

27 January 2017

Urban Perspectives Ltd
PO Box 9042
Wellington

Service Request No: 368830

Attention: Peter Coop

Dear Peter

Application for Resource Consent SR No. 368830 Granted

Service Request Type:	Resource Consent
Site Address:	Johnsonville Triangle
Legal Description:	Various
Consent Type:	Land Use

I write in relation to your Resource Consent application for the construction, use, operation and maintenance of a complex of buildings and structures collectively referred to as the "Johnsonville Shopping Centre".

The application was considered by officers acting under delegated authority on 27 January 2017. I advise that under section 104B of the Resource Management Act 1991 (the Act), resource consent for the application is granted subject to the conditions listed in the attached Notice of Decision.

Rights of objection to the consent conditions may be exercised under section 357A(2) by the consent holder. Any objection must be made in writing, with the reasons for the objection within 15 working days of this notification (or within such extended period as the Council in any special case may allow).

A copy of the full Notice of Decision and Decision Report is attached.

Yours sincerely,



Nathan Keenan
Senior Consents Planner
Resource Consents Team
Wellington City Council
Email: planning@wcc.govt.nz

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	‘Johnsonville Triangle’ which comprises: <ul style="list-style-type: none"> – 23 Moorefield Road – 26, 34, 58, 66, 70, 76, 80-94, 98-104 Johnsonville Road – 4, 8, 24-32 Broderick Road 	
<u>Legal Description:</u>	<div> 34 Johnsonville Road <ul style="list-style-type: none"> – Pt Lot 1 DP 29655 – Lot 4 DP 66837 – Lot 1 DP 71879 – Lot 4 DP 79336 </div> <div> 23 Moorefield Road <ul style="list-style-type: none"> – Lot 3 DP 79336 </div> <div> 26 Johnsonville Road <ul style="list-style-type: none"> – Lot 3 DP 16955 – Lot 1 DP 21101 </div> <div> 58 Johnsonville Road <ul style="list-style-type: none"> – Lot 2 DP 12862 </div> <div> 66 Johnsonville Road <ul style="list-style-type: none"> – Lot 2 DP 15155 </div> <div> 70 Johnsonville Road <ul style="list-style-type: none"> – Lot 2 DP 71879 </div>	<div> 80-94 Johnsonville Road <ul style="list-style-type: none"> – Unit A, AU 4-5 DP 83668 – Unit B, AU 1 DP 83688 – Unit C, AU 2-3 DP 83668 </div> <div> 98-104 Johnsonville Road <ul style="list-style-type: none"> – Lot 1 DP 60601 </div> <div> 4 Broderick Road <ul style="list-style-type: none"> – Pt Lot 2 DP 81705 </div> <div> 8 Broderick Road <ul style="list-style-type: none"> – Pt Lot 3 DP 81705 </div> <div> 24-32 Broderick Road <ul style="list-style-type: none"> – Lot 1 DP 66837 – Lot 2 DP 66837 – Lot 3 DP 66837 </div>
<u>Applicant:</u>	Stride Property Limited and Equity Trustees Limited c/- Urban Perspectives Ltd	
<u>Proposal:</u>	The construction, use, operation and maintenance of a complex of buildings and structures collectively referred to as the “Johnsonville Shopping Centre”, for a range of activities including retail and commercial activities, together with provision for vehicle access, on-site parking and servicing.	
<u>Owner:</u>	Stride Property Limited (1/2 Share) and Equity Trustees Limited (1/2 Share)	
<u>Service Request No:</u>	368830	
<u>File Reference:</u>	1054230	
<u>District Plan Area:</u>	Centres	
<u>Notations in District Plan:</u>	<ul style="list-style-type: none"> - Primary and Secondary Frontage – Verandah and display window requirements - Johnsonville and Moorefield Road – Principal Roads - Broderick Road – Collector Road - Regionally Significant Centre 	
<u>Activity Status:</u>	Discretionary Activity	

DECISION – Land Use Consent:

That officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104B of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to construct, use and operate a complex of buildings and structures collectively referred to as the “Johnsonville Shopping Centre”, for a range of activities including retail and commercial activities, together with provision for vehicle access, on-site parking and servicing at **34 Johnsonville Road, Johnsonville**, subject to the following conditions:

Conditions of Consent:

General:

1. Except as required due to other conditions of this consent, the proposal must be in accordance with the information provided with the application Service Request No. **368830** and the following plans:

Plans prepared by The Buchan Group, Project No. 914023:

- ‘Proposed Site Plan Overall’, Dwg A-RC3-0003, Rev B, dated 3 October 2016;
- ‘Proposed Ground Floor Plan Overall’, Dwg A-RC3-0005, Rev B, dated 3 October 2016;
- ‘Proposed Level 1 Plan Overall’, Dwg A-RC3-0006, Rev B, dated 3 October 2016;
- ‘Proposed Level 2 Plan Overall’, Dwg A-RC3-0007, Rev B, dated 3 October 2016;
- ‘Moorefield Road Entrance’, Dwg A-RC3-0008, Rev B, dated 3 October 2016;
- ‘Height Encroachment Areas’, Dwg A-RC3-0009, plotted date 14 September 2016;
- ‘Proposed Sections Sheet 1’, Dwg A-RC3-0010, plotted date 14 September 2016;
- ‘Proposed Sections Sheet 2’, Dwg A-RC3-0011, plotted date 14 September 2016;
- ‘Proposed Sections Sheet 3’, Dwg A-RC3-0012, plotted date 14 September 2016;
- ‘Proposed Elevations’, Dwg A-RC3-0015, plotted date 14 September 2016;
- ‘Detail Sections Sheet 1’, Dwg A-RC3-0016, plotted date 14 September 2016;
- ‘Detail Sections Sheet 2’, Dwg A-RC3-0017, plotted date 14 September 2016;
- ‘Detail Sections Sheet 3’, Dwg A-RC3-0018, plotted date 14 September 2016;
- ‘Detail Sections Sheet 4’, Dwg A-RC3-0019, plotted date 14 September 2016;
- ‘Detail Sections Sheet 5’, Dwg A-RC3-0020, plotted date 14 September 2016;
- ‘Site Circulation Ground Level’, Dwg A-RC3-0028, plotted date 12 August 2016;
- ‘Site Circulation Level 1’, Dwg A-RC3-0029, plotted date 12 August 2016;
- ‘Site Circulation Level 2’, Dwg A-RC3-0030, plotted date 12 August 2016;
- ‘Circulation Plan GF – North’, Dwg A-RC3-0031, plotted date 14 September 2016;
- ‘Loading Area Layout’, Dwg A-RC3-0032, plotted date 14 September 2016;
- ‘Circulation Plan GF- South East’, Dwg A-RC3-0034, plotted date 14 September 2016;
- ‘Proposed Elevation with Material References’, Dwg A-RC3-0060, plotted date 14 September 2016;
- ‘Proposed Elevation with Material References’, Dwg A-RC3-0061, plotted date 14 September 2016;
- ‘Proposed Elevation with Material References’, Dwg A-RC3-0062, plotted date 14 September 2016;
- ‘Proposed Elevation with Material References’, Dwg A-RC3-0063, plotted date 14 September 2016;

- 'Proposed Elevation with Material References', Dwg A-RC3-0064, plotted date 14 September 2016;
- 'Level Change' dated 19 July 2016

Plans prepared by Traffic Design Group, titled 'Roading and Intersection Layout', Dwg 13123W3G, Sheet 15A, dated 21 October 2016

Plans prepared by Beca:

- 'Earthworks Plan', Dwg 5295190-CA-K0020 Rev B, dated 22 July 2016;
- 'Cut and Fill Plan', Dwg 5295190-CA-K0021 Rev B, dated 22 July 2016;
- 'Outline Erosion and Sediment Control', Dwg 5295190-CA-K0022 Rev B, dated 22 July 2016;
- 'Sediment Control Details', Dwg 5295190-CA-K0023 Rev A, dated 1 July 2016.

Plans prepared RCP titled 'JSC Staging Strategy (Rev 1)', Sheets 1-5.

Construction and Earthworks:

2. A suitably experienced Chartered Professional Engineer (CPEng) must be engaged for the detailed design and construction phases of the project. The name and the contact details of the CPEng must be provided to the Council's Compliance Monitoring Officer (CMO), at the time the person is appointed.
3. The CPEng will monitor the excavation and the construction of the retaining works. He/she will advise on the best methods to ensure:
 - the stability of the land
 - that the work does not cause damage, or have the potential to cause damage, to neighbouring land or buildings
 - the design and construction of the temporary and permanent earthworks, retaining structures and drainage.

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

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

A 'Construction Supervisor' is defined as a person with skills and experience in the construction of excavation and retaining works on steep slopes similar to those proposed and in similar ground conditions.

The name and the contact details of the Construction Supervisor must be provided to the CMO, at the time the person is appointed.

5. Daily excavation and retaining works construction must be supervised by the Construction Supervisor.
6. The site must be inspected by the CPEng or by a person under the CPEng's direction following each increment of excavation and prior to the construction of the structural support to that increment of excavation.
7. The CPEng must confirm the design of each increment of structural support to the architect/project manager prior to the construction of that increment of structural support.

8. The Earthworks Management Plan (EMP), details submitted with the application has been approved in principle. The EMP was developed by Beca (dated 1 August 2016 Reference Plans 5295190-CA-K0022-23). It is expected that they will form the majority of the final Earthworks Management Plan (FEMP). The following additional measures must be implemented:

- Measures to ensure temporary and permanent excavations remain stable, including measures to limit the exposure of unretained earthworks at any one time

Any amendments to the FEMP once work starts must be approved by the Construction Supervisor and the CPEng and supplied to the CMO for approval.

9. The earthworks and other work must be carried out in accordance with the FEMP to the satisfaction of the CMO. The erosion and sediment control measures must not be removed until the site is remediated to the satisfaction of the CMO.

Note:

If necessary, the CMO may require changes to the implementation of the FEMP, to address any problem that occurs during the work or before the ground surface is stabilised.

