

**Application for Resource Consent for a Qualifying Development under the
Housing Accords and Special Housing Areas Act 2013 and Resource
Management (National Environmental Standards for Assessing and Managing
Contaminants in Soil to Protect Human Health) Regulations 2011**

NOTICE OF DECISION

<u>Site Address:</u>	232, 264, 270, 276, 277, 294, 296, 307 and 311 Shelly Bay Road, Maupuia
<u>Legal Description:</u>	Pt Sec 20 Watts Peninsula District, Sec 8-9 SO 339948, Sec 1 SO 37849, Sec 3 SO 339948, Sec 4-6, 10 SO 339948
<u>Applicant:</u>	The Wellington Company Ltd
<u>Proposal:</u>	Land Use (HASHAA): Redevelopment of the existing site including multi-unit residential, mixed use and non-residential buildings and activities, with associated earthworks Land Use (NES): Soil disturbance, change of use and subdivision of contaminated or potentially contaminated land Subdivision: 11 lot fee simple subdivision of land with road to vest
<u>Owners:</u>	Shelly Bay Ltd and Wellington City Council
<u>Service Request No.</u>	368659
<u>File Reference:</u>	1039017
<u>Operative District Plan Area:</u>	Business 1 Area Open Space B
<u>Notations in Operative District Plan:</u>	<ul style="list-style-type: none"> • Subject to Rule 34.3.7 (Development in Shelly Bay Business Precinct Area) – identified in Appendix 1 of Chapter 34 • Partially within the Matakai-kai-poinga Landscape Feature Precinct • M3 meteorological designation – located on the northern point of the site • Designation G2 – Wellington International Airport Ltd Airspace Designation
<u>Operative District Plan Activity Classification:</u>	Non-Complying - Operative District Plan

DECISION ONE – Subdivision Consent:

That officers, acting under delegated authority, under sections 36 to 38 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA), **grant resource consent** to the proposal for an 11 lot subdivision of land, with road to vest, at **232, 264, 270, 276, 277, 294, 296, 307 and 311 Shelly Bay Road, Maupuia** (Pt Sec 20 Watts Peninsula District, Sec 8-9 SO 339948, Sec 1 SO 37849, Sec 3 SO 339948, Sec 4-6, 10 SO 339948). Consent is granted with a lapse period of 13 years from the date of this decision, or within such an extended period of time pursuant to section 125 of the RMA, and is subject to the following conditions:

Conditions of Consent:

Survey Plan:

1. The survey plan must conform to the subdivision consent proposal shown on the concept plan by Calibre Consulting entitled, “Shelly Bay Redevelopment, Stage One, Scheme Plan”, Project No. 708977, Sheet V211 Rev B, and Sheet V212 Rev A, dated 28 February 2017, submitted with Service Request No. **368659**.
2. Lots 900 and 901 must be shown as Road to Vest on the survey plan.

Service Connection to Lots:

3. The consent holder shall provide certification from a suitably qualified person which confirms that all allotments have a functioning telecommunication, energy supply, water supply, stormwater and wastewater connection suitable for the current occupation of each lot at time of certification.

Stormwater Quality:

4. To mitigate stormwater contamination, the use of building or roofing materials that can leach contaminants such as lead, copper and zinc will require a stormwater treatment solution to be implemented prior to the construction of any building containing these materials. The proposed treatment system must be certified by the Council’s Monitoring Officer prior to its installation.

Note: Upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify **condition (4) above** to be registered against the Computer Freehold Register to issue in respect of Lots 1-11, 902 and 904 of this subdivision.

Future buildings:

5. Future development of Lots 1-11, 902 and 904 will require full utility servicing which meets the requirements of the WCC Code of Practice for Land Development.

Note: Upon the issue of the certificate pursuant to section 224 or at such earlier time as may be required, a Consent Notice pursuant to section 221 will be issued. The Consent Notice will specify **condition (5) above** to be registered against the Computer Freehold Register to issue in respect of Lots 1-11, 902 and 904 of this subdivision.

Easements:

6. Any utility services serving an allotment within the subdivision, where contained within another allotment of this subdivision, must have appropriate easements duly granted or reserved. The easements, as necessary and subject to other conditions of this consent, are to ensure that the lots can be serviced for water supply, drainage, domestic energy supply, and telecommunications (including broadband).

Notes: *This may be covered by a blanket easement over the entire site area of each lot, as preferred by the consent holder, without having to specifically locate the services.*

7. Rights of Way easement areas A-D as shown in the Memorandum of Easements on the subdivision concept plan must be duly granted or reserved.
8. A temporary easement must be created over the existing road that extends through proposed Lots 902 and 904 to ensure public access is retained.

Note: Upon the construction of road (900 and 901) required by condition 42 under Decision Two below, the temporary easement can be extinguished.

Amalgamation Condition:

9. The following amalgamation conditions are to be endorsed on the Digital Title Plan:
 - Proposed lots 2, 3, 4, 5 and 900 must be held in one Computer Freehold Register.
 - Section 5 SO 339948 and proposed Lot 904 must be held in one Computer Freehold Register.
 - Proposed lots 9, 10, 11 and 903 must be held in one Computer Freehold Register.

Refer to LINZ reference no. 1436994

DECISION TWO – Land Use Consent:

That officers, acting under delegated authority, under sections 36 to 37 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) AND pursuant to section 104B of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal for a site redevelopment including multi-unit residential housing, mixed use and non-residential buildings and activities, and with associated earthworks on a contaminated or potentially contaminated site, at **232, 264, 270, 276, 277, 294, 296, 307 and 311 Shelly Bay Road, Maupuia** (Pt Sec 20 Watts Peninsula District, Sec 8-9 SO 339948, Sec 1 SO 37849, Sec 3 SO 339948, Sec 4-6, 10 SO 339948). Consent is granted with a lapse period of 13 years from the date of this decision, or within such an extended period of time pursuant to section 125 of the RMA, and is subject to the following conditions:

Conditions of Consent:

General:

1. The proposal must be in accordance with the information provided with the application Service Request No. **368659** and as follows:

The proposal must be in accordance with Plans entitled ‘Shelly Bay Masterplan_Sep 2016’ (except where noted) and follow the general principles as set out in the following plans (Shelly Bay Master Plan Revision 9):

- ‘1.3 Masterplan’, pg 4
- ‘1.4 Overall Design Strategy’, pg 5
- ‘4.1 Development Site Plan’, pg 16
- ‘4.2 Building Types’, pg 17
- ‘4.3 Building Uses’, pg 18
- ‘4.4 Site – Bulk and Form – North Bay House’, pg 19
- ‘4.4 Site – Bulk and Form – North Bay Townhouse 1’, pg 20
- ‘4.4 Site - Bulk and Form – North Bay Apartment 1’, pg 21
- ‘4.4 Site - Bulk and Form – North Bay Townhouse 2’, pg 22
- ‘4.4 Site – Bulk and Form – North Bay Apartment 2’, pg 23
- ‘4.4 Site – Bulk and Form – North Bay Townhouse 3/4’, pg 24
- ‘4.4 Site – Bulk and Form – Aged Care’, pg 25
- ‘4.4 Site – bulk and Form – North Bay Apartment 3’, pg 26
- ‘4.4 Site – Bulk and Form – North Bay Apartment 3’, pg 27
- ‘4.4 Site – Bulk and Form – Aged Care’, pg 28
- ‘4.4 Site – Bulk and Form – Aged Care’, pg 29
- ‘4.4 Site Bulk and Form - North Bay Apartment 4’, pg 30
- ‘4.4 Site – Bulk and Form – North Bay Apartment 5/6’, pg 31
- ‘4.4 Site – Bulk and Form – Aged Care’, pg 32
- ‘4.4 Site – Bulk and Form – North Bay Apartment 6 Alternative’, pg 33
- ‘4.4 Site Bulk and Form North Bay Townhouse 4/5 P34
- ‘4.4 Site – Bulk and Form – Aged Care’, pg 35
- ‘4.4 Site Bulk and Form North Bay Townhouse 6 Alternative’ P36
- ‘4.4 Site – Bulk and Form – North Bay Townhouse 7’, pg 37
- ‘4.4 Site – Bulk and Form – North Bay Apartment 7’, pg 38
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 1’, pg 39
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 2’, pg 40
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Apartment 1’, pg 41
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 3’, pg 42
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 4’, pg 43
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 5’, pg 44
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 6’, pg 45
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 7’, pg 46
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 8’, pg 47
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 9’, pg 48
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf Building 10’, pg 49
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf House 1’, pg 50
- ‘4.4 Site – Bulk and Form – Shelly Bay Wharf House 2’, pg 51
- ‘4.4 Site – Bulk and Form – South Bay Building 1’, pg 52
- ‘4.4 Site – Bulk and Form – South Bay Townhouse 1/2’, pg 53
- ‘4.4 Site – Bulk and Form - South Bay Apartment 1/2’, pg 54
- ‘4.4 Site – Bulk and Form – South Bay Apartment 1/2’, pg 55
- ‘4.4 Site – Bulk and Form – South Bay Townhouse 3’, pg 56
- ‘4.4 Site – Bulk and Form – South Bay Townhouse 4/5’, pg 57
- ‘4.4 Site – Bulk and Form – South Bay Apartment 3’, pg 58
- ‘4.4 Site – Bulk and Form – South Bay Apartment 4’, pg 59
- ‘4.4 Site – Bulk and Form – South Bay House 11’, pg 60
- ‘4.4 Site – Bulk and Form – South Bay House 1’, pg 61

- ‘4.4 Site – Bulk and Form – South Bay House 2’, pg 62
- ‘4.4 Site – Bulk and Form – South Bay House 3’, pg 63
- ‘4.4 Site – Bulk and Form – South Bay House 4’, pg 64
- ‘4.4 Site – Bulk and Form – South Bay House 5’, pg 65
- ‘4.4 Site – Bulk and Form – South Bay House 6’, pg 66
- ‘4.4 Site – Bulk and Form – South Bay House 7’, pg 67
- ‘4.4 Site – Bulk and Form – South Bay House 10’, pg 68
- ‘4.4 Site – Bulk and Form – South Bay House 10’, pg 69
- ‘4.4 Site – Bulk and Form – South Bay House 8’, pg 70
- ‘4.4 Site – Bulk and Form – South Bay House 9’, pg 71
- ‘5.1 Site Access and Parking Strategy’, pg 74, dated Nov 2016
- ‘5.2 Streets, Lanes and Mews’, pg 75, stamped as being received by Council on 18 January 2016

The proposal must also follow the general principle as set out in the plans by Envelope Engineering all dated 14th September 2016, except where noted, including:

- Drawing 1098-01-210, ‘Proposed Contour Plan – Overall Layout’
- Drawing 1098-01-211, ‘Proposed Contour Plan – Sheet 1 of 3’
- Drawing 1098-01-212, ‘Proposed Contour Plan – Sheet 2 of 3’
- Drawing 1098-01-213, ‘Proposed Contour Plan – Sheet 3 of 3’
- Drawing 1098-01-220, ‘Proposed Cut/Fill – Overall Layout’
- Drawing 1098-01-221, ‘Proposed Cut/Fill – Sheet 1 of 3’
- Drawing 1098-01-222, ‘Proposed Cut/Fill – Sheet 2 of 3’
- Drawing 1098-01-223, ‘Proposed Cut/Fill – Sheet 3 of 3’
- Drawing 1098-01-230, ‘Proposed Erosion and Sediment Control Plan - Overall’
- Drawing 1098-01-231, ‘Proposed Erosion and Sediment Control Plan - Sheet 1 of 3’
- Drawing 1098-01-232, ‘Proposed Erosion and Sediment Control Plan - Sheet 2 of 3’
- Drawing 1098-01-233, ‘Proposed Erosion and Sediment Control Plan - Sheet 3 of 3’
- Drawing 1098-01-235, ‘Erosion and Sediment Control Details – Sheet 1 of 3’
- Drawing 1098-01-236, ‘Erosion and Sediment Control Details – Sheet 2 of 3’
- Drawing 1098-01-237, ‘Erosion and Sediment Control Details – Sheet 3 of 3’
- Drawing 1098-01-300, ‘Proposed Road Layout – Overall Layout’
- Drawing 1098-01-301, ‘Proposed Road Layout – Sheet 1 of 6’
- Drawing 1098-01-302, ‘Proposed Road Layout – Sheet 2 of 6’
- Drawing 1098-01-303, ‘Proposed Road Layout – Sheet 3 of 6’
- Drawing 1098-01-304, ‘Proposed Road Layout – Sheet 4 of 6’
- Drawing 1098-01-305, ‘Proposed Road Layout – Sheet 5 of 6’
- Drawing 1098-01-306, ‘Proposed Road Layout – Sheet 6 of 6’, R2, dated 25-10-2016
- Drawing 1098-01-320, ‘Proposed Road Long-Sections – Sheet 1 of 4’
- Drawing 1098-01-321, ‘Proposed Road Long-Sections – Sheet 2 of 4’
- Drawing 1098-01-322, ‘Proposed Road Long-Sections – Sheet 3 of 4’
- Drawing 1098-01-323, ‘Proposed Road Long-Sections – Sheet 4 of 4’
- Drawing 1098-01-330, ‘Proposed Road Typical Cross-Sections – Sheet 1 of 2’
- Drawing 1098-01-331, ‘Proposed Road Typical Cross-Sections – Sheet 2 of 2’
- Drawing 1098-01-350, ‘Vehicle Tracking Plans Medium Rigid Truck Sheet 1 of 2’, R1, dated 27-10-2016
- Drawing 1098-01-351, ‘Vehicle Tracking Plans Medium Rigid Truck Sheet 2 of 2’, R1, dated 27-10-2016

- Drawing 1098-01-400, 'Proposed Drainage Layout Plan – Overall Layout'
- Drawing 1098-01-401, 'Proposed Drainage Layout Plan – Sheet 1 of 6'
- Drawing 1098-01-402, 'Proposed Drainage Layout Plan – Sheet 2 of 6'
- Drawing 1098-01-403, 'Proposed Drainage Layout Plan – Sheet 3 of 6'
- Drawing 1098-01-404, 'Proposed Drainage Layout Plan – Sheet 4 of 6'
- Drawing 1098-01-405, 'Proposed Drainage Layout Plan – Sheet 5 of 6'
- Drawing 1098-01-406, 'Proposed Drainage Layout Plan – Sheet 6 of 6'
- Drawing 1098-01-410, 'Stormwater Catchment Plan'
- Drawing 1098-01-420, 'Proposed Stormwater Long-Sections – Sheet 1 of 5'
- Drawing 1098-01-421, 'Proposed Stormwater Long-Sections – Sheet 2 of 5'
- Drawing 1098-01-422, 'Proposed Stormwater Long-Sections – Sheet 3 of 5'
- Drawing 1098-01-423, 'Proposed Stormwater Long-Sections – Sheet 4 of 5'
- Drawing 1098-01-424, 'Proposed Stormwater Long-Sections – Sheet 5 of 5'
- Drawing 1098-01-430, 'Proposed Wastewater Long-Sections – Sheet 1 of 5'
- Drawing 1098-01-431, 'Proposed Wastewater Long-Sections – Sheet 2 of 5'
- Drawing 1098-01-432, 'Proposed Wastewater Long-Sections – Sheet 3 of 5'
- Drawing 1098-01-433, 'Proposed Wastewater Long-Sections – Sheet 4 of 5'
- Drawing 1098-01-434, 'Proposed Wastewater Long-Sections – Sheet 5 of 5'
- Drawing 1098-01-500, 'Proposed Water Supply Layout – Overall Layout'
- Drawing 1098-01-501, 'Proposed Water Supply Layout – Sheet 1 of 6'
- Drawing 1098-01-502, 'Proposed Water Supply Layout – Sheet 2 of 6'
- Drawing 1098-01-503, 'Proposed Water Supply Layout – Sheet 3 of 6'
- Drawing 1098-01-504, 'Proposed Water Supply Layout – Sheet 4 of 6'
- Drawing 1098-01-505, 'Proposed Water Supply Layout – Sheet 5 of 6'
- Drawing 1098-01-506, 'Proposed Water Supply Layout – Sheet 6 of 6'

Construction Timeframe:

2. The development of the site must meet the following construction timeframe:
 - Construction of 50 residential units must occur within 4 years of date of issue of this consent.
 - Construction of 150 residential units must occur within 6 years of date of issue of this consent.
 - Construction of 200 residential units must occur within 8 years of date of issue of this consent.
 - Construction of 250 residential units must occur within 9 years of date of issue of this consent.
 - Construction of 300 residential units must occur within 11 years of date of issue of this consent.
 - Construction of the remaining units must occur within 13 years of date of issue of this consent.

