

**Property, Housing, Consents and Licensing**

**REPORT AND RECOMMENDATION**

**Service Request No: 189274**

**File Reference: 0600 1194585**

**HEARING DATE:** 25 – 27 May 2009 (Hearing)  
29 May & 22 June 2009 (Deliberations)

**COMMITTEE:** Cr Sally Baber (Chair), Cr Paul Bruce and Commissioner Stuart Kinnear

**DATE OF REPORT:** Tuesday, 7 July 2009

**Site Address:** Westchester Drive

**Legal Description:** Lot 103 DP 407806; Lot 4 DP 78736; Lot 3 DP 26649; Pt Lot 2 DP 26649; Sec 1 SO 336646; Sec 3 SO 336646; Pt Lot 2 DP 76439

**Proposal:** Alteration to existing District Plan Designation 134

**Requiring Authority:** Wellington City Council

**Plan Nos:**

- Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C001, C100, C150, C200, C220, C221 and C240, all Rev A, all dated 08/08
- Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C210, C230, all Rev A, all dated 07/08
- Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C241, Rev A, dated 09/08
- Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C095, Rev A, entitled "Long Section", dated 8/12/08
- Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C050 – C078, all Rev A, Sheets 1-29 of 29 entitled "Cross Sections", dated 08/12/08
- Plan prepared by Boffa Miskell Ltd entitled Westchester Drive Stormwater Management, Overall Landscape Plan, Drawing No. LA-06-101, Rev 01, dated 21.11.08
- Plan prepared by MWH, Drawing No. Z1266710, Sheet No. c096, Rev B, dated 15/12/08.

**In Attendance:****Wellington City Council (Consent Authority)**

Andy Christofferson – Consent Planner  
 Angela McArthur – Landscape Architect Advisor  
 Glynn Jones – Noise Advisor  
 Soon Teck Kong – Transport Advisor  
 Erin Whooley – Hearings Advisor

**Applicant - Wellington City Council (Requiring Authority)**

Steven Harte - Project Manger  
 Lindsay Daysh – Consultant Planning Manager  
 Graeme Doherty- Engineer  
 Stephen Fuller – Ecologist  
 Steve Dunn - Landscape Architect  
 Bill Wood - Acoustic Consultant

**Wellington Regional Council**

Jeremy Rusbach – Consent Planner  
 Tyro Baker-Underhill – Hearings Advisor

**Submitters**

Glenside Streamcare Group (represented by Zena Kavas)  
 Paul Waechter  
 Peter Graham  
 Glenside Progressive Association Inc. (represented by Claire Bibby)  
 Bruce Koller  
 Roger and Maryanne Whittaker  
 Ling Phang represented Greater Wellington Regional Council  
 Thomas Zinc,  
 Tamati Reedy  
 Churton Park Community Association (represented by Roger Ellis, President and John Morrison)  
 John Pask  
 Kamil Tinawi  
 Jan Voss  
 Barry Blackett  
 Michael and Deborah Bell  
 Jacqueline Bligh  
 Rachael Cole and Anthony Chatfield  
 Keith and Helen Bond

**TO: THE WELLINGTON CITY COUNCIL**

**FROM: JOINT HEARING COMMITTEE WELLINGTON CITY COUNCIL & WELLINGTON REGIONAL COUNCIL**

**DATE: 7 JULY 2009**

**SUBJECT: NOTICE OF REQUIREMENT TO ALTER EXISTING WESTCHESTER DRIVE DESIGNATION NO. 134.**

---

## **AUTHORITY TO REPORT**

A Committee comprising Cr Sally Baber (Chair), Cr Paul Bruce and Commissioner Stuart Kinnear (the Committee) was formally appointed by the Wellington City Council (the Council) with delegated authority to hear and make a recommendation to the Council on a Notice of Requirement (NOR) for an alteration to Designation 134 in the Wellington City District Plan (the District Plan) for the public work of a new road between the intersection of Westchester Drive and Lakewood Avenue and the intersection of Middleton Road and Westchester Drive East. The NOR was made by the Wellington City Council as Requiring Authority having responsibility for the proposed road.

The Committee heard the NOR jointly with applications from the Council to the Greater Wellington Regional Council (WRC) for resource consents for road construction, stream diversion, bridge construction, bank protection and discharge of stormwater in respect of the proposed work. This report and recommendation relates to the NOR.

## **RECOMMENDATION**

The Committee recommends to the Wellington City Council that pursuant to sections 168A and 181 of the Resource Management Act 1991 the Notice of Requirement for alterations to Designation 134 for a new road (Westchester Drive) be confirmed, subject to the addition of the following conditions; and further recommends that an Outline Plan need not be submitted for the new road pursuant to section 176A(2)(b) of the Resource Management Act 1991.

