ORDINARY MEETING

OF

PŪRORO ĀMUA | PLANNING AND ENVIRONMENT

COMMITTEE

MINUTES

Time: 9:30am

Date: Thursday, 14 April 2022

Venue: Ngake (16.09)

Level 16, Tahiwi 113 The Terrace Wellington

PRESENT

Mayor Foster

Deputy Mayor Free

Councillor Calvert

Councillor Condie

Councillor Day (via audiovisual link)

Councillor Fitzsimons (via audiovisual link)

Councillor Foon

Liz Kelly (via audiovisual link)

Councillor Matthews (via audiovisual link)

Councillor O'Neill (via audiovisual link)

Councillor Pannett (Chair)

Councillor Paul (Deputy Chair) (via audiovisual link)

Councillor Rush (via audiovisual link)

Councillor Woolf

Councillor Young (via audiovisual link)

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1. Meeting Conduct

1.1 Karakia

The Chairperson declared the meeting open at 9:30am and invited members to stand and read the following karakia to open the meeting.

Whakataka te hau ki te uru, Cease oh winds of the west

Whakataka te hau ki te tonga. and of the south

Kia mākinakina ki uta,

Kia mātaratara ki tai.

E hī ake ana te atākura.

Let the bracing breezes flow,
over the land and the sea.

Let the red-tipped dawn come

He tio, he huka, he hauhū. with a sharpened edge, a touch of frost,

Tihei Mauri Ora! a promise of a glorious day

(Councillor Foon and Councillor Rush joined the meeting at 9:30am)

1.2 Apologies

Moved Councillor Pannett, seconded Deputy Mayor Free

Resolved

That the Pūroro Āmua | Planning and Environment Committee:

1. Accept the apologies received from Councillor Young for early departure, Liz Kelly for lateness and Mayor Foster for absence on Council business.

Carried

1.3 Conflict of Interest Declarations

No conflicts of interest were declared.

1.4 Confirmation of Minutes

Moved Councillor Pannett, seconded Deputy Mayor Free

Resolved

That the Pūroro Āmua | Planning and Environment Committee:

1. Approves the minutes of the Pūroro Āmua | Planning and Environment Committee Meeting held on 10 March 2022, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

Carried

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1.5 Items not on the Agenda

There were no items not on the agenda.

1.6 Public Participation

1.6.1 Imogen Kennedy-Smith

As an individual, Imogen Kennedy-Smith spoke via video to item 2.1 Petition: Halt roadworks of Riddiford St North. The recording can be viewed here: https://youtu.be/LkVa5POJxnU?t=303

1.6.2 Riddiford Medical Specialists, Newtown

Representing Riddiford Medical Specialists, Andrew Kennedy-Smith spoke video to item 2.1 Petition: Halt roadworks of Riddiford St North. The recording can be viewed here: https://youtu.be/LkVa5POJxnU?t=536

1.6.3 Erica Mangin

As an individual, Erica Mangin spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

1.6.4 Stephen Maslin

As an individual, Stephen Maslin spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

1.6.5 Morgan Hanks

As an individual, Morgan Hanks spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

1.6.6 **Doctors for Active Safe Transport (DAST)**

Representing Doctors for Active Safe Transport (DAST), Dr Paul Glover spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

1.6.7 Brian Main

As an individual, Brian Main spoke on the topic of Removal of car parking Riddiford St, Adelaide Rd, Kent and Cambridge Terrace.

1.6.8 Eliza Prestidge Oldfield

As an individual, Eliza Prestidge Oldfield spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

1.6.9 Yadana Saw

As an individual, Yadana Saw spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

1.6.10 Felicity Wong

As an individual, Felicity Wong spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

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1.6.11 Capital City Cars

Representing Capital City Cars, Scott Dudley spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

1.6.12 Max Olijnyk

As an individual, Max Olijnyk spoke to item 2.1 Petition: Halt roadworks of Riddiford St North.

(Mayor Foster and Liz Kelly joined the meeting at 10:49am)

The meeting adjourned at 10:54am and reconvened at 10:59am with all members present.

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2. Petitions

The meeting adjourned at 11:16am and reconvened at 11:22am with the following members present: Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett (Chair), Councillor Paul (Deputy Chair), Councillor Rush, Councillor Woolf, Councillor Young.

(Liz Kelly returned to the meeting at 11:47am.)

The meeting adjourned at 12:14pm and reconvened at 1:15pm with the following members present: Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Liz Kelly, Councillor Matthews, Councillor O'Neill, Councillor Pannett (Chair), Councillor Paul (Deputy Chair), Councillor Rush.

(Councillor Woolf returned to the meeting at 1:17pm.)

(Mayor Foster returned to the meeting at 1:50pm.)

(Councillor Rush left the meeting at 2:00pm.)

2.1 Halt roadworks of Riddiford St North

Moved Councillor Calvert, seconded Councillor Woolf, the following motion

That the Pūroro Āmua | Planning and Environment Committee:

- 1. Receive the information.
- 2. Suspend further work on the Newtown trial cycleway until such time as all businesses along the route have been specifically engaged with by Council officers on the detailed design and have had their suggestions, concerns and questions reasonably addressed.

Secretarial note: The motion was moved with amendments, as marked in red.