Urban Design:

3. Prior to the commencement of construction of any buildings, structures, open spaces, car parking or the relocation and alterations to existing buildings to be retained approved under **condition (1) above**, the consent holder must submit a detailed design proposal to the **Council's Compliance Officer (CMO)** for certification. The CMO shall liaise with the Council's Urban Design Advisor and Traffic team in certifying any detailed design.
4. Prior to submitting the detailed design of the proposal, as required under **condition (3) above**, the consent holder must first submit the detailed design to the Shelly Bay

Design Panel for its recommendation. The recommendation must then be included with the detailed design proposal submitted to the CMO to satisfy **condition (3) above**. In seeking a recommendation from the Shelly Bay Design Panel the consent holder must demonstrate (through an assessment) that the proposal meets the intent of the consent applicants Shelly Bay Design Guide version 22 dated 19.01.2017.

Note: *The Shelly Bay Design Panel is a panel that will be made up of three architecture/urban design experts to provide advice to the Council officers if the proposal meets the consent applicants Shelly Bay Design Guide.*

The Design Panel will be jointly appointed by the consent applicant and the Council, consisting of 1 design panel member appointed by the consent applicant, 1 design panel member appointed by the Council and 1 design panel member jointly appointed by the consent applicant and the Council.

All costs associated with the assessment by the Design Panel shall be borne by the consent holder.

Earthworks:

5. A Geotechnical Professional must undertake further site investigations in line with the recommendations made in the geotechnical report by Aurecon Ltd dated the 19 January, 2016 (Reference 60480847). A geotechnical assessment based on the additional site investigations must be submitted to the CMO for comment, at least 10 working days prior to any work commencing.

A 'Geotechnical Professional' is defined as a Chartered Professional Engineer (CPEng) with specialist geotechnical skills and experience in the design and construction of excavation and retaining works on steep slopes and filled ground similar to those proposed and in similar ground conditions.

6. A Geotechnical Professional must be engaged for the detailed design and construction phases of the project. The name and the contact details of the Geotechnical Professional must be provided to the CMO, at the time the person is appointed.
7. The Geotechnical Professional will monitor the excavation and the construction of the retaining works. He/she will advise on the best methods to ensure:
 - the stability of the land
 - that the work does not cause damage, or have the potential to cause damage, to neighbouring land or buildings
 - that the design and construction of the temporary and permanent earthworks, retaining structures and drainage, are consistent with the recommendations from both the geotechnical assessments undertaken by Aurecon Ltd dated the 19 January, 2016 (Reference 60480847) and future assessments undertaken as part of **condition (5) above**.

The Consent Holder must follow all the advice of the Geotechnical Professional in a timely manner.

8. A suitably experienced Construction Supervisor must be engaged during the detailed construction phase of the project.
9. **A 'Construction Supervisor' is defined as a person with skills and experience in the construction of excavation and retaining works on steep slopes similar to those**

proposed and in similar ground conditions. The name and the contact details of the Construction Supervisor must be provided to the CMO, at the time the person is appointed.

10. Daily excavation and retaining works construction must be directed by the Construction Supervisor.
11. The site must be inspected by the Geotechnical Professional or by an **engineer/geologist under the Geotechnical Professional's direction following each** increment of excavation and prior to the construction of the structural support to that increment of excavation.
12. The Geotechnical Professional must confirm the design of each increment of structural support to the architect/project manager prior to the construction of that increment of structural support.
13. A Construction Management Plan (CMP), prepared with involvement from the Geotechnical Professional and Construction Supervisor, must be submitted to the CMO for certification, at least 10 working days prior to any work commencing for each stage of the development.

In granting approval the CMO will consult with the Council's Earthworks Engineer, Traffic team and Transport Asset Performance teams. The officer's certification must be received prior to any work commencing relative to that particular stage.

The CMP must be consistent with both the geotechnical assessments undertaken by Aurecon Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical assessments undertaken as part of **condition (5) above** and will include, but is not limited to, the following:

- Roles and responsibility of key site personnel.
- A contact (mobile) telephone number(s) for the on-site manager, where contact can be made 24 hours a day / 7 days a week.
- A communication and complaints procedure for adjoining property owners/occupiers, passer-by's and the like.
- Hours of work at the site.
- Measures to ensure excavation and retaining structures are constructed incrementally to maintain stability of all the slopes.
- The maximum height increment of excavation before the structural support to that excavation is put in place.
- Other measures to ensure excavations and retaining structures remain stable, including measures to limit the exposure of unretained earthworks at any one time.
- Temporary pedestrian safety measures including directional signage where applicable.
- A limit on the days and hours of work for heavy vehicles. E.g. trucks may be restricted to operate outside commuter traffic peaks and school start and finish times.
- Measures to deal with any collateral damage to vehicles and property
- Any related occupation of the public footpath or carriageway for construction related purposes
- Construction vehicle routes.
- Acknowledgement of sensitive sites along the route e.g schools.

- Details of the staging of work

Any amendments to the CMP once work starts must be authorised by the Construction Supervisor and the Geotechnical Professional, and certified by the CMO.

14. The CMP must be peer reviewed by the Geotechnical Professional, to ensure that the methodology is in accordance with both the geotechnical assessment undertaken by Aurecon Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical undertaken as part of **condition (5) above**.

The review must be provided to the CMO at least 10 working days prior to any work commencing.

15. The earthworks and retaining work must be carried out in accordance with the CMP to the satisfaction of the CMO.
16. An Earthworks Management Plan (EMP), with involvement from the Geotechnical Professional and Construction Supervisor, must be submitted to the CMO for certification at least 10 working days prior to any work commencing for each stage of the development.

The CMO will consult with the Council's Earthworks Engineer. The EMP is to be based on the specifications of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines. The officer's certification must be received prior to any work commencing.

17. The EMP must be consistent with both the geotechnical assessments undertaken by Aurecon Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical assessments undertaken as part of **condition (5) above** and will include, but is not limited to, the following:

- An illustrated plan that records the key features of the EMP
- Erosion, dust and sediment control measures.
- Measures to ensure temporary and permanent excavations remain stable, including measures to limit the exposure of unretained earthworks at any one time.
- Measures to ensure that the discharge of dust created by earthworks, construction and transport activities are suitably controlled to minimise dust hazard or nuisance.
- Use of diversion bunds/cut off drains as required to minimise stormwater entering the site
- The type and location of silt fences and/or catch fences
- The methods for the protection of sumps from sediment infiltration
- Covering of soil or other material that is stockpiled on the site
- Covering of soil or other materials transported to, or from, the site
- Stabilisation of entrance to minimise sediment runoff
- The methods for managing and monitoring the EMP controls
- Nomination of a site person responsible for the implementation of the EMP.

Any amendments to the EMP once work starts must be authorised by the Construction Supervisor and the Geotechnical Professional, and certified by the CMO.

18. The EMP must be peer reviewed by the Geotechnical Professional, to ensure that the methodology is in accordance with both the geotechnical assessments undertaken by

Aurecon Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical assessment undertaken as part of **condition (5) above**.

The review must be provided to the CMO at least 10 working days prior to any work commencing.

19. The earthworks and other work must be carried out in accordance with the EMP to the satisfaction of the CMO. The erosion and sediment control measures must not be removed until the site is remediated to the satisfaction of the CMO.

Note: If necessary, the CMO may require changes to the implementation of the EMP, to address any problem that occurs during the work or before the ground surface is stabilised.

20. **A copy of the producer statement 'PS1 - Design' and its accompanying documents for structures/buildings must be provided to the CMO, at the date the Building Consent is applied for.**

The PS1 and documents must:

- be from a suitably experienced Chartered Professional Engineer (CPEng)
- show that the engineer has used both the geotechnical assessments undertaken by Aurecon Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical assessment undertaken as part of **condition (5) above** in the design of the structures and buildings.

The purpose of this condition is to make sure the assessment and recommendations of the Geotechnical Professional for the Resource Consent are used by the Structural Engineer for the Building Consent.

21. A copy of the **producer statement 'PS4 – Construction Review' and its accompanying documents for structures/buildings, prepared for the associated Building Consent process, must be provided to the CMO within one month of the structures/buildings being completed.**
22. Control measures must be put in place to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road. Sediment, earth or debris **must not collect on land beyond the site or enter the Council's storm water system.**
23. Dust created by earthworks, transport and construction activities must be controlled to minimise nuisance and hazard. The controls must be implemented for the duration of the site works and continue until the site stops producing dust.
24. Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property during work or transport must be cleaned up immediately. The material must not be swept or washed into street channels or storm water inlets, or dumped on the side of the road.
25. Earthworks and associated works, including the transport of excavated material from (or to) the site, must only occur within the following hours:
 - Monday to Saturday 7:30 am to 6 pm.
 - Quiet setting up of site (not including running of plant or machinery) may start at 6.30 am.
 - No work is to be carried out on Sundays or public holidays

Note: *These hours have been selected from Table 2, NZS 6803: 1999 “Acoustics – Construction Noise”. The Standard applies in all other respects, including the permitted noise levels in Table 2, and all persons undertaking earthworks and management of the site must adopt the best practical option to control noise to a reasonable level.*

Contamination:

26. Prior to the commencement of any earthworks, a Contaminated Soil Management Plan (CSMP) must be submitted to the CMO for certification. The CSMP should include but not be limited to:
 - Roles and responsibilities and contact details for the parties involved in implementing the Plan, including the identification of a suitably qualified and experienced practitioner (SQEP) to advise on contamination aspects, as required.
 - A process for identifying the presence of contamination during earthworks.
 - Onsite soil management procedures in the event that contaminated soil is encountered including procedures for consulting with the SQEP, and for the protection of workers, the environment, and future users.
 - Requirement for soil testing of gardens and public spaces.
 - Soil disposal locations for contaminated soil.
27. The works shall be undertaken in accordance with the certified CSMP.
28. Any contaminated soil removed during the works shall be disposed of to a facility authorised to receive it, and the CMO notified of the soil disposal location.
29. A Validation Report documenting the implementation of the CSMP shall be provided to the CMO within 2 months of completion of (each stage) of the earthworks. The Validation Report shall:
 - (a) Be prepared in general accordance with Contaminated Site Management Guideline No. 1 Guidelines for Reporting on Contaminated Sites in New Zealand, Ministry for the Environment 2011.
 - (b) Include, but not be limited to:
 - i. A summary of the works undertaken
 - ii. Details of any testing undertaken (either for disposal or for site validation)
 - iii. Copies of disposal documents for contaminated material removed from the site.

Accidental Discovery Protocol and Heritage Recording:

30. **If during any site works involving excavation any kōiwi (human skeletal remains), ovenstones, worked stones, middens, charcoal, other Māori cultural material, or any evidence of early European occupation are unearthed, work must cease immediately to enable the project archaeologists to carry out a detailed examination of the area.**

Note: *There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the Heritage New Zealand for further information. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the Heritage New Zealand must be obtained for the work prior to commencement. It is an offence to damage or*

destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.

31. The consent holder shall engage a suitably qualified heritage professional to undertake detailed recording on all structures proposed for demolition, removal and relocation. Upon the completion of the demolition, removal and relocation works, all recordings shall be provided to the CMO for their records.

Construction Noise:

32. A Construction Noise Management Plan (CNMP) must be submitted to, and certified by, the Compliance Monitoring Officer (CMO) prior to the commencement of works. The CNMP must be implemented for the duration of the site works (including demolition). The CNMP must be amended, where directed by the CMO to address proven deficiencies in its operation. The construction noise management plan shall:
 - i. Be prepared by a suitably qualified acoustic specialist.
 - ii. Specify hours of operation, a description of the main stages of work proposed, the equipment to be used and the predicted noise levels for receivers at sensitive nearby boundaries.
 - iii. Include specific details relating to methods for control of noise associated with construction works. Demonstrate these controls adopt the best practical option to reduce noise to a reasonable level in accordance with section 16 of the Resource Management Act 1991 and at all times be formulated to so as far as practicable, comply with the recommended upper limits for construction noise specified in NZS 6803:1999, Acoustics - Construction Noise when assessed in accordance with this standard.
 - iv. Specify details of complaint handling, communication procedures including notification and any necessary monitoring.

Noise Emission Limits Post Construction:

33. Noise emission levels from activities in Business Areas when measured at or within the boundary of any site to be used for a noise sensitive use or containing a residential building must meet the minimum noise insulation requirements as specified in the District Plan.

Transportation:

34. Detailed design plans of the public roading infrastructure to be provided in connection with the Shelly Bay development must be certified by the CMO prior to any works being carried out on the public road. This should include details of all proposed additions and alterations to the public roads including footpaths, kerb and channel, carriageway alterations including stormwater controls, levels and materials. Details on all street lighting, utility services alteration, signage and road markings must comply **with Council's requirements. Specific design issues will include:**

- Carriageway width
- Bus turning area
- Design of proposed shared spaces
- Pedestrian crossings

Note 1: *The CMO will liaise with the Council's Chief Transport Advisor in relation to the certification of the detailed plans submitted.*

Note 2: Consideration may be given to the use of existing infrastructure if capacity is available and condition sufficient for the construction of residential and commercial buildings/ uses until such time as full infrastructure works are undertaken. Detailed plans, calculations, and specifications of existing infrastructure capacity or proposed interim measures must be provided to the Chief Transport Advisor if the use of existing infrastructure is to be considered.

35. Detailed design plans showing all required signs, road markings and details of any traffic/parking restriction which will be required to ensure safe and efficient operation of the public roads and for the management of parking, must be approved by the Council prior to any works being carried out on the public road.

Note 1: The CMO will liaise with the Council's Chief Transport Advisor in relation to the certification of the detailed plans submitted.

Note 2: The above requirements in **conditions (34) and (35) above**, apply to both the roading within the confines of the Shelly Bay development sites and also the proposed improvements to Shelly Bay Road between Shelly Bay and Miramar Avenue, as confirmed within the TDG proposed design for the Miramar Avenue and Shelly Bay intersection submitted with the application.

36. A Servicing Management Plan (SMP) for the development shall be prepared and certified by **the CMO (in consultation with the Council's Transport Engineer) prior to occupation of any non-residential building, or apartment buildings (containing multiple units) onsite.** The Plan shall detail how the delivery of goods, collection of refuse and other routine operational needs of the development will be managed.

Once approved, the consent holder must implement all of its obligations contained in the approved SMP.

37. A Staff Travel Plan (STP) for the development shall be prepared and approved by the CMO **(in consultation with the Council's Transport Engineer) prior to occupation of any buildings utilised for non-residential purposes.** The STP shall detail how employees working at Shelly Bay can travel to and from the site so as to minimise the need for individual workers to use their own transport. The plan should include the extent of staff parking to be provided, together with other transport arrangements to ensure staff can safely and conveniently travel to and from what is a relatively isolated site.
38. An independent SIDRA calculation must be carried out prior to commencement of works to certify the resulting level of service and delay results for the intersection of Shelly Bay Road and Miramar Avenue.

Note: The Council will commission this work at the consent holder's cost.

39. The consent holder shall comply with the design, construction and as-built **requirements of the Council's Code of Practice for Land Development 2012 (either its current version or replacement document).** These are the land development engineering standards for mitigating adverse effects on the environment from earthworks and traffic (roading and street lighting).

