

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

1 September 2020

Service Request No: 464277
File Reference: 0600-811652

APPLICATION DETAILS

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

SITE DESCRIPTION

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

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

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

PROPOSAL

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

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

ACTIVITY STATUS

District Plan:

Resource consent is required under the following rules:

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

Activity Status – Summary:

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

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

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

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

Preclusion to Public Notification:

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

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

Public Notification – Rule/Adverse Effects:

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

ASSESSMENT OF ADVERSE EFFECTS

Permitted Baseline:

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

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

Potential Adverse Effects:

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

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

These matters are respectively discussed below.

Streetscape Effects:

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

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

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

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

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

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

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

Centre vitality:

The removal of buildings and creation of vacant open space has the potential to generate adverse effects on the vitality of a Centres area. In particular, the loss of buildings reduces the visual attractiveness of the area, and reduces the availability of space for businesses to trade from, which in turn can negatively impact on the liveliness in the area.

In her assessment, Ms Duffell has considered the impact on the vitality of the Centres Area, and whilst she acknowledges that the vacant building does not currently draw anyone into the area and create any localised movement, the creation of vacant open space will further detrimentally impact on the vitality of the area. I accept the advice of Ms Duffell in this regard.

For these reasons, I conclude that the adverse effects on centre vitality will be no more than minor

Impact on Historic Heritage:

The proposed development will result in the removal of a listed heritage building, which will entirely remove the heritage values offered by that building.

The subject application has been reviewed by Council's consultant heritage advisor, Chessa Stevens, who has provided an initial assessment of the heritage effects that the proposal is likely to have. In the essence of brevity, I will not repeat Ms Stevens's assessment in detail, rather this is to be read in conjunction with this report. However, the key messages of Ms **Steven's assessment are:**

- The building has high heritage significance
- The applicants AEE identifies that the proposal will have permanent and irreversible heritage effects.
- There are some concerns that not all reasonable options have been considered.

Overall, Ms Stevens considers that the proposal will have significant heritage effects, and is not aligned with the assessment criteria of the relevant rules.

Based on the advice of Ms Stevens, and that of the applicants Heritage Assessment, I conclude that the adverse effects on historic heritage will be more than minor

Effects Conclusion:

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

NOTIFICATION DECISION

For the reasons detailed in this report the application for demolition of existing heritage building and creation of ground level open space on the site at 114 Adelaide Road, Mount Cook must be processed on a **notified** basis.

Report prepared by: Peter Daly



Peter Daly
Delegated Officer

2 September 2020

Delegated Authority No. (1)



Bill Stevens
Delegated Officer

2 September 2020