

FORM 9
APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991

TO: Wellington City Council
P O Box 2199
WELLINGTON 6140

1. IPG Corporation Ltd (the Applicant) hereby applies for the following resource consents:

- **A land use consent:** For the partial demolition of a heritage building and additions and alterations to a heritage building.
- **A land use consent:** For earthworks.
- **A land use consent:** For a new sign.

2. Activity & Classification:

- Land use consent to partially demolish a listed heritage building and carry our modifications is a discretionary activity (restricted) pursuant to Rules 21A.2.1.
- Land use consent carry out the modifications to the existing building are a non-complying activity under Rule 7.5.
- Land use consent for earthworks is a discretionary restricted activity pursuant to Rule 30.2.1
- Land use consent for the new sign is discretionary restricted activity pursuant to Rule 21D.3.1 and 7.3.12.

3. The location to which this application relates:

Street Address: 114 Adelaide Road. Mt Cook



Figure 1: Location Aerial - Extract from WCC Web Maps

4. The owner of the site is: -

Lakhi Maa Ltd

5. There are no other activities that are part of the proposal to which the application relates.

6. Additional resource consents are needed for the proposed activity.

From our knowledge of the site, there are no National Environmental Standards that would apply to this proposal.

There is a potential that a dewatering consent may be required for the excavation of the earthworks and the underpinning of the main façade. This will be determined when geotechnical investigations are made for the detailed foundation design. This will require drilling and sampling to determine the depth of ground water. That consent will be sought before the works commence, but will require some demolition of the heritage building for machinery to access the site. The consent can therefore not be sought concurrently.

7. Attached, in accordance with Clauses 6 & 7 of the Fourth Schedule of the Resource Management Act 1991, is an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

8. Attached is an assessment of the proposal against Part 2 Resource Management Act 1991.

9. **Attached is an assessment of the proposal against Section 104(1)(b) Resource Management Act 1991 including any relevant objectives, policies or rules.**

11. **Also attached is any information required to be included in this application by the District Plan, a Regional Plan, the Resource Management Act 1991, or any regulations made under that Act.**

The relevant assessment of environmental effects, proposal plans and other information required by the Wellington City Council District Plan are attached.

IPG Corporation Ltd
by their duly authorised agent



.....
Ian Leary for Spencer Holmes Limited.

Date: May 2021

Address for Service:

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Surveyors, Engineers & Planners
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ATTACHMENTS

1. Record of Title – No relevant covenants or consent notices.
2. Proposal Plans by IPG numbered A-000, A-010, 100 to 106, 150 to 154, 200 to 205, 250 and 251.
3. Feasibility Report by IPG dated 22-04-21
4. Architectural Design Statement – IPG Ltd dated 22-04-21
5. Preliminary Strengthening plan by Silvester Clark dated 5/02/2020
6. Wind Assessment: 114 Adelaide Road, Wellington – Opus International Consultants dated Nov 2016
7. Wind Assessment – 114 Adelaide Road (Revised Design) letter by WSP to IPG Ltd – dated 26/03/21
8. Seismic Strengthening review – Silvester Clark
9. 114 Adelaide Road, Newtown, Wellington - Heritage Assessment and Impact Report dated April 2021 by DPA architects.
10. Traffic Report – TDG dated 12 May 2017
11. Waste Management Plan – IPG dated 22-04-2021
12. WCC Earthworks Assessment and recommended Conditions from previous application.

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DESCRIPTION OF PROPOSAL & ASSESSMENT OF EFFECTS ON ENVIRONMENT

1 THE PROPOSAL

1.1 Site & Locality

The site is known as 114 Adelaide Road. It has a total area of 455m². It is located on the corner of Adelaide and Drummond Street, Mt Cook.

The site is occupied by an unreinforced masonry building, known as the former Tramway Hotel. The building occupies the whole site. Figure 2 below is a photograph of the building looking south west from Adelaide Road.



Figure 2: Photograph of the Former Tramway Hotel

The building is current vacant and is not in use. There has been no commercial use of building for approximately 10 years.

A detailed description of the buildings history and the location is contained in the attached report by Heritage Architect Dave Pearson of DPA Architects¹.

A further description of the building is contained in the report by Silvester Clark².

The building has been identified as being Earthquake Prone under the Building Act 2004. The building is the subject of a notice under Section 133AS of the Building Act. In that regard, WCC is seeking authority to enter the building and carry out seismic strengthening work on behalf of the owner. Copies of correspondence from WCC were attached to the associated demolition consent.

The building is subject of an existing and concurrent application for the full demolition of the building. This application is known as SR464277. The application was publicly notified and

¹ See "114 Adelaide Road, Newtown, Wellington – Heritage Assessment and Impact Statement" – dated April 2021 – By Dave Pearson – Section 3, Pages 9 to 13 .

² See "Seismic and Structural Strengthening Report" Dated April 2020 – By Silvester Clark Engineers – Section 2, pages 1 and 2.

submissions received. The applicant has placed the hearing on hold to allow this application to be submitted and to be run in conjunction with the application to demolish.

Council's original Court action to seek authority to strengthen the building has stalled in the first Court proceeding which has allowed the applicant time to prepare and lodge this application. The proceedings are progressing under appeal.

1.2 Legal Description

Lot 1 and 2 DP 21496

There are no covenants or consent notices registered on the RoTs which are relevant to the resource consent process.

1.3 Description of Proposal

The proposal is the partial demolition of elements of the existing building and the construction of a hotel building behind the existing main façade of the existing building as shown in IPG plans numbered A-000, 100 to 106, 150 to 154, 200 to 205, 250 and 251.

The proposal will involve retaining the main façade of the building (ground and level 1). The existing garage on the eastern façade will be demolished. The roof and interior of the building will be demolished. The IPG plan A-010 demonstrates the parts of the building that will be retained. This effectively will be limited to the main façade on Adelaide Road and on Drummond St.

The Heritage Impact Report outlines additional work that will be done to the main façade.

The exterior of the building, primarily comprising the facades are in relatively original form and this situation will be retained. Minor changes will be made, generally to restore the building to an earlier form. In particular, a new parapet, likely to comprise lightweight concrete panels with a replica moulded cornice, will be constructed at roof level to replace the existing lightweight timber framed parapet.³

Proposed New Building

The proposed new building is being developed as a hotel building.

The basement will be excavated below the building and will contain a dedicated car park.

The ground floor will have the vehicle access entrance, loading, rubbish and hotel main reception and bar/restaurant.

Level 1 to 7 will be occupied by hotel rooms.

Access and Loading

The main vehicular access to the building will be via Adelaide Road, in the existing garage located at the southern end of the building.

The ground floor, floor to floor height will be 4.2 metres. The trafficable height will be 4.2 less the structure (likely to be around 0.8 to 1.0 metre).

³ 114 Adelaide Road, Newtown, Wellington Heritage Assessment and Impact Statement – DAP Architects dated April 2021 – Section 4 page 14

The loading area is 7.3 x 3.55. The rubbish storage area is immediately adjacent.

A car lift will allow access to the basement level, where a robotic car park will store cars at that level. The applicant intends on provide storage/parking for around 20 cars in this underground level.

Earthworks

The proposal will involve earthworks to excavate a basement level car park. The maximum depth of excavation is shown on A-105 and indicates a 3.4 metre deep basement (total depth of 3.55 to underside of floor slab).

The total volume of material to be removed would be 1420m³. The area of disturbance is around 400m².

There will be required to be a considerable amount of work to secure the façade of the existing building and carry out the excavation. This will be subject to a detailed methodology that would be expected to be a condition of consent and subject to building consent.

A method discussed with the structural engineers (Silvester Clark) involves:

- The main façade would be temporarily supported by a separate and new structure.
- The main building would be demolished.
- Then soldier piles would be drilled on either side of the existing façade on a ‘hit and miss’ basis.
- Ground beams under the main façade would be linked through the piles on both sides of the façade.
- The gap between the piles would then be subject to any soldier pile which would then have a ground beam placed.
- This would continue along the length of the façade until a foundation is provided along the whole structure.

Note that the application will include earthworks within Adelaide Road for unpinning the main façade. These works are yet to be designed by a structural engineer, however they will be backfilled and the footpath reinstated.