Other alternative solutions may be approved for those aspects where the standards of the Code of Practice are unable to be met or can be achieved in a different way.

40. Road construction and street lighting plans must be submitted to the Vehicle Access Engineer and the Street Lighting Engineer (Team Leader -Transport Infrastructure) respectively for approval prior to commencement of any works onsite. The road construction plans submitted to the Vehicle Access Engineer must include details of sumps and their locations.
41. As-built plans that meet the requirements of the Code of Practice (A.7 As-built Details and A.8 Certification) for earthworks, roading and vehicle access and street lighting, must be supplied to, and approved by the relevant sections of the Council upon the completion of each stage. These must be certified as being correct by a suitably qualified person.
42. The new road to vest (lots 900 and 901 of the subdivision plan approved by Decision One above) must be constructed prior to occupation of any building onsite. All construction shall be completed generally in accordance with the approved construction plans (refer to **condition (40) above**); except for final surfacing works which may be completed under bond or cash deposit.

Note: The depth of the AC (Asphaltic Concrete) should be 40mm, water proofing layer (chip seal) should be added between AC and basecourse.

43. The Right of Way areas A to D within both the legal road and the private property must be constructed prior to occupation of any building within that stage. All construction shall be completed generally in accordance with the approved construction plans except for the final surfacing works which may be completed under bond or cash deposit.
44. Traffic calming measures like speed limit signs, give-ways signs, stops signs, textural surface changes etc. must be installed on the shared lanes to control the internal traffic flow and exiting vehicle speed near to the public footpath. A final plan showing the traffic control measures and internal traffic circulation must be submitted to the CMO **prior to commencement of works on each stage, who will liaise with the Council's Transport Engineer**, for certification.

Once approved, all traffic calming measures detailed within the approved plan must be installed prior to the use of any internal road upon which it relates.

45. Vehicle crossings which service more than 6 household units or any commercial vehicle crossing must be constructed as heavy vehicle crossings.
46. Any household unit constructed must be allocated at least one District Plan complying carpark with the exemption of the aged care facility which will require an approved carparking assessment and plan completed by a suitably qualified traffic engineer, and certified by the CMO who **will liaise with the Council's Transport Engineer**.

Services:

47. The consent holder shall comply with the design, construction and as-built requirements of the Wellington City Council Code of Practice for Land Development. These are the land development engineering standards for mitigating adverse effects on the environment from earthworks, traffic (roading and vehicle access), wastewater and stormwater drainage, water supply and utility structures.

Other alternative solutions may be approved for those aspects where the standards of the Code of Practice are unable to be met or can be achieved in a different way.

48. Prior to commencing any engineering work onsite in relation to water supply, stormwater and wastewater drainage, the consent holder must provide for the approval of the Wellington Water Land Development Team all relevant;
- engineering plans;
 - specifications;
 - design and construction documentation.

Note: Consideration may be given to the use of existing infrastructure if capacity is available and condition sufficient for the construction of residential buildings until such time as full infrastructure works are undertaken. Detailed plans, calculations, and specifications of existing infrastructure capacity must be provided to Wellington Water if the use of existing infrastructure is to be considered.

49. All construction work approved under **condition (48) above** and in conjunction with construction plan requirements of this resource consent must be carried out in accordance with the approved plans.
50. At the conclusion of the engineering works, ‘as-built’ plans must be supplied to and approved by the Council, that meet the requirements of the Code of Practice for Land Development (A.7 As-built Details) for earthworks, roading and vehicle access and the Wellington City Council Interim Asbuilt Specification for wastewater, stormwater drainage, and water supply. These must be certified as having been constructed in accordance with the approved plans by a suitably qualified person.

Stormwater Connections:

51. The development must be provided with stormwater connections in accordance with the specifications of the Wellington City Council Code of Practice for Land Development; at locations approved by the Wellington Water Land Development Team.

Note 1: The Wellington City Council Code of Practice for Land Development – Regional Standard for Water Services, requires that each proposed buildings on a lot shall be serviced by a separate connection to the public network at a location approved by council; Wellington Water Land Development Team. This will be a pre-requisite requirement for any future subdivision(s) of the development.

Note 2: Consideration may be given to the use of existing infrastructure if capacity is available and condition sufficient for the construction of residential buildings until such time as full infrastructure works are undertaken. Detailed plans, calculations, and specifications of existing infrastructure capacity must be provided to Wellington Water if the use of existing infrastructure is to be considered.

Public Stormwater Networks:

52. The development of this site will require the public gravity stormwater network to be extended to serve the proposed development.

Construction plans of the proposed Public Drainage work must be submitted to the Wellington Water Land Development team for approval, and all work is to be carried out in accordance with the approved plans, the Wellington City Council Code of Practice for Land Development, Regional Standard for Water Services, and Regional Specification for Water Services. At the conclusion of the Public Drainage work an as-built drawing, which conforms to the Wellington City Council Interim As-built

Specification, is to be presented for approval. These must be certified as being correct by a suitably qualified person.

Note 1: *The extension of the public gravity stormwater network should take into account the overall level of development proposed for the site to ensure that there is sufficient capacity.*

Note 2: *Scheme and other indicative layout plans submitted as part of the application will be taken by Council as being for information purposes only. These plans will not be used for granting approval. Approvals will only be given on detailed construction plans.*

Note 3: *Any alterations or additions to the existing public stormwater network must be carried out under a Public Drainage Permit (as distinct from a Building Consent) to be issued by the Wellington Water Land Development team and fees paid. All Public Drainage work must be carried out by a suitably experienced Registered Drainlayer; who is employed by a contractor who has an approved Health and Safety Plan and Public Liability Insurance.*

Note 4: *The Public Drainage Permit application must now also include a copy of the Safety in Design documentation generated in response to the legal requirements under the Health and Safety at Work Act (2015) section 39.*

Note 5: *The Public Drainage Permit holder is to submit a compliant as-built drawing to the Wellington Water Senior Drainage Inspector and arrange for a final inspection to be carried out within 1 month of completion of the main drainage works and/or before vesting of assets.*

Note 6: *Preliminary discussions with Greater Wellington Regional Council have found that any changes to stormwater outfalls, or creation of new outfalls, will not be approved with the current level of stormwater treatment proposed.*

Note 7: *Consideration may be given to the use of existing infrastructure if capacity is available and condition sufficient for the construction of residential buildings until such time as full infrastructure works are undertaken. Detailed plans, calculations, and specifications of existing infrastructure capacity must be provided to Wellington Water if the use of existing infrastructure is to be considered.*

53. The consent holder must assess the ability of the existing public stormwater outfall to accommodate any proposed increase in stormwater runoff associated with the development and provide documentation to Wellington Water Limited for certification.
54. The consent holder must implement any works required to upgrade the existing outfall to accommodate any increase in stormwater runoff associated with any development (if required).

Stormwater Quality:

55. To mitigate stormwater contamination, the use of building or roofing materials that can leach contaminants such as lead, copper and zinc will require a stormwater treatment solution to be implemented prior to the construction of any building containing these materials. The proposed treatment system must be certified by the Council's Monitoring Officer prior to its installation.

Wastewater Connections:

55. The development must be provided with wastewater connections in accordance with the specifications of the Wellington City Council Code of Practice for Land Development; at locations approved by the Wellington Water Land Development Team.

Note 1: *The Wellington City Council Code of Practice for Land Development – Regional Standard for Water Services, requires that each proposed dwelling on a lot shall be serviced by a separate connection to the public network at a location approved by council; Wellington Water Land Development Team. Accordingly, in order to ensure that there will be sufficient capacity to serve the development, the connections should be appropriately sized. Connections which meet the Wellington City Council Code of Practice for Land Development specifications will be a pre-requisite requirement for any future subdivision(s) of the development.*

Note 2: *Consideration may be given to the use of existing infrastructure if capacity is available and condition sufficient for the construction of residential buildings until such time as full infrastructure works are undertaken. Detailed plans, calculations, and specifications of existing infrastructure capacity must be provided to Wellington Water if the use of existing infrastructure is to be considered.*

Public Wastewater:

56. The development of this site will require the public gravity wastewater network to be replaced to serve the proposed lots.

Construction plans of the proposed Public Drainage work must be submitted to the Wellington Water Land Development team for approval, and all work is to be carried out in accordance with the approved plans, the Wellington City Council Code of Practice for Land Development, Regional Standard for Water Services, and Regional Specification for Water Services. At the conclusion of the Public Drainage work an as-built drawing, which conforms to the Wellington City Council Interim As-built Specification, is to be presented for approval. These must be certified as being correct by a suitably qualified person.

Note 1: *The replacement of the public gravity wastewater network should take into account the level of development proposed to ensure that there is sufficient capacity.*

Note 2: *Scheme and other indicative layout plans submitted as part of the application will be taken by Council as being for information purposes only. These plans will not be used for granting approval. Approvals will only be given on detailed construction plans.*

Note 3: *The replacement of the wastewater network will require a new pump station and the associated rising main discharging into the Wellington City pump station at Salek Street. This pump station and rising main will be vested to Wellington City Council. Sizing and design of this pump station and rising main will require input and approval at all stages from Wellington Water.*

Note 4: *Any alterations or additions to the existing public wastewater network must be carried out under a Public Drainage Permit (as distinct from a Building Consent) to be issued by the Wellington Water Land Development team and fees paid. All Public Drainage work must be carried out by a suitable experienced Registered*

Drainlayer; who is employed by a contractor who has an approved Health and Safety Plan and Public Liability Insurance.

Note 5: *The Public Drainage Permit application must now also include a copy of the Safety in Design documentation generated in response to the legal requirements under the Health and Safety at Work Act (2015) section 39.*

Note 6: *The Public Drainage Permit holder is to submit a compliant as-built drawing to the Wellington Water Senior Drainage Inspector and arrange for a final inspection to be carried out within 1 month of completion of the main drainage works and/or before vesting of assets.*

Note 7: *Consideration may be given to the use of existing infrastructure if capacity is available and condition sufficient for the construction of residential buildings until such time as full infrastructure works are undertaken. Detailed plans, calculations, and specifications of existing infrastructure capacity must be provided to Wellington Water if the use of existing infrastructure is to be considered.*

Water Supply:

57. The development must be provided with water supply which meets the specifications of the Wellington City Council Code of Practice for Land Development; at locations approved by the Wellington Water Land Development Team.
58. Unless an alternative proposal is approved, a new reservoir, water supply pipe work and associated infrastructure works will be required. This will include the removal of existing reservoir and pipe as required. The reservoir and pump station proposal shall **be in accordance with the Council's reservoir and pump station rationalisation policy.**

Calculations are to be provided to confirm that there is sufficient pressure and flow for the development to meet the Code of Practice for Land Development requirements. **Upgrading of the existing water infrastructure may be required if the Code's requirements cannot be achieved or if the proposal will have a detrimental effect on existing users.** All calculations and designs, including structural elements related to water supply, must be endorsed by an appropriately qualified chartered engineer and submitted with a design statement.

The design statement shall include the following statement: "The design of the water mains and services complies with the Wellington City Council Code of Practice for Land Development and current Wellington City Council Water Supply Specification".

A separate completion certificate is required to cover the construction of the works and shall be submitted with the as-built drawings. The completion certificate shall be signed by a suitably qualified professional and shall certify that the construction work pertaining to the water supply infrastructure has been carried out in accordance with the consent conditions. The developer shall have new hydrants tested for compliance against SNZ PAS 4509:2008 and the certified results submitted with the completion certificate.

Note 1: *Scheme and other indicative layout plans submitted as part of the application will be taken by Council as being for information purposes only. These plans will not be used for granting approval. Approvals will only be given on detailed construction plans.*

Note 2: Consideration may be given to the use of existing infrastructure if capacity is available and condition sufficient for the construction of residential buildings until such time as full infrastructure works are undertaken. Detailed plans, calculations, and specifications of existing infrastructure capacity must be provided to Wellington Water if the use of existing infrastructure is to be considered.

Landscaping:

59. Prior to commencement of works a pre-construction meeting must be held with the construction manager, consulting arborist, monitoring arborist and a Council arboriculture representative. At the meeting, the construction manager must agree with the consulting arborist, monitoring arborist and Council arboriculture representative:
- The methodology and timing of the works
 - Site access and areas for manoeuvring vehicles and machinery
 - Areas for storing and/or stockpiling materials, spoil and equipment
 - The care needed when working around trees
 - The conditions of the resource consent

The construction manager must read and sign the Wellington City Council's Working around Trees Guidelines.

60. A Landscape Plan for the North Point and South Point based on the indicative list in Section 7.2 Plant Strategy, must be submitted to, and certified by the CMO prior to works being undertaken within those areas. The Landscape Plan must show a scale; the individual location and species (with both scientific and common names); PB size of proposed plants; and details of plants to be removed or pruned.

Once certified the landscaping must be completed by the consent holder within 3 months of completion of construction within that area to which it relates. The plantings must be monitored for 18 months from time of planting in order to allow for plant establishment to the satisfaction of the CMO.

61. The new Specimen tree selection and planting strategy shown in Section 7.2 Planting Strategy- Indicative Tree: Streets, Park & Mews must be implemented within 3 months of completion of construction within that area to which it relates. In addition to that required by **condition (72) below**, the plantings must be monitored for 18 months from time of planting in order to allow for plant establishment to the satisfaction of the CMO.

Note: The species *Myoporum (Ngaio)* is preferred over *Ulmus parvifolia (Chinese Elm)* due to its ability to tolerate the conditions.

62. A final planting plan including a planting schedule and specification must be submitted to the CMO for certification, relating to Open Space Areas, prior to any site works commencing.
63. A landscape plan showing mitigation planting details along the escarpment (rear of apartment blocks) must be provided to the CMO for certification, prior to earthworks commencing. The plan must detail plant schedules and specification for planting.
64. A mix of species of similar form must be included in the private trees to increase species diversity.

Note: *Myoporum laetum (Ngaio) should be considered as an alternative to Ulmus parvifolia (Chinese elm). Ngaio are hardy, provide food for bird life and do not reach a large mature height when compared with the elm.*

65. The best quality 24 pohutukawa listed for removal must be transplanted and used for the new street trees.
66. Prior to commencement of works, an independent risk analysis must be done by a recognised and qualified arborist on the effects of removing the pine trees on bank stability and on the remaining woodlot, and the risk analysis and any recommendations to ensure bank stability and the integrity of the remaining woodlot then submitted to the CMO for certification in liaison with a Council Arborist. The recommendations must then be implemented by the consent holder.
67. A tree protection and construction methodology prepared by a Council approved Arborist, must be submitted to and certified by the CMO in liaison with a Council Arborist prior to commencement of works. The methodology must show how the consent holder will comply with the Wellington City Councils working around trees guidelines including but not limited to;
 - Suitable trees for transplanting;
 - Tree protection fencing for remaining trees;
 - Low impact excavation processes within the dripline of the trees; and,
 - An onsite monitoring arborist for any work within the fenced area of the trees.
68. A vegetation protection methodology must be submitted to the CMO for approval prior to works commencing detailing the protection of vegetation within the escarpment **vegetation management zone**. **The CMO shall liaise with the Council's ecologist in approving the methodology.**
69. The methodologies required by **conditions (67) and (68) above** must be implemented by the consent holder throughout the construction period.
70. A 24 month watering programme on any newly planted or transplanted trees in any **public spaces must be implemented post construction at the consent holder's expense.**

Minimum Floor Levels:

71. Any building constructed on the site must have a minimum floor level of 2.1m RL (WCC New City Datum).

Note: *As there is currently no modelling of this area held by the Wellington City Council, this level is to be based on the future maximum peak tide level as forecast by NIWA climate change modelling.*

Lighting of Roads and Public Spaces:

72. All outdoor lighting to roads and outdoor public spaces available for use during the hours of darkness shall be designed and installed in accordance with AS/NZS 1158.3.1:2005 and any amendments in accordance with District Plan standard 34.6.1.7.2.

