

APPENDIX 1

Property, Housing, Consents and Licensing

REPORT AND RECOMMENDATION

Service Request No: 189274

File Reference: 0600 1194585

HEARING DATE: 25 – 27 May 2009 (Hearing)
29 May & 22 June 2009 (Deliberations)

COMMITTEE: Cr Sally Baber (Chair), Cr Paul Bruce and Commissioner Stuart Kinnear

DATE OF REPORT: Tuesday, 7 July 2009

<u>Site Address:</u>	Westchester Drive
<u>Legal Description:</u>	Lot 103 DP 407806; Lot 4 DP 78736; Lot 3 DP 26649; Pt Lot 2 DP 26649; Sec 1 SO 336646; Sec 3 SO 336646; Pt Lot 2 DP 76439
<u>Proposal:</u>	Alteration to existing District Plan Designation 134
<u>Requiring Authority:</u>	Wellington City Council
<u>Plan Nos:</u>	<ul style="list-style-type: none">• Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C001, C100, C150, C200, C220, C221 and C240, all Rev A, all dated 08/08• Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C210, C230, all Rev A, all dated 07/08• Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C241, Rev A, dated 09/08• Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C095, Rev A, entitled "Long Section", dated 8/12/08• Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C050 – C078, all Rev A, Sheets 1-29 of 29 entitled "Cross Sections", dated 08/12/08• Plan prepared by Boffa Miskell Ltd entitled Westchester Drive Stormwater Management, Overall Landscape Plan, Drawing No. LA-06-101, Rev 01, dated 21.11.08• Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C096, Rev B, dated 15/12/08.

In Attendance:Wellington City Council (Consent Authority)

Andy Christofferson – Consent Planner
 Angela McArthur – Landscape Architect Advisor
 Glynn Jones – Noise Advisor
 Soon Teck Kong – Transport Advisor
 Erin Whooley – Hearings Advisor

Applicant - Wellington City Council (Requiring Authority)

Steven Harte - Project Manger
 Lindsay Daysh – Consultant Planning Manager
 Graeme Doherty- Engineer
 Stephen Fuller – Ecologist
 Steve Dunn - Landscape Architect
 Bill Wood - Acoustic Consultant

Wellington Regional Council

Jeremy Rusbatch – Consent Planner
 Tyro Baker-Underhill – Hearings Advisor

Submitters

Glenside Streamcare Group (represented by Zena Kavas)
 Paul Waechter
 Peter Graham
 Glenside Progressive Association Inc.(represented by Claire Bibby)
 Bruce Koller
 Roger and Maryanne Whittaker
 Ling Phang represented Greater Wellington Regional Council
 Thomas Zinc,
 Tamati Reedy
 Churton Park Community Association (represented by Roger Ellis, President and John Morrison)
 John Pask
 Kamil Tinawi
 Jan Voss
 Barry Blackett
 Michael and Deborah Bell
 Jacqueline Bligh
 Rachael Cole and Anthony Chatfield
 Keith and Helen Bond

TO: THE WELLINGTON CITY COUNCIL

FROM: JOINT HEARING COMMITTEE WELLINGTON CITY COUNCIL & WELLINGTON REGIONAL COUNCIL

DATE: 7 JULY 2009

SUBJECT: NOTICE OF REQUIREMENT TO ALTER EXISTING WESTCHESTER DRIVE DESIGNATION NO. 134.

AUTHORITY TO REPORT

A Committee comprising Cr Sally Baber (Chair), Cr Paul Bruce and Commissioner Stuart Kinnear (the Committee) was formally appointed by the Wellington City Council (the Council) with delegated authority to hear and make a recommendation to the Council on a Notice of Requirement (NOR) for an alteration to Designation 134 in the Wellington City District Plan (the District Plan) for the public work of a new road between the intersection of Westchester Drive and Lakewood Avenue and the intersection of Middleton Road and Westchester Drive East. The NOR was made by the Wellington City Council as Requiring Authority having responsibility for the proposed road.