Moved Councillor Foon, seconded Councillor Fitzsimons, the following amendment

Resolved

- 3. Note that after feedback from businesses in John Street provisions have been made to retain the existing loading zone as a time restricted on-street loading zone/P10 (approximately 2 parks) 7pm-7am as well as establish a new full time loading zone on the hospital access road just south of the shops.
- 4. Note that there will be new public parking available at the children's hospital.
- 5. Note that formal consultation will be conducted once the trials are in place to gather feedback on lived experience to inform decision making along with data.
- 6. Note that a WCC standard level of service for loading zones will be prepared to support businesses as Council rolls out the ambitious capital works programme.
- 7. Direct officers to require compliance with the agreement that 20 public parks are

provided in the Countdown supermarket carpark.

Carried

A division was called for, voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Liz Kelly, Councillor Matthews, Councillor O'Neill, Councillor Pannett (Chair), Councillor Paul (Deputy Chair), Councillor Rush, Councillor Woolf.

Majority Vote: 14:0

Carried

Moved Councillor Calvert, seconded Councillor Woolf, the following substantive motion

Resolved

That the Pūroro Āmua | Planning and Environment Committee:

- 1. Receive the information.
- Suspend further work on the Newtown trial cycleway until such time as all businesses
 along the route have been specifically engaged with by Council officers on the detailed
 design and have had their suggestions, concerns and questions reasonably addressed.
- 3. Note that after feedback from businesses in John Street provisions have been made to retain the existing loading zone as a time restricted on-street loading zone/P10 (approximately 2 parks) 7pm-7am as well as establish a new full time loading zone on the hospital access road just south of the shops.
- 4. Note that there will be new public parking available at the children's hospital.
- 5. Note that formal consultation will be conducted once the trials are in place to gather feedback on lived experience to inform decision making along with data.
- 6. Note that a WCC standard level of service for loading zones will be prepared to support businesses as Council rolls out the ambitious capital works programme.
- 7. Direct officers to require compliance with the agreement that 20 public parks are provided in the Countdown supermarket carpark.

Carried

Secretarial note: the motion was decided part by part, the divisions of which were as follows:

Clause 2

<u> For:</u>

Councillor Calvert, Liz Kelly, Councillor Rush, Councillor Woolf.

Against:

Mayor Foster, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett (Chair), Councillor Paul (Deputy Chair).

Majority Vote: 4:10

Lost

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All remaining clauses

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Liz Kelly, Councillor Matthews, Councillor O'Neill, Councillor Pannett (Chair), Councillor Paul (Deputy Chair), Councillor Rush, Councillor Woolf.

Majority Vote: 14:0

Carried

Secretarial note: the petitioner tabled a page of 10 additional signatures, and advised that a further petition run on the same topic had brought the total number of signatures to 1232. **Attachments**

- 1 Additional signature page
- 2 Cr Fitzsimons Tabled Document 1: Newtown School / Te Kura o Ngā Puna Waiora Board of Trustees
- 3 Cr Fitzsimons Tabled Document 2: Report for Objection Pursuant to Section 357 Of The RMA 1991
- 4 Cr Fitzsimons Tabled Document 3: Countdown Legal Agreement regarding Public Parking (redacted)

3. General Business

3.1 Wellington Water CAPEX Budget Increase - CBD Wastewater Pump Station & Rising Water Main

Moved Councillor Condie, seconded Mayor Foster

Resolved

That Pūroro Āmua | Planning and Environment Committee:

- 1. Receive the information
- 2. Note that total capex required for Taranaki Street Wastewater Pump station and Rising Main project is now \$24 million against an LTP budget of \$6 million.
- 3. Recommend to Pūroro Maherehere Annual Plan / LTP Committee to increase the 2022/23 budget by \$10.8m, through a bring-forward of budget from 2027/28 (\$2.7m), 2028/29 (\$2.7m) and 2029/30 (\$5.4m).
- 4. Recommend to Pūroro Maherehere Annual Plan / LTP Committee to increase the 2023/24 budget by \$7.2m, through a bring-forward of budget from 2029/30.
- 5. Note that the additional capex requirement will increase debt earlier than expected and will impact on rates.

Carried

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3.2 Actions Tracking

Moved Deputy Mayor Free, seconded Councillor O'Neill

Resolved

That the Pūroro Āmua | Planning and Environment Committee:

1. Receive the information.

Carried

3.3 Forward Programme

Moved Deputy Mayor Free, seconded Councillor O'Neill

Resolved

That the Pūroro Āmua | Planning and Environment Committee:

- 1. Receive the information.
- 2. Agree to request that Officers bring a report to the Pūroro Āmua | Planning and Environment Committee by the end of September 2022 to outline a process to ensure there remains an access road between Strathmore and Moa Point.

Carried

Secretarial note: The motion was moved with amendments, as marked in red.

The meeting concluded at 2:50 pm with the reading of the following karakia:

Unuhia, unuhia, unuhia ki te uru tapu nui Kia wātea, kia māmā, te ngākau, te tinana, te wairua I te ara takatū Koia rā e Rongo, whakairia ake ki runga Kia wātea, kia wātea Āe rā, kua wātea! Draw on, draw on
Draw on the supreme sacredness
To clear, to free the heart, the body
and the spirit of mankind
Oh Rongo, above (symbol of peace)
Let this all be done in unity

Authenticated:		
	Chair	

ORDINARY MEETING

OF

PŪRORO ĀMUA | PLANNING AND ENVIRONMENT COMMITTEE

MINUTE ITEM ATTACHMENTS

Time: 9:30am

Date: Thursday, 14 April 2022

Venue: Ngake (16.09)

Level 16, Tahiwi 113 The Terrace Wellington

Business Page No.