Monitoring and Review:

73. Prior to starting work the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the Council's Compliance Monitoring Officer either by telephone (801 4017), facsimile (801 3165) or email (rcmonitoring@wcc.govt.nz) and must include the address of the property and the Service Request Number.
74. **The conditions of this resource consent must be met to the satisfaction of the Council's** Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.
- * Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

DECISION THREE – CANCELLATION OF AMALGAMATION CONDITION:

That officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 241(3) of the Resource Management Act 1991 (the Act), agree to cancel in part the condition which requires the amalgamation of proposed lots 2, 3, 4, 5 and 900 in one Computer Freehold Register; Section 5 SO 339948 and proposed Lot 904 in one Computer Freehold Register; and, Proposed lots 9, 10, 11 and 903 held in one Computer Freehold Register, on a staged basis as it relates to each lot, subject to the following:

- (a) That any existing buildings which straddle any new boundaries on completion of the subdivision have been relocated or demolished as it relates to that specific lot so that no buildings straddle new boundaries.
- (b) That Rights of Way B, C and D have been constructed to ensure that the lots being served have physical and legal access. The Council would accept a bond against final surfacing of the Rights of Way.

Advice Notes:

1. The survey plan must be submitted for approval in accordance with sections 223 & 224 of the Resource Management Act 1991 (RMA) (as modified by section 51 of the HASHAA) and given effect to within **1 years** of the granting of this consent, or within such extended period of time pursuant to section 125 of the RMA as the Council may allow.
2. Under section 51 of the HASHAA and the RMA, the land use consent approved under Decision Two must be given effect to within **13 years** of the granting of this consent, or within such extended period of time pursuant to section 125 of the Resource Management Act 1991 (RMA) as the Council may allow.
3. Additional fees will be required by the Council with the application(s) for the section 223 and 224 certificates. The section 224 certificate will be issued following compliance with all conditions of consent set out above, and payment of any development contribution that may be payable.

4. Where appropriate, in relation to the land use consents, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
5. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
6. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
7. Vehicle access bylaw consents are required for the construction of kerb crossings, **driveways and parking facilities under Part 5, Section 16 of the Council's Consolidated Bylaw 2008**. The vehicle crossings need to be heavy duty ones.
8. A final plan showing the tracking curves and driveway splays should be provided to the Vehicle Access Engineer for approval prior to commencing the construction of the laneways (A-G). The tracking curves should be 300mm clear of the kerb-line to account for driver variation. The streetlights adjacent to the laneways will need to be moved further to allow for the driveway splays.
9. It is suggested that the applicant reviews the proposed parking provision in particular the matter of visitor parking for the residential developments; parking associated with the proposed hotel, and parking provision for employees. It will be important to ensure that the appropriate mix of parking is provided so that such parking as will be provided is effectively targeted to the various land use parking demands and that any shortfall in parking does not result in inappropriate parking pressure at locations within the development. This will include the proposed angle parking within the legal road which the Council will be responsible for managing.
10. Given the northern point of the site has a meteorological designation (ref: M3) with the Requiring Authority being Meteorological Service of New Zealand Limited, their approval under s176(1)(b) will be required prior to any works being undertaken in this area.
11. Land owner approval is required for any construction of buildings or structures on, or use of land owned by the Wellington City Council. Land owner approval must be obtained prior to any use or construction commencing.
12. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that land owner approval is required under a **separate approval process** and that this must be sought and approved prior to any works commencing.
For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <http://wellington.govt.nz/~media/services/parking-and-roads/roadworks/files/traffic-management-process-2013.pdf>
13. Construction noise is managed through the construction noise controls set out in NZS 6803:1999 and adoption of a best practical option approach in accordance with section 16 of the Act, to ensure that the emission of noise from the site does not exceed a reasonable level.

14. A Vodafone mobile site is currently located within the site, approved under SR 75875, and it is recommended that the consent holder liaises with them in terms of the effects of this proposal if this has not already been undertaken.
16. Rights of objection to this decision are set out at section 81 of the HASHAA. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

Reasons for Decision:

1. The proposal is for a qualifying development in a Special Housing Area that meets the purposes of the HASHAA.
 2. Notification to any of the persons identified at section 29(3) of the HASHAA is not required.
 3. The proposal is acceptable with respect to the matters under sections 34 to 36 of the HASHAA.
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DECISION REPORT

1.0 BACKGROUND AND JURISDICTION

1.1 BACKGROUND

This report has been prepared under the Housing Accords and Special Housing Areas Act 2013 (“the HASHAA”) and the Resource Management Act 1991.

The Wellington City Council (WCC) and the Government entered into the Wellington City Housing Accord (“the Accord”) was considered and ratified by the Council. Under Sections 10 and 11 of the HASHAA, the Accord established the Council as an authorised agency under the HASHAA, and outlines how the Council will achieve the purpose of the HASHAA and increase housing affordability and supply over the next three years. Under the Accord, the Government and the Council have agreed to ensure that housing development provide a mix of house types, including a mix of more compact affordable homes that can be sold at **different price points**. The Accord aligns with the Councils’ intended plan for residential development to be more affordable, medium density and closer to key centres and on good transport links.

The proposal is located in the Shelly Bay Special Housing Area (SHA), approved in Schedule 7 of the Housing Accords and Special Housing Areas (Wellington) Order 2015 and Schedule 3 of the Housing Accords and Special Housing Areas (Wellington – New December 2015 Areas) Order 2015. Under section 18(1)(a) of the HASHAA, the SHA was disestablished in part on 16 September 2016 (that portion contained in Schedule 7 of the Special Housing Areas (Wellington) Order 2014), whilst the remainder of the SHA expired 12 months following the date in which it was notified in the Gazette being 10 December 2016. Under the transitional provisions within Schedule 3, any consent application that existed at that date can continue to be processed (clause 1(2)(a), Schedule 3, HASHAA).

The provisions of the Operative District Plan (ODP) are a matter that regard must be had to, under section 34(1)(d)(i) of the HASHAA. However, less weight will be given to those provisions than the matters specified in section 34 as carrying greater weight. Particularly relevant aspects of the ODP have been identified and commented on where appropriate but relatively little weight have been given to these provisions due to the weighting specified in the HASHAA.

An assessment of the proposal against the qualifying development criteria takes place in Section 1.2 below.

1.2 QUALIFYING DEVELOPMENT CRITERIA

The Order in Council specified the criteria that a development in the SHA must meet in order to be a qualifying development for the purposes of the HASHAA. Those criteria, which are additional to the requirement under the HASHAA that the development will be predominantly residential, relate to:

- the minimum number of dwellings that must be built:
- the maximum number of storeys that buildings in the development may have and the maximum height that buildings may be.

The proposal is a qualifying development under section 14 of the HASHAA because it:

- Is a predominantly residential development as it provides 352 dwellings, a brewery/café within the Submarine Mining Depot Barracks, the adaptive re-use of

Shed 8 and the Shipwrights building to accommodate commercial/community activities, and a boutique hotel within the Officer's Mess. HASHAA defines the term 'predominantly residential' as being:

- (a) The primary purpose of the development is to supply dwellings; and
- (b) Any non-residential development (such as recreational, mixed use, retail, or town centre land uses).

While the development includes non-residential activities, they are ancillary to the residential development. They support the development and provide services/facilities that can be used by the development (and others). The primary and dominant use of the site is for residential activity by creating approximately 352 residential dwellings.

- Involves the creation of approximately 352 dwellings which is more than the prescribed minimum of 10 for this particular SHA.
- Results in dwellings that will be 6 stories or less and no more than 27m in height.

2.0 SITE DESCRIPTION AND PROPOSAL

2.1 SITE DESCRIPTION

Section 4.1 of the applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate and it should be read in conjunction with this report as provided for in section 72(3) of the HASHAA.

2.2 PROPOSAL

Sections 5.0 and 5.1 of the applicant's AEE also include a description of the proposal that I adopt as provided for in section 72(3) of the HASHAA. The applicant's proposal description should be read in conjunction with this report.

In short, it is proposed to comprehensively redevelop the site, which would include multi-unit residential (a mixture of apartments, townhouses and single residential dwellings), mixed use and non-residential uses and buildings. Earthworks are required to facilitate development of the site. A contamination investigation will also be undertaken, with remediation taking place if contaminants are identified.

3.0 APPLICATION MADE UNDER THE HASHAA

The application for resource consent is made under section 25 of the HASHAA. It was filed on 15th September, 2016.

Wellington City Council is an 'Accord Territorial Authority' (as defined in section 10(5) of the HASHAA). It is also an 'Authorised Agency' with jurisdiction under section 23(2) of the HASHAA.

Greater Wellington Regional Council (GWRC) is also an Authorised Agency with jurisdiction under Section 23(4) of the HASHAA. The applicant will be seeking resource consents for the proposal from GWRC.

4.0 ACTIVITY CLASSIFICATION

4.1 NATIONAL ENVIRONMENTAL STANDARD

<p>Disturbance of Soil: Regulation 11</p> <p>As the site is identified on the Greater Wellington Regional Council's Contaminated Land Register (SLUR) as being potentially contaminated, any disturbance of soil that is not a Permitted, Controlled or Discretionary (Restricted) Activity under the NES is a Discretionary (Unrestricted) Activity. Given that it is unknown as to the volume/quantity of contaminated soil, a conservative approach has been taken.</p>	<p>Discretionary (U)</p>
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In summary, the proposal is a **Discretionary (Unrestricted) Activity** under the NES.

4.2 DISTRICT PLAN

The proposal requires resource consent under the following District Plan rules:

4.2.1 SUBDIVISION

<ul style="list-style-type: none"> Resource consent is required pursuant to Rule 34.3.14 for a subdivision within a Business 1 zone not permitted by the District Plan. 	<p>Discretionary (U)</p>
<ul style="list-style-type: none"> Resource consent is required pursuant to Rule 17.3.4 for the subdivision of land within Open Space B that is not permitted by the District Plan. 	<p>Discretionary (U)</p>

Overall, the subdivision is assessed as a **Discretionary (U) Activity** under the District Plan

4.2.2 LAND USE

<p><u>Car Parking and Servicing</u></p> <ul style="list-style-type: none"> Resource consent is required pursuant to Rule 34.3.4 as the proposed development will not comply with standard 34.6.1.6 as it relates to servicing. Resource consent is required pursuant to Rule 34.3.12 for the erection of buildings or structures involving the provision of more than 70 vehicle parking spaces per site. 	<p>Discretionary (R)</p> <p>Discretionary (R)</p>
<p><u>Buildings and Structures</u></p> <ul style="list-style-type: none"> Resource consent is required pursuant to Rule 34.3.5 for the construction of, or the addition to, buildings and structures, or the conversion of existing buildings for residential activities in the Shelly Bay Business Precinct Area Discretionary Activities (Restricted). 	<p>Discretionary (R)</p>

<ul style="list-style-type: none"> • Resource consent is required pursuant to Rule 34.3.9 for the construction or alteration of, or addition to buildings and structures that do not meet standard's 34.6.2.4 (yards), and 34.6.2.10 (noise insulation and ventilation). 	Discretionary (R)
<ul style="list-style-type: none"> • Resource Consent is required pursuant to Rule 17.3.2 for the construction, alterations of and additions to buildings and structures in Open Space B not provided for a permitted activity. 	Discretionary (U)
<ul style="list-style-type: none"> • Resource Consent is required pursuant to Rule 5.5 for the construction of buildings that exceed District Plan standard 34.6.2.1.1 (that ranges between 8-11m for the site). In addition, the proposal fails to meet the conditions of Rule 34.3.9.13 as the building height will be exceeded by more than 50%. 	Non-Complying
<u>Contamination</u>	
<ul style="list-style-type: none"> • Resource consent is required pursuant to Rule 32.2 for the remediation, use, development and subdivision of any contaminated land, or potentially contaminated land. 	Discretionary (R)
<u>Indigenous Vegetation</u>	
<ul style="list-style-type: none"> • Resource consent is required pursuant to Rule 17.2.4 for the modification, damage, removal or destruction of indigenous vegetation not provided for as a permitted activity. 	Discretionary (R)
<u>Earthworks</u>	
<ul style="list-style-type: none"> • Resource consent is required pursuant to Rule 30.2.1 for earthworks that do not comply with the permitted activity conditions under Rule 30.1.1.1 and 30.1.2. 	Discretionary (R)

Overall, the land use consent is as a **Non-Complying Activity** under the District Plan.

An assessment has been undertaken against all of the ODP Rules however as noted above, less weight has been given to those provisions of the ODP in light of the hierarchy of relevant matters described in section 34(1) of HASHAA. However, the assessment matters, objectives and policies have been taken into consideration within the assessment below.

5.0 RELEVANT PLAN CHANGE

Plan Change 80 - General minor amendments to District Plan text & maps VII:

Plan Change 80 involves a range of minor amendments to Wellington City District Plan maps and text and includes changes to the District Plan provisions that relate to this site. **The Council's decision on Plan Change 80 was approved on 29 June 2016 and publicly notified on 14 July 2016.** Under section 86B of the Act, the plan change has legal effect from the date that the decision was notified.

The appeal period closed on 25 August 2016. There is one outstanding appeal, however, this relates specifically to Residential Standard 5.6.2.5.4 and associated Policy 4.2.4.1, and has no bearing on this application. The remaining provisions of the plan change are beyond challenge and are deemed operative under section 19 of the Act. The Plan Change 80 provisions supersede the provisions within the Operative District Plan.

References to the 'Operative District Plan' in this report are to be read as the Operative District Plan as modified by Plan Change 80.

6.0 SECTION 91 OF THE RMA:

Section 91 of the RMA applies to this application due to section 32 of the HASHAA.

I have informally consulted with Greater Wellington Regional Council in terms of areas where there may be crossover. In this instance, the only area is that of earthworks and I am satisfied that the nature of the proposal and its effects can be adequately and sufficiently understood without the additional application, therefore I do not believe it necessary to use Section 91 of the RMA. It is simply an additional consent needed for the same activity and the effects of that activity are fully understood.

7.0 NOTIFICATION ASSESSMENT

Section 29(3) of the HASHAA limits notification of the application to any of the persons listed below:

- (a) *the owners of the land adjacent to the land subject to the application; and*
- (b) *the local authorities in whose district or region the land subject to the application falls; and*
- (c) *any infrastructure providers who have assets on, under, or over the land subject to the application or the land adjacent to that land; and*
- (d) *if the land subject to the application or land adjacent to that land is subject to a designation, the requiring authority that required the designation.*

The term 'adjacent' is not defined in the HASHAA or the RMA. However, it has been defined in case law relating to the RMA to mean "*lying near or close; adjoining; continuous; bordering; not necessarily touching though this is by no means precluded*".¹ The Council will apply this definition to the word 'adjacent' in section 29 of the HASHAA.

Notification of a person in any of the classes listed in section 29(3) is discretionary, unless:

- the person has given prior written approval to the proposal; or
- had the application been made under the RMA rather than HASHAA, the RMA would have directed that the application not be notified.

The Council will exercise its discretion to notify an application to persons in any of the classes listed in section 29(3) in accordance with the following principle, which the High Court in *Auckland Churches of Christ Church Extension & Property Trust Board v Auckland Council*² found to apply to the exercise of the similar discretion arising under section 95A(1) of the RMA:

"... whether notification would be likely to result in the Council receiving further information relevant to the issues for determination on the substantive application".

¹ *Ports of Auckland Limited v Auckland City Council* HC Auckland, M2020/97, 31 August 1999, Williams J, at 44.

² [2014] NZHC 3405 (HC).

7.1 IDENTIFICATION OF RELEVANT PERSONS AND WRITTEN APPROVALS:

The following tables provide details of the persons the Council has identified as being in any of the classes listed in section 29(3) of the HASHAA:

7.1.1 OWNERS OF ADJACENT LAND:

Owner(s)	Address	Written approval provided
Wellington City Council	5A Akaroa Drive,	No but as land owner, party to this proposal
Land Information NZ	7 Main Road	No
Defence Force NZ	260 Massey Road	No

7.1.2 LOCAL AUTHORITIES:

Greater Wellington Regional Council is a relevant local authority for the purposes of section 29(3)(b) of the HASHAA. It has not given prior written approval to the proposal however they have been provided with a copy of the application.