The soldier piles methodology might be used around the rest of the site, however a sheet pile or propped pile arrangement, similar to what is shown below, allows excavation in close proximity to neighbouring properties.



Figure 3: Propped support of earthworks option

The applicant will be required under the building consent process to submit methodology for the retention of the façade and the earthworks. It is anticipated that under the resource consent conditions, a detailed methodology for retention of the façade and earthworks will also be required to be submitted, however it would be anticipated that it would be the same document.

Signage

The applicant proposed to place a Digital Static Billboard on the building, as shown below in Figure 4.

The billboard is not intended to be used for 3rd party advertising, but to advertise activity on site such as the hotel, bar and restaurant.

The billboard will be 4 x 10 metres (40m²).

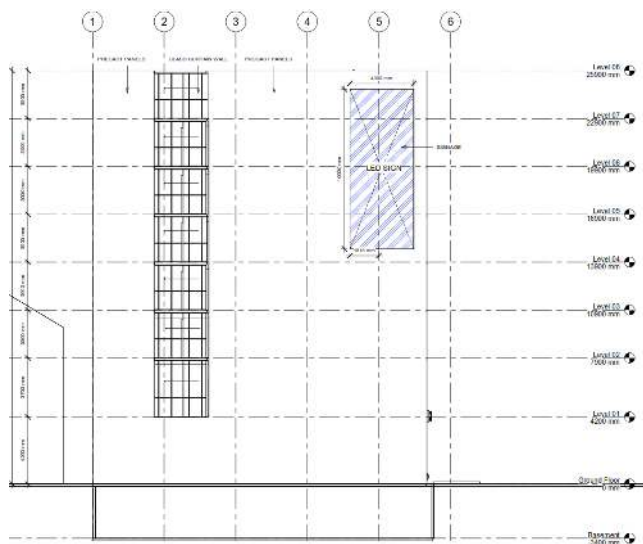


Figure 4: Digital Billboard location and details

Addition conditions volunteered by the applicant include as follows:

1. The digital billboards must have a maximum LED brightness of 5,000cd/m² (Nits);

2. The digital billboard must not have any brightness exceeding 5,000cd/m² between sunrise and sunset (ie: day);
3. The digital billboard must not have any brightness exceeding 150cd/m² between sunset and sunrise (ie: night);
4. The digital billboard must use LED technology that does not have the filament visible to motorists;
5. The LED digital billboard must have an automatic dimming system based on an ambient light level sensor so that the night time maximum luminance is 250cd/m² and the daytime maximum luminance is 5,000cd/m². Without exceeding the maximum luminance set by this condition, sign brightness must be equal to or less than the brightness of a standard vinyl-skinned billboard under the same lighting conditions between sunrise and sunset.

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

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

Dwell time

8. The digital billboard must operate with a minimum dwell time of 8 seconds;
9. The digital billboard must have a transition time of 0.5 seconds between image displays. The images must fade in and out rather than there being an abrupt change.

Image Content

10. Image content must be static, and must not incorporate flashes, movement or animation;
11. The image content must not imitate traffic signs or any traffic control device, or give instructions to motorists that conflict with any traffic sign or traffic control device;
12. The consent holder must ensure that any lettering and/or symbols will be clearly legible, and the message must contrast with the background. The sign message must be designed to best practice guidelines to ensure the message is readily understood by an approaching driver;
13. Images on billboards must not be linked to “tell a story” across two or more sequential images (ie: where the meaning of an image is dependent upon or encourages viewing of the immediately following image:

Shut down ability

- 14. The digital billboard must be programmed to automatically go dark in the event of a billboard malfunction. The consent holder must provide an emergency (24/7) contact number and an intervention process to enable the consent holder to disable the digital billboard by manual intervention, both remote and on-site, should the automatic intervention fail. These details must be provided to the satisfaction of Council’s CMO prior to operation of the electronic billboards commencing;

2 PLANNING PROVISIONS

2.1 Zoning

The site is located in a **Centres Area** (Map 6)

Extracts from the WCC Planning Maps are shown in Figure 5 below.



Figure 5: Extract from Planning Map 6

The site shows that it contains a listed heritage building 397. The listing in the Heritage Inventory is as follows:

Adelaide Road, cnr Drummond Street – 114 Adelaide Hotel 1899 Map Ref 6 – Symbol 397

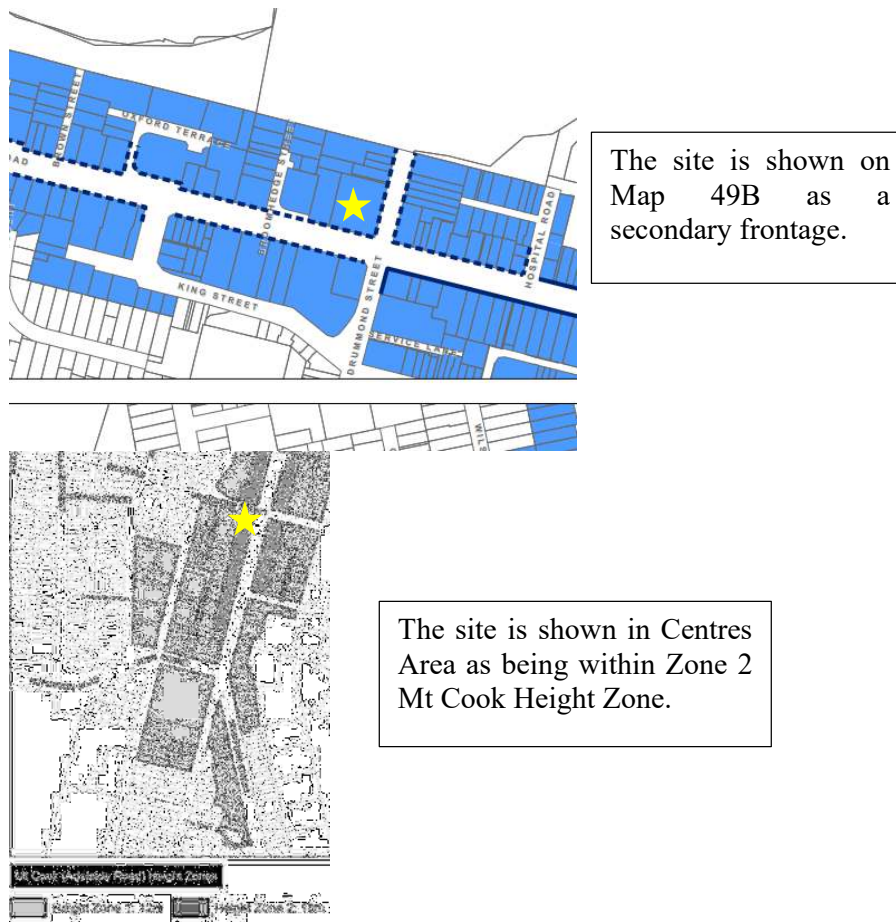


Figure 6: Frontages and Height of the District Plan

2.2 Compliance with District Plan Standards

2.2.1 Demolition of a Heritage Building and construction of a new building

The demolition of the building does not meet any of the permitted activity standards under Chapter 21 of the District Plan Rule 21A.2.1 states:

Any modification to any listed heritage building.....or the demolition....of any listed heritage building.....is a discretionary Activity (Restricted) in respect of:

21A.2.1.1 Historic Heritage

21A.2.1.2 Height, coverage, bulk and massing of buildings (to the extent that these historic heritage)

Under 21A.2.2 the construction of a new building on the site is a discretionary restricted activity with the matters of discretion the same as listed above under Rule 21A.2.1.

2.2.2 Activities and Building Addition

Under the Centres rules, any activity or the construction or addition to a building is permitted where the standards of section 7.6.1 and 7.6.2 are met.

The Centres rules allow only limited building works as a permitted activity. New buildings are a discretionary activity (restricted) under rule 7.3.6. In addition, new buildings that do not meet the standards in section 7.6.1 and 7.6.2 are a discretionary activity (restricted) under rules 7.3.5. and 7.3.7.

Accordingly, the commercial and residential activities and the proposed building addition have been assessed against the standards of sections 7.6.1 and 7.6.2 for the Centre Area as shown in Table 1 below.

