **Appendix 9** and the supplementary assessment which address submitters' concerns is attached at **Appendix 10**, both of which should be read in conjunction with this report.
398. Submitters have expressed concerns largely relating to dust, dirt, stability, and ground movement.

Stability and geotechnical considerations

399. Appendix H of the application includes a geotechnical report prepared by Tonkin and Taylor. This report was peer reviewed by Stephanie Cherfane, Senior Geotechnical Engineer at ENGEO on behalf of the Council. Ms Cherfane's assessment is attached at **Appendix 9** and should be read in conjunction with this report. ENGEO confirmed that they "*are conformable with the approach that Tonkin and Taylor followed in identifying, assessing and managing the geotechnical risks on-site.*"
400. Tonkin and Taylor advise that "*the maximum fill heights are expected to be in the order of 3m*" and that "*cut and retention heights are typically in the order of 4 to 6 m with local areas higher (but well offset from the site boundaries).*" Page 7 of their report says that the excavations associated with the northern portion of B01A close to the boundary with 22 Donald Street will be about 5.5m.
401. The 'Depth (cut/fill) contour plan', Drawing No. 042-RCT_401_Co_120, revision 1, dated 14/08/20 shows the fill hatch to be greater than 4m and the cut hatch to be greater than 3.5m.

402. For completeness, and in absence of a cross section that shows the maximum heights, the applicant should confirm in their evidence the proposed maximum cut and fill heights across the site – this issue was raised earlier in this report.
403. Ayoub Riman, Principal Geotechnical Engineer at ENGEO has reviewed all the preceding geotechnical documents as well as the submissions that relate to geotechnical matters. Mr Riman’s assessment is attached at **Appendix 10** and should be read in conjunction with this report.
404. Submitters have expressed concerns relating to ground movement, instability, and subsidence and how this may affect their properties during construction. Mr Riman has advised that in his professional opinion, *“the proposed development can be successfully constructed if the potential geotechnical risks identified and discussed in the reviewed Tonkin and Taylor report and letter are considered during the building consent and construction stage.”* Mr Riman has also provided additional recommendations which translate into conditions of consent, should the Hearing Panel be of a mind to grant consent. These relate to:
- a. All temporary work, foundations, and excavations to be assessed and designed by a Chartered Geotechnical Engineer;
 - b. The maximum excavation heights on the earthworks plans should be provided. It is recommended to include sketches illustrating the excavation sequence and stages at the most critical locations, identified by the Engineer;
 - c. That a ground movement monitoring plan should be specified by the design team to monitor induced ground displacements due to excavation and vibration in neighbouring properties prior, during and after completion of critical geotechnical and earthworks activities.
 - d. The monitoring plan should be either prepared or reviewed by a Chartered Geotechnical Engineer; and
 - e. The monitoring results should be regularly checked against the temporary works design model to confirm acceptability. All instruments and survey points are recommended to be monitored against proposed “Alert”, “Action”, “Alarm” (AAA) levels, specified by the engineer. The Contractor shall develop contingency plans to respond to exceedance of “Action Values” and “Alarm Values.”
405. The Council’s Earthworks Engineer has included a recommended condition of consent that requires a PS4 to be supplied to Council.
406. Based on the expert advice received and through the imposition of and adherence to the recommended conditions of consent, I consider stability and geotechnical matters can be appropriately managed and mitigated as much as practicable, and that effects will be less than minor.

Erosion, dust, and sedimentation

407. Given the scale of earthworks proposed, there is the potential for adverse erosion, dust, and sedimentation effects on the adjoining properties and wider environment. It is acknowledged that submitters have expressed concerns relating to such matters, as outlined in Mr Davies’ evidence attached at **Appendix 8**.
408. The applicant has prepared an Erosion and Sediment Control Plan (ESCP), which is situated within ‘Appendix D – Infrastructure Assessment Report – Woods.’ The ESCP depicts the proposed measures that will be implemented to manage and mitigate effects from the earthworks. These include earth bunds, silt fences, clean water

diversion, designated water retention areas, dewatering treatment, and a stabilised site entrance from Campbell Street. Section 2.3 of the applicant's AEE states that there will be on-going monitoring requirements including weekly inspections and inspections within a day of a significant rain event. This section of the AEE, as well as sections 5.3.1 and 5.3.3, confirm that standard earthworks management practices will be adopted to manage and minimise effects relating to dust, sedimentation and stormwater runoff. It is expected that these will be consistent with GWRC's Erosion and Sediment Control Guidelines for the Wellington Region, also noting that regional consents and discharge permits are being sought from GWRC.

409. Mr Davies has advised that the ESCP supplied with the application is supported in principle and, should the Hearing Panel be of a mind to grant consent, has recommended that a final Earthworks and Sediment Management Plan (ESMP) (term used interchangeably) is submitted to and certified by Council prior to any works commencing on site. A final ESCP is also required as further details will be able to be provided once a contractor has been appointed. Mr Davies has also listed additional measures that will need to be incorporated into the ESCP and notes that the key to providing further detail in the final ESCP is the staging of earthworks to minimise the potential for erosion and sediment loss from the site.
410. The additional measures and information required to be supplied as part of a final ESCP also address the management of dust and a condition of consent is recommended which relates to controlling dust to minimise nuisance and hazards.
411. The final ESMP and general earthworks management conditions, which includes the conditions pertaining to dust control, are required to be in place for the duration of works and until the site has been remediated and until it stops producing dust.
412. Based on the information contained within the applicant's AEE, including the ESCP, and on Mr Davies' assessment and recommended conditions of consent, I consider any actual and potential erosion, dust, and sediment control effects can be appropriately managed and mitigated, and will therefore be less than minor.

Visual effects

413. Given the scale of earthworks proposed, being over an area of 25,000m² and the cut height and fill depths (to be confirmed but will exceed the permitted activity threshold), there is the potential for the earthworks to result in adverse visual effects. Visual effects comprise temporary effects and permanent effects, and these will be assessed in turn.
414. With respect to temporary visual effects, there will be exposed areas of earthworks throughout the earthworks and construction stages. This is common component of development, however, measures can be adopted to mitigate effects. Measures include grassing and reinstating exposed areas as soon as practicable, which also assists with dust, silt, and sedimentation related effects. Section 5.3.3 of the applicant's AEE, which relates to sediment and stormwater run-off, states that "*re-vegetation and rehabilitating exposed areas as soon as practicable following completion of earthworks*" will occur. Mr Davies has recommended a condition of consent that requires all exposed areas of earthworks, unless otherwise built on, are to be grassed or re-vegetated within 1 month of completing each stage of the earthworks. This condition recognises and provides for flexibility with staging which is appropriate given the sheer scale of earthworks proposed. While there will be temporary visual effects, based on the recommended conditions, I consider the visual effects during the earthworks and construction stages will be less than minor on the environment and surrounding properties.

415. In terms of permanent visual effects, upon completion of the construction of the buildings there will be no exposed areas of earthworks as they will be covered by a combination of the buildings, the internal road, pathways, at grade car parking, and the extensive landscaping that is proposed. The largest cut and fill locations occur within the central part of the site under B01A and B01B for the basement car parking areas and to fill the vehicle ramp area to the main entrance. For the most part, any potential permanent visual effects, from retaining for example, will be internalised to the site.
416. The exceptions to this are the areas of cut under B07 (for the basement car park) and the B01A building adjacent to the northern boundary shared with the Karori Pool. There will be no adverse permanent visual effects from the northernmost B01A building as it will be retaining a cut, so it will be below existing ground level and a boundary fence is proposed which, alongside landscaping, will partially restrict any views. Based on the elevations provided (refer to RC13, A0-200 and reproduced below for ease at Figure 24), the cuts and any associated retaining required for the basement under B07 will not be visible from Donald Street and, by implication, the residential properties to the east. It is noted that fencing and landscaping is proposed along the Donald Street frontage at ground level, which, whilst modified, is not considered to be too dissimilar to the existing levels as the topography slopes downwards from north to south. Should any retaining or evidence of the basement be visible, visual effects will be mitigated by the fencing and landscaping. Accordingly, any permanent visual effects from the earthworks will be less than minor.



Figure 24: B07 elevation (foreground) as viewed from Donald Street.

Transportation of excess material

417. The proposed earthworks involve approximately 37,000m³ of cut and 2,500m³ of fill across the site, with approximately 34,500m³ of material required to be transported off site to be disposed of. The exact number of truck movements has not been provided in the applicant's AEE, however, it is anticipated to be a large number given the volume of material to be transported off site. Given the volume of material required to be transported off site and the associated traffic movements involved, consideration needs to be given to how effects can be managed throughout the earthworks stage. As detailed in the 'Construction Effects' section above, it is recommended that a CTMP condition is imposed on the decision should the Hearing Panel be of a mind to grant consent. I agree with Mr Kong's recommended wording and that truck movements must avoid school drop off and pick up times, as stipulated in the wording of the recommended CTMP condition.

418. Based on the imposition of a CTMP and adherence to this, I consider any actual and potential effects associated with the transportation of material can be appropriately managed and mitigated and will therefore be less than minor.

Conclusion

419. For the reasons I have expressed above, I consider that the earthworks and geotechnical effects of the proposal will be less than minor, subject to the imposition of the recommended conditions of consent.

Contamination Effects

420. The site is the site is identified in GWRC's SLUR (SN/05/1067/02) due to the presence of an above ground diesel storage tank when the site was operating as Victoria University. The application is accompanied by a Ground Contamination Assessment of Environmental Effects, prepared by Tonkin and Taylor Limited²⁵, which has been prepared in accordance with the requirements for a Preliminary Site Investigation and Detailed Site Investigation (DSI). As outlined in this report, there is potential for this Hazardous Activities and Industries List (HAIL) to have resulted in ground contamination and there is the potential for other HAIL activities to have occurred across the site. These include diesel and petrol storage, playing fields and gardens, earthworks including imported fill, and buildings with asbestos containing materials and lead based paints. Tonkin and Taylor note that the 'landfill' part of the site in the south-west was, in fact, a cleanfill and that the potential for contamination from that source would be negligible and therefore not investigated further.
421. The Ground Contamination Assessment of Environmental Effects, prepared by Tonkin and Taylor Limited, has been reviewed by Suzanne Lowe, Principal Environmental Consultant at AECOM on behalf of the Council. Ms Lowe's assessment is attached at **Appendix 11** and should be read in conjunction with this report. In summary, Ms Lowe has advised that:
- "[their] review concurred with the Tonkin and Taylor assessment. The DSI adequately characterises soil contaminant conditions at the site for the purpose of assessing risk to human health and options for the management of this risk, but that additional investigation to refine the understanding of the distribution of asbestos in soils was warranted."*
422. Ms Lowe also noted there were some minor errors in Tonkin and Taylor's assessment, but confirmed these did not change the outcome of her assessment²⁶.
423. Tonkin and Taylor believe that the site is suitable for the construction and operation of the proposed retirement village, subject to additional controls being implemented to mitigate risks to human health from exposure to asbestos in soils and that these controls should be included in a Site Management Plan which should be a condition of consent. Section 2.3 of the applicant's AEE states that remediation and/or management of contaminated soils will be required and that this will be addressed by a Site Management Plan. As part of Ms Lowe's review, she has recommended a number of conditions of consent be imposed, should the Hearing Panel be of a mind to grant consent. The conditions relate to further sampling for asbestos in soils, the preparation of and adherence to a Contaminated Land Management Plan, the material with contaminant concentrations above background concentrations to be disposed of at a

²⁵ Refer to Appendix J of the application.

²⁶ Ms Lowe advised that there are some minor errors in the report and that these should be updated so that they are not carried through into future reports. As this does not change the outcome of Ms Lowe's assessment, I see there being little benefit in updating and reissuing the assessment for the purposes of this resource consent application.

licenced facility, and that a Site Validation Report is prepared and submitted to the Council.

424. Based on the expert advice received from Tonkin and Taylor and Ms Lowe, and the recommended conditions of consent being imposed should consent be granted, any actual and potential effects pertaining to contamination can be appropriately managed and mitigated and will therefore be less than minor.

Traffic Effects

425. The application is accompanied by a traffic assessment prepared by Commute Transportation Consultants (CTC)²⁷. Additional information pertaining to vehicle access details was provided as part of the section 92 response²⁸. The application has been reviewed by the Council's Transport Engineering and Operations Manager, Soon Teck Kong, and his assessment attached at **Appendix 7** should be read in conjunction with this report.
426. The proposal requires resource consent for site access non-compliances and minimum car parking requirements. Presently, there are crossings on Donald Street and Campbell Street. It is proposed to retain the Donald Street crossing, but increase its width to 9m and have a crossing on Campbell Street that provides access to the undercroft parking area contained in BO2-BO6. It is noted that the Council is not supporting the 9m wide crossing until there is justification from the applicant as to why it needs to be this wide i.e. tracking paths. The applicant is invited to comment on this in their evidence. The existing crossings on Campbell Street will become redundant. The District Plan provides for only one access to a site where access is available from both a Collector Road (Campbell Street) and a Local Road (Donald Street). As such, consent is sought for this non-compliance, but it is noted that the existing environment has a crossing on each of the frontages.
427. The proposal does not meet the minimum car parking requirements (one per 'household unit' and one visitor car park per four units where there are seven units or more). It is acknowledged that since the application was submitted in September 2020, the minimum car parking requirements have been removed from the District Plan, however, I consider the proposal needs to be assessed on the framework that existed at the time of the application being submitted. If this is not agreed with, it is worth noting that, regardless, due consideration has to be given to traffic effects, including those associated with parking, (as listed as a specific matter of discretion under Rules 5.3.7 and 5.3.10A, and as a Non-Complying Activity there is no restriction on the matters which have to be considered).
428. Submitters expressed concerns relating to construction traffic, including:
- Increased stress on on-street parking during construction;
 - That all construction traffic should only use Donald Street access, not Campbell Street;
 - That construction traffic should avoid the beginning and end of the school day;
 - Construction works should not park on Campbell Street or its side streets; and
 - Construction workers should park on site, not on the street.
429. Submitters expressed concerns relating to operational traffic, including:
- Residents, staff, and visitors should be prevented from parking on Campbell Street;
 - Increased stress on on-street parking in the area (generally), including the car parking in front of Ben Burn Parks, once operational;

²⁷ Refer to Appendix E of the application documents.

²⁸ Refer to Appendix B of the further information response.

- Access width for fire appliances;
- Too many car parks are being provided given the public transport options in the area;
- Not enough car parks are being provided;
- Car parks should be allocated to staff, visitors etc.;
- General safety concerns;
- That existing residents cannot park in front of their properties if workers and visitors are using the street to park their vehicles.

430. Submitters also expressed concerns relating to:

- The traffic modelling (2019) is outdated and should be re-done; and
- There should be restricted parking areas, loading zones in the surrounding streets.

431. Mr Kong has addressed submitters' concerns in his evidence attached at **Appendix 7**.

Access

432. Mr Kong has not raised any issues with having a crossing on both the Donald Street and Campbell Street frontage (in light of standard 5.6.1.4.3 non-compliance) and that he supports the proposal to provide accesses on both street frontages due to the large site which will provide a choice of routes for drivers as well as to reduce the concentration of vehicle movements at a single access point.

433. The Donald Street access is proposed to have a width of 9m, which is 3m in excess of the permitted maximum width. Mr Kong notes that CTC has not provided justification as to why the crossing needs to be 9m wide, but the plans do show a traffic island in centre. Mr Kong advised that the Council is not supporting this 9m width until there is justification for this i.e. tracking paths. Mr Kong has recommended a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires the tracking paths, final widths of the two crossing to be approved, as well as details such as pedestrian visibility and speed calming measures (for example, speed humps at the back of the footpaths). Based on the information provided by CTC, sightlines are expected to comply.

434. As for internal road layout, it will be 5.5m in width and will provide for low volume, two way access and that tracking is achievable. However, in light of the submission from FENZ, Mr Kong has suggested that the internal road layout must be reassessed to ensure it will permit emergency service vehicle access and manoeuvring as required in the Designers' guide to firefighting operations – Emergency vehicle access F5-02 GD. The applicant is invited to provide a response to this in their evidence.

435. Mr Kong has advised that the pedestrian pathways connect to public footpaths which will provide safe and convenient access from both Donald Street and Campbell Street. Mr Kong concludes that *"I consider the proposed internal roading layout and footpath provision are appropriate for this development with the inclusion of speed calming measures (speed humps and platforms) to ensure that vehicle speed is low for pedestrian safety."*

Traffic generation and modelling

436. Mr Kong has reviewed the information relating to trip generation, alternative options, traffic distribution, and intersection modelling and has not raised any specific concerns.

Parking

437. Mr Kong notes the minimum car parking and visitor car parking rates that apply to this application and further acknowledges that the District Plan does not have separate requirements for retirement villages and that retirement villages would be expected to have a different parking demand profile as compared to a residential development.
438. In terms of parking provision 229 car parks are proposed²⁹ - 190 are either basement or undercroft and 39 are at grade. Mr Kong has advised that he considers the total parking provision to be acceptable subject to the applicant actively managing the on-site parking demand on a shared use basis for residents, visitors, and staff without encroachment onto the surrounding streets. Mr Kong has recommended a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires monitoring of the on-site parking utilisation for residents, staff and visitors to validate the parking provision rates stated by CTC. A baseline parking survey of the adjacent streets will be necessary for future comparison. A condition is also recommended that requires all car parks to be clearly marked and signposted to be available for shared use by residents, staff, and visitors. The shared use of all on-site parking is to ensure that staff who arrive by private vehicles can park on-site while the consent holder gathers information on the site-specific staff travel behaviour and mode choice.
439. CTC advised that the car parks will meet AS/NZS 2890.1 -2004 Parking Facilities, Part 1: Off-Street Car Parking, that the ramps will satisfy maximum gradient and transition requirements, and that the accessible car parks will be designed to NZS 412. Mr Kong has suggested that detailed construction plans addressing these along with details on vehicle height clearances to permit emergency service vehicle access and manoeuvring as required in the Designers' guide to firefighting operations – Emergency vehicle access F5-02 GD, are submitted to the Council for certification as a recommended condition of consent. The applicant may wish to provide comment on the feasibility of complying with clearance heights for emergency service vehicles.

Travel Plan

440. CTC advises that Ryman do not prepare formal travel plans for staff travel and consider that a travel plan is not necessary. Mr Kong holds a different view. CTC state that staff shifts are arranged to avoid commuter peaks and note that the site is well positioned for public transport, walking and cycling. Mr Kong has recommended a condition of consent, should the Hearing Panel be of a mind to grant consent, requiring the preparation of a staff travel plan (to promote and encourage car sharing or alternative work travel modes) and the applicant will also need to confirm staff shifts, changeover period, and staff numbers on-site at any given time during the weekday and weekend and also staff travel behaviour and mode choices to confirm that staff shifts are arranged to avoid commuter peaks and that on-site staff parking provision is self-sufficient as expected by CTC.
441. I accept Mr Kong's recommendation of having a travel plan as a condition of consent. What is proposed is a very large scale operation that has the potential to create off-site traffic effects and anything the applicant can do to help avoid this is recommended. A travel plan can assist with this.

Loading and servicing

442. The main on-site loading area is provided to the south of B01A (Village Green building) and there will be a space to the north of B08, the bin and compactor building, for refuse

²⁹ 229 car parks are proposed. Previously, 230 car parks were proposed but an at grade car to the west of B01B was removed as part of the July 2021 changes to the proposal.

and recycling servicing. Mr Kong has advised that the information supplied as part of the section 92 response pertaining to vehicle clearance heights is acceptable but only for private vehicles, not service vehicles. FENZ's operational needs to attend emergencies where access to the basements and undercroft areas by emergency vehicles is not known – the applicant or FENZ may want to comment on this.

443. Mr Kong further advised that the loading and servicing arrangements are appropriate to service the development and has recommended a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires detailed construction plans to be submitted to Council for certification. Importantly, FENZ's submission is acknowledged through the recommended conditions, as part of this condition requires confirmation that emergency service vehicle access and manoeuvring is catered for in the detailed construction plans. It is suggested that the applicant provides a response to this in their evidence. However, building a development such as this without providing for fire and emergency would be unwise and I doubt that is intended.

Conclusion

444. In determining my conclusions above, I have relied on the expert advice of Mr Kong who has confirmed that, subject to his assessment and recommended conditions of consent, the proposal is acceptable from a traffic perspective. I therefore consider traffic effects will be no more than minor.

Operational Noise Effects

445. The proposal has the potential to result in noise effects once operational. Construction noise effects have been addressed at 'Construction Effects' section above and thus this section of my report will focus on operational noise, which can include, but not be limited to, service noise, fixed plant, people, and traffic.
446. The applicant has supplied an Operational Noise Assessment attached at Appendix K of the application and a Noise Assessment Response Memorandum attached at Appendix C of the further information response, both prepared by Marshall Day Acoustics.
447. The proposal, relevant appendices, and relevant submissions that raised noise related matters have been reviewed by the Council's Acoustic Engineer, Lindsay Hannah. Mr Hannah's assessment is attached at **Appendix 6** and should be read in conjunction with this report.
448. The applicant is seeking consent to exceed the permitted noise levels (as stipulated in Standard 5.6.1.1.1) once or twice a week when the refuse is being collected. This exceedance only occurs when measured from 29 Campbell Street (Karori Kids early childcare centre). It is anticipated to exceed the permitted level by 3 dB. Mr Hannah advises that a change in sound level of 3 dB would typically be imperceptible to the average listener and that the degree of change would be negligible. All other aspects of operational noise are capable of complying with the District Plan noise limits.
449. Submitters expressed concerns relating to operational noise effects from the proposal, including:
- Noise effects from the pocket park
 - Noise from air-conditioning units and the laundry services
 - Noise from tyres screeching in the undercroft car park of B02 - B06
 - That the southern wall of B02 - B06 should be attenuated to mitigate noise effects
 - Noise effects from a garage alarm and that any alarm should be inaudible.

450. With respect to operational noise effects raised by submitters, Mr Hannah has provided responses to these in his evidence. I defer to Mr Hannah's expertise on these matters and consider that he has responded to all the operational noise concerns. I do, however, note the following which could either be included as additional conditions of consent should the Hearing Panel be of a mind to grant consent, or the applicant could provide additional information on how they will comply/address these matters as part of their evidence:
- Mr Hannah advised that there is no practical reason why noise from the garage door and an associated warning device cannot be suitably designed, specified, and operated so as to comply with the District Plan noise limits. Mr Hannah has included some possible measures in his evidence. The applicant may wish to comment on this in their evidence.
 - Mr Hannah advised that mitigation measures, such as speed humps and/or signs can be adopted to ensure vehicles move at slow speeds, thus resulting in a reduction in vehicle noise. I note that two speed limit signs are proposed: one at the Campbell Street undercroft car park entry and the other at the Donald Street entrance. I also note that Mr Teck Kong has recommended a condition requiring speed humps and platforms to ensure a slow speed environment of 10km. The applicant may wish to comment on whether additional signage is required across the site. I would note, however, that for the intended use of the development for elderly people, the applicant would not be wanting to see high vehicle speeds within the site.
 - Mr Hannah advised that noise from tyre squealing could be a potential noise source that is detectable off-site, but that with suitable design and specification (for example having a rough textured vehicle manoeuvring and parking surface instead of a smooth surface) he sees no reason why it could not comply with the District Plan noise limits. I consider this to be an effect that can be easily mitigated through the use of a rough textured surface treatment, and have included a condition in **Appendix 1** should the Hearing Panel be of a mind to grant consent.
451. As part of Mr Hannah's assessment, he has recommended a number of conditions of consent be imposed relating to operational noise, should the Hearing Panel be of a mind to grant consent. These relate to a standard condition for fixed plant noise, a condition that requires the consent holder to provide an acoustic design certificate that certifies that suitable acoustic mitigation measures have been incorporated into the design and are sufficient in ensuring noise emitted from all operational activities on site comply with the District Plan (except for the breach associated with refuse collection as measured from 29 Campbell Street). Recommended conditions also relate to an acoustic site inspection to ensure the noise mitigation measures have been inspected and are sufficient to ensure the noise limits comply and a condition that requires the abovementioned design certificate and acoustic site inspection to be received and certified by the Council prior to residential occupation of the retirement village.
452. Based on the expert advice received from Marshall Day Acoustics and Mr Hannah, and the recommended conditions of consent being imposed should consent be granted, any actual and potential effects pertaining to operational noise can be appropriately managed and mitigated, and will therefore be less than minor.

Servicing / Three Waters Effects

453. Given the scale of the proposal, servicing effects and effects on infrastructure need to be considered and assessed accordingly.
454. The applicant has provided an Infrastructure Assessment Report prepared by Woods, attached at Appendix D of the application. The proposal has been reviewed by David

Wilson of the Urban Engineers Limited on behalf of Wellington Water Limited. Mr Wilson's evidence is attached at **Appendix 12** of this report and should be read in conjunction with this report.

455. Submitters have expressed concerns about infrastructure capacity, particularly regarding wastewater and stormwater, as well as more specific things like the version of the Regional Standard and Specifications for Water Services (RSWS) being used and details of the scruffy dome. Mr Wilson addresses submissions in his evidence.
456. With respect to water supply, and as outlined in Mr Wilson's evidence, the site will be provided with two new connections from the 150mm main in Donald Street. The first one will be to provide the potable supply and fire hydrants within the site and the second connection will be a dedicated supply for fire protection sprinklers. Mr Wilson advised that both connections will be provided with backflow preventors near the Donald Street boundary and all reticulation within the site will be privately owned by Ryman. Mr Wilson advised that the local water supply network has sufficient capacity so that RSWS requirements can be met.
457. Submitter 51 (Fire and Emergency New Zealand) notes that the Infrastructure Assessment Report states *"that the water supply network servicing the site has sufficient capacity available to supply suitable flows for firefighting purposes, which has been determined in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008 (Code of Practice)"* and they acknowledge that there will be connections for the fire hydrants and the sprinkler system. Accordingly, Fire and Emergency New Zealand has not raised any specific concerns with respect to water supply for firefighting purposes.
458. With respect to wastewater, Council mains run through the site and new wastewater infrastructure is proposed to service the site. The proposal will require realignment to the existing network to avoid buildings and underground services where possible and will require approval from Wellington Water Limited and the Council at engineering stage. Mr Wilson advises that *"building in close proximity of public pipelines should be avoided where possible."* Conditions are recommended by Mr Wilson, should the Hearing Panel be of a mind to grant consent, that address the RSWS requirements in respect of building over public pipelines.
459. Regarding wastewater capacity, it is acknowledged that this is common concern raised by submitters. Mr Wilson has addressed wastewater capacity in his evidence and I am relying on his expertise in this regard. Importantly, Mr Wilson advises that Wellington Water Limited's current policy is that on-site wastewater mitigation is only required when there are capacity constraints in the local network. Trunk network capacity constraints are addressed at a whole of catchment scale. Mr Wilson has advised that it is his opinion that *"there is sufficient capacity in the local wastewater network for the proposed development and that on-site wastewater detention will not be required."*
460. With respect to stormwater, Council mains run through the site and new stormwater infrastructure is proposed to service the site. The proposal will require alterations to the existing network to avoid pipelines under buildings (where practicable) and will require approval from Wellington Water Limited at engineering stage. The proposed stormwater infrastructure has been designed to avoid buildings where possible, however, there are some instances where this is not likely to be possible. Mr Wilson's evidence provides further detail on this and has recommended relevant conditions of consent to address these matters, should the Hearing Panel be of a mind to grant consent. A 1,400m³ stormwater tank is proposed and the below 'Flooding' and 'Effects

on Water Quality' sections in my report provide further assessment on flooding and stormwater quality effects.

461. I accept Mr Wilson's expert assessment and note he has advised that the proposal is supported from a three waters servicing perspective. Overall, based on the expert advice received and recommended conditions of consent, I consider servicing and infrastructure effects can be managed and mitigated (where relevant) and will be less than minor.

Flooding Effects

462. The subject site is not located in a Hazard (Flood) Area of the District Plan, however, it is identified on GWRC's flood hazard maps as being subject to a 1% AEP flood hazard. As such, there are no specific District Plan rules that apply to buildings in a flood hazard area on this site. Notwithstanding, natural hazards effects and risks need to be considered as a matter of national importance, further noting that the Non-Complying Activity status does not restrict discretion.
463. The applicant has provided an Infrastructure Assessment Report prepared by Woods, attached.³⁰ The proposal has been reviewed by David Wilson of the Urban Engineers Limited on behalf of Wellington Water Limited. Mr Wilson's evidence is attached at **Appendix 12** of this report and should be read in conjunction with this report.
464. The applicant and Wellington Water discussed and agreed to the on-site stormwater solution early on and I refer you to Mr Wilson's evidence which provides the specifics in terms of what was agreed to between the two parties. Flood modelling has been undertaken and is included in the abovementioned Infrastructure Assessment Report.
465. Mr Wilson has advised that the "The updated flood model was subject to review by a stormwater modelling consultancy on behalf of Wellington Water. The review confirmed that the updated model was fit for its purpose."
466. Importantly, Mr Wilson has advised that:
- a. There is no flood risk to the proposed village within the site for all scenarios³¹ modelled;
 - b. There is no increase flood risk to properties upstream or downstream of the site for all scenarios³² modelled;
 - c. The flood storage solution works as expected resulting in no increased water levels or flood extents in neighbouring properties with significant benefits along Donald Street, minor improvements along Campbell Street and no change on Scapa Terrace;
 - d. The modelling undertaken confirms that flood storage of approximately 1,275m³ is required for mitigation for the 100-year with climate change 12-hour duration storm nested event. However, the volume of the configuration proposed is 1,400m³, which exceeds the required flood storage;
 - e. The modelling has shown that the proposed solution will achieve hydraulic neutrality for the 10-year and 100-year events, therefore there will be no offsite adverse quantity effects. This includes all offsite infrastructure such as culverts, bridges and private property, roads and reserves; and
 - f. With 50% of the weir structure blocked, the weir will operate at a peak head of 0.61m with no increases in water levels or flood extents on neighbouring properties.

³⁰ Refer to Appendix D of the application.

³¹ 10% AEP, 1% AEP, and 1% AEP with 50% blockage.

³² *Ibid.*

467. The on-site flood storage/detention tank will be 45m long by 10.5m wide and will have a depth of 3m and a volume of 1,440m³. It will have a weir inlet that has a 3m width and 0.7m high opening. The underground detention tank will be located in between B03 and B04, partially under the undercroft car park, lawn area, and at grade car park. Its location is shown on Drawing No. 042-RCT_401_CO-300 (in Appendix D, Infrastructure Assessment Report) and is reproduced for ease of reference in Figure 25 below.



Figure 25: Location of detention tank (green hatching).

468. Mr Wilson has recommended a number of conditions of consent, should the Hearing Panel be of a mind to grant consent, that relate to preparation and submission of a stormwater management report, a requirement that the site is stormwater neutral for all events up to the 1% AEP event, a requirement to ensure the stormwater discharge post-development from the site for all events up to the 1% AEP event does not increase upstream or downstream inundation risk, maintenance requirements, and a requirement to not increase the impervious area of the site.
469. A number of submitters expressed concerns pertaining to flooding effects, overland flows, that the existing site acts as a soakpit, increased flood risk to people and property. Mr Wilson has considered the matters raised in the submissions and has advised that *“regarding the impact on existing inundation risk, it is my opinion that based on the flood modelling work completed to date that a suitable stormwater management can be built on the site so that stormwater discharge post-development from the Site for all rainfall events up to the 1% AEP plus climate change event does not increase upstream or downstream inundation risk.”*
470. Based on the expert advice received from Mr Wilson and recommended conditions of consent, I consider that there flooding impacts have been appropriately mitigated and will be less than minor.