10. The FEMP must be reviewed by the CPEng to ensure that the methodology minimises the risk of instability to as low as reasonably practicable.

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

11. A copy of the producer statement 'PS4 – Construction Review' and its accompanying documents for structures/buildings, prepared for the associated Building Consent process, must be provided to the CMO within one month of the structures/buildings being completed.

12. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road. Sediment, earth or debris must not collect on land beyond the site or enter the Council's storm water system.

13. Dust created by earthworks, transport and construction activities must be controlled to minimise nuisance and hazards. The controls must be implemented for the duration of the site works and continue until the site stops producing dust.

14. Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property during work or transport must be cleaned up immediately. The material must not be swept or washed into street channels or storm water inlets, or dumped on the side of the road.

15. Earthworks and associated works, including the transport of excavated material from (or to) the site, must only occur within the following hours:

- Monday to Saturday 7:30 am to 6 pm.
- Quiet setting up of site (not including running of plant or machinery) may start at 6.30 am.
- No work is to be carried out on Sundays or public holidays

Note:

These hours have been selected from Table 2, NZS 6803: 1999 “Acoustics – Construction Noise”. The Standard so far as practicable applies in all other respects, including the permitted noise levels in Table 2, and all persons undertaking earthworks and management of the site must adopt the best practical option to control noise to a reasonable level.

Construction

16. The Construction Management Plan (CMP), details submitted with the application have been approved in principle. The CMP was developed by RCP Ltd (dated August 2016). It is expected that they will form the basis of the final Construction Management Plan (FCMP) and be used in combination with construction sequence as per Beca’s Ltd (dated 18/10/2016) concept design.

Any amendments to the FCMP once work starts must be approved by the Construction Supervisor and the CPEng. In the course of preparing the FCMP, it is suggested that the consent holder consult with the following:

- New Zealand Transport Agency
- Greater Wellington Regional Council
- Appropriate officers within Wellington City Council
- Kiwi Rail

When submitting the FCMP to the CMO for approval, the consent holder shall also forward a record of any differing views arising out of the consultation process.

17. All construction activities must be carried out in accordance with the FCMP to the satisfaction of the CMO.
18. A detailed Construction Traffic Management (CTMP) must be prepared, submitted to and approved by the Council’s CMO prior to the commencement of all work on site. The CTMP must include methods to avoid, remedy or mitigate adverse construction traffic effects during the development of the site.

The CTMP must include, but not be limited to, the following matters:

- temporary pedestrian safety measures, including directional signage (where applicable);
- the size of trucks involved;
- delivery and removal routes;
- expected frequency of movements specific to the construction phase, with the hours and days of week;
- numbers of vehicles to be accommodated on or near the site;
- road space required for deliveries and or construction purposes;
- an emergency (24/7) contact telephone number;
- a public complaints register; and
- measures to deal with any collateral damage to vehicles and property

Note: The CMO will approve this plan in consultation with the Council’s RMA Transport Engineer

19. A Construction Noise Management Plan (CNMP) must be submitted to and approved by the CMO prior to or at the time Building Consent is applied for. The CNMP must be implemented for the duration of the site works (including demolition). The CNMP

must be amended, where directed by the CMO to address any unforeseen and unreasonable noise generated by the site works. The CNMP shall:

- (a) Be prepared by a suitably qualified acoustic specialist, incorporating the recommendations provided by Marshall Day Acoustics within the application.
- (b) Specify hours of operation, a description of the main stages of work proposed, the equipment to be used and the predicted noise levels for receivers at sensitive nearby boundaries.
- (c) Include specific details relating to methods for control of noise associated with construction works. Demonstrate these controls adopt the best practical option to reduce noise to a reasonable level in accordance with section 16 of the Resource Management Act 1991 and at all times be formulated to so as far as practicable, comply with the recommended upper limits for construction noise specified in NZS 6803:1999, Acoustics - Construction Noise when assessed in accordance with this standard.
- (d) Specify details of complaint handling, communication procedures including notification and any necessary monitoring.

Contamination:

- 20. Remediation of soil contamination shall be undertaken in accordance with resource consent SR169084 and the conditions of that consent.

Servicing:

- 21. A Servicing Management Plan (SMP) for the Shopping Centre shall be prepared and approved by the CMO (in consultation with the Council's Transport Engineer) prior to the Shopping Centre's public opening. The Plan shall include, but not necessarily be limited to:
 - (a) mapping of the routes to be followed by arriving and departing service vehicles;
 - (b) a description of the vehicles or classes of vehicle that will visit each location for loading, unloading or other service activity. The details will include expected times of peak use;
 - (c) details of how each type of vehicle will be handled, and how merchandise will be transferred between vehicles and storage areas;
 - (d) a description of the arrangements for storage of merchandise, equipment and waste;
 - (e) an explanation of the proposed interim servicing arrangements during construction;
 - (f) details of contingency arrangements to cover occasions when vehicles arrive while a service area is fully occupied or closed;
 - (g) the procedures for monitoring and reviewing any complaints;
 - (h) painted markings to show areas required for vehicle manoeuvring; and
 - (i) provision for security and safety including any appropriate securing of servicing areas outside servicing hours.

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

Transportation

- 22. Prior to building consent plans being lodged, the consent holder shall prepare detailed plans that address the following matters for the approval of the CMO (in consultation with the Council's Transport Engineer):

- (a) Any design refinements in response to a Safety Audit prepared by a suitably qualified and experienced traffic engineer regarding the proposed signalised facilities and pedestrian crossings along Moorefield Road and Broderick Road;
- (b) Visibility splays and any other design measures to ensure pedestrian safety from vehicles being operated within the Shopping Centre.
- (c) Details of infrastructure assets (signals, pavement, footpath, signs, street lighting, street furniture etc) that are intended for Council ownership.
- (d) A solid median island on Broderick Road to prevent any right turning movements from the westbound traffic lane on Broderick Road into the western (carpark) entry and eastern (loading bay) access.
- (e) Details of all new signalised intersections and pedestrian crossings including locations of signal assets, poles, kerb and channel alignment, pedestrian kerb ramps, footpath width, land markings.
- (f) Details on all footpaths to be provided including footpath width, material, pedestrian shelter, street furniture, pedestrian and vehicle interface treatment, crossfall.
- (g) A south-bound right turn lane to be provided on Moorefield Road at Wanaka Street and Frankmoore Avenue to replace the existing turning lanes at these intersections.
- (h) Details on the two through lanes proposed from the roundabout on Johnsonville Road along Moorefield Road to Frankmoore Avenue i.e. any changes to the kerb and channel alignment, pedestrian kerb ramps, lane width, markings etc.
- (i) Details on wayfinding signage, road marking and traffic management measures to ensure that the vehicular and pedestrian paths will operate safely; and provide a connection of Johnsonville Road, the public transport facilities and civic area on Moorefield Road and vice versa.

Note

- 1) The footpath width along the Johnsonville Road frontage must not be reduced as part of this redevelopment.
- 2) The proposed signalised intersections into the Centre on Moorefield Road and Broderick Road are to be constructed as standard intersections with complying traffic signal controls, vehicular limit lines and lane marking, complying signal displays, pedestrian crossing facilities, detection loops, callboxes, controller, poll locations etc.

All works must be completed in accordance with the approved plans. The consent holder shall implement and/or fund the off-site road improvement works (including proposed kerb crossings, realignment of kerbs, signals etc) shown on: "Roading and Intersection Layout" Dwg 13123 W3G Sheet 15A dated 21 October 2016, prepared by Traffic Design Group.

- 22. To prevent service vehicles parking over the footpath on Broderick Road, bollards must be installed on the kerb edge.
- 23. Prior to the proposed signalised intersections and crossings becoming operational, the consent holder shall provide to the CMO (in consultation with the Council's Traffic Signal Engineers) for approval, details and specification by a suitability qualified person on the design and installation of the signal works including: signal phasing, optimisation and coordination of the intersections.
- 24. Traffic Calming measures like speed limit signs, give-way signs, stop signs, textural surface changes etc. must be installed on the shared lanes to control the internal traffic flow and exiting vehicle speed near to the public footpath. A final plan showing the

traffic control measures and internal traffic circulation must be submitted to the CMO, who will liaise with the Council's Transport Engineer, for approval.

25. Prior to the construction of the new building, a "Street Level Matching Plan" (SLMP) must be submitted to and approved by the CMO (in consultation with the Council's Vehicle Access Engineer). Where necessary, the SLMP must incorporate ramps or adjusted steps within the building to ensure the adjacent footpath cross-fall will not exceed 3%, except where matching into existing levels.
26. Construction plans showing the layout of the carparks, especially the revised car parking layout along the one-way access near loading bay 6, must be submitted to the Vehicle Access Engineer for approval. This plan must be approved prior to the construction of the carparks.
27. The vehicle crossings must be heavy duty vehicle crossings.
28. All loading bays must be clearly identified with appropriate paint markings and signage.
29. Any redundant sections of existing vehicle crossing must be reinstated to full height kerb and WCC standard footpath. This work must be completed to the satisfaction of the CMO.
30. Following the completion of construction of the development, an independent safety audit relating to the roading and intersection layout shall be provided to the Council's CMO.

CPTED:

31. Prior to building consent being lodged, the consent holder shall prepare detail design plans for the approval of the Council's compliance officer (in consultation with the Council's CPTED adviser) of car parking areas, pedestrian routes and all on-site external spaces that demonstrate the existence of safe pedestrian sightlines, the provision of appropriate lighting, and the avoidance of areas of entrapment.

