

Report to the Independent Commissioners on the 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

17 June 2019

Service Request No: 368659

File Reference: 1039017

<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, Section 2 SO 339948 and Pt Lot 3 DP3020
<u>Applicant:</u>	The Wellington Company Ltd
<u>Proposal:</u>	<p>Subdivision: 11 lot fee simple subdivision of land with road to vest</p> <p>Land Use (HASHAA): Redevelopment of the existing site including multi-unit residential, mixed use and non-residential buildings and activities, with associated earthworks</p> <p>Land Use (NES): Soil disturbance, change of use and subdivision of contaminated or potentially contaminated land</p>

Owners: Shelly Bay Ltd and Wellington City Council

Operative District Plan Area: Business 1
Open Space B

Notations in Operative District Plan:

- Subject to Rule 34.3.7 (Development in Shelly Bay Business Precinct Area) – identified in Appendix 1 of Chapter 34
- Partially within the Matai-kai-poinga Landscape Feature Precinct
- M3 meteorological designation – located on the northern point of the site
- Designation G2 – Wellington International Airport Ltd Airspace Designation

Operative District Plan Activity Status Non-Complying - Operative District Plan

1.0 PROFESSIONAL BACKGROUND

My full name is Trevor Malcolm Garnett. I am a Senior Planner in the Resource Consents Team, City Consenting and Compliance, at the Wellington City Council. I hold a Bachelor of Surveying (credit) from Otago University. I have 37 years of land development experience, with 16 of those years practicing as a planner in both councils and private consultancies. I am a full member of the New Zealand Planning Institute and a voting member of Survey and Spatial New Zealand. I am a Licenced Cadastral Surveyor.

I have provided planning input for a range of resource consent applications, and have provided evidence at hearings before consent authorities, the Environment Court, and at the High Court. Consent Authorities include Wellington City Council, Kapiti Coast District Council, Southland District

Council and Nelson City Council for resource consent hearings. I have prepared a HASHAA application for the Urban Design Panel at Nelson City Council and processed resource consents for Tasman District Council as a consultant.

I have been employed at the Wellington City Council since January 2019 and currently process land use and subdivision consents across the city, under both HASHAA and the RMA.

I confirm that I have read the Code of Conduct for expert witnesses contained in section 7 of the 2014 Environment Court Practice Note and agree to abide by the principles set out therein.

2.0 BACKGROUND

2.1 GENERAL

This report has been prepared under the Housing Accords and Special Housing Areas Act 2013 ("HASHAA").

The Wellington City Council ("WCC") and the Government entered into the Wellington City Housing Accord ("the Accord") in June 2014. The Accord establishes the Council as an authorised agency under HASHAA, and outlines how the Council will achieve the purpose of HASHAA and increase housing affordability and supply. Under the Accord, the Government and the Council 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 Council's 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 contained in Schedule 10 of the Housing Accords and Special Housing Areas (Wellington – New June 2015 Areas) Order 2015 and in the Shelly Bay Extension special housing area contained in Schedule 3 of the Housing Accords and Special Housing Areas (Wellington – New December 2015 Areas) Order 2015. Under section 18(1)(a)

of HASHAA, the Shelly Bay special housing area was disestablished on 16 September 2016 (i.e. that portion contained in Schedule 10 of the Housing Accords and Special Housing Areas (Wellington – New June 2015 Areas) Order 2015), whilst the Shelly Bay Extension special housing area was disestablished on 10 December 2016, being 12 months following the date in which it was notified in the *Gazette*. Under the transitional provisions within Schedule 3, any consent application that existed at those dates can continue to be processed under HASHAA (clause 1(2)(a), Schedule 3, HASHAA).

2.2 CURRENT STATUS OF THE APPLICATION

The application was lodged with the Council on 15 September 2016, before either special housing area was disestablished.

In accordance with section 29 of HASHAA, a decision was made that the application did not require notification. The application was duly considered by a Senior Consents Planner and the Council's Resource Consents Manager acting under delegated authority. The application was granted consent subject to conditions on 18 April 2017.

I note that the AEE approaches notification on the basis that “the application requires consideration against the relevant notification provisions of the HASHAA” and concludes that the Council need not notify any parties for the reasons listed in section of the 14 AEE. In my view the notification decision has been made, has not been challenged, and is not in scope of the Commissioners' decision. However, if the Commissioners take a different view I agree with the applicant that the application should not be notified for the reasons listed.

Subdivision conditions were later changed on 1 September 2018 under change of conditions application SR392025 which differed slightly from the consented subdivision plan. The scheme plan for the change of conditions that is now the subdivision plan for this reconsideration created an additional lot, Lot 905. The change of conditions and a right of way approval (SR409434 dated 4 May 2018) were obtained to allow for the section 223 RMA certification of Land Transfer Plan 515825 which was submitted to the Council on ????. To date this plan has only section 223 approval and a section 224 certificate has to be applied for within 3 years or the 223 approval will lapse on 8 May 2021.

Following the issue of the decision, Enterprise Miramar Peninsula Inc. (“Enterprise”) filed proceedings in the High Court seeking judicial review of the decision. There were a number of matters raised by the plaintiff, including matters relating to the Council’s decision to grant the resource consent and to not having engaged commissioners to determine the application. The High Court, on 9 April 2018, released its judgment in *Enterprise Miramar Peninsula Inc. v Wellington City Council* [2018] NZHC 614 dismissing the application for judicial review and upholding the Council’s decision to grant consent.

Enterprise subsequently filed proceedings in the Court of Appeal appealing the High Court decision. The Court of Appeal, on 3 December 2018, released its judgment in *Enterprise Miramar Peninsula Inc. v Wellington City Council* [2018] NZCA 541. The Court allowed the appeal and quashed the decision granting resource consent for the development at Shelly Bay, Wellington and directed that it be reconsidered.

On 4 February 2019 the applicant met with Council officers from the Resource Consents team to discuss the status of the application and indicated that it intended to have its application reconsidered. Given the time that had passed since the application was made, the applicant decided to provide updating information to the Council to supplement the information provided up until that time.

The Council appointed three commissioners to hear and determine the application on 5 April 2019.

On 10 May 2019 the updated information for the reconsideration of the application was received.

3.0 THE SITE AND PROPOSAL

3.1 SITE DESCRIPTION

Sections 4.1 - 4.4 of the applicant’s Continuation of Qualifying Development Application, May 2019, submitted as supplementary information since the Court of Appeal judgement, includes a description of the site and its immediate surroundings. I consider that the site and surrounds description is accurate and it should be read in conjunction with this report.

3.2 PROPOSAL

Sections 5.1 - 5.4 and 5.6 of the applicant's "Continuation of Qualifying Development Application", May 2019, submitted as supplementary information since the Court of Appeal judgement, also include a description of the proposal that I adopt. The applicant's proposal description should be read in conjunction with this report.

In short, the applicant proposes to comprehensively redevelop the site, which includes multi-unit residential (a mixture of apartments, townhouses and single residential dwellings), non-residential uses and buildings. Earthworks are required to facilitate development of the site. A further contamination investigation will also be undertaken, with remediation taking place if contaminants are identified. I note that the original subdivision consent does not include Pt Sec 20 Watts Peninsula District as was approved in the Notice of Decision SR368659 dated 18 April 2017 and included again in the Notice of Decision for a Change of Subdivision Conditions, SR392025 dated 1 September 2017. The Land Use Consent included Pt Sec 20 Watts Peninsula District in the Notice of Decision but did not include, Section 2 SO 339948 and Pt Lot 3 DP3020, however these three parcels are now included in the land use consent. This proposal, if approved, will now have the correct legal descriptions for the subdivision and land use consents. I consider there are no scope issues as the plans are clear in the original application information what is being subdivided or developed in the land use consent.

4.0 APPLICATION MADE UNDER HASHAA

The application for resource consent is made under section 25 of HASHAA. As noted above it was originally lodged on 15 September 2016, and on 10 May 2019 the applicant confirmed that it wished the Council to reconsider the decision as directed by the Court of Appeal.

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

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

4.1 QUALIFYING DEVELOPMENT CRITERIA

To be a qualifying development under section 14 of HASHAA the development (which is in two special housing areas) must be predominantly residential. Both Orders in Council provide for 10 dwellings as a qualifying development criterion. While the applicant considers that only 10 new dwellings are required to meet a qualifying development criterion¹ I have conservatively assumed that the application must provide for at least 10 new residential dwellings in each of the two special housing areas because the second special housing area was labelled as an “extension” to the existing SHA area and the Shelly Bay Extension special housing area expressly excluded the Shelly Bay special housing area under the first Order in Council. Further, the dwellings and other buildings must not be higher than:

- 6 storeys; and
- a maximum calculated height of 27 metres.

Section 14(2) of HASHAA states that a development is “predominantly residential” if the primary purpose of the development is to supply dwellings; and any non-residential activities provided for are ancillary to quality residential development (such as recreational, mixed use, retail, or town centre land uses).

The proposal is a qualifying development under section 14 of HASHAA because the primary and dominant use of the site is for residential activity by creating approximately 352 residential dwellings, and the proposal creates more than the minimum of 10 residential dwellings in each of the two special housing areas. It also results in buildings that will be 6 stories or less and no more than 27m in height.

While the development includes non-residential activities, they are ancillary to the residential development. Those non-residential activities are a brewery/café within the Submarine Mining

¹ See eg section 3.1.2 of the Applicant’s AEE.

Deport Barracks, the adaptive re-use of Shed 8 and the Shipwrights building to accommodate commercial/community activities, and a boutique hotel within the Officers' Mess and unspecified non-residential activities.² In my view these non-residential activities support the primary purpose of the development – the housing – and are of the sort of recreational, mixed use, retail or town centre land uses that could be expected as part of a quality and comprehensive residential development.

The status of the application as a qualifying development was not found to be an issue by either Court.

5.0 ACTIVITY CLASSIFICATION

5.1 NATIONAL ENVIRONMENTAL STANDARD

<p>Disturbance of Soil: Regulation 11</p> <p>As the site is identified on the 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 Resource Management (National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NES") is a Discretionary (Unrestricted) Activity.</p>	<p>Discretionary (U)</p>
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The proposal is a **Discretionary (Unrestricted) Activity** under the NES.³

² Described further in section 5.2.7 of the AEE.

³ I note that although the AEE describes the activity as Discretionary on p 4, it later assesses the overall status of the activity as Non-Complying (see section 10.2.3).

5.2 DISTRICT PLAN

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

5.2.1 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. • 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 (R)</p> <p>Discretionary (U)</p>
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Overall, the subdivision is a **Discretionary (Unrestricted) Activity** under the District Plan

5.2.2 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). • Resource consent is required pursuant to Rule 34.3.9 for the 	<p>Discretionary (R)</p>

<p>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).</p> <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. • 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%. 	<p>Discretionary (R)</p> <p>Discretionary (U)</p> <p>Non-Complying</p>
<p><u>Contamination</u></p> <ul style="list-style-type: none"> • Resource consent is required pursuant to Rule 32.2.1 for the remediation, use, development and subdivision of any contaminated land, or potentially contaminated land. 	<p>Discretionary (R)</p>
<p><u>Indigenous Vegetation</u></p> <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. 	<p>Discretionary (R)</p>
<p><u>Earthworks</u></p> <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. 	<p>Discretionary (R)</p>

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

An assessment has been undertaken against all of the Operative District Plan Rules, including the assessment matters and the objectives and policies, under Paragraph 8.4, Section 34(1)(d) below.

6.0 WELLINGTON REGIONAL COUNCIL

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

I have conferred with WRC in terms of areas where there may be consents required from the regional council for this proposal. I recommend that consideration not be deferred. The area of potential overlap between regional and district consents are earthworks and work within the Coastal Marine Area. The nature and effects of the application can be understood without the additional application being made. Therefore I do not consider it necessary or appropriate to defer this application under section 91 of the RMA. Regional earthworks consents are simply an additional consent needed for the same activity and the effects of that activity are fully understood. It is also possible to ensure that conditions imposed should consent be granted would not be inconsistent with conditions that would be imposed by WRC as required by section 33(5) of HASHAA.

7.0 METEOROLOGICAL SERVICE OF NEW ZEALAND

There is a meteorological designation (ref: M3) located at the northern point of the site. The requiring authority is the Meteorological Service of New Zealand Limited which will be required to give its approval to the proposal under section 176(1)(b) of the RMA outside of this process. A note to this effect is added to the recommended conditions and notes in Appendix C which can be included should consent be granted.

8.0 ASSESSMENT OF MATTERS UNDER SECTION 34(1) OF HASHAA

In determining the application, the Council is required to have regard to the matters arising under sections 34(1)(a) to (e) and give weight to them (greater to lesser) in the order listed. Each of those matters is assessed below.

8.1 Section 34(1)(a) – the Purpose of HASHAA

The purpose of 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 352 new dwellings being created for residential use. Accordingly this application increases housing supply in the Wellington District. The applicant has mentioned in their application that the proposal furthers the purpose of HASHAA to a considerable degree.

The Wellington City Housing Accord dated 24 June 2014 provides, in paragraph 8, that it seeks to help Wellingtonians with their current housing issues and to lay foundations for a thriving housing market to complement the City's economic growth objectives by increasing the supply of housing and improving housing affordability. In 2014 it estimated a housing shortfall of 3,842 dwellings and that 715 new dwellings were required a year just to keep pace with population and household growth.

In paragraph 14 of the Accord, it is recorded that the Council and the Government had agreed on targets to give effect to the purpose of the Accord. Both parties accepted the targets were, necessarily, ambitious to meet Wellington's housing needs. The targets are set out in paragraph 16 of the Accord and are as follows:

- Year one – 1,000

- Year two – 1,500

- Year three – 1,500

- Year four – 1,500

- Year five – 1,500

The special housing areas created through the Housing Accords and Special Housing Areas (Wellington – New June 2015 Areas) Order 2015 and the Housing Accords and Special Housing Areas

(Wellington – New December 2015 Areas) Order 2015 will not come close to fulfilling those targets and so it is only through development such as this that the statutory purpose and the purpose in terms of the Accord will be achieved.

The proposal seeks resource consent under HASHAA for a Masterplan that will facilitate the subdivision and development of land for predominantly residential purposes. Adding up to 352 residential units of differing typologies (apartments, townhouses, and detached houses) will provide additional housing stock to the Wellington district thereby assisting in improving Wellington’s housing supply and affordability issues in that some of the new houses may in and of themselves be affordable, but otherwise through the release of existing, more affordable housing stock in the District to the market as buyers sell their existing homes.

In the context of the local housing market, the proposed 352 dwellings will make 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. I consider that the purpose of HASHAA under section 34(1)(a) is met.

8.2 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.

8.2.1 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. I note that the proposal is in area recognised by the Environment Court as in need of a proposal for complete development by one organisation or person⁴ and provides for increased development while retaining some of the existing physical resource for adaptive re-use. It will provide both an opportunity for housing and for non-residential uses complimentary to residential activity, with acceptable levels of effect on natural resources (refer to the effects assessment below). 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. Also rental accommodation is equally relevant to some people as they seek to find accommodation in a tight housing market. In the context of the local housing market, the proposed 352 dwellings will make 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. Other aspects relevant to section 5(2)(c) of the RMA will be discussed in more detail below.

8.2.2 Section 6

Section 6 of the RMA sets out matters of national importance that are to be recognised and provided for in achieving the purpose of the RMA. The section 6 provisions are:

⁴ *Minister of Defence v Wellington City Council* EC Wellington W66/99, 22 June 1999

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*

- (b) the protection of outstanding natural features and landscapes 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, lakes rivers;*

- (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; and*

- (g) the protection of customary rights; and*

- (h) the management of significant risks from natural hazards.*

The proposal engages several matters of national importance, as discussed below.

8.2.3 Sections 6 (a)-(d) RMA

The Shelly Bay setting is within a wider 'outstanding landscape' area as described in the Shelly Bay Design Guide in the Wellington City District Plan. The significance of the headland and the ridgeline and hilltop above the site is recognised as an important natural feature. The ridge line falls within a Ridgeline and Hilltops Overlay Area and is identified as Mt Crawford Headland on Wellington City Planning Map 61. It is noted the headland has high visibility within the wider district and communities. Recently this headland, Te Motu Kairangi, was recognised by funding within the Labour Party Budget 2019 to facilitate this significant future reserve. The proposed reserve borders onto this site to the east and includes the Watts Peninsula headland. The site will provide access to this proposed reserve. Within the site there are no outstanding natural features.

The proposal seeks to preserve the natural character of the coastal environment from inappropriate subdivision and development. There will be some adverse effects on natural character created by the proposal due to visual dominance of buildings and a reduction in open space character around the spur. However, buildings are generally restricted to the landward side of Shelly Bay Road, except where building development already exists, creating a degree of setback from the coastal edge. Additionally the coastal edge will be enhanced by the proposal and public access maintained.

The applicant has provided a landscape assessment with the application which should be read in conjunction with this report. In addition the Council's Landscape Architect Advisor, Ms Angela McArthur, has also assessed the proposal. Ms McArthur's comment on natural character is that the effects are low. Ms McArthur's report is further assessed under **8.4.2.5 below**.

The proposal includes some indigenous vegetation removal, this is limited to that required to create building platforms in the area currently zoned Open Space B and along the coastal edge to allow the other trees to reach their full growth potential. This vegetation removal is very limited and does not disrupt the vegetation on the coastal escarpments except that some of the vegetation on the slopes immediately behind the apartments will require removal to ensure it does not pose a health and safety risk to apartment occupants. However, this will be limited (to the extent possible) to the tall pines that are not indigenous. The Council's Open Space and Recreation Planning Manager, Ms Bec Ramsay, comments on indigenous vegetation which is further assessed under **8.4.2.6 below**. There is also a ridge above North Point Park that contains a wide range of threatened plant species. The applicant has recognised this and proposed a vegetation protection methodology to protect this indigenous vegetation.

The proposal has been designed to ensure public access along the coastal marine is enhanced. This is evident by the inclusion of the pedestrian promenades and the Village Green on the seaward side of the new road alignment. The pedestrian promenades, road and pedestrian walkway will be vested in Council to ensure public access will be provided in perpetuity. The coastal marine is enhanced compared to the existing situation where the public is currently excluded from some of this area, such as the Shelly Bay wharf.

I consider that the proposal is acceptable when considered against sections 6(a)-(d) of the RMA.

8.2.4 Sections 6(e) & (g) RMA

Section 6(e) and (g) refers to the relationship of Māori and protection of customary rights. The Cultural Impact Assessment (CIA) prepared by Kura Moehu, Peter Addis and Lee Rauhina-August on behalf of Taranaki Whanui Ki Te Upoko o Te Ika and The Port Nicolson Block Settlement Trust has raised no concerns with respect to Section 6(e) or 6(g) matters. Council's Manager Tira Poutama-Iwi Partnership, Ms Nicky Karu, concurs with the CIA.

The cultural landscape in Wellington as a whole is rich in features and history. The future development of Shelly Bay/Marukaikuru will contribute significantly to Wellington's identity and enhance the elements that add value to Wellington's key characteristics and attributes.

I defer to the assessment of these experts and consider that these matters of national importance have been recognised and will be provided for by the development. Accordingly I consider that the proposal is acceptable when considered against sections 6(e) and (g) of the RMA.

8.2.5 Section 6(f) RMA

Section 6(f) provides that in achieving the purpose of the RMA persons exercising functions and powers must recognise and provide for the protection of historic heritage from inappropriate subdivision and development.

This is a matter on which a range of opinions have been expressed.

The applicant has provided a heritage assessment of the proposal by Archifact Ltd. Based on Archifact Ltd's assessment the applicant notes that there are no listed heritage buildings or items on site, or sites identified with regionally significant historic heritage values, and the history of the site and the values of the existing building are protected with the adaptive re-use of some buildings (with the exception of the hospital).

The applicant concludes that no significant heritage sites will be impacted by the proposal and historic heritage will be protected from inappropriate subdivision, use and development.

The applicant has also acknowledged that archaeological authorities would need to be obtained for excavation works at the site due to the site having been occupied pre-1900. The applicant has proffered consent conditions to this effect.

The Council's Heritage Advisor, Ms Chessa Stevens, has also provided an assessment of the site and the proposal.

The Shelly Bay redevelopment site is assessed by Ms Stevens as being one of, if not the most, intact and cohesive collections of World War II base structures in New Zealand. The site has aesthetic, historic, scientific and social values, all of which derive from the physical form of the buildings and structures on the site, and the way in which, together, they form a significant whole. Based on the information presented, Ms Stevens concludes that the proposed redevelopment will have significant adverse effects on this historic heritage place that cannot be avoided, remedied or mitigated; and is therefore inappropriate under RMA section 6(f). Ms Stevens's report is further assessed under **8.4.2.4 below**.

As I understand the Court of Appeal's decision, before weighing the five matters under section 34, each of the matters is to be considered on its own. Accordingly I consider it important to focus in this part of the assessment, as section 6(f) says, on whether there are historic heritage values that ought to be recognised as needing protection from inappropriate subdivision, use and development separately from how heritage effects would be assessed under the District Plan as that is a separate matter under section 34(1)(d)(i) of HASHAA. In other words, when considering heritage under Part 2 of the RMA (as required by s 34(1)(b) HASHAA) I am careful not to do so by reference to how heritage is treated under the District Plan – which falls for consideration under the separate criterion in section 34(1)(d)(i) because the Court of Appeal has criticised such an approach when cross crediting or cross deducting effects by reference to the purpose of HASHAA, and I consider the same principle applies here.

Nonetheless, section 6(f) does include its own value judgment, as it requires historic heritage to be protected from *inappropriate* subdivision, use and development. I agree with Ms Stevens that the site has considerable historic heritage value. However, given the adaptive reuse and relocation that has been proposed, the proposed conditions for managing archaeological effects, and the substantially degraded state of the current buildings and infrastructure (a situation that has existed for some time) there is a strong argument that notwithstanding the heritage values on site, the subdivision and development is not inappropriate and is indeed a positive outcome.

8.2.6 Section 6(h) RMA

There are no Earthquake Hazards or ground shaking areas relating to the site recorded on the Council's District Plan Maps. The site's geotechnical risk has been summarised in the applicant's expert report from Aurecon. It is of note that due to the site's size and geotechnical setting there are multiple geotechnical hazards. Of note are the site's relatively high risk levels for slope instability, liquefaction and lateral spreading due to liquefaction. A set of design recommendations and additional geotechnical investigation requirements have been covered in the report and will need to be followed for future developments. Council's Earthworks Engineer, Mr John Davies, has undertaken an assessment of the proposal (**refer to 8.4.2.11 below**). The design recommendations form the volunteered conditions of consent by the applicant. Mr Davies is satisfied that through compliance with the volunteered conditions, any instability effects can be controlled.

An assessment of the proposal in respect of climate change and potential inundation is carried out below and it is considered that this can be managed by the proposal. There are no other obvious concerns with the site in terms of inundation risks.

I consider that the proposal is acceptable when assessed against section 6(h) of the RMA.

8.2.7 Section 7

Section 7 includes additional matters which particular regard must be given to. These are:

(a) kaitiakitanga

(aa) the ethic of stewardship

(b) the efficient use and development of natural and physical resources

(ba) the efficiency of the end use of energy

(c) the maintenance and enhancement of amenity values

(d) intrinsic values of the ecosystems

(e) [repealed]

(f) maintenance and enhancement of the quality of the environment

(g) any finite characteristics of natural and physical resources

(h) the protection of the habitat of trout and salmon

(i) the effects of climate change

(j) the benefits to be derived from the use and development of renewable energy.

(k) the benefits to be derived from the use and development of renewable energy.

8.2.8 Sections 7(a) & (aa) RMA

The CIA for Shelly Bay/Marukaikuru was commissioned by the Wellington Company Limited. The assessment has been prepared on behalf of Taranaki Whānui Ki Te Upoko o Te Ika and The Port Nicolson Block Settlement Trust dated September 2016 and has raised no issues with respect to kaitiakitanga and the ethic of stewardship. Taranaki Whānui have kaitiakitanga responsibilities to ensure the protection of the natural, historical and cultural dimensions of Marukaikuru.

Taranaki Whānui consider that best practice environmental methods should be used in the Shelly Bay development that can lead the way to sustainable land management practices, including storm water reallocation. The applicant proposes to enhance the site's ecological character with new planting increasing the site's biodiversity and new bio-retention storm-water management improving the quality of stormwater run-off before it enters harbour waters (benefiting marine ecologies). The applicant also proposes developing the site using best practice methods to minimize the short term effects associated with developing the site.

With regard to the ethic of stewardship generally, while the applicant does intend demolishing some of the buildings and other features of the site they also intend retaining some for adaptive re-use. They have also designed the proposal with features intended to mitigate effects on the existing values of the site.

Accordingly on balance I consider that the proposal is consistent with sections 7(a) & (aa) of the RMA.