Effects on Water Quality

471. An open stormwater channel/stream corridor is located in the south-eastern part of the site. It is undergrounded either side at this point and is a stormwater pipe through the site. It is daylighted again within Part Section 36 Karori District (which is part of 22 Donald Street, owned by the Council), as shown in Figure 26 below.



Figure 26: Open stormwater channel/stream corridor in dark green.

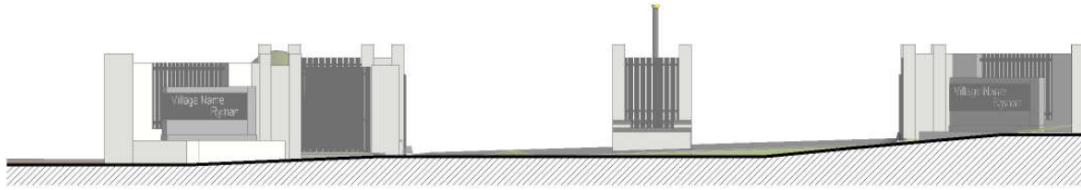
472. Submitters have expressed concerns relating to water quality and impacts on the stream running through the site, including improving the habitat within the stream. A submitter has suggested that *“any pipes and other structures in and over the stream within the development site should be daylighted to improve the aquatic habitat. Planting of the riparian margins, for a distance of at least 5m on either bank, with native species endemic to Karori should be required.”*
473. I understand that the proposal does not involve daylighting the existing piped sections of the corridor. However, I do note that the existing open stormwater channel/stream corridor in the south-eastern part of the site will not be piped and will remain as is.
474. In terms of water quality effects on the stream from the development, Mr Wilson has provided an assessment on this in his evidence attached at **Appendix 12**. Mr Wilson has advised that the 39 at grade car parks are considered to be a *“high contaminant generating zone”* and that stormwater discharged from the car parks, including accessways, will require treatment for contaminants.
475. Mr Wilson notes that the applicant has advised that that they propose to treat stormwater via Stormwater 360 EnviroPod® or similar. Mr Wilson has advised that *“the EnviroPod® is considered a pre-treatment device and will not provide the level of treatment provided [required].”* Mr Wilson has advised that stormwater treatment devices, such as rain gardens, will need to be provided in accordance with Wellington Water’s Water Sensitive Design for Stormwater: Treatment Device Design Guideline, and has recommended a condition of consent to reflect this, should the Hearing Panel be of a mind to grant consent. Ms McArthur has also recommended rain gardens be constructed on site.
476. Furthermore, Mr Wilson has advised that the increase in impervious area is 17.5% and that this change in imperviousness leads to increases in peak flow, runoff volume, and frequency of runoff from the site. The key to mitigating adverse effects of this level of imperviousness is hydrological retention and detention. Mr Wilson advised that the applicant has provided some hydrological mitigation measures, however, there is not an assessment of the reduction in runoff frequency and volume. Accordingly, Mr

Wilson has recommended conditions of consent, should the Hearing Panel be of a mind to grant consent, that require appropriate hydrological mitigation.

477. Mr Wilson has also advised that the applicant has indicated that building materials will be carefully selected so as to ensure that the use of materials that have the potential to harm and/or pollute waterways is avoided (for example unpainted zinc or copper cladding or roofing). Mr Wilson has recommended a condition of consent to reflect this, should the Hearing Panel be of a mind to grant consent.
478. Policy 42 of the Regional Policy Statement (RPS) relates to minimising contamination in stormwater from development with clause (j) recommending “*using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges.*” Mr Wilson has recommended a consent condition, should the Hearing Panel be of a mind to grant consent, that requires the installation of educational plaques which will promote public awareness toward maintaining the water quality of the stormwater discharge.
479. Furthermore, the applicant has applied for an operational stormwater discharge permit from GWRC so it is expected that water quality, ecological, and such matters will be addressed by GWRC.
480. Based on the expert advice received from Mr Wilson, including the recommended conditions of consent to mitigate effects if they are imposed, effects on the water quality will be less than minor.

Signage Effects

481. The proposal involves installing signage at various points throughout the site. The wayfinding and speed limit signage within the site are not considered to be intended principally to attract the attention of the public and have no implied or actual commercial advertising intent. As such, these are considered to be a permitted activity and effects can be disregarded.
482. Consent is sought for non-compliance with the permitted activity standards pertaining to the number of signs on a site and for the size of the signs. Two entrance signs are proposed on either side of the Donald Street entrance. The applicant provided an indicative illustration in the ‘RCA’ information package (titled ‘Resource consent drawings (including shading)’ which is reproduced below for reference. Section 2.1.12 of the AEE states that these signs will be 1.3m x 0.5m, so they will have an area of 0.65m² which exceeds the permitted sign area by 0.15m². The number of signs also exceeds the permitted number (one sign per site). Notwithstanding, I do not consider the two proposed entry signs will result in adverse effects on the wider environment or on any of the adjoining properties as they are modest in size, will be suitably located on either side of the main entrance to the village, and will only denote the name of the village.



3 MAIN ENTRANCE.
AO-0416 A1 sheet scale = 1:50

Figure 27: Indicative signage at the Donald Street entrance.

483. The Council’s Senior Urban Designer, Sarah Duffell, has stated in her evidence at **Appendix 2** that the application does not contain detailed information about signage and notes that this is something that could be addressed by a condition of consent. I concur with Ms Duffell’s position on this and consider that it is appropriate to include a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires the applicant to provide final signage details, including any associated illumination if proposed, to the Council for certification. While no lighting/illumination details have been provided, the condition of consent will require such details to be provided such that illumination effects on adjoining properties should lighting be proposed, can be managed and mitigated accordingly.
484. It is acknowledged that in the applicant’s Urban Design Assessment by Andrew Burns, dated July 2021, Mr Burns states that *“the Donald Street entrances work well while I note the intention on Ryman drawing AO-20 to provide the Campbell Street entry with appropriate signage and landscape design to signal the site-wide role of this access point.”* It is understood that reference to Campbell Street signage is for internal only/wayfinding purposes, and that there is no intention to have an external facing entry sign.
485. Based on the reasons above, including the recommended condition of consent if imposed, any actual and potential signage effects will be less than minor.

Lighting Effects

486. Submitters have expressed concerns about the effects from lighting in the proposed village, including lighting at night near the Campbell Street pedestrian pathway entrance, general light spill, and flood lighting.
487. Mr Burns advised in his Urban Design Assessment that lighting details are assumed to be part of the next stages of design. Drawing number RCA05, which is part of the RCA set that is more for illustration/information purposes, shows the proposed lighting. Lighting includes road lighting, road lighting wall mounted, walkway lighting, and walkway lighting wall mounted. This plan is not part of the approved set, however, Ms Duffell and I consider it appropriate to include a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires a final lighting plan to be prepared and submitted to the Council for certification and a second condition that requires a lighting report to be supplied that confirms compliance with the relevant lighting standards.
488. As for the pocket park, if the space is not intended to be used after dark no light would be the preferable approach. If it is intended to be used after dark, it definitely should be well-lit. The applicant is invited to provide further commentary on this and if lighting is required it can be addressed by the recommended condition.

489. A submitter has stated that they do not want Ryman to have flood lighting like the Karori School does. It is my understanding that based on what is shown on the conceptual lighting plan, flood lighting is not proposed.
490. Based on the imposition of appropriate conditions of consent, I consider lighting effects will be less than minor.

Open Space and Recreation Effects

491. Submitters have expressed concerns about the loss of public open space and recreation amenities, such as the tennis courts and dog exercise area, that was provided when the site operated as the Teachers' College and Victoria University of Wellington.
492. Ms Duffell has provided a response to these concerns in her evidence attached at **Appendix 2**, which I agree with. In summary, the open space, recreation, and amenities are not formalised by Council ownership or another designation that grants a public right to expect such facilities, and there is no requirement for the applicant to retain or provide these opportunities and spaces. This is a privately owned property and the previous use of the site by the public was at the discretion of the owner at the time.
493. A submitter also stated that an aspect of the proposal they were neutral towards was *"the bowling green, especially if it is open to members of the public."* I understand that the bowling green and on-site amenities are for the use of the residents only, not members of the public. Furthermore, it is my opinion that this property owner cannot be compelled to provide public facilities as part of their development. It is noted that the site is located close to Ben Burn Park which provides public open space for the immediate area.
494. I therefore consider effects relating to loss of open space, recreation, and amenities will be less than minor.

Conclusion

495. Taking into account the assessment above of the actual and potential effects of the development (including positive effects), I consider the effects of the proposal will not be more than minor and therefore passes through the first 'limb' of the section 104D Gateway Test (section 104D(1)(a)).

Section 104D(1)(b)(iii) – Objectives and Policies of the Operative District Plan and the Proposed District Plan

Operative District Plan:

496. I have had regard to the objectives and policies of the District Plan. The below objectives and policies are considered relevant to the proposal.

Containment and Intensification

Objective 4.2.1: To enhance the City's natural containment, accessibility and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas.

Policy 4.2.1.1: Encourage the consolidation of the established urban area.

497. The proposal is consistent with this policy as it located in an existing established urban area, being Karori.

Policy 4.2.1.5: Enable residential intensification within the Inner and Outer Residential Areas provided that it does not detract from the character and amenity of the neighbourhood in which it is located.

498. This policy relates to residential intensification and it is acknowledged that residential intensification may take on a number of forms, such as infill developments and multi-unit developments. Multi-unit developments are envisaged by the District Plan in the Inner and Outer Residential Areas.

499. The explanatory texts state that because of the emphasis on maintaining existing character and amenity in the Inner and Outer Residential Areas, the Council will encourage new multi-unit developments to locate on ‘windfall sites’ and undeveloped residentially zoned properties. The text then states:

500. *“Windfall’ sites are loosely defined as relatively large properties that are located within an established residential area but which have never been developed for residential purposes. Often they are properties that have historically been used for commercial or community purposes. Because of their size these properties can provide significant opportunities for residential intensification. Because these sites have not been used for residential purposes, their re-development generally does not lead to a loss of existing residential character.”*

501. The subject site:

- Is a large site located within Karori , which is an established residential area;
- Has never been developed for residential purposes as it was the Teachers’ College and later Victoria University of Wellington’s Karori campus;
- Was historically used for community purposes;
- Is of a size that provides for significant opportunities to intensify the site for residential purposes; and
- Can accommodate new on-site character without leading to a loss of existing residential character.

502. The explanatory text also states that *“Within the Residential Areas, and within the Outer Residential Area in particular, there are a number of sites zoned for residential purposes that have never been developed. It is anticipated that these sites will be further developed in the future.”* The subject site is zoned Outer Residential and has never been developed for residential purposes and the District Plan anticipates these sites to be developed for this use in the future. It is noted that the site is subject to the educational precinct overlay which also envisaged its use for educational purposes. However, as it is no longer required for that use the use of the site for residential purposes is also provided for and encouraged under the urban containment policy above.

503. The Allen Ward VC Hall, Tennant Block, and Oldershaw buildings were used for non-residential purposes when the site operated as the Teachers’ College and the Victoria University Karori campus. These form part of the existing environment. The District Plan supports the retention, and conversion to residential use as it makes efficient use of existing buildings, but notes that this should not impact significantly on adjacent residential properties. The buildings themselves will not undergo additions or alterations that would significantly impact the amenity of adjoining properties. The Allen Ward VC Hall and Oldershaw building are not being converted to residential units, rather they will be part of the Village Centre, thus not requiring the same levels of amenity that a residential unit would need. The Tennant Block will be converted to

residential units and will have good levels of amenity (three out of the four units will have more than four hours of sunlight) and the apartments will have a good outlook to the north-west into the Lopdell gardens or to the north-east towards the WCC car park and street, with landscaping located between the Tennant Block and car park for visual softening.

504. Overall, I consider that the proposal is consistent with this policy.

Urban Form

Objective 4.2.3: Ensure that new development within Residential Areas is of a character and scale that is appropriate for the area and neighbourhood in which it is located.

Policy 4.2.3.1: Ensure that new developments in the Inner and Outer Residential Areas acknowledge and respect the character of the area in which they are located.

505. As assessed in the effects assessment earlier, the proposal will introduce an appreciable change to the character of the area, however, based on the expert advisors' assessments, I consider that the proposal generally responds appropriately to the character of the surrounding area and is not inconsistent with or contrary to this policy.

Policy 4.2.3.5: Require on-site, ground level open space to be provided as part of new residential developments to enhance visual amenity and assist with the integration of new developments into the existing residential environment.

506. In the Outer Residential Area, each household unit is required to have 50m² of ground level open space – the proposal does not comply with this requirement. The explanatory text states that “*the requirement to provide open space is an important tool for ensuring that new developments are of appropriate density, are capable of providing a suitable degree of openness and greening on site, and are able to be sensitively integrated into the surrounding neighbourhood.*” The proposed density has been assessed earlier in this report and is considered appropriate given the windfall nature of this site. There will be adequate open space (not necessarily all green space) around the buildings and there will be greening onsite via the existing vegetation that is being retained as well as the extensive landscape proposed. I consider the proposal is not inconsistent with this policy.

Policy 4.2.3.6: Minimise hard surfaces by encouraging residential development that increases opportunities for permeable open space areas.

507. The proposal will increase the impervious area by 17.5%; the total impervious surface post-development will be 70.6%, when compared to the existing situation so it is not entirely consistent with this policy which seeks to increase opportunities for permeable space. It is acknowledged that the site is not a typical residential site given the large permeable open spaces that existed pre-development and will be built over (for example the open spaces adjacent to Campbell Street and to the south of the Allen Ward VC Hall). While there is an increase in impervious areas stormwater runoff effects, including treatment, can be mitigated via conditions of consent and the proposed detention tank, which has a larger capacity than required. While the proposal is not entirely consistent with this policy, the proposal is not considered to be contrary to it given the mitigation proposed and that this is not a typical Outer Residential site.

Policy 4.2.3.7: Encourage the retention of mature, visually prominent trees and bush in association with site redevelopment.

508. The proposal is consistent with this policy – refer to assessment provided for ‘Natural Features’ below.

Residential Amenity

Objective 4.2.4: Ensure that all residential properties have access to reasonable levels of residential amenity.

Policy 4.2.4.1: Manage adverse effects on residential amenity values by ensuring that the siting, scale and intensity of new residential development is compatible with surrounding development patterns.

509. The impetus of this objective and policy is to ensure residential properties have access to reasonable levels of amenity and the explanatory text states that “*maintaining reasonable levels of amenity in Residential Areas is one of the key objectives of the Plan.*” It does not state that the existing amenity levels need to be maintained, but rather speaks to maintaining ‘reasonable’ levels of amenity. It then states that the “*provisions seek to strike an appropriate balance between facilitating new development and protecting the amenity of neighbouring properties.*”
510. The explanatory text states that there are no controls to protect views from private property and that the building recession standards are intended to protect people’s access to a reasonable amount of direct sunlight. The southern boundary recession plane is compliant, however, it is acknowledged that shading effects on adjoining properties can occur when there is non-compliance with other permitted activity standards, such as site coverage and maximum height, which is the case here.
511. In terms of the site coverage non-compliance, which this policy identifies as being the principal density control, the full extent of the site coverage and built form will not be fully experienced by any one property. This is attributed to screening provided by intervening buildings (including the existing and proposed), topography, and orientation. Open space around the buildings help break up the site coverage as well.
512. As assessed in the ‘Residential Amenity Effects’ assessment earlier, it is recognised that the surrounding properties will experience a change in the levels of amenity they presently experience as a result of the proposal. However, it was my opinion that these effects would not be more than minor. The degree in change varies between properties, particularly those that adjoin the parts of the site that do not contain any built form or adjoin open space, but it was determined that the loss of daylight, sunlight or privacy would not be significant. Where effects on adjoining properties were greater, I have considered them to have a minor effect, but not more than minor.
513. There will be a change in the levels of amenity experienced by surrounding residential properties, however, the policy’s focus is on maintaining reasonable amenity levels rather than preventing any reduction of amenity. It is incredibly difficult to maintain amenity levels by introducing built form to the site where there are currently no buildings, as any development on this site which was intending to take full advantage of the site even if fully compliant with all building bulk and location standards would change (and not maintain) the existing levels of amenity experienced by the adjacent properties. While not a permitted baseline, this is evident from the shading assessment based on the District Plan height and building recession plane controls applicable to the site, i.e. even greater levels of shading might be experienced by neighbouring properties by fully compliant development. Therefore, with reference to the effects assessment above, I am led to conclude that the proposal is not entirely consistent with this policy. It is, however, my opinion that it is not contrary to this policy.

514. *Policy 4.2.4.2: Manage the design and layout of new infill and multi-unit developments to ensure that they provide high quality living environments and avoid or mitigate any adverse effects on neighbouring properties.*
515. The explanatory text states that “the Plan seeks to ensure that new residential development **maintains** [emphasis added] and enhances amenity values, and that such development does not adversely affect surrounding patterns of development and increase density at the expense of **reasonable** [emphasis added] amenity standards for residents.”
516. As detailed above, it is incredibly difficult for any built development to fully maintain amenity values where the parts of the site adjacent to neighbouring properties presently contain no built form, as is the case with this site as the subject site is vacant except for the three buildings and associated structures near Donald Street that are being retained and adaptively re-used. Any development on this site, including any kind of permitted development, would have an effect as the point of reference is that much of the site currently has no built form on it, with areas having comprised open space under the previous educational use of the site and prior to the demolition of those buildings.
517. The explanatory text (under the Multi-Unit Development sub-heading) states that “Council will seek to ensure that multi-unit developments in the Inner and Outer Residential Areas do not result in a **significant** [emphasis added] reduction in amenity for surrounding properties.” I have assessed the proposal in terms of how it affects the amenity of the adjacent properties and consider that the effects will not be more than minor. I also consider that while there will be a change in amenity levels experienced by adjoining properties, the change will not be significant.
518. The proposed village is considered to provide a high-quality living environment for its residents as assessed by Mr Burns and Ms Duffell.
519. Similar to Policy 4.2.4.1, as the intention is to maintain and enhance amenity values, any loss of amenity when compared to the existing environment would not technically be ‘maintaining’ and therefore I am led to conclude that the proposal is not entirely consistent with this policy, but reiterate that any built form on site would not be able maintain amenity levels when the existing environment is substantially devoid of built form (including any permitted development). For this reason, I do not consider the proposal contrary to this policy.

Policy 4.2.4.3: Provide for appropriate additions and alterations to established buildings (built before July 2000) that do not comply with the current planning standards.

520. Works are proposed to the existing buildings on site, being the Allen Ward VC Hall, the Tennant Block, and Oldershaw building. The applicant has sought consent for non-compliance with this standard as these existing buildings will be incorporated into B01A which exceed the 8m permitted height standard. The works will not increase the height of the existing buildings as such, but are interconnected through existing covered ways. If the buildings were viewed on their own, then they would comply as the height is not increasing. The on-going retention and re-use of existing building stock is supported from a planning perspective and also from a heritage perspective. I consider the proposal to be consistent with this policy.

Policy 4.2.4.4: Ensure that new residential developments recognise and provide for the health and safety of people

The proposed will provide for the health and safety of people including through the on-site care facilities, the internal access and circulation and associated lighting, gates/fencing for on-site security, and parts of B01A are base-isolated which will improve seismic resilience. As mentioned earlier, with the pocket park, if the space is not intended to be used after dark no light would be the preferable approach. If it is intended to be used after dark, it definitely should be well-lit – the applicant is invited to respond to this.

Sustainability

Objective 4.2.5: To encourage the energy efficiency and sustainability of buildings and subdivisions in Residential Areas.

Policy 4.2.5.1: To promote a sustainable built environment in the Residential Area that:

- *Utilises principles of low impact urban design; and*
- *Provides for the efficient end use of energy (and other natural and physical resources), especially in the design and use of new buildings and structures.*

Policy 4.2.5.3: Support the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels.

521. Section 2.1.16 of the applicant's AEE lists the sustainable initiatives that have been integrated with the building design and the sustainability outcomes that will be achieved once operational. Eight electric vehicle car parks and charging stations are a part of the proposal. I consider the proposal to be consistent with this objective and policy.

Activities

Objective 4.2.7: To facilitate a range of activities within Residential Areas provided that adverse effects are suitably avoided, remedied or mitigated, and amenity values are maintained or enhanced.

Policy 4.2.7.1: Control the potential adverse effects of residential activities.

Policy 4.2.7.2: Control adverse noise effects within Residential Areas.

522. Residential activities are generally consistent with the outcomes sought in Residential Areas. The proposed comprehensive care retirement village is deemed to be a residential activity and is thus compatible with outcomes anticipated for this zone.

523. Noise from the proposal has the potential to result in adverse noise effects, however, the only identified non-compliance with the permitted noise standards relates to refuse collection when measured from 29 Campbell Street (Karori Kids). The frequency of this exceedance will be one or twice per week and Mr Hannah advises that a change in sound level of 3 dB would be typically imperceptible to the average listener such that the degree of departure from the permitted standard would be negligible. As for other noises (such as garage alarms or tyre squealing), Mr Hannah has advised that he sees no practical reason for these not to comply with the District Plan limits. As for fixed plant, specific conditions of consent are recommended to address this, but noting that the applicant has not sought consent to not comply with the permitted standards pertaining to fixed plant.

524. I consider the proposal is consistent with this objective and supporting policies.

Natural Features

Objective 4.2.8: To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.

Policy 4.2.8.3: Encourage retention of existing vegetation, especially established trees and existing native vegetation.

Policy 4.2.8.4: Encourage retention and restoration of indigenous ecosystems and habitats.

525. As mentioned in the Landscape and Arboriculture Effects assessments, the proposal involves the retention of existing vegetation on site. This is primarily in the Lopdell Gardens and in the south-eastern corner of the site where the stream/open stormwater channel is. Vegetation within the 4m construction corridor from the buildings will need to be removed, and the applicant's arboricultural report identifies which vegetation is being removed in further detail. Where vegetation is being removed in the Lopdell Gardens or south-eastern corner replacement native vegetation will be planted. There are no indigenous ecosystems or habitats of any importance identified within the site. I consider the proposal to be generally consistent with this objective and supporting policies.

Natural And Technological Hazards

Objective 4.2.10: To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.

Policy 4.2.10.1: Identify hazards that pose a significant threat to people and property in Wellington and ensure that appropriate mitigation measures are taken to minimise risks to health and safety.

Policy 4.2.10.3: Ensure that buildings and structures in Residential Areas do not exacerbate natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes.

Policy 4.2.10.5: Ensure that the adverse effects of hazards on the natural environment arising from a hazard event are avoided, remedied or mitigated.

526. The site is not located in a District Plan hazard area, however, as previously mentioned, the site is identified in GWRC's flood hazard maps as being subject to a 1% AEP flood hazard. Mr Wilson has reviewed the proposal on behalf of Wellington Water Limited and has advised that there is no flood risk within the site and to properties upstream or downstream of the site for all scenarios modelled, that the flood solution works as expected with no increased water levels or flood extents in neighbouring properties (and Mr Wilson notes there will be significant benefits along Campbell Street, minor improvements along Campbell Street, and no change on Scapa Terrace).

527. Mr Wilson further advised that as the flood storage (1,400m³) exceeds the required volume (1,275m³), the site will achieve hydraulic neutrality for the 10 year and 100 year events and that there will be no off-site quantity effects (which includes off-site infrastructure such as culverts, bridges and private property, roads and reserves). Based on the expert advice received from Mr Wilson and the recommended conditions of consent being imposed, should the Hearing Panel be of a mind to grant consent, I consider the proposal is consistent with this objective and supporting policies.

Access

Objective 4.2.12: To enable efficient, convenient and safe access for people and goods within Residential Areas.

Policy 4.2.12.1: Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.

Policy 4.2.12.2: Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic within Residential Areas.

Policy 4.2.12.4: Require appropriate parking, loading and site access for activities in Residential Areas.

528. Nine accessible car parks are provided within the development and eight parks for electric vehicles. Through-access between Donald Street and Campbell Street is provided for the residents for both pedestrian and vehicular access. Whilst there used to be public through-access when the site was operating as the Teachers' College and Victoria University, this will not be maintained. Notwithstanding, there is an existing public pedestrian pathway parallel to the site's northern boundary that will continue to provide a through-block connection for the general public.
529. Campbell Street is identified as a Collector Road in the District Plan and all heavy vehicle movements must utilise the Campbell Street access point for access and egress, as stipulated in the Construction Traffic Plan condition of consent.
530. Based on the advice received from Mr Kong and the suite of recommended conditions recommended, I consider effects from parking, loading and site access can be managed and will be appropriate. Accordingly, I consider the proposal is consistent with this objective and supporting policies.

Signs

Objective 4.2.14: To achieve signage that is well integrated with and sensitive to the receiving environment, and that maintains public safety.

Policy 4.2.14.1: Control the erection of signs within Residential Areas.

531. The proposal involves two signs on either side of the Donald Street entrance, thus exceeding the permitted number of signs (one) by one. The permitted area for a sign (0.5m²) is also exceeded by 0.15m² per sign. Despite these breaches, the proposal is considered to be consistent with this objective and policy as the signs are modest in size, will denote the name of the village (once known), and will not result in visual clutter. As mentioned in the 'Signage Effects' assessment, a condition of consent is recommended, should the Hearing Panel be of a mind to grant consent, that will require final details, including any lighting, to be submitted to and certified by the Council which is considered appropriate to ensure any effects will be mitigated.
532. Accordingly, I consider the proposal is consistent with this objective and supporting policy.

Tangata Whenua

Objective 4.2.15: To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.

Policy 4.2.15.2: In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

533. Notice was served on Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira as part of the notification process and no submissions were received. It is noted that an accidental discovery protocol condition has been included, as proffered by the applicant, should the Hearing Panel be of a mind to grant consent. I consider the proposal to be consistent with this objective and policy.

Heritage

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

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

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

Policy 20.1.4: Protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied and mitigated.

534. As determined earlier, the proposal does not trigger consent under Chapter 21 - Heritage as the buildings are not listed in the Operative District Plan. However, they are listed in the New Zealand Heritage List Rārangī Kōrero as a Category 1 Historic Place. An assessment against this objective and supporting policies provides policy assistance in considering the effects on historic heritage.
535. I have relied upon the expertise of Ms Smith and consider that the proposal will not be inconsistent with this objective and supporting policies. The remaining buildings on site are being retained and adaptively re-used and the applicant has proffered a suite of heritage related conditions which include, *inter alia*, requirements pertaining to the type of joinery used in the retained buildings, the design of the Donald Street entrance canopy being consistent with the original architecture, and works on the Allen Ward VC Hall.

Earthworks

Objective 29.2.1: To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

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

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

536. As noted in the assessment of 'Earthworks and Geotechnical Effects' earlier in the report, the proposal has been assessed by the Council's Earthworks Engineer, Mr John Davies, and the Council's consultant ENGEO for geotechnical and ground movement matters. Mr Davies is of the opinion that the proposed earthworks are acceptable and has recommended a suite of conditions to ensure that any adverse impacts of the earthworks, in terms of stability, erosion and dust and sediment, are avoided, remedied or mitigated should the Hearing Panel be of a mind to grant consent.

537. Mr Riman, of ENGEO, has also recommended conditions of consent, should the Hearing Panel be of a mind to grant consent, which relate to the potential geotechnical risks identified and discussed in the Tonkin and Taylor Report which need to be considered during the building consent and construction stage, and has recommended supplementary conditions of consent that specifically address ground movement and associated monitoring.
538. Based on the expert advice received from Mr Davies and ENGEO, I consider the proposal is consistent with Polices 29.2.1.3 and 29.2.1.4.

Policy 29.2.1.4: Ensure that earthworks and associated structures do not exacerbate flood events in Flood Hazard Areas

539. The subject site is not located in an identified Flood Hazard area in the District Plan, however, it is identified on GWRC's flood hazard maps as being subject to a 1% AEP flood hazard. As detailed elsewhere in this report, I have relied on the expertise of Mr Wilson and he has advised that "*regarding the impact on existing inundation risk, it is my opinion that based on the flood modelling work completed to date that a suitable stormwater management can be built on the site so that stormwater discharge post-development from the site for all events up to the 1% AEP event does not increase upstream or downstream inundation risk.*" As such, I consider the proposal to be consistent with this policy.

Policy 29.2.1.6: Ensure earthworks and associated structures are designed and managed in a way that protects and enhances the character and amenity of streams and wetlands through measures such as:

- *minimising changes to the flow of water in streams or wetlands;*
- *encouraging appropriate riparian management to ensure that rivers and wetlands stay healthy*

540. No earthworks are proposed in south-eastern corner of the site when the stream/open stormwater channel is located, and a silt fence is proposed along the southern side of the driveway to prevent material from entering this area. It is noted that a plethora of permits and consents are sought from GWRC, including associated discharge of sediment (construction) to water or land. It is considered that the proposal is consistent with this policy.

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

541. As noted in the assessment of effects earlier in this report, the adverse visual effects of the proposed earthworks will be of a temporary nature insofar as they will only be during the earthworks and construction stages of the development. Upon completion of the earthworks and construction stages, there will be no exposed areas of earthworks as these will be covered by the buildings, the internal roads, and other hard and soft landscaping. Landscaping, including the retention of identified vegetation and extensive proposed landscaping, will soften the visual impact of the earthworks and will enhance the visual amenity of the site and local area. As such, I consider the proposal to be consistent with this policy.

Policy 29.2.1.11: Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.

542. Given the estimated volume of material to be removed from the site (approximately 34,500m³) the transportation of this material is required to be undertaken in accordance with a Construction Traffic Plan in order to minimise effects on the public roading network. It is noted that the applicant has proffered a condition of consent for such a plan to be provided. Mr Teck Kong has adapted this condition (which I agree with) to include a requirement that truck movements are not to occur during school drop off and pick up to minimise public safety risks, ensure pedestrian safety, and reduce local congestion. Through the implementation of the Construction Traffic Plan, I consider adverse effects on the road network can be managed and mitigated and therefore the proposal is consistent with this policy.

Policy 29.2.1.12: Protect koiwi (human remains), taonga, Maori and Non-Maori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.

543. The site is not identified in the District Plan as being a site of significance to Maori. Notwithstanding, the applicant has proffered an accidental discovery protocol condition of consent should the Hearing Panel be of a mind to grant consent. As such, I consider the proposal is consistent with this policy.

Contaminated Land

Objective 31.2.1: To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment.

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

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

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

544. Based on the expert advice from Tonkin and Taylor and AECOM and recommended conditions of consent if imposed, should the Hearing Panel be of a mind to grant consent, I consider that contamination effects can be appropriately managed, and that accordingly the proposal is consistent with the above objective and policies.

Proposed District Plan:

545. The Proposed District Plan Schedule 3A objectives and policies apply to any application in a residential area where the MDRS apply. When considering an application lodged subsequent to the Intensification Planning Instrument (IPI) being notified, where there is any inconsistency with any of the existing objectives and policies in the Operative District Plan the Schedule 3A objectives and policies (as incorporated into the Proposed District Plan) have full weighting and the provisions of the Operative District Plan cease to have any effect. Note this does not apply for any new residential zone or where there is a qualifying matter as the MDRS do not apply in that case. This is specified by section 77M of the Act.

546. In this situation the application was lodged prior to notification of the IPI, and therefore the statutory requirement does not exist. As well as this some of the site is

subject to a natural hazard which is a qualifying matter meaning the MDRS does not apply to that part of the site at least.