Urban Design:

32. Prior to building consent being lodged, the consent holder shall prepare detail design plans for the approval of the CMO (in consultation with the Council's urban design adviser) to ensure the final design quality and palette of external materials is consistent with the design intent as shown by the application plans and images and described in the Architect's Design Statement in respect of:
 - (a) the Johnsonville Road facade and the Broderick Road facade from the corner of Johnsonville Road to the site access for the loading area;
 - (b) car park enclosure/screens and 'fin'/'blade' elements;
 - (c) the pedestrian access from Moorefield Road through to the Shopping Centre entry;
 - (d) the canopy along Moorefield Road (including column detail) and the enclosure/screening of the carpark edge adjacent to the bus interchange;
 - (e) the supermarket elevation to Moorefield Road including canopy, landscaping and lighting detail; and
 - (f) the design and external appearance of building to incorporate the Johnsonville Road servicing area into the Shopping Centre building should the consent holder

determine after the detail design process that this servicing facility is not required.

33. The consent holder must provide glazed edges similar to retail tenancies to the perimeter of the waiting area/ bus shelter shown on sheet A-RC3-0008 (B), with final details submitted for approval by the CMO (in conjunction with the Council's Urban Design Officer) prior to building consent being issued.
34. The Consent holder shall delete the indented bays at the edge of the supermarket fronting Moorefield Road and provide a continuous (or faceted) wall with verandah, with final details submitted for approval by the CMO (in conjunction with the Council's Urban Design Officer) prior to building consent being issued.
35. The consent holder shall submit final details of the proposed landscaping in the area between the station and the carpark for approval by the CMO (in conjunction with the Council's Urban Design Officer) prior to building consent being issued.

Note: the final landscape plan shall enhance amenity, provide sightlines into the space, but discourage occupation of this part of the site.

36. The consent holder must provide an elevation plan and perspective of the Broderick Road frontage showing the removal of the vehicle crossing and ramp to the roof top parking level and the consequential amended external design, appearance, materials and finishes of this part of the buildings frontage. The plan/perspective must be submitted for approval by the CMO (in conjunction with the Council's Urban Design Officer) prior to building consent being issued and include additional landscaping along this street edge.

The consent holder shall provide details on all lighting structures necessary to efficiently illuminate the roof top car parking areas to comply with Centre standard 7.6.1.6 while mitigating the adverse visual effects of the structures. The plan/perspective must be submitted for approval by the CMO (in conjunction with the Council's Urban Design Officer) prior to building consent being issued.

37. Details of all large-scale signage, including the main shopping centre identification signs, graphic display walls and cut-out "P" signs for the parking building, must be supplied to and approved by the CMO (in conjunction with the Council's Urban Design Officer). A key consideration along the main Broderick St and Johnsonville Rd elevations is that the shopping centre identification signs must not dominate the signage for individual shops.
38. The ground level frontage along Johnsonville Road shall be maintained in compliance with display window and active building edge standards 7.6.2.7.4 to 7.6.2.7.10.

Pedestrians and Cyclists Plan (PCP)

39. In order to encourage walking and cycling to the redeveloped shopping centre, the consent holder must, in consultation with the New Zealand Transport Agency and Wellington City Council, prepare a PCP that identifies all external and internal pedestrian and cycling access into, through and out of the redeveloped shopping centre, the location of cycle racks (or other cycle parking facilities), and how each access will connect to pedestrian routes, roading, the railway/bus interchange and the local cycling network, and submit the PCP to the CMO for approval. No part of the redeveloped shopping centre shall open to the public until a PCP prepared in

accordance with this condition has been approved by the CMO. Once approved, the consent holder must implement all of its obligations contained in the approved PCP.

Noise :

40. Prior to, or at the time that, an application is made for Building Consent, details of design specifications for the control of noise from any fixed plant and equipment, including any proposed noise mitigation measures must be provided to the CMO in order to achieve compliance with the District Plan standard 7.6.1.1.5.
41. The consent holder must erect a suitably designed acoustic barrier situated on the boundaries of loading docks as indicated in the assessment prepared by Marshall Day Acoustics within the application. The barriers must be designed to mitigate noise to the level predicted in the supplementary report (dated 17 November 2016) from Marshall Day Acoustics. These barriers must be maintained in good condition for the life of the consent.
42. Forklifts operating on the site must not use tonal reversing signals and instead incorporate broad band reversing signals.

Road to Vest

43. The consent holder must consent to the vesting in Council of land that is proposed to be legal road (including footpath areas currently on private land). The legalisation of the land as road must be made prior to occupation of the development.

Note: The applicant shall be fully responsible for the costs of the vesting.

Monitoring and Review:

44. Prior to starting work the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the CMO either by telephone (801 4017), facsimile (801 3165) or email (rcmonitoring@wcc.govt.nz) and must include the address of the property and the Service Request Number.
45. The conditions of this resource consent must be met to the satisfaction of the Council's CMO. The CMO will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.
* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time pursuant to section 125 of the Act as the Council may allow.
2. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.

3. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
4. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
5. The consent holder is to work with the Council's Property Team to initiate the road stopping process of the public roads of Gothic Street and Hawea Street West.
6. The consent holder is to work with GWRC and WCC to ensure that the bus stops are adequately managed to mitigate the expected congestion and potential traffic lane obstruction due to the limited bus stop storage. This will include managing the bus schedules and providing additional bus stop locations along Moorefield Road such as south of Wanaka Street.
7. The applicant is encouraged to futureproof the foundation edge along Johnsonville Road with false floor over recessed indentations that would allow for additional entry points to individual tenancies (but not ramped access) to enable flexibility of use over time to retail tenancies, and to encourage occupation of food and beverage activities at street level itself.
8. A vehicle access bylaw consent is required under Part 5, Section 16 of the Council's Consolidated Bylaw 2008 for the construction of a kerb crossing or driveway within legal road.
9. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council.
10. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that land owner approval is required under a *separate approval process* and that this must be sought and approved prior to any works commencing.

For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <http://wellington.govt.nz/~media/services/parking-and-roads/roadworks/files/traffic-management-process-2013.pdf>

11. Construction noise is managed through the construction noise controls set out in NZS 6803:1999 and adoption of a best practical option approach in accordance with section 16 of the Act, to ensure that the emission of noise from the site does not exceed a reasonable level.
12. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact Heritage New Zealand if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this

proposal, such as building modification or demolition, earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

13. This development will be assessed for development contributions under the Council's Development Contributions Policy. If a development contribution is required it will be imposed under section 198 of the Local Government Act 2002. If you want to obtain an indication of the amount of the development contribution payable you can:
 - access the development contributions policy at www.Wellington.govt.nz; or
 - contact the Council's Development Contribution Officer.
14. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

Reasons for Decision:

1. Pursuant to section 95 of the Act, the effects of the proposal on the environment will be no more than minor and no parties will be adversely affected.
 2. There are no special circumstances.
 3. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 4. The proposal is in accordance with the relevant objectives and policies of the District Plan, and Part 2 of the Act.
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DECISION REPORT

1.0 SITE DESCRIPTION, BACKGROUND AND PROPOSAL

1.1 SITE DESCRIPTION

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. Figure 1 below shows the site location.



Figure 1 Location of subject site

1.2 BACKGROUND

Resource consent SR186264 was granted by the Wellington City Council in September 2009 for the redevelopment of the Johnsonville Shopping Centre. The proposal approved consisted of the following;

- A gross floor area for retail and commercial use of 42,000m² with a leasable floor space of 34,000m² (or 38,000m² including the supermarket).
- 1400 car parking spaces.
- 6 crossings for vehicle access, 2 on Broderick Road, 2 on Moorefield Road, 1 off the end of Bill Cutting Place, and 1 using the driveway over 26 Johnsonville Road.
- Display windows along the retail ground floor frontage of Johnsonville Road frontage and for 70m along Broderick Road.

In addition, because the site contains two areas of identified soil contamination, resource consent was separately obtained to remediate existing and potential soil contamination (SR 169084).

Various other resource consents and changes to resource consent conditions were subsequently obtained in order to give effect to refinements to the consented Shopping Centre redevelopment.

In 2013 the Applicant obtained time extensions for all the relevant resource consents, including SR 186264 and SR 169084, to July 2023.

1.3 PROPOSAL

The AEE also includes a description of the proposal that I adopt. The applicant's proposal description should be read in conjunction with this report. In short, the proposal is to redevelop the site for a Shopping Centre. The proposal includes:

- Demolition of existing buildings and structures on the site.
- Remediation of soil contamination in accordance with SR 169084.
- Earthworks mainly to achieve site levels appropriate for the proposed redevelopment and to provide for necessary foundations and services.
- Construction of the proposed Shopping Centre (26,000m²) including associated site accesses for vehicles, servicing/loading facilities, and parking for 900 or so cars of which up to 200 spaces are intended to be “community parking” spaces available for commuter use from 6am to 7pm Monday to Friday except during school holidays when 100 spaces will be available for commuter use from 6am to 7pm Monday to Friday.
- The operation of the Shopping Centre for retail and commercial activities.
- A pedestrian link through the Shopping Centre that provides connection between Johnsonville Road and the Johnsonville Railway Station.

