

Version
as at 23 December 2023



National War Memorial Park (Pukeahu) Empowering Act 2012

Public Act 2012 No 76
Date of assent 3 October 2012
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Culture and Heritage.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the National War Memorial Park (Pukeahu) Empowering Act 2012.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

3 Purpose

- (1) The purpose of this Act is to—
 - (a) empower the creation of the National War Memorial Park (Pukeahu) on the Park land that includes the National War Memorial, in the area of the City of Wellington known to Māori as Puke-ahu; and
 - (b) ensure its completion by April 2015, the centenary of the commencement of the Gallipoli Campaign of the First World War; and
 - (c) ensure the integration of the Park and roading networks with the wider City of Wellington.
- (2) In order to achieve the purpose of this Act, the Act—
 - (a) grants the statutory authorisations to the New Zealand Transport Agency and the chief executive of the Ministry for Culture and Heritage that are reasonably necessary or desirable for—
 - (i) the completion of the design and construction of the Park, and to enable its maintenance and operation, and the reconstruction or alteration of the roading network; and
 - (ii) avoiding, remedying, or mitigating any actual or potential adverse effects of the exercise of statutory authorisations on the environment; and
 - (b) sets the conditions that will apply to the statutory authorisations; and
 - (c) facilitates the amendment of statutory authorisations granted by or under this Act, or their conditions, and the provision of any new statutory authorisations and conditions that may be reasonably necessary or desirable for—
 - (i) the completion of the design and construction of the Park, and to enable its maintenance and operation and the reconstruction or alteration of the roading network; and
 - (ii) avoiding, remedying, or mitigating any actual or potential adverse effects of the exercise of statutory authorisations on the environment; and
 - (d) establishes a community forum and review panel; and
 - (e) provides a process for the independent certification of plans and documents required by conditions of statutory authorisations granted by or under this Act.

4 Interpretation

In this Act, unless the context otherwise requires,—

Agency means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

archaeological authority means an authority granted by section 10 to destroy, damage, or modify an archaeological site

archaeological site has the meaning given in section 2 of the Historic Places Act 1993

authorising body means the consent authority or other body that would, but for this Act, be responsible for granting a statutory authorisation granted by or under this Act

building consent has the meaning given in section 7 of the Building Act 2004

building consent authority has the meaning given in section 7 of the Building Act 2004

certification means the process by which statutory authorisations are certified under—

- (a) sections 20 to 22, in relation to statutory authorisations granted to the Agency;
- (b) section 24, in relation to statutory authorisations granted to the chief executive of the Ministry

consent authority has the meaning given in section 2(1) of the Resource Management Act 1991

designation has the meaning given in section 166 of the Resource Management Act 1991

discharge permit has the meaning given in section 87(e) of the Resource Management Act 1991

district plan—

- (a) means the Wellington City District Plan as approved by the Wellington City Council under Schedule 1 of the Resource Management Act 1991; and
- (b) includes all operative changes to that plan; and
- (c) includes a proposed plan, to the extent that—
 - (i) it has legal effect under section 86B of the Resource Management Act 1991; or
 - (ii) it must be treated as operative under section 86F of that Act; and
- (d) includes any changes to the district plan notified before 1 October 2009

land use consent has the meaning given in section 87(a) of the Resource Management Act 1991

local authority has the meaning given in section 5(1) of the Local Government Act 2002

Minister means the Minister for Arts, Culture and Heritage

Ministry means the Ministry for Culture and Heritage

National War Memorial Park (Pukeahu) and Park—

- (a) mean the Park constructed, operated, and maintained on the Park land; and
- (b) include the land above the area indicated in figure 2 of Schedule 9 by the red hatched area and labelled as the cut and cover underpass envelope with Park over; but
- (c) do not include the roading network

Park land has the meaning given in section 5

requiring authority has the meaning given in section 166 of the Resource Management Act 1991

resource consent has the meaning given in section 2(1) of the Resource Management Act 1991

roading network means the roading network that is reconstructed or otherwise altered under the designation provided by section 9

statutory authorisations—

- (a) means the following:
 - (i) the resource consents granted by section 8; and
 - (ii) the designation provided by section 9; and
 - (iii) the archaeological authorities granted by section 10; and
 - (iv) the building consents granted by section 12; and
 - (v) the powers of entry granted by section 17; and
 - (vi) the property rights granted by section 18; and
- (b) includes any amendments to a statutory authorisation described in paragraph (a) or amendments to a statutory authorisation or other permission or right granted by Order in Council made under section 25

territorial authority has the meaning given in section 5(1) of the Local Government Act 2002

water permit has the meaning given in section 87(d) of the Resource Management Act 1991.

Section 4 **consent authority**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4 **designation**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4 **discharge permit**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4 **district plan**: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4 **land use consent**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4 **requiring authority**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4 **resource consent**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4 **water permit**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

5 Meaning of Park land

In this Act, **Park land** means all of the following land in the Wellington Land Registration District, to the extent that the land is within the boundaries of the land indicated in figure 2 of Schedule 9 by the blue dashed line:

- (a) part of the road known as Tory Street:
- (b) part of the road known as Buckle Street:
- (c) Part Section 226 Town of Wellington, *Gazette* 1989, page 4877:
- (d) Section 1151 Town of Wellington, *Gazette* 1994, page 3096:
- (e) Section 1152 Town of Wellington, *Gazette* 1994, page 3096:
- (f) Section 1 SO 21789, computer freehold register WN39D/488:
- (g) Part Lot 2 DP 87064, computer freehold registers WN54D/136 and WN54C/503:
- (h) Part Section 227 Town of Wellington, computer freehold register WN11/14:
- (i) Part Section 234 Town of Wellington, *Gazette* 1994, page 3096:
- (j) Part Sections 226 and 233 Town of Wellington, computer freehold register 288861:
- (k) Part Section 256 Town of Wellington, *Gazette* 1976, page 73:
- (l) Part Lot 1 A 66A, *Gazette* 1976, page 73:
- (m) Lot 7 DP 69, *Gazette* 1967, page 85:
- (n) Part Lot 8 DP 69, *Gazette* 1967, page 85:
- (o) Part Lot 15 DP 69, *Gazette* 1967, page 85:
- (p) Part Lot 16 DP 69, *Gazette* 1971, page 2062:
- (q) Part Lot 33 DP 69, *Gazette* 1971, page 2062:
- (r) Part Lot 33 DP 69, *Gazette* 1971, page 1971:

- (s) Part Section 227 Town of Wellington, *Gazette* 1971, page 1971:
- (t) Lot 32 DP 69, *Gazette* 1971, page 1971:
- (u) Part Section 234 Town of Wellington, *Gazette* 1996, page 1187:
- (v) Part Section 257 Town of Wellington, *Gazette* 1976, page 73:
- (w) Lot 2 DP 87064, computer freehold register WN54C/503 and WN54D/136:
- (x) Part Section 1266, Town of Wellington, computer freehold register WN49D/144:
- (y) Part Lot 6 DP 69, *Gazette* 1967, page 85.

6 Status of plans in Schedule 9

- (1) The plans included in each of figures 1, 2, and 3 of Schedule 9 are intended as a guide to the areas affected by the matters provided for by or under this Act.
- (2) In each case, the boundaries shown by dashed lines—
 - (a) are indicative only and do not limit the legal descriptions of the areas concerned nor any plans prepared under this Act to define the location of any works authorised by or under this Act; and
 - (b) in the event of an inconsistency between a boundary shown in figure 1, 2, or 3 of Schedule 9 and the legal description of the land or a plan prepared under this Act, the legal description or the plan, as the case may be, prevails.

7 Act binds the Crown

This Act binds the Crown.

Part 2

Statutory authorisations and other matters

Subpart 1—Resource consents and designations

Resource consents

8 Resource consents granted

- (1) The following resource consents, as specified in Part 1 of Schedule 1 are granted to the Agency, subject to the conditions specified in Part 2 of Schedule 1:
 - (a) land use consents:
 - (b) water permits:
 - (c) discharge permits.

- (2) The following resource consents, as specified in Part 1 of Schedule 2, are granted to the chief executive of the Ministry, subject to the conditions specified in Part 2 of Schedule 2:
 - (a) land use consents:
 - (b) water permits:
 - (c) discharge permits.
- (3) The resource consents granted by subsections (1) and (2) have the same force and effect as if they had been granted under section 104A, 104B, or 104C of the Resource Management Act 1991 and the provisions of that Act apply to those resource consents (other than as excluded by subsection (4)).
- (4) The following provisions of the Resource Management Act 1991 do not apply in relation to the resource consents granted by this section:
 - (a) section 116 (which relates to the commencement of resource consents):
 - (b) section 120 (which provides for appeal rights):
 - (c) sections 128 to 132 (which provide for the review of resource consent conditions):
 - (d) section 133 (which relates to the power of the Environment Court to change or cancel a resource consent).
- (5) Unless otherwise specified by or under this Act, a resource consent granted by this section—
 - (a) commences on the date that this Act comes into force; and
 - (b) despite section 125 of the Resource Management Act 1991, lapses on 31 July 2015 unless, on or before that date,—
 - (i) the resource consent is given effect to; or
 - (ii) substantial work of any kind relevant to the consent has been commenced; or
 - (iii) the Agency or the chief executive of the Ministry, as appropriate, has—
 - (A) applied to the relevant consent authority to extend the period before which the consent lapses; and
 - (B) had an extension granted.
- (6) In considering an application under subsection (5)(b)(iii), the consent authority must take into account—
 - (a) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (b) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension.

*Designation***9 Designation provided for Agency**

- (1) The designation specified in Part 1 of Schedule 3—
 - (a) is deemed to be included in the district plan; and
 - (b) has the same force and effect as if it were included in the district plan or any proposed district plan under section 175(2) of the Resource Management Act 1991.
- (2) The conditions applying to the designation are specified in Part 2 of Schedule 3.
- (3) The land to which the designation applies is shown in figure 1 of Schedule 9.
- (4) The provisions of the Resource Management Act 1991 apply to the designation provided for by this section (other than as excluded by subsection (5)).
- (5) The following provisions of the Resource Management Act 1991 do not apply in relation to the designation provided by this section:
 - (a) section 174 (which provides for appeal rights):
 - (b) section 176(1)(b) (which prohibits certain actions from being carried out to or on land that is subject to a designation without the consent of the requiring authority), but only in respect of the construction, operation, and maintenance of the Park:
 - (c) section 176A (which requires that an outline plan of work to be carried out on designated land be submitted to the territorial authority).
- (6) The designation provided for by subsection (1) has effect on and after the commencement of this Act.

Section 9(4): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Subpart 2—Authorities relating to archaeological sites**10 Authority to destroy, damage, or modify archaeological site**

- (1) The authorities to destroy, damage, or modify any archaeological site or sites specified in Part 1 of Schedule 4 are granted to the Agency, subject to the conditions specified in Part 2 of Schedule 4.
- (2) The authorities granted under this section have the same force and effect as if they had been granted under section 14 of the Historic Places Act 1993, and the provisions of that Act (other than as excluded by subsections (3) to (5)) apply in respect of those authorities.
- (3) The following provisions of the Historic Places Act 1993 do not apply:
 - (a) section 15 (which relates to conditions of authority):

- (b) section 16(1)(b) (which allows the Historic Places Trust to initiate a review of conditions of an authority):
- (c) section 20 (which provides for appeal rights).
- (4) Despite section 17 of the Historic Places Act 1993, there is no requirement for the Agency to obtain the prior consent in writing of the New Zealand Historic Places Trust (Pouhere Taonga) before engaging any person to carry out any work required as a condition of the authority.
- (5) Despite sections 14(10) and 20A of the Historic Places Act 1993, an authority granted under this section—
 - (a) commences on the date that this Act comes into force; and
 - (b) lapses on 31 July 2015 unless, on or before that date,—
 - (i) work of any kind relevant to the authority has been commenced; or
 - (ii) an application has been made by the Agency to the New Zealand Historic Places Trust (Pouhere Taonga) to extend the period before which the authority lapses.

Subpart 3—Building consents

11 Interpretation

In this subpart and in Schedules 5 and 6, **building code**, **building levy**, **building work**, **certificate of acceptance**, **code compliance certificate**, and **determination** all have the meanings given in section 7 of the Building Act 2004.

12 Building consents granted

- (1) The building consents specified in Part 1 of Schedule 5 are granted to the Agency, subject to the conditions specified in Part 2 of Schedule 5.
- (2) The building consents specified in Part 1 of Schedule 6 are granted to the chief executive of the Ministry, subject to the conditions specified in Part 2 of Schedule 6.
- (3) The building consents granted by subsections (1) and (2) have the same force and effect as if they had been granted under section 49(1) of the Building Act 2004 and issued in accordance with section 51 of that Act, and the provisions of that Act apply to those building consents (other than as excluded by this subpart).
- (4) A building consent granted by this section—
 - (a) commences on the date that this Act comes into force; and
 - (b) despite section 52 of the Building Act 2004, lapses on 31 July 2015 unless, on or before that date,—
 - (i) any building work relevant to the consent has been commenced; or

- (ii) the building consent authority that would, but for this Act, have granted the building consents, allows a further period before which the building consent lapses.

13 Payment of building levies

- (1) Despite sections 53 and 54 of the Building Act 2004, the amount of the building levies payable by the Agency and the chief executive of the Ministry in respect of the building consents granted by section 12 must be determined, in accordance with section 53(2) of that Act, by the building consent authority that would, but for this Act, have granted the building consents.
- (2) The Agency and the chief executive of the Ministry must each pay the building levies not later than 20 working days after being advised of the amount payable under section 54 of that Act.

14 Certificate of code compliance and certificate of acceptance

- (1) Despite section 92(1) of the Building Act 2004, the Agency or the chief executive of the Ministry, as appropriate, may apply to the building consent authority under section 92(2) of that Act for 1 or more code compliance certificates for building work done under a building consent granted by section 12.
- (2) Despite section 96(1) of the Building Act 2004, the building consent authority may, on application by the Agency or the chief executive of the Ministry under section 97 of that Act, as appropriate, issue 1 or more certificates of acceptance for building work done under a building consent granted by section 12.
- (3) However, if the Agency or the chief executive of the Ministry has already paid a building levy in accordance with section 13, section 97(e) of the Building Act 2004 does not apply.

15 Determination of compliance

- (1) Sections 177 to 190 of the Building Act 2004 do not apply in relation to building consents granted by section 12.
- (2) However, the Agency or the chief executive of the Ministry, as appropriate, may apply in accordance with section 178 of the Building Act 2004 to the chief executive of the department of State for the time being responsible for the administration of the Building Act 2004 for a determination as to whether particular building work undertaken in reliance on a building consent granted by section 12 complies with the building code.

16 Use of Park or roading network

- (1) Despite sections 362A and 363 of the Building Act 2004, the Agency and the chief executive of the Ministry may each use, or permit the use of, any part of the Park or the roading network that is affected by building work undertaken under a building consent granted by section 12, even if no code compliance certificate has been issued under that Act.

- (2) However, subsection (1) applies only if the territorial authority has issued a certificate for public use in accordance with section 363A of the Building Act 2004 to the Agency or the chief executive of the Ministry, as appropriate.

Subpart 4—Access to property and granting of property rights

17 Powers of entry

- (1) The Agency is authorised to exercise the powers of entry specified in Part 1 of Schedule 7, subject to the conditions specified in Part 2 of Schedule 7.
- (2) The chief executive of the Ministry is authorised to exercise the powers of entry specified in Part 1 of Schedule 8, subject to the conditions specified in Part 2 of Schedule 8, or to delegate those powers to any suitable person.
- (3) The authorities granted under this section have the same force and effect as if they had been granted by the Minister of Lands under section 111 of the Public Works Act 1981, and the provisions of that Act (including those relating to compensation but excluding that specified in subsection (4)) apply in respect of those authorities.
- (4) Section 111(2) to (5) of the Public Works Act 1981 do not apply in relation to an authority granted under subsection (1) or (2).

18 Property rights granted

- (1) The property rights specified in Part 3 of Schedule 7 are granted to the Agency, subject to the conditions specified in Part 4 of Schedule 7.
- (2) The property rights specified in Part 3 of Schedule 8 are granted to the chief executive of the Ministry, subject to the conditions specified in Part 4 of Schedule 8.
- (3) The property rights granted under this section have the same force and effect as if they had been taken by proclamation under section 26 of the Public Works Act 1981, and the provisions of that Act (including those relating to compensation but excluding those specified in subsection (5)) apply in respect of those property rights.
- (4) A property right granted under this section is deemed to be an interest in land for the purposes of the Public Works Act 1981.
- (5) Sections 18, 23, 24, 25, and 26(1) and (2) of the Public Works Act 1981 do not apply in relation to the property rights granted under this section.

Subpart 5—Certification of plans and documents

Plans and documents prepared by Agency

19 Preparation of draft plans and documents

- (1) This section and sections 20 to 22 apply if, as a condition of a statutory authorisation granted to the Agency, a plan or document must be certified.

- (2) A plan or document to which this section applies must—
 - (a) be prepared in draft and a copy of the draft plan or document made available on the Agency's Internet site as soon as practicable; and
 - (b) be certified as being consistent with, and giving effect to, the condition to which it relates.

20 Appointment of experts for certification

- (1) The Agency must, as required, appoint persons with the appropriate expertise and experience to act as independent certifiers of draft plans or documents for which certification is required.
- (2) Before appointing a certifier, the Agency must consult each relevant authorising body.

21 Certification

- (1) The Agency must submit draft plans or documents for certification to the certifier appointed for the purpose.
- (2) A certifier must, within 15 working days after the date that a draft plan or document is received,—
 - (a) certify by notice in writing to the Agency, with reasons, that a draft plan or document meets the requirements of section 19(2)(b); or
 - (b) if the certifier is not satisfied in any particular case that a draft plan or document meets those requirements, direct the Agency by notice in writing, with reasons, to modify the plan or document in the manner specified so that the plan or document does meet the requirement.
- (3) As soon as practicable after receiving notice under subsection (2)(a), the Agency must make the certified plan or document available on its Internet site, together with the certifier's reasons.
- (4) However, if the certifier does not, on or before the date required by subsection (2), give notice to the Agency of the certifier's decision, the Agency may make the plan or document available on its Internet site as if the plan or document had been certified in accordance with subsection (2)(a), with advice that the certifier's determination had not been received by the Agency by the due date.