547. The below Proposed District Plan objectives and policies are considered relevant to the proposal. Those identified with the red gavel are from Schedule 3A of the Act, and essentially have full legal effect from date of notification of the IPI. For the Hearing Panel's assistance, '(ISPP)' or '(P1 Sch 1)' beside the objective or policy reference denotes whether it is subject to the ISPP or the Schedule 1 process.

Medium Density Residential Zone

MRZ-O1 (ISPP): Purpose

The Medium Density Residential Zone provides for predominantly residential activities and a variety of housing types and sizes that respond to:

- 1. Housing needs and demand; and*
- 2. The neighbourhood's planned urban built character, including 3 storey buildings.*

548. The proposal is generally consistent with this objective as it provides housing options for a specific demographic and the two to three storey buildings in the site will align with the neighbourhood's planned character. The taller buildings exceed the three story character, but are not considered to result in adverse streetscape and character effects, as advised by the Council's experts, Ms Duffell and Ms McArthur.

MRZ-O2 (ISPP): Efficient use of land

Land within the Medium Density Residential Zone is used efficiently for residential development that:

- 1. Increases housing supply and choice; and*
- 2. Contributes positively to a changing and well-functioning urban environment.*

549. The proposal is consistent with this objective as it will increase housing supply and will provide housing choice through the provision of 179 apartments (four x one bedroom, 134 x two bedroom, and 41 x three bedroom), 68 assisted living suites, and 60 care bedrooms. It is an efficient use of urban land that can be appropriately serviced, and will positively contribute to a changing and well-functioning environment.

MRZ-O3 (P1 Sch 1): Healthy, safe, accessible and attractive environments

The Medium Density Residential Zone provides healthy, safe and accessible living environments with attractive and safe streets.

550. The proposal is consistent with this objective. The buildings will receive good levels of sunlight access and have solar shading features incorporated and will have thermal mass benefits from the use of concrete and brick materials. Some of the buildings in B01A will be base isolated which will improve resiliency and safety and lighting is proposed through the village and CPTED principles have been incorporated into the design, including passive surveillance of the adjacent public domain. Accessibility and the provision of accessible car parks have incorporated into the design. The proposal will deliver safe and attractive streets through passive surveillance from the buildings facing Campbell Street (B02) and Donald Street (B07 and parts of B01A) and landscaping along the street edge. The proposal is not considered to result in adverse safety effects as it will introduce activity onto a vacant site as well as passive surveillance. The adjacent properties may consider that the proposal will not result in healthy living environments due to the shading effects (in terms of loss of amenity, passive heating etc on their sites), however, as assessed earlier the effects are not considered to be significant or more than minor and it is acknowledged that there

would be a degree of shading effects from any development on site given the site is substantially vacant and devoid of built form that creates shading.

MRZ-P1 (P1 Sch1): Enabled activities


Enable residential activities and other activities that are compatible with the purpose of the Medium Density Residential Zone, while ensuring their scale and intensity is consistent with the amenity values anticipated for the Zone, including:

1. *Home Business;*
 2. *Boarding Houses;*
 3. *Visitor Accommodation;*
 4. *Supported Residential Care;*
 5. *Childcare Services; and*
 6. *Community Gardens.*
551. The proposal is consistent with this policy as both independent residential living and supported residential care is being provided. The proposal will result in the intensification of the site to an appreciable degree, as established elsewhere in this report. However, the scale and full extent of the development will not be readily experienced by any one person due to the size of the site, the topography, and that the taller buildings are centrally located in the site which enables them to be better absorbed within the site and the surrounding context.
552. The lower scale proposed buildings (BO2-BO7) which are adjacent to residential properties are between two to three storeys in height and are of a more compatible height to that of the adjacent building development. Effects from the intensification of use of the site such as privacy, shading, and visual bulk, have been assessed under section 104D(1)(a) and are considered to not result in a more than minor effect. In terms of vehicle movements from the intensification of use of the site, the main access road is located centrally within the site and while there is a vehicle entry point from Campbell Street with the undercroft parking parallel to the site's south-eastern boundary, the undercroft area will not be open-sided and I have recommended a condition, should the Hearing Panel be of a mind to grant consent, that requires surface treatment to mitigate wheel squeal.
553. Accordingly, while the development is of a greater scale than would usually be expected in the proposed Medium Density Residential Zone, and as a result will also have greater intensity of use, I consider it will still be consistent with the amenity values anticipated for the Zone and that therefore the proposal is consistent with this policy.

MRZ-P2 (ISPP): Housing supply and choice

Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.

554. The proposal is consistent with this policy as a variety of housing typologies is being provided (one, two, and three bedroom apartments as well as assisted living suites). BO2 – BO7 would be considered to be low rise apartments, however, BO1A and BO1B are not. While the proposal includes a combination of medium-rise buildings (five to seven storeys) and low-rise apartment buildings (two to three storeys), the site's size allows for a greater level of density to be absorbed.

MRZ-P3  (ISPP): Housing needs


Enable housing to be designed to meet the day-to-day needs of residents, and encourage a variety of housing types, sizes and tenures to cater for people of all ages, lifestyles and abilities.

555. The proposal is consistent with this policy as it will provide housing for an older demographic and will provide a range of typologies, as detailed above, along with 60 care beds thus catering for people's different lifestyles and abilities. It also will have on-site amenities and care services to provide for residents' day-to-day needs.

MRZ-P4  (ISPP): Medium density residential standards

Apply the medium density residential standards across the Medium Density Residential Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

556. Parts of the site are overlain with qualifying matters (inundation area, overland flowpath, and stream corridor), so where there is a qualifying matter the MDRS standards cannot be applied to that part of the site. However, there are parts of the site that do not have a qualifying matter – this includes the area where B07 and B01A buildings are proposed (as well as some of the area for B01B). The proposal is consistent with the MDRS (and could also be seen as exceeding the expectations of the MDRS) insofar as the intention is to enable intensification in urban areas and to provide for increased housing capacity and choice.

MRZ-P5  (ISPP): Developments not meeting permitted activity status

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

557. The proposal is not a permitted activity under the relevant rule framework. Policy MRZ-P5 seeks to provide for such activity, while achieving high-quality development.
558. It is considered that the proposed village will provide for a high level of on-site amenity both through provision of varied housing typologies, supporting community facilities (such as on-site leisure and recreation facilities), and will ensure appropriate levels of outdoor living space, sunlight and daylight orientation to all residential units. As determined in the assessment above, the offsite environmental effects of the proposal are considered to be no more than minor and are therefore of a quality that is appropriate for the setting.

MRZ-P7 (P1 Sch1): Retirement villages

Provide for retirement villages where it can be demonstrated that the development:

- 1. Fulfils the intent of the Residential Design Guide;*
- 2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;*
- 3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;*

4. *Is adequately serviced by three waters infrastructure or can address any constraints on the site; and*
5. *Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.*

559. An assessment against the proposed Residential Design Guide has not been undertaken given the application was submitted in September 2020 and that this proposed Design Guide is subject to change through the ISPP process.

560. However, based on the Urban Design Assessments provided by Mr Burns and Ms Duffell, the proposed open space provisions are adequate for the typology and there is access to other lounge and open space areas within the village. There is a dedicated area for waste and recycling, however, it is not known if this includes organic waste. The proposal can be adequately serviced by three waters infrastructure and is considered to be generally consistent with the amenity values anticipated for the zone as the buildings (and associated effects) located closest to adjacent residential dwellings are two to three storeys in height, with the larger buildings being located centrally within the site and principally adjoining the non-residential uses.

MRZ-P8 (ISPP): Residential buildings and structures

Provide for a range of residential buildings and structures, including additions and alterations, that:

1. *Provide healthy, safe and accessible living environments;*
2. *Are compatible with the built environment anticipated in the Medium Density Residential Zone;*
3. *Contribute positively to a changing urban environment; and*
4. *Achieve attractive and safe streets.*

561. The proposal is considered to be consistent with this policy for the reasons discussed under the above objectives and policies. It is noted that the landscaping proposed will achieve the intent of having attractive streets.

MRZ-P9 (ISPP): Permeable surface

Require development to provide a minimum level of permeable surface to assist with reducing the rate and amount of storm water run-off.


562. The proposed minimum permeable surface requirement does not apply as the application was submitted in September 2020. Regardless, refer to the assessment provided at Policy 4.2.3.6 of the Operative District Plan.

MRZ-P10 (ISPP): Vegetation and landscaping

Encourage the retention of existing vegetation, particularly native vegetation and visually prominent trees that may not otherwise be protected, and where vegetation is proposed to be removed, seek new landscaping of equal or better quality to help integrate new development into the surrounding environment and minimise hard surfacing.

563. The proposal is consistent with this policy as existing vegetation will be retained in the Lopdell Gardens where practicable, vegetation will be retained in the south-eastern part of the site near the open stormwater channel/stream, and extensive landscaping

is proposed across the site, including replacement planting for those that need to be removed.

MRZ-P11  (ISPP): *Attractive and safe streets and public open spaces*

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

564. The proposal is consistent with this policy as in achieving attractive and safe streets through building design, passive surveillance, and landscaping. A publicly accessible pocket park is being provided in the south-eastern corner for the public's use and enjoyment.

Contaminated Land (P1 Sch 1)

CL-O1: Protection of human health from contaminants

Contaminated land is identified and managed in order that it remains acceptable and safe for human health and its intended use.

CL-O2: Benefit of remediating contaminated land

Remediation and/or site management of contaminated land contributes to the health and wellbeing of communities and increases development opportunity for new use and development.

CL-P1: Benefit of remediating contaminated land

Recognise and provide for the benefits of remediation and site management in enabling development opportunities that can contribute to social, economic, and health benefits for people and communities.

CL-P2: Identification of contaminated and potentially contaminated land

Identify contaminated and potentially contaminated land prior to subdivision, change of use or development by:

- 1. Working with Greater Wellington Regional Council to maintain the Selected Land Use Register; and*
- 2. Requiring the investigation of contaminant risks for sites with a history of land use or activity that could have resulted in contamination of soil.*

CL-P3: Management of contaminated land

Minimise the risk to human health from the subdivision, change of use or specified development of contaminated land by:

- 1. Encouraging a best practice approach to site management for sites with elevated contaminant levels, which may include remediation, containment, and/or the disposal of contaminated soil;*
- 2. Ensuring the land is safe for its intended use; and*
- 3. Ensuring that land containing elevated levels of contaminants is managed to protect mana whenua's significant sites, waterways, natural resources and associated*

values and relationships, as well as the general health and wellbeing of their people and rohe.

565. The proposal is considered to be consistent with this objective and policies for reasons explained in the assessment of effects earlier.

Natural Hazards (ISPP)

NH-O1: Risk from natural hazards

Subdivision, use and development within the Natural Hazard Overlays reduce or do not increase the risk from natural hazards to people, property and infrastructure.

NH-O2: Planned natural hazard mitigation works

There is reduced risk to people, property and infrastructure from flood hazards through planned mitigation works and catchment management.

NH-P2: Levels of risk

Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by:

- 1. Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays;*
- 2. Requiring buildings and activities to mitigate the impacts from natural hazards to people, property and infrastructure in the low hazard and medium hazard areas within the Natural Hazard Overlays; and*
- 3. Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an exceptional reason for the building or activity to be located in this area and the activity mitigates the impacts from natural hazards to people, property and infrastructure.*

NH-P7: Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays

Manage subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths by:

- 1. Incorporating mitigation measures that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability flood;*
- 2. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability flood; and*
- 3. Overland flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties.*

NH-P6: Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays

Provide subdivision development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are

incorporated to ensure the risk to people and property both on the site and on adjacent properties is not increased or is reduced.

NH-P8: Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay

Avoid subdivision development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the stream corridors, unless it can be demonstrated that:

- 1. The activity or subdivision has an operational and functional need to locate within the stream corridor and locating outside of these stream corridor is not a practicable option;*
 - 2. Mitigation measures are incorporated that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood;*
 - 3. People can safely evacuate the property during a 1% Annual Exceedance Probability flood; and*
 - 4. The conveyancing of flood waters through the stream corridor is still able to occur unimpeded and is not diverted onto adjacent properties.*
566. Mr Wilson has reviewed the proposal on behalf of Wellington Water Limited who has advised that there is no flood risk within the site and to properties upstream or downstream of the site for all scenarios modelled, that the flood solution works as expected with no increased water levels or flood extents in neighbouring properties (and Mr Wilson notes there will be significant benefits along Donald Street, minor improvements along Campbell Street, and no change on Scapa Terrace). Mr Wilson further advised that the flood storage (1,400m³) exceeds the required volume (1,275m³), that the site will achieve hydraulic neutrality for the 10 year and 100 year events and that there will be no off-site quantity effects (which includes off-site infrastructure such as culverts, bridges and private property, roads and reserves). Refer to earlier assessment that outlines how natural hazard impacts (flooding) have been mitigated for a 10 year and 100 year flood event. The stream corridor overlay in the Proposed District Plan is a high hazard area and there will be no buildings or activities in this area.
567. The proposal is consistent with these objectives and policies.

Earthworks

EW-O1 (ISPP): Management of earthworks

Earthworks are undertaken in a manner that:

- 1. Is consistent with the anticipated scale and form of development in the relevant zone;*
 - 2. Minimises adverse effects on visual amenity values, including changes to natural landforms;*
 - 3. Minimises erosion and sediment effects beyond the site;*
 - 4. Minimises risks associated with slope instability; and*
 - 5. Protects the safety of people and property.*
568. The proposal is considered to be consistent with this objective.

EW-P1 (ISPP): Co-ordination and integration with development and subdivision

Provide for the efficient integration of earthworks and associated subdivision and development by:

- 1. Encouraging joint applications for land use and subdivision; and*
- 2. Ensuring earthworks proposals provide finished landforms that can be feasibly developed or are fit for the future intended purpose*

569. The earthworks proposed are to facilitate the village and no subdivision is proposed.

EW-P3 (ISPP): Maintaining stability

Require earthworks to be designed and carried out in a manner that maintains slope stability and minimises the risk of slope failure associated with natural hazards such as earthquakes and increased rainfall intensities arising from climate change.

570. The proposal has been reviewed by the Council's Earthworks Engineer and Council's Consultant Geotechnical Engineer and based on the recommendations in the Tonkin and Taylor report and suggested conditions of consent, I consider the proposal is able to be consistent with this policy.

EW-P4 (ISPP): Erosion, dust and sediment control

Require earthworks to adopt effective measures to manage the potential for:

- 1. Erosion, and the movement of sediment beyond the site, and in particular into surface water, where proposals for earthworks no greater than 3,000m² in area are concerned; and*
- 2. The movement of dust beyond the site, where all proposals for earthworks are concerned.*

571. The proposed earthworks will be undertaken over an area greater than 3,000m² and it is noted consent is sought from GWRC for earthworks. A suite of conditions have been recommended by the Council's Earthworks Engineer pertaining to earthworks management, silt, sedimentation, and dust management. Subject to these conditions being imposed, I consider the proposal is generally consistent with this policy.

EW-P5 (ISPP): Effects on earthworks on landform and visual amenity

Require earthworks and associated structures, including structures used to retain or stabilise landslips, to be designed and constructed to minimise adverse effects on natural landforms and visual amenity and where located within identified ridgelines and hilltops ensure the effects are mitigated or remedied.

572. The proposal is considered to be consistent with this policy as there will be no exposed earthworks upon completion of construction, the sealing of the roads and pathways, and landscaping.

EW-P6 (ISPP): Earthworks and the transport network

Require any transport of earth and cleanfill material to and from any site to be undertaken in a way that minimises adverse effects on surrounding amenity and the safety of the transport network.

573. The proposal is consistent with this policy as the CTP condition will minimise and mitigate effects on the surrounding amenity and safety of the transport network.

EW-P16 (P1 Sch1): Earthworks within Flood Hazard Overlays

Provide for earthworks in Flood Hazard Overlays only where:

1. They would not significantly increase the flooding risk, when compared to the existing situation, to the site or neighbouring properties through the displacement of flood waters; and
2. The ability to convey flood waters along overland flowpaths or stream corridors is not impeded as a result of the earthworks.

574. The proposal is considered to be consistent with this policy, for the reasons discussed in NH section above.

Light (P1 Sch 1)

LIGHT-O1: Purpose

Artificial lighting provides for outdoor activities, safety, and security after dark.

LIGHT-O2: Adverse effects of outdoor artificial lighting

The adverse effects of outdoor artificial lighting on sensitive activities, traffic safety, aviation safety, coastal wildlife and the night sky are limited.

LIGHT-P1: Allow outdoor artificial lighting

Allow outdoor artificial lighting that maintains health and safety, and enables appropriate night-time activities.

LIGHT-P2: Design and location of outdoor artificial lighting

Require outdoor artificial lighting to be designed, located and oriented to maintain amenity values, traffic safety, aviation safety and to minimise effects on wildlife in coastal margins.

LIGHT-P3: Ensure safety and security of public and private shared space

Ensure the safety and security of shared or publicly accessible spaces by providing appropriate outdoor artificial lighting.

575. Lighting is proposed throughout the village and conditions of consent relating to lighting have been recommended. With the pocket park, if the space is not intended to be used after dark no light would be the preferable approach. If it is intended to be used after dark, it definitely should be well-lit – the applicant is invited to respond to this. As such, the proposal is considered to be generally consistent with these objectives and policies.

Noise (P1 Sch1)

NOISE-O1: Managing noise generation and effects

Amenity values and peoples' health and well-being are protected from adverse noise levels, consistent with the anticipated outcomes for the receiving environment.

NOISE-P1: General management of noise

Enable the generation of noise from activities that:

- 1. Maintain the amenity values of the receiving environment; and*
- 2. Does not compromise the health, safety and wellbeing of people and communities.*

NOISE-P2: Construction noise

Enable construction activities while ensuring that unreasonable noise and vibration effects are managed effectively.

576. The proposal is considered to be generally consistent with this objective and supporting policies. While there will be a noise exceedance once or twice per week associated with the refuse collection when measured from 29 Campbell Street, Mr Hannah advised that the 3 dB exceedance would not be noticeable. As for construction noise and vibration, there will be disruptions during the earthworks and construction stages, however, conditions of consent will mitigate adverse effects as far as reasonably practicable.

Signs (P1 Sch1)

SIGN-O1: Role of signage

Signs support the needs of the community to advertise and inform while the effects on local amenity are effectively managed.

SIGN-P1: Appropriate signs

Allow signs where:

- 1. They are of an appropriate size, design and location; and*
 - 2. They do not result in visual clutter; and*
 - 3. Any potential cumulative effects are managed; and*
 - 4. They are required to meet regulatory or statutory requirements; and*
 - 5. They do not compromise the efficiency of the transport network or the safety of its users, including cyclists and pedestrians; and*
 - 6. In the Residential, Rural and Open Space Zones, they relate to an activity on the site on which they are located; and*
 - 7. They maintain the character and amenity values of the site and the surrounding area.*
577. The proposed signage at the Donald Street entry is considered to be consistent with this objective and policy given their modest size, appropriate location at the main entrance, and low height.

Wind (ISPP)

578. In the 'Introduction' section of this chapter it states the following:

The provisions within this chapter apply to public spaces in a number of zones across the City including the City Centre and different Centres Zones. The provisions do not apply to private spaces such as adjacent properties or backyards.

579. The only proposed wind rule applicable to the proposed Medium Density Residential Zone is Rule WIND-R2 whereby the construction, alteration and addition to buildings and structures is permitted under the proposed wind provisions.

580. Because it is clear the intent is not to consider wind effects on private spaces, and not within the proposed Medium Density Residential Zone at all, it is considered that the proposal is consistent with the policy as it may affect any private properties adjacent the proposal. Applying a broad approach to the objectives and policies, and noting that Rule WIND-R2 is not yet resolved until the ISPP is completed, it is also considered that the effects on public spaces will either be satisfactory or able to be mitigated through fencing and landscape planting.
581. On the basis conditions to this effect are included should the Hearing Panel be of a mind to grant consent, I consider the proposal is consistent with this objective and associated policies.

Three Waters (ISPP)

THW-O1: Protecting water bodies and freshwater ecosystems

Subdivision and development contributes to an improvement in the health and wellbeing of water bodies and freshwater ecosystems.

THW-O2: Infrastructure-enabled urban development

Enable subdivision, use or development in urban areas where:

- 1. Sufficient existing or planned three waters infrastructure capacity and/or level of service is, or will be, available to service the use or development; or*
- 2. It can be satisfactorily serviced through an alternative means where existing three waters infrastructure capacity and/or level of service is insufficient.*

THW-O3: Hydraulic neutrality

There is no increase in offsite stormwater peak flows and volumes as a result of subdivision, use and development in urban areas.

THW-P1: Water sensitive design

Water sensitive design methods are incorporated into new subdivision and development and they are designed, constructed and maintained to:

- 1. Improve the health and well-being of water bodies and freshwater ecosystems;*
- 2. Avoid or mitigate off-site effects from surface water runoff;*
- 3. Demonstrate best practice approach to the management of stormwater quality and quantity;*
- 4. Reduce demand on water supplies; and*
- 5. Reduce wastewater overflows.*

THW-P2: Building materials

The use of copper and zinc building materials is avoided or the effects of copper and zinc entering the stormwater system are mitigated through the use of appropriate treatment.

THW-P3: Infrastructure-enabled urban development

New subdivision, use or development is enabled in urban areas that have existing or planned three waters infrastructure capacity to meet growth demand in the short to medium term.

THW-P4: Three waters infrastructure servicing

Subdivision or development in urban areas is serviced by three waters infrastructure that:

- 1. Meets the Wellington Water Regional Standard for Water Services v3.0 December 2021;*
- 2. Has sufficient capacity to accommodate the development; and*
- 3. Is in position prior to the commencement of construction.*

Limit subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient to service further development unless:

- 1. It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems; and*
- 2. The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone.*

THW-P5: Hydraulic neutrality

Require new subdivision and development to be designed, constructed and maintained to sustainably manage the volume and rate of discharge of stormwater to the receiving environment so that the rate of offsite stormwater discharge is reduced as far as practicable to be at or below the modelled peak flow and volume for each site in an undeveloped state.

582. The modelling has shown that the proposed solution will achieve hydraulic neutrality for the 10-year and 100-year events, therefore there will be no off-site adverse quantity effects. Based on the expert advice received, the proposal can be serviced by existing and proposed infrastructure. Conditions of consent relating to water sensitive urban design and building materials are recommended and, if imposed, I consider that the proposal would be consistent with policies THW-P1 and P2.
583. Overall, the proposal is considered to be generally consistent with these objectives and supporting policies.

Transport (P1 Sch1)

TR-P1: High trip generating use and development

Provide for high vehicle trip generating activities where they:

- 1. Safely and effectively integrate with the transport network, including planned network upgrades and service improvements; and*
- 2. Provide for pedestrian, cycling, micromobility and public transport modes.*

584. The Proposed District Plan does not include a definition for what a high trip generating activity is, however, based on the maximum number of vehicle movements per day outlined in TR-S1 (being 200), the proposal will exceed this as the CTC report identifies there will be an estimated 801 trips per day. Notwithstanding, based on the recommended conditions being imposed, I consider the proposal will be consistent with 1. As for 2, private pedestrian connections are provided through the site and section 2.1.16 of the applicant's AEE outlines that there will be mobility scooter and e-bike parking and charging facilities will be available throughout village.

TR-P2: Enabled activities

Enable on-site transport facilities and driveways that:

- 1. Provide for the safe and effective use of the site and functioning of the transport network;*
- 2. Meet the reasonable demands of site users; and*
- 3. Promote the uptake and use of pedestrian, cycling, micromobility and public transport modes.*

585. Based on the traffic expert advice and conditions being imposed, the proposal will generally provide for the safe and effective use of the site (subject to further consideration given to FENZ's requirements in the design), will not adversely impact the functionality of the roading network, and is expected to meet the reasonable demands of site uses, with conditions recommended to assist with this. Section 2.1.16 of the applicant's AEE outlines that there will be mobility scooter and e-bike parking and charging facilities will be available throughout village. The proposal is considered to be generally consistent with this policy.

TR-P3: Managed activities

Only allow on-site transport facilities and driveways that do not meet standards where:

- 1. The transport facilities and driveways are effective in meeting the operational needs and functional needs of the activity on the site;*
- 2. The safety and effectiveness of the transport network is not compromised;*
- 3. Public health and safety, including the safety of pedestrians, cyclists and micromobility users travelling through any parking areas, is not compromised;*
- 4. The projected demand for loading spaces or cycling and micromobility parking will be lower than that required in the standards or can be accommodated by public, shared or reciprocal arrangements;*
- 5. Safe and effective access for firefighting purposes is provided; and*
- 6. There are site and topographical constraints that make compliance unreasonable.*

586. The application has not been assessed against the Proposed District Plan's permitted activity standards as it was submitted in September 2020. Irrespective, as assessed above the proposal is considered to result in a safe and effective transport network both internal to the site and where it will increase demand on the surrounding public network.

Historic Heritage (ISPP and P1 Sch 1)

HH-O2: Protecting Historic Heritage

Historic heritage is retained and protected from inappropriate use, subdivision and development.

HH-O3 - Sustainable long-term use

Built heritage is well-maintained, resilient and kept in sustainable long-term use.

HH-P4: Enabling approach to works

Enable works to built heritage that:

- 1. Increase resilience through seismic strengthening, either in isolation or as part of additions and alterations;*

2. Support providing a sustainable long-term use;
3. Increase accessibility and support means of escape from fire; or
4. Provide the opportunity to promote, enhance, recover or reveal heritage values.

HH-P7: Additions, alterations and partial demolition of heritage buildings and structures

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

HH-P8: New buildings and structures, and modifications to existing non-scheduled buildings on the site of a heritage building or structure

Provide for new buildings and structures, and modifications to existing non-scheduled buildings and structures on the same site as heritage buildings or heritage structures where it can be demonstrated that the work does not detract from the identified heritage values.

587. The proposal would not trigger consent under the Historic Heritage chapter in the Proposed District Plan as the buildings are not listed and also noting the application was lodged prior to these proposed rules having legal effect. However, they are listed in the New Zealand Heritage List Rārangī Kōrero as a Category 1 Historic Place. As with the Operative District Plan objectives and policies assessment, an assessment against these objectives and supporting policies provides policy assistance in considering the effects on historic heritage.
588. I have relied upon the expertise of Ms Smith and consider that the proposal will not be inconsistent with this objective and supporting policies. The remaining buildings on site are being retained and adaptively re-used and the applicant has proffered a suite of heritage related conditions which include, *inter alia*, requirements pertaining to the type of joinery used in the retained buildings, the design of the Donald Street entrance canopy being consistent with the original architecture, and works on the Allen Ward VC Hall.

Conclusion

589. When considered overall, while I consider that the proposal does have some inconsistency with the objectives and policies of the Operative District Plan, I do not consider the proposal to be contrary to the objectives and policies of either. I consider that the proposal is consistent with the objectives and policies of the Proposed District Plan. As such, I consider the proposal passes through the second 'limb' of the section 104D gateway test (section 104D(1)(b)(iii)).

Section 104(1) Assessment:

590. The first requirement under section 104 of the Act is to assess the effects that the proposal may have on the surrounding environment (section 104(1)(a)).
591. The second part of the assessment is to consider whether the proposal is consistent with the outcomes sought by any relevant higher order planning documents, and the relevant objectives and policies of the District Plan (section 104(1)(b)).
592. The third part of the assessment is to consider whether any other matters apply (section 104(1)(c)).

Section 104(1)(a) – Effects assessment

Adverse effects

An assessment of the adverse effects on the environment has been made above under the section 104D(1)(a) assessment. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act and no further assessment is required.

Submissions in support

593. It is acknowledged that 38 submitters were in support of the proposal. The key areas of support relate to:
- a. Good quality design and buildings
 - b. The village responds to a need
 - c. Good location near shops and services
 - d. Will free up housing in a time of a housing shortage (as future residents sell their homes)
 - e. Will provide more housing
 - f. Good range of care and services within the village, for example dementia, hospital, apartments, assisted living suites
 - g. The site is in close proximity to public transport
 - h. Retention of some existing vegetation
 - i. New landscaping and gardens
 - j. Economic benefits post-covid
 - k. Job creation during construction and once operational
 - l. From a neighbour perspective, there will be less noise from senior citizens
 - m. The site will be revitalised after not being used for some time
 - n. Opportunity for residents of the village to remain in Karori (instead of moving out of the suburb to another village or rest home)
 - o. It will relieve pressure on the public health system by having on-site hospital care
 - p. Ameliorate concerns with existing security and vandalism on the existing, vacant site
 - q. The village is an asset for the community
 - r. Ryman has a good reputation.
594. It is noted that a number of submitters expressed a desire to live in the village.

Positive effects

595. Section 5.2 of the applicant's AEE outlines positive effects of the proposal to which I agree.
596. The proposal will have the following positive effects:
- a. The provision of a range of housing options including 179 independent living apartments (either one, two, or three bedrooms) and 68 assisted living suites.
 - b. The provision of a range of care options, including rest home, hospital, and dementia care.
 - c. The site is located in an established residential area and is conveniently located in close proximity to the Karori shops and services, the Karori library and community centre, and public transport connections.
 - d. The retention and adaptive re-use of the Allen Ward VC Hall, the Tennant Block, and the Oldershaw building will retain some of the heritage values associated with the former Teachers' College and will provide a tangible link to the past.
 - e. The retention of parts of the Lopdell Gardens and other existing vegetation, namely in the south-eastern corner.

- f. Seismic resilience of some of the B01A buildings which will be base isolated.
- g. Creation of employment opportunities throughout the construction stage and once operational.

Conclusion

597. Based on the assessment provided under section 104D(1)(a) whereby the conclusions reached therein are applicable to the section 104(1)(a) assessment and that I do not consider the effects to be significant, and coupled with the significant positive effects that the proposal will have, overall I consider the effects of the proposal to be acceptable.

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

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

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

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

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Operative District Plan
- The Proposed District Plan

Higher Order Planning Documents:

600. Other than the NES-CS and NPS-UD discussed below, there are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement and is not contrary to any objectives and policies.

National Environmental Standard

601. An assessment of the proposal in relation to the relevant NES-CS provisions is included in the 'Contamination' section above and effects can be appropriately managed and mitigated via conditions of consent. The proposal is considered to be acceptable in terms of the NES-CS.

National Policy Statement

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

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

603. In addition to this Policies 1, 6, 9(c), 9(d) and 11 apply to resource consent decisions.
604. The NPS-UD directs the Council to enable housing even where this may result in significant changes to an environment and detract from existing amenity values. The requirements of the NPS-UD have been incorporated into the Proposed District Plan. As a higher order planning document the relevant objectives and policies of the NPS-UD have been taken into consideration within this recommendation report.
605. The proposal aligns with the strategic direction of the NPS-UD as the village itself will provide for people's social well-being and health and safety through the village (apartments with one to three bedrooms and assisted living suites) and on-site amenities which foster social interaction between the residents. The on-site rest home, hospital care, and dementia care will provide for people's health and safety if/when required along with the assisted living suite for those residents who may require additional support.
606. The higher density development is appropriately located to the Karori shops, library and community centre, and amenities and service, including public transport as bus stops are located on Karori Road. The village will provide 179 apartments and 68 assisted living suites which will introduce housing to the market as residents transition to the purchasing an apartment/suite in the village and it will also provide housing for the older demographic. The village will also offer housing choice through the provision of both independent and assisted living suites (and 60 care beds), with the apartments having options for one, two, and three bedrooms. By allowing residents to age in place, it is considered occupants will remain better linked to established social and cultural networks, in turn fostering positive wellbeing outcomes.
607. The proposal also supports the competitive function of land and development markets, allowing for the comprehensive development of a presently underutilised 'windfall' site within an established residential area. In this regard, the site contributes towards housing supply, affordability, and promotes infill development in lieu of urban expansion. Based on the expert advice received, the village can be suitably serviced by existing and proposed infrastructure and is supported from an urban design perspective in terms of building form, function, and design.