2.0 ACTIVITY STATUS

Resource consent is required under the following rules:

<p><u>Number of Carparks</u></p> <ul style="list-style-type: none"> Resource consent is required pursuant to Rule 7.3.1 for any activity that provides more than 70 parking spaces. The Council's discretion is restricted to: the movement of vehicular traffic to and from the site; the impact on the roading network and the hierarchy of roads from trip patterns, travel demand or vehicle use; the provision and location of facilities for multiple modes of transport. Resource consent is required pursuant to Rule 7.3.10 for the construction of buildings or structures which provide more than 70 parking spaces as a discretionary (restricted) activity. The Council's discretion is restricted to: the movement of vehicular traffic to and from the site; the impact on the roading network and the hierarchy of roads from trip patterns, travel demand or vehicle use; the provision and location of facilities for multiple modes of transport. 	<p>Discretionary (R)</p> <p>Discretionary (R)</p>
<p><u>Vehicle Parking, Servicing and Site access</u></p> <ul style="list-style-type: none"> Resource consent is required to Rule 7.3.5 for an activity which would be permitted, controlled or discretionary (restricted) activity but does not meet one or more of the standards specified in section 7.6.1. The proposed 	<p>Discretionary (R)</p>

development does not comply with the maximum vehicle access width and loading zone locations. The Council's discretion is restricted to the effects generated by the standard not met.	
<p><u>Buildings and Structures</u></p> <ul style="list-style-type: none"> Resource consent is required pursuant to Rule 7.3.6 for the construction, alteration of or addition to buildings and structures that are not a permitted or controlled activity. The Council's discretion is restricted to: design, external appearance and sitting of buildings and structures; site layout; site access, pedestrian and vehicular access; site landscaping; the provision of amenity for any residential activities located on-site; the placement of building mass; structure and design of public space. Resource consent is required pursuant to Rule 7.3.7 for the construction or alteration of, or addition to buildings and structures which would be a permitted, controlled or discretionary (restricted) activity but that do not meet one or more of the standards specified in section 7.6.2 (buildings and structures). The proposed building exceeds standard 7.6.2.1 (maximum height). The Council's discretion is restricted to the effect of the additional building height on: design, external appearance and sitting; the amenity of adjoining properties; sunlight access to streets, public space, or residential buildings in residential areas; the character of the surrounding streetscape, including the form and scale of neighbouring buildings; the wind environment at ground level. 	<p>Discretionary (R)</p> <p>Discretionary (R)</p>
<p><u>Earthworks</u></p> <ul style="list-style-type: none"> Resource consent is required pursuant to Rule 30.2.1 for earthworks that exceed permitted standard 30.1.1. The Council's discretion is restricted to: earthworks stability; erosion, dust and sediment control; visual amenity; the transportation of material in excess of 2000m³. 	Discretionary (R)
<p><u>Buildings and structures within legal road</u></p> <ul style="list-style-type: none"> Resource consent is required pursuant to Rule 7.4.3 for buildings and structures located above the street. The proposal will involve the construction of buildings across Gothic Street and Hawea Street West. It is however noted that these roads are proposed to be stopped. 	Discretionary (U)
<u>Integrated retail development</u>	

<ul style="list-style-type: none"> Resource consent is required pursuant to Rule 7.3.4 for an integrated retail development that will result in a cumulative total gross floor area exceeding 20,000. The proposed retail development will have a cumulative floor area of 26,000m². 	Discretionary (U)
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Overall, the proposal is assessed as a **Discretionary (Unrestricted) Activity** under the District Plan.

3.0 WRITTEN APPROVALS

No written approvals were provided with the application.

4.0 SECTION 95 ASSESSMENT - NOTIFICATION ANALYSIS

Pursuant to sections 95 to 95F of the Act the application can be considered non-notified and without service provided that the adverse effects on the environment will be no more than minor and that the written approvals of all affected parties have been obtained.

4.1 PERMITTED BASELINE:

In the assessment below the adverse effects of activities that are permitted by the relevant District Plan rules were disregarded. Disregarding permitted activity effects was appropriate in this case as use of the permitted baseline is consistent with the wider context of the District Plan and Part 2 of the Act. In this case, a permitted baseline comparison could be drawn with a development containing a number of buildings, each with a floor area of 500m² and 120 carparks.

I consider it appropriate to consider the proposal in the context of what the District Plan anticipates (despite the design and external appearance and traffic generation triggers), such as buildings of up to 12 metres or 18m in height (depending where the building is located), or an integrated retail development of less than 20,000m² (GFA). This anticipated development context provides useful guidance against which to assess the effects of the proposal, particularly the effects associated with bulk and location, and to a slightly lesser extent, the retail distribution effects.

4.2 POTENTIAL ADVERSE EFFECTS:

The actual and potential effects of the proposal are considered to fall into the following categories:

- Design
- Building Height
- Transportation Effects
- Retail Effects
- Construction Effects
- Contamination Effects
- Noise Effects
- Earthworks Effects
- Amenity Effects
- Effects on Public Transport

4.2.1 Design:

The District Plan seeks to control design, external appearance and siting to ensure new buildings are designed, sited and finished in appropriate materials so as to make a positive contribution to the city in terms of streetscape character and the relationship between the private and public realm.

New buildings always have an impact on streetscape. An urban design assessment typically considers the often conflicting attributes of heritage, urban form, architecture, surrounding spatial layout, vehicle and pedestrian access, servicing and finally how the place is used. Often the urban design outcome, when considered against all these requirements, is a balanced outcome. This outcome and the visual effects of the proposal may be considered in comparison to those arising from a complying building, or number of buildings, within the allowable building height of 12m or 18m depending on where the building is located on the site.

The application includes an architectural design statement prepared by The Buchan Group. In addition, the application includes an Urban Design assessment from Ms Deyana Popova of Urban Perspectives. These all note the high quality of the urban design and the strategic importance of the town centre and should be read in conjunction with this report

The Council's Urban Design Advisor, Mr Chad McMan has also completed an Urban Design assessment which is held on the property file. Mr McMan concludes that the proposal can be supported on urban design grounds. I adopt Mr McMan's assessment and conclude that in terms of design, adverse effects will be no more than minor.

4.2.2 Building Height:

The application site has two height limits that apply, with a 12m height limit applying from Gothic Street along Broderick Road, Moorefield Road to Bill Cutting Place, and an 18 metre height limit which applies to the east of Gothic Street to Johnsonville Road, Broderick Road and to the South of Bill Cutting Place. The proposed development breaches maximum height in three areas to provide for efficient vertical transportation of people within the Shopping Centre. These areas are as follows; 2m above the 12m height plane, 6m from Moorefield Road; 3.5m above the 12m height plane, 35m from Moorefield Road; and, 1.5m above the 18m height plane 14m from Broderick Road. These height encroachments are shown on the Dwg No A-RC3-0009 provided with the application. These height encroachments are considered minor given the extent of the breaches and setback from the street boundary as highlighted above. As such, I consider that a less than minor effect on the streetscape in terms of dominance, shading or wind effects will result. Due to setback, no other properties would be affected by the minor height breaches.

4.2.3 Transportation Effects:

A comprehensive Transportation Impact Assessment (TIA) undertaken by Traffic Design Group (TDG) accompanied the application. The TIA outlines the current and future trip generation estimations and provides detailed analysis as to measures considered necessary to ensure that the development can handle the future generated trips and so that the proposal would not adversely impact the surrounding road network. The Council's Manager of Network Operations, Mr Soon Tech Kong has assessed the TIA in addition to further amendments detailed in a letter from TDG dated 21 October 2016 and concurs with their assessment of the proposal. On this basis, I have adopted the TIA undertaken by TDG for the purpose of assessing the transportation effects of the proposal.

Based on the analysis contained within the TIA and advice received from Mr Kong, I am satisfied that adverse transportation effects will be no more than minor.

4.2.4 Retail Effects:

The District Plan seeks to manage the location and scale of integrate retail developments exceeding 20,000m² gross floor area to ensure that they will not result in cumulative adverse impacts on the viability and vitality of the Golden Mile, the economic activity of the Wellington region, and the cumulative impact of the transport network.

The proposed development exceeds 20,000m² gross floor area with the total leasable floor space proposed within this development being 26,000m² consisting of a new supermarket (2,700m²), cinemas (1,200m²), cafes, bars, food-court, gym and storage (2,210m²), commercial services (1,105m²) and comparison retail shops (18,785m²).

The application is accompanied by an assessment of retail and other economic effects of the proposal prepared by Mr Mike Copeland of Brown, Copeland and Company Ltd. Mr Copeland is an economic and retail effects expert with significant knowledge and experience of Wellington's economy.

In-line with District Plan requirements, Mr Copeland has assessed the impact of the proposal on the viability and vitality of the Golden Mile, the consequential effect on the range of services available to visitors, and any resulting loss of economic activity to Wellington. Mr Copeland's findings are as follows;

- *“Currently on the site is 8,375m² of comparison retail shops.*
- *The total leasable floor space of the proposal is 26,000m² consisting of a new supermarket (2,700m²), cinemas (1,200m²), cafes, bars, food-court, gym and storage (2,210m²), commercial services (1,105m²) and comparison retail shops (18,785m²).*
- *The proposed increase in comparative retail shops over the existing is therefore 10,410m².*
- *Resource consent has been granted for an increase of 21,500m² of comparison retail shops (September 2009 SR 186264) and this consent does not lapse until 2023.*
- *The consented floor space for comparison retail shops is more than twice the now proposed floor space for comparative retail shops.*
- *The total leasable floor space of the proposal is 26,000m². This is 8000m² less than the total leasable floor space of 34,000m² for which resource consent has been granted (September 2009 SR 186264).*
- *Because the total leasable floor space of the proposal has been reduced by 8,000m² (compared to the 2009 consented 34,000m²) and the area of comparison retail floor space reduced by 11,090m² (compared to the 2009 consent), it can be concluded that “the retail effects of the now proposed redevelopment of the Johnsonville Shopping Centre on sales of comparison retail stores on Wellington City’s Golden Mile will be considerably less than those envisaged back in 2009” (paragraph 10).*
- *Wellington City’s Golden Mile continues to benefit from the range of factors (identified in paragraph 11 of Mr Copeland’s report) which maintain its primacy and safeguard its sustainability.*
- *Comparison retail trade in the inner city accounts for only around 3.5% of total employment so any diversion of some comparative retail trade away from the Golden Mile “will not adversely affect its viability and vitality or detract from services available to visitors to the city” (paragraph 13)”.*

In concluding his assessment, Mr Copeland makes the statement that:

“Given that (i) the redevelopment of the Johnsonville Shopping Centre consented in 2009 was assessed to not compromise the sustainability of Wellington’s Golden Mile; (ii) the significantly smaller redevelopment of the Johnsonville Shopping Centre and the considerably smaller increment in comparison retail shopping now proposed; and (iii) Wellington’s Golden Mile continuing to benefit from a range of factors protecting its viability and vitality, it can be concluded that:

- (a) The cumulative effect of the now proposed Johnsonville Shopping Centre redevelopment will not adversely affect the viability and vitality of the Golden Mile; and*
- (b) The now proposed redevelopment will not have a consequential effect on the range of services available to visitors or any resulting loss of economic activity to Wellington.*

I accept Mr Copeland’s assessment and conclude that the proposal will result in no more than minor economic effects on the Golden Mile, the consequential effect on the range of services available to visitors, and any resulting loss of economic activity to Wellington.

