

Application for Resource Consent SR No. 471670

Being an application for land use consent to establish a comprehensive care retirement village on Donald and Campbell Streets

26 Donald Street and 37 Campbell Street, Karori, Wellington

Notice of Decision by Independent Commissioners
29 November 2022

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INTERPRETATION

This report uses the following abbreviations and acronyms.

TERM	MEANS
AEE	The assessment of environmental effects appended to the Application dated September 2020
Applicant	Ryman Healthcare Limited
Council	Wellington City Council
GWRC	Greater Wellington Regional Council
HAIL	Hazardous Activities and Industries List
ISPP	Intensification Streamlined Planning Process
MDRS	Medium Density Residential Standard
NES-CS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NPS-UD	National Policy Statement for Urban Development 2020
NPS-UDC	National Policy Statement on Urban Development Capacity 2016
NZHPT	Heritage New Zealand Pouhere Taonga
Proposed District Plan	Proposed Wellington District Plan
District Plan	Operative Wellington District Plan
PSI	Preliminary site investigation
RM (Enabling Housing Supply) Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
RMA	Resource Management Act 1991
RPS	Wellington Regional Policy Statement
Site	The property to which the application relates as described in the AEE
s42A Report	The report and appendices dated 22 August 2022
SLUR	Selected Land Use Register

**Wellington City Council Decision
of Independent Commissioners
SR No. 471670**

Proposal Description:

To establish a comprehensive care retirement village

Applicant:

Ryman Healthcare Limited

Site Details:

26 Donald Street and 37 Campbell Street, Karori, Wellington

Zoning:

Outer Residential Area

Overlays & map notations:

Medium Density Residential Zone

District Plan notations of Educational Precinct – Victoria Campus, and Collector Road – Campbell Street.

Non-District Plan notations of Historic Place Category 1 (Heritage New Zealand Pouhere Taonga) (List Number 9797)); SN/05/10067/02 GWRC SLUR); and 1% AEP flood hazard (GRWC's flood hazard maps)

Activity Status:

Non-Complying

Date of Hearing:

Tuesday 13-14 September, Friday 16 September and Tuesday 20 September 2022 (closed Friday 4 November 2022)

Independent Commissioner:

Helen Atkins (Chair)

Angela Jones

David McMahon

Summary of Decision:

Consent is **granted** subject to the conditions set out in **Appendix 3**.

Having considered all relevant matters under s104 of the RMA, and based on the evidence and submissions presented at the hearing we find that:

- any actual and potential adverse environmental effects of allowing the activity, will be sufficiently managed, including by the proposed conditions of consent, such that the effects are avoided, remedied or mitigated to the extent that, overall, they are no more than minor and acceptable;
- the proposal will result in positive effects on the site and local environment;

- the proposal is generally well-aligned with the relevant District Plan and Proposed District Plan objectives and policies when read as a whole and there are no directive policies relevant that are challenged by the proposal such that consent need be withheld; and
- the risk of the proposal giving rise to precedent effects or undermining the integrity of the plan is negligible.

1.0 Introduction

Report purpose, requirements & outline

- 1.1 The purpose of this report is to outline our decision on the publicly notified resource consent application from Ryman Healthcare Limited to establish a comprehensive care retirement village in the Outer Residential Area at Karori, Wellington.
- 1.2 Of particular relevance, the RMA requires that decisions on notified applications state:
- a. the reasons for the decision;
 - b. the relevant statutory provisions considered;
 - c. the relevant national, regional and district planning policy documents considered;
 - d. the principal issues in contention;
 - e. a summary of evidence heard; and
 - f. the main findings on principal issues in contention.
- 1.3 The RMA also enables us to cross-refer to or adopt parts of the AEE and the s42A Report to avoid repeating material. We have done so where possible below.
- 1.4 The remainder of this report is organised as follows:

Section 1: Introduction

This provides a factual basis for the report, including our role, a brief description of the site, the existing environment, the proposal and a submissions overview.

Section 2: Account of the Hearing

Section 2 provides a brief factual summary of the hearing proceedings, including the actions of various parties in the pre-hearing sequence.

Section 3: Outline of statutory considerations and relevant planning policy

This part of the report sets out a short summary of the proposal's compliance against the relevant provisions of the Plan and includes a factual description of the provisions of the RMA that frame our decision-making and of the relevant national, regional and district planning policy framework we have considered.

Section 4: Principal issues in contention

This section summarises the key issues in contention, the evidence presented by the parties, and our findings on the key issues.

Section 5: Assessment of Effects

This part includes our assessment of the effects of the proposal.

Section 6: Assessment against the Objectives and Policies

This section includes our assessment of the proposal against the objectives and policies of the District Plan and Proposed District Plan.

Section 7: Other matters

This section sets out other matters relevant to our consideration.

Section 8: Part 2

The section sets out our assessment under Part 2.

Section 9: Conditions

The part refers to the conditions which are attached as Appendix 3.

Section 10: Decision

The final section of the report formally records our decision.

Role of the Hearings Panel of Commissioners

- 1.5 We were appointed by the Council by delegation dated 12 July 2022.
- 1.6 We record that it was not our role to introduce evidence about the proposal, but to hear the submissions and evidence of others and to make a decision on the basis of that information.

Site and existing environment

- 1.7 The Site comprises two land parcels located at 26 Donald Street, and 37 Campbell Street, in Karori, Wellington (Section 2 Survey Office Plan 515832 and Section 1 Survey Office Plan 28414).
- 1.8 The Site and existing environment are comprehensively described in Section 3 of the AEE¹, with additional context also provided in Ms Brownlie's s42A Report². We adopt those descriptions and will not repeat them here.
- 1.9 We do highlight the following aspects of the Site and existing environment, however, for context:
- a. the combined Site comprises 3.05ha, primarily located within the Outer Residential Area;
 - b. the former Victoria University of Wellington Karori Campus occupied the bulk of this area – following the receipt of resource consent, the majority of campus buildings have been demolished;
 - c. the remaining buildings, being the Allen Ward VC Hall, the Tennant Block, and the octagonal building associated with the Oldershaw Block, will be retained and adaptively re-used under the proposed development;
 - d. parallel to the northern boundary, the Site includes a public walkway providing through access between Donald Street and Campbell Street;
 - e. existing Lopdell Gardens in the northern end of the Site;
 - f. the balance of the Site is currently vacant, and former tennis courts and playing fields on the west of the Site are no longer utilised;
 - g. the Karori Shops are located approximately 300m to the north of the Site, and the Ben Burn Park is located at 50 Campbell Street, to the south-west of the Site;
 - h. there is a mixture of residential and non-residential activities in the local environment, including:

¹ Part 3, pages [29] to [36]

² Paragraphs [5] to [18] on pages [1] to [4]

- i. Wellington City Council's Karori Pool, adjoining the Site at the north-west and north-east on 22 and 24 Donald Street. The Pool has associated car-parking areas and public accessways;
 - ii. Karori Normal School, located at 2 Donald Street, further north of the Site;
 - iii. Karori RSA, located at 27A Campbell Street, adjacent to the Site; and
 - iv. Karori Kids Inc., a community childcare centre at 29 Campbell Street, to the north of the Site;
- i. immediately surrounding the Site are residential dwellings, typically detached buildings on separate sites, either one or two storeys in height.

The Applicant's proposal

- 1.10 The proposal is described at Section 2 of the AEE³ and in Ms Brownlie's s42A Report⁴. Again, we adopt those descriptions, and simply note the following key aspects:
- a. approximately 39,500m³ of earthworks, including excavations for an underground carpark and water storage tank, and additional filling and excavating for Site contouring;
 - b. establishment of new key infrastructure, including storm and wastewater systems, water supply, electricity, gas, and telecommunications;
 - c. construction of 11 new buildings on the Site. This will work alongside the adaptively re-used existing buildings, being the Allen Ward VC Hall and Tennant Block, and the existing octagonal building room associated with the Oldershaw Block. Altogether the buildings will provide a variety of housing options for potential residents, including apartments, assisted living suites, and care bedrooms;
 - d. addition of two vehicular access points, one each to be on Donald Street and Campbell Street;
 - e. provision of 229 carparking spaces (both at grade around the site and in a basement or undercroft car park), including staff parking and internal access, circulation and loading areas;
 - f. retention of the Lopdell Gardens where practicable, with additional extensive landscaping throughout the remainder of the Site;
 - g. construction of a publicly accessible pocket park on the eastern corner of the Site;
 - h. erection of boundary fencing along all external site boundaries, other than locations of pedestrian or vehicle access, or where the proposed pocket park will face Donald Street;
 - i. addition of lighting throughout the Site; and
 - j. entrance signage at the Donald Street and Campbell Street gates, and additional wayfinding and speed limit signage.

The Submissions

- 1.11 As noted in the section 42A report the application was publicly notified on 19 April 2022 in accordance with section 95A of the Act as the Applicant requested that the application be publicly notified.

³ Pages [7] to [28]

⁴ Paragraphs [23] to [40] on pages [5] to [10]

- 1.12 A total of 75 submissions were received by the close of submissions on 18 May 2022. Of these submissions 38 were in support of the application, 36 were opposed to the application, and 1 was neutral. On 18 August 2022 a late submission was received from HNZPT. The Applicant agreed to a section 37 extension to the submission timeframe, so the submission was accepted by the Council.
- 1.13 A full list of the submitters and the points made in their submissions is set out in the section 42A Report⁵. We address the key points made in the submissions in section 4 of this Report.

2.0 Hearing sequence

Pre-hearing Procedural Matters

- 2.1 Following our formal engagement, we issued a minute dated 21 July 2022 (Minute 1) to the parties to set out some preliminary matters in preparation for the hearing. More specifically, the minute:
- a. encouraged the parties to undertake pre-hearing liaison and expert conferencing where applicable;
 - b. outlined a process and timetable for pre-hearing processes;
 - c. described the sequence for evidence exchange following the subsequent confirmation of hearing date;
 - d. set out our expectations for hearing presentations; and
 - e. invited parties to suggest any particular sites or localities that we should visit to inform our understanding of the proposal and the local environment.
- 2.2 We then issued a number of other minutes to clarify regulatory processes, confirm site visits, and set the date for the Applicant's reply, these were:
- a. Minute 2 dated 1 August 2022, responding to the Memorandum of Counsel on behalf of Ryman dated 28 July 2022 regarding evidence and directing further procedural steps;
 - b. Minute 3 dated 11 August 2022, responding to correspondence to the Hearing Administrator from Mr David King, a submitter, in relation to the regulatory regime governing the Council experts' activity, and the right of observers to attend expert conferencing;
 - c. Minute 4 dated 19 August 2022, dealing further with Mr David King's responses, and with a further Memorandum of Counsel on behalf of Ryman Healthcare Limited dated 16 August 2022, along with providing direction as to expert witnesses and proposed site visits;
 - d. Minute 5 dated 29 August 2022, advising the parties as to site visits, seeking updates from the Applicant, confirming the position on expert evidence, and confirming the position on submissions received; and
 - e. Minute 6 dated 10 October 2022, further advising the parties as to site visits, directing whether further information is required, and directing the date on which the Applicant's reply is sought.

⁵ Paragraphs [58] to [61] on Pages [16] to [22]

- f. Minute 7 dated 31 October 2022, advising the parties of our position on the comments received by Mr King after the Applicant's Reply was received;
- g. Minute 8 dated 4 November 2022, finalising the Reply process and closing the hearing.

Pre-hearing conferencing

- 2.3 Conferencing was conducted by planning, transportation, landscape and urban design experts in late October. These sessions culminated in the production of joint witness statements that were helpful for my understanding of matters in agreement and in contention. The Panel is grateful for the efforts of the experts in this respect.

Section 42A report

- 2.4 The Officers' s42A report was circulated on Monday 22 August 2022. It comprised the planning report authored by Ms Laura Brownlie. Attached to Ms Brownlie's report were several appendices which contained:
- a. Urban Design assessment - Sarah Duffell;
 - b. Landscape and Visual Effects assessment - Angela McArthur;
 - c. Wind assessment - Mike Donn;
 - d. Heritage assessment including an updated memorandum - Moira Smith;
 - e. Acoustics assessment - Lindsay Hannah;
 - f. Transport assessment - Soon Teck Kong;
 - g. Earthworks assessment - John Davies;
 - h. Geotechnical assessments - Stephanie Cherfane and Ayoub Riman;
 - i. Contamination assessment - Suzanne Lowe;
 - j. Evidence from David Wilson for Wellington Water Limited;
 - k. A note of matters the Council team considered that the Applicant should comment on; and
 - l. Recommended conditions of consent to be applied if consent is granted.

- 2.5 In her s42A Report, having drawn on the information and views expressed in the various appendices and carried out her own assessment of the application, Ms Brownlie concluded that the proposal will not result in adverse environmental effects that will be more than minor. She also found the proposal was not contrary to the intent of the objectives and policies in the Plan and Proposed District Plan. Though there were inconsistencies between the proposal and two specific policies, Ms Brownlie found that the "broad thrust" of the policies was still achieved. For those reasons she recommended that consent be granted.

- 2.6 Ms Brownlie returned to some of the issues she raised in her s42A Report and issues raised during the course of the hearing by submitters, when she addressed the Panel in her closing addendum.

Applicant's evidence

- 2.7 The applicant provided its bundle of evidence on 29 August 2022. This included statements from the following experts:

- a. Corporate – Matthew Brown;
 - b. Architecture – Issac Bright;
 - c. Urban Design – Andrew Burns;
 - d. Landscape and visual assessment – Rebecca Skidmore;
 - e. Heritage – David Pearson;
 - f. Wind – Neil Jamieson;
 - g. Fire Engineering – Brady Cosgrove;
 - h. Traffic – Leo Hills;
 - i. Infrastructure – Ajay Desai;
 - j. Noise and Vibration – Siri Wilkening;
 - k. Geotechnical – Pierre Malan;
 - l. Ground Contamination – Paul Walker;
 - m. Planning – Richard Turner.
- 2.8 The Applicant's evidence outlined initial investigations carried out in support of the application, responded to matters raised in the s42A Report and submissions, and proposed various amendments to the proposal (among other matters).
- 2.9 We discuss the substance of the Applicant's evidence in greater detail in section 5.

Submitter expert evidence

- 2.10 No expert evidence was circulated by submitters.

