

## Supplementary Section 42 A Report

### Summary

The relevant objectives and policies are discussed below. After carrying out further analysis of the relevant objectives and policies I remain of the view expressed in my original s 42A report that overall, the proposal is contrary to the objectives and policies of the District Plan. A key reason for this finding being that the proposal is contrary to relevant Open Space B objectives and policies. Those objectives and policies do not envisage the type of large structures proposed by this development in Open Space B land.

The relevant assessment criteria, where there are criteria, are discussed below. Regard has also been had for the Shelly Bay Design Guide, the Residential Design Guide and the Subdivision Design Guide, where applicable. Overall the relevant assessment criteria have been considered and while against some of these the proposal would be acceptable, against others it would not. The proposal would not be acceptable when considered against the Open Space assessment criteria due to the built structures being visually obtrusive and due to vegetation removal.

| <b>Wellington City District Plan Objectives and Policies</b>   |  |   |
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| <b>Business 1</b>  |  |   |
| <b>Objectives</b>  | <b>Policies</b>  | <b>Comments</b>   |
| <b>Objective 33.2.1</b><br><b>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.</b> | Policy 33.2.1.1<br>Recognise and provide for both Business 1 and Business 2 Areas within the City. | Objective 33.2.1 and Policy 33.2.1.1 are not referred to in the Applicant’s Assessment of Environmental Effects (AEE) but were referred to in my original s 42A report. However, on reflection I do not consider this objective and policy relevant because it is up to the District Plan to provide Business 1 and Business 2 areas. |

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| <p><b>Objective 33.2.2</b><br/> <b>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.</b></p> | <p>Policy 33.2.2.1<br/> 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.</p>  | <p>The proposal provides for a mix of land uses including business, community and residential activities. The Masterplan and the Proposed Shelly Bay Design Guide describes these mixed uses and where they are to be sited within the development.</p> <p>I agree with the applicant that the development is predominately residential and all non-residential activities are ancillary to the residential development. As such the nature and scale of the non-residential activities will not undermine the role and function of Centres. I note the nearest Centre is 3km away in Miramar. Effects associated with the development are discussed elsewhere.</p> <p>Overall the proposal is consistent with this objective and policy.</p>  |
|   | <p>Policy 33.2.2.9<br/> Control the adverse effects of noise within all Business Areas.</p> <p>Policy 33.2.2.10<br/> Allow residential development in Business 1 Areas so long as it does not constrain established or permitted activities from reverse sensitivity through noise.</p> <p>Policy 33.2.2.11<br/> Ensure that appropriate on-site measures are taken to attenuate intrusive noise effects in Business 1 Areas to protect noise sensitive activities.</p> | <p>All of these matters are currently proposed to be dealt with through recommended land use conditions of consent [12, 13, 18, 22-24, 31-36 &amp; 79]. If these conditions are imposed, to ensure residential amenity is maintained with respect to noise effects, all non-residential activities will be required to comply with the District Plan noise standards within the Inner Residential Area and Medium Density Residential Areas. There are five mixed use buildings subject to noise and ventilation measures. All residential buildings that immediately adjoin non-residential activities will be required to demonstrate that they comply with District Plan noise insulation and ventilation standards and as such are designed to mitigate reverse sensitivity effects with respect to noise. 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. The recommended limits are the same as Inner Residential Area and Medium Density Residential Areas noise emission levels. All lighting will be designed to comply with District Plan lighting standards.</p> |

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|  | <p>Policy 33.2.2.13 Ensure that activities creating effects of lighting, dust and the discharge of contaminants are managed to avoid, remedy or mitigate adverse effects on other activities within Business Areas or in nearby Residential Areas.</p>   | <p>Dust is proposed to be managed via adherence to a finalised Earthworks and Construction Management Plan that is proposed through recommended condition [18] to be provided to Council. Contaminants if found will be disposed of to an approved site under recommended land use consent condition [33].</p> <p>Subject to these conditions being imposed, the proposal is consistent with these policies.</p>   |
| <p><b>Objective 33.2.3</b><br/> <b>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.</b></p> | <p>Policy 33.2.3.1<br/>         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.</p> <p>The explanation of Policy 33.2.3.1 states: “Shelly Bay is a highly visible area. Development on the site is characterized by a collection of individual buildings of one or two stories above ground level - most of which have important historical associations with its military and maritime past. It is Council’s intention that any re/development of Shelly Bay should reflect the character of established development on both sides of the main road through the site, and provide for a pedestrian promenade along the water’s edge. The Council will work with future landowners to</p> | <p>When I consider objective 33.2.3 this proposal does recognize a “unique development opportunity” within the Business Area.</p> <p>In terms of assessing whether the proposal enables redevelopment “in a manner that is compatible with, and enhances amenity values” I note that the Council’s heritage advisor has a number of concerns about the proposal, some of which relate to the effects of the proposal on the heritage and amenity values of the site (for example, that 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). She also notes that there has been no systematic assessment of the heritage values of the site.</p> <p>However, the Urban Design assessment for the applicant by McIndoe Urban differs. It considers that the objectives of Council’s Shelly Bay Design Guide are satisfied, and the proposal successfully meets the aspirations to enhance the important qualities of Shelly Bay. Also Archifact, the applicant’s heritage advisor, concludes that the Masterplan and Proposed Shelly Bay Design Guide together ensure that there will be an appropriate response to existing values and historic character attributes that are particular to Shelly Bay.</p> |

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|  | <p>ensure that any redevelopment recognises the heritage values on site. The Council will also seek to ensure that harbour views are not compromised and that redevelopment respects its coastal location”.</p>   | <p>I note that the proposal has preserved the majority of buildings identified in the District Plan’s Shelly Bay design guide as being deserved of protection, acknowledging that two will be relocated.</p> <p>On balance, I consider the proposal is consistent with this objective and policy.</p>   |
|  | <p>Policy 33.2.3.2<br/>Provide for the comprehensive development and redevelopment of those Business Areas which display unique development opportunities through a concept, master or structure plan process</p>   | <p>The proposal is for a comprehensive development of the site using a master plan process, and the site is within a Business Area with unique development opportunities. The applicant provides a Masterplan highlighting public facilities and amenities that are to be located on the harbour side of the main road. Two scales of residential development are proposed to the east of the main road. The ‘front row’ adjacent to the main road are townhouse and detached house sites (3 stories). Behind these are apartment building sites (6 Stories). The Masterplan also includes provision for ancillary commercial activities that can be established in new or repurposed existing buildings.</p> <p>The proposal is consistent with this policy.</p> |
| <p><b>Objective 33.2.4</b><br/><b>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.</b></p> | <p>Policy 33.2.4.1<br/>Ensure that buildings, structures and spaces in Business 1 Areas are designed to:</p> <ul style="list-style-type: none"> <li>• acknowledge and respect the form and scale of the surrounding environment in which they are located; and</li> <li>• respect the context, setting and streetscape values of adjacent listed heritage items, and Heritage Areas; and</li> </ul> | <p>I accept the information provided by the applicant that 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 thereby respecting the form and scale of the surrounding environment. The view is generally endorsed by Ms. McArthur who has undertaken a landscape assessment of the proposal for the Council.</p> <p>Discussion of the heritage effects of the proposal is set out in relation to policy 33.3.2 1 above. Listed heritage items and Heritage Areas located near the site include Mataki-kai-poinga Landscape Feature Precinct that</p>  |