2.1 Halt roadworks of Riddiford St North

1.	Additional signature page	2
2.	Cr Fitzsimons Tabled Document 1: Newtown School / Te Kura o Ngā Puna Waiora Board of Trustees	3
3.	Cr Fitzsimons Tabled Document 2: Report for Objection Pursuant to Section 357 Of The RMA 1991	4
4.	Cr Fitzsimons Tabled Document 3: Countdown Legal Agreement regarding Public Parking (redacted)	17

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PŪRORO ĀMUA | PLANNING AND ENVIRONMENT COMMITTEE

Me Heke Ki Pôneke



Opened 25 February 2022 Closes 14 March 2022

We ask Council Debates roadworks in heritage area of merit Riddiford St North retail precincts perfectly functional road, Adelaide to Basin Reserve

For status quo of shortstay parks, loading zone & shortened crossing Give directly affected businesses their legal right of consultation, participation on proposals & return feedback. Examines alternatives to reduce impact on local businesses & support removal of vehicular load from medical staff/users of the hospital. Stop roadworks while consultation is conducted.

Submitted by U Bhana Riddifordnorth@gmail.com for Rice Bowl Burger Bar, The Brew House, Our General Grocer Newtown, Patina Jewellery, Main Glassworks, Capital City Cars, Queen Adelaide, O Sushi, Four Seasons Florist.

Background information Affected retailers of Riddiford St North retail precinct were not consulted 8 informed 7/2/22 some roadworks will occur 21/2/22 & customers use new Childrens hospital carpark. This is the first part of a number of roadworks to be carried out in the area so we ask works be stopped & council debates the project impacts & consults local businesses. Every suburb in Wellington is distinct and that cannot be replicated in any other area and by using the same method in all locations without consultation you lose the identity that makes the suburb, community and retail precinct distinct and functional and operative.

First Name	Last Name	Signature /
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Item 2.1 Attachment 2

PŪRORO ĀMUA | PLANNING AND ENVIRONMENT COMMITTEE 14 APRIL 2022

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Tena koutou,

I'm writing to you on behalf of the Newtown School / Te Kura o Ngā Puna Waiora Board of Trustees in case my request for a brief speaking slot at tomorrow's Planning and Environment Committee meeting doesn't eventuate.

Newtown School / Te Kura o Ngã Puna Waiora sits at the southern end of the proposed bus/bike/scooter lanes. The school's enrollment zone has a northern boundary at the Basin Reserve. The proposed lanes are right in our neighbourhood.

The School Board of Trustees has shared the WCC plans for the changes with the School community and sought feedback. In the process attention was drawn to the loss of car local parks. The feedback received was positive about the plans with no objections.

It is also important to note that the school wants Newtown to thrive. That means that Newtown is a great place to live, to work, to learn, to visit, to travel and to shop in. It is important to the school that local businesses are successful. To this end Newtown School / Te Kura o Ngã Puna Waiora Board of Trustees encourages WCC to continue to work with those impacted by the changes caused by the bus/bike/scooter lanes to address concerns and find solutions.

In the Newtown School / Te Kura o Ngã Puna Waiora community there is strong support for safe active transport modes to and from our school. The Board of Trustees supports measures to improve the safety, efficiency and de-carbonization of travel in our neighbourhood.

We look forward to the School being surrounded by safe streets in a thriving community.

Ngā mihi mahana,

Nick Booth

Newtown School / Te Kura o Nga Puna Waiora Board of Trustees

(By email)

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Property, Housing, Consents and Licensing Report for Objection Pursuant to Section 357 Of The RMA 1991

2 August, 2010

Service Request No: 215306 File Reference: 1846803

(1049115)

Non-Notified Application:

Site Address: 176 Adelaide Road Lot 1 DP 410127 Legal Description: Applicant: Progressive Enterprises Ltd Proposal: Land Use Consent for the construction and operation of a supermarket with retail activities, basement carparking and associated earthworks. Progressive Enterprises Ltd Owner: The following plans prepared by ASC architects, Plan No: dated 26/03/2010, titled 'Countdown Newtown Resource Consent Application', project no. 07814 and labelled: · 'Site and context plan', Drawing no. RCoo Rev E; · 'Roof plan' Drawing no. RCo1, Rev A; · 'Ground Floor Level', Drawing no. RCo2 Rev E; Basement Level 1', Drawing no. RCo3 Rev E; Basement Level 2', Drawing no. RCo4 Rev D; · 'John Street Elevation', Drawing no. RCo5 Rev 'Adelaide Road Elevation', Drawing no. RCo6 'Hanson Street Elevation', Drawing no. RCo7 · 'John Street Sections', Drawing no. RCo8 Rev; · 'Adelaide Road Sections', Drawing no. RC09 Rev · 'Hanson Street Sections', Drawing no. RC10 Rev 'Site and Context Plan - Contribution plan', Drawing no. RC16 Rev E.