22 Alternative certification process

- (1) If the Agency is directed under section 21(2)(b), the Agency must—
 - (a) make the modifications as directed; and
 - (b) as soon as practicable, make the plan and documents, as modified, available on its Internet site, together with the certifier's reasons.
- (2) However, if the Agency determines, on reasonable grounds, that a direction would have a significant adverse impact on the ability of the Agency or the

- chief executive of the Ministry to achieve the purpose of this Act, the Agency—
- (a) need not make the modification, whether wholly or in part, as directed; but
 - (b) must make the plan or document available on its Internet site, together with the reasons for not making the modification as directed.
- (3) The Agency must, in making a determination under subsection (2), take into account—
- (a) whether the modification as directed would—
 - (i) be likely to result in a significant increase in the cost of any aspect of the work required for the creation of the Park or the reconstruction or alteration of the roading network:
 - (ii) cause a delay that would significantly prejudice the timely completion of the Park or the reconstruction or alteration of the roading network:
 - (iii) be outside the statutory powers or functions of the Agency:
 - (iv) be within the statutory responsibility of another person, body, or agency; and
 - (b) any other matters that the Agency considers relevant.
- (4) Plans and documents made available under subsection (1)(b) or (2)(b) or section 21(4) are deemed to be certified as meeting the requirements of section 19(2)(b).

Plans and documents prepared by Ministry

23 Preparation of draft plans and documents

- (1) This section and section 24 apply if, as a condition of a statutory authorisation granted to the chief executive of the Ministry, a plan or document must be certified.
- (2) A plan or document to which this section applies must—
 - (a) be prepared in draft and a copy of the draft plan or document made available on the Ministry’s Internet site as soon as practicable; and
 - (b) be certified as being consistent with, and giving effect to, the condition to which it relates.

24 Certification

- (1) The chief executive of the Ministry must submit draft plans or documents for certification to the relevant authorising body.
- (2) The authorising body must, not later than 20 working days after the date that a plan or document is received,—

- (a) certify by notice in writing to the chief executive of the Ministry, with reasons, that the draft plan or document meets the requirements of section 23(2)(b); or
 - (b) if the authorising body is not satisfied that a draft plan or document meets those requirements, direct the chief executive of the Ministry by notice in writing to modify the plan or document in the manner specified, with reasons, so that the plan or document does meet the requirement.
- (3) As soon as practicable after receiving notice under subsection (2)(a), the chief executive of the Ministry must make the certified plan or document available on the Ministry's Internet site, together with the reasons of the authorising body.
- (4) However, if the authorising body does not, on or before the date required by subsection (2), give notice to the chief executive of the Ministry of its decision, the chief executive of the Ministry may make the plan or document available on the Ministry's Internet site as if the plan or document had been certified in accordance with subsection (2)(a), with advice that the determination of the relevant authorising body had not been received by the chief executive by the due date.
- (5) If the chief executive of the Ministry is directed under subsection (2)(b), the chief executive must—
 - (a) make the modifications as directed; and
 - (b) as soon as practicable, make the certified plan or document available on the Ministry's Internet site.
- (6) If the chief executive of the Ministry determines, on reasonable grounds, that a direction given under subsection (2)(b) would have a significant adverse impact on the ability of the chief executive of the Ministry or the Agency to achieve the purpose of this Act, the chief executive—
 - (a) need not make the modification, whether wholly or in part, as directed; but
 - (b) must make the plan or document available on the Ministry's Internet site, together with the reasons for not making the modification as directed.
- (7) The chief executive of the Ministry must, in making a determination under subsection (6), take into account—
 - (a) whether the modification as directed would—
 - (i) be likely to result in a significant increase in the cost of any aspect of the work required for the creation of the Park or the reconstruction or alteration of the roading network;
 - (ii) cause a delay that would significantly prejudice the timely completion of the Park or the reconstruction or alteration of the roading network;

- (iii) be outside the statutory powers or functions of the chief executive of the Ministry;
 - (iv) be within the statutory responsibility of any person, body, or agency other than the chief executive of the Ministry; and
 - (b) any other matters that the chief executive of the Ministry considers relevant.
- (8) Plans and documents made available under subsection (4), (5)(b), or (6)(b) are deemed to have been certified as meeting the requirements of section 23(2)(b).

Subpart 6—Orders in Council

25 Governor-General may make Orders in Council for purpose of Act

[Repealed]

Section 25: repealed, on 1 August 2015, by section 26.

26 Expiry of section 25

Section 25 expires and is repealed on the close of 31 July 2015.

Review panel

27 National War Memorial Park Review Panel

- (1) The Minister must appoint a National War Memorial Park Review Panel of up to 3 persons with relevant expertise or appropriate skills, 1 of whom must be a former or retired Judge of the High Court or a lawyer (as defined in section 6 of the Lawyers and Conveyancers Act 2006).
- (2) A member of the National War Memorial Park Review Panel must be appointed by notice of appointment in writing that states—
 - (a) the date on which the appointment takes effect; and
 - (b) the term of the appointment.
- (3) The Minister must appoint one of the appointed members to be the convener of the National War Memorial Park Review Panel.
- (4) An appointed member vacates office if he or she—
 - (a) is removed by written notice given by the Minister; or
 - (b) resigns by written notice given to the Minister.
- (5) The chief executive of the Ministry must provide administrative support for the National War Memorial Park Review Panel.

28 Function of National War Memorial Park Review Panel

- (1) The function of the National War Memorial Park Review Panel is to provide advice on request to the Minister or the Minister of Transport in relation to Orders in Council that may be required for the purpose of this Act.

- (2) All draft Orders in Council must be reviewed by the National War Memorial Park Review Panel before they are recommended under section 25.
- (3) Within 3 working days after the date on which a draft Order in Council is received for review or any longer time allowed by the relevant Minister,—
 - (a) the National War Memorial Park Review Panel must review the draft; and
 - (b) the convener must give the relevant Minister a report that includes the panel's recommendations.
- (4) A review by the National War Memorial Park Review Panel may be conducted in any manner the convener thinks appropriate, including by telephone or video conference.
- (5) The convener has a casting vote if there is an equality of votes.
- (6) The relevant Minister must publicly notify the National War Memorial Park Review Panel's recommendations on a draft Order in Council.
- (7) The relevant Minister must, as soon as practicable after receiving the National War Memorial Park Review Panel's recommendations on a draft Order in Council, present a copy to the House of Representatives.

29 Further reporting by National War Memorial Park Review Panel

- (1) On the date that is 6 months after the commencement of this Act, and subsequently at intervals of 6 months, the National War Memorial Park Review Panel must report to the Minister on the use of the power under section 25 to make Orders in Council.
- (2) The Minister must, as soon as practicable after receiving the National War Memorial Park Review Panel's report required by subsection (1), present a copy to the House of Representatives.

30 Procedure for recommending Order in Council

In making a recommendation under section 25, the Minister making the recommendation must—

- (a) take into account the purposes of this Act; and
- (b) have regard to the recommendations of the National War Memorial Park Review Panel.

31 Further provisions about Orders in Council

- (1) This section applies to Orders in Council made under section 25.
- (2) An order must not be held invalid just because—
 - (a) it is, or authorises any act or omission that is, inconsistent with any enactment listed in section 25(2); or
 - (b) it confers any discretion on, or allows any matter to be determined or approved by, any person.

- (3) An order may be expressed to come into force on a day that is before, on, or after the date on which it is made, but not earlier than the date on which this Act comes into force; and the order comes into force or, as the case may be, is deemed to have come into force accordingly.
- (4) An order may be retrospective only to the extent provided for in subsection (3).
- (5) So far as it is authorised by this Act, an order has the force of law as if it were enacted as a provision of this Act.

Parliamentary scrutiny of Orders in Council

32 Order in Council under section 25 to be presented to House of Representatives promptly

Every Order in Council made under section 25 must be presented to the House of Representatives as soon as practicable after it is made.

33 Disallowance of Order in Council under section 25

An Order in Council made under section 25 may be disallowed, on a notice of motion lodged by a member of the House of Representatives, within 12 sitting days after the day on which it is presented to the House of Representatives.

34 Disallowance has effect of revocation

An Order in Council made under section 25 that is disallowed under section 33 is revoked at the close of the day after the day on which the House of Representatives resolves to disallow it.

35 Notice of resolution to disallow Order in Council under section 25

- (1) If the House of Representatives resolves to disallow an Order in Council made under section 25, the Clerk of the House of Representatives must promptly give written notice of the disallowance to the Prime Minister and the Chief Parliamentary Counsel.
- (2) The notice must show the date on which the resolution was agreed to and be accompanied by the text of the resolution.
- (3) The notice is conclusive evidence of the day on which the resolution was agreed to.
- (4) The Chief Parliamentary Counsel must arrange for the notice to be printed and published under section 4 of the Acts and Regulations Publication Act 1989 as if the notice were a regulation.

36 Application of Regulations (Disallowance) Act 1989

An Order in Council made under section 25 cannot be disallowed under the Regulations (Disallowance) Act 1989.

Subpart 7—Community forum

37 Community forum

[Repealed]

Section 37: repealed, on 1 August 2015, by section 37(5).

Subpart 8—Amendments, etc, to statutory authorisations after 31 July 2015

38 Amendments, etc, to statutory authorisations after 31 July 2015

- (1) Nothing in section 8(4) applies in respect of any application made after 31 July 2015 under the Resource Management Act 1991 to vary a statutory authorisation or to review the conditions of a statutory authorisation granted under section 8.
- (2) Nothing in section 9(5) applies in respect of any amendment made after 31 July 2015 under the Resource Management Act 1991 to the designation granted under section 9.
- (3) Nothing in section 10(3) to (5) applies in respect of any amendment made after 31 July 2015 under the Historic Places Act 1993 to a statutory authorisation granted under section 10.
- (4) Nothing in subpart 5 applies in respect of any draft plan or document required in relation to any variation, review, or amendment referred to in this section.

Schedule 1
Resource consents granted to Agency and conditions applying

s 8(1)

Part 1
Resource consents

Consent reference number	Consents
Wellington Regional Council—regional consents	
RC1	To authorise the discharge of treated sediment and contaminant laden stormwater and water to land where it may enter water.
RC2	To authorise excavation and piling activities that may intercept groundwater.
Wellington City Council—district land use consents	
RC3	To authorise the sampling of the soil of, disturbance of the soil of, and the change of use of contaminated or potentially contaminated land for road construction under the NES Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
RC4	To authorise modification (strengthening and/or stabilising) or protection works to the listed heritage building(s) at 13 Buckle Street (former Mt Cook Police Barracks).
RC5	To authorise modification (strengthening and/or stabilising) or protection works to the listed heritage buildings at 213 Taranaki Street (former Army Headquarters Building and HMNZS Olphert Building).
RC6	To authorise modification (strengthening and/or stabilising) or protection works to the listed heritage building comprising the National War Museum and Carillon at Buckle Street.
RC7	To authorise modification (strengthening and/or stabilising) or protection works to the listed heritage building at 208-212 Taranaki Street (former Francis Holmes Building).
RC8	To authorise modification (strengthening and/or stabilising) or protection works to the buildings at 176-178 Tory Street (Tory Hall Apartments).
RC9	To authorise modification (strengthening and/or stabilising) or protection works to the buildings at 169-179 Tory Street (Te Papa Archives).
RC10	To authorise modification (strengthening and/or stabilising) or protection works to the buildings at Mt Cook School.
RC 11	To authorise modification (strengthening and/or stabilising) or protection works to the buildings at 1 Tasman Street (Tasman Garden Apartments/Townhouses).

Part 2 Conditions

Condition number	Conditions applying to RC1 and RC2—Erosion, sediment, and contaminant control
SW1	<p>In conditions SW1 to SW10—</p> <p>ESCP means Erosion and Sediment Control Plan</p> <p>main construction works means—</p> <ul style="list-style-type: none"> (a) works to underground part of Buckle Street (State Highway 1) and alterations to the local road network to facilitate that undergrounding; but (b) does not include investigations or enabling works (and in particular does not include the construction or operation of an at-grade diversion of Buckle Street or other temporary roads) <p>manager means the Manager Environmental Regulation WRC or their nominee</p> <p>WRC means the Wellington Regional Council.</p> <p>The discharges authorised by RC1 are discharges which may arise during—</p> <ul style="list-style-type: none"> (a) the construction of the undergrounding of part of Buckle Street; and (b) enabling works to facilitate that undergrounding, including the construction and operation of an at-grade diversion of Buckle Street and other temporary roads; and (c) works to tie the undergrounded section of Buckle Street into the wider roading network. <p>The Agency shall provide to the manager a Final ESCP prior to Main Construction Works commencing and undertake works in accordance with that plan for the duration of the Main Construction Works. The ESCP shall be prepared by an appropriately qualified person.</p> <p>A Draft ESCP shall be prepared in consultation with the manager, and this Draft ESCP shall be provided to the manager at least 10 working days prior to the Main Construction Works commencing. Any comments and inputs received from the manager shall be clearly documented within the Final ESCP, along with clear explanation of where any comments have not been incorporated and the reasons why.</p> <p>The Agency shall, as far as is reasonably practicable,—</p> <ul style="list-style-type: none"> (a) minimise the overall non-stabilised earthworks footprint; (b) minimise non-stabilised earthworks; (c) progressively stabilise completed areas of earthworks as soon as practicable; (d) divert clean run off away from non-stabilised earthworks areas; (e) design and install erosion control measures and/or treatment devices;
SW2	
SW3	
SW4	

Condition number	Conditions applying to RC1 and RC2—Erosion, sediment, and contaminant control
	(f) treat all sediment or other contaminant laden discharges from the site arising from the works including those associated with any dewatering activities in accordance with the ESCP:
	(g) minimise and manage runoff from any contaminated land;
	(h) monitor the performance of the erosion control measures and treatment devices.
	The methods to be used by the Agency to achieve these requirements shall be addressed within the ESCP.
SW5	Erosion and sediment control measures for both the Main Construction Works and enabling works shall be constructed and maintained in accordance with the Agency's <i>Draft Erosion and Sediment Control Standard for State Highway Infrastructure</i> and <i>Draft Field Guide for Contractors</i> or the WRC <i>Erosion and Sediment Control Guidelines for the Wellington Region</i> whichever is more stringent.
SW6	The final ESCP shall be made available for public viewing at one or more of the Agency's site offices for the Works. Where practicable, electronic copies of the ESCP shall be made available upon request.
SW7	The Agency shall notify the Manager within 24 hours if any contaminants (including sediment) are released from the site due to any of the following:
	(a) discharges of any contaminants that are not treated prior to leaving the site; or
	(b) failure of any treatment measure; or
	(c) any other incident which directly or indirectly causes or is likely to cause adverse effects on the environment.
SW8	The Agency shall, of its own initiative or if requested by the Manager in response to a complaint, incident or other reasonable request that relates to managing an adverse environmental effect that is directly related to the construction of the project, carry out a review of the ESCP. The consent holder shall submit the results of this review and any revisions to the ESCP to the manager within 15 working days of any review request made by the manager. The review shall confirm that—
	(a) the reason(s) for requiring the review have been appropriately addressed and
	(b) appropriate actions and a programme for implementation are provided for if required.
SW9	The Agency shall permit the agents of WRC to have access to the Works site at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or take samples.
SW10	The Agency shall ensure that a copy of this consent is kept on site at all times and presented to any WRC officer on request.
Condition number	Conditions applying to RC3
CL1	In conditions CL1 to CL8—

24	<p>Condition number</p> <p>Conditions applying to RC3</p> <p>contaminated soil means soil which contains any contaminant at a concentration which exceeds NZ environmental guideline values (EGV) as described in Contaminated Land Management Guidelines No. 2 – Hierarchy and Application in New Zealand of Environmental Guideline Values (Revised 2011) in accordance with the Ministry for the Environment’s EGV database</p> <p>main construction works means—</p> <p>(a) works to underground part of Buckle Street (State Highway 1) and alterations to the local road network to facilitate that undergroundings; but</p> <p>(b) does not include investigations or enabling works (and in particular does not include the construction or operation of an at-grade diversion of Buckle Street or other temporary roads)</p> <p>CSMP means Contaminated Soils Management Plan</p> <p>manager means the Manager Development, Planning and Compliance at Wellington City Council or their nominee</p> <p>site means the land shown on <i>LR01: Land Requirement Plan</i> attached as figure 1 of Schedule 9.</p> <p>CL2 The Agency shall prepare a CSMP and implement that Plan during the main construction works on the site. The Agency may commence investigation and enabling works (including the construction and operation of an at-grade diversion of Buckle Street and/or any other temporary roads) prior to the preparation of the CSMP.</p> <p>CL3 The CSMP shall include, but need not be limited to—</p> <p>(a) implementation and operational procedures including—</p> <p style="padding-left: 20px;">(i) management of areas of known contamination; and</p> <p style="padding-left: 20px;">(ii) risk register records; and</p> <p style="padding-left: 20px;">(iii) a contingency action plan for unexpected discoveries; and</p> <p>(b) soil contamination monitoring requirements and testing and disposal procedures; and</p> <p>(c) site validation report; and</p> <p>(d) review procedures.</p> <p>CL4 The CSMP shall be prepared in consultation with the manager, and this consultation shall commence at least 5 working days prior to the main construction works commencing within the site.</p> <p>CL5 Any comments and inputs received from the manager shall be clearly documented within the final CSMP, along with a clear explanation of where any comments have not been incorporated and the reasons why.</p> <p>CL6 The Agency shall notify the manager within 5 working days of identification of any contaminated soil at the site.</p>
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Condition number	Conditions applying to RC3
CL7	All contaminated soil identified under condition CL6 excavated during either enabling works (including the construction or operation of temporary roads) or main construction works shall be tested by the Agency prior to either reuse on site or disposal off site.
CL8	All testing undertaken under condition CL7 shall be carried out in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines or other equivalent standards.
Condition number	Conditions applying to RC4, RC5, RC6, and RC7
HB1	In conditions HB1 to HB3— Council means Wellington City Council HMP means Heritage Management Plan listed heritage building means a building or structure in the Heritage List: Buildings in Chapter 21 of the Wellington City District Plan site means the site which is the subject of a consent. The Agency shall prepare a HMP in consultation with the New Zealand Historic Places Trust and the relevant landowner, and implement that plan during any modification works. Consultation with the New Zealand Historic Places Trust and the relevant landowner must commence at least 5 working days prior to any works being undertaken to modify any Listed Heritage Building on the site. The HMP shall include— (a) a map showing the area covered by the HMP; and (b) drawings showing the proposed modifications to any Listed Heritage Building on the site; and (c) the methodology for accurately managing effects during the modification works; and (d) the results of an up to date condition survey of any Listed Heritage Building on the site that is proposed to be modified undertaken not more than 12 months prior to the preparation of the HMP; and (e) any heritage monitoring requirements; and (f) methods for reporting monitoring results to the Council and the New Zealand Historic Places Trust; and (g) procedures, stand down periods and dispute resolution processes to be applied in the event of any archaeological discovery; and (h) methods for transferring any relevant information to the Council and the New Zealand Historic Places Trust following the completion of the modification works. The HMP shall be consistent with any conditions imposed on any relevant New Zealand Historic Places Trust archaeological authority.
HB2	
HB3	

Condition number	Conditions applying to RC8, RC9, RC10, and RC11
EM1	The Agency shall prepare plans detailing any permanent facade modifications to any building on the site in consultation with the Council. Consultation with the Council under this condition in relation to any building on the site must commence at least 5 working days prior to any works being undertaken to modify the exterior of that building.
EM2	If design comments and inputs received from the Council are not incorporated within the facade alterations undertaken then a clear explanation of reasons for not doing so shall be provided to the Council along with a copy of the implemented alteration plans.

