

**IN THE ENVIRONMENT COURT  
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**Decision No. [2023] NZEnvC 271**

IN THE MATTER of the direct referral of an application  
for resource consent for the  
construction of buildings and associated  
earthworks at 1-23 Tasman Street,  
Mount Cook, Wellington, under s 87G  
of the Resource Management Act 1991

BY ONE TASMAN DEVELOPMENT  
LIMITED PARTNERSHIP

(ENV-2023-WLG-000008)

Applicant

Court: Judge L J Semple sitting alone under s 279(1) of the Act  
Hearing: In chambers at Wellington  
Last case event: 29 September 2023  
Date of Decision: 13 December 2023  
Date of Issue: 13 December 2023

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**DECISION**

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A: The Application for resource consent is granted subject to the conditions in  
Appendix A.

B: Any application for costs should be made within 10 working days of the date  
of this decision. Any party may reply within a further 10 working days. Any  
response to matters raised for the first time in the reply may be made within  
a further 5 working days.



ONE TASMAN DEVELOPMENT LIMITED PARTNERSHIP

## REASONS

### Introduction

[1] One Tasman Development Limited Partnership (Applicant) is the developer of a property at 1 - 23 Tasman Street (the Site). The Applicant has previously been granted a resource consent (Consent 500876) for the Site, permitting residential development together with a cafe and associated earthworks.

[2] The residential development authorised by Consent 500876 comprises:

- (a) two tower buildings, one at eight storeys (Northern Apartments) and one at five storeys (Southern Apartments);
- (b) ancillary buildings, Pukeahu Terrace Houses (five dwellings) and Buckle Street Terrace Houses (five apartments); and
- (c) the Courtyard Terraces and Carpark (8 dwellings and an ancillary carpark structure).

[3] It is accepted by all parties that this consent forms part of the existing environment.

[4] The Applicant has now applied for a new consent (the Application), seeking to:

- (a) increase the height of the Northern Apartments tower building (Building A) from eight storeys to ten storeys;
- (b) increase the height of the Southern Apartments tower building (Building E) from five storeys to nine storeys; and
- (c) add an additional level of basement carparking beneath the consented carpark building.

[5] The Application was lodged with the Council on 1 February 2023 and publicly notified on 17 February 2023. Eighteen submissions were received with

seven in support, eight opposed, two neutral and one partly in support and partly in opposition. One submission was subsequently withdrawn.

[6] The Court has reviewed all of the submissions lodged and notes that the submissions in support generally reference the need for more central city housing and a more compact urban form to encourage a shift in transport modes with subsequent reductions in emissions. The Application is seen by those submitters to support such aspirations.

[7] For those submitters opposed to the Application, the issues raised primarily relate to concerns about loss of sunlight, a sense of visual dominance, inconsistency with adjacent heritage features and values (principally related to Pukeahu National Memorial Park) and adverse construction effects.

[8] With respect to the impact of the development on heritage values, it is relevant to note that both Heritage New Zealand Pouhere Taonga and Historic Places Wellington lodged submissions in support of the Application stating respectively:

The project site is located at a highly significant heritage landscape, including a number of Category 1 places, recognised historic areas, and a proposed National Historic Landmark. HNZPT supports the development as it provides the opportunity to provide a high-quality development in a heritage rich area.

Historic Places Wellington is an incorporated society that advocates for the preservation of built and historic heritage in Wellington/Pōneke. We are not opposed to new building developments in the city, but look for outcomes that respects and enhances existing built and historic heritage. We believe that the One Tasman development largely realises these aims. This result is all too rare in this city and so HPW feels it is important to voice our support when it happens. We also believe that the complex provides the opportunity to enhance the historic heritage of the area by showing how old and new buildings can be integrated in a way that enriches each other and creates a diverse and dynamic townscape which people want to be in.

[9] These matters are returned to later in this decision.

## **The Application currently before the Court**

[10] By decision under s 87E of the Act dated 15 March 2023, the Council granted a request to have the Application determined by the Environment Court. The Council prepared the requisite report under s 87F. Having considered that report, the Applicant chose to have the Application heard by the Environment Court and filed the requisite notice of motion to that effect on 21 June 2023.

[11] By letter from the Environment Court registry dated 23 June 2023, all submitters were advised of their right to become a party to these proceedings under s 274 of the Act. The only submitter to lodge a notice of intention to join as a party was New Zealand Transport Agency Waka Kotahi (Waka Kotahi).

## **Section 87F report**

[12] The Court has thoroughly reviewed the Council's s 87F report dated 30 May 2023. That report describes the proposal, the site and its surrounding area, the relevant planning framework and the submissions received. Having determined the Application falls to be assessed as a non-complying activity, the report then assesses the Application against s 104D, s 104 and Part 2 of the Act.

[13] As set out below, the report concludes that the Application is unable to meet the s 104D threshold test and as such, consent may not lawfully be granted:

[395] As discussed earlier the proposal is generally consistent with the design objectives and policies across both plans but is inconsistent or contrary to the policies which seek/relate to ensure public safety (wind), preserve the high/low city urban form (ODP) and respect the neighbouring heritage values.

[396] Overall, in the context of the ODP's guiding principles to create a sustainable and liveable City as outlined in paragraph 239, the mandate to enhance urban form, and based on the advice of the Wind and Heritage advisors, I consider that the proposal overall is contrary to the objectives and policies of the Operative District Plan.

[397] The objectives and policies of the Proposed District Plan, which are more permissive, carry some weight and must also be considered in the gateway test. While the proposal is generally consistent with the more permissive design and density objectives and policies, there are still policies

the proposal is inconsistent with regarding wind effects and responding to neighbouring heritage items.

[398] With regard to neighbouring heritage values, I note the proposed CCZ objectives and policies afford lesser regard for protection, rather requiring a development to ‘acknowledge and sensitively response’ [sic] and ‘effectively manage’ neighbouring heritage items. I have also had regard to the fact that HNZPT and the Ministry for Culture and Heritage have raised no concerns.

[399] With regard to wind, I remain concerned that the proposal, as submitted, does not have the support of Council’s Wind expert and he has concerns around public safety and comfort. I note the proposal is inconsistent with the objectives and policies in both the ODP and the PDP as it relates to wind. As discussed under the ODP the effect on wind is a function of height and the ‘high/city low city’ urban form. The proposal is contrary only as a function of height. Potentially if the Applicant can resolve wind issues, the assessment might be considered merely inconsistent with these ODP objectives and policies.

#### *Assessment of Effects*

[400] Under the section 104 assessment (Section 7 of this report), effects on heritage values and wind have been determined to be unacceptable. Taking into account the relevant matters under section 104 of the Act, I have determined that the overall adverse effects of the proposal will be more than minor. Accordingly, the proposal does not pass through this limb of the “gateway test”.

[401] Overall, at this point in time, I consider the proposal is contrary to the objectives and policies of the Operative District Plan and fails the “gateway test”.

[14] As is apparent from that extract, the Council in the s 87F report also did not consider, even if the Application did pass through the s 104D gateway, that it should be granted consent under s 104.

#### **Change in position post s 87F Report**

[15] The Court was advised that the Applicant, Council and Waka Kotahi, together with their respective experts, had subsequently met to discuss the content of the s 87F report and a series of workshops and expert witness discussions had enabled significant agreement to be reached.