The Committee heard the NOR jointly with applications from the Council to the Greater Wellington Regional Council (WRC) for resource consents for road construction, stream diversion, bridge construction, bank protection and discharge of stormwater in respect of the proposed work. This report and recommendation relates to the NOR.

RECOMMENDATION

The Committee recommends to the Wellington City Council that pursuant to sections 168A and 181 of the Resource Management Act 1991 the Notice of Requirement for alterations to Designation 134 for a new road (Westchester Drive) be confirmed, subject to the addition of the following conditions; and further recommends that an Outline Plan need not be submitted for the new road pursuant to section 176A(2)(b) of the Resource Management Act 1991.

Conditions

General

1. *With the exception of amendments required to comply with other conditions of this notice and any conditions of related resource consents granted by the Greater Wellington Regional Council, the proposed work must be carried out in general accordance with the information provided with the Notice of Requirement prepared by GHD entitled "Wellington City Council Northwest Connector Westchester Drive to Middleton Road, Notice of Requirement – Alteration to Designation", dated December 2008, and the following plans:*
 - *Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C001, C100, C150, C200, C220, C221 and C240, all Rev A, all dated 08/08*
 - *Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C210, C230, all Rev A, all dated 07/08*
 - *Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C241, Rev A, dated 09/08*
 - *Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C095, Rev A, entitled "Long Section", dated 8/12/08*
 - *Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C050 – C078, all Rev A, Sheets 1-29 of 29 entitled "Cross Sections", dated 08/12/08*

- Plan prepared by Boffa Miskell Ltd entitled Westchester Drive Stormwater Management, Overall Landscape Plan, Drawing No. LA-06-101, Rev 01, dated 21.11.08
- Plan prepared by MWH, Drawing No. Z1266710, Sheet No. c096, Rev B, dated 15/12/08
- Plan prepared by MWH, Drawing No. Z1266710, Sheet No's. C301, C302, C40,2 all Rev C, dated 16/15/2009.

General Code of Practice and Hours of Work

2. Except where necessary to give effect to the other conditions of this notice, the earthworks must be carried out in accordance with the Council's Code of Practice for Land Development, Part B - Earthworks Design and Construction. The hours of work for machinery are restricted to:
 - Monday to Friday 8am to 5:30pm
 - Saturday 9am to 3pm
 - No work is to be carried out on Sundays or public holidays
 - This time period is inclusive of start up and close down times.

Construction Management Plan

3. The Construction Management Plan prepared by MWH and entitled Westchester Drive Extension, Construction Management Plan, Westchester Drive to Middleton Road, Wellington, dated December 2008 and attached as Appendix C to the Notice of Requirement, is approved in principle. However, a detailed earthworks and construction plan must be prepared and submitted to, and be approved by, the Wellington City Council's Compliance Monitoring Officer prior to the commencement of work on site. The earthworks and construction plan shall establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. Such standards shall include but are not limited to the following:
 - A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;
 - Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) notice board on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
 - A communication and complaints procedure for adjoining property owners/occupiers, passer-bys and the like;
 - Safety fencing and associated signage for the construction site;
 - Measures to ensure dirt, mud or debris is not left on the road;
 - Compliance with any sediment and erosion control conditions of the Wellington Regional Council Discharge Permit No **WGN090226 [27481]** **or** an erosion and sediment control plan, conforming to the requirements of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines (or its successor) for the Wellington Region.
 - Dust mitigation measures to be implemented to minimise dust effects beyond the construction site boundary;
 - A detailed construction noise management plan, prepared under the supervision of an acoustic consultant. The plan must describe the methods by which noise associated with the work will comply in all aspects with the controls set out in NZS 6803P:1984 and how all persons undertaking day-to-day site management will adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with section 16 of the Resource Management Act 1991.