Schedule 2
Resource consents granted to chief executive of Ministry and conditions applying to them

s 8(2)

Part 1
Resource consents

Consent No	Consents
Wellington City Council	
<i>Open space</i>	
RC 01	The creation of vacant land, open land or parking areas associated with the creation, development and ongoing use and maintenance of the National War Memorial Park (Park) (including the land above the State Highway 1 underpass), including landscape treatment, the provision of access ways and associated parking, and the demolition of buildings.
RC 02	Outside land designation H2 (Inner City Bypass), activities associated with the construction and ongoing use and maintenance of the Park with matters of discretion relating to— (a) dust; (b) lighting (for pedestrian routes); (c) vehicle parking, servicing, and site access.
RC 03	The construction, development and ongoing use and maintenance of the Park within the Mt Cook Institutional Precinct.
<i>Buildings and structures</i>	
RC 04	The construction of buildings and structures, including any associated landscape treatment, on land subject to designation H2 (Inner City Bypass).
RC 05	Outside land designation H2 (Inner City Bypass), the construction of structures and buildings within the Central Area, including any associated landscape treatment, associated with the construction and on-going use of the Park with matters of discretion relating to: (a) design; and (b) external appearance; and (c) siting.
RC 06	Outside land designation H2 (Inner City Bypass), the construction of buildings and structures including any associated landscape treatment, within the Central Area with matters of discretion relating to:

28	Consent No	Consents
	RC 07	<ul style="list-style-type: none"> (a) vehicle parking, servicing, and site access: (b) view protection. <p>The construction or alteration of, and addition to, buildings and structures, including any associated landscape treatment, associated with the development and on-going use of the Park within the Mt Cook Institutional Precinct, with matters of discretion relating to:</p> <ul style="list-style-type: none"> (a) design, external appearance, and siting: (b) vehicle parking and site access.
	<i>Heritage</i>	
	RC 08	<p>Activities associated with the construction, development and on-going use of the Park involving the potential modification to any listed object or building, with matters of discretion relating to:</p> <ul style="list-style-type: none"> (a) historic heritage: (b) height, coverage, bulk, and massing.
	<i>Signage</i>	
	RC 09	<p>The construction and ongoing display of signage associated with the Park including free standing and affixed design, information, directional and interpretation signage including flagpoles within the Central Area, with matters of discretion relating to:</p> <ul style="list-style-type: none"> (a) moving images, text, or lights: (b) number of signs: (c) dimensions: (d) signage within the Te Aro Corridor.
	Construction	
	<i>Earthworks</i>	
	RC 10	<p>Earthworks on sites containing listed Heritage Items and on sites within the Mt Cook Institutional Precinct associated with the construction, development and on-going use and maintenance of the Park, including earthworks associated with the construction of buildings and structures and any associated landscape treatment, with matters of discretion relating to:</p> <ul style="list-style-type: none"> (a) earthworks stability: (b) erosion, dust, and sediment control: (c) visual amenity: (d) heritage values.

Consent No	Consents
RC 11	<p>Earthworks on sites within the Central Area associated with the construction, development and on-going use and maintenance of the Park including earthworks associated the construction of buildings and structures, and any associated landscape treatment, with matters of discretion relating to:</p> <ul style="list-style-type: none"> (a) earthworks stability; (b) erosion, dust, and sediment control; (c) the transport of material.
	<i>Contamination</i>
RC 12	<p>Under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2012), activities involving earthworks and development associated with the construction and ongoing use and maintenance of the Park, including the construction of buildings and structures, and any associated landscape treatment, that disturbs or alters the ground and changes the use of potentially contaminated land to a park.</p>
RC 13	<p>Activities involving earthworks and development associated with the construction and ongoing use and maintenance of the Park, including the construction of buildings and structures and any associated landscape treatment that disturbs or alters the ground of a contaminated site within the Central Area.</p>
RC 14	<p>Activities associated with the remediation, use, and development of any contaminated land, or potentially contaminated land associated with the construction, development and on-going use and maintenance of the Park, including the construction of buildings and structures and any associated landscape treatment, with matters of discretion relating to:</p> <ul style="list-style-type: none"> (a) the level, nature, and extent of contamination; (b) methods to address the risks; (c) the effects of contamination; (d) the approach to remediation and/or on-going management.
	Wellington Regional Council
RC 15	<p>Activities associated with the construction, development, and ongoing maintenance of the Park involving the discharges of contaminants onto or into land.</p>
RC 16	<p>Excavation that may encounter groundwater.</p>
RC 17	<p>Activities involving more than 1,000m³ of soil on erosion prone land.</p>

Part 2 Conditions

Open space

- Conditions applying to consent numbers RC 01 to RC 07—Design approvals**
- The Park design shall generally comprise the following spaces and elements:
- (a) Atea/Ceremonial Grounds—a flat, generally hard landscaped area to the north of the National War Memorial, flanked to the east and west by a large, gently sloping area of lawn; and
- (b) Memorial Boulevard—a central west-east boulevard, including aligned trees either side of the Buckle Street underpass; and
- (c) Court of Remembrance—an area within the Ceremonial Grounds dedicated to the Australian War Memorial and its associated approach; and
- (d) Terraces of Aotearoa—a series of landscaped terraces that step down from the Ceremonial Grounds from Tory Street to Sussex Street; and
- (e) Terraces of Memory—a series of landscaped terraces that step down from the Ceremonial Grounds to Taranaki Street; and
- (f) Taranaki Gate—a shelter structure that defines the entry point to the Park from Taranaki Street; and
- (g) Tory Gate—shelter structures at key entry points to the Park on Tory Street; and
- (h) limited vehicle access to and from the local road network on the northern and southern edges of the Park, including access off Martin Square, with a small car parking area on the northern edge; and
- (i) provision for pedestrian and cycle access to and from local neighbourhood connections.
- 02 In developing the design of the Park the consent holder shall consult with members of the Community Forum and shall have regard to the comments and inputs received. The consent holder shall record the outcome of consultation undertaken and document the response to comments and inputs received, including a clear explanation where these have not been incorporated and the reasons why.
- 03 At least 70 working days prior to the commencement of construction, the consent holder shall prepare and supply the Compliance and Monitoring Officer, Wellington City Council with the following draft documents for review and comment:
- (a) Presentation plan and graphics supplied to, and reviewed by, the Community Forum; and
- (b) Design Documentation consisting of—
- (i) Design Statement; and
 - (ii) Location and Context Plan; and
 - (iii) existing survey; and
 - (iv) Levels and Finishes Plan; and

**Condi-
tion no**

Conditions applying to consent numbers RC 01 to RC 07—Design approvals

- (v) Cut and Fill Plan; and
- (vi) General Arrangements Plan; and
- (vii) A 'Crime Prevention Through Environmental Design' Assessment; and
- (viii) Traffic Management and Circulation Plan; and
- (ix) Services Plan, including underground services and infrastructure; and
- (x) plans, section and 3D representation of built components (shelters); and
- (xi) plan, section and details indicating integration with tunnel portals; and
- (xii) plan and section indicating integration of the Australian Memorial; and
- (xiii) Interpretation and Signage Plan; and
- (xiv) Furniture Design/Selection and Plan; and
- (xv) Planting Selection and Plan; and
- (xvi) Lighting Selection and Plan; and
- (xvii) typical landscape sections; and
- (xviii) typical landscape details; and
- (xix) Outline Specification.

In reviewing these documents the Wellington City Council shall assess, in particular, the consistency of the design details with the principles identified in Part 3. Any comment that the Wellington City Council makes shall be provided to the consent holder within 20 working days of receipt of these documents.

The consent holder shall have regard to any comments received, and document the design response to these comments including a clear explanation where suggestions have not been incorporated and the reasons why.

A copy of the consent holder's response shall be submitted to the Wellington City Council in conjunction with the documents submitted under Condition 04.

04

At least 30 working days prior to the commencement of construction, the consent holder must submit a final version of the documents identified in Condition 03 to the Compliance and Monitoring Officer, Wellington City Council for certification, under section 24, that they are consistent with the Park design principles identified in Part 3.

- Condition no 05**
Condition applying to consent numbers RC 08 and RC 10—Heritage
At least 30 working days prior to commencement of construction the consent holder shall prepare and submit documentation in relation to any modification of a listed heritage building or object to certify under section 24 that sufficient information has been provided to determine the nature, form and extent of the proposed work and the extent to which it:
- (a) is sympathetic in form, proportions, materials, colours and the patina of materials of the existing building or object; and
 - (b) avoids the loss of historic fabric and the destruction of significant materials and craftsmanship; and
 - (c) maintains the relationship of the building or object with its setting, and respects the historic values for which it was listed; and
 - (d) appropriately enhances the functionality and robustness of the building or object and its setting in relation to the Park.
- Condition no 06**
Condition applying to consent number RC 09—Signage
The consent holder shall finalise and submit signage details to the Compliance and Monitoring Officer, Wellington City Council, at least 30 working days prior to commencement of construction to certify, under section 24, that sufficient information has been provided to determine the nature, form and extent of the proposed signage and the extent to which—
- (a) the signage is not obtrusively visible from any residential or public space; and
 - (b) the areas of the signs are in scale with the associated activity and compatible with the visual character of the area in which they are situated; and
 - (c) the signage is sympathetic in form, proportions, materials, colours and the patina of materials in the Park and immediate vicinity; and
 - (d) the signage provides appropriate wayfinding, instructions, and interpretation associated with the purpose and use of the Park.
- As a minimum, the information submitted shall include:
- (a) details of the number, size and location of signage; and
 - (b) details of supporting structures associated with the signage; and
 - (c) details of any lighting associated with the signage.
- Condition no 07**
Condition applying to consent number RC 02—Lighting
The consent holder shall finalise and submit lighting details relating to any pedestrian routes to the Compliance and Monitoring Officer, Wellington City Council, at least 30 working days prior to commencement of construction to certify, under section 24, that sufficient information has been provided to determine the nature, form and extent of the proposed lighting and the extent to which it:
- (a) avoids obtrusive spillage of light outside the Park; and
 - (b) ensures the safety of pedestrians and other users of the Park.

Condition no	Condition applying to consent number RC 02—Lighting
	As a minimum, the information submitted shall include details on the minimum lux levels of the lighting.
	Construction
Condition no	Condition applying to consent numbers RC 10 to RC 14—Pre-construction
08	The consent holder shall seek to arrange a pre-construction site meeting between the Wellington City Council and any other relevant party nominated by it, including the primary contractor, at least 10 working days prior to commencement of construction.
Condition no	Conditions applying to consent numbers RC 10 to RC 14—Communications and public liaison
09	A liaison person shall be appointed by the consent holder for the duration of the construction phase of the Project to be the main and readily accessible point of contact at all times for persons affected by the construction work. A dedicated contact line will also be established. The consent holder shall take appropriate steps to seek to advise all affected parties of the liaison person's name and contact details. If the liaison person is not available for any reason, an alternative person shall be nominated. The consent holder shall seek to ensure that a Project contact person is available by telephone 24 hours per day/seven days per week during construction of the Park.
10	Prior to the commencement of construction and/or enabling works, the consent holder shall prepare and implement a Communications Plan that sets out procedures detailing how the public will be engaged throughout the construction period. As a minimum, the Communications Plan shall include: (a) details of a contact person available on site at all times during works and contact details shall be prominently displayed at the entrance to the site(s) so that they are clearly visible to the public at all times; and (b) methods to communicate the proposed hours of construction activities outside of normal working hours and on weekends and public holidays, to neighbouring occupiers, and methods to deal with any concerns raised about such hours; and (c) methods to record concerns raised about hours of construction activities and, where practicable, methods to avoid particular times of day which have been identified as being particularly sensitive for neighbours; and (d) details of communications activities proposed including— (i) publication of a newsletter, or similar, and its proposed delivery area; and (ii) newspaper advertising; and (iii) notification and consultation with individual property owners and occupiers of properties located within at least 100 metres of the nearest boundary to the works.

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Condi
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11

Condition applying to consent numbers RC 10 to RC 14—Complaints

At all times during construction work, the consent holder shall maintain a permanent record of any complaints received alleging adverse effects from, or related to, the Project. The record shall include:

- (a) the name and address (as far as practicable) of the complainant; and
- (b) identification of the nature of the complaint; and
- (c) location, date, and time of the complaint and of the alleged event; and
- (d) weather conditions at the time of the complaint (as far as practicable), including wind direction and approximate wind speed if the complaint relates to air quality; and
- (e) the outcome of the consent holder's investigation into the complaint; and
- (f) measures taken to respond to the complaint; and
- (g) any other activities in the area, unrelated to the Project that may have contributed to the complaint, such as non-Project construction, fires, traffic accidents or unusually dusty conditions generally.

The consent holder shall also keep a record of any remedial actions undertaken.

This record shall be maintained on site and shall be made available to the Compliance and Monitoring Officer, Wellington City Council upon request. The consent holder shall notify the Compliance and Monitoring Officer, Wellington City Council in writing of any such complaint within 5 working days of the complaint being brought to the attention of the consent holder.

Condi
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12

Conditions applying to consent numbers RC 10 to RC 14—Environmental management

The consent holder shall prepare and submit a Construction Environmental Management Plan (CEMP) to the Compliance and Monitoring Officer, Wellington City Council for certification under section 24 at least 30 working days before the commencement of construction.

The consent holder may commence investigations and enabling works for the Project prior to the CEMP being certified.

The CEMP shall confirm final Project details, staging of work, and detailed engineering design to ensure that the construction works avoid, remedy or mitigate adverse effects on the environment in accordance with the conditions included in this schedule. The CEMP shall provide details of the following:

- (a) staff and contractors' responsibilities; and
- (b) training requirements for employees, sub-contractors, and visitors; and
- (c) environmental incident and emergency management; and
- (d) communication and interface procedures; and
- (e) environmental complaints management; and

- Condition no 14**
- Conditions applying to consent numbers RC 10 to RC 14—Environmental management**
- (f) compliance monitoring; and
 - (g) environmental auditing and reporting; and
 - (h) corrective action; and
 - (i) final detailed design; and
 - (j) construction methodologies, including staging and site access and egress; and
 - (k) project timeframes.
- A CEMP will not be required if one has already been prepared under Condition 13 of Schedule 3 that applies to the same area and addresses the requirements set out in Condition 13 of this schedule.
- Condition no 15**
- Condition applying to consent numbers RC 10 and RC 11—Archaeology**
- In the event that any kōiwi (human skeletal remains), ovenstones, worked stones, middens, charcoal or other Māori cultural material are discovered during earthworks involving excavation, work shall cease immediately and a qualified archaeologist shall carry out a detailed investigation of the area.
- If kōiwi are discovered the archaeologist or construction contractors shall notify the New Zealand Police, New Zealand Historic Places Trust, and the relevant Iwi. Any kōiwi or Māori cultural material discovered shall be handled and removed by the Iwi representative(s) responsible for the tikanga appropriate to their removal and preservation or re-interment.
- Condition no 16**
- Conditions applying to consent numbers RC 10 to RC 14—Traffic management**
- The consent holder shall prepare a Construction Traffic Management Plan (CTMP) for the Project. The CTMP shall describe the measures that will be taken to manage the traffic effects associated with construction of the Park. In particular it shall describe, where appropriate:
- (a) temporary traffic management measures required to manage impacts on road users during proposed working hours; and
 - (b) delay calculations associated with the proposed closure/s and detour routes; and
 - (c) the capacity of any proposed detour route(s) and their ability to carry additional projected traffic volumes (including that associated with any adjacent development that has been approved) and any known safety issues associated with the detour route, including any mitigation measures the consent holder proposes to put in place to address any identified safety issues; and
 - (d) individual traffic management plans where the Project intersects with arterial roads; and
 - (e) measures to maintain, where practicable, existing vehicle access to adjacent properties and businesses; and

- 36 **Condi
on no**
- Conditions applying to consent numbers RC 10 to RC 14—Traffic management**
- (f) measures to maintain, where practicable, safe and clearly identified pedestrian and cyclist access on roads and footpaths adjacent to the construction works. Where detours are necessary to provide such access the consent holder shall provide for the shortest and most convenient detours, which it is reasonably practicable to provide, having regard to safety; and
- (g) any proposed temporary changes in speed limit; and
- (h) provision for safe and efficient access of construction vehicles to and from the Project site; and
- (i) the measures that will be undertaken by the consent holder to communicate traffic management measures to affected road users and stakeholders.
- 17 A CTMP will not be required if one has already been prepared under Condition 14 of Schedule 3 that applies to the same area and addresses the requirements set out in Conditions 16 and 18 of this schedule.
- 18 The CTMP shall be prepared in consultation with—
- (a) the Road Asset Manager of the Wellington City Council (or his or her nominee(s)); and
- (b) representatives of the following:
- (i) emergency services (Police, fire, and ambulance); and
 - (ii) Massey University; and
 - (iii) New Zealand Defence Force; and
 - (iv) the owners of the former Mt Cook Police Barracks, 13 Buckle Street; and
 - (v) Tasman Garden Body Corporate; and
 - (vi) Wellington Tenth's Trust and Port Nicholson Block Settlement Trust; and
 - (vii) schools, childcare centres, and any other educational activities with frontage or access to roads that will be affected by works associated with the Project.
- Consultation shall commence at least 20 working days prior to submission of the CTMP for certification. Any comments and inputs received during consultation shall be clearly documented within the management plan, along with a clear explanation where any comments have not been incorporated and the reasons why.
- 19 The CTMP shall be reviewed by a suitably qualified independent person prior to being submitted to the Compliance and Monitoring Officer, Wellington City Council for certification. Any comments and inputs received from the independent reviewer shall be clearly documented, along with a clear explanation where any comments have not been incorporated and the reasons why.
- 20 The consent holder shall submit the CTMP to the Compliance and Monitoring Officer, Wellington City Council for certification under section 24 at least 30 working days prior to commencement of construction.

