

APPENDIX 1 – Wellington City Council consent conditions issued under SR.145743

General

- (a) That, except for amendments to meet either other conditions of this consent or any conditions of consent granted by the Wellington Regional Council relating to this proposal, the proposal must be in general accordance with the information and plans jointly submitted by Natural Textures, Wraight & Associates Ltd, and Athfield Architects Ltd. labelled: Application Site Area Plan, Lower Level Plan, Ground Level Plan, Upper Level Plan, Roof Plan, North Elevation, South Elevation, East Elevation, West Elevation, and the Proposed Landscape Plan; and the Site Sections / Proposed Landscape Materials Selection Plan; all dated 19/08/05, 06/09/05 and 07/09/05 and lodged with the consent application processed under SR No. 145743.
- (b) The building shall only be used for the purpose as described in the Application generally and with specific regard to the primary purpose of marine education.

Lapse date

- (c) The consent holder must implement this consent within 7 ½ years of the date of the notice of decision. If the consent has not been implemented during this period it will be considered to have lapsed.

Emergency Management

- (d) Prior to occupation of the buildings an Emergency Management Plan (EMP) must be submitted to, and approved by, the Council's Manager of the Compliance and Monitoring Team, Planning and Urban Design Directorate. The EMP must outline the actions and contingencies to be taken in the event of an emergency including fire and strong earthquake and tsunami.

Note: The EMP must consider and address all options for managing people in the event of a strong earthquake that may be closely followed by a Tsunami.

Drainage

- (e) The sewer serving this development is to be a Public Main from the Marine Education Centre to an existing main in the vicinity of the area known as 'Arthurs Nose'.
- (f) The sewer pumping station shall incorporate a minimum of two pumps (one duty, one standby) and emergency storage for up to 4 hours normal flow.

Water Supply

- (g) In accordance with the Council's Code of Practice for Land Development, the proposed development must be provided with a water service pipe connected to a

water main connected to the water supply system. Provision must also be made for fire fighting requirements to NZS PAS 4509: 2003 standards. All construction must be completed in accordance with the approved construction plans (see E.1.1.2 & E.2.1.3 of the Code of Practice respectively) and the relevant current water supply technical specification.

Construction Management

- (h) A detailed earthworks and construction management plan is to be developed once the final design is completed and be submitted to, and be approved by, the Manager of the Compliance and Monitoring Team, Planning and Urban Design Directorate, prior to the commencement of work on site.

The earthworks and construction plan will establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. Such standards are expected to include hours and days of construction work and deliveries; anticipated traffic management issues such as any lane closures or on-street construction loading etc; control of dust; control of noise; appropriate local signage/information on the proposed work; provision for public access to the areas seaward of the site; any collateral damage to vehicles and property and the arrangement to provide a contact (mobile) telephone number for an on-site project manager in times of complaint from adjoining property owners/occupiers, passer-bys and the like.

- (i) All works must proceed in accordance with the earthworks and construction management plan as required under condition (h) above.
- (j) Prior to construction, the consent holder must undertake a survey of the site, and capture any lizards on the site and relocate them to a suitable site nearby.

Note – this survey must be undertaken in conjunction with a suitably qualified person to be agreed upon by the Manager of the Compliance and Monitoring Team, Planning and Urban Design Directorate.

Landscaping

- (k) The final landscape plan must be submitted to, and be approved by, the Manager of the Compliance and Monitoring Team, prior to the commencement of work on site. The landscape plan must be in accordance with The Proposed Landscape Plan; and the Site Sections / Proposed Landscape Materials Selection Plan, both dated 06/09/05 and also in accordance with all Site Elevation Plans dated 19/08/05, jointly submitted by Natural Textures, Wright & Associates Ltd and Athfield Architects Ltd. The final landscape plans must include, but is not limited to, the following details:

- Trees, shrubs and climbing species appropriate to the site. Details of the plant species to be used, botanical and common names. It should be noted that pest plants or plants known to be a problem due to invasiveness will not be accepted.

- Number of plants to be planted.
- Planting sizes of the plants to be used, i.e. planting container sizes to be used.
- Retaining, fencing and paving details.
- Revised details of how the carpark is to relate to the building
- The boundaries of landscaped and planted areas, within the application site area, which the consent holder will maintain.

Note: The Compliance Monitoring officers, Planning and Urban Design Directorate, will consult with the Councils landscape architect and the urban design unit in the approval of the final landscape plan

- (l) The consent holder must implement the landscape plan and maintain those areas defined in the landscape plan for the duration of the consent and replace any plants that fail during this period.

Design

- (m) A full set of the final detailed building plans, including a schedule of materials, must be submitted to, and approved by, the Manager of the Compliance and Monitoring Team, Planning and Urban Design Directorate, for approval prior to submitting drawings for building consent.

