

**Report to the Resource Consents Hearing Commissioner
on a Publicly Notified Resource Consent**

8 April, 2024

Service Request No: 517439
File Reference: 1034912

APPLICATION DETAILS

<u>Site Address and Legal Description:</u>	26 Ganges Road, Khandallah - Lot 42 DP 1828 Part Lot 44-46 DP 1828 3 Dekka Street, Khandallah - Pt Lot 46 DP 1828 Part Lot 44-46 DP 1828 31 Nicholson Road, Khandallah - Pt Lot 45 DP 1828 Part Lot 44-46 DP 1828 33 Nicholson Road, Khandallah - Pt Lot 44 DP 1828 Part Lot 44-46 DP 1828
<u>Applicant:</u>	Foodstuffs Properties (Wellington) Limited
<u>Proposal:</u>	Earthworks to extend the supermarket carpark and install associated signage
<u>Owners:</u>	Foodstuffs Properties (Wellington) Limited
<u>Service Request No:</u>	517439
<u>File Reference:</u>	1034912
<u>Operative District Plan Area:</u>	Centres Area (site of supermarket and existing carpark) Outer Residential Area (site of proposed carpark extension)
<u>Notations in Operative District Plan:</u>	Flood Hazard Zone
<u>Operative District Plan Activity Status:</u>	Discretionary Activity
<u>Proposed District Plan Zone:</u>	Local Centre Zone and Medium Density Residential Zone
<u>Notations in Proposed District Plan:</u>	22m Height Control Area (Local Centre Zone) 14m Height Control Area (Medium Density Residential Zone) Flood Hazard Overlay – Inundation Area WAIL1 (Obstacle Limitation Surfaces)

<u>Proposed District Plan Activity Status:</u>	N/A
<u>Site Address and Legal Description:</u>	26 Ganges Road, Khandallah - Lot 42 DP 1828 Part Lot 44-46 DP 1828
	3 Dekka Street, Khandallah - Pt Lot 46 DP 1828 Part Lot 44-46 DP 1828
	31 Nicholson Road, Khandallah - Pt Lot 45 DP 1828 Part Lot 44-46 DP 1828
	33 Nicholson Road, Khandallah - Pt Lot 44 DP 1828 Part Lot 44-46 DP 1828

PROFESSIONAL BACKGROUND

1. My name is Amy Camilleri, I am a Senior Planner in the Resource Consents team at Wellington City Council. I hold a Bachelor of Regional and Urban Planning from The University of the Sunshine Coast. I have close to six years of planning experience at various roles within local government.
2. I have provided planning input for a range of resource consent applications as a Council planner. Of particular relevance to this application is the fact that I have processed a large number of resource consent applications for a range of land development projects, including applications under the Residential (both residential and non-residential in nature) rules and centres rules, during my time in the Council.
3. I confirm that I have read the Code of Conduct for expert witnesses contained in section 9 of the 2023 Environment Court Practice Note and agree to abide by the principles set out therein.

SITE DESCRIPTION AND CONTEXT

Site Description:

4. The applicant’s Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate, and it should be read in conjunction with this report and can be found under **Appendix Ten.**
5. In summary, the site comprises four properties, three of which are residential in nature and contain existing dwellings (being 3 Dekka Street, 31 and 33 Nicholson Road) these properties are located to the west of the existing supermarket. The fourth property is 26 Ganges Road that contains the existing New World Khandallah Supermarket and carpark.
6. There is an 81m² strip of land along their eastern boundaries that is jointly owned between six properties who have 1/6th Share in the land being:
 - 26 Ganges Road
 - 34 Ganges Road
 - 31 Nicholson Road
 - 33 Nicholson Road
 - 35A Nicholson Road

- 3 Dekka Street



Figure 1: Aerial view of the subject site and the surrounding environment.

Surrounding Context:

7. It is important to note that the site is within close proximity to the Khandallah Central Area known as the Khandallah Village. This is shown below in figure two and represented by the blue colour.

Khandallah Village

8. The blue area contains a variety of businesses that is consistent with a Centres Area zoning as per the Operative District Plan. The wider environment consists of existing residential developments that have evolved over time and shown as yellow in figure 2 below.
9. As shown in figure 2 below the orange star on figure represents the existing New World Supermarket, with the purple circles representing the location of the proposed carpark expansion adjoining the centres zone.

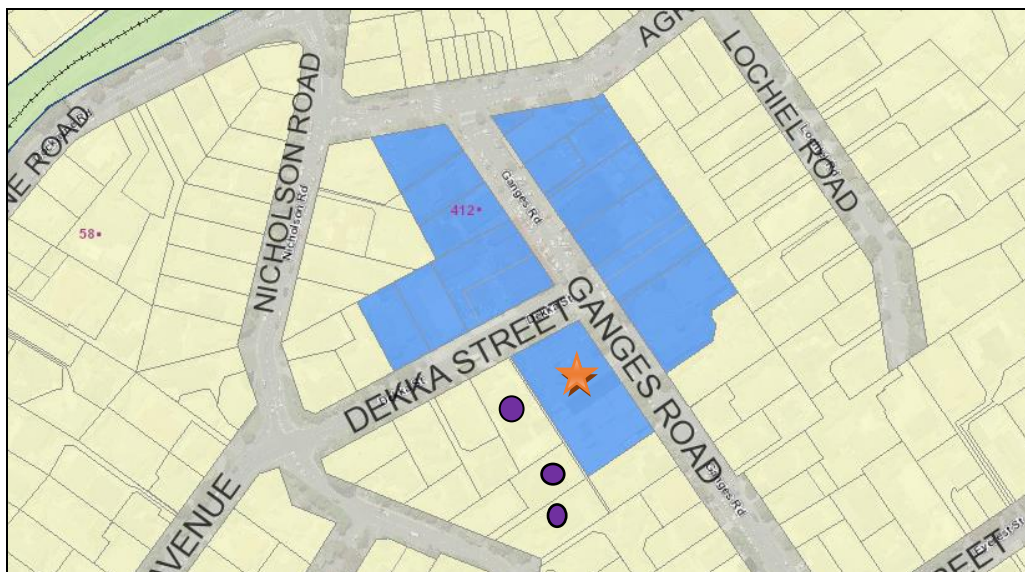


Figure 2: Aerial of the surrounding zoning.

St Benedict's Primary School

10. Further afield to the south locates St Benedict's Primary School, the school is located to the south of the site along Nicholson Road, on the opposite side of the road to the subject site.

District Plan Context:

11. Operative District Plan
The site is located within the Local Centres Zone and Outer Residential Zone. The following District Plan notations apply to the subject site:
 - Flood Hazard
12. Proposed District Plan
The site is located within the Local Centre Zone and Medium Density Residential Zone. The following District Plan notations apply to the subject site:
 - 22m Height Control Area (Local Centre Zone)
 - 14m Height Control Area (Medium Density Residential Zone)
 - Flood Hazard Overlay – Inundation Area
 - WAIL1 (Obstacle Limitation Surfaces)

PROPOSAL

13. Details of the proposal are provided in the applicant's AEE (**Appendix Ten, Section 3**) and application plans. I adopt the applicant's proposal description that should be read in conjunction with this report.
14. In summary, it is proposed to establish a carpark as an extension to the current carpark for an existing supermarket. The works have been described below:
 - The demolition of the dwellings and all associated structures on 3 Dekka Street, 31 and 33 Nicholson Road.
 - Earthwork for the creation of the carpark covering an area on being 2,800m² of which 2,540m³ of cut and 90m³ of fill being a total of 2,630 m³. The works will result in 3.5m cuts that will be retained with concrete block retaining wall and attached acoustic fencing atop (resulting in an overall height of 5.5m).
 - Widening of a vehicle crossing from to 7m along Dekka Street and the instillation of a 6.6m wide vehicle crossing onto Nicholson Road. This will facilitate the ability for traffic to enter and exist from both locations in addition to the Ganges Road crossing.
 - The proposed carpark extension will provide an additional 68 parking spaces resulting in a total of 101 parking spaces.
 - The installation of pedestrian access from Nicholson Road.
 - Landscaping, notably planting along the site perimeter and entranceways.
 - Four signs are proposed as directional signage for proposed carpark extension.

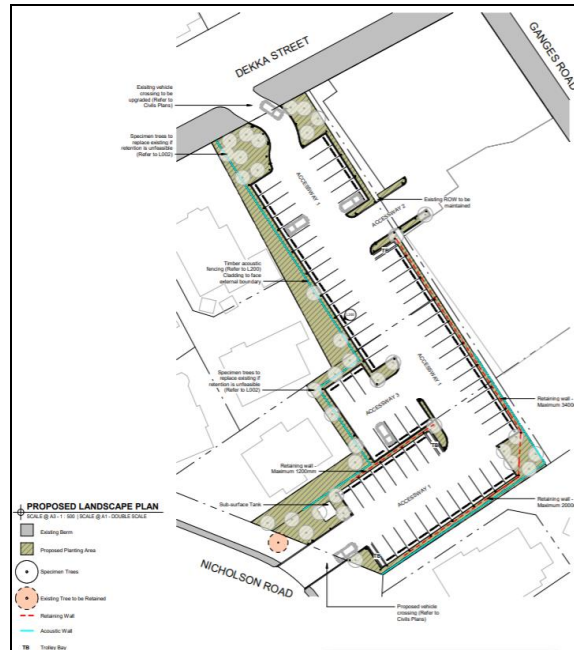


Figure 3: Proposed Carpark layout

RELEVANT NATIONAL ENVIRONMENTAL STANDARD

15. There are no National Environmental Standards relevant to this proposal.

RELEVANT NATIONAL POLICY STATEMENT

16. There are no National Policy Standards relevant to this proposal.

PROPOSED DISTRICT PLAN

17. On 18 July 2022 the Council notified the Wellington City Proposed District Plan (PDP).

18. The PDP is a full review of the District Plan, which is due every 10 years under the RMA. Amongst other things, it also gives immediate effect to aspects of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), enacted in December 2021, as well as the National Policy Statement for Urban Development, Policies 3 and 4 (intensification and qualifying matters), of which neither are applicable to the proposal.

19. However, the following provision in the PDP that is applicable and does have immediate legal effect are those that relate to Historic Heritage.

20. The PDP doesn't change any of the relevant notations under the operative District Plan.

21. This resource consent application was lodged prior to notification of the PDP, and therefore it retains the activity status at the time of lodgement pursuant to section 88A, being under the rules of the Operative District Plan.

Assessment against PDP:

22. While the proposal retains its activity status under the ODP, the proposal will be assessed against the objectives and policies of the PDP where relevant. If the conclusion reached under the ODP is different to the conclusion reached under the PDP, then

weighting of the PDP will be undertaken to determine the recommendation on the application. The weighting of the PDP will be discussed later in this report if necessary.