8.2.9 Sections 7(b) & (f) RMA

The development represents an efficient use and development of an existing site. The natural and physical resources include the coastal edge with two bays and the surrounding escarpment that forms part of the Watts Peninsula. The surrounding escarpment will remain as the backdrop to the Shelly Bay setting. Therefore, the development is a comprehensive integrated development that

concentrates development in the two bays and allows the wider landscape qualities of the peninsula to remain the dominant landform respecting the form and scale of the surrounding environment.

In addition to this, physical resources within the site includes existing buildings and structures. It is intended to adaptively re-use some of this existing resource which leads to efficiency as well as having other benefits as discussed elsewhere in this report.

I consider that the proposal is consistent with sections 7(b) & (f) of the RMA.

8.2.10 Sections 7(ba) & (j) RMA

The infrastructure assessment report prepared by Envelope Engineering outlines all of the infrastructure providers that have been consulted as part of the proposal. These include Wellington Water, Wellington Electricity, Chorus and Powerco. End use energy includes electricity, petrol and natural gas. All these services/resources are available either onsite or nearby.

The applicant has not mentioned the use of renewable energy however there is no reason why this development could not use renewable energy generation. It is also likely that power supplied to the development will be sourced from renewable electricity generation sources. Additionally, the development will be constricted to modern building requirements which requires suitable levels of insulation and provision of natural light, noting the development is orientated to receive a reasonable amount of sunlight. The use of energy for such things as heating and hot water supply will therefore be efficient as a result.

I consider that the proposal is consistent with sections 7(b) & (j) of the RMA.

8.2.11 Section 7(c) & (f) RMA

The quality design of the Masterplan and Design Guide ensures the maintenance and enhancement of the existing amenity values of Shelly Bay and the quality of the environment. In particular, the proposal enhances public access to the coastal marine area providing a significant amenity resource for both residents and the wider public and has appropriately considered the fit of the development to the landscape and what mitigation will be required.

The applicant has provided urban design and landscape assessments which should be read in conjunction with this report. In addition a landscape assessment has been provided by Ms McArthur as referred to above. Further to this the Council's Urban Design Advisor, Mr Chad McMan, has reviewed the Masterplan and Design Guide in terms of urban design which should be read in conjunction with this report and is further assessed under **paragraph 8.4.2.7 below**.

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 that 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, he believes that the ancillary non-residential uses will complement the residential activities and create both daytime and weekend activities for residents within the development. Shelly Bay is currently somewhat degraded with respect to public areas close to the water's edge. The proposal includes new public spaces retention of many specimen trees, additional street trees, development of the 'village green' area and pedestrian and cycle access upgraded and maintained through the site.

In addition to this, Ms McArthur has assessed the landscape effects of the proposal and considers that while the effects will be more than minor, with the mitigation proposed by the applicant the effects will be acceptable.

Therefore, and taking into account the applicant's expert's opinion and that of Mr McMan and Ms McArthur, I consider amenity values and quality of the environment will be maintained and enhanced by the proposal.

8.2.12 Sections 7(d) & (h) RMA

The proposal will have a minimal adverse effect of the intrinsic values of any ecosystem within the site, and through the intention to carry out the development using best practice methodology and by providing for water quality in the design of the storm water infrastructure, particular regard has been given to the intrinsic values of any ecosystems adjacent. The site is not a habitat for trout or salmon.

Accordingly I consider that the proposal is acceptable when assessed against sections 7(d) & (h) of the RMA.

8.2.13 Section 7(i) RMA

The potential effects of climate change have been considered with this application. Section 2 of the proposed Design Guide includes design guidance in to ensure the living levels of the buildings are elevated to allow a contingency for sea level rise. In addition, the setback of all residential units/dwellings (with the exception the building identified as building envelope SBW B9 on the Masterplan) are located on the landward side of the road and set back from the coastal edge.

Wellington Water's Manager Land Development, Mr Matt Atchison, and the Council's City Engineer, Mr Derek Baxter, have both identified suitable recommended residential building levels to provide for sea level rise. Non-residential buildings are considered under the Building Act 2004 for sea level rise.

8.2.14 Section 8

Section 8 of the Act states:

In achieving the purpose of this Act, all 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

The Treaty of Waitangi signified a partnership between the races' and each partner had to act towards the other 'with the utmost good faith which is the characteristic obligation of partnership'. The obligations of partnership included the duty to consult Māori and to obtain the full, free, and informed consent of the correct right holders in any transaction for their land. The CIA includes the following land transactions for the site.

Marukaikuru Bay was 'sold' as part of the Wellington purchase to the New Zealand Company in 1839. It was part of the Port Nicholson block 'purchased' from the rangatira of Te Whanganui a Tara, most of whom were relatively recent migrants from Taranaki who had acquired the Wellington Harbour through a process of raupatu (conquest).

The bulk of Motukairangi later became the private property of one Mr James Coutts Crawford (Adkin 1959:41). It was his sister, who had arrived from England for a visit, who named the Crawford homestead as 'Miramar', a name that was later applied to the whole of the peninsula. Crawford's name, of course, was later applied to the prison at Mt Crawford.

In 1885, Marukaikuru Bay was selected by the Government as a site for an anti-submarine mining base because of a perceived fear that New Zealand might be attacked by the Russian navy. A depot for these purposes was built in 1887. By 1898, other submarine facilities were being constructed in

the Bay and according to a report in the Star Newspaper in that year Māori prisoners from Taranaki, presumably from Parihaka, were used in the construction of the new slipway that still stands in the Bay today. In 1907, the submarine mining base became the property of the New Zealand navy and it remained in their custodianship until 1946. In that year the property transferred to the New Zealand Air Force, who used it primarily as a holiday retreat facility.

The purchase of Shelly Bay by Port Nicholson Block Settlement Trust (PNBST) from the Crown was a highly significant Treaty settlement transaction specifically for the purpose of future development.

The CIA has considered the appropriateness of the development taking into account Treaty matters and raises no Treaty related concerns with redeveloping the site.

8.2.15 Part 2 Summary

For the reasons outlined above and further assessed below, I consider **that the proposal is consistent with Part 2 of the Act.**

8.3 Section 34(1)(c) – Proposed Plan

There are no relevant proposed plans. I note that I have considered whether the regional Proposed Natural Resources Plan is applicable and do not believe that it is relevant to a territorial authority determination under HASHAA.

8.4 Section 34(1)(d) – Other matters that would arise if the application was being assessed under sections 104 to 104F of the RMA

8.4.1 Section 104D assessment

As the proposal is for a Non-Complying Activity the gateway test of s 104D must be considered, namely whether the adverse effects on the environment will be minor or whether the proposal would be contrary to the objectives and policies of the Wellington City District Plan.

As will be discussed below in the following assessment, I consider that the adverse effects of the proposal will be more than minor. Accordingly, the proposal does not meet the first limb of the “gateway test”. Also, I consider that the proposal will be contrary to the relevant objectives and policies of the District Plan.

Accordingly, I consider that **the gateway tests are not met for the reasons I set out below.**

8.4.2 Section 104(1)(a) assessment

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.

8.4.2.1 Permitted baseline / existing environment

In terms of effects on the environment, section 104(2) of the RMA has established that when forming opinions on actual or potential effects on the environment a consent authority may disregard effects of activities permitted by a plan, in this case the Wellington City Operative District Plan. Such effects form part of the permitted baseline which has evolved through case law and defines the environment against which a proposed activity's degree of adverse effect is assessed. The permitted baseline comprises non-fanciful activities and their effects that would be permitted as of right by the District Plan. In addition to this, as established through case law the existing environment can also comprise the site as it could be following the undertaking of works that are permitted by a plan.

The construction of, or addition to, buildings and structures, including new residential buildings or the conversion of existing buildings to residential use requires resource consent within the Business 1 Shelly Bay Business Precinct Area, as does the construction of buildings and structures not relating to recreational activities in the part of the site within the Open Space B Area. Buildings for recreational purposes are also restricted to a much smaller scale than proposed by the development. The construction of all buildings and structures in the Shelly Bay Business Precinct Area requires Discretionary (Restricted) Activity resource consent. In this particular case due to the height of the buildings this application is a Non Complying Activity. The construction of buildings within the Open Space B Area for this proposal is a Discretionary (Unrestricted) Activity.

Further, subdivision in the Business 1 Area within 20-metres of the line of mean high-water springs is a Discretionary (Restricted) activity and subdivision within the Open Space B Area requires is a Discretionary (Unrestricted) activity. Accordingly, there is no permitted baseline in respect of subdivision activities relevant to this proposal.

With respect to the proposed removal of buildings from the subject site to prepare the site for redevelopment, the District Plan allows for the demolition or removal of buildings and structures as a permitted activity in both Business 1 Area and Open Space B Area zones, providing that the buildings or structures are not heritage items or within identified heritage areas, noting specifically Rules 34.1.7 and 17.1.5. No existing building within the subject site is a heritage listed item identified within the 'Heritage List' of Chapter 21 of the District Plan, nor is the site within any defined heritage area. It is also worth noting that the existing buildings on the site are not identified as heritage buildings by Heritage New Zealand. It is therefore possible, even despite the opinions of the heritage

advisors that the buildings have heritage value, for all of the existing buildings within the site to be demolished down to their foundations or relocated within the site as a permitted activity, i.e. the applicant can demolish as-of-right without the need to obtain resource consent from the Council. Given the current condition of the buildings and their present use, and the underlying District Plan provisions which anticipate further development within the Business 1 Area which will be commented on further below, the demolition of the existing buildings is not considered fanciful or unrealistic and therefore the effects associated with any demolition of existing buildings are permitted by the District Plan.

Accordingly preparing the site for redevelopment by removing existing buildings and structures can be considered to be relevant for both permitted baseline and existing environment purposes.

8.4.2.2 Effects relevant to the proposal

Effects under the headings below are considered to be relevant to the proposal and have been discussed in the assessment below:

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

8.4.2.3 Cultural effects

The CIA outlines that Taikuru/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 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 could be

recognised in the development through the proposed detailed design process that would follow should consent be granted. These include:

- Indigenous species managed especially the existing Pohutukawa trees onsite.
- 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.
- That 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 proposed design guide via a direction in section 1.7 on ensuring a cultural overlay is acknowledged and recognised within the development. As such, further consideration would be given to cultural matters at the detailed design stage. Additionally best practice environmental methods would be required with any relevant management plans relating to site works management. Given the assessment undertaken within the CIA and incorporation of the above matters into the design guide, and the ability to impose suitable conditions relating to best practice environmental methodology being incorporated into management plans, it is considered that adverse cultural effects will be no more than minor.

It should be noted that street naming is assigned by the Council with input from the owner, Iwi and any interested party. The final decision is made by the Councillors. Land Information New Zealand is responsible for ensuring Councils follow the Rural and Urban Addressing Standard (AS/NZS4819:2011) to ensure that the properties can easily identified and located. Whether street names can be based on original names from the area will need to be determined but there would be consultation with Iwi as part of this process. Building names come under no authority however the Council recommends consultation to avoid confusion for emergency services.

I consider that any **cultural effects would be no more than minor.**

8.4.2.4 Heritage effects:

As noted above, neither the site, nor any of the buildings or structures thereon, are listed as heritage places in the District Plan. Heritage values of Shelly Bay are assessed through the provisions of Chapters 33 and 34 of the District Plan, and the associated Shelly Bay Design Guide.

A number of buildings on the site do hold already recognised heritage value and have been identified in 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 are recognised.”

The applicant proposes to retain all identified (but not listed) heritage buildings, with the exception of the hospital. 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 proposed 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 approach to redeveloping the site, the exact nature of these changes is yet unknown. The applicant has subsequently volunteered a condition of consent that a detailed design shall be submitted to 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 is not suitable for adaptive re-use or relocation.

Council has engaged a Heritage Advisor, Ms Chessa Stevens. Ms Stevens's report is attached as **Appendix A** and should be read in conjunction with this report. Ms Stevens states that Shelly Bay redevelopment site is one of, if not the most, intact and cohesive collections of World War II base structures in New Zealand. The site has aesthetic, historic, scientific and social values, all of which derive from the physical form of the buildings and structures on the site, and the way in which, together, they form a significant whole. She says there is much still to be understood about the significance of the site and its structures, it is evident that the site meets the definition of historic heritage under the RMA, and therefore warrants recognition and protection.

Ms Stevens maintains that no systematic assessment of the values of the site, the interrelationship between the buildings and structures thereon, or the impact that the proposal will have on these values, has been made by the applicant. The completeness of the site, and the connected historic roles that each building fulfilled, are intrinsic to its rarity, representativeness, and authenticity and, therefore, to its heritage significance. The removal of one or more buildings will necessarily diminish that significance; and the higher the number of buildings and structures removed, the greater the loss of significance will be. As the redevelopment includes demolition or removal of approximately 20 out of 26 buildings and structures on the site, the negative impact on the site's heritage values is assessed by Ms Stevens as considerable, and Ms Stevens considers that its overall significance substantially reduced. This will be compounded by the changes in setting of the site, and changes in setting of the retained and relocated buildings that will arise from the development. The low scale and density of the site will be lost, and the retained buildings will simultaneously be crowded and dwarfed by the taller and higher density buildings that will surround them.

Ms Stevens also considers that while the Masterplan and Design Guide advocate that the principles of the ICOMOS New Zealand Charter be followed with relation to treatment of the retained and relocated buildings, the overall redevelopment proposal is inconsistent with the Charter. The values of the site and setting, and the interrelationship between the buildings and structures, are not well understood; demolition or adaptation of buildings has been proposed where some already have a functional use; and relocations have been proposed for buildings where they are not in imminent danger and where other means of retention do not appear to have been fully explored.

In terms of identifying and protecting heritage, Ms Stevens concludes a complete heritage assessment that includes assessment of all of the individual buildings and structures, as well as the site as a whole, is required in order to fully understand, and thereby effectively evaluate, the impact of the proposed redevelopment on heritage values in this case. A comparative analysis with other (existing and former) military base sites would also be relevant to confirm whether the site is locally, regionally or nationally significant. Other recommended conditions include Conservation Plans for 7

buildings, Heritage Management Plans, Recording, Archaeological investigation, Methodology, Interpretation and Wayfinding Strategy.

I accept some of Ms Stevens's assessment, namely that the site meets the definition of historic heritage under the RMA and therefore warrants recognition and protection. The applicant's Heritage advisor, Archifact consider the proposed relocations/translocations, adaptive re-use, and associated conservation works that adaption would entail, for the identified historic buildings is considered appropriate. The applicant proposes to keep at least 4 of the buildings recognised by the Shelly Bay Design Guide.

The applicant has provided a permitted baseline assessment, which I discuss under **paragraph 8.4.2.1** above. It concludes that all existing buildings demolished to foundation level forms a relevant 'permitted baseline' for the building demolition aspects of the application. The applicant's heritage assessment of the proposal is then subsequently based on this permitted baseline. I agree with this assessment, noting that as the relevant "environment" is the current physical environment overlain with permitted or consented activities, this could also be considered the existing environment for the purposes of assessing the application. The applicant proposes to keep at least 4 of the buildings recognised by the Shelly Bay Design Guide. Also a condition is offered by the applicant to undertake detailed recording of all structures proposed for demolition, removal and relocation.

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 ("HNZ") should any material be found. However archaeological authorities only deal primarily with pre-1900 occupation and not anything post 1900 which can also have archaeological importance. Accordingly the Commissioners cannot presently rely on the applicant to address the potential loss of archaeology of value if this is all it is offering and if such an authority from HNZ should be incomplete. However, conditions may be imposed by the Commissioners to address this concern and will be recommended. Additionally the applicant is encouraged at or prior to the hearing to provide more details on what is to be done with material found that postdates 1900.

The application states that it is proposed, where able, to incorporate materials of historic/archaeological value 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"*. Again at or prior to the "hearing" the applicant is encouraged to state as far as possible what sort of materials it is intending to incorporate into the development and what is generally envisaged.

Overall, while it is noted that the existing buildings and structures do hold heritage value, they are not listed by Heritage New Zealand or Wellington City Council and demolition is a permitted activity under the Plan. I am of the opinion that the approach taken to conservation by the Shelly Bay Design Guide is the most practicable way of minimising adverse effects on heritage. The applicant has chosen not to demolish all the buildings listed in the Shelly Bay Design Guide and intends to keep at least 4 of the buildings. I consider that in terms of heritage, taking into account the permitted baseline and the intention of the applicant to retain and adaptively re-use some of the buildings and subject to appropriate conditions in regards to archaeology, **there are no adverse heritage effects.**

8.4.2.5 Landscape & Visual effects

To help assess this development from a landscape and visual assessment perspective the Council has engaged a Landscape Architect Advisor, Ms Angela McArthur. Ms McArthur's report is attached as **Appendix B** and should be read in conjunction with this report. The applicant has also provided a detailed landscape assessment which should also be read in conjunction with this report.

Landscape effects will be due to modification of the landform through the undertaking of landform modification (earthworks) and the construction of new building development and infrastructure. The existing landscape is dominated by the coastal edge, intervening flat area and the escarpment topography. The Landscape character is generally valued for natural character, specifically the coastal escarpment and associated vegetation, rocky headlands, and pebble and sandy beaches. Given the landscape context, the proposal has the potential to adversely affect these values.

It is noted that the proposal will have little actual effect on physical topography within the site due to the fact that relatively minimal earthworks are proposed, and additionally no significant vegetation will be removed.

The applicant's Landscape Architect, Ms Nicole Thompson from Wraights + Associates, notes that the proposed density and height of the new development exceeds that which currently exists on site, however she considers that the bulk, density, height and layout of new built form has been carefully considered to complement the site's existing character and landscape structure whilst supporting and framing the new public domain.

She further considers that the high quality, high amenity, built form will follow the site's curvilinear bay and will form with radial shared laneways striking perpendicular slices through the development from foreshore to escarpment, visually connecting the site's prominent landscape features.

She identifies that at the intersection of the two bays, there is a gap in the development giving visual prominence to the escarpment's existing central promontory. She considers that the stepped-height development, lower townhouses at the 'front' (foreshore), taller apartments at the 'back' (against the escarpment), responds to the site's topography and optimises a sense of openness and space within the development's foreshore public domain.

She also identifies that positive effects on the landscape include amenity planting, additional street trees, the village green and restoration planting within the toe of the escarpment, and considers that the proposal will have minor adverse landscape effects on the site and surrounding area.

Visual effects were assessed by Ms Thompson and Ms McArthur by using 9 viewpoints. Both agreed on a common scale for the assessment being the seven-point scale used in the New Zealand Institute of Landscape Architects Landscape and Visual Effects Best Practise Notes 2010. The seven-point scale is: Extreme - Very high - High - Moderate - Low - Very low - Negligible. The 9 Viewpoints provided a range of different vantage points from externally distant, externally nearby, and internal.

They disagreed on the level of effect that would be experienced from these viewpoints except Viewpoint 4 and Viewpoint 5 where they agreed there would be low visual effects. I assess the viewpoints that have been identified by both to have moderate to high visual effects.

Firstly on the externally distant Viewpoints 1-3 from Point Jerningham, Weka Bay- Kio Bay and Grafton Road, Ms McArthur stated that the moderate to high visual effects of the proposal present a direct and dominant view of the site. Ms Thompson stated the visual effects of the development are larger in scale than the existing development and the visual effects are considered to be no more than moderate. Ms McArthur believes that by the use of recessive material and colour palette as intended by the applicant, and through a hierarchy of built form stepping up towards the escarpment, by incorporating this mitigation visual effects overall will be acceptable. However this

mitigation, and her opinion that this approach means visual effects would be acceptable, does not mean in itself that the visual effects in her opinion would be no more than minor.

Viewpoint 6 from Shelly Bay Road South gives a central focus on Shelly Bay and the Peninsula's vegetative escarpment and has a high visual effect. Ms McArthur emphasised that in her opinion people most affected by the proposal will be recreational users such as walkers, cyclists and motorists. Buildings will dominate the site adjacent to the escarpment. Ms Thompson considers the proposal does form visible and recognisable new elements that will be readily noticed by the viewer and that this visual effect will be low due to the scale of the development in relation to the escarpment, mature Pohutukawas, Shed 8, wharf structures and the developments stepped height. Ms McArthur also mentioned that the new pedestrian and cycle way access proposed close to the road between South Point and North Point will be a mitigating factor. However the applicant has not specifically shown this to be part of its development proposal. Accordingly, taking into account to differing opinions, I consider that the visual effects from this viewpoint will be more than minor.

Viewpoint 7 is from Main Road, Maupuia (above the site) and has a separation distance of 300 metres from south end of site. Ms McArthur considered people most affected from this viewpoint are most likely to be recreational users entering or crossing the network of tracks within the Headland. From this location visual effects of the development will be moderate, where the visual character of Shelly Bay will change however the view is dominated by the wider outlook to the harbour and Mt Victoria rather than focussed on Shelly Bay. Ms Thompson believes the potential moderate visual impact of the proposal can be perceived as low due to the retention of the site key features and carefully designed and articulated buildings. I consider that the visual effects from this viewpoint are more than minor.

Internally the viewpoints 8 and 9 are considered to be moderate to high by both Ms Thompson and Ms McArthur. Ms Thompson acknowledges the higher density could be perceived as a negative visual effect. Ms McArthur believes there will be a high degree of change in visual character with respect to proposed visual bulk and dominance of buildings adjacent to the narrow coastal edge. Ms Thompson believes visual effects are largely mitigated through design to present a low effect. The visual character within the site will change significantly. I consider that the visual effects are more than minor.

In summary the proposal will have adverse landscape effects on the site and surrounding area. The scale of the development will result in a significant change to the existing visual qualities of the site.

The visual effects from many of the viewpoints will be moderate to high. To mitigate these adverse landscape and visual effects the use of recessive material and colour palette are intended by the applicant, and a hierarchy of built form stepping up towards the escarpment, quality public amenity and site planting are also proposed. However this mitigation does not mean in itself that the visual effects would be no more than minor. Overall I consider that the **adverse landscape and visual effects are more than minor.**

8.4.2.6 Open Space B Area effects

Within the Open Space B Area of the site there are proposed buildings, some extending to 27m, which significantly exceed the height and extent of development contemplated by the District Plan. The Open Space B zoning contemplates “minimal structures” as-of-right and that these when they do occur will be directly associated with recreational activities. Anything else requires resource consent where the open space values will be considered.

The Open Space B Area within the site, i.e. an area of the wider escarpment, will have 3.6% (2,346m²) of the overall area covered in buildings. To mitigate this effect the applicant will provide an additional 8.8% (5,390m²) of Business 1 Area for public use. However the Open Space B zoning contemplates minimal structures relating to recreation, not 27m high apartment blocks. I consider the adverse effects of high apartment blocks, including loss of sunlight, overall bulk and loss of amenity on the Open Space B Area would be more than minor.

The development does not limit the recreation potential for the open space land behind the site in the future. The applicant has offered rights to use the existing driveway that provides forestry access to the pine plantation at the rear of the site to provide access to this adjoining land. Currently there is no footpath or separate cycle path. However on the applicants Masterplan under Connections page 14 a potential Pedestrian/cycle path is shown. A condition is recommended in both the Subdivision and Land Use consents to ensure public access.

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.

The majority of this vegetation removal will be the tall pines that would pose a safety risk to future apartment occupants. The applicant also offers an Escarpment Vegetation Management Zone

Strategy that offers ecological reparation of the site's prominent landscape feature thereby increasing coastal edge biodiversity and maintaining the site's important 'green' escarpment landscape character.

Open Space effects are addressed by the Council's Open Space and Recreation Planning Manager, Ms Bec Ramsay, who has reviewed the application in terms of Open Space effects. Ms Ramsay's assessment is attached as **Appendix C**. Ms Ramsay provides comments on access, trees, native vegetation and restoration.

As mentioned above the applicant has shown a right of way connection to the open space land behind the site to a future reserve, Te Motu Kairangi. This access will ensure that this development allows access to a future reserve. There is no other public access provided by the applicant even after requests from Council's Open Space and Recreation Planning Manager.

Ms Ramsay has raised concerns about removal of the tall pines. However if there are pine trees on the applicants land that would pose a safety risk there is no District Plan rule protecting these trees. However the applicant has offered within the recommended conditions tree protection fencing for remaining trees.

The Escarpment Vegetation Management Zone Strategy is the best way of protecting the wide range of threatened plant species on the northern ridge up from North Point Park. Ms Ramsay considers a covenant or vesting as a reserve. However the applicant has chosen not to include a covenant. A detailed condition on an Escarpment Vegetation Management Zone Strategy is recommended.

Overall, the proposal will result in a change to the Open Space B Area but will not significantly affect the wider Open Space character. I consider that in terms of **Open Space B Area adverse effects will be more than minor.**

8.4.2.7 Urban Design

The applicant begins its design assessment commenting that the proposal has the potential to generate adverse streetscape effects with respect to amenity and usability, particularly in relation to the proposed promenade and lanes between the urban blocks.