Table 1: Assessment of Centre Standards

Standard	District Plan Requirements	Additions	
Vehicle Parking 7.6.1.5.1 to 7.6.1.5.4	Parking (if provided) to be in accordance with sections 1, 2 & 5 of ANZS 3490.1:2004	N/A – Note robotic parking is not allowed for in the plan	
	Parking within building to be 2.2m high	N/A	
	Gradient of circulation route 1:8	N/A	
	No open parking areas (or ground level parking within buildings) at front of site that is a primary or secondary street frontage.	Complies	
Servicing 7.6.1.5.5 to 7.6.1.5.8	Loading area required with 4.25m height (except on neighbourhood centres)	Doesn't comply	
	Outdoor loading area 3m x 9m	N/A	
	Indoor loading area 4m x 9m	Doesn't comply	
	No new loading areas at ground level within buildings for site that is a primary or secondary street frontage.	Doesn't comply	
Site Access 7.6.1.5.9 to 7.6.1.5.15	To be in accordance with section 3 of ANZS3490.1:2004	N/A	
	No new access to primary frontage (map 46-49A)	N/A	
	Minimum distances from intersections	Complies	
	Maximum of one vehicle crossing per site; except, there may be one crossing per site frontage (except if to SH)	Complies	
	Max crossing width 6m	Complies	
	Access from service lane / ROW where possible	N/A	
	Access to allow free flow of traffic & no queue	Complies	
Screening 7.6.1.8	Yards abutting Residential Area or Open Space to be screened by 1.8m high solid fence	N/A	
	Exterior storage area screened from Residential Area or public space	N/A	
Building Heights 7.6.2.1 - 2	Max. height = 18m	Does not Comply	
	Min. height = 7m	Complies	
	Ground floor to be $\frac{1}{3}$ higher than upper floor	Complies	
Height adjoining Res. Area 7.6.2.3	Building / Structure to comply with recession plane from residential area	N/A	
	No building / structure over 3m high within 5m of residential area	N/A	
Yards 7.6.2.5	No building or structure within 10m of the Porirua Stream, or within 5m of another waterbody.	N/A	
	No impervious surface within 5m of a waterbody.	N/A	
Windows adjacent Res. Area 7.6.2.6	All windows above ground floor in walls within 5m of Residential Area to have privacy glazing.	N/A	
	Decks greater than 1.5m in height to be 5m from Residential Area bdy	N/A	
Verandahs 7.6.2.7.1 – 7.6.2.7.3	Required on primary frontage (maps 46-49A)	N/A	
	<ul style="list-style-type: none"> Vertical clearance 2.5m min. above footpath Vertical clearance 4.0m max. above footpath Min. setback 0.45m from kerbline Max. 3.0m from front of building 	N/A	
	<ul style="list-style-type: none"> Extends full width Extend 3.0m out from face (less 0.45m setback from kerbline) Continuous with adjoining verandah 	N/A	
	<ul style="list-style-type: none"> Required on primary frontage (maps 46-49A) Must be transparent 	N/A	
	Display Windows		N/A

Standard	District Plan Requirements	Additions
7.6.2.7.4 – 7.6.2.7.6	<ul style="list-style-type: none"> 60% of ground floor elevation 	
Building Edges 7.6.2.7.7 – 7.6.2.7.10	<ul style="list-style-type: none"> Non-residential activities at ground floor on specified sites No blank wall at ground level longer than 3m on primary frontage (maps 46-49A) New buildings build up to street on primary frontage (maps 46-49A) No blank wall at ground level longer than 4m on public frontage 	Complies
Noise Insulation & Ventilation 7.6.2.9	<ul style="list-style-type: none"> Habitable rooms to achieve noise reduction of 30dB Habitable rooms with openable windows to have supplementary source of fresh air ducted from outside at rate of 7.5 l/s 	Will Comply

Further to the above, Rule 7.6.3.1.2 provides for the permitted standards for signs. The maximum size is 5m². The proposal is for a 40m² sign.

Table 2: Assessment of Earthworks Standards

Standard	District Plan Requirements	Proposed Retaining Wall
30.1.1.1(b)	2.5m vertical alteration maximum;	Doesn't Comply
	Not on slope over 34° (1V:1.5H);	Complies
	Height/depth not to exceed distance from boundary;	Doesn't Comply
	Total disturbed area not more than 250m ²	Doesn't Comply
30.1.1.2	Not within 5m of water body	Complies
30.1.1.3	Not in Hazard (Flooding) Area	Complies
30.1.1.4	No visible settled dust beyond the site boundaries	Can comply
30.1.1.5	Proximity to transmission line / structure	Complies

Rule 7.3.5 makes any activity which does not meet the standards in 7.6.1 a discretionary restricted activity. The matters of discretion are limited to the standard not met. In this case, the non compliance is in relation to:

- the dimensions on the internal loading
- height of the loading area
- no new loading within buildings with primary or secondary frontage.

Rule 7.3.6 makes any proposal to construct a new building a discretionary restricted activity in respect to the matters listed in 7.3.6.1 to 7.3.6.5.

Rule 7.3.7 makes activity a discretionary restricted activity in respect to specific matters of non compliance which in this case will be:

- Height standard.

Rule 7.3.7.10 states:

In Zone 2 of the..... Mt Cook Town Centre, maximum building height must not be exceeded by more than 33 percent.

The maximum height is 18 metres. A 33% increase in this height is 24 metres. The proposed building height is 25.9. The standard and term for the application to be considered a discretionary restricted activity is therefore not.

Rule 30.2.1 results in any activity which does not comply with Rule 30.1.1 a discretionary restricted activity.

Rule 7.3.12 makes any sign which does not meet the permitted standards a discretionary restricted activity.

2.3 Activity Status

The assessment of the provisions of the District Plan shows that the proposal is a Non Complying Activity 7.5 and a discretionary restricted activity under 21A.2.1 and a discretionary restricted activity under Rule 30.2.1.

3 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

3.1 Introduction

This assessment of environmental effects on neighbouring properties and the wider community has been prepared in such detail as corresponds with the scale and significance of the effects that the proposal may have on the environment.

The proposal is at least in part, deemed a Non Complying Activity. Therefore, there is no restriction on the matters which can be considered.

We consider the potential effects on neighbours and the wider community, including physical effects are as follows:

- Historic Heritage;
- Hazards and Safety:
- Urban Design Effects.
- Effects on traffic safety
- Shading and Amenity effects on neighbours
- Wind Effects
- Effects from earthworks
- Construction Effects
- Positive Effects

3.2 Heritage Effects

In reaching my conclusions on the potential heritage effects, we rely to a large degree on the conclusions of Dave Pearson of DPA Architects.

This application is intended to be considered in conjunction with the application for demolition which has already been notified. Effectively, this application is giving Council the option to consider 3 separate options with respect this building.

The existing building is earthquake prone and has reached the point where it must be strengthened. WCC are currently going to the extent of seeking orders under the Building Act to obtain orders to undertake the strengthening works and charge that back to the owner.

The owner of the building has provided information that strengthening the building is significantly uneconomic. This is the information that is contained within the application for demolition.

If Council were to seek these orders, the strengthening work would only be carried out to a maximum of 34% of New Building Standard (NBS) and there would be no consideration of economic viability or future use of the building. The building owner is of the view that this will mean that they are charged with the cost of strengthening the building, but will still have no economic use for it. Strengthening to only 34% NBS is likely to reduce the potential for future use of the building and reduce the likely options available. None of the options at this level are going to be economically viable for the building owner.

The building owner, therefore, clearly has no “do nothing option”. They must take some action to either strengthen or demolish the application due to the requirements of the Building Act. In light of that, the owner is trying to consider all options, but their stated preference has been to preserve as much of the existing building as can be reasonably achieved.

Given that there is an option to demolish the building, concurrently lodged with Council, the options available to the consent authority are:

Option 1: Approve the new building as set out in this application:

Option 2: Decline the new building and approve demolition:

Option 3: Decline both applications: - the result would be the building stays as it is and the final outcome is unknown. The owner cannot obtain funding to strengthen the building, is not allowed to demolish it. WCC Resilience Office may/may not obtain orders to strengthen the building and charge the land owner but overall the costs of the works will exceed the value of the land. This will become immediately apparent to WCC once the work were to begin and faced with the likelihood of not recovering costs, the WCC are unlikely to proceed with the works. Therefore the end result is unknown.