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|  | <ul style="list-style-type: none"> <li>• establish positive visual effects; and</li> <li>• provide good quality living and working environments; and</li> <li>• provide conditions of safety and accessibility, including for people with restricted mobility.</li> </ul> | <p>borders this site. There are no listed items within the site.</p> <p>As noted above, the development would not have unacceptable landscape effects and the Cultural Impact Assessment (CIA) which has been prepared on behalf of Taranaki Whanui Ki Te Upoko o Te Ika and The Port Nicolson Block Settlement Trust, dated September 2016, did not identify any concerns relating to the precinct. The development is sufficiently removed from any listed items so as to have minimal effect.</p> <p>As noted above there are no listed heritage items within the site. However there are several buildings identified in the District Plan's Shelly Bay Design Guide as having heritage value. The Council's heritage advisor's view is that setting of buildings with historic heritage will not be respected via the dwarfing by surrounding buildings. Similarly in terms of the scale of the surrounding environment aspect of the policy, Ms. Stevens considers, the low scale and density of the site will be lost. However, alternatively the applicant's urban design and heritage advisors say existing buildings of historic and character significance are retained in situ or relocated and maintain aspects related to heritage value. Also Archifact, the applicant's heritage advisor, believes that there will be an appropriate response to existing values and historic character attributes that are particular to Shelly Bay.</p> <p>I find the reasoning of the applicant's urban design and heritage assessment more compelling than the Council's heritage assessment. The Masterplan shows the location of the different height buildings relative to the 'heritage' buildings being retained. The 'heritage' buildings are generally clustered in the central wharf area recognizing the original connection to the harbour and separated from the taller apartment buildings at the rear of the site. Accordingly I do not agree with Council's heritage advisor that the 'heritage buildings' will be dwarfed by</p> |
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|  |   | <p>surrounding buildings.</p> <p>Also the detailed design of the development will need to ensure consistency with the Proposed Design Guide to establish positive visual effects, ensure good quality living and working environments within the site.</p> <p>In terms of safety and accessibility the principles of Crime Prevention Through Environmental Design (CPTED) have been considered in the Proposed Design Guide. The guidelines include providing lighting for safety and direct and legible access between vertical circulation and apartment entries by minimising corridor length to give short, straight and clear sight-lines.</p> <p>Restricted mobility parking has been provided in the carpark beside the village green and the overall design of the proposed public areas will provide for people with restricted mobility. Adaption of the existing buildings for commercial reuse will be subject to building consent mobility access requirements. Residential dwellings are to have common circulation spaces that are safe and avoid tight corners that would restrict access for people with restricted mobility.</p> <p>The proposal is consistent with this objective and policy.</p> |
|  | <p>Policy 33.2.4.3<br/>Encourage developments in Business 1 Areas to create an attractive, comfortable and clear street environment through:</p> <ul style="list-style-type: none"> <li>• managing the location and design of land dedicated to outdoor storage and car parking; and</li> <li>• controlling the siting and design of</li> </ul> | <p>A comprehensive design concept has been developed in the proposed Masterplan and Design Guide that will ensure an attractive, comfortable and clear street environment will be developed creating a sense of place with a quality public environment.</p> <p>In terms of siting of buildings and building design the Masterplan provides two scales of residential development. The front rows immediately to the east of the main road are townhouse and individual stand alone houses. These will typically be three levels in height. Behind these, at the base of</p>  |

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|  | <p>structures on or over roads; and</p> <ul style="list-style-type: none"> <li>• Appropriate siting of buildings and building design.</li> </ul>  | <p>the hill, are apartment buildings. These will be no greater than six levels in height and will have a generous ground floor height to elevate the lower apartment levels to improve their outlook to the harbour over and around the townhouses that are in front. This 'stepping' approach reduces the potential for dominance effects on the street environment and the building design can be appropriately managed through the subsequent design process and implementation of the proposed Design Guide.</p> <p>Public carparking areas will be interspersed with or be alongside landscaping proposed as part of the development and positioned to provide good access to the public areas of the development. Any structures within the road will be an appropriate response and of low impact.</p> <p>The proposal is consistent with this policy.</p> |
|  | <p>Policy 33.2.4.4<br/>Allow residential development in Business 1 Areas where it utilises upper floors of buildings and provides a secure and pleasant environment for the occupiers.</p>          | <p>I agree with the information provided by the applicant that the apartment buildings, townhouses and detached houses are designed to ensure upper floors have a secure and pleasant environment with visible roofs and parapets being horizontal and providing both vertical and horizontal separation between residential building types. However the policy guidance does not encourage residential development on the ground floor, where commercial and retail activities should establish to promote connectivity to the public space. The apartment buildings, townhouses and detached housing are all residential on the ground floor.</p> <p>The proposal is inconsistent with this policy.</p>   |
|  | <p>Policy 33.2.4.5<br/>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</p> | <p>As per design guidance for buildings in Section 2 of the Proposed Design Guide, the residential apartments which are all located to the rear of the site behind the existing, including relocated, and proposed commercial buildings, have been designed with large floor to floor ground floor heights that will accommodate parking and storage. This allows the first living floor level and</p>  |

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|  | <p>amenity and appropriate access to daylight and an awareness of the outside environment.</p>  | <p>above to be elevated to a height which will ensure good access to daylight and awareness of the outside environment. The majority of units within these apartments will have panoramic views over the townhouses in front providing significant amenity for their occupants. In addition, the requirement for the detailed design of the apartments to meet the proposed Design Guide will further ensure that quality residential environments will be achieved. To ensure the stated outcomes in the Proposed Design Guide and Masterplan are delivered conditions are recommended. These conditions include the Shelly Bay Design Panel, a panel that would be made up of three architecture/urban design experts to provide advice to the Council compliance monitoring officer in terms of whether the proposal meets the proposed Shelly Bay Design Guide.</p> <p>Noting the current level of design detail in the Masterplan in terms of proposed building heights and orientation, and subject to the imposition of conditions relating to the design process and the Design Panel, I believe that the proposal is consistent with this policy.</p> |
|  | <p>Policy 33.2.4.7<br/>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> | <p>The proposed development does not adjoin any Residential Areas so it is only the amenity within the Business 1 Area which is relevant to this policy. The Business 1 area allows building heights within Shelly Bay to vary according to standards set out in the Shelly Bay Design Guide. Within G4 (Siting and Massing) the limits of height range from 7 to 12.5 metres above ground level. The Proposed Design Guide shows the townhouses and detached houses as 12 metres and apartments up to 27 metres in height. However the multilevel apartment buildings are set at the base of the hill and behind the lower scale townhouses and detached houses. To avoid a monolithic scale the apartment building bulk are restricted footprints and are to have a vertical emphasis and articulation. Windows and openings are to be offset to avoid direct sight-lines and deploy design techniques such as angled windows and screens to assist privacy. All residential dwellings are to be provided with a minimum of four hours direct sunlight between 9am</p>   |