Overview of the hearing proceedings

- 2.11 The hearing convened at 9:00am on Tuesday 13 September 2022 at the Willeston Conference Centre, 15 Willeston Street, Wellington.
- 2.12 A list of attendances on each given hearing day is provided at **Appendix 1**.
- 2.13 After procedural matters were dealt with the Applicant opened its case with a senior representative from Ryman's presenting first - Mr Matthew Brown. This was followed by legal submissions from Mr Luke Hinchey and Ms Nicola de Wit.
- 2.14 Over the course of the first two days of the hearing the Panel first heard from the Applicant's various experts in relation to architecture, urban design, landscape and visual, fire engineering, heritage, wind, traffic, infrastructure, and noise and vibration. The final expert was the planner, Mr Turner. In Minute 5 we noted that, having read the s42A report and all pre-circulated expert evidence, we did not have any questions for the Geotechnical or Contamination experts and their attendance (both for the Applicant and the Council) was excused from the hearing.
- 2.15 After hearing from the Applicant, we then heard from submitters both those in support and those opposed to the application. We discuss the substance of the cases for the submitters in greater detail in section 4.
- 2.16 Finally, we heard from the Council's experts on wind, landscape and visual effects, traffic, earthworks, three waters/infrastructure, urban design, and planning.

- 2.17 On the final day of the hearing, the Applicant provided further information relating to shading diagrams that had been requested by us. The s42A author, Ms Brownlie then concluded her evidence, and the Applicant provided their oral reply.
- 2.18 The hearing was then adjourned, pending the circulation of additional material as noted below, further site visits, and matters relating to the Reply, before we ultimately closed the hearing, as discussed further below.

Site visits

- 2.19 We undertook site visits over two days. The first site visits took place the day before the hearing on 12 September 2022. On this date we visited, the application Site (from the perimeter), the general location including the surrounding streets of Karori in the vicinity of the Site, and the Ryman's facility, the Malvina Mayor Retirement Village, 134 Burma Road, Khandallah.
- 2.20 The second set of site visits took place on 6 October 2022. On this date we undertook a visit into the application Site accompanied by Mr Brown. In advance, Ryman's had arranged for the proposed buildings surveyed and marked out on the Site which we found very helpful and thank Ryman's for undertaking this for us. We also visited a number of the submitter homes along the Scapa Terrace boundary to the Site, namely:
- a. Bernadette and Tristram Ingham at 22 Scapa Terrace;
 - b. David King of 24 Scapa Terrace;
 - c. Richard Leikis of 20 Scapa Terrace; and
 - d. Julie (Andrew) Cooper at 49 Campbell Street.

We thank all these submitters for welcoming us into their homes and allowing us to observe the application Site from their properties.

Hearing adjournment

- 2.21 As noted above Minute 6 outlined the remaining steps necessary before we were able to close the hearing. Specifically, it noted:
- a. an updated set of draft conditions was to be produced by the Applicant, and circulated to the Council for their comments to be provided by Friday 14 October; and
 - b. the Applicant's closing submissions would be circulated by 5pm Friday 21 October.
- 2.22 Both of those deadlines were met by the relevant parties with the Council including a supplementary wind commentary with its comments on the conditions. There were a few issues relating to the proposed conditions and the reply raised by Mr Cooper and Mr King respectively. These are covered in Minutes 7 and 8 noted above.

Hearing Closure

- 2.23 Having received all of the further information sought through the post-hearing dialogue, we were satisfied that we had sufficient information to complete our deliberations and deliver a decision on the application.
- 2.24 Accordingly, we closed the hearing on 4 November, via Minute 8.

3.0 Statutory considerations

Resource Management Act 1991 (RMA)

- 3.1 Section 104 of the RMA sets out the matters we must have regard to in considering the application. Sections 104B and 104D are also relevant given the classification of the activity as a non-complying activity. For completeness, the components of these statutory provisions which are relevant for this decision are as follows:

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*

(a) any actual and potential effects on the environment of allowing the activity; and (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

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

- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

- (5) *A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.*

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

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

- (a) may grant or refuse the application; and*

(b) *if it grants the application, may impose conditions under section 108.*

104D Particular restrictions for non-complying activities

(1) *Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*

(a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*

(b) *the application is for an activity that will not be contrary to the objectives and policies of—*

(i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*

(ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*

(iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

(2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

3.2 There was no debate between the parties as to what were the relevant statutory and planning policy considerations. We, therefore, adopt the matters set out in the evidence before us and in this section of our decision we summarise the key matters for completeness.

National Environmental Standard

3.3 The application Site is an identified HAIL site, and accordingly, the Resource management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) is applicable.

3.4 The NES-CS contains a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

3.5 The application identifies that the proposal does not meet two of the regulations (8(3) and 8(4)) and is to be assessed as a **discretionary restricted activity** under Regulation 10 of the NES-CS.

National Policy Statement

3.6 The National Policy Statement on Urban Development (NPS-UD) came into effect on 20 August 2020 and is therefore relevant to this proposal. The purpose of the NPS-UD is to enable development by maximising the benefits of intensification. The NPS-UD directs decision making under the Act to ensure that planning decisions enable

development through providing sufficient development capacity for housing and business.

Proposed District Plan

- 3.7 On 18 July 2022 the Council notified the Wellington City Proposed District Plan, which gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), and the NPS-UD policies 3 and 4 (intensification and qualifying matters). The following provisions in the Proposed District Plan have immediate legal effect:
- a. Historic Heritage
 - b. Significant Natural Areas
 - c. Medium Density Residential Standards – being intensification.
- 3.8 We were informed that the decision-making processes for the Proposed District Plan will follow both the RMA Intensification Streamlined Planning Process and the Part One, Schedule One process. This means that the notification of the Proposed District Plan will be split into two separate processes:
- a. The ISPP process uses an independent hearings panel, has no merit appeals to the Environment Court and must be completed in around one year.
 - b. The Schedule One process follows the normal plan change process and can be subject to appeals to the Environment Court.
- 3.9 Provisions relevant to the RM (Enabling Housing Supply) Act and the NPS-UD will be determined through the ISPP. The remaining provisions will be determined through the Schedule One process.

Activity Status

- 3.10 The application and s42A Report identified the full extent of requirements under the Operative District Plan (ODP). When all requirements are bundled together – as summarised in **Appendix 1** (which has been extracted from the s42A Report at pages 11 to 14) – the proposal is to be assessed as a **non-complying activity**.

4.0 Principal issues in contention

Preamble

- 4.1 This section of our report summarises the key issues in contention. We note that, except for a few narrow matters related to conditions, the experts for the Council and the Applicant were largely in agreement and there were no significant residual issues of contention raised by them for us to determine. We address the matter of conditions later in this Report.
- 4.2 While there was expert agreement there were a number of concerns raised by submitters both in their submissions and at the hearing. These issues broadly relate to shading, privacy effects, traffic and construction effects. We summarise the key concerns in relation to these effects below. These are covered in more detail in the section 42A report.

- 4.3 Without wishing to detract from the points raised in submissions we note that while the effects list from submitters was extensive the primary effects of concern related to amenity effects, specifically shading and privacy, particularly from those residents that were located along the Scapa Terrace boundary.⁶ For this reason we have particularly focused on? these effects in more detail in our assessment in Section 5 below.

Visual effects, streetscape, and character

- 4.4 Submitters expressed consistent concerns in relation to visual effects, falling into the following main points:
- a. Buildings are too high and overbearing
 - b. The development skews the skyline
 - c. The development is too large
 - d. Loss of visual amenity
- 4.5 By contrast, those submitters in support of the proposal put forth the following points:
- a. Design will fit in well with the residential area
 - b. Development will be compatible with the area and will have less impact than the former Campus
 - c. High quality buildings

Residential amenities

- 4.6 Those submitters in opposition to the proposal noted the following concerns:
- a. Shading effects from buildings
 - b. Shading effects from the proposed trees along the southern boundary
 - c. Visual bulk and dominance effects
 - d. Loss of outlook and views
 - e. Overlooking and privacy effects
- 4.7 Those in support in support of the proposal noted only that the design would have less of an effect on neighbours compared with the previous use.

Traffic effects

- 4.8 All submissions received on traffic were concerns raised by those in opposition to the proposal. These included:
- a. Increased pressure on public transport
 - b. Increased demand and stresses on on-street car parking during construction
 - c. Increased demand and stresses on on-street car parking once operational
 - d. Safety concerns for daycare, school children, pedestrians
 - e. Not enough on-site car parking for staff, visitors, and residents
 - f. Increased levels of traffic

⁶ Note this also includes the Coopers at 49 Campbell Street

- g. Increased level of construction
- h. Access issues for fire appliances
- i. Too many car parks are being provided given the public transport in the area
- j. Council should have dedicated residents car parking in the nearby streets
- k. Council should have restricted parking or loading zones in the area
- l. Traffic modelling is outdated
- m. Concerns that staff will park on the surrounding streets / car parks in front of Ben Burn Park
- n. Residents concerned they will not be able to park in front of their houses
- o. Car parks should be allocated for staff and visitors
- p. There should be a judder bar to slow vehicles exiting from the Donald Street exit

Construction effects

4.9 Again, the majority of submissions received on construction effects were from those opposing the proposal, with concerns over the adverse construction effects which might include:

- a. Duration
- b. Construction period should be limited to two years
- c. The scale of the development means there will be a longer construction period
- d. There should be a published construction programme to be part of any building consent, with provision for liquidated damages paid to affected residents should the developer delay or procrastinate
- e. Construction noise effects
- f. Noise from construction workers, including use of radios
- g. Vibration
- h. Construction traffic effects
- i. Construction hours should be limited i.e. stricter than NZ6803:1999.

Other effects

4.10 Other submissions raised effects across a range of categories, and varied from expected positive impacts of the proposal, to other concerns over the adverse impact on the neighbourhood. These included submissions on landscaping, wind effects, earthworks and geotechnical issues, operational noise, infrastructure and servicing, flooding, loss of green space and amenities, lighting, and heritage.

4.11 We consider the key determinative effects in more detail including by referencing specific submissions and the evidence from the Council and the Applicant in the next section of our report.

5.0 Assessment of Effects (s104(1)(a), RMA)

Permitted Baseline

5.1 In terms of the permitted baseline the Applicant advised that we have a discretion to consider a specific permitted baseline under s104(2) of the Act.

- 5.2 The Applicant noted that both Mr Turner and Ms Brownlie agree that a 2m high fence is a relevant permitted baseline that can inform the assessment of shading effects. We were provided with additional shading diagrams that provided a comparison of fence shading with the Proposed Village shading. It was Mr Burns' evidence to us that the shading from a permitted 2m high fence is material and should be considered when assessing the shading effects from the proposed building. We accept this.
- 5.3 The Applicant submitted that Mr Burns undertook his original assessment without consideration of this permitted baseline and concluded that shading effects would be acceptable. In the Applicant's submission this permitted baseline simply strengthens Mr Burns' existing conclusions.⁷
- 5.4 In her s42A Report Ms Brownlie suggested that an 'incremental development' permitted baseline may be available and invited the applicant to consider this. However, the Applicant did not seek to rely on such a baseline as resource consent requirements are likely to be triggered by such a development. Accordingly, neither the Applicant nor the Council relied on the use of such a permitted baseline in their assessments.
- 5.5 We consider that a 2m high fence is a relevant permitted baseline in terms of the assessment of shading effects. We return to this issue below.

Existing Environment

- 5.6 We agree with the Council and the Applicant that it is appropriate to consider the effects of the proposal in comparison to the existing environment – the current development on the Site. The existing environment comprises the Allen Ward VC Hall, the Tennant Block, and the octagonal building associated with the Oldershaw Block. It also includes the garage building parallel to 20 and 22 Scapa Terrace.
- 5.7 We also agree with the Council and the Applicant that the existing environment does not include the former buildings associated with the Teachers' College/Victoria University of Wellington which were demolished in 2020.

Effects Assessment

- 5.8 We have divided the effects into two categories as follows:
- a. Those effects that were contested and therefore determinative;
 - b. Those effects that were not contested and therefore not determinative.
- 5.9 As noted above submitters raised a number of effects but not all effects were equal in terms of the concerns the submitters residents raised. We also note that there were some issues as between Council and Applicant experts on a couple of matters so we have also included these in this category. We found that the contested effects are as follows:
- a. Neighbouring Residential Amenity
 - b. Streetscape, Character, and Visual Effects
 - c. Operational Traffic Effects
 - d. Fire safety

⁷ Closing Legal Submissions at paragraph [45]

- e. Wind Effects
 - f. Landscape Effects
- 5.10 The following effects we have categorised as not contested. That is not to say that issues were not raised, but rather our findings on these effects are that they were largely agreed as between the experts and were not the effects of substantial concern to the submitters:
- a. Internal Residential Amenity
 - b. Heritage Effects
 - c. Construction Effects
 - d. Operational Noise Effects
 - e. Servicing / Three Waters Effects
 - f. Flooding Effects/Effects on Water Quality
 - g. Signage Effects
 - h. Open Space and Recreation.

5.11 Where we have not referred to specific effects noted in the material before us (for example earthworks and contamination) we have accepted the expert evidence in relation to these matters.

5.12 In assessing the above matters we have considered all the information in front of us; namely, submissions in both support and opposition, the expert evidence of the Applicant and all the specialist reports contained in the s42A Report.

Neighbouring Residential Amenity

5.13 Ms Brownlie discussed neighbouring residential amenity in relation to several further sub-categories: bulk and dominance, privacy, shading, and density. She provided a thorough analysis of the evidence presented by the Applicant, and of the submissions made by affected parties, and considered the effects on both specific properties, and the broader neighbourhood.

5.14 On bulk and dominance, Ms Brownlie reviewed the expert evidence and considered the degree of Operative District Plan compliance, concluding that actual and potential visual bulk and dominance effects as experienced by adjacent properties will not be more than minor". Ms Skidmore, Mr Burns and Ms McArthur essentially all agreed that the proposed Village will be visible and, in some instances, prominent but this does not mean that the effects are adverse or significant. They all considered that the proposed Village is residential in character and of an appropriate bulk and scale in relation to the neighbouring residential properties. Mr Burns also discussed the visual relief provided by gaps in between the main building forms and the full extent of the building along the Scapa Terrace boundary will not be appreciable from any one property.

5.15 Similarly, in relation to density effects from the proposal, Ms Brownlie concluded that these will not be more than minor and noted that the full extent of density effects will not be appreciable from any one neighbouring property. This is consistent with the evidence of experts for both the Council and the Applicant.

