

BEFORE THE ENVIRONMENT COURT

Decision [2015] NZEnvC 209
ENV-2014-WLG-0012, 015, 016
ENV-2015-WLG-001, 003

IN THE MATTER of appeals under Cl 14 of
Schedule 1 to the Resource
Management Act 1991, and of
appeals under s120 of that Act

BETWEEN CRESWICK VALLEY RESIDENTS'
ASSOCIATION INC
PRIME PROPERTY GROUP LTD
M P C GIBSON
Appellants

AND WELLINGTON CITY COUNCIL
Respondent

Court: Environment Judge C J Thompson
Environment Commissioner A C E Leijnen
Environment Commissioner J R Mills

**DECISION: FINAL APPROVAL OF PLAN CHANGE 77 and RESOURCE
CONSENTS**

Decision issued: - 7 DEC 2015

Costs are reserved



[1] The Court recorded its substantive decisions on both the Proposed Plan Change and the resource consent appeals in its decision [2015] NZEnvC 149 issued on 25 August 2015. In concluding that decision we asked that the provisions of the resource consents and the Plan Change be redrafted to conform with the conclusions set out in the decision. We asked that that be done by 25 September 2015.

[2] Unfortunately matters then became a little confused as we received comment from the proponents and the Council, and took for granted that those responses had been the subject of consultation with the opposing appellants and s274 parties. We proceeded to issue a final decision on 29 September 2015 ([2015] NZEnvC 169), only to feel obliged to recall it when we discovered that there had not been any such consultation. We asked for further submissions to ensure that all parties had an opportunity to express a view addressed to the terms of the documents.

[3] CVRA and other s274 parties jointly responded to the Court which was greatly appreciated. They highlighted some referencing inconsistencies and the need to clarify the reference to hazardous substances, which we see as a matter of drafting and not a matter germane to the substantive appeals.

[4] We are conscious that CVRA expressed the view that the Council and PPG may not have gone far enough in addressing the Court's points. We are satisfied that the points have been adequately met and do not see the need to make further amendments to give effect to the substantive decision.

[5] However, the issue concerning our finding about access to the site, and some redrafting of assessment criteria to address the landscaped edge along Curtis Street, require further comment. As we have said, the access arrangement to be detailed in the Appendix has now been confirmed by the Court and this would also appear to largely satisfy the Appellants' query. The relevant criteria at 36.7(a) (specifically bullet point 2) have been amended to require development to be set below the level of Curtis Street and maintain the vegetated bank. While there remains an orientation



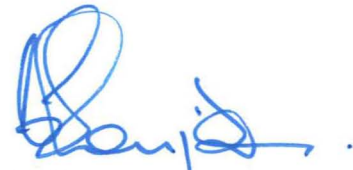
requirement in the bullet point following this, the Court accepts that vehicle access will not take place from this stretch of Curtis Street due to the existence of Appendix 1, and that some enlivened treatment of this frontage will be beneficial in urban design terms, including CPTED. Of course this will be limited by the practicality of maintaining the vegetated bank. The Court accepts Plan Change 77 as now drafted and attached as Attachment 2.

[6] We also approve the conditions for the resource consents as attached to this decision as Attachment 1. Comments on this document involved issues of drafting only and do not, we consider, require further elaboration.

[7] Costs remain reserved, on the basis previously indicated.

Dated at Wellington the 7th day of December 2015

For the Court



C J Thompson
Environment Judge



ATTACHMENT 1

RESOURCE CONSENT CONDITIONS



2005698_1

Conditions:

General:

- (1) The proposal must be in accordance with the information and additional information provided with Application Service Request No. **282346** and the following plans by Spencer Holmes, project entitled “55-85 Curtis Street, Karori, Wellington”, except as amended to comply with the requirements of these conditions:

Dwg – S12-0592-20 Rev A entitled Proposed Earthworks, Re-vegetation and Landscape Areas, dated 6-11-2014

Dwg- S12-0592-21 Rev A entitled Proposed Earthworks Cross Sections (Draft)

Dwg – S12-0592-18 Rev A entitled Temporary Parking Plan Curtis Street dated 31-10-2014

Earthworks Design

- (2) The earthworks shown on Dwg- S12-0592-20 Rev A, entitled Proposed Earthworks, Re-vegetation and Landscape Areas, dated 6-11-2014 and Dwg- S12-0592-21 Rev A, entitled Proposed Earthworks Cross Sections (Draft), must be redesigned so that the finished level of the fill platform along the eastern edge from cross section 160.00 (as shown on Plan S12-059-20 Rev A) southwards is at least 4.0 metres (vertical) below the adjacent level of the Curtis Street footpath.

Duration of Works:

- (3) All works must be completed within a 50 week period from commencement of work. This includes all activities associated with the works such as vegetation clearance, earth moving and compaction, and truck movements to and from the site, but excludes any periods of inactivity of the works that is greater than one day in duration. For clarity and subject to the restrictions of conditions (14) and (45) below, any day where there are works occurring on site, including truck



movements, contributes to the overall 50 week time period regardless of the duration of those works on that day.

The consent holder must maintain a register of the days where activities have been occurring on the site in order to provide evidence that the 50 week period has not been exceeded. A record of the estimated quantity of fill material deposited onto the site on any one day must be recorded as part of this.

Chartered Professional Engineer (CPEng)

- (4) The Consent Holder must use a suitably experienced Chartered Professional Geotechnical Engineer (CPEng) to supervise the engineering aspects of the earthworks filling operations.

Earthworks stability

- (5) The Chartered Professional Engineer, required under condition (4) above, must ensure the stability of the land throughout the project. The Engineer must ensure that the work does not cause damage, or have the potential to cause damage, to neighbouring land or buildings.

Methodology

- (6) The Consent Holder must follow the earthworks and construction methodologies prepared by the Chartered Professional Geotechnical Engineer's Aurecon Ltd, titled:
- “Geotechnical Investigation Report 55-85 Curtis Street Prime Property Group”: November 2010: Ref: 211507/Rev 1 and; Abuild Consulting Engineers Ltd, report commenting on Aurecon Ltd, technique in:
 - “Geotechnical Assessment of Proposed Development in support of Application for Earthworks Consent 55-85 Curtis Street Northland Wellington”, dated April 2013
 - “Development Earthworks Management Plan”, dated November 2013



- “Specification for Earthworks Construction/Filling for the Proposed Development 55-85 Curtis Street Northland Wellington for Prime Property Group Limited”, dated November 2013.

If unexpected ground conditions are encountered or other engineering problems occur, the Chartered Professional Engineer, required under condition (4) above, may revise the methodology. The Consent Holder must follow the revised methodology and provide the Compliance Monitoring Officer with a copy for his/her records.

Engineering Certificate

(7) The Consent Holder must provide the Council’s Compliance Monitoring Officer with a construction review statement from a suitably experienced Chartered Professional Engineer (CPEng). The document should:

- state the earthworks have been completed in accordance with the earthworks plans, and associated geotechnical and structural reports, approved under the resource consent
- provide details of any changes that were necessary to address geotechnical or engineering problems encountered during the earthworks
- confirm the completed earthworks are consistent with the Wellington City Council Code of Practice for Land Development 2012, New Zealand Standard 4431: 1989, and they reflect best engineering practice.

The construction review statement must be provided within one month of the earthworks / each stage of the earthworks being completed.

Erosion and Sediment Control Plan (ESCP)

(8) A final Erosion and Sediment Control Plan (ESCP), complying with Greater Wellington Regional Council’s “Erosion and Sediment Control Guidelines for the Wellington Region” must be provided to the



Council's Compliance Monitoring Officer for approval by the Compliance Monitoring Officer, at least 14 working days before the start of earthworks. No earthworks may commence until the ESCP is approved.

Once approved, the ESCP, must be implemented for the duration of the site works, and continue to be implemented until the ground surface has been stabilised by grass or other appropriate cover.

The ESCP, must be complied with at all times to the satisfaction of the Council's Compliance Monitoring Officer. If necessary, the Compliance Monitoring Officer may require changes to the implementation of the ESCP to address problems that may occur during the work or before the ground surface is fully stabilised.

The following measures must be incorporated into the ESCP:

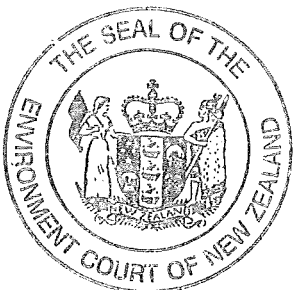
- Any soil or other material that is carted on or off the site must be covered.
- All vehicles must be cleaned of dust, mud or other hazardous or nuisance material, before exiting the site and entering the public road.

Note (1):

The Erosion and Sediment control measures submitted with the application have been approved in general principle. It is expected that the final Erosion and Sediment Control Plan (ESCP), for approval be based on the mitigation provided in Spencer Holmes Ltd. Sections 1.3.3, "Construction methodology and mitigation" and Section 1.3.4, "Existing services", and its reference plan "Schematic Sediment Control Plan" E10-0920-01/A.

Note (2):

It is recommended that the Greater Wellington Regional Council be consulted by Wellington City Council prior to final approval, to ensure that the final Erosion and Sediment Control Plan (ESCP), is consistent with the regional approach.



Dust Mitigation and Management

- (9) The Consent Holder must submit a Dust Management Plan to Council's Compliance Monitoring Officer for approval by the Compliance Monitoring Officer. The finished plan must be provided to the Compliance Monitoring Officer for approval at least 14 days prior to the start of any construction works on the site including clearing of any vegetation or other site preparation works, and any earthworks. The Dust Management Plan must be prepared in consultation with Kindercare learning Centres Limited (Kindercare), the operator of the childcare centre on the neighbouring property at 31 Curtis Street.

Special consideration must be given to achieve a high level of dust management over the total time the site is used for earthworks, whether earthworks are being constructed or the site is inactive.

The Dust Management Plan must include, but is not limited to, the following:

- How earthworks, vehicle and construction activities will be managed to avoid or control dust including, but not limited to, requirements that:
- Any soil or other material that is carted on or off the site must be covered; and
- Any exposed soil or other material on the site must be watered with sufficient regularity to avoid a dust nuisance to affected neighbouring properties.
- Timelines for re-establishing vegetation on earthworked areas.
- A definition of weather conditions that will be too dry or windy to work.
- A requirement that work will cease when weather conditions defined as too dry or windy to work are met.



- How the weather conditions will be predicted and monitored (wind-speed and direction measuring equipment on the site is suggested).
- Who will make the decision to not start or suspend work.
- Complaint and response procedures for complaints from residents in the surrounding area including a contact (mobile) telephone number for the on-site manager where contact could be made 24 hours a day/7days a week is provided to neighbouring landowners and occupiers. A sign shall be visibly located at the entrance to the site and contain the matters set out in condition 33 bullet point 2.
- Providing for regular meetings, between the Consent Holder and the Council's Compliance Monitoring Officer, to review the implementation of the Dust Management Plan.
- The results of consultation with Kindercare.

Note:

The Consent Holder may combine the Erosion and Sediment Control Plan (ESCP), and the Dust Management Plan in a single document.

- (10) The Dust Management Plan approved under condition (9) must be implemented and continue to be implemented for the duration of the site works and until the site has been stabilised.

All parts of the Dust Management Plan must be complied with at all times to the satisfaction of the Council's Compliance Monitoring Officer (if necessary, the Officer may require changes to the implementation of the Dust Management Plan, to address any problem that occurs during the work or in the period before the site is stabilised).

Grassing of earthworks

- (11) All bare ground on the site must be grassed, as soon as growing conditions are suitable after the completion of the earthworks or the stage of the earthworks.



The growth and coverage of grass must be to the earthworks and construction *methodology* approved by Councils Compliance Monitoring Officer and as required by the Erosion and Sediment Plan (ESCP), condition (8), and to the satisfaction of the Council's Compliance Monitoring Officer.

Note:

Areas that are covered over or otherwise treated under the Erosion and Sediment Control Plan, do not need to be grassed.

Muddy Water, Earth or Debris

- (12) Run-off and soil or other debris from vehicles 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 stormwater system.

All departing vehicles must be cleaned of mud or other hazardous or nuisance material before exiting the site and entering the public road. Each vehicle must be inspected prior to leaving the site.

The condition must be complied with to the satisfaction of the Council's Compliance Monitoring Officer.

Material beyond the site:

- (13) Any earth, rock, vegetation or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the Council's Compliance Monitoring Officer.

Hours of Work:

- (14) Earthworks and associated works, excluding the transport of excavated material to or from the site, must only occur within the following hours:



- Monday to Saturday 7:30am to 6pm
- No work is to be carried out on Sundays or public holidays.