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Objection Details:

An objection has been received from Progressive Enterprises Ltd. The objection is to conditions (a) - (e), (h), (m), (r), (t) and advice notes (2) and (13) of the Land Use consent, Service Request No. 199390. The conditions and advice notes read as follows:

General:

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- (a) That the proposal must be in accordance with the information provided with Application Service Request No. 199390 and the following plans prepared by asc architects, dated 26/03/2010, titled 'Countdown Newtown Resource Consent Application', project no. 07814 and labelled:
 - 'Site and context plan', Drawing no. RC00 Rev E;
 - 'Roof plan' Drawing no. RC01, Rev A;
 - 'Ground Floor Level', Drawing no. RC02 Rev E;
 - Basement Level 1', Drawing no. RC03 Rev E;
 - Basement Level 2', Drawing no. RC04 Rev D;
 - 'John Street Elevation', Drawing no. RC05 Rev D;
 - 'Adelaide Road Elevation', Drawing no. RC06 Rev D;
 - 'Hanson Street Elevation', Drawing no. RC07 Rev D;
 - 'John Street Sections', Drawing no. RC08 Rev;
 - 'Adelaide Road Sections', Drawing no. RC09 Rev A;
 - 'Hanson Street Sections', Drawing no. RC10 Rev A;
 - 'Site and Context Plan Contribution plan', Drawing no. RC16 Rev E.

For information purposes:

- 'Perspective View from Adelaide Road/John Street Corner', Drawing no. RC11:
- 'Perspective Night View from the Hanson Street/John Street Corner', Drawing no RC 12;
- 'Perspective Detail of the Entry from the Hanson Street/John Street Corner', Drawing no RC 13;
- 'Perspective Detail of John Street Façade', Drawing no. RC14;
- 'Perspective View Looking South down Adelaide Road toward Site', Drawing No. RC15.

Urban Design:

- (b) The consent holder must meet with the Council's Urban Design Advisor and Compliance Monitoring Officer not less than one time during the design development phase and not less than one time prior to the Building Consent applications being lodged for the development. The purpose of the meetings is to obtain the Council's acceptance of the final detailed design of the proposal, and to ensure that there is alignment of the project details with the expectations raised by the perspective plans provided as part of the resource consent application. Matters for consideration are:
 - Exterior envelope materials and detailing;
 - · Paving and other landscaping materials; and
 - Stormwater design of verandahs to ensure that the stepped design controls stormwater away from pedestrians.

Note: The Council's Compliance Monitoring Officer will also liaise with the Council's Reserves Planning Officer (Parks and Gardens) on the detailed landscape design to evaluate plant species, tree pit design and planting specification.

Traffic:

- (c) Prior to opening, the consent holder must prepare a draft Staff Travel Plan for submission to the Council's Compliance Monitoring Officer, for approval and implementation prior to opening of the supermarket. The Staff Travel Plan is to be further developed in collaboration with the Council following opening and any further improvements incorporated into a final Staff Travel Plan for submission to the Council's Compliance Monitoring Officer three months after opening, so that it is a realistic and workable Plan. The purpose of this Staff Travel Plan is to ensure that supermarket employees do not impose excessive parking demand effects on the local streets, and must confirm:
 - The provision of cycle parks for staff, together with showering and changing facilities to encourage staff to cycle to and from work where possible.
 - What incentives are given to staff to encourage car pooling, use of public transport (e.g. buses), or other means to minimise staff private vehicle use.
 - How staff use of the supermarket carpark and surrounding streets is to be measured and monitored.
 - What action will be taken if there are reports or complaints about staff using surrounding streets for parking.

Note: The Staff Travel Plan can also record any measures the consent holder may wish to undertake to encourage its customers to use public transport, walking and cycling to and from the supermarket, such as the clear signposting of its cycle parks, the provision of a bus timetable board etc. However, recognising that the consent holder cannot realistically influence how customers travel to and from the supermarket, these will not be formal obligations.

The consent holder must then implement all of its obligations contained in the approved Travel Plan.

(d) Within 12-18 months of the opening of the supermarket, the consent holder will have an independent survey undertaken of the supermarket's customers and staff for information purposes to assist the Council in understanding patterns of customer behaviour and how any wider measures (such as additional bus services) might be affecting travel behaviour.

Should the Council request, the consent holder shall undertake two comparable surveys in the periods 24-30 months after opening and 36-42 months after opening.

A copy of these surveys must be submitted to the Council's Compliance Monitoring Officer.

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- (e) The consent holder is responsible for undertaking the road and footpath improvements as far as described in the approved plan, titled 'Site and Context Plan - Contribution Plan', Drawing no. RC16 Rev E, being -
 - Vesting the area of land between the 'Existing Boundary' and 'New Boundary' in Council for roading purposes.
 - 2. All works required within the New Boundary as shown in drawing RC16
 - 3. New footpaths, vehicle crossings and street planting(s) within the area shaded pink on drawing RC16. The footpath surface material must match the existing material in Hanson Street, Adelaide Road and the opposite side of John Street, except for the vehicle crossings which will be formed to Wellington City Council's requirements.
 - The following improvements in the area shaded green on the approved plan, titled 'Site and Context Plan – Contribution plan', Drawing no. RC16 Rev E –
 - Road widening on the western side of Adelaide Road and Hanson Street
 - New kerb and channels where roads are widened, to match existing design standards
 - iii) Stormwater connections from new channel/catchpits back to existing pipes
 - iv) New traffic signals at intersection of John and Hanson Streets
 - New kerb projection on north side of John Street at its intersection with Hanson Street
 - vi) New road markings as required.