- 5.16 In assessing the privacy effects on adjoining properties, Ms Brownlie took into account submissions from parties, as well as expert advice, and the Applicant's design assessment. She provided an assessment in relation to each adjoining property, with the actual and potential privacy and overlooking effects ranging from less than minor to no more than minor.
- 5.17 Mr Burns assessed the privacy effects of the proposed Village on all potentially affected properties and considered that potential privacy effects, with agreement from experts that the potential for privacy effects would be from the south facing apartments of buildings B02-B06 toward the Scapa Terrace properties. Mr Burns assessed that these effects have been appropriately mitigated through a range of design techniques. Ms Duffell, for the Council agreed.
- 5.18 We were also informed that the southern windows on Buildings B02-B06 will have high sill levels which also help to mitigate any privacy effects – the experts were in agreement on this point.
- 5.19 In addition, in closing⁸ the Applicant rejected the criticisms by some submitters that it had not made any effort to mitigate potential privacy effects and pointed to a number of design features to support this submission, namely:
- a. A substantial setback from the boundary, in the order of 4-5m (noting the new rear yard MDRS density standard of 1m along the Scapa Terrace boundary would enable much closer buildings as a permitted activity);
 - b. Considerable gaps between the buildings, in the order of 18m (noting the MDRS rules/density standards could permit a series of attached buildings along this boundary given the allowance for common walls);
 - c. An additional setback for the first-floor terraces (noting these terraces are at one storey whereas the MDRS rules/density standards would permit up to three storeys in this location, without any control over balconies or roof terraces);
 - d. An additional setback for the second floor; and
 - e. The use of high, narrow windows on the southern facades of the first and second floors (noting there is no control over window treatments for the rear of sites under the MDRS density standards).
- 5.20 Shading was a key matter of concern for the Submitters along Scapa Terrace. All of the Submitters who spoke at the hearing discussed how they occupy their dwellings and outdoor living spaces. It was evident the sanctuary of their homes, and the access to sunlight, is important to their wellbeing. This is particularly so for at least a couple of Submitters who experience personal challenges and do not work outside of their homes and utilise their north facing living spaces as work from home spaces. This is particularly the case given the Scapa Terrace have their main living areas orientated toward the north. We acknowledge the Submitters concerns as it was evident, there will be residential amenity effects.
- 5.21 In relation to shading effects Ms Brownlie took care in her deliberations on this effect by addressing each property in turn. On balance, she concluded that, overall, the shading effects of the proposal will not be more than minor. We note that for individual

⁸ Paragraph [137]

- properties, the effects are assessed as ranging from no effects through to minor effects.
- 5.22 In relation to shading effects Mr Burns and Ms Brownlie adopted different methodologies for assessing shading effects, but, as noted in closing submissions for the Applicant,⁹ reached almost identical conclusions. Further, Ms Brownlie also provided a detailed explanation of her methodology in her reply presentation near the end of the hearing. We accept the submission of the Applicant that we can be more confident that, "...even if there were issues with the methodology applied by one of those experts (which it is submitted there is not), the conclusions are reliable."¹⁰
- 5.23 In its closing submissions the Applicant acknowledged that the proposed Village will result in a change in shading, particularly on the Scapa Terrace residents that are located to the south of the Site. It was submitted that this change is largely because those properties have benefited from "*borrowed amenity*" as this part of the Site has remained undeveloped for decades. It was further submitted that this amenity (and the associated potential for shading) will inevitably change given the residential intensification anticipated on the Site.¹¹
- 5.24 Mr Burns provided us with a detailed assessment of potential shading effects and updated this at the hearing with regards to the 2m high fence noted above. His assessment referenced a range of considerations: the Residential Design Guide, the shade cast by the existing to be retained buildings, the availability of sunlight across the full year, shade from permitted fencing and shade cast by Operative Plan and Proposed Plan heights and recession plane compliant envelopes. Mr Burns acknowledged that whilst the compliant envelopes of the Operative and Proposed District Plan do not form a true permitted baseline, they are relevant in terms of anticipated outcomes of these plans. We agree with the Mr Burns on this point, particularly with regard to the fact the MDRS were a result of national directive of the RM (Enabling Housing Supply) Act.
- 5.25 Mr Burns informed us that he had also 'ground truthed' his assessments by considering how the adjacent properties are used. He also informed us that he had updated his assessment in light of submissions received on the application.
- 5.26 At the request of the Panel, Mr Burns also provided additional shading information to illustrate the shading effects of the proposal on the Scapa Terrace properties between mid-winter and the spring equinox. These findings illustrated how the shading effects on these properties reduced during this period and added greater evidence to support both Mr Burns and Ms Brownlee's assessments.
- 5.27 Mr Burns evidence was that the shading outcome is acceptable in all cases. Once again, this conclusion does not detract from the degree of change that will be experienced by neighbours. It simply reflects the reasonableness of that change in light of all relevant factors.

⁹ Paragraph [132]

¹⁰ Ibid

¹¹ Ibid

- 5.28 Although she did not provide a full shading analysis, Ms Duffell also noted the potential shading effects have been moderated through the design of the Proposed Village along the southern boundary.
- 5.29 Taking into account the Submitters concerns, observations from our site visit, and the expert evidence from Mr Burns, Ms Duffell and Ms Brownlee, we agree with these experts that taking account of all relevant matters, that overall the actual and potential for residential amenity effects will be no more than minor and acceptable.

Streetscape, Character, and Visual Effects

- 5.30 Ms Brownlie considers the existing character of the residential area, and evaluated the proposed street frontage, building size and shape, and landscaping. She concluded “I accept the advice received from Ms Duffell and Ms McArthur and consider that, while the proposal will introduce change to the area, streetscape, character and visual amenity effects will not be more than minor.” The Applicant’s evidence supports the findings of Ms Brownlie and the other Council experts with Ms Skidmore agreeing that the proposal will be compatible with the surrounding neighbourhood character.
- 5.31 All experts also acknowledged that the development would also introduce a significant degree of change from the existing environment where currently large areas of the Site largely vacant. The experts were all in agreement that overall, the quality of the design, the modulation of the building forms, as well as the recessive colour pallet of the top portions of the buildings would ensure the development would be an appropriate visual introduction into the streetscape.
- 5.32 No evidence was received that would counter the assessment of the Applicant and Council experts. We therefore agree that overall, the streetscape, character and visual effects of the development will be no more than minor and acceptable.

Operational Traffic Effects

- 5.33 Ms Brownlie considered access, traffic generation and modelling, parking, travel plans, and loading and servicing in relation to traffic effects. In determining her conclusions, she relied on the expert advice of Mr Kong. Mr Kong had raised initial concerns with regard to the width of the Donald Street vehicle crossing. This crossing was 9m wide which raised concerns of vehicles being able to enter the Site at speed thereby raising vehicle and pedestrian safety concerns. The Applicant reduced the crossing width to 7.5m. Mr Kong no longer had concerns regarding the crossing width.
- 5.34 A number of Submitters raised concerns with parking from the village spilling out onto the surrounding streets. We heard from Mr Major who runs a childcare centre across the road from the site. It was important to Mr Major that families could part near the childcare centre when dropping off and picking up their children.
- 5.35 We heard from traffic engineers Mr Hills and Mr Kong that they were both satisfied the proposed village will provide an acceptable number of on-site carparks for residents, staff and visitors. Notwithstanding this, there was one outstanding operational traffic issue at the hearing between the Applicant and the Council relating to a condition proposed by Mr Kong to provide for active management of on-site parking spaces with ongoing Council involvement. We note that the Council response on conditions confirmed that this condition was not being pursued by Council. Instead

the Applicant and the Council agreed to a condition that requires the consent holder to prepare and implement an On-Site Parking Management Strategy to ensure residents, staff and visitors are directed to the appropriate parking areas, including during shift change overs.

- 5.36 We agree with the expertise of Mr Hills and Mr Kong, along with the recommended conditions, that the operational traffic effects of the proposed village will be no more than minor and acceptable.

Fire safety

- 5.37 The submission of Fire and Emergency New Zealand (*FENZ*) raised matters relating to the fire safety design for the proposed Village and in particular the adequacy of water supply and fire-fighting access to the Site.
- 5.38 We note that FENZ did not appear at the hearing to speak to the concerns raised in its submission, rather it stated via an email that it supported the conditions proposed in the section 42A Report, but did not provide any reasons to support that position. The Applicant's position was that FENZ has not taken up the opportunity to establish a resource management purpose for those conditions.
- 5.39 In terms of the issues raised, adequacy of water supply and firefighting access the Applicant's evidence was that:
- a. Mr Desai assessed the firefighting water supply requirements and considered compliance with the relevant standard will be achieved. In any event, he noted that the Applicant offered a condition addressing water supply to be provided to the specification in the relevant New Zealand standard.
 - b. In relation to fire safety access matters, these are regulated through the building consent process under the Building Act 2004. They are generally not matters that can or should be considered as part of a resource consent process.
- 5.40 No evidence was presented at the hearing that suggested there is any resource management purpose to justify regulation greater than that required under the Building Act. Mr Cosgrove also gave evidence that the design of the proposed village does not raise any concerns about not being able to obtain a Building Consent because of firefighting access.
- 5.41 Notwithstanding this, the Applicant in their reply also accepted that Ryman bears the risk of not obtaining a building consent (as is the case with complying with any other legislation that sits outside the RMA). Based on advice from Mr Cosgrove, Ryman expressed confidence that the risk is negligible.
- 5.42 Both the Applicant and the Council agreed to remove reference to the Designer's Guide to firefighting operations – emergency vehicle access F5-02 GD from the draft condition requiring detailed construction plans (27) as there is no requirement in the Building Code, Acceptable Solution or otherwise to comply with this guide.
- 5.43 We find that the issue of firefighting access is a Building Consent matter and that there is nothing to suggest that the granting of resource consent for the proposed village would frustrate the ability of the Applicant to obtain a Building Consent.
- 5.44 Any potential for fire safety effects will therefore be no more than minor and acceptable.

Wind Effects

- 5.45 In terms of wind effects, the experts for the Council and Applicant were largely in agreement that the wind effects of the proposed Village can be reasonably mitigated. There was an outstanding issue in relation to internal wind effects in the dementia garden. Dr Donn for the Council had concerns that the effects will not be acceptable. Mr Jamieson for the Applicant disagreed on how windy the dementia garden area will be. The reply submissions from the Applicant noted that the proposed Village layout is, "... not an isolated tall building or isolated staggered buildings, which are the scenarios addressed in Dr Donn's theoretical commentary on wind patterns. Instead, it is a "U-shaped" space, created by three buildings, and other buildings beyond. Combined with the topography and vegetation, Mr Jamieson considered the area will have limited exposure to northerly winds."¹²
- 5.46 The Applicant submitted that we should prefer the evidence of Mr Jamieson on this point.
- 5.47 How this culminates is that the key difference between Ryman and the Council is whether an amendment to the landscape plan condition (Condition 61) to address this matter is appropriate. The Applicant does not consider that it is.
- 5.48 During the hearing Dr Donn noted that without a wind tunnel test it was difficult to quantify the potential wind effects of the development. We also heard from the Applicant who emphasised that health and well-being of their residents would be their priority and if once the building was constructed if there was a need for any wind mitigation in this area they would erect an appropriate wind shelter or landscaping.
- 5.49 With regard to wind effects, we agree with the evidence of the Mr Jamieson. Condition 62 requiring the implementation of an approved landscaping and pavement plan includes an advice note that allows the consent holder to erect any minor wind mitigation structure or planting at the entrance to the dementia garden should it be necessary for wind mitigation purpose without requiring an amendment to the approved Landscaping Plan.
- 5.50 Overall, we find that the wind effects of the proposal are no more than minor and acceptable.

Landscape Effects

- 5.51 Of contention in some of the submissions on the proposal was the suitability of proposed landscaping, the reduction in green space, and the impact on bird life. Based on the expert advice from Ms McArthur, and the imposition of the recommended conditions of consent, Ms Brownlie considered that landscape effects will be no more than minor.
- 5.52 The Applicant in their reply noted that as a non-complying activity all potential effects can be considered. However, did state that the establishment of trees is not controlled under either the Operative or Proposed District Plan, and that the consideration of the planting of trees along the southern boundary needs to be considered in this context.
- 5.53 The Submitters who spoke at the hearing also raised concern with the height of trees along the southern boundary and that they may cause additional shading impacts on

¹² Paragraph [175]

their properties, whilst acknowledging the visual mitigation the trees will provide. It was noted during our site visit that there are large trees and vegetation in the rear gardens of a number of the Submitters properties that would likely cause greater shading impacts than the proposed trees within the application Site.

- 5.54 Notwithstanding, the closing comments from the Applicant in their reply, we do agree with the Applicant that this is a matter that can be appropriately considered in the final landscaping design for the development. We further agree with their suggested wording of this condition (61) that requires “*appropriate density and species of planting along the southern boundary of the site that, where practicable, provides screening and minimises potential shading on the adjoining residential properties on Scapa Terrace...*”.
- 5.55 We agree with the experts that the landscaping effects will be no more than minor and acceptable.

Internal Residential Amenity

- 5.56 A number of submitters raised concerns with the internal amenity of the proposed village for future residents. Both Mr Burns and Ms Duffell answered questions on this matter, particularly in relation to how the design of the proposed village meets the expectations in the Residential Design Guide with regard to internal amenity. Of particular note were the south facing aspect to some of the apartments in block B01B.
- 5.57 Both Mr Burns and Ms Duffell agreed that the Rymans have designed a high quality village that will provide a high quality of on-site amenity for its residents. Regarding the south facing units, Ms Duffell considered that amenity is achieved through a number of factors that include outlook and access to shared spaces.
- 5.58 We agree with Mr Burns and Ms Duffell assessments that, overall, that any potential for adverse internal amenity residential effects will be no more than minor and acceptable.

Heritage Effects

- 5.59 The Site is not listed in the District Plan as a heritage item, however it is identified by HNZPT as a Category 1 Historic Place. While most of the original buildings have already been demolished under consent, the remaining buildings are accepted as having heritage value. This also applies to some of the open spaces on the Site.
- 5.60 Ms Brownlie accepted Ms Smith’s advice and considered that the proposal is acceptable from a heritage perspective. We heard from Mr Pearson for the Applicant who also told us that the heritage effects are no more than minor.
- 5.61 Based on the expert advice received and through the imposition of and adherence to the suite of conditions proffered by the Applicant, we consider that the effects on heritage will be no more than minor.