Note:

For restrictions regarding hours of work for importing and exporting of excavated material see Condition (45) below.

Protection of the Vegetation Buffer

- (15) The Consent Holder must mark out on-site the property boundary between the site and Old Karori Road and the outer limit of the earthworks along Areas V and Y and south of Area V to the sealed part of Old Karori Road. Area Y in the vicinity of Whitehead Road must be as shown on Plan S12-0592-16 Rev A.

No vegetation is to be removed from Areas Y or U and the only vegetation to be removed from Area V is where earthworks are proposed or where revegetation will provide a superior buffer as approved by the Compliance Monitoring Officer.

The marking out must be done in consultation with the Compliance Monitoring Officer and other appropriate officers from the Council. The marking out must be approved by the Compliance Monitoring Officer before any removal of vegetation or earthworks is permitted within 10m of the boundary.

Karaka Tree

- (16) The Consent Holder must amend the earthworks level adjoining the large karaka tree, to ensure there is no disturbance of the natural ground within the drip-line of the tree or any earth placed within the drip-line of the tree, at any time. No removal of branches or other damage is permitted to the tree.

The outer limit of the earthworks adjoining the drip-line of the tree must be marked out on site in consultation with the Compliance Monitoring Officer and an ecologist and/or arborist from the Council. The marking



out must be approved by the Compliance Monitoring Officer before any earthworks is permitted within 5m of the drip-line of the tree.

5m Vegetation Protection/Revegetation Area

- (17) The Consent Holder must create a 5m strip along the Old Karori Road boundary of the site for the purposes of vegetation protection and re-vegetation. This must comprise an extension of Area V northwards from cross-section 120.00 to approximately cross-section 180.00 (as shown on Plan S12-059-20 Rev A) to a point where it joins Area Y at a distance of 5 metres (measured at 90°) from the boundary with Old Karori Road.

Note:

It is recognised that earthworks fill may extend into Area V (but not Area Y) to the extent indicated on Plan S12-0592-20 Rev A, dated 6/11/2014. Conditions (23) and (24) below require revegetation planting on the areas that have been earthworked.

- (18) The existing vegetation in Area Y and Area X as shown on Plan S12-0592-20 Rev A, and enlarged by condition (15) above and the existing vegetation (retained and re-planted) in the 5m wide strip (extended Area V) required by condition (17) above must be permanently protected in as much as the vegetation, except for invasive pest species, shall not be damaged or removed, or allowed to be damaged or removed, except for such pruning as is reasonably required for its continued health.
- (19) A covenant must be entered into with the Council that includes the requirements of condition (18) above. The covenant must be entered into within one month of completion of the works.

Note:

The covenant must be submitted to and approved by the Compliance Monitoring Officer who will execute the covenant on behalf of the Council once approved. This will be subject to payment of the Council's fee relating to the execution of legal documents.



- (20) The consent holder must register the covenant in accordance with section 109 of the Resource Management Act 1991 on the computer freehold register for the site within six months of completion of the works.

Note:

All legal expenses associated with preparing and registering the covenant will be met exclusively by the consent holder.

Council land on Old Karori Road

- (21) The Consent Holder must mark out on-site the extent and depth of earthworks and any vegetation to be removed on the Council land at the south end of Old Karori Road. This must be done in consultation with the Compliance Monitoring Officer who will liaise with Parks, Sport and Recreation staff. The marking out, and the removal of vegetation, must be approved by the Compliance Monitoring Officer before any vegetation removal or earthworks is permitted on Council land on Old Karori Road.

Any earthworks within Council land on Old Karori Road must not interfere with the marked carparking spaces on the western side of Old Karori Road. Unobstructed access (as a result of contractor use) to the carparking spaces on the western side of Old Karori Road must be maintained at all times and must not be used by the Consent Holder or any of its contractors or sub-contractors for parking.

Note:

The land on Old Karori Road is legal road. A separate Land Owner Approval will be required from the Council to use this land for earthworks.

Council land on Curtis Street

- (22) The Consent Holder must mark out on-site:
- levels of the earthworks, at their maximum height (including any additional height for preloading)



- the finished levels of the council land on Curtis Street and the adjoining part of the Prime Property Group (PPG) property must be 4m, or more, below the level of the footpath at its closest point, with any transition to higher levels on the PPG property being made through a gradual change in level
- the outer limit of the earthworks
- trees to be protected within Area W
- trees to be protected within Area X.

The marking out must be done in consultation with the Compliance Monitoring Officer who will liaise with Parks, Sports and Recreation staff. The marking out, and the removal of vegetation, must be approved by the Compliance Monitoring Officer before any vegetation removal or earthworks are permitted on:

- Council land on Curtis Street
- within 10m of the eastern boundary of the site.

Note:

The land on Curtis Street is legal road. A separate Land Owner Approval will be required from the Council to use this land for earthworks.

Removal of Vegetation

(22A) The Consent Holder must not damage or remove existing vegetation within identified areas any earlier than 2 months before the start of the earthworks within that particular area. The identified areas are Area V and all land within 10m of the eastern and western boundaries of the earthworks.

Note:

The land on Curtis Street is legal road. A separate Land Owner Approval will be required from the Council to use this land for earthworks.



Revegetation Plan

- (23) A Revegetation Plan must be submitted to, and approved by, the Compliance Monitoring Officer in consultation with the Councils Parks, Sport and Recreation Team, prior to any work being undertaken. The Plan must specify and include:

Plants:

- The species - both scientific and common names
- Species must be indigenous to the Wellington Ecological District and appropriate to the area being planted
- Where practical, plants must be eco-sourced i.e. grown from seed collected in the Ecological District (unless otherwise agreed beforehand, in writing)
- The number of plants of each species
- The PB sizes of the plants - a minimum size of PB3–PB5 is required for mass planting, and PB45–PB60 for tall growing, long lived trees
- The nursery(s) providing the plants.

Plant spacing:

- 1m x 1m, for low growing shrubs and climbers to seal the newly exposed buffer edge
- 1m x 1m, for fast growing trees to be planted outside the low growing shrubs / climbers
- 5m x 5m, for large specimens of tall growing long lived trees, within the 1m x 1m matrix
- Gaps in the existing vegetation within the 5m wide strip created under Condition (17), 1m x 1m from the first two bullet points above.

Site preparation & planting:



- A landscape plan must be provided showing areas for planting, slope gradient and the planting medium (a minimum of 300mm topsoil is required for any batters - see B.16 Code of Practice for Land Development)
- Topsoil must be weed free (stockpiled topsoil from initial clearance may not be used as it is likely to contain high levels of seeds from weed species.
- All planting must be supplied and carried out in accordance with horticultural best practice
- The timetable for planting – the preferred time is late autumn and early winter
- Any staging of the planting.

Maintenance programme:

- For a minimum of 36 months, or until a closed canopy is established
- Weeds must be removed from the vicinity of the plants
- Dead or damaged plants, or plants that have been removed unlawfully, must be replaced throughout the maintenance period, in the autumn/winter months, to maintain vegetation density and achieve canopy closure.

(24) The Revegetation Plan must be prepared to cover the following areas of the site, Old Karori Road and Curtis Street:

- Area V on Plan S12-0592-20 Rev A, dated 6/11/2014
- The 5m revegetation strip required under Condition (17)
- The area of proposed earthworks on the south end of Old Karori Road, shown on Plan S12-0592-20 Rev A, dated 6/11/2014 (subject to Land Owner Approval).
- Area X on Plan S12-0592-20 Rev A dated 6/11/2014



- Area W along Curtis Street (subject to Land Owner Approval)

Note:

The land at the southern end of Old Karori Road and Area W are parts of legal roads. A separate Land Owner Approval will be required from the Council to use this land for earthworks. No revegetation work is permitted on this land unless approval is granted.

(24A) The Consent Holder must undertake planting, in the following planting season: mid-May to mid-August.

- in each completed earthworks area; and
- in any adjoining area (outside the earthworks) required to be planted.

Unless alternative recommendations are made by the applicant's landscape architect/landscape contractor and approved by Council.

(25) The Revegetation Plan approved under conditions (23) and (24) above must be implemented in accordance with the specified staging and timetable. The planting at each stage must be monitored for 36 months from the time of planting in order to allow for plant establishment to the satisfaction of the Compliance Monitoring Officer. Any plants that fail must be replaced at the expense of the consent holder. All replacement planting must continue to be maintained by the consent holder for a further 36 months.

(26) Where practicable a minimum of 200mm of heavy mulch is required for all planting.

Revegetation Plan - Review Condition

(27) The Council may undertake a review of revegetation plan conditions (23) to (26) above under section 128 of the Resource Management Act 1991 to address any adverse effects of the exercise of the consent in respect of unsuccessful establishment of revegetation planting. The review may be undertaken within 18 months of the undertaking of the revegetation planting relating to any one stage of the overall works.



Re-Grass/Hydro-seeding

- (28) Within 3 months of the completion of the earthworks, all exposed areas must be sown with grass or hydro-seeded, or otherwise planted, to reach a level of establishment satisfactory to the Council's Compliance Monitoring Officer in order to establish a ground cover for the purposes of limiting dust and erosion and also to mitigate the visual appearance of the exposed earthworked surface.
- (29) All grass sown or hydro-seeded, or other planting (as required by condition 11 above) must be successfully established and actively maintained by the consent holder for 18 months. Progress must be monitored at regular intervals and remedial works carried out by the consent holder if required. The grassing must achieve a minimum strike rate of 80% to the satisfaction of the Council's Compliance Monitoring Officer.

Noise

- (30) An Earthworks Construction Noise Management Plan (ECNMP) must be prepared by a person suitably qualified and experienced in acoustic engineering. The ECNMP must be submitted to and approved by the Compliance Monitoring Officer prior to the commencement of all works on site. The ECNMP must describe the methods by which noise associated with the work will comply in all aspects with the controls set out in NZS 6803:1999 *Acoustics— Construction Noise* and how all persons undertaking day-to-day activity management will adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with Section 16 of the Resource Management Act 1991. The ECNMP must be implemented for the duration of the site works.

Note:

Guidance on the preparation of an Earthworks Construction Noise Management Plan can be found in Annexure E1 and E2 of New Zealand Standard NZS 6803:1999 *Acoustics— Construction Noise*.



- (31) Noise monitoring will be conducted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound and NZS 6803:1999 Acoustics- Construction Noise, at the times and at the noise sensitive locations and during the construction (earthworks) activities identified in the Earthworks Construction Noise Management Plan (ECNMP). The results of the monitoring shall be provided to the Compliance Monitoring Officer within 48 hours of monitoring being carried out.

Note:

Noise monitoring shall be representative of the highest levels of earthworks noise (including truck movements on site) received at noise sensitive locations and will be performed at the commencement of earthworks and during critical phases of earthworks when possible exceedance of the recommended upper noise limits for long term construction in Table 2, NZS 6803:1999 Acoustics- construction noise has been identified in the ECNMP.

- (32) Where monitoring shows noise emanating from earthworks activities at the site and measured at noise sensitive locations exceeds the recommended upper noise limits for long term construction in NZS 6803:1999 Acoustics- construction, noise mitigation measures recommended by an acoustic engineer to adopt the best practicable option to reduce the emission of noise from the site to a reasonable level pursuant to section 16 of the Resource Management Act 1991 shall be immediately implemented. A copy of the acoustic engineer's recommendations shall be provided to the Compliance Monitoring Officer by the consent holder within 48 hours of the receipt of the report.

Construction Management Plan

- (33) Prior to works commencing on the site a detailed Earthworks Construction Management Plan ECMP must be submitted to, and approved by, the Compliance Monitoring Officer. The finished ECMP must be provided to the Compliance Monitoring Officer at least 14 days prior to the start of any construction works on the site including the clearing of any vegetation or other site preparation works, and any earthworks. The ECMP must be prepared in consultation with the



Kindercare Learning Centres Limited (Kindercare), the operator of a childcare centre on the neighbouring property at 31 Curtis Street.

The ECMP must establish acceptable performance standards regarding public safety and amenity protection during the construction phase of the development. The ECMP must include, but is not limited to, the following:

- Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) noticeboard 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 including the requirements set out in the Dust Management Plan required by condition (9) and the requirements in conditions (35)-(37);
- Noise control measures including the requirements set out in the Earthworks Noise Construction Management Plan required by condition (30);
- Measures to ensure dirt, mud or debris is not left on the road including the requirements set out in the Erosion Sediment Control Plan required by condition (8);
- 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.
- The results of consultation with Kindercare.