7.1.3 INFRASTRUCTURE PROVIDERS:

Infrastructure provider	Relevant asset(s) and location	Written approval provided
Wellington Water	Drainage and Water	No, but their assessments forms part of this consent.
Wellington Electricity	On assessment of the proposal, whilst upstream reinforcement work is required to supply the development and potentially an additional 3 substations, there is the ability to adequately service it.	No, but have not raised any concerns.
Chorus	Have the ability to provide telephone reticulation.	No, but have not raised any concerns.
PowerCo	Will require 2.9km of gas main in Shelly Bay Road but ability to provide it.	No, but have not raised any concerns.
Wellington City Council – Transport	Legal road requires widening in some locations	No, but their assessment forms part of this consent

7.1.4 REQUIRING AUTHORITIES:

There is a metrological designation (ref: M3) located at the northern point of the site. The requiring authority is the Metrological Service of New Zealand Limited who will be required to give their approval to the proposal outside of this process.

7.2 NOTIFICATION DETERMINATION:

The Council has discretion over whether to notify the persons and organisations listed above as none of these persons or organisations have provided written approval. I have considered the proposal with respect to whether the identified persons might provide additional information relevant to the matters arising under sections 34-42 of HASHAA (that will need to be considered as part of the substantive decision), which include:

- The consistency of the proposal with the purpose of the HASHAA;
- The consistency of the proposal with the purpose and principles of the RMA (as defined in Part 2 of the RMA);

- Other matters as would be considered under Section 104-104F of the RMA including:
 - actual and potential effects of the proposal, taking into account specialist advice on relevant matters, and
 - relevant district plan objectives and policies and the non-complying gateway in section 104D of the RMA;
- The New Zealand Urban Design Protocol;
- Whether there will be sufficient and appropriate infrastructure provided.
- In light of the above assessments, whether notification to the persons in the identified classes would be likely to result in the Council receiving further information relevant to the issues for determination on the substantive application.

7.2.1 THE CONSISTENCY OF THE PROPOSAL WITH THE PURPOSE OF THE HASHAA:

The proposal will result in 352 new household units being made available for occupation. As such, the proposal is considered to be giving effect to the purpose of the HASHAA as defined in section 4 of that Act. The proposal is increasing the supply of housing in a district that has been identified as having significant housing supply and affordability issues. Furthermore, the site is providing a mix of housing typologies, attracting diverse residential occupants within an area that has been vacant from any type of accommodation for many years now. The non-residential uses proposed have been deemed by Council to fall within activities ancillary to the quality residential development as prescribed by section 14(2) of the HASHAA.

I do not consider that the identified persons are likely to provide further information relevant to determining this matter in relation to the Council's substantive decision.

7.2.2 CONSISTENCY OF THE PROPOSAL WITH PART 2 (PURPOSE AND PRINCIPLES) OF THE RMA:

The proposal will provide for the social and economic well-being of persons by providing a further source of housing to the Wellington market therefore satisfying some of the demand from home buyers. The proposal represents a more efficient use of a natural resource (land) when compared to the current use. While the intensity of the development will change the character of the immediate locality to a degree, the comprehensive nature of the development which will be subject to the proposed Shelly Bay Design Guide (SBDG) ensures that a high quality built development will result while enabling the purpose of HASHAA by increasing housing yield that would otherwise be limited by District Plan bulk and location regulations.

In my opinion, the proposed residential development is an acceptable fit by representing a compatible development within an established business area while sitting comfortably within the landscape. It is acknowledged that the proposal will result in a greater effect on landscape and visual amenity values given the intensity of the development, however given **the topography's ability to absorb/contain the development, I consider there to be more consistency than not with section 5 and that the proposal is, overall, acceptable with regard to the relevant matters under section 7 of Part 2 of the RMA.** This is discussed further in the substantive effects assessment below.

A Cultural Impact Assessment has been prepared on behalf of Taranaki Whanui Ki Te Upoko o Te Ika and The Port Nicolson Block Settlement Trust and this does not raise any issues with respect to sections 6(e), 7(a), 7(aa) and 8.

I do not consider that the identified persons are likely to provide further information relevant to determining this matter in relation to the Council's substantive decision.

7.2.3 ANY RELEVANT PROPOSED PLAN:

As noted above, Plan Change 80 involves a range of minor amendments to Wellington City District Plan maps and text and includes changes to the District Plan provisions that relate to this site. It is now deemed operative with the exception of one appeal which relates to Residential Standard 5.6.2.5.4 and associated Policy 4.2.4.1. This standard and policy have no bearing on this application.

7.2.4 POTENTIAL ADVERSE EFFECTS:

In the assessment below I have considered the potential effects on all of the abovementioned organisations from whom written approval has not been provided.

As none of these organisations have given written approval, I have considered the potential effects of the proposal under this HASHAA application and whether notification to these parties would be likely to result in the Council receiving further information relevant to the issues for determination on the substantive application.

The location of the site is such that adjoining land owners comprise of Central or Local **Government agencies. In addition, as the site is essentially in a 'cove', these properties are** located above it.

The effects of the proposal on the wider environment, whilst not anticipated by the District Plan due to proposed heights of some of the buildings at 27m and the use of land zoned Open Space, are not considered to be minor on any party. This is because the closest residentially zoned sites, some 300m away, are located well above and to the south of the site and the fact **that a 'green' back drop above the site will be retained due to the Open Space zoning.**

As development progresses, the applicant proposes to undertake a comprehensive investigation into potential contamination onsite and whether remediation will be required. Should remediation be undertaken, it is considered that through the implementation of volunteered conditions requiring further assessment be undertaken by a suitably qualified person, adverse effects on adjoining properties can be mitigated. As such, I do not consider that any party will be affected in this regard.

I also have considered the infrastructure providers as identified under the table above. As noted above, resource consents will also be required from GWRC. Discussions have occurred with GWRC and they are aware of the parameters of this application. They have provided advice on the conditions of consent that WCC proposes in relation to earthworks and particularly, erosion and sediment control. However, a separate consent process will **follow to address the relevant matters within GWRC's consent jurisdiction. I therefore do not** consider that GWRC are likely to provide further information relevant to determining this **matter in relation to the Council's substantive decision.** The other parties in this table have provided feedback as part of this application.

Considering the information provided by the applicant, Council's specialist advisors, information obtained from site visits, and my own review of information held by Council relative to surrounding sites, I am of the opinion that a comprehensive assessment has been able to be completed. I have turned my mind to the matters raised by the one **'concerned neighbour' and conclude that their concerns have been adequately addressed in the** application and assessment above. All actual and potential effects have been identified and considered.

A letter has also been received from the Enterprise Miramar Peninsula Incorporates (MBID Association) outlining a number of concerns relating to traffic, utility servicing, open space rezoning, the Shelly Bay Wharf, Visitor Capacity, Access, Noise, Public land ownership, and a partnering agreement between the Wellington City Council and MBID. This letter is held on **the Council's file and provides a detailed outline of the concerns of MBID.**

With respect to the concerns from MBID, Section 29(3) of the HASHAA limits notification of the application to owners of adjacent land, local authorities, infrastructure providers, or any requiring authority. MBID do not fall into any of these categories therefore, I consider that MBID do not need to be served with a copy of the application. Notwithstanding that, I have discussed the concerns expressed relating to noise, infrastructure, and effects on open space under my 104(1)(a) below. In regards to a partnering agreement with the Council and public land ownership, this falls to a non-regulatory function and needs to be separated from this regulatory process.

In light of these circumstances, I do not believe that notification would produce further relevant information to the issues for determination on the substantive application.

7.2.5 NOTIFICATION DECISION:

For the reasons outlined above, notification to any of the persons identified in section 29(3) of the HASHAA is not required. Pursuant to section 29(4) of the HASHAA, the application will not be notified and a hearing will not be held.

8.0 SUBSTANTIVE ASSESSMENT OF THE APPLICATION

Joint Hearing:

Section 33 of the HASHAA applies where, in relation to the same qualifying development, applications for resource consents are made to two or more authorised agencies and, in each case, a hearing is to be held.

While, in this case, resource consent is required from GWRC, a joint hearing is not required.

9.0 STATUTORY CONSIDERATIONS

Sections 34 and 35 of the HASHAA provide the statutory framework for consideration of any application for resource consent for a qualifying development within a SHA.

Each of the relevant factors are addressed below. The Council is required to have regard to the matters arising under sections 34(1)(a) to (e), giving weight to them (greater to lesser) in the order listed.

9.1 SECTION 34(1)(A) - THE PURPOSE OF THE HASHAA:

The purpose of the HASHAA is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts that are identified as having housing supply and affordability issues. Wellington City is such a district.

The proposal will result in approximately 350 new dwellings being created and made available for occupation. As such, the proposal is considered to be giving effect to the purpose of the HASHAA as defined in section 4 of that Act. Accordingly, this application opens up an underutilised land resource and increases housing supply in the Wellington District.

On this basis, I consider that the purpose of the HASHAA under section 34(1)(a) is met.

9.2 SECTION 34(1)(B) – THE MATTERS IN PART 2 OF THE RMA:

Part 2 of the RMA comprises of sections 5 to 8, which set out the underlying purposes and principles of this Act.

Section 5

Section 5(1) states that the purpose of the RMA is to “*promote the sustainable management of natural and physical resources*”. The concept of 'sustainable management' is further expressed in section 5(2).

Sustainable management includes managing the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural well-being and their health and safety, while:

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 5(2)(a) refers to the ability of future generations to meet their needs with regard to natural and physical resources. In this regard, the proposed development will provide a physical resource (additional housing) in a way which will allow people to provide for their social and economic wellbeing. Access to housing generally, has been identified as a national issue, particularly in larger urban centres such as Wellington. It is well documented, also, **that owning a home is central to people’s sense of economic, social and psychological security**. In the context of the local housing market, the proposed 350 dwellings will be a material contribution to the housing supply for local community. In this sense, the proposal will assist to meet the housing needs of future generations.

The proposal will not cause conflicts with respect to s5(2)(b) matters i.e. safeguarding the life supporting capacity of air, water, soil and ecosystems.

Section 5(2)(c) of the RMA seeks to ‘*avoid, remedy or mitigate any adverse effects of activities on the environment*’. The overall design has been sensitively thought through in order to mitigate any adverse effects on the coastal environment.

Section 6

Section 6 of the Act introduces matters of national importance that are to be recognised and provided for in achieving section 5. The section 6 provisions of relevance to this proposal are:

- (a) *The preservation of the natural character of the coastal environment...and the protection of them from inappropriate subdivision, use, and development.*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area...*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

(f) the protection of historic heritage from inappropriate subdivision, use, and development.

Section 9.1 of the applicant's AEE includes an assessment of s6 that I adopt. The applicant's proposal description should be read in conjunction with this report in accordance with s72(3) of the HASHAA.

Section 7

Section 7 includes additional matters which particular regard must be given to. Those matters relevant to this proposal include:

- (a) Kaitiakitanga*
- (aa) The ethic of stewardship*
- (b) The efficient use and development of natural and physical resources*
- (c) The maintenance and enhancement of amenity values*
- (f) Maintenance and enhancement of the quality of the environment*
- (g) Any finite characteristics of natural and physical resources*
- (i) the effects of climate change*

Section 9.2 of the applicant's AEE includes an assessment of s7 that I adopt in accordance with s72(3) of the HASHAA. The applicant's proposal description should be read in conjunction with this report.

Section 8

Section 8 of the Act states:

“In achieving the purpose of this Act, a; persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi”.

As the applicant notes in section 9.3 of the AEE, a Cultural Impact Assessment has been undertaken on behalf of Taranaki Whanui Ki Te Upoko o Te Ika and The Port Nicholson Settlement Trust and the proposal was not found to be inconsistent with the principles of the Treaty of Waitangi.

For the reasons outlined above, I consider that the proposal is consistent with Part 2 of the Act.

9.3 SECTION 34(1)(C) – ANY RELEVANT PROPOSED PLAN:

There are no relevant proposed plans as the relevant changes made within Plan Change 80 are now deemed operative.

10.0 SECTION 34(1)(D) - THE OTHER MATTERS THAT WOULD ARISE IF THE APPLICATION WAS BEING ASSESSED UNDER SECTIONS 104 TO 104F OF THE RMA OR ANY OTHER RELEVANT ENACTMENT:

10.1 SECTION 104D OF THE RMA:

As the proposal is for a Non-Complying Activity the gateway test of section 104D must be considered, namely that whether the adverse effects will be minor or that the proposal is not contrary to the objectives and policies of the Wellington City District Plan.

As will be discussed below, I consider that the adverse effects of the proposal will be no more than minor. Accordingly, the proposal meets this limb of the “gateway tests”. I have also assessed the relevant objectives and policies below and consider that the proposal is not contrary to them.

10.2 SECTION 104(1)(A) OF THE RMA- ACTUAL AND POTENTIAL EFFECTS OF THE ACTIVITY:

Section 104(1)(a) of the RMA requires the Council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

The following effects have been discussed in the assessment below:

- Cultural effects
- Visual/Streetscape effects
- Design
- Subdivision effects
- Heritage effects
- Effects on airspace designation
- Transportation effects
- Erosion sediment control and stability effects
- Infrastructure & servicing effects
- Open Space effects
- Construction effects
- Contamination effects
- Positive effects

10.2.1 CULTURAL EFFECTS:

A Cultural Impact Assessment (“CIA”) has been prepared on behalf of Taranaki Whanui Ki Te Upoko o Te Ika and The Port Nicolson Block Settlement Trust, and accompanies the application.

The CIA outlines that Marukaikuru/Shelly Bay is an important land and marine resource and considers the past and present usage and values with this area in relation to the proposal. The CIA is held on the Council’s file and should be read in conjunction with this report.

Overall, the CIA has not identified any cultural impediments to the development and has recommended a number of ways in which the cultural history and significance of the area can be recognised in the development as the detailed design process in the future. These include.

- That with respect to landscaping indigenous species re: returned to the area and that the pine and Pohutukawa trees are more managed than they currently are.
- Best practice environmental methods should be used in the development.
- The design of buildings that incorporate Taranaki Whanui in meaningful ways to reflect their mana whenua and partner status.
- The advice and assistance of mana whenua is sought for planting to enhance the cultural landscape.
- Parks and play areas are included in the development.

- Building and street names will be based on original names from the area, in consultation with Taranaki Whanui.

The recommendations have been considered and incorporated into the design guide. As such, further consideration will be given to cultural matters at detailed design stage. Given the assessment undertaken within the CIA and incorporation of the above matters into the design guide, it is considered that adverse cultural effects will be no more than minor.

10.2.2 VISUAL/STREETSCAPE EFFECTS:

The scale of the development will result in a significant change to the existing visual qualities and streetscape amenity of the site. Although given the visually isolated nature of this site these effects are generally isolated to either within the development site itself or from across the harbour from Evans Bay to Hataitai.

With respect to the streetscape effects within the development, the combination of the quality Masterplan design (that incorporates public realm, bulk and form of the built development) coupled with the implementation of the proposed Design Guide ensure an enhancement to the existing streetscape amenities providing a positive experience to both the future residents and visitors to Shelly Bay.

The views towards the site from across the Harbour are at a considerable distance (300m+) and encompass views of the entire eastern side of the Watts Peninsula. In this context, the development will be visually nestled into the landscape with the vegetated coastal escarpments remaining the visually dominate feature. Some of the buildings will be constructed to up to the 27m HASHAA qualifying development height limit, however these will be dwarfed by the coastal escarpments that provide their visual backdrop. For these reasons the development will not create a visually obtrusive feature in this landscape.

It is also noted that the comprehensive design of the overall development of the site, through the Masterplan, will ensure that the visual effects of the overall development in terms of general bulk and form are known and can be assessed as opposed to the development occurring in a piecemeal nature.