The assessment below will consider the heritage effects of the 3 options set out above, as they are the only options that can be considered at this point.

The Assessment Criteria under Rule 21A.2.1

As is discussed above, the proposal is a non complying activity. The heritage provisions however under Rule 21A.2.1 introduce specific criteria which will be discussed below. Whilst the application is Non Complying Activity, the criteria can be relevant but the discretion is not limited to these matters.

The assessment criteria are listed as 21A.2.1.3 to 21A.2.1.22.

21A.2.1.3 The extent to which the work significantly detracts from the values for which the building or object was listed.

Option 1: This option will enable the façade to be retained and therefore preserve some of the original building. There will be some adverse effects on historic heritage in that a majority of the original building will be lost however the main part of the building fronting the street will be retained.

Option 2: The proposal to demolish will remove the heritage values of the building. The criterion would not be met.

Option 3: The building is in poor condition and must be strengthened. This is grossly uneconomic for the owner and the minimum strengthening to 34% of NBS would not protect the building for future generations nor provide a viable economic use for the building.

21A.2.1.4 The extent to which proposals meet the provisions of any relevant Design Guide addressing additions or alterations to buildings of heritage significance.

Option 1: A separate design guide assessment has been undertaken below. The proposal is consistent with the design guide requirement.

Option 2: The design guides would not technically be relevant to a demolition proposal.

Option 3: There would be no change to the existing situation for some time, however the building would continue to contribute negatively to the streetscape given its condition.

21A.2.1.5 The nature, form and extent of the proposed work and the extent to which the work:

- retains the main determinants of the style and character of the building or object and in respect of buildings, particularly the street elevation. The Council seeks to ensure that modifications to street elevations are kept to a minimum, and if possible not altered at all. If necessary, preference shall be given to altering rear or secondary elevations.
- respects the scale of the original building or object. The Council seeks to ensure new work is not visually dominant, particularly where rooftop additions are proposed.
- is sympathetic in form, proportions, materials, colours and the patina of materials of the existing building or object.
- avoids the loss of historic fabric and the destruction of significant materials and craftsmanship.
- maintains the relationship of the building or object with its setting.
- respects the historic or other values for which the building was listed.

Option 1: Extending the building and undertaking the additions is proposed to make the retention of elements of the Tramway Building economically feasible. The Council itself has recognised that strengthening buildings in heritage areas, has to be economically viable⁴. Whilst there will be a loss of heritage elements of the building, the retention of the façade is a better outcome than other available options.

Option 2: The proposed demolition would not be consistent with this criterion.

Option 3: Again, it is stressed that the result of this will not preserve the building, not provide for its protection and ongoing use.

21A.2.1.6 Whether the restoration of former architectural design elements maintains a high level of authenticity. The Council will require evidence of the design of missing elements.

Option 1: As outlined in the DPA report outlines work that would enhanced and replace elements of the main façade. Elements of the main building will be lost. The proposal is partially consistent with the criterion in respect to the main façade.

Option 2: The criterion is not relevant to a demolition proposal.

Option 3: The outcome is uncertain and not likely to achieve any repair, maintenance or enhancement of the façade.

21A.2.1.7 Whether the removal of existing unsympathetic additions to a building or object can be achieved without altering the significance of the building or object.

Option 1: The criterion is not relevant to the proposal.

⁴ See <https://www.stuff.co.nz/dominion-post/wellington/123659109/wellingtons-municipal-office-building-on-the-chopping-block>

Option 2: The criterion is not relevant to the proposal.

Option 3: The criterion is not relevant to the proposal.

21A2.1.8 The extent to which the work is necessary to ensure structural stability, accessibility, and means of escape from fire and the extent of the impact of the work on the heritage values of the building. The Council will seek to ensure that in any case every reasonable alternative solution has been considered to minimise the effect on heritage values.

In this case, the building has been identified as being earthquake prone and is subject to a notice under Section 128 of the Building Act. The notice period has expired and WCC has now issued a further notice of its intention to seek orders to undertake the strengthening work itself, under Section 133AS of the Building Act. The applicant/owner is opposing these orders on various grounds but it continues to be before the Courts.

However with regard to the criterion above, action is required to be taken to comply with the Building Act and either strengthen or demolish the building and therefore *work is necessary to ensure structural stability*. The applicant does not have a “do nothing” option.

The Applicant has considered a number of options in how to preserve the building. These included:

- Strengthening in its current form. The preliminary strengthening concept was developed by Silvester Clark⁵ and was costed at \$6,138,000⁶. The value of the strengthened building based on 70% of NBS is \$2,550,000 + GST (if any)⁷. The financial option of strengthening the building is therefore grossly uneconomic.
- Silvester Clark also confirmed that they had looked at a number of alternative strengthening options⁸. None of the alternative options are considered practicable or viable.
- I have been advised by the applicant that they have made enquiries to funding organisations regarding loans to undertake the strengthening work. No funding organisation has considered loaning on a proposal for restoring the building without increasing the floor area given the difference between cost and final value.
- The applicant is now proposing the additions and alterations to the building to increase its floor area and therefore value, to make the strengthening works more financially viable. The attached feasibility report still concludes that the proposal is still subject to a \$1.14 million loss⁹.
- Support from WCC Heritage officers has not been forthcoming to date on more than a storey of development. A single storey addition to the building would still have a significant loss, well in excess of the 7 storey option and is not viable.
- The applicant/owner has considered selling the building for land value. No purchasers have been found to date. Potential purchasers to date have wanted to redevelop the site. The option to find a buyer of the site, is unlikely as all purchasers will have the same issue as the current owner/applicant.

⁵ See Seismic Capacity and Strengthening Review For Tramway Hotel At 114 Adelaide Road, Wellington – Report by Silvester Clark - dated April 2020 – Section 4, Pages 6, 7 and 8.

⁶ See 114 Adelaide Road, Concept Strengthening Estimate for IPG Corporation Ltd – Dated 4 March 2020 – By Maltbys – See Executive summary Page 4. – Note This is for a scheme of minimum of NBS 70%.

⁷ See Letter Colliers International – Market Valuation – As if complete – 114 Adelaide Road, Mount Cook, Wellington – Page 2 Paragraph 7.

⁸ See Seismic Capacity and Strengthening Review For Tramway Hotel At 114 Adelaide Road, Wellington – Report by Silvester Clark - dated April 2020 – Section 5, Pages 9 and 10

⁹ See 114 Adelaide Road, Newtown Wellington – Feasibility Report – by IPG Corporation Ltd – Page 4, Paragraph 4.

- The applicant has considered seeking funds for heritage preservation, such as the WCC Built Heritage Fund. The avenues for funding for private owners are limited. I have reviewed WCC's Built Heritage Fund and note the highest payment in recent years does not exceed \$50,000. This option would not provide any benefit to a strengthening project of this nature. The demolition proposal outlines the recent payments made under this scheme.

It must be accepted that the owner takes action to address the structural issues with the building. Given that there must be something done in a short period of time, the applicant has considered all options and can, on available evidence, consider 1 of two options. The decision must be to demolish the building or extend it to at least 7 storeys as shown. The criterion requires that *Council will seek to ensure that in any case every reasonable alternative solution has been considered to minimise the effect on heritage values.*

It is also important to note the conclusions of Silvester Clark in respect to what work would be required to bring this building to a reasonable seismic standard. The report (see Section 4) effectively outlines removal of the ground floor, large parts of the second floor and areas of the roof to allow machinery access to undertaken ground beams and piling to secure foundations. Potentially there is demolition of the parts of the main façade to allow access of this machinery. The works (if it were economically feasible) will be very disruptive of the heritage fabric of this building and would require substantial replacement of original elements regardless of which option is chosen.

Option 1: The proposal will ensure the structure is secure and in the applicant's view, this is the only reasonable option. Information submitted with application shows that the building will still make a loss. The applicant is accepting of that *reasonable* loss.

Option 2: Demolition will ensure compliance with the Building Act, but has the greatest effect on heritage values.

Option 3: Remains an uncertain result. As already discussed, it will effectively result in Council being forced to do the strengthening work itself with no chance of re-imburement from the owner. Strengthening to 34% will not protect the historic heritage of the building.