- The preparation and implementation of a soil management plan setting out measures to control fugitive emissions including dust, procedures for handling of contaminated and potentially contaminated soil, the procedures to be put in place in the event that greater than expected contamination is encountered, procedures for offsite disposal of contaminated soil including testing and procedures to minimise exposure of humans to mobilised contaminants throughout the works.

Note:

The Compliance Monitoring Officer will approve the Construction Management Plan following consultation with, and acceptance from, appropriate officers within the Council.

Fill Material

- (34) All fill used for the proposed development must comprise inert material and meet the following definition of cleanfill:

“Materials such as clay, soil, rock, concrete, or brick, that are free of combustible or putrescible components or hazardous substances or materials likely to create a hazardous leachate by means of biological or chemical breakdown.” [Source: Greater Wellington Regional Plan for Discharges to Land and the Regional Air Quality Management Plan]

Contamination

- (35) All contaminated material exposed during the consented works must either be re-used onsite under a structure or erosion-resistant cap (cover) or disposed of to a licensed landfill, to the satisfaction of the Compliance Monitoring Officer.
- (35A) Should contaminated material be discovered, then a report shall be prepared by a suitably qualified and experienced contaminated land practitioner and submitted to the Compliance Officer, Wellington City



Council within three months of completion of the works. The full report shall include the following:

Documentation of any assessments, including laboratory analytical result, undertaken as to the suitability of any contaminated soil/material to remain on site.

Documentation of any off-site disposal of contaminated soil/material, including quantities, dates, and disposal locations

The final location of any potentially contaminated soil moved during the works.

The depth of clean soil cover over any potentially contaminated soil remaining following the works.

- (36) As an interim measure, a minimum clean cover thickness of 300 mm shall be provided within four weeks of exposure or disturbance of the contaminated soil or material. The interim cover shall be provided prior to removal or completion of any earthworks erosion and sediment control measures.
- (37) The final minimum clean cover over contaminated soil or material shall be 1000 mm of clean fill.

Note:

The intent of this condition is to provide interim cover over contaminated soil/material should the filling works be staged over a long duration.

- (38) If the final minimum clean cover over contaminated soil or material cannot be reasonably achieved, then the Consent Holder shall conduct such assessments and investigations as required to demonstrate the remaining impact and mitigation measures are suitable for open space land use.

Works on legal Road

- (39) Prior to works commencing on site, the consent holder must contact the Compliance Monitoring Officer to arrange and conduct a pre-



construction site meeting between Council's Parks & Gardens Team and all relevant parties, including the primary contractor.

- (40) Prior to earthworks commencing, a Re-vegetation Planting Plan (RVPP) must be submitted and approved by the Compliance Monitoring Officer (in liaison with the Parks & Gardens Team). The RVPP must also include an implementation timeframe in relation to the completion of earthworks.
- (41) The Re-vegetation Planting Plan approved under conditions (23) and (24) above must be implemented within the approved timeframe.
- (42) The consent holder must take all practicable steps to retain existing vegetation particularly along the Curtis Street frontage for as late in the earthworks project as practically possible.

Traffic

- (43) Prior to work commencing on the site a detailed Construction Traffic Management Plan (CTMP) must be submitted to, and approved by, the Compliance Monitoring Officer.

The finished CTMP must be provided to the Compliance Monitoring Officer at least 14 days prior to the start of any construction works on the site including clearing of any vegetation or other site preparation works, and any earthworks. The CTMP must be prepared in consultation with the Kindercare Learning Centres Limited (Kindercare), the operator of a childcare centre on the neighbouring property at 31 Curtis Street.

- (44) The consent holder is to be restricted to 6 haul trucks per hour which equates to 12 truck movements (arrivals and departures) at the intersection of Old Karori Rd and Curtis St. The locations and size of the "Truck Crossing" signs are to comply with CoPTTM. The Consent Holder shall keep records to prove the number of trucks per hour complies within this condition (44).

Note: For the avoidance of doubt, the term "haul truck" refers to trucks which are carrying bulk materials of any kind to or from the site



(including, but not limited to, bulk fill, contaminated fill, top soil and cover material), loads associated with any work involved in the remediation or reconstruction of the stormwater main. The term excludes vehicles carrying plant and ancillary items to and from the site, vehicles maintaining or repairing the road such as water cart movements and utility and other light vehicles associated with management and oversight of the works.

- (45) The consent holder must restrict truck movements to and from the site to the hours between 9.30am and 2.30pm Monday to Saturday in order to minimise the effect on the road network and the immediately adjoining properties (including the Kindercare childcare centre at 31 Curtis Street). No truck movements importing or exporting excavated material are permitted on Sunday or public holidays.
- (46) The consent holder must establish and maintain for the duration of the consent the 14 temporary car parking spaces on the east side of the Old Karori Road cul-de-sac as shown on Drawing S12-0592-18 rev A and must seek and obtain the necessary Council approvals for those spaces within legal road.
- (47) The applicant is to advise the Council Compliance Officer at any time when a new material source site is determined.
- (48) The detailed CTMP will be reviewed by Council regularly throughout the earthworks operation to ensure that the transportation routes adopted for various cleanfill source sites are appropriate to the adjacent sensitive land use activities.
- (49) The transportation route for each cleanfill source site is to be approved separately by Council to ensure that the majority of the selected roads along the transportation route are designed and function to carry through traffic.
- (50) The Construction Traffic Management Plan (CTMP) required under condition (43) above must include, but is not limited to, details as to how conditions (44) to (49) above will be implemented; and must be prepared in consultation with the Kindercare operators to ensure that public safety is not compromised while the centre is operational,



including, in particular, during drop-off and pick-up sessions. The CTMP must also include, but is not limited to:

- The results of consultation with Kindercare
- The name of the on-site manager (who may be the Site Traffic Management Supervisor) who has the power to stop work and/or vehicle movements should a breach of the CTMP of these consent conditions be discovered or reported.
- An outline of the site layout prior to any earthworks transportation to show that trucks are able to manoeuvre on site and enter forward from Curtis Street and exit forward onto Karori Road and Curtis Street. This is to ensure that there is no truck queuing at any time to enter or obstruct Old Karori Road or the intersection of Old Karori Road and Curtis Street.
- The baseline condition of Old Karori Road will be established, and processes defined for identifying and repairing any damage to the road created by construction vehicles.
- A pre-construction Road Condition Survey will be carried out. The survey will be undertaken as a walking inspection audit. Council will be invited to participate in the inspection.
- A full video record will be made, and the inspection focussed on identifying signs of any existing deterioration. Any identified problem areas are to be recorded on a spreadsheet and located by running distance and accompanied by photographic evidence. The pre-construction Road Condition Survey will be reported to Council for approval and validation of the existing condition of Old Karori Road.
- Re-inspections will be undertaken to validate the condition of pavements compared with the pre-construction Road Condition Survey, and the need for repairs identified and



agreed with Council. Re-inspections will be undertaken as issues are identified, and at least monthly.

- Once construction is completed, a post-construction Road Condition Audit will be undertaken to determine any required final repairs and remedial works.
- The Consent Holder is responsible for the identified and agreed repairs of the road at their cost.

The Construction Traffic Management Plan (CTMP) required by condition (43) must be implemented for the duration of the site works and until the site has been stabilised. All parts of the CTMP must be complied with to the satisfaction of the Council's Compliance Monitoring Officer. If necessary, the Compliance Monitoring Officer may require changes to the implementation of the CTMP to address any problem that occurs during the work or in the period before the site is stabilised.

Relaying Public Stormwater

- (51) The existing reinforced concrete stormwater main currently in use located on the proposed site, must be protected from damage, settlement or misalignment from the proposed works for the life of the main.

The Engineer (Spencer Holmes Ltd.), must provide an appropriate *methodology* to Councils Public Drainage Engineer for approval, 14 days prior to works commencing.

If the stormwater main is not able to be protected from damage and a methodology is not achievable, then arrangements must be made with Councils Public Drainage Engineer for the stormwater main to be re-laid and protected as necessary at an appropriate time during the works to the Council's satisfaction.

The Consent Holder must provide a copy of the methodology to Kindercare Learning Centres Limited (Kindercare).

- (52) Any alterations or additions to existing Public Drains will require Construction Plans are to be submitted to the Public Drainage team, Infrastructure, for approval.



- (53) All work is to be carried out in accordance with the approved plans, the Wellington City Council Code of Practice for Land Development, Drainage General Conditions of Specification, and a Public Drainage Permit (As distinct from a Building Consent) to be issued by the Public Drainage team and fees paid.
- (53A) The consent holder must construct an entry chamber (such as a 1200 dia cast in-situ manhole) to the drainage portal on site to the satisfaction of the Council's Public Drainage team, Infrastructure.

Note:

All Public Drainage work must be carried out by a Registered Drainlayer; who is employed by a contractor who has an approved Health and Safety Plan and Public Liability Insurance.

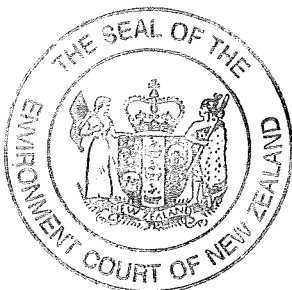
- (54) At the conclusion of the work as built drawing, which conforms to the Wellington City Council Interim Asbuilt Specification, is to be presented for approval.

Protection of the National Grid

- (55) All land use activities, including earthworks located on the subject site must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).

Monitoring and Review:

- (56) Prior to starting work, the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the Council's Compliance Monitoring Officer either by telephone (801 4017), facsimile (801 3165) or email (rcmonitoring@wcc.govt.nz) and must include the address of the property and the service request number.
- (57) 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.

Management Plans

(58) The management plans required by conditions (9), (33) and (43) must be prepared in consultation with Kindercare Learning Centres Limited (Kindercare), the operator of the childcare centre on the neighbouring property at 31 Curtis Street. Consultation with Kindercare must include, but is not limited to

- Provision of a draft management plan to Kindercare at least 10 working days prior to the being submitted to the Councils Compliance Monitoring Officer.
- The inclusion of Kindercare's reasonable suggestions in the management plan.
- Where Kindercare's suggestions have not been included in the management plan, the reasons why.

Copies of the finalised management plans must be provided to Kindercare at the same time they are provided to the Council's Compliance Monitoring Officer and approved management plans (where different) must also be provided to Kindercare prior to the commencement of works on site.

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 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 Council.
3. This resource consent is not a consent to build. If such consent is required, it must be obtained under the Building Act 2004 prior to commencement of construction.
4. The Council's 'General Conditions of Excavation and Transport of Excavated Materials' dated December 1993, must apply and remain in force for the duration of the site development works, or as determined by the Wellington City Council's Compliance Monitoring Officer.
5. There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the New Zealand Historic Places Trust for further information. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal will modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.
6. Should the works result in any discharges to the environment, resource consent may be required from the Wellington Regional Council. Please contact the Greater Wellington Regional Council consents management department with any enquiries relating to this.



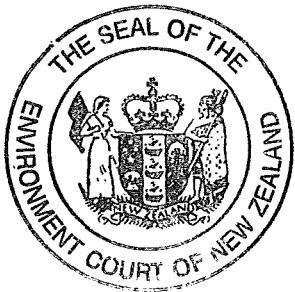
ATTACHMENT 2

PLAN CHANGE 77



DISTRICT PLAN CHANGE 77:

CURTIS STREET BUSINESS AREA



3.10 DEFINITIONS

ANCILLARY RETAIL (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means a retail activity that is ancillary to the principal activity within the building or site, and comprises less than 10% of the total gross floor area of the building or site, whichever is the lesser.

COMMERCIAL ACTIVITY (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means activities occurring within premises used or intended to be used primarily for selling, promoting, supporting or hiring services. This includes financial, research, office, administration, processing, manufacturing, industrial and other business activities. This definition does not include retail activities.

GROSS FLOOR AREA (FOR THE PURPOSE OF ANY RETAIL ACTIVITY) (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means the total cumulative gross floor area of a retail activity or integrated retail development. It does not include floor area occupied by car parking areas, loading and servicing facilities, shared pedestrian areas, toilet and building maintenance facilities, and areas not available for lease.

INTEGRATED RETAIL ACTIVITIES (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means an individual retail development, or a collection of any two or more retail activities that are developed and operate as a coherent entity (whether or not the activities are located on separate legal titles), and share one or more of the following:

- servicing and/or loading facilities;
- vehicle and/or pedestrian access;
- car parking;
- public spaces and/or facilities.

This definition includes shopping malls and large-format retail parks, but does not include trade supply retail, wholesale retail, yard-based retail or building improvement centres.