ACTIVITY STATUS

Operative District Plan:

23. Resource consent is required under the following rules:

Rule 5.4.1 – Non-Residential Activity

Consent is required for the provision of car parking (including the retaining/support structures) associated with a supermarket as a non-residential activity and is therefore a **Discretionary** activity pursuant to **Rule 5.4.1**.

There are no relevant conditions.

The proposal is assessed as a **Discretionary Activity**.

Rule 5.3.1 – Access

Consent is required as a Discretionary Restricted Activity pursuant to **Rule 5.3.1**. The proposed accesses for the carpark on Dekka Street will be 7m in width and Nicholson Road will be 6.6m in width respectively, and therefore does not meet Standard 5.6.1.4 which relates to the maximum width of access.

There are no relevant conditions.

The proposal is assessed as a **Restricted Discretionary Activity**.

Rule 5.3.11 – Signs

Consent is required as a Restricted Discretionary Activity Pursuant to **Rule 5.3.11**. The proposal includes the installation of four illuminated signs relating to the non-residential activity.

There are no relevant conditions.

The proposal is assessed as a **Restricted Discretionary Activity**.

Rule 7.3.1 – Carparks

Consent is required as a Restricted Discretionary Activity pursuant to **Rule 7.3.1**. The proposed carpark will exceed 70 carparks (being 101 carparks).

The Council's discretion is restricted to the following:

- The movement of vehicular traffic to and from the site.
- The impact on the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use.
- The provision and location of facilities for multiple modes of transport

There are no relevant conditions.

The proposal is assessed as a **Restricted Discretionary Activity**.

Rule 30.2.1 – Earthworks

Consent is required as a Restricted Discretionary Activity pursuant to **Rule 30.2.1**. The proposed earthworks breach the Permitted Activity condition for earthworks under Rule 30.1.1.1(a) and (b) with cuts greater than 2.5m (being 3.5m in height) and the area of works will be greater than 250m² (being approximately 2,800m²).

The Council's discretion is restricted to the following:

- Earthworks stability
- Erosion, dust and sediment control
- Visual amenity, where the cut or fill depth exceeds 2.5m or the area exceeds 250m²

There are no relevant conditions.

The proposal is assessed as a **Restricted Discretionary Activity**.

24. Overall, the proposal is assessed as a **Discretionary Activity** under the Operative District Plan.

NOTIFICATION AND SUBMISSIONS

Notification:

25. The application was publicly notified on 28 November 2023 in accordance with sections 95-95F of the Act. A public notice appeared in the Dominion Post on this date and signs were erected on the site. In addition, notice was served on Greater Wellington Regional Council, Port Nicholson Block Settlement Trust, Ngati Toa, Khandallah Community Board and Onslow Ward Councillors.

Submissions:

26. A total of 68 submissions were received by the close of submissions on 16 January 2024 at 11.59 pm. An additional two submissions were received of the 17th January 2024. Of these submissions, 46 stated that they were opposed to the application, 19 stated they were in support of the application, and five submissions were neutral on the application.
27. Submissions were received from the following parties:

#	Submitter	Address	Support/ Oppose
1	Peter Targett	19 Mandala Terrace, Khandallah	Neutral
2	Patrick Radomski	20 Crofton Road, Ngaio	Neutral
3	Nicola Molloy	4 Maldive Street, Khadallah	Oppose
4	Stephen Williams	98 Nicholson Road, Khandallah	Oppose
5	Thomas Wills	30 Amapur Drive, Wellington	Oppose
6	Kevin and Marie Pugh	7 Dekka Street, Khandallah	Oppose
7	David Tripp on Behalf of Doctors for Active Safe	3 High Street, Petone	Oppose

#	Submitter	Address	Support/ Oppose
	Transport		
8	Kenneth Dixon	98 Pinehaven Road, Pinehaven	Oppose
9	Sarah Gibson	15 Kildare Avenue, Glendowie	Oppose
10	Fiona Calderwood	31 Ranui Crescent, Khandallah	Oppose
11	Sean Gary	39 Amritsar Street, Khandallah	Support
12	Ian Morrish	11 Pigeonwood Lane, Wellington	Support
13	Jo Humphrey	34 Baroda Street, Wellington	Support
14	Anita Balakrishnan	58 Nicholson Road, Khandallah	Support
15	Jodie O'Doherty	14 Lohia Street, Wellington	Support
16	Aaron Broadbent	11 Crompton Avenue, Wellington	Support
17	Sam Brookes	4/57 Simla Crescent, Khandallah	Support
18	Matt Humphrey	34 Baroda Street, Wellington	Support
19	Michael Douglas	6 Clive Road, Khandallah	Oppose
20	Zoe Gray	39 Amritsar Street, Khandallah	Support
21	Ben McPheat	38 Nicholson Road, Khandallah	Oppose
22	Matthew Smith	5/324 The Terrace, Wellington Central	Support
23	Amanda & Tom O'Brien	28 Nicholson Road, Khandallah	Oppose
24	Brenda Vale	42 Ganges Road, Khandallah	Oppose
25	William Guest	29 Clutha Avenue, Khandallah	Oppose
26	St Benedict's School Board	50 Nicholson Road, Khandallah	Neutral
27	Robert Vale	42 Ganges Road, Khandallah	Oppose
28	Mark Kirk-Burnnand	NA	Support
29	Antony & Jennifer Cornelius	48 Nicholson Road, Khandallah	Oppose
30	John McGrath	4 Simla Crescent, Khandallah	Support
31	David Stevens	63 Rangoon Street, Khandallah	Support
32	Judith L Berryman	45 Nicholson Road, Khandallah	Oppose
33	Michael Buckley	35a Nicholson Road, Khandallah	Neutral
34	Timothy Brown	14a Indira Place, Khandallah	Oppose
35	Craig Moore	40a Nicholson Road, Khandallah	Neutral
36	Paul Ridley-Smith	21 Hay Street, Oriental Bay	Support
37	Susan Wright	12 Indus Street, Khandallah	Oppose
38	Suzanne Carty	17 Lochiel Road, Khandallah	Oppose
39	David Miller	Lzard Road, Khandallah	Support
40	Kelvin Cooper	17 Lochiel Road, Khandallah	Oppose

#	Submitter	Address	Support/ Oppose
41	Margot Mclean	62 Wellington	Oppose
42	Daniel Moss	62 Deli Crescent, Khandallah	Support
43	Peter Targett	19 Mandala Terrace, Khandallah	Oppose
44	James Mclean	178 Ohiro Road, Brooklyn	Oppose
45	Anne McLean	11 Dekka Street, Khandallah	Oppose
46	Greg & Tania Smith	7 Torwood Road, Khandallah	Oppose
47	Andrew Black	35A Clutha Avenue, Khandallah	Oppose
48	Maree Henwood	36 Nicholson Road, Khandallah	Oppose
49	Sarah Berry	8A Clutha Avenue, Khandallah	Oppose
50	Dave & Michelle Soper	25 Nicholson Road, Khandallah	Oppose
51	Janet Preston	35 Nicholson Road, Khandallah	Oppose
52	John Alfred Preston	35 Nicholson Road, Khandallah	Oppose
53	Susan O'Donnell	40 Everest Street, Khandallah	Oppose
54	Francis Fanning	10 dekka Street, Khandallah	Oppose
55	Warren & Gillian Press	34 Ganges Road, Khandallah	Oppose
56	John Andrews	68 Khandallah Road, Khandallah	Support
57	Mark Kirk-Burnnand	6 Te Kainga Way, Khandallah	Support
58	Lynn Cadenhead	69A Cashmere Avenue, Khandallah	Oppose
59	Mark Roberts	45 Ganges Road, Wellington	Oppose
60	Julie Brown	8 Malda Grove, Khandallah	Oppose
61	Mark Roberts	45 Ganges Road, Khandallah	Oppose
62	Virginia de Joux and Richard Goldsbrough	6a Quetta Street, Ngaio	Oppose
63	Ray O'Hagan	5 Tower Way, Crofton Downs	Oppose
64	Duncan Flemming & Catherine McGachie	39 Nicholson Road, Khandallah	Oppose
65	Martin Jenkins	41A Simla Crescent, Khandallah	Support
66	Jolanda Meijer	37 Ngatoto Street, Khandallah	Oppose
67	Christian Lokum	45A Ganges Road, Khandallah	Oppose
68	Michael Hayward	40 Ganges Road, Khandallah	Oppose
69	Dave Chowdhury	10 Iwi Street, Ngaio	Oppose
70	Alex Dyer on behalf of Cycle Wellington	NA	Oppose

28. For completeness, I note that whilst submitter Mark Kirk-Burnnand (submission #28) stated that they support the application in full, no physical submission form was submitted until Submission #57 was received.

29. I also note that there is a double up in submission from Mark Roberts (submissions

#59 and #61).

30. I also note that submitter Peter Targett, Submisisons #1 and #43 have submitted twice (once as Neutral and Oppose).

31. The general positions of the submissions are outlined below:

General Position of Submissions	Total
Oppose	46
Support	19
Neutral	5
Total of submissions received	70

32. The following **Opposition** issues were raised in the submissions and summarised below:

- Multimodal transportation related issues,
- Traffic and safety,
- Pedestrian safety and access,
- Character and amenity (including noise and lighting),
- Servicing effects,
- Climate related impacts,
- Earthworks and dust, and
- Other external factors.

33. The following **Support** issues that were raised in submissions and summarised below:

- More onsite parking frees up on-street parking, and reduces road congestion,
- Help local business in the community,
- Provides for a better shopping experience for Khandallah,
- A better stocked supermarket would decrease the need to travel to alternative supermarkets,
- A larger store results in more jobs,
- Enhance community convenience and accessibility for residents,
- Providing parking to alleviate street parking congestion,
- Support the local economy,
- Supportive of the proposed entrance and exit points,
- More parks at the supermarkets would decrease the need to travel to alternative super markets,
- Population growth in the area the carpark needs to be bigger to support the increase demand,
- Positive pedestrian access,
- Current parking space not for purpose,
- The proposal is not located on blind corners, and
- Provides for an overall increase safety.

Late Submissions:

34. Submission #69 and #70 is a late submission that arrived on 17th January 2024. Both of these submissions have been accepted.

35. I note that some of the submissions' considerations, decisions and conditions that are outside the scope of the RMA and current consent including:

- A larger store generating more jobs,

- A better stocked supermarket would decrease the need to,
- Staff use of the Carpark,
- The overall need for a bigger carpark,
- Land banking to reduce trade competition,
- Attract anti-social behaviour after hours,
- EV Charging stations (four are proposed to be included in the proposal), and
- Litter and rubbish/ recycling collection.