Notes:

- The existing footpath on north side of John Street is to remain as existing, except for new kerb projection mentioned above.
- The existing footpath on west side of Hanson Street to remain as existing, except for any reinstatement works required as a result of road widening mentioned above.
- Any other works outside of the New Boundary is to be the responsibility of others (e.g. if utility providers take the opportunity to install or alter underground services while the road is dug up).
- All works on the eastern side of Adelaide Road, Adelaide Road north and on Riddiford Street will be the responsibility of the Council.
- The Council is unaware of any reason why as road controlling authority it would not give its consent to the road and footpath improvements referred to in this condition.
- (h) The consent holder must ensure that the 230 on-site car parks will be available for all shoppers in the Newtown shopping area and are not restricted exclusively for supermarket customers only.

Construction Activities and Earthworks:

- (m) A detailed Construction Management Plan must be prepared and submitted to, and be approved by, the Council's Compliance and Monitoring Officer prior to the commencement of work on site. The Construction Management Plan will establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. Such standards are expected to include but not be limited to the following:
 - A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;
 - Details of appropriate local signage/information on the proposed work including the location of a large notice board on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
 - A communication and complaints procedure for adjoining property owners/occupiers, passers-by and the like;
 - · Safety fencing and associated signage for the construction site
 - Dust mitigation measures to be implemented to prevent dust effects beyond the construction site boundary;
 - Noise control measures:
 - · Measures to ensure dirt, mud or debris is not left on the road;
 - An erosion and sediment control plan, conforming to the requirements of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region.
- (r) The hours of work must be carried out in accordance with the Council's Code of Practice for Land Development, Part B - Earthworks Design and Construction. The hours of work are restricted to:
 - Monday to Saturday 7:30am to 6pm.
 - Quiet setting up of site (not including running of plant or machinery) may start at 6:30am.
 - No work is to be carried out on Sundays or public holidays.

Construction Noise:

(t) Noise associated with construction activity must comply with the noise levels set out in Table 2 of NZS 6803:1999.

Notes:

2. The consent holder is requested not to undertake construction of the development during the months of September to November 2011 as this coincides with the forthcoming Rugby World Cup. During this time Wellington City will play host to a number of matches at the Westpac Trust Stadium and cater events for thousands of travelling supporters. As part of the Council's commitment to providing a successful staging of the event there may be a number of road closures within the central City. The assistance of the consent holder in either delaying construction until after the event has concluded, or ceasing construction for its duration, will significantly contribute to ensuring minimal disruption within the central City and a more successful running of the event overall.

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- 13. This development will be assessed for development contributions under the Councils Development Contributions Policy when an application for building consent is made. If a development contribution is required it will be imposed under section 198 Local Government Act 2002. If you want to obtain an indication of the amount of the development contribution n payable you can:
 - access the development contributions policy at www.Wellington.govt.nz; or
 - contact the Council's Development Contribution Officer.

Background Information:

The Consent Holder has objected to the imposition of the above conditions and advice notes for a number of reasons, which are outlined in detail in the objection. A copy of this is held within the Council file and should be read in conjunction with this report. Further to this, a meeting was held at Wellington City Council on 2 August 2010 to discuss appropriate wording of the consent conditions. Correspondence detailing these discussions is held on file and can be read in conjunction with this report.

Notification:

The application was previously dealt with on a non-notified basis. In terms of s357 there is no requirement for this objection to be notified.

Assessment:

I have consulted with the relevant Council Advisors originally involved in the assessment of the proposed development and imposition of various specialist conditions on the decision. The relevant Advisors include Council's Chief Transport Planner, Steve Spence, who was involved in the assessment of traffic effects of the proposal, negotiations relating to the deletion of the Hanson Street building line restriction/vesting of land along Adelaide Road for roading purposes and imposition of conditions (c), (d), (e) and (h); and Council's Earthworks Engineer, Rod Drumm, and Noise Officer, Glynn Jones, involved in advising on the imposition of conditions (m), (r) and (t).

Following dialogue with the consent holder and agent (including a meeting on 2 August 2010), a set of conditions has been negotiated that are amenable to both the Council and the consent holder. The following conditions are considered to;

- provide a reasonable level of flexibility and generality in compliance with the consented plans;
- provide flexibility in approving a draft Staff Travel Plan in principle prior to the supermarket operating while maintaining the ability to uphold approval of the final Staff Travel Plan (that must be submitted to Council within three months of operating the supermarket);
- provide an opportunity to accurately understand customer and travel behaviour at the supermarket by the requirement to provide survey results within 6 9 months of opening the supermarket. It is noteworthy that the 6 9 month timeframe directly relates to the 12 month timeframe within the s.128 review condition, should the survey results identify adverse effects that require remediation and/or mitigation;
- provide clarity on the responsibilities of both Council and the Consent Holder in respect of the deletion of the Hanson Street building line restriction and the

requirement for the Consent Holder to carry out specified capital works and vest land along the Adelaide road frontage for roading purposes;

- remove a condition of consent that does not relate to adverse effects that result from
 the supermarket development. Moreover, the Consent Holder advised that they will
 deal with the offer public car-parking onsite via a separate side-agreement related to
 the 'Traffic Resolution' process rather than as a condition of consent;
- provide greater clarity in relation to the matters that will be considered in approving the Construction Management Plan;
- provide greater clarity about the performance standards that apply to construction works associated with the supermarket development.