The cumulative effect of the development on the sustainability of the transport network and the cumulative effect on the roading network, and the hierarchy of roads from trip patterns, travel demand or vehicle use have been assessed within the TIA which I adopt for the purpose of this assessment. As such, I conclude that the proposal will have no more than minor adverse effects in terms of the transport network.

Overall, I conclude that the proposed development will have no more than minor adverse effects in terms of retail impact.

4.2.5 Construction Effects:

Construction works will include excavation (and piling) works; temporary occupation of legal road; and building construction works. The actual and potential effects from the construction period will be temporary, but are likely to cause a range of impacts to surrounding properties and public spaces.

The reality of construction of the proposed scale is that the effects of construction on the local environment cannot be totally avoided. Accordingly, noise, dust and heavy vehicle movements will inevitably result from any such development on this site (given the size of development) and it is appropriate to require best practicable options are employed.

A Draft Construction Management Plan (CMP) prepared by Resource Coordination Partnership (RCP) dated August 2016 has been submitted as part of the application that addresses a variety of aspects of construction including;

- Construction Phase
- Health and Safety Measures
- Environmental Effects
- Interfaces with the Public
- Communication Plan
- Complaints Procedure
- Preliminary Construction Phasing Plans

In addition, the applicant has volunteered a condition of consent that prior to commencement of works a final construction management plan is submitted to Council for approval.

Mr Kong has reviewed the draft CMP and proposed conditions and considers that as the plan will include details on the management of construction traffic, pedestrian safety and thoroughfare, periods and routes for heavy vehicle movements to and from the site, relocation of public transport facilities and way finding, and reorganisation of the onsite parking area, adverse effects associated with construction are able to be appropriately managed.

In relation to temporary construction noise, the Council's Environmental Noise Officer, Mr John Dennison acknowledges the construction works required to facilitate the development – both in terms of initial ground works for the lower levels of the building and ongoing construction to build the upper levels. Mr Dennison has reviewed the proposal and considers that a construction noise management plan (CNMP) should be approved prior to works commencing to mitigate adverse effects associated with the construction activity. It is noted that the applicant has volunteered such a condition. Through the imposition of this condition, I consider that adverse effects in terms of construction noise will be less than minor.

Overall, based on the advice of aforementioned Council advisors and the volunteered conditions of consent, I am of the opinion that adverse effects in terms of construction will be less than minor.

4.2.5 Contamination Effects:

The site is identified on the Selected Land Use Register (SLUR) as being contaminated. The applicant has previously obtained Resource Consent (SR 169084) for the remediation of soil contamination which the applicant seeks to tie to this consent through a condition of consent. I consider that through the implementation of SR169084, effects in terms of contamination can be managed to an acceptable level. As such, it is considered that any contamination effects will be less than minor.

4.2.6 Noise Effects:

An acoustic report by Marshall Day Acoustics accompanied the application and provides a comprehensive outline as to the existing and potential noise sources and methods of mitigating potential noise effects. Mr Dennison has reviewed this report and concurs with its findings. I therefore adopt the assessment of Marshall Day Acoustics and Mr Dennison and conclude that adverse effects in terms of noise will be less than minor.

4.2.7 Earthworks Effects:

The proposed development includes earthworks in order to form car parking areas, accessway and building foundations. These works will entail a cut and fill volume of 18,000m³ over and area of 20,000m² with cuts up to 4 metres in height.

In this case, the earthworks effects primary relate to land stability, sediment control and runoff as well as dust and traffic effects. The scope and scale of the proposed earthworks are shown on the submitted drawings. The area of exposed earthworks will be covered or obscured by the proposed buildings, retaining walls and hard landscaping on completion of construction.

- Land Stability

The proposed earthworks have been assessed by the Council's Earthworks Engineer, Mr John Davies. Mr Davies notes that while no geotechnical report has been provided, the

earthworks proposed requiring assessment are essentially re-engineering the ground. Mr Davies considers the overall geotechnical risk to be moderate to high when considering the GWRC hazard rating of moderate due to the ground shaking risk and the scale of the earthworks proposed. With cuts up to 4 metres proposed within the south-west corner of the site, Mr Davies considers that a defined strategy is needed to ensure stability of the surrounding land and infrastructure during excavation. The applicant has subsequently provided information as to the concept design and construction sequence for these works which Mr Davies considers to be acceptable. I accept Mr Davies' advice in this regard and conclude that adverse effects in terms of stability will be no more than minor.

- *Erosion, Dust and Sediment Control*

An Earthworks Management Plan (EMP) has been provided with the application along with details of sediment controls and cut/fill locations. Mr Davies considers the EMP provided to be acceptable from an earthworks management point of view. I accept Mr Davies' advice in this regard and conclude that adverse effects in terms of sediment control and dust will be no more than minor.

- *Transportation of material*

The volume of earthworks to be transported as cut material from the site exceeds District Plan standards therefore a EMP is proposed detailing construction management, vehicle movements, construction methodology, and traffic management. Mr Davies and Mr Kong have reviewed the EMP submitted and consider it to be acceptable for the proposed works. I consider that through the implementation of the EMP, adverse effects on adjoining properties and the surrounding road network can be mitigated to a level which will be no more than minor.

- *Conclusion*

Overall, based on the expert advice of Mr Davies and Mr Kong that through the implementation of the measures proposed the works can be controlled to an acceptable level, I am of the view that adverse effects in terms of earthworks will be no more than minor.

4.2.8 Amenity Effects:

The proposed Shopping Centre has the potential to impact on the amenity of surrounding sites. Amenity is considered to include effects such as bulk and dominance, shading, noise and privacy.

The proposed development is largely anticipated within the Centres Area in terms of massing, height, parking, design, and retail activities. Elements of the development that breach the standards of the District Plan relate to height, car parking, access, building over legal road, retail activities, and earthworks. These matters are discussed below;

- *Height*

As discussed above the proposed encroachments through the height plane are relatively minor and confined to three key locations within the development. These encroachments are well set back from the street and neighbouring properties which ensures that any dominance, privacy or shading effects which would result over and above that anticipated by the District Plan would be minimal. As such, no persons are considered adversely affected by the height breaches.

- *Car parking and Access*

The application has been accompanied by a comprehensive TIA which outlines the potential effects associated with vehicular traffic accessing the development and car parking. Mr Kong has reviewed this report and is satisfied that through the mitigation measures proposed, adverse traffic effects will be acceptable. I accept this advice and conclude that adverse effects on neighbouring properties in terms of car parking and access will be less than minor.

- *Retail Activity*

The subject site is zoned Centres therefore retailing is anticipated within the locality. Notwithstanding that, the proposal does breach the 20,000m² standard relating to retailing. As such, the applicant has provided expert analysis as to the potential impact on the Golden Mile and the Wellington Region due to the centralisation of economic activity within the locality. I accept this analysis and conclude that the proposal will affect those properties within the Golden Mile and within the wider Wellington Region to a less than minor degree.

- *Building over legal road*

The applicant's property is the only fee simple land that has legal frontage to Gothic Street and Hawea Street West. The applicant has been in consultation with the Council regarding a land exchange agreement that will close these roads. Given the measures recommended by TDG within the TIA (regarding alternative access) and distance to neighbouring properties, I do not consider any person will be adversely affected by the proposed building over legal road.

- *Earthworks*

The proposed development includes earthworks in order to form car parking areas, accessway and building foundations. These works will entail a cut and fill volume of 18,000m³ over and area of 20,000m² with cuts up to 4 metres in height. As such, the applicant has provided a draft earthworks management plan (EMP) in order to demonstrate how earthworks will be managed throughout the duration of the proposed works. Mr Davies has assessed the EMP and considers the measures proposed will satisfactory control earthworks throughout the duration of the project. As the works will be temporary and can be controlled through standard land management practices, I consider that adverse effects on amenity from the proposed earthworks will be less than minor.

- *Lighting*

The applicant has submitted a lighting report which has assessed the location of proposed lighting in relation to residential areas within close proximity to the subject site. The proposal is considered to be able to comply with the permitted activity conditions with respect to lighting therefore adverse effects on the residential amenity of neighbouring properties in terms of lighting will be less than minor.

- *Noise*

The construction activities and ongoing operation of the complex may result in adverse effects on neighbouring properties. The proposal has been assessed by Mr Dennison who considers that construction noise standards can be complied with during the works. The applicant has subsequently volunteered a condition of consent relating to construction noise standard compliance.

In regards to the operation of the complex, the applicant has provided a report from Marshall Day Acoustic's that provides predicted noise levels during operation and provides

recommendations which can form conditions of consent. Mr Dennison has reviewed this report and accepts that the ongoing noise can be managed to an acceptable level. I accept this advice and conclude that adverse effects on the amenity of neighbouring properties in terms of noise will be less than minor.

- *Conclusion*

Overall, I consider that adverse effects on neighbouring properties to be less than minor.

4.2.9 Effects on Public Transport:

- *Rail*

The proposed development directly abuts the rail interchange to the east of the site therefore the construction activities have the potential to adversely affect the ongoing operation of the terminal. Given the potential for disruption to result, the applicant has provided a CMP and TIA that discuss potential disruption to rail services and suggests methods to mitigate any potential effects. In addition, a volunteered condition has been put forward that a final construction management plan be approved prior to works commencing in consultation with KiwiRail.

Based on the analysis provided within the TIA, and advice from Mr Kong regarding pedestrian movements, I conclude that adverse effects on rail services can be mitigated to a level which will be less than minor.