STATUTORY CRITERIA

36. Under section 9(3) of the Act:

“No person may use land in a manner that contravenes a district rule unless the use-
(a) is expressly allowed by a resource consent; or
(b) is allowed by section 10; or
(c) is an activity allowed by section 10A.”

37. The application is for a Discretionary Activity under the District Plan.

38. With respect to SR517439, pursuant to Section 104C of the Act, the Council may grant or refuse either of these consents, for either application, and if granted, may impose conditions under Section 108 of the Act.

39. With respect to SR517439, pursuant to Section 104B of the Act, the Council may grant or refuse either of these consents, for either application, and if granted, may impose conditions under Section 108 of the Act.

40. Section 104(1) of the Act sets out matters a consent authority shall have regard to in considering an application for resource consent and any submissions received. Subject to Part 2 of the Act (Purposes and Principles), the matters relevant to this proposal area:

Section 104 (1) (a) “any actual and potential effects on the environment of allowing the activity;”

Section 104 (1)(b) “any relevant provisions of-
(i) a national environmental standard:
(ii) other regulations:
(iii) a national policy statement:
(iv) a New Zealand coastal policy statement:
(v) a regional policy statement or proposed regional policy statement:
(vi) a plan or proposed plan”

Section 104 (1)(c) “any other matter the consent authority considers relevant and reasonably necessary to determine the application.”

41. Part 2 (Sections 5, 6, 7 and 8) of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “to promote the sustainable management of natural and physical resources”. Section 5 goes on to state that sustainable management should enable “people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment”.

42. In addition, Part 2 of the Act requires the Council to recognise and provide for matters

of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8). Of particular relevance to both applications is section 6(f) and the protection of historic heritage from inappropriate subdivision, use, and development.

43. An assessment against Part 2 of the Act will be undertaken later in this report.

SECTION 104 ASSESSMENT

Section 104(1) Assessment:

44. The first requirement under section 104 of the Act is to assess the effects that the proposal may have on the surrounding environment (section 104(1)(a)). The second part of the assessment is to consider whether the proposal is consistent with the outcomes sought by any relevant higher order planning documents, and the relevant objectives and policies of the District Plan (section 104(1)(b)). The third part of the assessment is to consider whether any other matters apply (section 104(1)(c)).

Section 104(1)(a) – Effects Assessment:

Permitted Baseline:

45. For the purpose of this report, the 2000 District Plan has been referred to as Operative District Plan (ODP) and the 2024 District Plan has been referred to as the Proposed District Plan (PDP). At the time the application was lodged, the ISPP Proposed District Plan had not yet been notified. It is noted that at the stage of the hearing both Plans have legal effect in part.
46. In forming the opinion for the purposes of section 104(1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (in accordance with section 104(2) of the Act).
47. With the exception of work from home activities which are permitted under the Plan, there is no other permitted baseline for the commercial use of sites within a Residential Area. This includes signage and carparking associated with the commercial use.
48. In terms of earthworks, the permitted works in the Outer Residential Area are where the cut height and/or fill depth does not exceed 2.5m when measured vertically on a slope not exceeding 34° and will be retained; the works are more than the cut distance to the boundary and works do not exceed 250m². In this case a permitted baseline would be earthworks not exceeding 250m² with cuts that do not exceed the permitted height of 1.5m.
49. Based on the above, I do not consider there is a relevant permitted baseline that provides a credible comparison to what is proposed. Accordingly, I have undertaken the following assessment in the absence of any permitted baseline.

Existing Environment:

50. It is appropriate to consider the effects of the development in comparison to the existing environment, that being what currently exists, and what could reasonably be expected to exist in the future. In undertaking the assessment below, I have taken into account of the existing built environment, uses and its associated effects.
51. It is important to note that the existing supermarket and carpark at 26 Ganges Road

was approved under SR No. 108073. There are no changes proposed for the existing supermarket building or function, the only change will be the removal of some vegetation, carparks and earthworks to access the proposed carpark expansion. This is important to note as some submission received have alluded to the expansion of the supermarket building itself however, this has not been applied for.

52. In terms of delivery times and locations, this is also an existing situation that will not be amended. Currently deliveries would be carried out during the day (0700-2100) at the sites dedicated loading bay. This remains unchanged from the previously consented operation.

Effects Assessment:

53. The primary objective of this assessment is to anticipate the effects that the proposal will have on the surrounding environment and consider the magnitude of such effects in the context in which the site is located. In this regard, I consider the effects of the proposal can be broken down into the following categories:
- Positive Effects,
 - Residential Amenity Effects, including noise and lighting effects,
 - Streetscape and Character Effects,
 - Transport Effects,
 - Earthworks Effects, and
 - Servicing Effects.
54. In the assessment below, I will begin by outlining the positive effects of the proposal. I will then provide a further assessment of the application, under the sub-headings listed above and taking into account the submission, along with the further advice provided by Council's Noise Officer, Edward Dyer, Council's Consultant Urban Design Advisor, Jaime Deveraux, Council's Transport Engineer, Haran Arampamoorthy, Council's Earthworks Engineer, John Davies, and Wellington Water Limited's Consultant Engineer, Zeean Brydon.

Positive Effects:

55. The proposal will provide additional parking to an existing New World supermarket where the applicant considers the existing carpark is operating beyond its intended capacity. The applicant's assertion is that the additional parking will provide a well-considered amount and will reduce vehicle movements and travel distances through providing local shopping choice and reduce the waiting times for motorists navigating the carpark at peak times.
56. I acknowledge that there will be some benefit in terms of the availability of increased parking supply, however I note that there has been limited data supplied in the AEE as to the scale of this benefit to increase the overall size of the carpark. As such, the applicant has provided no data or evidence in terms of supporting capacity for additional car park spaces. Additionally, I am mindful that the provision of additional parking could have the impact of facilitating additional vehicle movements, resulting in a net increase of vehicle movements in the immediate area, and potentially stagnating efforts to encourage alternative transport choices to village centres.
57. When considering the impacts of climate change compared to the positive effects, they can essentially discount each other in this particular case. While the proposal provides for additional parking and could in turn reduce travel time to another store as a result of capacity issues, the additional 68 parks are considered to be a small number when looking at the impact on climate as a whole. At the moment there is considered to be a

climate related impact from cars idling for a parking space to become available and customers resorting to driving further afield to purchase goods from another store out of parking convenience due to the current layout. In terms of the new proposal, theoretically some climate impacts will be reduced while also encouraging more shoppers to the area given the size and ease to access the carpark. The carpark will continue to facilitate a variety of multi-modal transport options being public transport (specifically the bus), biking, EVs and the walking catchment. Notwithstanding this, the reliance of the private motor vehicle is at the forefront of the user to the supermarket and the proposal.

58. Accordingly, whilst I accept that that the proposed development will have the positive effect of providing additional parking capacity, I am not certain that the proposal will result in a net loss for carbon emissions.

Residential Amenity Effects:

59. The following assessment considers the effects on the amenity of the nearby residential properties and the scale of these effects and the impact on these residents. Amenity is defined within the District Plan as *'to those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'*. With this in mind, the proposal presents a change in amenity when considering audible noise generated which will be apparent and noticeable within the area.
60. In terms of residential amenity and character, the proposal (both the carpark and signage) when viewed from the surrounding residential properties, will represent a significant change to what currently exists. In particular, the proposal will generate noise effects and lighting effects, and will result in a general change to the residential environment enjoyed by surrounding residents.

Noise effects:

61. The noise effects associated with the proposal are not residential in nature and compromise the residential amenity given the scale and nature of the commercial carpark to service the supermarket.
62. Within the applicant's application, an acoustic assessment was provided by Marshall Day Acoustics¹ (MDA). This assessment has considered noise that would be generated by the proposed activity throughout the day and night and has confirmed compliance with the Operative District Plan. The assessment included observations of cumulative audible noises that would be emitted from the site and contained characteristics of engines turning on and off, doors opening and closing, vehicles driving around the carpark, trolley noise and human voices. The noise assessment has used the existing Island Bay New World Carpark as a real-life case study of an operating carpark in terms of noise.
63. The MDA report provided confirms that the proposed activity will be able to meet the noise levels in both the Outer Residential and Centres zones of the Operative District Plan (ODP). While cumulatively the proposed noise levels are shown to comply, the applicant has included acoustic fencing as a means of mitigation to ensure noise when measured at the boundary is to be at or below permitted levels under the ODP. The acoustic fencing is to be located on all boundaries that are shared with residential properties (being 5 and 7 Dekka Street, 29, 35, 35A Nicholson Road and 34 Ganges

¹ Marshall Day Acoustic, Noise Assessment for New World Carpark, dated 29th August 2022

Road). The acoustic fencing will be 1.8m high as noted in section 2.3 of the MDA report and plans provided.

64. While the noise levels projected from the proposed works are to be at permitted levels, residential amenity has been mitigated by the applicant through the installation and use of the acoustic fencing, as there will be a change in noise that is not consistent nor anticipated within a residential area. The change in noise levels from a commercial activity is not envisioned or anticipated and ultimately changing the level of amenity to be enjoyed in the area. A secondary mitigation measure that has been offered by the applicant and within the MDA report (and further information response²) is that the carpark *“gates and signage will be installed that limit customer access to match the opening hours of the store”*. With limiting the access to the carpark to operational hours of the supermarket, this will ensure that no noise would be emitted from vehicles during the night and the hours from 2100 (9pm) to 0700 (7am)
65. Given the acoustic fencing and the gating of the carpark that has been suggested by the applicant as part of mitigation measures is a means to ensure compliance with the noise provisions of the Wellington City Council Operative District Plan. These measures will also ensure compliance throughout the controlled timeframes of operational hours of the Supermarket.
66. As outlined in my section 95 assessment which should be read in conjunction with this report, Council’s Acoustic Engineer, Lindsay Hannah, has reviewed this proposal, and provided an initial assessment³ and a final report⁴ was provided by Council’s Environmental Noise Officer, Edward Dyer, following the close of submissions (also included in **Appendix Two**). These assessments should be read in conjunction with this report.
67. Mr Hannah and Mr Dyer consider that any noise effects can be suitably managed by conditions and that issues raised as part of submissions have been suitably addressed through the MDA report. Conditions have been recommended by the applicant, and accepted by Mr Hannah and Mr Dyer, to be relied on as part of this decision.
68. Mr Dyer has noted in his final report *‘The proposed (new) activity relates to parking only with noise emissions from vehicle movements and vehicle door closing. There would also be people noise from gathering and activity, however this would be expected to be a genuine low level noise source when, suitably managed by the individuals, and when the car park has its proposed acoustic barrier fencing in place.’* I agree with Mr Dyer’s assessment and that noise levels can be adequately mitigated through conditions and appropriate mitigation measures mentioned above however, while the levels can be appropriately managed to ensure they meet the District Plan noise standards, such measures will not mitigate the non-residential scale and nature of the noise, which will be an unexpected outcome for this area, and overall inconsistent with residential amenity.
69. As noted within Mr Dyer’s assessment and within the application, the level of noise will fall within the permitted activity standards and is therefore acceptable from an environmental noise perspective. However, I note that this impact is not only related to the level of noise emission but the type of noise emitted from the proposed activity. The level of audibility can be appropriately managed but the expectation for the types of noise emitted from this proposal in this environment is inconsistent with overall enjoyment of residential amenity. Mr Dyer and MDA report note the source of the

² Marshall Day Acoustic Memo, Response to Council, dated 29th August 2022

³ Mr Lindsay Hannah Noise Assessment, dated 12th September 2022

⁴ Mr Edward Dyer Final Noise Assessment following submission, dated 31st January 2024

audible noise and the repetitive nature throughout the day and parts of the night are described as engine noise, vehicle movements, people gathering, talking and moving through the site. These noises will occur through the majority of the day for the duration of the supermarket operational hours. The proposal generates a change that is significant departure from what currently exists, and what can reasonably be expected in a residential environment, and what is consistent with the expectations of the underlying zoning.