The applicant also highlights that the comprehensive design of the overall development site through the Masterplan and Design Guide approach where the roading, landscape and buildings are designed and delivered in an integrated manner seeks to mitigate streetscape effects of the overall development as opposed to the development occurring in a piecemeal nature. Through a comprehensive design approach, a careful balance between personal privacy and streetscape legibility will be achieved. The assessment considers that the placement of buildings will ensure an adequate level of street surveillance.

The applicant maintains that the masterplan design has also been developed with the taller buildings at the rear and townhouses and lower height buildings closer the foreshore to ensure maximum access to sun, daylight, views, and outlook. Given the location and orientation of the open spaces along the foreshore, these areas will receive ample afternoon sun and also offer significant open space amenity providing a quality outlook as well as recreational opportunities.

The Council's Urban Design Advisor, Mr Chad McMan, has reviewed the application in terms of urban design. Mr McMan's assessment is attached as **Appendix D** 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 accept Mr McMan's advice.

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.

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.

Mr McMan has reviewed the AEE, the Shelly Bay Masterplan drawing, the proposed Shelly Bay design guide and Council supplied drawings and considers that in terms of urban design, this project achieves many of the outcomes. I accept the applicant's and Mr McMan's advice and therefore conclude overall that **in terms of design, adverse effects will be no more 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 from either within the development area or from further afield 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. There will also be a likely attraction from some of the commercial uses that will be provided for by the proposal drawing people to the area. 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 when the development progresses to allow safe public access and not when major construction is in progress. Noting Mr McMan's recommended condition, and that I also agree these services should be provided as quickly as possible, the applicant is encouraged at or prior to the hearing to provide more details regarding at what stage these services can be provided such that they would be safe to use.

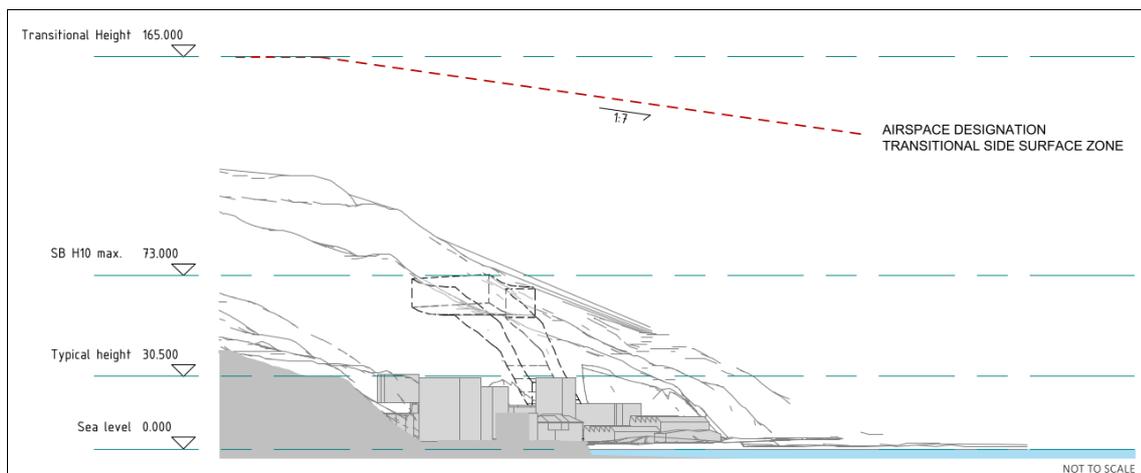
8.4.2.8 Subdivision effects

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. The additional Lot 905, included as part of the Change of Conditions application referred to above, is to provide for a building shown in the Master Plan justifying inclusion of this smaller allotment. Even if the land use consent doesn't go ahead following subdivision, Lot 905 could have a potential use under the Business Area rules. The recommended conditions ensure the usual requirements for a subdivision of this type will be met. For these reasons, it is considered that **adverse subdivision effects will be less than minor**.

8.4.2.9 Effects on aircraft safety

The site is located clear of the Designation G2 – Wellington International Airport Ltd (WAIL) 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. By avoiding the Transitional Side Surface or Obstacle Limitation Surface (OLS) as termed by WAIL aircraft safety won't be compromised by the development.



8.4.2.10 Transportation effects

The application is accompanied by a Traffic Assessment by Stantec dated 18 April 2019 which confirms that sufficient and appropriate infrastructure can be provided to support the development. This report should be read in conjunction with this report.

The development's access strategy and internal vehicle circulation routes have been developed in accordance with industry standards, as has the site wide parking provision. The anticipated servicing demands generated by the site's mixed-use activity can be appropriately accommodated on-site, and clear of the public street. This relates within the site and includes a 2m footpath, 6m carriageway and 3.5m wide pedestrian/cycle lane.

It has been assessed that with the adoption of proposed upgrade works, which achieve a more efficient layout at the Shelly Bay Road / Miramar Avenue intersection and serve to deliver capacity improvements, the increase in traffic arising from the development will not adversely affect the performance on this part of the network, and will in fact generally serve to reduce overall delay from the level currently experienced during the peak periods today.

The proposed Shelly Bay Road improvement works, which would see the introduction of a shared pedestrian and cycle provision connecting the site and the Miramar Avenue intersection to the south, will serve to benefit not only those active mode users associated with the proposal site, but also the wider recreational demands around the Miramar peninsula. This is general road widening on the seaward side of the existing carriageway.

In addition, potential opportunities for improving access to bus and ferry services exist in the future as the development progresses, to deliver more convenient accessibility and travel choice.

Overall, the assessment has examined the traffic-related features and potential effects of the proposal and finds that with the adoption of the proposed applicant's improvements to Shelly Bay Road between Shelly Bay and Miramar Avenue, and upgrades to the Miramar Avenue intersection as described, development of the site can occur without compromising traffic performance. The proposed improvements

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. Additionally Mr Spence considers the proposal to be acceptable in terms of the overall transportation effects (subject to the proposed road layout changes). Mr Spence's assessment is attached as **Appendix E** and should be read in conjunction with this report.

The Stantec 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 the proposal needs to account for this situation.

In this case Mr Spence can agree that with the low speed environment which is proposed through the development site, the proposed 3m traffic lanes should 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 applicant will need to agree to this as Mr Spence notes the existing carriageway coming into the site is only 6m wide.

The proposed shared pedestrian/cycle lane on the seaward side of the road is supported in principle although there is no information provided by Stantec 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.

Outside of the development the applicant has offered to provide for improvements to the Shelly Bay Road/Miramar Avenue intersection and a 6m carriageway plus a 1-1.5m width for use by pedestrians and cycles from the intersection to Shelly Bay. Mr Spence considers this as a bare minimum and in the future a higher standard could be appropriate within Councils Roding Maintenance programme.

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 certified by the Council prior to works commencing. As such, further consideration may be given to pedestrian/cycle lanes at detailed design stage. It is feasible for the development to provide adequate access and parking.

Based on the advice of Mr Spence, I consider **that adverse effects in terms of transportation will be no more than minor.**

For a separate assessment on all infrastructure refer below to, **10.0 SECTION 34(2) - PROVISION OF SUFFICIENT AND APPROPRIATE INFRASTRUCTURE.**

8.4.2.11 Earthworks 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 landscaping, including grassing, other planting and hard surface treatment, 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 John 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 included 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. Mr Davies report is attached as **Appendix F** and should be read in conjunction with this report.

No proposed Earthworks Management Plan (EMP) or Construction Management Plan (CMP) accompanies the application with conditions of consent instead being volunteered that an EMP and CMP be submitted to the Council for certification prior to the commencement of each stage. Mr Davies considers this to an acceptable approach 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 that would be less than minor.

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

8.4.2.12 Infrastructure & servicing effects

The application is accompanied by a report by Calibre Consulting entitled 'Shelly Bay, Wellington, Servicing Feasibility', dated 19 June 2017, and an addendum to that report being a separate report prepared by Envelope Engineering titled 'Shelly Bay Infrastructure Assessment Report' dated 8 May 2019 which confirms that sufficient and appropriate infrastructure can be reasonably provided to support the development. This report should be read in conjunction with this report.

Wellington Water's Manager Land Development, Mr Matt Atchison, has reviewed the application and has advised that due to the age and condition of some of the existing infrastructure, new infrastructure would need to be provided to cater for the development proposed. Mr Atchison 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 that includes the ability to use some of the existing infrastructure if it meets the appropriate standards. Mr Atchison's report is attached as **Appendix G** 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 development can be adequately serviced.

Refer below to, **10.0 SECTION 34(2) - PROVISION OF SUFFICIENT AND APPROPRIATE INFRASTRUCTURE**, for a separate assessment on all infrastructure.

8.4.2.13 Construction effects

The reality of construction of the proposed scale is that the effects of construction on the local environment cannot be 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 fact the site is relatively remote from neighbouring properties that could be affected by such works is an advantage. However with construction potentially over 13 years the CMP will need to address internal construction effects for residents who live in the early stages of the development.

The application proposes mitigating the potential construction effects via a CMP that will outline the management of sediment and erosion control, discharges to water and land, construction noise, and construction traffic. The requirement for a management plan is to be secured by way 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 would require a construction management plan that includes the various elements and stages of the development. Subject to such provisions being included in the CMP condition, noting also the advice of Mr Davies above regarding earthworks, and with my confidence in such a

management plan's ability to manage construction effects generally, I consider that adverse effects associated with construction, including that on the transport network, will be no more than minor.

The construction management plan will also consider temporary effects in relation to dust, vibration and construction noise. However the applicant has agreed to a separate construction noise management plan ("CNMP").

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 CNMP approach is an appropriate method to manage construction noise and that this should be approved prior to works commencing to mitigate adverse noise effects associated with the construction activity.

Post-construction noise was considered by the Marshall Day report dated 8 November 2016 submitted as part of the application. Mr Dennison believes by placing inner residential noise limits adequate amenity can be afforded to residential occupants. It should be noted though that the stringent noise limits will make it more difficult for any commercial uses entering the site in the future.

Mr Dennison's report is attached as **Appendix H** and should be read in conjunction with this report.

Through the imposition of conditions, I consider that adverse effects in terms of construction and post construction noise will be less than minor.

Overall, based on the advice of aforementioned Council advisors, the applicant's report, and the volunteered conditions of consent, I am of the opinion that **adverse effects in terms of construction and noise within the development post construction will be no more than minor.**

8.4.2.14 Contamination effects

Most of 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 includes the following:

- Review of records provided by The Wellington Company in relation to previous land uses that could have had 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 WRC 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 identifies that the site has been used for industrial and commercial activities since the 1940s 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 has 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 considers 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 concludes 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 does note that this does not cover the potential for asbestos in soils.

The boiler house and septic tanks were located in North Bay. AECOM considers 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 again note that this does not cover the potential for asbestos in soils.

AECOM does also 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. Also a critical time will be during the construction period particularly with demolition below foundation level and earthworks for the safety of workers or anyone else who may be in the immediate area.

In summary, the PSI submitted with the application has identified a number of potential contaminants within the site however has concluded that due to the level of hard surfaces, buildings and roads, it is unlikely a risk to human health will occur. However before the development gets to that stage there could still be contamination which needs to be managed during the construction period particularly with demolition below foundation level and earthworks.

Therefore, AECOM have recommended a suite of conditions such as, further testing of public spaces and 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 or where any other ground disturbance occurs. Through imposing these conditions AECOM considers that any risk to human health can be mitigated. I accept most of this advice, with the inclusion of condition which capture any other ground disturbance, and on that basis conclude that **adverse effects in terms of contamination will be minor.**

8.4.2.15 Positive effects

- The construction of 352 new dwellings will provide an additional and significant supply of housing stock for Wellington.
- The adaptive reuse of buildings with historical value will ensure that these buildings are retained and maintained.
- 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.

8.4.2.16 Effects conclusion

Overall, most of the effects are minor or less than minor, however the landscape and visual adverse effects and the effects on Open Space B area are more than minor, therefore I take a conservative approach and for the reasons above, I conclude that the effects **on the environment are more than minor**.

8.4.3 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.

8.4.3.1 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 recognises 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. 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. In addition to this Policies PA3 and PA4 in particular apply to all decision makers in all circumstances. The proposal has been assessed against these and any other relevant objectives and policies and is considered to achieve the outcome sought by the NPSUDC.

8.4.3.2 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. I also consider that Policy 23 is relevant as this promotes integrated catchment management and design options that reduce stormwater flows at source. The proposal is for stormwater runoff from the development to be collected and, in the cases of the trafficked paved areas, treated before discharge through a suitably sized network to new and upgraded outlets to Shelly Bay. WRC may require resource consents for any new discharge locations in the coastal marine area. This stormwater network will reduce flows at source.

8.4.3.3 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 WRC for earthworks and works within the CMA as mentioned above under **6.0 WELLINGTON REGIONAL COUNCIL**. 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 relates to Policy 46
- Objective 12 and Policy 14 – are also relevant as these seek to minimise contamination in stormwater from development.
- Objective 8 relates to Policy 53
- Objective 22 relates to 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.

I consider that the proposal is consistent with the relevant objectives and policies of the Regional Policy Statement.

8.4.3.4 Proposed Natural Resources Plan for the Wellington Region

As noted above at **8.3 Section 34(1)(c) – Proposed Plan**, I have considered the PNRP but do not consider it to be relevant to the Council's assessment of this consent application.

8.4.3.5 Wellington City District Plan

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

8.4.3.5.1 Objectives and Policies and Assessment Criteria

The relevant objectives and policies are attached in **Appendix I**. I consider the applicant's assessment in the application against the relevant objectives and policies to be accurate for all areas except the relevant Open Space objectives and policies.

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.

The Open Space Area B will not be maintained by having 27m high multi story buildings within an area of open space that is to have minimal structures. Also the landscape and visual effects of this proposal will not maintain and enhance the open space as previously enjoyed by the general public.

I consider that the proposal will be contrary to the relevant objectives and policies of the District Plan.

The relevant assessment criteria, where there are criteria, are attached as **Appendix J**. I consider that the proposal is acceptable when assessed against these. Regard has also been had for both the Residential Design Guide and the Subdivision Guide, where applicable.

8.4.3.5.2 Consideration of Objectives and Policies and Assessment Criteria

In considering the application in relation to relevant objectives and policies and the assessment criteria, I have also consulted with the following experts within the Council, external advisors and Wellington Water:

- Ms Chessa Stevens, Senior Heritage Advisor for Wellington City Council, has reviewed the proposal from a heritage perspective and does not support the application. Ms Stevens considers that the applicant has not adequately assessed the heritage values of Shelly Bay which has informed the proposed Masterplan and Design Guide.

- Ms Angela McArthur, Registered Landscape Architect of Eco-Landscapes & Design Limited, has reviewed the landscape and visual effects of the proposal. Ms McArthur considers the proposal will appear prominent within the site and potentially contrast significantly with the existing visual character of Shelly Bay. However with the mitigation proposed, such as recessive material and colour palette and hierarchy of buildings that are set back from the coastal edge and step up in height towards the escarpment, she considers that adverse visual effects of the development will be reduced to an acceptable level.
- Ms Bec Ramsay, 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. Ms Ramsay considers that a key public access point is the future Te Motu Kairangi Park. There is a right of way proposed to provide public access and a possible walking and cycling connection on the same existing driveway. Conditions of consent have been recommended. Ms Ramsay raised issues in her report outside of the Open Space B area including parking, access to the coastal marine area and provision of nesting places for penguins. The applicant has not mentioned them and they are not included as recommendations.
- Mr Chad McMan, Director of Archaus Limited, has considered the development in terms of urban design. Overall Mr McMan considers in terms of urban design, the project is excellent in terms of outcome, subject to recommended conditions. Overall, Mr McMan supports the proposal in terms of urban design.
- 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, and vehicle access.
- Mr John Davies, Earthworks Engineer for Wellington City Council, has considered the proposed earthworks methodology, erosion and sediment control measures and has advised the earthworks and geotechnical stability for the site can be appropriately addressed through recommended conditions of consent.
- Mr Matt Atchison, Senior Engineer of Wellington Water, has reviewed the proposal and provided an assessment with recommended conditions regarding the service infrastructure for the development comprising water supply, wastewater and stormwater. Overall, Mr Atchison advises the proposed development can be appropriately serviced subject to conditions.

- Mr John Dennison, Environmental Noise Officer for Wellington City Council, has reviewed the proposal in terms of the noise effects associated with construction related activities and the ongoing residential and commercial occupation of the site. Mr Dennison supports the proposal subject to conditions.
- Ms Nicky Karu, Manager Treaty Relations for Wellington City Council, has reviewed the CIA and is satisfied the adequacy of the report.
- Mr Derek Baxter, City Engineer for Wellington City Council, has reviewed the proposal and provided input as to the effects of sea level rise.

8.4.4 Section 104(1)(C) - other matters

8.4.4.1 Ngati Toa Rangatira Claims Settlement Act 2004

In accordance with Ngati Toa Rangatira Claims Settlement Act 2004, the Toa Rangatira Trust was informed via email that the application had been received and also when the additional supplementary information had been received, and the Council's website link to the application information, including the supplementary information, was sent to them on 31 May 2019. To date, no comments have been received.

8.4.4.2 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.

8.4.4.3 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 (COP) 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. I note that the roading is not consistent with the COP, however Mr Spence has detailed in his report why this proposal has reduced widths for a collector road.

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 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.

8.5 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 8.4.2.7 Urban Design above 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 section 34(1)(e) of HASHAA.

9.0 WEIGHTING EXERCISE

Section 34(1) of HASHAA requires an evaluation of the proposal by having regard to the five matters identified, giving weight to them (greater to lesser) in the order listed (i.e. with “(a)” getting the most weight and “(e)” getting the least).. Accordingly section 34(1) of HASHAA sets up a framework whereby the purpose of HASHAA at section 34(1)(a) is not one to be achieved at any cost, but rather requires a weighting exercise against the other matters identified by section 34(1)(b)-(e).

The Court of Appeal’s judgement was that an individual assessment of the listed matters under section 34(1) should occur prior to the exercise of weighing them in accordance with the prescribed hierarchy, i.e. the Council should not apply the purpose of HASHAA to effectively neutralise all other considerations and prevent their being given due acknowledgement in the ultimate balancing under section 34. I have carried this individual assessment out in Section 8 of my report above.

The assessment above identifies positive and negative performances against the hierarchy of matters to which regard must be had under section 34(1)(a) – (e) of HASHAA. Therefore weight must be prescribed to each matter in order to come to a recommendation as to whether or not resource consent pursuant to section 36 of HASHAA should be granted or refused.

Based on all the assessments above, the proposal is considered to have more positive weight prescribed to it than negative when assessed against the cascading hierarchy of matters which must be had regard to under section 34(1)(a) – (e) of the Act. Essentially it is my opinion that as the

proposal is achieving the purpose of the HASHAA, and that while there are some concerns with the proposal these should be afforded less weighting in the decision making process.

The assessment above identifies that the purpose of the HASHAA is met by the proposal, that the proposal is consistent with Part 2 and that the proposal is consistent with the outcomes sought by the New Zealand Urban Design Protocol. Therefore four out of the five matters which must be prescribed weight under section 34(1) of HASHAA are satisfied.

The only matter which the proposal performs negatively against is contained within sections 104 to 104F of the RMA, which ranks fourth in the hierarchy under section 34(1)(d) and as such must be prescribed a lower weighting to all but one of the five matters which have to be given regard. This is that the proposal has more than minor landscape and visual effects, including those effects on the Open Space zoned land.

It is important to note as identified above that the proposal achieves a high number of new dwellings, considering the SHA requirement for this site is only 20 dwellings. This is particularly relevant when considered against the purpose of HASHAA which is given primacy in the order of hierarchy. When the landscape and visual effects and those effects on the Open Space zoned land are considered against the purpose of HASHAA, and are also considered within the wider context of Part 2 of the RMA, in particular to section 5 and the needs of future generations, in my opinion, the benefit of providing a considerable supply of new housing to the market for private occupation or rent outweighs the impact of the proposal in relation to landscape and visual effects.

Additionally, while I am of the opinion that the development will cause landscape and visual adverse effects, including the effects on the Open Space B area that are inconsistent with the objectives for this zone, conditions relating to the design of the proposed buildings and the site landscaping which requires a subsequent design approval process, and which would be applied in conjunction with the Masterplan and proposed Shelly Bay Design Guide, will provide sufficient opportunity to ensure the adverse landscape and visual effects of the development will be reduced to an acceptable level.

Accordingly I consider that in terms of landscape and visual effects and those effects on the Open Space zoned, these effects and any concerns in relation to section 104(1)(a) of the RMA and any

inconsistency with the objectives and policies of the District Plan in relation to section 104(1)(b), do not outweigh the purpose of the HASHAA at section 34(1)(a) or any of the other effects which have been assessed as being acceptable.

I note too that while under Part 2 of the RMA, historic heritage values warrant protection against inappropriate subdivision, use and development. I do not consider the proposed use is inappropriate. But even if I did, I would consider this matter of relatively less weight (within the hierarchy) because despite Ms Stevens' assessment, the reality is that the buildings could all be demolished tomorrow as a permitted activity.

10.0 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. Conditions are recommended for upgrade of services as mentioned above in the assessment at **8.4.2.12 Infrastructure & servicing effects**. Water services will be sufficient and appropriate.

The applicant has also confirmed that power, telecommunication and gas supply may all be supplied to the site.

The Council's Chief Transport Advisor has assessed the proposal and considers that through the proposed changes to the road network through roading improvements, there will be sufficient capacity in the road network to accommodate the proposal. I accept Mr Spence's assessment and conclusion. Conditions are recommended for the upgrade of the road network as mentioned above at **8.4.2.10 Transportation effects**.

I note that the roading infrastructure provided is unlikely to meet the Council's Code of Practice, but nonetheless consider on the basis of Mr Spence's report that the roading infrastructure is sufficient and appropriate for the development on this site.

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

11.0 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 subdivision consent, or may grant 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. Land instability was previously mentioned above under **Section 6(h) RMA** above and sea level rise under **Section 7(i) above**. Consequently, **I consider there to be no reason to decline the application under section 106 of the Act.**

12.0 SECTIONS 37 AND 38 (HASHAA) AND SECTION 108 (RMA) – CONDITIONS OF CONSENT:

Sections 37 and 38 of HASHAA provide for resource consent conditions to be imposed in accordance with sections 108 to 111 and 220 of the RMA. In addition, for the application under the RMA in relation to contaminated soil section 108 under the RMA directly applies.

Recommended conditions for the subdivision, attached as Appendix K, includes that the survey plan must be in accordance with the scheme plan provided, servicing, stormwater quality, easements, future building restrictions, an amalgamation condition and a vegetation protection consent notice.

Recommended conditions for the land use, attached as **Appendix K**, 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, escarpment vegetation management zone, 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 HASHAA). I can confirm that I have provided WRC with a copy of the draft conditions. WRC has not raised any issues in this respect.

13.0 SECTIONS 50 AND 51 - DURATION AND LAPSING:

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

Section 51 of HASHAA relates to the lapsing of resource consents issued under 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 land use consent be granted with a 13 year lapse period due to the number of dwellings that will be delivered by this proposal. I accept the applicant's reasoning that a longer lapse period is both realistic and appropriate for the following reasons

- the large scale development (i.e. significant time required to construct approximately 352 residential units in addition to the ancillary non-residential components and construction of significant infrastructure);
- consent is sought for a Masterplan and the necessary detailed design is yet to be done; and
- further statutory processes such as road stoppings will take time to action.

Also, an important condition which will mitigate the risk of 'land-banking' practices is proposed condition 2 which reflects the staged approach to development – for example it will require the construction of 50 residential units within 4 years from the date of consent being granted.

In balancing the intent of HASHAA to speed up land development and avoid 'land-banking', with applicant's circumstances and intentions, I recommend that the requested **13-year lapse** period for the land use consent be given. The previous subdivision consent has already had a stage approved for a section 223 certificate under the RMA, as mentioned in **2.2 CURRENT STATUS OF THE APPLICATION** above. There is no reason why all stages cannot be completed within the 1 year statutory timeframe under HASHAA. The applicant has not requested a longer lapse period for the subdivision consent. I recommend a **1year lapse** period for the subdivision consent.

14.0 Cancellation of Amalgamation Condition

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 Record of Title and, proposed lots 9, 10, 11 and 903 held in one Record of Title, 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. Cancellation of an amalgamation condition can be carried out in whole or in part which can accommodate a staged subdivision.

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 based on a staged subdivision is acceptable. Recommended requirements associated with the cancellation of the amalgamation condition, attached as Appendix K, includes that no buildings straddle new boundaries and that all lots will have physical and legal access.

15.0 RECOMMENDATIONS

RECOMMENDATION ONE – Subdivision Consent:

That the Commissioners acting under delegated authority from WCC and pursuant to sections 36 to 38 of the HASHAA, **grant resource consent** to the proposal for an 11 lot subdivision of land, with road to vest, at **264, 270, 276, 277, 294, 296, 307 and 311 Shelly Bay Road, Maupuia** (Sec 8-9 SO 339948, Sec 1 SO 37849, Sec 3 SO 339948, Sec 4-6, 10 SO 339948). It is further recommended that consent be granted with a lapse period of **1 year** from the date of this decision, or within such an extended period of time pursuant to section 125 of the RMA, and be granted subject to the conditions set out in **Appendix K** of this report.