- *Bus transport*

The proposed development will require the rerouting of public transport services from privately owned land to the public realm on Moorefield Road. The Council's Implementation Manager Network Improvements, Mr Stephen Harte, has been working with the developer and Greater Wellington Regional Council (GWRC) towards providing options for an off-site location to replace the current arrangement which is accessed across privately owned land.

As a result of these discussions, a proposal to accommodate bus stops of both sides of Moorefield Road has been proposed along with a bus shelter and information boards. The location of these stops is positioned so that there are direct connections to the Johnsonville Shopping Centre, community hub to the east, and the rail platform to the south. This change to the current arrangements has been supported by the TIA provided with the application.

The proposal has been assessed by Mr Kong, Mr Harte, and GWRC, and is considered to be in line with options previously tabled and will result in a more functional and future proofed public transport hub. Notwithstanding that, Mr Kong does state that the applicant needs to work with the GWRC and the Council to ensure that these bus stops are managed to mitigate adverse effects associated with limited bus stop storage. I have included an advice note to this effect advising the consent holder of the need to work with the WCC and GWRC regarding the management of the transport hub.

Overall, I consider that adverse effects in terms of public transport can be appropriately managed to a degree that effects will be no more than minor.

4.2.10 Conclusion

Overall, I consider that adverse effects resulting from the development will be no more than minor with no person considered adversely affected by the proposal.

4.2.11 Notification Decision:

- ☒ Section 95A(2)(a)/95D - Adverse effects on the environment are no more than minor and public notification is not required.
- ☒ Section 95B/95E - Adverse effects on any person are less than minor and no parties will be adversely affected.
- ☒ Section 95A(4) - There are no special circumstances relating to this proposal that require it to be publicly notified. Special circumstances are circumstances that are unusual or exceptional, but may be less than extraordinary or unique. There is nothing to suggest that there are unusual or exceptional circumstances relevant to the proposal.

It is noted that neighbours and members of the public have registered an interest in works occurring on the subject site. Neighbour and Public interest does not deem them to be affected parties under the tests of the Act or qualify as special circumstances under the Act. While the previous scheme approved (SR 186264) was publically notified, it is noted that this proposal is smaller and has undergone extensive design and transportation assessment. As a result, it is considered that the proposal would result in less effects than that previously approved and therefore it is my opinion that the application need not be notified under special circumstances due to public interest or due to the fact the earlier proposal had been publicly notified.

- ☒ On this basis the application will be assessed on a non-notified basis.

5.0 SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

5.1 SECTION 104(1)(A) – EFFECTS ASSESSMENT:

5.1.1 Adverse effects:

A consideration of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable to section 104(1)(a) considerations.

5.1.2 Positive Effects:

In addition to the above mentioned adverse environmental effects I consider the proposal to have the following positive effects:

- The proposal will provide certainty to future bus transport operators by locating bus stops and shelters on legal road rather than private land.
- The development will add vitality and vibrancy to Moorefield Road through the creation of a ‘transport hub’ that has clear pedestrian connections to the Johnsonville Mall, community hub across Moorefield Road, and the rail platform.
- The proposal will provide 200 community car parks.
- The development will result in a more aesthetically pleasing building than that existing.
- The proposal would revitalise the Johnsonville Town Centre and act as a community centre and add to sense of place.
- The proposal will contribute economically to the Wellington economy.

5.1.3 Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

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

In considering this application the Council has had regard to provisions of the following planning documents:

- National Environmental Standards
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Wellington City District Plan

5.2.1 Higher Order Planning Documents:

I have given regard to the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. In particular, it is my opinion that there are no National Environmental Standards 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.

5.2.2 Wellington Regional Policy Statement

The Wellington Regional Policy Statement (RPS) is an overview document that provides the framework for managing the resources of the Wellington region in a sustainable way. The RPS sits beneath the central governments instruments (national policy statements, national environmental standards and the New Zealand Coastal Policy Statement).

Objective 10: The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.

Policy 8: Protecting regionally significant infrastructure – regional and district plans.

Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure - consideration

The Johnsonville Town Centre is identified as a regionally significant centre for the Wellington Region.

The TIA identifies the relevant provisions of the RPS and Regional Land Transport Plan (2015). The TIA provided with the application details that the proposal has a high level of consistency with these plans in particular;

- The proposal will improve the integration of rail, bus, car and pedestrian modes and deliver enhanced transportation efficiency, convenience and comfort.
- The proposal offers the opportunity to enhance the provision of much needed commuter car parking at an appropriate location next to the Johnsonville Railway Station.
- The integration of transportation modes with the Shopping Centre will enhance the whole of the Town Centre as a convenient, comfortable and safe place to come to for shopping, business and community services, thus fulfilling its RPS role as a regionally significant centre.

- The proximity to the motorway and associated primary road connections will allow for the efficient movement of people and goods.

I accept these conclusions that the proposal has a high level of consistency with the above objective and associated policies of the Regional Policy Statement.

Objective 19: The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.

Policy 51: Minimising the risks and consequences of natural hazards - consideration

Objective 20 Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazards events

Policy 52: Minimising adverse effects of hazard mitigation measures – consideration.

Mr Davies commented that the overall geotechnical risk to be moderate to high when considering the GWRC hazard rating of moderate due to the ground shaking risk and the scale of the earthworks proposed. Notwithstanding this, the applicant has provided concept designs and a construction sequence for these works which Mr Davies considers to be acceptable. Mr Davies furthermore recommends a suite of conditions that will ensure that onsite stability is ensured. Through the imposition of conditions and implementation of the engineering practices proposed, it is considered that the hazard risk can be mitigated. As such, the proposal is consistent with the above objective and associated policies.

Objective 22 A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and

- (a) a viable and vibrant regional central business district in Wellington city;*
- (b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;*
- (d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;*
- (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;*
- (i) integrated land use and transportation;*

Policy 30: Maintaining and enhancing the viability and vibrancy of regionally significant centres

Policy 33: Supporting a compact, well designed and sustainable regional form – Regional Land Transport Strategy

Policy 54: Achieving the regions urban design principles

Policy 55: Maintaining a compact, well designed and sustainable regional form

Policy 57: Integrated land use and transport

The proposal will encourage investment and development within the Johnsonville Town Centre and provide a range of retail and entertainment options to the community while being of a design consistent with the urban design principles for the locality

The proposed relocation of the bus interchange has been planned with a crossing point to the new community hub opposite Moorefield Road. These changes will improve the relationship with development adjoining including the Rail interchange while providing safe, convenient, practical access to pedestrians within the locality.

Overall it is considered that the proposal is consistent with the above objective and associated policies.

Conclusion

In relation to the matters relevant to the consideration of this resource consent proposal (and subject to the imposition of conditions), I believe the proposal is acceptable and meets the intent of the Regional Policy Statement.

5.2.3 District Plan:

The following objectives and policies and assessment criteria are considered relevant to the proposal:

Objective 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*

Policy 6.2.1.3 *Maintain and enhance the viability and vibrancy of Regionally Significant Centres in the Wellington region*

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

The Johnsonville Town Centre is identified by the District Plan as a Regionally Significant Centre.

The proposal is considered to maintain and enhance the viability and vibrancy of the Centre through the integrated retail and commercial development that will attract shoppers and visitors to the Johnsonville Town Centre, particularly compared to the existing Shopping Centre.

The proposed additional floor space (compared to existing buildings on the site) promotes the intensification of the site by increasing the floor space from 10,410m² to 26,000m² while providing for a range of retail and service opportunities such as a supermarket and cinema.

The Johnsonville Town Centre is also within the Council's "growth spine" and identified by the District Plan as an "area of change" where "increased intensification will have the greatest benefit". The proposed Shopping Centre is therefore consistent with and will promote these outcomes sought by the District Plan.

Overall, I consider that the proposal is consistent with the above objective and associated policies.

Objective 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, remedying 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.*

The Shopping Centre is proposed to have a wide mix of activities, including retail shops, food shops, commercial services, cinema, and business services. It will also include a wide mix of size of tenancy formats. As such, it is considered that a wide mix of activities is provided for. As discussed in the assessment of effects section of this report, adverse effects associated with the development will be no more than minor. Conditions to be imposed relating to the management of these activities will further mitigate adverse effects that may arise from the proposal. As such, I consider the proposal to be consistent with the above policy.

Policy 6.2.2.2 Manage the location and scale of integrated retail developments exceeding 20,000m² gross floor area, to ensure they will not result in significant cumulative adverse impacts on:

- *the viability and vitality of the Golden Mile; and*
- *the range of services available to visitors and any resulting loss of economic activity to Wellington; and*
- *the sustainability of the transport network; and*
- *the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use; and*
- *the efficient use of existing infrastructure.*

The increase in the amount of retail floor space will not result in significant cumulative adverse impacts on these matters. This is supported by the expert assessment of Mr Copeland as detailed within section 4.2.4 of this report. The proposal is therefore consistent with Centres retail policy because the proposal will not result in significant cumulative adverse impacts on the Golden Mile and the range of services available to visitors. As also addressed in the traffic/transportation assessments earlier in this report, the proposal will not result in significant effects on the sustainability or operation of the transport/roading network and will help ensure an efficient use of existing infrastructure.

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

Policy 6.2.2.5 Ensure that appropriate on-site measures are taken to protect noise sensitive activities within Centres from intrusive noise effects of other permitted or existing activities.

The proposal is to effectively manage noise generated by the operation of the Shopping Centre by adopting the various control measures recommended by Marshall Day Acoustics Ltd in their report submitted with the application. Also proposed are noise control measures to effectively manage the temporary adverse noise effects associated with earthworks and construction as set out in the Draft Earthworks Management Plan and as proposed by the conditions of resource consent imposed. I therefore am of the opinion that the proposal is consistent with the aforementioned policies.

Policy 6.2.2.8 Ensure that activities creating effects of lighting, dust and the discharge of any contaminants are managed to avoid, remedy or mitigate adverse effects on other activities within Centres or in nearby Residential or Open Space Areas.