PLACES OF ASSEMBLY (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means any building or land used for public and/or private assembly or meeting of people and includes but is not limited to churches, halls, clubrooms, community centres, conference centres, chartered clubs and premises with a club licence and other similar establishments, including indoor and outdoor recreation facilities, such as gymnasiums, badminton and squash courts.



RETAIL ACTIVITY (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA) : means an activity displaying or offering services or goods for sale or hire to the trade or public and includes, but is not limited to: integrated retail activities, trade supply retail, yard based retail, supermarkets, service retail, and ancillary retail.

SENSITIVE ACTIVITIES AND USES: means those activities and uses which are:

- schools, kindergarten or child care centres
- homes for the elderly, hospitals, residential care facilities, premises with high density, low mobility uses
- facilities critical to emergency response and utility lifelines
- transport corridors to emergency services
- residential activities (applies only in Central Area, Centres and Business Areas)
- For the purposes of the National Grid Transmission Line that traverses the Curtis Street Business Area such activities are those activities listed in bullet points 1, 2 above.

Sensitive activities and uses will require additional buffer zones from activities involving the use, storage, handling or disposal of hazardous substances.

SERVICE RETAIL (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means the sale of served food and/or beverages, and/or services such as, but not limited to video and DVD hire, dry cleaners, takeaway food outlets, cafés, pubs, bars, hairdressers and beauticians and banks.

SIGN (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means any name, figure, writing, image, character, outline, engraving, carving, spectacle, logo, display, delineation, announcement, notice, placard, poster, handbill, hoarding, billboard, aerial display, banner, advertising device or appliance, or any other things of a similar advertising nature, intended principally to attract the attention of the public and has implied or actual commercial advertising content, whether it is placed on or affixed to any land or building, or incorporated within the design of any building (whether by painting or otherwise) which is visible from a public space. This definition excludes:

- Signs within buildings and not visible from the outside
- Signs for the management of the legal road, public parks and reserves including official signs
- Advertising on vehicles, including trailers, except where the vehicle or trailer acts as a stationary support structure for commercial advertising
- Murals
- Sculptures

SUPERMARKET (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means a retail shop selling a wide range of foodstuffs, including fresh produce, meat, fish, dairy, alcoholic and other beverages, and



packaged food for consumption off-site, as well as non-food grocery items and household goods. This definition includes discount stores, hypermarkets, department stores and warehouse club stores, where foodstuffs comprise more than 10% of the total gross floor area.

TRADE SUPPLY RETAIL (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA) : means a business engaged in sales to businesses, and may also include sales to the general public, and wholly consists of suppliers of goods in one or more of the following:

- automotive and marine supplies;
- building supplies;
- farming and agricultural supplies;
- garden and landscaping supplies;
- hire services (excluding hire of books, DVD and video);
- office furniture, equipment and systems supplies.

VEGETATED BANK (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means the bank depicted on Appendix 1 Curtis Street Business Area Concept Plan, within CT WN24B/840 and legal road, comprising a steep slope generally at least 3m in height (1-2m at the southern end of the site) located below the western side of Curtis Street. This area is covered in a mixture of exotic and regenerating indigenous species eg. Mahoe, Pittosporum tenuifolium, Cyathea medullaris, Coprosma robusta.

YARD BASED RETAIL (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA): means any retail activity which supplies goods or services primarily from an open or semi-covered yard, and where the yard comprises at least 50% of the total area used for retail activities. This includes but is not limited to: garden centres, service stations, automotive and marine supplies, agricultural supplies, heavy machinery and plant sales.



35. CURTIS STREET BUSINESS AREA

35.1 Introduction

The Curtis Street Business Area is located in Creswick Valley and is bounded by Old Karori Road to the west, Whitehead Road to the north and Curtis Street to the east. The area is 1.09 hectares in size and traversed by electricity transmission lines.

During the 1960s and 1970s various designations were applied to the site through former Wellington City District Schemes. This included the recognition of different parts of the site for national, civic, cultural and community purposes. This allowed for the site to be used for refuse disposal purposes, recreation and residential use and even educational purposes. The majority of these designations were never realised or implemented due to the fact that Council had a well established use for the site (dating back to the 1930s) for rubbish disposal, workshop and depot purposes. This use involved a range of buildings, including a number of sheds and an office.

The area was previously part of the adjoining Council landfill that has now become Ian Galloway Park. In the 1980s, Whitehead Road was constructed to provide better vehicular access to Karori and as a result the area was separated from Ian Galloway Park to form the triangular shaped site seen today. It was also at this time that Old Karori Road was closed on the site's western boundary.

By the early 1990s Council had identified that the depot was surplus to Council requirements and began to scale back activity on the site. By 1997 Council resolved to dispose of 55-85 Curtis Street and subsequently the site was sold into private ownership in 1999. At this time no designations applied to the site and it was zoned Outer Residential and Open Space B under the then Proposed District Plan 1994.

The site's former historic use for refuse disposal and as a Council depot has influenced the ground conditions and modified the appearance of this part of Creswick Valley. The north-eastern part of the site has been specifically recognised as containing landfill waste and potentially contaminated soil. Physical modifications have included changes to the ground level. The area is highly modified from its original form, with ground levels having been raised by extensive fill and the associated culverting of the Kaiwharawhara Stream which runs beneath the area in a north-south alignment. The northernmost part of the area has been levelled with Whitehead Road and Curtis Street, while the southern part has been set at a lower ground level below Curtis Street. The topography rises steeply to the east and west of the area such that it forms a deep depression in the landscape.

This distinct landform is overlooked by individual dwellings located at various levels on the adjoining hillsides and partly screened by vegetation. The character of the wider area is influenced by the green residential setting and a steep, vegetated escarpment adjoining



the western edge of the Curtis Street Business Area. These adjoining areas are zoned Outer Residential in the District Plan.

The Curtis Street Business Area provides for increased commercial activity in the western suburbs while at the same time reinforcing the District Plan's intentions of facilitating efficient use of land and compact urban development on a city-wide scale. The Curtis Street Business Area provides for a range of commercial, service and employment related uses within a planning framework that takes account of the specific characteristics of the local environment. Sensitive activities such as schools and hospitals are discouraged due to the presence of overhead electricity transmission lines.

The approach for the Curtis Street Business Area is to clearly signal, through the use of rules, those activities which are encouraged and those which are discouraged. Specifically this is achieved through an approach where activities are listed under different resource consent categories. Activities standards have also been imposed on all activities to ensure that the adverse effects of activities are avoided, remedied or mitigated, particularly with regard to effects on adjacent Residential Areas and the ecology of the seepage wetlands adjacent to the site and the wider Kaiwharawhara catchment.

Issues of particular importance to the Curtis Street Business Area include urban design, retail distribution effects and traffic. Specific rules and environmental standards have been applied to ensure that these effects can be appropriately managed in terms of effects on landscape and residential character, Council's network of centres and the road network. Maintaining the character, appearance and environment in and around Business Areas is an important objective of the District Plan.

Although not located within the Curtis Street Business Area, the Council does acknowledge there are important ecological values within the wider landscape context. These include the forest ecosystem located on public and privately owned land on the slopes of Creswick Valley, the Kaiwharawhara stream ecosystem and the



seepage wetlands and glow worm colonies located on Old Karori Road. This chapter contains provisions that seek to encourage and retain these values. Non-regulatory measures are also undertaken by Council to protect and maintain ecological values in the wider area. These include planting and maintenance programmes aimed at protecting the seepage wetlands and glow worm colonies on Old Karori Road.

35.2 Curtis Street Business Area Objectives and Policies

35.2.1 To facilitate a range of activities in the Curtis Street Business Area to assist in meeting the social and economic needs of Wellington's western suburbs and the wider City

- 35.2.1.1 Provide for a mixed use character by allowing a range of activities to establish provided that character and amenity standards are maintained and any potential adverse effects are able to be satisfactorily avoided, remedied or mitigated.
- 35.2.1.2 Specifically provide for and encourage a range of commercial activities in the Curtis Street Business Area.
- 35.2.1.3 Encourage the co-ordinated, comprehensive development of the Curtis Street Business Area.
- 35.2.1.4 Encourage a mixture of commercial tenancies to maximise the efficient use of the land and social and economic wellbeing.
- 35.2.1.5 Provide for temporary activities that contribute to the social, economic and cultural wellbeing of the community, whilst controlling any adverse effects in a manner that acknowledges their infrequent nature and limited duration.
- 35.2.1.6 Control the establishment of large integrated retail developments and large supermarkets.

Explanation to objective and policies

There is demonstrated demand for commercial and employment activity in Wellington's western suburbs. The Curtis Street Business Area provides an opportunity for commercial activity to establish in an area ideally located to serve the suburbs of Northland, Karori and Wilton.



Given this opportunity, Council wishes for this to occur in a comprehensive and coordinated manner. Controls on subdivision are adopted to avoid further fragmentation of the site which could lead to ad hoc development. Restrictions have been imposed on the permitted amount of floorspace for integrated retail developments and supermarkets for the purpose of managing effects on the vitality and economic viability of Centres Areas identified in the District Plan.

Taking into account the provision of goods, services and commercial land in the western suburbs, a mix of commercial activities is preferable to a single large entity establishing on the site. A mix of activities would represent the most efficient use of the land and maximise social and economic wellbeing.

Temporary activities are also encouraged in the Curtis Street Business Area, and these can include community events and cultural festivals. These activities make an important contribution to the social, economic and cultural wellbeing of Wellington's communities. Within specified environmental limits greater flexibility is provided to temporary activities in recognition of their infrequent nature and limited duration.

35.2.2 To promote the creation of a high quality, neighbourhood-scale urban environment in the Curtis Street Business Area

- 35.2.2.1 Promote co-ordinated, comprehensive development of the Curtis Street Business Area.
- 35.2.2.2 Promote an overall high standard of urban design and specifically encourage the development of sensitively designed and articulated buildings (including facades and roofscapes).
- 35.2.2.3 Ensure that all spaces accessed by the public are safe and designed to minimise opportunities for crime.
- 35.2.2.4 Ensure that signs contribute positively to the visual amenity of Curtis Street Business Area by:
 - Maintaining and enhancing the architectural integrity and visual amenity of the host building or site.



- Minimising visual clutter.

Explanation to objective and policies

The Curtis Street Business Area is a new business zoning in the city and is currently undeveloped. This provides an opportunity to facilitate the development of a high quality, comprehensively planned business area that can serve the needs of both business and the community efficiently.

To assist in achieving a coordinated approach to development of the site, the Council will consider subdivision applications as a Restricted Discretionary Activity where a landuse consent has already been granted, or contemporaneously applied for, for the site. There is potential for subdivision to be used as a tool to further fragment the site, making it difficult for the Area to be developed in a comprehensive manner. Subdivision applications not associated with an approved land use consent will be considered as Discretionary Unrestricted Activities to ensure the Council can consider how the application achieves the Plan's objectives for the future, coordinated development of the site.

Council is also seeking to improve the quality of built development in the city through the imposition of controls on building design and sensitivity to the wider visual catchment. Resource consent is needed for the development of any new building to ensure the building size, scale and design is sensitive to the size and scale of the surrounding residential environment. The benefits of high quality, comprehensively designed development include reduced amenity (mostly visual) impacts on adjacent properties, more efficient clustering of activities, and a more viable grouping of commercial activity over time.

35.2.3 To recognise the residential character, landscape and ecological values of the Creswick Valley
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- 35.2.3.1 Design buildings, structures and spaces in the Curtis Street Business Area to respect the integrity of the wider landscape and residential setting.
- 35.2.3.2 Promote a building of high architectural quality at the location near the intersection of Whitehead Road and Curtis Street.
- 35.2.3.3 Discourage the use of brightly coloured building materials and cladding.
- 35.2.3.4 Encourage the retention of trees and vegetation along the western edge of the area adjacent to Old Karori Road.
- 35.2.3.5 Where existing vegetation within the Curtis Street Business Area site cannot be retained:
- Any revegetation proposal should include a list of structurally diverse local indigenous plants as recommended by a suitably qualified ecologist or landscape architect in conjunction with Council's ecologist; and/or
 - consider the use of plant species that provide enhanced habitat for indigenous birds, and/or
 - consider the use of plants that provide additional screening protection for the glow worm colony
- 35.2.3.6 Ensure that earthworks and associated structures are designed and landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the local area.
- 35.2.3.7 Ensure earthworks are managed to minimise the adverse effects of runoff on the ecological values of Kaiwharawhara Stream.
- 35.2.3.8 Encourage the use of permeable surfaces to enhance visual amenity and reduce incidences of sudden and large volume stormwater discharges.
- 35.2.3.9 Have particular regard to reducing the adverse quality and quantity effects on the Kaiwharawhara Stream of stormwater runoff from land use and development, in accordance with low impact design/water sensitive urban design principles.

