

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on the decision to refer projects to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Wellington City Council
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Comment form

Please use the table below to comment on the application.

Project name	Molesworth Street Office Development
General comment – potential benefits	<p>The proposal would see the development of this vacant and therefore underutilised site for high quality office space. There is a demand for this kind of office space in the Central Area.</p> <p>The building would have a high level of seismic resilience.</p> <p>The development of the site presents an opportunity to contribute to the public space and pedestrian amenity in this part of the Wellington CBD.</p>
General comment – significant issues	<p>The site is located on the fringe of the nationally significant Parliamentary Precinct and the building will be co-located with a number of civic buildings. To the immediate south is the heritage listed Cathedral of Saint Pauls, and there are other listed buildings in the vicinity.</p> <p>It is important that the proposal recognises and responds to these contextual elements. In particular, the building should defer to the heritage cathedral and not detract from its setting/context. The Council has provided feedback to the applicant about design amendments that could achieve this relationship.</p> <p>Potential effects of the proposal would include:</p> <ul style="list-style-type: none"> - Urban design / townscape – including effects associated with the building height - Effects on heritage, including the Cathedral of Saint Pauls and the Parliamentary Precinct - Traffic and pedestrian safety associated with the location of the site access (opposite Pipitea Street) - Contamination – the site is contaminated land - Wind – the will be localised wind effects, in particular within Molesworth Street and the privately owned publicly -accessible park outside the NZ Rugby Union building on the opposite (eastern) side of Molesworth Street - Construction effects (earthworks, noise, traffic management)
Is Fast-track appropriate?	<p>Fast-track is not inappropriate, provided that the urban design and heritage issues that would be addressed through the RMA process, are otherwise appropriately addressed through the fast-track process.</p> <p>As noted above, design detail – in particular the glazing details (reflectivity, colour) - will be important and conditions requiring these details to be approved by the Council’s urban design team prior to construction are also recommended.</p> <p>If the consent is approved then effects relating to construction, contamination and earthworks could be managed through conditions.</p> <p>It is noted that there are a number of smaller buildings along Collina Terrace that face the subject site. These owners/occupiers of these buildings may consider that they are adversely affected by the proposal, however, this would be the case if any building was constructed on the site.</p> <p>If the proposal was to go through the RMA consent process a notification decision would be made. Until this assessment was completed the timing (and any possible delays) would not be known.</p>
Environmental compliance history	<p>The site was formerly occupied by a commercial building originally known as the ICI Building then later as Deloitte House. This building had a podium and tower design. The building was significantly damaged in the November 2016 earthquake and was demolished under the emergency provisions of the Resource Management Act 1991 (the Act) in January 2017.</p>

The site is currently used as a car-park while awaiting re-development. Since the demolition the Council has received the following resource consent applications:

- SR No. 383946: Consent for use of the site as an at-grade (ground level) car-park, with various structures and equipment ancillary to the car-park operation; along with a coffee container at the northern corner of the site. (Approved 14 December 2017). This consent has a three year lapse date and is due to expire on 14 December 2020.
- SR 391602 – Consent for the installation of phantom billboard signage around the periphery of the site. This consent was issued in October 2017 and has been given effect to. Condition (h) of this consent limited the duration to two years, meaning that the consent has now expired.
- SR No. 401169: Consent for a free-standing sign in the car-park. This application has been on suspend since January 2018.
- SR No. 417483: This was an application for a new Central Area building on the site – this building had a different design to the current proposal. Following our decision that this proposal should be publicly notified the application has remained on suspend at the applicant's request.

The following compliance issues have arisen with respect to this site:

- The building was deemed dangerous following the earthquake and its demolition was required
 - It was found that the building was illegally occupied
 - Prior to the resource consent applications being made, there were complaints about signage and the use of the site for car-parking.
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<p>Iwi and iwi authorities</p>	<p>The Council's mandated iwi partners are:</p> <ul style="list-style-type: none"> • Te Rūnanga o To Rangatira, 2/4 Nohorua Street, Takapuwahia, Porirua 5022 • Port Nicholson Block Trust, PO Box 12164, Thorndon, Wellington 6011 <hr/> <p>The site is not identified as a site of significance to iwi and it is not a Statutory Acknowledgement Area.</p> <p>For a proposal of this nature we would generally recommend that consultation is undertaken prior to lodgement of the application. If the proposal was publicly notified we would serve notice on both iwi.</p>
<p>Relationship agreements under the RMA</p>	<p>We have no specific relationship agreements under the RMA.</p>
<p>Insert responses to other specific requests in the Minister's letter (if applicable)</p>	<p>1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to continue to proceed through existing RMA consenting processes rather than the processes in the Act?</p> <p>This proposal is challenging District Plan provisions due to the scale and nature of what is proposed.</p> <p>This will be a very prominent building on a site that is close to heritage buildings, the nationally significant Parliamentary Precinct and other civic buildings. It is important that adequate information is supplied to ensure that the building is suitable for the context and does not detract from any heritage listed items.</p> <p>As long as design and heritage considerations are managed (for example through conditions) the fast track consent process should be appropriate. In addition, consideration should be given to wind effects on the public environment as a tall building in this location has the potential to create dangerous wind speeds.</p> <p>2. The status of the applicant's RMA consent applications (e.g. whether a notification decision has been made), and any significant issues you are aware of.</p> <p>The proposal would need consent for a Discretionary (Restricted) Activity under the following District Plan rules:</p> <ul style="list-style-type: none"> - Rule 13.3.3: Central Area Activities (non-compliant site access) - Rule 13.3.4: Central Area buildings - Rule 13.3.8: Central Area buildings that does not meet the standards relating to site access, height and wind (this rule applies in conjunction with Rule 13.3.4) - Rule 30.2.2: Earthworks in the Central Area - Rule 32.2.1: Use of a potentially contaminated site. <p>The proposal is within the Discretionary (Restricted) Height limit, but at the upper level of this.</p> <p>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.</p> <p>For a proposal of this nature the Council typically requires:</p> <ul style="list-style-type: none"> - An assessment against the Central Area Urban Design Guide - A Design Statement, including a statement as to how the proposal achieves design excellence - An assessment against the District Plan objectives and policies - A heritage report prepared by a heritage expert

	<ul style="list-style-type: none"> - A wind tunnel test - A site contamination report (PSI or DSI) - An earthworks management plan - A traffic assessment, prepared by a traffic engineer - Evidence of any consultation with iwi or Heritage New Zealand Pouhere Tāonga - Conditions to be offered by the applicant to address effects in relation to earthworks, contamination, fixed plant noise and construction. <p>3. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?</p> <p>We have some history with this applicant, including:</p> <ul style="list-style-type: none"> - 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.
<p>Other considerations</p>	<p>The Council has held a pre-application meeting with the developer to discuss the proposal. We can provide a copy of the pre-application meeting record on request.</p> <p>We can supply a set of draft conditions for consideration if required.</p>

SR460236 – [REDACTED] – Urban Design & Heritage feedback
from pre-application meeting (19 March 2020)

In the interest of providing clear feedback to the applicant on the two important matters of urban design and heritage, we have discussed and agreed the following important issues.

The following feedback is intended to provide high level direction for the applicant and architect to develop their design in response to issues, and a set of key principles and opportunities that have been identified.

Jasmax went through the design response and related considerations for the proposal that is now being put forward for the new building on the site of the former ICI building, immediately adjacent to St Paul's Cathedral. They outlined that there is a greater awareness of the need for the design to respond to the surroundings. These include heritage items such as St Paul's Cathedral and the Parliamentary Precinct Heritage Area and the other adjacent buildings and spaces that form the most concentrated area of activity that represents Wellington's Capital City status. This area has been identified as the Capital Precinct – see below.

The aim of Jasmax is to design a building which represents the transition between the Civic Precinct (Parliament, cathedral) and the commercial city (Pipitea) in what the applicant has termed a 'gateway building'. Jasmax presented the current design as the first iteration to be developed further from pre-application feedback.

The following feedback is expressed as principles that should guide further development of the design proposal. These principles have been based on the values of the two heritage items in the immediate vicinity and the Central Area Urban Design Guide (CAUDG).

In the first instance, it is important to summarise the key values of the two heritage items that any development on the site will need to respect.

St Paul's Cathedral

"The cathedral is a locally important building for the contribution that it makes to the Molesworth Streetscape, its architectural value, its group value in context of the Parliamentary buildings and Catholic basilica, its social values, and its authenticity. It plays an important role in the life of Wellington's Anglican community and is a landmark for the wider Wellington community".

Specifically:

- **Architecture**: "A large ecclesiastical building ... The building has a squat and heavy proportion in keeping with the mass concrete construction and is ... quite severe in detail and appearance"
- **Townscape**: "The cathedral has high townscape value as it is sited on a prominent corner opposite the Parliamentary buildings ... It is a large scale building and it has landmark status".