This development is proposed to utilise effective management of lighting and dust consistent with the aforementioned policies. In particular, the lighting standards will be met and dust during the necessary temporary earthworks and construction period will be managed using well proven industry standard measures. As such, I consider that the proposal will be consistent with the above policies.

Objective 6.2.3 *To ensure that activities and developments maintain and enhance the safety and amenity 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:*

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

The form and scale of the development is consistent with the building standards for the Centres in terms of bulk and will reinforce the Town Centre by its increased size and intensity as sought by the District Plan. The creation of a 'transport hub' along Moorefield Road furthermore will provide vitality to the area and improve connections between public buildings across Moorefield Road.

The shopping centre will create a stronger sense of community through the design, intensity, pedestrian linkages, and the range of services to be provided such as the cinema.

The centre provides visual interest through its articulated edges and materials while ensuring that the street edges remain active and aesthetically pleasing.

The Shopping Centre will provide flat, covered and uncovered car parking and significantly enhanced accessibility, particularly for people with restricted mobility.

For these reasons, I consider the proposed to be consistent with the aforementioned policy.

Policy 6.2.3.2 *Encourage developments to create an attractive, comfortable and legible street environment including aspects such as shelter/ verandahs, lighting, street furniture and landscaping.*

The Shopping Centre provides shelter/verandahs along Broderick Road, where the Centre interfaces with the transport interchange and Moorefield Road, and along Johnsonville Road.

Street furniture and landscaping has been proposed as shown on the application plans which are proposed to be functional while improving the aesthetics of the building.

I consider the proposal to be consistent with the above policy.

Policy 6.2.3.3 *Maintain or enhance the street edge along identified primary and secondary street frontages.*

Policy 6.2.3.4 *Maintain or enhance the streetscape by controlling the appearance of and/or limiting the creation of vacant land, or open land and ground level parking areas on identified primary and secondary streets frontages.*

The proposal will enhance the street edge of Johnsonville Road by removing one existing vehicle crossing and providing increased continuity of pedestrian shelter.

The proposal will enhance the street edge of Broderick Road by replacing existing vacant land, open land and ground level parking with a built edge within which the necessary more functional activities of the Shopping Centre are accommodated (i.e. vehicle accesses, car parking and goods loading) in a way that has an acceptable external appearance.

The proposal will enhance the Moorefield Road frontage primarily by the creation of the transport interchange (with associated canopies, street furniture and paving) and with direct and covered pedestrian access to the Shopping Centre.

As such, I consider that the proposal is consistent with the above policies.

Policy 6.2.3.9 Manage the height, bulk and location of buildings and developments so that they avoid, remedy or mitigate the adverse effects of shading, loss of daylight, privacy, scale and dominance and any other adverse effects on amenity values within Centres and on adjoining Residential and Open Space Areas.

The height and mass of the proposal is within the Centres standards except for very minor height encroachments. These encroachments are necessary to enable efficient development and use of the site as sought by policy. The assessment contained within the assessment of effects section of this report has concluded that adverse effects associated with the height encroachments will be less than minor. As such, I consider that the proposal is consistent with the above policy.

Policy 6.2.3.10 Ensure that new buildings higher than three storeys are designed to avoid, remedy or mitigate any wind problems that they create and where existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably practical.

Policy 6.2.3.11 Ensure that the cumulative effect of new buildings and building additions or alterations higher than three storeys do not progressively degrade the pedestrian wind environment.

Policy 6.2.3.12 Encourage the use of wind mitigation measures for buildings higher than three storeys during the early stages of building design and ensure that such measures are contained within the development site.

The proposal is mostly on a single ground floor level with a two storey element on the Johnsonville Road/Broderick Road corner and two storeys of car parking. While there are no wind rules/standards within the Centres zone, it is noted that the main pedestrian entrances are covered and will have standard shopping centre wind lobbies. In addition pedestrian shelter/canopies are provided in the areas where pedestrian flows will be focussed e.g. along the whole of the Johnsonville Road frontage, for 50m of the Broderick Road frontage, and for the transport interchange and pedestrian link to the Shopping Centre entry off the Moorefield Road frontage. It is also noted that there is extensive use of screens and fins to the street edges of car parking areas and in the vicinity of the transport interchange. For these reasons, it is considered that the proposal is consistent with the aforementioned policies.

Policy 6.2.3.13 Ensure that all spaces accessed by the public are safe and are designed to minimise the opportunities for crime.

The design of the Shopping Centre has been informed by the experience of the Applicant as an owner and operator of Shopping Centres throughout New Zealand and includes the input of CPTED specialist, Peake Design Ltd. The CPTED assessment and the proposed CPTED detail design condition will ensure that all spaces accessed by the public are safe and are designed to minimise the opportunities for crime.

Objective 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 6.2.5.3 *Ensure that activities and developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities so that traffic generation is minimised, and the use of public transport and active modes actively facilitated and encouraged.*

Policy 6.2.5.4 *Ensure that the location and design of activities and developments that generate significant levels of traffic or provide high levels of onsite parking are accessible by multiple transport modes and do not result in:*

- *a significant increase in traffic that would be incompatible with the capacity of adjoining roads and their function in the road hierarchy, or would lead to unacceptable congestion; or*
- *the creation of an unacceptable road safety risk.*

Policy 6.2.5.6 *Encourage buildings and spaces to have a high level of accessibility, particularly for people with restricted mobility.*

Policy 6.2.5.7 *Maintain and enhance existing pedestrian accessways and thoroughfares, and where opportunities arise, create new thoroughfares and enhance pedestrian accessibility including in the following locations:*

- *Between Johnsonville Road and Moorefield Road, through the site known as 'The Triangle', and providing access between the town centre and the Johnsonville railway station. Any such access that passes across a privately owned and operated integrated retail development shall only be available to the public during the hours that the integrated retail development is open to the public.*

The proposal is well located to rail, bus, private transport, and pedestrian modes and provides a pedestrian link between Johnsonville Road, Moorefield Road, and the Johnsonville Railway Station. As such, it is considered that the proposal is consistent with the aforementioned policies.

Policy 6.2.5.8 *Require the provision of appropriate servicing and site access for activities in Centres.*

A number of servicing and site accesses are proposed to enable an integrated shopping centre of this size and configuration to be serviced appropriately and to make it attractive for the drivers of service vehicles to use the on-site facilities and not illegally park on the road frontages. A Shopping Centre "Servicing Management Plan" is proposed to assist with the appropriate management of the servicing of the Centre. I consider the proposal to be consistent with the above policy.

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 29.2.1.3 *Ensure that earthworks are designed to minimise the risk of instability.*

Policy 29.2.1.4 *Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands and the coastal marine area.*

Policy 29.2.1.7 *Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.*

Policy 29.2.1.10 *Ensure the design of structures used to retain or stabilise landslips, reflect 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.*

The proposed earthworks are consistent with the above objective and associated policies because the earthworks are necessary and desirable to form appropriate site levels, to provide for services, and to create the foundation for the integrated retail development of the site that is anticipated and provided for by the Centres provisions of the District Plan. A draft earthworks plan was provided with the application and conditions of consent will ensure that adverse effects in terms of earthworks are adequately mitigated. As such, I consider that the proposal is consistent with the above objective and associated policies.

Overall, for the reasons discussed in this report, I consider that the proposal is consistent with the relevant objectives and policies of the District Plan and RPS.

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

5.2.4.1 Johnsonville Town Centre Plan (2008) (JTCP)

The application provides an assessment against the JTCP within the AEE which I consider is accurate and therefore have adopted it for the purpose of this report. This assessment reads as follows:

- *“The proposed Shopping Centre has a good level of fit with the Plan’s “strategic policy context”. This is principally because the Johnsonville Town Centre is identified by the RPS as a Regional Centre, the Northern Growth Management Framework identifies growth and intensification of the Town Centre as necessary and desirable to better serve the growing population of the Northern Suburbs, and the Council’s Centres Policy seeks to strengthen the Johnsonville Town Centre for shopping and employment.*
- *The proposed Shopping Centre will attract more people to the Johnsonville Town Centre and thus enhance the viability of the public transport system and park and ride as sought by the Town Centre Plan.*
- *The Council’s Urban Character Assessment has found that the Johnsonville Town Centre has the ability to absorb significant change. The Johnsonville Town Centre reinforces this by stating that the capacity for redevelopment is high. The*

replacement of the existing substandard and underdeveloped Shopping Centre with a new, well designed and more intensive Shopping Centre will enhance the desired regionally significant role of the Town Centre and the resulting urban character.

- The proposed Shopping Centre will build on relevant strengths and opportunities and address relevant weaknesses and threats identified in the Johnsonville Town Centre Plan.*
- The location and layout of the proposed Shopping Centre is consistent with what is shown Framework Plan 2 and improves upon Centre Plan 3 by extending the proposed Shopping Centre to include the Moorefield Road frontage, Gothic Street and Hawea Street West to result in a more integrated and comprehensive development outcome.*
- The recommendations of the Johnsonville Town Centre Plan regarding the design of new buildings with frontage to Johnsonville, Broderick and Moorefield Road have been implemented by the Council by the introduction of standards in the District Plan relating to primary and secondary frontages. The proposed Shopping Centre has been designed to comply with these standards and exceed these where this is desirable and appropriate.*
- The recommendation of the Johnsonville Town Centre Plan regarding public access through the Applicant's site has been implemented by the Council through the introduction into the District Plan of Policy 6.2.5.7. The proposed Shopping Centre has been designed to meet this Policy”.*

As such, it is considered that the proposed development is consistent with the Council's non-statutory plans and policies for the Northern Suburbs and the Johnsonville Town Centre.

5.2.4.2 Porirua Harbour and Catchment Area:

The site is located within the Porirua Harbour and Catchment Area. Porirua Harbour has become degraded over time due to the effects of contaminants entering the water systems as a result of land development and other urban land uses. The Porirua Harbour and Catchment Strategy and Action Plan (PHCSAP), dated March 2012, is a strategic plan that has been entered into in partnership between the Wellington City Council, Porirua City Council, Greater Wellington Regional Council and Ngati Toa Rangatira. The intention of the PHCSAP, as contained in the supporting strategic documents, is to enhance the Porirua Harbour. Sedimentation as a result of earthworks is one of the issues that the PHCSAP is seeking to address.