21A2.1.9 Whether in respect of work involving listed interiors or listed interior items, the original plan form of the building, the primary spaces and their sequential layout, and any significant architectural features and significant finishes are respected or conserved.

This criterion is not applicable to any of the options.

21A2.1.10 The extent to which the work is necessary to enable the continued use of the building.

The building can't be used until it is strengthened.

Option 1: The work is required to enable a future use of the site. As it stands with the earthquake prone status of the building, no practical or economic use of the site is available without strengthening the building. This will achieve this outcome.

Option 2: This will demolish the building. The site will be able to be used, however all heritage features are lost.

Option 3: This option does not achieve anything in the short term and leaves the building unable to be used or a solution available.

- 21A.2.1.11 Whether professional heritage or conservation advice has been obtained from the NZHPT or any other professionally recognised expert in heritage conservation.

Option 1: Expert heritage advice was obtained when considering development options for the site including the additions and alterations to the building.

Option 2: No advice has been received.

Option 3: No advice has been received.

- 21A.2.1.12 Whether work is in accordance with a conservation plan prepared for the building or object and peer reviewed by the Council.

There is no conservation plan.

- 21A.2.1.13 Whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated.

Option 1 and 2: The heritage report indicates that the building was constructed prior to 1900. Therefore under the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological permit will be required for the demolition. This will be sought prior to undertaking the demolition works.

- 21A.2.1.14 Whether there is any change in circumstances that has resulted in a reduction of the building's heritage significance since the building was identified in the plan

There are no changes to the circumstances which would have reduced its heritage significance. There have however been huge changes to the environment and viability of heritage buildings following the Canterbury and Kaikoura Earthquakes which have intensified the public's reticence to occupy heritage buildings. Further to this, WCC has been more stringent on enforcement the requirements for strengthening buildings which are earthquake prone. In this case, this is evidenced by the issue of the notice under S133AS of the Building Act.

The earthquakes have resulted in it being more difficult to tenant buildings and increased the requirement by insurers, tenants and the public to require buildings to be at least 70% of NBS. To get to this standard, major works are required, which are discussed in the Silvester Clark report.

- 21A.2.1.15 The extent to which the building or object has been damaged by fire or other human generated disaster or any natural disaster.

The building has been subject to some internal vandalism, but otherwise the criterion is not relevant.

- 21A.2.1.16 Whether it is necessary to save the building or object from damage or destruction arising from ground subsidence, landslip, flooding or other natural disaster.

The criterion is not relevant.

- 21A.2.1.17 Where relocation is proposed to enhance the development potential of land, whether this should override the heritage value of retaining the building or object in its original location.

The criterion is not relevant.

- 21A.2.1.18 Whether the relocated building or object will remain in the immediate vicinity or neighbourhood.

The criterion is not relevant.

21A.2.1.19 Whether the proposed site for the relocated building or object is appropriate and will assist in mitigating the loss of heritage values arising from the relocation.

The criterion is not relevant.

21A.2.1.20 Whether a heritage building or object is to be relocated to its original location or site and the appropriateness of the original location or site to accommodate the building or object.

The criterion is not relevant

21A.2.1.21 Whether adaptive reuse of a listed building or object will enable the owners, occupiers or users of it to make reasonable and economic use of it.

Option 1: As discussed above, the owner/applicant is obligated by other legislation (the Building Act) to strengthen the building. The analysis of the costs of strengthening the building clearly demonstrate that it is uneconomic to strengthen the building without undertaking significant additions to the floor area of the building to attain a return. Even the increase proposed does not make a positive return, but the applicant can consider it as an option.

Reuse of the building will be consistent with this criterion.

Option 2: The site is able to be used, but the building is lost. This option is not consistent with this criterion.

Option 3: The building staying as it cannot be put to any use. If it is strengthened to 34% there may be some use for the building but it would not be economic. As discussed above, the costs would make it unlikely that Council would actually take action to strengthen the building.

21A.2.1.22 The public interest in enhancing the heritage qualities of the City and in promoting a high quality, safe urban environment.

This criterion has two arms to consider. The first is the public interest in enhancing the heritage qualities of the city. The second is the public interest in promoting a high quality, safe urban environment.

In this case there are potentially mutually exclusive interests at play.

Option 1: This option sets out to achieve both of the arms of this criterion as best as can be achieved. It is not possible in the applicant's view, to preserve the whole building while achieving the safety of the city.

Option 2: If the consent to demolish is approved, then there will be heritage qualities lost to the city however the city would be safe.

Option 3: This neither preserves historic heritage nor achieves a safe city.

Conclusions of Heritage Effects/Assessment Criteria

The assessment criteria and the heritage rules, are "setup" to place the emphasis on the preservation of heritage buildings. Therefore, with a proposal for demolition, it is not surprising that it would be assessed against the relevant criteria and found to be inconsistent with those criteria which seek the preservation or enhancement of the heritage qualities. Option 2

(demolition) was sought because WCC officers were not supporting the additions and alterations, and the applicant was being forced into immediate action by the impending legal action by WCC to move to carry out strengthening itself. The Court's decision has enabled the applicant some time to look at the redevelopment option, which has always been the applicant's desired outcome, however support for this was not forthcoming from heritage officers.

Option 1, this proposal, whilst not entirely consistent with the outcomes of the criteria, with respect to the 3 available options, does come up with the best outcome overall. It is acknowledged that there is no perfect outcome available. Option 1 is the best outcome in achieving the protection of heritage and providing for a safe environment.

Overall Assessment of the Heritage Effects

DPA Architects (David Pearson) has assessed the proposal and this attached. His main conclusions are as follows:

It is considered that the new structure will have no more than a minor impact on the hotel's heritage values. It is also considered that any negative impacts will be mitigated by the following factors:

- The protected facades of the hotel, a relatively rare Wellington example of a turn of the century hotel and one of the few heritage buildings in this section of Adelaide Street, will be preserved for the future.
- The facades of the hotel will be strengthened to enable them to resist future seismic events.
- Where practicable, the building will be restored to its earlier form as seen in the reconstruction of the parapet and cornice moulding.
- The hotel will essentially continue to be used for the purpose for which it was built and a viable use for the building will ensure that it survives for the future.
- The new use of the building will activate this area of Adelaide Road and produce a vibrancy and vitality in the area.
- The proposed new has been carefully designed to harmonise with the existing building through a sensitive use of appropriate materials and proportions of openings in the facades.
- The scale and proportion of the new building has been carefully considered and setbacks provided to ensure that it does not dominate the historic hotel.¹⁰

DPA Architects further state:

The present application provides the best chance that the hotel has of surviving for the benefit of present generations and those to come. If resource consent cannot be obtained for the current proposal, the only other option is likely to be demolition which will mean that all traces of the 120 year old Tramway Hotel building will be lost forever. Wellington would be the poorer should that be allowed to occur.¹¹

Based on the assessment of DPA Architects and the assessment of the Criteria of the District Plan above, it is my view that the proposal will have heritage effects which are acceptable, given the circumstances and available options.

3.2 Hazards and Safety

The existing building is earthquake prone and subject to notices to bring it to compliance with the Building Code. The proposal will result in the façade and new building complying with the safety standards relating to building (100% NBS) or as near as can be achieved.

¹⁰ *Tramway Hotel – 114 Adelaide Road, Newtown, Wellington – Heritage Assessment & Impact Statement – DPA Architects Ltd – Page 16, Section 5*

¹¹ *Tramway Hotel – 114 Adelaide Road, Newtown, Wellington – Heritage Assessment & Impact Statement – DPA Architects Ltd – Page 23, Section 7, last paragraph.*

It is likely that the old façade will never achieve 100% of NBS but the Building Act requires it to be as high as can be reasonably achieved.

3.3 Urban Design Effects

The proposal has been assessed against the relevant design guide (Centres) by IPG and also assessed by DPA Architects.

DPA Architects have commented that:

The Design Guide for Adelaide Road/Mt Cook describes the area's character and the building types including heritage buildings that are found in the area. It notes that it is an 'area of change' where significant development is anticipated and where intensification is planned.¹²

The proposed building will be tall for the existing area, but it has been a long term objective of WCC to vitalise the Adelaide Road area and create opportunities for intensification of buildings. This vision is only now, just being achieved with a number of new developments being planned along this section of the city.