- Condition no 21**
Conditions applying to consent numbers RC 10 to RC 14—Traffic management
The consent holder shall carry out regular inspections of the road networks affected by the Project during construction, to ensure that all potholes and other damage resulting from construction of the Park are repaired as soon as practicable.
- Condition no 22**
The consent holder shall ensure that procedures are adopted to prevent the deposition of slurry, clay or other materials on the roads by vehicles leaving the site where such material is liable to cause a nuisance or hazard. Procedures shall include, but not be limited to, use of an on-site wheel wash.
- Condition no 23**
Conditions applying to consent numbers RC 10 to RC 14—Noise and vibration management
The consent holder shall prepare a Construction Noise and Vibration Management Plan (CNVMP) for the Project. The CNVMP shall—
- (a) be prepared by a suitably qualified acoustics specialist; and
 - (b) include specific details relating to methods to manage noise associated with Project construction works. These shall be formulated to, as far as practicable, comply with NZS 6803:1999; and
 - (c) include methods for monitoring and reporting on construction noise; and
 - (d) describe the measures to be adopted to manage construction vibration.
- Condition no 24**
A CNVMP will not be required if one has already been prepared under Condition 22 of Schedule 3 that applies to the same area and addresses the requirements set out in Conditions 23 and 25 of this schedule.
- Condition no 25**
The CNVMP shall be prepared in consultation with the Wellington City Council, and this consultation shall commence at least 20 working days prior to submission of the CNVMP for certification. Any comments and inputs received during consultation shall be clearly documented within the management plan, along with a clear explanation where any comments have not been incorporated and the reasons why.
- Condition no 26**
The consent holder shall submit the CNVMP to the Compliance and Monitoring Officer for certification under section 24 at least 30 working days prior to commencement of construction.
- Condition no 27**
At least 2 working days prior to commencing any construction work the consent holder shall seek to ensure that:
- (a) if night works (works between the hours of 8:00pm and 6:30am) are proposed to be undertaken, the occupiers of properties within 100m of the construction area are provided with written notice of the scheduled works, and any relevant advice to help reduce internal noise levels; and
 - (b) the occupiers of properties within 200m of the construction area are provided with written notice of the scheduled works; and
 - (c) the occupiers of properties within 100m of the construction area are provided with individual written notice of the scheduled works and, if requested, an opportunity to meet to discuss these works.

- Condition no 28**
- Condition applying to consent numbers RC 12 to RC 14—Contaminated soils management**
- The consent holder shall prepare and submit a Contaminated Soils Management Plan (CSMP) to the Compliance and Monitoring Officer, Wellington City Council for certification under section 24 at least 30 working days prior to works commencing. The purpose of the plan is to identify the minimum standards and best practicable option relating to the management of known contaminated land within the Park.
- The CSMP shall include information regarding—
- (a) implementation and operational procedures including—
 - (i) management of areas of known contamination; and
 - (ii) risk register records; and
 - (iii) a contingency action plan for unexpected discoveries; and
 - (b) soil contamination monitoring requirements and testing and disposal procedures; and
 - (c) site validation report; and
 - (d) review procedures.
- 29 A CSMP will not be required if one has already been prepared under Condition CL2 of Schedule 1 that applies to the same area and addresses the requirements set out in Condition 28 of this schedule.
- Condition no 30**
- Conditions applying to consent numbers RC 15 to RC 17—Erosion and sediment control management**
- The consent holder shall prepare and submit an Erosion and Sediment Control Management Plan (ESCP) to the Manager, Environmental Regulation, Greater Wellington Regional Council for certification under section 24 at least 30 working days prior to works commencing.
- The purpose of the plan is to describe the methods and practices to minimise the effects of sediment generation and yield and the management of any potential runoff from contaminated land.
- The consent holder shall, as far as is reasonably practicable,—
- (a) minimise the overall non-stabilised earthworks footprint; and
 - (b) progressively stabilise completed areas of earthworks as soon as practicable; and
 - (c) divert clean runoff away from non-stabilised earthworks areas; and
 - (d) design and install sediment control measures; and
 - (e) treat all sediment laden and other contaminant discharges from the site arising from the works, including those associated with any dewatering activities, in accordance with the ESCP and Greater Wellington Regional Council *Erosion and Sediment Control Guidelines for the Wellington Region*; and
 - (f) minimise and manage runoff from any contaminated land; and

**Condi
on no**

Conditions applying to consent numbers RC 15 to RC 17—Erosion and sediment control management

(g) monitor the performance of the erosion control and treatment devices.

The methods to be used by the consent holder to achieve the requirements of (a) to (g) shall be addressed in the ESCP.

The ESCP shall include, but not be limited to, the following information:

Erosion and sediment control

- (a) contour information at suitable intervals; and
- (b) erosion and sediment control measures; and
- (c) chemical treatment design and details; and
- (d) location of the work, and cut and fill operations; and
- (e) details of design and construction methods to be employed, including timing and duration; and
- (f) monitoring and remedial requirements.

Contaminated land

- (a) implementation and operational procedures including—
 - (i) management of areas of known contamination; and
 - (ii) risk register records; and
 - (iii) a contingency action plan for unexpected discoveries; and
- (b) soil contamination monitoring requirements and testing and disposal procedures; and
- (c) site validation report; and
- (d) review procedures.

The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council within 24 hours if any contaminants (including sediment) are released from the site due to any of the following:

- (a) discharges of contaminants that are not treated prior to leaving the site; or
- (b) failure of any treatment measure; or
- (c) any other incident which either directly or indirectly causes or is likely to cause adverse effects on the environment.

The consent holder will advise the Manager, Environmental Regulation, Greater Wellington Regional Council of any changes to the ESCP, and a copy of the ESCP shall be made available for public viewing at one or more of the construction site offices. Where practicable, electronic copies of the ESCP shall be made available upon request.

- 40 **Condition no**
- 35 **Conditions applying to consent numbers RC 15 to RC 17—Erosion and sediment control management**
The consent holder shall permit agents of the Greater Wellington Regional Council to have access to the construction site at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.
- 36 The consent holder shall ensure that a copy of this consent is kept on site at all times and presented to any Greater Wellington Regional Council officer on request.
- 37 An ESCP will not be required if one has already been prepared under Conditions SW4, SW5 and SW7 of Schedule 1 that applies to the same area and addresses the requirements set out in Conditions 31 and 32 of this schedule.
- Condition no**
- 38 **Conditions applying to consent numbers RC 10 to RC 14—Network utilities management**
Prior to the commencement of construction, the consent holder shall prepare a Network Utilities Management Plan (NUMP) in order that enabling works, design and construction of the Park adequately take account of, and include measures to address, the safety, integrity, protection or, where necessary, relocation of, existing network utilities. The consent holder shall adhere to the relevant requirements of the NUMP at all appropriate times during construction of the Park.
- 39 The NUMP shall be prepared in consultation with relevant infrastructure providers who have existing network utilities that are directly affected by the Project and shall include:
- (a) evidence that the relevant infrastructure providers have had input into the NUMP and that its provisions meet their requirements; and
 - (b) measures to be used to accurately identify the location of existing network utilities; and
 - (c) measures for the protection, relocation and/or reinstatement of existing network utilities; and
 - (d) measures which seek to ensure the continued operation and supply of infrastructure services; and
 - (e) measures to provide for the safe operation of plant and equipment, and the safety of workers, in proximity to live existing network utilities; and
 - (f) measures to manage potential induction hazards to existing network; and
 - (g) earthworks management (including depth and extent of earthworks), for earthworks in close proximity to existing network utilities; and
 - (h) vibration management for works in close proximity to existing network utilities; and
 - (i) emergency management procedures in the event of any emergency involving existing network utilities.
- 40 A NUMP will not be required if one has already been prepared under Condition 36 of Schedule 3 that applies to the same area and addresses the requirements set out in Condition 39 of this schedule.

Part 3

Park Design Principles

- 1 Embed the National War Memorial into City
 - Extend the influence and activities of the National Memorial into the broader Te Aro Grid, from Cambridge Terrace to Taranaki Street.
 - Reconnect the memorial space to the Basin/Government House precinct.
 - Key the broader memorial space into existing axes and streets traversing the site.
 - Key the broader memorial space into the primary movements across and through the city.
 - Optimise permeability and accessibility between the city and broader memorial space.
 - Envelop and celebrate both pedestrian and vehicle movements.
- 2 Respond to the site
 - Celebrate the unique topographical form: encompass the ridge, from valley to valley.
 - Celebrate/accenuate the ‘civic mass’ established by the broader Museum precinct.
 - Celebrate/accenuate the long form of the site.
 - Interpret and reflect local cultural history.
 - Interpret and reflect local ecological history.
- 3 Repair + Renewal
 - The design should facilitate a strong and viable built edge along the northern edge of Memorial Park, by providing good aspect, access and interface.
 - Provide permeable and active edges to promote renewal and repair of adjacent areas, to achieve a positive park/neighbour relationship.
 - Connect the memorial space to the Kent/Cambridge and Taranaki city boulevards.
 - Key the broader memorial space into existing axes and streets within the neighbourhood.
- 4 Connectivity
 - Incorporate spaces and mechanisms that engage with vehicle, cycle and pedestrian movements.
 - Incorporate spaces and mechanisms that engage with people moving at different velocities and scales.
 - Incorporate a balance of static as well as dynamic spaces.
 - Incorporate opportunity for processional movements.
 - Utilise the elongated proportions of the space to enhance/extend opportunities for sequential interactions for those moving along it.

- 4
- A southern gateway to the city.
- 5
- Landscape as memorial
 - Accentuate the natural topography to enhance the sense of ceremonial ascent—from low to high—peaking at the National War Memorial.
 - Incorporate structures and spaces that support procession/ceremony.
 - Incorporate structures and spaces with strong formal character—as a component of and complement to the forms and spaces of the National War Memorial.
- 6
- Landscape for memorial
 - Incorporate structures and spaces that support gathering, procession and ceremony.
 - Create a landscape framework that incorporates structures and spaces that will support and complement multiple and varying memorials that can be added over time.
- 7
- Landscape for everyday use
 - Incorporate robust and high-quality locally relevant spaces that people will choose to visit and traverse frequently.
 - Incorporate spaces with multiple layers, flexible function and varying modes of formality.
 - Incorporate the ability for the park to change and grow over time.
 - Key the broader memorial space into existing axes and streets traversing the site.
 - Key the broader memorial space into the primary movements across and through the site.
 - A landscape transition between city, ceremony and everyday experience.
- 8
- Local + International
 - Interpret and reflect local cultural history.
 - Interpret and reflect local ecological history.
 - Celebrate the unique topographical form: encompass the ridge, from valley to valley.
 - Benchmark quality against international precedent.
 - Incorporate and conceive as part of the international as well as national ‘gateway’ between the airport and the capital precincts of the city.
- 9
- Framework for growth
 - Incorporate a high-quality, robust and flexible design framework that provides a base level of amenity on day one—that can also grow and develop with successive layers of use and infrastructure.
 - Create a landscape framework that incorporates structures and spaces that will support and complement multiple and varying memorials that can be added over time.

Schedule 3
Designation provided to Agency and conditions applying

ss 5, and 9(1)–(3)

In this schedule,—

Council means the Wellington City Council

Manager means the Council's Manager, Development, Planning and Compliance or their nominee

Project means the activities authorised by this designation

Road Asset Manager means the Council's Road Asset Manager or their nominee.

Part 1
Designation

Designation no **Designation**

D 01

All works associated with the design, construction, operation, maintenance, use and improvement of a State highway to achieve the following are authorised:

- (a) undergrounning part of Buckle Street (State Highway 1):
- (b) a temporary at-grade diversion of Buckle Street to facilitate the undergrounning works:
- (c) works to tie the undergrounned section of Buckle Street into the wider roading network.

D 02

To undertake the design and construction of alterations to the local road network in order to facilitate the undergrounning of part of Buckle Street.

Part 2

Conditions applying to exercise of designation

Condition no	Conditions—General conditions and administration
NZTA 01	<p>Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the plans in Schedule 9, being:</p> <p>(a) figure 1—LR01: Land Requirement Plan;</p> <p>(b) figure 2—WMP01: National War Memorial Park (Pukeahu) Plan;</p> <p>(c) figure 3—CON01: Construction Area Plan.</p> <p>For the avoidance of doubt, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the Project following construction such as changes to street furniture or signage over time. Depending upon the nature of such works, Outline Plans or Outline Plan waivers may be required for any such works.</p> <p>Where there is conflict between the documents listed above and these conditions, these conditions shall prevail.</p>
NZTA 02	<p>All works shall be carried out in general accordance with the management plans required by these conditions.</p>
NZTA 03	<p>Once construction has commenced, the Agency shall provide the Manager with an updated schedule of construction activities and the timing of any management plans that are required to be prepared for the Project at monthly intervals throughout the construction phase of the entire Project.</p>
NZTA 04	<p>The following plans and management plans shall be made available for public viewing at one or more of the Project site offices and on the Agency website:</p> <p>(a) Final Design Plan;</p> <p>(b) Construction Environmental Management Plan (CEMP);</p> <p>(c) Construction Noise and Vibration Management Plan—Temporary Road (CNVMP1-TR) and Construction Noise and Vibration Management Plan—Undergrounding (CNVMP2-U);</p> <p>(d) Construction Air Quality (Dust) Management Plan—Temporary Road (CAQMP1-TR) and Construction Air Quality (Dust) Management Plan—Undergrounding (CAQMP2-U);</p> <p>(e) Heritage Management Plan (HMP);</p> <p>(f) Construction Traffic Management Plan (CTMP);</p> <p>(g) Local Roads Traffic Improvements Plan (LRTIP);</p> <p>(h) Network Utility Management Plan (NUMP).</p> <p>Where practicable, electronic copies of the management plans shall be made available upon request.</p>

Condition no NZTA 05	<p>Conditions—Communications and public liaison: Construction</p> <p>A liaison person shall be appointed by the Agency for the duration of the construction phase of the Project to be the main and readily accessible point of contact at all times for persons affected by the construction work. The Agency shall take appropriate steps to seek to advise all affected parties of the liaison person's name and contact details. If the liaison person will not be available for any reason, an alternative person shall be nominated. The Agency shall seek to ensure that a Project contact person is available by telephone 24 hours per day/seven days per week during the construction phase of the Project.</p>
Condition no NZTA 06	<p>Prior to the commencement of construction and/or enabling works, the Agency shall prepare and implement a Communications Plan that sets out procedures detailing how the public will be communicated with throughout the construction period. As a minimum, the Communications Plan shall include—</p> <ul style="list-style-type: none">(a) details of a contact person available on site at all times during works. Contact details shall be prominently displayed at the entrance to the site(s) so that they are clearly visible to the public at all times; and(b) methods to consult on and to communicate the proposed hours of construction activities outside of normal working hours and on week-ends and public holidays, to surrounding residential communities, and methods to deal with concerns raised about such hours; and(c) methods to record concerns raised about hours of construction activities and, where practicable, methods to avoid particular times of day which have been identified as being particularly sensitive for neighbours; and(d) details of communications activities proposed including—<ul style="list-style-type: none">(i) publication of a newsletter, or similar, and its proposed delivery area;(ii) newspaper advertising;(iii) notification and consultation with individual property owners and occupiers with dwellings within 200 metres of construction activities; and(e) methods to be used to inform the public regarding major events in the vicinity of the Project which may affect traffic using the temporary at-grade diversion of Buckle Street during the construction period. <p>The Communications Plan shall also include linkages and cross-references to methods set out in other management plans where relevant.</p>
Condition no NZTA 07	<p>Condition—Complaints: Construction</p> <p>At all times during construction work, the Agency shall maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this designation. The record shall include:</p> <ul style="list-style-type: none">(a) the name and address (as far as practicable) of the complainant; and(b) identification of the nature of the complaint; and(c) location, date and time of the complaint and of the alleged event; and