Construction Effects

- 5.62 As with other effects categories, construction effects were assessed under a number of sub-categories. After considering construction noise and vibration, the duration of construction, and the expected construction traffic, Ms Brownlie concluded that adverse construction related effects will not be more than minor.

- 5.63 We note that the Applicant and the Council have agreed conditions in relation to:
- a. construction noise and vibration
 - b. construction traffic
 - c. sediment and erosion control
 - d. geotechnical
- 5.64 In closing Rymans noted that:
- Construction effects will be temporary, and will be appropriately managed through the implementation of good practice measures, and management plans secured through the proposed consent conditions.¹³*
- 5.65 There was some discussion at the hearing regarding construction noise effects, particularly whether specific mitigation measures, such as acoustic screening, should be specific line references in the Construction Noise and Vibration Management Plan (CNVMP). Ms Wilkening did not consider it necessary. Ms Brownlee agreed with this approach noting that the applicant and the Council are in agreement on the draft wording of the CNVMP condition (36).
- 5.66 Whilst we acknowledge the submitters concerns regarding the potential construction effects they may experience, we also acknowledge there is nothing unique about the site characteristics that would make compliance with accepted best practice mitigation measures difficult to achieve for a development of this nature and scale.
- 5.67 We agree with the Applicant and Council experts that the potential for construction effects will be temporary in nature, and can be appropriately managed through conditions of consent. In this regard we find that, overall, the construction effects of the development will be no more than minor and acceptable.

Operational Noise Effects

- 5.68 Submitters expressed concerns with noise from the proposed village with respect to noise from the pocket park, from air-conditioning units and laundry services, tyres screeching in the undercroft carpark and noise from the garage door alarm in the undercroft carpark.
- 5.69 With the exception of the noise from the refuse being collected one or twice a week (for which consent is being sought), the Applicant's assessment by Marshall Day Acoustics confirmed the proposed village is expected to comply with the District Plan noise standards.
- 5.70 Expert advice received from Marshall Day Acoustics and Mr Hannah, confirm that the District Plan exceedance of 3dB for refuse collection is likely to be imperceptible to the average listener. In addition, based on this expert advice, recommended conditions include that the undercroft carpark surface of buildings B02 to B06 is appropriately treated/surfaced to reduce wheel squeal impact and that the entrance to the undercroft carpark from Campbell Street is not fitted with an audible activation alarm.

¹³ Paragraph [209]

- 5.71 We agree with the expert assessments from Marshall Day Acoustics and Mr Hannah that the actual and potential operational noise effects of the proposed village will be no more than minor and acceptable.

Servicing / Three Waters Effects

- 5.72 Submissions raised concern that the local three water infrastructure capacity would not be able to cope with the servicing demands of the proposed village.
- 5.73 We heard from both Mr Wilson and Mr Desai with regard to servicing and the infrastructure capacity of the local network. Both experts agreed that the proposed village can be appropriately serviced and there was capacity in the local network to accommodate the development. Further, we note that the infrastructure-related conditions are agreed between Ryman and Council.
- 5.74 We accept the expert advice from Mr Wilson and Mr Desai that the servicing/three waters effects of the proposed village will be no more than minor and acceptable.

Flooding/Water Quality Effects

- 5.75 The potential for increased flooding on neighbouring properties was also raised by Submitters. We heard from Mr Desai who confirmed that the stormwater design has been future proofed taking into account climate change and blockages in the stormwater network. Mr Desai also confirmed that the development will not increase flooding into neighbouring properties and that existing flooding effects on some properties will improve.
- 5.76 We accept the expert advice from Mr Desai and Mr Wilson that the potential for flooding effects is no more than minor and acceptable.

Signage Effects

- 5.77 There was some discussion on the nature of the external signage from the proposed village. The Applicant was able to confirm to external signage will only include the name of the proposed village and that any lighting of the sign will be low level bollard lighting. The Applicant and the Council are in agreement to the appropriate nature of the sign and how this will be controlled through a recommended condition.
- 5.78 We agree with the Applicant and the Council with regard to signage and that the overall potential for signage effects to be no more than minor and acceptable.

Open Space and Recreation

- 5.79 Submitters expressed concern at the loss of public space due to the proposal, which was addressed by Ms Duffell in expert evidence. These concerns also included one Submitter being of the view that the proposed village should include community facilities, in addition to the pocket park, for 'compensation' for the loss of community assets previously provided on the site.
- 5.80 The Applicant in their Reply noted that this proposal does not result in the loss of community assets, as the site is in private ownership and does not have any community assets.
- 5.81 We agree with the Applicant that there is no obligation to provide community assets, whilst acknowledging the pocket park they are providing for community enjoyment.

The Applicant will also transfer part of the northern walkway with the site to the Council (through a later boundary adjustment application).

- 5.82 Any actual or potential for open space and recreation effects will be less than minor and acceptable.

Positive Effects

- 5.83 We agree with the Applicant and the Council that the development will have the following positive effects¹⁴:
- a. The provision of a range of housing options including 179 independent living apartments (either one, two, or three bedrooms) and 68 assisted living suites.
 - b. The provision of a range of care options, including rest home, hospital, and dementia care.
 - c. The site is located in an established residential area and is conveniently located in close proximity to the Karori shops and services, the Karori library and community centre, and public transport connections.
 - d. The retention and adaptive re-use of the Allen Ward VC Hall, the Tennant Block, and the Oldershaw building will retain some of the heritage values associated with the former Teachers' College and will provide a tangible link to the past.
 - e. The retention of parts of the Lopdell Gardens and other existing vegetation, namely in the south-eastern corner.
 - f. Seismic resilience of some of the B01A buildings which will be base isolated.
 - g. Creation of employment opportunities throughout the construction stage and once operational.

Conclusions on Effects

- 5.84 Following the assessments above of the actual and potential effects of the development (including positive effects), we agree with the assessment of Ms Brownlie and Mr Turner that the effects of the proposal will not be more than minor and therefore the proposal passes through the first 'limb' of the section 104D Gateway Test (section 104D(1)(a)).

6.0 Objectives and Policies of the Operative and Proposed District Plans (s104(1)(b), RMA)

The applicable planning framework

- 6.1 We note (and agree with the Council and Applicant) that the activity status that applies to the application is preserved as at the time the application is lodged. In all other respects, the planning framework that we must consider is the framework that exists at the time we made our decision.
- 6.2 We agree that the applicable planning framework consists of the:
- a. NPS-UD¹⁵;

¹⁴ Section 5.2 of the AEE, Paragraphs [595] and [596] of the Section 42A Report, Paragraph [184] of the Statement of Evidence of Mr Turner

¹⁵ Paragraphs [192] to [197] of the Statement of Evidence of Mr Turner, Paragraphs [602] to [609] of the s42A Report

- b. NES-CS¹⁶;
- c. Wellington Regional Policy Statement¹⁷
- d. Operative Plan¹⁸; and
- e. Proposed Plan¹⁹.

Findings on the applicable planning framework

- 6.3 We agree with the Applicant and the Council that:
- a. The development will achieve the outcomes sought by the NPS-UD;
 - b. The development is acceptable in terms of the NES-CS;
 - c. The development will accord with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of either the Operative District Plan and/or Proposed District Plan;
 - d. In terms of the Operative and Proposed District Plans while there are some inconsistencies with the Operative District Plan the proposal will not be contrary to the objectives and policies of the Operative District Plan or the Proposed District Plan.
- 6.4 Although some submitters were of the view that the development would be contrary to some objectives and policies, we agree with the Applicant's closing legal submissions that the correct legal position is as follows:
- As noted in opening submissions, case law establishes that "not contrary to" means "clearly 'opposed in nature' or 'repugnant' to the overall policy direction"... In our submission, the key point is that this gateway test does not require the activity to be "supported" by the relevant plan provisions. Case law acknowledges that non-complying activities will rarely, if ever, find direct support in a plan (albeit the expert planners do not raise any material inconsistencies here).*
- It is also unnecessary for the activity to be 'not contrary to' each individual objective or policy. Rather, an overall assessment of the objectives and policies is required. As the High Court has stated, "[t]he ultimate issue is not whether the [proposal] was inconsistent with any particular objective or policy but whether it was contrary to the objectives and policies of the [plan]".²⁰*
- 6.5 It follows that we agree with the assessment of Ms Brownlie and Mr Turner that the proposal is not contrary to the overall policy direction in the Operative and Proposed District Plans and therefore the proposal passes through the second 'limb' of the section 104D Gateway Test (section 104D(1)(b)).

¹⁶ Paragraphs [601], [420] to [424] of the s42A Report

¹⁷ Paragraphs [198] to [202] of the Statement of Evidence of Mr Turner, Paragraphs [609] and [611] of the s42A Report

¹⁸ Appendices A and B of the Statement of Evidence of Mr Turner, Paragraphs [496] to [544] of the s42A Report

¹⁹ Appendix C of the Statement of Evidence of Mr Turner, Paragraph [545] to [588] of the s42A Report

²⁰ Paragraphs [29] and [30] of the Closing Submissions

7.0 Other matters (s104(1)(c), RMA)

- 7.1 In relation to other matters we have considered under this head the submissions made by two submitters that considered that the effects of the Proposed Village on them will be greater than assessed by the relevant experts due to their physical or mental disabilities.
- 7.2 The two submitters were, Mr Ingham and Mr King. They both suggested a different approach is required in relation to the assessment of effects on them due to the disabilities they suffered. Specifically, Mr King suggested it was implicit that if the effects of the Proposed Village on an ordinary person were minor, the effects on a disabled person would be more than minor, particularly as regards shading and privacy effects.
- 7.3 We asked the Applicant to specifically address this matter in its Reply which it did. In particular we were informed that the Courts are wary about addressing particular sensitivities and the case of *Re Meridian Energy* was cited as authority for this submission.²¹ The Applicant referred to the planning framework with particular emphasis on the Proposed District Plan that reflects a "... new legislative context [which] does not support an approach that takes into account the particular sensitivities of receivers where built form standards are met." The Applicant concluded as follows:

*In conclusion, while the sincere and genuine comments of the submitters and their circumstances are acknowledged, it is submitted that an objective approach needs to be applied to the assessment of effects on these, and all submitters.*²²

- 7.4 We accept the submissions of the Applicant and agree that as a matter of law we cannot consider the particular sensitivities of submitters. Rather, we must take an objective approach.

8.0 Part 2

- 8.1 We agree with the evidence of Ms Brownlie²³ and Mr Turner²⁴ with regards to Part 2 of the RMA, namely that, there are no matters in Part 2 that would change the assessment of effects and of the relevant planning instruments contained in this Report.

9.0 Conditions

- 9.1 The Applicant and the Council provided us with what was a largely agreed set of conditions. We have discussed the differences in other parts of our Report.
- 9.2 The Applicant attached the final set of conditions it was proposing to its Reply. We accept that these conditions are acceptable. The only change we have suggested to the draft conditions is the following advice note after condition 62 (landscaping):

²¹ Closing Submission at paragraph [121]

²² Ibid at paragraph [127]

²³ Section 42A Report at paragraphs [619] to [633]

²⁴ Evidence in Chief at paragraphs [209] to [223]

The consent holder may erect minor wind mitigation structures and/or planting at the entrance to the dementia building from the garden should it be necessary for wind mitigation purposes without requiring an amendment to the approved Landscaping Plan.

9.3 We have included this advice note into the conditions after condition 62.

10.0 Decision

10.1 For the reasons set out above, consent is granted subject to the conditions set out in **Appendix 3**.

DATED: 29 November 2022



H A Atkins
Independent Commissioner – Chair



DJ McMahon
Independent Commissioner



A Jones
Independent Commissioner

APPENDIX 1: Schedule of Appearances

Day 1 – Tuesday 13 September

Name	Submitter/Applicant/Council & Job Title
Krystle Leen	Council – Hearings Administrator
Laura Brownlie	Council – Consultant Planner / Reporting Officer
Sarah Duffell	Council – Senior Urban Designer
Soon Teck Kong	Council – Traffic Advisor
Lindsay Hannah	Council – Noise Advisor
Nicola de Wit	Counsel for the applicant
Luke Hinchey	Counsel for the applicant
Richard Turner	Applicant – Planner for Ryman
Matthew Brown	Applicant – NZ Development Manager – Ryman
Tayla Beck	Applicant – Development Manager – Ryman
Andrew Burns	Applicant – Urban Design Expert
Rebecca Skidmore	Applicant – Landscape and Visual Expert
Brady Cosgrove	Applicant – Fire Engineering Expert
Neil Jamieson	Applicant – Wind Effects
Dave Pearson	Applicant – Heritage
Mark Cochran	Applicant – Civil Engineering
Isaac Bright	Applicant – Architecture
Ajay Desai	Applicant – Civil / Infrastructure
Hayden Beaton	Applicant - Ryman Development Manager
Jeremy Moore	Applicant – Land Acquisition Manager
Michael Scrimshaw	Applicant – Ryman Development Manager
Leo Hills	Applicant - Traffic
David King	Submitter
Online	
Angela McArthur	Council – Landscaping
Michael Donn	Council – Wind Effects
Moiria Smith	Council – Heritage
Bill Stevens	Council – Planning
David Wilson	Council - Infrastructure

Day 2 – Wednesday 14 September

Name	Submitter/Applicant/Council & Job Title
Krystle Leen	Council – Hearings Administrator
Laura Brownlie	Council – Consultant Planner / Reporting Officer
Sarah Duffell	Council – Senior Urban Designer
Soon Teck Kong	Council – Traffic Advisor
John Davies	Council – Earthworks
Angela McArthur	Council - Landscaping
Nicola de Wit	Counsel for the applicant
Luke Hinchey	Counsel for the applicant
Richard Turner	Applicant – Planner for Ryman
Matthew Brown	Applicant – NZ Development Manager – Ryman
Tayla Beck	Applicant – Development Manager – Ryman
Andrew Burns	Applicant – Urban Design Expert