RECOMMENDATION TWO – Land Use Consent:

That the Commissioners acting under delegated authority from WCC and pursuant to sections 36 to 37 of the HASHAA AND pursuant to section 104B of the RMA , **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, Section 2 SO 339948 and Pt Lot 3 DP3020). It is further recommended that consent be 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 be granted subject to the conditions set out in Appendix K of this report.

RECOMMENDATION THREE – Cancellation of Amalgamation Condition:

That the Commissioners acting under delegated authority from the Wellington City Council and pursuant to section 241(3) of the RMA, cancel in part the condition which requires the amalgamation of proposed lots 2, 3, 4, 5 and 900 in one Record of Title; and, Proposed lots 9, 10, 11 and 903 held in one Record of Title, on a staged basis as it relates to each lot, subject to the conditions set out in Appendix K of this report.



Trevor Garnett
Senior Consents Planner
Resource Consents Team
Wellington City Council

Appendices

Appendix A – Council’s Heritage Assessment

Appendix B – Council’s Landscape and Visual Assessment

Appendix C – Council’s Open Space Assessment

Appendix D – Council’s Design Assessment

Appendix E – Council’s Transportation Assessment

Appendix F – Council’s Earthworks Assessment

Appendix G – Wellington Water Infrastructure Assessment

Appendix H – Council’s Noise Assessment

Appendix I – Objectives and Policies

Appendix J – Relevant Assessment Criteria

Appendix K – Recommended Conditions and Notes

Appendix A – Council’s Heritage Assessment

Please refer to separate document for Chessa Steven’s report.

Recommended conditions are:

1. Heritage assessment

That further assessment of the historic heritage values of the site of the former military base at Shelly Bay, and each of the buildings thereon, is undertaken by a suitably qualified heritage professional. This will inform decisions regarding the appropriateness of demolition and relocation of heritage buildings as effects may be able to be understood. That Council maintain the authority to consent or decline the demolition or relocation of historic buildings where that comprises an adverse effect, and the construction of new structures which may compromise heritage values.

2. Conservation management plans

That conservation management plans are prepared for all retained heritage buildings and structures, and that any repair, maintenance, stabilisation, or relocation work proposed to these buildings to enable adaptive reuse to be undertaken in accordance with an approved conservation plan.

Buildings that require conservation management plans include (but may not be limited to):

- Building 7: Officers’ Quarters and Mess
- Building 10: The Library
- Building 12: Shipwrights Building
- Building 14: Barrack Warden Store
- Building 15: Shed 8 (Store and Workshop/Propeller Studios)

- Building 18: Submarine Mining Barracks (Chocolate Fish Café)
- Building 23: Fitness, Form and Health Studio

The conservation plans must be prepared to the standard required by any current HNZPT guidelines and the “Conservation Plan: A guide to the preparation of conservation plans for places of European cultural significance” by James Semple Kerr published by Australia ICOMOS in 2013.

Approval must be received from the CMO (with input from Council’s heritage advisors) before works start on site.

~~Any of the following buildings must be undertaken in accordance with the approved conservation plan.~~

3. Heritage Management Plan

That a Heritage Management Plan for the site of the former military base is prepared to the approval of Council prior to works on site commencing. The purpose of the document is to ensure the protection of below ground archaeology, above ground archaeology and historic structures, and existing buildings during the construction works. This document is intended as a concise method of informing contractors, subcontractors and consultants on the legal, statutory and contractual arrangements for the protection of archaeology and heritage items during the works. Heritage Management Plans are generally prepared by archaeologists and suitably qualified heritage professionals for the management of large sites and should include, but are not not limited to, the following:

- statutory requirements under the RMA and Heritage New Zealand Pouhere Taonga Act including any Archaeological Authorities,
- consent conditions and requirements related to heritage
- roles and responsibilities,
- training requirements for contractors/heritage professionals undertaking any work on site,

- operating procedures and mitigation measures,
- any provision for site protection during construction (ie fencing off buildings or sites from machinery operators),
- archaeological investigation strategy and methodology including, but not restricted to, protocols regarding the in-situ retention of archaeological evidence, storage and retention of artefacts and onsite interpretation of values.
- tangata whenua protocols,
- monitoring requirements,
- stand down periods,
- reporting requirements.

Approval must be received from the CMO (who will liaise with Council’s heritage advisors) before works start on site. All works on site should be in accordance with this plan

4. Recording

That detailed recording, by a suitably qualified heritage professional, is undertaken on all structures proposed for demolition, removal and relocation. [NB – this builds on the applicant’s proffered condition 32, but provides necessary further detail to ensure that the recording of buildings is consistent and meets a set of established standards].

(i) Photographic record – prior to development

Prior to demolition, removal, relocation and/or construction commencing on the site, the consent holder must submit and receive approval from the CMO for a photographic record. Minimum requirements are:

- ☐ At least one photograph of every external elevations of every building and structure listed in the 2008 “Shelly Bay: Character and Condition Assessment” report prepared by Opus Architecture (unless the building or structure has since been demolished). The full elevation of each building must be visible in the photograph.
- ☐ At least two photographs of the context and setting for each of the buildings and structure listed in the “Shelly Bay: Character and Condition Assessment”

report prepared by Opus Architecture ~~report~~ (unless the building or structure has since been demolished).

- ☐ At least one photograph of every internal elevation of every room in every building listed in the 2008 “Shelly Bay: Character and Condition Assessment” report prepared by Opus Architecture (unless the building or structure has since been demolished).
- ☐ Approximately five to ten photographs per building of the significant details (including interiors, fixings and fittings) for each buildings that will be relocated or demolished.

The photographic record must include:

- ☐ Title page – name of place, SR number, full site address, key author and date of submission
- ☐ Contents page
- ☐ Narration – including short explanation of purpose of record, short description of the site and significance, description of methodology used (i.e. sequence of photos and selection of interiors, fixings and fittings) and any limitations e.g. rooms not able to be accessed/cleared.
- ☐ Index sheet - with number or file name of each photo, description of subject buildings and structures, site name, time and date, photographers name
- ☐ Key plans for each building recorded with appropriate title blocks showing the camera position and direction photos were taken from

Note:

- ☐ Prior to carrying out the photographic record, the consent holder must liaise with the Compliance Monitoring Officer to agree the positions from where photos are to be taken. In approving the content of the photographic record, the Compliance Monitoring Officer will liaise with the Council’s Heritage

Advisors.

- ☐ All images shall be submitted in a digital format (RAW files) in addition to the photographic record document
- ☐ The digital copy of the report and images will be added to the Council's digital files.

(ii) **Investigation and recording of all buildings to be demolished or relocated off-site.**

The applicant shall provide measured drawings to a minimum standard of Heritage New Zealand Pouhere Taonga AGS01 2018 "Investigation and recording of buildings and standing structures" level II for all buildings and structures proposed for demolition or relocation off-site.

Approval for the measured drawings must be received from the CMO (who will liaise with Council's heritage advisors) before works to demolish or relocate a building or structure commences on site.

5. Heritage Interpretation – reuse of archaeological evidence in-situ

The intent of this condition is for the retention of existing archaeological artefacts and materials in-situ as a way to preserve archaeological evidence and interpret the history of the site. [NB – the proposed design guide includes guidelines relating to "the incorporation of remnant character or pre-1900s elements in the event that they are discovered during construction" (1.2 G3), and this condition builds on this but provides further detail about how it should be achieved]

- That an archaeological investigation is carried out to recover archaeological information from the site as mitigation for its destruction. (NB The applicant may consider this condition ultra vires being dependant of permission under the HNZPT Act and not accept it which is fine, but if they are obtaining the necessary permission they may choose to accept the condition, in terms of our response the condition is considered important given the effect of the proposed earthworks).
- That where practicable archaeological evidence be retained in-situ, incorporated

into and used to inform the landscape plan and that plan be subject to the approval of Council.

I have added some additional conditions for your consideration based on Chessa Stevens heritage assessment...

6. Methodology for building relocations

At least two-months before works begin to relocate any existing buildings or structure, the applicant must submit and receive approval from the CMO (who will liaise with Council's heritage advisors) for a one-page method-statement. The method statement must include the name and contact details of the contractor who will carry out the relocation works, a brief assessment of the risks to the building and a list of ways the contractor intends to avoid, reduce or mitigate the risks.

The contractor shall carry out the works to relocate buildings in the manner described in the agreed method statement.

The intent for the next condition is to monitor and ensure the construction and fit-out of the "kiosks" proposed in the development's design guide.

The design guide also proposes possible rebuilding of former guard houses as shelters for interpretation, but it isn't entirely clear whether these are the same as the kiosks they have proposed, or additional.

7. Interpretation

Before work starts on site the applicant shall provide an interpretation and wayfinding strategy for approval by the CMO (who will liaise with Council's Urban Designers and heritage advisors). The strategy shall include the form and extent of interpretation in the kiosks noted in the Shelly Bay design guide including design, locations, size, number, type,

content and materials of any signage, and a policy for regular maintenance and replacement of signage and content.

All heritage interpretation shall comply with the 2008 “ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites”.

Eva (the Council and the heritage team’s archaeologist) has been working with NZHPT on a standard resource consent advice note for archaeology and suggests the following:

Archaeology advice note

The subject property is a known place of historic habitation pre-1900. In addition, this proposal will affect a recorded archaeological site, being R27/593 (Torpedo boat shed and slipway), and one pending site (R27/592: Shelly Bay Depot). Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority (consent) from Heritage New Zealand Pouhere Taonga (HNZPT) must be obtained for works to proceed if the archaeological site has the potential to be modified or destroyed. It is illegal to modify or destroy an archaeological site without obtaining an archaeological authority. The applicant is advised to contact HNZPT for further information prior to works commencing.

Appendix B – Council’s Landscape and Visual Assessment

LANDSCAPE AND VISUAL ASSESSMENT REVIEW

HASHAA Housing Development – Shelly Bay Special Housing Area

SR 368659

Date: 2 May 2019

Prepared by Angela McArthur

Consultant Landscape Architect

1 Introduction

- 1.1 My name is Angela Mary McArthur. I am a landscape architect and principal of my own practice, Eco-Landscapes & Design Ltd. I have been practicing in this field of landscape assessment and landscape design for over 25 years. I am a registered member of the New Zealand Institute of Landscape Architects, and have also held roles on the Wellington Branch Committee and the New Zealand Registration panel for the Institute of Landscape Architects.
- 1.2 I have provided landscape assessment and design input for a range of resource consent applications, and have provided evidence at hearings before Consent Authorities and the Environment Court. Clients include Wellington City Council, Porirua City Council and other private organisations for resource consent hearings and applications.
- 1.3 I have experience providing landscape assessments and design input for subdivision of land and housing developments within both rural and urban settings.

2 Scope of Evidence

- 2.1 I have been engaged on behalf of Wellington City Council to provide a Landscape and Visual Assessment comments for the proposed development within the Special Housing Area at Shelly Bay. Resource consent was granted for this proposal on 18 April 2017 under the Housing Accords and Special Housing Areas Act 2013 [HASHAA].
- 2.2 This council decision has been over ruled by a Court of Appeal Decision dated 3 December 2018.
- 2.3 The Court of Appeal Decision specifically refers to Section 34(1) (b-e) matters in relation to adverse effects of the activity on the environment.
- 2.4 The proposal has not changed and remains predominantly for residential dwellings, including 352 units within apartment and town house style dwellings, mixed use commercial and recreational facilities.
- 2.5 In my comments I will refer to the **Shelly Bay Landscape and Visual Assessment (12/03/19)** and to **Shelly Bay Appendix A, Site Views (08/03/19)** prepared by Wright and Associates Landscape Architects on behalf of the applicant.
- 2.6 I address the following issues relating to the application and submissions :
- The Proposal
 - Description of Landscape and Visual Context
 - Analysis of Significance of Landscape and Visual Effects
 - Assessment and consideration of statutory planning matters
 - Summary and Conclusion

3 Description of the Proposal

3.1 Key aspects of the proposal are shown in the Shelly Bay Masterplan and described in the draft application and include:

- Staged construction of 352 residential units comprising 6 storey apartment style dwellings up to 27 metres in height and town house style dwellings up to 12 metres in height;
- Demolition, retention or relocation of existing heritage buildings within the site
- Redevelopment of existing building to be retained for mixed use commercial activities.
- Redevelopment and landscaping of waterfront and coastal edge for recreation use and shared public space.
- Retention of most large scale Pohutukawa trees within the southern bay frontage.
- Relocation and replanting of large scale Pohutukawa trees within the northern bay frontage
- Total land area is 12.4 hectares within the western side of Miramar Peninsular headland.

3.2 Proposal details including development framework, building types and landscaping are depicted in:

The Shelly Bay Masterplan (SBM) dated 08/03/19 and the Proposed Shelly Bay Design Guide (SBDG), dated 08/03/19 prepared jointly by Architecture +, McIndoe Urban and Wraight & Associates (WA). The Masterplan includes the proposed scheme and staging over 13 years, Built Form, Street Layout, Public Realm and Open Space Strategies, and Planting and Tree Retaining Strategy for public areas. The proposed SBDG is a detailed framework for future development including the design for Building Types, Building Heights and Technical Appendices including building materials and colours.

4 Landscape and Visual Context

4.1 **Baseline Information**

The existing landscape and visual context contributes to the existing 'baseline' for assessing the landscape and visual effects. The following descriptions below build a picture of the landscape character for the site and the surrounding area at a range of distances from the site; close range, mid and distant ranges. The landscape description and characterisation provide baseline information for which judgements determining landscape evaluation, landscape capacity or the landscape and visual effects of the proposal are based.

4.2 **The Existing Site (Close range)** forms part of the western coastal edge of the headland to Watts Peninsular and is within the Wellington City District Plan Mataki-kai-poinga Landscape Feature Precinct. The site currently has several buildings that are NZ Heritage registered historic places; two of which, the Warehouse & Stores Building Shed 8 & the Shipwright Building will remain, and two that will be relocated within the site, the Submarine Mining Depot Barracks and the Officers Mess buildings. All other buildings will be removed or demolished.

4.3 The existing urban form then comprises buildings generally low in profile that are clustered around informal open areas within the two bays or located close to the slipway, such as the Shed 8 and Shipwright buildings. Many of these buildings are in a degraded condition.

4.4 The site is located within a coastal environment. Site character is defined by the coastal edge and the two bays separated by a spur, the flat land areas adjacent currently open grass and the existing low-profile buildings set against the vegetated escarpment that forms the backdrop. In the Wellington City District Plan (Map 13) the site contained within the Shelly Bay Special Housing Area is predominantly zoned Business 1 Area within the flat areas and Open Space B where the site extends into the escarpment. Shelly Bay is described in detail in the Shelly Bay Design Guide in the District Plan. The site is described

as located within an area of 'outstanding landscape' due to its visually prominent natural setting within the Miramar Headland. The higher ridge is within a 'Ridgeline and Hilltop Overlay Area' and shown on Wellington City Planning Map 61.

4.5 Low coastal vegetation forms a margin within the southern and north points of the site, otherwise the coastal edge consists of degraded concrete embankments. The remaining flat land close to the coastal edge is grass and degraded hard surfacing and wharf structures. Generally vegetation within the coastal edge on both sides of the road comprises hardy coastal shrubs such as Taupata, Mingimingi and Coastal flax with Pohutukawa the dominant tree found.

4.6 Views of Shelly Bay Special Housing Area from Shelly Bay Road to the south and Massey Road to the north are generally restricted due to intervening spurs and vegetation. The site is partially visible from the southern approach however it is not until the viewer reaches almost the South Point that the character of the site is revealed. See View 6 Visualisation prepared by WA shows the site looking north from South Point and looking south from North Point.

4.7 **The Local Urban Context (Mid- Range).**

Views over Shelly Bay are restricted from the suburb of Maupuia. A few properties within the north facing side of Countess Close have views overlooking Shelly Bay to the harbour (See Figure 2). The separation distance between these properties and the southern end of the Shelly Bay is 450 to 500 metres. Viewpoint 7 prepared by WA depicts a similar but closer view from the Main Road above the south end of the site.

4.8 **The Wider Area Context (Distant)** includes views from the western end of Cobham Drive and the east facing locations along Evans Bay coastline and hillside suburbs of Hataitai and Roseneath. The site is contained within the highly visible coastal edge of Miramar Peninsular. The landscape features and natural character of the headland landscape contributes to natural hilly character of Wellington city.

- 4.9 Overall the site visual catchment is high due to the visually prominent location within the coastal edge of Miramar Peninsular Headland. Viewers are residents within east facing hillside suburbs of Roseneath and Haitatai and road users along the coastal edge from Point Jerningham to Evans Bay.

5 Assessment Methodology

6.1 **Methodology and terms**

The landscape and visual effects assessment within the context of this report comprises two interrelated components: the effects on visual amenity and the effects on landscape character. A distinction is made between **landscape effects**, which derive from changes to the physical landscape; the effects due to modification of landform, the coastal edge, vegetation and watercourses, and how it is experienced (perceived values).

The effects of this proposal are primarily **visual effects** on the receptor(s) within view. The methodology used to assess visual effects involves determination of visibility and assessing the physical catchment for those that would be exposed to visual change from representative viewpoints. The magnitude and significance of visual effects will depend on factors such as: the elevation, orientation, distance and frequency of view from the proposed development site.

The magnitude and significance of visual effects also depends on the nature of the viewer; whether a **transient viewer** or a **resident viewer**. Generally resident viewers are more sensitive to change than transient viewers due to the potentially static and permanent nature of a view from living areas. Transient viewers are pedestrians, recreational users such as cyclists and other road users. In general people are moving through the area and therefore the sensitivity to the view is reduced.

6.2 **Definitions**

Determining the **magnitude** of landscape and visual effects will help assist in understanding any adverse, positive or neutral effects on existing landscape character and landscape amenity. The following definitions are used to help understand and make judgements about the nature of effects, magnitude of change and significance of effects on visual amenity:

⁵**Landscape character** is a distinctive combination of physical and cultural attributes that identify and an area.

⁶**Landscape sensitivity** is the degree to which the character and values of a particular landscape are susceptible to the scale of external change when considering the susceptibility of the receptor(s)/viewing audience and the nature of the effect, the significance of the effect can be adverse, neutral or beneficial.

⁷**Natural Character** is the expression of natural elements, patterns and processes in a landscape.

Visual Amenity is a component of overall amenity and therefore contributes to people’s appreciation of the pleasantness and aesthetic coherence of a place.

6.3 Scale of effects/magnitude of change and definition of effects

The New Zealand Institute of Landscape Architects (NZILA) provides guidance in the Assessment of Landscape and Visual Effects Best Practise Notes, 2010. I have adopted the seven-point scale used in the NZILA Landscape and Visual Effects Best Practise Notes 2010. The seven- point scale is:

Extreme - Very high - High - Moderate - Low - Very low - Negligible.

Table1 below provides a description of each scale of effects.

6.4 Table 1. Assessment rating for Scale of Effects/Magnitude of change – Landscape and Visual Effects

<ul style="list-style-type: none"> Overall Scale of effect 	<ul style="list-style-type: none"> Description of effect and definition
<ul style="list-style-type: none"> Extreme 	<ul style="list-style-type: none"> The Proposal is completely at odds with the surrounding area and dominates the

⁵ NZILA Landscape Assessment and Sustainable Management, Definitions - Best Practice Notes 10.1

⁶ NZILA Landscape Assessment and Sustainable Management, Definitions - Best Practice Notes 10.1

⁷ NZILA Landscape Assessment and Sustainable Management, Definitions - Best Practice Notes 10.1

	<ul style="list-style-type: none"> scene to an extreme degree. The Proposal causes extreme adverse effects that cannot be avoided, remedied or mitigated. There is a total loss of existing character and a complete change to the landscape or outlook.
<ul style="list-style-type: none"> Very High 	<p>The Proposal becomes the dominant feature of the scene to which other elements become subordinate and it significantly affects and changes its character. The Proposal causes extensive adverse effects that cannot be avoided, remedied or mitigated.</p>
<ul style="list-style-type: none"> High 	<p>The Proposal forms a significant and immediately apparent part of the scene that affects and changes its overall character. The Project may cause a noticeable change and serious adverse impact on the environment but could potentially be mitigated or remedied.</p>
<ul style="list-style-type: none"> Moderate 	<p>The Proposal may form a visible and recognisable new element within the overall scene and may be readily noticed by the viewer. There would be a partial change to the existing character or distinct features of the landscape and a small reduction in perceived amenity. The Proposal may cause an adverse impact but could potentially be mitigated or remedied.</p>
<ul style="list-style-type: none"> Low 	<p>The Proposal constitutes only a minor component of the wider view. Awareness of the proposal would not have a marked effect on the overall quality of the scene or create</p>

	any significant adverse effects. There is a slight loss to the existing character, features or landscape quality.
• Very Low	The Proposal has discernible effects but too small to adversely affect other persons. There would be no change to the existing character or distinct features or quality of the landscape.
• Negligible	The Proposal would have no effect on the receiving environment. The proposal is barely discernible and there is no change to the existing character, features of landscape quality.

6 Landscape and Visual Effects and Assessment of Effects

Landscape Effects

6.1 Landscape effects, which derive from changes to the physical landscape; the effects due to modification of

landform, the coastal edge, vegetation and watercourses, and how it is experienced (perceived values).

The existing landscape character is dominated by the coastal edge, intervening flat area and the escarpment topography.

6.2 The proposal will have little actual effect on physical change to the site due to modification of landforms or

removal of significant vegetation. While several large Pohutukawa trees will be removed or relocated

to realign the road and form shared cycle and pedestrian ways, additional specimen trees are proposed as well as amenity planting.

6.3 There will be some loss of landscape character due to the reduction in openness around the spur between the bays. There is also potential that earthworks required to construct elevated stand-alone houses encroaching on the escarpment will have adverse landscape effects. I consider this to be a negative effect of the proposal.

6.4 Positive Landscape Effects

- The development of new public spaces that include amenity planting, additional street trees, the village green and restoration planting within the toe of the escarpment.
- Removal of uncertainty around the future of Shelly Bay and further degradation of buildings and the site.

6.5 Overall the proposal will have low adverse landscape effects on the site and surrounding area.

Visual Effects

6.6 The magnitude of effects will depend on several criteria such as; the extent of the view, the distance and elevation, orientation and frequency of view, local context, visual intrusion and contrast and mitigation potential.

6.7 This section sets out to identify who and where those most affected by the proposal are and to determine the effects of visual change that the proposal would bring to outlooks and views of the viewing audience. An assessment will be made to determine whether the proposal would have adverse visual effects on the nature and quality of the surrounding environment.

6.8 I have used for consistency the 9 Viewpoints shown in **Shelly Bay Appendix A: Site Views prepared by Wraight & Associates Ltd** in their Assessment of Visual Effects.

6.9 I have carried out my own analysis as well, by observing views from and into the site and walked around the local area. I have travelled by car and walked around the local and wider locality to identify where the site is most visible from. I concur with the authors of the WA landscape and visual analysis that these views selected are exemplar views of the site.

The one exception not considered is the view from several residences along the northern edge of Countess Close, Maupuia located on the ridgetop and overlooking Shelly Bay (See Figure 2).

- 6.10 Key views show the existing environment and a visual simulation of the view with the proposal inserted are depicted in Shelly Bay Appendix A - Site Views prepared by Wraight and Associates, on behalf of the applicant. Visual simulations have been prepared in accordance with the New Zealand Institute of Landscape Architects (NZILA) Best Practice Guide for Visual Simulation 10.2. I note that photos used for Views 1 to 5 are taken on a very overcast day when contrast and brightness was very limited.

Views & Analysis of Visual Effects

- 6.11 Viewpoint 1: From Point Jerningham. Separation distance from site 1.6km

Viewpoint 2: From Weka Bay-Kio Bay. Separation distance 1.5km

Viewpoints 1 and 2 are taken from close to the coastal edge and at a similar distance from Shelly Bay but a slightly different orientation.

Viewers affected by the proposal are transient users of the road who will have glimpses of Shelly Bay, and resident viewers along or close to the coastal edge with direct views towards Shelly Bay. For dwellings with living areas orientated towards Evans Bay the Miramar Peninsular headland is the dominant view. The proposal will appear visually prominent from these viewpoints for residents. Visual effects will contrast significantly with the existing visual character of Shelly Bay. The proposal will also be seen in the wider context of the headland and surrounding urban development. It is anticipated that future development of the Shelly Bay will include medium density scale of housing with buildings up to 12.5 metres below the escarpment. The images provided by the applicant do not include a comparable image showing buildings built to the recommended height allowed for in the district plan Shelly Bay Design Guide.