46	Condition no	<p>Condition—Complaints: Construction</p> <p>(d) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to air quality; and</p> <p>(e) the outcome of the Agency’s investigation into the complaint; and</p> <p>(f) measures taken to respond to the complaint; and</p> <p>(g) any other activities in the area, unrelated to the Project, that may have contributed to the complaint, such as non-Project construction, fires, traffic accidents or unusually dusty conditions generally.</p> <p>The Agency shall also keep a record of any remedial actions undertaken.</p> <p>This record shall be maintained on site and shall be made available to the Manager, upon request. The Agency shall notify the Manager in writing of any such complaint within 5 working days of the complaint being brought to the attention of the Agency.</p>
	Condition no	<p>Conditions—Heritage</p> <p>NZTA 08 A Relocation Plan for the relocation of the Home of Compassion Creche (former) shall be provided to the Wellington City Council prior to the relocation of the Home of Compassion Creche (former) occurring.</p> <p>NZTA 09 The Relocation Plan shall include a Heritage Management Plan (HMP) and the Relocation Plan shall not be submitted to the Manager until a qualified planner (supported as necessary by a suitably qualified conservation professional) has certified that the methods provided for in the HMP are consistent with the conditions of this designation relating to the relocation of the Home of Compassion Creche (former) and provide for appropriate means to ensure as far as practicable those conditions of the designation are able to be met.</p> <p>NZTA 10 The HMP shall be prepared in consultation with the Wellington City Council and the New Zealand Historic Places Trust. Any comments and inputs received from these parties shall be clearly documented within the management plan, along with clear explanation of where any comments have not been incorporated and the reasons why.</p> <p>The HMP shall include—</p> <p>(a) a map showing the area covered by the HMP; and</p> <p>(b) drawings showing the current and proposed vertical and horizontal location of the Home of Compassion Creche (former); and</p> <p>(c) a map showing the proposed location of the Home of Compassion Creche (former) and other associated features within its grounds; and</p> <p>(d) a map showing all other known archaeological sites and features located within 200 metres of the Home of Compassion Creche (former); and</p> <p>(e) the methodology for accurately managing effects during relocation; and</p> <p>(f) the results of an up to date condition survey of the Home of Compassion Creche (former) undertaken not more than twelve months prior to the commencement of preparation of the HMP; and</p>

Condition no	<p>Conditions—Heritage</p> <p>(g) any heritage monitoring requirements; and</p> <p>(h) methods for reporting monitoring results to Wellington City Council and the New Zealand Historic Places Trust; and</p> <p>(i) procedures, stand down periods and dispute resolution processes to be applied in the event of an archaeological discovery; and</p> <p>(j) methods for transferring any relevant information to Wellington City Council and the New Zealand Historic Places Trust upon completion of works; and</p> <p>(k) requirements for a post-construction condition survey to be undertaken and provided to the Manager not more than one month after completion of the relocation.</p> <p>The HIMP shall be consistent with any conditions imposed by any relevant New Zealand Historic Places Trust authority.</p>
Condition no	<p>Conditions—Construction environmental management plan</p> <p>The underpinning of Buckle Street shall not commence until—</p> <p>(a) the Agency has prepared a Construction Environmental Management Plan (CEMP) for the construction works authorised by this designation; and</p> <p>(b) a qualified planner (supported as necessary by a suitably experienced construction professional) has certified that the methods provided for in the CEMP are consistent with the conditions of this designation relating to construction works and provide for appropriate means to ensure as far as practicable those conditions of the designation are able to be met.</p> <p>The Agency may commence investigations and enabling works for the Project (including construction and use of the proposed at-grade diversion of Buckle Street and any other temporary roads) prior to the CEMP being certified.</p>
NZTA 12	<p>The Agency shall, at least 5 working days prior to submitting the CEMP to a qualified planner for certification, submit a draft of the plan to the Manager for comment. Any comments received shall be supplied to the certifier when the CEMP is submitted for certification in accordance with condition NZTA 11, along with clear explanation of where any comments have not been incorporated and the reasons why.</p>
NZTA 13	<p>The CEMP shall provide details of the responsibilities, reporting frameworks, coordination and management required for Project quality assurance; final detailed design; construction methodologies; timeframes and monitoring processes and procedures.</p> <p>A CEMP shall include but need not be limited to—</p> <p>1 <i>Quality Assurance</i></p> <p>A Quality Assurance section which shall include management frameworks, systems and procedures for quality management of all on-site activities and compliance with the conditions imposed on this designation to assist the Agency in constructing the Project. Among other matters this section shall provide details of the following:</p>

Conditions—Construction environmental management plan

- (a) name, qualifications, relevant experience and contact details of an appropriately qualified and experienced project manager, who shall be responsible for overseeing compliance with the CEMP; and
- (b) names, qualifications, relevant experience, and methods for contacting principal staff employed on the Project, along with details of their roles and responsibilities; and
- (c) methods and systems to inform and train all persons working on site of potential environmental issues and how to comply with conditions of the designation; and
- (d) systems and processes whereby the public are informed of contact details of the project manager and principal staff identified above; and
- (e) liaison procedures with the Council; and
- (f) communication protocols.

2 Site Management

The Site Management section of the CEMP shall detail procedures to manage the Project throughout the entire construction process in a safe manner. The information provided in this section shall include, but need not be limited to information in relation to the following:

- (a) details of the site access for all work associated with construction of the Project; and
- (b) measures to be adopted to maintain the site in a safe and tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities; and
- (c) location of workers' conveniences (e.g. portaloos); and
- (d) procedures for controlling sediment runoff from open earthworks, any debris and construction materials and from wheel wash facilities into stormwater systems; and
- (e) a contingency plan in the event that there is an uncontrolled discharge to the stormwater network; and
- (f) details of the storage of fuels and lubricants (which shall require that storage be bunded or contained in such a manner so as to prevent the discharge of contaminants from spillages); and
- (g) details of the proposed maintenance of machinery and plant to minimise the potential for leakage of fuels and lubricants; and
- (h) location of vehicle and construction machinery access and storage during the period of site works; and
- (i) methods to manage public health and safety during the construction works, and notification to the public of temporary access restrictions to the immediate works area during the staged construction; and
- (j) procedures for removing all contaminants (e.g. fuel, hydraulic oils, lubricants etc) from the site at the end of the construction period, except for those required for ongoing maintenance of the road and operational activities; and

Condition no	<p>Conditions—Construction environmental management plan</p> <p>(k) site security measures; and</p> <p>(l) how health and safety and emergency response and evacuation measures will be addressed (which could be through contractors being required to prepare specific health and safety and/or emergency response and evacuation plans).</p>
3	<p><i>Construction programme and methodology</i></p> <p>A construction programme which shall include a programme of works that seeks to enable the Project to be constructed in a manner that is timely, adequately coordinated and manages the adverse effects of construction on the environment. The information to be included in this section includes, but need not be limited to, information in relation to the following:</p> <p>(a) a detailed staging programme and anticipated timetable for construction works; and</p> <p>(b) a methodology to identify how works will be staged to manage the construction effects of the Project on—</p> <ul style="list-style-type: none"> (i) residential, business, and other properties on Tory and Tasman Streets; (ii) Mt Cook School, Tory Street; (iii) National War Museum and the Carillon, 7 Buckle Street; (iv) National Museum (former), 7 Buckle Street; (v) Home of Compassion Creche (former); (vi) HMNZS Olphert, Sec 90 Town of Wellington; (vii) the former Army Headquarters Building, Sec 90 Town of Wellington; (viii) the former Mt Cook Police Barracks and retaining wall, Buckle Street; (ix) Te Papa Archives, Tory Street; (x) the local road network.
4	<p><i>Layout drawings</i></p> <p>Drawings showing the proposed layout of the carriageway design and footprint, construction yards and compounds, including associated buildings, fencing and site accesses. The layout drawings shall, as far as practicable, show the location of the following:</p> <ul style="list-style-type: none"> (a) noisy construction activities, which shall be located as far away as practicable from residential dwellings and schools; and (b) temporary acoustic fences and visual barriers; and (c) any on-site hazardous substance storage facilities.

no **Conditions—Traffic management and roading: Construction**

NZTA 14 The Agency shall not commence the undergrounding of part of Buckle Street until:

- (a) the Agency has prepared a Construction Traffic Management Plan (CTMP); and
- (b) a qualified traffic engineer has certified under subpart 5 of Part 2 that the methods provided for in the CTMP are consistent with the conditions of this designation relating to construction traffic management and provide for appropriate means to ensure as far as practicable those conditions of the designation are able to be met.

The Agency may commence investigations and enabling works for the Project (including construction and use of the proposed at-grade diversion of Buckle Street and any other temporary roads) prior to the CTMP being certified.

NZTA 15 The CTMP prepared under Condition NZTA 14 shall address the following:

- (a) the staging of the works, including details of any proposals to work on multiple sections of the Project route concurrently;
- (b) details of construction yard access points where they gain access directly from a local road;
- (c) a general methodology for selecting detour routes so as to provide for the shortest and most convenient detours which it is reasonably practicable to provide, having regard to safety;
- (d) the potential effects on the detour routes selected and how these will be managed to seek to ensure safety for all road users;
- (e) any potential effects of the construction of the Project on on-street parking in the vicinity of the Project.

The CTMP shall describe—

- (a) temporary traffic management measures required to manage impacts on road users during proposed working hours; and
- (b) delay calculations associated with the proposed closure/s and detour routes; and
- (c) the capacity of any proposed detour route(s) and their ability to carry the additional traffic volumes and any known safety issues associated with the detour route, including any mitigation measures the Agency proposes to put in place to address any identified safety issues; and
- (d) individual traffic management plans for intersections of the proposed Project with arterial roads; and
- (e) measures to maintain, where practicable, existing vehicle access to adjacent properties and businesses; and
- (f) measures to maintain, where practicable, safe and clearly identified pedestrian and cyclist access on roads and footpaths adjacent to the construction works. Where detours are necessary to provide such access the Agency shall provide for the shortest and most convenient detours, which it is reasonably practicable to provide, having regard to safety; and
- (g) any proposed temporary changes in speed limit; and
- (h) any proposed temporary restrictions to on-street parking; and
- (i) provision for safe and efficient access of construction vehicles to and from construction site(s); and

Condition no	Conditions—Traffic management and roading: Construction
NZTA 16	<p>(j) the measures that will be undertaken by the Agency to communicate traffic management measures to affected road users and stakeholders.</p> <p>The CTMP shall be prepared in consultation with—</p> <p>(a) the Road Asset Manager of the Wellington City Council (or his or her nominee(s)); and</p> <p>(b) representatives of the following:</p> <ul style="list-style-type: none">(i) emergency services (Police, fire, and ambulance); and(ii) Massey University; and(iii) New Zealand Defence Force; and(iv) the owners of the former Mt Cook Police Barracks, 13 Buckle Street; and(v) Tasman Garden Body Corporate; and(vi) Wellington Tenthis Trust and Port Nicholson Block Settlement Trust; and(vii) schools, childcare centres, and any other educational activities with frontage or access to roads that will be affected by works associated with the Project. <p>Any comments and input received shall be clearly documented within the management plan, along with a clear explanation of where any comments have not been incorporated and the reasons why. A copy of the CTMP shall be provided to the Road Asset Manager.</p> <p>The CTMP shall be consistent with the version of the NZTA Code of Practice for Temporary Traffic Management (COPTTM) which applies at the time the CTMP is prepared.</p> <p>NZTA 17</p> <p>NZTA 18</p> <p>NZTA 19</p> <p>The NZTA shall carry out random auditing of temporary road closure/s in accordance with COPTTM at regular intervals throughout the construction of the Project. The intervals shall be stated in the CTMP.</p> <p>Prior to the commencement of the undergrounding of Buckle Street, the Agency shall undertake a pre-construction condition survey of the carriageway/s of the following sections of local road—</p> <ul style="list-style-type: none">(a) the section of Tory Street and Tasman Street between the intersections with Vivian Street and Rugby Street(b) the section of Taranaki Street between the intersections with Vivian Street and Wallace Street(c) the section of Webb Street between Taranaki Street and Willis Street(d) any other section of local road where the Agency considers that the condition of the carriageway of that section of road may be materially affected by construction traffic generated by the Project— <p>and submit it to the Manager and the Road Asset Manager. The condition survey shall consist of a photographic or video record of the relevant sections of carriageway, and shall include roughness, rutting defects and surface condition. The Agency may commence investigations and</p>

Condition no

NZTA 20

NZTA 21

Conditions—Traffic management and roading: Construction
enabling works for the Project (including construction and use of the proposed at-grade diversion of Buckle Street and any other temporary roads) prior to this survey being undertaken.

The Agency shall carry out regular inspections of the sections of local road surveyed under condition NZTA 19 during construction, to ensure that all potholes and other damage resulting from the construction of the Project are repaired as soon as practicable.

The Agency shall ensure that procedures are adopted to seek to prevent the deposition of slurry, clay or other materials on the roads identified in Condition NZTA 19 by vehicles leaving the construction site for the Project where such material is liable to cause a nuisance or hazard. Procedures shall include but not be limited to use of an on-site wheel wash.

Condition no

NZTA 22

NZTA 23

Conditions—Construction noise and vibration management
The Agency shall, at least 5 working days prior to submitting the Construction Noise and Vibration Management Plan—Temporary Road (CNVMP1–TR) to a qualified planner (supported by a suitably qualified acoustician) for certification, and at least 5 working days prior to submitting the Construction Noise and Vibration Management Plan—Undergrounding (CNVMP2–U) to a qualified planner (supported by a suitably qualified acoustician) for certification submit a draft of the relevant plan to the Manager for comment. Any comments received shall be supplied to the certifier when the CNVMP1–TR or CNVMP2–U as relevant is submitted for certification against the requirements set out in condition NZTA 23, along with clear explanation of where any comments have not been incorporated and the reasons why.

The CNVMP1–TR and CNVMP2–U shall—

(a) be prepared by a suitably qualified acoustics specialist; and

(b) include specific details relating to methods for the control of noise associated with—

(i) all relevant construction works associated with the enabling works for the Project including the creation of an at-grade diversion of part of Buckle Street in the case of CNVMP1–TR; and

(ii) all other relevant Project construction works in the case of the CNVMP2–U,—

which shall be formulated to, as far as practicable, comply with the following criteria when assessed in accordance with NZS 6803:1999:

Time	Noise limits (dB)	
	L_{Aeq}	L_{Amax}
<i>Occupied residential and educational buildings</i>		
6:00 am through to 7:00 am	70	85
7:00 am through to 8:00 pm	75	90
8:00 pm through to 11:00 pm	70	85
11:00 pm through to 6:00 am	District Plan construction noise limits	

Condition no	Conditions—Construction noise and vibration management	Noise limits (dB)
Time	<i>Other occupied buildings</i>	80
	6:00 am through to 7:30 am	75
	7:30 am through to 6:00 pm	80
	6:00 pm through to 11:00 pm	District Plan construction noise limits
	11:00 pm through to 6:00 am	
(c)	address the following aspects with regard to managing the adverse effects of construction noise:	
	(i) noise sources, including machinery, equipment and construction techniques to be used; and	
	(ii) predicted construction noise levels; and	
	(iii) hours of operation, including times and days when noisy construction work would occur; and	
	(iv) the identification of activities and locations where structural noise mitigation measures such as temporary barriers or enclosures may be used; and	
	(v) the measures that will be undertaken by the NZTA to communicate noise management measures to affected stakeholders; and	
	(vi) mitigation options, including alternative strategies where full compliance with the noise criteria set out in the table above cannot practicably be achieved; and	
	(vii) schedules containing information specific to each area of the site where this is relevant to managing construction noise and vibration effects; and	
	(viii) methods for monitoring and reporting on construction noise.	
(d)	include specific details relating to methods for the control of vibration associated with all relevant Project construction works, which shall be formulated to, as far as practicable, comply with the Category A criteria in the following table when measured in accordance with ISO 4866:2010 and AS 2187-2:2006:	
	Receiver	Category A
	Occupied dwellings	1 mm/s ppv
	Night-time 2000h–0630h	5 mm/s ppv
	Daytime 0630h–2000h	10 mm/s ppv
	Daytime 0630h–2000h	BS 5228-2*1
	Vibration—transient	Table B.2
	Other occupied buildings	
	All buildings	

54	<p>Condition no</p> <p>Conditions—Construction noise and vibration management</p> <p>Vibration—continuous</p>	<p style="text-align: right;">BS 5228-2*1 50% of Table B.2 values</p> <p>*1 BS 5228-2-2009 “Code of practice for noise and vibration control on construction and open sites—Part 2: Vibration”.</p> <p>(e) describe the measures to be adopted in relation to managing construction vibration including—</p> <ul style="list-style-type: none"> (i) identification of vibration sources, including machinery, equipment and construction techniques to be used; and (ii) procedures for building condition surveys at locations close to activities generating significant vibration, prior to and after completion of the works (including all buildings predicted to experience vibration which exceeds the Category A vibration criteria); and (iii) procedures for management of vibration, if measured or predicted vibration levels exceed the Category A criteria; and (iv) procedures for monitoring of vibration levels and effects by suitably qualified experts if measured or predicted vibration levels exceed the Category B criteria; and (v) the measures that will be undertaken by the Agency to communicate vibration management measures to affected stakeholders.
54	<p>Condition no</p> <p>NZTA 24</p> <p>NZTA 25</p>	<p>Conditions—Pre-construction building assessment</p> <p>Prior to the commencement of the undergrounding of part of Buckle Street, a pre-construction building condition survey of at-risk buildings, services and structures shall be conducted by a suitably qualified engineer. A report of each survey shall be forwarded to the Manager within one week of the assessment. The Agency may commence investigations and enabling works (including construction and use of the proposed at-grade diversion of Buckle Street and any other temporary roads) prior to these surveys being undertaken.</p> <p>Prior to the commencement of the undergrounding of part of Buckle Street, a building structural assessment shall be conducted by a suitably qualified engineer of the following buildings:</p> <ul style="list-style-type: none"> (a) National War Museum and the Carillon, 7 Buckle Street; (b) Tasman Garden Apartments/Townhouses, 1 Tasman Street; (c) Home of Compassion Creche (former); (d) HMNZS Olphert, Sec 90 Town of Wellington; (e) the former Army Headquarters Building, Sec 90 Town of Wellington; (f) the former Mt Cook Police Barracks and retaining wall, Buckle Street; (g) 176 Tory Street; (h) 178 Tory Street;