70. Submissions have raised issues surrounding audible noises that would be generated as a result of the carpark being established and the audible noise associated with it. These noises are considered to be of a level that would not be anticipated in a residential area or be generated from a residential activity, that would otherwise be a permitted within this zoning. Submissions have also noted that the noise generated from the activity is considered to be non-residential in character as the audible noise is associated with the non-residential activity operating on site. I agree with the submission received that the change in audible noise sources is inconsistent with the plan and adversely affects the residential amenity in a way that reduces people's right to enjoy an acceptable level of amenity from their property. The change in audible noise and the source is considered to be commercial in nature and of a level that would be expected in a centres areas. While the site (at 26 Ganges Road) currently operates with a carpark associated with the supermarket, the underlying zoning allows for a level of audible noise that would be anticipated. The existing carpark shares a boundary with one residential property whereas the proposed expansion will share a boundary with six residential properties. Given the scale and nature of the proposal, the carpark is at least doubling in size and facilitating the ability to generate more audible noise that would extend in some cases further than the adjoining neighbouring properties.
71. The repetitive nature of the noise sources throughout the hours of operation of the supermarket are inconsistent with residential amenity and will detract from the anticipated level of enjoyment that would be expected in the residential area. Non-residential activities and associated audible noise of this scale are not anticipated within the zoned area and provide for a noticeable change that is incompatible from the notion of residential amenity as defined in the Plan.
72. I note submissions have been made in terms of operation noise of the supermarket and delivery vehicle however, there is no proposed change to the supermarket function, volume or capacity. This is to remain unchanged and to continue operating as per the existing situation.
73. I acknowledge that there will be an audible change that would result in a change of residential amenity however, considering the information provided and the assessment above, the overall noise effect on residential amenity on surrounding properties is not considered to be acceptable in this residentially zoned environment.

Lighting Effects:

74. The lighting effects associated with the proposal are not residential in nature and has the potential to compromise the residential amenity given the scale and nature of the carpark lighting and signage.
75. The applicant has advised of the potential lighting effects and noted that the proposal is to meet the maximum lighting Lux levels and all associated lighting standards within the ODP. It is important to note that the Outer Residential Area does not consist of any provisions to regulate lighting however, the lighting has been proposed to be conditioned as discussed below. The applicant has noted within the application that

condition/s should be included as part of the proposal to ensure compliance with the ODP. The applicant hasn't volunteered any conditions at this time however has noted that they would accept what would be recommended. The conditions will note that at final design stage compliance is confirmed in terms of Lux levels and lighting spill. The lighting has been per as part of the landscaping plan and includes poles, bollards and signs.

76. As outlined in my section 95 assessment, which should be read in conjunction with this report, Council's Lighting expert, Lionel Kea, has assessed the proposal and concluded that additional information that is needed in terms of lux levels, however this could be conditioned. In the time between the s95 assessment and the notification of the application Council's lighting expert had resigned. To assess and provide comment on the lighting issues raised as part of submission, Council has employed S + T Wellington Limited to act on our behalf. A final report following submissions was provided by Glen Wright of S + T Wellington Limited⁵ assessments should be read in conjunction with this report.
77. Mr Wright has noted in his final report (refer **Appendix Three**), in terms of Lux Levels *'proposed lighting should not exceed the pre-curfew 12,500 cd limit as it is understood the car parking lighting will only be operating during the supermarket operational hours 7am to 9pm.'* And in terms of glare *'the proposed lighting should not exceed the pre-curfew 12,500 cd limit as it is understood the car parking lighting will only be operating during the supermarket operational hours 7am to 9pm.'* In summary, the associated effects of lighting can be mitigated as noted, *'If the car park extension lighting complies with my recommended lighting standards it is my opinion that its effects on the amenity of adjacent residential dwellings will be less than minor.'*
78. Mr Wright also notes that there will be sufficient screening from the proposed carpark as follows, *'The landscape layout L101 shows an indicative lighting layout that includes 2.95m poles with top mounted area luminaires with downlight projection and 1m high bollard luminaires placed away of the property boundaries. The landscape plans also show a proposed 2m fence running along the property boundaries and dense vegetation planted along this fence to mitigate noise and direct views from the surrounding dwellings. Additional to this, my site visit showed that the existing car parking area is elevated above the surrounding dwellings and there is a lot of vegetation on the boundaries of most of the surrounding properties. No spill light or direct view of the existing supermarket external lights was noted from the dwellings that will be adjacent to the new car parking area.'* It is noted that the existing vegetation that is proposed to be retained along the perimeter of the subject site and will screen the works and 'filter the light' that will be projected from the proposal. The lighting has also been indicated to not exceed permitted levels under the Operative District Plan, and lighting is not anticipated to extend beyond the boundary of the subject site.
79. I note that submissions have identified light related concerns such as lightspill, overall light pollution and the impact on residential amenity. As noted in the S + T Wellington Limited Lighting assessment, lighting will be directed down onto the proposed carpark, and not spill into the neighbouring properties. While there may be some skyglow, the recommendations of the S + T Wellington Limited Lighting report conditions will ensure the appropriate mitigation to meeting the standards of the ODP. It has also been recommended the conditioning of the lighting to be similar to that of the store opening hours which will reduce the length of time the carpark will be lit and deter people from other uses of the carpark.

⁵ S + T Wellington Limited Final Lighting Assessment following submission, dated 8th March 2024

80. Similar to noise, the levels of lighting can be appropriately managed and ensure compliance with the ODP. I note that the illumination of the proposed carpark will be a notable departure from the scale and nature of lighting experienced within a typical residential area. When looking at a residential scale, the anticipated level of lighting that would be found at the boundary, or noticeable when looking across boundary, would be consistent with internal lighting of a house and some scattered low-level lighting for outdoor use or security purposes that would be captured by sensor lighting. Comparing this to that of a proposed illuminated carpark, there is a noticeable and adverse difference that in turn will impact significantly on the amenity of residential properties.
81. The intent of lighting is to provide for illumination on site for visibility and safety reason which in turn results in the proposal being visibly lit and obvious departure from the standard lighting found on a residential property. This in my opinion is a clear deviation from what is anticipated and expected to a visible and noticeable change that is at odds with residential amenity. The difference in visual amenity from the existing and the proposed and are considered to be a significant departure from the District Plan and the underlying zoning. At the moment residential properties have lighting that it disrupted and filtered by vegetation ranging in maturity and buildings (dwellings and associated building that are consistent within the residential area being garden sheds, sheds, green houses, decks). The only screening or filtering of light that is proposed to be included is some vegetation and the acoustic fencing along the boundary but are not included where the new proposed access points are to be located. Given the nature of the carpark is to be open the lighting will be visible and prominent at the new proposed entry points. The topography of the surrounding environment will result in the carpark being very visible with and without illumination when looking down on the site as a number of properties are naturally elevated to have a high ground level. When looking at the site at night would previously have been lower levels of lighting whereas once the proposed lighting is in still the visual intrusion, the illumination will radiate and change the amenity experiences on the wider residential area when viewed during night hours.
82. While meeting the permitted activity standards for maximum lux levels the overall sky glow that would be generated from the carpark would be apparent and not be considered consistent within a Residentially zoned area. The intent for the lighting is to light the site and provide ease of access for vehicles and moving around the site. The proposal intends to generate a skyglow which will in turn be seen and be visible throughout the neighbourhood. The skyglow will change the residential amenity and given the variety of topography in the surrounding residential environment (housing being located both above and below the site) will mean at different positions the skyglow will be more or less visible.
83. The lighting generated from the activity is considered to be non-residential in character and associated with the non-residential activity operating on site. As there is a change to the residential amenity through the proposed lighting that is beyond what is anticipated within the residential area.
84. I acknowledge that there will be an illuminated change that would result in a change of residential amenity however, considering the information provided and the assessment above the overall lighting effect on residential amenity of the wider residential environment is considered to be unacceptable.

Other impacts:

85. The proposed development will generate a significant increase in the movement of people and vehicles, and changes the visual outlook from surrounding properties, which in addition to noise and illumination, which has a noticeable impact on these properties. Noise and illumination have been assessed above whereas vehicle and people movements in terms of visual impacts, vehicles and people departing to and from the site in a residential capacity would be considered to be a low level whereas, from a commercial aspect there is a significant increase in the number of vehicles moving to and from the site. Visually there will be a change when viewed from residential properties and the proposal is of a level that is significantly out of character with the residential area.
86. In terms of visual outlook, the proposal will drastically change the view and onto the site from a residential environment to a commercial grade carpark. The visual impacts will be assessed further below in the Streetscape Character Assessment.
87. The proposal is to remove three units and replace with a commercial carpark, and therefore removing the opportunity to further develop the site to provide for more housing. Submissions have been raised in terms of housing stock and the lack of housing in the area. The removal of housing in this location that provides for access to essential amenities and services such as public transport and smaller scale commercial environment is of high demand and the site has been envisioned to facilitate a higher density of residential as per the PDP zoning and rules. The proposal is essentially a change of zoning through the Resource Consenting process.