[16] As a result, by Minute dated 28 August 2023 the court directed that:

- (a) joint witness statements (JWSs) were to be prepared and lodged in respect of Civil Engineering and Construction Management, Sun and Wind, Architecture, Urban Design and Heritage, and Planning (including conditions); and
- (b) in the event the JWS Planning confirms that the planning witnesses are in agreement on the proposed conditions, a draft order setting out those conditions is to be filed with the Court.

[17] The Court has now reviewed the joint witness statements lodged in accordance with the above minute and records the following relevant changes to the position expressed in the s 87F report.

### **District Plan weighting**

[18] Ms Zorn, the author of the s 87F report for the Council and Mr Aburn, the Applicant's planner, are now in agreement that the Proposed District Plan (PDP) objectives and policies should be afforded "significant weight" with less weight to be placed on the Operative District Plan (ODP) because:<sup>1</sup>

1. the ODP's Central Area provisions were notified in 1994 and made operative in 2000 (updated in 2013 via Plan Change 48) and therefore were in force well prior to the more recent national policy statements (NPS-Urban Development Capacity 2016 and NPS-Urban Development 2020), with the NPS-UD 2020 directing tier 1 district plans to maximise development capacity in city centre zones;
2. notified in July 2022, the PDP provisions for the City Centre Zone (CCZ) are aligned with the NPS-UD directives and are progressing as an Intensification Planning Instrument (IPI) through the Intensification Streamlined Planning Process (ISPP);
3. the hearing of submissions on the CCZ is largely complete and the Independent Hearing Panel is required to release its recommendations to enable the Council to make its decisions on the IPI by 20 March 2024, at which point the ODP provisions will fall away and no longer be relevant. There are no appeals rights against the Council's decisions on the IPI provisions;

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<sup>1</sup> JWS Planning, Table 2 at [28].

4. there were no submissions on the CCZ provisions in relation to the site's building height threshold (28.5m) other than the Willis Bond & Co (a related party to the Applicant) submission requesting that the height threshold be increased to 42.5m to align with the CCZ height threshold proposed for sites to the north and south; and
5. overall, the PDP provisions for the CCZ are more enabling and consistent with the NPS-UD.

[19] The weighting of the relevant plans is important because, in her s 87F report, Ms Zorn had reached the conclusion that:<sup>2</sup>

... the proposal is not supportable under the Operative District Plan however under the Proposed District Plan, which is less restrictive, the proposal may be able to be supported subject to:

- Confirmation of the heights and design guide requirements within the Proposed District Plan.
- Provide a concept proposal for Water Sensitive Urban Design (WSUD) addressing THW-01 and THW-P1 to demonstrate that a compliant scheme can be achieved on site.
- Confirmation works will be halted for solemn events at the neighbouring church
- A condition offered to achieve Objective 12.2.7 (Internal Amenity) and associated policies.
- Achieve the step-down between Building A and E as recommend [sic] by Mr Burns and supported by Ms Stevens.
- Further detail design to mitigate the effects of the buildings on the wind environment to an acceptable level.

[20] I now turn to consider each of those matters.

### **Heights and Design Guide Requirements**

[21] The JWS Planning records that the PDP Independent Hearing Panel has requested further work to be undertaken in relation to the Centres and Mixed Use Design Guide, "which in turn incorporates a guideline in relation [to] the 'make-up' of city outcomes contributions". On that basis, the planning witnesses have been unable to confirm consistency with the PDP policy but do confirm in the JWS that

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<sup>2</sup> Section 87F report at [441].

“the proposal does incorporate a number of desired city outcomes included in the publicly notified version” and that the “proposal was subject to an independent urban design panel review, which was one of the ‘city outcomes contribution’ items listed in the [Design Guideline]”. Overall the planners consider that the “proposal is consistent with the ‘design-related’ objectives and policies (including the achievement of design ‘excellence’)”. I accept that evidence.

### **Water Sensitive Urban Design**

[22] The JWS Planning records at point 4(a) that agreement was reached between the parties on water sensitive urban design. I am satisfied this meets the plan requirements.

### **Construction Halted for Solemn Events**

[23] In response to a concern from the neighbouring Seventh Day Adventist Church, the Applicant has proposed an advice note attached to condition 42 which provides as follows:

The consent holder agrees to coordinate works to avoid, to the extent practicable, works that would cause unreasonable noise at The Wellington Seventh-day Adventist Church at 27 Tasman Street:

- a. During solemn events (funeral services), provided 72hrs notice is provided; and
- b. During Saturday morning church services.

[24] I am satisfied that with this addition, construction works will be appropriately managed to ensure that adverse effects on the Seventh-day Adventist Church are minimal during the construction period.



## **Internal Amenity**

[25] The s 87F report notes that although “[t]he proposal includes sustainable design and energy efficiency measures as summarised in the reports appended in the application”<sup>3</sup> no condition was offered by the Applicant to secure this.

[26] The JWS Planning confirms that an appropriate condition (proposed condition 5) has now been offered to secure this matter as follows:

The consent holder must provide the Council’s CMO with a copy of the “Homestar Certificate – Built Rating” provided by the New Zealand Green Building Council confirming that standards for “Homestar (v4) Built Rating 7”, or appropriate alternative standards, have been met, as soon as reasonably practicable following practical completion.

[27] I accept that with the addition of a requirement to meet Homestar 7 or equivalent, the sustainable design and energy efficiency requirements of the Plan are met.

## **Step Down Between Buildings A and E**

[28] Appendix 1 to the s 87F report comprises an urban design assessment undertaken by Mr Burns from McIndoe Urban Ltd. As part of that review Mr Burns recommended the “stepping of height north to south of the Buildings A and E from 10 storeys to 8 storeys respectively creates a better contextual response and that the lower Buildings B and C achieves a successful scale transition from the tower of Building A”.

[29] In light of that recommendation, the JWS Architecture, Urban Design and Heritage Experts records an iterative design review process involving the Applicant and Council’s architecture and urban design experts culminating in the following design amendments:

- lowering of the Southern Wing of the Southern Apartments (Building E) from 9 levels to 8 levels;

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<sup>3</sup> Section 87F report at [309].

- changing the colour of the Southern Wing of the Southern Apartments from an off-white colour to a recessive dark colour (in contrast with the off-white colour of the Northern Wing of the Southern Apartments);
- changing the scale and materiality of the lift overrun structure on the Southern Apartments to a smaller, more refined structure with copper-coloured cladding.

[30] The JWS confirms:<sup>4</sup>

The experts agree that the combined effect of the design changes in the applicant's current proposal, when compared to the proposal as contained in the consent application lodged in January 2023, provide:

- reduced bulk and dominance of the Southern Apartments block (particularly when viewed from Mt Victoria tunnel entry to the Wellington basin);
- improved articulation of form with greater sense of the building being subdivided into two finer (more vertical proportioned) forms, reducing perceived overall bulk;
- greater differentiation between building tops generally, and between Northern and Southern Apartments, contributing to a more varied and interesting silhouette; and
- overall, improved formal relationship to the former Dominion Museum and Carillon.

[31] Based on the above, the architecture and urban design experts confirm that there are no outstanding architecture or urban design matters. I am satisfied that with these amendments there are no adverse urban design effects and the overall design, functionality and materiality of the proposed buildings meets design excellence as found by Mr Burns.

### **Wind Mitigation**

[32] Annexure 3 to the s 87F report comprises a Wind Assessment Report prepared by the Council's expert, Dr Donn. That report concludes that the site is

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<sup>4</sup> JWS Architecture, Urban Design and Heritage at [16].

particularly windy and challenging and the (originally) proposed heights of Building A and E will likely result in a notable (adverse) change to the pedestrian environment in Buckle Street and the western side of Tasman Street.