- *A detailed construction traffic management plan, to be prepared by the requiring authority (in conjunction with the contractor engaged for the construction). The purpose of the plan will be to set out in detail matters relating to the extent and timing of construction traffic activity to achieve the safe and efficient operation of the roading network, and traffic management provisions to be put in place during this time to achieve a safe and efficient road network. The plan shall be updated as required by the Compliance Monitoring Officer to maintain safety and efficiency of the roading network.*
- *Measures to ensure the appropriate control of contaminants, particularly from vehicles and construction machinery. This should include details of vehicle maintenance and refuelling locations.*
- *Measures to maintain access to all properties affected by the works, including Wellington Regional Council with respect to its flooding designation.*
- *Measures to ensure compliance with the Council's 'General Conditions of Excavation and Transport of Excavated Materials' dated December 1993, and that trucks and trailers leaving the site that are loaded with earthworks material have their load covered.*

Please Note:

- (a) *The Compliance Monitoring Officer will approve the Construction Management Plan following consultation with appropriate officers within the Wellington City Council once satisfied with its content.*
 - (b) *The noise component of the construction management plan required by condition (3) should follow the guidance contained in the Council fact sheet "Tips on writing a construction noise management plan" (attached to this report as Appendix A) and in particular detail how to manage noise and vibration effects from any earthworks and construction work taking place near to affected residential properties. The Plan should provide options where necessary for potential alternative hours of operation, changes in working methods and any other measures that may be necessary to ensure the neighbouring occupiers are not exposed to noise levels that exceed the Upper Guidance noise limits in the above Standard.*
4. *With the exception of amendments required to comply with other conditions of this notice and any conditions of related resource consents granted by the Wellington Regional Council, the Construction Management Plan approved under condition (3) above must be implemented and maintained throughout the entire construction period, AND modified as directed by the Wellington City Council's Compliance Monitoring Officer to deal with any deficiencies in its operations.*

Noise Management

5. *The Westchester Drive connector road must be surfaced with open graded porous asphalt throughout its length and such a surface shall be maintained throughout the life of the road.*
6. *Within 6 months of opening the road, a noise assessment must be undertaken to ensure compliance with the predicted noise levels in the following table. A noise assessment methodology is to be submitted to the Council and approved prior to undertaking the assessment. If compliance is not being achieved then the best practicable option must be taken to mitigate noise effects in agreement with the requiring authority so that the predicted traffic noise levels are not exceeded.*

Receiver	Noise level Leq (24 hours) dBA		
	Existing Ambient Level	Transit Guideline Design Level	Predicted Traffic Noise Level
273 Middleton Road	53	62	55
38 & 40 Glenside Road	52	62	52
24 to 36 Glenside Road	52	62	49
5 & 10 Ashfield Grove	48	60	49
Longmont Tce (north side)	48	60	49
19 Stebbings Road	48	60	50
Aintree Grove (north side)			
Nos. 8 to 10	48	60	51
Nos. 14 to 18	48	60	55
Nos. 20 to 22	48	60	57
68 Lakewood Ave	55	62	59
102 Westchester Drive	53	62	61
104 Westchester Drive	54	62	60
3 Melksham Drive	48	60	60
5 Melksham Drive	48	60	60

Geotechnical and Design

7. *All earthworks must be designed and supervised by a suitably qualified and experienced Chartered Geotechnical Professional Engineer. The Engineer must provide a completion certificate/ certification (PS4) and as built drawings at the conclusion of the work.*
8. *Design contours must be constructed to develop a natural appearance on the earthworked surfaces as far as practicable, especially in the case of cut and fill batters where the contours must be sufficiently curved across the batter faces and radiussed off where the design contours meet the original contours in order to conform and merge with natural ground surfaces to the extent that is achievable while still meeting engineering requirements for stability.*