Residential amenity summary:

88. Residential Areas can accommodate for some non-residential uses, and the objectives and policies, along with the rules, provide for a certain level of this in the residential zone. The ODP states that (non-residential) activities operate from existing houses or from purposes building within Residential Areas. Non-residential activities are generally appropriate provided they do not give rise to incompatible adverse effects. The proposed extension of the carpark, which is ancillary to a much larger supermarket operation, scale of the proposal is significantly larger than anything that could be considered compatible with surrounding residential activities.
89. Due to the surrounding topography, a number of dwellings will be looking down on the site and will have dominant view over the top of the carpark which would otherwise have been residential. The proposal will change the visual outlook onto what would otherwise be a well established residential area. Whilst I appreciate that views are not protected by the District Plan, and outlook over adjoining sites is something of a borrowed amenity, but there is no expectation that land zoned residential would ever be converted into an intensively used supermarket carpark. Compared to residential character of the existing sites, or even a redeveloped residential site (i.e. taking into account MDRS provisions), a carpark of this nature will be a poor result in terms of the amenity enjoyed by surrounding properties.
90. For the reasons set out above, I am satisfied that any actual or potential residential amenity effects will be more than minor on the adjoining properties.
91. Accordingly, I conclude that the adverse residential amenity effects will not be acceptable.

Streetscape and Character Effects:

92. The streetscape and character effects resulting from the proposal will be a drastically changing the road frontage, along both Dekka Street and Nicholson Road, in a way that is not consistent with the surrounding residential environment. The outcome will be a commercial carpark servicing a relatively busy supermarket operation, creating a level of activity consistent with a relatively large commercial activity.
93. Given what is proposed, and its residential setting, the impact on streetscape and character is an important consideration. Both settings have been assessed separately in the section 95 assessment and will be continued within this report.
94. Within the applicant's assessment of environmental effects, the proposals mitigation relies on the carpark being screened by vegetation along all boundaries, including retention of mature trees and vegetation on the road boundary of 3 Dekka Street. The applicant is also proposing additional planting along Nicholson Road as noted in the landscaping plans provided. Screening will also be provided though the inclusion of acoustic fencing located on the adjoining residential boundaries.
95. As outlined in my section 95 assessment which should be read in conjunction with this report and is appended to this report, Council's Consultant Urban Designer, Jaime Deveraux, has reviewed this proposal, and provided an initial assessment⁶, and a final evidence report⁷, both of which are included in **Appendix Four**. These assessments should be read in conjunction with this report.
96. The access servicing the existing dwelling from 33 Nicholson Road has a gentler slope. The proposed exit along Nicholson Road is located along a street that has a gradual fall to the southwest. The earthworks create a level car park that will result in cut heights of up to 3.5m at the south-eastern boundary adjoining the access way of 35A Nicholson Road. The retaining structures for these cuts, and the 1.8mm high acoustic fence on top will be visible from Nicholson Road, up the driveway/accessway. When viewing the Nicholson Road entry/exit point, the crossing is out of scale and character with the described residential area noted in the above paragraph which depicts the streetscape character where the vehicle crossing will be situated.
97. When compared to Dekka Street, there is a defined commercial character considering the underlying zoning. Nicholson Road however comprises a residential character along the street containing traditional planting and trees that is consistent with a well-established neighbourhood. There are no Centres Zone or commercial buildings along this portion of Nicholson Road. Nicholson Road does provide a main access route to the local primary school. Nicholson Road is relatively narrow and curving, with yellow lines on both sides of the road. This style of road is similar to many roads within the Khandallah area and displays many characteristics that would be anticipated in the residential setting.

Dekka Street (between Ganges Road and Nicholson Road):

98. The Dekka Street entrance (*between Ganges Road and Nicholson Road*) context has been summarised according to Ms Deveraux assessment as follows:
 - *Comprises a mix of residential and commercial buildings and activities.*
 - *The Centres zoning across the road on Dekka Street extends for two sites beyond the corner site.*
 - *Car parking between the building and front boundary is evident on centres zoned sites on Dekka Street.*

⁶ Ms Jaime Deveraux Urban Design Assessment, dated 18th October 2023

⁷ Ms Jaime Deveraux Urban Design Assessment following submission, dated 14th February 2024

- *3 Dekka Street is located adjacent the New World site on Ganges Road. While there is a narrow residentially zoned strip between the two sites, they are visually adjacent to one another.*
99. Ms Deveraux has summarised Dekka Street as follows *‘Dekka Street is closely visually related to the commercial centre, the extension of the car park is considered to be generally in character with the local context on this side of the site. The curved, sloping driveway to an elevated site, combined with the proposed landscaping, will result in the car parking being largely screened from the streetscape and is considered to not degrade the character of the neighbourhood along this frontage.’* I accept the advice of Ms Deveraux, the above location of the proposed vehicle access is located on a portion of Dekka Street where the subject site is surrounded by commercial properties that are consistent with the Khandallah Village Centre. The above crossing is taking advantage of the existing topography, driveway and landscaping to mitigate some street scape effect when viewed from the above location. This will result in the car parking being largely screened from the streetscape and is considered to not degrade the character of the neighbourhood along this frontage.
100. When considering the Dekka Street entrance, it is noted that the application site is elevated from the road and public footpath. The proposal is to make use of the existing vehicle crossing location and path which allows for screening by using the existing vegetation and additional vegetation that is proposed. This site is also adjacent the existing car park when and when viewed from the street it is located directly opposite a number of other non-residential properties within the Centres Zone. As summarised by Ms Deveraux *Due to these factors, the proposal will have a less detrimental effect on the visual quality of the streetscape along Dekka Street.*

Nicholson Road (between Dekka Street and Everest Street):

101. The Nicholson Road context *(between Dekka Street and Everest Street)* has been summarised by Ms Deveraux assessment as follows:
- *The open nature of the proposal with a lack of built form and the resulting vehicle dominance;*
 - *lack of visual screening of the vehicle dominance when viewed from the street;*
 - *significant increase in vehicle movements on a residentially zoned site within a residential area;*
 - *the need for directional signage which is inconsistent with the residential nature of the area; and*
 - *the impact on the landscape, with visibility of large retaining walls at the rear of the car park (up to a combined retaining wall and fence height of 5.2m);*
102. Ms Deveraux has summarised the impact of the proposal on Nicholson Road as follows: *‘The proposal proposes to rely purely on landscaping to mitigate visual impacts on the Nicholson Road streetscape. While this would assist with screening the development to some degree, particularly from adjoining properties, I disagree with the applicant that it would adequately screen the car park from the residential neighbourhood of Nicholson Road or mitigate the effects on the streetscape character.’*

I accept the advice of Ms Deverax in this regard. Based on this advice, and based on my own onsite observations, I note that the proposed Nicholson Road frontage, whilst landscaped, will also include a relatively prominent vehicle entrance with associated signage. This will significantly alter what is otherwise a vegetated, suburban streetscape. With regard to the open nature of the carpark, the vehicle movements

entering and existing the site, and the overall vehicle dominance will be clearly visible from the street. The proposed landscaping will not be sufficient to screen the double width vehicle access and car parking behind. A commercial car park is not an outcome consistent with the residential character of this street environment as it results in significant vehicle dominance. As such, the proposal does not make a positive contribution to the streetscape (including safety, amenity and visual character) along Nicholson Road. Taking that into consideration there will be a distinctive change to this portion of Nicholson Road and the local context.

103. Submissions have raised issues around the residential streetscape and amenity effects. The submissions noted the significant departure from the intended zoning of the site (being residential) to what is being proposed. The submission also notes the significant degrade of the area that would be experienced due to the proposed works and that the change would be significantly different from the exiting residential character even with the mitigating screening measures. I agree with the submissions raised and from the expert evidence provided for by Ms Deveraux in that the works proposed in their current form are not acceptable.

Streetscape Effects summary:

104. For the reasons set out above, I am satisfied that any actual or potential streetscape effects will not be acceptable on the adjoining and surrounding properties. The proposal and the applicants assessment has relied heavily on mitigation measures of screening to address the effects associated with the change of use from being residential to commercial. Whilst the proposal will have adverse streetscape and character effects on both Dekka Street and Nicholson Road, as outlined above, the streetscape and character impact on Nicholson Road is significantly greater than that of Dekka Street. I re-iterate that the character of Dekka Street is much more commercial in nature compared to Nicholson Road.
105. Accordingly, I conclude that the adverse streetscape effects will not be acceptable.

Transport Effects:

106. The proposed works are for the establishment of two new vehicle access points to the subject site; one being on Nicholson Road and the other on Dekka Street. These new crossings are for patrons to gain access to the new proposed carpark. The proposal also includes the removal of soil from the site and transportation of material given the level of soil to be removed. Accordingly, this assessment focuses on both the construction related effects, and the operational impact on the roading network.
107. The applicant has supplied a Traffic Assessment Report, prepared by Commute Transport Consultants (CTC)⁸, which assesses the transportation and vehicle impact as part of the proposal. The assessment included consideration of the vehicle movements to and from the site, sight lines at the proposed new crossings and distribution of vehicles in the area.
108. The key conclusions of the CTC report are as follows:

From a review of the proposal for new parking areas at the existing New World Khandallah supermarket, we conclude the following:

- *No change to the existing supermarket GFA is proposed however a net increase of 64 parking spaces is proposed.*

⁸ Commute Transport Consultants, Traffic Assessment Report, 26th April 2022

- Based on surveys of a similar sized supermarket in Island Bay, we predict traffic volumes could increase to 380 vehicle movements per hour at peak times;
- Based on this increase in vehicle movements, the proposed Dekka Street and Nicholson Road accesses can operate acceptably. The operation of the existing Ganges Road access is not expected to change significantly;
- All parking spaces are designed in accordance with AS/NZS2890.1 standards in terms of dimensions and maximum gradients. This satisfies District Plan standards;
- The proposed site accesses on Dekka Street and Nicholson Road meet District Plan standards with the exception of width. The additional width is considered appropriate to accommodate vehicle tracking, and
- The sight distance provisions for the new accesses are considered acceptable but vegetation is recommended to be removed (see Section 8.3).

Overall, it is concluded that the development is acceptable and there are no traffic engineering or transportation planning reasons to preclude approval of the proposed new parking areas.

109. The report notes that a minimum 30m visibility splay from each vehicle crossing can be achieved from the new proposed exists with the removal of some vegetation to ensure this can be achieved. As the new crossing along Dekka Street will be aligned with the existing property crossing at 3 Dekka Street which is in close proximity of the exiting bus stops. The CTC report notes that:

'It should be noted that on occasion, buses waiting within the bus stop adjacent to the proposed vehicle crossing affect visibility to the east. Observations reveal this only occurs occasionally, and we do not anticipate a high number of right turning movements out of the site at this access (they will instead travel internally within the site and exit onto Ganges Road). Given the low observed speeds on Dekka Street, this operation is considered acceptable (low likelihood of crashes given temporary nature of buses being parked, and when crashes do occur, they are unlikely to cause death or serious injury).''