[33] The JWS Sun and Wind Experts records further discussion and analysis by the Applicant's expert Mr Jamieson and Dr Donn to address these matters. As a result, the following additional mitigation measures were agreed:

- (a) large canopy with upstand on Building E;
- (b) an extended canopy and vertical porous screen on Building A;
- (c) planting of a mature tree in a specific area on Old Buckle Street outside the property boundary;
- (d) planting of mature evergreen trees in specific areas along Tasman Street inside the property boundary in front of Building A; and
- (e) planting of mature evergreen trees in front of 25/27 Tasman Street outside the property boundary.

[34] The JWS Planning records that subject to the agreed consent conditions, wind effects have been appropriately mitigated. Those consent conditions comprise conditions 8 – 12 and conditions 15 – 18. I am satisfied that with the addition of these amendments to the proposal together with the conditions of consent, the effects of wind on pedestrian amenity will be no greater than a building at the permitted height.

### **Other Matters**

[35] In addition to the matters set out in Ms Zorn's conclusion to the s 87F report, the following matters raised by submitters are also addressed in the joint witness statements filed:

- stability of the Arras Tunnel and State Highway 1 (SH1);
- construction effects;
- sunlight access to neighbouring properties;

- effects on heritage values/feature.

### **Stability of the Arras Tunnel and SH1**

[36] By submission dated 17 March 2023, Waka Kotahi raised concerns regarding the potential for the development to result in adverse geotechnical effects on the nearby Arras Tunnel/SH1.

[37] The JWS Geotechnical Engineering and Construction Management Experts dated 11 September 2023 records correspondence and agreement between the Council and the Applicant's experts together with agreement between Waka Kotahi and the Applicant with respect to additional conditions/amendments to conditions.

[38] The experts note that there:<sup>5</sup>

are several recent similar developments within the Wellington City that employ similar foundation and construction techniques to those proposed for this development. ... With good design led by a suitably experienced Chartered Professional Engineer and constructed by an experienced, reputable Contractor coupled with adequate monitoring such as noise, vibration, settlement, it was demonstrated that these similar projects were successfully completed with minimal or no impact.

[39] As a result, the JWS records that the experts "support the application, subject to inclusion of the conditions of consent" which they find to be "appropriate for the proposed development" and that with these conditions in place there are "no outstanding matters from a civil engineering or construction management perspective". I am satisfied that with the conditions proposed, any effects of noise, vibration and ground settlement will be appropriately mitigated.

### **Construction Effects**

[40] Several submitters raised concerns with dust and noise effects during construction. The JWS Geotechnical Engineering and Construction Management Experts records that the conditions proposed are "typical conditions expected for

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<sup>5</sup> JWS Geotechnical Engineering and Construction Management at [11].

construction in the City Centre Zone and are appropriate to manage adverse effects on neighbouring properties”. Using a Construction Management Plan (CMP) the conditions provide for active monitoring of noise on site, dust protection measures including the use of dust suppression tools and pre-condition surveys and monitoring to mitigate any adverse structural effects. With these conditions in place the experts consider that there are no outstanding construction management matters. I am satisfied that utilising a CMP, secured by way of consent conditions, will ensure construction effects are appropriately mitigated.

### **Sunlight Access**

[41] The s 87F report outlines concerns expressed by submitters and the Council’s urban design expert Mr Burns regarding the additional shading generated by the proposal’s original design.<sup>6</sup>

[42] The JWS Sun and Wind Experts outlines the various shading studies undertaken and records the position of Mr Bishop, the Applicant’s architect that the:<sup>7</sup>

... shading effects of the proposal on neighbouring sites (including those properties occupied by the submitters referred to in the Section 87F report) are less than those that would be generated by a development at the permitted height in the Proposed District Plan. This is principally due to the massing strategy of setting Building A back from the eastern boundary, and setting Building E back from the southern boundary, resulting in less impact than building to the PDP-permitted height on the east boundary.

[43] Mr Bishop further notes that the revised design “has a reduced overall height with an improved sun light access outcome”. On that basis it is not considered that there are outstanding adverse shading effects. I accept this evidence.

### **Heritage Effects**

[44] The one area where the expert witnesses have not reached complete agreement relates to the impact of the Application on historic heritage.

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<sup>6</sup> Section 87F report at [92]-[93].

<sup>7</sup> JWS Sun and Wind at [13].

[45] As set out in the s 87F report, the Site’s “immediate context is most notable for the National War Memorial and associated Pukeahu National War Memorial Park (to the west/north-west), the Basin Reserve (to the east) and the former Home of Compassion Crèche (to the north-east)”.<sup>8</sup>

[46] The JWS records the agreement of all experts that:

- the surrounds and setting are rich in historic heritage but the subject site is not a listed heritage site, is not in a heritage area and is not directly adjacent to a heritage area;
- the neighbouring National War Memorial is nationally significant and is in the process of being recognised as a National Historic Landmark as part of a process administered by Heritage New Zealand Pouhere Taonga;
- there are no formally recognised and protected view shafts that govern the site;
- the effect that the proposal has on views from the north and west towards the adjacent and nearby individual heritage items is acceptable;
- the street level effects on heritage, specifically the Tasman Street Brick Wall and Mt Cook Police Station, are acceptable; and
- the revised proposal represents a more appropriate response to the heritage values of the landscape in which the subject building is located than the proposal as submitted.

[47] Where the experts differ is in the extent to which the Application has residual adverse effects that compromise the surrounding historic heritage setting.

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<sup>8</sup> Section 87F report at [32].

[48] The Applicant’s heritage experts Mr Wild and Mr Knott reach the view that the revised proposal helps mitigate any adverse heritage effects and provides an “overall, improved formal relationship to the former Dominion Museum and Carillon”.

[49] The Council’s heritage expert, Ms Stevens accepts that the “revised application presents a more appropriate response to the heritage values of the landscape in which it is positioned when compared to the proposal as submitted” however “does not support the application on the grounds that negative heritage effects remain”. Specifically, Ms Stevens is of the view that the two tower buildings “sandwich the Carillon tower, thus diminishing its landmark values from the east”, obstruct the relationship between the Carillon tower and the former National/Dominion Museum building when viewed from the east and interrupt viewshafts from the Mt Victoria Tunnel and Southern Walkway Track to the Carillon tower and former National/Dominion Museum, the view east out of the Basin Reserve, the view east from Ellice Street and views from the intersection of Kent and Cambridge Terraces with Buckle and Ellice Streets.

[50] As the Council’s planning expert, Ms Zorn has carefully considered the difference in expert opinion between the heritage witnesses. In answer to questions from the Court, Ms Zorn prepared a statement of evidence dated 9 October 2023, detailing her assessment of the heritage evidence.

[51] It is Ms Zorn’s opinion that the “development is generally consistent” with PDP Objective CCZ-O7 2.(a) and policies CCZ-P9 2.(a)(ii) and CCZ-P12. By the use of the term “generally consistent” Ms Zorn explains she means “broad consistency – not perfect consistency- but that by no means are they inconsistent”. With respect to the ODP policies Ms Zorn “remain[s] concerned with how the development affects views of the heritage structures from the east. However in light of the NPS-UD and the competing PDP policies and proposed heights (and the fact the PDP has not sought to protect those views), and the amendments made to Building E”, she considers that the “proposal is not inconsistent with these policies”.