Landscaping

9. *The landscaping plan prepared by Boffa Miskell Ltd entitled Westchester Drive Stormwater Management, Overall Landscape Plan, Drawing No. LA-06-101, Rev 01, dated 21.11.08 and attached as Appendix D to the Notice of Requirement is approved in principle. However, a detailed landscape plan including an implementation and maintenance programme must be submitted to, and be approved by, Wellington City Council's Compliance Monitoring Officer prior to any works commencing on site (including earthworks). The plan shall be consistent with the Landscape and Restoration Plan required by WRC **Land use consent [27601]** and shall include details of the numbers and sizes of plants and ground preparation details for all locations in accordance with the above landscape plan. Where ground conditions permit, areas shown as being planted with a mix of moss lichens and ferns will be expected to be planted to a higher*

level. The landscape plan may be reviewed after bulk earthworks have established the full extent of disturbed ground.

Note: The Compliance Monitoring Officer will approve the Landscape Plan following consultation with appropriate officers within the Wellington City Council once satisfied with its content.

10. *The landscaping plan, approved under condition (9), must be completed within one year of completion of the bulk earthworks. The plantings are to be monitored for a period of 18 months from the time of planting in order to allow for plant establishment. This includes the removal of weeds within the vicinity of the plantings and the replacement of plants that die or are removed unlawfully within this period in the same location, with the same species and sized plants. The requiring authority must ensure that the plants and seeds for any indigenous revegetation work carried out in regard to the proposed works have been eco-sourced.*

Road Design

11. *The requiring authority must provide a detailed design for the proposed road approved road marking, signs and parking areas where kerbside parking can be accommodated without compromising road safety and where kerbside parking is prohibited. The design must be approved by the Council's Compliance Officer prior to construction starting on-site.*
12. *The proposed road must be designed and constructed to generally comply with the Council's Code of Practice for Land Development and the Standard NZS 4404:2004 - Land Development and Subdivision Engineering, except there will only be one footpath and carriageway with a width of 9m.*
13. *The requiring authority must provide street lighting along the proposed road in compliance with NZ Street Lighting Standard. Light spill must be directed away from residential properties by the use of specifically designed lighting cowls where necessary.*
14. *The requiring authority must provide a detailed design for the intersection at Westchester Drive and Middleton Road for the approval of the Council's Compliance Officer. The design and construction of the intersection is to meet the requirements of all road users including pedestrians, cyclists and over-dimensional vehicles and to comply with the Council's Code of Practice for Land Development and Austroads – Guide to Traffic Engineering Practice.*
15. *The requiring authority must provide a detailed design for the intersection layout of Westchester Drive, Lakewood Avenue and Melksham Drive and this intersection must be constructed to comply with the Council's road hierarchy and Code of Practice for Land Development. The design must incorporate local safety measures for existing driveways at 102 Westchester Drive and 68 Lakewood Avenue due to the increased traffic flow.*
16. *Isolation strips must be provided alongside the roadway to prevent unauthorised physical access to the adjoining land.*
17. *Reasonable provision must be made for vehicular, pedestrian and cycle access to private and Wellington Regional Council properties at all times during the construction period and to ensure that any interruption to public vehicle, pedestrian and cycle access is minimised to the greatest extent practicable. This*

includes providing access to Wellington Regional Council's flood detention designation area for that Council.

Archaeological

18. If any archaeological deposits are identified during works or construction (e.g. shells, midden, hangi or ovens, garden soils, burials, pit depressions, defensive fortifications, occupation evidence, taonga, historic bottles and ceramics) work must cease in the vicinity of the remains and the Historic Places Trust and tangata whenua contacted immediately.

Note: There may be a burial site on the land.

Note: The requiring authority should be aware that the Historic Places Act 1993 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. Under section 2 of the Act, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Section 10 directs that an authority is required from the Historic Places Trust if there is reasonable cause to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted, or the activity is permitted in a regional or district plan. Evidence of archaeological sites may include oven stones, charcoal, shells, ditches, banks, pits, terraces, stone walls, building foundations, artefacts of Maori and European origin or burials. In this regard, the requiring authority is advised to consult with officers of the Historic Places Trust regarding the need for any archaeological assessment of this site prior to any earthworks or construction taking place.