110. Mitigating measures are proposed by the applicant for visibility and notes the surrounding roads are adequate to take traffic being diverted onto the street.
111. As outlined in my section 95 assessment which should be read in conjunction with this report, Council's Transport and Vehicle Access Engineer, Amit Kocher, has reviewed this proposal, and provided an initial assessment⁹ as part of the section 95 Notification Assessment¹⁰ was provided by Council's Team Leader, Transport Consents Officer, Haran Arampamoorthy, which is also included at **Appendix Two**. These assessments should be read in conjunction with this report. In short, the transport impacts relate to safety impacts (both on Nicholson Road and Dekka Street), the capacity of the roading network, and the ability for the site to be accessed via multi-modal transport options.
112. In terms of traffic safety, Mr Arampamoorthy has noted in his final report that *'The safety issues raised are minor and can be addressed through careful planning and implementing recommended measures.'* Mr Arampamoorthy raises no concerns with regard to safety at the existing vehicle crossing onto Nicholson Road and the proposed vehicle crossing onto Dekka Street. He notes there is enough clearance from the edge of the proposed vehicle crossing for the Bus stop on Dekka Street to continue to operate in an effective manner. Should there prove to be any issues with this, there is always the

⁹ Mr Amit Kocher Transport Assessment, dated 12th October 2022

¹⁰ Mr Haran Arampamoorthy Final Traffic Assessment following submission, dated 8th March 2024

option to move the stop onto Ganges Road if needed, however this will need further investigating and consultation with Greater Wellington Regional Council.

113. Mr Arampamoorthy notes that all of the safety concerns surrounding the Nicholson Road vehicle access can be appropriately managed and mitigated through the inclusion of a raised safety platform. This will ensure that vehicle speeds will be slowed down at this section of the road while also providing for a pedestrian crossing for safe access for pedestrians. It is also important to note that when undertaking a site visit and driving the roads surround the site, I note that Nicholson Road has characteristics that inevitably slow down road users such as a winding carriageway and parked vehicles. This in turn with the raised safety platform will allow for the safe use of the site. It is noted that with appropriate conditions the effects can be mitigated.
114. He also comments on the raised safety platform *'This 300m section of Nicholson Road increases the risk further when introducing a proposed driveway intersection in this section. There are pedestrians, which includes school children walking along the section of Nicholson Road and the proposed driveway expected to increase number of turning vehicle at this location. In addition, all the arms of this proposed intersection is in slope and a curve.(the Northern approach to the corner with the proposed entrance is on a downhill approach around a blind bend). By considering all the above we must have a risk mitigation measure. That is, a raised safety platform at the intersection of Nicholson Road and the proposed driveway to New World is as a suggested condition. This raised safety platform includes clear marking of pedestrian crossing. This suggested raised platform with pedestrian crossing reduce the safety risk from the following:*
- *The expected vehicle approach speed in all the arm will be reduced.*
 - *Plenty of sight line available for the reduced speed*
 - *The safety of pedestrian will be increased.'*
115. In terms of roading capacity, Mr Arampamoorthy has noted that the following:
- *The traffic volumes in Ganges Road or Dekka Street are almost the same.*
 - *The peak hour traffic count varies between 250 vph (vehicle per hour) to 350 vph during 8:00am and 18:00pm.*
 - *Vehicles speed on Dekka Street and Ganges Road near the New World supermarket shows that most of the time operating about 20km/hr or less, which is less than the posted speed limit 30km/hr.*
 - *The New World popular business time and the traffic volume peak or near peak are between 11:00am and 7:00am. However, the proposed new driveway in Nicholson Road will be expected to distribute the additional traffic from the proposed car park.*
 - *Traffic flow on Nicholson Road section is less than the flow on Dekka Street or on the Ganges Road (i.e., nearly half most of the time and the speed limit is 50km/hr). This shows Nicholson Road (evening peak hour traffic 141vph) can accommodate traffic like the other two roads without experiencing congestion: Dekka Street (evening peak evening hour traffic 350vph) and in the Ganges Road (evening peak hour traffic about 350vph).*
 - *Additional traffic generated from proposed parking is expected to be distributed to the proposed accesses on Nicholson Road and Dekka Street. The gap between vehicles will be reduced and the traffic density (number of vehicles within 100m per lane) can be increased. The impact of the generated trip by the additional parking is less than minor.*

116. While there is to be an increase in volume of traffic onto the surrounding roads, Mr Arampamoorthy has raised no concerns in terms of capacity and the overall additional impact of additional vehicles to the roading network.
117. In terms of the site being capable of being serviced by multi-modal transport options Mr Arampamoorthy has noted that the applicant has not provided for additional bike parking. This can in some cases alleviate peak hour congestion on adjacent roads. The applicant has noted that they will include some electric vehicle charging points. It is important to note that a bus stop is located along Dekka Street which will continue to encourage multi-modal transport via a bus connection. I note submissions have been made in terms of overall safety concerns including the introduction of new crossings, traffic volumes, concerns around the blind corner, pedestrian safety, impacts on the road junction, pedestrian safety and access and multi modal related transportation issues. Mr Arampamoorthy has reviewed the submissions insofar as they relate to transport matters, and considers that these matters can be suitably managed by conditions and that issues raised as part of submissions have been suitably addressed through the CTC report and the Councils assessment. Conditions have been recommended by the applicant and Mr Arampamoorthy, with additional conditions recommended by Council where considered necessary.
118. I have reviewed the traffic report (CTC report) and the advice provided by Council transport engineers, Mr Kocher and Mr Arampamoorthy. The collective advice provided is that:
- The transport safety effects can be appropriately managed to mitigate road safety impacts, and
 - The roading network has adequate capacity to accommodate additional transport, while encouraging some multi modal transport options.
119. Based on these conclusions, and the transport advice provided by Council and applicant's transport engineers, I am satisfied that such effects can be appropriately managed.
120. In Summary, and for the reasons outlined above, the traffic related effects are considered to be acceptable.

Earthworks Effects:

121. As outlined in my section 95 assessment which should be read in conjunction with this report, Council's Earthworks Engineer, Mr John Davies, has reviewed this proposal and provided an initial assessment¹¹ as part of the section 95 Notification Assessment, and a final report¹². These assessments should be read in conjunction with this report. The conclusions reached in this Section 95 Notification Report was that the adverse effects would be at least minor on the closest neighbours.
122. With regard to visual amenity, all exposed earthworks will be covered by retaining structures, carpark surface or vegetation. As such, it is expected any visual effects will be temporary, and is an effect that I consider can be appropriately mitigated via condition/s that requires the grassing or landscaping of exposed earthworks. Accordingly, I am satisfied that any long term visual effects of the earthworks will be appropriately managed.

¹¹ Mr John Davies Earthworks Assessment, dated 10th July 2022

¹² Mr John Davies Final Earthworks Assessment following submissions, dated 29th January 2024

123. Having considered the submissions relating to earthworks, one submission raised concerns relating to health issues triggered by dust. Based on the advice of Council's earthworks engineer, I consider the effects associated with airborne particles can be appropriately managed to a level that is practicable and meets industry standards. I have recommended a condition with respect to this matter. The remaining concerns raised such as noise and dust nuisance can be appropriately addressed through condition which implement industrial standards are met.
124. In summary whilst it is anticipated that the site will result in earthworks effects during the construction phase, this will be temporary and are able to be appropriately managed. Accordingly, I consider the earthworks effects to be acceptable.

Servicing Effects:

125. The proposal is to increase the area of hard stand which will generate a larger volume of water that is needing to be attenuated as well as a small portion of the site being located within a flood zone.
126. As outlined in my Section 95 Notification Assessment appended as **Appendix Seven**, Wellington Water's Drainage Engineer, Ye Mon Oo, has provided an initial assessment¹³ as part of the section 95 Notification Assessment. A final report¹⁴ provided by Wellington Waters Consultant Engineer, Zeean Brydon. These assessments should be read in conjunction with this report.
127. The applicant has supplied engineering report and associated plans prepared by Calibre¹⁵, which assesses the servicing implications of the proposed development and confirms that the proposal can be adequately serviced. The Calibre report summaries the findings in *'That the proposed development can be adequately serviced, and that the stormwater runoff will be appropriately treated and, if required, attenuated to ensure that there are no adverse upstream or downstream effects on the surrounding environment and neighbouring properties.'* Given the information provided and that the proposal can be adequately mitigated.
128. The site is shown as being subject to a 1 in 100-year flood hazard risk the Council's GIS system based on information held by Wellington Water. In assessing this proposal, I note that both Mr Oo and Ms Brydon of Wellington Water have considered the implications of this in their respective assessments, and have not identified any concerns in relation to the flood hazard risk associated with the site. Overall, Ms Brydon is satisfied that any potential effects of the flooding can be appropriately managed on-site. As the new carpark will be increasing impervious areas, downstream the site is affected by flooding and stormwater neutrality will be required.
129. I accept the advice provided by Ms Brydon assessment, who is satisfied that these properties can be appropriately serviced in terms of stormwater attenuation, runoff and flooding impacts such that there would be minimal environmental effects as a result. I note that submissions have raised issues such as an increase in surface water/stormwater runoff, increase in impervious surfaces, stormwater detention within the site and water sensitive urban design.
130. Ms Brydon also notes that *'The applicant's proposal is to collect stormwater runoff from the car into a below ground private drainage network before discharging off site to kerb and channel (Dekka Street) and to the public stormwater system (Nicholson*

¹³ Mr Ye Mon Oo Servicing Assessment, dated 15th August 2022

¹⁴ Ms Zeean Brydon Final Servicing Assessment following submission, dated 20th February 2024

¹⁵ Calibre, Infrastructure Report, dated 29th April 2022

Road). New sumps will be installed within the proposed car park to collect stormwater into the new below ground drainage.’ To ensure the site is able to achieve predevelopment levels of stormwater attenuation Ms Brydon also notes ‘To achieve hydraulic neutrality to site stormwater design will need to collect all flows up to the 1% AEP event plus climate change into the drainage network. The existing drainage plan only identifies single sumps within the stormwater catchments, additional sumps may be required within the final design.’ I agree with Ms Brydon’s assessment, and that with appropriate conditions, the proposal can be appropriately serviced.

131. As part of Ms Brydon’s assessment, she has reviewed the submissions made with respect to servicing. Overall, these submissions do not change the recommendations Ms Brydon makes in this regard.

132. Accordingly, I am satisfied that any servicing effects will be acceptable.

Effects Summary:

133. Taking into account the assessment above of the actual and potential effects of the development, I consider the effects of the proposal will be unacceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

134. The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. Accordingly, I have not considered any environmental offset or compensation as part of this assessment, or in the recommendation below.