The proposal will see commercial activity return to the ground floor and the hotel use will greatly enhance the vitality of what has been largely a vacant site for many years.

The building's height presents a significant change to the existing street. It is not significantly higher than what is anticipated by the District Plan (18 metres + 33% = 24 metres).

The extra height is required to make the retention of the main heritage façade viable and therefore when seen in that context, results in an overall positive outcome on the streetscape, heritage environment and vitality of the wider area.

The footpath interface with the building is largely driven by the existing heritage façade and therefore there are limited opportunities but focus is made of the existing splayed corner entrance.

The vehicular access is provided at the southern end, beyond the heritage façade.

The wall to the south of the development, whilst visible now, is likely only to be temporary. Once development occurs on the land to the south, then it will be screened in future. The applicant would expect that the final conditions would require plans to be permitted showing some relief to this wall, which is intended to be partially broken by an LED sign (discussed below) and a light well.

The same would be said for the western façade facing the residential units. This wall will be required to be subject to some visual relief for example expressed joints, painted patterns or textures.

The proposal is to be specifically used for a hotel and as such, the Residential Design Guide would not apply.

Subject to the mitigation measures on the southern and western walls, overall, the urban design outcomes achieved are largely positive.

¹² Ibid – Page 19, Section 6, paragraph 4.

The Proposed Sign

An LED sign has been proposed to be placed on the largely blank southern façade of the building. The sign is intended to advertise the hotel and its facilities, rather than third party advertisements.

The sign is located on a largely blank wall, the sign will assist in providing some mitigation and interest to the façade, whilst promoting the hotel activity on site.

The sign is appropriately proportioned in respect the building façade, adequately setback from edges. It provides clear visibility and as such, is largely ideal for this wall and location.

3.4 Traffic Safety

Effects from the Hotel

The proposal is to have a vehicle access entry on the south east corner of the building off Adelaide Road. An earlier proposal by the applicant, considered a managed apartment hotel building, with an access point in the same location. An assessment was prepared by Traffic Design Group to consider the potential queues on Adelaide Road for vehicles entering into the building. The previous arrangement was deemed acceptable in terms of a queuing risk.

This previous proposal did not have a turntable arrangement, which will enable vehicles to enter and exit the hotel valet parking and servicing area, in a forward direction.

The entry and exit of vehicles in a forward direction and the managed environment, will ensure that effects on Adelaide Road are acceptable.

The proposal will provide ample car parks in the basement area. The robotic parking area will store cars until called by the owners.

The rules of the plan, make the provision of a new loading area off either Drummond Street or Adelaide Road require a resource consent. It could be argued that this rule, negates the requirement to provide loading on this site, as there is otherwise no road frontage to enter the site. Nonetheless a loading area has been provided inside the building. This will not be 4.25 metres high. The floor to floor height will be 4.2 metres, however the structural beams required will be approximately 0.8 to 1 metre, reducing the height of the loading area to 3.2 to 3.4 metres.

The proposal is to provide a loading and waste management area also in the basement area. A Waste Management Plan (WMP) is provided as part of the application.

The waste management plan shows a truck which has a maximum height of less than 2.6 metres.

All other hotel servicing can be controlled by the organisation and be in vehicles of appropriate sizing.

The loading and waste management effects of the proposal are therefore acceptable.

Effects from the Sign

The proposed LED sign on the southern elevation of the sign, is not proposed for 3rd party advertising but for advertising on site activity. The sign requires consent because of the presence of the heritage building.

The sign will be focussed on northbound vehicles on Adelaide Road. Conditions regarding appropriately sized wording and limitation on the number of words are standard for these types of applications and would be recommended by the WCC traffic engineer. The relevant NZTA guidance document will be adopted by the applicant.

No flashing lights, figures or animations will be used.

Our direct experience in gaining consents for LED billboards in areas up to 70 km/hr is that there are no road safety effects from these facilities and the conditions for this sign are as good or better than other situations where signs have been located.

Therefore the traffic effects of the sign are expected to be acceptable, subject to the imposition of reasonable conditions.

3.5 Shading Effects on Neighbouring Properties

The Centres Area provides a relatively limited protection of sunlight to adjoining buildings. If a building fully complied with the permitted standards of the Plan, then the shading effects of a building would be excluded from consideration by the discretionary restricted rules. So whilst this building is non complying (due to height) there is still appropriate to consider the effects of a complying building as an expectation of reasonable effects on the environment.

A permitted baseline is not available in the case and is not argued. The presence of the heritage building and the Centres area rules make it clear that any additional height requires a consent. The discussion here is around reasonable expectations of access to sunlight/shading effects.

The shading assessments provided by the architect (within the Design Statement Report), demonstrates that the proposal will have on the existing environment.

To the south of the property, the existing uses are industrial/commercial. The buildings cover largely 100% of the site and the additional shading caused by the building effects the rooves of the buildings, having little or no affect on amenity of these buildings.

The subject building can potentially affect properties to the east of the subject site. The effects are limited to the early morning periods.

Figure 7 below is an aerial photo of the local area. It demonstrates the site coverage of the buildings in the vicinity.

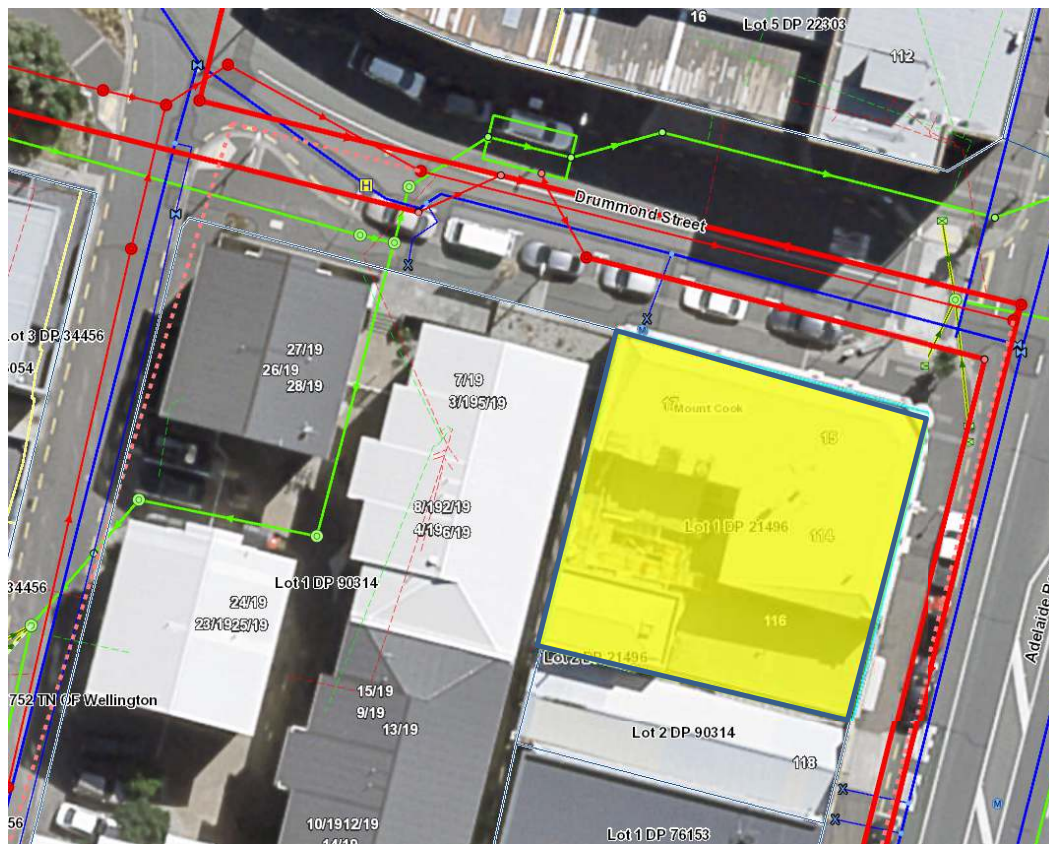


Figure 7: Shows the buildings adjacent to the site.