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|   |   | <p>and 3pm at midwinter to living rooms and private outdoor spaces for at least 80% of dwellings in a building. Because of the overall height of some of the proposed buildings there may be some elements of building dominance as a result. However, the proposal is supported by urban design assessments provided by Council’s Urban Design Advisor, Mr Chad McMan and the Applicant’s Urban Design Advisor, Mr Graeme McIndoe which conclude that the onsite amenity that will be achieved will be acceptable. The stepped nature of the proposed buildings will minimise any effects on the proposed public spaces within the development minimising the effects of building dominance on these spaces.</p> <p>Accordingly I consider that the proposal is consistent with this policy.</p> |
|   | <p>Policy 33.2.4.8<br/>Ensure that all spaces accessed by the public are safe and are designed to minimise the opportunities for crime.</p>   | <p>The Village Green, as well as other areas of the development that will be publicly accessible, will be open lit spaces inviting passive surveillance designed to minimize opportunities for crime.</p> <p>The proposal is consistent with this policy.</p>   |
| <p><b>Objective 33.2.5</b><br/><b>To promote energy efficiency and environmental sustainability in new building design.</b></p> | <p>Policy 33.2.5.1<br/>Promote a sustainable built environment in Business Areas, involving the efficient end use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.</p> | <p>The objective of the proposal is to maximize the number of dwellings receiving sunlight to habitable rooms, primary windows and private outdoor space to assist in passive solar heating, cooling and natural lighting. To achieve this intended outcome habitable rooms will include bay windows, high ceilings and windows to the ceiling. The new buildings will be built to modern building standards which will require appropriate levels of insulation which, in conjunction with the design solutions above, helps achieve energy efficiency. Some of Wellington’s electricity supply comes from the local windfarms which is renewable energy.</p> <p>The proposal is consistent with this policy.</p>  |

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|  | <p>Policy 33.2.5.2<br/>Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.</p>   | <p>The building bulk and form placement dictated by the building envelopes illustrated on the Masterplan, as well as the detailed design required to meet the proposed Design Guide, will ensure that all new buildings will be provided with appropriate levels of light to occupied spaces.</p> <p>The proposal is consistent with this policy.</p>   |
| <p><b>Objective 33.2.6</b><br/><b>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.</b></p> | <p>Policy 33.2.6.1<br/>Ensure that activities and developments are designed to be accessible by multiple transport modes.</p>   | <p>Currently the transport modes to the site include car, other private vehicles and cycle access. Future cycle ways will make cycle access safer and easier in the future. The Wellington Regional Council (WRC) does not provide a public bus service directly to the site and likewise there is no demand yet for a ferry service. The design has allowed for public bus stops if demand meant that WRC decided to provide a future bus service and a ferry service could be accommodated once the wharf is redeveloped. The wharf requires future investigations to determine future use.</p> <p>Accordingly the proposal is designed to be accessible by future multiple transport modes and as such is consistent with this objective and policy.</p>   |
|  | <p>Policy 33.2.6.2<br/>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:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• an on-street parking demand that</li> </ul> | <p>The Stantec Report provided by the applicant shows that the development is likely to produce an increase of 3,500 vehicle trips per day and will have a peak parking demand of between 486-511 carparks per day, with 499 parks being provided by the proposal. Council’s Transport Advisor, Mr. Steve Spence considers that the increase of vehicle trips is significant, especially at peak times.</p> <p>The analysis of the applicant’s report by Council’s Transport Advisor, Mr. Steve Spence, highlighted capacity and road safety risk and whether the increase in traffic would lead to unacceptable congestion. Mr. Spence has assessed that, with the adoption of proposed upgrade works which will achieve a more efficient layout at and to the Shelly Bay Road / Miramar Avenue intersection and serve to deliver capacity improvements, the</p> |

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|  | <p>extends into Residential Areas and/or leads to unsatisfactory parking arrangements; or</p> <ul style="list-style-type: none"> <li>• the creation of an unacceptable road safety risk.</li> </ul> | <p>increase in traffic arising from the development will not adversely affect the performance on this part of the network and will in fact serve to reduce overall delay from the level currently experienced during the peak periods today. The requirement to undertake the upgrade works has been included in the recommended land use consent condition [39].</p> <p>All parking is to comply with the Plan vehicle parking standards. The applicant has provided parking for both residents and the public to comply with the Plan standards. The public area will be controlled by Council, and the private area will be limited to the types of land uses and not affect the functioning of the areas in public ownership. The small shortfall in parking spaces that may occur during peak periods is not considered to be of significant concern noting people who experience this may just choose not to stop. Therefore Mr. Spence supports the proposal in terms of transport related effects.</p> <p>The low traffic speed environment within the site, the design of the roading/access layout, and with safe and convenient crossing points for pedestrians to connect to both sides of the road carriageway, will ensure an acceptable road safety risk within the site. The proposed upgrade works to the road network will ensure that there is not an unacceptable road safety risk beyond the site.</p> <p>The proposal provides for future multiple transport modes (see comment above under comments for Policy 33.2.6.1), includes parking arrangements that will not extend parking demand into any Residential Area, noting the nearest Residential Area is some distance away, and has an acceptable level of road safety.</p> <p>Accordingly the proposal is consistent with this policy.</p> |
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|  | <p>Policy 33.2.6.4<br/>Maintain or enhance safe, convenient and easily legible pedestrian access to buildings.</p>                                 | <p>The residential lanes and parking mews provide safe pedestrian access to buildings.</p> <p>Accordingly the proposal is consistent with this policy.</p>   |
|  | <p>Policy 33.2.6.5<br/>Encourage buildings and spaces to have a high level of accessibility, particularly for people with restricted mobility.</p> | <p>The Design Guide encourages circulation within buildings by avoiding tight corners. The guidelines are to ensure main entries are accessible, that there is a clear path to all areas and facilities with appropriate signage, and that accessible toilets will be provided as required and give consideration to a variety of disabilities.</p> <p>The proposal is consistent with this policy.</p>  |
|  | <p>Policy 33.2.6.6<br/>Require the provision of appropriate servicing and site access for activities in Business Areas.</p>                        | <p>In terms of provision for goods and services access the Stantec Report concludes the anticipated serving demands generated by the site's mixed – use activity can be appropriately accommodated on-site, and clear of the public street. Also adequately sized storage areas for rubbish bags and bins are to be located discreetly away from the front of the associated building and where they do not compromise adjacent dwellings.</p> <p>Council's Transport Advisor, Mr. Steve Spence confirms appropriate servicing arrangements will need to be provided for the various uses 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. Conditions relating to requiring provision of appropriate servicing have been recommended under Land Use Consent Conditions [49-50].</p> <p>Good connections within the site include safe pedestrian access to the Village Green along the north and west edge and footpaths for residential activity along the south and east edge. There is proposed a shared pedestrian/cycle path along the coastal edge and street public car parking.</p> |