Condition no	<p>Conditions—Pre-construction building assessment</p> <p>(i) Te Papa Archives:</p> <p>(j) former Francis Holmes building:</p> <p>(k) Mt Cook School.</p> <p>The report will identify how construction effects on the building are to be managed, with the preference being to either modify the construction method if practicable or to mitigate potential effects, or to otherwise strengthen buildings either temporarily or permanently. A report of each assessment shall be forwarded to the Manager within one week of the assessment. The Agency may commence investigations and enabling works (including construction and use of the proposed at-grade diversion of Buckle Street and any other temporary roads) prior to these assessments being undertaken.</p>
NZTA 26	<p>Prior to the commencement of the undergrounding of part of Buckle Street, an assessment of the potential settlement effects of construction shall be conducted by a suitably qualified engineer of the following buildings:</p> <p>(a) National War Museum and the Carillon, 7 Buckle Street:</p> <p>(b) Tasman Garden Apartments/Townhouses, 1 Tasman Street:</p> <p>(c) Home of Compassion Creche (former):</p> <p>(d) HMNZS Olphert, Sec 90 Town of Wellington:</p> <p>(e) the former Army Headquarters Building, Sec 90 Town of Wellington:</p> <p>(f) the former Mt Cook Police Barracks and retaining wall, 13 Buckle Street:</p> <p>(g) 176 Tory Street:</p> <p>(h) 178 Tory Street:</p> <p>(i) Te Papa Archives:</p> <p>(j) former Francis Holmes building:</p> <p>(k) Mt Cook School.</p> <p>The report will identify how these construction effects on the building are to be managed, with the preference being to either modify the construction method if practicable or to mitigate potential effects, or to otherwise strengthen buildings either temporarily or permanently. A report of each assessment shall be forwarded to the Manager within one week of the assessment. The Agency may commence investigations and enabling works (including construction and use of the proposed at-grade diversion of Buckle Street and any other temporary roads) prior to these assessments being undertaken.</p>
NZTA 27	<p>Methods to be adopted within the CNVMP 1-TR or CNVMP2-U to manage construction noise and vibration shall be formulated following the Agency having first consulted with Mt Cook School, the Ministry of Defence (with regards to HMNZS Olphert and the former Army Headquar-</p>

56	Condition no	Conditions—Pre-construction building assessment
		<p>ters Building), Te Papa Archives, 176–178 Tory Street, and the owners and occupiers of 13 Buckle Street, and Tasman Garden Apartments/Townhouses, 1 Tasman Street.</p> <p>The CNVMPI–TR and CNVMP2–U shall set out how any issues raised in consultation with the listed entities have been incorporated, and where they have not, the reasons why.</p> <p>NZTA 28 At least 5 working days prior to commencement of any works which are planned to occur within 200m the properties identified in Condition NZTA 27 the Agency shall take reasonable steps to ensure that the owners and occupiers of those properties:</p> <ul style="list-style-type: none"> (a) are each provided with a copy of the schedule of construction activities required by Condition NZTA 3; and (b) clear information setting out when works are proposed to occur at night (that is, between the hours of 2000h and 0630h) and the nature and reason for the proposed night works.
	Condition no	Conditions—Construction air quality (including dust) management
	NZTA 29	<p>The Agency shall, at least 5 working days prior to submitting the Construction Air Quality (Dust) Management Plan—Temporary Road (CAQMP1–TR) to a qualified planner (supported as necessary by a suitably qualified air quality engineer) for certification and at least 5 working days prior to submitting the Construction Air Quality (Dust) Management Plan—Undergrounding (CAQMP2–U) to a qualified planner (supported as necessary by a suitably qualified air quality engineer) for certification, submit a draft of the relevant plan to the Manager for comment. Any comments received shall be supplied to the certifier when the CAQMP1–TR or CAQMP2–U as relevant is submitted for certification against the requirements set out in condition NZTA 30, along with clear explanation of where any comments have not been incorporated and the reasons why.</p> <p>NZTA 30 The CAQMP1–TR and the CAQMP2–U shall provide a methodology for managing the effects of dust from—</p> <ul style="list-style-type: none"> (a) all relevant construction activities associated with the enabling works for the Project including the creation of an at-grade diversion of part of Buckle Street in the case of the CAQMP1–TR; and (b) all other relevant Project construction works in the case of the CAQMP2–U,— <p>and shall, as a minimum, include—</p> <ul style="list-style-type: none"> (c) identification and implementation of dust suppression measures appropriate to the environment in which the works are located, and the sensitivity of nearby receptors; and (d) identification of contingency measures to address identified and verified adverse effects on sensitive receptors. Contingency measures may include options such as: <ul style="list-style-type: none"> (i) cleaning of houses; and (ii) cleaning of other buildings and infrastructure.

Condition no NZTA 31	Condition—Construction lighting The Agency shall implement procedures at all times during construction to manage lightspill (if any) to residential properties from any night lighting that is required on the site.
<i>Operational</i>	
Condition no NZTA 32	Conditions—Local road traffic works The Agency shall prepare a Local Roads Traffic Improvements Plan (LRTIP) and the works identified within that Plan shall be undertaken prior to the opening of the undergrounded section of Buckle Street to traffic unless otherwise agreed with the Manager and the Road Asset Manager.
Condition no NZTA 33	The LRTIP will— <ul style="list-style-type: none">(a) contain plans showing—<ul style="list-style-type: none">(i) any proposed improvements to the Tory Street and Tasman Street intersection; and(ii) any proposed improvements to the Tasman Street and Rugby Street intersection; and(iii) any proposed work on Tory or Tasman Street designed to mitigate any traffic effects of the Project on residents and businesses located on those roads and/or on, pedestrians and cyclists who use those roads; and(iv) provision of appropriate signage and information to motorists and road users as a result of restrictions in access arising as a result of the Project; and(v) provision of a signal control plan (SCATS set up) that ensures effective management of SH1 traffic and local road movement north/southbound on Taranaki Street; and(b) contain plans showing the local road and pedestrian/cycle configuration across the Memorial Park and into existing pedestrian/cycle paths and access to Massey University and the site of the former Mt Cook Police Barracks; and(c) provide a staging programme for the delivery of any works identified on the plans provided under condition NZTA 33(a); and(d) provide details of the road design and safety standards that will be met by any works identified on plans provided under condition NZTA 33(a); and(e) provide information on predicted levels of traffic flows across the local road network and on predicted performance once the improvements are introduced.
Condition no NZTA 34	The LRTIP shall be prepared in consultation with— <ul style="list-style-type: none">(a) the Road Asset Manager of the Wellington City Council (or his or her nominee(s)); and

58	Condition no	<p>Conditions—Local road traffic works</p> <p>(b) representatives of the following:</p> <ul style="list-style-type: none"> (i) emergency services (Police, fire, and ambulance); and (ii) the owners of the former Mt Cook Police Barracks, 13 Buckle Street; and (iii) schools, childcare centres, and any other educational activities with frontage or access to roads that will be affected by works associated with the Project. <p>Any comments and inputs received shall be clearly documented within the LRTIP, along with a clear explanation of where any comments and inputs have not been incorporated and the reasons why.</p> <p>The Agency shall not commence any works identified on the plans provided under condition NZTA.33(a), until a qualified traffic engineer has certified that the LRTIP works identified on those plans will comply with the road design and safety standards identified under condition NZTA 33(d).</p>
	NZTA 35	
	Condition no	<p>Condition—Existing network utilities</p> <p>Prior to the commencement of construction, the Agency shall prepare a Network Utilities Management Plan (NUMP). The Agency shall adhere to the relevant requirements of the NUMP at all appropriate times during the construction of the Project. The purpose of the NUMP shall be to ensure that the enabling works, design and construction of the Project adequately take account of, and include measures to address, the safety, integrity, protection or, where necessary, relocation of, existing network utilities affected by the Project.</p>
	NZTA 36	
	Condition no	<p>Conditions—Operational noise</p> <p>For the purposes of Conditions NZTA 37–NZTA 48 the following terms will have the following meanings:</p> <ul style="list-style-type: none"> (a) Acoustics Assessment—means the Acoustics Assessment report to be prepared under condition NZTA 38: (b) BPO—means Best Practicable Option: (c) Building-Modification Mitigation—has the same meaning as in NZS 6806:2010: (d) Category A—means the Category A—primary noise criterion for altered roads in NZS 6806:2010 of 64 dB LAeq (24h): (e) Category B—means the Category B—secondary noise criterion for altered roads in NZS 6806:2010 of 67 dB LAeq (24h): (f) Category C—means the Category C internal noise criterion in NZS 6806:2010 of 40 dB LAeq (24h): (g) Design Year—means a point in time that is 10 years after the opening of the Project to the public: (h) Habitable space—has the same meaning as in NZS 6806:2010: (i) NZS 6806:2010—means NZS 6806:2010 Acoustics—Road-traffic noise—New and altered roads:
	NZTA 37	

Condition no	Conditions—Operational noise
NZTA 38	<p>(j) PPFs—has the same meaning as in NZS 6806:2010;</p> <p>(k) Structural Mitigation—has the same meaning as in NZS 6806:2010.</p> <p>The Agency shall submit to Council an Acoustics Assessment Report prepared by a suitably qualified acoustics specialist in accordance with NZS 6808:2010 and condition NZTA 39 that identifies the operational noise effects of the Project on PPFs. The report will be peer reviewed by another suitably qualified acoustics specialist (with input from a suitably qualified planner) and supplied to Council in advance of the underpinning of Buckle Street commencing. The Agency will be able to commence investigations and enabling works (including the construction and operation of temporary roads) prior to the Acoustics Assessment Report prepared by a suitably qualified acoustics specialist being provided to the Council.</p>
NZTA 39	<p>In identifying “Selected Options” in the Acoustics Assessment Report the acoustics specialist shall—</p> <p>(a) where a qualified planner determines that it is consistent with BPO seek to achieve the Category A criterion at any PPF either—</p> <ul style="list-style-type: none"> (i) identify noise mitigation measures to achieve that Category A criterion; or (ii) confirm that the Category A criterion can be achieved at that PPF without any specific noise mitigation being undertaken. <p>(b) where a qualified planner determines it is inconsistent with BPO to achieve the Category A criterion at any PPF but both of the following apply:</p> <ul style="list-style-type: none"> (i) the predicted internal noise levels at all habitable spaces within that PPF would be likely to exceed 40 dB LAeq (24h) at the Design Year if the Project did not proceed; and (ii) that qualified planner determines it is consistent with BPO to achieve the Category B criterion at that PPF, <p>either identify noise mitigation measures to achieve the Category B criterion at that PPF or confirm that the Category B criterion can be achieved at that PPF without any specific noise mitigation being undertaken.</p> <p>(c) where a qualified planner determines it is inconsistent with BPO to achieve the Category A criterion at any PPF and either:</p> <ul style="list-style-type: none"> (i) that qualified planner determines that it is inconsistent with BPO to achieve the Category B criterion at that PPF; or (ii) the predicted internal noise levels at any habitable spaces within that PPF would not be likely to exceed 40 dB LAeq (24h) at the Design Year if the Project did not proceed,— <p>Either identify noise mitigation measures to achieve the Category C criterion at that PPF or confirm that the Category C criterion would be met at that PPF without any specific noise mitigation being undertaken.</p>
NZTA 40	<p>The Agency shall implement the road-traffic noise mitigation measures identified as the “Selected Options” in the Acoustics Assessment, in order to achieve the Noise Criteria Categories indicated in the Acoustics Assessment (“Identified Categories”), where practicable, subject to Conditions NZTA 42, NZTA 44 and NZTA 47 below.</p>

60	Condition no	Conditions—Operational noise
	NZTA 41	The detailed design of any Structural Mitigation measures identified as the “Selected Options” in the Acoustics Assessment (the “Detailed Mitigation Options”) shall be undertaken by a suitably qualified acoustics specialist prior to the underpinning of Buckle Street commencing, and, subject to Condition NZTA 42.
	NZTA 42	Where the design of the Detailed Mitigation Options identifies that it is not practicable to implement a particular structural mitigation measure in the location or of the length or height included in the “Selected Options” either: <ul style="list-style-type: none"> (a) if the design of the Structural Mitigation measure could be changed and the Structural Mitigation measure would still achieve the same Identified Category at all relevant PPFs the Detailed Mitigation Options may include the changed mitigation measure; or (b) if changed design of the Structural Mitigation measure would change the Noise Criteria Category at any relevant PPF from Category A or B to Category C, but a suitably qualified planner certifies that the changed Structural Mitigation measure would be consistent with adopting BPO in accordance with NZS 6806:2010, the Detailed Mitigation Options may include the changed mitigation measure.
	NZTA 43	The Detailed Mitigation Options shall be implemented prior to completion of construction of the Project, with the exception of any low-noise road surfaces, which shall be implemented within 12 months of completion of construction.
	NZTA 44	In relation to those PPFs where the Acoustics Assessment identifies in accordance with Condition NZTA 39 that the Category C criterion is the appropriate criterion to achieve and that Building-Modification Mitigation is required to achieve the Category C criterion (“Category C Buildings”): <ul style="list-style-type: none"> (a) prior to commencement of any works to underground part of Buckle Street in the vicinity of a Category C Building (but not necessarily prior to commencing any investigations or enabling works (including the construction and operation of the at-grade diversion of Buckle Street or any other temporary roads)), the Agency shall write to the owner of each Category C Building seeking access to such building for the purpose of measuring internal noise levels and assessing the existing building envelope in relation to noise reduction performance. (b) if the owner of the Category C Building approves the Agency’s access to the property within 2 weeks of the date of the Agency’s letter (sent pursuant to Condition NZTA 44(a)), then the Agency shall instruct a suitably qualified acoustics specialist to visit the building to measure internal noise levels and assess the existing building envelope in relation to noise reduction performance. (c) where a Category C Building is identified, the Agency shall be deemed to have complied with Condition NZTA 44(a) and NZTA 44(b) above where: <ul style="list-style-type: none"> (i) the Agency (through its acoustics specialist) has visited the building; or (ii) the owner of the Category C Building approved the Agency’s access, but the Agency could not gain entry for some reason (such as entry denied by a tenant); or (iii) the owner of the Category C Building did not approve the Agency’s access to the property within the time period set out in Condition NZTA 44(b) (including where the owner(s) did not respond to the Requiring Authority’s letter sent pursuant to Condition NZTA 44(a) within that period); or

Condition no	Conditions—Operational noise
	(iv) the owner of the Category C Building cannot, after reasonable enquiry, be found prior to completion of construction of the Project; or
	(d) if any of (c)(ii) to (iv) above apply to a particular Category C Building, the Agency shall not be required to implement any Building-Modification Mitigation at that Category C Building.
NZTA 45	Subject to Condition NZTA 47 the Agency shall give written notice to the owner of each Category C Building:
	(a) advising of the options available for Building-Modification Mitigation to the building; and
	(b) advising that the owner has 3 months within which to decide whether to accept Building-Modification Mitigation for the building, and if the Agency has advised the owner that more than one option for Building-Modification Mitigation is available, to advise which of those options the owner prefers.
NZTA 46	Once an agreement on Building-Modification Mitigation is reached between the Agency and the owner of an affected building, the mitigation shall be implemented in a reasonable and practical timeframe agreed between the Agency and the owner.
NZTA 47	Where Building-Modification Mitigation is required, the Agency shall be deemed to have complied with Condition NZTA 40 and NZTA 46 above where—
	(a) the Agency has completed Building-Modification Mitigation to the Category C Building; or
	(b) the owner of the Category C Building did not accept the Agency's offer to implement Building-Modification Mitigation prior to the expiry of the timeframe stated in Condition NZTA 45(b) above (including where the owner did not respond to the Agency within that period); or
	(c) the owner of the Category C Building cannot, after reasonable enquiry, be found prior to completion of construction of the Project.
NZTA 48	The Agency shall manage and maintain the Detailed Mitigation Options to ensure that, to the extent practicable, those mitigation works retain their noise reduction performance.
Condition no	Condition—Permanent lighting
NZTA 49	Permanent lighting shall be designed and screened to minimise the amount of lighting overspill and illumination of residential areas, and shall be designed in accordance with the rules of the relevant District Plan (if any).

Schedule 4
Archaeological authorities granted to Agency and conditions
applying

s 10(1)

Part 1
Archaeological authorities

No	Authority
AA01	<p>A general authority to destroy, damage, or modify the whole or any part of all archaeological sites within any of the following properties, in order to undertake or carry out inspections, investigations, surveys, measurements and assessments and implement works to avoid, remedy or mitigate actual or potential effects of the Works:</p> <ul style="list-style-type: none">(a) 13 Buckle Street, Lot 1 DP 87064, computer freehold register WN54D/135;(b) Part Section 1266 Town of Wellington, computer freehold register WN49D/144;(c) 27 to 29 Buckle Street and 213 Taranaki Street, Section 90 Town of Wellington;(d) 21 Buckle Street, Lot 2 DP 87064, computer freehold registers WN54C/503 and WN54D/136;(e) 176 and 178 Tory Street, Lot 1 DP 83517, computer freehold register WN50D/66;(f) 169 to 179 Tory Street, Pt Lot 1 DP 61434 computer freehold register WN35C/772 and Sec 1397, Town of Wellington, computer freehold register WN28B/344;(g) 208–212 Taranaki Street, Lot 1 DP9560, computer freehold register 536733, Wellington Land Registry;(h) Mt Cook School, Tory Street including Pt Sec 234 and Pt Sec 235 Town of Wellington, computer freehold register WN340/226; Pt Sec 235 Town of Wellington, computer freehold register WN406/255; Pt Sec 235 and Pt Sec 236 Town of Wellington, computer freehold register WN45/56; Pt Sec 236 Town of Wellington, computer freehold register WN20/215; Lots 1 and 2 DP 4351, computer freehold register WN262/238; and Lot 1 DP 5513, computer freehold register WN289/114;(i) Tasman Garden Apartments/Townhouses, 1 Tasman Street, Section 1219 Town of Wellington, computer freehold register WN48D/821 to 48D/863, WN51D/755, and 51D/756.