Encourage on-site building design and layout that minimises the adverse effects of light exposure on the ecological values of the wetland seepage and glow worm colony on the adjacent Old Karori Road.

Explanation to objective and policies



The Curtis Street Business Area is located in a setting with established residential character, landscape and ecological qualities. Development and activity in the area is encouraged within environmental limits which respect these values. The particular values are:

- *Residential areas set within extensive areas of vegetation.*
- *A well defined landscape setting within Creswick Valley with a strong green escarpment adjoining the western edge of the area.*
- *Indigenous fauna including birds, indigenous flora, the seepage wetlands and the glow worm colony associated with the western escarpment (beyond the western boundary of the Curtis Street Business Area).*
- *In stream values of the Kaiwharawhara Stream.*

When considering the ecological values identified above, plan users may also like to take into account the aims of non-statutory Council Plans such as the Biodiversity Action Plan 2007.

35.2.4 To protect the amenity of adjacent residential areas from activity and development in the Curtis Street Business Area

- 35.2.4.1 Control the height, bulk and location and appearance of buildings and developments to manage the effects of buildings on the character or the adjacent residential areas.
- 35.2.4.2 Ensure that the visual effects of signage do not adversely affect the amenities of nearby residential areas.
- 35.2.4.3 Ensure that activities creating effects of noise, lighting, dust and the discharge of any contaminants are managed to avoid, remedy or mitigate adverse effects on nearby residential areas.
- 35.2.4.4 Ensure that the traffic generated by development and activity does not impose significant adverse effects on local residential streets.
- 35.2.4.5 Manage the scale, intensity and placement of signs to a form and scale appropriate to the amenity of nearby residential areas.

Explanation to objective and policies

The Curtis Street Business Area is set within a residential setting with the immediately adjacent land to the east and west zoned Outer



Residential in the District Plan. It is important that the effects of commercial activities and buildings encouraged in the Curtis Street Business Area do not compromise the amenity of established residential areas. Particular amenity effects include the potential impact of large scale buildings (e.g. visual and privacy effects), noise, lighting, dust, the visual effects of signage, and traffic impacts on residential streets.

Given the proximity of the Curtis Street Business Area to established residential areas the approach to public and limited notification is particularly important. The rules and standards chapter adopts a different approach to notification than other Business Area chapters in the District Plan. In particular the Curtis Street Business Area includes a lesser number of “non-notification / service” provisions. This is a deliberate approach which reflects the 2009 amendments to the Resource Management Act 1991, which created a presumption towards non-notification. In addition, it is considered generally appropriate that Council, when making notification decisions, exercise full discretion under Sections 95-95F of the Resource Management Act 1991. Notwithstanding, it is specifically noted that the relative absence of non-notification / service provisions, does not create a presumption towards notification. The decision whether to notify a resource consent will depend on the overall impact of the proposal on the local area. Factors that would influence the notification decision include the scale of the work, visibility and prominence of the proposed buildings and its impact on local character, landscape and ecological values, and impact on the roading network.

35.2.5 To maintain the efficiency, convenience and safety of the surrounding road network and provide for safe and efficient movement within the Curtis Street Business Area

35.2.5.1 Control the type and scale of retail activity which establishes in the Curtis Street Business Area to manage the generation of traffic and associated impacts on the road network.



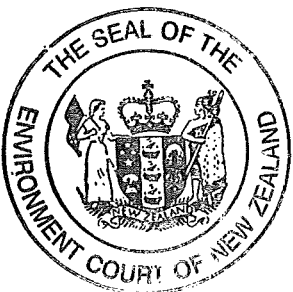
- 35.2.5.2 Ensure that the location and design of developments that cater for activities that generate significant levels of traffic or increase demand for parking are accessible by multiple transport modes and do not result in:
- A significant increase in traffic that would be incompatible with the capacity of adjoining roads and their function in the road hierarchy, or would lead to unacceptable congestion.
 - An on-street parking demand that extends into Residential Areas and/or leads to unsatisfactory parking arrangements.
 - The creation of an unacceptable road safety risk.
- 35.2.5.3 Design the layout of parking areas so that on-site circulation space is safe, convenient and easily understood by motorists and pedestrians.
- 35.2.5.4 Encourage buildings and spaces to have a high level of accessibility, particularly for people with restricted mobility.
- 35.2.5.5 Require the provision of appropriate servicing and site access for activities in the Curtis Street Business Area.
- 35.2.5.6 Manage the scale, intensity and placement of signs to a form and scale appropriate to viewer distance and viewing speed.

Explanation to objective and policies

Development and activity in the Curtis Street Business Area will generate additional vehicle traffic on the surrounding road network. Whilst recognising that the primary purpose of the road network is to facilitate the movement of people and goods for the social and economic benefit of the city, it is important that the adverse effects of traffic are managed to maximise convenience, access and safety. These principles shall apply to:

- *The impact of development and activity on the external road network including on-street parking demand.*
- *The interface of the Curtis Street Business Area with the external road network.*
- *The management of servicing, vehicle circulation and parking within the Curtis Street Business Area.*

In managing these issues Council will seek to influence the type and scale of activities within the Curtis Street Business Area



(particularly retail activities); the configuration and relationship of buildings, access routes and parking areas; and the location and scale of signage for the purpose of minimising driver distraction.

It is expected that the majority of visitors to the Curtis Street Business Area will arrive by private vehicle, but access by alternative transport modes is encouraged. Providing for access by a range of transport modes will maximise the ongoing viability and attraction of the area. Providing for access by pedestrians and cyclists is important, and designing developments to allow for future access by public transport modes (buses) is encouraged.

35.2.6 Manage the effects associated with the development and use of the Curtis Street Business Area
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- 35.2.6.1 Ensure that activities that create adverse noise, lighting, dust and the discharge effects of any contaminants are managed to avoid adverse effects on other activities within the Curtis Street Business Area.
- 35.2.6.2 Enable residential development so long as it does not constrain existing or permitted activities from reverse sensitivity through noise.
- 35.2.6.3 Ensure that appropriate on-site measures are taken to attenuate intrusive noise effects to protect noise sensitive activities.
- 35.2.6.4 Discourage sensitive activities from establishing in the Curtis Street Business Area to avoid conflicts with the electricity transmission lines and the activities encouraged for the area and only allow these to establish where reverse sensitivity effects can be properly avoided, remedied or mitigated.
- 35.2.6.5 Ensure activities, development and vegetation planting in the Curtis Street Business Area do not compromise the operation, maintenance and upgrading of the electricity transmission lines traversing the area.

Explanation to objective and policies

There is a range of actual and potential reverse sensitivity effects that relate to the Curtis Street Business Area. This includes the impact of activities and development on the overhead electricity transmission lines and potential conflicts between activities within the area. Specific considerations include:



- *Protecting the ongoing operation and maintenance of the overhead electricity transmission lines owned by Transpower New Zealand Ltd.*

35.2.7 To facilitate subdivision which assists the development of the area in a comprehensive, co-ordinated manner

- 35.2.7.1 Support subdivision which facilitates the development and use of the Curtis Street Business Area for its intended purpose.
- 35.2.7.2 Ensure that subdivision in the Curtis Street Business Area does not compromise the ability for the area as a whole to be developed in a co-ordinated, comprehensive manner.
- 35.2.7.3 Ensure the sound design, development, and appropriate servicing of all subdivisions.

Explanation to objective and policies

Subdivision is important in providing the certainty of tenure that encourages new operators and tenants to occupy and develop land. However, it is important that subdivision occurs in such a way that the comprehensive development outcomes promoted for the area (see policy 35.2.2.1) are not compromised by inefficient fragmentation of land or configuration of lots. Council will look favourably upon subdivision which is consistent with a landuse consent application already approved or contemporaneously applied for, for the Curtis Street Business Area, as this will demonstrate commitment to co-ordinated, comprehensive development of the area.

35.2.8 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori

- 35.2.8.1 In considering resource consents, Council will take into account the principles of tino rangatiratanga, kaitiakitanga and of the Te Tiriti o Waitangi / the Treaty of Waitangi.

Explanation to objective and policies

Maori concepts present a different view for the management of the City's natural and physical resources. In particular, kaitiakitanga is



a specific concept of resource management. By acknowledging ancestral relationships with the land and natural world, a basis can be constructed for addressing modern forms of cultural activities.

The principles that underlie the Treaty provide a basis for the management of natural and physical resources. The principles include having regard to consultation, partnership and a shared responsibility for decision making. For this reason specific rules have been included in the District Plan requiring consultation in specific situations. The environmental result will be that appropriate developments give effect to Maori cultural values.

35.2.9 To encourage energy efficiency and environmentally sustainable building design

- 35.2.9.1 Promote a sustainable built environment in the Curtis Street Business Area involving the efficient end use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.
- 35.2.9.2 Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.

Explanation to objective and policies

New building works are users of natural and physical resources, and can have adverse effects on the environment, for example, through high rates of water use or electricity consumption. Sustainable building design features and use of sustainable building methods are encouraged as a means of minimising adverse environmental effects. Developments that incorporate environmentally sustainable design principles will be viewed as having a positive effect on the environment.

35.2.10 To prevent or mitigate any adverse effects of the use, disposal or transportation of hazardous substances including waste disposal

- 35.2.10.1 Ensure the environment is safeguarded by managing the storage, use, handling and disposal of hazardous substances.
- 35.2.10.2 Control the use of land for end point disposal of waste to ensure the safe disposal of solid and hazardous waste to acceptable standards.



35.2.10.3 Reduce the potential adverse effects of transporting hazardous substances.

35.2.10.4 Ensure that development and activity appropriately avoids, remedies or mitigates the adverse effects of contaminated soil on human and environmental health.

Explanation to objective and policies

Council is concerned that the community and environment should not be exposed to unnecessary risk from hazardous substances. The District Plan aims to control the use of land to prevent or mitigate the adverse effects of hazardous substances by considering the appropriateness of the site location and other site requirements to minimise the risk of accidental release. Although these area only two facets of hazardous substances management, others are outside of the scope of the Act and the District Plan.

An issue specific to the Curtis Street Business Area is the presence of contaminated soil associated with historical uses including unauthorised fill and the former use of the area as a Council depot. It is important that the development and use of the area is appropriately managed for human health and environmental reasons.

35.3 Methods

To achieve the outcomes specified in the objectives and policies above Council will use the following methods:

- Application of rules, environmental standards and assessment criteria set out in Chapter 36 of the District Plan (Curtis Street Business Area rules and standards) and other parts of the District Plan as relevant.
- Direct consideration of the objectives and policies in the assessment of resource consent applications.
- Consideration of higher level Council strategies and policies during the assessment of resource consent applications (this includes the Urban Development Strategy 2006 and the Centres Policy 2008).



- Consideration of external documents including the Wellington Regional Strategy and higher order documents prepared under the Act including national policy statements and the Wellington Regional Policy Statement.
- Council infrastructure and transport delivery projects (as appropriate).
- Council plans and strategies prepared under other legislation (including Annual Plans and Long Term Plans).
- Advocacy.

36. CURTIS STREET BUSINESS AREA RULES AND STANDARDS

36.1 PERMITTED ACTIVITIES

Unless otherwise provided for in Sections 36.2 – 36.5 the following activities are permitted activities subject to meeting the activities standards set out in Section 36.6:

- Additions and alterations that do not alter the external appearance of the building
- Car parking
- Commercial activities
- Demolition of buildings and structures
- Retail activities
- Signs
- Temporary activities
- Earthworks *In respect of 36.1(h).
see also Rule 36.5(d).*
- Vegetation removal
- Residential activities
- Hazardous substances
- Upgrade and maintenance of existing formed roads and public accessways, including associated earthworks, except the construction of new legal road



36.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities:

- (a). All matters listed as Permitted Activities that do not meet the activities standards set out in Section 36.6 and where consent is not required as a Discretionary or Non-complying activity:

Discretion: In assessing applications under this rule Council's discretion will be restricted to the issue specified in the standard not met.

Notification / service:

- Activities assessed as Restricted Discretionary Activities under Rule 36.3(a) will not be publicly notified (unless special circumstances exist) or limited notified in respect of infringements to activities standards 36.6(i) (dust); 36.6(k) (electromagnetic radiation) or 36.6(l) vehicle parking, servicing and site access.
- Transpower New Zealand Ltd may be considered to be an affected party to an application for the addition to, buildings and structures in respect of infringements to the building height standards in Section 36.6(b).

- (b). Retail activities exceeding 500m² gross floor area

Discretion: In assessing applications under this rule Council's discretion will be restricted to traffic generation, circulation and safety; provision of car parking and servicing areas; and pedestrian access and safety. Where applications made under this rule also include infringements to other activities standards set out in Section 36.6 Council's discretion will be extended to the standard(s) not met.