REPORT OF THE JOINT HEARING COMMITTEE

1. The Westchester Drive connector route was designated in the then Wellington City Transitional District Plan in July 1992 following a decision of the Planning Tribunal. This designation was then included in the Proposed Wellington City District Plan when this was notified in 1994 in accordance with the transitional provisions of the Resource Management Act 1991 (RMA). Although an error occurred whereby the designation was deleted from the Proposed District Plan, it was restored by rectification of that error prior to the Proposed District Plan being made operative, pursuant to Clause 16(2) of the First Schedule to the RMA.
2. Designation 134 is included in the schedule of designations of the District Plan as a designation for a 'New Road' - *Proposed new road to link to existing sections of Westchester Drive*, and has a duration of 15 years from the date that the District Plan was made operative, being 27 July 2000. Designation 134 is shown on Planning Map 26.

THE NOTICE OF REQUIREMENT

3. In essence, the NOR formally seeks an alteration to the existing designation to accommodate those parts of the preferred road alignment that extend outside the boundaries of the existing designation. These include:
 - An area of approximately 462m² at the Lakewood Avenue end to fill the gap between the formed section of Westchester Drive and the designation boundary;
 - An area of approximately 568m² from the northern side of 19 Stebbings Road

to facilitate the western bridge;

- An area approximately 3378m² between the proposed alignment and Stebbings stream necessary to avoid extremely high cuts; and
- An area of approximately 4740m² at the Middleton Road end to avoid property impacts and reduce the height of the cut faces.

Outline Plan Details

4. The NOR also includes details of the location and nature of the proposed physical works and alignment of the new 810 metre section of road with the intention that an Outline Plan would not need to be submitted, having regard to section 176A(2)(b).

Ownership and Location

5. The site to which the NOR relates lies between Middleton Road, Glenside and Westchester Drive, Churton Park between approximate map reference NZMS 260:R27; 2662267.5998754 (Middleton Road end) and NZMS 260:R27; 2661663.5998967 (Westchester Drive end). The land includes Lot 103 DP 407806; Lot 4 DP 78736, Pt Lot 24 DP 70931; Lot 3 DP 26649; Sec 1 SO 336646; Sec 3 SO 336646 and Pt Lot 2 DP 76439. The land that comprises the existing designation and the alterations as described above is all either owned by or in the process of being acquired by the Wellington City Council.

THE PROPOSAL

Description

6. The proposed link road will descend from the unformed end of Westchester Drive, at Lakewood Ave (close to the Stebbings Dam) to Stebbings Road where a new 40 metre bridge will be constructed to cross the stream. From here, major localised earthworks will be required to cut a road formation into the northern hillside above Stebbings Stream. Approximately half way along its length, a section of fill will be required to maintain the road's grade at the point where a tight 'hairpin' section of Stebbings Stream flows. The stream flow will be shifted south to a new channel and a 3 metre high retaining wall built and fill placed to bring the road up to grade. From this section of fill the road is again cut into the hillside as it heads toward Middleton Road, finally requiring another bridge (20 metre span) to cross the Porirua Stream approximately 50-60 metres downstream of where Stebbings and Porirua streams meet.
7. The works required to construct the proposed road are fully described in the NOR and can be summarised as follows:

Road construction – approximately 55,000 m³ of cut will be needed to cut the road alignment into the hillside above Stebbings Stream. 8,000 m³ of fill will be needed behind the Mechanically Stabilised Earth (MSE) walls. Around 47,000 m³ of excess to be trucked offsite to a consented cleanfill site on Ohariu Valley Road – consent reference WGN060219.

Discharges from areas of bulk earthworks – with approximately 55,000 m³ of cut and 8,000 m³ of fill, any rainfall on the earthworked area will generate runoff, entraining sediment particles. Treatment measures are proposed (primarily sediment retention ponds), but these will need to discharge either to land, and then to the stream, or directly to the stream. This will discolour the stream.

