



**APPENDIX I**

Certificates of Compliance –  
Wellington City Council

1 May 2018

Mitchell Daysh Limited  
PO Box 33 1642 Takapuna  
Auckland 0740

Service Request No: 407395  
File Reference: 1927348

Attention: Phil Mitchell

Dear Phil

### *Application for Certificate of Compliance Granted*

I write in relation to your **client's** application for a Certificate of Compliance for the demolition of buildings on the site at 26 Donald Street, Karori, Service Request No. 407395.

The application has been granted for the reasons set out in the report below.

### *Report for Certificate of Compliance*

#### APPLICATION DETAILS

Site Address:	26 Donald Street, Karori
Legal Description:	Section 2 SO515832 and Section 1 SO28414
Applicant:	Ryman Healthcare Limited C/- Mitchell Daysh Limited
Proposal:	To demolish several buildings on the site
Owner:	Healthcare Shelf Company No. 28 Limited

#### STATUTORY INFORMATION

The relevant provisions of section 139 of the Resource Management Act 1991 (the Act) include:

- (1) *This section applies if an activity could be done lawfully in a particular location without a resource consent.*
- (2) *A person may request the consent authority to issue a certificate of compliance.*
- (5) *The authority must issue the certificate if—*
  - (a) *the activity can be done lawfully in the particular location without a resource consent; and*
  - (b) *the person pays the appropriate administrative charge.*
- (7) *The certificate if issued to the person must—*
  - (a) *describe the activity and the location; and*

(b) state that the activity can be done lawfully in the particular location without a resource consent as at the date on which the authority received the request.

(8) The authority must not issue a certificate if—

(a) the request for a certificate is made after a proposed plan is notified; and

(b) the activity could not be done lawfully in the particular location without a resource consent under the proposed plan.

(10) A certificate is treated as if it were an appropriate resource consent that—

(a) contains the conditions specified in an applicable national environmental standard; and

(b) contains the conditions specified in an applicable plan.

## PROPOSAL

The application seeks a Certificate of Compliance for the demolition of several existing buildings on the site at 26 Donald Street, Karori. The buildings intended for demolition are shown in red in Figure 1 below, taken from the description of the proposal on page 1 of the application, Part B, Assessment of Compliance with the Wellington City District Plan, Section 2.



Figure 1: Buildings to be demolished

The demolition works are to be carried out using earthmoving and demolition equipment (including small cranes, excavators and trucks), and does not involve the use of explosives.

## BACKGROUND

The buildings on the site subject to this application were previously used by Victoria University of Wellington for education purposes. The applicant has indicated that it has an intention to demolish these buildings, presumably to prepare the site for a future use. The intended use of the site has not been disclosed in the application.

## DISTRICT PLAN PROVISIONS

### Operative District Plan

### District Plan Area and Notations

The site is located within the Outer Residential Area of the District Plan. It is shown as an Educational Precinct (Karori Education Campus Site) on District Plan Map 11.

### Relevant Provisions

#### *Rule 5.1.12 – Demolition of Buildings and Structures*

The total or partial demolition or removal of buildings and structures is a Permitted Activity, except:

- the removal or demolition of any building or structure listed in the District Plan as a heritage item, or which is located in a listed heritage area (see Chapter 21);
- the removal or demolition of any building (excluding accessory buildings) constructed prior to 1930, in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1 (see Rule 5.3.6);
- the removal or demolition of architectural features from the primary elevation of a building (excluding accessory buildings) constructed prior to 1930 in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1 (see Rule 5.3.6).

As noted within the application, none of the buildings are listed as heritage buildings and the site is not in a listed heritage area. The site is not in an Inner Residential Area or the Holloway Road (Outer Residential Area), so the pre-1930 protection provisions do not apply, noting that none of the buildings were constructed prior to 1930 anyway. Accordingly the proposal is a permitted activity under Rule 5.1.12.

#### *Rule 30.1.1 - Earthworks*

Rule 30.1.1 provides that earthworks is a permitted activity provided it complies with certain conditions.

The application advises that no earthworks will be undertaken as part of the proposal. The proposal involves the demolition of buildings only to their foundations and the Council is advised that there is to be no removal, relocation or deposit of earth material as part of the proposal.

In response to further information request from Council under section 139(4) of the Act, the applicant (through the Managing Director of the demolition company Ward Group) has confirmed that the demolition methodology allows for the demolition of the building superstructures to the ground floor slabs only. Other hardstand areas will be utilised during the demolition process and are to remain for future access and construction activities. Ward Group has advised that care will be taken to preserve

the hardstand areas with no works or disturbance of the existing grounds, thus removing the need to undertake earthworks as part of the proposal.

As there are no earthworks as part of the proposal, Rule 30.1.1 is not invoked.