- (c). Commercial activities exceeding 2500m² gross floor area

Discretion: In assessing applications under this rule Council's discretion will be restricted to traffic generation, circulation and safety; provision of car parking and servicing areas; and pedestrian access and safety. Where applications made under this rule also include infringements to other activities standards set out in Section 36.6 Council's discretion will be extended to the standard(s) not met.

- (d). Integrated retail activities exceeding 2500m² gross floor area

Discretion: In assessing applications under this rule Council's discretion will be restricted to potential impacts on the vitality and economic viability of Centres Areas identified in the District Plan. Where applications made under this rule also include infringements to other activities standards set out in Section 36.6 Council's discretion will be extended to the standard(s) not met.

- (e). Supermarkets exceeding 1500m² gross floor area

Discretion: In assessing applications under this rule Council's discretion will be restricted to potential impacts on the vitality and economic viability of Centres Areas identified in the District Plan. Where applications made under this rule also include infringements to other



activities standards set out in Section 36.6 Council's discretion will be extended to the standard(s) not met.

(f). Subdivision

Discretion: In assessing subdivision under Rule 36.3(f) Council's discretion will be limited to stormwater, sewerage and water supply servicing; provision of legal and practical physical access to every unit or lot; the allocation of accessory units to principal units; the allocation of covenant areas to lease areas to ensure compliance with servicing rules; subdivision layout and the extent to which proposed subdivision will encourage comprehensive development of the Curtis Street Business Area, and the Curtis Street Business Area Concept Plan Set out in Appendix 1.

Condition: Subdivision resource consent must be directly associated with an approved land use consent, or a consent being contemporaneously applied for.

(g) Vegetation removal: the removal of trees with a height of 4 metres or more in the Curtis Street Frontage (Vegetated Bank) - refer Appendix 1

Discretion: in assessing vegetation removal under Rule 36.3(g) Council's discretion will be limited to the extent to which a vegetated bank of trees is maintained on the western side of Curtis Street in a manner which encloses the edge of Curtis Street, contributes to the vegetated matrix of the valley, and softens views of the site from the nearby residential properties.

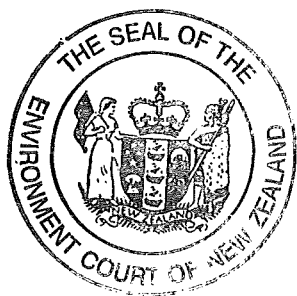
(h) The construction, addition and alteration of buildings and structures

Discretion: In assessing applications under Rule 36.3(h), Council's discretion will be restricted to design, external appearance and siting, the location and type of buildings or structures, site layout, provision of parking and access including pedestrian movement, consistency with the Curtis Street Business Area Concept Plan set out in Appendix 1, site landscaping, and the extent to which any residential development meets the Residential Design Guide.

For clarification, non-residential buildings will not be assessed against the Residential Design Guide.

Conditions:

- This rule does not apply to:
 - Buildings and structures located in the Building Setback (Western Escarpment Buffer)
 - Residential buildings located within 12m of the centreline of the Transmission Wires
- A landscaping plan must be submitted with the resource consent application



Notification / Service:

Activities assessed under Rule 36.3(h) will be considered against sections 95-95F of the Resource Management Act 1991. Where any residential building or sensitive activity is proposed on the site, Transpower New Zealand Limited will be considered an affected party. Failure to obtain their written approval will require the consent to be processed on a limited notified basis.

(i) Removal of the Karaka Tree located in the Building Setback (Western Escarpment Buffer) - refer Appendix 1

Discretion: in assessing the proposed removal of the Karaka Tree in association with earthworks activities under Rule 36.3(i) Council's discretion will be limited to:

- *The current condition/health of the tree and the extent to which its removal would assist in the long term management of the glow worm colony.*
- *The extent to which the buffering vegetation within the vicinity of glow worm colonies is affected by the removal of the tree.*
- *The effectiveness of any proposed mitigation planting to replace the tree and other measures proposed to manage the sustainability of the glow worm colony*
- *The benefits gained from removal of the tree to achieving the wider objectives and policies of the District Plan.*

Note: the Karaka Tree is located in CT WN42C/389.

36.4 DISCRETIONARY ACTIVITIES

- (a). Places of assembly**
- (b). Sensitive activities beyond 12m from the centreline of any electricity transmission line**
- (c). Subdivision that is not a Restricted Discretionary Activity**

36.5 NON-COMPLYING ACTIVITIES

- (a) Any sensitive activities and uses and residential buildings within 12m of the centreline of any electricity transmission line**
- (b) Hazardous substance activities**
- (c) Activities not provided for as permitted, controlled, restricted discretionary or discretionary activities**
- (d) Earthworks, buildings and structures in the Building Setback (Western Escarpment Buffer) - refer Appendix 1.**



EXPLANATORY NOTES FOR RULES

Notification / service:

Except as provided for under Rule 36.3(a) and 36.3(h), decisions on public and limited notification in the Curtis Street Business Area will be made without limitation pursuant to Sections 95-95F of the Resource Management Act 1991.

Retail and commercial activities assessed under Rules 36.3(b) and 36.3(c)

These rules apply to retail and commercial activity across the whole Curtis Street Business Area and not on a site by site basis. Activities exceeding the floorspace thresholds specified above (500m² gross floor area for retail activities and 2,500m² gross floor area for non-retail commercial activities) or creating a greater degree of non-compliance with these standards for the area as a whole will require resource consent and a full transportation assessment.

Commercial activities assessed under Rule 36.3(c)

As provided for in the definition of commercial activity for the Curtis Street Business Area this rule does not apply to retail activity.

Assessment Criteria

Assessment criteria are set out in Section 36.7 to provide guidance in the assessment of resource consent applications for the Curtis Street Business Area. However, it is specifically noted that the assessment criteria are not intended to limit Council's discretion when assessing restricted discretionary, activities. In the case of restricted discretionary activities the scope of Council's discretion is specified in the rules, and the discretion is expressed in deliberately broad terms (e.g. "landscaping", "urban design").

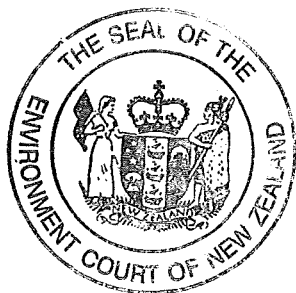
36.6 ACTIVITIES STANDARDS

(a). Curtis Street Business Area Concept Plan

Any use, development or subdivision of the site is to be assessed for consistency with the Curtis Street Business Area Concept Plan, set out in Appendix 1.

(b). Building height

The maximum height of any new building, alteration, addition or structure in the Curtis Street Business Area is:



- i. 8m above existing ground level, provided that the ground level does not exceed 109m amsl for any part of the site that has been subject to earthworks since June 2015.
- i. All buildings and structures are designed and constructed to maintain a minimum clearance of 6m from the electricity transmission line conductors at all times and under all transmission line operating conditions.

(c) Noise insulation and ventilation requirements:

Noise Insulation

Any habitable room in a building used by a noise sensitive activity within Business 1 Areas shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

Note: In Business Areas the definition for Noise Sensitive Activity includes residential activities

- $D_{nT,w} + C_{tr} > 30$ dB

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard, or
- accords with the schedule of typical building construction set out below:

(the schedule describes the minimum requirements necessary to achieve an external sound insulation level of $D_{nT,w} + C_{tr} 30$ dB)



Building Element	Minimum Construction Requirement	
External Walls of Habitable Rooms	Stud Walls: Exterior cladding: Cavity infill: Interior lining: Combined superficial density:	20 mm timber or 9mm compressed fibre cement sheet over timber frame (100 mm x 50 mm). * Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m ³) required in cavity for all exterior walls. Minimum 90 mm wall cavity. One layer of 12 mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25 kg/m ² (e.g. brick veneer or minimum 25 mm stucco plaster), internal wall linings need to be no thicker than 10 mm gypsum plasterboard. Minimum not less than 25 kg/m ² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10 kg/m ² on each side of structural elements.
	Mass Walls:	190 mm concrete block, strapped and lined internally with 10 mm gypsum plaster board, or 150 mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6 mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6 mm laminated glazing



Building Element	Minimum Construction Requirement	
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminium window frames with compression seals.	
Skillion Roof	Cladding:	0.5 mm profiled steel or 6 mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps).
	Frame: Ceiling:	Minimum 100 mm gap with fibrous acoustic blanket (batts or similar of a mass of 9 kg/m ³). Two layers of 10 mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m ³).
Combined superficial density:	Combined mass of cladding and lining of not less than 25 kg/m ² with no less than 10 kg/m ² on each side of structural elements.	
Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5 mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100 mm fibrous acoustic blanket. (batts or similar of a minimum mass of 9 kg/m ³) required for all ceilings.



Building Element	Minimum Construction Requirement	
	Ceiling:	12 mm gypsum plaster board.
	Combined superficial density:	Combined mass with cladding and lining of not less than 25 kg/m ² .
Floor areas open to outside	Cladding:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12 mm ply
	Combined superficial density:	Floors to attain a combined mass not less than 25 kg/m ² for the floor layer and any external cladding (excluding floor joists or bearers).
External Door to Habitable Rooms	Solid core door (min 25 kg/m ²) with compression seals (where the door is exposed to exterior noise).	

Notes:

- **The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.*
- *In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.*

Ventilation

- Where habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

(d). Signs

- Any sign visible from legal road or residential areas must not flash or contain moving images, text or lights.



ii. Permanent signs attached to buildings:

1. The combined area of all signs must not be more than 5m² in area for buildings with a gross floor area not exceeding 500m² and 10m² for buildings with a gross floor area exceeding 500m².
2. Where a building contains more than one unit, the combined area of all signs must not be more than 5m² in area per unit with a gross floor area not exceeding 500m² and 10m² for units with a gross floor area exceeding 500m².
3. Must not obstruct the safe and convenient passage of pedestrians and for signage attached to the underside of verandahs clearance of 2.5m above ground level must be maintained.
4. Must not obscure windows or architectural features.
5. Must not project above parapet level (or the highest part of the building to which it is attached).
6. Must not project above the level of any verandah or shopfront fascia.

iii. Freestanding signs:

1. Must not be more than 6m² in area.
2. Must not be more than 6m in height.
3. There must not be more than one freestanding sign per road frontage on Curtis Street and Whitehead Road.
4. There must be no freestanding signs on the Old Karori Road frontage.

iv. No sign shall be for the purpose of third party advertising.

(e). Temporary signs

Temporary signs may be established for the purposes of advertising a community event subject to the following:

- i. The signs must not be erected for more than 28 consecutive days.
- ii. The signs must be fully removed within 7 days of the completion of the community event.
- iii. The signs must comply with the standards for signs in 36.6(d) above except that standards specifying the maximum area and number of signs per site frontage may be exceeded.



(f). **Earthworks and retaining walls**

i. Earthworks shall not:

- Exceed a maximum height of cut or fill of 1.5m
- Exceed a slope of cut or fill of 34 degrees
- Be closer to the site boundary than the height of the cut or fill
- Exceed an area to be cut or filled of 250m²
- Involve the transport of material greater than 200m³ to and from the site

ii. Retaining walls shall not:

- Exceed a maximum height of cut or fill of 1.5m
- Involve earthworks that are not retained by a consented building or structure
- Exceed an area to be cut or filled of 250m²

Note: Resource consent applications for earthworks must be accompanied by the relevant information which include:

- An earthworks plan showing proposed cut and fill areas
- Any erosion and sediment control measures consistent with the principles and measures in Greater Wellington Regional Councils 'Erosion and Sediment Control guidelines for the Wellington Region (2003)' or 'Erosion and Sediment Control for small sites (2006)'
- Details of any cut faces or constructed slope faces e.g. retaining structures, including materials and/or landscaping and vegetation replacement details. Constructed slopes should be planted or grassed.
- Identification of any relevant geotechnical issues associated with erosion, falling debris, subsidence, slippage or inundation from any earthworks and related structures or building platforms. A full geotechnical report may be required from an appropriately qualified and experienced person.



- An accompanying assessment of effects detailing the full effects of the works including visual effects, erosion and sedimentation effects, effects on adjacent watercourses (if and where relevant), related geotechnical effects (if and where relevant) and mitigation measures to address the effects.
- A transportation assessment for the moving of fill on or off site.

(g). Landscaping and screening

- i. At least 5% of car parking areas not contained within buildings and greater than 700m² or containing more than 35 car parks must be landscaped or planted with trees.
- ii. Areas adjoining or fronting roads must be landscaped.