The building at 19 Drummond St is built very close to the boundary with 114 Adelaide Road. It covers virtually all the site and is two stories high. The existing building will already shade that building and the additional height will have no additional shading effects.

Similarly with the building further to the east (still #19 Drummond St) the existing buildings will shade these structures during the time when the shading from the proposed building would potentially affect these properties.

The effects of shading from the building on the amenity of these properties can be considered to be minor.

The effects on properties further afield than these adjacent properties, steadily decrease as other structures and buildings have more effect.

The properties on the other side of Adelaide Road, are separated by more than 20 metres and are commercial uses. They have car parking/car sales in the front yard or other structures/fences which will already shade areas in the late afternoon period when the potential effects come into play.

The building will cause some shading effects on surrounding properties. However the height of existing buildings, orientation and layout of the potentially affected properties, ensures that any amenity effects from the building can be considered to be minor.

3.6 Wind Effects

In assessing the wind effects, the applicant has provided a report from Opus, based on a previous proposal which was the same or similar building built to 21 metres in height (in lieu of the 25.9 metres proposed). The conclusions of the wind experts are as follows:

- (1) Existing wind speeds in the immediate area around the site generally range from low to high, with speeds in some localised areas likely to approach or slightly exceed the District Plan Safety Threshold of 20m/s.
- (2) In northerly winds the proposed development is expected to increase wind speeds in localised areas in Drummond Street adjacent to the new building, by 2m/s to 3m/s, compared to the existing situation. This will be driven mainly by vertical wind flows being deflected down the windward north face of the building. However, a good proportion of the effects that could be expected from a building of this height, located as it is among lower neighbouring buildings, will be mitigated by the decision to include significant setbacks from both the street frontages of the building.
- (3) In southerly winds the development is somewhat sheltered by the neighbouring buildings, but is still much taller. As a result, wind speed increases of between 2m/s and 3m/s compared to the existing situation are also expected in areas of Adelaide Road adjacent to the new building.
- (4) Compared to a building ~12m in height, which is the height that triggers the requirement for a wind assessment report, the full 21m high building is expected to cause slightly higher wind speed increases over slightly larger but localised areas around the building.
- (5) There is a small probability that wind speeds at some locations around the proposed development may be increased over the Safety Criteria threshold specified in the District Plan.
- (6) It is likely that, combined with the building setbacks, a canopy along the street frontages would help to mitigate the effects of the height of the new building and provide significant additional shelter, particularly for the area around the Drummond Street – Adelaide Road intersection. However, this is precluded by the heritage listing on the existing building façade.¹³

A letter has been provided by WSP to consider the differences between the previous and current design and the effects set out in the abovementioned report. WSP have concluded:

Wind tunnel studies of the effects of the addition or removal of one storey on buildings of this height or taller have shown that the effects on wind conditions are typically minimal or very small. Accordingly, I would assess that the revised design will have a slightly greater impact on wind conditions than the design that was assessed originally.¹⁴

The wind assessment has concluded that the building is likely to increase the local wind speeds by 2-3 metres. There is also a small probability that it will be over the safety threshold.

It also states that the wind canopy would mitigate the effects. However, the provision of a wind canopy is restricted by the preservation of the view of the existing heritage façade.

The issue here is that the higher building is required to enable the owner to preserve the heritage façade. The result is a slightly higher localised wind speed, that could potentially be mitigated by a verandah, which is again not able to be provided due to heritage issues.

The net result here is that the wind effects that occur, can be considered to be a minor adverse effect. However, those effects are the result of protection of historic heritage.

In that circumstance, we are of the view that the wind effects are acceptable.

3.7 Earthworks Effects

The proposal will result in earthworks which breach the permitted activity standards.

¹³ *Wind Assessment: 114 Adelaide Road, Wellington* – Opus International Consultants dated Nov 2016 – Section 6, Page 11.

¹⁴ *Wind Assessment – 114 Adelaide Road (Revised Design)* letter by WSP to IPG Ltd – dated 26/03/21, page 3 paragraph 2.

The earthworks will be entirely covered by the building and all cuts will be retained by specifically designed walls, covered by building consents.

Attached to the application are the WCC earthworks engineer recommendations on the previous proposal, which are largely consistent in effect to that which is currently proposed. There are a number of recommendations and conditions to be imposed on the application which are accepted by the applicant.

If those recommended conditions are imposed, then the earthworks effects will be satisfactorily mitigated.

3.8 Construction Effects

The proposal will be a very complicated and potentially lengthy construction process. The main façade of the building will need to be secured by temporary propping structures located on Adelaide Road. Once the façade is secured, the building behind is demolished and work will begin on unpinning the main façade. Excavations for unpinning the main façade will encroach into Adelaide Road and soldier piles drilled adjacent the façade.

The result will be a disruption of the footpath for a reasonable period of time (potentially 6-12 months) whilst this work is undertaken.

The applicant expects that a full construction management plan (CMP) is a condition of consent. It is not possible to provide this yet, as the actual detail of the design and the methodology is subject to future engineering design work.

Once the façade is secured and underpinned, the construction of the modern building behind, will be relatively simple and standard construction and included a crane. This will likely be located on Adelaide Road frontage.

The CMP will ensure that the inevitable construction effects being mitigated to an acceptable level.

The construction effects will be experienced for a relatively long period (12-18 months) but will be temporary.

The imposition of construction noise standards are expected to be included in the recommended conditions of consent.

3.9 The Positive Effects

It is noted that there will be minor adverse effects on the environment which are as follows:

- Effects on historic heritage (change to existing)
- Shading effects
- Wind effects
- Temporary construction effects

These minor effects are being put forward for consent on the basis that they there will be significant positive effects which are put in place which will benefit the wider community.

The adverse effects on historic heritage will be offset by the permanent protection of large elements of the heritage building. The overall protection of the existing building is not economically and practically achievable.

The costs of the façade retention will still be significant and to make that economically viable, the increase in floor area of the building is required to make it feasible.

The higher building will have adverse effects such as wind and shading effects, but these are offset by the positive effects on historic heritage protection.

The higher building also has significant positive effects in terms of vitality of the Adelaide Road area and the realisation of Council strategic urban design outcomes.

In terms of economic benefits, the proposal will still result in a loss to the owner, but is at a level that the developer can sustain. There will however be benefits which accrue to the wider community through construction and hotel jobs. Then there are benefits to future visitors to Wellington with the accommodation provided in a good location for the city.

4 DISTRICT PLAN ASSESSMENT

4.1 Objectives and Policies

Section 104(1)(b)(vi) of the Resource Management Act requires the Council to consider the relevant provisions of the District Plan when assessing applications for resource consent. This includes the relevant objectives and policies of the District Plan, which in this case are considered to be:

4.1.1 Heritage Objectives and Policies

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

Policy 20.2.1.2 To discourage demolition, partial demolition and relocation of listed buildings and objects while:

- Acknowledging that the demolition or relocation of some parts of buildings and objects may be appropriate to provide for modifications that will result in no more than an insignificant loss of heritage values; and*
- Giving consideration to total demolition or relocation only where the Council is convinced that there is no reasonable alternative to total demolition or relocation.*

In respect to Policy 20.2.1.2, this policy starts with *discouraging demolition* of listed buildings. It is understood and accepted that the intent of the District Plan is to protect historic heritage from *inappropriate use and development*. The policy does however recognise that consideration will only be given to total demolition when there is no reasonable alternative.

The applicant has sought a concurrent consent for total demolition, but is seeking the partial demolition as an alternative option.

The option of extending the building (to a sustainable level) in order to preserve the overall heritage values of the main façade of the building has not been supported as an option by WCC heritage officers. This application is being formally sought to test the option as to whether a consent can be obtained for an extension of the building.

The WCC has in itself, accepted that there are financial grounds for the demolition of historic heritage and has proposed the demolition of the Main Old Building¹⁵. The WCC are trying to argue that the Main Old Building is not a specific heritage building but it is in a heritage area and WCC planning and heritage officers have advised me that the same protections apply.

The proposed level of development does not quite make it to being economically positive for the owner, so it is clear that a smaller building would not be more economically viable.

The introduction of the LED billboard to the southern façade is a further attempt to raise the value of the building/hotel business to a higher level to make it more financially viable.