Three bridges – two permanent and a temporary 'bailey' bridge to maintain access to an adjoining landowner's property are required. The 20 metre span eastern bridge is proposed to cross the Porirua Stream at Middleton Road. This sits on abutments

founded on MSE walls. Extensive rip rap erosion protection works are proposed. A minor realignment of the stream is required to enhance its alignment under the proposed bridge. The MSE walls and erosion protection works all lie within the bed of the stream.

The 40 metre span western bridge (near the Stebbings Dam) is proposed to cross the Stebbings Stream and sits on abutments well clear of the stream bed; however, due to its span, the bridge requires a central 1.8 metre diameter concrete central pier within the stream bed.

The temporary Bailey Bridge is required to cross the Stebbings Stream to maintain access to the adjoining property during construction. The bridge will be 12 metres in span and will sit atop concrete abutments well clear of the stream bed. No erosion protection works or stream realignments are required.

One MSE retaining wall that is not associated with bridge works lies within the bed of the stream at chainage 550 metres. This wall is approximately 40 metres long and is needed to support the road above. Extensive rip rap is required, extending around 6 metres out from the wall into the stream bed. The wall will require the reclamation of around 47 metres of a 'hairpin' section of stream. Flow will be maintained and diverted to a new, shorter channel.

Erosion protection works at chainage 650 metres associated with a MSE wall (note the wall is clear of the bed of the stream). The erosion protection works are around 55 metres long.

Reclamation and diversion works to reclaim approximately 47 metres of stream bed and divert it to a new channel. The reclamation works are required to construct the MSE wall to support the road (see bullet point four above). The new stream channel will be shaped in a gentle curve to tie into the two ends of unmodified stream bed. Extensive rip rap is proposed as described in the plans submitted with the application.

Timing and Staging

8. The information in the NOR indicates that the bulk earthworks will take approximately nine months to complete with another nine months needed to complete the road formation, stormwater and services, intersection and road sealing. The applicant intends to put the project out for tender in 2010/11.
9. The works have been spilt up into 3 principal stages. The key parts of each stage are:

Stage 1

- Install silt control
- Construct eastern bridge
- Earthworks to chainage 260 at Westchester end
- Complete western abutment to western bridge; and
- Complete stormwater infrastructure

Stage 2

- Install silt control
- Complete western bridge
- Complete 300 metres of road construction
- Construct MSE wall at chainage 650 metres; and
- Reclaim and divert stream, construct MSE wall (all at chainage 550 metres)

Stage 3

- Install silt control

- Complete earthworks to Middleton Road/eastern bridge
- Construct kerb and channel, install sumps over full length of road
- Construct road surface and seal
- Remove temporary Bailey bridge; and
- Landscaping over whole project

SUBMISSIONS

10. The NOR was publicly notified on 21 February 2009 for an extended period of 30 working days. A total of 54 submissions were received, including 7 submissions received late. These were all accepted with the timeframe extended pursuant to section 37 of the RMA. Of the total number of submissions received, 28 were in support, 23 were in opposition and 3 were neutral.
11. Issues raised within submissions were generally categorised by the reporting officer as follows:

Support

- Road will reduce traffic and congestion on narrow local roads especially at peak times
- Positive environmental benefits of reducing excess vehicle travel
- Halswater Drive is unsafe, dangerous exiting driveways and dangerous to cross especially for children
- Will reduce congestion
- The new road will help getting shops into Churton Park, increase viability of it
- Road will improve traffic flows in the area
- Burbank crescent is currently the shortest route and is unsuitable for the current volume of traffic
- New and better access to Churton Park
- Infrastructure development must keep up with growth
- Road will provide an alternative access for emergency services
- Will reduce pollution on Halswater Drive
- Road essential to the growth of the Churton Park community