Rebecca Skidmore	Applicant – Landscape and Visual Expert
Brady Cosgrove	Applicant – Fire Engineering Expert
Mark Cochran	Applicant – Civil Engineering
Isaac Bright	Applicant – Architecture
Ajay Desai	Applicant – Civil / Infrastructure
Hayden Beaton	Applicant - Ryman Development Manager
Jeremy Moore	Applicant – Land Acquisition Manager
Michael Scrimshaw	Applicant – Ryman Development Manager
Siiri Wilkening	Applicant - Acoustics
David King	Applicant – Ryman External Relations
David King	Submitter
Gabrielle Marshall	Submitter
David Marshall	Submitter
Yewmun Ho	Submitter
Mei Ho	Submitter
Jeremy Sprott	Submitter
Debbie Sprott	Submitter
Andrew Cooper	Submitter
Richard Leikis	Submitter
Bruce Major	Submitter
Online	
Tristram Ingham	Submitter
Bernadette Ingham	Submitter
Bill Stevens	Council – Planning
David Wilson	Council - Infrastructure

Day 3 – Friday 16 September

Name	Submitter/Applicant/Council & Job Title
Krystle Leen	Council – Hearings Administrator
Laura Brownlie	Council – Consultant Planner / Reporting Officer
Sarah Duffell	Council – Senior Urban Designer
Soon Teck Kong	Council – Traffic Advisor
David Wilson	Council - Infrastructure
Angela McArthur	Council – Landscaping
John Davies	Council - Earthworks
Michael Donn	Council – Wind Effects
Nicola de Wit	Counsel for the applicant
Luke Hinchey	Counsel for the applicant
Richard Turner	Applicant – Planner for Ryman
Matthew Brown	Applicant – NZ Development Manager – Ryman
Tayla Beck	Applicant – Development Manager – Ryman
Andrew Burns	Applicant – Urban Design Expert
Rebecca Skidmore	Applicant – Landscape and Visual Expert
Neil Jamieson	Applicant – Wind Effects
Isaac Bright	Applicant – Architecture
Hayden Beaton	Applicant - Ryman Development Manager
Michael Scrimshaw	Applicant – Ryman Development Manager
David King	Submitter

Online	
Bill Stevens	Council – Planning
Ajay Desai	Applicant – Civil / Infrastructure
Leo Hills	Applicant - Traffic
Mark Cochran	Applicant – Civil Engineering
Halley Wiseman	Council – Resource Consents Manager

Day 4 – Tuesday 20 September

Name	Submitter/Applicant/Council & Job Title
Krystle Leen	Council – Hearings Administrator
Laura Brownlie	Council – Consultant Planner / Reporting Officer
Sarah Duffell	Council – Senior Urban Designer
Angela McArthur	Council - Landscaping
Nicola de Wit	Counsel for the applicant
Luke Hinchey	Counsel for the applicant
Richard Turner	Applicant – Planner for Ryman
Matthew Brown	Applicant – NZ Development Manager – Ryman
Tayla Beck	Applicant – Development Manager – Ryman
Andrew Burns	Applicant – Urban Design Expert
Rebecca Skidmore	Applicant – Landscape and Visual Expert
Isaac Bright	Applicant – Architecture
Michael Scrimshaw	Applicant - Ryman Development Manager
Hayden Beaton	Applicant - Ryman Development Manager
David King	Submitter
Online	
Bill Stevens	Council - Planning
Angela McArthur	Council - Landscaping
Soon Teck Kong	Council – Traffic Advisor
Ajay Desai	Applicant – Civil / Infrastructure
Mark Cochran	Applicant – Civil Engineering
Halley Wiseman	Council – Resource Consents Manager
Hamish Dean	Council - Planning

APPENDIX 2: Consent requirements

<p>Rule 5.3.1 – Activities The proposal requires resource consent as a Discretionary (Restricted) Activity as it will not comply with the following standards:</p> <p><u>Standard 5.6.1.1.1 - Noise</u> It is proposed to exceed the permitted standard by 3dB (when measured from 29 Campbell Street) once or twice a week during refuse collection.</p> <p><u>Standard 5.6.1.3 - Vehicle Parking</u> When the application was lodged, standard 5.6.1.3 applied a minimum car parking rate of one per household unit and one visitor car park per four household units. The proposal did not comply with this requirement at the time of lodgement.</p> <p><u>Standard 5.6.1.4.3 – Site Access</u> The site has frontage to both a Collector Road and a Local Road and therefore does not comply with this standard as each frontage will have a crossing, including one onto a Collector Road (Campbell Street).</p> <p><u>Standard 5.6.1.4 .7 - Site Access</u> The vehicle crossing on Donald Street will have a maximum width of 9m, which therefore exceeds the permitted width of 6m. The vehicle crossing on Campbell Street will comply.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 5.5 – Buildings Resource consent is required as a Non-Complying Activity. It will not comply with the below permitted activity standards and it will not comply with conditions 5.3.4.15, 5.3.4.16, and possibly 5.3.4.19 (refer to footnote 12) under Rule 5.3.4.</p> <p><u>5.6.2.3 – Ground Level Open Space</u> 50m² of ground level open space is not provided for each unit.</p> <p><u>5.6.2.4 – Site Coverage</u> The proposal will have a site coverage of 47.1%.</p> <p>Condition 5.3.4.15 is not met as the site coverage exceeds 42%.</p> <p><u>5.6.2.5 – Maximum Height</u> The proposed buildings exceed the 8m maximum building height. The below measurements are not the total building height per building, but rather the exceedance from the 8m permitted height limit. Please refer to Drawing A0-041 for B01A and B02's building numbers for ease of reference.</p> <ul style="list-style-type: none">• B01A (1): 11.82m	<p>Non-Complying</p>

- B01A (2): 3.49m
- B01A (3): 3.84m
- B01A (4): existing Allen Ward VC Hall (but does not comply)
- B01A (5): existing Tennant Block (but complies)
- B01A (14): existing Oldershaw building (but complies)
- B01B (6): 15.51m – 17.58m (this needs to be confirmed by the applicant)
- B01B (7): 14.49m – 14.54m (this needs to be confirmed by the applicant)
- B02: 3.39m
- B03: 3.68m
- B04: 3.91m
- Bo5: 3.91m
- B06: 2.54m
- B07: 2.32m – 3.13m (this needs to be confirmed by the applicant)
- B08: complies.

While some of the building heights need clarification, We are confident that condition 5.3.4.16 is **not** met as the maximum building height is exceeded by more than 20%.

5.6.2.8 – Building Recession Planes

- North-western boundary (where adjacent to 33 Campbell Street): 841mm (as shown on RC17).
- North-western boundary (where adjacent to 29 Campbell Street) at B03: 1,449mm (as shown on RC17).
- B01A (northern boundary, as measured to the west of the Oldershaw building): either 2,979m or 4,022m (this needs to be confirmed by the application).

The proposed buildings comply with the recession planes along the south-eastern boundary shared with the Scapa Terrace properties and 49 Campbell Street and 42 Donald Street13.

Compliance with condition 5.3.4.19 cannot be determined at present as confirmation from the applicant is required in respect to the recession plane along the northern boundary.

Notwithstanding, the application is already being assessed as a Non-Complying activity as it does not meet conditions 5.3.4.15 and 5.3.4.16.

5.6.2.9 – Alterations and Additions to Buildings with an Existing Non-Compliance

The existing Allen Ward VC Hall exceeds the 8m permitted height limit and the proposal will increase the degree of noncompliance indirectly through the incorporation of the proposed buildings associated with B01A as they are all connected.

<p>Rule 5.3.7 – Multi-unit Development Resource consent is required as a Discretionary (Restricted) Activity. There will be 179 independent living apartments and 68 assisted living suites, both of which meet the definition of a household unit, and 60 care beds (which meets the definition of a residential activity).</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 5.3.10A – Educational Precinct The proposal requires resource consent as a Discretionary (Restricted) Activity as it involves the construction of buildings and structures within an Educational Precinct. The gross floor area of the proposed buildings exceeds 100m², therefore they cannot be provided for as Permitted activities.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 5.3.11 – Signage Resource consent is required as a Discretionary (Restricted) Activity for the proposed entrance signage. There will be two signs at the main entrance on Donald Street and both will be greater than 0.5m² in area (but less than 1.5m²).</p> <p>The relevant condition under this rule, which requires permanent signs on residential sites and buildings to not have a sign area exceeding 1.5m², will be met.</p> <p>The wayfinding and speed limit signage within the site are not considered to be intended principally to attract the attention of the public and do not have implied or actual commercial advertising intent.</p>	<p>Discretionary (R)</p>
<p>Rule 30.2.1 – Earthworks Resource consent is required as a Discretionary (Restricted) Activity as the earthworks will be undertaken over an area of approximately 2.5ha, which exceeds the permitted area of 250m², and the maximum cut height and fill depth will exceed 2.5m.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 32.2.1 – Contamination Resource consent is required as a Discretionary (Restricted) Activity as it involves the remediation, use, development and subdivision of any contaminated land, or potentially contaminated land.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>

APPENDIX 3: Conditions of Consent

Consent Conditions – Ryman Karori (SR No. 471670)

General

- The Proposed Village must be established in accordance with the information provided with the Application Service Request No. 471670 and the following plans prepared for Ryman Healthcare Limited, Project Title ‘Comprehensive Care Retirement Village – Donald Street, Karori, Wellington’, Project Number 042, as noted below:

Plan Title	Drawing Number	Ref	V	Dated
Title Sheet	A0-000	RC01		
Contents Page	A0-001	RC02	C	September 2022
Schedules	A0-002	RC03	A	18 June 2021
Proposed Site Plan with Aerial	A0-021	RC04	B	August 2022
Proposed Site Plan – Level 0	A0-030	RC05	B	August 2022
Proposed Site Plan – Level 1	A0-040	RC06	B	August 2022
Proposed Site Plan – Level 2	A0-050	RC07	B	August 2022
Proposed Site Plan – Level 3	A0-060	RC08	B	August 2022
Proposed Site Plan – Level 4	A0-070	RC09	B	August 2022
Proposed Site Plan – Level 5	A0-080	RC10	B	August 2022
Proposed Site Plan – Level 6	A0-090	RC11	B	August 2022
Proposed Site Fencing Plan	A0-110	RC12	B	August 2022
Proposed Site Elevations	A0-200	RC13	B	August 2022
Proposed Site Elevations	A0-205	RC14	B	August 2022
Proposed Site Sections	A0-300	RC15	B	August 2022
Proposed Site Sections	A0-301	RC16	B	August 2022
Proposed Site Sections B02-B06	A0-302	RC17	B	August 2022
Level 0 - Basement	A1-010	RC18	A	18 June 2021
Level 1 – Terrace	A1-020	RC19	A	18 June 2021
Level 2 – Terrace	A1-030	RC20	A	18 June 2021
Level 3 – Ground Floor Plan	A1-040	RC21	A	18 June 2021
Level 4 – First Floor Plan	A1-050	RC22	A	18 June 2021
Level 5 – Second Floor	A1-060	RC23	A	18 June 2021
Level 6 – Third Floor	A1-070	RC24	A	18 June 2021
Proposed Roof Plan	A1-080	RC25	A	18 June 2021
Proposed Village Centre Elevations	A2-010	RC26	A	18 June 2021
Proposed Village Centre Elevations	A2-020	RC27	A	18 June 2021
Proposed Village Centre Elevations	A2-030	RC28	A	18 June 2021
Proposed Village Centre Elevations	A2-040	RC29	A	18 June 2021
Proposed Village Centre Elevations	A2-050	RC30	A	18 June 2021
Ground Floor Plan – Apartments B02-B06	A1-010	RC31	B	September 2022
First Floor Plan – Apartments B02-B06	A1-020	RC32	A	18 June 2021
Second Floor Plan – Apartments B02-B06	A1-030	RC33	A	18 June 2021
Roof Plan – Apartments B02-B06	A1-040	RC34	A	18 June 2021

Elevations – Apartments B02-B06	A2-010	RC35	B	September 2022
Proposed Apartment Block B07 Floor Plans	A1-010	RC36	A	18 June 2021
Proposed Apartment Block B07 – Elevations	A2-030	RC37	A	18 June 2021
Proposed Waste/Recycling Shed	A1-010	RC38	A	18 June 2021

Plan Title	Author	Ref	Rev	Dated
Proposed Site Layout	Woods	042-RCT_401_Co-001	1	14/08/20
Final Contour Plan	Woods	042-RCT_401_Co-110	1	14/08/20
Depth (Cut/Fill) Contours Plan	Woods	042-RCT_401_Co-120	3	28/08/22

Staging

- Any management plans or landscape design drawings required in accordance with the conditions of this resource consent may apply to works across the entire site, or may solely apply to part of the site or works depending on the programme / staging of works proposed by the consent holder.

Furthermore, nothing in these consent conditions shall preclude the staged occupation of the buildings authorised as part of this resource consent.

Community Liaison Group

- The consent holder shall invite Responsible Development Karori by written offer to the current appointed chair (or other member where the chair is unknown) to participate in a community liaison group ("CLG"). Provided that the invitation is accepted within two weeks of a written offer being made by the consent holder, the CLG shall comprise representatives of the consent holder and Responsible Development Karori. Representatives from Karori Normal School, Donald Street Pre-School and Karori Kids shall also be invited to participate in the CLG.

The purpose of the CLG is to provide a forum for consultation on matters affecting the local community arising from the exercise of this resource consent.

The consent holder must convene the first meeting of the CLG within 90 days from the commencement of this consent or prior to the commencement of any works on site, whichever is the earlier. The CLG shall meet thereafter at intervals agreed by the members of the CLG in relation to major construction event timing or no greater than four months apart.

The consent holder shall meet the reasonable administrative costs of the CLG.

Management Plans

- Any amendments to management plans, monitoring plans or detailed design drawings required by the conditions of this resource consent must be certified by the Council's

Compliance Monitoring Officer before the amendment is implemented, and in accordance with the requirements of the relevant conditions.