608. Policy 6 requires planning decisions, which include resource consents, to consider the matters listed in sub-items (a)-(e). Policy 6(b) recognises “*that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including providing increased and varied housing densities and types; and “are not, of themselves, an adverse effect.”*” The proposal will introduce a noticeable change on site when compared to the existing environment and with this comes a change in the amenity values experienced by neighbouring properties. As determined elsewhere in this report, there will be effects on adjoining properties and the streetscape, however, aside from B01B and the five level B01A building which are the taller buildings, buildings B02-B06 and B07 are two to three storeys in height. The extent of effects experienced by the adjacent residential properties are not considered to be inconsistent with the outcomes sought by the NPS-UD direction, further noting that B01B and the five level B01A building are centralised in the site, where they are located next to non-residential uses and buildings and are further separated from the adjacent residential properties to the north.

609. Overall, the proposal is considered to achieve the outcomes sought by the NPS-UD.

Regional Policy Statement:

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

- **Policy 41:** Minimising the effects of earthworks and vegetation disturbance.
- **Policy 42:** Minimising contamination in stormwater from development.
- **Policy 46:** Managing effects on historic heritage values.
- **Policy 48:** Principles of the Treaty of Waitangi.
- **Policy 49:** Recognising and providing for matters of significance to tangata whenua.
- **Policy 51:** Minimising the risks and consequences of natural hazards.
- **Policy 52:** Minimising adverse effects of hazard mitigation measures.
- **Policy 54:** Achieving the region’s urban design principles.
- **Policy 55:** Maintaining a compact, well designed and sustainable regional form.
- **Policy 57:** Integrating land use and transportation.
- **Policy 58:** Co-ordinating land use with development and operation of infrastructure.

611. The proposal is considered to accord with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of either the Operative District Plan and/or Proposed District Plan which is assessed above.

Operative District Plan and Proposed District Plan

612. I have assessed the proposal against the relevant objectives and policies of the Operative District Plan and the Proposed District Plan under my section 104D(1)(b)(iii) assessment above and conclude that while there are some inconsistencies with the Operative District Plan the proposal will not be contrary to the objectives and policies of the Operative District Plan or the Proposed District Plan.

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

613. In accordance with section 104(1)(c) of the Act, here I will address various additional matters relevant to the application.

Submissions

614. A number of submitters raised or expressed concerns about matters that are outside scope of the resource consent process. These include, but are not limited to:
- **Issue:** The Council should promptly attend all issues that arise during construction, including noise complaints, construction working hours, and vehicles blocking driveways and streets during construction.
Response: The resource consent process cannot control how long it takes a complaint to be responded to/actioned as this is outside scope of this application. However, the Council’s compliance teams react to any complaints or other issues they become aware of as soon as they possibly can.
 - **Issue:** A number of submitters stated that: “WCC’s recent update to its District Plan, in which housing intensification and height levels have been increased in every other suburb in Wellington, left Karori’s zoning and height limits unchanged at 8m height limit. This is because WCC has determined that the infrastructure in Karori cannot sustain high levels of intensification.”
Response: The MDRS apply to the residential zoned parts of Karori so as a permitted activity, there can be three dwellings, subject to any relevant qualifying matter. The dwellings can be up to 11m in height as prescribed by the MDRS. In addition to this, the more permissive height in relation to boundary and building coverage standards apply to multi-unit development of the site. This all means that a higher level of density, as required by Schedule 3A of the Act, has been given to this site from that of the Operative District Plan noting that qualifying matters apply to some of it.
 - **Issue:** Submitters expressed concerns about Ryman’s business model and various other matters including not paying taxes and maximising profit, to name a few.
Response: This is not a relevant matter for the resource consent.
 - **Issue:** Submitters sought liquidated damages on a variety of things including, if the developer “procrastinates” or if the development is delayed.
Response: These are not resource consent or RMA matters to consider.
 - **Issue:** Submitters are dissatisfied with Ryman’s consultation with the community.
Response: Concerns are noted, but I also acknowledge section 36A of the Act which states that an applicant for a resource consent does not have a duty to consult any persons.
 - **Issue:** Concerns about vermin on site and that there should be pest-eradication conditions.
 - **Response:** This is a public health matter and concerns should be relayed to the Council’s public health team. However, considering the proposed use of the site it is expected that vermin management would be high priority for the facility.

Code of Practice for Land Development

615. The Council’s 2012 Code of Practice for Land Development, operative from December 2012, is a revision of the former Code of Practice for Land Development 1994 that is referred to in the District Plan. It is the Code of Practice for Land Development 2012 that holds the current technical standards required by the Council for the design and construction of earthworks, roading, water supply, wastewater, stormwater, and public open spaces. Whether the infrastructure will be vested with the Council or be a private asset, it is important that these assets are constructed to the Council’s current standards.
616. With particular regard to water supply and wastewater, these standards must be met before the Council will allow a property to be connected to the City’s water supply and wastewater system. However, it is not the intention of the Council to stifle innovation and ingenuity of design. Where the outcome will be a better quality living environment, proposed alternative solutions for infrastructure design, other than for water supply

and wastewater, should be negotiated with the Council to ensure that the Code of Practice for Land Development 2012 basic requirements are met.

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

Any Other Matters

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

ASSESSMENT UNDER PART 2 OF THE ACT

619. Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is "*to promote the sustainable management of natural and physical resources*". Section 5 goes on to state that sustainable management should enable "*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*".
620. In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

Section 6 – Matters of National Importance:

621. Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this resource consent application. The proposed development is considered consistent with these matters, as follows:
- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
622. The site is not within areas of coastal environment.
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
623. No outstanding natural features or landscapes are contained within the site.
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
624. There is no vegetation in the location of the proposed building and the proposed development will not affect any area of significant indigenous vegetation.
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
625. The proposed development is not in the vicinity of the coastal marine area, lake or river, whereby public access could be enhanced.
- (e) *The relationship of Māori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other tāonga:*

626. The proposed development is not located within or adjacent to statutory acknowledgement areas, or areas identified as Māori Precinct in the District Plan. Furthermore, the proposed development is not considered to have any impact on Māori relationship to their ancestral lands, water, sites, waahi tapu, and other taonga. The applicant has nevertheless proffered an accidental discovery protocol that will ensure appropriate management of unanticipated finds within the development site.

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

627. The proposal involves the retention and adaptive re-use of three buildings that have significant heritage value. As outlined in Ms Smith's evidence, the proposal is considered to be acceptable from a heritage perspective, with specific heritage conditions recommended should the Hearing Panel be of a mind to grant consent.

Section 7 – Other Matters:

628. Section 7 includes matters that the consent authority shall have particular regard to. In this case the relevant section 7 matters are as follows:

Section 7(b) – The efficient use and development of natural and physical resources;

Section 7(c) – The maintenance and enhancement of amenity values;

Section 7(f) – Maintenance and enhancement of the quality of the environment.

629. It is noted that 'amenity value' is defined under section 2 of the Act as:

“Those natural or physical qualities or characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

630. For the reasons as previously discussed in this decision report, any adverse effects on amenity values and character of the area is considered to be acceptable with regard to the relevant section 7 matters, in particular section (7)(c).

Section 8 – Treaty of Waitangi:

631. The proposal does not raise any matters of significance under the Treaty of Waitangi and it is noted that consultation has been undertaken Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira as part of the notification process.

Section 5 – Purpose of the Act:

632. The purpose of the Act is stated in section 5 - *“To promote the sustainable management of natural and physical resources”*. Section 5(2) goes on to state that sustainable management means:

“Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for health and safety while –

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

633. I consider the proposal to be consistent with section 5(2)(a) and 5(2)(b) of the Act, as the proposal will sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by providing a residential development that provides for housing within an area where this type of activity can be expected and is desirable. It will not affect the life-supporting capacity of air, water, soil and ecosystems. Furthermore, I consider the proposal is consistent with section 5(c) in that any potentially unacceptable adverse effects of the proposal that would not meet the wider intent of section 5 will be avoided, remedied or mitigated.

CONCLUSION

634. Having considered the application and supporting documents, together with the expert advice provided by various experts for the Council, I consider that the proposal to establish a comprehensive care retirement village on the site at 26 Donald Street and 37 Campbell Street will result in effects that will not be more than minor and will be acceptable.
635. As assessed earlier, the proposal is considered to be inconsistent with 4.2.4.1 and 4.2.4.2 of the Operative District Plan insofar as the development cannot maintain the amenity of the surrounding residential area in an unaltered state. However, I do not consider the proposal to be contrary to these policies. While the explanatory texts speak to maintenance of existing amenity levels, the policy wording itself directs that **reasonable** amenity should be retained, development should be **compatible** with the surrounding area, and adverse effects should be avoided or **mitigated** [emphasis added]. Based off the detailed assessment above, it is considered that the broad thrust of these policies is achieved, with adverse amenity effects being no more than minor. The development is considered to maintain reasonable amenity, with appropriate design mitigations incorporated to assist with integration with the surrounding neighbourhood. It therefore cannot be concluded that the proposal is opposite or repugnant to the intent of the objectives and policies.
636. Furthermore, the two amenity policies with which the proposal is inconsistent are from a first generation District Plan which does not give effect to the NPS-UD, being a higher order document. The MDRS policies are considered to have a very high weighting and have also been considered, particularly as they relate to the buildings up to three storeys in height (which is buildings B02-B07). The effects from these buildings on the adjoining properties is where the inconsistency with the Operative District Plan policies occurs as they are from a first generation District Plan which seeks to maintain and protect amenity, whereas the benchmark for amenity levels and expectations under the MDRS and Proposed District Plan has shifted to accord with the NPS-UD.
637. Accordingly, I have given higher weight to the MDRS objectives and policies as these do give effect to the NPS-UD, being a higher order planning document, in considering this inconsistency with the above-listed policies. The proposal is consistent with the objectives and policies of the MDRS and higher order planning documents, as they relate to residential amenity effects, and the Proposed District Plan.
638. The proposal is not entirely consistent with Policy 4.2.3.6 as the impervious surface will increase by 17.5%. However, stormwater effects from increased impervious surfaces have been mitigated and it is also recognised that the site is not a typical Outer Residential site as it contains large open spaces. Furthermore, as the total impervious area is 70.6%, the total permeable area is 29.4%, and the Proposed District Plan outlines that for retirement villages the minimum 30% permeable surface does not apply. As such, this would not be considered to be contrary to policy. In addition to this, a condition relating to water sensitive design is recommended which, if imposed,

would address the intent behind the policy which is to manage stormwater effects, both contamination and rate of discharge.

639. I note that the proposal has significant positive effects and, subject to imposition of suitable conditions, is on balance considered to have effects that are acceptable. It is not contrary to either of the Plans and I do not think the inconsistency with some policies provides sufficient grounds to recommend decline as the effects of the proposal will be acceptable. The proposal also meets the intention of Part 2 of the Act.
640. I therefore conclude that, when the proposal is assessed against the matters in section 104D, and 104(1)(a) to 104(1)(c) of the Act, the resource consent application should be granted subject to the recommended conditions set out at Appendix 1 of this report.

RECOMMENDATION

641. That the Hearing Panel, acting under delegated authority from the Council and pursuant to section 104B of the Resource Management Act 1991, **grant consent** for the proposal to establish a comprehensive care retirement village at **26 Donald Street and 37 Campbell Street, Karori** (being Section 2 Survey Office Plan 515832 and Section 1 Survey Office Plan 28414), subject to the conditions set out in Appendix 1 of this report.
642. **Appendix 14** includes the list of the matters the applicant is invited to comment on their evidence.
643. I note that my recommendation is based on the information provided to date. I reserve the right to reconsider this position, or any aspect thereof, should any new information or expert evidence eventuate prior to or at the hearing.

Reporting Officer:



Laura Brownlie
Consultant Senior Planner

Reviewed by:



Bill Stevens
Team Leader
Resource Consents Team
Wellington City Council

LIST OF APPENDICES

- Appendix 1: Recommended conditions of consent
- Appendix 2: Urban Design – Sarah Duffell
- Appendix 3: Landscape and Visual Effects – Angela McArthur
- Appendix 4: Wind – Mike Donn
- Appendix 5: Heritage – Moira Smith
- Appendix 6: Acoustics – Lindsay Hannah
- Appendix 7: Transport – Soon Teck Kong
- Appendix 8: Earthworks – John Davies
- Appendix 9: Geotechnical – Stephanie Cherfane
- Appendix 10: Geotechnical – Ayoub Riman
- Appendix 11: Contamination – Suzanne Lowe
- Appendix 12: Three waters / Servicing – David Wilson
- Appendix 13: Heritage Memo – Moira Smith
- Appendix 14: List of matters the applicant is invited to comment on

From: [Hannah Payne-Harker](#)
To: [Sebastian Barrett](#)
Cc: [Damian Yung](#)
Subject: RE: Johnsonville Market Notification Update
Date: Tuesday, 13 April 2021 3:17:49 pm
Attachments: [image001.jpg](#)
[image005.png](#)
[image006.jpg](#)
[image007.jpg](#)

Hi Sebastian,

As discussed this afternoon, I can confirm that we would like to request that the Johnsonville Market application is Publically Notified.

We appreciate your patience while this decision was made.

Please keep us updated on the next steps.

Ngā mihi,
Hannah



HANNAH PAYNE-HARKER

Planner

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From: Sebastian Barrett <Sebastian.Barrett@wcc.govt.nz>
Sent: Rāmere, 09 Paengawhāwhā, 2021 1:58 p.m.
To: Hannah Payne-Harker <H.Payne-Harker@harrisonsgrrierson.com>
Subject: RE: Johnsonville Market Notification Update

Hi Hannah

We are happy to extend this to close of business next Tuesday 13 April but not any further than that.

Kind regards

Sebastian Barrett

Senior Consent Planner | City Consenting & Compliance | Wellington City Council
M 021 831 917 E sebastian.barrett@wcc.govt.nz | W Wellington.govt.nz |

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From: Hannah Payne-Harker <H.Payne-Harker@harrisingrierson.com>
Sent: 09 April 2021 11:19
To: Sebastian Barrett <Sebastian.Barrett@wcc.govt.nz>
Subject: Johnsonville Market Notification Update

Hi Sebastian,

I have spoken with Damian and the acting Johnsonville School Principle. They are in the final parts of confirming a rent relief scheme which would be sufficient for Damian to proceed with Public Notification and the associated costs.

The school board meets again on Monday. Can we please give you a final decision on Tuesday next week?

We appreciate your understanding as we make these arrangements.

Kind regards,
Hannah



HANNAH PAYNE-HARKER
Planner

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

1 February, 2021

Service Request No: 480449

File Reference: 1013234

APPLICATION DETAILS

<u>Site Address:</u>	252 Takarau Gorge Road, Ohariu
<u>Legal Description:</u>	Section 130 Ohariu District
<u>Applicant:</u>	Misty Mossman
<u>Proposal:</u>	Creation of an scenic farm park and visitor attraction in rural area
<u>Owners:</u>	David Peter Farrar and Misty Mossman
<u>Service Request No:</u>	480449
<u>File Reference:</u>	1013234
<u>District Plan Area:</u>	Rural area
<u>Notations in District Plan:</u>	None
<u>Activity Status:</u>	Discretionary (Unrestricted) Activity

SITE DESCRIPTION

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

In summary the subject site is situated at 252 Takarau Gorge Road, Ohariu Valley. It is held in a single freehold allotment, which is legally described as Section 130 Ohariu District. The property is positioned on the western side of Takarau Gorge Road and located approximately 2.4km away from the intersections of Ohariu Valley Road, Rifle Range Road and Takarau Gorge Road to the north. The site comprises of approximately 5.7 hectares of pastoral land with a small stream meandering through the southern part of the site. The topography of the site falls generally in a north to south direction with the western boundary comprising of a hillslope that forms the western edge of the valley in the area. The property is located within the Rural area of the District Plan and is surrounded by pastoral farmland and a wide range of rural residential properties.



Figure 1 Aerial Photo of the subject site and the directly surrounding neighbouring rural area.

PROPOSAL

The applicant has proposed a scenic farm park and visitor attraction on their property at 252 Takarau Gorge Road. The farm park will include a range of activities including interaction with a range of farm and domestic animals, outdoor play and education opportunities and interactions with natural environment. The applicant has outlined that the proposal will be developed over stages with the first stage including the development of the carparking and café area at the southern end of the site.

Further details of the proposal are provided in the AEE and application plans. I adopt the applicant's proposal description should be read in conjunction with this report.

ACTIVITY STATUS

District Plan:

Resource consent is required under the following rules:

<p>Rural Activities</p> <p>Resource consent is required pursuant to Rule 15.4.1 as the proposed new farm park and associated visitor attractions are not considered a rural activity and therefore not considered a Permitted, Controlled or Discretionary (Restricted) Activity.</p> <p>There are no relevant conditions. There are no relevant standards and terms.</p>	<p>Discretionary (U)</p>
<p>Rural Buildings</p> <p>Resource consent is required pursuant to Rule 15.3.4 as the proposed new signs exceed do not meet the conditions outlined under rule 15.1.9 namely:</p> <ul style="list-style-type: none"> • The maximum sign area exceeds 1m²; and • There will be more than 1 sign onsite (3 proposed) <p>As such, the proposed signs are therefore considered a Discretionary (Restricted) Activity.</p> <p>The relevant standards and terms under this rule are not met.</p>	<p>Discretionary (R)</p>
<p>Earthworks</p> <p>Resource consent is required pursuant to Rule 30.2.1 because the proposal does not comply with the following permitted activity conditions:</p> <ul style="list-style-type: none"> • Condition 30.1.1.1(a)(iv): The area of earthworks exceeds 250m² (2540m²) • Condition 30.1.1.1(b)(iv): The area of earthworks exceeds 250m² (2540m²) • Condition 30.1.1.2: The earthworks proposed is located within 20m of a stream <p>Pursuant to Rule 30.2.1.1, discretion is restricted to:</p> <ul style="list-style-type: none"> • Earthworks stability • Erosion, dust and sediment control • Visual amenity • Earthworks and structures associated with streams where cut and fill is located closer than 20m • The transportation of material from the site <p>There are no relevant standards and terms.</p>	

Overall, the proposal is assessed as a **Discretionary (Unrestricted) Activity**.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

The application must be publicly notified as the applicant has requested public notification [s95A(3)(a)]

NOTIFICATION DECISION

For the reasons detailed in this report the application for the creation of a scenic farm park and visitor attraction on the site at 252 Takarau Gorge Road, Ohariu must be assessed on a **notified** basis.

Report prepared by: Tyro Underhill



Tyro Underhill
Delegated Officer

9 February 2021

Delegated Authority No. (1)



Peter Daly
Delegated Officer

9 February 2021



S210167 292 Main Rd, Tawa (Appn to WCC)

3 December 2021

Resource Consents Team
City Consenting & Compliance
City Planning
Wellington City Council
PO Box 2199
Wellington 6140

PO Box 588
Level 10, 57 Willis Street
Wellington 6140, New Zealand
Phone 04 472 2261
Email admin@spencerholmes.co.nz

Dear Sir/Madam,

RESOURCE CONSENT: 292 MAIN ROAD, TAWA

On behalf of the applicant, 292 Main Road Limited, we submit an electronic version of a resource consent application for a 24 unit development at the above address.

This application is made pursuant to section 88 of the Resource Management Act 1991, and incorporates all information required by Form 9 and Schedule 4 to the Act.

Please issue an invoice for the processing fee deposit required by Council. The applicant intends to make payment of the fee utilising Council's online payment method or via internet banking. We trust the attached information is satisfactory and look forward to your favourable response.

If you have any further queries, please do not hesitate to contact me on (04) 472 2261.

Yours faithfully
Spencer Holmes Limited

Ian Leary
Director

itl@spencerholmes.co.nz



*Application for
Land Use Consent*

*292 Main Road
Tawa*

FORM 9
APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE
MANAGEMENT ACT 1991

TO: Wellington City Council
P O Box 2199
WELLINGTON 6140

1. **292 Main Road Limited** (the Applicant) hereby applies for the following resource consents:

- **A land use consent:** For 24 residential units and earthworks.

2. **Activity & Classification:**

Overall, land use consent for the proposed units has been assessed as a non-complying activity pursuant to rule 5.5 of the District Plan.

3. **The location to which this application relates:**

Street Address: 292 Main Road, Tawa



Figure 1: Location Aerial - Extract from WCC Web Maps

4. **The owner of the site is: -**

Lot 1 DP 15312 (RT WN8B/597) is owned by 292 Main Road Limited

5. **There are no other activities that are part of the proposal to which the application relates.**

6. **A resource consent will be required from GWRC for building and earthworks in the floodplain. This will be sought following the lodgement of this application.**

From our knowledge of the site, there are no National Environmental Standards that would apply to this proposal.

7. **Attached, in accordance with Clauses 6 & 7 of the Fourth Schedule of the Resource Management Act 1991, is an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.**
8. **Attached is an assessment of the proposal against Part 2 Resource Management Act 1991.**
9. **Attached is an assessment of the proposal against Section 104(1)(b) Resource Management Act 1991 including any relevant objectives, policies or rules.**
10. **Also attached is any information required to be included in this application by the District Plan, a Regional Plan, the Resource Management Act 1991, or any regulations made under that Act.**

The relevant assessment of environmental effects, proposal plans and other information required by the Wellington City Council District Plan are attached.

292 Main Road Limited
by their duly authorised agent



.....
Ian Leary for Spencer Holmes Limited.

Date: December 2021

Address for Service:

Spencer Holmes Limited
Surveyors, Engineers & Planners
PO Box 588
WELLINGTON 6140

Telephone: (04) 472-2261
Email:

All Invoices to:

c/- Alex Khera

021 831 955
alex@khera.co.nz

ATTACHMENTS

1. Record of Title
2. Architectural Plans (Archaus)
3. Residential Area Design Guide Assessment (Spencer Holmes)
4. Topographical Survey – T1 and T2
5. Geotechnical Report- ENGEO
6. Flooding report - ENGEO
7. Traffic Report (Traffic Concepts Ltd)
8. Landscape Plan (Local)
9. Pre-application notes (SR487769 and WW notes)

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DESCRIPTION OF PROPOSAL & ASSESSMENT OF EFFECTS ON ENVIRONMENT

1 THE PROPOSAL

1.1 Site & Locality

The site is located in Tawa, on the corner of Main Road and McLellan Streets.

The site slopes down from the Main Road, has a relatively flat area before sloping away towards the stream.

The Porirua Stream runs along the full length of the rear boundary and is therefore the site is partially in the Porirua Stream floodplain.

There are areas of Open Space B zoned land across Main Road and on the southern corner of Main Road and McLellan Street.

There is a historical building line restriction (BLR) on the property which will be removed within due course. This BLR states that *“no buildings or hoardings shall be erected within 49.5 feet of the middle line of the line of the Main Highway”*.

An aerial photograph of the site is shown at Figure 2 below.

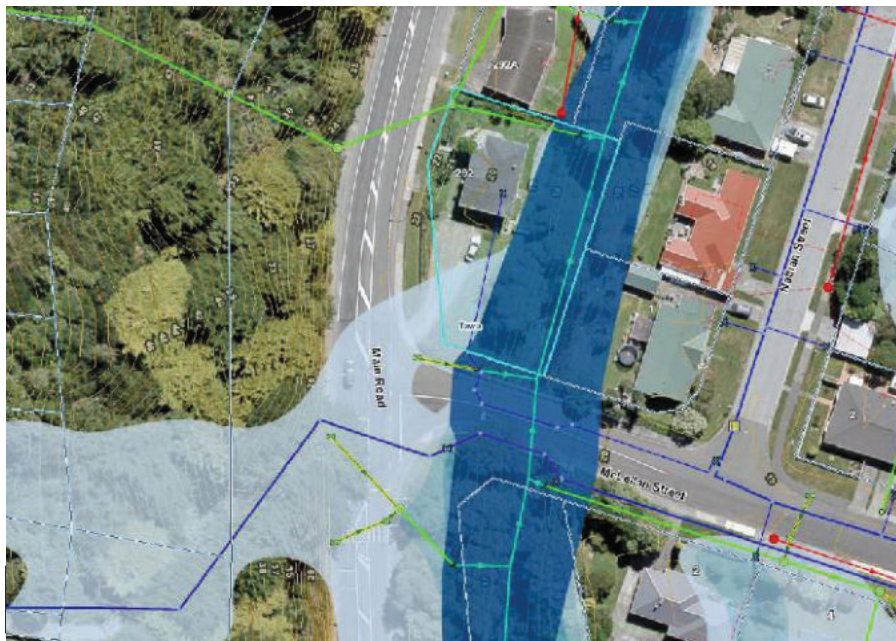


Figure 2: Aerial of Site – Extract from WCC GIS



Figure 3: Looking north west from the bridge showing the existing house, driveway and parking at 292 Main Road, Tawa and bus stop across the road.



Figure 4: Existing driveway access, berm, and dwelling at 292 Main Road, Tawa



Figure 5: Looking north from the bridge at the stream adjacent to the property at 292 Main Road.



Figure 6: Looking south from the eastern bank of the stream adjacent to property at 292 Main Road

1.2 Legal Description

Lot 1 DP 15312 (RT WN8B/597). The property has an area of 1204m².

A copy of the title is attached (Attachment 1). The historic building line restriction on the property will be removed in due course. There are no other registrations on the title that would impact on the proposal.

1.3 Description of Proposal

1.3.1 *New building*

The applicant proposes to demolish the existing dwelling on the site and construct 24 new residential units on the site as shown on the Architects drawings by Archaus (included as Attachment 3) as follows: RC 01.00; RC 02.00; RC 04.00; RC 04.01; RC 04.02; RC 04.03; RC 04.05; RC 05.00; RC 05.01; RC 06.00; RC 07.00; RC 07.01; RC 07.02; RC 07.03; RC 07.04; RC 07.05; RC 07.10; RC 07.20; all Rev 1 and all dated 15.11.21.

Figure 7 below is a perspective of the proposed building:



Figure 7: Perspective of the proposed new residential development at 292 Main Road, Tawa

The new residential units will be provided over 4 floors (ie: ground and three floors above).

The ground floor units will have yards and decks, whilst the upper floor units will have 5-6m² decks.

The proposal also includes planting and landscaping of the area of adjacent road reserve including a central entranceway, steps and access ramp for the building.

An assessment under the RADG is provided in Attachment 3 to this application.

The following perspectives illustrate how the proposed new buildings will appear in the surrounding environment.



Figure 8: Perspectives of the proposed new 24 unit residential development at 292 Main Road, Tawa.

1.3.2 Earthworks

Earthworks will be required across the site to prepare the building platforms, driveway, yards and frontage area for the proposed residential development.

Full details of the earthworks required are included on Sheet R 07.20 of the Archaus plans.

In summary, 175m³ of cut and 189m³ of fill is required which results in a nett of 13.5m³.

1.4 Access & Parking

No on site carparking will be provided.

A 5m wide driveway will however provide access for a small rubbish collection truck along with five scooter/motorcycle parks and secure cycle parking to the rear as shown on the Archaus plans.

1.5 Services

Consultation regarding water, sewer and stormwater services for the site is ongoing with Wellington Water and the applicant will continue dialogue with Wellington Water regarding appropriate servicing and wastewater mitigation for this site.

A detailed services design will be submitted as part of the building consent process.

1.6 Flood Hazard

Figures 9, 10 and 11 below shows the WCC Flood Hazard Map and GWRC flood hazard maps for the site.