[52] The JWS Planning records that, having regard to the expert evidence of Mr Wild and Mr Knott, (alongside the evidence of Ms Stevens), and taking into account support received from Heritage New Zealand Pouhere Taonga, the Ministry of Culture and Heritage and the Wellington Tenth Trust as mana whenua and joint owners of the National War Memorial site, Mr Aburn is satisfied the proposal is consistent with the relevant objectives and policies of both plans.

[53] Having carefully reviewed the evidence before the Court, I am satisfied that the heritage effects do not preclude consent being given.

### **Section 104D**

[54] Finally and importantly the JWS Planning records an altered position in relation to the s 104D threshold test. As previously referenced, the s 87F report reached the conclusion that the proposal had more than minor adverse effects and was contrary to the objectives and policies of both plans.

[55] The JWS Planning records that Ms Zorn has reviewed that finding in light of the amendments made to the proposal since lodgement. In addition, Ms Zorn records that she has considered the implications of the recent Supreme Court decision in *Port Otago Ltd v Environmental Defence Society Inc*.<sup>9</sup>

[56] Having undertaken that analysis, Ms Zorn finds that the proposal is not contrary to the objectives and policies of the relevant plans and as such, the proposal can pass the gateway test in s 104D.

### **Conclusion**

[57] As is apparent from the JWSs that the parties have filed, all technical issues except in relation to heritage have been resolved between the parties. While the heritage issues are not entirely resolved, the JWS Planning records that the effects are not such as to prevent consent being granted and the parties agree that the Application can be granted consent accordingly. Mr Aburn agrees.

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<sup>9</sup> *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112.



[58] Given the extent of the agreement between the planning experts, the parties filed a draft Consent Order with the Court attaching the conditions on which they agreed consent could be granted if the Court was minded to do so.

### **Findings and statutory analysis**

[59] Given that the Application seeks resource consents on direct referral, the Act requires the Court to reach a decision at first instance.

[60] As a non-complying activity, the Application must pass through the s 104D gateway. In respect of that gateway test, both planning witnesses, Ms Zorn on behalf of the Council and Mr Aburn on behalf of the Applicant, are of the opinion that the proposal passes through both limbs of the s 104D gateway test. The Court accepts that evidence.

[61] I have therefore had regard to the matters set out in s 104 of the Act. For the reasons set out within this decision I am satisfied that the actual and potential adverse effects of the proposal are minimal given the conditions proposed.

[62] Although the parties' heritage experts were not agreed as to the heritage effects of the Application, the Court accepts the evidence of the planning witnesses that that matter does not prevent consent being granted. As set out by Mr Aburn, it is relevant that the proposal is supported by Heritage New Zealand Pouhere Taonga and Historic Places Wellington. Moreover, I am satisfied, on the evidence, that the effects on heritage values and settings have been further mitigated by the changes made to the proposal including the "stepping" down of heights. While the evidence of Ms Stevens is acknowledged, I prefer the evidence of Mr Wild and Mr Knott, supported by the submissions of Heritage New Zealand Pouhere Taonga and Historic Places Wellington that the proposal appropriately responds to the context of its site and its surrounding environment including those matters of heritage value.

[63] The JWS Planning sets out in Table 2 the relevant planning documents and an assessment of the proposal against the relevant objectives and policies. On the basis of that evidence I am satisfied that the proposal:

- (a) achieves the outcomes sought by the National Policy Statement on Urban Development (NPS-UD);
- (b) accords with Regional Policy Statement (RPS) Policy 54 (Achieving the region's urban design principles), Policy 55 (Maintaining a compact, well designed and sustainable regional form) and Policy 57 (Integrating land use and transportation);
- (c) accords with Proposed Change 1 to the RPS, one focus of which is on implementing and supporting the NPS-UD;
- (d) is generally consistent with the overall intent of the PDP objectives and policies (as further particularised in the Table); and
- (e) consistent with the relevant 'design-related' objectives and policies (including the achievement of 'design excellence') of the ODP.

[64] As outlined within this decision, the Court has been guided in its statutory analysis by the matters included in the s 87F report, the submissions made by the parties and the evidence included within the JWSs. Overall, the Court is satisfied that the proposal is consistent with the purpose of the Act.

[65] The Court has also considered the joint memorandum filed by the parties dated 21 September 2023, which provides an agreed set of consent conditions in the event that the Court decides to grant consent.

[66] The Court understands that all parties to the proceedings agree if consent is to be granted, it should be granted on the conditions as set out in Appendix A to this decision. The Court accepts that those conditions are necessary and appropriate.

## Decision

[67] The Court orders that the Application shall be granted subject to the conditions as set out in **Appendix A** to this decision.

[68] The Court notes the provisions of s 285(5) of the RMA in relation to proceedings under s 87G. Any application for costs should be made within 10 working days of the date of this decision. Any party may reply within a further 10 working days. Any response to matters raised for the first time in the reply may be made within a further 5 working days.



L J Semple

Environment Judge



## APPENDIX A

### Conditions of Consent:<sup>10</sup>

#### General:

1. The proposal must be in accordance with the information provided with the application **Service Request No. 528330** and the following plans and information, or any updated plans and information certified under Condition (2):
  - Plans prepared by Athfield Architects Limited titled “One Tasman Pukeahu Park”, project no. 20-42, dated 13.01.23 and 23.08.2023.
    - Proposed Site Plan, Drawing No. RC\_1.00- Rev 4
    - GA Plan Lower Basement, Drawing No. RC\_1.00B- Rev 2
    - GA Plan Basement, Drawing No. RC\_1.01- Rev 4
    - GA Plan Ground, Drawing No. RC\_1.02- Rev 4
    - GA Plan Level 01, Drawing No. RC\_1.03- Rev 4
    - GA Plan Level 02, Drawing No. RC\_1.04- Rev 4
    - GA Plan Level 03, Drawing No. RC\_1.05- Rev 3
    - GA Plan Level 04, Drawing No. RC\_1.06- Rev 3
    - GA Plan Level 05, Drawing No. RC\_1.07- Rev 3
    - GA Plan Level 06, Drawing No. RC\_1.08- Rev 3
    - GA Plan Level 07, Drawing No. RC\_1.09- Rev 3
    - GA Plan Level 08, Drawing No. RC\_1.10- Rev 4
    - GA Plan Level 09, Drawing No. RC\_1.11- Rev 4
    - GA Plan Roof Plan, Drawing No. RC\_1.12- Rev 4
    - Proposed North Elevation, Drawing No. RC\_2.00- Rev 4
    - Proposed East Elevation, Drawing No. RC\_2.01- Rev 4
    - Proposed South Elevation, Drawing No. RC\_2.02- Rev 4
    - Proposed West Elevation, Drawing No. RC\_2.03- Rev 4
    - Proposed Sections (North Apartments), Drawing No. RC\_3.00- Rev 3
    - Proposed Sections (South Apartments), Drawing No. RC\_3.01- Rev 4

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<sup>10</sup> The Court has amended the conditions to correct some apparent errors (using red underline and strikethrough text).

- Proposed Sections (Longitudinal Section A), Drawing No. RC\_3.02- Rev 4
- Proposed Sections (Longitudinal Section B), Drawing No. RC\_3.03- Rev 4
- Landscape Design Statement and Plans, prepared by Wraight + Associates Landscape Architects (reference Resource Consent Landscape Design, Revision C, all dated 06.09.2023).