The application includes a stated intent by the applicant to manage sedimentation from the earthworks, and conditions to this effect have been included in the decision. Accordingly the aims of the PHCSAP will be met by the proposal.

5.2.4.3 Code of Practice for Land Development:

The Council's 2012 Code of Practice for Land Development, operative from December 2012, is a revision of the former Code of Practice for Land Development 1994 that is referred to in the District Plan. It is the 2012 Code of Practice for Land Development that holds the current technical standards required by the Council for the design and construction of earthworks, roading, water supply, wastewater, stormwater, and public open spaces. Whether the infrastructure will be vested with the Council or be a private asset, it is important that these assets are constructed to the Council's current standards.

With particular regard to water supply and wastewater, these standards must be met before the Council will allow a property to be connected to the City's water supply and wastewater system. However, it is not the intention of the Council to stifle innovation and ingenuity of design. Where the outcome will be a better quality living environment, proposed alternative

solutions for infrastructure design, other than for water supply and wastewater, should be negotiated with the Council to ensure that the 2012 Code of Practice for Land Development basic requirements are met. In this case, all servicing will be assessed against the 2012 Code of Practice for Land Development at detailed design/building consent stage.

5.2.4.4 Encroachments:

Shane Crowe, the Council's Encroachment Advisor has reviewed the proposal and has advised that an encroachment licence will be required for the proposed canopies and any other structures constructed over or on the footpath (legal road). There is no indication that this is likely to be an issue.

5.2.4.5 Closure of Gothic Street and Hawea Street West:

As the proposal involves building over legal road, the applicant is in the process of negotiating the closure of Gothic Street and Hawea Street West and undertaking a land swap which would change the land previously categorised as road to private land. I have been advised by Mr Harte that the finer details of such an agreement are still being worked through. The applicant has advised that the resource consent can be processed without the land exchange agreement being finalised as given the reliance on the closure of the Gothic and Hawea Street, the consent would not be able to be given effect to without this agreement. As such, it is considered that determining this consent without the land exchange agreement being in place is acceptable.

5.2.4.6 Interested Parties:

A number of interested parties have contacted the Council raising various issues regarding notification, changes to the 'transport hub', and the provision for cyclists. I have listed these matters below;

- Safety –The stops are located between multiple road intersections and entrances with traffic travelling in several directions (not including the buses manoeuvring).
- Comfort – Moorefield Road is exposed to the prevailing northerly wind. The bus stops will be in the wind tunnel created between the new library and new mall buildings. No Wind Impact report has been performed on this new location.
- Stop Capacity – the major stops only have capacity for two buses. As these stops service several bus routes, it is not clear if this will provide adequate capacity. No traffic modelling has been undertaken to confirm the proposed bus stop design is workable during peak hour conditions.
- Conflicting roading priorities – the WCC designates Moorefield Road as the preferred "through road" for traffic. "Shoehorning" a major bus hub on either side of a designated thoroughfare is in conflict with the primary purpose of this road which is to carry traffic past Johnsonville. The busy bus stops will be in conflict with the cycleway along Moorefield Road and the implementation of planned streetscape improvements outlined around the cluster of community facilities.
- Public Consultation – The relocation of Johnsonville's transport hub has never been the subject of consultation with the North Wellington community.
- The need for ample secure and easy to access bike parks
- Ensuring that bike lanes have safe crossings at the entrances/exits with good visibility and signage
- Possible opportunities to get of the short gap in the bike lane near the pedestrian crossing on the main road
- Other options to encourage active and public transport to get to the mall.

While no specific requirements or guidelines are included in the Wellington City District Plan for cycle parking, its general aims and objectives point to the need to make adequate provision of facilities for cyclists in new development, with a view to increasing cycle trips. The applicant is proposing one cycle park for every 20 employees, and groups of parks for shoppers at various alternative locations. Mr Kong has recommended a condition of consent that detailed design of all cycle parking, including numbers and location, are provided to the Council prior to occupation of the building. I have accordingly imposed such a condition. In addition, Mr Kong along with TDG have assessed the provision of safe crossings (including visibility and signage) and are satisfied that the development will provide safe, convenient, and functional modes of transport for all users. Further detail will however be required at detailed design stage.

The short gap referred to on the main road does not form part of the application site therefore no proposal at present has been put forward to alter this alignment. Such a request should be directed to the Council's cycle ways team.

The proposed transport hub will include an enclosed bus shelter which will protect pedestrians from any prevailing winds along Moorefield Road.

The TIA discusses how the proposal integrates sustainable travel options with a greater emphasis placed on promoting greater pedestrian activity and a more convenient, clear delineated space to public transport options such as bus and rail. In addition, the proposal will include the provision for cyclists which will be included at detailed design stage.

The proposal has been assessed against the requirements of the RMA pertaining to notification. As the effects on the environment are considered no more than minor, and less than minor on any persons, it is considered that the application need not be notified. While the previous scheme approved (SR 186264) was publically notified, it is noted that this new proposal is smaller in scale and has undergone extensive design and transportation assessment. As a result, it is considered that the proposal would result in less effect than the previous application and therefore it is my opinion that the application need not be notified under special circumstances due to public interest. That is not to say that public consultation will not be initiated by GWRC regarding the relocation of its services or by WCC pertaining to the road closures.

There are no other matters that the Council needs to consider when assessing the application.

6.0 PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Consideration of an application under section 104 of the Act is subject to Part 2 (sections 5, 6, 7 and 8) of the Act. Part 2 sets out the purpose and principles of the Act. "Subject to" gives primacy to Part 2 and is a primary consideration when applying the provisions of the Act. In achieving the purpose of the Act, Part 2 of the Act requires the consent authority 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).

6.1 SECTION 5: PURPOSE

The purpose of the Act is stated in section 5, is "*to promote the sustainable management of natural and physical resources*". Section 5(2) goes on to state that sustainable management means:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

It is considered that the proposal provides for the enabling of activities and uses appropriate for the Centres Area.

6.2 SECTION 6: MATTERS OF NATIONAL IMPORTANCE

Important in relation to managing the use, development, and protection of natural and physical resources, Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this resource consent application. I consider that there are no provisions of section 6 that are relevant to the proposal.

6.3 SECTION 7: OTHER MATTERS

Section 7 includes matters that the consent authority shall have particular regard to in relation to all decisions under the Act, including this resource consent application. I consider that the following provisions of section 7 are relevant and provide my view and reasoning on each of these provisions accordingly.

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

The proposed development provides for the efficient use and development of natural and physical resources in that it utilised land zoned for mixed use development

(c) The maintenance and enhancement of amenity values

‘Amenity values’ is defined under section 2 of the Act as “those natural or physical qualities or characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

I acknowledge that the construction of the building will result in a range of amenity effects. These include temporary construction amenity effects, and effects on amenity from a greater level of built form being located on the subject site. In summary, these include:

- Construction effects that will cause disruption, but that most of these effects can be mitigated through conditions. It is also noted that these will be temporary effects.
- Permanent visual amenity effects on the streetscape and neighbourhood on which it is located. Given the level of development anticipated by the District Plan, building design (in terms of setbacks/façade treatment, and modulation in height); it is considered that permanent visual amenity effects will be acceptable.

Overall, it is considered that the proposed development will maintain or enhance amenity values.

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

I note that under the Act, 'environment' is broadly defined to include (a) ecosystems and their constituent parts (including people and communities), (b) all natural and physical resources and (c) amenity values. 'Environment' also includes the social, economic, aesthetic and cultural conditions which affect matters (a) to (c) or which are affected by those matters.

As outlined in this report, construction activities have the potential to affect the quality of the environment while these works are undertaken. Notwithstanding that, these works will be temporary and will be mitigated by built form upon completion and by conditions while the works are undertaken. Through these conditions it is considered that construction related effects can be managed to a point where they are acceptable.

In addition to this, as has been addressed above in this report the final outcome of building development will also be compatible and acceptable for this area.

In considering all aspects of the environment, I am of a view that overall, the quality of the environment will be maintained.

6.4 Section 8: Treaty of Waitangi

Section 8 states that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi.

The applicant has taken into account the Treaty by noting that the District Plan does not identify the site as being of significant value to Wellington's tangata whenua and other Maori. As such, it is considered the applicant has turned its mind to the principals of the Treaty. I consider that the proposal is not inconsistent with the principles of the Treaty of Waitangi in my opinion.

6.5 CONCLUSION

Drawing from the conclusions of this report, I consider that the proposed development will be consistent with the purpose of the Act (Section 5), and Part 2. Specifically the development will promote the sustainable management of natural and physical resources by utilising land zoned for mixed use development. There are a number of adverse effects on the environment. However, most effects are able to be mitigated through design/conditions or are anticipated by the District Plan. For these reasons, it is considered that the proposal meets the relevant sections of Part 2 of the Act.

7.0 SECTION 108 CONDITIONS

Resource consent is granted subject to conditions. The Council has imposed a number of conditions and the applicant has offered a number of conditions in order to satisfactorily mitigate effects of the proposal.

8.0 CONCLUSION

The effects of this proposal are no more than minor and the proposal is consistent with the objectives and policies of the Operative District Plan. Having considered the matters set out in section 104 of the Act, and subject to Part 2, I am of the opinion that resource consent can be granted subject to appropriate conditions.

9.0 REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95 of the Act, the effects of the proposal on the environment will be no more than minor and no parties will be adversely affected.
2. There are no special circumstances.
3. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
4. The proposal is in accordance with the relevant objectives and policies of the District Plan, and Part 2 of the Act.

Report prepared by: Nathan Keenan



Nathan Keenan
Delegated Officer

27 January 2017

Delegated Authority No. (1 & 2)



Bill Stevens
Delegated Officer

27 January 2017