Opposition or raised as issue of concern

- Destruction of the natural environment
- Road may not be sufficiently utilised, need for road unsubstantiated and based on flawed assumptions
- Adverse effects on flora and fauna
- Effects on residents privacy
- Construction effects, including dust, noise
- Visual impact
- Change to stability and increased flood risk
- Increased traffic noise, light pollution and vibrations from truck movements
- Negative impact on Glenside residents social and economic wellbeing
- Decrease in property values
- Significant financial cost and questionable costs/benefits
- Landscaping proposed is inadequate
- General effects on Glenside residents
- Road not an efficient use of resources
- Adverse archaeological/heritage effects
- Not consistent with Part 2 matters

- Noise and light effects not properly assessed
- Road safety issues
- Insufficient consideration of alternative routes
- Roundabout design inadequate and will lead to a range of traffic flow issues
- Soil removal route will create pedestrian safety issues
- Concerns over stability of the earthworked areas
- Opening up Stebbings Valley for additional development
- Specific design issues with road width, footpath and parking

RELEVANT STATUTORY PROVISIONS & PLANNING INSTRUMENTS

12. The Wellington City Council is a Requiring Authority under s167 of the RMA and is authorised to issue a NOR for a public work within its own district for which it has financial responsibility under section 168A and is also authorised to alter such a designation under section 181(4). The effect of sections 181(3) and 181(4) is that section 168A, with all necessary modifications, applies to the notification and consideration of a NOR by a territorial authority to alter its own designation.

13. Section 168A(3) provides that:

“(3) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to –

(a) any relevant provisions of –

(i) a national policy statement:

(ii) a New Zealand Coastal Policy Statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(b) whether adequate consideration has been given to alternative sites, methods of undertaking the work if -

(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.”

14. Section 168A(4) provides that:

(4) The territorial authority may decide to –

(a) confirm the requirement:

(b) modify the requirement:

(c) impose conditions:

(d) withdraw the requirement.

15. Within the above statutory framework the following are the appropriate considerations:
- The effects of the alterations to the designation on the environment with particular regard to the relevant provisions of:
 - the Regional Policy Statement
 - the Proposed Regional Policy statement
 - the District Plan.
 - The consideration of alternatives
 - The necessity of the alterations to the designation for achieving the objectives of the Council for which the designation is sought; and
 - Part 2 matters
16. Section 176A sets out the requirements for an outline plan, and details the situations in which such approval is not required. This is of relevance to the present notice given the requiring authority's intention that an outline plan not be required for the proposed works.
17. Under ss (3) an outline plan must show –
- (a) The height, shape and bulk of the public work, project, or work; and
 - (b) The location on the site of the public work, project, or work; and
 - (c) The likely finished contour of the site; and
 - (d) The vehicular access, circulation, and the provision for parking; and
 - (e) The landscaping proposed; and
 - (f) Any other matters to avoid, remedy or mitigate any adverse effects on the environment.
18. Under section 176A(2) an outline plan need not be submitted to the territorial authority if the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation.

SUMMARY OF EVIDENCE HEARD

The Case for the NOR

19. The case for the NOR was presented by Mr Steven Harte, Programme Manager for Transport Network Development, Infrastructure Directorate at Wellington City Council, who was supported principally by Mr Lindsay Daysh, New Zealand Planning Manager with GHD Limited and also by Graeme Doherty, Principal Project Manager with MWH New Zealand Limited, Stephen Fuller from Boffa Miskell Limited, Steve Dunn from Boffa Miskell Limited and Charles Wood from Marshall Day Acoustics Limited.
20. Mr Harte summarised the history of the designated connecting road through the District Plan and plan changes. He outlined the need for the road and investigated alternative routes and why these were disregarded over the route being presented. Mr Harte explained the Wellington City Council's rationale for factors such as the need for the road, alignment, traffic volumes, safety and speed, street design, intersection controls and the economic assessment for the road. Mr Harte responded to several concerns