It was discussed and agreed with the Consent Holder that advice note (2) which relates to a request to cease construction works in the period September to November 2011 is not an enforceable condition of consent but rather an acknowledgement by Council about the strategic implications that construction work may have on the forthcoming Rugby World Cup. Accordingly this advice note is retained.

The minor typo correction sought at advice note (13) is supported.

An additional advice note (14) has been added to clarify that construction and fit-out activity carried out inside the consented building (once enclosed) are not subject to condition (q) as this relates to Part B – Earthworks Design and Construction of the Code of Practice to Land Development. The advice note also clarifies that such activity is subject to all other conditions of consent.

Conclusion:

For the reasons discussed above I consider that the objection can be upheld and the conditions and advice note (13) amended as agreed with the Consent Holder. Specifically, I consider it appropriate to modify conditions (a) - (e), (m), (r) and (t); delete condition (h); retain advice note (2) make a minor amendment to advice note (13) and insert advice note (14).

Recommendation:

Pursuant to Section 357 of the Resource Management Act 1991, the undersigned, acting under delegated authority from the Council **uphold** the objection wholly to conditions (a) — (e), (h), (m), (r) and (t) of the land use consent, Service Request No. 199390 granted on 14 July 2010 and replace/delete them as follows [requiring consequential renumbering from condition (h)].

General:

- (a) That the proposal must be in general accordance with the information provided with Application Service Request No. 199390 and the following plans prepared by asc architects, dated 26/03/2010, titled 'Countdown Newtown Resource Consent Application', project no. 07814 and labelled:
 - 'Site and context plan', Drawing no. RC00 Rev E;
 - 'Roof plan' Drawing no, RC01, Rev A;
 - 'Ground Floor Level', Drawing no. RC02 Rev E;
 - 'Basement Level 1', Drawing no. RC03 Rev E;
 - 'Basement Level 2', Drawing no. RC04 Rev D;

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- 'John Street Elevation', Drawing no. RC05 Rev D;
- 'Adelaide Road Elevation', Drawing no. RC06 Rev D;
- 'Hanson Street Elevation', Drawing no. RC07 Rev D;
- 'John Street Sections', Drawing no. RC08 Rev;
- 'Adelaide Road Sections', Drawing no. RC09 Rev A;
- 'Hanson Street Sections', Drawing no. RC10 Rev A;
- 'Site and Context Plan Contribution plan', Drawing no. RC16 Rev E.

For information purposes:

- 'Perspective View from Adelaide Road/John Street Corner', Drawing no. RC11:
- 'Perspective Night View from the Hanson Street/John Street Corner', Drawing no RC 12;
- 'Perspective Detail of the Entry from the Hanson Street/John Street Corner', Drawing no RC 13;
- 'Perspective Detail of John Street Façade', Drawing no. RC14;
- 'Perspective View Looking South down Adelaide Road toward Site', Drawing No. RC15.

Urban Design:

- (b) The consent holder must meet with the Council's Urban Design Advisor and Compliance Monitoring Officer not less than one time during the design development phase and not less than one time prior to the Building Consent applications being lodged for the development. The purpose of the meetings is to obtain the Council's acceptance of the final detailed design of the proposal in general accordance with the plans, elevations and other drawings referred to in condition (a), and to ensure that there is alignment of the project details with the expectations raised by the perspective plans provided as part of the resource consent application. Matters for consideration are:
 - Exterior envelope materials and detailing;
 - · Paving and other landscaping materials; and
 - Stormwater design of verandahs to ensure that the stepped design controls stormwater away from pedestrians.

Note: The Council's Compliance Monitoring Officer will also liaise with the Council's Reserves Planning Officer (Parks and Gardens) on the detailed landscape design to evaluate plant species, tree pit design and planting specification.

Traffic:

(c) Prior to opening, the consent holder must prepare a draft Staff Travel Plan for submission to the Council's Compliance Monitoring Officer, for approval in principle prior to opening of the supermarket. The Staff Travel Plan is to be further developed in collaboration with the Council following opening and any further improvements incorporated into a final Staff Travel Plan for submission to the Council's Compliance Monitoring Officer three months after opening, so that it is a realistic and workable Plan. The purpose of this Staff Travel Plan is to ensure that supermarket employees do not impose excessive parking demand effects on the local streets, and must confirm:

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- The provision of cycle parks for staff, together with showering and changing 1. facilities to encourage staff to cycle to and from work where possible.
- 2. What incentives are given to staff to encourage car pooling, use of public transport (e.g. buses), or other means to minimise staff private vehicle use.
- 3. How staff use of the supermarket carpark and surrounding streets is to be measured and monitored.
- 4. What action will be taken if there are reports or complaints about staff using surrounding streets for parking.

The Staff Travel Plan can also record any measures the consent holder Note: may wish to undertake to encourage its customers to use public transport, walking and cycling to and from the supermarket, such as the clear signposting of its cycle parks, the provision of a bus timetable board etc. However, recognising that the consent holder cannot realistically influence how customers travel to and from the supermarket, these will not be formal obligations.

The consent holder must then implement all of its obligations contained in the approved Travel Plan.