- 6.12 Visual effects from these locations will vary from **moderate to high**. Taking into consideration mitigating factors such as the recessive material and colour palette and hierarchy of built form stepping up towards the escarpment visual effects will be reduced to an acceptable level. Views from these locations are extensive. Views include the water and the wider peninsular environment. Shelly Bay forms a small component of the overall view.

- 6.13 For transient viewers along Evans Bay Road from locations such as Point Jerningham and Kio Bay visual effects of the proposal will be **low** where the viewer will be aware of the

proposal, but the viewer is not focused on Shelly Bay. The overall quality of the scene will not change.

6.14 Viewpoint 3: From 149 Grafton Road, Roseneath. Separation distance 1.8km

Viewpoint 3 is taken from a higher elevation where the extent of view is increased to include more distance and the higher Orongoronga range in the background. A similar view is from the road above 146 Te Anau Road (See Figure 1) where the view is orientated towards Shelly Bay. The site appears visually prominent within the Headland. The viewshaft is wider and Shelly Bay is also seen in the context of the Eastern Harbour Hills and the higher Orongoronga range in the background.

People most affected by the proposal from this viewpoint and similar viewpoints within the hillside will be resident viewers. Shelly Bay forms a significant component of their direct view. Overall from Grafton Road and similar locations within the community such as Te Anau Ave, Kio Road and Kio Crescent, visual effects of the proposal will vary from **moderate to high**.

6.15 The proposal will be a significant part of the view. Buildings will appear visually prominent from these viewpoints for residents and contrast significantly with the existing visual character of Shelly Bay. The effects of the proposal will materially change the nature of the outlook of Shelly Bay however, development of the site with medium density style housing is anticipated in the district plan.

6.16 In my view when taking into consideration mitigating factors such as the recessive material and colour palette and hierarchy of built form stepping up towards the escarpment and the coastal edge maintained as open space, any adverse visual effects will be reduced to an acceptable level.

6.17 Viewpoint 4: From Centennial Lookout, Mt Victoria. Separation distance 2.3kms

This view of Shelly Bay is from a higher and greater distance, where the viewer has a panoramic view to the south coast and the wider Wellington harbour and more distant hills, and general urban fabric of the city. Shelly Bay appears as a small component of the overall view.

6.18 People most affected by the proposal will be recreational users and sightseers around Centennial Lookout. There will be residents with similar views such as residences along the east facing side of Lookout Road. In my view, due to the separation distance and

Shelly Bay constituting only a small component of the overall view any adverse visual effects of the proposal will be **low**.

6.19 Viewpoint 5: From 'Meridian Wind Walk' Cobham Drive. Separation distance 3kms.

From this location, close to the coastal edge, Shelly Bay is a considerable separation distance and orientated at an oblique angle to the main view for users at the coastal edge and Cobham Drive. People most affected by the proposal will be walkers and road users. Due to the nature of the viewers, the angle and separation distance from Shelly Bay, the significance of any visual effects will be **low**.

6.20 Viewpoint 6: From Shelly Bay Road South, Separation distance approximately 600 metres from wharf.

From this location most of the Shelly Bay site and surrounding escarpment including where the headland meets the coastal edge is within view at close range. The view is focused on Shelly Bay and the relationship to the escarpment and the coastal edge at close range. People most affected by the proposal will be recreational users such as walkers and cyclists, and motorists.

6.21 Visual effects of the development will be **high** from this location. There are mitigating measures proposed that help reduce adverse effects, such as the new pedestrian and cycle way access proposed close to the road between South Point and North Point. Overall the site will be enhanced for recreational users due to the quality of public amenity space, additional specimen trees and the communal street amenity proposed. Buildings will dominate the site adjacent to the escarpment, however the coastal edge will remain generally open to the coastal edge and views to the water maintained.

6.22 Viewpoint 7: From Main Road, Maupuia (above site). Separation distance 300 metres from south end of site.

From this viewpoint the Shelly Bay development area is partially visible from above. Visual effects of tall buildings set back within the bays will be less obvious from this angle. Shelly Bay is visible in the context of foreground vegetation, the coastal edge and the wider Wellington harbour and hills in the background. People most affected from this viewpoint are most likely to be recreational users entering or crossing the network of tracks within the Headland.

6.23 From this location visual effects of the development will be **moderate**, where the visual character of Shelly Bay will change however the view is dominated by the wider outlook to the harbour and Mt Victoria rather than focussed on Shelly Bay. There will be similar visual effects for resident viewers (See Figure 2) located along the northern edge of Countess Close, Maupuia. Shelly Bay is a significant component of the available view.

6.24 Viewpoint 8: From South Point, southern end of site.

Viewpoint 9: From North Point, northern end of site.

From these viewpoints people most affected by the proposal will be recreational users such as walkers and cyclists and motorists travelling to Shelly Bay or around the Miramar headland.

6.25 There will be a high degree of change in visual character with respect to proposed visual bulk and dominance of buildings adjacent to the narrow coastal edge. The visual effects of the development from these viewpoints will be **high**. While the visual character within the site will change significantly and site amenity will be enhanced overall due the improved pedestrian and cycle access, quality public amenity and site landscaping proposed.



Figure 1. View from road above 146 Te Anau Road, Hataitai.

The likely view for residents within the northeast side of Te Anau Road and from Te Anau Ave, Kio Road and Kio Crescent below.



Figure 2. View from 20 Countess Close, Maupuia overlooking Shelly Bay.

7 Assessment and consideration of statutory planning matters relevant to landscape and visual effects

7.1 Housing Accords and Special Housing Areas Act 2013

On 16 September 2013, the HASHAA come into effect. The purpose of the HASHAA is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts identified as having housing supply and affordability issues. The proposal is a comprehensive development of the site with predominantly residential units and qualifies under HASHAA in accordance with the Shelly Bay Special Housing Area Map approved in 2015 by Wellington City Urban Development.

Section 34 of the HASHAA relevant for consideration

An authorised authority must have regard to a number of matters under Section 34 of HASHAA when considering an application for resource consent under this Act.

Section 34(1) of the HASHAA instructs a decision maker to have regard to the following matters giving weight to them (greater or lesser) in the order listed:

- (a) the purpose of this Act:*
- (b) the matters in Part 2 of the Resource Management Act 1991:*
- (c) any relevant proposed plan:*
- (d) the other matters that would arise for consideration under–*

- (i) *sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:*
- (ii) *any other relevant enactment (such as the Waitakere Heritage Area Act 2008):*
- (e) *the key urban design qualities expressed in the Ministry for the Environment's New Zealand Urban Design Protocol (2005) and any subsequent editions of that document.*

The assessment of the matters listed above must be undertaken uninfluenced by the purpose of HASHAA before conducting an overall balance against the purpose of HASHAA.

The key statutory provisions with respect to natural features and landscapes, including natural character and visual **amenity effects in relation to the proposed Shelly Bay proposal are:**

7.2 Part 2 RMA matters relevant to the Landscape & Visual Assessment

The matters arising in Part 2,

Section 6(a): Recognition and provision for the preservation of the natural character of the coastal environment from inappropriate use and development

Section 6(b) Recognition and provision for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development

Section 7(c): Maintenance and enhancement of amenity values

Section 7(f): Maintenance and enhancement of the quality of the environment

Comments:

- a. Natural character is a component of landscape character and is a measure of the naturalness in relation to the biophysical component of landscape. In my view, there will be some adverse effects on natural character within due to the proposal due to visual dominance of buildings and a reduction in open character around the spur. Buildings are generally restricted to the landward side of Shelly Bay Road and the

coastal edge will be enhanced and public access maintained. There will be a small loss of Open Space B land however the vegetation planting strategies proposed should offset or mitigate any loss of indigenous vegetation.

Overall the effects on natural character will be low

- b. The site has no outstanding natural features however the Shelly Bay setting is within a wider 'outstanding landscape' area and described in the Shelly Bay Design Guide in the Wellington City District Plan as such. The significance of the headland and the ridgeline and hilltop above the site is recognised as an important natural feature. The ridge line falls within a Ridgeline and Hilltops Overlay Area and is identified as Mt Crawford Headland on Wellington City Planning Map 61. It is noted the headland has high visibility within the wider district and communities.
- c. Amenity values will be maintained and enhanced by the proposal. Shelly Bay is currently somewhat degraded with respect to public areas close to the waters edge. The proposal includes new public spaces retention of many specimen trees, additional street trees, development of the 'village green' area and pedestrian and cycle access upgraded and maintained through the site.
- d. The proposal will change the visual character of the site, however the quality of the environment will be maintained and enhanced. The coastal edge will remain protected and available for public access.

There will be a small loss of landscape character due to buildings around the toe of the spur however the wider escarpment landform will remain as the backdrop to the Shelly Bay setting.

New Zealand Coastal Policy Statement (NZCPS)

The relevant objectives and policies of the New Zealand Coastal Policy Statement 2010 for landscape and visual amenity effects provide:

Policy 1 Extent and characteristics of the coastal environment

(1) Recognise that the coastal environment includes:

(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

- (a) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*
- (b) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;*
- (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*

Policy 18 Public Open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- (a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;*
- (b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;*
- (c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;*
- (d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and*

7.3 The Wellington Regional Policy Statement (WRPS)

In the Regional Policy Statement for the Wellington region, Section 3.2 Coastal Environment (including public access); the coast environment is important to the regional community for recreation and general enjoyment. This is reflected in:

Objective 3: Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal

environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.

Policy 26: Protecting outstanding natural features and landscape values – district and regional plans

Policy 28: Managing special amenity landscape values through implementation of district and regional plans.

Comments

- a. The NZCPS and the WRPS have similar themes relating to natural character, landscape, visual qualities and amenity values and will be discussed together below. The Shelly Bay coastal edge has regional and local importance due to the area's natural character, landscape setting and recreational values.
- b. The coastal edge along Shelly Bay Road and Massey Road currently has a high number of recreational users and the public, such as walkers and cyclists passing through the site. Existing access and facilities for recreational users will be maintained and enhanced.
- c. In my view, potential adverse effects on amenity values due to increased traffic effects and visual prominence of buildings may detract from the positive qualities of the proposed development.

However, the coastal edge will be protected and enhanced by planting additional specimen trees, a dedicated pedestrian and cycle way and amenity planting within proposed public space areas. The future development of Shelly Bay in district plan design guide anticipates medium density scale residential development and therefore increased traffic volumes along Shelly Bay Road.

- d. While this proposal will exceed the scale and height of buildings anticipated for future development of the site in the District Plan Shelly Bay Design Guide, there are many positive and mitigating factors that will improve landscape and amenity values within Shelly Bay. These values include the high quality public amenity spaces, enhancement of the water's edge and dedicated pedestrian and cycle access ways proposed.

- e. Overall the proposal is consistent with the values attributed to those in the NZ Coastal Policy Statement and the Wellington Regional Policy Statement.

7.4 District Plan

The relevant objectives of the District Plan relating to landscape and visual amenity effects provide:

Wellington City Council Business Areas Chapter 33 - Objectives and Policies

The area at Shelly Bay has special character that has been recognised in the Plan. Shelly Bay is a highly visible coastal area covering the former military base and has important historical associations. The Shelly Bay Design Guidelines promote development generally in accordance with the quality and character of the area and that respects the special coastal location. The Shelly Bay provisions are in accordance with decisions of the Environment Court (refer Minister of Defence v Wellington City Council W66/99 and W85/99).

8 Shelly Bay Design Guide

8.1 Section 5.0 Objectives

1. To manage new development in a way that enhances Shelly Bay as a **public destination** and a point of interest along the scenic marine drive and protects its unique public amenity value of open texture and foreshore accessibility.
2. To manage new development in a way that respects the **distinctive natural character** of Shelly Bay, through its form, scale and siting, and which is visually related to the surrounding buildings.
3. To promote the historic significance of Shelly Bay and encourage development that respects any identified heritage buildings.

Comments - Objective 1

- a. With respect to enhancing Shelly Bay as a public destination the proposal provides for a high level of redevelopment to improve public space amenity; the

concept is shown on the Landscape Planting and Retaining Strategy dated 08/03/19 in the Shelly Bay Masterplan.

- b. Various public open space areas are proposed including a pedestrian promenades and cycle way. Site landscaping includes appropriate strategies and plant selections for restoration and revegetation of the escarpment behind proposed building and for the enhancement of waterfront amenity areas. The planting choices are hardy indigenous coastal species consistent with species already found in the area. Generally existing Pohutukawa trees within the southern bay will be retained. Several Pohutukawa trees will be relocated to the northern bay promenade.
- c. One concern is the timing of the 'village green' development which appears to depend on the staging of construction and is not part of Stage 1 of the development occurring in the North Bay. Some further information around the timing of the pedestrian and cycleway and public open spaces close to the water's edge would be helpful. I recommend at the earliest possible stage

Overall the proposal meets the intent of Objective 1

Comments Objective 2

- a. With respect to the distinctive natural character of the site, there will be some loss of natural character due to the scale and visual dominance of buildings in front of the spur and the escarpment. The coastal edge will be protected and associated public spaces enhanced. Views out to the harbour will be protected for future residents and recreational users.

Overall the proposal meets the intent of Objective 2.

8.2 Section 6.0 Guidelines

Siting and Massing

- G1. *Building development **immediately abutting the spur** separating the two bays should generally be avoided to provide a visual break enhancing the two-bay form of the area.*

- G2. *New development within the wharf area should be located in a way so as to provide continuous pedestrian access and recreational opportunities along the water's edge.*
- G3. *New development along Shelly Bay Road should generally be built up to the road edge or setback at intervals to provide usable public open space adjacent to the road. This is to enhance the public quality of Shelly Bay Road.*
- G4. *New building development will be expected to comply with the site-specific height provisions and guidelines as follows (refer to the indicative diagram on this page):*
- *new development within the wharf area could rise up to **8 metres** above ground level*
 - *new development along Shelly Bay Road should generally be no higher than 8 metres above ground level, except that it may rise up to **11 metres** over one third of the frontage of any building.*
 - *new development at the rear of the existing flat area of the two bays should not exceed 11 metres above ground level, except that approximately 10% of the building footprint area may rise to 12.5 metres*
 - *the height of any new development within the terraced area of the northern bay (around the existing Hospital building) should **not exceed 7 metres** above ground level.*

Comments

- a. The scale of development around the base of the spur appears intensive. Around the toe of the spur a Building Type 5 – Special – Hotel (27m high) is proposed (See Masterplan 4.4, Page 40). Also proposed is Car Stacker Building (16.5m high), a larger footprint Special Building (15m high). The number and scale of buildings directly located around and in front of the spur reduces the significance of the spur as an important landscape feature. Recognition of the spur could be improved by reducing the number and scale of building proposed within this area of the site.
- b. Also proposed are stand- alone residences proposed within the southern side of the spur. Generally residential buildings should be avoided within Open Space zoning and within the escarpment. The proposed building Type 3 Detached

House with building envelop of 2370m² and maximum floor area of 320m² (shown on Page 68 on the Masterplan) located at the southern end of the site will have adverse landscape effects due to removal of vegetation and earthworks required. As already stated, it is recommended development within the spur and escarpment be avoided.

- c. While the intensity and height of buildings is greater that may have been anticipated for in the district plan Shelly Bay Design Guide, the degree of change in visual character will be unknown until a development proposal for the site is made. The proposed Shelly Bay Masterplan and Shelly Bay Design Guide is very detailed and comprehensive and provides a framework for 352 new homes, commercial enterprises and public amenity spaces.
- d. There will be many positive effects associated with the proposal such as a removal of uncertainty around the future of Shelly Bay and further degradation of buildings and site in general. Existing pedestrian and cycle access will be maintained and enhanced close to the coastal edge. Redevelopment of the wharf areas is outside the scope of this proposal. It is anticipated restoration of the slipway will be covered by consent conditions and the wharf structures at some later date.

Overall the proposal meets some of the Objectives and Guidelines of the Design Guide.

Scale

- G1. *New development should consist of individual buildings with linear character, **separated by open space, and with scale comparable** to that of the existing buildings.*
- G2. *Where the footprint of a new development is significantly larger than that of the surrounding buildings, its bulk should be broken down into smaller elements to reflect the scale of the existing buildings.*

Comments

- a. The apartment buildings are considerably taller than existing buildings on the site. The degree of contrast and potential for visual dominance will have

significant effects on change within the site and views into the site from surrounding areas such from the hillside across Evans Bay

- b. Visual intrusions effects of the taller apartment buildings will be moderated, due to the landscape setting. The town house buildings are broken down into more recognisable medium density housing blocks that better reflects the scale of existing buildings. Shed 8 and the Shipwright Building are the only buildings of any significance in size to be retained. Both buildings are large in footprint and are prominent close to the water's edge. Taller and larger scale buildings proposed will appear set back and in the background.
- c. Consideration must be given to the articulation of the proposed buildings and mitigation. Mitigation such as recessive material and colour palette and hierarchy of buildings that are set back from the coastal edge and steps up in height towards the escarpment, adverse visual effects the development can be reduced to an acceptable level.

Circulation G1, G2

- a. Pedestrian walkability around the water's edge will be retained and enhanced. Overall the proposal will improve public space amenity. Cross site linkages are well planned with views to and from the water's edge maintained. Wide access streets with attractive paving and street trees are proposed parallel to town house buildings and in front of apartment blocks.

Elevational Modeling

- G1. The modelling of new building elevations should relate to the scale, character and elevational modelling of adjacent buildings.*
- G2. The design of new building elevations along Shelly Bay Road should include human scale elements, such as windows, balconies and building entries with entry canopies and verandahs to enhance the public quality of Shelly Bay Road. In this respect large blank expanses of wall that are*

out of scale with adjacent buildings, or form the edge of primary spaces used by the public are undesirable.

- G3. *Locating vehicle entrances and service areas along Shelly Bay Road should be generally avoided. These should be sited to the rear of the building or integrated into the building in a way that does not dominate its public frontage.*

Comments

- a. New buildings relate to each other by stepping up and away from the water's edge. While buildings adjacent to the escarpment are higher than anticipated the effect is moderated by the lower town house blocks in the front. The design of town house style buildings and relationship with Shelly Bay Road is acceptable; the variation in design of frontages will enhance the public space and reinforce a sense of human scale.

Design of Building Tops

- G1. *New building tops should be designed in a way that helps to express the individual presence of each building development while contributing to the area's collective silhouette line.*

Comments

- a. As apartment block roof tops will be flat, rooftop gardens would provide opportunities for outdoor space for residents. With respect to roof design and creating consistency of design for roof lines the proposal is acceptable.

9 Summary of Landscape and Visual Effects

- 9.1 The proposal will have low adverse landscape effects on the site and surrounding area. There will be a slight loss of landscape character due to the reduction in openness around the spur between the bays. Overall there will be many positive landscape effects due to new public spaces, amenity planting, additional street trees, the village green and restoration planting within the toe of the escarpment. The proposal also removes uncertainty around the future of Shelly Bay and further degradation of the site.
- 9.2 For resident viewers located on the hillside above the coastal edge from Point Jerningham to Weka Bay/Kio Bay visual effects will vary from moderate to high. Visual intrusions effects of the taller apartment buildings will be moderated by the landscape setting. With the mitigation proposed such as: recessive material and colour palette and hierarchy of buildings that are set back from the coastal edge and step up in height towards the escarpment, adverse visual effects of the development can be reduced to an acceptable level.
- 9.3 For recreational and other road users from Point Jerningham to Weka Bay/Kio Bay visual effects on the proposal will be low. The viewer may be aware of the proposal but would not have a marked effect on the quality of the scene.

- 9.4 For residents and recreational viewers at the top of Mount Victoria visual effects of the proposal will be low. The viewer has a panoramic view to the south coast and the wider Wellington harbour and general urban fabric of the city. The development within Shelly Bay will appear as a small component of the overall view.
- 9.5 For viewers overlooking Shelly Bay, mostly recreational users and a few residents along the northern edge of Countess Close, Maupuia visual effects of the development will be moderate. The visual character of Shelly Bay will change however the viewer overlooks Shelly Bay and the dominant view is to the wider outlook of the harbour and Mt Victoria rather than focussed on Shelly Bay.
- 9.6 From the section of Cobham Drive where Shelly Bay is visible the visual effects of the proposal will be low. This is due to the nature of the viewers who will be recreational and other road users, the angle of the view and separation distance. There may be awareness of the proposal, but it would not have a marked effect on the quality of the scene.

9.7 For recreational and other road users within Shelly Bay and close-range visual effects will be high. The visual character of the Shelly Bay will change significantly. However, there will be many positive effects to enhance the experience for recreational users. These include the proposed quality public amenity spaces, additional specimen trees and the communal street amenity. Buildings will dominate the site adjacent to the escarpment, however the coastal edge will remain open and views to the water will be maintained.

10 Conclusion

10.1 For resident viewers within the hillside above Point Jerningham and Weka Bay/Kio Bay, Shelly Bay is a significant but distant component of the view. The proposal will appear prominent within the site and potentially contrast significantly with the existing visual character of Shelly Bay. With the mitigation proposed such as: recessive material and colour palette and hierarchy of buildings that are set back from the coastal edge and step up in height towards the escarpment, adverse visual effects of the development will be reduced to an acceptable level.

- 10.2** Medium density style housing up to 12.5 metres is anticipated for the site in the Shelly Bay Design Guide in the district plan. Visual intrusion effects of apartment buildings proposed below the escarpment, while considerably taller than existing buildings on the site, will be moderated due to the existing landscape setting.
- 10.3** The proposal will have positive effects on the landscape and amenity values of Shelly Bay for recreational users. The quality public amenity spaces, additional specimen trees, enhancement treatments for the water's edge and dedicated pedestrian and cycle assess as well as the mix of buildings proposed will improve Shelly Bay as a destination.

Angela McArthur (Consultant for Wellington City Resource Consents & Planning)

Eco-Landscapes & Design Ltd

Registered Member of the New Zealand Institute of Landscape Architects)

2 May 2019

Addendum

Review of Resource Consent Application

Appendix 14 Shelly Bay Landscape and Visual Assessment Report prepared by Wraight + Associates dated 30-04-2019.

1. I have reviewed the updated report prepared by Wraight + Associates dated 30-04-2019 for the Shelly Bay resource consent application. My review comments, summary of landscape and visual effects, and conclusions in report dated 02-05-2019 are unchanged.

2. I have also reviewed Appendix 6, Recommended Consent Conditions received with the resource consent application. I am in general agreement with Landscaping Conditions 59 – 69.

Angela McArthur (Consultant for Wellington City Resource Consents & Planning)
Eco-Landscapes & Design Ltd
Registered Member of the New Zealand Institute of Landscape Architects
21 May 2019

Appendix C – Council’s Open Space Assessment

Comments from PSR on the Shelly Bay application – SR No. 368659.

30th May 2019

General comments

The master plan proposes a wide range of public open space. The design and layout of the public space is supported by PSR with the exception of the lack of provision of a key public access point to the future Te Motu Kairangi Park. It is not clear from the application what land will vest with the Council for public open space and/or access. If land is vested will this be in lieu of Development Contributions? The most recent urban design assessment makes the assumption that the areas shown on the masterplan are public open space but makes no comment on ownership. This remains unclear.

The master plan does not indicate the future role and ownership of the public buildings adjacent to the Village Green or the specific types of activities that will take place. It is difficult to gauge the effects of these buildings until it is known what type of activity will take place.

Trees

The main concern is the forestry block where the removal of the front row of pines from above the development site will lead to tree failure in the remaining block. It will be a similar situation to Karori Park, Spicer forest and Te Ahumairangi hill where the removal of the leading windward trees caused successive failures within the block and in the event of a

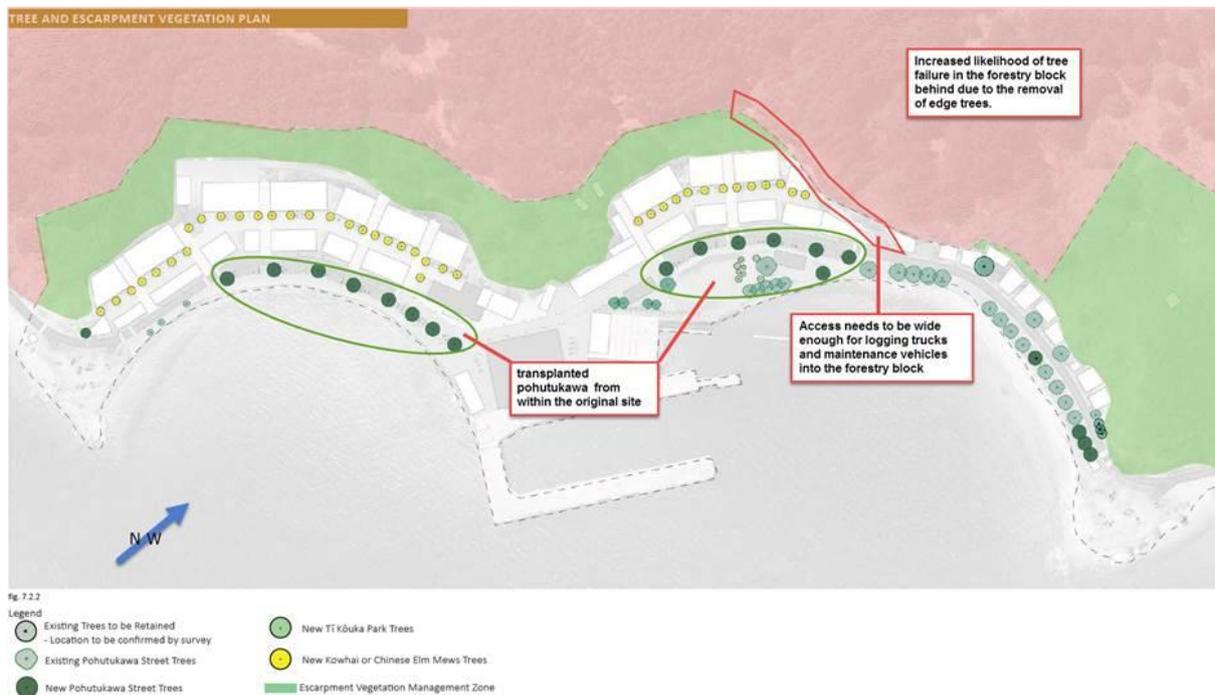
significant storm event a large percentage of the block will likely fail. This site is directly exposed to the north west winds and the proposed tree removal will create a problem in the future for the land owner and could potentially leave a wind thrown block on the flight path into wellington.