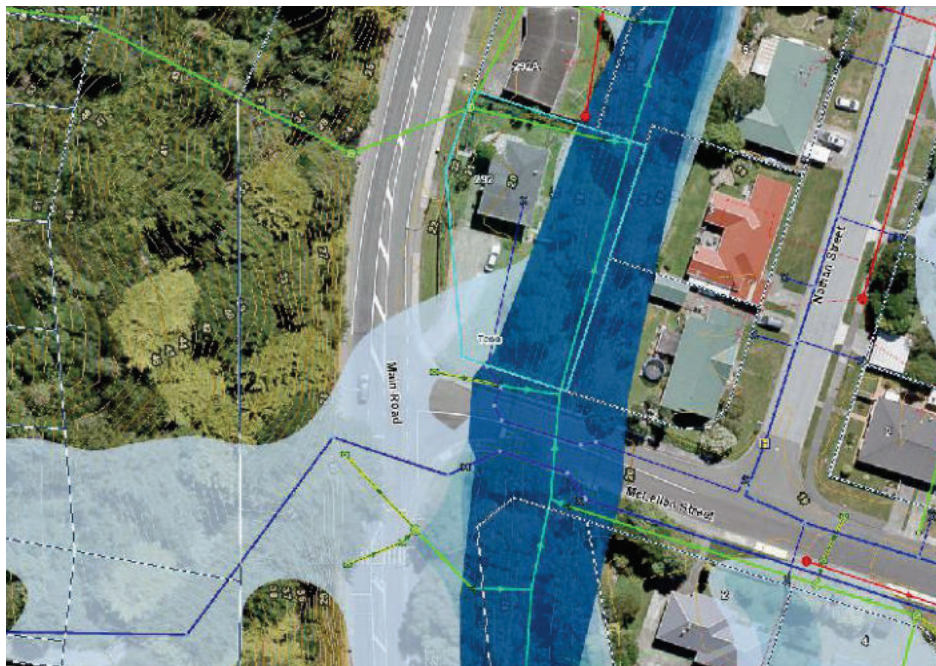


Figure 9: Aerial of Site – Extract from WCC GIS

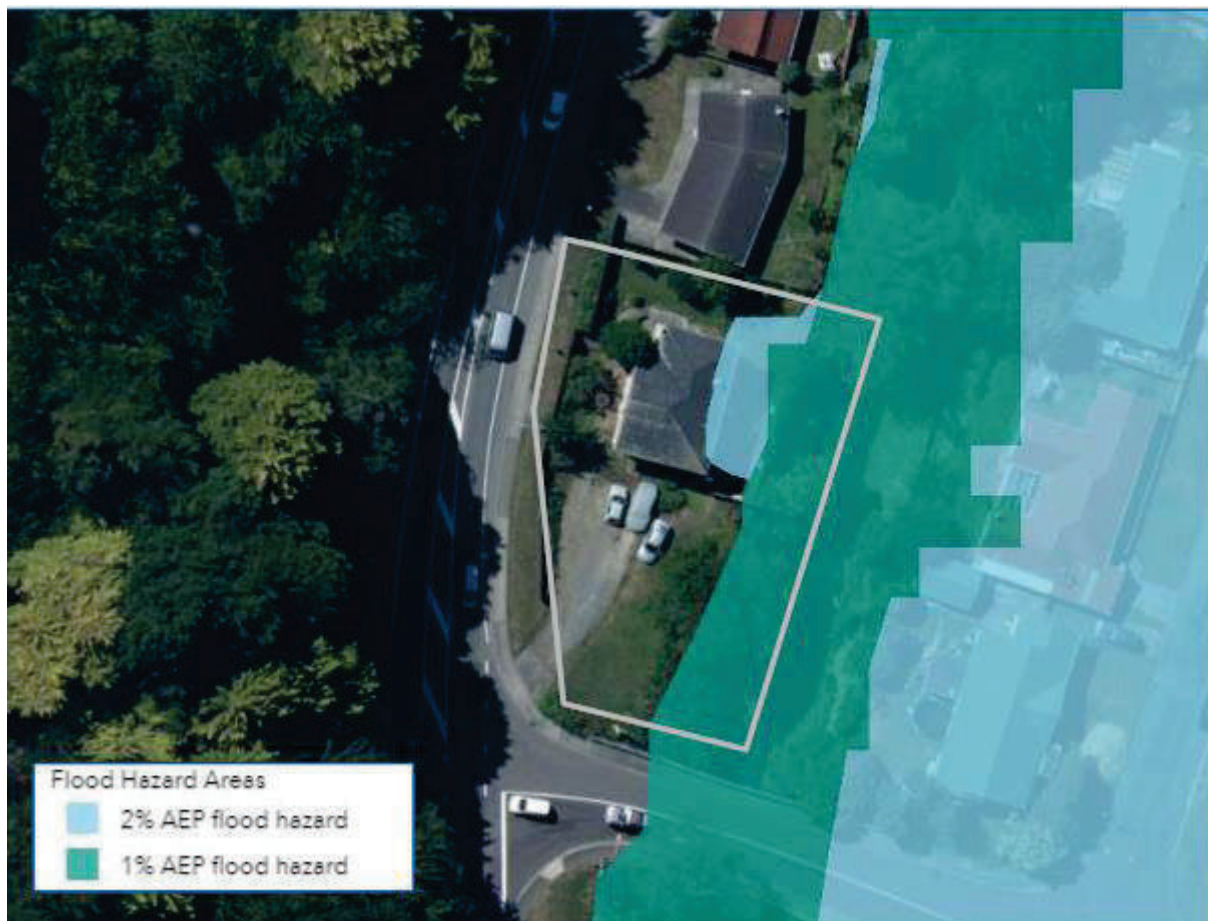


Figure 10: Flood Hazard Map GWRC

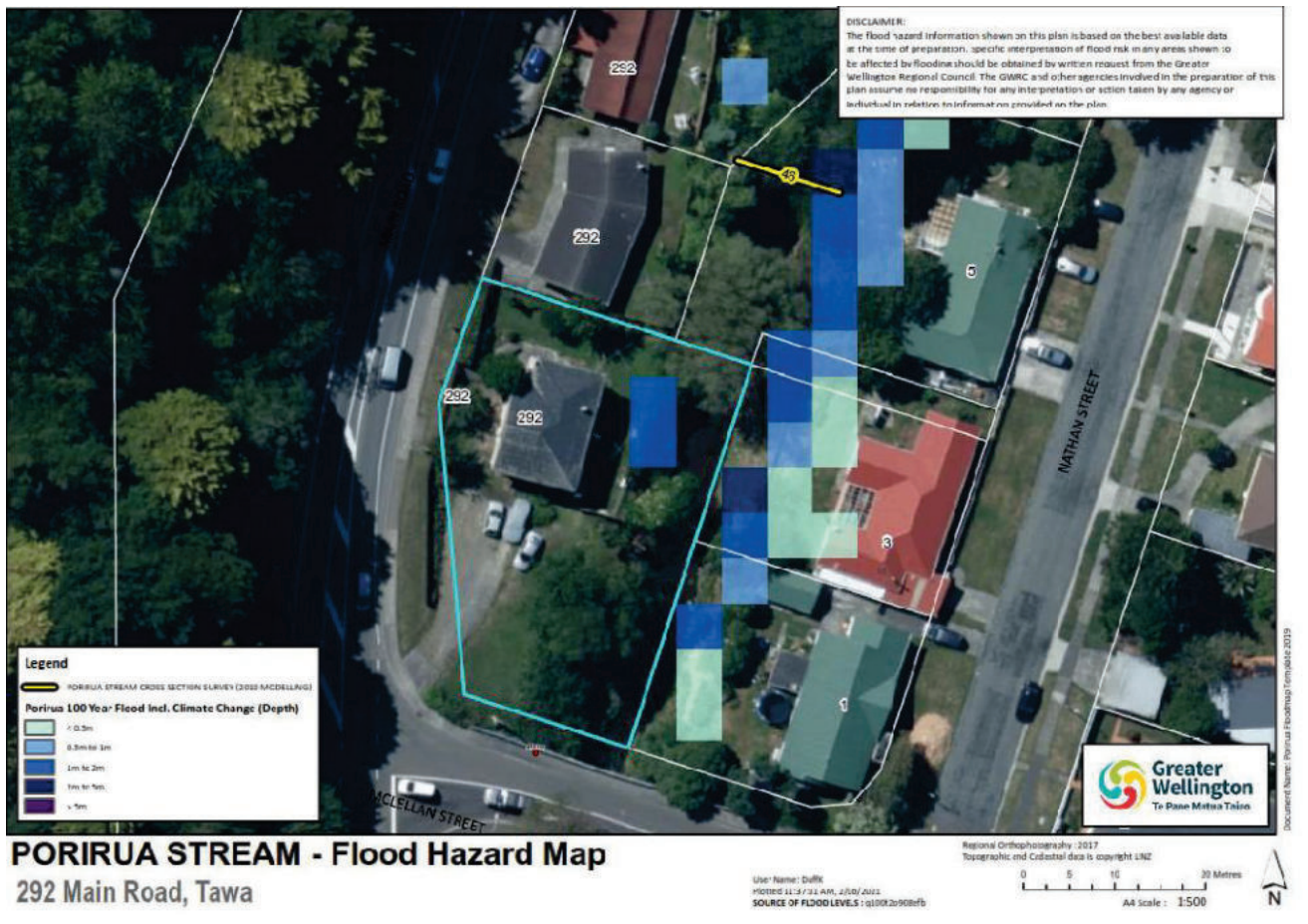


Figure 11: : Porirua Stream Flood Hazard Map (GWRC)

The applicant has also consulted with Wellington Water Limited (WWL) regarding the proposed development.

An appropriate floor level will be established to protect the residential units.

The foundation system proposed will also elevate the structure above the flood plain to ensure that there is no displacement of floodwater.

2 PLANNING PROVISIONS

2.1 Zoning

The site is located in the **Outer Residential Area** (Map 31). Main Road is a Principal Road on the District Plan Maps. It is not subject to any special character rules or designations.

Part of the site is included in the Tawa Hazard Flooding Area as identified on Map 31 of the District Plan.

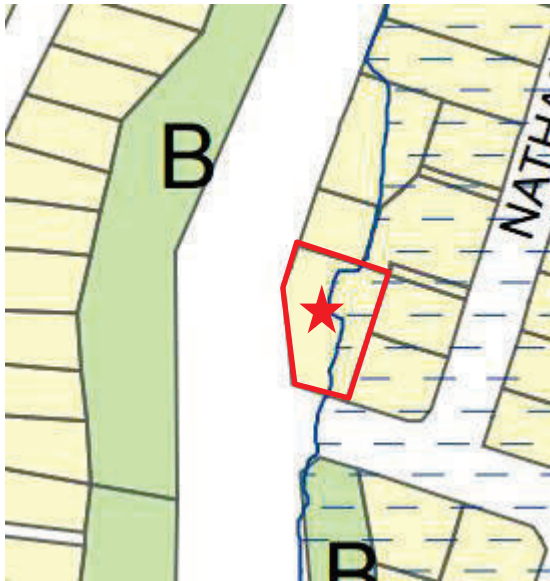


Figure 12: District Plan zoning and Porirua Stream flooding area

2.2 Future Policy Direction

Under the **Draft District Plan**, the site is included in the Medium Density Residential Zone and is subject to a 21m height limit. While the Draft District Plan rules are not yet “in effect” and they do not have any legal status, they do indicate that the site is identified as an area for potential change in rules.

Wellington City Council also adopted its **Spatial Plan** on 24 June 2021. Under the Adopted Spatial Plan the site is included in the Walkable Catchment area 4B which enables at least 6 storeys to be built.

Housing Density Type 4

Examples:

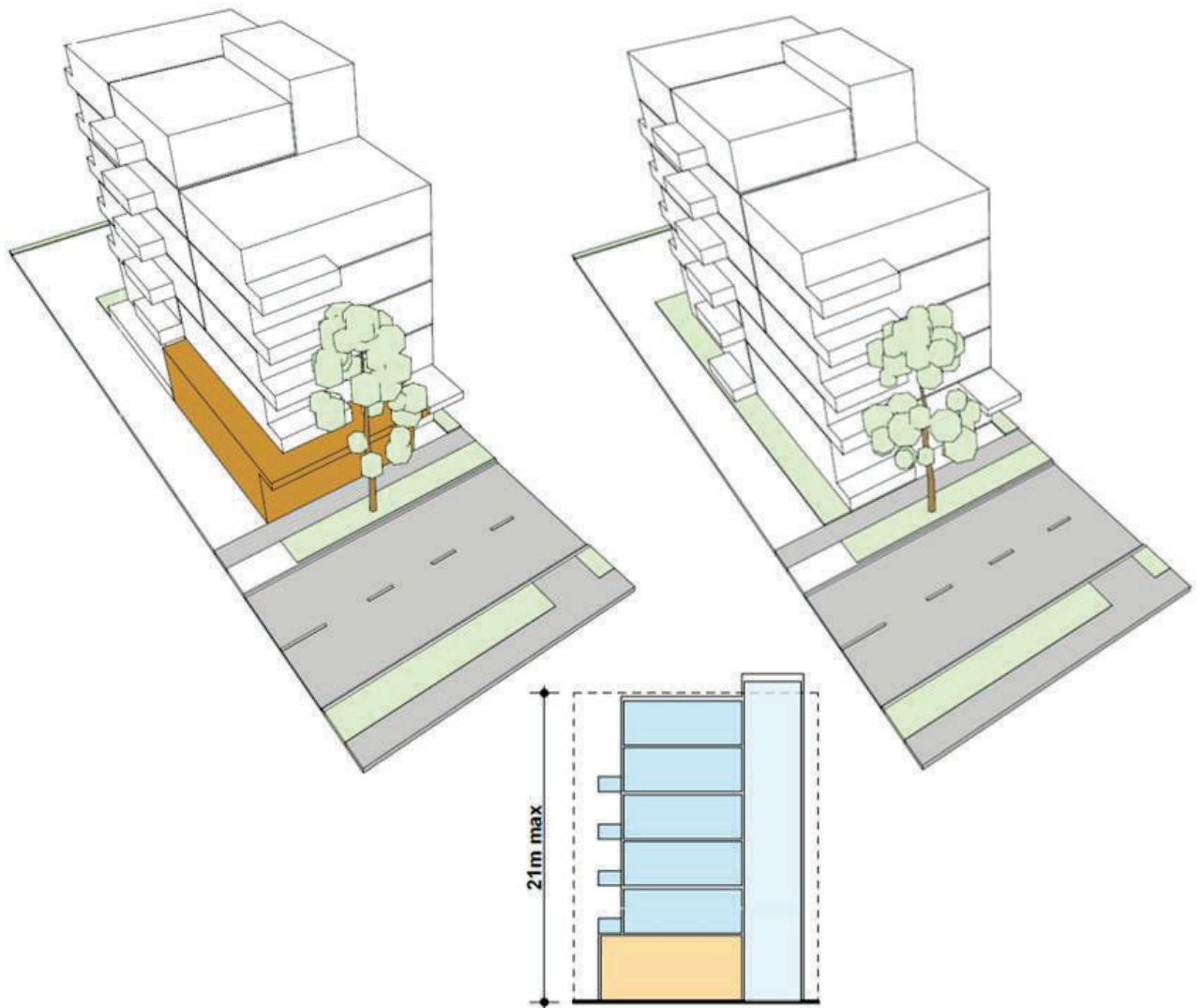


Image source: Wellington Outer Suburbs Assessment & Evaluation Report (2020)

Figure 13: Example of Housing Density Type 4B given in the WCC Adopted Spatial Plan (Source: WCC Adopted Spatial Plan 2021)

In addition, the recently introduced the **Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill** enables the intensification of housing supply in Wellington via streamlined planning process under the RMA and includes a requirement to the territorial authorities in Tier 1 (ie: Wellington) to make changes to their District Plans to enable housing. The Bill in effect introduces as a permitted activity Medium Density Residential Standards/rules across the City. This substantially increases the capacity of land to accommodate denser housing as a permitted activity provided it meets the standards (ie: height in relation to boundary, setbacks. Coverage, impervious surface, outdoor living space and outlook space). Councils in Tier 1 have until August 2022 to notify plan changes to give effect to this directive from the Government.

2.3 Compliance with District Plan Standards

2.3.1 Land Use

Under Rule 5.3.9, the *relevant* standards and terms for the construction of walls and fences located partially on legal road are:

- 5.3.9.1 design (including building bulk, height and scale), external appearance and siting;
- 5.3.9.2 amenity protection;
- 5.3.9.4 safety.

The provision of landscaping and fencing along the road frontage/berm together with centralised entrance steps and an access ramp to the site forms an integral part of the overall building design.

Under Rule 5.3.10, the standards and terms for the construction of buildings in the Tawa Hazard (Flooding) Area are:

- 5.3.10.1 building floor level;
- 5.3.10.2 building location within the site;
- 5.3.10.3 building floor area;
- 5.3.10.4 effects of the proposal on the erosion and flood hazard risks, and stream maintenance.

The applicant is aware of the flood hazard for this site and further assessment has been provided by ENGEO with regard to flood hazard for the site in section 3.10 of this report.

Under Rule 5.3.7 the construction of multi-unit developments are a discretionary (restricted) activity provided all buildings and structures meet the parking, access and the bulk and location conditions of the residential standards contained in sections 5.6.1 and 5.6.2.

The proposed new units have been assessed against the permitted activity standards of sections 5.6.1 and 5.6.2 for the Outer Residential Area as shown in Table 1 below.

Table 1: Assessment of Residential Standards

Standard	District Plan Requirements	Proposed Building
Vehicle Parking 5.6.1.3	Parking (if provided) to be provided in accordance with sections 1, 2 & 5 of ANZS 2890.1:2004: <ul style="list-style-type: none"> • Park dimensions (Fig 2.2 or Fig 2.5)¹ • Park gradient (1 in 20 - 5%)¹ • Driveway width 3m or Table 2.2¹ • Driveway gradient (1 in 4 - 25%)¹ 	Off street loading area provided for small rubbish truck No on-site car parking provided; scooter/motorbike parking for 4 bikes provided. Complies
Site Access 5.6.1.4	Site with one road frontage has one access	N/A
	Site with two road frontages may have one access per frontage subject to following:	Complies
	Sites with frontage to: <ul style="list-style-type: none"> • State highway, arterial or collector; and • One or more local or sub-collector (not restricted road frontages) 	N/A

¹ Other criteria of ANZS 2890.1:2004 may apply due to particular circumstances.

Standard	District Plan Requirements	Proposed Building
	May only have access to the local or sub-collector roads.	
	Sites with two or more frontages that are: <ul style="list-style-type: none"> • State highway; or • Restricted frontage; or • Arterial, principal or collector road may have max. one access. The access may not be from State Highway or restricted road.	Complies – site has one driveway
	Not from a restricted road frontage	Complies
	Provided by ROW if no direct frontage to road; and To be in accordance with section 3 of ANZS2890.1:2004 – including: <ul style="list-style-type: none"> • Min distance to intersection (Fig 3.1) • Sight distance along road (Fig 3.2) • Sight distance to pedestrians (Fig 3.3) 	Complies
	Max crossing width is <ul style="list-style-type: none"> • 3.7m (Inner Res. & coastal edge) • 3.7m for up to 6 units, and 6.0m for 7 or more units (Med. Density Res) • 6m (Outer Res - excl. coastal edge) 	Complies
Front Yards 5.6.2.2.1-5	3m or 10m less half width of road (whichever is less) Accessory building permitted to 6m wide in front yard	Complies
Side and Rear Yards 5.6.2.2.6-8	0m for Outer Residential	Complies
	1m access to rear of site	Complies
	1m separation between residential buildings	Complies
Deck Yards 5.6.2.2.9-10	Decks greater than 1.5m in height to be 2m from bdy	Complies
General Yards 5.6.2.2.11-13	No building or structure within 10m of the Porirua Stream or Coast, or within 5m of another waterbody.	Does not comply
	No impervious surface within 3m of a waterbody.	Complies
Open Space 5.6.2.3.1 - 5.6.2.3.5	<ul style="list-style-type: none"> • 50m² ground level open space, • min width of 4m adjacent to the dwelling • Not more than 15m² used for vehicle accessway or manoeuvring areas, • Uncovered except that uncovered decks less than 1m high are OK, • Provided as open space per unit adjoining the unit. 	Does not comply Ground level yards/decks 15m ² – 27m ² Upper level decks 5-6m ²
Site Coverage 5.6.2.4.1	35% for buildings (Up to 40% where the extra 5% is uncovered decks)	45% (includes uncovered decks over 1m)
Max Bldg Height 5.6.2.5	Maximum 8m (+1m for pitched gable roof) Accessory Bldgs = 3.5m	Does not comply (up to 14.7m)
Infill Height 5.6.2.7	Maximum height of infill unit on sites less than 800m ² in Outer Residential Area: - 4.5m on slope < 3:1 - 6.0m on slope > 3:1	N/A
Building Recession 5.6.2.8	2.5m & 45 ⁰ incline	Does not comply East: up to approx. 6.2m North: approx. up to approx. 5.6m

Standard	District Plan Requirements	Proposed Building
Max. Fence Height 5.6.2.10	Maximum 2m height.	Can Comply

From the assessment of the proposed building in Table 1 above, land use consent for the buildings is required under the following rules.

- The proposed building 24 unit building is a multi-unit development. This a discretionary activity (restricted) under rule 5.3.7.
- The proposed units do not provide 50m² of ground level open space per unit. This is a discretionary activity under rule 5.3.4.
- The access steps and access ramp to the proposed building is partially located on legal road and therefore is a discretionary (restricted) activity under rule 5.3.9.
- The proposed building is set back 8.1m from the Porirua Stream and it is located within the Tawa Hazard (Flooding) Area and is therefore a discretionary (restricted) activity under rule 5.3.10.
- The proposed building exceeds the 42% discretionary limit for site coverage (approx. 45% including decks over 1m²) and is therefore a non complying activity under rule 5.5.
- The proposed building exceeds the building recession planes by more than 3m (approx. 5.6m North and 6.2m East) and overall building height exceeds by more than 20% (approx. 14.7m) and therefore the building is a non-complying activity under rule 5.5.

Overall, the proposed building is assessed as a non complying activity.

2.3.2 Earthworks

Earthworks will be required across the site to allow for building platforms to be created.

The proposed earthworks are over an area of 697m² and to a maximum depth of 1.6m.

The total volume of cut is 176m³ and fill is 189m³, with the total nett cut/fill for the site being 13.5m³.

The earthworks have been assessed against the permitted activity standards for earthworks as shown in Table 2 below:

Table 2: Assessment of Earthworks Standards

Standard	District Plan Requirements	Proposed Earthworks
30.1.1.1(a)	1.5m vertical alteration maximum;	Does not comply (1.6 max depth)
	Not on slope over 34 ^o (1V:1.5H);	Complies
	Height/depth not to exceed distance from boundary;	Complies
	Total disturbed area not more than 250m ²	Does not comply (697m ²)
30.1.1.2	Not within 5m of water body	Complies
30.1.1.3	Not in Hazard (Flooding) Area on DP Maps	Does not comply
30.1.1.4	No visible settled dust beyond the site boundaries	Complies
30.1.1.5	Proximity to transmission line / structure	Complies

The assessment above indicates that the earthworks do not meet the permitted standards as the area of earthworks will be greater than 250m², the site is within the Tawa Flood Hazard area and the maximum depth of earthworks will exceed 1.5m.

Under Rule 30.2.1.2 the *relevant* standards and terms for earthworks within the flood hazard area are:

- (i) earthworks stability;
- (ii) erosion, dust and sediment control;
- (iii) visual amenity – where the cut height exceeds 1.5m or the area exceeds 100m²;
- (iv) the flooding hazard (if located in a Hazard (flooding) Area);
- (v) earthworks and structures associated with rivers (including streams) where the cut or fill is closer than 5m to the stream.

As outlined in the Local plans, the already established quality stream bank vegetation and trees will be retained and supplemented with additional appropriate planting and groundcover.

Therefore the earthworks associated with the 24 unit development are a discretionary activity (restricted) under rule 30.2.1.

2.4 Activity Status

The assessment of the provisions of the Operative District Plan in the preceding sections shows that the housing proposal must be assessed as the following:

- Land Use Consent for 24 residential units. While there are some aspects of the development which are a discretionary (restricted) activity, overall the application has been assessed as a non complying activity under rule 5.5 for non-compliance with front yard setbacks, site coverage, height, building recession plane and earthworks standards, along with part of the site being in the Tawa Hazard (Flooding) zone and the access steps/ramp being located on legal road.

3 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

3.1 Introduction

This assessment of environmental effects on neighbouring properties and the wider community has been prepared in such detail as corresponds with the scale and significance of the effects that the proposal may have on the environment.

The effects arising out of this application that we consider would potentially impact on the amenity of neighbours and the wider community, including physical effects are listed below:

- Permitted Baseline
- Residential amenity and character effects;
- Height, Bulk and Location and Visual Effects
- Overlooking and Privacy Effects;
- Open Space and Coverage Effects;
- Shading Effects;
- Landscape and Ecological effects;
- Access Effects;
- Traffic and Parking effects;
- Earthworks and Construction effects.
- Geotechnical, Flooding and Natural Hazards effects;

3.2 Permitted Baseline

When forming an opinion as to whether a proposal will result in any actual or potential effects on the environment, section 104(2) of the Resource Management Act 1991 states that Council may “*disregard an adverse effect of the activity on the environment if ... the plan permits an activity with that effect*”.

This provision is known as the permitted baseline, and essentially allows the effects of the proposed activity to be compared to those of activities that could be permitted as of right on the application site. In relation to this application, the permitted baseline is determined by the Outer Residential Area rules and standards as stated in the District Plan.

The area of the lot is 1204m², so over 800m². Consequently, the infill height limit is not applicable.

The permitted activity would consist of two large dwellings and associated car parks as shown on Sheet RC 07.00 of the Archaus plans. The permitted activity development could be established as follows:

- The existing two storey house would be demolished.
- Two very large dwellings would be constructed on the lot.
- The two dwellings would be set back 10m from the Porirua Stream;

We do not consider the permitted baseline applies in this case however the permitted baseline is used to inform the sun shading study shown on sheets 7.00-7.05 of the Archaus plans.

3.3 Residential Amenity and Character Effects

The surrounding area currently is mainly characterised by low density one and two storey residential dwellings. The proposed new 24 unit building will therefore represent a change from the existing residential amenity and character in the surrounding area in Tawa.

While currently the area is characterised by low density development, the area has been identified for medium density housing in the future. This will result in a significant change in the capacity for development on the site.

The site is well located being both on a main road and is a good example of a walkable catchment from a local public transport link (ie: Linden train station). Under the Draft District Plan provisions, the site is included in the Medium Density Residential Zone and the corresponding height limit is 21m. While the Draft District Plan has no statutory effect as yet, all indications are that this is an area of transition and in the future, a higher density and height limit will apply to this site. The applicant accepts that there is no legal effects for the changes proposed and is therefore proceeding with notification.

In addition to the NPS-UD, Draft District Plan, and the Adopted Spatial Plan the Government has also recently introduced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill to Parliament. The Amendment Bill enables the intensification of housing supply in Wellington via streamlined planning process under the RMA and includes a requirement to the territorial authorities in Tier 1 (ie: Wellington) to make changes to their District Plans to enable housing. The Bill in effect introduces as a permitted activity Medium Density Residential Standards/rules across the City. This substantially increases the capacity of land to accommodate denser housing as a permitted activity provided it meets the standards (ie: height in relation to boundary, setbacks, coverage, impervious surface, outdoor living space and outlook space). Councils in Tier 1 have until August 2022 to notify plan changes to give effect to this directive from the Government.

We therefore conclude that this area is identified as an area of significant change into the future and this being the case, the long term effects of the proposed development on future residential amenity and character will in the future be less than minor.

3.4 Height, Bulk and Location and Visual Effects

The proposed new 24 unit building will represent a change from the existing height and bulk and location on the site.

As discussed fully in section 3.3 above, under the current and future planning environment, the site and surrounding area have been identified as an area which is suited to Medium Density development. This will result in a change of the height, bulk and location and visual effects which are expected on this site.

Notwithstanding that, the applicant has put considerable effort into the overall site design and landscaping to mitigate any potential adverse height, bulk and location and visual effects as much as possible.

The proposed building has been sited and designed to maximise the setbacks from the northern and eastern boundaries, limit overall site coverage to 45%, and is set in a park-like green space along the river boundary.

A Local Landscape Plan (see Attachment 8) is included in the application, along with an assessment against the Residential Area Design Guide is also included in Attachment 3 to the application.

In summary, our conclusion is that the proposed 24 unit building development is a departure from the expected height, bulk and location and visual effects that could be expected on the site and therefore may result in a building which has minor adverse effects on the environment when assessed against the current District Plan.

3.5 Overlooking and Privacy Effects

The privacy of the neighbouring properties has also been carefully considered in the design of the proposed building.

For the neighbour to the north, the setback from the northern boundary has been maximised by locating the driveway/loading bay, scooter parking, rubbish storage and secure cycle parking along this boundary.

In respect to the properties to the east and south, there is a good separation distance. There are no residential properties affected to the west.

Opportunities for overlooking have also been minimised by sensitive window placement and window heights and the orientation of the upper floor decks (where increased height may lead to overlooking opportunities) to the east and west.

In summary, the sensitive site design, window placement and window heights limit any potential the overlooking effects and maximises privacy for the neighbouring properties to the east and north and we consider any potential overlooking and privacy effects will be no more than minor.

3.6 Open Space and Coverage Effects

The proposed new 24 unit building will represent a change from the existing low density of existing buildings on the site.

3.6.1 Open Space

The site layout has been deliberately designed to maximise ground level open space as much as possible. This includes areas of private open space at ground level but also providing decks on the upper levels.

Each ground floor unit (Units 1.01-1.06) provides a generous outdoor open space with these spaces ranging between 15m² and 27m² in size. These spaces are designed to be usable outdoor spaces which receive both morning and afternoon sun.

Each of the units on Levels 2, 3 and 4 of the building has a 5-6m² deck which is directly accessible from the living, dining and kitchen spaces in the unit. Each deck provides a sunny and sheltered usable outdoor open space for the Units.

While none of the outdoor open spaces meet the 35m² minimum or 3.5m minimum dimension standards in the Outer Residential Zone, the ground floor arrangement and smaller deck sizes on

the upper floors are very common in unit title multi-unit developments of this nature. The proposed outdoor space provision satisfies the outdoor space needs of residents whilst catering for the increasing demand for affordable, well located, modern, warm dry homes which are close to public transport links. In other words, this development is similar to other expected future developments in Wellington.

3.6.2 Coverage

The proportion of the site covered in buildings is limited to 45%, which includes uncovered decks over one meter in height. This therefore means that 55% of the site does not contain buildings.

The undeveloped area is the area adjacent to the Porirua Stream and views to and from this area will remain available. The landscape plan provides details of the existing and proposed planting within this area which will ensure that the proportion of the site left 'unbuilt' covered in buildings has been maximised.

We consider the unbuilt stream banks area, along with the planting proposed throughout the site reduces the perceived density on the site brought about by the height of the building, and results in a balance being achieved on the site which retains as much open space as possible.

Our conclusion is that any adverse open space or coverage effects from the proposed development are no more than minor.

3.7 **Shading effects**

The applicant has designed the site layout to minimise any potential shading effects from the proposed new 24 unit building on neighbouring properties.

The closest neighbours are located across the Porirua Stream to the east of the property (1, 3 and 5 Nathan Street) and to the north of the property (292A Main Road).

Sheets RC07.02; RC07.03; RC07.04; and RC07.05 of the Archaus plans show the sun shading analysis for the site.

3.7.1 1, 3 and 5 Nathan Street

Although the breaches of the recession plane are up to 6.2m from the Porirua Stream, this is the worst case and the boundary is taken from the centre of the stream. The houses at 1, 3 and 5 Nathan Street are sited well above the stream.

When compared to the complying model (shown in green) the *additional* shading from the proposed building (shown in red) at the Summer Solstice almost entirely falls within the boundaries of the site or on the road. There are two exceptions to this in that a very small amount of additional shading falls on the stream bed at 5pm during Summer Solstice. The second exception to this is a 7pm during Summer Solstice where a small area of the roof of the properties at 3 and 5 Nathan Street incur additional shading.

When compared to the complying model (shown in green) the additional shading from the proposed building (shown in red) at the Autumn Equinox almost entirely falls within the boundaries of the site or on the road. The exception to this is at 5pm in the Autumn Equinox where additional shading is present on the properties at 1 and 3 Nathan Street, however this additional

shading appears to be concentrated on the banks of the stream and the yard and does not appear to shade the dwellings, with only a small part of the garage at 1 Nathan Street being affected.

When compared to the complying model (shown in green) the additional shading from the proposed building (shown in red) at the Winter Solstice almost entirely falls on the road or within the boundaries of the site. The exception to this is at 3pm in the Winter Solstice where some additional shading is experienced on part of the dwelling and the rear yard at 1 Nathan Street.

When compared to the complying model (shown in green) the additional shading from the proposed building (shown in red) at the Spring Equinox falls at 9am and 12pm falls within the boundaries of the site or on the road. There are two exceptions to this. At 3pm, the additional shading from the proposed building is limited to the yard and stream bank (but not on the dwellings) at 1 and 3 Nathan Street. At 5pm, the additional shading experienced to these two properties is more significant.

In summary, due to the generous setbacks achieved, the similar relative elevation of these neighbouring properties compared to the site, and the existing shading of these properties due to the proximity to the hill on Main Road (to the west of the site), we consider on balance, in the main, that any potential shading effects on these properties from the proposed new building will be no more than minor.

3.7.2 292A Main Road

Being located to the north of the site, there are no additional shading effects experienced by the neighbouring dwelling at 292A Main Road from the proposed new building.

The setbacks achieved from the northern boundary have achieved as close to compliance as possible with the recession planes for the neighbouring northern, with a 5.6m breach being experienced ie: a small portion of the top storey.

The generous boundary setbacks achieved and the careful site design, have resulted in a development which no additional shading effects on this property. This is supported in the shading diagrams on Sheets RC07.02; RC07.03; RC07.04; and RC07.05 of the Archaus plans.

In summary, as shown in the shading assessment provided, we consider any shading effects have been reduced as much as possible, and will overall be less than minor.

3.8 Landscape and Ecological Effects

A comprehensive landscape plan, planting palette and design statement have been undertaken for the development by Local and are included in Attachment 8 to this application. This landscape plan, planting palette and design statement form an integral part of the application.

The landscape plan identifies the existing landscape context and the proposed planting including public and private areas on the site.

The public areas are the main public entrance which will include access steps and ramp, and the area providing access to the site for scooter parking, rubbish collection and storage, and secure cycle storage.

The private areas on the site include both the western and eastern private outdoor spaces which are used as an extension to the internal living spaces.

The new planting in the area of the stream utilises appropriate native species for stream management and riparian areas.

The landscape design statement concludes:

*“The hard and soft landscape works on the site maximise the views and amenity of its Riparian edge and local street character. The consideration of usability, privacy and comfort has been at the forefront of the design for the private yards, with additional accessibility priorities for the main entry and storage areas”.*²

Consequently, we consider that any landscape effects of the 24 unit proposal are positive.

3.9 Traffic, Parking and Access Effects

To achieve appropriate and convenient access to the site, centralised steps and an access ramp will be located on the frontage.