Part 2 Conditions

Condi on no

Conditions applying to AA01

- 1 Prior to the start of any on-site archaeological work, the Agency shall ensure that the NZHPT Regional Archaeologist and representatives of the relevant iwi are advised of the date when work will begin.
This advice shall be provided at least 48 hours before work starts, either by telephone or email, and must include the address of the property.
- 2 The Agency shall also ensure the NZHPT Regional Archaeologist is advised of the completion of any on-site archaeological work, by telephone or email, within 5 working days of completion of that work.
- 3 The Agency shall ensure that all contractors working on the project are briefed on the possibility of encountering archaeological evidence, how to identify possible archaeological sites during works, the archaeological work required by the conditions of this authority, and contractors' responsibilities with regard to notification of the discovery of archaeological evidence to ensure that Condition 5 and any requirements to notify NZHPT are complied with.
- 4 Prior to any works that will impact on the structure of a pre-1900 building, a detailed record will be prepared, in consultation with a qualified archaeologist, identifying the area of works. This record will include plans, elevations and photographs identifying features prior to work commencing.
- 5 A detailed record of all work carried out will be compiled during stabilisation work.
- 6 Any suspected archaeological artifacts, remains or features revealed during any earthworks shall be reported immediately to a qualified archaeologist and the NZHPT Regional Archaeologist. All works within 10 m of the artifacts, remains or features shall cease until a response on the management of the finds is received from the NZHPT. This response will be given within 5 working days. Any archaeological evidence encountered during the exercise of this authority shall be investigated, recorded and analysed in accordance with current archaeological practice.
- 7 Reasonable efforts shall be made to safeguard any archaeological material on site if uncovered during the project from unlawful excavation and removal.
- 8 The Agency shall ensure that allowance is made in the work schedule for any archaeological work required as a condition of this authority. This shall be determined in consultation with a qualified archaeologist.
- 9 The Agency shall ensure that the NZHPT Regional Archaeologist is informed if any circumstances arise during the exercise of this authority

Condi**on no Conditions applying to AA01**

where an archaeological investigation of any site(s) encountered could provide significant information as to the historical and cultural heritage of New Zealand. Any works affecting such a site shall cease until the NZHPT has given its response (this response will be given within 5 working days).

Such circumstances may include, but are not limited to, the discovery of sites from an early or significant period in New Zealand's history, the discovery of unusual or rare artefacts or other archaeological material or features, or the discovery of large, complex or unusual features.

10 Any wooden, textile or metal artefacts, features or structures uncovered during the project which are regionally significant to the history of Wellington or are of national importance shall be preserved *in situ* or conserved off site for public display. Assessment of significance shall be determined through consultation with a qualified archaeologist and the NZHPT.

11 Within 20 working days of the completion of any on-site archaeological work associated with this authority, a written summary outlining the archaeological work undertaken, the preliminary results, and the approximate percentage of archaeological material remaining *in situ*, shall be submitted to the NZHPT Regional Archaeologist. NZAA Site Record Form(s) shall also be submitted for any archaeological sites/features/deposits identified to the NZAA Site Recording Scheme.

This report and the Site Record Form(s) shall be prepared by a qualified archaeologist.

12 The Agency shall ensure that within 12 months of the completion of the on-site archaeological work a final report is submitted to the NZHPT Regional Archaeologist.

This report shall include, but is not limited to, site plans, section drawings, photographs, inventory of material recovered (including a catalogue of artefacts), location of where the material is currently held, and analysis of recovered material in accordance with accepted archaeological practice.

This report shall be prepared by a qualified archaeologist.

13 The Agency shall ensure that one hard copy of the final report is sent to the NZHPT Regional Archaeologist. A digital copy shall also be sent to the NZHPT's National Office for inclusion in the Digital Library.

Hard copies of the final report shall also be sent to:

- The NZAA Central Filekeeper.

Schedule 5

Building consents granted to Agency and conditions applying

s 12(1)

In this schedule,—

building means any building or structure listed in BC 01

Council means the Wellington City Council.

Part 1

Building consents

No	Scope of consent
BC01	<p>Building Consent is granted for any work to secure (either the building or its foundations), or to repair, the following buildings:</p> <ul style="list-style-type: none">(a) HMNZS Olphert, Sec 90 Town of Wellington, 27 and 29 Buckle Street and 213 Taranaki Street(b) Former Army Headquarters Building, Sec 90 Town of Wellington, 27 and 29 Buckle Street and 213 Taranaki Street, Wellington(c) Former Mt Cook Police Barracks, Lot 1 DP 87064, 13 Buckle Street, Wellington(d) National War Museum and Carillon, Pt Sec 1266, Town of Wellington, Buckle Street, Wellington(e) Former Francis Holmes building, Lot 1 DP 9560, 208–212 Taranaki Street, Wellington(f) Tory Hall Apartments, Lot 1 DP 83517, 176–178 Tory Street, Wellington(g) Mt Cook School, Tory Street, Wellington(h) Te Papa Archives, Pt Lot 1 DP 61434 and Sec 1397 Town of Wellington, 169–179 Tory Street, Wellington(i) Tasman Garden Apartments/Townhouses, 1 Tasman Street, Section 1219 Town of Wellington, computer freehold register WN48D/821 to 48D/863, and WN51D/755 and 51D/756(j) Walls over 2 m high within any of the following properties:<ul style="list-style-type: none">(i) Sec 90 Town of Wellington, 27 and 29 Buckle Street and 213 Taranaki Street, Wellington(ii) Lot 1 DP 87064, 13 Buckle Street, Wellington(iii) Pt Sec 1266, Town of Wellington, Buckle Street, Wellington(iv) Pt Sec 263 Town of Wellington, 18 Buckle Street, Wellington(v) Lot 1 DP 9560, 208–212 Taranaki Street, Wellington(vi) Lot 1 DP 83517, 176–178 Tory Street, Wellington

No	Scope of consent
	<ul style="list-style-type: none"> (vii) Mt Cook School, Tory Street, Wellington (viii) Pt Lot 1 DP 61434 and Sec 1397 Town of Wellington, 169–179 Tory Street, Wellington (ix) Tasman Garden Apartments/Townhouses, 1 Tasman Street, Section 1219 Town of Wellington, computer freehold register WN48D/821 to 48D/813 and WN51D/755 and 51D/756.
BC02	Building Consent is granted for all building works associated with activities authorised by the designation granted under Part 1 of Schedule 3, including (without limitation) any temporary or permanent noise mitigation structures and any other temporary structures for use during the enabling works or the construction period for undergrounding of Buckle Street.

Part 2 Conditions

Condi

on no

Conditions applying to BC01

- 1 Any works to a Building will not seek to improve the existing condition of the Building but where applicable will seek to ensure that the Building continues to comply with the provisions of the Building Code to at least the same extent as it did before the works were undertaken.
- 2 For any work to a Building by the Agency and subject to condition 2, a certificate of work (PS1: Design) shall be prepared in accordance with ACENZ, IPENZ and NZIA guidance (May 2007) by a suitably qualified design professional who is a member of IPENZ or NZIA. The PS1 shall include:
 - (a) Extent and Scope of the works
 - (b) Details of where the building work is located:
 - (i) street address
 - (ii) legal description of land where the building is located
 - (iii) building name
 - (iv) number of levels, including ground level and any levels below
 - (v) level and unit number
 - (vi) area: total floor affected by building work
 - (vii) current, lawfully established, use, including approximate number of occupants per level and per use
 - (c) Name of the owner:

Condi

on no Conditions applying to BC01

- (i) mailing address
 - (ii) phone numbers (where known)
 - (iii) fax number (where known)
 - (iv) email address (where known)
 - (v) the year when the building was first constructed (if known).
- 3 For any work to a Building by the Agency and subject to condition 2, a certificate of work (PS2: Design Review) shall be prepared in accordance with ACENZ, IPENZ and NZIA guidance (May 2007) by a suitably qualified independent design professional who is a member of IPENZ or NZIA.
- 4 The PS1 and PS2 shall be supplied to the Council's Building Consents Manager and the land owner of the relevant Building at least 3 working days in advance of the work at that Building taking place.
- 5 For any work to a Building by the Agency (apart from minor variations or modifications, and any building work in respect of which compliance with the Building Code is not required under the Building Act 2004) any alterations to the proposed design must be reviewed by a suitably qualified independent design professional who is a member of IPENZ or NZIA.
- 6 For any work to a Building by the Agency a certificate of work (PS4: Construction Review) shall be prepared in accordance with ACENZ, IPENZ and NZIA guidance (May 2007) by a suitably qualified design professional and shall be supplied to the Council and the land owner of the relevant Building within 2 months of the completion of work at that Building.

Condi

ons no Conditions applying to BC02

- 7 A certificate of work (PS1: Design) shall be prepared in accordance with ACENZ, IPENZ and NZIA guidance (May 2007) by a suitably qualified design professional who is a member of IPENZ or NZIA. The PS1 shall include:
- (a) extent and scope of the works; and
 - (b) details of where the building work is to be located:
 - (i) street address:
 - (ii) legal description of land where the building work is to be located.
- 8 A certificate of work (PS2: Design Review) shall be prepared in accordance with ACENZ, IPENZ and NZIA guidance (May 2007) by a suitably qualified independent design professional who is a member of IPENZ or NZIA.
- 9 The PS1 and PS2 shall be supplied to:
- (a) Wellington City Council's Building Consents Manager; and

Condi**ons no Conditions applying to BC02**

- (b) if the building works will not be located on land owned by the Crown, the owner of the land on which the relevant building works are to be located,
- at least 3 working days in advance of that work taking place.
- 10 Apart from minor variations or modifications, and any building work in respect of which compliance with the Building Code is not required by the Building Act 2004, any alterations to the proposed design must be reviewed by a suitably qualified independent design professional who is a member of IPENZ or NZIA.
- 11 A certificate of work (PS 4: Construction Review) in accordance with ACENZ, IPENZ, and NZIA guidance shall be supplied, within 2 months of the completion of work, to:
- (a) the Council; and
- (b) if the building works are not located on land owned by the Crown, the owner of the land on which the relevant building works are located.

Schedule 6
Building consents granted to chief executive of Ministry and
conditions applying

s 12(2)

Part 1
Building consent

Referen

ce **Building consent**

- 01 Building consent is granted for all building works within the National War Memorial Park associated with activities authorised by the resource consents granted under section 8(2), including (without limitation) any demolition, landscaping, retaining walls, stairs, signage, lighting, fences, structures, permanent shelters and an Australian War Memorial.

Part 2
Conditions

Condi
on no

Condition

- 01 Plans and specifications that are required whether or not by regulations made under section 402 of the Building Act 2004, shall be prepared in accordance with ACENZ, IPENZ and NZIA guidance (May 2007) by a suitably qualified design professional who is a member of IPENZ or NZIA. The plans and specifications shall include:
- (a) extent and scope of the works; and
 - (b) details of where the building work is to be located:
 - (i) street address;
 - (ii) legal description of the land where the building work is to be located.
- 02 If the plans and specifications contain design work that is restricted building work, those plans and specifications must be accompanied by a certificate of work—
- (a) provided by the licensed building practitioner who carried out or supervised that design work; and
 - (b) that identifies that design work; and
 - (c) that states—
 - (i) that the design work complies with the building code; or
 - (ii) whether waiver or modification of the building code is required and, if so, what that waiver or modification is.

Condi**on no****Condition**

- 03 Certificates of work required by the approved quality assurance system must—
- (a) relate to the design of the building work or the design of any part of it; and
 - (b) state that the plans and specifications comply with the building code.
- 04 Supporting third-party reviews (including any independently commissioned reviews) of the plans and specifications, if required by the approved quality assurance system, must be signed by appropriately qualified persons.
- 05 The plans and specifications, certificates of work, and supporting third-party reviews shall be supplied, at least 3 working days in advance of that work taking place, to:
- (a) the building consent authority; and
 - (b) if the building works will not be located on land owned by the Crown, the owner of the land on which the relevant building works are to be located.
- 06 Apart from minor variations or modifications, and any building work in respect of which compliance with the Building Code is not required by the Building Act 2004, any alterations to the proposed design must be reviewed by a licensed building practitioner.

Schedule 7

Power of entry and property rights granted to Agency and conditions applying

ss 17(1), 18(1)

Interpretation of terms used in this schedule

In this schedule,—

land means all of the following properties or any of them as may be specified:

- (a) 13 Buckle Street, Lot 1 DP 87064, computer freehold register WN54D/135;
- (b) Tasman Garden Apartments/Townhouses, 1 Tasman Street, Section 1219 Town of Wellington, computer freehold register WN48D/821 to 48D/863, and WN51D/755 and 51D/56;
- (c) Part Section 1266 Town of Wellington, computer freehold register WN49D/144;
- (d) 27 to 29 Buckle Street and 213 Taranaki Street, Section 90 Town of Wellington;
- (e) 21 Buckle Street, Lot 2 DP 87064, computer freehold registers WN54C/503 and WN54D/136;
- (f) 176 and 178 Tory Street, Lot 1 DP 83517, computer freehold register WN50D/66;
- (g) 169 to 179 Tory Street, Pt Lot 1 DP 61434 WN35C/772 and Sec 1397, Town of Wellington, computer freehold register WN28B/344;
- (h) Mt Cook School, Tory Street, Wellington, being—
 - (i) Pt Sec 234 Town of Wellington, *Gazette* 1996, page 1187; and
 - (ii) Pt Sec 234 and 235, Town of Wellington, *Gazette* 1924, page 706; and
 - (iii) Pt Sec 234 and Pt Sec 235 Town of Wellington, computer freehold register WN340/226; and
 - (iv) Pt Sec 235 Town of Wellington, *Gazette* 1927, page 640; and
 - (v) Pt Sec 235 Town of Wellington, computer freehold register WN6/42; and
 - (vi) Pt Sec 235 Town of Wellington, computer freehold register WN406/255; and
 - (vii) Pt Sec 235 and Pt Sec 236 Town of Wellington, computer freehold register WN45/56; and
 - (viii) Pt Sec 236 Town of Wellington, *Gazette* 1953, page 1550; and
 - (ix) Pt Sec 236 Town of Wellington, computer freehold register WN20/215; and
 - (x) Lots 1 and 2 DP 4351, computer freehold register WN 262/238; and

(xi) Lot 1 DP 5513, computer freehold register WN289/114

mitigation works means any works which may be required to mitigate or ameliorate any actual or potential adverse effects of the construction of the project or are otherwise required in relation to the construction of the project

project means works to underground part of Buckle Street (State Highway 1) and alterations to the local road network to facilitate that undergrounding as well as any investigations or enabling works in relation to those activities (including the construction and operation of temporary roads).

Part 1

Power of entry

PR 1 A power of entry to, on, or over the land specified in this schedule for the purpose of identifying, quantifying, and mitigating any actual or potential adverse effects of the project, or any mitigation works.

Part 2

Conditions applying to exercise of PR 1

No	Condition
01	The Agency must give advance notice in writing to owner of the property, setting out— <ol style="list-style-type: none"> (a) the nature of the power to be exercised; and (b) when that power will be exercised; and (c) the fact that compensation may be payable under the Public Works Act 1981.
02	No error or omission in the content of any such notice affects the validity of the notice or the Agency's entitlement to exercise the rights of entry.
03	The rights of entry may be exercised at reasonable times, having regard to the nature of the rights and the use of the property, building, or structure.
04	No permanent physical alterations may be carried out to any property, building, or structure.
05	Any damage caused to any property, building, or structure by the Agency must be made good by the Agency.
06	Any person exercising any power under this Part must— <ol style="list-style-type: none"> (a) take reasonable steps to minimise any inconvenience to the occupiers of any property to which this power relates, provided that this does not unreasonably restrict or hinder the exercise of the power; and (b) have with him or her, and shall produce if required to do so, evidence of his or her authority to exercise the power and his or her identity.

Part 3 Property rights

PR 2 Rights to—

- (a) enter, re-enter and remain in or on any of the properties comprising the land to which this schedule applies, including any buildings or other structures on any such properties with or without such assistants, vehicles, appliances, machinery, tools, and equipment as are reasonably necessary; and
- (b) alter or modify any buildings or structures, or construct additions or improvements on any such land or to any buildings or structures, to mitigate or ameliorate any actual or potential adverse effects of the project on those buildings or structures or that land (together, **Works**); and
- (c) impose on the owner and occupiers of that building or structure, or the land on which it is constructed, obligations to facilitate the Works, and avoid any interference with the Agency's exercise of these rights, including to comply with any health and safety or related issues relating to the Works.

Part 4 Conditions applying to exercise of PR 2

**Condi
on no**

Condition
07 The Agency must give advance notice in writing to the owner of the property, setting out— <ul style="list-style-type: none">(a) the nature of the rights to be exercised; and(b) when those rights will be exercised; and(c) the fact that compensation may be payable under the Public Works Act 1981.
08 No error or omission in the content of any such notice affects the validity of the notice or the Agency's entitlement to exercise the rights.
09 The rights may be exercised at reasonable times, having regard to the nature of the rights and the use of the land, building, or structure.
10 The Agency must, except as is necessary for the continued operation of any works to which these rights relate, make good any damage caused to the property, building, or structure and remove any rubbish or building debris caused by the Agency.
11 Any person exercising any rights under this schedule must— <ul style="list-style-type: none">(a) take reasonable steps to minimise any inconvenience to the occupiers of any property to which these rights relate, provided that

Condi**on no****Condition**

- this does not unreasonably restrict or hinder the exercise of the rights; and
- (b) have with him or her, and shall produce if required to do so, evidence of his or her authority to exercise those rights and his or her identity.
- 12 The rights apply without payment of rent or other consideration (other than any compensation as expressly provided for) and without the consent of any affected person.