- Group: “The cathedral is part of a group of high profile buildings sited in this area that includes the Parliamentary buildings, the Catholic Basilica ... the Anglican Old St Paul’s Cathedral and the Bishops Residence on Mulgrave Street”

Parliamentary Grounds Heritage Area

“The key characteristics of this area’s setting are the *relatively low scale of the buildings and the spaciousness associated with the extensive landscaping, plantings and green areas around the major buildings* (both distinctive in an area which is rapidly becoming densified). The streets around the area create a definitive, physical border and help separate the formality of the older state buildings from nearby buildings. *Any larger buildings are located on the other sides of streets (such as Bowen Street) or sufficiently far away not to crowd the major buildings of the heritage area ... This area has several significant wider settings ... to the north and north-east is the Government Centre, dominated by such prominent buildings such as Kate Sheppard Apartments, Vogel House, the National Library and St Paul’s Cathedral”*

Central Area Urban Design Guide (CAUDG)

The District Plan objectives, policies and design guides require high quality building design within the Central Area that acknowledges, and responds to, the context of the site and surrounding environment. The CAUDG encourages new developments to recognise and enhance the unique qualities and sense of place of the city, and to maintain and enhance the quality of the setting of heritage items.

CAUDG describes the area where this proposal is located as the Capital Precinct:

This area lies directly to the north of the Downtown area (CBD). Parliament, the courts and other significant national institutions are the main focal points of this area. Central government has a strong presence, together with Pipitea Marae, several schools, ecclesiastical centres, localised retailing and smaller residential holdings.

The block pattern in this area is fairly irregular, and building density is generally lower than in the CBD and Te Aro basin. Characteristically, buildings in this area tend to be set back from the street.

The key questions that we will consider when assessing the proposal are:

- Does the design respond to its surroundings? This includes the buildings and spaces within the vicinity and the two heritage items.
- Is the quality of the setting, including that of the heritage items and spatial qualities, maintained or enhanced?
- Does the new building and site development complement and support (rather than dominate) the setting?

Principles

Given the prominence of the site in the Capital Precinct, its proximity to St Paul's Cathedral (a landmark heritage building), nationally significant institutions and buildings (including the National Library, High Court buildings), and the Parliamentary Precinct (a nationally significant heritage area), and the expressed intentions to call on the opportunities to exceed height and mass rules (design excellence), the following principles should guide the development on this site. These principles reference heritage and urban design guidance as per the objectives and guidelines of the District Plan.

1. **Respect:** The development should respect the context and setting. In terms of urban design and heritage, the values of St Paul's Cathedral and the Parliamentary Grounds Heritage Area need to be respected. This includes respect for their landmark values and their current prominence in the wider setting. The ensuing principles will ensure that this key principle is met.
2. **Alignment:** The building footprint should be sensitively aligned with the cathedral. This includes stepping the eastern extent of the building back to align with the eastern extent of the cathedral's tower, which will also achieve alignment with the buildings to the north of Hawkestone Street.
3. **Curtilage:** There should be sufficient space provided around the building to give the cathedral space to retain its significant presence. This can be achieved by shifting the bulk, mass and height of the building further away from the cathedral, towards the north-west corner.
4. **Reference:** A building that is intended to present a gateway building (as described by Jasmox) between the civic precinct (of which the Parliamentary Precinct and St Paul's Cathedral are key features) and the commercial area of Pipitea should reference some of the key architectural features of buildings within the immediate vicinity.

For heritage, an essential reference is St Paul's Cathedral. Whilst the current design presented by Jasmox shows a consideration of the horizontal and vertical features of the cathedral, this needs to be reflected more strongly in the horizontal axis. The low bulk of the cathedral (horizontal) which terminates at the height of the nave, and the limited verticality of the tower, should be reflected in the new building. This can be achieved by stepping the building further back around the height of the nave and reducing the bulk of the building above this (by following principle 3 on curtilage).

In addition to the cathedral, a building on this site could reference the National Library and NZ Rugby House more clearly in terms of design and scale and by strengthening the podium design concept.

Capital Precinct opportunities

Development of the site at this time presents a number of opportunities to contribute to public space amenity in this significant location within the Capital Precinct. Other recent and upcoming projects have responded to this by creating meaningful open space within their development sites. An example is the site planning and massing of the new Te Rua Mahara o te Kāwatanga Archives New Zealand on the corner of Pipitea and Mulgrave Streets. A new open space is being provided for the public to enjoy which acknowledges its location adjacent to Old St Paul's, an important heritage building.

As the design changes in response to the principles outlined above, it is clear that resultant open spaces can be considered to join the network of current spaces including the west side of Molesworth Street, the Hungarian Garden on the corner of Hawkestone and Molesworth Streets, the open space in front of the NZ Rugby building and more widely the Parliament grounds. An interesting opportunity also exists to work with the Anglican Church to explore opportunities for the current car parking spaces in front of the cathedral adjacent to Molesworth Street, and the area between the two buildings.

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