#### Design Details:

2. Prior to lodging an application for building consent, the consent holder must prepare and submit to the Council Compliance Monitoring Officer (CMO), the following information to show consistency with the plans referred to in condition (1):
  - For all buildings: final set of drawings, including all plans (including roof plans); relevant cross sections; and all elevations;
  - For all buildings: final material palette (including specifications), façade detail and colour scheme;
  - Provide for shopfront lighting for the café to be available after dark; and
  - For the Pukeahu Terraces (Building B), the brickwork on the western façade facing Tasman Street should include a pattern / design to mitigate the blank wall element as indicated in the elevation on RC\_2.03.

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

#### Notes:

- The purpose of this information is to ensure that any changes made to the proposal through the detailed design are within the scope of the consent.
- Façade details includes but is not limited to; location of downpipes, ducting, air conditioning units, vents and other external plant on the elevations of the buildings.
- If the development is constructed in stages, then this condition applies to the building that the building consent application applies to.
- All works shall be carried out in accordance with any final design details approved under condition (2) above.

### Landscaping:

3. The landscaping shown in the Landscape Plan approved under condition (1) above must be completed by the consent holder within 3 months of completion of construction. Additionally with respect to the 'Te Parari' laneway between Buildings A and D:
  - Shade tolerant species must be selected (given the reduced sunlight in this area).
  - Plant height should be sufficient to promote screening of the blank walls of the refuse and car parking built edge along the east side of the lane. Species are currently proposed to be low growing (1m) plus occasional taller nikau / lancewood trees. Medium height shrubs (1.5m-2m height) are also required.
  - Irrigation will be required through either drippers or micro sprays.
4. Prior to the occupation of the habitable buildings, the consent holder must submit to the CMO a landscape and plant management plan and maintenance contract for certification in which they address:
  - Monitoring and maintenance of all plantings for 18 months from time of planting in order to allow for plant establishment.

### Sustainability of development:

5. The consent holder must provide the Council's CMO with a copy of the "Homestar Certificate – Built Rating" provided by the New Zealand Green Building Council confirming that standards for "Homestar (v4) Built Rating 7", or appropriate alternative standards, have been met, as soon as reasonably practicable following practical completion.

### Waste Management:

6. Prior to construction commencing the consent holder must submit to the CMO evidence that a Multi-Unit Development Waste Management and Minimisation Plan has been approved by the WCC Waste team.
7. Final dimension of the waste storage area must be submitted to the CMO who will confirm acceptance with the Waste Management Team.

### Notes:

1. Further details on the Waste Plan requirements ~~this~~ can be found in the Solid Waste Management and Minimisation Bylaw 2020:  
[https://wellington.govt.nz/rubbish-recycling-and-waste/waste-bylaw/Waste requirements for business - Multi-unit development \(MUD\) waste plans - Wellington City Council](https://wellington.govt.nz/rubbish-recycling-and-waste/waste-bylaw/Waste%20requirements%20for%20business%20-%20Multi-unit%20development%20(MUD)%20waste%20plans%20-%20Wellington%20City%20Council)

2. The waste storage area is anticipated to be 50m<sup>2</sup>, based on waste being collected privately four times a week but is subject to amendment in the Multi-Unit Development Waste Plan.
3. The CMO will consult with the Waste Management Team.

Wind:

*Buckle Street (2 Sussex St)*

8. In order to achieve wind mitigation at lower Buckle Street a tree must be planted on Part Section 664 Town of Wellington (2 Sussex St) as shown in WA Landscape Plan SK230627\_01 with the additional low-level planting in lower Buckle Street. This tree must be a *metrosideros robusta/excelsa* (pohutukawa or rata) with a minimum height and width of 3-5 metres or an agreed species of a similar size and growth habit subject to CMO agreement.

*Tasman Street (road reserve)*

9. If, within the period of two years following practical completion, the CMO considers there are legitimate complaints regarding unsafe wind effects on the eastern side of Tasman Street, the consent holder must plant two trees in the locations identified T6 and T7 in WA Landscape Plan SK230627\_01. The trees must be a minimum height and width of 3-5 metres at the time of planting. A Council approved consulting arborist must be engaged by the consent holder and provide a report demonstrating the suitability of the trees.

Notes:

1. In order to ensure an ongoing comfortable wind environment in Tasman Street, a bond (which may be entered into by way of a cash deposit) to the value of \$37,000 for the two trees, will be acceptable in achieving the requirements of condition (9) above. The bond shall be paid on the date of the final Practical Completion for the development of the site and will be refunded after two (2) years following Practical Completion, where there have been no legitimate complaints laid with WCC about an unsafe wind environment.
2. This relates only to the eastern side of Tasman Street between the corner with Buckle and the Seventh Day Adventist Church at No.27 Tasman Street.
3. Should the trees be planted the consent holder will need to engage with the Council's Traffic and Parks and Council's Transport and Infrastructure teams for the timing and specific requirements of this process. This is to ensure a suitable type of tree is chosen that retains adequate usable public footpath width and is not likely to damage the public footpath.

4. If the spread of a tree extends onto the road frontage of the neighbouring property (27 Tasman Street) the agreement of the owner of this property should be obtained.

*Tasman Street (subject site)*

10. In order to achieve mitigation for wind effects, the two trees planted along the Tasman Street site frontage (within the subject site) must have a minimum height and width of 3-5 metres at the time of planting and must be planted by the consent holder within 3 months of completion of construction.
11. A Council-approved consulting arborist must be engaged by the consent holder and provide a report that demonstrates the suitability of the species chosen for the Tasman Street wind mitigation trees (*within* the subject site).

Notes:

1. The trees must be evergreen (rata or similar).
2. Any disturbance of the footpath when planting, and the subsequent reinstatement is the responsibility of the consent holder. The footpath must be reinstated to its original condition and match the level of the undisturbed path.
12. Prior to occupation of the buildings, the plantings and screening incorporated to serve as mitigation for wind effects, must be installed to the satisfaction of the Council's CMO.

Note: The verandah / canopy is excluded from this condition and addressed in conditions (15) to (18).

Old Buckle Street Pohutukawa Protection:

13. Rigid protection walls (or other protection device designed with the approval of a Council's Arborist Manager) must be erected around the dripline of the Old Buckle Street Pohutukawa tree for the duration of construction unless the Council approved arborist determines and confirms in writing to the CMO that it is not practically possible.
14. Excavations within one metre of the dripline of the Old Buckle Street Pohutukawa tree to be retained must be hand dug or an alternate methodology may be selected with the approval of a Council approved arborist. It is recommended a depth of 600 millimetres be dug to identify any roots that will be affected by excavations. Roots with a diameter less than 60 millimetres may be cut cleanly with a pruning saw. Any roots over 60 millimetres need to be



assessed by a Council approved arborist before proceeding with any excavations.

<https://www.nzarb.org.nz/find-an-approved-contractor>.