The visual/streetscape effects are therefore considered to be sympathetic and compatible with the surrounding established local environment. The high quality of the design, architectural form and landscaping that the proposed Design Guide, will ensure a quality comprehensive development resulting in a positive streetscape outcome.

10.2.3 DESIGN:

The Council's Urban Design Advisor, Mr Chad McMan, has reviewed the application in terms of urban design. **Mr McMan's assessment is held on the Council file** and should be read in conjunction with this report.

Mr McMan considers the masterplan to be thorough, in depth, and builds on the inherent character and characteristics of the place. In addition, Mr McMan considers the development will create a new 'place' with its own unique character, and has every chance of becoming a destination in its own right. In addition, the ancillary non-residential uses will complement the residential activities and create both daytime and weekend activities for residents within the development. **I concur with Mr McMan's advice.**

Mr McMan describes the development as follows:

“The masterplan shows the creation of two bays clustered around a hub of heritage structures. Broadly speaking the layout locates 3 level terrace houses that feather out at the southern edge to mirror the development patterns of locations such as Karaka Bay, with provision for small scaled open air pavilions on their rooftops. Vehicle access is varied, either front or side loaded, or rear loaded further in, but in all cases measures have been put in place that prevent car dominance at ground floor level.

Further in to the centre of each bay, the terraces are rear loaded with vehicle access co-located with at grade parking for taller apartment buildings behind. The latter are accessed by open air lanes that provide fingers of open space extending from the foreshore through to the hills beyond”.

Furthermore, Mr McMan considers that the *“parameters of each building footprint are described with extents defined, which is as far as a masterplan can go without designing a building itself. In saying that, indicative imagery has been provided that demonstrates the level of variety and interest that can occur, and to my eye shows great promise”.* I accept Mr McMan’s advice in this regard.

Mr McMan has reviewed the masterplan and the design guide (which has been subsequently revised through the planning process) and considers that in terms of urban design, this project is excellent in terms of outcome. I **accept Mr McMan’s advice and therefore conclude** overall that in terms of design, adverse effects will be less than minor.

As the development has the potential to become a destination in its own right, Mr McMan considers that it is conceivable that people may also wish to visit to fish from a wharf, use the proposed open spaces, picnic, or sit on the beach etc; all of which contribute to the interest and economic vitality of the place. Considering this, free facilities are proposed such as toilets, water fountains, taps and showers. However, such facilities will not be provided for until later stages. Accordingly, due to the likely public use of the site from the outset, Mr McMan recommends that a condition of consent which requires the toilet facilities to be in place at the completion of Stage 1. While I note **Mr McMan’s recommendation, I consider** that the provision of these services should be left to market demand as development progresses. **As such, I have not included Mr McMan’s recommended condition.**

10.2.4 SUBDIVISION EFFECTS:

The proposed subdivision will allow for the rationalisation of the current ownership of the area included in the application. All lots will be provided with sufficient infrastructure in terms of roading and reticulated servicing. Given the size and shape of the allotments, it is not considered that the allotments will preclude or hinder development within the site. For these reasons, it is considered that adverse subdivision effects will be less than minor.

10.2.5 HERITAGE EFFECTS:

There are no buildings or structures on the application site that are heritage listed under either the District Plan or by Heritage New Zealand. Notwithstanding that, a number of buildings on the site do hold heritage value and have been incorporated into the existing Shelly Bay Design Guide. These being:

- The Hospital
- Warehouse and stores (shed 8)
- Submarine Mining Depot Barracks
- Shipwrights Buildings
- Officers Mess.

With regards to heritage, Guideline G1 of the Design Guide states with respect to heritage:

“The location and design of new building development should respect the character and location of any identified heritage buildings within Shelly Bay, with specific reference to the Submarine Mining Depot Barracks, including the possibility of its relocation closer to the water’s edge so its original connections to the harbour is recognised.”

All identified buildings (but not listed) heritage buildings, with the exception of the hospital, will be retained. The Submarine Mining Depot Barracks will be relocated to the Village Green which is closer to the water edge to reconnect this building to the harbour. The Officers Mess will also be relocated and will accommodate the boutique hotel. The Warehouse and stores (Shed 8) will remain in their current location and accommodate a yet unconfirmed commercial activity. The Shipwrights building will also remain in its current location and accommodate a microbrewery. The adaptive re-use of these heritage buildings will likely require some minor exterior alterations however given this consent proposal is for a Masterplan, the exact nature of these is yet known. The applicant has subsequently volunteered a condition of consent that a detailed design shall be submitted the Council for approval prior to works commencing.

The former hospital located towards the north end of the northern bay is proposed to be demolished. The applicant has advised that the building is in a poor condition and not suitable for adaptive re-use or relocation.

The proposal has been assessed by the Council’s Senior Heritage Advisor, Ms Vanessa Tanner, who considers that while there are no listed heritage items on the site, that is not to say that Shelly Bay does not have any heritage value nor does it diminish in any way the historic heritage values that Shelly Bay does have.

Ms Tanner states that Shelly Bay was most commonly associated with military use over a period of 110 years (by the Army from the 1880s, by the Navy during World War II and the Air Force since the end of that war). Given its use, approximately 26 structures and buildings remain on the site linked to these military activities. As such, Ms Tanner considers these buildings and structures to hold heritage value.

Given the topography of Shelly Bay, the long history of Maori settlement, and the military activities, Ms Tanner considers that it entirely possible that archaeological evidence may exist on the site and be affected by the development. The applicant has acknowledged that the development may unearth archaeological material during the works and has volunteered a condition/advice note be imposed requiring an archaeological authority be obtained from Heritage New Zealand should any material be found. Where able, the applicant proposes to incorporate materials into the development which will be controlled by the Masterplan and Design Guide to represent a **“coordinated approach to the potential for conservation”** which **“ensure appropriate regard and response to those existing values”**.

Ms Tanner, while noting that the Design Guide contains numerous references to historic heritage and principles for its management and protection, states that these principles are not transferred to the Masterplan in any meaningful way. In addition, Ms Tanner notes that of the approximately 26 existing buildings and structures, a total of two buildings are proposed for retention. In terms of identifying and protecting heritage, Ms Tanner considers that the proposed relocation of historic buildings cannot be supported from a heritage perspective, in addition to concerns regarding effects on archaeological values within the site.

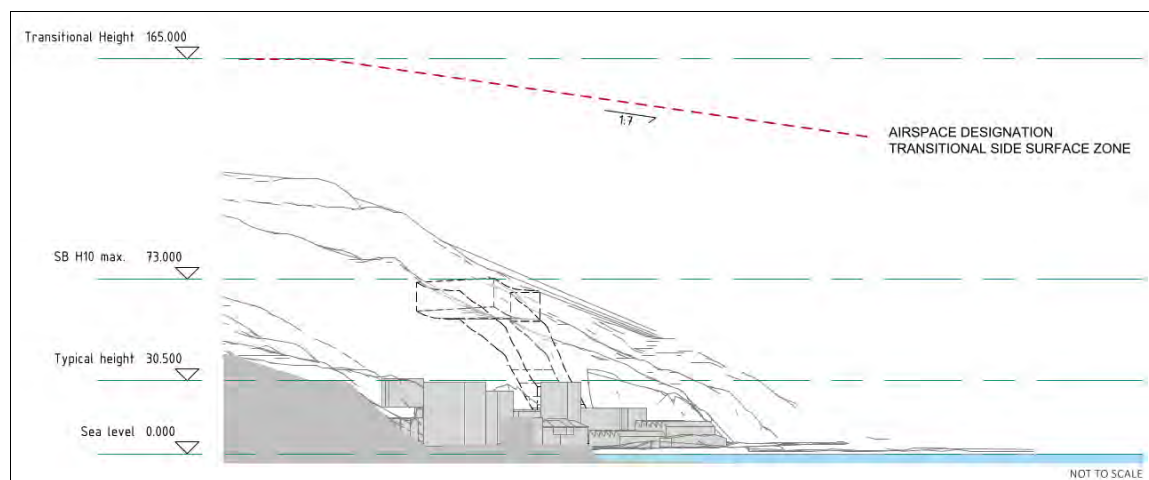
While I concur with Ms Tanner’s assessment that because a building is not listed it does not mean it does not hold heritage value, the purpose of HASHAA is to maximise housing yield.

Therefore, a balanced approach is needed in providing much needed housing to the Wellington housing market while taking into account the heritage value of the site. In my opinion, the desire for housing to the market which would require the removal of existing buildings onsite outweighs the impact on heritage value. While entirely demolishing buildings of value is not desirable, the hierarchy of HASHAA sets the provision of housing at the top. Incorporating buildings/materials within the development through the Design Guide, in my opinion, is the most practicable way of incorporating items of value while assisting in establishing an identity for the development.

Overall, while it is noted that the existing buildings/structures do hold some heritage value, they are not listed by Heritage New Zealand or Wellington City Council. As the purpose of HASHAA is to provide housing to the Wellington Market, I am of the opinion that the approach taken to conservation by the Design Guide is the most practicable way of balancing the effects on heritage against the need for more housing. For these reasons, I consider that adverse effects on heritage to be no more than minor.

10.2.6 EFFECTS ON AIRSPACE DESIGNATION:

The site is located within Designation G2 – Wellington International Airport Ltd Airspace Designation, **within what is termed ‘transitional side surfaces’**. As noted in Appendix F of the District Plan *“The designation takes the form of airspace height restrictions, which limit the development of any structure including any building, aerial, antenna, or other object which may inhibit the safe and efficient operation of Wellington International Airport”*. The applicant has provided the diagram below illustrating compliance with this designation and accordingly this designation is not affected by this proposal.



10.2.7 TRANSPORTATION EFFECTS:

The application is accompanied by a Transportation Assessment Report (TIR) by Traffic Design Group (TDG) dated September 2016 which confirms that sufficient and appropriate infrastructure can be reasonably provided to support the development. This report is held on the Council’s file and should be read in conjunction with this report. The TIR concludes:

- *“The development access strategy has been development in accordance with industry standards with regards to access and vehicle circulation routes;*
- *The increase in traffic won’t adversely affect the capacity on the Shelly Bay Road and Miramar Avenue Intersection;*
- *Possible solutions to public transport, and improved access by foot and by cycle could be investigated and would add to the accessibility of the proposed developments;*

- *Overall this assessment finds the traffic related impacts would be minor and that the level of use and activity can be properly and safely accommodated in this location”.*

The Council’s Chief Transport Advisor, Mr Steve Spence, has reviewed the application and considers that the proposed road layout changes to facilitate the development are acceptable. Mr Spence’s assessment is held on the Council file and should be read in conjunction with this report.

While Mr Spence considers the proposal to be acceptable in terms of transportation effects (subject to the proposed road layout changes), Mr Spence does make the following comments:

- *“The TDG report suggests that the traffic lanes will not need to accommodate cyclists as they will be provided with a cycle path on the seaward side of the development. However experience shows that some cyclists will always choose to travel on the carriageway rather than use an off –street cycle path and therefore we need to design for this situation.*
- *In this case I can agree that with the low speed environment which is proposed through the development site, the proposed 3m traffic lanes should be able to work in a safe and effective manner for most situations, although at busy times of the week especially at weekends, cyclists can be expected to impede vehicles on occasions. For this reason a minor widening of the carriageway from 6m to 6.5m within the development site would be desirable to facilitate better space sharing between cyclists and vehicles. This will be particularly beneficial on occasions where coaches or trucks are using the road and also to provide for a future situation where a scheduled bus service is provided.*
- *The proposed shared pedestrian/cycle lane on the seaward side of the road is supported in principle although there is no information provided by TDG on the expected numbers of pedestrians and cyclists who might be expected to be sharing this space. The design of this area will need to be carefully developed in conjunction with the Council to ensure it will provide the highest level of safety and amenity for those who will use it. Matters to consider will include: whether cyclists and pedestrians should be segregated or share the full width. Also details of surfaces, signage, street furniture, pedestrian crossings and pedestrian/vehicle shared areas etc. will need to reflect current best practice design”.*

It is noted that a suite of conditions have been volunteered relating to the proposed roading infrastructure upgrades and the need for these to be approved by the Council prior to works commencing. As such, further consideration may be given to pedestrian/cycle lanes at detailed design stage. Based on the advice of Mr Spence, I consider that adverse effects in terms of transportation will be no more than minor.

The Council’s Vehicle Access Engineer, Mr Arun Niravath, has assessed the proposal in terms of vehicular access and parking. Mr Niravath’s assessment is held on the Council file and should be read in conjunction with this report.

Mr Niravath has reviewed the TIR report and subsequent further information submitted and considers that it is feasible for the development to provide adequate access and parking. Mr Niravath has recommended a suite of conditions such as requiring detailed construction and design plans to be submitted to the Council’s Vehicle Access team prior to works commencing and a range of traffic calming measures to be installed. I have accordingly imposed these recommended conditions. Through compliance with these conditions, I consider that adverse effects of site access and parking will be less than minor.

Overall, based on the advice received from Mr Spence and Mr Niravath, I consider that adverse effects in terms of transportation will be no more than minor.

10.2.8 EROSION SEDIMENT CONTROL AND STABILITY EFFECTS:

Earthworks are proposed for the construction of building platforms, access and formation of parks/public amenities. While no volumes/areas have been provided within the application, it is likely that the development will exceed District Plan Standards. As development progresses details of earthworks for each stage will accompany the development plans submitted to Council.

A geotechnical assessment has been undertaken by Aurecon Ltd and covers the following points:

- Geological Investigation
- Geological Model
- Geohazard Assessment
- Geotechnical Risk Register and Development Hazard Map
- Design Recommendations
- Additional Geotechnical Investigations.

The visual effects are addressed under the landscape assessment of this decision and are proposed to be mitigated through grassing, and the construction of future buildings and roads. However, the earthworks also have potential to result in adverse effects through erosion and sediment loss from the site and result in localised geotechnical instability.

The Council's Earthworks Engineer, Mr Davies, has undertaken an assessment of the proposal, reviewed the Aurecon report, and notes that while the sites have a relatively high risk of instability and liquefaction, a set of design recommendations and geotechnical requirements have been covered in the application and form part of the mitigation for any stability effects associated with the development. These recommendations form the volunteered conditions of consent. Mr Davies is satisfied that through compliance with the volunteered conditions, any instability effects can be controlled. I accept this advice and conclude that adverse stability effects to be less than minor.

No Earthworks Management Plan (EMP) or Construction Management Plan (CMP) accompanies the application with conditions of consent instead being volunteered that a EMP and CMP be submitted to the Council for approval prior to the commencement of each stage. Mr Davies considers this to be acceptable to mitigate sediment runoff and dust that potentially may arise as part of the development. I accept this advice and conclude that adverse effects associated with the management of the earthworks can be mitigated to a level less than minor.

Overall I consider that through the imposition of the volunteered conditions of consent, adverse erosion sediment control and stability effects can be mitigated to a level that is less than minor.

10.2.9 INFRASTRUCTURE & SERVICING EFFECTS:

Under the infrastructure requirements of HASHAA pursuant to s34(2) and s34(3) sufficient and appropriate infrastructure is required to support the qualifying development.

The application is accompanied by a report by Calibre Consulting entitled 'Shelly Bay, Wellington, Servicing Feasibility', dated 8 August 2016, which confirms that sufficient and

appropriate infrastructure can be reasonably provided to support the development. This report is held **on the Council's file and should be read in conjunction with this report.**

Wellington Water's Manager Land Development, Mr Ryan Rose, has reviewed the application and has advised that due to the age and condition of the existing infrastructure, new infrastructure would need to be provided to cater for the development proposed. Mr Rose agrees with Calibre Consulting that servicing of the development is feasible and that as this application is at a high level, detailed design, calculations and specifications of servicing requirements can be provided/undertaken at detailed design/engineering stage. A suite of conditions have therefore been recommended.