Earthworks and Geotechnical

Geotechnical

5. The consent holder shall ensure that all earthworks on the site do not lead to any uncontrolled instability or collapse affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified by the consent holder (subject to the permission of the affected property owner).
6. The construction of any temporary works, foundations and earthworks adjacent to the northern wall of Building B01A and the eastern wall of Building B07 must be designed by a suitably qualified and experienced Chartered Geotechnical Engineer (“CPEng”) for both the final design and construction stage.
7. At least 20 working days prior to any work commencing on site, the following documentation must be submitted to the Council’s Compliance Monitoring Officer for certification in relation to any temporary works, foundations and earthworks adjacent to the northern wall of Building B01A and the eastern wall of Building B07, so as to ensure there is not uncontrolled instability or collapse affecting any neighbouring properties:
 - a. The maximum excavation heights on the earthworks plans. The information is to include sketches illustrating the excavation sequence and stages for works adjacent to the northern wall of Building B01A and the eastern wall of Building B07.
 - b. A ground movement monitoring plan prepared by a suitably qualified and experienced engineer to monitor induced ground displacements due to excavation and vibration in neighbouring properties prior, during, and after completion of works adjacent to the northern wall of Building B01A and the eastern wall of Building B07 (including acceptable deformation criteria).
 - c. The ground movement monitoring plan must also include a schedule for the monitoring results to be regularly checked against the temporary works design model to confirm acceptability against the deformation criteria in the ground movement monitoring plan. All instruments and survey points are to be monitored against proposed “Alert”, “Action”, “Alarm” (AAA) levels, specified by the engineer. The consent holder shall develop contingency plans to respond to any exceedance of “Action Values” and “Alarm Values”.
 - d. Roles and responsibilities of key site personnel to ensure adherence to the ground movement monitoring plan and excavation sequencing.
8. Work must not commence on site until the documents in condition 7 are certified by the Council’s Compliance Monitoring Officer, and the ground movement monitoring plan is to be implemented during the earthworks stage of the development and until such time as retaining works are completed.
9. The consent holder must provide a copy of the geotechnical monitoring and auditing documentation produced in relation to the ground movement monitoring plan to the Council’s Compliance Monitoring Officer at the completion of works adjacent to the northern wall of Building B01A and the eastern wall of Building B07.

Pre and Post-Construction Building Survey

10. Where a pre-construction land, structure or building condition survey is required by condition 11, the consent holder shall request in writing the approval of the owners of the identified properties to undertake an initial condition and photographic survey. The consent holder shall send copies of each of the requests to the Council's Compliance Monitoring Officer.
11. The consent holder shall engage a suitably qualified and experienced person to undertake the survey of the properties within 20 metres of where earthworks will occur on the site, where the property owner has given their written approval to a survey being undertaken.
12. If the property owner does not respond within 20 working days of the request in condition 11 being made, the consent holder need not undertake a survey of that property.
13. The survey shall assess the current condition of land, structures and the exterior and interior of the buildings on the properties identified in condition 11. The methodology to be utilised by the consent holder shall be documented and provided to the Council's Compliance Monitoring Officer prior to the surveys being undertaken.
14. Within twelve weeks of the completion of all construction works on the site, or at any other time reasonably agreed between the property owner and the consent holder (including when the property owner wishes to sell their property), the consent holder shall undertake a survey of each property surveyed in accordance with condition 11 where the property owner has given their written approval (at the consent holder's cost). The purpose of these surveys is to assess any damage caused by the excavation and construction activities at the site. Provided the consent of any property owner is obtained, the consent holder shall be responsible for any repairs, reinstatement or other works to surveyed land, structures and buildings that can be reasonably attributed to construction activity.

The repairs, reinstatement or other works must be completed by the consent holder as soon as reasonably practicable, but no later than six months after the completion of the final assessment survey.

15. A copy of each property survey undertaken in accordance with conditions 13 and 14 shall be made available to the applicable property owner within 15 working days of the survey being completed.

Construction Management Plan

16. A Construction Management Plan ("CMP") must be submitted to the Council's Compliance Monitoring Officer for certification at least 20 working days prior to any work commencing on site. The purpose of the CMP is to specify the overall construction management measures that will be implemented by the consent holder to ensure that the conditions of this resource consent will be complied with.

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

- a. Details of the staging of work across the site and the general construction timetable for the Proposed Village.

- b. The details of the temporary wind mitigation fencing that is to be installed around the boundary of the site, until such time as the permanent wind mitigation detailed in the Landscape and Pavement Plan (condition 61) is implemented.
 - c. The various construction methods to be utilised on site.
 - d. Roles and responsibilities of key site personnel.
 - e. General site management measures.
 - f. A contact (mobile) telephone number(s) for the on-site manager, where contact can be made 24 hours a day / 7 days a week.
 - g. A communication and complaints procedure for adjoining property owners/occupiers and the public, including details on how complaints have been addressed.
 - h. The circumstances when the consent holder shall offer the wash down of the exterior of adjoining dwellings to the site (including Karori Kids) to remove any potential constructed-related dust.
17. No work may commence on site until the CMP is certified by the Council's Compliance Monitoring Officer. The construction activities must be carried out in accordance with the certified CMP.

Erosion and Sediment Control

18. An Erosion and Sediment Control Plan ("ESCP") prepared by a suitably qualified and experienced person must be submitted to the Council's Compliance Monitoring Officer for certification at least 20 working days prior to any work commencing on site. The purpose of the ESCP is to identify the erosion and sediment control measures that will be implemented on site during construction activities and how these will comply with the "*Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region (February 2021)*."

The ESCP shall be based upon the draft plan prepared by Woods (Reference 042-RCT_401_Co-180, dated 11 August 2022) and must also include the following:

- a. An illustrated plan that records the key features of the ESCP.
- b. Measures to limit the area of earthworks exposed to the weather at any one time (sources of dust and sediment).
- c. Measures to ensure temporary excavations remain stable.
- d. Measures to ensure the stabilisation of the site entrance(s) in order to minimise the tracking of earth by vehicles onto the adjoining roads.
- e. Detail of the use of diversion bunds/cut-off drains, as required, to minimise stormwater entering the site and discharging onto earthworks areas where it can pick up sediment and not discharged on to sloping ground.
- f. Details of how, throughout construction, all stormwater from roofs, paved and impermeable surfaces will be collected and piped to prevent it discharging onto earthworks areas where it can pick up sediment and not discharged on to sloping ground.
- g. The type and location of silt fences to control water-borne sediment.
- h. Methods for protecting stormwater sumps from the infiltration of water-borne sediment.
- i. Measures to ensure that the discharge of dust created by earthworks, construction and transport activities are suitably controlled to minimise dust hazard or nuisance.

- j. Covering of soil or other material that is stockpiled on the site or transported to, or from, the site, to prevent dust nuisance or erosion by rain and stormwater (creating water-borne sediment).
 - k. The methods for managing and monitoring the ESCP controls.
 - l. Nomination of a site person responsible for the implementation and administration of the ESCP.
19. No work may commence on site until the ESCP is certified by the Council's Compliance Monitoring Officer. The construction activities must be carried out in accordance with the certified ESCP.
 20. The erosion, dust and sediment control measures put in place must not be removed until the site is remediated to the satisfaction of the Council's Compliance Monitoring Officer. 'Remediated' means the ground surface of the areas of earthworks have been stabilised (no longer producing dust or water-borne sediment), and any problems with erosion, dust or sediment that occur during the work have been remedied.
 21. All sediment laden run-off must be managed and contained within the site. Any sediment that is deposited onto neighbouring properties or a public road must be cleaned up immediately (with the landowner's permission on land that isn't public road). The deposited sediment must not be swept or washed into street channels or stormwater inlets or dumped on the side of the road.

Note:

As a minimum, 100mm of clarity is required to allow run-off to be discharged offsite. If clarity is less than 100mm then the run-off is considered to be sediment laden and must be contained and/or treated on site.

Producer Statements

22. A construction review statement must be supplied by a suitably experienced CPEng to the Council's Compliance Monitoring Officer within one month of the completion of all earthworks for the Proposed Village. The document must:
 - a. Provide details of any changes to the earthworks sequencing that were necessary to address geotechnical or engineering problems encountered during the earthworks; and
 - b. A certification upon completion of land development and subdivision, Schedule 2A of NZS4404:2010.

Dust

23. 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.

Grassing of Earthworks

24. All exposed areas of earthworks, unless otherwise built on, are to be stabilised within one month of completing each stage of the earthworks, unless otherwise agreed by the Council's Compliance Monitoring Officer.

Traffic

Construction Traffic Management

25. A Construction Traffic Management Plan (“CTMP”) must be submitted to the Council’s Compliance Monitoring Officer for certification at least 20 working days prior to any works commencing on the site. The purpose of the CTMP is to set out the measures to safely control traffic movements to, and from, the site during the construction activities.

The CTMP shall include the following detail:

- a. Construction dates and hours of operation relevant to the management of construction traffic, including any specific non-working hours to minimise traffic congestion.
 - b. That construction traffic movements to, and from, the site must not occur during school drop off (8.15am to 9.15am) and pick up (2.30pm to 3.30pm) times during school terms – except for during concrete pours.
 - c. When it may be necessary for a traffic controller or site traffic management supervisor to be present at either site access for vehicles entering or exiting the site.
 - d. Truck route diagrams both internal to the site and external to the road network.
 - e. All heavy vehicle movements must be managed to minimise the safety impact on local facilities and amenities.
 - f. Temporary traffic management signage/details for pedestrians and drivers to safely manage the interaction of these road users with heavy construction traffic.
 - g. Details of site access/egress over the entire construction period are to be provided to ensure that pedestrian visibility splays are included with complying sight distances as per the Land Transport Safety Authority “*Guidelines for Visibility at Driveways*” (RTS6 document).
 - h. Where practicable, construction worker parking demands are to be provided off-street to minimise the use of public road.
26. No work may commence on site until the CTMP is certified by the Council’s Compliance Monitoring Officer. The construction activities must be carried out in accordance with the certified CTMP.

Detailed Construction Plans

27. Prior to the first building consent being submitted for the Proposed Village, the consent holder must prepare and submit to the Council’s Compliance Monitoring Officer for certification detailed construction plans of the internal road system serving the development that show:
- a. The internal road layout includes speed humps and pedestrian crossing platforms to ensure a slow speed environment of 10km/h;
 - b. That vehicle accesses have been designed with tracking paths, widths, pedestrian visibility splays, and traffic calming measures (speed humps at the back of footpath within the site) to ensure slow vehicle speed over the public footpath;
 - c. There is no visual obstruction higher than 1.0m within the pedestrian visibility splays, including signage and landscaping;
 - d. All covered parking areas, ramps, and loading areas comply with AS/NZS 2890.1:2004; and

- e. All internal vehicular and pedestrian paths are to be clearly marked and signed to minimise conflict.
28. The consent holder must undertake the works and build in accordance with the certified plans under condition 27 above.

Notes:

- 1. *If there is any inconsistency between condition 1 and condition 27, condition 27 will prevail.*
- 2. *It is recommended that certification is obtained prior to or at time of building consent to avoid potential conflict and the need to change building consent plans.*

Reinstatement of Redundant Vehicle Crossings

29. All redundant vehicle crossings must be reinstated by the consent holder with new footpath and kerb and channel at the consent holder's expense prior to the village commencing operation.

Long Term Parking and Parking Demand Management

30. The consent holder must prepare and implement a Staff Travel Plan for the Proposed Village. The purpose of the Staff Travel Plan is to encourage staff to use transport modes for commuting to, and from, the Proposed Village which do not involve the use of a private motor vehicle where practicable.

The Staff Travel Plan must generally follow the “*Workplace Travel Plan Guidelines (NZ Transport Agency, August 2011)*” and is to include detail on:

- a. Staff shifts.
- b. Changeover period.
- c. Staff number on-site at any given time during the weekday and weekend.
- d. Staff travel behaviour and mode choices.

The Staff Travel Plan must be completed by the consent holder and submitted to the Council's Compliance Monitoring Officer for certification after six months of occupation by the first residents, and then again 12 months after the Proposed Village is fully occupied, that it meets the purpose outlined above.

31. The consent holder shall prepare and implement an On-Site Parking Management Strategy to ensure residents, staff and visitors to the Proposed Village (including service deliveries) are directed to appropriate parking areas, including during shift change overs. The On-Site Parking Management Strategy shall identify:
- a. Permanent parking areas for staff and visitors (the Strategy must identify a minimum of 25 carparks for staff and 36 carparks for visitors with any additional staff or visitor carparks at Ryman's discretion).
 - b. Signs and markings that specify the intended use for staff and visitors.

A copy of the On-Site Parking Management Strategy shall be provided to the Council's Compliance Monitoring Officer upon request. The On-Site Parking Management Strategy

shall be updated by the consent holder as required to ensure it remains effective and to reflect any operational changes.

Contamination

Contaminated Land Management Plan

32. A Contaminated Land Management Plan (“CLMP”) must be prepared by a suitably qualified and experienced practitioner (“SQEP”) and submitted to the Council’s Compliance Monitoring Officer for certification at least 20 working days prior to any earthworks commencing on the site.

The CLMP should include the following:

- a. Date and version control.
 - b. A summary of soil sampling results, including further soil sampling undertaken in relation to asbestos.
 - c. A summary of the proposed works.
 - d. Roles and responsibilities and contact details for the parties involved, including the SQEP.
 - e. Health and safety and environmental management procedures for implementation during the works including but not limited to:
 - Personal protection and monitoring.
 - On site soil management practices including stockpile management and stormwater and sediment controls.
 - Off-site soil transport and disposal.
 - f. Asbestos in soil removal procedures in accordance with WorkSafe’s *"Good Practice Guideline: Conducting Asbestos Surveys (September 2017)"* and *"Approved Code of Practice Management and Removal of Asbestos, {November 2016}"*.
 - g. Contingency measures in the event of accidental/unexpected discovery including the discovery of asbestos and asbestos related controls.
 - h. Post development controls on the management of remaining contamination in soils.
33. No earthworks may commence on site until the CTMP is certified by the Council’s Compliance Monitoring Officer. The earthworks on the site must be carried out in accordance with the certified CLMP.

Disposal of soil

34. All soil material with contaminant concentrations above background concentrations that is removed from the site must be disposed of at a licensed facility that holds a consent to accept the relevant level of contamination.

Site Validation

35. A Site Validation Report must be prepared in general accordance with Ministry for the Environment’s *"Contaminated Land Management Guideline No.1"* and must be provided to the Council’s Compliance Monitoring Officer within 3 months of completion of earthworks on the site. The Site Validation Report should include the following:

- a. The location and dimensions of the excavations carried out, including a relevant site plan.
- b. Records of any unexpected contamination encountered during the works.
- c. Soil validation results, if applicable (i.e., if remediation is carried out or unexpected contamination is encountered).
- d. Copies of the disposal dockets for the material removed from the site and any clean fill imported onto the site.
- e. The requirements for ongoing monitoring and management (if any contamination is contained on-site).

Noise

Construction Noise and Vibration Management Plan

36. The consent holder must submit to the Council’s Compliance Monitoring Officer a Construction Noise and Vibration Management Plan (“CNVMP”) for certification at least 20 working days prior to any work commencing on site. The purpose of the CNVMP is to set out the Best Practicable Option (“BPO”) in accordance with section 16 of the Resource Management Act 1991 for the management of noise and vibration effects associated with the construction activities on the site.