There is also 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.

Previous assessment from PSR included suggested conditions that have now been included in the draft conditions set. The exception is that there is no condition

- A 24 month watering programme on any newly planted or transplanted trees in the public realm is to be implemented post contraction at the applicants expense

This condition is still considered necessary to ensure any trees are well cared for in the context of the difficult growing conditions at the site.



Native vegetation and restoration

NBA1 and NBH1 are adjacent to a steep ridge on their northern side. This ridge contains a wide range of threatened plant species including

- *Anthosachne solandri*, blue wheat grass, a small bluey green grass that occurs on rock faces and shrubby areas, locally threatened due to loss of habitat and exotic weed encroachment. It is currently listed as regionally endangered
- *Aciphylla squarrosa*, speargrass, regionally threatened. There is a few left on the steep ridge, only just clinging to life. In Miramar, this would be one of the few remaining naturally occurring plants. Found in other areas of Wellington but reducing in population mostly due to pig rooting and loss of habitat
- *Leptecophylla juniperina subsp. juniperina*, mingimingi. There are some very old relic shrubs of mingimingi on the point which would be probably over 100 years old. Mingimingi in this environment are very slow growing. They represent the type of flora that would have been here pre settlement. Mingimingi have few plants left in

Miramar that are mostly occurring in isolated pockets of remnant coastal flora, the point would have the most plants left.

- *Melicytus aff. obovatus*, on the western side of the point, there are approx. 5 bushes, this plant is regionally critical, very few plants left in the wild and difficult to establish new plants
- *Carmichaelia australis*, while not endangered, there are probably only about 5- 10 plants left on the Miramar peninsula.
- *Olearia paniculata*, akiraho, again, not regionally endangered but this has very few naturally occurring plants remaining in Miramar
- *Libertia ixioides*, mikoikoi, NZ iris, not endangered locally as it has large populations outside of the Wellington peninsula. Few found on the Miramar Peninsula.

This area represents a small portion of what would once have been typical of Wellington's coastal flora, of which there is very little that has not been completely modified.

The ridge also protects the escarpment to the north that has significant native vegetation. Earthworks should be limited to only that necessary to provide foundations for NBA 1 and NBH 1. The area should be protected by covenant or vesting as a reserve as part of the development. This issue appears to not have been considered in the latest plans and condition set and should be included.

A requirement for a vegetation protection methodology to be submitted to and approved by a Council Ecologist (to be provided) has been included in the new condition set. The plan is to be written by a Council approved ecological consultant.

The North Point Park is a continuation of the ridgeline that has been broken by the Shelly Bay Road. This area has great potential for a restoration project using some of the threatened species listed above. It is important that the car parking area is limited in area and well protected from car movement. In addition it would be useful to better define access from here to the sea to focus any activities such as fishing in specific sports to avoid trampling and damage to the sensitive coastal vegetation. This issue has not been addressed in the new plans and is not subject to conditions. It remains an issue to be included.

The whole area is accessed by penguins and the design needs to ensure that provision is made for easy access from the sea and possible provision of safe nesting spaces.

Connectivity and Access

The original concept had two shared lanes with access through to the road on Defence land (now held by LINZ). The proposal here has this reduced to one according to the map in 1.3.1. We are comfortable with one shared access given there is another access via the 4WD road at the southern end. However the plan does not show the connection between this land and the Defence land or how such access can be secured in future.

We accept that until the future of the land held by LINZ is decided it is premature to develop a formed access way but legal provision should be made now for future public access. This is a significant oversight and should be included as a specific matter on the site plan fig 1.3.1 and be a specific requirement of the consent. The development of a park at Te Motu Kairangi will occur in coming years and this will be one of the key entrance points to the park. There will be an operational requirement to access the future park through the site via the existing 4WD track.

Appendix D – Council’s Design Assessment

Paterson Cullen Archaus Ltd.

Level 1

6 Mitchelson Street

Ellerslie

Auckland

21 May 2019

RE: Urban Design Assessment- Shelly Bay Masterplan.

Dear Trevor,

Thank you for the opportunity to provide urban design comments in relation to the urban design of the proposed Shelly Bay Masterplan.

I have structured the following memo into a number of sections to provide some context, as follows:

1. my details and qualifications
2. my background and relationship with the site and application
3. material referenced in my original assessment
4. material referenced within the current application
5. clarification of specific points
6. overall conclusion
7. recommended conditions of consent.
8. addendum

1. Details and qualifications

My name is Chad McMan. I hold two formal qualifications- a Bachelor of Architecture and a post graduate Master of Urban Design (hons). I have been involved in the design of buildings and places over the last 25 years, including subdivision design and master-planning.

I am not currently engaged in any work at Shelly Bay, and the applicant is not (to the best of my knowledge) a past, current, or future client. I was approached by Wellington City Council to undertake an assessment of Shelly Bay and I am not aware of any actual or perceived conflicts of interest arising from that request.

2. Background and relationship with site and application

Currently, I am a company director but have also worked in the private sector, public sector, as well as time in a corporate environment managing the design, implementation, and delivery of master-planned developments in New Zealand.

I am a former employee of Wellington City Council and during my employment undertook an urban design assessment of the Shelly Bay Masterplan. My assessment at that time related to documents lodged as a HASHAA application, and the reporting council planners were Ms. Anna Hanson and, later, Mr. Nathan Keenan.

I am familiar with the site having visited it multiple times in relation to the application, as well as being an occasional user of Shelly Bay as a recreational area.

3. Material referenced in my original assessment

Unlike many applications received by Council, the Shelly Bay HASHAA documents of 2016/2017 reflected the outcome of many hours of collaborative workshops held over the preceding year between Council, the applicant, and their consultant team. Masterplan documents were iterative, and had been refined over time to reflect feedback by Council (via myself), and ongoing design refinement by the wider design team.

At the time of my original assessment, the masterplan drawings had been finalised, and the Shelly Bay Design Guide was revision 21.

My initial urban design assessment was comprised of two parts:

- Recommended conditions of consent, being changes to the text of the design guide. These were sent via email to Ms. Hanson on 16 January 2017, and followed discussion (and agreement) with Mr. Stuart Gardyne of Architecture +, the applicant's consultant
- Urban design assessment dated 07 February 2017. This was emailed to Mr. Keenan and included one additional condition of consent regarding the provision of public toilets, which I comment on further below.

The text of the design guide was subsequently updated on 19 January 2017, and is referenced as Revision 22. I did not sight text changes made within the guide at that time as my employment with Wellington Council was coming to an end.

As part of this assessment a copy of Rev.22 has been supplied. It is Revision 22 of the Design Guide that is cited or known as 'the Design Guide' in the original application decision, initially granted consent but subsequently overturned.

4. Material referenced in the current application (relevant to urban design)

The current application, in terms of urban design, is comprised of:

- AEE, dated 14 March 2019
- Shelly Bay Masterplan drawings (rev. 10), dated 08 March 2019
- Shelly Bay Design Guide (rev. 23), dated 08 March 2019

In addition to these documents, Council has also supplied a proposed staging plan prepared by Harrison Grierson, issued for Resource Consent dated 15-08-17, titled 'Scheme Plan of proposed subdivision/ and referenced as 142175-01-RC02/03/04 (rev. 1).

These drawings indicate North Bay is intended to be developed in the first instance, then the middle section between the two bays (landward only) and south bay implemented as the last stage. The plan also shows current legal boundaries of road reserve, the parcel shape and size of future lots within each stage, and gives a good indication of the relative size of open space of both existing and future development.

I have assumed these staging plans form part of the current application, and have attached a copy of them for reference.

5. Clarification of specific points

5.1 Changes in Rev. 22 of the Design Guide

I have reviewed a track changed copy of the Design Guide between Rev. 21 and Rev. 22. While the text changes proposed were mostly adopted, their intent was achieved in Rev. 22., with the exception of two omissions (pages 41 and 60), discussed further below.

5.2 Changes in Rev. 23 of the design guide

I have read a tracked change version of the Rev. 23 text and find it consistent with the intent of Rev. 22. I support Rev. 23 of the Design Guide as lodged in the current application, with the exceptions of omissions on pages 41 and 60 noted above.

5.3 Changes to masterplan drawings in current application

I was not supplied with a copy of the original masterplan drawings in this assessment, but have read through the current application drawings and note they appear relatively unchanged.

A previous revision (dated 9 November 2016) to the drawing set was contained on page 74/ section 5.1; Site Access and Parking Strategy. Those changes have since been adopted on p.75 of the current drawing set.

5.4 Heritage

Although there is a degree of overlap between aspects of urban design and heritage, I have excluded heritage matters from this assessment.

In my original assessment I made reference to heritage considerations. These were subsequently adopted in Rev.22 of the design guide and have been retained in Rev. 23 of the Design Guide.

5.5 Provision of public toilets

In my original assessment I commented on the need for public toilets to be provided if Shelly Bay were to become a destination for the wider public, similar to other coastal settlements around Wellington.

There was agreement between council and the applicant on this matter when my urban design assessment was originally written. P.44 of the design guide was updated to include design guidance on toilet provision, but has no time component associated with it. A recommended condition of consent regarding the inclusion of public toilets in stage 1 onwards was missed or not included in the approved consent.

I have not had an opportunity to discuss this omission with council's planning staff or the applicant. In the absence of any comment I maintain toilets could and should be provided in *all stages* of development, for the reasons set out below (a paraphrased version of my original comments noted below, in italics):

"I support the intent of Shelly Bay to become a destination in its own right. For that to occur it must provide amenities, attractions, and be perceived as a new community with a genuinely public realm. It is likely people will visit to fish from a wharf, use the proposed open spaces, picnic, sit on the beach etc., all of which contributes to interest and the economic vitality of Shelly Bay.

For groups who are not paying customers, it is reasonable to expect Shelly Bay will have public amenities such as free toilets, water fountains, taps/showers etc. Importantly, for the place to feel like public space there should be no barrier- real or perceived- to using such facilities.

While a café is proposed it provides toilets by necessity, it is likely their use will be restricted to café patrons only. A kiosk with public toilets is proposed north of the existing saw tooth building/ building 8. The staging plan in the application indicates the kiosk/toilets will be implemented in stage 1c, being the last stage of works. In my opinion the provision of public facilities should be integral to all stages of development.

To ensure the Shelly Bay development has public facilities, and to encourage occupation and use of public spaces from its inception, I recommend public toilets be provided during business hours in all phases from stage 1 and beyond".

I recommend this be retained as a **condition of consent**. I also note this could be achieved by altering the staging map boundaries to include the kiosk (previously identified as containing toilet facilities) within stage 1a of the proposed works.

5.6 Provision of services- mixed use buildings

I support the inclusion of mixed-use buildings in this development as it creates interest and activity night and day, during the week and at weekends. It is also a useful inclusion as it allows residents to be less reliant on transport to other places to meet day to day needs, or a dormitory suburb.

To allow for this, mixed-use buildings should allow for greater levels of servicing than more 'passive' retail (e.g. a restaurant rather than a bookshop), and have an ability to accommodate larger scale ductwork without negatively impacting the public realm. Previous versions of the design guide contained text on this point, to serve as a reminder for building designers. This was deleted on p.60 of Rev.22 (not sighted by me), and again in Rev. 23.

I maintain the text is a useful consideration in the design of the ground floor of apartment buildings, as shown on p.41 (G7), and may be missed if designers referred to the guide under 'apartments' rather than 'mixed use' buildings, based on the dominant activity (apartment living). As above, I have not had an opportunity to discuss this omission with council staff or the applicant, but in the absence of any rationale recommend the text of design guidance be altered to include guidance on servicing as a **condition of consent**.

5.7 Additional comment: open space provision

The existing environment at Shelly Bay contains a variety of public open spaces, including the 'headland' environments at the ends of north and south bays, the coastal edge along both bays, and flat areas of land within each bay with buildings dotted about.

As an occasional user of Shelly Bay, I find the existing public realm to be somewhat ill defined. While there is a well-used grassed area in front of the café, the balance is generally residual or 'leftover' space set between existing (empty) buildings.

The current application proposes a variety of environments; the retention of 'undesigned' environments at the northern and southern ends of the development, the wharf/ maritime environment between road and water's edge, a linear coastal walkway, different types of roads/ spaces as fingers to access rear-lot towers, and a village green with existing trees retained where possible.

The provision of open space for a large-scale development such as this should have regard for both quality and quantity, and in my opinion the application achieves both. I do not have

a matrix or table that quantifies the space requirements per person as a 'best practice' guide, but note the cumulative areas of publicly accessible space appears much larger than say Oriental Bay- an environment more densely populated than proposed, yet highly valued by the public.

In terms of quality there is genuine variety in terms of spaces, materials, and environments created. In particular, the ability to be proximate to the water's edge (including marine activities) or to retreat further inland depending on, wind, weather, or type of activity, is desirable.

Overall, in my opinion the masterplan creates a variety of public open spaces that are well defined, interesting, useful, and support use and activities for residents and visitors alike.

6. Overall conclusion

In addition to existing and proposed buildings and public spaces being subject to an independent design review panel, the future form of Shelly Bay will generate an organic variety through staging and time, and because of a number of highly variable project drivers; the ideas of multiple architects, developers, budgets, technical requirements, uses, heritage retention, and user requirements of a mixed use community. I remain confident this masterplan can and will deliver an authentic community with a unique sense of place.

Since my involvement in 2016/17 I have read a variety of media articles about the proposed development, some including illustrations of what are described as possible development scenarios. I have found many of these to be inaccurate and somewhat misleading; the masterplan and design guide contain a range of measures that ensure future built form is much more sophisticated than the bulk and location parameters established by the masterplan.

Overall, I stand by my original recommendation and support the application, subject to recommended condition of consent listed below.

7. Recommended conditions of consent

- i. The applicant shall provide public toilets (male/ female/ accessible) in all stages of development, with hours of operation to match public facilities in similar locations (Oriental Bay, Scorching Bay etc.). Toilets must be located to function independently of any other activity, shall be legible and easy to find, and be free to use by members of the public.
- ii. Design Guide text (p.60, Services guidance, point G4) shall be reinstated/updated as follows:

“G4 Ensure potential commercial or mixed-use spaces are future proofed by provision of ducts, shafts and acoustic treatment sufficient to allow changes of use”

8. Addendum

I confirm this report has had minor text changes and was finalised on 21 May 2019.

Please contact me if anything requires clarification.

Kind Regards,

A handwritten signature in black ink, appearing to read "Chad McMan.", with a small flourish at the end.

Chad McMan.

Appendix E – Council’s Transportation Assessment

Transport Assessment on Resource Consent Application

May 2019

Service Request No: 368659

File Reference: 1039017

Site Address: 232 SHELLY BAY ROAD , Maupuia

1. Introduction:

The proposal is for a comprehensive mixed use redevelopment of the former Air Force Base located at Shelly Bay on the Miramar peninsula. The proposal comprises a new residential subdivision, and aged care centre, boutique hotel, commercial/retail and cafes/restaurant/bars

The applicant for the proposal is The Wellington Company.

The current application is more or less identical to the earlier 2016 application in respect of the transport elements of the design. This transport assessment is therefore largely a repeat of the November 2016 transport assessment with only some commentary added where the applicant has provided more recent data, for example updated traffic volumes or later versions of traffic modelling software, or more information on a specific aspect of the proposal.

2. Further Information Required:

I am generally satisfied that the information provided to support the application is adequate unless referenced in the suggested conditions included in Section 15 of my assessment

3. Legislative Requirements (i.e. District Plan / Standards / Design Guides)

Wellington City Council District Plan

4. Assessment:

4.1. My primary reference is the Transportation Assessment Report prepared for the applicant by transport consultancy Stantec Ltd. This is referenced as Appendix 5 of the application. Additionally I have referred to the Shelley Bay Infrastructure Assessment prepared by Envelope Engineering Ltd and referenced as Appendix 10 of the application.

4.2. There are a number of transport related issues which are covered in this assessment. These include:

- Access and road layout
- Travel modes including private vehicles, public transport, walking , cycling
- Parking requirements and provision
- Servicing
- Trip generation
- Proposed improvements to Shelly Bay Road
- Vesting of roads
- Construction management

5. Access and Road Layout:

Note: the following comments are substantially the same as my November 2016 assessment. There were also parallel Vehicle Access Assessments provided by the Council's Transport business unit dated 30 September 2016 and 22 November 2016 and these assessments should be taken as being still applicable with regard to this latest resource consent application.

Shelly Bay Road – Existing status and use:

5.1. The existing Shelly Bay Road extends from the proposed development site which forms the former Shelly Bay NZ Air Force Base and extends south following the edge of the Harbour through to its intersection with Miramar Avenue. It is classified as a Local Road in the Council's District Plan road hierarchy and as a Collector Road in the Council's Transport Asset Management Plan. The proposed development site at Shelly Bay is somewhat isolated being about 2.5km from the nearest bus route and around 3km from the nearest shops at Miramar.

5.2. Since the closure of the air force base, Shelly Bay Road has functioned primarily as a tourist/recreational/scenic route with higher levels of use at weekends- principally car traffic with a moderate level of pedestrian and cycle activity also. There is significant recreational use of the large number of small beaches for camping/fishing and the road provides access to a small number of commercial businesses which operate out of former air force base buildings. It also forms part of the harbour edge route providing secondary level access to Scorching Bay, Worser Bay and Seatoun.

5.3. Current traffic levels are quoted by Stantec as about 2000-2500 vehicles per day (vpd) during busier summer months with lower volumes of around 1200-1500 vpd outside the peak months. They have not provided daily flow levels showing the variation over the 7 day period, however interpretation of the data provided indicates that Saturday and Sunday flows are noticeably higher than weekdays with the highest volumes on Sundays at an estimated 4000vpd.

5.4. There is a current 40km/hr speed limit in place on Shelly Bay Road which reflects the recreational nature of the road together with its relatively narrow and winding alignment with no separate provision for pedestrians or cyclists. It is formed as a rural road with no separate footpath. Pedestrian and cycle use is predominantly recreational and highest at weekends

5.5. There are no scheduled bus services which use this route currently. Its road safety record does not give rise to concern, with 4 minor crashes recorded during the 5 year period 2014-2018.

Shelly Bay Road – Proposed layout within the development site:

5.6. It is proposed that the existing Shelly Bay Road where it runs through the development site, will be upgraded to provide an improved alignment to match the proposed development layout. The proposed road layout does not completely match existing and this will therefore involve appropriate land exchange and vesting.

5.7. The new road layout for Shelly Bay Road within the site is proposed to comprise (from east to west):

2m footpath

2x 3m traffic lanes

Minimum 3.5m shared pedestrian/cycle lane

Total 11.5m

In addition, public parking is provided for in separate 90 degree angle parking bays at locations along the Shelly Bay roadway.

Assessing this proposed road layout against the Council's Code of Practice for Land Development (COPLD), the nearest fit would be a residential collector road for which the road layout is indicated as:

2x2m footpaths

2x3.5m traffic lanes

2x1.5m cycle lanes

4x1m berms
2x2m parking
Total 22m

5.8. I believe this would be both impractical and inappropriate for the situation proposed for Shelly Bay. I believe the proposed road layout is acceptable with the following comments:

- The Stantec 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 Stantec 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.

5.9. The proposed kerbside parking arrangement where 90 degree angle parking is proposed in clusters on the seaward side of the road, has been previously assessed as acceptable by the vehicle access engineer.

5.10. With regard to the proposed length of shared space roadway through the central part of the development where the greatest concentration of kerbside activity can be expected, it would not be appropriate to have a formal “shared zone” where pedestrians have legal priority over vehicles (e.g. as for lower Cuba Street). This is because traffic volumes will be too high for such an arrangement.

5.11. The creation of a low traffic speed environment with safe and convenient crossing points for pedestrians to connect to both sides of the road carriageway is however appropriate.

5.12. The design of this central section of roadway as proposed by the applicant where the conventional kerb and channel is replaced by a dished channel requires further consideration with regard to pedestrian safety – in particular for blind or partially sighted pedestrians and also storm water control. A low kerb and channel is likely to be a more suitable option.

5.13. The proposed pedestrian crossing features at each end of the raised central section of roadway can be seen as highlighting that this is the heart of the development where traffic is required to take special care. The best way to achieve this safely will need to be carefully worked through between the applicant's designers and Council, and a more formalised crossing design could be more appropriate bearing in mind that the legal priority on the roadway will always be the motor vehicle except where a zebra crossing or traffic signals are installed. This means that pedestrian platform designs need to take account of the status and use of the public road. They are not usually sited on through traffic routes.

5.14. It is likely that a further reduction in speed limit down to 30km/h from the existing 40km/h will be recommended to Council for consideration so as to apply to the length of Shelly Bay Road through the development site.

Laneways and Parking Mews:

5.15. The proposed development includes a number of laneways which will provide access to properties on the eastern side of Shelly Bay Road. There are also a number of internal parking mews which will provide access between the laneways.

5.16. These have been previously assessed by the vehicle access engineer in terms of compliance with Council's design requirements. They will not be vested in the Council.

Shelly Bay Road between Shelly Bay and Miramar Avenue:

5.17. The Stantec report focuses primarily on the transport related infrastructure to be provided as part of the major mixed use development within the Shelly Bay site. However the significant increase in traffic which can be expected to result from the proposed development will require improvements to Shelly Bay Road between Shelly Bay and Miramar Avenue. This is discussed in section 10 of my assessment.

Massey Road:

5.18. It is not expected that the Shelly Bay development will on its own, generate much if any additional traffic on the road connection north of Shelly Bay. It is therefore not necessary for the application to consider any road widening or other improvements on Massey Road.

6. Travel Modes:

6.1. The site is relatively isolated and the primary access is by private transport as there are no public transport services to or from the site. The road is used as a recreational route for cyclists and pedestrians especially at weekends. Shelly Bay Road is also an established scenic route for drivers and the current small scale commercial activities operating out of the former air force base generates vehicle activity mainly at weekends.

6.2. The Stantec report confirms that there are no public transport routes currently serving Shelly Bay although they suggest that the scale of the proposed development may warrant a review of the existing services. In this regard greater Wellington Regional Council (GWRC) have previously confirmed that it is very unlikely to justify a bus service. The smallest stand-alone urban catchments in the Greater Wellington region that currently support regular scheduled bus services have populations generally in excess of 2700 residents. Urban catchments with smaller populations than this have proven unviable.

6.3. GWRC suggest it is possible that some very limited targeted service such as a school bus or shopper service could be provided at some point in future. For these to be feasible a facility to allow a bus to turn at Shelly Bay would be required, so they request that this is a requirement of the resource consent.

6.4. GWRC note that regular scheduled bus service is available nearby on Main Road, Maupuia, although topography would likely prevent this being a feasible option for Shelly Bay unless some form of facility such as an elevator/funicular were provided linking Shelly Bay to the existing bus route. This would be a preferable option for GWRC as it would improve the viability of the existing bus route through Maupuia and Miramar Heights.

6.3. Stantec state that a new ferry service connecting the site with Queens Wharf will operate from the existing Shelly Bay Wharf providing regular return journeys for residents. Depending on the service provided and the timetable then this could prove a useful alternative to using private vehicles for work trips in particular and also for leisure and recreational trips to and from Shelly Bay.

6.4. It is not clear how the ferry service would be operated or the level of certainty associated with the service including its long term viability. For the purpose of this assessment therefore it will be prudent to assume that the ferry service is not in place.

6.5. It can therefore be taken that the primary mode of transport to and from Shelly Bay will be by private vehicle although some level of cycle and powered two wheel vehicle trips can be expected to occur. These will be on top of the existing recreational – primarily weekend-motor vehicle, pedestrian and cycle trips which use Shelly Bay Road.