The consideration of both the demolition and building extension currently, it considered the only way to enable the determination of the *reasonable* options.

The preservation in part of the heritage façade, given the financial implications is consistent with the objective and related policy.

Policy 20.2.1.3 Promote the conservation and sustainable use of listed buildings and objects while ensuring that any modification avoids, remedies or mitigates, effects on heritage values of the listed buildings or objects and where relevant:

- *ensures that modifications to the main elevations are minimised, or if possible are unaltered;*
- *any modifications respect the scale of the building or object; and*
- *any modifications maintain the relationship of the building or object with its setting.*

Within the available reasonable options, the proposal is consistent with this policy.

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

The applicant will apply for an Archaeological Permit prior to carrying out any works. This will meet the intent of this Policy.

The applicant cannot avoid the strengthening works required by WCC's building resilience officers. They are aggressively seeking compliance and threatening to undertake the work and charge the applicant for the costs. But if those costs are not viable to the applicant, they are not going to be viable for Council to undertake. Council will not be able to recoup its costs through rating charges or possession of the building, as the value of the work will exceed the value of the building.

The situation must be considered one where the reasonable alternatives to demolition or building additional floor levels are just not available.

4.1.2 Centres Objectives and Policies

The relevant objectives and policies of the Centres area are as follows:

Objective 6.2.1 To provide a network of accessible and appropriately serviced Centres throughout the City that are capable of providing goods, services and facilities to meet the day to day needs of local

¹⁵ See <https://wellington.govt.nz/-/media/your-council/meetings/committees/strategy-and-policy-committee/2020/10-dec/2020-12-10-minutes-spc.pdf>

- communities, residents and businesses, and of accommodating anticipated population growth and associated development whilst maintaining Wellington's compact urban form.
- Policy 6.2.1.3 Maintain and enhance the viability and vibrancy of Regionally Significant Centres in the Wellington Region
- Policy 6.2.1.4 Promote the intensification of activities and buildings in and around Centres.
- Objective 6.2.2 To facilitate vibrant and viable Centres through enabling a wide range of appropriate activities to occur to meet the economic and social needs of the community, whilst avoiding, remedying or mitigating adverse effects.
- Policy 6.2.2.1 Enable and facilitate a wide mix of activities within Centres provided that character and amenity standards are maintained and adverse effects are satisfactorily avoided, remedied or mitigated.
- Objective 6.2.3 To ensure that activities and developments maintain and enhance the safety and amenity values of Centres and any adjoining or nearby Residential or Open Space Areas, and actively encourage characteristics, features and areas of Centres that contribute positively to the City's distinctive physical character and sense of place.
- Policy 6.2.3.1 Ensure that buildings, structures and spaces are designed to:
 - acknowledge, respect and reinforce the form and scale of the surrounding environment in which they are located; and
 - respect the context, setting and streetscape values of adjacent listed heritage items and Heritage Areas; and
 - promote a strong sense of place and identity within Centres; and
 - establish positive visual effects; and
 - provide good quality living and working environments; and
 - integrate environmental sustainability principles; and
 - provide conditions of safety and accessibility, including for people with restricted mobility.
- Policy 6.2.3.3 Maintain or enhance the street edge along identified primary and secondary street frontages.
- Policy 6.2.3.4 Maintain or enhance the streetscape by controlling the appearance of and/or limiting the creation of vacant land, or open land and ground level parking areas on identified primary and secondary streets frontages.
- Objective 6.2.5 To maintain an efficient and sustainable transport network to enable the provision of convenient and safe access for people and goods to and within Centres.

The proposal is for a hotel building which is intended to integrate the heritage façade of the existing building and this places some limitations on the outcome of the design of the building and requires outcomes such as the additional height being sought.

The hotel in this location will be consistent with the Centres concepts and the location on Adelaide Road is a positive for connections with the rest of the city.

The overall intent of the District Plan is to maintain and enhance the economic and visual vitality of the various centres in the city. The proposal will achieve the overall objectives for reasons set out above.

4.1.3 *Earthworks Objectives and Policies*

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

Policy 29.2.1.2	Provide for minor earthworks to allow the use and development of land where the risk of instability is minimal.
Policy 29.2.1.3	Ensure that earthworks are designed to minimise the risk of instability.
Policy 29.2.1.4	Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, wetlands and coastal waters.
Policy 29.2.1.7	Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.
Policy 29.2.1.10	Ensure the design of structures used to retain or stabilise landslips, reflect the character and visual amenity of the local area.
Policy 29.2.1.11	Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.
Policy 29.2.1.12	Protect koiwi (human remains), taonga, Maori and Non-Maori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.

The proposed earthworks will be consistent with the earthworks objectives and policies. The effects can be controlled by conditions of consent. All cuts will be retained by specific design.

5 MITIGATION AND MONITORING MEASURES

The application has discussed mitigation measures and specific conditions. These will be required to be implemented to assist in mitigating the potential effects. It is expected that the final conditions will be worked through in the hearing stage of this process once input from officers is obtained.

6 ALTERNATIVES CONSIDERED

An assessment of possible alternative locations is required when the proposal would result in significant adverse effects.

As this is a discussion about a heritage building in situ, it is not practical to consider alternative locations.

The application has considered the alternatives in detail above.

7 CONSULTATION

Consultation with WCC planning officers was undertaken by the applicant. Preapplication consultation was undertaken with WCC heritage and planning officers. The officers advised that they would not support additional building height above 1 storey from the existing building.

8 ASSESSMENT OF PART 2 RMA

We have considered the matters of national importance and note that the site contains a listed heritage building and therefore section 6(f) is relevant.

Section s6(f) states:

The protection of historic heritage from inappropriate subdivision, use, and development:

In this case, the proposal will be the partial demolition of a listed heritage building. This will have some adverse heritage effects, as well as some positive effects by preserving important elements of the existing building (rather than total demolition).

The key point in this situation is S6(f) provides for protection of historic heritage from *inappropriate* use and development. As discussed above, the proposal to partially demolish this building is to promote the retention of historical heritage as much as is practically and economically viable. The proposal is deemed consistent with S6(f) as there is simply no other option available.

The main purpose of the Act under s5 of the Act is the sustainable use of resources *in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.*

If the applicant/owner is required to maintain this building as it is, it will not provide for their economic wellbeing. It is simply not economically viable. The strengthening cannot be undertaken from an economic basis without substantial increase to the floor area of the building to allow a return for that work.

The building must be made safe. That is either by demolition or substantial development as proposed.

Sections 7(b) (efficient use of resources), 7(c) (maintenance of amenity values) and 7(f) (maintenance and enhancement of the quality of the environment) are relevant to the proposal. The proposal is an efficient use of resources and it will on balance, maintain existing amenity values, though there are positives and negatives in the effects on the environment. There are minor negatives and substantial positives.

There are unquestionably tensions under the Act here between the economic wellbeing of the owner, the safety of the building occupants and the wider community and the requirement for the preservation of historic heritage.

The tension would appear unavoidable as there is no “do nothing option”.

My view is that extension to the building and preservation of the façade would be the lesser “evil” to demolition. The preservation of the most visible part of the building will be a sustainable management of resources.

9 CONCLUSION

The proposal to demolish the building is a non complying activity pursuant to Rules 7.5 and 21A2.1 of the District Plan. Earthworks are a discretionary restricted activity.

We have assessed the adverse effects of the proposal and are of the view that the proposal will have minor adverse effects on the environment. Those effects are effectively unavoidable as the applicant is obligated to take the action being sought, due to having no other viable options.

In respect to the Assessment Criteria, Objectives and Policies and Part II of the Act, there are many tensions between the provisions seeking the preservation of historic heritage and those which seek the health and safety of the community. Where an applicant has no choice and no reasonable alternatives, reaching a decision becomes somewhat simpler.

There is an unquestionable quandary which must be resolved. There cannot be a compulsion on Council to force an applicant to carry out works which they do not have the means to do. The applicant is unlikely to be able to sell the property which the inherent costs and responsibilities.

The proposal includes heritage issues and has been considered in terms of the section 6(f) requirement to protect historic heritage from inappropriate subdivision, use and development. In this case, I find the effects and outcomes are the best option available in the circumstance.

Therefore in my view, consent should be granted to the proposal pursuant to s104C and D of the Act.

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