The CNVMP must be prepared by a suitably qualified and experienced acoustic and vibration expert. The CNVMP shall be drafted in accordance with Appendix E2 of NZS6803:1999 Acoustics – Construction Noise.

The CNVMP must also:

- a. Identify and describe all specific activities that cannot comply with the upper recommended noise levels set in Table 2 of NZ6803:1999 Acoustics – Construction Noise.
 - b. Identify and describe all specific activities that cannot comply with vibration limits in DIN 4150-3:1999 Structural Vibration – Part 3: Effects of Vibration on Structures.
 - c. Specify the predicted noise and vibration limits, and identify each separate affected property, for each activity (stage) that exceeds the recommended levels.
 - d. Specify the duration of the works exceeding the recommended noise and vibration levels.
 - e. Specify the physical and managerial noise mitigation methods that must be adopted to reduce noise to a reasonable level of noise and vibration in accordance with the BPO.
 - f. Mechanisms to review and amend the CNVMP in the event of a change of construction methodology or equipment.
37. No work may commence on site until the CNVMP is certified by the Council’s Compliance Monitoring Officer. The construction activities must be carried out in accordance with the certified CNVMP.

Construction Noise Hours

38. The consent holder must ensure that construction activities only operate between the hours of 7.30am and 6.00pm Monday to Saturday (excluding public holidays). This restriction shall

not apply to low noise creating activities such as site set up, painting, electrical works or planting, which may occur outside of these hours on Monday to Saturday only.

Construction Noise Limits and Management

39. The consent holder must ensure that construction activities, except were identified in the CNVMP as predicted to exceed the levels in NZS6803:1999 Acoustics Construction Noise, shall be 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.

Construction Vibration and Management

40. The consent holder must ensure that construction activities, except were identified in the CNVMP as predicted to exceed the levels in DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of vibration on structures’, shall be managed and controlled so that the vibration levels received at any site does not exceed the limits in DIN 4150- 3:1999 Structural Vibration – Part 3: Effects of Vibration on Structures.

Schedule to the Construction Noise and Vibration Management Plan

41. Schedule to the CNVMP:
- a Unless otherwise provided for in a CNVMP, a Schedule to the CNVMP (Schedule) shall be prepared by a suitably qualified and experienced person, in consultation with the owners and occupiers of sites subject to the Schedule, when:
 - Construction noise is either predicted or measured to exceed the noise standards in condition 39; or
 - Construction vibration is either predicted or measured to exceed the vibration standards in condition 40.

 - b The objective of the Schedule is to set out the BPO for the management of noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP. The Schedule shall include details such as:
 - Construction activity location, start and finish times;
 - The nearest neighbours to the construction activity;
 - The predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards in conditions 39 and/or 40;
 - The proposed mitigation;
 - The proposed communication with neighbours; and
 - Location, times and types of monitoring.

 - c Except in unforeseen circumstances, the Schedule shall be submitted to the Council’s Compliance Monitoring for certification at least five working days in advance of the construction works that are covered by the scope of the Schedule and shall form part of the CNVMP.

Fixed Plant Noise

42. All fixed plant must be specified, located, designed and operated so that noise emission levels when measured at or within the boundary of any site, other than the site from which the noise is generated do not exceed the following limits:
- a. Monday to Sunday 7am to 10pm 45 dB $L_{Aeq}(15 \text{ min})$
 - b. Monday to Sunday 10pm to 7am 40 dB $L_{Aeq}(15 \text{ min})$
 - c. Monday to Sunday 10pm to 7am 65 dB L_{AFmax}

Fixed plant noise must be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise.

Note:

Fixed plant means plant that is permanently or temporarily located and operated at any location and includes mechanical and building services equipment such as equipment that is required for ventilating, extracting, heating, cooling, conditioning, and exhaust either of buildings or commercial activities; associated with boilers or plant equipment, furnaces, incinerators or refuse equipment; electrical equipment, plumbing (including pumps), lift or escalator equipment; or similar plant, equipment, items, rooms or services

Acoustic Design Certificate District Plan Compliance (Fixed Plant Noise)

43. Prior to the occupation of the buildings authorised by this resource consent (i.e. at the conclusion of any stage), the consent holder must submit to the Council's Compliance Monitoring Officer an Acoustic Design Certificate ("ADC") for fixed plant. This certificate must certify that suitable acoustic mitigation measures have been incorporated into the final design that are sufficient to ensure noise emitted from all fixed plant on the site authorised by this consent complies in all respects of the permitted noise standards set out under the condition 42 above. The ADC must be prepared by a suitably qualified and experienced acoustic expert.

Note:

The intent of this condition is to ensure final design and specifications of fixed plant is suitably designed, specified, located and operated to ensure noise emissions comply with the fixed plant operational noise limits.

Wheel Squeal Noise Reduction

44. The undercroft car parking surfaces in Buildings B02 to B06 are to be appropriately treated/surfaced to reduce wheel squeal noise impact from the Proposed Village. Prior to first occupation of the Proposed Village, the consent holder must provide the Council's Compliance Monitoring Officer with details of the treatment measures that have been applied to the undercroft car parking surfaces in Buildings B02 to B06 to reduce wheel squeal noise.

Building B02 Entrance

45. The entrance to the undercroft car parking from Campbell Street must not be fitted with an audible activation alarm and shall be regularly inspected / maintained in order to ensure that any noise from the operation of the access barrier is minimised.

Heritage

Heritage Management Plan

46. At least 20 working days prior to the commencement of construction works on the site, the consent holder shall submit a Heritage Management Plan to the Council's Compliance Monitoring Officer (in consultation with the Council's Heritage advisor) for certification that it is in general accordance with the recommendations and drawings for the retirement village set out in "*Proposed Comprehensive Care Retirement Village, Technical Report – Heritage, 28 August 2020*" by DPA Architects Limited, and address the following matters:
 - a. The methodology for the structural upgrade of the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall. This shall include a summary of the investigations of the existing buildings and outline the design and installation of any new structural elements.
 - b. Drawings in plan and elevation at 1:50 scale that indicate the removal of pre-cast concrete panels from the Allen Ward VC Hall and their potential re-use on the Tennant Block.
 - c. The design of any replacement pre-cast concrete panels and their proposed surface treatments.
 - d. Drawings in plan and elevation at 1:50 scale that indicate the proposed alterations to the external form, cladding and joinery of the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall.
 - e. Drawings of the replacement timber window joinery as referenced in condition 50, which shall include a window schedule at 1:20 scale and details of a typical window at 1:10 scale.
 - f. Drawings in plan and elevation at 1:50 scale of the Donald Street entrance, between the Allen Ward VC Hall and the Tennant Block, including the canopy (portico), entrance doors, and vertical timber louvres as referenced in condition 51.
 - g. The location of any mechanical plant in the vicinity of the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall in plan and elevation.
 - h. The methodology for the removal and storage of any heritage fabric from the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall.
 - i. The proposed colour scheme for the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall and Buildings B01A and B01B.

The Heritage Management Plan shall be prepared by a suitably qualified and experienced heritage architect.

47. No work may commence on the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall on site until the Heritage Management Plan is certified by the Council's Compliance Monitoring Officer. The repair and refurbishment works at the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall must be carried out in accordance with the certified Heritage Management Plan.

Photographic Record

48. At least 20 working days prior to the commencement of construction works on the site, the consent holder shall submit a photographic record in a digital format showing the existing condition of the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall, along with the Courtyard and Lopdell Gardens, to the Council's Compliance Monitoring Officer (in consultation with the Council's Heritage advisor). The photographic record shall include:
- a. Views of the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall, along with the Courtyard and Lopdell Gardens, from different locations and perspectives within the site.
 - b. Views of the building elevations that will be subject to refurbishment as part of the establishment of the retirement village.
 - c. Views of any significant detailing on the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall, including fixings and fittings.
 - d. A key / legend showing the location of each photo and the direction photos were taken from.
 - e. A cover sheet with the site address, author and date of submission.
 - f. All photographs must be dated and labelled within the photographic record document with descriptive captions to indicate title, location, and treatment.
49. Prior to preparing the photographic record required in accordance with Condition 48, the consent holder shall consult with the Council's Compliance Monitoring Officer and the Council's Heritage Advisor over the locations from where the photographic record is to be taken within the site.

In addition to the photographic record, the consent holder shall submit all photographic images to the Council's Compliance Monitoring Officer (in consultation with Council's Heritage Advisor) in a digital format for approval. The filename of each photo must include the address, name of elevation / detail, and photography date.

Joinery

50. The consent holder may retain or replace the existing timber window joinery as part of the refurbishment of the Oldershaw Music Block, Allen Ward VC Hall and Tennant Block authorised as part of this resource consent. Any new or replacement windows shall have painted timber frames and be consistent with the original fenestration pattern of the joinery in the Oldershaw Music Block, Allen Ward VC Hall and Tennant Block. The windows may be single glazed or include insulated glazed units.

Donald Street Entrance

51. The consent holder shall ensure that the design of the entrance canopy, doors and vertical timber louvres at the Donald Street entrance, between the Allen Ward VC Hall and the Tennant Block, is consistent with the original architecture of this entrance.
52. The consent holder shall engage a suitably qualified and experienced heritage architect to oversee, on a monthly basis or at a frequency otherwise agreed with the Council's Compliance Monitoring Officer (in consultation with Council's Heritage Advisor), any remedial work to the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall. This includes the following:

- a. Repairs and remedial work to concrete surfaces, particularly where concrete is spalling due to rusting reinforcing.
 - b. Remedial work to any existing timber surfaces, including replacement of defective timber and applied finishes.
 - c. Work to remove any accretions to the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall to ensure remaining heritage fabric is protected from damage.
53. Prior to the commencement of construction works on the site, the consent holder's nominated heritage architect shall hold a site briefing with all lead contractors and supervising staff to communicate the significance of the Oldershaw Music Block, Allen Ward VC Hall and Tennant Block, the requirements of these consent conditions and the requirements of the Heritage Management Plan.

The consent holder shall provide the Council's Compliance Monitoring Officer and the Council's Heritage Advisor with at least five working days' notice of the site briefing so that they may also attend.

Heritage Information Plan

54. Prior to the implementation of any landscaping on the site, the consent holder shall provide a Heritage Information Plan to the Council's Compliance Monitoring Officer (in consultation with Council's Heritage Advisor) for certification that details how information on the heritage features of the site is to be incorporated within the landscaping.

The Heritage Information Plan shall provide detail on interpretative signage / boards for residents, staff and visitors at three prominent locations within the site, with information on:

- a. The history, architecture and social values of the former Teacher's College.
- b. Any significant people associated with the former Teacher's College.
- c. The significance of the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall, along with the Courtyard and Lopdell Gardens, as part of the former Teacher's College.

The Heritage Information Plan must be prepared by a suitably qualified and experienced heritage architect.

55. The consent holder must implement the Heritage Information Plan within six months of the completion of construction works on the site and maintain the interpretative signage / boards on an ongoing basis.

Accidental Discovery

56. In the event that an unidentified archaeological site is located during construction works on the site, the following protocols will apply:
- a. Work shall cease immediately within 10 m of the archaeological site.
 - b. The consent holder shall ensure that all machinery is shut down and the area secured.
 - c. The consent holder shall notify the Port Nicholson Block Settlement Trust, Te Runanga o Toa Rangatira Incorporated and the Heritage New Zealand Regional Archaeologist.
 - d. If the site is potentially of Māori origin, the consent holder shall notify the Heritage New Zealand Regional Archaeologist, and the Port Nicholson Block Settlement Trust

and Te Runanga o Toa Rangatira Incorporated, of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (e.g. Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975).

- e. If human remains (kōiwi tangata) are uncovered, the consent holder shall advise the Heritage New Zealand Regional Archaeologist, New Zealand Police, Port Nicholson Block Settlement Trust and Te Runanga o Toa Rangatira Incorporated and the above process under (d) shall apply. Remains are not to be moved until such time as the Port Nicholson Block Settlement Trust, Te Runanga o Toa Rangatira Incorporated and Heritage New Zealand have responded.
- f. Works affecting the archaeological site and any human remains (kōiwi tangata) shall not resume until the Council's Compliance Monitoring Officer gives written approval for work to continue.
- g. Where the relevant iwi authorities make a request to the consent holder, any information recorded that directly relates to the find such as a description of location and content, is to be provided to the iwi for their records as soon as practicable.

Signage and Lighting

- 57. The entrance signage on the Donald Street frontage (as detailed on Drawing RC12) must only detail the name of the Proposed Village and must not include any digital content..
- 58. The design of any lighting of the entrance signage on the Donald Street frontage, low level bollard lighting within the pocket park, and the lighting of the pedestrian and vehicle entrances to the Proposed Village (as detailed on Drawing RCo4) must be provided to Council's Compliance Monitoring Officer for certification that such lighting will not create nuisance light spill effects on adjoining residential properties. The lighting shall be installed in accordance with the certified design.

Landscaping

Tree Management Plan

- 59. The consent holder must submit to the Council's Compliance Monitoring Officer a Tree Management Plan for certification at least 20 working days prior to any work commencing on site. The purpose of the Tree Management Plan shall be to address the management of retained vegetation during and after construction works to ensure the useful life expectancy of that vegetation is maximised while enabling construction activities to proceed, and shall be prepared in accordance with the Final Arboriculturists Report, dated 26 May 2020, prepared by Tree Management Solutions.

The Tree Management Plan must identify and make a photographic record of the Retention Areas G1, G2, G3, G4 - including the Tree Protection Zone and the individual trees identified for protection. The Tree Management Plan must also provide details for the protection methodology proposed during construction works on site.

The Tree Management Plan must also include a tree protection methodology, and the works arborist must supervise all works within the root protection area as defined in AS 4970 - 2009 *Protection of Trees on Development Sites*.

60. No work may commence on site until the Tree Management Plan is certified by the Council's Compliance Monitoring Officer. The construction activities must be carried out in accordance with the certified Tree Management Plan.