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|  |  | <p>Residential lanes run as shared spaces from the coastal road, providing access to residential development and parking.</p> <p>The proposal is consistent with this policy.</p>  |
| <p><b>Objective 33.2.8</b><br/> <b>To ensure that the adverse effects of new subdivisions are avoided remedied or mitigated.</b></p>                           | <p>Policy 33.2.8.1<br/>           Ensure the sound design, development and appropriate servicing of all subdivisions.</p>  | <p>The subdivision simply seeks to subdivide the existing land parcels as a land rationalisation exercise to enable development to occur in line with the Masterplan. The subdivision proposal only intends that the existing occupation is serviced appropriately and it is not until redevelopment of the proposed lots that the services will be upgraded to generally meet WCC Code of Practice requirements. The subdivision will not increase the ability for the individual sites to be developed as of right. Esplanade reserves is a matter to consider within the District Plan for any subdivision adjoining the Wellington Coast, however as there is Legal Road and a strip of Crown Freehold Land within South Bay Beach separating the site from the Mean High Water Mark there is no ability to take an Esplanade Reserve or require an Esplanade Strip be created as an alternative.</p> <p>The proposal is consistent with this policy</p> |
| <p><b>Objective 33.2.10</b><br/> <b>To maintain and enhance access to, and the quality of the coastal environment within and adjoining Business Areas.</b></p> | <p>Policy 33.2.10.1<br/>           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.</p> | <p>The waterfront promenade, wharf access and a mix of publicly relevant water edge activities will maintain the public's ability to use and enjoy the coastal environment. Visitor car parking at North Point and South Point parks will provide other access to the coastal environment.</p> <p>Accordingly the proposal is consistent with this objective and policy.</p>   |
|  | <p>Policy 33.2.10.2<br/>           Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal</p>   | <p>It should be noted for context that the site is not a pristine undeveloped coastal environment and is already occupied by several large buildings and wharf infrastructure. While the scale of the proposal is greater than that specified in the District Plan height standards for the site, both the urban design and landscape assessments for the applicant and the Council lend</p>   |

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|  | <p>environment and waterbodies.</p>   | <p>support for the scale of the proposed development and that it will not have unacceptable urban design or landscape effects. The Proposed Design Guide will influence the final design solutions to further help ensure that the proposed development can integrate into its surroundings.</p> <p>The Proposed Design Guide also includes guidelines for the Shelly Bay Wharf. The key features of the proposal include a retained slipway, within the coastal marine area, complimented by unique ‘special buildings’ and an open and accessible waterfront potentially providing ferry access. The guidelines include activating the water’s edge with small kiosk public amenity buildings and historic character structures that engage with the spaces around. The kiosk will be within 10m of the Coastal Marine Area (CMA). However the kiosk will be set back from the Sea Wall by 1.8m, allowing public access along the water’s edge.</p> <p>The rest of the development is further back from the water’s edge and as stated above under Policy 33.2.3.1 the proposal successfully meets the aspirations to enhance the important qualities of Shelly Bay. This includes the North and South Bay Promenades that provide for a pedestrian promenade along the water’s edge.</p> <p>The proposal is consistent with this policy.</p> |
| <p><b>Objective 33.2.11</b><br/> <b>To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.</b></p> | <p>Policy 33.2.11.1<br/> Identify those hazards that pose a significant threat to Wellington, to ensure that areas of significant potential hazard are not occupied or developed for vulnerable uses or activities.</p> <p>Policy 33.2.11.4<br/> Ensure that the adverse effects on</p> | <p>There are no identified natural hazards however the Proposed Design Guide wants to ensure design is resilient to predicted sea level rise and storm surge. Guidelines include elevating ground floor habitable rooms between 600 and 1000mm above the footpath to improve privacy and to allow a contingency for sea level rise. Also considering historic character buildings the primary importance in earthquake strengthening is that of the safety of people occupying the building. The guidelines are to ensure structural interventions are based on detailed structural assessments and recognize the future use options of any adaption (particularly for public use). In terms</p>  |

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|   | <p>the natural environment arising from a hazard event are avoided, remedied or mitigated.</p> <p>Policy 33.2.11.5<br/>Ensure that buildings and structures do not exacerbate natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes.</p>  | <p>of the buildings and structures the proposal is to not develop within the Coastal Marine Area. Work will be required in the future if the Shelly Bay wharf is redeveloped. At that stage any redevelopment will need to avoid, remedy or mitigate adverse impacts on natural coastal processes.</p> <p>Infrastructure upgrade works will take into account long term durability with any land stability and potential inundation issues being considered as part of the design and implementation process for new infrastructure works.</p> <p>Conditions relating to mitigating the risk of land instability which may result from the proposed earthworks have been recommended.</p> <p>The proposal is consistent with the objective and these policies.</p>  |
| <p><b>Objective 33.2.13</b><br/><b>To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.</b></p> | <p>Policy 33.2.13.1<br/>Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.</p> <p>Policy 33.2.13.2<br/>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.</p> <p>Policy 33.2.13.3<br/>In considering resource consents,</p> | <p>A Cultural Impact Assessment (CIA) has been prepared on behalf of Taranaki Whanui Ki Te Upoko o Te Ika and The Port Nicolson Block Settlement Trust dated September 2016. The CIA has considered the appropriateness of the development taking into account cultural matters and raises no cultural related concerns with redeveloping the site. Additionally no Treaty of Waitangi issues were identified.</p> <p>The applicant has included Section 1.7 of the proposed Design Guide to provide direction on ensuring a cultural overlay is acknowledged and recognised within the development. Conditions are recommended to ensure the Consent Holder demonstrates that any detailed design plans meet the intent of Proposed Design Guide. Conditions are also recommended so that if sites of significance are found during any site works involving excavation where any kōiwi (human skeletal remains), ovenstones, worked stones, middens, charcoal, other Māori cultural material, or any evidence of early European occupation are unearthed,</p> |