### *Section 32 of the District Plan - Contaminated Land*

The site is listed in the Wellington Regional Council Select Land Use Register as being a HAIL site due to chemical manufacture, and bulk storage of fuel, chemicals and liquid waste. The application specifies that no soil disturbance is involved, with the buildings being demolished to the foundation level only. This was further confirmed through the further information relating to demolition methodology referred to above. Accordingly the proposal complies with the District Plan as the works will remain above ground.

### *Demolition Noise*

The District Plan does not contain noise rules or standards in relation to demolition noise in the Residential Area. It contains noise standards in relation to non-residential activities, temporary activities, and fixed plant. Demolition noise is controlled using NZS6803:1999 *Acoustics - Construction Noise* standard and the excessive noise provisions of section 16 of the Act.

### *Other Demolition Controls*

There are no other rules or standards in the Residential Area which impose any controls on the act of demolishing a building.

### Proposed District Plan Changes

Having regard to section 139(8) of the Act, there are no plan changes which are relevant to this proposal.

### Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

As noted above, the site is listed in the Wellington Regional Council Select Land Use Register as being a HAIL site. The application specifies that no soil disturbance is involved, with the buildings being demolished to the foundation level only. This was further confirmed through the further information relating to demolition methodology referred to above. Accordingly the proposal complies with this National Environmental Standard.

## CONCLUSION

The proposal to demolish buildings at 26 Donald Street, Karori, as detailed in the information submitted with the application for a Certificate of Compliance prepared by Mitchell Daysh Limited, dated 4 April 2018, and in the response to the **Council's** further information request under section 139(4) of the Act, received 26 April 2018, complies with the relevant Permitted Activity conditions as set out in the Operative District Plan and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

I confirm that the proposal can be done lawfully at the above location without a resource consent as at 4 April 2018, being the date the Wellington City Council received the request for the certificate of compliance. Accordingly, this is a Certificate of Compliance under section 139 of the Act.

If you require further information, please contact Bill Stevens on 04 803-8184.

Yours sincerely



Bill Stevens  
Delegated Officer  
Resource Consents Team  
Wellington City Council



Halley Wiseman  
Delegated Officer  
Resource Consents Team  
Wellington City Council

(Delegated Authority Code: 18)

27 November, 2019

Mitchell Daysh Ltd  
PO Box 300673  
Auckland 0752

Service Request No: 453248  
File Reference: 1927348

Attn: Phil Mitchell

Dear Phil,

***Application for Certificate of Compliance Issued***

I write in relation to your application for a Certificate of Compliance to be issued for the demolition of buildings (Gray and Waghorn buildings) on the site at 26 Donald Street, Karori, Service Request No. 453248.

The application has now been issued, for the reasons set out in the report below.

***Report for Certificate of Compliance***

**Application Details**

Site Address:	26 Donald Street, Karori
Legal Description:	Section 2 Survey Office Plan 515832 and Section 1 Survey Office Plan 28414
Applicant:	Ryman Healthcare Limited c/o Mitchell Daysh Ltd
Proposal:	Demolition of the Gray and Waghorn buildings
Owner:	Healthcare Shelf Co. No. 28 Limited

**Statutory Information**

The relevant provisions of Section 139 of the Resource Management Act 1991 (the Act) states:

- (1) *This section applies if an activity could be done lawfully in a particular location without a resource consent.*
- (2) *A person may request the consent authority to issue a certificate of compliance.*
- (5) *The authority must issue the certificate if—*
  - (a) *the activity can be done lawfully in the particular location without a resource consent; and*

- (b) *the person pays the appropriate administrative charge.*
- (8) *The authority must not issue a certificate if—*
  - (a) *the request for a certificate is made after a proposed plan is notified; and*
  - (b) *the activity could not be done lawfully in the particular location without a resource consent under the proposed plan.*
- (10) *A certificate is treated as if it were an appropriate resource consent that—*
  - (a) *contains the conditions specified in an applicable national environmental standard; and*
  - (b) *contains the conditions specified in an applicable plan.*

### **Activity and Location**

The application seeks a Certificate of Compliance to be issued under section 139 of the Act. The proposal is for the demolition of the Gray and Waghorn buildings to the ground floor slab level at 26 Donald Street, Karori. The two buildings proposed for demolition are shown in yellow in Figure 1 below.



Figure 1: Proposed buildings to be demolished, as taken from section 2 of the application document.

The demolition works are to be carried out using earthmoving and demolition equipment (including small cranes, excavators and trucks) and does not involve demolition of buildings by the use of explosives.



## Background

The buildings on the site subject to this application were previously used by Victoria University of Wellington for education purposes.

On 1 May 2018 the Council granted a Certificate of Compliance for the demolition of a number of buildings on the subject site (Service Request No. 407395). The buildings that were included in that application are shown in Figure 2 below.



Figure 2: Buildings for demolition as granted under Service Request No. 407395, as taken from section 2 of this application document.