These structures, along with landscaping of the road frontage outlined in the Local landscape plan, assist with appropriately marking the entry point to the building, providing suitable areas for outdoor seating and meeting points, and most importantly, provide safe and appropriate access options to the building for a range of building users.

As the steps and access ramp will be located on the berm area at the back of the footpath, these structures will not impede or affect pedestrians or road users in any way.

In summary, we consider there will be *positive* access effects of the proposed structures located on the frontage.

A traffic report has been undertaken for the site by Traffic Concepts Limited (Gary Clark) and is included in Attachment 7 to this application. This traffic and parking report forms an integral part of this application.

As noted at the pre-application meeting, the proposed development is one of the first larger scale multi-units in the Outer Residential area to be considered and tested under the NPS-UD and which does not provide carparking, although limited scooter/motorbike parking and cycle storage is included.

Google Maps shows that the proposed development is an (almost level) 8 minute walk and 2 minute cycle from Linden Station. See corresponding maps below:

² Main Road Tawa: Landscape Architectural Design Statement by Local Landscape Architecture Collective page 3

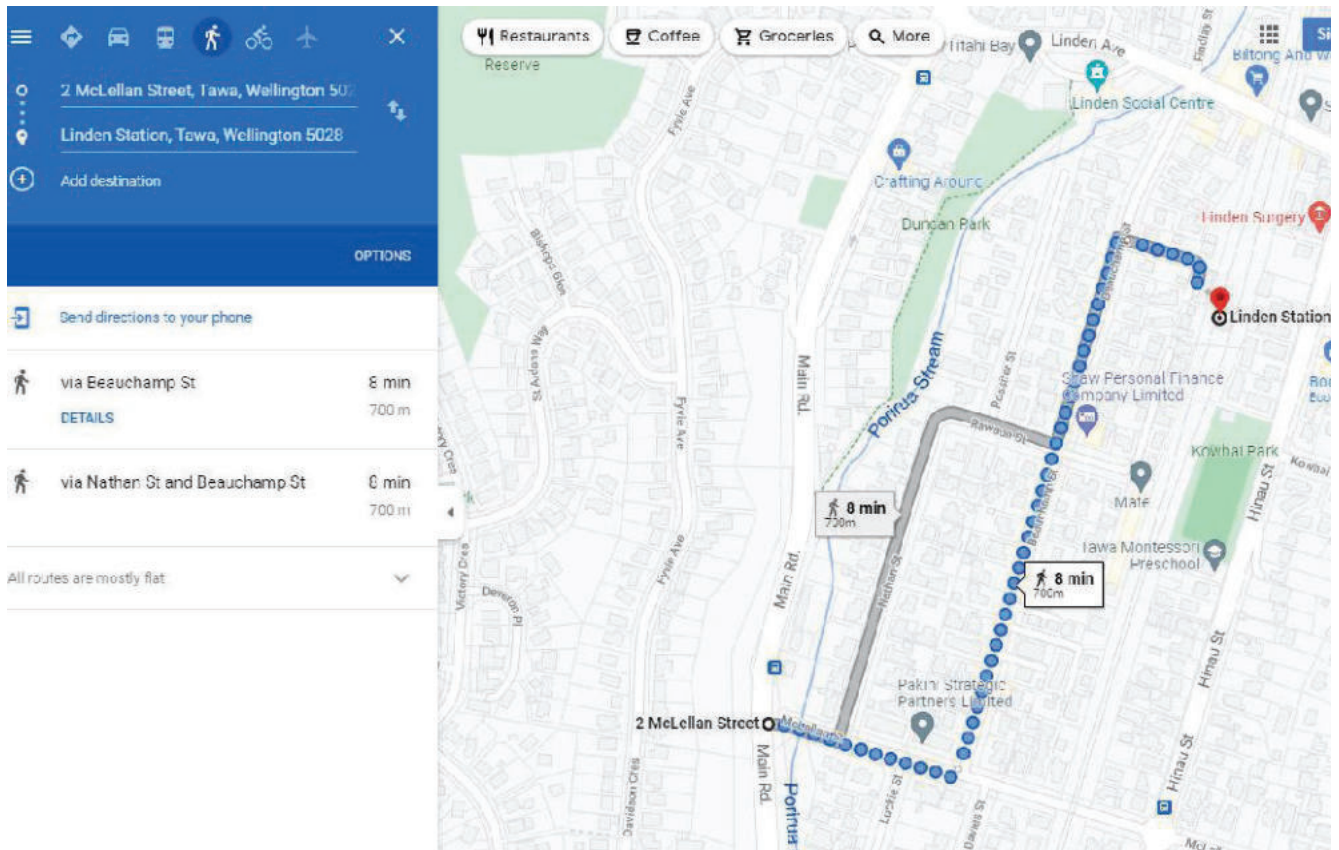


Figure 14: Walking distance and approximate time from/to Linden train station (Source Google Maps)

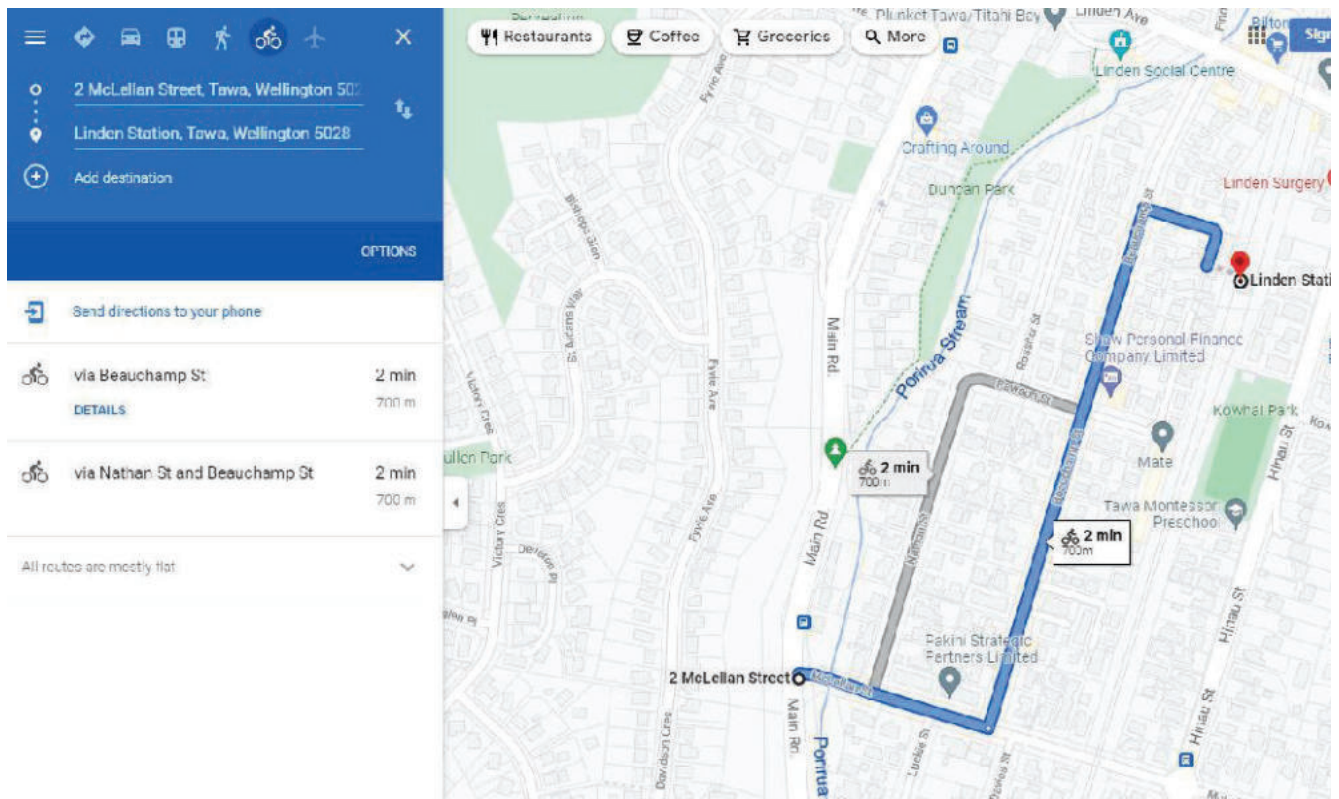


Figure 15: Cycle distance and approximate time from/to Linden train station (Source Google Maps)

A bus stop standing pad and a covered bus stop are located outside the site and across the road. These provide public transport links to the south (Tawa and Wellington City) and to the north (northern Tawa and Porirua City).

Mr Clark has fully considered the traffic and parking effects of the proposed development in his report. Mr Clark concludes:

The proposed development will provide a high quality residential multi-unit development. It is proposed to provide no on-site carparks and a loading area.

Wellington City Council has followed the direction of the NPS-UD to remove parking requirements from their Plans.

Overflow parking of up to 22 spaces can be accommodated on the adjacent road network where there are more than 60 spaces nearby. Any parking effects from the proposed development are considered to be no more than minor.

Overall, the impacts from the proposed development are able to be managed with any residue effects being less than minor.

Whilst car dependency remains a feature of the New Zealand lifestyle, the NPSUD has clearly signalled that a focus of designing cities is no longer about the motor vehicle having primacy. The removal of the requirement for parking is a first step in the process of moving New Zealand away from this transport option towards a focus around public transport and other alternative transport options (such as Share vehicles, E-bikes and Scooters).

The initial steps in this process of removing cars from the urban environment will see people parking on the street. Gradually people and systems (such as grocery delivery) will adapt as more developments of this nature are established.

This initial development has the advantage of being the first to be proposed in the Tawa area. The traffic engineer has provided a traditional assessment presuming that every owner will have a car and require a car park. In this case, the parks are available on the street because this is the first. As the area develops, parks will become more difficult to find. However, that is not a matter for the applicant to consider as this is the policy direction of the future.

Consequently, we consider that any traffic and parking effects the 24 unit proposal are less than minor.

3.10 Earthworks and Construction Effects

Site development works such as the construction of buildings and services associated with the building have the potential to generate a range of effects. In our experience of this type of development, construction effects relating to noise, dust, and run-off & erosion are the key aspects that need to be addressed.

Earthworks are proposed be undertaken over a significant part of the site to allow for the building platform to be created. However, once the building is constructed and the landscaping in undertaken in accordance with the landscape plans by Local, much of the site will either be covered by buildings or landscaped and therefore we consider any potential earthworks effects will be less than minor.

The foundation design proposed will minimise the ground disturbance, including earthworks in the floodplain.

These nuisance effects are only associated with the construction period, which is anticipated to be over a 12-18 month period for this development. Thus these effects will be temporary and occur over a relatively short period to enable the construction of the proposed building.

Noise effects can be minimised through the use of muffled machinery and limiting the working hours to the normal daytime period. In addition, the provisions of NZS 6803:1999 “Acoustics – Construction Noise” will apply in respect of noise during construction activities in the residential area. The consent holder will be bound by these and any other conditions of a consent approval.

Dust may only be a problem during dry and windy weather events. Dust suppression measures can be undertaken to avoid the adverse effects of dust blown from the site by dampening the working area. A water source is available on site for this purpose. If weather conditions are more extreme stopping works may be required to alleviate dust problems.

Given the scale of the earthworks and the contained nature of the site the potential for erosion and sedimentation from the earthworks during the construction phase is minimal.

Overall we consider that these potential construction effects can be appropriately managed by good site practices. These measures can be enforced through suitable consent conditions that seek to control dust, noise & silt laden storm-water run-off from impacting on the local environment.

We therefore consider that any adverse earthworks and construction effects of the proposed building development will be less than minor.

3.11 Geotechnical, Flooding and Natural Hazard Effects

Section 106 of the Act places a duty on consent authorities to consider the risks of natural hazards affecting the land as well as legal access as part of the subdivision consent process. The risk assessment of natural hazards requires a combined assessment of:

- The likelihood of natural hazards (individually or in combination);
- The potential for damage to the land, other land and related structures;
- The future use of the land and if this is likely to accelerate or worsen the potential for damage.

Council may impose conditions on a subdivision consent to avoid, remedy or mitigate the effects of natural hazards associated with the land.

The natural hazards that may need to be considered relate to seismic stability, liquefaction, landslips, flooding, tsunami and/or storm surge, fire and erosion. The main natural hazards that are relevant to the subject site are earthquakes and flooding.

In respect to flooding, the site is within an identified flood area. The applicant has identified the flood floor level and ensured that the dwellings will be clear of the 100 year flooding levels.

The design of the foundations will be piled to ensure that the structure will not displace floods in a flooding event. The effects of this hazard is therefore effectively mitigated.

The risk of an earthquake occurring at the site is no different to the majority of Wellington. The site is not close to any known fault-lines for surface rupturing to be a significant issue. The site is not located within the Hazard (Ground Shaking) Area of the District Plan. Therefore, the seismic related risk to the land is considered to be low, and the requirements of the building code can

adequately mitigate the potential for damage to the future buildings. The land contains an existing dwelling (as do all of the surrounding sites) that have been standing for decades.

The earthworks for the building foundations will be supported by retaining walls that will be specifically designed and require building consent approval. Consequently, the stability of the works will be designed and supervised by appropriately qualified engineers as part of the building consent process.

3.11.1 Geotechnical report

The applicant commissioned ENGEO to provide a Geotechnical assessment and the full report is included in Attachment 6 to this application.³

The ENGEO Geotechnical report identifies three potential natural hazards for the site including seismic hazard, slope instability and flooding. The conclusions of the report state:

In summary, if the potential natural hazards discussed in Section 4 are considered during the building consent stage, then we see no geotechnical reason why the proposed development cannot be successfully engineered and constructed.

Further geotechnical works during the building consent stage include site specific testing to provide geotechnical data used in foundation and settlement analysis, liquefaction and lateral spread assessment, and a slope stability analysis of the eastern slope towards the stream (if required).

It is likely that a piled foundation system socketed in bedrock will mitigate the liquefaction and lateral spread hazard/consequences (if identified). If the liquefaction risk was assessed as low, then a shallow foundation system could be possible.

For the earthworks, temporary support or retaining will be required at some locations adjacent to the site boundaries.

3.11.2 Flooding report

Following the ENGEO Geotechnical Report (Resource Consent) – 292 Main Road, Tawa dated 30/03/2021, the applicant has commissioned a further Flooding report by ENGEO and the full report is included in Attachment 7 to this application.⁴

³ ENGEO Geotechnical Report (Resource Consent) – 292 Main Road, Tawa dated 30/03/2021

⁴ ENGEO Flood Assessment Report - 292 Main Road, Tawa, Wellington dated 4 October 2021

The WCC GIS and GWRC Flood Hazard maps shows that the site is subject to flooding (refer Figures 16, 17 and 18 below).

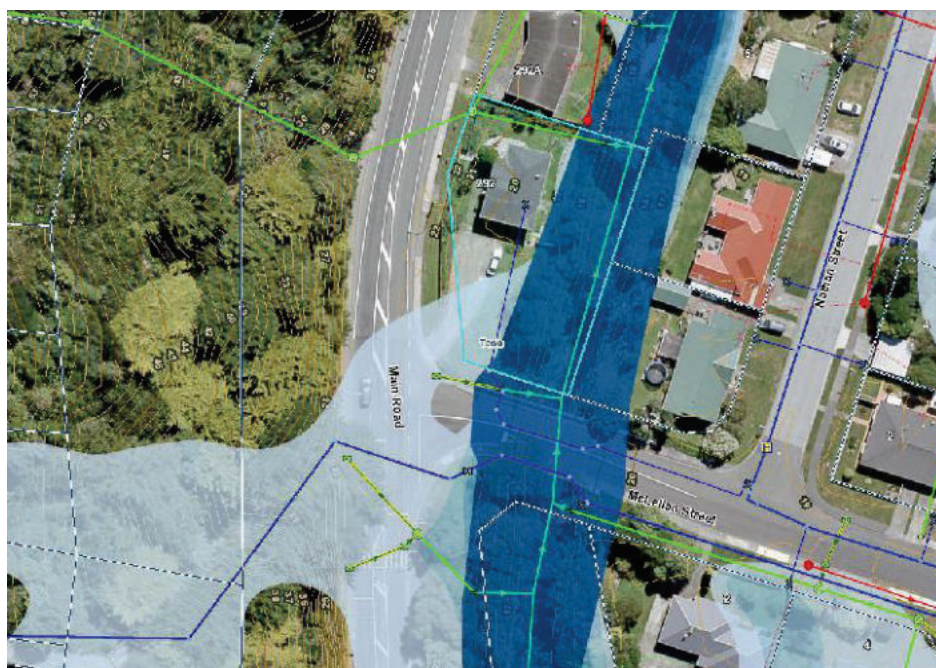


Figure 16: Aerial of Site – Extract from WCC GIS

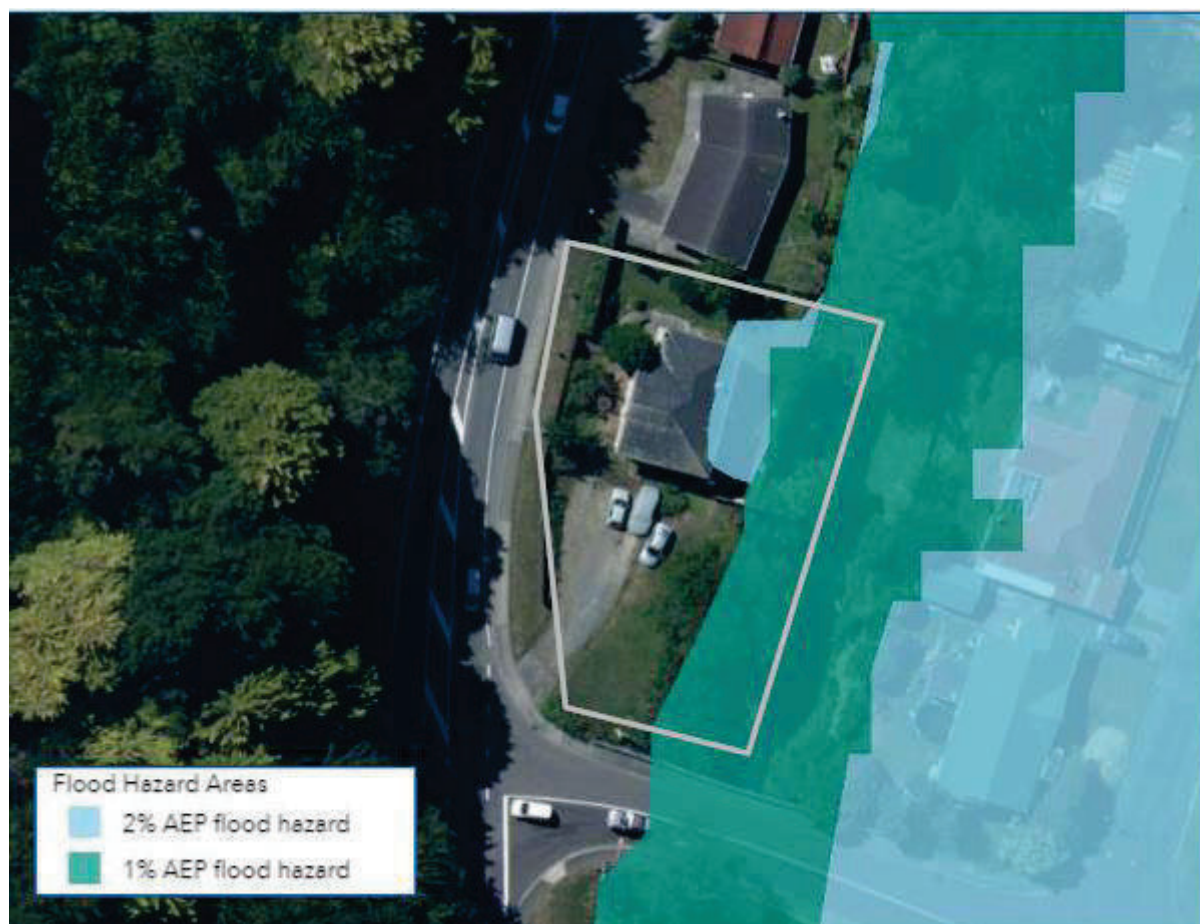


Figure 17: Flood Hazard Map GWRC

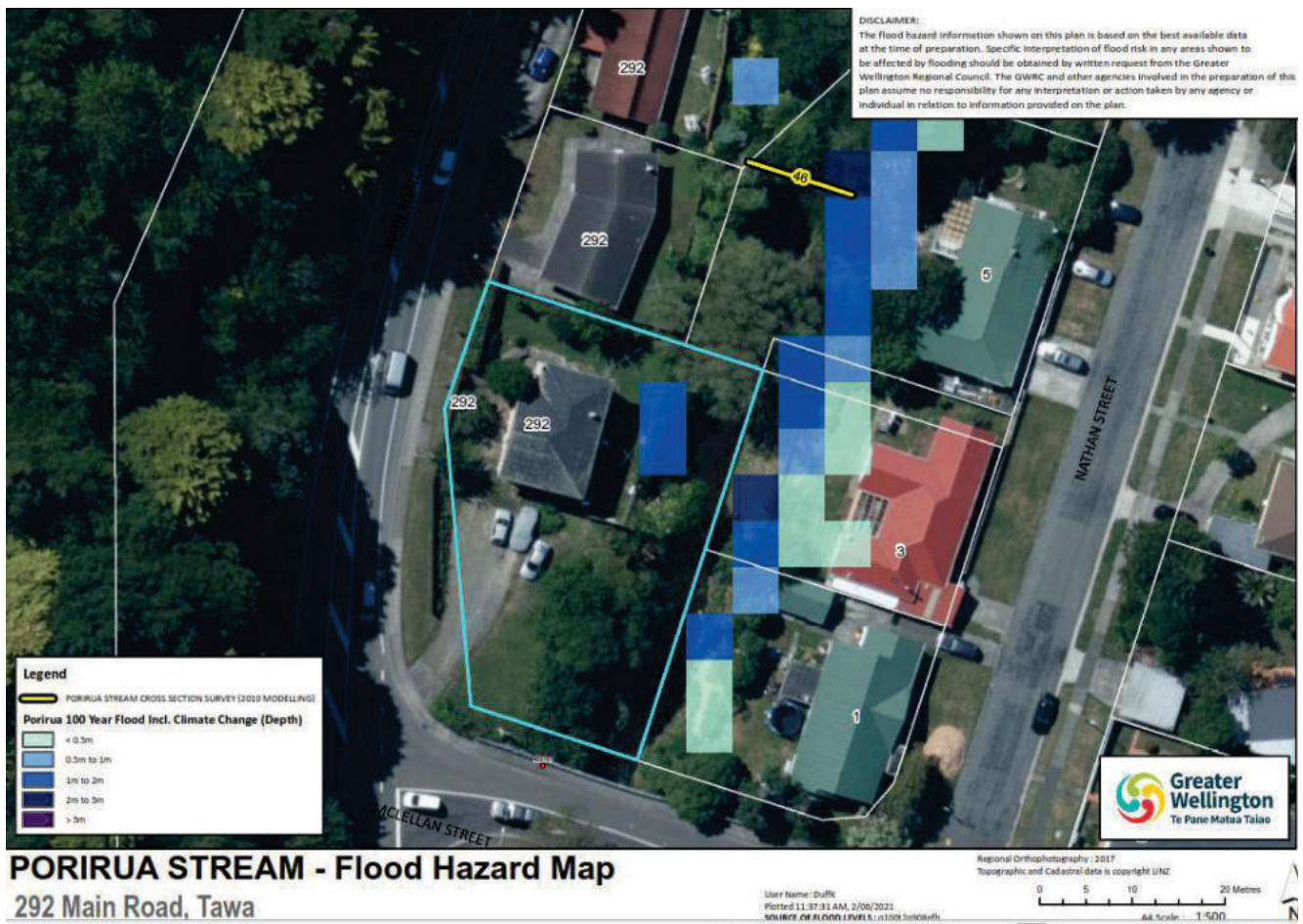


Figure 18: Porirua Stream Flood Hazard Map (GWRC)

In addition, Wellington Water and Greater Wellington Regional Council have been consulted regarding the flood depths (for the 100 year event). In consultation with GWRC and WWL, the proposed building has been designed with a finished floor level of 20.65m. This floor level is above the 1% AEP flood hazard level for the site and well above the flood hazard level from the adjacent Porirua stream.

As a result, we consider that the development can be undertaken successfully by incorporating consent conditions requiring appropriate design methods to mitigate the flooding effects as is required by Section 106 of the Act.

Overall, we consider the site is suitable for the development and that any potential adverse effects relating to the risk of natural hazards will be less than minor and that the development includes appropriate mitigation measures.

The development will be provided with drive-on access for limited scooter/motorbike parking and for a small rubbish truck to service the building. Cycle parking will also be provided on the site.

We therefore consider the site is suitable for the development and the proposed subdivision, and that the provisions of section 106 of the Act can be met.

4 DISTRICT PLAN ASSESSMENT

4.1 Objectives and Policies

Section 104(1)(b)(vi) of the Resource Management Act requires the Council to consider the relevant provisions of the District Plan when assessing applications for resource consent. This includes the relevant objectives and policies of the District Plan, which in this case are considered to be:

- Objective 4.2.1 To enhance the City's natural containment, accessibility and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas.*
- Policy 4.2.1.1 Encourage consolidation of the established urban area.*
- Policy 4.2.1.5 Enable residential intensification within the Inner and Outer Residential Areas provided that it does not detract from the character and amenity of the neighbourhood in which it is located.*
- Objective 4.2.3 Ensure that new development within Residential Areas is of a character and scale that is appropriate for the area and neighbourhood in which it is located.*
- Policy 4.2.3.1 Ensure that new developments in the Inner and Outer Residential Areas acknowledge and respect the character of the area in which they are located.*
- Policy 4.2.3.5 Require on-site, ground level open space to be provided as part of new residential developments to enhance visual amenity and assist with the integration of new developments into the existing residential environment.*
- Policy 4.2.3.6 Minimise hard surfaces by encouraging residential development that increases opportunities for permeable open space areas.*
- Policy 4.2.3.7 Encourage the retention of mature, visually prominent trees and bush in association with site redevelopment*
- Objective 4.2.4 Ensure that all residential properties have access to reasonable levels of residential amenity.*
- Policy 4.2.4.1 Manage adverse effects on residential amenity values by ensuring that the siting, scale and intensity of new residential development is compatible with surrounding development patterns.*
- Policy 4.2.4.2 Manage the design and layout of new infill and multi-unit developments to ensure that they provide high quality living environments and avoid or mitigate any adverse effects on neighbouring properties.*
- Policy 4.2.4.4 Ensure that new residential developments recognise and provide for the health and safety of people.*
- Objective 4.2.5 To encourage the energy efficiency and sustainability of buildings and subdivisions in Residential Areas*
- Objective 4.2.6 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.*
- Policy 4.2.6.1 Encourage subdivision design and housing development that optimises resource and energy use and accessibility.*
- Policy 4.2.6.2 Ensure the sound design, development and servicing of all subdivisions.*

- Policy 4.2.6.3 Control subdivision lot size and design within established residential suburbs to provide for flexibility in future land use, while ensuring that the subdivision will not result in patterns of development that would adversely impact on the townscape character of the surrounding neighbourhood or the amenity of adjoining properties.*
- Policy 4.2.6.5 Control greenfield subdivision to ensure that adverse effects are avoided, remedied or mitigated and that neighbourhoods are created which have a high amenity standard and which are adequately integrated with existing and planned infrastructure.*
- Objective 4.2.7 To facilitate a range of activities within Residential Areas provided that adverse effects are suitably avoided, remedied or mitigated, and amenity values are maintained or enhanced.*
- Policy 4.2.7.1 Control the potential adverse effects of residential activities.*
- Objective 4.2.12 To enable efficient, convenient and safe access for people and goods within Residential Areas.*
- Policy 4.2.12.2 Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic within Residential Areas.*
- Policy 4.2.12.4 Require appropriate parking, loading and site access for activities in Residential Areas.*

The overall intention of the relevant objectives and policies are met by this proposal. The proposal provides additional residential housing that can be serviced from the existing public infrastructure without adversely affecting the provision of services to existing users.

The design statement by Archaus Architects includes the following assessment of the proposal:⁵

The proposal is for a new four storey apartment building at 292 Main Road in Tawa with 24 two-bedroom apartments, six per storey each with their own balcony, yard, or deck. This proposal will replace the existing single storey dwelling on the site that is to be demolished (4.2.1) To enhance the City's natural containment, accessibility, and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas. The height of the new development has been carefully considered in relation to the size of the parcel and its surrounding neighbors, sitting at four stories instead of the proposed six stories that the National Policy Statement on Urban Development 2020 is pushing for in areas near rapid transit hubs, which this site would fall under. We believe the building design will help enhance and set an example of high-quality urban design for the area's future develops (4.2.4.1).

The overall building mass is aligned to the street front, but the mass of the building is broken up through steps in the front and back elevations in order to break up the bulk of the form and form a finer grain to suit the residential nature of the area. The facades have been broken up into vertical sections which relate to the scale and internal layout of the apartments but is tied together as read as a primary element using the continuous rainscreen that wraps around each volume.

Balconies give each apartment private outdoor amenity (4.2.4). They also provide privacy from their surroundings and help mitigate over-heating from solar gain. The materiality and Positioning of the balconies is a key part of the design; this secondary element's expression and placement break up the bulk and adds depth to the façade on the east and western facades, as well as helping reduce down wash created by the wind. The layout of the apartments has been oriented on an east and west access to maximise views and natural light determining that the largest portion of the glazing is on the front and back facades. The north and south facades have been designed with future development in mind and so have less fenestrations that allow natural light into the living rooms and bedrooms while maintaining privacy for the user and preventing overlooking to

⁵ Extract from Archaus Design Statement November 2021

neighbouring sites (4.2.4.2). Depth has been created in the northern and southern facades through a continuous strip of fenestration in the face of the building where the common hallway is located. The main entrance is glazed and located centrally slightly below street level given the falls in the site. Different Fenestration and cladding has also been used to further break up the large face of the entrance facade through play with vertical and horizontal elements that penetrate the primary volume (see proposed 3d views).

The proposed building is set twelve metres off the back eastern boundary to protect the adjacent stream, mitigating adverse effects of future development to this natural resource. A planting scheme by Local Landscape Architecture Collective has been design as part of this proposal to further enhance the site in relation to the surrounding area and mitigate adverse effects of development around the stream (4.2.8.4) to Encourage retention and restoration of indigenous ecosystems and habitats and (4.2.8) maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment. The building is also raised above flood level to ensure amenity to occupants (4.2.10.3) ensuring that buildings and structures in Residential Areas do not exacerbate natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes. The landscape design has also considered (4.2.12.1) improved access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.

The design statement concludes that the project has a sympathetic response to the site and is appropriate in the wider context.

We concur with the Archaus assessment above and consider that proposed new building is deemed acceptable by the objectives, policies and rules of the District Plan.

Earthworks

- | | |
|-------------------------|--|
| <i>Objective 29.2.1</i> | <i>To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.</i> |
| <i>Policy 29.2.1.2</i> | <i>Provide for minor earthworks to allow the use and development of land where the risk of instability is minimal.</i> |
| <i>Policy 29.2.1.3</i> | <i>Ensure that earthworks are designed to minimise the risk of instability.</i> |
| <i>Policy 29.2.1.4</i> | <i>Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, wetlands and coastal waters.</i> |
| <i>Policy 29.2.1.7</i> | <i>Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.</i> |
| <i>Policy 29.2.1.10</i> | <i>Ensure the design of structures used to retain or stabilise landslips, reflect the character and visual amenity of the local area.</i> |
| <i>Policy 29.2.1.11</i> | <i>Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.</i> |
| <i>Policy 29.2.1.12</i> | <i>Protect koiwi (human remains), taonga, Maori and Non-Maori material ...</i> |

The proposal is considered to be consistent with the earthworks outcomes sought in the District Plan.