(d) Within 6 - 9 months of the opening of the supermarket, the consent holder will have an independent survey undertaken of the supermarket's customers and staff for information purposes to assist the Council in understanding patterns of customer behaviour and how any wider measures (such as additional bus services) might be affecting travel behaviour.

A copy of this survey must be submitted to the Council's Compliance Monitoring Officer.

- (e) Following the removal of the building line restriction on the Hanson Street frontage of the site, the consent holder will be responsible for undertaking the road and footpath improvements as far as described in the approved plan, titled 'Site and Context Plan - Contribution Plan', Drawing no. RC16 Rev E, being -
 - 1. Vesting the area of land between the 'Existing Boundary' and 'New Boundary' in Council for roading purposes.
 - 2. All works required within the New Boundary as shown in drawing RC16.
 - 3. New footpaths, vehicle crossings and street planting(s) within the area shaded pink on drawing RC16. The footpath surface material must match the existing material in Hanson Street, Adelaide Road and the opposite side of John Street, except for the vehicle crossings which will be formed to Wellington City Council's requirements.
 - 4. The following improvements in the area shaded green on the approved plan, titled 'Site and Context Plan - Contribution plan', Drawing no. RC16 Rev E -
 - Road widening on the western side of Adelaide Road and Hanson i)
 - New kerb and channels where roads are widened, to match existing design standards
 - Stormwater connections from new channel/catchpits back to existing pipes

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- iv) New traffic signals at intersection of John and Hanson Streets
- New kerb projection on north side of John Street at its intersection with Hanson Street
- vi) New road markings as required.

Notes:

- The existing footpath on north side of John Street is to remain as existing, except for new kerb projection mentioned above.
- The existing footpath on west side of Hanson Street to remain as existing, except for any reinstatement works required as a result of road widening mentioned above.
- Any other works outside of the New Boundary is to be the responsibility of others (e.g. if utility providers take the opportunity to install or alter underground services while the road is dug up).
- All works on the eastern side of Adelaide Road, Adelaide Road north and on Riddiford Street will be the responsibility of the Council.
- The Council is unaware of any reason why as road controlling authority it would not give its consent to the road and footpath improvements referred to in this condition.
- Condition (e) will take effect once Council has approved the removal of the building line restriction on the Hanson Street frontage of the site. Council approval for the building line removal is to be sought conditional on the consent holder undertaking the works authorised by the consent. This will be demonstrated by giving written notice to the satisfaction of Council that works are commencing.
- (h) The consent holder must ensure that the 230 on-site car parks will be available for all shoppers in the Newtown shopping area and are not restricted exclusively for supermarket customers only.

Servicing and Operational Noise Management Plan

- (h) Prior to the activity commencing on the site, the consent holder must prepare a Servicing and Noise Management Plan for submission to the Council's Compliance Monitoring Officer for approval for all activities on the site to ensure servicing activity occurs within the site and to minimise adverse effects on local residents and pedestrian amenity, including noise from servicing and other operational noise. To achieve these aims, the Servicing and Operational Noise Management Plan must address:
 - The scheduling of truck and service vehicle arrivals;
 - ii) The arrangements for rubbish and recycling collection; and
 - Such other activities that will positively contribute to achieving the aims of the condition.
- (i) The consent holder must monitor the effectiveness of the Servicing and Operational Noise Management Plan one month and six months after the activity commences. Any amendments to the Servicing Management Plan must be proposed to the Compliance Monitoring Officer who will liaise with the Council's Chief Transport Planner regarding its approval. Within 3 months of the amendments being approved by the Council's Chief Transport Planner, they must be implemented by the consent holder.

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Vehicle Access:

- (j) Redundant sections of vehicle crossing must be reinstated with full height kerb and channel and standard Wellington City Council footpath at the expense of the consent holder. Construction must generally comply with the Code of Practice for Land Development 1994.
- (k) All vehicle crossings must be in the form of heavy duty vehicle crossing and constructed in accordance with Code of Practice for Land Development 1994 requirements.

Construction Activities and Earthworks:

- (l) A detailed Construction Management Plan must be prepared and submitted to, and be approved as addressing the matters identified in this condition by, the Council's Compliance and Monitoring Officer prior to the commencement of work on site. The Construction Management Plan will establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. Such standards are expected to include but not be limited to the following:
 - A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;
 - Details of appropriate local signage/information on the proposed work including the location of a large notice board on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
 - A communication and complaints procedure for adjoining property owners/occupiers, passers-by and the like;
 - Safety fencing and associated signage for the construction site
 - Dust mitigation measures to be implemented to prevent dust effects beyond the construction site boundary;
 - · Noise control measures;
 - Measures to ensure dirt, mud or debris is not left on the road;
 - An erosion and sediment control plan, conforming to the requirements of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region;
 - · Construction traffic management.
- (m) The consent holder must nominate a suitably qualified Engineer to supervise all engineering aspects of the earthworks and retaining structures. Supervision must include staging of the work and progressive implementation of remedial measures including management of sediment run off.
- Subsurface conditions at locations relevant to design and construction works must be assessed by a Geotechnical Engineer prior to design and construction work.
- (o) Trucks must be cleaned of mud and site deposits before travelling along the public road. All debris/mud/spillage must be removed at the end of each day from the access and public road. This process may include washing down the roadway, stormwater inlet protection and draining nearby sumps, or repairing damage, as appropriate, to the satisfaction of the Compliance Monitoring Officer. Spillage of any kind onto the street or footpath must be cleared away immediately.