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|  | <p>Council will take into account the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.</p> | <p>work must cease immediately to enable the project archaeologists to carry out a detailed examination of the area. Council's heritage advisor has noted any activity that will modify or destroy a structure that is associated with pre-1900 human activity and is not intended for occupation will also require an Archaeological Authority. This may apply to structures on the Shelly Bay redevelopment site and a note is included with the Accidental Discovery Protocol highlighting the requirement for an Archaeological Authority.</p> <p>Best practice environmental methods are to be used in the Shelly Bay development, as detailed in the Proposed Shelly Bay Design Guide, which can lead the way to sustainable land management practices, including storm water reallocation. The applicant proposes to enhance the site's ecological character with the Planting Strategy in the Masterplan 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). Specifically the Proposed Design Guide includes waste management by recycling and raingardens for stormwater treatment of road runoff.</p> <p>Accordingly the proposal is consistent with this objective and the policies.</p> |
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| <b>Open Space B</b>   |  |  |
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| <b>Objectives</b>   | <b>Policies</b>  | <b>Comments</b>  |
| <p><b>Objective 16.5.1</b><br/> <b>To maintain, protect and enhance the open spaces of Wellington City.</b></p> | <p>Policy 16.5.1.1<br/>           Identify a range of open spaces and maintain their character, purpose and function, while enhancing their accessibility and usability.</p> | <p>The Introduction that precedes this objective and policy states that Open Space B land is characterised by minimal structures, largely undeveloped areas, and open expanses of land. The commentary under this policy wants to avoid the reduction of open space quality in general by regulating new structures and buildings such that open spaces are maintained and enhanced. Accessibility to the City’s open spaces is an important aspect their management to ensure that everyone has access to the various forms of open spaces, both active and more passive recreational areas. The desired environmental result is for the continued protection of the open character of Open Space B land. Objective 16.5.1 and Policy 16.5.1.1, when read in the context of the desired outcome for Open Space B land, envisage such land being kept in a largely unbuilt or natural state. The Open Space B Area is to have minimal structures and only buildings for recreational purposes less than 4 metres high are permitted. Open Space B can be contrasted with Open Space A where the provision of large recreational structures is envisaged. Apart from Open Space C, which is governed by the Wellington Town Belt Act requirements (amongst other things), it is the most ‘undeveloped’ zoning in the District Plan aside from Conservation Areas.</p> <p>There are several positive open space effects of this development, including the improved quality and quantity of open space provided through the Masterplan, as described in Mr McMahon’s report. It also appears that the “usability” of, and access to, the open space is improved or at least maintained, for the reasons given by the applicant’s urban designer, Ian McIndoe. However, given the clear direction in the objectives and policy (discussed above), in my view it is simply not possible to conclude that the proposal is consistent with the objective and policy and it is in fact contrary to this objective and policy.</p> |

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|   |  | <p>This is because there are 27m high multi story residential apartments proposed in the Open Space B area in the rear of the site. When walking from the Village Green to the future Te Motu Kairangi Park at the rear of the site you have to pass by 12m high residential townhouses on the access roadway as there is no footpath.</p> <p>The applicant has offered mitigation for the loss of vegetation in the Open Space B area. In the rear of the site the proposed Vegetation Management Zone is a positive aspect of the development but does not change my overall conclusion when assessing consistency with this policy and objective.</p> <p>Accordingly the proposal is contrary to this objective and policy.</p>  |
| <p><b>Objective 16.5.2</b><br/> <b>To maintain and enhance natural features (including landscapes and ecosystems) that contributes to Wellington's natural environment.</b></p> | <p>Policy 16.5.2.1<br/> 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.</p> | <p>The explanation under this policy states that coastal cliffs, areas of open space and areas of existing native vegetation are important components of Wellington's visual character. It goes on to state that where these areas are not protected by public ownership Council aims to mitigate the visual impact of any development. The environmental result will be the protection of the significant features of the Wellington landscape.</p> <p>Again it should be noted that Shelly Bay is a developed area with several large buildings and wharf infrastructure. While the Open Space B part of the site remains largely undeveloped, the developed part of the site does impose on the open space values of the site. However, building large residential buildings on and adjacent to the Open Space zoned land will adversely affect the current existing natural environment.</p> <p>The applicant's landscape expert from Wraights + Associates concludes the natural coastal escarpment will remain the visually dominant landscape feature protecting the wider Open Space values. The residential dwellings will not result in a significant visual obstruction to these wider landscape values.</p> |

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|  |   | <p>Council’s landscape expert Ms McArthur concludes that the proposal will have low adverse landscape effects on the site and surrounding area, and while 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. Ms McArthur further notes that the proposal removes uncertainty around the future of Shelly Bay and further degradation of the site. On the negative side, Ms McArthur maintains that the proposal will have adverse landscape effects through the construction of the larger buildings and potentially with some of the earthworks that will be required to facilitate construction of the elevated stand-alone houses.</p> <p>Accordingly the proposal is not entirely consistent with this policy as the escarpment is a significant feature of the Wellington landscape.</p> |
|  | <p>Policy 16.5.2.3<br/>Encourage retention of existing native vegetation and where appropriate re-introduce native cover.</p> | <p>The applicant offers an Escarpment Vegetation Management Zone Strategy that offers protection of existing indigenous vegetation and ecological reparation of the site’s prominent landscape feature thereby increasing coastal edge biodiversity and maintaining the site’s important ‘green’ escarpment landscape character. Where possible existing native vegetation, mainly Pohutukawa are to be retained. New trees include Pohutukawa planted along the street, Ti Kouka in the Village Green and Kowhai in the Parking Mews. Within the CIA Taranaki Whanui recommends indigenous species is returned to the area as listed in the CIA. None of the new trees proposed by the applicant are on this list as the applicant has pointed out you need to have trees, such as pohutukawa, that will survive during the construction phase.</p> <p>Accordingly the proposal is slightly inconsistent with this policy.</p>   |

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| <b>Earthworks</b>  |  |   |
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| <b>Objectives</b>  | <b>Policies</b>  | <b>Comments</b>   |
| <p><b>Objective 29.2.1</b><br/> <b>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.</b></p> | <p>Policy 29.2.1.1<br/>           Ensure that the design and assessment of earthworks and associated structures is coordinated with future land development and subdivision.</p>   | <p>Earthworks are required to provide building platforms and access. The development is to be staged to ensure minimal earthworks on the site at any stage. Following construction of each stage, all earth worked areas will be covered by buildings roads, paths or suitably landscaped.</p> <p>Accordingly the proposed earthworks are coordinated with future land development and subdivision and the proposal is consistent with this objective and policy.</p>   |
|  | <p>Policy 29.2.1.2<br/>           Provide for minor earthworks to allow the use and development of land where the risk of instability is minimal.</p> <p>Policy 29.2.1.3<br/>           Ensure that earthworks are designed to minimise the risk of instability.</p> | <p>All earthworks will be engineered to minimize risk of instability. The AECOM Geotechnical Report noted that there are a number of rock slopes around the site. A detailed survey has confirmed the potential for continued failures from these outcrops. The most common failures are likely to be relatively small (up to 0.1m<sup>3</sup>), but rarer, larger failures (up to 10m<sup>3</sup>) are also possible under adverse conditions in a few areas.</p> <p>Recommended land use condition [18] to minimize risk of instability includes measures detailed in the Earthworks and Construction Management Plan (ECMP) to ensure excavation and retaining structures are constructed incrementally to maintain stability of all the slopes.</p> <p>Measures include netting and rock bolting as recommended in the AECOM Geotechnical Report.</p> <p>If the condition is imposed and the works are undertaken under appropriate</p> |