## District Plan Provisions

### Operative District Plan

#### District Plan Area and Notations

The site is located within the Outer Residential Area of the District Plan. It is shown as an Educational Precinct (Karori Education Campus Site) on District Plan Map 11.

#### Relevant Provisions

### ***Rule 5.1.12 – Demolition of Buildings and Structures***

The total or partial demolition or removal of buildings and structures is a Permitted Activity, except:

- the removal or demolition of any building or structure listed in the District Plan as a heritage item, or which is located in a listed heritage area (see Chapter 21);

- the removal or demolition of any building (excluding accessory buildings) constructed prior to 1930, in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1 (see Rule 5.3.6);
- the removal or demolition of architectural features from the primary elevation of a building (excluding accessory buildings) constructed prior to 1930 in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1 (see Rule 5.3.6).

As noted within the application, none of the buildings are listed as heritage buildings and the site is not in a listed heritage area. The site is not in an Inner Residential Area or the Holloway Road (Outer Residential Area), so the pre-1930 protection provisions do not apply, noting that none of the buildings were constructed prior to 1930 anyway. Accordingly the proposal is a permitted activity under Rule 5.1.12.

It is further noted that on 18 July 2018 the subject site and associated buildings were listed with Heritage New Zealand as a Historic Place Category 1 site (entry name 'Wellington Teachers' Training College (Former)'). While I acknowledge this listing, this listing has no bearing on the requisites under Rule 5.1.12 as the buildings subject to this application (Gray and Waghorn buildings) are not listed in the District Plan.

### ***Rule 30.1.1 - Earthworks***

Rule 30.1.1 provides that earthworks are a permitted activity provided they comply with certain conditions.

The application advises that no earthworks will be undertaken as part of the proposal. The proposal involves the demolition of buildings only to the ground floor slab s and the Council has been advised that there is to be no removal, relocation, or deposit of earth material as part of the proposal. In addition, a demolition methodology, prepared by Ward Demolition (dated 30 October 2019), accompanies the application. The demolition methodology allows for the demolition of the building superstructures to the ground floor slabs only and existing hardstand areas will be utilised for machinery, future access, and construction activities, as confirmed by the applicant.

Ward Group has advised that care will be taken to preserve the hardstand areas with no works or disturbance of the existing grounds, thus removing the need to undertake earthworks as part of the proposal.

As there are no earthworks as part of the proposal, Rule 30.1.1 is not invoked.

### ***Section 32 of the District Plan - Contaminated Land***

The site is listed in the Wellington Regional Council Select Land Use Register as being a HAIL site due to chemical manufacture, and bulk storage of fuel, chemicals and liquid waste. The application specifies that no soil disturbance is involved, with the buildings being demolished to the ground floor slab level only.

This was further confirmed through the further information relating to demolition methodology referred to above. Accordingly the proposal complies with the District Plan as the works will remain above ground.

### ***Demolition Noise***

The District Plan does not contain noise rules or standards in relation to demolition noise in the Residential Area. It contains noise standards in relation to non-residential activities, temporary activities, and fixed plant. Demolition noise is controlled using NZS6803:1999 *Acoustics - Construction Noise* standard and the excessive noise provisions of section 16 of the Act.

### ***Other Demolition Controls***

There are no other rules or standards in the Residential Area which impose any controls on the act of demolishing a building.

### **Proposed District Plan Changes**

Having regard to section 139(8) of the Act, there are no plan changes which are relevant to this proposal.

### **Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

As noted above, the site is listed in the Wellington Regional Council Select Land Use Register as being a HAIL site. The application specifies that no soil disturbance is involved, with the buildings being demolished to the ground floor slab level only. This was further confirmed through the further information relating to demolition methodology referred to above. Accordingly the proposal complies with this National Environmental Standard.

### **CONCLUSION**

The proposal to demolish the Gray and Waghorn buildings to ground floor slab level at 26 Donald Street, Karori, as detailed in the information submitted with the application for a Certificate of Compliance prepared by Mitchell Daysh Limited, dated 1 November 2019, complies with the relevant Permitted Activity conditions as set out in the Operative District Plan and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

I confirm that the proposal can be done lawfully at the above location without a resource consent as at 1 November 2019, being the date the Wellington City Council received the request for the certificate of compliance. Accordingly, this is a Certificate of Compliance under section 139 of the Act.

If you require further information, please contact Laura Brownlie on 027 803 0057 or [Laura.Brownlie@wcc.govt.nz](mailto:Laura.Brownlie@wcc.govt.nz).

Yours sincerely,



**Laura Brownlie**  
Delegated Officer  
Resource Consents Team  
Wellington City Council

(Delegated Authority Code: 13)



**Bill Stevens**  
Delegated Officer  
Resource Consents Team  
Wellington City Council