7. Parking Requirements and Provision:

7.1. Because the site's District Plan Zoning is Business 1, there is no requirement to provide car parking. However for a mixed use development to be viable at this location, the applicant is proposing to provide car parking to support the development.

7.2. Stantec have assessed the parking demand for the proposed mixed use development using the appropriate reference guides relevant to the New Zealand situation. These are the NZTA Research Report 453 "Trips and Parking Related to Land Use" November 2011. Also the RTA (New South Wales) Guide to Traffic Generating Developments 2002.

7.3. Stantec has detailed separately (Table 5.1) the different land uses and indicated the "industry standard" parking demand for each land use.

7.4. In most cases I consider that Stantec has reached an appropriate figure. The exceptions are as follows:

Residential: – Stantec has not in fact used an industry standard but have simply referenced the Wellington City Council's District Plan parking requirement for residential zones of 1 space per unit. Reference to RR 453 suggests an average parking demand of 1.4 per unit. Additionally no visitor parking provision appears to be proposed and it must be assumed that the designers believe that any visitors will use the public spaces proposed to be located along Shelly Bay Road. This is not an appropriate assumption as it can be expected that these spaces are to be associated with the other proposed land uses and the Council can be expected to place time limits on these spaces to ensure turnover and availability of spaces for visitors.

Hotel: - Stantec suggest that the proposed 50 bed hotel will generate a parking demand of 1 per 5 rooms. I believe this is unrealistically low since the site is isolated from the central city and major suburbs and remote from public transport. I suggest a figure closer to that suggested in RR 453 for a motel of 1 per unit/room should be provided both for the viability

of the enterprise and to avoid hotel customers using parking spaces provided for other developments.

7.5. Additionally I note that there is no parking provision identified to serve the needs of employees who will work at the site after it is developed. As the site will be highly car dependent, it can be expected that many employees will need to travel to and from work by car.

7.6. The actual parking provision as proposed in the Stantec report is less than the demand predicted. Additionally it is unclear how the proposed parking supply is to be distributed over the various sites or what assumptions have been made about the uses of these spaces. For example what assumptions have been made about the use of the 90 degree angle parked bays proposed along Shelly Bay Road on the seaward side of the roadway, compared with the parking proposed within the private areas of the development such as the residential units, retirement complex and hotel. It is therefore not possible at this point to assess whether the proposed parking provision can be expected to match the demand although for this site due to its relative isolation, the consequence of under provision will be likely to impact on the viability of the various land uses rather than impact on the functioning of the areas in public ownership, as these public areas will be able to be controlled by Council, including parking controls.

7.7. As previously mentioned, there is no requirement for the applicant to provide any car parking on the site under the current District Plan provisions. Where however parking is provided it is required to comply with the requirements of the District Plan.

8. Servicing:

8.1. Stantec in Section 8 of their report, have provided information on the servicing demands and practices anticipated for the various activities. These cover both the residential and commercial elements of the development. Although I accept their description of the types of servicing activities which can be expected, I believe it is appropriate to ask for a more detailed servicing plan to be prepared post consent on the expected servicing activities. This would include location of service vehicle standing areas, and how reversing manoeuvres can be minimised with particular reference to rubbish collection e.g. rubbish trucks should be able, as far as practicable to navigate the private roadways without the need to reverse.

9. Trip Generation/Traffic Effects on the Network:

9.1. The proposed development will substantially change the transport characteristics of the site and impact on the roading connection between Shelly Bay and Miramar Avenue.

9.2. Stantec suggest that the development will generate around 3,500 additional daily trips. ((1750 in + 1750 out). They base their calculations on RR 453 and the RTA Guide to Traffic Generating Developments and I consider their assumptions and calculations to be valid as applicable to a typical weekday situation. Weekend trip generation can be expected to be different with fewer commuter trips and more trips related to the retail activity.

9.3. The result will be that the traffic volumes on Shelly Bay Road between Shelly Bay and Miramar Avenue can be expected to increase from the current level of around 2000-2500 vpd during busier summer months to around 5500- 6000vpd, an increase of about 180 %. No trip generation figures are provided for weekends but Sunday traffic volumes can also be expected to increase over the current estimated 4000vpd.

9.4. In terms of traffic distribution, the majority of the development-generated traffic will route via Miramar Avenue and then either to local trip destinations such as schools workplaces, shops etc. or to the central city.

9.5. The additional traffic projected to result from the proposed development triggers a need to consider the impact on the road network; both the connection between the development site and the main road network at Miramar Avenue, and also the existing intersection at Shelly Bay Road and Miramar Avenue. This is covered in Section 10 of my assessment.

9.10. With regard to the wider impact on the city's transport network beyond the Miramar Avenue intersection, it should be acknowledged that there is an implicit assumption that the city will continue to grow and that this growth will impact on the transport network. This is addressed through a range of city, regional and national policies and programmes including the recently announced Lets Get Wellington Moving project which addresses the transport issues and solutions on the transport corridor between Ngauranga and Wellington International Airport.

10. Proposed Improvements to Shelly Bay Road between the Development Site and Miramar Avenue

10.1. The Stantec report focuses primarily on the transport related infrastructure proposed to be provided as part of the major mixed use development within the Shelly Bay site and I have referred to this in the earlier parts of this assessment. It does not assess in any depth, the adequacy of the existing road connection external to the development site via Shelly Bay Road and linking with the main traffic route at Miramar Avenue, other than a specific analysis of the key intersection of Shelly Bay Road and Miramar Avenue which has been

modelled for future performance by Stantec. Stantec does however, in section 7.4 of their report, acknowledge the need for improvements to the existing Shelly Bay Road to improve amenity for pedestrians and cyclists. They then proceed to refer to the Calibre Report which forms Appendix C of their report

10.2. Stantec, in Section 7.3 of their report, note that the trips generated by the site will be progressively added to the network over a number of years. They suggest that the anticipated future traffic flows on Shelly Bay Road once the site has been fully established, sit within the existing volumes currently accommodated on other comparable roads in the Wellington area. Further, they comment in Section 4.2 of their report, that the Council has identified a series of improvement works for this section of road which will provide some widening of the existing carriageway and a new shared cycle and pedestrian path.

10.3. It is correct that following the previously granted resource consent, the matter of improving Shelly Bay Road has been the subject of discussion, and the exact scale and form of improvement remains to be determined by the Council. None the less, as a starting point I consider that the Calibre report provides valuable guidance on the potential practical improvements to the existing road to accommodate the additional transport demand resulting from the proposed development. I refer to this in more detail later in my report.

10.4. In the future scenario it can be expected that there will be a new morning and afternoon peak traffic movement of commuter traffic which does not exist currently and there will also be more traffic at other times during the day including weekends when there will be the highest levels of recreational/leisure traffic. This will include pedestrians and cyclists in the mix. There can be expected to be a new evening demand associated with the residential, hotel and restaurant/leisure activities at the site.

10.5. Calibre Consulting comment in Section 4 of their report, that although in a normal “greenfield” situation this length of road would require a carriageway width of 14m plus 8m of footpaths and berms, constructing a road to this standard would not be feasible due to physical constraints. They also note that such a design would serve to urbanise the road which may result in adverse effects overall.

10.6. Calibre therefore propose that a 6m carriageway plus a 1-1.5m pedestrian/cycle corridor could be provided without the need for significant structural works or large scale environmental impacts. Calibre suggested that while the finished result may not be fully compliant with Code of Practice requirements it would be of a scale and standard that sufficiently and appropriately catered for the development proposal.

10.7. Although substantially below the relevant standards recommended in both the WCC Code of Practice for Land Development and the industry standard NZS 4404:2010 “Land Development and Subdivision Infrastructure” I accepted that based on physical practicality it would not be possible to achieve these “green field” standards without very major works to extend the road corridor into the harbour with the associated high costs and environmental issues this would raise in regard to obtaining resource consents from the regional council. Therefore for the purpose of assessing the 2016 application I considered that the proposed practical improvements to the road corridor should be accepted. I added the proviso that, if the development proceeded as planned, and following its completion, the Council carefully monitor the performance of this length of road in regard to traffic safety, traffic operations and public amenity so as to determine whether it should proceed to develop plans for further road widening to bring the standards closer to those recommended in the COPLD and NZ4404.

10.8 I remain of this view and believe that the Calibre proposal should be seen as the minimum acceptable standard to be achieved if the development is to proceed. I am satisfied that it would provide adequate vehicular traffic capacity and would provide a good level of safety as Shelly Bay Road is already subject to a 40km/h speed restriction and has a number of traffic calming devices currently in place with the potential for further traffic calming if this was considered to be necessary at a future date. The one area where the Calibre proposal could be argued to fall short is the provision for cyclists and pedestrians. It would clearly be desirable for more space to be available on the seaward side to accommodate the predominantly weekend (Sunday in particular) pedestrian and cycle activity. However the proposed 1-1.5 m width would be an improvement on the existing provision and would likely take the form of a sealed shoulder separate from the adjacent traffic lane. This would not provide a particularly high level of convenience /amenity but I believe it would be able to function with an acceptable level of safety as referred to above. Clearly if it is agreed that a higher standard is able to be achieved then that would be a better outcome for primarily recreational walkers and cyclists.

10.9. In addition to providing a level of improvement for pedestrians and cyclists, the design should provide for the retention of recreational parking where possible at locations where the road reserve is wide enough to accommodate space for parking behind the pedestrian/ cycling facility. This will help maintain the existing recreational use by families of the numerous small beaches along the route. Parking restrictions will required along this section of Shelly Bay Road to prevent stationary vehicles obstructing pedestrians and cyclists.

10.10. I note that there is no reference to the provision of street lighting in the technical reports. Although there is currently no street lighting on this length of Shelly Bay Road, with the proposed development in place there will be both a significant increase in traffic volume

and a change in the characteristics of the traffic movement. There will be a new am. and pm. traffic load which will occur partially during the dark in winter. There can also be expected to be a new evening demand resulting from the residential development and the hotel etc. occurring during darkness in the winter. For these reasons and because a rural type collector road of this nature would be expected to have street lighting in place so as to comply with the current AS/NZS Standard 1158 I consider that street lighting should be included in the design.

10.11. It should be noted that Shelly Bay Road is part of the Great Harbour Way which is essentially a recreational route for walking and cycling. It uses existing roads and over time it can be expected there will be improved way-finding, route promotion and possibly route improvements to provide for increasing leisure activity along the route.

10.12. In regard to the detailed design of the roading improvements on Shelly Bay Road, these will need to be carried out in conjunction with and to the satisfaction of the Council's Transport and Infrastructure business unit prior to the roading improvement works being carried out. These roading works should preferably be implemented in advance of the development, or at least incrementally as the development progresses. Because the Council has the core expertise in the design and construction of roading works I suggest that these tasks should be carried out by the Council rather than by the applicant.

10.13. I note that Stantec proposes a package of physical improvements to the intersection of Shelly Bay Road and Miramar Avenue so that the intersection would be able to handle the significant additional traffic expected to be generated by the proposed development at Shelly Bay. The proposed improvement comprises a widened median on Miramar Avenue to assist right turning vehicles exiting from Shelly Bay Road to carry out the manoeuvre more conveniently in two stages. Additionally the Stantec design includes a new short dedicated left turn lane on Shelly Bay Road for vehicles turning left on to Miramar Avenue.

10.14. However, since the 2016 application, the Council has further developed its cycling network plans and it has now agreed the design for a new cycle route between SH1 and Miramar. This is planned to route a two-way cycle facility at the Shelly Bay Road/Miramar Avenue intersection crossing Shelly Bay Road and set back one car length from the give way line, with priority allocated to cyclists. The scheme is planned for implementation this year, and therefore the applicant should reassess the future design of the intersection, taking account of the new cycle facility.

11.Vesting of Roads:

11.1. It is proposed that the realigned Shelly Bay road where it is routed through the development site will be vested in the Council. This will involve an appropriate land swap between the landowner and the Council to achieve the improved alignment and associated roading requirements including on-street parking areas, roadways, footpaths and shared spaces.

11.2. Other vehicle and pedestrian accesses to properties including laneways and parking mews will remain under the management of a residents association which will be required to be established to oversee the management of common areas and to ensure associated rules and covenants are complied with.

12.Construction Management:

12.1. There will be very significant construction activity involved in developing the major complex which is proposed. The development may take a number of years to be completed and could require a number/series of construction management plans for the various elements of the development.

13. Conclusion:

Subject to my above assessment and proposed consent conditions and advice note, I am able to support the proposal in terms of its transport related effects,

14 . Suggested Changes to Proposal:

There are a number of matters raised in my assessment which should be addressed by the applicant. These are referenced in the following conditions/advice notes

15 . Suggested Conditions

1. An appropriate construction management plan/plans will be required to ensure the major mixed use development can proceed while ensuring the necessary safeguards are in place to protect the public from any adverse construction effects. The construction management plan/plans will need to be prepared and submitted to Council's Resource Management Compliance team for approval, with input from Councils Transport and Infrastructure business unit prior to any work starting on the site. The plan must include methods to avoid, remedy or mitigate, adverse construction traffic effects during the development of the site.

The plan/plans must include but not be limited to the following matters :

- 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.
 - An emergency (24/7) contact phone number
 - A public complaints register
 - 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.
2. The detailed design of the public roading infrastructure proposed to be provided in connection with the Shelly Bay development must be approved by the Council 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. Also street lighting, utility services alteration, signage and roadmarkings all of which will need to comply with Council's requirements. Specific design issues will include:
- Carriageway width
 - Bus turning area
 - Design of proposed shared spaces
 - Pedestrian crossings
 - Street lighting requirements
3. The consent holder should provide plans showing all required signs and road markings and details of any traffic/parking restrictions which will be required to ensure safe and efficient operation of the public roads and for the management of parking.

The above Conditions apply to the roading within the confines of the Shelly Bay development sites. With respect to Shelly Bay Road between Shelly Bay and Miramar Avenue it is proposed that the Council takes responsibility for the design and construction of the agreed roading improvements. Other conditions are as follows;

4. Appropriate servicing arrangements will need to be provided for the various developments proposed to ensure that the delivery of goods, collection of refuse and other routine operational needs of the development are satisfactorily provided for. It is proposed that a servicing plan is prepared to cover this aspect.
5. The applicant should provide a staff travel plan detailing 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.
6. The applicant will need to reconsider their proposed improvements at the Shelly Bay Road/Miramar Avenue intersection to take into account the currently planned cycleway improvements expected to be carried out this year. This will need to show how the increase in traffic expected to be generated by the proposed Shelly Bay development can be accommodated satisfactorily at the intersection.

16. Suggested Advice Notes

1. 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 public angle parking within the legal road which the Council will be responsible for managing.

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Appendix F – Council’s Earthworks Assessment

Earthworks Assessment on Resource Consent Application

28 May 2019

Service Request No: 368659

Site Address: 232 Shelly Bay Rd.

Introduction:

This proposal is for the redevelopment of the Shelly Bay into multi-use residential, mixed use and non-residential development. The development is over a large area and multiple stages are being considered as an overarching plan for earthworks required for constructing build platforms and access.

Therefore, as development progresses each stage will require a new earthworks assessment. That being said the suggested earthwork conditions in this assessment have been developed to be used as minimum set of standard conditions at each stage.

Legislative Requirements (i.e. District Plan / Standards):

Approximate numbers for the earthwork dimensions have not as yet been provided as part of the application. However, the application stipulates that the proposed plan exceeds the thresholds for earthworks area and cut/ fill dimensions under the district plan rules 30.1.1.1 and 30.2.1. As mentioned above each stage will be assessed as development progresses. Each will require an application for a new resource consent stage with details of proposed earthworks.

Assessment:

Geotechnical Assessment

A geotechnical assessment has been undertaken by AERCON Ltd dated the 19 January, 2016 (Reference 60480847). The report in board terms covers the following points:

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

The site's geotechnical risk has been summarised in the report. It is of note that due to the sites size and geotechnical setting there are multiple geotechnical hazards. Of note are the sites relatively high risk levels for slope instability, liquefaction and lateral spreading due to liquefaction. A set of design recommendations and additional geotechnical investigation requirements have been covered in the report and will need to be followed for future developments.

The geotechnical assessment is acceptable as it clearly covered the key geotechnical hazards associated, developed a geological model and recommended mitigating controls.

Earthworks Management Plan (EMP)

No EMP or CMP (construction management plan) has been developed and as such the application suggests that they will be developed at later date and be included as part of the consent conditions. This is deemed acceptable and will also be included as a condition prior to each stage commencing.

The volume of earthworks to be transported to or from the site and is expected to exceed the threshold under rule 30.1.2.1. Therefore, a transport management plan will be required.

Conclusion:

Subject to compliance with the suggested conditions below, the proposal is satisfactory from an earthworks point of view.

The following conditions/advice notes should be included on the decision:

Suggested Conditions

Geotechnical Stability

- 1) A Geotechnical Professional must undertake further site investigations in line with the recommendations made in the geotechnical report by AERCON Ltd dated the 19 January, 2016 (Reference 60480847). A geotechnical assessment based on the additional site investigations must be submitted to the Compliance Officer 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.

Geotechnical Professional

- 2) A Geotechnical Professional must be engaged for the detailed design and construction phases of the project.

- 3) The name and the contact details of the Geotechnical Professional must be provided to the Compliance Monitoring Officer, at the time the person is appointed.
- 4) 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
 - the work does not cause damage, or have the potential to cause damage, to neighbouring land or buildings
 - 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 AERCON Ltd dated the 19 January, 2016 (Reference 60480847) and future assessments undertaken as part of condition (...) above.

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

Construction Supervisor

- 5) A suitably experienced Construction Supervisor must be engaged during the detailed construction phase of the project.

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.

- 6) The name and the contact details of the Construction Supervisor must be provided to the Compliance Monitoring Officer, at the time the person is appointed.

Site Management

- 7) Daily excavation and retaining works construction must be directed by the Construction Supervisor.
- 8) 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.
- 9) 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.

Construction Management Plan (CMP)

- 10) A Construction Management Plan (CMP), prepared with involvement from the Geotechnical Professional and Construction Supervisor, must be submitted to the Compliance Officer for comment, at least 10 working days prior to any work commencing for each stage of the development.

In making comments the Compliance Officer will consult with the Council's Earthworks Engineer. The officer's comments must be received prior to any work commencing.

The CMP must be consistent with both the geotechnical assessments undertaken by AERCON Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical assessments undertaken as part of condition (...) 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
- Details of the staging of work.

Any amendments to the CMP once work starts must be approved by the Construction Supervisor and the Geotechnical Professional.

- 11) 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 AERCON Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical undertaken as part of condition (...) above.

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

- 12) The earthworks and retaining work must be carried out in accordance with the CMP to the satisfaction of the Compliance Officer.

Earthworks Management Plan (EMP)

- 13) An Earthworks Management Plan (EMP), with involvement from the Geotechnical Professional and Construction Supervisor, must be submitted to the Compliance Officer for comment, at least 10 working days prior to any work commencing for each stage of the development.

In making his comments the Compliance Officer will consult with the Council's Earthworks Engineer. The officer's comments must be received prior to any work commencing.

- 14) The EMP must be consistent with both the geotechnical assessments undertaken by AERCON Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical assessments undertaken as part of condition (...) 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 approved by the Construction Supervisor and the Geotechnical Professional.

- 14) 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 AERCON Ltd dated the 19 January, 2016 (Reference 60480847) and any future geotechnical undertaken as part of condition (...) above

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

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

Note:

If necessary, the Compliance Officer 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.

Certification of Bulk Earthworks

- 16) The Consent Holder must provide the Council's Compliance Monitoring Officer with an As-built Plan of the completed earthworks. The plan must meet the requirements of A.7 and B.18 of the Code of Practice for Land Development 2012 and as minimum include the following:

- Extent cut and fill and depth of fill in the form of lines joining all points of equal depth of fill at appropriate vertical intervals of 1 metre or as appropriate
- Plans shall also show the type of fill material and any areas where buildings or foundations will require specific design together with any fill areas of low density not complying with this Code
- The position, type and size of all subsoil drains and their outlets shall also be shown
- Full sized As-Built drawings are to be supplied in AutoCAD (*.dxf or *.dwg), Microstation (*.dgn) or other agreed electronic format of all earthworks.
- All co-ordinates shall be in terms of the New Zealand map grid, NZTM (New Zealand Transverse Mercator), to $\pm 0.1\text{m}$ for all earthworked areas.

The plan must be provided within one month of the earthworks / stage of the earthworks being completed.

17) A Geotechnical Completion Report (GCR) must be supplied by a suitably experienced Geotechnical Professional, to the Council's Compliance Monitoring Officer within one month of the earthworks being completed. The document must:

- State the earthworks have been completed in accordance with the earthworks scheme plans, approved under the resource consent;
- Provide evidence that the works have been completed in accordance with the Council's Code of Practice for land development for earthworks (Part B)
- Provide evidence that the land is suitable for the intended use including its ability to support services infrastructure such as roading, drainage, water supply and energy supply;
- A statement of professional opinion that any unretained cuts and/or slopes are considered stable with respect to the future use, and that the risk of instability is low as reasonable practicable
- A Statement of Professional opinion on suitability of land for building construction, Schedule 2A of NZS4404:2010
- A tabulated list of all test data and results that corresponds with test sites shown on the As-built plan in condition (...) above;

Note: It is expected that this data will form the basis for certification of each allotment for foundation requirements.

Producer Statements

- 18) 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 Compliance Officer within one month of the structures/buildings being completed.

General Earthworks Conditions

- 19) Run-off must be controlled 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.
- 20) 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.
- 21) 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.

Author:

John Davies

Earthworks Engineer

Appendix G – Wellington Water Infrastructure Assessment

Water, Wastewater and Stormwater (Three Waters) Resource Consent Conditions

Date: 31 May 2019

SR 368659 – 232 Shelly Bay Road

Introduction:

The proposal is for the redevelopment of a site that currently has internal three water infrastructure that is near the end of its useful life and is in need of replacement. The private “bulk” water and wastewater services that are currently servicing the development are also in need of replacement and, in at least one case, has already been abandoned.

The applicant is proposing to replace the internal infrastructure to meet the needs of the proposed development which will be subject to engineering approval should the consent be granted. It is also proposed to replace and upgrade some of the bulk water and wastewater to a capacity that will serve the Shelly Bay Development however given the likelihood of further development in the area it will be important to ensure this new “bulk” infrastructure has a sufficient capacity to cater for any foreseeable development in the catchments that they serve.

Costs associated with the upgrades of “bulk” public assets will be attributed to renewal and growth components with the growth component distributed to the developments that it will cater for while Council should fund the renewal portion but be reimbursed by the developments for any remaining life of the asset. It is envisaged that the individual infrastructure upgrade projects that will renew exhausted public infrastructure and increase capacity where required to enable the growth will be included in Councils Long Term Plan (LTP) with the costs associated with growth and early renewal recouped through Development Agreements (Large Developments) and Targeted Development Impact Fees (Infill type Development)

Legislative Requirements (i.e. District Plan / Standards / Design Guides)

The 3 waters design and construction requirements are covered by;

1. WCC Code of Practice for Land Development
2. Wellington Water Regional Standards for Water Services (RStWS), and
3. Wellington Water Regional Specification for Water Services (RSpWS).
4. Water Sensitive Urban Design – A Guide for WSUD Stormwater Management in Wellington

Assessment:

Wastewater

The proposal is for the development to have an internal gravity network that will drain to a new wastewater pump station. It is proposed that this new pump station will then use the existing “relined” rising main that runs along Shelly Bay Road to transport the developments wastewater to Councils existing gravity system located near the Miramar Cutting. As the existing rising main is undersized the development will have to utilise operational storage to deal with the anticipated volume from the Shelly Bay Development. This is not an optimal solution as wastewater will be held for longer periods of time and the relined rising main will have a design life that does not meet the durability requirements of the Regional Standard which is 100 years.

As mentioned above there are further developments proposed that will feed into this section of the network as other parts of Councils wastewater network on the Miramar Peninsular are already at capacity. Therefore a larger than anticipated pump station and upgraded rising main should be constructed which will then run from the Shelly Bay development to a suitable location that has capacity to take the additional flows associated with the growth created by these developments. The gravity system at the Miramar Cutting does not have capacity for these additional flows so the rising main will need to be extended to an alternative location. This location will be established as part of the Investigation and Design work that Wellington Water (WWL) will undertake for Council in order to develop Infrastructure Renewal and Upgrade packages for Councils LTP.

Stormwater:

The proposal is for stormwater runoff from the development to be collected and, in the cases of the trafficked paved areas, treated before discharge through a suitably sized network to new and upgraded outlets to Shelly Bay. Greater Wellington may require resource consents for any new discharge locations in the Coastal Marine Area (CMA)

There is a specific water quality condition proposed that addresses the potential contamination from metals. Should proposed building materials include metals such as Lead, Copper or Zinc treatment devices will need to be installed to enable the removal of these pollutants prior to discharge.

