

28 July 2021

Environment Protection Authority  
Level 10, Grant Thornton House  
215 Lambton Quay  
**WELLINGTON 6011**

Attention: Elliot Dennett



Dear Elliot

## **Response on Submissions in relation to Molesworth Street Office Development under COVID-19 Recovery (Fast-track Consenting) Act 2020**

We are writing in response to your forwarding the submissions lodged in respect to this application.

Our comments are relatively brief and address only several of the submissions made where additional clarification of the applicant's position is required.

### **New Zealand Heritage Pouhere Taonga**

The submission with respect heritage matters accepts that the proposal is appropriate overall in respect to its overall design.

They have made the following comment:

However, the application and proposed / draft conditions fail to appropriately provide for the potential effects on historic heritage:

- the application did not include an archaeological assessment or an assessment of the effects on potential archaeological material relating to pre-1900 activity that occurred when Wellington was developing as a colonial settlement. This assessment would in form a condition/s on earthworks. The application also did not provide information on the depth of excavations undertaken when the previous building was constructed.
- The draft earthworks condition relating to archaeology only considers the potential for Māori pre-1900 activity, as assessed in the Cultural Impact Assessment. Heritage New Zealand does not support the condition relating to Accidental Discovery Protocol (ADP) unless the potential for all archaeological material is assessed as negligible or nil. Heritage New Zealand considers there could be unnecessary risk involved, with associated scheduling and fiscal impacts, for the project because archaeological material discovered under the ADP would result in works stopping and the Archaeological Authority process will be initiated.
- The applicant is therefore advised to commission an archaeological assessment to determine whether an archaeological authority under the Heritage New Zealand Pouhere Taonga Act is required.

In respect to the archaeological assessment, the applicant fully intends to apply for the necessary archaeological permit prior to the commencement of the earthworks on site. The archaeological permit is generally applied for under other legislation.

It is normal for this permit to be outside of the resource consent process. Whilst we understand that the Covid Fasttrack process is different from the normal resource consent process, there is a presumption that other statutory processes such as the *Heritage New Zealand Pouhere Taonga Act 2014* will still apply.

### **Wellington City Council Submission**

Wellington City Council (WCC) have made several comments in respect to the proposal. We note their overall view is that the proposal is suitable for the Fast Track process.

The potential effects identified by Council are similar to those identified and addressed in the application.

One comment was made which stated:

Resource consent is also required under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. This is not identified in the application letter.

The site contamination issues were identified in the Pattle Delamore Partners report attached to the application. The recommendations of Pattle Delamore Partners was included in the Earthworks Management Plan. The risks were identified and appropriately addressed by the applicant.

WCC have provided the pre-application notes from a proposal that was similar, which was started in early 2020. The matters raised in the pre-application advice have been addressed in the application and the application has been amended since consultation with WCC was carried out.

### Compliance Issues:

WCC have made a statement in respect to the compliance history of the applicant.

We have some history with this applicant, including:

- There was a prosecution taken against Prime Property Limited and Morepork Holdings Limited (the earthworks contractor) in 2010 relating to non-consented earthworks on land they own at the bottom of Ngauranga Gorge/Jarden Mile. The judge convicted both companies and fined them \$10000 each for the offence.
- We have issued infringement notices and/or abatement notices for breaches of consent conditions relating to Prime Property Limited developments at Curtis Street and Spenmoor Street.

The applicant notes that the matters raised in this instance, are all related to contractor non-performance, rather than actions of the principle. The non-compliance issues were, (particularly in respect to the second listed issue) very minor matters relating to erosion and sediment control maintenance of the contractor.

The WCC report, does not address the vast majority of the Applicant's projects which have been carried out, without any compliance issues. The Applicant, Prime Property Group, is one of Wellington's largest property investment and development companies and has a generally good record of compliance.

## Thorndon Residents Association

The Thorndon Residents Association was largely supportive. They did however raise one issue in respect the to the Construction Management Plan (CMP) and reference to a “James St”.

Attached is the amended CMP which correctly refers to Molesworth St.

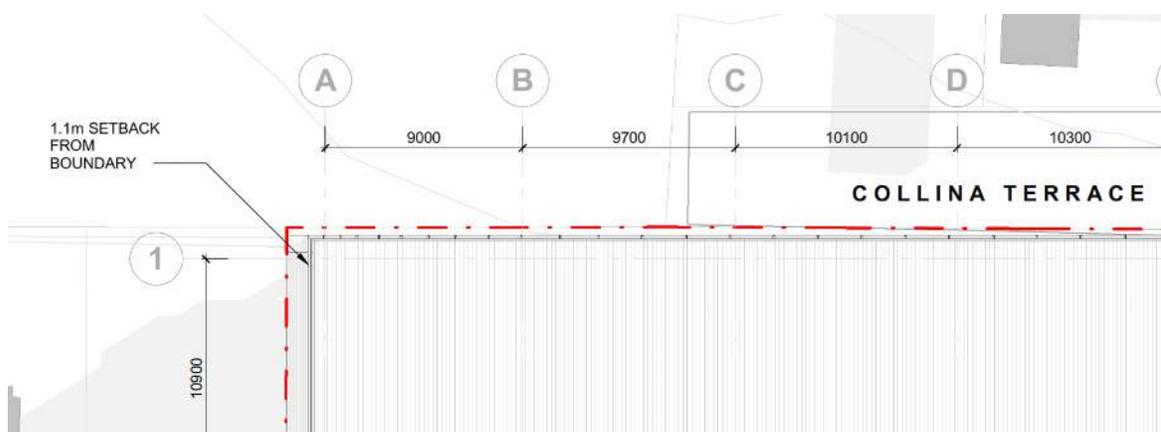
## Wellington Diocesan Board

The Wellington Diocesan Board has raised matters which are addressed in the application information and its attached reports.

One matter raised is as follows:

The new building is proposed to go hard up against the boundary line on an upper ground level, currently used by our St Paul’s Cathedral as a carparks with entrance from Collina Terrace. This is likely to have an impact on the ground stability during demolition of the existing concrete remnants of the former building and during construction of the new building.

Figure 1 below, shows the setbacks from the relevant boundaries.



**Figure 1: Shows the relationship of the building to the boundary (Drawing RC-0103 Rev B)**

The building will be set back from the boundary and not hard against it. The detailed engineering design is yet to be completed, however the depth of excavation at this point is of the order of 8.0 to 8.5 metres.

The excavation of this depth in central area buildings is not unusual and can be achieved through a variety of methods including sheet piling, soldier piles, hit and miss foundations or a sprayed and anchored wall constructed from the top down.

These techniques will be subject to specific engineering design and addressed during the building consent. Any necessary consultation with the adjoining owners (Collina Tce undivided share parties) will be carried out, at that time.

The works would be required to be carried out in a way which ensured the stability of the adjoining land and Collina Terrace.

**Conclusion**

The submissions on this development, do not in our view, raise matters which have not been largely addressed in the information provided to the Hearings Panel, or would not be resolved during the Building Consent process.

We appreciate the opportunity to comment in reply.

We look forward to the Panels considerations on the matter.

Yours faithfully

**Spencer Holmes Limited**

A handwritten signature in blue ink, appearing to read 'Ian Leary', is positioned above the printed name.

**Ian Leary**

Director – Survey and Planning

cc Prime Property Group – Brad Barrett and Eyal Aharoni.