Note: The Compliance Monitoring Officer, Planning and Urban Design Directorate, will consult with Council's Urban Design Unit in the approval of the final building plans.

- (n) The consent holder must include ongoing workshops with Council's urban design unit at least once in each of the developed and detail design stages, before submitting final detailed building plans as required under condition (m) above.

Traffic

- (o) The consent holder shall construct a right turn holding bay for east bound traffic prior to occupation of the building.
- (p) Detailed plans of the proposed road changes must be prepared by the consent holder to cover all street changes. These must be submitted to, and approved by, the Manager of the Compliance and Monitoring Team, Planning and Urban Design Directorate for approval prior to any works being carried out on the public road. This must cover details of all proposed additions and alterations to the public roads including the right turn holding bay, the new wall between the seaward edge of the road and the footpath, kerb and channel, carriageway alterations (including storm water controls) with levels and materials.

Note (1): The Compliance Monitoring officers, Planning and Urban Design Directorate, will consult with Council's Chief Transport Engineer, and Council's

Senior Roading Engineer, in the approval of the detailed design drawings detailed above in condition (p).

- (q) All redundant vehicle crossings must be removed and reinstated to Council requirements.
- (r) The consent holder shall design the wall between the edge of the road and the footpath to be as thin as is reasonably possible in order to maximise the width of the seaward shoulder of the road.
- (s) The consent holder must submit detailed traffic reports to the Manager of the Compliance and Monitoring Team, Strategy and Planning Directorate, to be prepared by a suitably qualified traffic engineer, 6 months after, and on every anniversary of the opening of the centre for a period of 4 years. The reports must adequately address the following matters:
 - Record the level of parking demand vs. supply at both the MEC and the Princess Bay carparks on a monthly basis. Record to be taken on a fine Saturday.
 - the numbers of visitors and monthly samples of their mode of transport
 - the adequacy of the on site management of traffic and parking
 - any adverse traffic related effects (including on cyclists) external to the site
- (t) Council may, within five years of the Marine Education Centre commencing operation, review the conditions of consent pursuant to section 128 of the Act to address any adverse effects that may result from the exercising of this consent. In particular, the impact of traffic movements and parking patterns generated by the operation of the Marine Education Centre.

Noise

- (u) Within 30 days of the completion of commissioning the wind turbines the consent holder shall provide to the Manager of the Compliance and Monitoring Team, Strategy and Planning Directorate a report from an acoustic consultant stating that the noise emanating from the operation of the wind turbine complies with NZS 6808:1998, *Acoustics-The Assessment and Measurement of Sound From Wind Turbine Generators* at the conceptual boundary and any residential site. The standard describes how pre-installation calculations and measurements and post installation sound compliance testing will be carried out at residential sites, for the purpose of this condition measurements and compliance shall also be achieved at the conceptual boundary.
- (v) Noise emission levels resulting from noise associated with mechanical plant such as the centres' various cooling, heating, extraction, and filtering, pumping and flushing systems, or other similar installations when measured at the conceptual boundary shall not exceed 45 dBA (L 10).

- (w) Within 30 days of the completion of commissioning of the marine education centre a compliance report shall be provided to the Manager of the Compliance and Monitoring Team, Strategy and Planning Directorate by an acoustic consultant detailing noise measurements taken and confirming that noise emission levels resulting from noise associated with mechanical plant such as the centres' various cooling, heating, extraction, and filtering, pumping and flushing systems, or other similar installations power generation when measured at the conceptual boundary, does not exceed 45 dBA (L 10).

Note: For the purpose of conditions (u), (v) and (w) above, the conceptual boundary is defined as a line 20 metres from the source as identified within conditions (u) and (v) above.

- (x) Council may, within five years of the Marine Education Centre commencing operation, review the conditions of consent pursuant to section 128 of the Act to address any adverse effects that may result from the exercising of this consent. In particular, the impact of noise levels and sound characteristics generated from the operation of the Marine Education Centre.

Hours of operation

- (y) The public trading hours of the centre and shop are to be restricted to between the hours of 10:00am to 6:00pm (April to October) and from 10:00am to 9:00pm (November to March). The operating hours of the centres café is restricted to between the hours of 8:00 am to 10:00 pm, except up to an additional 15 events per year in which the building may be used until 1:00 am. This condition does not restrict staff from being in attendance at the Marine Education Centre, management training or research activities or sleep overs at the Centre.

Treatment of ventilated air from the café kitchen

- (z) All air vented from the café kitchen shall be passed through an odour removal system prior to discharge, sufficient to avoid nuisance from odour outside the building.

For the purpose of this condition “nuisance” will be as defined under section 29 of the Health Act 1956

Accidental Discovery Protocol

- (aa) The consent holder must submit a detailed Accident Discovery Protocol to be approved by the Manager of the Compliance and Monitoring Team, Strategy and Planning Directorate, prior to the commencement of any work on the site.
- (bb) The consent holder must implement and adhere to the Accident Discovery Protocol for the duration of the construction works.