Landscape and Pavement Plan

61. The consent holder must submit to the Council's Compliance Monitoring Officer a finalised Landscape and Pavement Plan for certification at least 20 working days prior to the any work commencing on site. The Landscape and Pavement Plan must be generally consistent with the following plans:

Plan Title	Author	Ref	Rev	Dated
Resource Consent - Indicative Landscape Plan	Sullivan + Wall	Lo-010_P	V	12/09/2022
Resource Consent Indicative Landscape Plan – Details Schedule	Sullivan + Wall	Lo-010PS	R	22/06/2022
Resource Consent Indicative Landscape Plan – Proposed Public Park	Sullivan + Wall	Lo-020PP	A	7/02/2020

and must provide as follows:

- a. The final landscape plan, detailed planting plans and specifications for:
 - The restoration of the Lopdell Gardens,
 - Other existing areas of planting that are to be retained,
 - All garden areas (including street frontages and the pocket park),
 - The Level 1 balconies on Buildings B02-B06 to reduce privacy effects on Scapa Terrace properties,
 - Appropriate density and species of planting along the southern boundary of the site that, where practicable, provides screening and minimises potential shading on the adjoining residential properties on Scapa Terrace, while also having regard to the amenity needs of the Proposed Village and engineering and operational constraints.
 - Planting for wind protection and walkways/pedestrian connections around the site (including as further specified below).
- b. All specimen trees proposed at the street edges (both Donald Street and Campbell Street) must have a minimum height of 2.5m – 3m at the time of planting.
- c. Additional planting/screening to assist with mitigating wind effects on the internal and external pedestrian wind environment (where practicable and taking account of matters related to Crime Prevention through Environmental Design, access, shading and amenity of the Proposed Village) for:
 - the pocket park alongside Donald Street,
 - the entrance courtyard on the Donald Street frontage,
 - the Level 1 balconies between Buildings B02 and B06,
- d. A planting schedule, detailing the specific planting species, the number of plants provided, locations, heights and plant grades.
- e. An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing;
- f. A management / maintenance programme.
- g. The existing memorial tree in the Pocket Park must be retained and maintained.

- h. The external boundary fencing shown as fence 'Type C' on Drawing RC12 must be a timber paling fence with no spacing between the palings, and which is 1.8 m in height (except where modification is required at ground level for stormwater management purposes).
- i. A staging plan illustrating how the landscaping and wind mitigation is to be implemented at each stage of the development.

The Landscape and Pavement Plan shall be accompanied by documentation from a suitably qualified and experienced wind engineer and landscape architect addressing the relevant points above.

- 62. The Landscape and Pavement Plan certified under condition 61 must be implemented in the first planting seasons following completion of each stage identified in condition 61. All landscaping must be implemented and maintained thereafter by the consent holder.

Note:

The consent holder may erect minor wind mitigation structures and/or planting at the entrance to the dementia building from the garden should it be necessary for wind mitigation purposes without requiring an amendment to the approved Landscape and Pavement Plan.

Material Details

- 63. Prior to submitting the first building consent for any of the buildings, the consent holder must submit plans showing the final details of the exterior envelope materials and colour palette to be used for the Proposed Village to the Council's Compliance Monitoring Officer for certification that it is in general accordance with the stamped drawing set listed in condition 1 of this resource consent.

Northern Public Walkway

- 64. Within 12 months of the commencement of this resource consent, the consent holder shall use all reasonable endeavours to obtain subdivision consent for a boundary adjustment to enable Council ownership of the public pathway on the northern boundary of the Proposed Village in the area indicatively shown on Drawing RCA99.

Note:

The consent holder has confirmed its commitment to working with the Council in good faith to facilitate the boundary adjustment along the northern boundary of the Proposed Village which, through Council ownership, will enable the continuation of a public pathway on the northern boundary of the Site. The intention is for the land to be provided to Council at no cost. Any Council and consent holder costs associated with staff and professional services will lie where they fall. The Council will be responsible for all works and ongoing maintenance associated with the public pathway.

Infrastructure and Servicing

Engineering Standards

- 65. The consent holder must comply with the relevant 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.

66. No construction must start prior to the following engineering plans in relation to water supply, stormwater or wastewater drainage being accepted in writing by the Wellington Water Land Development Team:
 - a. Engineering plans and design certificate.
 - b. Specifications.
 - c. Relevant draft commissioning, operational and maintenance documentation.

67. The application for engineering plans must be accompanied by a Wastewater Management Report, prepared and certified by a Chartered Professional Engineer, which as a minimum includes: the identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled wastewater master plan showing the aforementioned catchment details including lawful point(s) of discharge, complying with the requirements of the Regional Standard for Water Services.

68. The application for engineering plans must be accompanied by a Stormwater Management Report, prepared and certified by a Chartered Professional Engineer, which as a minimum includes:
 - a. Identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details, including lawful point(s) of discharge complying with the requirements of the Regional Standard for Water Services.
 - b. An assessment of the peak discharges for all events up to 1% AEP including climate change for the pre-development and post-development scenarios (and to confirm the design is in accordance with the design requirements in condition 70).
 - c. Details of any proposed on-site detention / retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems.
 - d. Engineering design of all new drainage systems servicing the development and modifications (if any) to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development.
 - e. Identification of the area of land inundated (if any) as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios.
 - f. All land proposed as secondary flow paths must be identified. The design must demonstrate that all secondary flow paths proposed in the design can manage flows beyond the capacity of the primary stormwater system.
 - g. Details of all calculations, assumptions and data files (where applicable).

The consent holder must implement the Stormwater Management Report as part of the operation of the Proposed Village.

Notes:

Where drainage works are required, permits in addition to this resource consent will be required namely:

- Building consent for private drains, and
- Public drainage permit for all public drains.

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.

69. Secondary flow paths identified in the Stormwater Management Report (condition 68) must be kept free from obstructions such as buildings, structures and solid fences (except those specifically allowed for in the Stormwater Management Report) that might impede the flow of water across the land. The ground levels within the secondary flow paths must be maintained at the design levels.

Stormwater Quantity

70. The consent holder must ensure that the stormwater management system(s) is designed for the 1% AEP and 10% AEP 12 hour nested storm events, with allowance for climate change, (as per Wellington Water Ltd.'s Reference Guide for Design Storm Hydrology April 2019) and to achieve the following:
 - a. There is no increased flooding upstream or downstream along the overland flow paths/flood extents of the proposed site compared to base case in terms of flood levels and/or flood extents.
 - b. Flows to the stormwater network to not result in increased flooding downstream with manholes spilling more than base case in terms of flood levels and/or flood extents.
71. The stormwater management system must include not less than 45 m³ of storage for rainwater harvesting from 1,200 m² of roof area for non-potable use (landscape irrigation).

Stormwater Quality

72. All runoff from the car parking accessways (i.e. manoeuvring, entries and exits) and uncovered carpark areas in the Proposed Village is required to be treated prior to discharge.
73. The stormwater treatment systems shall be proprietary treatment devices and:
 - a. Shall be designed in accordance with Wellington Water Limited's Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019 Version 1.1.
 - b. Must achieve a greater than 75% TSS (total suspended solids) removal on a long-term average basis (e.g. Stormwater360 Stormfilter®)
74. Bare galvanised, zinc alum or unpainted metal (including copper) must not be used for exterior construction, including, but not limited to roofing, cladding, gutters and downpipes.
75. The consent holder must install stormwater educational plaques alongside each stormwater sump that is installed within the Proposed Village which promote awareness toward maintaining the water quality of the stormwater discharge. The educational plaques must be installed within two months of completion of works.

Public Wastewater and Stormwater Network

76. The site shall have separate and direct connections to the public stormwater and wastewater networks at locations accepted in writing by the Wellington Water Land Development Team.

77. Where development requires the public drainage network to be extended/alterd to serve the proposed development, all newly constructed sewer/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. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main.
78. As the proposed construction will not comply with the Regional Standard for Water Services requirement for building/working near public drains, the consent holder/property owner must provide pre and post CCTV footages and reports of the existing main to the Wellington Water Land Development Team.

Any new defects identified post-development must be repaired by the consent holder/property owner. All costs incurred for repairs post development will be at the expense of the consent holder.

79. Where building over public mains is proposed the Proposed Village must address the following:
- a. Relaying with or without sleeving of the pipe at the consent holder's expense is generally required, as detailed in the Regional Specification for Water Services. Geotechnical investigation or confirmation of the soil type may be required at the discretion of Wellington Water.
 - b. Design of the works must:
 - Include consideration of seismic resilience of both the pipeline and building works.
 - Provide for a secondary flow path if needed and as far as practicable.
 - Maximise the ease with which the pipe can be maintained and replaced.
 - Take into account network structures such as chambers and manholes, maintenance access for machinery at a future date, and access to manholes.

Notes:

Any alteration or addition to the existing public drainage network is required to be carried out under a Public Drainage Permit (as distinct from a Building Consent) issued by the Wellington Water Land Development Team.

All public drainage work is required to be carried out by a suitably experienced Registered Drainlayer who is employed by a contractor who has an approved Health and Safety Plan and public liability insurance.

Water Supply

80. The consent holder must provide an appropriately sized metered water supply connection to the public main for potable and private fire hydrant supply. An engraved plastic tag reading "WATER SUPPLY MANIFOLD FOR (Street No)" is to be secured to the manifold clearly showing which property is served by the manifold. An RPZ-type backflow preventer is required if the connection is greater than 20mm DI.
81. The consent holder must provide for fire-fighting requirements in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies NZS PAS 4509:2008.

82. The consent holder must provide all fire connections/sprinkler connections with a double check detector check backflow prevention containment device.

As Builts

83. At the conclusion of the engineering works, and prior to occupation or Code of Compliance (whichever comes first) the consent holder must submit as-built drawings that meet the requirements of Wellington Water Regional As-built Specification for Water Services, for water supply, wastewater, and stormwater drainage.
84. Once an as-built plan has been submitted and within one month of completion of the water supply and drainage works, the consent holder shall arrange for a final inspection with the Wellington Water drainage and water supply inspectors.

Note:

Where possible, all as-built plans shall 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.

Operation and Maintenance Manual

85. Prior to Engineering Approval, the consent holder must prepare a draft Operation and Maintenance Manual for all stormwater devices, setting out the principles for the general operation and maintenance for the stormwater system (treatment and detention). The draft Operation and Maintenance Manual must be submitted to the Wellington Water Land Development Team for approval. The Operation and Maintenance manual must include, but not be limited to:
- a. A detailed technical data sheet.
 - b. All the requirements as defined within the Water Sensitive Design for Stormwater: Treatment Device Design Guideline.
 - c. Details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices.
 - d. A programme for regular maintenance and inspection of the stormwater system.
 - e. A programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices.
 - f. A programme for post storm maintenance.
 - g. A programme for inspection and maintenance of outfall erosion.
 - h. General inspection checklists for all aspects of the stormwater system, including visual check of roadside sumps and outfalls.
 - i. A programme for inspection and maintenance of vegetation associated with the stormwater devices.
 - j. Recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas.
86. The consent holder must follow the required operation, maintenance and renewal of the system(s) set out in the Operation and Maintenance Manual to ensure it is in full working order at all times. Details of all inspections and maintenance for the stormwater management system for the preceding three years must be retained.

87. A maintenance report must be provided to the Council's Compliance Monitoring Officer on request. The maintenance report shall include the following information:
- a. Details of who is responsible for maintenance of the stormwater management system.
 - b. Details of any maintenance undertaken.
 - c. Details of any inspections completed.
88. The consent holder 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.
89. A covenant must be entered into with the Council that includes the requirements of conditions 86, 87, and 88. The covenant must be entered into within one month of the stormwater management system becoming operational.

The covenant must be submitted to, and certified by, the Council's Compliance Monitoring Officer who will execute the covenant on behalf of the Council once approved. This will be subject to payment of the Council's fee relating to the execution of legal documents.

90. The consent holder must register the covenant in accordance with section 109 of the Act on the Record of Title for the site within six months of the stormwater system becoming operational.

All legal expenses associated with preparing and registering the covenant will be met exclusively by the consent holder.

Advice 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 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.
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. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
5. Out of courtesy, it is suggested that you advise your nearest neighbours of your intention to proceed with this land use consent, your proposed construction timetable and contact details should any issues arise during construction.

6. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
7. The consent holder must gain a corridor access approval from the Council before trucks and other heavy vehicles will be permitted on site. A CAR will also need to be obtained from Council for the storage of any materials, equipment, and machinery on the road corridor.
8. A vehicle access bylaw consent is required under Part 5, Section 18 of the Council's Consolidated Bylaw 2008 for the construction of a kerb crossing or driveway within legal road.
9. 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 land owner 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>
10. The methods set out in the Greater Wellington Regional Council guideline for erosion and sediment control for the Wellington Region should be followed when undertaking earthworks on the site: <https://www.gw.govt.nz/assets/Documents/2022/03/Erosion-and-Sediment-Control-Guide-for-Land-Disturbing-Activities-in-the-Wellington-Region.pdf>
11. It is the responsibility of the consent holder to identify any service mains or laterals that might be affected by any new buildings as proximity to these pipes will be considered at the building consent stage.
12. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council.
13. As landowner the Council requires damaged areas of legal road vegetation or berm to be reinstated by the consent holder within three months of completion of construction and this includes suitable remedy of compacted areas, including removal of any building debris, ripping of compacted soil and new topsoil if required to ensure grass strike or planting success. Grass is acceptable for reinstatement if the area was previously grassed; however, in appropriate circumstances it is preferable (and required if existing previously) that the berm is reinstated with Wellington native plant species planted at 900mm maximum spacing and mulched.
14. The Council has launched a pilot 'Creative Hoardings' programme, which has been designed to enliven building sites and celebrate creativity across the city. Creative hoardings present opportunities for artists and property developers to contribute to the revitalisation of the city and the consent holder is encouraged to use this programme during the construction phase. Local artists, Gabby O'Connor, Ariki Brightwell, Ruth Thomas-Edmond and Telly Tuita have been commissioned to design artworks for hoarding. Their work can be

downloaded from the Creative Hoardings Library on the Council's website, printed and installed on hoarding. For more information visit the Council's website or contact the City Arts and Events Team, email: arts@wcc.govt.nz.

The BPO 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) the current state of technical knowledge and the likelihood that the option can be successfully applied.

15. The development will be assessed for development contributions under the Council's Development Contributions Policy. If a development contribution is required it will be imposed under section 198 of the Local Government Act 2002. If you want to obtain an indication of the amount of the development contribution payable you can:
 - Access the development contributions policy at www.Wellington.govt.nz; or
 - Contact the Council's Development Contributions Officer.