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|  |  | <p>engineered design and supervision, the risk of instability as a result of earthworks will be minimal.</p> <p>Accordingly the proposal is consistent with these policies.</p>   |
|  | <p>Policy 29.2.1.4<br/>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.</p>                                    | <p>A recommended land use condition of consent [21] has been offered requiring the submission of an ECMP for approval prior to the commencement of construction that outlines the mitigation measures with respect to erosion, dust and sediment with regard given to the coastal environment.</p> <p>Taking the advice from the Council’s earthworks engineer, Mr. John Davies, into account, I consider that these effects can be mitigated and that the proposal is consistent with this policy.</p>   |
|  | <p>Policy 29.2.1.7<br/>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.</p> | <p>The visual effects are mitigated through landscaping, including grassing, other planting and hard surface treatment, and the construction of future buildings and roads. Earthworks also have potential to result in adverse effects through erosion and sediment loss from the site and result in localised geotechnical instability. This instability could result in localised visual effects. To reduce these effects 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 which could create adverse visual effects.</p> <p>Accordingly the proposal is consistent with this policy.</p> |
|  | <p>Policy 29.2.1.9<br/>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</p>            | <p>The site is partly within the Open Space B Area, within the Urban Coastal Edge, and the Mt Crawford Ridgeline and Hilltop contour is 200 metres up the escarpment. The site does not contain listed heritage buildings nor is it located within a listed heritage area.</p> <p>The proposed earthworks are only that which is necessary to undertake the development being mainly away from the Coastal Edge with some</p>   |

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|  | <p>amenity or heritage value these areas provide to their immediate surrounds and the City.</p> | <p>disturbance of the escarpment, and the recognition of the heritage values has been one of the considerations to the overall development of the site. According to Council's landscape architect there is potential that earthworks encroaching onto the escarpment which are required to construct elevated stand-alone houses will have adverse landscape effects. These effects are seen as negative however when taken into the wider context the adverse landscape effects are considered to be low.</p> <p>Accordingly the proposal is slightly inconsistent to this policy.</p> |
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| <b>Contamination</b>  |  |  |
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| <b>Objectives</b>   | <b>Policies</b>  | <b>Comments</b>  |
| <p><b>Objective 31.2.1</b><br/> <b>To manage the remediation, 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.</b></p> | <p>Policy 31.2.1.2<br/>                     Minimise and control the adverse effects that may arise from the use, development and subdivision of any contaminated or potentially contaminated land.</p> <p>Policy 32.2.1.4<br/>                     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.</p> | <p>The site is identified on the Wellington Regional Council’s Contaminated Land Register as being potentially contaminated. The Preliminary Site Investigation (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. Conditions are recommended to mitigate any risk to human health therefore minimizing adverse effects due to the contaminated site. During construction it is envisaged that potential adverse contamination effects will be temporary in nature and will be appropriately mitigated to an acceptable level. The PSI does not raise any issues for properties outside the subject site to be affected with respect to potential contamination effects. The site development will be staged and public access restricted which will help ensure the risk associated with contaminated land during the construction period is mitigated when major construction is in progress.</p> <p>Accordingly the proposal is consistent with this objective and policies.</p> |
|   | <p>Policy 31.2.1.3<br/>                     Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.</p>  | <p>The proposal is to remediate any possible contamination on the site (that may exist following further site investigations) to a level suitable for the proposed land-use activities thereby avoiding any risks of adverse effects on human health and the environment.</p> <p>Accordingly the proposal is consistent with this policy.</p>  |

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| <b>Wellington City District Plan Relevant Assessment Criteria</b>   |  |
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| <b>Land Use – Open Space</b>  |  |
| <b>Assessment Criteria</b>  | <b>Comment</b>   |
| <p><b>17.2.4.4</b><br/> <b>The significance of the affected vegetation in terms of ecological and amenity values.</b></p> | <p>Ms Bec Ramsay, Open Space and Recreation Planning Manager for Wellington City Council, has reviewed the proposal.</p> <p>Leptecophylla juniperina subsp. juniperina, mingimingi is a very old relic shrub, located above the North Point Park, which would be probably over 100 years old. Mingimingi in this environment is very slow growing. It represents the type of flora that would have been here pre settlement. There is little Mingimingi left in Miramar which is mostly occurring in isolated pockets of remnant coastal flora; the northern ridge above the North Point car park and adjacent to proposed buildings NBH1 and NBA1 (Masterplan page 17) would have the most plants left.</p> <p>The applicant offers an Escarpment Vegetation Management Zone Strategy that offers protection of existing indigenous vegetation and ecological reparation of the site’s prominent landscape feature thereby increasing coastal edge biodiversity and maintaining the site’s important ‘green’ escarpment landscape character. The iwi of Taranaki Whanau represented by Port Nicholson Block Settlement Trust have recommended that the indigenous species be returned to the area and that the Pine and Pohutukawa trees be better managed than they are currently. Under the planting strategy in the Masterplan the planting on the Escarpment is to remove the pine and other exotic trees carefully to protect as much of the regenerating native bush as practicable, then plant the Escarpment with indigenous native species into the gullies and spurs. Landscaping conditions are recommended for the planting strategy in the Masterplan.</p> <p>Accordingly while there is vegetation of significance in the immediate area of the proposed development, it is intended to both protect this as far as practicable and to also undertake enhancement planting.</p> |