(h). Lighting

- i. Any activity which requires outdoor areas to be lit shall ensure that direct or indirect illumination does not exceed 8 lux at any point on land zoned for residential or open space purposes (including road reserve).
- ii. Subject to standard 36.6(h)(i) any development which includes roads and outdoor public spaces available for use during hours of darkness shall be designed and installed in accordance with AS / NZS 1158.3.1:2005 and amendments.

(i). Dust

- i. Activities must not create a dust nuisance. A dust nuisance has occurred if:
 1. There is visible evidence of suspended solids in the air beyond the site boundary.
 2. There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.

With regard to the above provisions, where sites are contiguous and are held under the same ownership then any dust nuisance shall be measured at the periphery of the land holding within the District Plan area.

(j). Discharge of Contaminants

NOTE: The discharge of contaminants to air, land or water is a Regional Council responsibility and activities causing discharges may require resource consent from the Regional Council. However, attention is drawn



to the general duty of all persons under Section 17 of the Act to avoid, remedy or mitigate adverse effects on the environment.

(k). Electromagnetic radiation

Activities must be conducted to comply with the New Zealand Standard NZS 277.1:1999 (Radio Frequency fields) and any subsequent amendment.

(l). Vehicle Parking, Servicing and Site Access

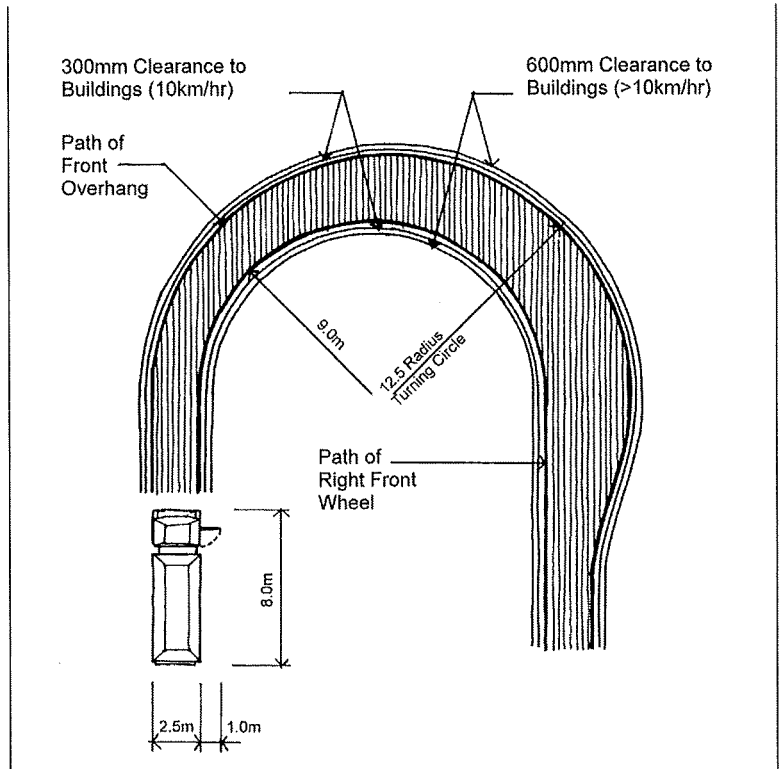
Vehicle parking

- i. All required parking shall be provided within the Curtis Street Business Area.
- ii. For any residential activity a minimum of 1 car park space per household unit must be provided. In addition, for any multiunit development, visitor parking must be provided at a rate of 1 dedicated space for every four household units for any proposal that results in 7 units or more.
- iii. All parking shall be provided and maintained in accordance with sections 1, 2 and 5 of the joint Australian and New Zealand Standard 2890.1 - 2004, Parking Facilities, Part 1: Off-Street Car Parking.
- iv. Where carparking is located within a building, a minimum height clearance of no less than 2.2 metres is required.
- v. The gradient for carparking circulation routes shall not be more than 1 in 8.

Servicing

- vi. All required servicing for any non-residential activity shall be provided for within the Curtis Street Business Area.
- vii. On each site in the Curtis Street Business Area, at least one loading area shall be provided as follows:
 - Where loading areas are located within a building, a minimum height clearance of 4.25 metres is required.
 - For buildings serviced by lifts, all levels shall have access to a loading area by way of a lift.
 - The loading area shall be located no further than 15 metres from a lift and there shall be level access between them.
 - Turning paths shall be based on the standards identified below:
 - Permitted activities under Rule 36.1: Turning paths for a medium rigid truck as illustrated below:





- Restricted discretionary activities under R
- Rules 36.3 (b) – (e): Turning Paths for an articulated vehicle as illustrated below:

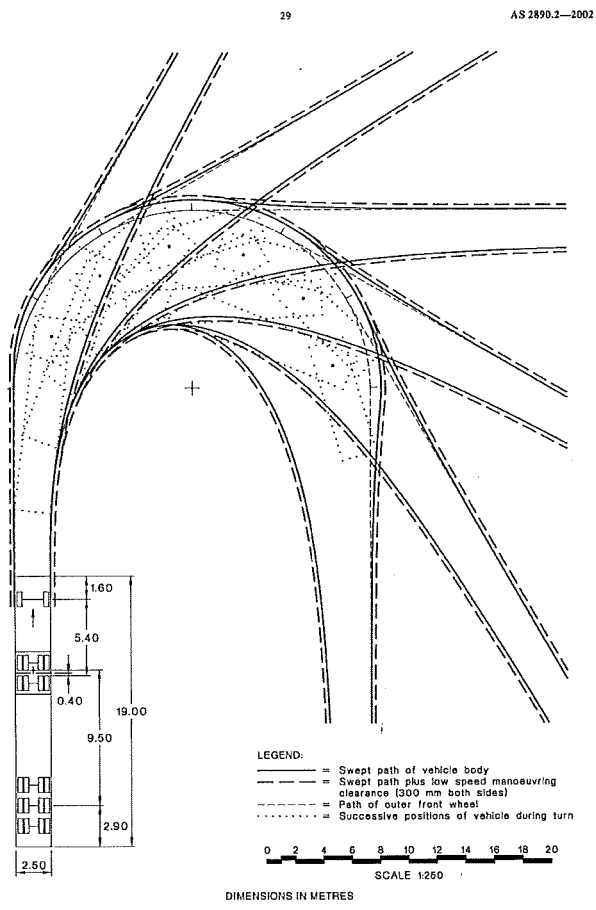


FIGURE 5.4 TURNING PATH TEMPLATE—ARTICULATED VEHICLE
MINIMUM RADIUS TURN (12.5 m)

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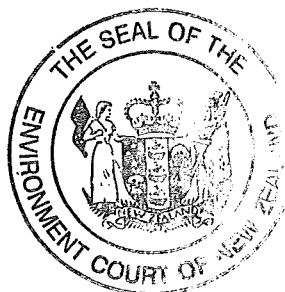
- viii. For loading areas located outdoors, the minimum width shall be 3 metres and the minimum length 9 metres.
- ix. For loading areas located within a building, the minimum width shall be 4 metres and the minimum length 9 metres.

Site access for vehicles

- x. Site access shall be provided and maintained in accordance with section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking (or its successor).
- xi. Subject to standard 36.6(1)(x) no vehicular access shall be situated closer to an intersection than the following:
 - Arterial and principal streets 20m
 - Collector streets 15m
 - Other streets 10m
- xii. There shall be a maximum of one vehicle access to any site except that sites with more than one frontage may have one access across each frontage.
- xiii. The width of any vehicle crossing to a site shall not exceed 6 metres.
- xiv. Where vehicular access can be provided from a service lane or right-of-way registered in favour of the site or other private road or private right-of-way, no vehicle access shall be from a street.
- xv. All access to sites must be designed to permit a free flow of traffic so that vehicles do not queue on the street.

(m). Noise

- i. Noise emission levels from activities in the Curtis Street Business Area when measured at or within the boundary of any site or at the outside wall of any building on any site other than the site from which the noise is emitted in the Curtis Street Business Area shall not exceed the following limits:
 1. At all times 60dB L_{Aeq} (15 min)
 2. At all times 85dB L_{AFmax}
- ii. Where it is impractical to measure outside the building, measurements shall be made inside (with windows closed). Where indoor measurements are made, then the noise limits stated above shall be reduced by 15dB.



iii. Noise emission levels from activities in Curtis Street Business Areas when measured at or within the boundary of any residential site shall not exceed the following limits:

- Monday to Sunday 7am to 7pm 50dB
 L_{Aeq} (15 min)
- Monday to Sunday 7pm to 10pm 45dB
 L_{Aeq} (15 min)
- Monday to Sunday 10pm to 7am 40dB
 L_{Aeq} (15 min)
- Monday to Sunday 10pm to 7am 65dB
 L_{AFmax}

Fixed Plant Noise

iv. Noise emission levels in the Curtis Street Business Area from fixed plant when measured at or within the boundary of any site, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted shall not exceed the following limits:

- At all times 55dB L_{Aeq} (15 min)
- Monday to Sunday 10pm to 7am 80dB
 L_{AFmax}

v. Noise emission levels from fixed plant in Curtis Street Business Area must comply with standard 36.6(m)(iii).

vi. The noise limits set in standard 36.6(m)(iv) shall not apply to fixed plant that is used solely for emergency purposes. Examples of such equipment are standby generator sets that are used to supply electricity only at times of electrical supply failure, or for plant used only during life threatening situations such as smoke fans or sprinkler pumps. This fixed plant is exempt from the noise limits provided that it:

- only operates for maintenance between 8am and 5pm weekdays, and
- can comply with standard 36.6(m)(i), or
- is an electricity generator sets that can only be used on an emergency basis and is not used to generate power for the national grid.

(n). Use, Storage and Handling of Hazardous Substances

i. For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative effect ratio calculated using the HFSP will be used to determine whether or not those other activities should be Permitted Activities according to the table below.

Location	Any Residential Area	Any Residential
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		<u>Area</u>
<u>Effect ratio</u>	<u>0.002 <ER</u> <u>≤ 0.02</u>	<u>≤ 0.002</u>
<u>Conditions applying</u>	<u>7.6.2.3.2 to</u> <u>7.6.2.3.12</u>	<u>7.6.2.3.9,</u> <u>7.6.2.3.11 and</u> <u>7.6.2.3.12 only</u>

- ii. Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances handled on-site. Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.
- iii. Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.
- iv. Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill containment system [that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.
- v. Except for the storage, use or handling of Liquid Petroleum Gas (LPG) secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.
- vi. All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.
- vii. Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharge into or onto land, entry or discharge into the sewerage or stormwater drainage system unless



expressly permitted by a rule in a regional plan, trade waste permit or resource consent.

Hazardous Substances Signage

- viii. All facilities must display signage to indicate the nature of the hazardous substances present (compliance with the provisions of the Hazardous Substances and New Organisms Act 1996 and the requirements of the Building Code (F8) or the Code of Practice "Signage for Premises Storing Hazardous Substances and Dangerous Goods" of the New Zealand Chemical Industry Council (Nov 2004) is a minimum requirement.

Waste management

- ix. Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 36.6(n)(i) - (vii) above
- x. Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which, or waste disposal contractors who meet all the requirements of regional and district rules for discharges to the environment, and also the provisions of the Hazardous Substances and New Organisms Act 1996.

Other

- xi. Council must be informed of the activity's location, the nature of the activity and when the activity commences and ceases.