Water Supply

The water supply reticulation to the site is currently fed from the Mount Crawford Reservoir which has a Top Water Level (TWL) of 164 m RL (WCC New City Datum). This requires the existing supply main to the site to have a Pressure Reducing Valve (PRV) in order to keep the water pressure below Councils maximum pressure of 90m.

The applicant has proposed to construct a suitably sized reservoir at a lower level on the site of the now abandoned Shelly Bay reservoir which would mean a PRV is not required. The proposal also includes a new supply main to this reservoir from the Mount Crawford Reservoir and a supply main from the new reservoir to the site along with the internal network that will service the development.

The capacity of the existing network to deliver the required additional water to the Mount Crawford Reservoir to service the Shelly Bay Development and any potential development at Mount Crawford itself will need to be assessed further. The additional storage for the Mount Crawford development will be required at higher level so cannot be combined with the Shelly Bay storage requirement. There is also a requirement to increase the amount of reservoir storage to cater for the infill development on the Miramar Peninsular so it may be feasible to combine the storage required for the Shelly Bay Development and the storage required for the Infill development.

Similar to the “bulk” wastewater solution mentioned above an overall strategy will be worked on by WWL to establish wider network upgrade packages that take into account required renewals of aging infrastructure and upgrades to the network to cater for foreseeable growth.

General

The Council currently has 10 million dollars budgeted for years four (21/22) to seven (24/25) for Growth related projects in the Miramar Peninsula for the three waters in the current LTP.

Any infrastructure to be vested with Council that is constructed as part of this development will need to be built to the COP, RSWS and the Regional Specification for Water Services.

Conclusion:

Based on the above assessment the proposal is acceptable on 3 waters infrastructure grounds.

PROPOSED SUBDIVISION CONDITIONS

The drawings and information submitted by the applicant have been considered and the following notes and conditions are recommended:

1. General Notes

This consent has been assessed at a high level to ensure that there is a feasible way in which the three waters services can be provided. At the Engineering approvals stage the details of the networks will be reviewed further and agreed.

A number of the items of infrastructure (including a potential combined reservoir and pump station) may be provided for as part of growth related upgrades for the Miramar Peninsula. To minimise delays please engage early with Wellington Water to agree cost share and design requirements for these works.

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.

2. Engineering Standards

- a) 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.
- b) 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.
- c) Design and Construction documentation must be submitted to the Council, prior to any works starting, and its approval gained.
- d) All construction plans must be approved by the Council prior to commencement of any construction on the site.
- e) As-built plans must be supplied to and approved by the Council, that meet the requirements of the Code of Practice for earthworks, roading and vehicle access and the Wellington City Council Interim Asbuilt Specification for wastewater and stormwater drainage and water supply. These must be certified as being correct by a suitably qualified person.

3. Creation of Public Stormwater Network

- a) Each proposed allotment must be provided with a separate and direct connection to a public gravity stormwater network; at a location approved by the Wellington Water Land Development Team.

Note: 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.

- b) The development of this site will require the public gravity stormwater network to be extended to serve the proposed lots.
- c) 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.

Notes:

- 1) 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.
- 2) 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.

- d) The Public Drainage Permit holder is to submit a compliant as-built drawing to Wellington Water 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 or application for subdivision certification (223/224).

4. Stormwater Outfall

- a) 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.
- b) The consent holder must implement any works required to upgrade the existing outfall to accommodate any increase in stormwater runoff associated with the development.
- c) Construction plans of any 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.

Notes:

- 1) 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.
- 2) 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.
- d) The Public Drainage Permit holder is to submit a compliant as-built drawing to the Wellington Water and arrange for a final inspection to be carried out within 1 month of completion of any

main drainage works and/or before vesting of assets or application for subdivision certification (224).

5. Stormwater Quality

- a) 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 Compliance Monitoring Officer prior to its installation.

Notes:

- 1) 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 (x) above to be registered against the Computer Freehold Register to issue in respect of Lots 1 – 11, 902 and 904 of this subdivision

6. Minimum Floor Levels

- b) Any residential building constructed on the site must have a minimum floor level of 2.5m RL (WCC New City Datum).

7. Creation of Public Wastewater

- a) Each proposed allotment must be provided with a separate and direct connection to a public gravity wastewater network; at a location approved by the Wellington Water Land Development Team.

Note: 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.

- b) The development of this site will require the public gravity wastewater network to be replaced to serve the proposed lots.
- c) The wastewater network will require a new pumpstation and the associated rising main discharging to a suitable downstream location. This pumpstation and rising main will be vested to Wellington City Council. Sizing and design of this pumpstation and rising main will require input and approval at all stages from Wellington Water.
- d) 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.

Notes:

- e) 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.
- f) 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.
- g) 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 or application for subdivision certification (223/224).

8. Easements

- a) 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).
- b) The Consent Holder shall propose a route and upon agreement with Council provide an easement in gross in favour of Council for the future wastewater infrastructure that will be located between the Shelly Bay Development and the Mount Crawford Development area. The easement shall be of sufficient width to allow for the construction of a falling main.
- c) All stormwater secondary flow paths across land within the subdivision must be protected by an easement. The location of the secondary flow path must be submitted to the Wellington Water Land Development team for approval. Preference is for secondary flow paths to be located in public land, such as parks, walkways and roads. The easement must cover the full extent of the secondary flow path and must not be less than 3 m wide. The easement shall have the effect of preventing alteration of the ground surface and prohibit location of structures that might impede the flow of water across the land. The easement shall be in favour of the Council. The easement must be duly granted, reserved and shown on the survey plan.

9. Water Supply

- a) 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.
- b) 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 the existing reservoir and pipe as required.
- c) Separate approval for the water supply connection to the public system must be obtained from Wellington City Council. This approval is required under a Council Bylaw/CoPLD provision, which is quite separate from the resource consent process.
- d) 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.

- e) 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"

- f) 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.

- g) A water easement in gross, in favour of the Wellington City Council is to be duly granted or reserved to provide protection for the public water main and reservoir.

Notes: 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. Construction of water supply facilities shall not commence unless Council has given written approval for the construction plans.

At the building consent stage an appropriately sized metered water supply connection to the public main must be required if not already available. A RPZ type back flow preventer is required if the connection is greater than 20mm ID.(nominal size)

Where relevant, a separate application for fire service connection will be required. Applications for fire service connections shall provide a copy of a flow test and pressure log (seven day log) along with supporting calculations conducted by a suitably qualified engineer as well as a detail layout plan showing the proposed connection. The design of the fire service connection and sprinkler system shall allow for any head loss incurred by the required backflow prevention containment device.

All fire connections/sprinkler connections shall have a double check detector check backflow prevention containment device.

A backflow device of a commercial or industrial site is required to be added to the building warrant of fitness (BWOF) compliance schedule for the property.

Matt Aitchison Senior Engineer – Land Development

Appendix H – Council’s Noise Assessment

Environmental Noise Re-assessment of Resubmitted Resource Consent Application

22 May, 2019

Service Request No: 368659

File Reference: 1039017

Site Address: 232 SHELLY BAY ROAD, Maupuia

Introduction:

This is a resubmission of the proposal is for a mixed use redevelopment of the former Air Force Base located at Shelly Bay on the Miramar peninsula. The proposal comprised a new residential subdivision, and aged care centre, boutique hotel, commercial/retail and cafes/restaurant/bars

Reassessment:

I have reassessed the resubmitted proposal and have concluded that there is no material change to the original proposal and as such my advice remains the same. (Please refer to original assessment)

Conclusion:

The development includes a proposal for acoustically uninsulated dwelling houses in a mixed use area. By placing inner residential noise limits on conditions of consent and the subdivision consent

order adequate amenity can be afforded to residential occupants. It should be noted though that the stringent noise limits will make it more difficult for any commercial uses entering the site in the future.

Based on the above assessment the proposal is acceptable on environmental noise grounds subject to acceptable conditions being proposed by the applicant.

Note: The applicant's current proposed condition 34 does not reflect my previous or current advice in the "Suggested Conditions" (below)

Suggested Conditions⁸

Noise

Noise (emitted and received within Business 1 Areas)

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 which has not been sound insulated to meet the minimum noise insulation standard (refer rule 34.6.2.10.1) and excluding buildings SW1, SBW2, SBW4, SBW7 and SBW9, shall not exceed the following limits:

⁸ **Please note:** These conditions are likely to be amended to better fit the standard condition format used by the Consents Planners. If specific wording is required please discuss this with the relevant planner.

Monday to Sunday	7am to 10pm	50dB LAeq (15 min)
Monday to Sunday	10pm to 7am	40dB LAeq (15 min)
Monday to Sunday	10pm to 7am	70dB LAFmax

Construction Noise

(...) A Construction Noise Management Plan (CNMP) must be submitted to and approved 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.

John Dennison

Senior Environmental Noise Officer

Appendix I – Objectives and Policies Wellington City District Plan

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	<p>Ensure that buildings, structures and spaces in Business 1 Areas are designed to:</p> <ul style="list-style-type: none"> • 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	<p>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.</p>
Policy 33.2.4.7	<p>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.</p>
Policy 33.2.4.8	<p>Ensure that all spaces accessed by the public are safe and are designed to minimise the opportunities for crime.</p>
Objective 33.2.5	<p>To promote energy efficiency and environmental sustainability in new building design.</p>
Policy 33.2.5.2	<p>Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.</p>
Objective 33.2.6	<p>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.</p>
Policy 33.2.6.1	<p>Ensure that activities and developments are designed to be accessible by multiple transport modes.</p>
Policy 33.2.6.2	<p>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.</p>
Policy 33.2.6.4	<p>Maintain or enhance safe, convenient and easily legible pedestrian access to buildings.</p>

- 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.

Appendix J – Relevant Assessment Criteria

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.

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

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

Appendix K – Recommended Conditions and Notes

Subdivision Conditions of Consent:

Survey Plan:

1. The survey plan must conform to the subdivision consent proposal shown on the scheme plans by Harrison Grierson Consultants Limited,
 - “Scheme Plan of Proposed Subdivision - Stage 1 Overall Layout & Stage Boundaries”
 - “Scheme Plan of Proposed Subdivision Stage 1A to 1C – Sheet 1”
 - “Scheme Plan of Proposed Subdivision Stage 1A to 1C – Sheet 2”

All dated 15 August 2017 and submitted with Service Request No. **368659**.

Staging Subdivision:

2. Individual certifications pursuant to sections 223 and 224(c) of the Resource Management Act 1991 will be issued for this proposal in a series of stages provided that the following criteria are met:
 - each individual allotment must be consistent with the proposal as approved and must have frontage, or legal access, to a legal road;
 - each allotment shown on any survey plan, including any balance allotment must be adequately serviced as required by and in terms of the relevant conditions set out in this notice of decision;
 - all engineering conditions and any development contribution payable pertaining to the allotments shown on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the Act.

Note: *The Council acknowledges the proposed staging as follows:*

Stage 1A: Lots 2, 3, 4, 5 and 900

Stage 2A: Lots 9, 10, 11 and 903

As requested by the applicant, the Council will assess variations to this proposal subject to the above criteria being met.

3. Lots 900 and 901 must be shown as Road to Vest on the survey plan.

Service Connection to Lots:

4. The consent holder shall provide certification from a suitably qualified person who 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:

5. 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 (5) above** to be registered against the Computer Freehold Register to issue in respect of Lots 1-11, 902 , 904 and 905 of this subdivision.*

Future buildings:

6. Future development of Lots 1-11, 902 ,904 and 905 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 (6) above** to be registered against the Computer Freehold Register to issue in respect of Lots 1-11, 902 , 904 and 905 of this subdivision.*

Easements:

7. 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.*

8. Rights of Way easement areas A-G as shown in the Memorandum of Easements on the subdivision concept plan must be duly granted or reserved.
9. A temporary easement must be created over the existing road that extends through proposed Lots 901, 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.*

10. A water easement in gross, in favour of the Wellington City Council is to be duly granted or reserved to provide protection for the public water main and reservoir.
11. The Consent Holder shall propose a route and upon agreement with Council provide an easement in gross in favour of Council for the future wastewater infrastructure that will be located between the Shelly Bay Development and the Mount Crawford Development area. The easement shall be of sufficient width to allow for the construction of a falling main.
12. All stormwater secondary flow paths across land within the subdivision must be protected by an easement. The location of the secondary flow path must be submitted to the Wellington Water Land Development team for approval. Preference is for secondary flow paths to be located in public land, such as parks, walkways and roads. The easement must cover the full extent of the secondary flow path and must not be less than 3 m wide. The easement shall have the effect of preventing alteration of the ground surface and prohibit location of structures that might impede the flow of water across the land. The easement shall be in favour of the Council. The easement must be duly granted, reserved and shown on the survey plan.

Amalgamation Condition:

13. The following amalgamation conditions are to be endorsed on the Digital Title Plan:

Stage1A

Proposed lots 2, 3, 4, 5 and 900 must be held in one Record of Title. Refer to LINZ reference no. 1592249.

Stage 1C

Proposed lots 9, 10, 11 and 903 must be held in one Record of Title. Refer to LINZ reference no. 1592249.

Land Use Consent 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' and follow the general principles as set out in the following plans (Shelly Bay Master Plan Revision 10):

- '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 1', 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 5/6', 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
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- '4.4 Site – Bulk and Form – Shelly Bay Wharf Building 3', pg 42
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- '4.4 Site – Bulk and Form – South Bay Apartment 3', pg 58
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- '5.1 Site Access and Parking Strategy', pg 74
- '5.2 Streets, Lanes and Mews', pg 75

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 Layout'
- 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, 'Proposed Erosion and Sediment Control Details – Sheet 1 of 3'
- Drawing 1098-01-236, 'Proposed Erosion and Sediment Control Details – Sheet 2 of 3'
- Drawing 1098-01-237, 'Proposed 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, 'Typical Road Cross-Sections – Sheet 1 of 2'
- Drawing 1098-01-331, 'Typical Road 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, 'Drainage Layout Plan – Overall Layout'
- Drawing 1098-01-401, 'Drainage Layout Plan – Sheet 1 of 6'
- Drawing 1098-01-402, 'Drainage Layout Plan – Sheet 2 of 6'
- Drawing 1098-01-403, 'Drainage Layout Plan – Sheet 3 of 6'
- Drawing 1098-01-404, 'Drainage Layout Plan – Sheet 4 of 6'
- Drawing 1098-01-405, 'Drainage Layout Plan – Sheet 5 of 6'
- Drawing 1098-01-406, 'Drainage Layout Plan – Sheet 6 of 6'
- Drawing 1098-01-410, 'Drainage Plans Stormwater Catchment Plan'
- Drawing 1098-01-420, 'Stormwater Long-Sections – Sheet 1 of 5'
- Drawing 1098-01-421, 'Stormwater Long-Sections – Sheet 2 of 5'
- Drawing 1098-01-422, 'Stormwater Long-Sections – Sheet 3 of 5'
- Drawing 1098-01-423, 'Stormwater Long-Sections – Sheet 4 of 5'
- Drawing 1098-01-424, 'Stormwater Long-Sections – Sheet 5 of 5'
- Drawing 1098-01-430, 'Wastewater Long-Sections – Sheet 1 of 5'
- Drawing 1098-01-431, 'Wastewater Long-Sections – Sheet 2 of 5'
- Drawing 1098-01-432, 'Wastewater Long-Sections – Sheet 3 of 5'

- Drawing 1098-01-433, 'Wastewater Long-Sections – Sheet 4 of 5'
- Drawing 1098-01-434, 'Wastewater Long-Sections – Sheet 5 of 5'
- Drawing 1098-01-500, 'Water Supply Plans – Overall Layout'
- Drawing 1098-01-501, 'Water Supply Plans – Sheet 1 of 6'
- Drawing 1098-01-502, 'Water Supply Plans – Sheet 2 of 6'
- Drawing 1098-01-503, 'Water Supply Plans – Sheet 3 of 6'
- Drawing 1098-01-504, 'Water Supply Plans – Sheet 4 of 6'
- Drawing 1098-01-505, 'Water Supply Plans – Sheet 5 of 6'
- Drawing 1098-01-506, 'Water Supply Plans – 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. The applicant shall provide public toilets (male/ female/ accessible) in all stages of development, with hours of operation to match public facilities in similar locations (Oriental Bay, Scorching Bay etc.). Toilets must be located to function independently of any other activity, shall be legible and easy to find, and be free to use by members of the public.
5. 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. Shelly Bay Design Guide text (p.60, Services guidance, point G4) shall be updated as follows: "G4 Ensure potential commercial or mixed-use spaces are future proofed by provision of ducts, shafts and acoustic treatment sufficient to allow changes of use".

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:

6. 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.

7. 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.
8. 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 (6) above**.

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

9. A suitably experienced Construction Supervisor must be engaged during the detailed construction phase of the project.
10. 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.
11. Daily excavation and retaining works construction must be directed by the Construction Supervisor.
12. 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.
13. 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.
14. 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 certification 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 (6) 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.

15. 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 (6) above**.

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

16. The earthworks and retaining work must be carried out in accordance with the CMP to the satisfaction of the CMO.
17. 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.

18. 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 (6) 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.

19. 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 (6) above**.

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

20. 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.*

21. The Consent Holder must provide the Council's Compliance Monitoring Officer with an As-built Plan of the completed earthworks. The plan must meet the requirements of A.7 and B.18 of the Code of Practice for Land Development 2012 and as minimum include the following:
- Extent cut and fill and depth of fill in the form of lines joining all points of equal depth of fill at appropriate vertical intervals of 1 metre or as appropriate

- Plans shall also show the type of fill material and any areas where buildings or foundations will require specific design together with any fill areas of low density not complying with this Code
- The position, type and size of all subsoil drains and their outlets shall also be shown
- Full sized As-Built drawings are to be supplied in AutoCAD (*.dxf or *.dwg), Microstation (*.dgn) or other agreed electronic format of all earthworks.
- All co-ordinates shall be in terms of the New Zealand map grid, NZTM (New Zealand Transverse Mercator), to $\pm 0.1\text{m}$ for all earthworked areas.

The plan must be provided within one month of the earthworks / stage of the earthworks being completed.

22. A Geotechnical Completion Report (GCR) must be supplied by a suitably experienced Geotechnical Professional, to the Council's Compliance Monitoring Officer within one month of the earthworks being completed. The document must:

- State the earthworks have been completed in accordance with the earthworks scheme plans, approved under the resource consent;
- Provide evidence that the works have been completed in accordance with the Council's Code of Practice for land development for earthworks (Part B)
- Provide evidence that the land is suitable for the intended use including its ability to support services infrastructure such as roading, drainage, water supply and energy supply;
- A statement of professional opinion that any unretained cuts and/or slopes are considered stable with respect to the future use, and that the risk of instability is low as reasonable practicable
- A Statement of Professional opinion on suitability of land for building construction, Schedule 2A of NZS4404:2010
- A tabulated list of all test data and results that corresponds with test sites shown on the As-built plan in condition (21) above;

Note: It is expected that this data will form the basis for certification of each allotment for foundation requirements.

23. 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.

24. 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.

25. 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.

26. 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.
27. 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:

28. Prior to the commencement of any earthworks each stage of the proposed earthworks or where any other ground disturbance occurs, 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.
29. The works shall be undertaken in accordance with the certified CSMP.
30. 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.
31. 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.

Heritage Recording and Accidental Discovery Protocol:

- 32. 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.
- 33. 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:** The subject property is a known place of historic habitation pre-1900. In addition, this proposal will affect a recorded archaeological site, being R27/593 (Torpedo boat shed and slipway), and one pending site (R27/592: Shelly Bay Depot). Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority (consent) from Heritage New Zealand Pouhere Taonga (HNZPT) must be obtained for works to proceed if the archaeological site has the potential to be modified or destroyed. It is illegal to modify or destroy an archaeological site without obtaining an archaeological authority. The applicant is advised to contact HNZPT for further information prior to works commencing.*

Construction Noise:

- 34. 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:

35. 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 which has not been sound insulated to meet the minimum noise insulation standard (refer District Plan Rule 34.6.2.10.1) and excluding Masterplan buildings SBW B1, SBW B2, SBW4, SBW B7 and SBW B9 as shown on Noise and Ventilation Mitigation Plan Appendix 7 Wellington Company Limited Application dated May 2019, shall not exceed the following limits:

Monday to Sunday	7am to 10pm	50dB LAeq (15 min)
Monday to Sunday	10pm to 7am	40dB LAeq (15 min)
Monday to Sunday	10pm to 7am	70dB LAFmax

Transportation:

36. In the case of the proposed roading improvements to Shelly Bay Road between the development site at Shelly Bay and the intersection with Miramar Avenue, these must be implemented in advance of the development or at least incrementally as the development progresses as agreed by the Council, and be to the minimum standard defined in the Calibre Consulting Infrastructure Report dated 1 September 2016 being, a 6m carriageway plus a 1-1.5m width for use by pedestrians and cycles.
37. In the case of the intersection with Shelly Bay Road, an agreed improvement which will maintain a satisfactory level of vehicular capacity with the full Shelly Bay development in place, and incorporating the Council's approved cycleway plan, must be implemented as agreed by the Council.
38. 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.*

39. 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 (38) and (39) 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 Intersection.*

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

41. A Staff Travel Plan (STP) for the development shall be prepared and certified 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.

42. 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.*

43. 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 certified for those aspects where the standards of the Code of Practice are unable to be met or can be achieved in a different way.

44. 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.
45. 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 certified 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.
46. The new road to vest (Lots 900 and 901 shown on "Scheme Plan of Proposed Subdivision - Stage 1 Overall Layout & Stage Boundaries" drawing 142175-01-RC02 Rev1) must be constructed prior to occupation of any building onsite. All construction shall be completed generally in accordance with the certified design plans (refer to **condition (38) 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.*

47. The Right of Way areas A to G 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.

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

49. Vehicle crossings which service more than 6 household units or any commercial vehicle crossing must be constructed as heavy vehicle crossings.
50. 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:

51. 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 certified for those aspects where the standards of the Code of Practice are unable to be met or can be achieved in a different way.

Note 1. *This consent has been assessed at a high level to ensure that there is a feasible way in which the three waters services can be provided. At the Engineering approvals stage the details of the networks will be reviewed further and agreed.*

Note 2. *A number of the items of infrastructure (including a potential combined reservoir and pump station) may be provided for as part of growth related upgrades for the Miramar Peninsula. To minimise delays please engage early with Wellington Water to agree cost share and design requirements for these works.*

Note 3. *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.*

52. Design and Construction documentation must be submitted to the Council, prior to any works starting, and its certification gained.
53. All construction plans must be certified by the Council prior to commencement of any construction on the site.
54. At the conclusion of the engineering works, 'as-built' plans must be supplied to and certified 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 certified plans by a suitably qualified person.

Stormwater Connections:

55. 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 certified 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.*

Public Stormwater Networks:

56. 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 certification, and all work is to be carried out in accordance with the certified 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 certification. 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.

57. 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.
58. 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:

59. 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:

60. 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 : *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.*

Public Wastewater:

61. The re-development of this site will require the public gravity wastewater network to be replaced to serve the development.

Construction plans of the proposed Public Drainage work must be submitted to the Wellington Water Land Development team for certification, 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 certification. 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.*

Water Supply:

62. 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.
63. Unless an alternative proposal is certified, 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.*

Landscaping:

64. 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.

65. A Landscape Plan for the North Point and South Point based on the indicative list in Section 7.2 Plant Strategy, pages 100-101 of Shelly Bay Masterplan March 2019, 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.

66. The new Specimen tree selection and planting strategy shown in Section 7.2 Planting Strategy- Indicative Tree: Streets, Park & Mews, page 99 of Shelly Bay Masterplan March 2019, 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.*

67. 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.
68. 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.

69. 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.

70. The best quality 24 pohutukawa listed for removal must be transplanted and used for the new street trees.
71. 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.
72. 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.
73. A vegetation protection methodology must be submitted to the CMO for certification 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 certifying the methodology. The North Bay ridge also protects the escarpment to the north that has significant native vegetation. Earthworks should be limited to only that necessary to provide foundations for NBA 1 page 21 and NBH 1 page 19 on the Masterplan.
74. The methodologies required by **conditions (72) and (73) above** must be implemented by the consent holder throughout the construction period.
75. 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:

76. Any residential building constructed on the site must have a minimum floor level of 2.09m RL (New Zealand Vertical Datum 2016) or 2.5m RL (WCC New City Datum).

Lighting of Roads and Public Spaces:

77. 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:

78. 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.
79. 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.

CANCELLATION OF AMALGAMATION CONDITION:

- (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 and C 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 year** 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 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. Greater Wellington Regional Council I would advise the applicant to consult with GWRC if soil disturbance for the project exceeds 3000m², if any bore/piling work is to be undertaken, and if any work is to be undertaken within the CMA.
8. I would also advise WCC to get in touch with GWRC if any forestry harvesting is to be undertaken.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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>
15. 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.
16. 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.
15. 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