The details of Mr **Rose's** assessment and recommended conditions are addressed in detail **within the "other matters" section of this report pursuant to s104(1)(c) as directed by s34(1)(d) of the HASHAA. Mr Wilson's report is held on Council's file and should be read in conjunction with this report.**

The applicant has also confirmed that power, telecommunication and gas supply will be possible.

Subject to the recommended conditions I am satisfied the effects on the capacity of the network infrastructure are no more than minor and the proposed subdivision can be adequately serviced.

10.2.10 OPEN SPACE EFFECTS:

Section 8.4.12 of the AEE outlines an assessment of the open space effects that I consider is accurate which I adopt for the purpose of this assessment. In summary, this assessment concludes:

- The bulk and form of the structures proposed are to be nestled into the site with the significantly higher coastal escarpment immediately behind. This vegetated escarpment will remain the dominant visual landscape in the surrounding environment.
- The development does not limit the recreation potential for the open space land behind the site in the future.
- The vegetation removal is limited to that required for the construction of the apartments and dwellings. Some vegetation removal will also occur to the rear of the apartments for safety reasons.

Overall, the proposal will result in a change to the Open Space zone but will not significantly affect its wider landscape values and is limited to what is required to provide housing to meet the intent of HASHAA. As such, I consider Open Space effects to be no more than minor.

10.2.11 CONSTRUCTION EFFECTS:

The reality of construction of the proposed scale is that the effects of construction on the local environment cannot be totally avoided. Accordingly, noise, dust and heavy vehicle movements will inevitably result from any such development on this site (given the size of development) and it is appropriate to require best practicable options are employed.

The application proposes mitigating the potential construction effects via a Construction Management Plan (CMP) that will outline the management of: Sediment and erosion control; discharges to water and land; construction noise; and construction traffic. The management plan is to be secured by ways of a volunteered condition.

The Council's Chief Transport Advisor, Mr Steve Spence, has reviewed the application and notes that while the proposal forms a significant proposal, the development may take a number of years to be completed and could require a number of construction management plans for the various elements of the development. These are to be secured through volunteered conditions of consent. As such, I considered that adverse effects associated with construction on the transport network will be no more than minor.

In relation to temporary construction noise, the Council's Environmental Noise Officer, Mr John Dennison, acknowledges the construction works required to facilitate the development; both in terms of initial ground works for the lower levels of the building and ongoing construction to build the upper levels. Mr Dennison has reviewed the proposal and considers that a construction noise management plan (CNMP) be approved prior to works commencing to mitigate adverse effects associated with the construction activity. It is noted that the applicant has volunteered such a condition. Through the imposition of this condition, I consider that adverse effects in terms of construction noise will be less than minor.

Overall, based on the advice of aforementioned Council advisors and the volunteered conditions of consent, I am of the opinion that adverse effects in terms of construction will be no more than minor.

10.2.12 CONTAMINATION EFFECTS:

The site is identified on the Greater Wellington Selected Land Uses Register (SLUR) as being contaminated (SN/05/059/02) given the past land uses onsite. As such, a Preliminary Site Investigation (PSI) undertaken by AECOM New Zealand Ltd has been provided with the application to establish the likely nature and extent of soil contamination within the site. The PSI undertaken by AECOM included the following

- Review of records provided by The Wellington Company in relation to previous land uses that could have has an impact on soil and ground water quality at the site.
- Targeted soil sampling at pre-selected locations, during geotechnical works undertaken at the site as part of a Preliminary Geotechnical Assessment.
- A site walkover to identify potential sources of impact to soil.
- A review of information held with GWRC SLUR.
- Review of records and selected aerial photographs held by WCC Archives, to determine previous land uses of the site and the surrounding area.
- Review of selected aerial photographs available from Opus International Consultants to determine previous land uses of the site and the surrounding area.
- Production of the PSI report.

The PSI undertaken identified that the site has been used for industrial and commercial **activities since the 1940's mainly associated with the operation of the RNZAF base including**, the boiler house, workshop activities, the operation of the slipway and munitions storage in magazines. Given these activities AECOM have identified the main potential sources of contamination to comprise of the following:

- Leaks and spills of hydrocarbon products to ground from the refuelling of vehicles and marine craft.
- Leaks and spills of hydrocarbon products associated with the storage and the maintenance of transport vehicles.
- Concentrations of metals and antifouling substances associated with the maintenance of marine craft and the operation of the slipway.
- Localised impact from the wastewater treatment plant in South Bay.

- Localised metals impact to soil from the use of lead paint, coal ash and munitions residues.
- Asbestos.

Notwithstanding the sources identified above, AECOM consider that with the exception of potential localised soil and groundwater impact around the wastewater treatment plant, the South Bay area mainly comprised residential facilities. As such, AECOM conclude that it is highly unlikely that there is a risk to human health from contaminants in the soil and groundwater within South Bay. AECOM however do note that this does not cover the potential for asbestos in soils.

The boiler house and septic tanks were located in North Bay. AECOM consider that while elevated arsenic levels were encountered within shallow fill at one location, it is considered highly unlikely that there is a risk to human health under the proposed activity within North Bay. AECOM however does note that this does not cover the potential for asbestos in soils.

Due to the layout and intensity of the Masterplan, the majority of the site is proposed to be sealed or covered with buildings so residents and workers will not likely come into contact with soil. AECOM, however, do note that in the limited areas where exposed soil will be present such as public green spaces or private gardens, then further investigation would be necessary.

In summary, the PSI submitted with the application has identified a number of potential contaminants within the site however have concluded that due to the level of hard surfaces, buildings and roads, it is unlikely a risk to human health will occur. Regardless, AECOM have recommended a suite of conditions such as requiring a Contaminated Soil Management Plan (CSMP) be approved prior to works commencing; any contaminated soil removed during the works to be disposed of at an approved facility; and that a validation report be submitted to the Council upon the completion of each stage of the proposed earthworks. Through imposing these conditions AECOM consider that any risk to human health can be mitigated. I accept this advice and further conclude that adverse effects in terms of contamination will be less than minor.

10.2.13 POSITIVE EFFECTS:

I concur with the positive effects outlined by the application in section 8.4.13 of the AEE as provided for in section 72(3) of the HASHAA. These include:

- The construction of 352 new dwellings providing additional housing stock for Wellington.
- The adaptive reuse of buildings with historical value.
- The enhancement to public access to the coastal marine area.
A comprehensive redevelopment of the site whilst protecting the wider landscape features of Watts Peninsula.

10.2.14 EFFECTS SUMMARY:

Overall, for the reasons above, and in the context of the expectation for residential development as identified by the District Plan Business 1 and Open Space B Areas and against the HASHAA provisions, the overall effects from the proposed development are considered to be acceptable and the effects on the environment no more than minor.

10.3 SECTION 104(1)(B) OF THE RMA – RELEVANT PLANNING PROVISIONS:

I have had regard to relevant provisions of the following planning documents:

- National Environmental Standards
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Wellington City District Plan

Higher Order Planning Documents:

In considering this application regard has been had for the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. In particular, it is my opinion that the only relevant National Environmental Standard is the one on the assessing and managing contaminants in soil to protect human health. However, in terms of National Policy Statements, those relevant include:

- The New Zealand Policy Statement on Urban Development Capacity
- The New Zealand Coastal Policy Statement.

National Policy Statement on Urban Development Capacity 2016

Section 4 of the National Policy Statement on Urban Development Capacity (NPSUDC) 2016 came into effect on 1 December 2016 and it seeks to recognise, the national significance of urban environments and the need to enable such environments to develop and change, and the national significance of providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments. The NPSUDC directs decision making under the RMA to ensure that planning enables development through providing sufficient development capacity for housing and business.

There are objectives that apply to all local authorities. The objectives most relevant to this proposal are:

- OA1 – To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.
- OA2 – To provide sufficient residential and business development capacity to enable urban areas to meet residential and business demand.
- OA3 – To enable ongoing development and change in urban areas.

The proposal is consistent with the above objectives. The NPSUDC outlines the policies relevant to Medium Growth Areas. These policies have been considered and the proposal is considered to align to those most relevant to this.

The New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2010 (NZCPS) took effect on 3 December 2010. The applicant has undertaken an assessment of the relevant objectives and policies of the NZCPS which I adopt under s72(3) of the HASHAA. I also consider that Policy 23 is relevant as this promotes integrated catchment management and design options that reduce stormwater flows at source.

Wellington Regional Policy Statement (WRPS)

The proposal is considered to accord with the general strategic direction of the WRPS. As noted, resource consent will be sought for aspects of the proposal requiring consent from Greater Wellington Regional Council (GWRC) for earthworks and works within the CMA. In **accordance with s72(3) of the HASHAA, I adopt the applicant's assessment of the relevant policies**, noting that:

- Objective 22 relates to Policy 31
- Objective 4 relates to Policies 35 and 36
- Objective 15 and Policy 46
- Objective 12 and Policy 14 – are also relevant as these seek to minimise contamination in stormwater from development.
- Objective 8 and Policy 53
- Objective 22 and Policy 54
- Objective 24 – Policy 48 and Objective 25 – Policy 49 are also relevant as they relate to our tangata whenua.
- Objective 30 – Policy 34 in relation to contaminated sites.

It is therefore considered that the proposal is consistent with the relevant objectives and policies of the Regional Policy Statement.

Proposed Natural Resources Plan

The operative regional plans for the Wellington Region are currently under review. A new single integrated plan, the Proposed Natural Resources Plan (PNRP), is to replace the existing regional plans for coast, air quality, freshwater, discharges to land and soil.

Greater Wellington Regional Council consider a key objective under this Plan is Objective O48 around managing adverse quantity and quality effects of stormwater so networks are improved over time. In addition, Policy P73 – seeks to minimise adverse effects of stormwater by using good management practices, taking source control and treatment train approaches to new activities and land uses, and to implement water sensitive urban design in new subdivision and development.

As the proposal has been assessed at a high level, the detailed design of buildings and approaches to controlling runoff will come later. Notwithstanding that, the Shelly Bay Design Guide does promote integrating environmental infrastructure and sustainability therefore further consideration will be given to the design and treatment of pollutants at detailed design stage. As such, I consider the due regard has been given to the Proposed Natural Resources Plan.

District Plan

Consideration of relevant objectives and policies and assessment criteria has been undertaken.

Objectives and Policies

The relevant objectives and policies are attached as **Appendix 1. I consider the applicant's assessment in the application against the relevant objectives and policies to be accurate. I therefore adopt the applicant's AEE noting the matters are also addressed within the substantive decision sections of this report.** Accordingly, no further analysis is required.

Assessment Criteria

The relevant assessment criteria, where there are criteria, are attached as **Appendix 2**. In the main, the proposal is considered to be consistent with these. Regard has also been had for both the Residential Design Guide and the Subdivision Guide, where applicable.

In assessing the application in relation to these objectives and policies, I have also consulted with the following experts within the Council and Wellington Water:

- Mr Chad McMan, Urban Design Advisor for Wellington City Council, who has considered the development in terms of design. Overall Mr McMan considers in terms of urban design, the project is excellent in terms of outcome, but also process where amendments were discussed, agreed to, and then incorporated into final documents, as opposed to conditions. Overall, Mr McMan supports the proposal in terms of urban design.
- **Mr Ryan Rose, Wellington Water's Manager Land Development, who has reviewed the proposal and provided an assessment with recommended conditions regarding the service infrastructure for the development subdivision comprising water supply, wastewater and stormwater. Mr Rose's comments have been referenced within the substantive decision and in further detail below in relation to the Code of Practice requirements.** Overall, Mr Rose advises the proposed subdivision can be appropriately serviced subject to conditions.
- Mr John Davies, Earthworks Engineer for Wellington City Council, who has considered the proposed earthworks methodology, erosion and sediment control measures and advised the earthworks and geotechnical stability for the site can be appropriately addressed through recommended conditions of consent.
- Mr Arun Niravath, Vehicle Access Engineer for Wellington City Council, has reviewed the proposal and supports the application subject to recommended conditions. Mr Niravath comments are referenced within the substantive assessment. This includes consideration of the safety and vehicular manoeuvrability within the development.
- Mr Steve Spence, Chief Transport Advisor for Wellington City Council, has reviewed the proposal and supports the application subject to recommended conditions. Mr **Spence's** comments are referenced within the substantive assessment. This includes consideration of the safety and operation of the transport network, both locally and within the wider area.
- Ms Vanessa Tanner, Senior Heritage Advisor for Wellington City Council, has reviewed the proposal from a heritage perspective and does not support the application. Ms Tanner considers that the applicant has not adequately assessed the heritage value of Shelly Bay which has informed the proposed Masterplan and Design Guide.
- Mr John Dennison, Environmental Noise Officer for Wellington City Council, has reviewed the proposal in terms of construction related activities and the ongoing residential and commercial occupation of the site. Mr Dennison supports the proposal subject to conditions.
- Mr Michael Oates, Open Space and Recreation Planning Manager for Wellington City Council, has reviewed the proposal and supports the proposed design and layout of the public space to be provided. Mr Oates considers that there may be the opportunity to enhance the site in the long term through transplanting some of the existing trees and

considering minor changes to tree species lists. Conditions of consent have been recommended.

- Ms Angela McArthur, Consultant Landscape Architect for Wellington City Council, has reviewed the proposed planting and supports the proposal subject to conditions.
- Ms Nicky Karu, Manager Treaty Relations for Wellington City Council, has reviewed the Cultural Impact Report and is satisfied the adequacy of the report.
- Mike Mendonca, Chief Resilience Officer for Wellington City Council, has reviewed the proposal and provided input as to the effects of sea level rise.

10.4 SECTION 104(1)(C) - OTHER MATTERS:

10.4.1 NGATI TOA RANGATIRA CLAIMS SETTLEMENT ACT 2004

In accordance with Ngati Toa Rangatira Claims Settlement Act 2004, Ngati Toa were informed via email that an application had been received on 29 September 2016 and a copy of the application was sent to them. To date, no comments have been received.

10.4.2 PORT NICHOLSON BLOCK (TARANAKI WHANUI KI TE UPOKO O TE IKA) CLAIMS SETTLEMENT ACT 2009

A Cultural Impact Assessment (CIA) was prepared on behalf of Taranaki Whanui Ki Te Upoko o Te Ika and The Port Nicholson Block Settlement Trust. In addition, the CIA states that this application is supported by the Trust. Given this, a copy of the application has not been given to the Trust as would be normal practice.

10.4.3 CODE OF PRACTICE FOR LAND DEVELOPMENT

The Council's Code of Practice for Land Development 2012, is a revision of the former Code of Practice for Land Development 1994 that is referred to in the District Plan. It is the 2012 Code of Practice for Land Development that holds the current technical standards required by the Council for the design and construction of earthworks, roading, water supply, wastewater, stormwater, and public open spaces. Whether the infrastructure will be vested with the Council or be a private asset, it is important that these assets are constructed to the Council's current standards.

With particular regard to water supply and wastewater, these standards must be met before the Council will allow a property to be connected to the City's water supply and wastewater system. However, it is not the intention of the Council to stifle innovation and ingenuity of design. Where the outcome will be a better quality living environment, proposed alternative solutions for infrastructure design, other than for water supply and wastewater, should be negotiated with the Council to ensure that the Code of Practice for Land Development 2012 basic requirements are met.

The relevant Council's and Wellington Water advisors have been consulted as identified above and conditions are proposed to ensure the proposal achieves the required Code of Practice standards or will provide an acceptable alternative.

10.4.4 RELEVANT PROVISIONS OF SECTION 241 OF THE RESOURCE MANAGEMENT ACT 1991 (RMA):

The Consent Holder proposes to cancel in part the condition which requires the amalgamation of proposed lots 2, 3, 4, 5 and 900 in one Computer Freehold Register;

Section 5 SO 339948 and proposed Lot 904 in one Computer Freehold Register; and, Proposed lots 9, 10, 11 and 903 held in one Computer Freehold Register, on a staged basis as it relates to each lot. The purpose of the amalgamations is to allow the subdivision to proceed in a staged manner as cross boundary building issues are resolved.