General notes

- The on-site disposal of hazardous substances will be controlled through Council's Waste Management Strategy, through obtaining the appropriate discharge consents from the Regional Council or trade waste permits, and through relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996.
- In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for on-site and off-site effects by a range of other legislation and regulations, and associated standards and codes of practice which should be complied with. Key pieces of legislation include:
 - The Hazardous Substance and New Organisms Act 1996



- Legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)
- The Building Act 1991
- The Health Act 1956
- The Fire Service Act 1975
- The Health and Safety in Employment Act 1992
- The Radiation Protection Act 1965
- The Agricultural Compounds and Veterinary Medicines Act 1997

36.7 ASSESSMENT CRITERIA

(a). *Site layout*

The extent to which the proposal:

- *Forms an integrated and cohesive development of the whole site (buildings, spaces and circulation).*
- *Is generally set below the level of Curtis Street (with the exception of the north-east corner of the site) and maintains a well vegetated bank between Curtis Street and the site.*
- *Orients building frontages (including public entrances and main windows) toward Curtis Street and Whitehead Road.*
- *Locates the car parking and pedestrian circulation to ensure surveillance from buildings within the site and from Curtis Street.*
- *Provides direct and legible pedestrian routes between buildings, car parks and adjacent streets.*
- *Provides pedestrian paths with verandas along relevant parts of building frontages within the site.*
- *Provides for universal access.*
- *Provides a high level of internal amenity in the hard and soft landscape design within the site.*
- *Incorporate landscape measures (trees, ground covers and hard surface treatments) to reduce the adverse visual effects of buildings, car parking, access, servicing and storage areas, and to create good amenity for site users.*
- *Softens elevated views over car parks from nearby residential areas by growing canopy trees throughout the car parks.*
- *Separates and minimises conflicts between service areas and areas of the site used by the public.*



- *Incorporates indigenous vegetation within the 5m building setback depicted on the western boundary on the 'Building and Frontage Controls Plan' (refer Appendix 1) that effectively buffers the escarpment vegetation on Old Karori Road.*
- *Minimises any adverse amenity effects of service and storage areas by locating them unobtrusively, and/or through screening and landscaping.*
- *Maintains a landscaped yard at the intersection of Whitehead Road and Curtis Street that contributes to the 'parkway' character of Whitehead Road (refer Appendix 1).*
- *Incorporates principles relating to 'Crime Prevention Through Environmental Design' ('CPTED') (for example as described in the National Guidelines for Crime Prevention through Environmental Design in New Zealand Part 1: Seven Qualities of Safer Places - Published Ministry of Justice, November 2005)*

(b). External appearance of buildings

The extent to which buildings:

- *Are designed to be complementary to the residential character of the surrounding area (while retaining honesty to the building's different activities).*
- *Are modulated (including both facades and roofs) in a way that breaks building bulk into smaller forms (in recognition of the finer grain of the residential area).*
- *Provide façade depth and relief (avoiding unbroken expanses of flat façade).*
- *Provide richness of architectural detail (in recognition of the variety and human scale of residential buildings in the area).*
- *Use a range of materials complementary to residential character.*
- *Avoid large expanses of a single colour, in particular eye-catching colours (such as colours used for branding).*
- *Avoid large roof planes having particular regard to the extent of overlooking from residential areas (for example by using 'saw tooth' or green roof designs).*
- *Avoid plant on roofs (for example air conditioning plant).*
- *Located near the intersection of Whitehead Road and Curtis Street are designed to address this corner location and contain a high proportion of windows.*
- *Are designed so that blank elevations are generally not visible from Curtis Street and the lower part of Whitehead Road.*



(c). **Signs**

The extent to which signs:

- *Are incorporated within building facades (with the exception of single signs at each entrance to the site, and signs for traffic safety and circulation).*
- *Avoid mounting on roofs (including signs painted directly on roofs).*
- *Are in scale and coherent with the architecture of buildings to which they are attached.*
- *Will not result in visual clutter when considered cumulatively with other signs on the site.*
- *Will not be visually obtrusive from nearby residences.*
- *Avoid features (such as movement, flashing or excessive illumination) likely to cause nuisance for residential areas.*

(d). **Earthworks**

The extent to which earthworks:

- *Have been designed by a suitably qualified and experienced person, for example a chartered engineer practising in civil / geotechnical engineering.*
- *Are designed in accordance with NZS4404: Land Development and Subdivision Engineering and NZS4431: 1989 Code of Practice for Residential Earthworks.*
- *Will comply with Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region.*
- *Include an 'Earthworks and Construction Management Plan' defining acceptable standards for environmental and amenity protection and public safety during the construction process.*
- *Are designed so that any retaining and stabilising structures will effectively support and stabilise earthworks.*
- *Incorporate effective methods to control dust and sediment discharge.*
- *Enable a vegetated buffer to be grown within the 5m building setback on the western boundary with Old Karori Road.*
- *Do not compromise any native trees on the western escarpment, including existing trees within the 5m building setback.*
- *Have been designed so that cut faces and retaining walls incorporate planting to screen abrupt level changes and to achieve a generally green appearance compatible with the valley sides.*



(e). Subdivision

The proposal:

- Is consistent with Section 106 of the Act.
- Complies with the relevant parts of the Subdivision Design Guide, City Bylaws and Council's Code of Practice for Land Development.
- Involves allotments which are capable of accommodating development that complies with the standards in the District Plan for activities and for buildings and structures.

The extent to which any subdivision on the site will:

- Promote the comprehensive development of the site in accordance with the Objectives and Policies.
- Impact on the ability of the transmission line owner to operate, maintain and upgrade the electricity transmission lines.
- Compromise the structural integrity of the transmission line.
- Create a risk of electrical hazards due to the mature height of any associated vegetation, including within any landscaped areas.
- Result in exposure to electromagnetic fields, and the degree to which these can be avoided, remedied or mitigated.
- Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34: 2001, the Electricity (Hazards from Trees) Regulations 2003, and Transpower's Corridor Management Policy.

Company lease, cross lease and unit title subdivision

The subdivision responds to:

- The need to ensure permanent site access and continued provision for on site loading and unloading facilities.
- The current and future allocation of subdivisional areas to achieve the efficient use of land and buildings.

(f). Traffic

The proposal:

- Will 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.
- Will not result in on-street parking demand that extends into residential areas and / or leads to unsatisfactory parking arrangements.



- Will not create an unacceptable road safety risk.

(g) Vehicle parking, loading and site access

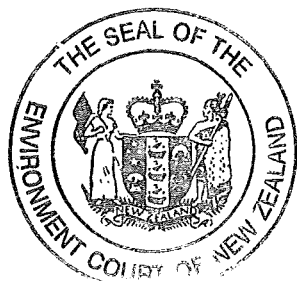
The proposal:

- Will not generate demand sufficient to justify compliance with on-site parking requirements.
- Provides on-site parking that does not detract from the visual appearance of the property or townscape character.
- Has a suitable alternative for on-site parking;
- Provides for on-site manoeuvring due to the nature of adjacent roads which create safety issues for manoeuvring vehicles.
- Utilises the best practicable options to mitigate the adverse effects of vehicle noise.
- Includes travel demand management reducing the requirement for on-site car parking.
- Includes provision for alternative transport modes.
- Will not result in unreasonable loss of on-street car parking.
- Will not compromise pedestrian or traffic safety.

(h) Storage use and handling of hazardous substances

In assessing an application for a resource consent relating to hazardous substances, the following matters will be considered:

- Site layout, design and management to avoid, remedy or mitigate any adverse effects of the activity.
- The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:
 - Any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented.
 - The contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented.
 - The entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.
- Necessity for secondary containment of bulk storage vessels.
- Location of and separation distance between the hazardous facility and residential activities.
- Location of and separation distance between the hazardous facility and critical facilities and lifelines.
- Location of the facility in relation to the nearest waterbody.



- Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- Transport of hazardous substances to and from the site, including the tracking of waste where it is disposed off-site.
- Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- Potential cumulative hazards presented in conjunction with nearby facilities.
- Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- Fire safety and fire water management.
- Site drainage and utility infrastructure.
- Whether the site has adequate signage to indicate the presence of hazardous substances.
- Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated, including whether off-site disposal is a more appropriate solution, including whether off-site disposal is a more appropriate solution.
- Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.
- Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event.
- Type and nature of the existing facility.
- Whether appropriate contingency measures and emergency plans are in place.
- Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.

(i) **Electricity transmission lines**

The proposal:

- Will not impact the ability of the electricity transmission line owner to operate, maintain and upgrade the transmission network.
- Will not compromise the structural integrity of the transmission infrastructure.
- Will not introduce vegetation that will increase the risk of electrical hazards.
- Will cause exposure to electromagnetic fields that cannot be avoided, remedied or mitigated;
- Is in compliance with the NZ Electrical Code of Practice for Electrical Safe Distances 34: 2011, the Electricity (Hazards from



Trees) Regulations 2003, and Transpower's Corridor Management Policy.

(j) Retail activity

The proposal:

- Will not undermine the vitality of Centres Areas identified in the District Plan.
- Will not undermine existing investment in infrastructure (including water, stormwater, sanitary sewer, roads and footpaths, and community facilities) in Centres Areas identified in the District Plan.

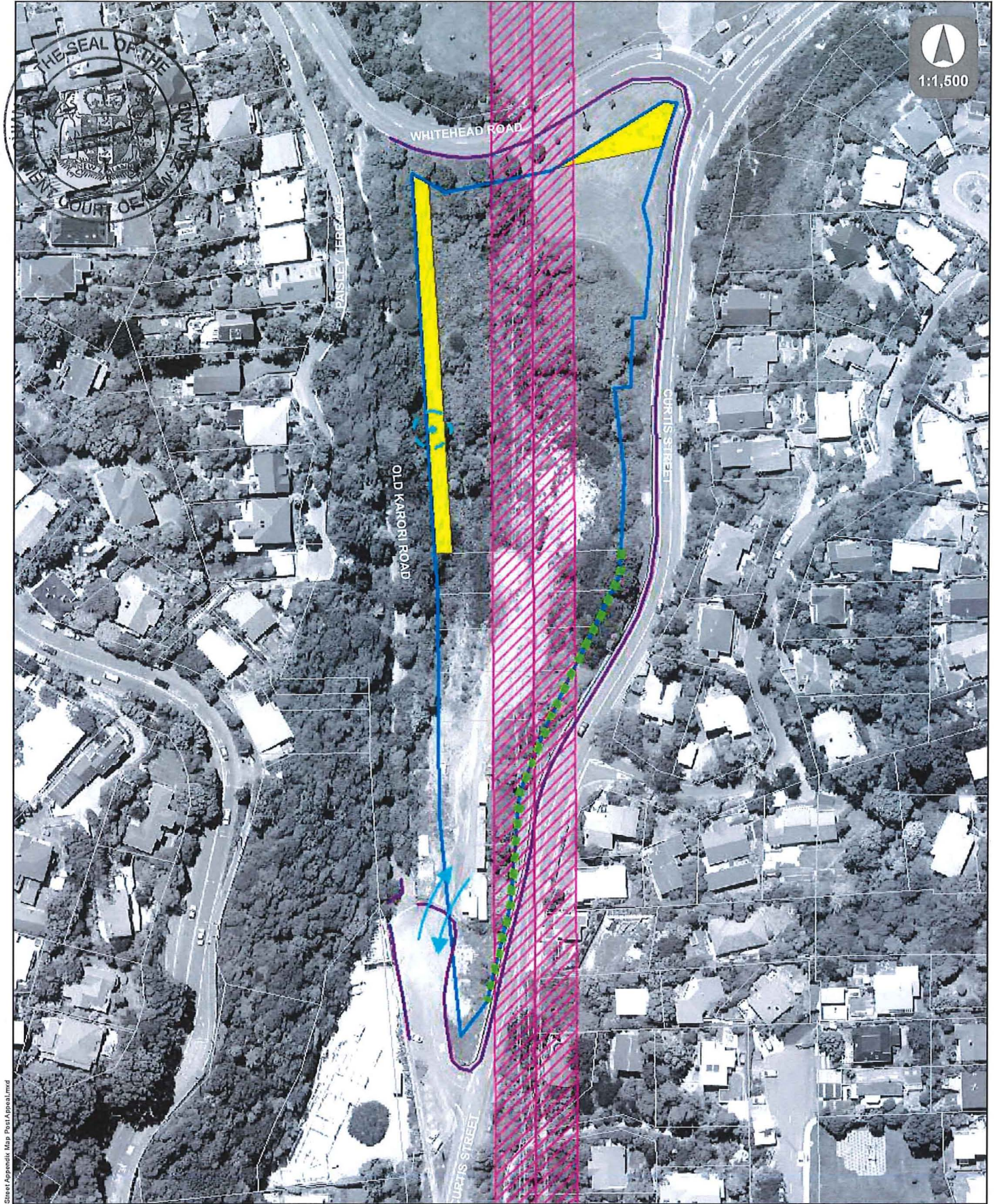
(k) Lighting

The extent to which the proposal:

- Considers the placement, direction, intensity and duration of lighting to minimise light spill on the glow worm colony situated along Old Karori Road.
- Demonstrates that the vegetation between the site and glow worm colony on Old Karori Road buffers potential light spill.



Appendix 1



Concept Plan Curtis Street Business Area

Property boundaries and road names sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy: +/-1m in urban areas. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally +/- 1m.

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

ORIGINAL MAP SIZE: A4
AUTHOR: stock3n
DATE: 10/11/2015

- | | |
|--|-----------------------------------|
| Tree Centrepoint | Footpath |
| Tree to be Protected or Alternative Planting Program | Access Arrows |
| Site Boundary | Curtis Street Vegetated Bank Area |
| Building Setbacks | Kerb Channel |
| Sensitive Activity Exclusion | Transmission Lines |