#### Verandah:

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

#### Notes:

The verandah is to be constructed as shown in the Approved Plans and shall:

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

#### Design Safety:

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

#### Notes:

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

#### **Construction Management:**

Accidental Discovery Protocol:

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

The relevant iwi contacts are:

- Port Nicholson Block Settlement Trust  
C/- Tramways Building, 1-3 Thorndon Quay  
PO Box 12164  
Thorndon  
Wellington 6144  
[www.portnicholson.org.nz](http://www.portnicholson.org.nz)  
Email: [reception@portnicholson.org.nz](mailto:reception@portnicholson.org.nz)
  - Te Runanga o Toa Rangatira Incorporated  
C/- 2/4 Nohorua Street  
PO Box 50355  
Takapuwahia  
Porirua  
[www.ngatitoa.iwi.nz/runanga](http://www.ngatitoa.iwi.nz/runanga)  
Email: [resourcemanagement@ngatitoa.iwi.nz](mailto:resourcemanagement@ngatitoa.iwi.nz) or [onur.oktem@ngatitoa.iwi.nz](mailto:onur.oktem@ngatitoa.iwi.nz).
- Note: Wellington Tenth's Trust has requested their representatives are also contacted should material be uncovered: Vicky Hollywell and Chris Fox: [vicki@tekau.maori.nz](mailto:vicki@tekau.maori.nz) and [chris@ngahuru.maori.nz](mailto:chris@ngahuru.maori.nz) or via Wellington Tenth's Trust Level 1, Te Raukura (Te Wharewaka), 2 Taranaki St, Wellington and Hikoikoi 24D Marine Parade, Petone.

21. The consent holder and any contractors working on the site must familiarise themselves with, and follow the methods within, the Accidental Discovery Protocol condition as set out in condition (20) above.

Certification of Management Plans:

22. At least 20 working days prior to any relevant work commencing on site, the following management plans must be submitted to the CMO for certification:
- Construction Management Plan (CMP) – refer to condition (25)
  - Construction Traffic Plan (CTP) – refer to condition (26)

- Construction Noise & Vibration Management Plan (~~ENVMP~~CNVMP) – refer to condition (27)
- Erosion and Sediment Control Plan (ESCP) - refer to condition (29)
- Ground Movement Monitoring Plan (GMMP) – refer to condition (37)

It is expected that the Draft Construction Management Plan prepared by LT McGuinness (dated January 2023) that was submitted with the application will form the basis of the final CMP, CTP, ~~ENVMP~~CNVMP and ESCP to be submitted to the CMO for certification.

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

23. Relevant work must not commence on site until the management plans relevant to that work under condition (22), have been certified by the Council's CMO and stamped 'Approved for Final Use' (or similar). Relevant management plans are those that are reasonably intended to manage the effects of the relevant work.
24. The final CMP and associated CTP, CNVMP, ESCP and GMMP must be implemented and maintained throughout the entire construction period. The consent holder may submit amended management plans if required, and any such amended plans shall be subject to the same certification process as set out in condition (22).

#### Construction Management Plan:

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

Construction Traffic Plan:

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

CTP Advice Notes:

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

Construction Noise and Vibration Management Plan:

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

28. The final CMP must include a CNVMP, based on the draft CNVMP approved in accordance with condition (27) above.

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

Erosion and Sediment Control Plan:

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

*Erosion and Sediment Controls*

- An illustrated plan that records the key features of the erosion, sediment and dust controls including the approved area of earthworks (including the approved earthworks plan).
- A description of the broad approaches to be used to mitigate erosion and minimise problems with dust and water-borne sediment.
- Measures to limit the area of earthworks exposed to the weather at any one time (sources of dust and sediment).
- Stabilisation of the site entrance(s) to minimise the tracking of earth by vehicles onto the adjoining roads.
- The type and location of silt fences to control water-borne sediment.
- Methods for protecting stormwater sumps from the infiltration of water-borne sediment.
- Covering of soil or other material that is stockpiled on the site or transported to, or from, the site, to mitigate dust nuisance or erosion by rain and stormwater (creating water-borne sediment).

*Stability Controls*

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

*Dust Controls*

- Measures to ensure that the discharge of dust created by earthworks, construction and transport activities are suitably controlled to minimise dust hazard or nuisance.

- Minimise and mitigate all dust generating activities if site dust is observed blowing beyond the site boundary.
- Stabilising exposed areas that are not being worked on, using mulch, hydroseeded grass, chemical stabilisers or other similar controls.

*Management of Controls*

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

The CMP or ESCP must be reviewed by the ~~Chartered Professional Engineer (CPEng)~~ prior to being submitted to the Council, to ensure that the methodology is in accordance with the geotechnical assessment, by Dunning Thornton on the Structural Effects & Construction Methodology.

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

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

Construction Hoardings:

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

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

**Earthworks and Contamination:**

Chartered Professional Engineer:

32. A ~~Chartered Professional Engineer (CPEng)~~ must be engaged by the consent holder for the detailed design and construction phases of the project and monitoring of the earthworks.

33. The CPEng must advise on the best methods to ensure:

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

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

#### Producer Statements:

34. A construction review statement must be supplied by a suitably experienced ~~Chartered Professional Engineer~~ (CPEng) to the CMO within one month of the earthworks being completed. The document must:

- Include a statement of professional opinion that any un-retained cuts slopes and batters are considered stable with respect to the future use, and that the risk of instability is low as reasonably practicable.

35. A copy of the producer statement 'PS1 - Design' prepared by a suitably experienced ~~Chartered Professional Engineer~~ (CPEng) and its accompanying documents for the stabilisation of earthworks and potential impacts to the Arras Tunnel, must be provided to NZTA and Council's CMO prior or concurrent to the lodgement of the Ground Movement Monitoring Plan specified in condition 37.

36. A copy of the producer statement 'PS4 – Construction Review' and its accompanying documents for structures/buildings required for the stabilisation of earthworks and prepared for the associated building consent process, must be provided to the CMO within one month of the structures/buildings being completed.

#### Ground Movement Monitoring Plan:

37. At least 20 working days prior to any work commencing on site, a Ground Movement Monitoring Plan (GMMP) must be submitted to the Council's CMO for certification in relation to any temporary works, foundations and earthworks, so as to ensure there is not uncontrolled instability or collapse affecting any neighbouring properties:

- a. The GMMP must be prepared by a suitably experienced ~~Chartered Professional Engineer~~ (CPEng) to monitor induced ground

displacements due to excavation and vibration in neighbouring properties prior, during and after completion of earthworks.

- b. The GMMP must also include a schedule for the monitoring results to be regularly checked against the temporary works design model to confirm acceptability, including along settlements and ground movements (mm) estimated at the project boundary between the Site's northern boundary and southern Arras Tunnel Wall. All instruments and survey points are to be monitored against proposed "Alert", "Action", "Alarm" (AAA) levels, specified by the CPEngineer. If AAA levels are exceeded or damage is identified on the Arras Tunnel Walls or adjacent SH1 corridor the applicant-consent holder shall notify NZTA immediately.
- c. The consent holder shall develop contingency plans to respond to exceedance of "Action Values" and "Alarm Values" and shall be included in the GMMP.
- d. Roles and responsibilities of key site personnel must be stated in the GMMP, to ensure adherence to the GMMP and excavation sequence.

Note: Council may rely on external technical experts in this process for certification at the consent holder's expense.