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| <p><b>17.2.4.5</b><br/> <b>The relationship of the affected vegetation with other areas of indigenous vegetation.</b></p>                         | <p>In terms of indigenous vegetation the CIA details that there is much written about Te Motu Kairangi (Miramar Peninsula) where there was an abundance of trees for building whare (houses) and fertile soil for plants, rongoa (traditional medicine), flax for weaving and food gardens. In 1872, botanist John Buchanan (1872) researched and published a list of the plants of the Miramar peninsula. Buchanan’s work showed there are hundreds of species on the peninsula, many of which remain today. It is the recommendation of Taranaki Whānui that the indigenous species be returned to the area. The applicants replanting strategy for the Escarpment Vegetation Management Zone includes, after pine removal up to the site boundary, replacement with indigenous native species sourced from Buchanan’s list.</p> <p>Accordingly the application acknowledges the wider relationship of the indigenous vegetation within the site to the indigenous vegetation of the area, and intends to protect it as far as practicable, and to undertake remedial and enhancement planting appropriate for the area.</p> |
| <p><b>17.2.4.6</b><br/> <b>Whether it is necessary to remove the vegetation to maintain or enhance the Open Space B or Open Space C Area.</b></p> | <p>The vegetation removal within the Open Space B zone is necessary for the proposed house sites behind the apartment sites (comprising mainly pines) for safety reasons. The vegetation removal in the vicinity of the individual dwellings sites does not extend to the area above these house sites, being the escarpment that forms, and remains, the dominant landform in the immediately surrounding area. Therefore the removal of vegetation is not completely necessary just to maintain or to enhance the Open Space B Area, which as identified above is not intended for urban development. However, the removal of the pines is likely to have become necessary at some point in time once they became a general safety concern which would have then allowed for more appropriate indigenous replanting.</p>   |
| <p><b>17.3.2.1</b><br/> <b>Whether the structure is designed and located to be visually unobtrusive;</b></p>                                      | <p>The built structures in this area will comprise residential apartments, dwellings and ancillary buildings. The footprint and built form of these dwellings is defined in the Masterplan. The maximum height is 27 metres and the development will step up towards the higher coastal escarpment immediately behind. The development in this area will introduce a visual change to this environment and at close range the built structures will dominate the site adjacent to the escarpment. Therefore the built structures will not be visually unobtrusive.</p>   |
| <p><b>17.3.2.3</b><br/> <b>Whether the structure is needed for the public enjoyment of the site’s recreational potential;</b></p>                 | <p>There are no public structures for recreational purposes proposed by this development within the Open Space B Area. The only structures that could support the recreational potential would be steps from the shared lanes to the future Te Motu Kairangi Park that would border this site. The appropriate time for the construction of the steps is after confirmation of the building layout and will be implemented by future subdivisions to take place on the site.</p>   |

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| <p><b>17.3.2.4</b><br/> <b>Whether the site's open space character is maintained;</b></p>   | <p>Open Space character is a component of landscape character and is a measure of the naturalness in relation to the biophysical component of landscape. There will be adverse effects on open space character 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 loss of Open Space B land that will have substantial buildings constructed within the area. The vegetation planting strategies proposed should offset or mitigate any loss of indigenous vegetation. Overall the site's open space character within the Open Space B area will not be maintained.</p> |
| <p><b>17.3.2.5</b><br/> <b>Any relevant provision of:</b></p> <ul style="list-style-type: none"> <li>• <b>Reserves Act 1977 and any amendments to that Act;</b></li> <li>• <b>Queen Elizabeth II National Trust Act 1977 and any amendments to that Act;</b></li> <li>• <b>Any management plan prepared for the site e.g. Belmont Regional Park Management Plan and the Wellington Town Belt Management Plan;</b></li> <li>• <b>The Town Belt Deed 1873.</b></li> </ul> | <p>The site is not subject to the Reserves Act 1977 (or any amendments), Queen Elizabeth II National Trust Act 1977 or the Town Belt Deed 1873. There are no current management plans prepared for the site.</p>  |
| <p><b>17.3.2.6</b><br/> <b>Whether established public access or the possibility of such access is maintained;</b></p>   | <p>Public access is maintained within the site. Adjoining the site there is an existing formed access to the proposed Te Motu Kairangi Park which is a five metre wide forestry track, formally proposed as a right of way on the scheme plan. There is potential for future public access to the rear of the apartments but this proposal does not currently guarantee that this will take place. Therefore public access is only guaranteed to Open Space B Area land via a forestry track, and only then if the applicant agrees to an Easement in Gross in favour of Council as included in recommended subdivision consent condition [8].</p>  |
| <p><b>17.3.2.7</b><br/> <b>Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.</b></p>  | <p>The area of Open Space B land affected by the proposal is within the Mataki-kai-poinga Landscape Feature Precinct. A CIA has been prepared for the wider development. The Cultural Impact Assessment has not identified any cultural matters that would be an impediment to development.</p>   |

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| <p><b>17.3.2.8</b><br/><b>The extent to which any adverse effects of any new accessway or carparking, of change in use of any existing accessway or carparking, can be avoided, remedied or mitigated;</b></p> | <p>The proposed dwellings on this Open Space B land will all have a new formed access with on-site parking. A Traffic Assessment Report prepared by Stantec has not identified any adverse effects with respect to this new access and parking arrangements. Council's Vehicle Access and Transport advisors support the new accessways and carparking.</p> |
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| <b>Land Use – Contamination</b>   |  |
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| <b>Assessment Criteria</b>  | <b>Comment</b>   |
| <p><b>32.2.1.5</b><br/> <b>The proposed methodology for the remediation of the land, including as appropriate the provision of a Remediation Plan that addresses: Wellington City District Plan Page 32/2</b><br/> <b>Last Amended 09 March 2010</b><br/> <b>Contaminated Land Operative 09/03/2010</b></p> <ul style="list-style-type: none"> <li>• <b>How any adverse effects on the surrounding environment resulting from earth moving or removal and any potential discharges from the site will be managed (e.g. sediment control, site covering and dust control),</b></li> <li>• <b>Where soil is to be removed from the land, the appropriate tracking and safe transport to land that is authorised and / or consented for the disposal of any contaminated soils.</b></li> <li>• <b>How the health and safety of the workers and the wider community will be provided</b></li> </ul> | <p>According to the AECOM report this site has been used as an Air-Force base. General military camp facilities including workshops, paint stores, munitions stores, sewage pumping station, a rifle range and a shipway and repair yard were onsite. An underground storage tank was also on site but has since been removed. No tank pull report is held by Wellington Regional Council. Potential contaminants include explosives, lead, copper, antimony, solvents and metals and hydrocarbons. No detailed information is held for this site regarding the level of contamination, if any, that has occurred.</p> <p>A Contaminated Soil Management Plan (CSMP) is to be submitted to the Council’s Compliance Monitoring Officer (CMO) for certification. The CSMP includes the 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. Any contaminated soil removed during the works is to be disposed of to a facility authorised to receive it, and the Council notified of the soil disposal location.</p> <p>In terms of health and safety of the workers the CSMP will include procedures for the protection of workers. The wider community will be restricted to the site by the Earthworks and Construction Management Plan (ECMP). The ECMP will include public exclusion zones, site security and location of worker amenity facilities.</p> <p>In terms of remediation a Soil Validation Report (SVR) is to be provided to the CMO. It will include a summary of remediation, including alternatives taken when unexpected materials are discovered and that the standard of remediation is suitable for the intended end use.</p> <p>The site is isolated from other sites and there are no known adjacent sites that are contaminated.</p> <p>In terms of adverse effects of discharges from the land stormwater is to be reticulated before entering into the Coastal Marine Area and is unlikely to have any long term or cumulative effects.</p> |