Section 104(1)(b) - Relevant Planning Provisions:

135. I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The District Plan

Higher Order Planning Documents:

136. There are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement and is not contrary to any objectives and policies.

Regional Policy Statement:

137. The policies of the Wellington Regional Policy Statement (RPS) have been taken into consideration. The proposal is considered to be in general accordance with the RPS in that the demolition of the building would minimise the potential risk and consequence of serious damage during a large earthquake, and therefore the proposal would be consistent with Policies.

138. For these reasons, the proposal is not considered to accord with the relevant policies of the RPS.

District Plan:

Operative District Plan:

139. I have had regard to the relevant objectives and policies of the Operative District Plan. The following objectives and policies are considered relevant to the proposal for the reasons outlined below.

Chapter 4 - Residential Area:

Objective - Containment and Intensification:

4.2.1 – To enhance the City’s natural containment, accessibility and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas.

Policy 4.2.1.1 Encourage consolidation of the established urban area.

Policy 4.2.1.5 Enable residential intensification within the Inner and Outer Residential Areas provided that it does not detract from the character and amenity of the neighbourhood in which it is located.

140. The proposal is not enabling of residential intensification as the proposed works are to be non-residential in nature to the intended use of the underlying zoning. The proposed development does focus on improving parking supply to an established supermarket operation, which somewhat contributes to consolidation of services within an established urban area. While providing for accessibility to an established supermarket, it does primarily benefit those that travel by private vehicles. The above policies notes that the works are to enhance the City’s natural containment and encourage a consolidated approach to the established urban area.

141. The plan also envisions enabling residential intensification without ‘*detracting from the character and amenity of the neighbourhood in which it is located.*’ The proposal removes houses from the established residential area and, as outlined in the effects assessment above, detracts from the character and amenity of the existing neighbourhood.

142. In terms of objective 4.2.1 and the associated listed policies above, the proposal overall, is not considered consistent with the aim of consolidation and intensification whilst mitigating the associated effects.

Objective – Urban Form:

4.2.3 – Ensure that new development within Residential Areas is of a character and scale that is appropriate for the area and neighbourhood in which it is located.

Policy 4.2.3.1 Ensure that new developments in the Inner and Outer Residential Areas acknowledge and respect the character of the area in which they are located.

Policy 4.2.3.6 Minimise hard surfaces by encouraging residential development that increases opportunities for permeable open space areas.

Policy 4.2.3.7 Encourage the retention of mature, visually prominent trees and bush in association with site redevelopment

143. In terms of the objective and the policies listed above, this matter has been considered by Ms Deveraux in her assessment insofar as the proposal detrimentally impacts upon the residential character of the surrounding environment. I concur with Ms Deveraux's assessment in that the proposal does not respect the character of the residential area.
144. When the entrances are assessed on their own the Dekka Street vehicle crossing is largely consistent with the commercial street edge, and its associated character. The vehicle crossing is of a scale that is appropriate with the context given the property across the road and the existing supermarket is a commercial area. The Nicholson Road entrance on the other hand would be out of character for the vegetated residential area and will introduce a commercial operation into an environment where it is not expected.
145. The proposal introduces hard surfaces of a size that, when viewed from neighbouring properties, detract from the residential character and is an outcome expected in a commercially zoned area. Predominantly all of the proposed works is for the introduction of hard surfaces and overall reduction of the of permeable open space areas. The reduction of the open space areas would be anticipated in the existing residential environment. The proposed works take away from the opportunities for increasing permeable open space, the landscaping has noted there will be some permeable space available, but this will be on brim of the proposed site surrounding the carpark.
146. Some mature vegetation is being retained as part of the landscaping, there is also additional landscaping proposed. Ms Deveraux has also noted that vegetation has been kept and included as part of the proposed landscaping in order to integrate the works with the existing. While some vegetation is being retained the majority of the site is to be cleared and make way for the hardstand carpark and therefore not considered consistent with the policy.
147. In terms of objective 4.2.3 and the associated listed policies above, the works as a whole are not considered consistent. In my opinion the works are contrary to the objectives and policies and not consistent with the character and scale of the context in which it sits, with the assistance of Ms Deveraux and her assessment I am confident with my assessment.
148. For these reasons, I consider the proposed development to be inconsistent with these policies.

Objective – Residential Amenity:

4.2.4 – Ensure that all residential properties have access to reasonable levels of residential amenity.

Policy 4.2.4.1 Manage adverse effects on residential amenity values by ensuring that the siting, scale and intensity of new residential development is compatible with surrounding development patterns.

149. In terms of the objective and associated policy listed above, this matter has been assessed by Ms Deveraux in her report¹⁶. I agree with Ms Deveraux and as have previously been noted in the assessment above, the residential amenity values have not been managed appropriately, and the proposed development will compromise the residential values of the adjoining properties.

¹⁶ Ms Jaime Deveraux Urban Design Assessment following submission, dated 14th February 2024

150. Overall, the proposal is not consistent with the above-mentioned objective and associated policies as the proposal will result in an overall reduction in the level of residential amenity enjoyed by these residential properties. When looking into a reasonable level of amenity, the proposal as a whole is changing the amenity of the direct neighbours through the change of use of the site. A reasonable level of amenity would be considered keeping the neighbouring site residential in nature whereas, the proposal doesn't encourage a reasonable level of amenity to remain on the site. The applicant has noted that the proposal will ensure residential amenity will be maintained however, considering the scale of the works it is impossible to consider that the amenity of the neighbouring sites will be maintained given the change of use of the site.
151. For these reasons, I consider the proposed development to be inconsistent with this policy.

Objective – Activities:

4.2.7 - To facilitate a range of activities within Residential Areas provided that adverse effects are suitably avoided, remedied or mitigated, and amenity values are maintained or enhanced.

- Policy 4.2.7.3 - Provide for a range of non-residential activities within Residential Areas, provided character and [amenity](#) standards are maintained, and any adverse effects are appropriately avoided, remedied, or mitigated.*
- Policy 4.2.7.4 - Ensure that non-residential activities in Residential Areas do not compromise the role and function of centres.*

152. As noted above the carpark will support the existing supermarket, located in the centres zone, which will continue to enhance to role and function of the Khandallah village centre. the District Plan explanatory notes to Policy 4.2.7.3 and 4.2.7.4 outline what is envisioned for non-residential activities:

'[Council](#) envisages that any non-residential activities in a Residential Area will be of a domestic scale and will not compromise the role and function of Wellington's centres. For applications relating to or involving new non-residential activities in Residential Areas the objectives and policies in [Chapter 6](#) should also be considered. Because non-residential activities can impact adversely on the amenities of Residential Areas, control over these has been maintained in the District Plan. [Council](#) aims to ensure that any non-residential activity is of a scale and character that is in keeping with its surroundings as this is important to protect residential amenities. The rules will enable the full effects of a proposal to be evaluated and where necessary, protective measures to be sought.¹⁷'

153. Considering the scale of the works proposed and the policies noted above the and for the reasons outlined in this assessment above, it is my view that the proposal will not ensure that character and amenity of the residential environment is maintained.
154. In this case the adverse effects in my opinion are not appropriately avoided, remedied or mitigated in a manner that retains the residential character, or the amenity values of the surrounding environment.
155. For these reasons, I consider the proposed development to be inconsistent with this objective and associated polices.

Objective – Access:

¹⁷ Operative District Plan, Chapter 4 Residential Areas Objectives and Policies, page 25 of 37.

4.2.12 – To enable efficient, convenient and safe access for people and goods within Residential Areas.

Policy 4.2.12.1 - Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.

Policy 4.2.12.2 - Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic within Residential Areas.

Policy 4.2.12.4 - Require appropriate parking, loading and site access for activities in Residential Areas.

156. As the proposal is for the addition of parking to alleviate transport related pressures on the existing parking situation. The additional parking will provide for less congestion on the surrounding roads and the new exit and entry points are considered to disperse traffic rather than congesting one existing entry and exit point.

157. The proposal is also providing for improved access into the site for a range of people and users. This has been addressed above and in detail in the effects assessment, overall, the proposal while providing for additional traffic the proposal is consistent with the above mentioned policies.

Chapter 6 - Centres:

Objective – Role and Function of Centres:

6.2.1 – To provide a hierarchy of accessible and appropriately serviced Centres throughout the City that are capable of providing goods, services and facilities to meet the day to day needs of local communities, residents and businesses, and of accommodating anticipated population growth and associated development whilst maintaining Wellington’s compact urban form.

Policy 6.2.1.1 Maintain an efficient and sustainable network distribution of centres, as identified below:

<p><i>District Centres</i></p> <ul style="list-style-type: none"> • Brooklyn • Churton Park ¹ • Crofton Downs • Island Bay • Khandallah • Newlands 	<p><i>Contain a moderate retail offer and generally service the day-to-day convenience needs of their surrounding suburb. Accessed by good public transport, some District Centres contain a <u>supermarket</u> and other convenience-based retail and also have access to some community, recreational and entertainment activities. Where offices are present, they are small scale in character. Residential uses tend to be located above ground floor. Mostly on-street parking is available, with only limited off-street parking.</i></p>
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Policy 6.2.1.2 Allow for the outward expansion of existing Centres when they are required to accommodate growth and where they:

- are compatible with adjoining landuses; and
- improve access to goods and services, reduce congestion on the road networks; and
- are accessible by a variety of transport modes including public transport, walking and cycling; and
- do not generate more than minor adverse effects on the roading network and the hierarchy of roads (Maps 33 and 34) from potential trip patterns, travel demand or vehicle use; and
- make the best use of existing infrastructure.

Policy 6.2.1.4 Promote the intensification of activities and buildings in and around Centres.

158. The proposal is consistent to a commercial activity, and as such in this case would provide access to the centres and support access for an increasing population and growth that is projected for the area. The proposal would also not generate more than minor effects on roading as noted with in the roading assessment, the works also won't increase congestion to and from the site.
159. The proposal will be generally compatible with adjoining commercial activities within the centres but is generally considered incompatible with the surrounding residential activities.
160. In terms of objective 6.2.1 and the associated listed policies above, whilst the proposed carpark extension is not considered to generate adverse traffic or congestion, it is generally not conducive to improving or enhancing multi-modal transport options, or resulting in reduced vehicle use, trip patters and reducing travel demand. The proposed development, by its virtue of being a carpark expansion, will facilitate increased vehicle demand. For these reasons, I consider the proposed development to be inconsistent with these polices.

Objective – Activities:

6.2.2 – To facilitate vibrant and viable Centres through enabling a wide range of appropriate activities to occur to meet the economic and social needs of the community, whilst avoiding or mitigating adverse effects.

Policy 6.2.2.1 Enable and facilitate a wide mix of activities within Centres provided that character and amenity standards are maintained and adverse effects are satisfactorily avoided, remedied or mitigated.