#### Consultation with NZTA:

38. Prior or concurrent to providing the GMMP to NZTA for comment, the consent holder shall provide the following information to NZTA (EnvironmentalPlanning@nzta.govt.nz):
  - a. a detailed design report including the following information:
    - i. groundwater conditions
    - ii. watertight construction design
    - iii. estimated soil zones (zone of influence) for passive pressure development for seismic loading and for sustained loading for the piles
  - b. detailed design drawings of the following:
    - i. watertight construction detail (as it relates to the ground conditions and GMMP)
    - ii. estimated soil zones (zone of influence) for passive pressure development for seismic loading and for sustained loading for the piles
    - iii. design of the proposed structures in relation to the southern Arras Tunnel Wall and SH1, including cross-section showing the project's piles and the Arras tunnel (please provide horizontal distances)
    - iv. design drawings for the retaining wall/ excavation for the project,



i.e. close to the southern Arras Tunnel Wall

- v. typical cross-sections showing the proposed structures and NZTA structures, including cross-section showing the project's piles and the Arras tunnel (including horizontal distances).
- c. The consent holder must consult with NZTA in preparing the GMMP and provide NZTA with a draft copy of the GMMP prior to the submission to the Council's CMO. The consent holder must provide NZTA reasonable (approx. 6 weeks) notice that review will be requested prior to the submission of the GMMP and accompanying documents.
- d. If fifteen (15) working days have passed since the draft GMMP has been provided to NZTA and NZTA has not provided comments on the GMMP or provided advice that the GMMP is not suitable to certify, NZTA is deemed to have no comment on the draft GMMP and the consent holder may submit the GMMP to Council's CMO for certification.
- e. If five (5) working days have passed since the ~~applicant~~ consent holder has provided a response to comments from NZTA on the draft GMMP and NZTA has not provided a response, NZTA is deemed to have been satisfied by the ~~applicant's~~ consent holder's responses and the consent holder may submit the GMMP to Council's CMO for certification.
- f. The consent holder must ensure that all written feedback received from NZTA is provided to Council's CMO when the GMMP is submitted for certification, along with clear reasoning as to why any comment has or has not been incorporated or addressed as part of the GMMP.
- g. The GMMP is to be an adaptive document. It may be updated by the consent holder at any time provided that prior to doing so further consultation and collaboration occurs with NZTA in respect of any material amendments which have the potential to adversely affect the Arras Tunnel and/or SH1 corridor. Any updated provisions must not be implemented until the updated GMMP has been re-certified by the Council's CMO.

Note: Council may rely on external technical experts in this process. If the ~~applicant-consent holder~~ does not include any measure recommended by NZTA's experts in the GMMP then an external third party may be engaged to advise Council at the consent holder's expense.

#### General Earthworks Conditions:

- 39. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. Any material that falls on land beyond the site during work or transport must be cleaned up immediately (with the landowner's permission

on land that isn't public road). The material must not be swept or washed into street channels or stormwater inlets or dumped on the side of the road.

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

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

**Contaminated Material:**

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

**Construction Noise and Vibration:**

42. The consent holder must ensure that construction activities operate between the following hours:
  - a. Monday to Saturday 7.30am and 6:30pm
  - b. Quiet set up of site may start at 6:30am Monday to Friday (excluding Saturdays). Quiet set up time does not include the running of plant or machinery.

**Notes:**

1. No work can take place on a day when any notable event is scheduled for the Pukeahu National War Memorial Park for a minimum of one (1) hour before and one (1) hour after the publicly scheduled notable event time. A list can be found here: <https://mch.govt.nz/pukeahu/news-events/events> or contact [pukeahu@mch.govt.nz](mailto:pukeahu@mch.govt.nz).
2. The consent holder agrees to coordinate works to avoid, to the extent practicable, works that would cause unreasonable noise at The Wellington Seventh-day Adventist Church at 27 Tasman Street:
  - a. During solemn events (funeral services), provided 72hrs notice is provided; and
  - b. During Saturday morning church services.

3. If works must take place at night time please follow the Council process for night works by using the 'noise notification form' <https://wellington.govt.nz/report-a-problem/noise-control/construction-noise>.

43. The consent holder can undertake construction activities up to 6.30pm as set out in condition (42) however should there be any complaints received directly relating to the period 6pm to 6.30pm, the consent holder in discussion with the CMO, must return to a 6pm finish.

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

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

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

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

### **Servicing Conditions:**

#### **Engineering Standards:**

46. The consent holder must comply with the requirements of the Wellington City Council Code of Practice for Land Development (either its current version or replacement document), unless otherwise modified by condition(s) of the consent or agreed in writing by the Wellington Water Land Development Team. These are the engineering standards for mitigating adverse effects on the environment from wastewater and stormwater drainage, water supply and utility structures.
47. No construction shall start prior to following engineering plans in relation to water supply, stormwater or wastewater drainage, being accepted in writing by the Wellington Water Land Development Team:
  - i. engineering plans and design certificate,

ii. specifications,

48. Where existing buildings are to be or have been demolished to create these dwellings / Lots, all existing water supply, wastewater and stormwater connections and any existing redundant public mains are required to be disconnected by capping (stormwater and wastewater) or disconnection (water) from the public main, with the Council advised of the final treatment by way of including this information on the as-built plan.

Notes:

1. Where drainage works are required, permits in addition to this resource consent ~~are~~<sup>is</sup> required, namely:
2. Building Consent for private drains,
3. Public Drainage Permit for public drains
  - i. Some of the engineering plans and specifications in the consent condition above are to be submitted during the application stage for these permit(s).
4. The Design and Construction documentation needs to include a copy of the Safety in Design documentation generated in response to the legal requirements under the Health and Safety at Work Act (2015) section 39.
5. 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.
6. Wellington Water Ltd have updated to the New Zealand Vertical Datum 2016 (NZVD2016) and As-Built plans will be required to be in terms of the NZVD2016.
7. Prior to connection, an application for water supply, wastewater and stormwater is required to be made to the Council. All works must be inspected, and all testing

Water:

49. The consent holder must provide to Wellington Water Land Development Team for review and approval, a design statement endorsed by a ~~Chartered Professional Engineer~~<sup>CPEng</sup> on:
- i. Calculations, specifications and design plans to confirm:
    - a. That there is sufficient water supply pressure and flow for the development to meet the Wellington City Code of Practice for Land Development 2012 for domestic water, and

- b. that the site achieves a compliant fire design in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008,
  - c. the size of the Block A, D and E domestic connections,
  - d. the size of the Block A and E firefighting connections.
- ii. Calculations based on pressure logging (for a minimum one-week period) and flow readings taken from the nearest hydrant.

Notes:

- 1. Upgrading of the existing water infrastructure and / or site solutions (sprinklers and / or tanks) may be required if the Code's requirements cannot be achieved or if the proposal will have a detrimental effect on existing users.
  - 2. The design statement shall include the following statement: "The design of the water mains and services complies with the Wellington City Council Code of Practice for Land Development and current Wellington City Council Water Supply Specification"
  - 3. Please note that permission is required prior to using or testing hydrants.
50. The consent holder must provide:
- i. Each residential dwelling in Blocks B and C with separate and individual 20 mm ID water supply connections to the public water supply main in Old Buckle Street, each with a manifold at the property boundary.
  - ii. Alternatively, single 32 mm ID connection can be provided to service groups of 2 Lots splitting to individual tobies at the property boundary.
  - iii. the Café within Block B with a separate appropriately sized metered water supply connection to the public water supply main in Old Buckle Street, with a manifold at the property boundary. An RPZ – type backflow preventer is required if the connection is greater than 20 mm ID.
  - iv. Blocks A, D and E with an appropriately sized separate and individual water supply connection to a public water supply main for domestic water supply, with an appropriately located manifold. An RPZ – type backflow preventer is required if the connection is greater than 20 mm ID.