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- (p) The consent holder must ensure that the discharge of dust created by earthworks, transportation and construction activities is suitably controlled to minimise dust hazard or nuisance.
- (q) The hours of work associated with all construction (including earthworks) must be carried out in accordance with the Council's Code of Practice for Land Development, Part B - Earthworks Design and Construction. The hours of work are restricted to:
 - Monday to Saturday 7:30am to 6pm.
 - Quiet setting up of site (not including running of plant or machinery) may start at 6:30am.
 - No work is to be carried out on Sundays or public holidays.

Construction Noise:

- (r) Construction activities must be undertaken in accordance with the best practicable noise mitigation options discussed in section 4.0 of the letter report prepared by Marshall Day Acoustics dated 13 November 2009 (RP02 RO2 2008440).
- (s) Noise associated with construction activity, other than earthworks undertaken in accordance with condition (q), must comply with the noise levels set out in Table 2 of NZS 6803:1999.

Operational Noise:

- (t) No servicing of the site (including deliveries and waste collection activities) can be carried out between the hours of 10pm and 7am on any day.
- (u) The roller shutter doors to the dock loading area must be automated and closed at all times except when vehicles enter or exit the building.
- (v) Forklifts on the site must have broad band reversing signals.
- (w) All forklifts used on the site must be electric powered forklifts.

Review:

(x) The Compliance Monitoring Officer may, within 12 months of the supermarket commencing operation, serve notice on the consent holder of the Council's intention to review the conditions of this consent pursuant to section 128(1)(a)(i) of the Resource Management Act 1991. Under any such review, additional mitigation is only to be required if such a review demonstrates effects significantly more adverse than those contemplated in the application.

Monitoring:

(y) 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 Wellington City Council's Compliance & Monitoring Officer by either telephone (801 4017) or facsimile (801 3165), and must include the address of the property and the service request number.

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- (z) That the consent holder must pay to the Wellington City Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.
 - * Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

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- This development will be assessed for development contributions under the Councils Development Contributions Policy when an application for building consent is made. If a development contribution is required it will be imposed under section 198 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 Internalised construction and fit-out activity carried out within the enclosed building (i.e. weather-tight) is not subject to condition (q) but rather all other conditions of consent, including conditions (r) and (s).

Please Note: All other conditions of consent and advice notes of the Notice of Decision dated 14 July 2010, issued for Wellington City Council's Service Request No: 199390 remain unchanged.

Helen Webb Delegated Officer Halley Wiseman Delegated Officer

Delegated Authority No. (14)

Item 2.1 Attachment 4

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Agreement relating to the provision of public car parks at Countdown Newtown

General Distributors Limited Wellington City Council

> DLA Philips Fox is a member of DLA Piper Group, an attance of independent legal practices. His a separate and distinct legal cristy.

> DLA Phillips For offices are located in Advande Audiand Brisbans Canteurs Melbourne Parih Sydney and Wellington.

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Agreement

Agreement

Agreement dated the 2M day of April 2012.

Parties

General Distributors Limited (GDL)

Wellington City Council (Council)

1 Introduction

- 1.1 The Council has granted GDL's parent company, Progressive Enterprises Limited resource consent to construct and operate a new Countdown supermarket in Newtown, Wellington (Supermarket).
- 1.2 GDL owns the land on which the Supermarket is to be operated.
- 1.3 As part of the development of the Supermarket, GDL has offered to make 20 car parks available at the Supermarket for use by the general public (Public Car Parks).
- 1.4 This agreement confirms the provision of the Public Car Parks.

2 Terms

- 2.1 This agreement is subject to GDL/Progressive constructing and operating the Supermarket.
- 2.2 The Public Car Parks will be made available for use by any member of the public (which is not limited to supermarket customers), during the hours the Supermarket is operating, but subject to clause 2.3. The Public Car Parks will not be signposted as 'supermarket parking only' (or other similar wording). They will be grouped together as far as is practicable and located conveniently for the general public to use.
- 2.3 GDL shall be entitled to place time limits on the maximum length period that the public will be entitled to use the Public Car Parks. The time limits on the Public Car Parks shall be the same as the time limits that will apply to all the other car parks within the Supermarket which are available for Supermarket customers. In the event that a vehicle parked in a Public Car Park breaches the time limit imposed on such car park, GDL shall be entitled to take such enforcement action available to it as owner of the land where the car park is located.
- 2.4 The Public Car Parks will be constructed and useable upon the Supermarket opening. They will be maintained for on-going use by the public.

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3 Variation

3.1 This agreement can only be varied by a written agreement signed by persons authorised to sign agreements on behalf of their respective parties.

4 Term of this agreement

- 4.1 This agreement will remain in force until the Supermarket ceases to trade or until the parties otherwise agree.
- 4.2 Subject to clause 4.1, this agreement shall apply to GDL's successors and assigns, who continue to operate the Supermarket on the land and who are to be provided with a copy of this executed agreement.

5 Party representatives

5.1 The parties respective addresses, facsimile numbers and representatives are:

5.1.1 General Distributors Limited

Address: 80 Favona Road, Mangere, Auckland

Representative: Senior Property Lawyer

5.1.2 Wellington City Council

Address: 101 Wakefield Street, Wellington

Telephone:04 499 4444 .

Facsimile:04 801 3009

Representative: Director Infrastructure

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