As the cancellation of the amalgamation condition will result in the proposed subdivided allotments under Decision One being realised I consider that the proposed cancellation of the amalgamation condition is acceptable.

11.0 SECTION 34(1)(E) – THE KEY URBAN DESIGN QUALITIES EXPRESSED IN THE NEW ZEALAND URBAN DESIGN PROTOCOL (2005):

The *New Zealand Urban Design Protocol (2005)* (Urban Design Protocol) identifies seven essential design qualities that together create quality urban design, being:

- **Context** – Seeing buildings, places, and spaces as part of whole towns and cities
- **Character** – Reflecting and enhancing the distinctive character, heritage and identity of our urban environment
- **Choice** – Ensuring diversity and choice for people
- **Connections** – Enhancing how different networks link together for people
- **Creativity** – Encouraging innovative and imaginative solutions
- **Custodianship** – Ensuring design is environmentally sustainable, safe and healthy
- **Collaboration** – Communications and sharing knowledge across sectors, professions and with communities

Shelly Bay, as the Proposed Shelly Bay Design Guide notes, has a unique character *“including its separation and containment, its harbour edge location and engagement with nature, and the history of its occupation”*. Section 1.5 of this Design Guide notes several general principles that will ensure that a quality urban design is achieved and the Protocol met. These include:

- Establish a welcoming public waterfront
- Create a memorable public destination
- Deliver a liveable urban neighbourhood
- Provide residential amenity and choice
- Create a sense of public generosity
- Promote sustainable innovation for the future
- Achieve certainty of high quality.

Section 34(1)(d) of this decision has assessed the urban design matters and concluded the proposal is consistent with the relevant guidance. The proposed layout of the development provides a variety of future housing choices and densities with pedestrian connections facilitating linkages to the wider road network. The design of the development strikes a balance between delivering high quality residential amenity while reflecting the context and general character of the wider landform. Accordingly, I consider the proposal is consistent with the seven essential design qualities of the Urban Design Protocol and therefore satisfies s34(1)(e) of the HASHAA.

12.0 SECTION 34(2) - PROVISION OF SUFFICIENT AND APPROPRIATE INFRASTRUCTURE:

Resource consent for the proposal cannot be granted under HASHAA unless the Council is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.

In assessing this matter, the Council is required to consider:

- (a) compatibility of infrastructure proposed as part of the qualifying development with existing infrastructure; and*
- (b) compliance of the proposed infrastructure with relevant standards for infrastructure published by relevant local authorities and infrastructure companies; and*
- (c) the capacity for the infrastructure proposed as part of the qualifying development and any existing infrastructure to support that development.*

As previously discussed in this report, Wellington Water, being the service provider for wastewater, storm water and water supply, has assessed the proposal and concluded that the proposed development can be supported and that sufficient capacity and capability can be provided to support the development. I accept **Wellington Water's** assessment and conclusion.

The applicant has also confirmed that power, telecommunication and gas supply will be possible.

The Council's Chief Transport Advisor has assessed the proposal and considered that through the proposed changes to the road network, the impact on roading infrastructure will be minor. I accept Mr **Spence's** assessment and conclusion.

Section 34(2) is therefore deemed to have been satisfied.

13.0 SECTION 35 - SECTIONS 105 TO 107 OF THE RMA:

Sections 105 and 107 of the RMA relate to discharge permits and coastal permits in respect of which Greater Wellington Regional Council is the relevant consent authority / authorised agency.

Section 106 of the RMA provides that the Council may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that:

- (a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

The land and structures on the land, will not be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source and any subsequent use that is likely to be made of the land is not likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source, and sufficient provision has been made for legal and physical access. Consequently, I consider there to be no reason to decline the application under section 106 of the Act.

14.0 SECTIONS 37 AND 38 – CONDITIONS OF CONSENT:

Sections 37 and 38 of the HASHAA provide for resource consent conditions to be imposed in accordance with sections 108 to 111 and 220 of the RMA. The resource consent is granted subject to following conditions.

The subdivision decision is contained within Decision One. Conditions for the subdivision includes that the survey plan must be in accordance with the scheme plan provided, servicing, stormwater quality, easements, future building restrictions, and an amalgamation condition.

In relation to the land use (Decision Two), conditions include that the proposal must be constructed in accordance with the information provided within the application and the approved plans as set out under condition (a). There are also conditions relating to construction timeframes, urban design, earthworks, contamination, heritage, construction, noise, transportation, services, landscaping, floor levels, lighting, and a monitoring condition.

Where a proposal requires consents from more than one authorised agency and the applications for those consents are separately decided, the authorised agencies are obliged to ensure that any conditions imposed are not inconsistent with each other (section 33(5) of the HASHAA). I can confirm that I have provided GWRC with a copy of the above conditions and no inconsistencies have been identified.

15.0 SECTIONS 50 AND 51 - DURATION AND LAPSING:

The nature and duration of resource consents are provided for under section 50 of the HASHAA, which references sections 122 and 123 of the RMA.

Section 51 of the HASHAA relates to the lapsing of resource consents issued under the HASHAA. Significantly, section 51(a)(iii) of HASHAA amends section 125(1)(a) of the RMA in that the lapse period of the resource consent is reduced from 5 years to 1 year unless an extended lapse period is sought.

The applicant has requested that the resource consent be granted with a **13** year lapse period due to the number of dwellings that will be delivered by this proposal. This is considered acceptable for the reasons set out below.

- Consent is sought for a Masterplan and the necessary detailed design is yet to be done.
- A road stopping process will take time to action.
- The scale of the development will require significant infrastructure to be constructed.
- The time to construct 300 residential units in addition to the ancillary non-residential components.

I accept with the applicant's reasoning for a longer lapse period. In balancing the intent of HASHAA to speed up land development and avoid 'land-banking', with applicant's circumstances and intentions, I agree to the requested 13-year lapse period.

16.0 DECISION

In conclusion, I have had regard to all of the matters in section 34(1) of the HASHAA and the weighting of those matters, and have also had regard to the statutory considerations required by the RMA where it is relevant.

As assessed previously, I am satisfied that sufficient and appropriate infrastructure will be provided to support this qualifying development.

I have also considered section 35 of HASHAA and I consider there is no reason to decline the subdivision consent under section 106 of the RMA.

Accordingly it is my opinion that the effects of this proposal are acceptable and that the proposal is generally consistent with the objectives and policies of the Operative District Plan.

Acting under delegated authority, and for the reasons set out in the assessment above, the application for resource consent is **granted** under section 36 of the HASHAA, subject to conditions imposed under sections 37 and 38 of the HASHAA.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. The proposal is for a qualifying development in a Special Housing Area that meets the purposes of the HASHAA.
2. Notification to any of the persons identified at section 29(3) of the HASHAA is not required.
3. The proposal is acceptable with respect to the matters under sections 34 to 36 of the HASHAA.



Nathan Keenan

Delegated Officer

(18 April 2017)

Delegated Authority No. (1,2)



Halley Wiseman

Delegated Officer

(18 April 2017)

Objective 33.2.1 To provide Business Areas that can accommodate a wide range of business and industrial activities to meet the social and economic needs of the City.

33.2.1.1 Recognise and provide for both Business 1 and Business 2 Areas within the City.

Objective 33.2.2 To enable an appropriate range of activities to occur in Business Areas, provided they do not undermine the City’s Centres, and that adverse effects are avoided, remedied or mitigated.

33.2.2.1 Maintain a mixed use character in Business 1 Areas by allowing a range of activities to establish provided that character and amenity standards are maintained and any potential adverse effects are able to be satisfactorily avoided, remedied or mitigated.

33.2.2.10 Allow residential development in Business 1 Areas so long as it does not constrain established or permitted activities from reverse sensitivity through noise.

Objective 33.2.3 To recognise where unique development opportunity areas exist within Business Areas and encourage redevelopment of these in a manner that is compatible with, and enhances amenity values and contribute to the City’s distinctive physical character, sense of place and contained urban form.

Policy 33.2.3.1 Ensure that any new development at Shelly Bay generally reflects the heritage and landscape character of the area and has regard to the site’s special coastal location.

Objective 33.2.4 To ensure that activities and developments at least maintain the amenity values and public safety within Business Areas and those of any nearby Residential Areas.

Policy 33.2.4.1 Ensure that buildings, structures and spaces in Business 1 Areas are designed to:

- acknowledge and respect the form and scale of the surrounding environment in which they are located; and
- respect the context, setting and streetscape values of adjacent listed heritage items, and Heritage Areas; and
- establish positive visual effects; and
- provide good quality living and working environments; and
- provide conditions of safety and accessibility, including for people with restricted mobility.

Policy 33.2.4.5 Enhance the quality and amenity of residential buildings in Business 1 Areas by guiding their design to ensure current and future occupants have an adequate standard of amenity and appropriate access to daylight and an awareness of the outside environment.

Policy 33.2.4.7 Manage the height, bulk and location of buildings and developments in Business Areas so that they avoid, remedy or mitigate the adverse effects of shading, loss of daylight, privacy, scale and dominance and any other

adverse effects on amenity values within Business Areas and on adjoining Residential Areas.

Policy 33.2.4.8 Ensure that all spaces accessed by the public are safe and are designed to minimise the opportunities for crime.

Objective 33.2.5 To promote energy efficiency and environmental sustainability in new building design.

Policy 33.2.5.2 Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.

Objective 33.2.6 To maintain an efficient and sustainable transport network that enables the provision of convenient and safe access for people and goods to and within Business Areas.

Policy 33.2.6.1 Ensure that activities and developments are designed to be accessible by multiple transport modes.

Policy 33.2.6.2 Ensure that the location and design of activities and developments that generate significant levels of traffic or increase demand for parking are **accessible by multiples transport modes and do not result in:** • a significant increase in traffic that would be incompatible with the capacity of adjoining roads and their function in the road hierarchy, or **would lead to unacceptable congestion;** or • **an on-street parking demand that extends into Residential Areas and/or leads to unsatisfactory parking arrangements;** or • **the creation of an unacceptable road safety risk.**

Policy 33.2.6.4 Maintain or enhance safe, convenient and easily legible pedestrian access to buildings.

Policy 33.2.6.5 Encourage buildings and spaces to have a high level of accessibility, particularly for people with restricted mobility.

Policy 33.2.6.6 Require the provision of appropriate servicing and site access for activities in Business Areas.

Objective 33.2.8 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.

Policy 33.2.8.1 Ensure the sound design, development and appropriate servicing of all subdivisions

Objective 33.2.10 To maintain and enhance access to, and the quality of the coastal environment within and adjoining Business Areas.

Policy 33.2.10.1 **Maintain the public's ability to use and** enjoy the coastal environment by requiring that, except in the Operational Port Areas, public access to and along the coastal marine area is maintained, and enhanced where appropriate and practicable.

Policy 33.2.10.2 Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment and waterbodies.

Objective 33.2.13 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.

- Policy 32.2.13.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.
- Policy 32.2.13.2 Enable a wide range of activities that fulfil the needs and wishes of tangata whenua and other Maori, provided that the physical and environmental conditions specified in the Plan are met.
- Policy 32.2.13.3 In considering resource consents, Council will take into account the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.

Open Space

Objective 16.5.1 To maintain, protect and enhance the open spaces of Wellington City.

- Policy 16.5.1.1 Identify a range of open spaces and maintain their character, purpose and function, while enhancing their accessibility and usability.

Objective 16.5.2 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.

- Policy 16.5.2.1 Identify and protect from development and visual obstruction landforms and landscape elements that are significant in the context of the Wellington landscape, and in particular significant escarpments and coastal cliffs.
- Policy 16.5.2.3 Encourage retention of existing native vegetation and where appropriate re-introduce native cover.

Earthworks

Objective 29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

- Policy 29.2.1.1 Ensure that the design and assessment of earthworks and associated structures is coordinated with future land development and subdivision.
- Policy 29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability.
- Policy 29.2.1.4 Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands and the coastal marine area.
- Policy 29.2.1.7 Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.
- Policy 29.2.1.9 Control earthworks in the Urban Coastal Edge, areas within the Ridgelines and Hilltops Overlay, Open Space B Areas Conservation Sites, Heritage Areas and on sites containing listed Heritage Items to protect the character, visual amenity or heritage value these areas provide to their immediate surrounds and the City.

Contamination

Objective 31.2.1 To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to

avoid or mitigate the risk of adverse effects on human health and the environment.

- Policy 31.2.1.2 Minimise and control the adverse effects that may arise from the use, development and subdivision of any contaminated or potentially contaminated land.
- Policy 31.2.1.3 Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.
- Policy 32.2.1.4 Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on human health and the environment.

Land Use

Open Space

17.2.4 The modification, damage, removal or destruction of indigenous vegetation not provided for as a Permitted Activity is a Discretionary Activity (Restricted) in respect of:

17.2.4.1 the area or extent of vegetation to be affected

17.2.4.2 the species, age and condition of the vegetation to be affected

17.2.4.3 where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.

17.3.2 Any recreational and other activities in Open Space B or Open Space C not specifically provided for as Permitted Activities; and any construction, alteration of and additions to buildings and structures in Open Space B or Open Space C not specifically provided for as Permitted Activities are Discretionary Activities (Unrestricted).

Business Areas

Vehicle Parking, Servicing and Site Access

34.3.4 Activities which would be Permitted or Controlled Activities but that do not meet one or more of the following standards outlined in section 34.6.1 (activities) are Discretionary Activities (Restricted). Discretion is restricted to the effects generated by the standard(s) not met:

34.3.4.6 vehicle parking, servicing and site access (standard 34.6.1.6).

34.3.5 The construction of, or the addition to, buildings and structures in Business 1 Areas resulting in a total gross floor area exceeding 500m² are Discretionary Activities (Restricted) in respect of:

- any development within the Shelly Bay Business Precinct Area (see Rule 34.3.7).

34.3.7 The construction of, or addition to, buildings and structures, including new residential buildings, or the conversion of existing buildings for residential activities in the Shelly Bay Business Precinct Area are Discretionary Activities (Restricted) in respect of:

34.3.7.4 parking and site access.

34.3.9 The construction or alteration of, or addition to buildings and structures which would be a Permitted, Controlled or Discretionary (Restricted) Activity but that does not meet one or more of the following standards outlined in section 34.6.2 (buildings and structures), are Discretionary Activities (Restricted). Unless otherwise noted below, discretion is limited to the effects generated by the standard(s) not met:

- 34.3.9.1 height (standard 34.6.2.1)
 - design, external appearance and siting
 - the amenity of adjoining properties
 - sunlight access to streets, public space, or residential buildings in Residential Areas
 - the character of the surrounding streetscape, including the form and scale of neighbouring buildings
 - the impact of wind from additional building height on pedestrian amenity and safety, particularly at surrounding building entries
- 34.3.9.4 yards (standard 34.6.2.4)
- 34.3.9.10 noise insulation and ventilation (standard 34.6.2.10)

Contamination

32.2.1 Except as provided for in the Airport Precinct Rules, the remediation, use, development and subdivision of any contaminated land, or potentially contaminated land (unless it has been confirmed as not being contaminated through investigations in a report forwarded in accordance with Rule 32.1.3.1), is a discretionary activity (restricted) in respect of:

- 32.2.1.1 The level, nature and extent of contamination in relation to the proposed use, development or subdivision
- 32.2.1.2 The methods to address the risks posed by contaminants to public health and safety
- 32.2.1.3 The effects of contamination on built structures, ecological and amenity values, soil quality and the wider environment
- 32.2.1.4 The approach to the remediation and / or on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on public health, safety and the environment including the provision of a Remediation Plan or a Site Management Plan.

Subdivision

Open Space

17.3.4 Any subdivision of land is a Discretionary Activity (Unrestricted).

Business Areas

34.3.14 Any subdivision not being a Permitted or Controlled Activity is a Discretionary Activity (Restricted) in respect of:

- 34.3.14.1 roading, access, stormwater, sewerage, and water supply