Policy 6.2.2.4 Control the adverse effects of noise within all Centres.

161. The proposed development will facilitate the ongoing availability of parking to supermarket users, which in turn, supports the viability of the centres through providing more flexibility for customers. However, the policies seek to provide for a mix of uses for the site provided that character and amenity standards are maintained and adverse effects are satisfactorily avoided, remedied or mitigated, which as outlined in the assessment above, I do not consider this has been achieved. Furthermore, I note that whilst the parking area does make supermarket shopping more convenient, I am not convinced that a large carpark area creates an outcome of increased vibrancy of the subject site.
162. The noise levels have been noted and are considered to mitigated appropriately to meet the noise levels as per ODP rules and standards. Whilst I consider the proposal will have an adverse impact on the adjoining residential properties, I am satisfied that the proposal will achieve the desired outcome under Policy 6.2.2.4 insofar as it controls the adverse effects of noise within the centre.
163. For these reasons, I consider the proposal to be inconsistent with this policy.

Objective – Built Development, Urban Form and Public Spaces:

6.2.3 – To ensure that activities and developments maintain and enhance the safety values of Centres and any adjoining or nearby Residential or Open Space Areas, and actively encourage characteristics, features and areas of Centres that contribute positively to the City's distinctive physical character and sense of place.

Policy 6.2.3.1 Ensure that buildings, structures and spaces are designed to:

1. Acknowledge, respect and reinforce the form and scale of the surrounding environment in which they are located; and
2. respect the context, setting and streetscape values of adjacent listed heritage items and Heritage Areas; and
3. promote a strong sense of place and identity within Centres; and
4. establish positive visual effects; and
5. provide good quality living and working environments; and
6. integrate environmental sustainability principles; and
7. provide conditions of safety and accessibility, including for people with restricted mobility

164. The above policy notes where the site neighbours residential areas (specific to this site) the works need to acknowledge and respect the streetscape and form of the surrounding area. The proposal is designed to replace the existing residential dwellings onsite, and result in an outcome that is inconsistent with what is envisaged by the residential zone, and will not contribute positively to the distinctive physical character or sense of place of the residential streetscape of Khandallah.

165. The Dekka Street frontage is located in a commercial streetscape and could reasonably be considered to respect this character and sense of place, However, the Nicholson Road frontage is located in a residential environment, and therefore this site frontage, particular the vehicle entrance does not respect the physical character or sense of place. Based on the proposal as stands, the proposal is considered to be inconsistent with this objective and policy.

Objective – Access and Transport:

6.2.5 – To Maintain an efficient and sustainable transport network to enable the provision of convenient and safe access for people and goods to and within centres.

Policy 6.2.5.1 Ensure that activities and developments are designed to be accessible by multiple transport modes.

Policy 6.2.5.2 Support the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels.

166. The application states an intention to provide four Electric Vehicle parking spaces and the site is located adjacent to a bus stop, within walking distance to a train station, and is located within an established centre. The use of the site and connection to the access and transport is considered to be consistent, Council's Team Leader, Transport Consents Officer, Haran Arampamoorthy has assessed the different modes of transport and the access the proposal provides.

167. Given the access the proposal is considered to be consistent with the objective and policy above.

Chapter 29 – 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, wetlands and coastal waters.*
- 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 29.2.1.11 Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.*

168. As noted in the effects assessment earlier in this report, the proposed works have been assessed by the Council's Earthworks Engineer, Mr John Davies. Mr Davies is of the opinion that the proposed effects of the proposed earthworks in terms of site stability, erosion and sediment control, and dust emissions can be appropriately managed during the construction process and has recommended conditions accordingly. Therefore, I am satisfied that subject to these conditions being imposed should the Commissioners determine to grant approval of this consent, the proposed development is consistent with these policies.
169. More specifically policy 29.2.1.7 seeks to ensure that when earthworks are undertaken and require retaining structures, that these are screened and appropriately reflect the existing environment as much as possible. The policy is directing the works to soften the visual impact in terms of changes to character and visual amenity of the local area. The surrounding topography is undulating with varying degrees of hills and valleys, with this when building in the area earthworks to create a flat platform and retaining walls are consistent with the character and amenity of the local area. Landscaping plans have been provided to ensure adequate screening will be provided, a number of mature trees and mature vegetation will be retained in an attempt to integrate the new proposed works with the existing. It is important to note that no earthworks will be exposed however there will be a visible change.
170. It is acknowledged, that while there are a number of retaining walls and structures within the area these are generally screened by buildings, or planted out. With this in mind the retaining walls will dominate the site when viewed on and off site, the works are not proposed to be screened and Ms Deveraux has also noted and concluded similarly. As a result, it is noted that the earthworks and retaining walls will visually dominate the site and not be consistent with the objectives and policies.
171. For these reasons, I consider the proposal to be inconsistent with this policy.

Proposed District Plan:

172. The proposed District Plan includes the following objectives and policies of relevance to this proposal:

THW – Three Waters

Objectives: THW-O2 and THW-O3

Policies: THW-P1, THW- P4, THW-P5 and THW-P6

NH – Natural Hazards

Objectives: NH-O1 and NH-O2

Policies: NH-P1 to NH-P4 and NH-P6

173. Of the objectives and policies of the PDP, Three Waters and Natural Hazards provides a new set of provisions that were not considered under the scope of the ODP. As such I've noted the following:

174. Three Waters: the objectives and policies for three waters has been assessed by Wellington Water Limited and are considered relevant to be included as part of this proposal, as such the proposal is considered to be consistent with the identified objectives and policies.
175. Natural Hazards: similarly, the objectives and policies for natural hazards have been assessed and included as part of this proposal as they are considered relevant, as such the proposal is considered to be consistent with the identified objectives and policies.

MRZ - Medium Density Residential Zone

Objectives: MRZ-01, MRZ-02 and MRZ-03
Policies: MRZ-P1, MRZ-P5, MRZ-P10 and MRZ-P15

LCZ- Local Centre Zone

Objectives: LCZ-01, LCZ-02, LCZ-03 and LCZ-04
Policies: LCZ-P1, LCZ-P2, LCZ-P3, LCZ-P4, LCZ-P7, LCZ-P8, LCZ-P9 and LCZ-P10

EW – Earthworks

Objectives: EW-01
Policies: EW-P1, EW-P3, EW-P4, EW-P5, EW-P6,

TR – Transport

Objectives: TR-O1
Policies: TR-P1 to TR-P3

176. For the reasons outlined in the effects assessment above, it is considered that the proposed development is not aligned with the relevant objectives and policies pertaining to residential character and amenity.
177. Given the alignment between the Objectives and Policies of the Operative and Proposed District Plan, I do not consider there is any value in undertaking a full assessment in this regard as that is largely addressed above.

Objectives and Policies Conclusion

178. In assessing the application in relation to these objectives and policies and assessment criteria I have consulted with the following experts within the Council:
- Jaime Deveraux, Senior Consultant Urban Design Advisor
 - John Davies, Team Leader Subdivision and Compliance
 - Haran Arampamoorthy, Team Leader, Transport Consents Officer
179. The proposal is not well aligned with the relevant District Plan objectives and policies when read as a whole. Having considered the objectives and policies under the ODP and PDP in the round, the proposal is inconsistent with these and therefore resource consent should not be approved.
180. Overall, for the reasons discussed in this Decision Report, I consider that the proposal is unacceptable in terms of the assessment criteria and is not consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

181. In accordance with section 104(1)(c) of the Act, here I will address various additional matters relevant to the application.

Antisocial Behaviour:

182. I note that submitters alluded to the potential for antisocial behaviour associated with the operation of this site. Whilst I accept that there is always the potential for such behaviour within any environment, I note that the applicant has advised that they intend to manage vehicle access by gating the carpark so that it is only accessible during store operational hours. Outside of opening hours, the loitering or other disruptive behaviour would be a matter that needs to be addressed by store security and/or the Police. In addition to this, I note that any person has the obligation to avoid unreasonable noise under Section 16 of the RMA, which is administered and enforced by Wellington City Council.

Climate Change:

183. The re-occurring theme of climate change, car dependency and vehicle emissions was raised throughout submissions. This has been considered above in the positive effects assessment.

Land banking:

184. Land banking has been raised as part of the submission process and in terms of this I am under the impression that the land has been privately owned by the applicant for a number of years. Land banking is not considered to be an effect that cannot be assessed as part of this consent and the RMA. As a result, I am satisfied that this will be appropriately managed.

Litter and Rubbish:

185. Rubbish and litter have been raised as a concern within the submissions, while I accept that this may be the case, as is common with many urban environments, it is the applicants responsibility to ensure the site is kept tidy and bins are kept empty. As a result, I am satisfied that this will be appropriately managed.

186. There are no other matters that the Council need consider under Section 104(1)(c).

ASSESSMENT UNDER PART 2 OF THE ACT

187. Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “to promote the sustainable management of natural and physical resources”. Section 5 goes on to state that sustainable management should enable “people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment”.

188. In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

189. For the reasons outlined in this report, I consider that consent should be declined when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the purpose and principles in Part 2 of the Act and I do not consider that detailed evaluation of Part 2 matters is necessary and would add anything to my evaluative exercise.

CONCLUSION

190. Having considered the application and supporting documents, together with the expert advice provided by various experts for the Council, I consider that the proposal for Earthworks to extend the supermarket carpark and install associated signage at 26 Ganges Road, 3 Dekka Street and 31-33 Nicholson Road, Khandallah to be unacceptable.
191. I do not consider the proposal to have sufficient positive effects to counterbalance any adverse effects, and I consider the proposal to be contrary with the relevant objectives and policies of the District Plan and to not meet the intention of Part 2 of the Act.
192. I therefore conclude that, when the proposal is assessed against the matters on section 104(1)(a) to 104(1)(c) of the Act, the resource consent should be declined. However, I can table a set of recommended draft conditions, prior to or at the hearing, should this be of assistance to the commissioners.

RECOMMENDATION

193. That the Hearings Commissioners acting under delegated authority from the Council and pursuant to section 104 of the Resource Management Act 1991, refuse consent for the proposal to Earthworks to extend the supermarket carpark and install associated signage at 26 Ganges Road, 3 Dekka Street and 31-33 Nicholson Road, Khandallah.

Reporting Officer:



Amy Camilleri
Senior Consents Planner
Resource Consents Team
Wellington City Council

APPENDICES

Appendix One – Recommended Conditions of Consent

Appendix Two – Noise Assessment

Appendix Three – Lighting Assessment

Appendix Four – Urban Design Assessment

Appendix Five – Transport Assessment

Appendix Six – Earthworks Assessment

Appendix Seven – Servicing and Three Waters Assessment