Schedule 8

Power of entry and property rights granted to chief executive of Ministry and conditions applying

ss 17(2), 18(2)

Interpretation of terms used in this schedule

In this schedule,—

easement land means part of the land at 21 Buckle Street, as described in paragraph (a) of the definition of **land**, extending—

- (a) along the whole of the frontage of 21 Buckle Street; and
- (b) for a distance of 20 metres perpendicular to that road frontage

grantee means Her Majesty the Queen and includes, where the context permits, the grantee's officers, employees, contractors, licensees, agents, invitees, and the general public

grantor means the registered proprietor of the land for the time being and includes, where the context permits, the grantor's officers, employees, contractors, lessees, licensees, agents, and invitees

land means all of the following properties or any of them as may be specified:

- (a) 21 Buckle Street, Wellington (Lot 2 DP 87064, computer freehold registers WN54C/503 and WN54D/136); and
- (b) Mt Cook School, Tory Street, Wellington, being—
 - (i) Part Section 234 Town of Wellington, *Gazette* 1996, page 1187; and
 - (ii) Part Section 234 and Part Section 235, Town of Wellington, *Gazette* 1924, page 706; and
 - (iii) Part Section 234 and Part Section 235 Town of Wellington, computer freehold register WN340/226; and
 - (iv) Part Section 235 Town of Wellington, *Gazette* 1927, page 640; and
 - (v) Part Section 235 Town of Wellington, computer freehold register WN6/42; and
 - (vi) Part Section 235 Town of Wellington, computer freehold register WN406/255; and
 - (vii) Part Section 235 and Part Section 236 Town of Wellington, computer freehold register WN45/56; and
 - (viii) Part Section 236 Town of Wellington, *Gazette* 1953, page 1550; and
 - (ix) Part Section 236 Town of Wellington, computer freehold register WN20/215; and
 - (x) Lots 1 and 2 DP 4351, computer freehold register WN262/238; and
 - (xi) Lot 1 DP 5513, computer freehold register WN289/114; and

- (c) 55-65 Martin Square and 175 Taranaki Street, Wellington, being Lot 32 DP 69, Part Section 227 Town of Wellington and Part Lot 33 DP 69 *Gazette* 1971, page 1971, Part Lot 33 DP 69 and Lot 16 DP 69 *Gazette* 1971, page 2062, Parts Lot 15 DP 69, Lot 8 DP 69, Part Lot 6 DP 69 and Lot 7 DP 69, *Gazette* 1967, page 85

project means the construction, operation, and maintenance of the Park.

Part 1

Power of entry

- PR 1 A power at all times to enter, re-enter, and remain on the land, including any buildings or other structures on the land, with or without any kind of vehicle, and to remain thereon, with or without any appliance, machinery, tool, and equipment—
- (a) to carry out inspections, investigations, surveys, measurements, and assessments; and
 - (b) to install monitoring, testing, or measurement equipment in, on, or under the land, including any building or other structure.

Part 2

Conditions applying to exercise of PR 1

Condi

on no Condition

- | | |
|----|--|
| 01 | The exercise of the power of entry must relate to the identification, quantification, and mitigation of any actual or potential adverse effects of the project. |
| 02 | The chief executive of the Ministry must give advance notice in writing to the owner of the land, setting out— <ol style="list-style-type: none"> (a) the nature of the power to be exercised; and (b) when the power will be exercised; and (c) the fact that compensation may be payable under the Public Works Act 1981. |
| 03 | No error or omission in the content of any such notice affects the validity of the notice or the chief executive of the Ministry's entitlement to exercise the power of entry. |
| 04 | The power of entry may be exercised at reasonable times, having regard to the nature of the power and the use of the land, building, or structure. |
| 05 | No permanent physical alterations may be carried out to any land, building, or structure. |

Condi

on no Condition

- 06 Any damage caused to any land, building, or structure by the chief executive of the Ministry must be made good by the chief executive of the Ministry.
- 07 Any person exercising any power under Part 1 must—
- (a) take reasonable steps to minimise any inconvenience to the occupiers of any land to which the power relates, provided that this does not unreasonably restrict or hinder the exercise of the power; and
 - (b) have with him or her, and shall produce if required to do so, evidence of his or her authority to exercise the power and his or her identity.

Part 3

Property rights

- PR 2 There is a right of way over the easement land, with the right and power, at all times, to—
- (a) pass and re-pass over and along the easement land, including any buildings or other structures on the easement land, with or without any kind of vehicle, appliance, machinery, tool, and equipment; and
 - (b) remain on the easement land, including any buildings or other structures on the easement land, with or without vehicle, appliance, machinery, tool, and equipment; and
 - (c) alter or modify any buildings or structures on the easement land; and
 - (d) improve or alter the easement land; and
 - (e) construct additions or improvements on the easement land; and
 - (f) temporarily prevent the grantor from entering the easement land; and
 - (g) require compliance by the grantor with its obligations specified in Part 4; and
 - (h) restrict or limit, either wholly or in part, access (by vehicle or otherwise) over the easement land or any part of it to protect the safety of users of that land, including pedestrians or cyclists; and
 - (i) limit, restrict, or close off access to all or any part of the easement land in the event of public, military, or State festivities or events, development works, emergencies, or for security reasons.

Part 4

Conditions applying to exercise of PR 2

Condi**on no****Condition**

08 The grantee's rights must be exercised only in respect of the construction, operation, and maintenance of the Park, including any enabling, retaining, or other works on the easement land that the grantee considers are reasonably necessary or expedient.

Grantee's obligations

09 Prior to undertaking any works on the easement land or exercising the grantee's right to temporarily prevent the grantor from entering the easement land, the grantee must give reasonable advance notice in writing to the grantor setting out—

- (a) the nature of any rights to be exercised; and
- (b) when those rights will be exercised; and
- (c) the fact that compensation may be payable under the Public Works Act 1981.

10 No error or omission in the content of any such notice affects the validity of the notice or the grantee's entitlement to exercise the rights.

11 The rights may be exercised at reasonable times, having regard to the nature of the rights and the use of the easement land and any building or structure thereon.

12 The grantee must, except as is necessary for the continued operation of any works to which these rights relate, make good any damage caused to the easement land and any building or structure thereon and remove any rubbish or building debris caused by the grantee.

13 Any person exercising any rights under this easement must—

- (a) take reasonable steps to minimise any inconvenience to the occupiers or lawful users of the easement land, provided that this does not unreasonably restrict or hinder the exercise of the rights; and
- (b) have with him or her, and shall produce if required to do so, evidence of his or her authority to exercise those rights and his or her identity.

14 The grantee will be solely responsible for the upkeep of the easement land as part of the Park.

Grantor's obligations

15 The grantor must—

- (a) comply with all obligations imposed by the grantee to facilitate the construction, operation, and maintenance of the Park or to avoid any interference with the grantee's exercise of its rights under this ease-

Condi

on no

Condition

ment, including to comply with any health and safety or related issues relating to the construction, operation, and maintenance of the Park; and

- (b) not construct any buildings or structures on the easement land or otherwise improve or alter the easement land; and
- (c) not alter any buildings, structures, alterations, additions, or improvements constructed by or made by the grantee on or to the easement land; and
- (d) not bring any vehicle, machinery, equipment, or materials onto the easement land except as directed by the grantee; and
- (e) not impede, interfere with, or restrict the rights of the grantee in relation to this easement.

16 The grantor will be solely responsible for the cost of any repair and maintenance of the easement land occasioned by any wilful or negligent act or omission of the grantor.

Statutory rights and powers excluded

17 The rights and powers implied by Schedule 4 of the Land Transfer Regulations 2002 and by Schedule 5 of the Property Law Act 2007 do not apply to this easement.

Schedule 9 Plans

ss 6, 9(3)

Figure 1—Land requirement plan (LR01)

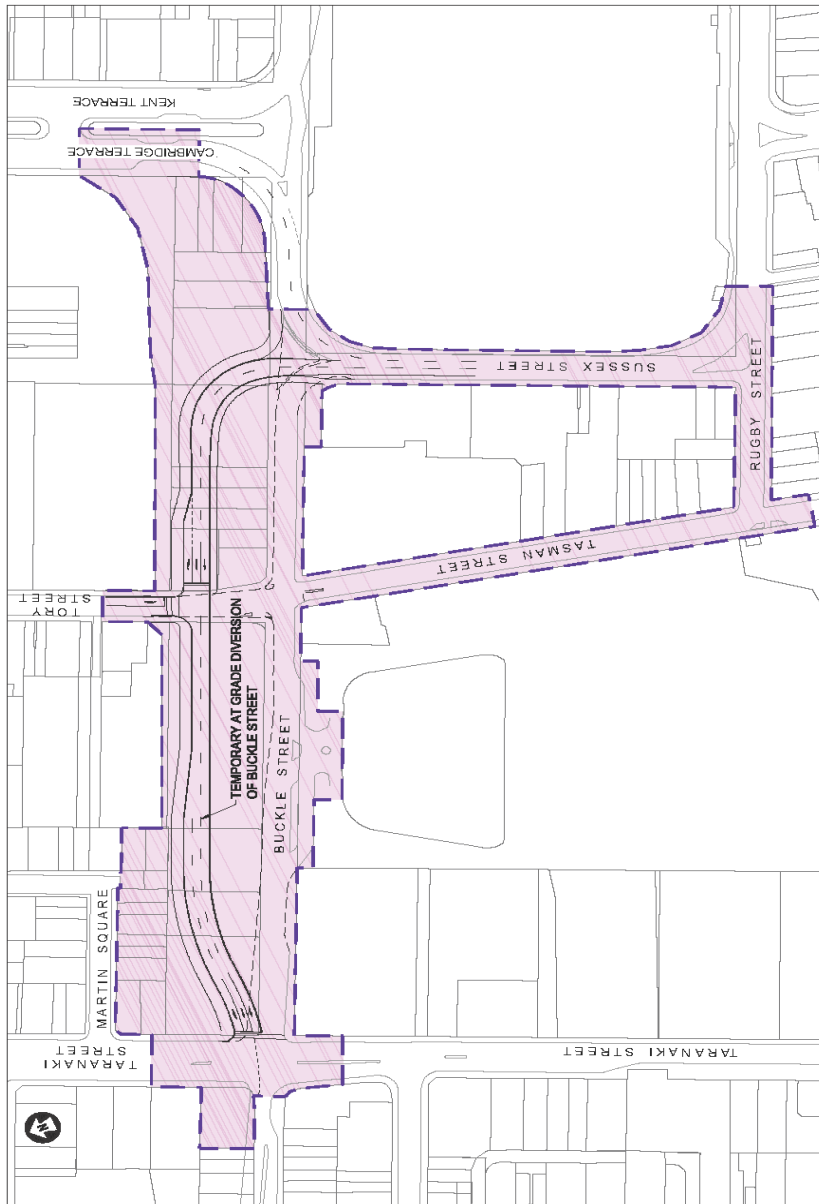


Figure 2—National War Memorial Park (Pukeahu) Plan (WMP01)

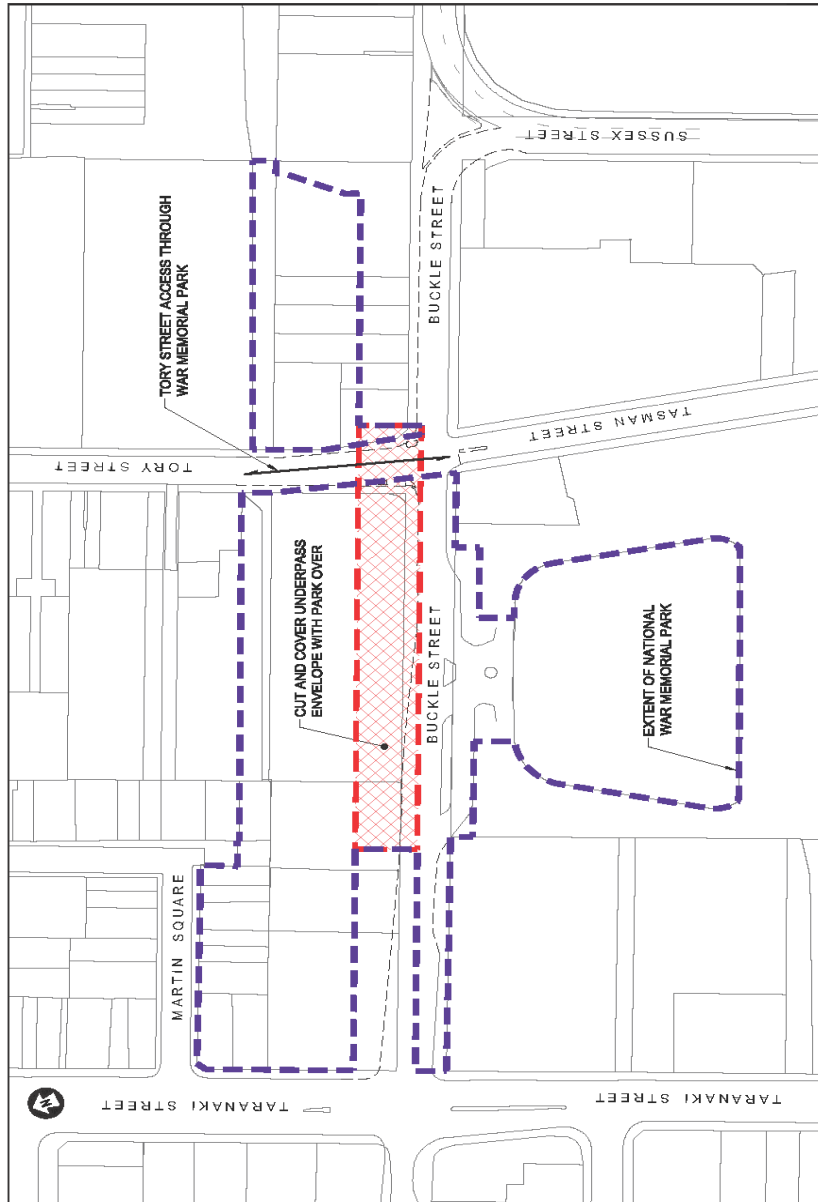
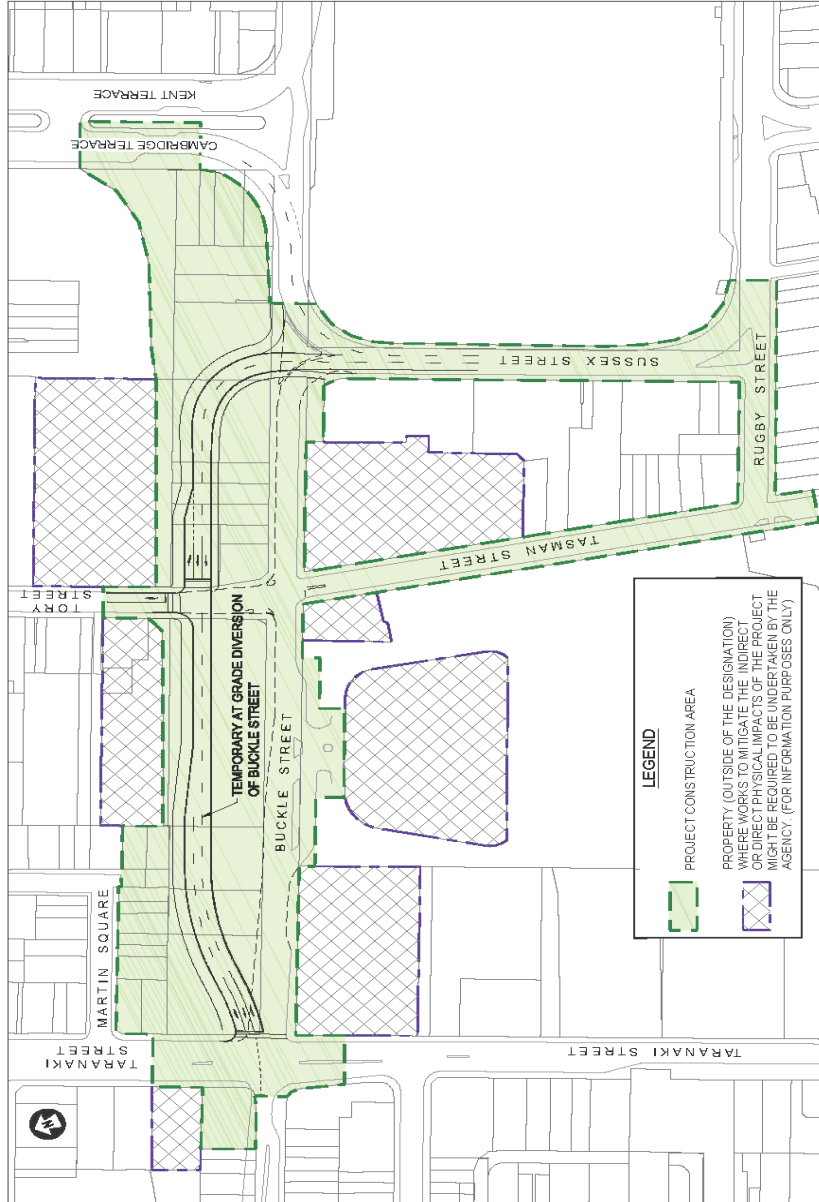


Figure 3—Construction Area Plan (CON01)



Reprints notes

1 *General*

This is a reprint of the National War Memorial Park (Pukeahu) Empowering Act 2012 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

National War Memorial Park (Pukeahu) Empowering Act 2012 (2012 No 76): sections 26, 37(5)