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

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

51. The consent holder may construct a new public water main within the site to service Blocks A, D and E.
52. The consent holder shall provide each dwelling/unit within Block A, D and E with a separate water supply shut-off valve. The shut-off valve shall be located such that each dwelling or unit can be independently isolated, if required.
53. The consent holder shall provide Blocks A and E with separate and individual fire-fighting connections in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies NZS PAS 4509:2008 [and the Code of Practice for Land Development], and:
  - i. a separate application for the fire connection must be submitted to Council, along with detailed calculations and a layout plan showing the proposed connection. The design of the fire service connection and sprinkler system shall allow for any head loss incurred by the required backflow prevention containment device.
  - ii. The consent holder shall provide all fire connections/sprinkler connections with a double check detector check backflow prevention containment device.

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

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

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

Wastewater and Stormwater:

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

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

56. The consent holder must provide:
- i. each residential dwelling in Blocks B and C,
  - ii. the Café within Block B, and
  - iii. Blocks A, D and E,
- with appropriately sized separate and direct, wastewater and stormwater connections to a public wastewater and stormwater network.

Note: It is anticipated that the above condition will be achieved by providing each dwelling / block with a connection to the public main extended under condition (55), alternatively Block E may be provided with separate and direct connections to the public mains in Tasman Street or the existing public main within the site itself.

Alternatively:

The consent holder may create single private stormwater and wastewater drains to serve Blocks B and / or Block C (separately), and

- i. As any drain will become a common shared service in the future it / they must be located so that all of the individual connections can be made within the site boundary.
- ii. Each Lot must be provided with suitably sized, separate and direct lateral connections to the 'shared' private drain.

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

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

Stormwater Treatment:

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



Notes:

1. The consent holder may also require Greater Wellington Regional Council approval for the proposed stormwater management system.
  2. The stormwater treatment devices must be located so that they are owned and operated by a single entity.
60. Any combination of exposed (i.e. unpainted) galvanised steel (with greater than 99% zinc coating) or copper may result in contamination of stormwater runoff upon corrosion of surfaces and therefore stormwater from these materials used for exterior construction, including but not limited to roofing, cladding, gutters and downpipes, shall not be discharged to the public stormwater network (either directly or indirectly) unless treated on-site by a water quality device

As-builts:

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

Notes:

1. Where possible, all as-built plans are to be submitted in both hard copy (PDF) and electronically. Electronic copies are to be submitted in CAD format (.DWG file) drawn in the NZGD 2000 New Zealand Transverse Mercator' coordinate system.
2. Wellington Water Ltd have updated to the New Zealand Vertical Datum 2016 (NZVD2016) on 1 July 2022. Hence Engineering Plans and As-Built plans are required to be in terms of the NZVD~~2016~~<sup>2016</sup>.

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

63. Prior to occupation of the development, heavy duty vehicle crossings must be installed at both Tasman Street crossings.

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

Pedestrian Safety:

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

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

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

Traffic Resolution:

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

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

**Operational Noise:**

Boundary Noise Emissions:

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

Fixed Plant Noise:

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

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

Electronic Sound System (Commercial Operations):

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

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

Sound Insulation:

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

Ventilation:

72. Prior to lodging building consent, the consent holder must submit to the Council’s CMO written certification that illustrates that any habitable room has been designed and specified to achieve a minimum ventilation performance standard of a of 7.5 litres per second per person. The ventilation certification must be prepared by a suitably qualified and experienced person acceptable to the Council.

### **Monitoring and Review:**

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

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

### **Advisory Notes:**

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

7. The methods set out in the Greater Wellington Regional Council guideline for erosion and sediment control for the Wellington Region should be followed when undertaking earthworks on the site:  
<https://www.gw.govt.nz/assets/Resource-Consents/Erosion-and-Sediment-Control-Guide-for-Land-Disturbing-Activities-in-the-Wellington-Region.pdf>
8. A vehicle access bylaw approval is required for the construction of new sections of vehicle crossing under Part 5, Section 18 of the Council's Consolidated Bylaw 2008.
9. The consent holder may need to apply for an encroachment licence for the canopy and any other structures on the legal road. Applications for encroachment licences must be made to the Council's Property Team ([encroachments@wcc.govt.nz](mailto:encroachments@wcc.govt.nz)).
10. The consent holder is responsible for all costs associated with the changes on legal road required to implement this development, including changes to parking signs, road markings, streetlights, and/or the kerb and channel. A vehicle access bylaw approval may also be required.
11. It is expected that rubbish associated with the building will be collected by a private collector. For more information ~~and/or~~ contact the Council's Waste Operations [wasteplans@wcc.govt.nz](mailto:wasteplans@wcc.govt.nz)
12. Council's Urban Design Advisor requires any future signage (excluding temporary signage associated with construction) for the development as a whole (One Tasman Pukeahu Park) and for any discreet tenancies – e.g. the café, must conform to the Council's 'Design Guide for Signs'. No specific signage has been granted consent under this decision other than in relation to the construction context.
13. New addresses have been allocated to the development. An 'Allocation of Addresses Sheet' will be provided on request.
14. The WIAL1 Designation protects the airspace for the safe and efficient operation of Wellington International Airport. The Designation requires that any person proposing to construct or alter a building or structure, which does the following, must advise Wellington International Airport Limited (WIAL) and obtain approval under section 176 of the Act:
  1. a new building/structure, additions and/or alterations or a crane or scaffolding which penetrates the Take-off and Approach Surfaces and exceeds a height of 8m above existing ground level; or
  2. a new building/structure, additions and alterations or a crane or scaffolding which penetrates the Conical, Inner Horizontal, or Transitional Side Slopes of the Airport; or
  3. a new building/structure, additions and/or alterations or a crane or scaffolding which results in a height of more than 30m above ground level in the remainder of the Designation area (Outer Horizontal Surface).

You can find these surfaces and slopes [here](#) and check the WIAL OLS webpage: [Obstacle Limitation Surface Designation \(wellingtonairport.co.nz\)](http://ObstacleLimitationSurfaceDesignation(wellingtonairport.co.nz)) or

contact WIAL at [planning@wellingtonairport.co.nz](mailto:planning@wellingtonairport.co.nz) for any questions that you might have or if you need to seek WIAL's approval.

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

For more information on the traffic management process and what further separate landowner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link:

<https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>

16. The proposal may affect a recorded archaeological site. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority (consent) from Heritage New Zealand Pouhere Taonga (HNZPT) must be obtained for works to proceed if the archaeological site has the potential to be modified or destroyed. It is illegal to modify or destroy an archaeological site without obtaining an archaeological authority. The consent holder is advised to contact HNZPT for further information prior to works commencing.
17. Wellington Water Land Development Team (Wellington Water) has advised that the following requirements will apply, in addition to the conditions above, to the development at subdivision stage:
  - The site has been provided with a stormwater treatment device (as set out in the above land use conditions). The future owner(s) / Body Corporate must:
    - i. ensure that all connections to the system(s) are trapped to minimise debris entering the system.
    - ii. follow the required operation, maintenance and renewal of the system(s), set out in the operation and maintenance manual, to ensure the stormwater treatment system it is in full working order at all times.
    - iii. 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 (58) including all subclauses above to be registered against the Record of

Title to issue in respect of the parent parcel of the Balance Lot created for Blocks A, D and E.

- Any utility services contained within another allotment of this subdivision, must have appropriate easements duly granted or reserved. The easements, as necessary and subject to other conditions of this consent, are to ensure that the lots can be serviced for water supply, drainage, domestic energy supply and telecommunications (including broadband).
- Where shared private stormwater and wastewater services are provided an easement instrument for the shared private stormwater and wastewater services shall be provided and shall include specific provisions, in plain English, about the respective obligations of the parties to the easement in relation to the shared private wastewater services, including maintenance and replacement.

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

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

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

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

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

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

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