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| <p><b>for during works, including, if necessary, the presence of public exclusion zones, site security and location of worker amenity facilities.</b></p> <ul style="list-style-type: none"> <li>• <b>The standard of remediation on completion.</b></li> <li>• <b>The potential for recontamination to occur, where the land may become contaminated due to the presence of contamination on adjacent land or sites.</b></li> <li>• <b>Any alternatives to remediation, where there are more appropriate mitigation techniques to remediation that will avoid risk to public health and safety and prevent exposure to the contaminated soil.</b></li> <li>• <b>Any potential long-term or cumulative effects of discharges from the land.</b></li> </ul> | <p>In summary, 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. Recommended land use consent conditions [18, 31-34] are suggested to mitigate any contamination effects from the development.</p>   |
| <p><b>32.2.1.6</b><br/> <b>The extent to which any proposal for the remediation and / or ongoing management of contaminated land meets the Ministry for the</b></p>  | <p>The AECOM report was limited and did not go into remediation or the ongoing management of contaminated land. In terms of contamination the Preliminary Site Investigation (PSI) found no evidence of petroleum hydrocarbons. The report considered that it is highly unlikely that there is a risk to human health. However the report mentioned the structures at the site pre-date the cessation of the use of asbestos in building materials (1990's), therefore there is potential for impact to soil from the use and removal of asbestos containing material at the site. AECOM did undertake a site walkover and noted the potential presence of asbestos. However an</p> |

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| <p><b>Environment's Contaminated Land Management Guidelines 1 to 5, any relevant Ministry for the Environment industry-specific contaminated land guidelines, the Ministry of Health's Guidelines for Public Health Services for Managing Lead Exposed Persons and the Management of Asbestos in the Non-Occupational Environment, and the Department of Labour's Health and Safety Guidelines on the Clean-up of Contaminated Sites.</b></p> | <p>asbestos survey has not been completed for the site. There is potential for the structures already demolished to impact soil if the asbestos was not removed appropriately. If structures are to be removed at the site there is potential for soil to be impacted by asbestos if not undertaken correctly. A similar note that is put on approved Building Consents has been added to the recommended advice note number [18].</p>   |
| <p><b>32.2.1.7<br/>The extent to which any potential adverse effects of remediation and / or ongoing management are acceptable.</b></p>   | <p>The proposal includes the investigation and remediation of any contaminated land to a level acceptable for the proposed land-use activities in this location.</p> <p>The investigation, remediation, validation, and management process is intended to be carried out in accordance with the Ministry for the Environment Guideline: Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Revised 2011). Recommended land use condition of consent [34 (a)] has been proffered by the applicant to this effect.</p>   |
| <p><b>32.2.1.8<br/>The suitability of the land for its proposed end use, including whether adequate measures are proposed to ensure the on-going safe use of the land.</b></p>  | <p>The applicant offers SVR documenting the implementation of the CSMP that will be provided to the CMO within 2 months of completion of (each stage) of the earthworks. The SVR will include details of any testing undertaken (either for disposal or for site validation). Additionally the SQEP will have the authority to stop work on the site if contaminants are found that could affect public health, safety and the environment. The SQEP will then inform in writing the CMO, who records the stop work notice. The SQEP will then be responsible to get a report prepared on remediation/containment measures and have the report peer reviewed. The CMO will check the report and peer review are independently prepared by a SQEP who can advise on contamination</p> |

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|   | aspects. The SQEP will then implement the remediation/containment measures and uplift the stop work notice. Recommended Land Use conditions of consent [31-34] cover this for each stage to ensure the on-going safe use of the land.   |
| <b>32.2.1.9 The nature of any relevant Regional Council requirements or consent conditions.</b> | The Regional Council requires if you are conducting an environmental investigation at your site you will need to comply with the rules in the proposed Natural Resources Plan. At this preliminary stage an environmental investigation has not taken place however the applicant is aware a Resource Consent from the Regional Council may be required if any work is to be undertaken within the Coastal Marine Area. There have been no Regional Consents applied for as part of this proposal. Currently there are Resource Consents for the Shelly Bay Wharf (Expires 17 November 2019) and for Rip Rap in two locations within Shelly Bay (Expires 27 November 2044). |

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| <b>Subdivision- Open Space</b>   |  |
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| <b>Assessment Criteria</b>   | <b>Comment</b>   |
| <p><b>17.3.4.1</b><br/> <b>Whether the proposed allotments are capable of accommodating Permitted, Controlled or other Discretionary Activities in compliance with the Open Space rules.</b></p> | <p>The proposed allotments are set out to accommodate the intended development of the site. The Open Space B Area is predominantly land that is at the toe or up the side of the coastal escarpment. Residential development does not align with the Open Space B rules which are focussed on minimising building development and facilitating recreational activities. One way to accommodate the Open Space Rules would be to transfer all the Open Space B Area land from this site into the proposed park next door. However this is not the case with most of the proposed allotments having proposed residential buildings within the Open Space B Area land that do not meet the Open Space assessment criteria of being unobtrusive. Accordingly while conceivably the lots could accommodate activities contemplated by the Open Space rules, such uses would be limited and are not intended.</p>  |
| <p><b>17.3.4.2</b><br/> <b>The extent of compliance with Council's Code of Practice for Land Development.</b></p>  | <p>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 recommended subdivision consent conditions [4,5 and 7]</p> <p>The subdivision simply subdivides the existing land parcels to enable development to occur to give effect to the Masterplan. The recommended conditions are such that the subdivision would be serviced to accommodate the existing development in the first instance, and when the lots are redeveloped the services would then need to be upgraded to meet Council's Code of Practice requirements. The subdivision as mentioned in the Subdivision Design Guide is a 'brownfield' site as the site was previously developed and has service infrastructure that could be reused. The recommended subdivision conditions allow for reuse of existing infrastructure services. The recommended land use conditions would require the upgrading of the services and it is anticipated that any future subdivision of the developed sites would do the same. Established access to the site may not align with Council's Code of Practice however Mr Steve Spence, Council's Chief Transport Advisor believes the solution proposed by the applicant is acceptable.</p> |



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| <p><b>17.3.4.3</b><br/><b>Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.</b></p> | <p>Ms Nicky Karu, Manager Treaty Relations for Wellington City Council, has reviewed the Cultural Impact Assessment (CIA) and is satisfied the adequacy of the report.</p> <p>The iwi of Taranaki Whanau represented by Port Nicholson Block Settlement Trust (PNBST) support this resource consent. Taranaki Whānui has kaitiakitanga (guardianship) responsibilities to ensure the protection of the natural, historical and cultural dimensions of Marukaikuru (Shelly Bay). The iwi had no specific comments on the subdivision within the CIA.</p> |
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