- (cc) For areas where there has been indications from the Maori Cultural Consultants, Archaeologists and/or staff of Historic Places Trust that a detailed site investigation be conducted prior to any works commencing with a more detailed assessment of the ground contours and the digging of sample pits to determine the probable likelihood that Maori cultural material or other archaeological material which may be present in the area where earthworks are required. A Maori cultural consultant (approved by Iwi Authorities) should be present at these site surveys along with the relevant archaeologist(s).
- (dd) The owner/contractor will allow the Iwi authority representative(s) and the archaeologist(s) access to the site to carry out the responsibilities of the protocol. The contractor is responsible for on site safety and may from time to time need to restrict access to ensure the safety of the Iwi Authority representative(s).

Pest control

- (ee) A pest control plan must be submitted to and approved by the Council's Manager of the Compliance and Monitoring Team, Planning and Urban Design Directorate, prior to opening of the centre. The pest control plan must be prepared by a suitably qualified professional, and must include but is not limited to the following: the method of eradication, the target species, the poisons to be used, any other animals at risk, methods to deal with secondary poisoning, and a monitoring programme to test the success of the program and the risk of secondary poisoning.
- (ff) The pest control plan as required under condition (ee) above must be fully implemented and the results of the monitoring programme provided to the Council's Manager of the Compliance and Monitoring Team, Strategy and Planning as required under the terms of the pest control plan.

Monitoring Conditions

- (s) Prior to starting work, the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the Manager of the Compliance and Monitoring Team, Planning and Urban Design Directorate, by either telephone (801 4017) or facsimile (801 3165), and must include the address of the property and the service request number.
- (t) That the consent holder shall pay to the Wellington City Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Advice Notes:

1. The land use consent must be given effect to within 7.5 years of the granting of this consent, or within such extended period of time pursuant to sections 125 and 37 as the Council may allow.
2. 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 Council.
3. This resource consent is not a consent to build. Such a consent must be obtained under the Building Act 2004 prior to commencement of construction.
4. A vehicle access bylaw consent is required for the construction of kerb crossings, driveways and parking facilities under Part 17 of the Wellington City Council Consolidated Bylaw 1991.
5. An earthworks bylaw consent is required under Part 8 of the Wellington City Council Consolidated Bylaw 1991, as the volume of cut and fill exceeds 10 cubic metres and ground level is being altered by more than 600 mm.
6. Development contributions will be levied for this development and will be assessed and invoiced separately from this decision.
7. The consent holder is advised to consult with officers of the New Zealand Historic Places Trust (NZHPT) regarding the need for any archaeological assessment of the site or archaeological authority prior to any earthworks or construction taking place. If any activity associated with the above proposal, (such as earthworks), is likely to modify damage or destroy an archaeological site, an authority from the NZHPT must be obtained for the work to proceed lawfully. In the event that an archaeological site is encountered during work, all works must cease on the site, and you must contact the NZHPT as soon as possible.
8. The Historic Places Act 1993 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. Under section 2 of the Act, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. This definition of archaeological sites may include buildings and associated features such as artefacts, rubbish heaps, foundations, pipes, wells, and other archaeological remains. Section 10 of the Act directs that an authority is required from the New Zealand Historic Places Trust) if there is “reasonable cause” to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted
9. Rights of objection to the conditions specified above may be exercised pursuant to section 357A(2) by the consent holder. Any objection shall be made in writing,

setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

10. The consent holder should contact Council's Project Manager Street Lighting to discuss the proposed lighting of public access ways within the site and any proposals to alter the public street lighting along Queens Drive.
11. Prior to starting any physical works on legal road the consent holder will need to obtain approval from the Council's Senior Roding Engineer for the actual proposals and how they interact with the existing carriageway and the recently constructed footpath along Queens Drive.
12. The consent holder will be responsible for all roading and traffic changes associated with the proposed development including all road widening, turning bays, enclosure of accessways, signs and road markings required to implement the proposed development on the adjacent public roads.
13. As it may be necessary for the Council to modify the legal traffic restrictions on Queens Drive as a result of proposal, the consent holder should discuss any external parking changes which may be required prior to the opening of the centre.
14. The consent holder should notify Council if there is any change in the design team to discuss any potential compliance issues with the proposed change.
15. A water supply easement in gross will be required to provide protection over any water supply infrastructure constructed on private property.
16. The consent holder shall liaise with the Wellington Astronomical Society, and advise it of measures that can be taken to reduce light emissions from the MEC complex. The consent holder shall, as far as practical, comply with any reasonable request of the society, or its members, to reduce light emissions of occasion when the society wishes to use Te Raekaihau Point for viewing purposes.