4.2 Residential Area Design Guide Assessment

An assessment of the proposed development has been provided in Attachment 3 to this application.

The proposal will create a positive residential environment for future residents.

5 MITIGATION AND MONITORING MEASURES

Specific mitigation measures are only required when the adverse effects on the environment are deemed to be more than minor. In this case, the actual and potential effects will be less than minor. Therefore, no particular mitigation measures have been proposed.

Nevertheless, we propose the following standard type conditions for the proposal.

5.1 Suggested Conditions

Land Use Conditions

1. The proposed building works must be in accordance with the plans and information provided with the application.
2. Working hours for the earthworks and construction are to be as follows:
 - Monday to Saturday: 7.30am to 6pm (No work on Sundays or Public Holidays)
3. Stormwater run-off from earthworks must be managed for the duration of the works. Earth or debris must not deposit on land beyond the site. Untreated run-off from earthworks must not enter the Council's stormwater system.
4. The consent holder must ensure that the discharge of dust created by the earthworks, transportation and construction activities is suitably controlled to minimise dust hazard or nuisance.
5. A general monitoring condition.

Aside from the above, we anticipate that the standard conditions Council normally impose on land use consents of this nature will be sufficient to ensure that the proposed building works are carried out in a manner that is consistent with Council's expectations for development in the district.

6 CONSULTATION

6.1 Pre-application meeting

A pre-application meeting was held on 16 April 2021 (SR487769) with WCC officers. Planning, urban design and traffic were discussed at this meeting. Comments were also sought from Wellington Water Limited.

7 ASSESSMENT OF NOTIFICATION AND AFFECTED PERSONS

The provisions of sections 95A to 95E RMA are considered in this section.

This application represents a significant departure from the current District Plan rules, particularly with respect to height, bulk and location and shading. However, this must be balanced against the future planning environment which has been signalled by the NPS-UD, Draft District Plan, and the Adopted Spatial Plan and the recently introduced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. All of these documents signal a new future direction for development on this site.

The applicant has undertaken consultation with the immediately adjoining property owners however no written approvals have been provided.

The applicant therefore requests that this application be publicly notified.

8 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

On the 20th August 2020 the National Policy Statement on Urban Development (NPS-UD) came into effect. The Wellington City Council, in its regulatory capacity, has not fully responded to this Policy Statement and the current provisions of the District Plan do not reflect all the requirements of this recent and specific higher level planning document.

The objectives of the NPS-UD include:

- O1 – New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- O2 – Planning decisions improve housing affordability by supporting competitive land and development markets.
- O4 – New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Under Policy 1 and Policy 2, the NPS-UD applies to all planning decisions, including resource consent applications so as to contribute to well-functioning urban environments and to provide sufficient development capacity for the short, medium and long term.

Policy 6(b) acknowledges that planning decisions (including decisions on resource consents) under the NPS-UD may involve changes to urban areas that result in a detraction of amenity values in the local area. However, the NPS-UD promotes that these changes will lead to improved amenity values for the wider residential community and future generations. To this extent the NPS-UD confirms that such a detraction in localised amenity values is not an adverse effect.

Policies 6(c) and 6(d) also require planning decisions to have particular regard to the benefits of urban developments that would create well-functioning urban environments and that provide development capacity as envisaged by the NPS-UD.

The subject proposal will increase the number of units on this site. The quality of the proposed new units is above average. Therefore, the proposal will provide benefits for the social, economic and cultural wellbeing of the city by providing additional housing stock for the local market.

With respect to Policy 11 and Subpart 8 – Car Parking, the NPS-UD has introduced a directive which prohibits provisions of a District Plan that impose minimum parking requirements. The proposal is therefore consistent with the direction of the NPS-UD and does not provide any off street car parking spaces within the development (Note access for a small rubbish truck, limited motorbike parking and bike parking are provided as part of the development). Therefore, the proposal aligns with the outcomes and intentions of the NPS-UD.

The NPS-UD is a higher level planning document than the District Plan. The District Plan has not been amended to meet the intentions of the NPS-UD. Nevertheless, planning decisions must give effect to the NPS-UD. Therefore, in assessing the application, consideration must be given to the NPS-UD and its objectives.

In carrying out that exercise, it can be concluded that granting the consent is consistent with the NPS-UD.

9 POSITIVE EFFECTS – SECTION 104(1)(a)

The proposed new units will have the following positive effects:

- The proposal meets the intention of the RMA in terms of sustainable management of the limited urban land resource as the site is in an established urban area and in close proximity to services within Linden, Tawa, and the CBD.
- The proposal meets the intentions of the outer residential zone, in particular the District Plan Objective and Policies relating to the intensification of suburban land by the efficient use of land suitable for residential development. Currently the site is occupied by one dwelling 24 new units are proposed.
- The proposal will result in the efficient use of resources as it utilises existing infrastructure wherever possible.
- The proposal will provide for the economic and social wellbeing of the applicant and the future residents.
- The proposal assists to achieve the aims of the National Policy Statement on Urban Development Capacity by helping to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
- The access steps and ramp at the front of the site will provide appropriate and convenient access to the site for all units and their visitors.

10 ASSESSMENT OF PART 2 RMA

We consider that the proposed 24 new units are entirely consistent with the main purpose of the Act, which is the sustainable management of resources. In particular, the proposal can be incorporated into the local environment to allow for the future wellbeing of the applicant and community in terms of their social and economic needs. In doing so any adverse effects are minor on the environment.

We have considered the matters of national importance and do not believe that any of the particular matters are applicable to the subject site. There are no other matters under Part II of the Act that are relevant to the proposal that have not already been addressed in this application. Overall, it is considered that the proposed activity would be consistent with Part II of the Act.

11 CONCLUSION

The 24 new units have been assessed overall as a non complying activity pursuant to rule 5.5 of the District Plan

Under Section 104D of the Act Council may grant consent for an activity only if it is satisfied that either the effects on the environment will be minor or the application will not be contrary to the objectives and policies of the District Plan.

We have assessed the adverse effects of the proposal and are of the view that, in the main, the proposal will have no more than minor adverse effects on the environment.

Our conclusion is that the proposal is not inconsistent with the current objectives and policies of the District Plan though it is acknowledged that the size of the development is ‘on the margin’ of what can be considered under the existing provisions. The new provisions will provide for this type of development ‘as a matter’ of course.

The proposal will be a sustainable use of resources and consistent with section 5 outcomes. There are no matters of national importance relevant to the proposal. The proposal is also not inconsistent with any section 7 matters.

Therefore in our view, consent can be granted to the proposal pursuant to s104D of the Act with appropriate conditions as suggested.

**Decision on a Publicly Notified Resource Consent
Made Under Delegated Authority (No Hearing)**

1st December 2022

Service Request No: 507153
File Reference: 1850777

<u>Site Address:</u>	348 Ohiro Road, Brooklyn
<u>Legal Description:</u>	Lot 1 DP 429174
<u>Applicant:</u>	Monty Asare C/- Calibre Consulting Ltd
<u>Proposal:</u>	To undertake a three-lot residential subdivision
<u>Owners:</u>	Montgomery Kwadwo Asare
<u>Service Request No:</u>	507153
<u>File Reference:</u>	1850777
<u>Operative District Plan Area:</u>	Outer Residential Area
<u>Notations in Operative District Plan:</u>	Chapter 5 Appendix 22 Hill Slopes off Ohiro Road
<u>Other Notations:</u>	Nil
<u>Activity Status Operative District Plan:</u>	Discretionary (Unrestricted) Activity
<u>Proposed District Plan Zone:</u>	Medium Density Residential Zone
<u>Notations Proposed District Plan:</u>	Height Control Area
<u>Qualifying Matters Proposed District Plan:</u>	Inundation Area Stream Corridor
<u>Activity Status Proposed District Plan:</u>	N/A

DECISION:

That officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104B of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to undertake a three-lot residential subdivision at 348 Ohiro Road, Brooklyn (being Lot 1 DP 429174) subject to the following conditions:

Conditions of Consent:**General:**

SR No. 507153

1 of 23

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- (a) The proposal must be in accordance with the information provided with the application Service Request No. 507153 and the following plans prepared by Calibre Consulting Limited, titled ‘348 Ohiro Road Brooklyn Wellington’;
- Scheme Plan of Proposed Lots 1-3 being subdivision of Lot 1 DP 429174, Project no 709466, Sheet V301 Rev B and dated 25/11/2021;
 - Proposed Stormwater, Project no. 706857, sheet P05, Rev F and dated 21/06/13; and
 - Proposed Sewer for House Sites 1 and 2, Project no. 706857 sheet P06 Rev G and dated 13/12/13.

Engineering Standards:

- (b) The consent holder must comply with the requirements of the *Wellington City Council Code of Practice for Land Development* (either its current version or replacement document), unless otherwise modified by condition(s) of the consent or agreed in writing by the Wellington Water Land Development Team. These are the engineering standards for mitigating adverse effects on the environment from earthworks, traffic (roading and vehicle access), wastewater and stormwater drainage, water supply and utility structures.
- (c) No construction must start prior to the following engineering plans in relation to water supply, stormwater or wastewater drainage, being accepted in writing by the Wellington Water Land Development Team:
- i. Plans and design are required for the new servicing for proposed lot 3.
 - ii. specifications
 - iii. condition assessments, including as-built plans, for common private wastewater and stormwater infrastructure

Note:

- *Where drainage works are required, permits in addition to this resource consent is required.*
- *Prior to connection, an application for water supply, wastewater and stormwater is required to be made to WCC. All works must be inspected and tested by Wellington Water Ltd (Water and Drainage Inspectors).*
- *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.*

Water supply connections – simple subdivision and rider mains:

- (d) The consent holder must an individual water service pipe connections for Lot 3. Lot3 shall be provided with water toby manifolds at the boundary and a leader water pipe to at least 1 m inside the main body of the lot. An engraved plastic tag reading “WATER SUPPLY MANIFOLD FOR (Street No)” is to be secured to the manifold clearly showing which property is served by the manifold.

Note:

- Where the manifold is located that can be identified as clearly serving a specific lot, an engraved plastic tag may not be required.
- Water manifolds are not to be in areas subject to traffic loads.

New wastewater connections:

- (e) Lot 3 must be provided with a separate and direct connection to a public wastewater network in accordance with the *Wellington City Council Code of Practice for Land Development*.

New stormwater connections:

- (f) Lot 3 must be provided with a separate and direct connection to a public stormwater network, in accordance with the *Wellington City Council Code of Practice for Land Development*.

Stormwater Quality Treatment:

- (g) Bare galvanised, zinc alum or unpainted metal (including copper) may result in contamination of stormwater runoff upon corrosion of surfaces and therefore shall not be used for exterior construction, including but not limited to roofing, cladding, gutters and downpipes.

*Note: Upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify **condition (g)** above to be registered against the Record of Title to issue in respect of Lot 3 inclusive of this subdivision.*

Stormwater Neutrality:

- (h) To avoid impact on the downstream network, stormwater neutrality is required for all events up to the 1% AEP event (1 in 100-year event). Lot 3 must therefore be provided with a stormwater management system(s). The stormwater management design must be approved in writing by the Wellington Water Land Development Team and the following aspects must be met.
- i. The owner of Lot3 must at the time of house construction, construct an approved stormwater management system or systems in accordance with plans approved under the Building Consent and agreed with the Wellington Water Land Development Team.
 - ii. The stormwater management system(s) must be designed so that the total stormwater discharge post-development from Lot 3 for all events up to the 1% AEP event must be less than or equal to the stormwater runoff flows prior to the development.
 - iii. The owner(s) of Lot 3 must ensure that all connections to the system(s) are trapped to minimise debris entering the system.
 - iv. Following construction of the stormwater management system(s), an as-built plan and a maintenance schedule must be made available for future property owners. The plan and schedule must be approved by the Wellington Water Land Development Team.

- v. The owner of Lot 3 must follow the required operation, maintenance and renewal of the system(s), set out in the maintenance schedule, to ensure it is in full working order at all times.
- vi. The owner(s) of Lot 3 cannot increase stormwater discharge, through an increase in non-permeable areas, without Council approval; as an increase in stormwater discharge may result in failure of the stormwater detention systems.

*Note: Upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify **condition (h)** [including all subclauses] above to be registered against the Record of Title to issue in respect of Lot 3 of this subdivision.*

Stormwater Treatment (Quality):

- (i) To mitigate stormwater contamination, the use of building or roofing materials that can leach contaminants such as lead, copper and zinc will require a stormwater treatment solution to be implemented prior to the construction of any building containing these materials. The proposed treatment system must be certified by the Council's Compliance Monitoring Officer prior to its installation.

*Note: Upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify **condition (i)** above to be registered against the Record of Title to issue in respect of Lot 3 of this subdivision*

As-built Plans:

- (j) At the conclusion of the engineering works and prior to s224 approval, the consent holder is to submit as-built drawings that meet the requirements of *Wellington City Council Code of Practice for Land Development* and *Wellington City Council Interim As-built Specification for water supply, wastewater and storm-water drainage*.
- (k) Once an as-built plan has been submitted and within one month of completion of the drainage works and/or before vesting of assets or application pursuant to s224, the Consent holder is required to 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. As built plans are to be submitted for existing water, wastewater and stormwater connections to lots 1 and 2 including the council stormwater and wastewater infrastructure associated with the subdivision but missing from council as-built GIS records.

Section 224(c) completion certification:

- (l) The application for a certificate under section 224(c) shall be accompanied by certification from a Chartered Professional Engineer or Registered Professional Surveyor stating that all water supply and drainage works and services associated with the subdivision have been installed in accordance with the approved plans and

specification. This certificate shall be supplied following the As-built plans submission for acceptance.

Note: all subdivision consent conditions must be met before the issue of the s224(c) certification, including consent notices under s221, completion certificates under s222, bonds under s108/s222.

Easements:

- (m) Any utility services serving an allotment within the subdivision, where contained within another allotment of this subdivision, must have appropriate easements duly granted or reserved. The easements, as necessary and subject to other conditions of this consent, are to ensure that the lots can be serviced for water supply, drainage, domestic energy supply, and telecommunications (including broadband).

Notes: Easements in gross in favour of WCC are generally not required over public drainage networks and are used only where requested.

Fire and Emergency:

- (n) Any new building on Lot 3 must be constructed and located within 75m of a vehicle accessway. This is to ensure that maximum hose-run distances can be achieved within the development.

*Note: Upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify **condition (n)** above to be registered against the Record of Title to issue in respect of Lot 3 of this subdivision*

Advice Notes:

2. The survey plan must be submitted for approval in accordance with section 223 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.
3. Addresses have been allocated as follows:
 - Lot 1 – 357m² – 350 Ohiro Road, Brooklyn 6021
 - Lot 2 – 1042m² – 348 Ohiro Road, Brooklyn 6021
 - Lot 3 – 4473m² - 344 Ohiro Road, Brooklyn 6021
4. 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.
5. 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.
6. Additional fees will be required by the Council with the application(s) for the section 223 and 224 certificates. The section 224 certificate will be issued following compliance with all conditions of consent set out above, and payment of any development contribution that may be payable.

7. 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.
8. 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.
9. The methods set out in the Greater Wellington Regional Council guideline for erosion and sediment control for the Wellington Region should be followed when undertaking earthworks on the site:

<https://www.gw.govt.nz/assets/Resource-Consents/Erosion-and-Sediment-Control-Guide-for-Land-Disturbing-Activities-in-the-Wellington-Region.pdf>
10. As the proposal has the potential to increase stormwater run-off or creates sewage, the consent holder is advised to contact the Wellington Water Land Development Team (Wellington Water) to determine whether there is sufficient infrastructure capacity to accommodate the development and whether there will be any specific drainage requirements such as stormwater/wastewater neutrality.
11. It is the responsibility of the consent holder to identify any service mains or laterals that might be affected by any new buildings as proximity to these pipes will be considered at the building consent stage.
12. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council.
13. As landowner the Council requires damaged areas of legal road vegetation or berm to be reinstated by the consent holder within three months of completion of construction and this includes suitable remedy of compacted areas, including removal of any building debris, ripping of compacted soil and new topsoil if required to ensure grass strike or planting success. Grass is acceptable for reinstatement if the area was previously grassed; however, it is preferable (and required if existing previously) that the berm is reinstated with Wellington native plant species planted at 900mm maximum spacing and mulched.
14. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Tāonga Act 2014. An archaeological site is defined as physical evidence of pre-1900 human activity. This can include above ground structures as well as below ground features. Below ground features can include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

It is the responsibility of the property owner and/or person undertaking the work to obtain an archaeological authority (consent) from Heritage New Zealand Pouhere Tāonga (HNZPT) for all work that modifies or destroys an archaeological site. The applicant is advised to contact HNZPT prior to works commencing if the presence of an archaeological site is suspected in the area of works. If archaeological features are encountered during works, the applicant is advised to stop and contact HNZPT.
15. The development will be assessed for development contributions under the Council's Development Contributions Policy. If a development contribution is required it will be imposed under section 198 of the Local Government Act 2002. If you want to obtain an indication of the amount of the development contribution payable you can:
 - Access the development contributions policy at www.Wellington.govt.nz; or
 - Contact the Council's Development Contributions Officer.

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

Reasons for Decision:

1. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 2. The proposal is in accordance with the relevant objectives and policies of the Operative District Plan, Proposed District Plan and Part 2 of the Act.
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DECISION REPORT

NATIONAL POLICY STATEMENT

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

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

RELEVANT PLAN CHANGE

Proposed District Plan:

On 18 July 2022 the Council notified the Wellington City Proposed District Plan (PDP). This resource consent application was lodged prior to notification of the PDP, and therefore it retains the activity status at the time of lodgement pursuant to section 88A.

However, the proposal will be assessed against the objectives and policies of the PDP where relevant. If the conclusion reached under the Operative District Plan is different to the conclusion reached under the PDP, then the weighting of the PDP will determine the decision to the application. The weighting of the PDP will be discussed later in this report if necessary.

SITE DESCRIPTION

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

In short, the subject site contains an area of 5,872m² of hillside sloping topography that has a right of way to gain access direct to Ohiro Road. The site contains an existing two-story dwelling and has building consent has been sought under SR No. 322435 for a second dwelling to be constructed on proposed lot 1.

The four-bedroom dwelling is to be constructed on the site is across multiple levels (split level) and staggered down the hillside as can be seen in figure 1 below.

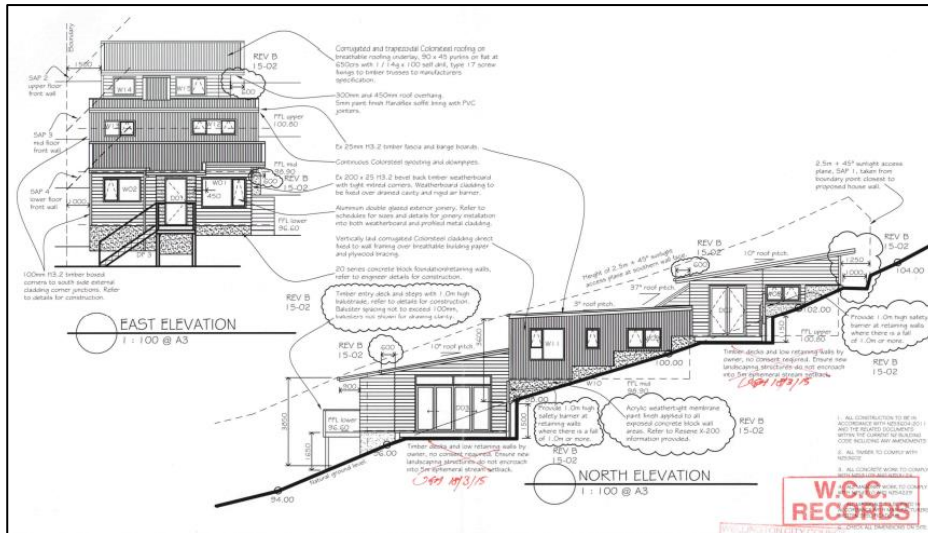


Figure 1: Second dwelling approved under BC, SR No. 322435

The surrounding environment comprises of both smaller and larger allotments given its valley topography. Opposite to the subject site contain smaller lots with a variety of dwellings comprising of duplexes, single household units and multiple dwelling on one lot with a cross lease agreement. The side in which the proposal is located contains much larger allotments with primarily one dwelling.



Figure 2: Aerial view of the subject site and surrounding environment.

PROPOSAL

The applicant has provided a detailed description of the proposal as part of their application documentation, including the AEE, landscape assessment, and the proposed plans. I accept this description, which should be read in conjunction with this report. Accordingly, I will only summarize the proposal below.

Resource Consent is sought for a three-lot residential subdivision around the existing dwelling (being proposed lot 2), the approved dwelling under building consent SR No. 322435 (being proposed lot 1) and the remaining lot 3 will be vacant.

The proposed subdivision will comprise of the following areas:

- Lot 1 – 357m²
- Lot 2 – 1,043m²
- Lot 3 – 4,470m²

Further details are provided in the AEE and associated plans and technical documents.

ACTIVITY STATUS

District Plan:

Resource consent is required under the following rule:

Rule 5.4.8 Subdivision Pursuant to Rule 5.4.8 any subdivision within Appendix 22 is considered a Discretionary (Unrestricted) Activity and must be publicly notified.	Discretionary (U)
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Overall, the proposal is assessed as a **Discretionary (Unrestricted) Activity** under the District Plan.

NOTIFICATION AND SUBMISSIONS

Notification Decision:

The application was publicly notified on 3rd June 2022 in accordance with sections 95-95F of the Act. A public notice appeared in the Dominion Post on this date and a sign was erected on the site. All owners and occupiers of land in the immediate area were served a copy of the application.

In accordance with section 95E of the Act, notice of the application was served on the adversely affected parties.

Submissions:

One submission, from Fire and Emergency New Zealand was received by the close of submissions. This submission opposed the application. There were no late submissions.

Requirement for Hearing:

Under section 100 of the Act, a hearing does not need to be held in relation to a resource consent application if:

- (a) The consent authority did not consider that a hearing was necessary; and
- (b) The applicant did not request a hearing and there were no submitters that sought to be heard.

The submitter formally withdrew their submission on the application. The submission was withdrawn as the submitter and applicant agreed to a condition with on-going effect via s221 consent notice with regards to the location of any future new building. Accordingly, there are now no submissions on this application and the decision can be made by officer's acting under delegated authority from the Council.

STATUTORY CRITERIA

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.”*

The application is for a Discretionary (Unrestricted) Activity under the District Plan. The Council may grant or refuse consent under section 104B of the Act and, if granted, may impose conditions under section 108 of the Act.

Section 104(1) of the Act sets out matters a consent authority shall have regard to in considering an application for resource consent and any submissions received. The matters relevant to this proposal are:

Section 104 (1) (a) “any actual and potential effects on the environment of allowing the activity;”

Section 104(ab) “any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity”

Section 104 (1)(b) “any relevant provisions of-

- (i) a national environmental standard;*
- (ii) other regulations;*
- (iii) a national policy statement;*
- (iv) a New Zealand coastal policy statement;*
- (v) a regional policy statement or proposed regional policy statement;*
- (vi) a plan or proposed plan”*

Section 104 (1)(c) “any other matter the consent authority considers relevant and reasonably necessary to determine the application.”

I will include an assessment later in the report against Part 2 as required.

SECTION 104 ASSESSMENT

Section 104(1)(a) – Assessment:

As detailed in the Statutory Information section above, the first requirement under section 104(1) of the Act is to assess the environmental effects of the proposal. The second part of the

assessment under section 104(1) is to consider whether the proposal is consistent with the outcomes sought by the relevant planning provisions, including any higher order planning documents and the objectives and policies in the District Plan (including any relevant plan changes). The third part of the assessment is to consider whether any other matters are applicable to the proposal.

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

Adverse effects:

As the application has a notification condition pursuant to rule 5.4.8 for the subdivisions within Chapter 5 Appendix 22 Hill Slopes off Ohiro Road. As the application has a notification condition no notification report was written therefore an assessment have been provided below.

This assessment forms the basis for the notification decision, I note that this assessment draws on the information provided in the AEE and the assessments of the following Council experts:

- Senior Earthworks Engineer, John Davies
- Transport and Vehicle Access Engineer, Arjun Manoharan
- Wellington Water Limited's Consultant Development Engineer, Alister O'Callaghan

Assessment:

Residential Amenity:

Residential amenity includes factors such as shading, privacy, character, bulk and dominance. The building recession plane provisions are intended to provide a degree of separation between buildings and allow a reasonable amount of daylight and sunshine to reach neighbouring sites. Site coverage together with private open space are the main tools used to control development density.

The proposed subdivision will result in a vacant lot (lot 3) being created with the remaining lots 1 and 2 containing an existing dwelling and dwelling that has building consent and considered to have been a permitted dwelling under the district plan provisions at the time the building consent was lodged. As they are the existing environment and the subdivision will occur around the structures the following assessment considers the effects on the vacant lot created as part of the subdivision and the effects on the amenity of the nearby residential properties and the scale of these effects.

346 Ohiro Road

The above property is located to the west of the subject site, the proposed building extent for the new proposed lot 3 will have a separation distance of approximately 150m to the boundary of the above site with a further 160m approximately to the dwelling on the above site.

With regards to the surrounding topography, both the subject site and the above site is within a valley. The above site dwelling is situated at a higher ground level (being 198m above mean sea level [AMSL]) where the proposed building site is to be at approximately 100m lower (being 100m AMSL) than the above site. The dwelling is to be located to the west of the overall site and given the topographical difference in ground level will be situated at a higher ground level and therefore looking directly over the site.

The above site has access to Ohiro Road over the subject site, no physical change is proposed as part of the access there will be a physical change when driving past the now vacant site and the with regards to the future development. This would be the only time the above site would

be visually impacted . As the above site will only visibly notice the additional allotment created when entering and exiting the site; the overall impact is considered to be negligible on 346 Ohiro Road. As previously mentioned above, with regards to the existing dwelling on proposed lot 2 and the approved dwelling on lot 1; these forms the existing natural and build environment. The dwelling on proposed lot 3 is to be located to the south-west of the site and given the topographical difference in ground level, it will be situated at a higher ground level and therefore looking directly over the lower portion of its site.

It is also important to note that the subject site and the above site are within a highly vegetative area which provides a screen to any future development on proposed lot 3. Given the separation distance and the existing vegetation on the site, No. 346 Ohiro Road will overall have a negligible impact from the proposed subdivision.

362 and 364 Ohiro Road

These properties are located to the south of the subject site, the site contains two dwellings that also utilise the same access as the subject site, being a 'slip-road' located within the legal road.

As mentioned below in the subdivision effects, the boundaries will be proposed to be around the existing dwelling and proposed dwelling on lot 1 and 2. While there is a site coverage encroachment, it will generate a negligible impact on the above site as discussed below in the subdivision effects assessment.

The proposed vacant lot 3 will be screened from 362 and 364 Ohiro Road by the approved (permitted) dwelling on lot 1 and the existing dwelling on lot 2, separation them. Given the separation distance and the existing vegetation on the site 362 and 364 Ohiro Road will overall have a negligible impact from the proposed subdivision.

12D Virginia Grove

This property is located to the north of the subject site, the proposed building extent for the new proposed lot 3 will have a separation distance of approximately 60m to the boundary of No.12D with a further 100m approximately to its dwelling. No dwelling is visible however a dwelling has been consented under building consent SR No. 512972. While the subdivision does not generate any visual changes it will open the development opportunity to construct up to three dwellings on lot 3 in accordance with the Proposed District Plan and the Medium Density Residential Standards (MDRS).

With regards to the surrounding topography, the subject site and No.12D is within a valley. The dwelling at 12D is situated at a higher ground level (being 159m above mean sea level [AMSL]) where the proposed building site is to be at approximately 50m lower (being 100m AMSL) than the dwelling at No.12D. The dwelling is to be located to the south-west of the overall site and given the topographical difference in ground level, will be situated at a higher ground level and therefore looking directly over the site.

It is important to note that the subject site and the above site are within a highly vegetative area which provides a screen to any future development on the subject site. Given the separation distance and the existing vegetation on the site, No.12D will overall have a negligible impact from the proposed subdivision.

361, 363, 363A, 365, 2/367A &B, 1 to 4/671, 369/A &B and 375 Ohiro Road

The above properties are located to the east of the subject site, the subdivision and proposed vacant lot will be separated by the road carriage way with a width of approximately 20m. It is

also important to note that given the length of the subject site and that some of the sites located above will have an obscured view of the proposed vacant lot while others will have a direct view of the site. The vacant lot 3 is to be on the northern end of the site with a separation distance of some 40m to the above site boundary.

Overall, given the topographical differences and the separation/distances between the subject site and the above sites, the proposed vacant lot 3 will not have any adverse impact on these lots across the road.

Vegetation will remain on the site and create a screening for the proposed future development on the vacant lot 3, noting that a permitted dwelling in accordance with the district plan provisions can be built on the site once the subdivision has been completed.

With regards to visual residential amenity the applicant has proved a Visual Impact Assessment provided by David Goodyear and dated 28th April 2022. Mr Goodyear provided the following assessment for the vacant lot 3, which I agree and has been adopted for this report:

In the case of the anticipated house on Lot 3, this house could potentially be up to 8m tall, set higher on the slope than the existing house and less well screened than Lot 1.

The degree of visibility of this house would depend on distance, visibility and factors such as colour and form of the possible house which are unknown. The house would be set on a steep slope with a dense cover of native vegetation below that would potentially screen a single or lower storey and will be seen against a bank clad with regenerating bush.

From Ohiro Road and from the lower levels of Livingston Road and Stock St., the visual impact of the house will be negligible due to the angle of view and the screening effect of the bush clad slopes below the potential house site.

The degree of visibility is likely to be greatest from viewpoints opposite and level with or slightly above the subject site. Of the viewpoints identified, this would apply to a couple of houses at the top of Stock Street (No's 11 and 12) with a South westerly view and possibly, 2 storey houses above Ohiro Road. From these houses, viewers would be likely to experience relatively unobstructed views to a house on Lot 3. Depending on the colour and form of the house, I consider that minor adverse effects of a single additional house set amongst the bush would be noticeable but will not cause significant adverse impacts. The visual effects, therefore from these locations, would be considered to be minor.

From viewpoints higher up the valley side, from houses higher up at the top of Livingstone Road and higher again, such as from Vogelmorn Park, the distance from the site, the angle of view and the obstruction by foreground vegetation is likely to mitigate any adverse visual impacts to less than minor.

Subdivision Effects:

As mentioned above, it is proposed to undertake a three-lot fee simple subdivision at the site. The proposed internal boundary will separate the existing dwelling under proposed lot 2 with an area of 1,042m². The dwelling approved under building consent SR No. 322435 will be located within proposed lot 1 with an area of 357m² and proposed lot 3 remaining vacant with an area of 4,473m² given the size of the proposed allotment a permitted dwelling can be built on the site as of right, once the subdivision is given effect to.

The positioning of the internal boundary between lot 1 and lot 2 will result in the dwelling on lot 1 exceeding site coverage by 1.9% which equates to 6.7m². This is considered a technical and internal breach due to the non-compliance being only a result and nature of the subdivision. Furthermore, the applicant is the owner of the site and therefore their written approval is considered to be provided.

