

Memorandum for The Wellington Company Limited in response to Minute 5

Applicant: The Wellington Company Limited
Location: 232, 264, 270 and 276 Shelly Bay Road
Application Number: Service request 368659
Date 31 July 2019

1. This memorandum is filed on behalf of The Wellington Company Limited (“the applicant”) in response to the Commissioners’ Minute 5 of 26 June 2019 which makes four requests of the applicant and/or the reporting officer.
2. In Minute 5, the Commissioners have asked that the applicant, by today, address requests 2, 3 and (with the reporting officer) request 4.

Request 2

3. In request 2, the Commissioners have sought clarification from the applicant on the extent of public infrastructure upgrade works that need to be undertaken as a part of, or prior to, development of the Shelly Bay site. They have set out a range of matters on which they seek to have a better understanding.
4. The attached report from Envelope Engineering addresses request 2. By way of summary, the report concludes:
 - (a) A 6 m wide carriageway and a 1.0 – 1.5 m wide pedestrian pathway can be accommodated along Shelly Bay Road – between the intersection of Miramar Avenue and the Shelly Bay site (“the Shelly Bay Road improvements”) – without the need:
 - (i) for any works in the Coastal Marine Area;
 - (ii) to build additional sea walls or retaining structures on the seaward side of Shelly Bay Road;
 - (iii) for retaining or significant excavation on the landward side of Shelly Bay Road.
 - (b) Accordingly, no consents will be needed from Wellington Regional Council as a result of the design of the Shelly Bay Road improvements.¹
 - (c) The Shelly Bay Road improvements are to be completed prior to the completion and occupation of any new commercial or residential units.

¹ However, it is possible that consents will need to be obtained from the Wellington Regional Council in relation to stormwater discharges that may enter the Coastal Marine Area during any potential minor excavation works relating to the road widening on the landward side of Shelly Bay Road. The need for consents of that type will need to be determined at the detailed design stage, when the final location and formation of road alignments will be confirmed; as will erosion and sediment control measures.

- (d) Other infrastructure servicing will be provided at three distinct phases, with the main spine of proposed public wastewater/stormwater and water supply fronting the development, the construction of a new public water supply to connect to the existing network at Mount Crawford and power and communications supply upgrades to be undertaken prior to the completion and occupation of any new commercial or residential units.

Request 3

- 5. In request 3, the Commissioners have asked the applicant to provide an assessment of an appropriate minimum floor level for habitable and non-habitable buildings on the site.
- 6. That assessment is provided in the Envelope Engineering report.

Request 4

- 7. In request 4, the Commissioners, having signalled concerns about the way in which several of the recommended conditions were framed and have requested the reporting officer and the applicant's planners to provide a list of agreed recommended conditions; noting any areas of disagreement.
- 8. Since Minute 5 was received, the applicant's planners and the reporting officer have worked consistently and constructively to achieve an agreed set of conditions. That work has included:
 - (a) the applicant's planners reviewing and suggesting amendments to the recommended conditions with the Commissioners' comments in mind;
 - (b) a meeting between the applicant's planners and the reporting officer to discuss the changes recommended by the applicant's planners;
 - (c) meetings between the reporting officer and relevant Council experts on proposed amendments to the recommended conditions;
 - (d) the suggestion of further amendments by the reporting officer following those meetings and further meetings with the applicant's planners to discuss them; and
 - (e) the making of final amendments by the applicant's planners based on those meetings and discussions with the reporting officer.
- 9. Attached to this memorandum is the current version of the recommended conditions. It incorporates all of the feedback received from Council experts and from the reporting officer to the revised conditions the applicant's planners had proposed.
- 10. As a result of a meeting this morning between the reporting officer and the applicant's planners, it is understood by the applicant that the reporting officer wishes to take this current version of the recommended conditions back to relevant Council experts once more and that he will seek an extension from the Commissioners to the 31 July 2019 deadline to enable that to occur.
- 11. The applicant is content with any such extension but wishes to provide today, in accordance with the Commissioners' timetable, the revised recommended conditions as they stand; and with which the applicant is content.



Paul Radich QC
Counsel for the Wellington Company Ltd