Servicing Effects:

Wellington Water Limited's Consultant Development Engineer, Alister O'Callaghan, has assessed the proposal with respect to servicing. Mr O'Callaghan's assessment dated 17th February 2022 should be read in conjunction with this report. Mr O'Callaghan has no concerns with the ability of the development to be serviced.

Transport and Vehicle Access:

The Council's Transport and Vehicle Access Engineer, Arjun Manoharan, has assessed the proposal with respect to transport and vehicle access effects. Mr Manoharan's assessment dated 31st January 2022 should be read in conjunction with this report. Mr Manoharan has no concerns with the ability of the development to be serviced.

Under this assessment of transport and vehicle access, the submission from Fire and Emergency New Zealand noted the following concerns:

Accordingly, the remaining matters to be assessed relate to:

- The provision of firefighting water supply;
- Access to the site by emergency appliances; and
- The management of vegetation in relation to wildfire/fire spread risk.

I address these below:

Since the submission was received on the 30th of June 2022 with the above mentioned issues raised, the submitter has since withdrawn their submission as the applicant has agreed to a proposed condition that would result in a consent notice being registered on the record of title and therefore addressing the issues raised by the submitter. The submitter has accepted this, the condition is as follows:

Fire and Emergency:

(...) Any new building on Lot 3 must be constructed and located within 75m of a vehicle accessway, as per the defined 'building extent for firefighting purposes' identified on plan ref. sheet V301, revision C of project number 709466 by Calibre Consulting, dated 05/08/2022.

*Note: Upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify **condition (...)** above to be registered against the Record of Title to issue in respect of Lot 3 of this subdivision*

Positive effects:

The applicant identifies a number of positive effects of the application. I agree with and adopt their assessment.

The positive effects of the proposal include the addition of a vacant residential allotment for a future dwelling and addition of three fee simple properties to the Wellington housing market.

Effects conclusion:

Taking into account both the level of adverse effects that will be created by the proposal and its positive effects, I consider the effects to be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate

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

Section 104(1)(b): Relevant Planning Provisions:

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

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Operative District Plan
- The Proposed District Plan

Higher Order Planning Documents:

Other than the Regulations and NPS discussed below, there are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement.

National Policy Statement:

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

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

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

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

Overall, the proposal is considered to achieve the outcomes sought by the NPS-UD. Notably, the proposal facilitates additional housing capacity (one additional household units).

Regional Policy Statement:

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

- **Policy 41:** Minimising the effects of earthworks and vegetation disturbance.
- **Policy 48:** Principles of the Treaty of Waitangi.
- **Policy 50:** Managing effects on outstanding natural features and landscapes.
- **Policy 54:** Achieving the region's urban design principles.
- **Policy 55:** Maintaining a compact, well designed and sustainable regional form.

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

District Plan:

Operative District Plan:

The following objectives and policies are considered relevant to the proposal:

- **Objective 4.2.1** Policy 4.2.1.1, 4.2.1.5 and 4.2.1.6
- **Objective 4.2.3** Policy 4.2.3.1, 4.2.3.5, 4.2.3.6, 4.2.3.9 and 4.2.3.10
- **Objective 4.2.6** Policies 4.2.6.2 and 4.2.6.3
- **Objective 4.2.12** Policy 4.2.12.4

In assessing the application in relation to these objectives and policies I have consulted with the following experts within the Council:

- The Council's Transport and Vehicle Access Engineer, Arjun Manoharan, with respect to the impacts of the proposal on the roading network.
- Wellington Water Limited's Consultant Engineer, Alister O'Callaghan, with respect to servicing and the onsite management of stormwater discharges.
- The Council's Earthworks Engineer, John Davies, with respect to the impacts of the impacts of the proposal on stability and geotechnical.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies of the District Plan.

Proposed District Plan:

The Proposed District Plan was notified on 18 July 2022, during the late stages of this application's processing. I have therefore had regard to the objectives and policies of the Proposed District Plan. The following objectives and policies are considered relevant to the proposal:

- Objectives SUB-O1 and SUB-O2 and associated policies SUB-P1, SUB-P3, SUB-P7 and SUB-P25
- Objectives THW-01 -THW-03 and associated policies THW-P1 to THW-P5

Overall, I consider that the proposal is consistent with the objectives and policies as set out above.

Assessment Criteria:

Taking into account the assessment provided by the Council's experts, my view is that the proposal is acceptable in terms of these assessment criteria.

Conclusion:

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is acceptable in terms of the assessment criteria and is consistent with the objectives and policies as set out above.

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

Access Rights:

The property rights, including the use and enjoyment of the Right of Way, including its up-keeping and maintenance is a civil matter. Approval from other parties with ownership of Right of Way, may be required in order to give effect to this consent.

Code of Practice for Land Development:

The Council's 2012 Code of Practice for Land Development, operative from December 2012, is a revision of the former Code of Practice for Land Development 1994 that is referred to in the District Plan. It is the Code of Practice for Land Development 2012 that holds the current technical standards required by the Council for the design and construction of earthworks, roading, water supply, wastewater, stormwater, and public open spaces. Whether the

infrastructure will be vested with the Council or be a private asset, it is important that these assets are constructed to the Council's current standards.

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

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

Consent Notice 9203498.2:

The site is subject to a consent notice noting the following requirements:

- The owner(s) of Lot 1 must permit the ongoing discharge of stormwater from Lot 2 into one of the gully systems of Lot 1
- The owner(s) of Lot 1 must not impede or block the flow of stormwater from Lot 2 to Ohiro Stream, or otherwise undertake construction that would result in damage to property by inundation.

While the subject site is subjected to the above consent notice, it is not considered relevant to the proposed development.

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

ASSESSMENT UNDER PART 2 OF THE ACT

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

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

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the purpose and principles in Part 2 of the Act and I do not consider that detailed evaluation of Part 2 matters is necessary and would add anything to my evaluative exercise.

Section 6 – Matters of National Importance:

Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this resource consent application. The proposed development is considered consistent with these matters, as follows:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

The site is not within areas of coastal environment.

- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

No outstanding natural features or landscapes are contained within the site.

- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

There is no vegetation in the location of the proposed building and the proposed development will not affect any area of significant indigenous vegetation.

- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

The proposed development is not in the vicinity of the coastal marine area, lake or river, whereby public access could be enhanced.

- (e) *The relationship of Māori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other tāonga:*

The proposed development is not located statutory acknowledgement areas, or areas identified as Māori Precinct in the District Plan. Furthermore, the proposed development is not considered to have any impact on Māori relationship to their ancestral lands, water, sites, waahi tapu, and other taonga.

- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*

The proposed development does not include any work on historical areas or buildings.

Section 7 – Other Matters:

Section 7 includes matters that the consent authority shall have particular regard to. In this case the relevant section 7 matters are as follows:

Section 7(b) – The efficient use and development of natural and physical resources;

Section 7(c) – The maintenance and enhancement of amenity values;

Section 7(f) – Maintenance and enhancement of the quality of the environment.

It is noted that ‘amenity value’ is defined under section 2 of the Act as:

“Those natural or physical qualities or characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

For the reasons as previously discussed in this decision report, any adverse effects on amenity values and character of the area is considered to be acceptable with regard to the relevant section 7 matters, in particular section (7)(c).

Section 8 – Treaty of Waitangi:

The proposal does not raise any matters of significance under the Treaty of Waitangi that need to be taken into account when considering the application.

Section 5 – Purpose of the Act:

The purpose of the Act is stated in section 5 - “*To promote the sustainable management of natural and physical resources*”. Section 5(2) goes on to state that sustainable management means:

“Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

I consider the proposal to be consistent with section 5(2)(a) and 5(2)(b) of the Act, as the proposal will sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by providing mixed use development that provide for housing and commercial activities within an area where this form of development is anticipated, while not affecting the life-supporting capacity of air, water, soil and ecosystems. Furthermore, I consider the proposal is consistent with section 5(c) in that it will ensure any adverse effects of the proposal will be avoided, remedied or mitigated.

SECTION 106

I can confirm that the Council’s hazards register has been checked and there are no entries for the property in relation to section 106 matters. John Davies, Council’s Earthworks Engineer has considered the application with regard to s106 matters and finds no specific conditions are recommended.

I can confirm that the Council’s hazards register has been checked. the subject site is shown to be within the flood prone area.

Minimum floor levels also have been conditioned for lot 1 and any future additions for lot 2. The relevant conditions have been accepted by the applicant.

The proposed allotments will be provided with adequate physical and legal access from Ohiro Road via a right of way.

Consequently, I consider there to be no reason to decline the application under section 106 of the Act.

SECTION 108 & 220 CONDITIONS

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

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Fire and emergency building area
- Conditions relating to the monitoring of the resource consent.

- A requirement that the survey plan must be in accordance with the scheme plan provided with SR No. 507153.
- Conditions relating to site access, drainage and water as requested by the Council's Engineers.

The Council must not impose conditions under section 108 unless:

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

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

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

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

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

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

In accordance with section 220 of the Act, I have also included the following conditions on the subdivision decision:

- Fire and emergency building area restriction.

CONCLUSION

Overall, for the reasons outlined in this report, I consider that the proposal meets the stated intention of Part 2 of the Act in that it represents the sustainable management of a physical resource. The effects of the proposal are acceptable and the proposal is consistent with the objectives and policies of the Operative and Proposed District Plan.

REASONS FOR DECISION

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

1. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 2. The proposal is in accordance with the relevant planning provisions, including the objectives and policies of the District Plan and Part 2 of the Act.
-

Report prepared by: Amy Camilleri



Amy Camilleri
Delegated Officer

1st December 2022



Jeffery Loo
Delegated Officer

1st December 2022

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

17 October 2022

Service Request No: 510418

File Reference: 1996765

APPLICATION DETAILS

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

SITE DESCRIPTION

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

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

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

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



Figure 1: Aerial photograph of site and surrounding area

PROPOSAL

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

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

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

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

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

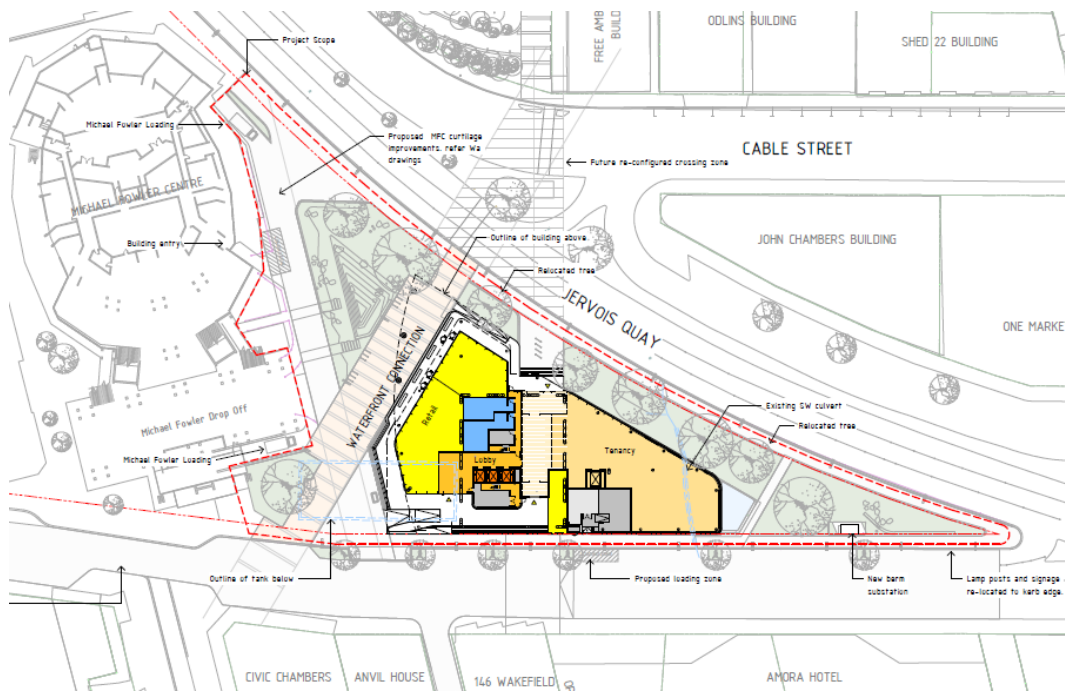


Figure 2: Site Plan, reference RC_1.00

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

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

The plant room has a maximum height of 39.3m.



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

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

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

NATIONAL ENVIRONMENTAL STANDARD

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

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

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

NATIONAL POLICY STATEMENT

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

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

PROPOSED DISTRICT PLAN

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

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

The following provisions in the PDP have immediate legal effect:

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

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

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

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

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

ACTIVITY STATUS

Operative District Plan:

Activities

Rule 13.3.3

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

Construction of a Central Area Building

Rule 13.3.4

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

Rule 13.3.8

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

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

Rule 13.4.9

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

Heritage

Rule 21B.2.3

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

Rule 21B.2.1

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

Contamination

Rule 32.2.1

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

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

Regulation 11

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

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

Activity Status – Summary:

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

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

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

Preclusion to Public Notification:

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

Public Notification – Rule/Adverse Effects:

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

Special Circumstances:

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

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

Limited Notification - Section 95B:

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

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

ASSESSMENT OF ADVERSE EFFECTS

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

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

These are detailed below.

1. Permitted Baseline

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

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

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

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

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

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

2. The Operative and Proposed District Policy Plan Framework

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

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

Policy 12.2.5.1: This policy seeks to manage building height in the Central Area in order to reinforce the high city/low city form; ensure that new buildings acknowledge and respect the form and scale of the neighbourhood in which they are located; and achieve appropriate building height and mass within identified heritage and character areas.

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

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

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

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

² Central Area objectives and policies, District Plan chapter 12

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

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

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

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

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

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

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

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

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

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

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

Policy 12.2.6.3: This policy seeks to: “*Ensure that new buildings and structures do not compromise the context, setting and streetscape value of adjacent listed heritage items, through the management of building bulk and building height*”. This policy has relevance as the site is in a Heritage Area.

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

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

4. The National Policy Statement:

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

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

5. Applicant’s Assessment of Environmental Effects:

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

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

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

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

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

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

6. Assessments provided by the Council's Experts:

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

Table 2: Advice from the Council's Experts

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

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

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

Potential Adverse Effects:

The actual and potential effects of this proposal are:

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

Building Design and CPTED

Building Design

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Design Excellence

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

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

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

CPTED

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

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

Overall Building Design and CPTED Conclusion

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

Building Height

The height of the three proposed buildings is:

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

The plant room has a maximum height of 39.3m.

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

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

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

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

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

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

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

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

Heritage

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

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

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

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

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

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

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

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

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

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

Amenity of Neighbouring Properties

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

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

Shading

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

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

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

Outlook

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

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

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

Amenity of Neighbouring Properties Conclusion

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

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

Wind

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

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

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

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

Transportation and Servicing

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

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

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

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

These recommendations form part of the application.

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

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

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

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

Operational Noise and Construction Noise/Vibration

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

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

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

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

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

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

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

Landscape

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

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

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

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

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

Earthworks

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

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

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

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

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

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

Contamination

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

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

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

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

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

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

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

Construction

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

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

Positive Effects

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

Effects Conclusion:

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

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

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

NOTIFICATION DECISION

In summary, I have concluded:

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

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

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

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

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

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

Report prepared by: Angela Jones, Consultant Planner



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



Monique Zorn
Delegated Officer

17/10/2022



Halley Wiseman
Delegated Officer

17/10/2022

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

1 August, 2022

Service Request No: SR 513399
File Reference: 1045050

APPLICATION DETAILS

<u>Site Address:</u>	2 Jervois Quay, Wellington Central
<u>Legal Description:</u>	Lot 11 DP 11204 in RT WN33D/660
<u>Applicant:</u>	New Zealand Fruitgrowers' Charitable Trust
<u>Proposal:</u>	To erect an electronic billboard to the existing framework on the roof of the building
<u>Owners:</u>	Huddart Parker Building Limited
<u>Service Request No:</u>	SR 513399
<u>File Reference:</u>	1045050
<u>District Plan Area:</u>	Central Area
<u>Notations in District Plan:</u>	Heritage Areas – Post Office Square Heritage Area Ref. 16 Heritage Building No. 155 Central Area Viewshaft #15 Ground Shaking
<u>Activity Status:</u>	Discretionary (Restricted) - Operative District Plan

SITE DESCRIPTION

The application site is on the corner of Jervois Quay and Post Office Square, in Wellington Central. The site accommodates the heritage-listed Huddart Parker Building, which is a 7 storey building with a ground level restaurant and café. On the rooftop is the remnants of steel support framework of a former sign which displayed the time, temperature and the letters of a company, most recently being MoreFM, but historically Caltex. The former signage was removed sometime between 2009 and 2013. The Huddart Parker Building is located within the Post Office Square Heritage Area.

PROPOSAL

It is proposed to install rooftop advertising signage to the existing landscape-oriented support framework on the roof of the Huddart Parker Building. It will be oriented toward southbound traffic on Customhouse Quay and Jervois Quay.

It should be noted that the applicant's description of the proposal refers to reinstatement of the rooftop signage, whereas we consider the proposal to be more accurately described as installing a new digital rooftop billboard, as the former signage included the letters of a company with gaps in between and was infrequently changed, whereas this proposal includes

a digital solid signage displaying advertisements (not just company lettering), which is proposed to change frequently (every 8 seconds).

The sign will be in the form of a digital billboard with maximum dimensions of 13m x 4m. The base of the sign will be located approximately in line with the top of the existing parapet. The billboard will be used for third-party advertising and also display the time and temperature within a portion of the screen. The digital display will change on a rotating basis and feature a combination of public information and commercial advertising. It is anticipated that there will be up to six different displays, with a minimum image display time of 8 seconds and a 0.5 second dissolve transition between images.

It is proposed to use up to six displays that will rotate with an image display time of 8 seconds minimum, with a 0.5 second dissolve to transition. It is not known yet whether the time and temperature would be present in all displays. Illumination levels will be managed automatically to be responsive to natural changes in ambient lighting.

The applicant proffers a condition to create a “deferred maintenance reserve fund” which will use profits from the billboard rental payments to provide general maintenance of the Huddart Parker Building.

Although a sign previously existed on this building using the same support framework, existing use rights in accordance with section 10 of the RMA do not apply. The previous sign has been absent for a period far in excess of the 12 months provided for by s10(2) and even if this time had not lapsed, it is considered that the proposed sign is not of the same character, intensity or scale as the previous sign. As such existing use rights do not apply and have not been considered in this assessment.

NATIONAL ENVIRONMENTAL STANDARD

There are no National Environmental Standards relevant to this proposal.

NATIONAL POLICY STATEMENT

There are no National Policy Statements relevant to this proposal.

ACTIVITY STATUS

Operative District Plan:

Resource consent is required under the following rules:

<p>Rule 13.3.9 - Signs</p> <p>The proposal is for a sign that does not meet all the standards specified in section 13.6.4.1.</p> <ul style="list-style-type: none">• 13.6.4.1.2 – the proposed sign is located on a building and will project above the parapet level, or the highest part of the building to which the sign is attached.• 13.6.4.1.4 – the proposed sign will be located on a building above 18.6m above ground level and will have a maximum area of greater than 15m² and will not bear only the name and/or logo of the building owner/occupier.	<p>Discretionary (R)</p>
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<ul style="list-style-type: none"> • 13.6.4.1.7 – the proposed sign is located within the Post Office Square Heritage Area, and it is not intended to bear the name/logo of the owner/occupier of the building. <p>As such, resource consent for a Discretionary (Restricted) Activity is required pursuant to Rule 13.3.9</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • 13.3.9.1 moving images, text or lights • 13.3.9.2 position • 13.3.9.3 dimensions • 13.3.9.4 number of signs • 13.3.9.5 sign display of: temporary signs, or signs located on buildings above 18.6m above ground level, or signs adjoining or opposite the Parliamentary Precinct Heritage Area. • 13.3.9.6 duration (for temporary signs) <p><u>Centres/Business Areas</u></p> <p>As the site does not front a State Highway, the New Zealand Transport Agency are not considered adversely affected.</p> <p>It should also be noted, that the non-notification preclusion under 13.3.9 is not explicit (i.e. it states ‘do not need’ which implies discretion remains for notification) and therefore is not subject to the non-notification provisions.</p>	
<p>Rule 21D.3.1 – Sign on a Listed Heritage Building</p> <ul style="list-style-type: none"> • The proposal is for a sign on a site on which a listed heritage building is located and is not a Permitted Activity because it exceeds 0.5m². <p>As such, resource consent for a Discretionary (Restricted) Activity is required pursuant to Rule 21D.3.1.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • 21D.3.1.1 Sign design, location and placement • 21D.3.1.2 Area, height and number of signs • 21D.3.1.3 Illumination • 21D.3.1.4 Fixing and methods of fixing. 	<p>Discretionary (R)</p>

Overall, the proposal is assessed as a **Discretionary (Restricted) Activity** under the operative District Plan.

Activity Status – Summary:

Overall, the proposal must be assessed as a Discretionary (Restricted) Activity.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

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

Preclusion to Public Notification:

The non-notification preclusion under 13.3.9 is not explicit (i.e. it states 'do not need' which implies discretion remains for notification). As such, there is no preclusion to public notification as the relevant rules in the District Plan do not preclude notification [s95A(5)(a)]. Additionally, the application is not for one of the activities listed at sections 95A(5)(b)(i) to 95A(5)(b)(iv) of the Act.

Public Notification – Rule/Adverse Effects:

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

Special Circumstances:

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

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

ASSESSMENT OF ADVERSE EFFECTS

Permitted Baseline:

Pursuant to sections 95D(b) and 95E(2)(a), in deciding whether the adverse effects on the environment will be more than minor and who is an affected person, I may disregard an adverse effect of an activity if a rule or national environmental standard permits an activity with that effect ('permitted baseline').

Any sign on a site on which a listed heritage building is located must not be more than 0.5m² to be provided for as a permitted activity. Given the small extent provided for as a permitted activity, the permitted baseline is considered to be of no relevance to the proposal.

Potential Adverse Effects:

Taking into account the matters of discretion under the relevant rules, the actual and potential effects of this proposal are considered to fall into the following categories:

- Traffic Effects
- Heritage Effects
- Streetscape and Visual Amenity Effects
 - moving images, text or lights
 - position
 - dimensions
 - number of signs
 - sign display of: temporary signs, or signs located on buildings above 18.6m above ground level, or signs adjoining or opposite the Parliamentary Precinct Heritage Area.
 - duration (for temporary signs).

The Urban Design advisor defers to the Heritage advisor in this regard.

Traffic Effects

A Traffic Engineering Report prepared by Stantec was submitted with the application. The report identifies the stretch of road upon which the signs are located to be an area with a crash rate being 18 crashes over a period of 5 years and over a relatively short section of road. They note that five of these were in locations that could have potentially had visibility of the proposed billboard if it were present. Their report advises that none of the reported crashes listed distraction by any part of the environment, including signage, external to the vehicle that could have influenced the road users. Stantec perceived no inherent road safety concerns with this section of the road that could be impacted by the installation of the proposed billboard.

Mr Anbuselvan Pungiah, Council's Senior Transport Engineer, has carried out a review of the assessment by Stantec and reviewed the application. He has prepared an assessment of traffic effects which is held on file and should be read in conjunction with this report. Mr Pungiah considers that the proposed digital billboard is acceptable from a traffic and transport point of view. Mr Pungiah's report also proposes several consent conditions that will improve levels of traffic operations and road safety. I concur with his assessment in part, in particular the following salient points:

- The proposed billboard will comply with the technical guidelines in the Traffic Control Devices Manual Part 3 which is a key set of guidelines and recommendations produced by the NZ Transport Agency for local road controlling authorities to use when assessing the suitability of advertising signs.
- The proposed location is in CBD & urban environment. Most digital billboards existing around Wellington is within 100m of an intersection, so, with regards to transport, the location of this sign is not inconsistent with other digital billboards.
- The 8 second dwell time change recommended by the applicant is consistent with other digital billboards around Wellington and is considered an appropriate dwell time for Jervois Quay as the speed limit is 50 Km/hr.
- The crashes that occurred at this location are not due to digital billboards or comparable environmental distractions.

I note additionally to Mr Pungiah that Soon Kong, Council's Transport Engineer and Operations Manager has reviewed the reports and agrees with the conclusions reached and consider the effects on traffic safety to be minor.

I do note that digital billboards are designed to convey a message which can be a cause of distraction. I also note that the Huddart Parker building is located adjacent to a key pedestrian crossing point between Lambton Quay and the Wellington Waterfront meaning that if driver were to be distracted, there is the possibility they could miss a traffic signal and collide with a pedestrian. However, given the engineering advice by Stantec, and advice from Council's traffic engineers, Mr Pungiah and Mr Kong, who have concluded the effects are acceptable, there are not sufficient grounds to disagree with their conclusions and I therefore consider the effects on traffic and pedestrian safety to be no more than minor.

Streetscape and Visual Amenity Effects

The site on the corner of Jervois Quay and Post Office Square, in Wellington Central is a prominent space that is readily visible. The existing environment is characterised by prominent heritage buildings and a high-quality landscaped setting. It forms a principal point of access between the city and the waterfront and is visible from a reasonably long distance to vehicles travelling southwards down Customhouse Quay.

Sarah Duffell, Council's Senior Urban Designer RMA, has carried out a review of the application and the photomontages provided. She prepared an Urban Design Assessment which is held on file and should be read in conjunction with this report. I concur with the assessment and conclusions made by Ms Duffell and her comments inform the discussion below.

The proposed sign would be dominant in views along Customhouse Quay and Waterloo Quay where the Huddart-Parker Building terminates south-facing viewpoints. It would also be obtrusively visible for the pedestrian route along Grey Street as evidenced by the photomontages provided with the application. Billboards, by intent, are designed to be highly visible and attract attention, particularly in this environment that is generally devoid of other signs displaying advertising. This is uncharacteristic and will not complement the environment in any way that would justify its presence. Furthermore, from several key public viewpoints the image on the sign would not appear in full, thus detracting from these viewpoints with pointless additional visual distraction. Overall, the sign is considered to compromise the visual quality of the wider streetscape and Post Office Square.

In addition to the above, the sign is within an identified viewshaft (V15). If visible the sign would appear in the distant cityscape context from the top of the Cable Car, however, due to the size and orientation of the sign and the distance it is unlikely to have any notable adverse effects from this viewpoint.

The proposed sign does not have any particular relationship with architectural features of the building and will not complement the building or location in which it is sited. In contrast, the large, solid, illuminated panel showing third-party advertising will be a distracting visual element on the host building and will alter the silhouette of the building.

It has been determined that the proposal is for the installation of a new sign, as opposed to the reinstatement of a previous sign. Nevertheless, I have considered the potential effects of the digitalisation of a sign in comparison to a static sign. In comparing the visual and character effects of the digitisation of the signs, I have considered the visual changes that have occurred throughout Wellington in converting other static signs to digital, including a number of CBD signs, and signs on Aotea Quay. Post conversion, the signs are more noticeable as they appear brighter during the day (due to the need to backlight the sign against the light from the sun).

They are also more noticeable as the content of the sign changes more frequently. At night, the nature of the lighting is different with LED technology typically being more 'vibrant' than a static sign, even though the light levels may be the same. Colours are often more pronounced when compared to printed content and light is distributed more evenly over the signage surface when compared to a static sign in natural light or under artificial lights.

In addition to the digitalisation of the sign, the proposed sign is billboard with a large (54m²) solid, flat face. This is a notable contrast to the previous sign, which was static, cut-out letters of a title (e.g. More FM) with gaps between each letter. I consider that the character, intensity and scale are not comparable in effect. The proposed sign will appear larger and more noticeable, particularly with illumination and continuously changing images, resulting in a more dominating feature.

Overall, it is considered that the proposed billboard will detract from the visual quality of the host building and the wider streetscape in which it is located. I concur with the conclusion reached by Ms Duffell that the proposed sign is inappropriate in this location. As such, it is considered that potential adverse effects on streetscape and visual amenity will be more than minor.

Heritage Effects

The proposed sign is to be located on the heritage listed Huddart Parker Building and is located within the Post Office Square Heritage Area. The area has defined heritage values and presents a prominent public space. These environments need both be considered in an assessment of the potential adverse effects on heritage.

A heritage assessment prepared by Archifact – Architecture and Conservation Ltd accompanied the application. The applicant also provided a peer review of this assessment, prepared by Richard Knott Limited. The heritage assessment concluded that the proposed billboard is appropriate. They considered that the use of the existing framing on the rooftop will provide some mitigation in the integration of the sign and the building. Overall, they state that the proposed digital billboard is acceptable and will not present any adverse effects on the heritage contexts of the Huddart Parker Building or the wider Post Office Square heritage area. The peer review provided concurs with and supports the heritage assessment.

Chessa Stevens, Consultant Heritage Advisor for Wellington City Council, has carried out a review of the application and the photomontages provided. She prepared a Heritage Advisor Assessment which is held on file and should be read in conjunction with this report. I concur with the assessment, in particular the salient points listed below:

- The proposed billboard does not aid in identifying or understanding the Huddart Parker Building or the Post Office Square Heritage Area.
- The proposed billboard will project several metres above the building parapet and, because it lacks the partial transparency of previous "cut out" signs in this position, it will have a greater impact on the silhouette line and overall quality of the building than previous signage has had - particularly the Grey Street elevation which is the most significant of the four elevations and faces into the Post Office Square Heritage Area.

I concur with Ms Stevens assessment. The proposed sign has no apparent link to the architectural features of the heritage building nor the historic Post Office Square by which it is located. Additionally, the size and location (projecting above the rooftop) will result in a dominant feature on the otherwise characteristically heritage appearance. Ms Stevens believes the negative effects on the heritage values of the Huddart Parker Building and the Post Office Square Heritage Area will be notable.

The applicant indicates that the temperature display and clock could be incorporated into the visual displays of the proposed sign. The intention of this being to offer the historic community sentiment and social value derived from the weather forecast offered by the previous sign. The photomontages suggest this will not be on all displays. Ms Stevens comments the following in this regard which I concur with:

- Council has recognised that the rooftop signage on the Huddart Parker Building that was erected in the early 1960s and stood until the mid-2010s contributed to its social and townscape value, as evidenced by the Heritage Inventory Report. Social value was derived primarily from the time and temperature display, which would have provided a useful reference at a time when this information was not readily accessible to pedestrians or passing motorists via other electronic media. There is no evidence that social value was derived from the advertising.

The Application also offers to utilise some funds gathered from the proposed electronic billboard as a means of providing for building maintenance, and have indicated that they will be receptive to a consent condition as a means of ensuring this. However, as noted by Ms Stevens, this does not make the billboard necessary, nor does it counteract the adverse heritage effects.

Further, regardless of the signage, all building owners will have maintenance obligations, and this is not exception. The use of signage revenue is not at all relevant nor does it alter any obligations a building owner has for maintenance purposes.

For the reasons outlined above in conjunction with the heritage advice received, I consider that the proposed sign will result in adverse heritage effects on the Huddart Parker Building and the Post Office Square Heritage Area that will be more than minor.

Effects Conclusion:

Overall, I consider that the effects of the proposal on the environment are more than minor. Consequently, the application must be publicly notified in accordance with section 95A of the Act.

NOTIFICATION DECISION

For the reasons detailed in this report the application for digital billboard on the site at 2 Jervois Quay, Wellington Central must be assessed on a **notified** basis.

Report prepared by: Ashleigh Wharam & Elliott Thornton



Monique Zorn
Delegated Officer

(1 August 2022)



Halley Wiseman
Delegated Officer

(1 August 2022)