### **Conditions**

#### ***General***

1. *With the exception of amendments required to comply with other conditions of this notice and any conditions of related resource consents granted by the Greater Wellington Regional Council, the proposed work must be carried out in general accordance with the information provided with the Notice of Requirement prepared by GHD entitled "Wellington City Council Northwest Connector Westchester Drive to Middleton Road, Notice of Requirement – Alteration to Designation", dated December 2008, and the following plans:*
  - *Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C001, C100, C150, C200, C220, C221 and C240, all Rev A, all dated 08/08*
  - *Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C210, C230, all Rev A, all dated 07/08*
  - *Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C241, Rev A, dated 09/08*
  - *Plan prepared by MWH, Drawing No. Z1266710, Sheet No. C095, Rev A, entitled "Long Section", dated 8/12/08*
  - *Plans prepared by MWH, Drawing No. Z1266710, Sheet No's. C050 – C078, all Rev A, Sheets 1-29 of 29 entitled "Cross Sections", dated 08/12/08*

- *Plan prepared by Boffa Miskell Ltd entitled Westchester Drive Stormwater Management, Overall Landscape Plan, Drawing No. LA-06-101, Rev 01, dated 21.11.08*
- *Plan prepared by MWH, Drawing No. Z1266710, Sheet No. c096, Rev B, dated 15/12/08*
- *Plan prepared by MWH, Drawing No. Z1266710, Sheet No's. C301, C302, C40,2 all Rev C, dated 16/15/2009.*

### **General Code of Practice and Hours of Work**

2. *Except where necessary to give effect to the other conditions of this notice, the earthworks must be carried out in accordance with the Council's Code of Practice for Land Development, Part B - Earthworks Design and Construction. The hours of work for machinery are restricted to:*
  - *Monday to Friday 8am to 5:30pm*
  - *Saturday 9am to 3pm*
  - *No work is to be carried out on Sundays or public holidays*
  - *This time period is inclusive of start up and close down times.*

### **Construction Management Plan**

3. *The Construction Management Plan prepared by MWH and entitled Westchester Drive Extension, Construction Management Plan, Westchester Drive to Middleton Road, Wellington, dated December 2008 and attached as Appendix C to the Notice of Requirement, is approved in principle. However, a detailed earthworks and construction plan must be prepared and submitted to, and be approved by, the Wellington City Council's Compliance Monitoring Officer prior to the commencement of work on site. The earthworks and construction plan shall establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. Such standards shall include but are not limited to the following:*
  - *A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;*
  - *Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m<sup>2</sup>) notice board on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;*
  - *A communication and complaints procedure for adjoining property owners/occupiers, passer-bys and the like;*
  - *Safety fencing and associated signage for the construction site;*
  - *Measures to ensure dirt, mud or debris is not left on the road;*
  - *Compliance with any sediment and erosion control conditions of the Wellington Regional Council Discharge Permit No **WGN090226 [27481]** or an erosion and sediment control plan, conforming to the requirements of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines (or its successor) for the Wellington Region.*
  - *Dust mitigation measures to be implemented to minimise dust effects beyond the construction site boundary;*
  - *A detailed construction noise management plan, prepared under the supervision of an acoustic consultant. The plan must describe the methods by which noise associated with the work will comply in all aspects with the controls set out in NZS 6803P:1984 and how all persons undertaking day-to-day site 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.*

- *A detailed construction traffic management plan, to be prepared by the requiring authority (in conjunction with the contractor engaged for the construction). The purpose of the plan will be to set out in detail matters relating to the extent and timing of construction traffic activity to achieve the safe and efficient operation of the roading network, and traffic management provisions to be put in place during this time to achieve a safe and efficient road network. The plan shall be updated as required by the Compliance Monitoring Officer to maintain safety and efficiency of the roading network.*
- *Measures to ensure the appropriate control of contaminants, particularly from vehicles and construction machinery. This should include details of vehicle maintenance and refuelling locations.*
- *Measures to maintain access to all properties affected by the works, including Wellington Regional Council with respect to its flooding designation.*
- *Measures to ensure compliance with the Council's 'General Conditions of Excavation and Transport of Excavated Materials' dated December 1993, and that trucks and trailers leaving the site that are loaded with earthworks material have their load covered.*

*Please Note:*

- (a) *The Compliance Monitoring Officer will approve the Construction Management Plan following consultation with appropriate officers within the Wellington City Council once satisfied with its content.*
  - (b) *The noise component of the construction management plan required by condition (3) should follow the guidance contained in the Council fact sheet "Tips on writing a construction noise management plan" (attached to this report as Appendix A) and in particular detail how to manage noise and vibration effects from any earthworks and construction work taking place near to affected residential properties. The Plan should provide options where necessary for potential alternative hours of operation, changes in working methods and any other measures that may be necessary to ensure the neighbouring occupiers are not exposed to noise levels that exceed the Upper Guidance noise limits in the above Standard.*
4. *With the exception of amendments required to comply with other conditions of this notice and any conditions of related resource consents granted by the Wellington Regional Council, the Construction Management Plan approved under condition (3) above must be implemented and maintained throughout the entire construction period, AND modified as directed by the Wellington City Council's Compliance Monitoring Officer to deal with any deficiencies in its operations.*

**Noise Management**

5. *The Westchester Drive connector road must be surfaced with open graded porous asphalt throughout its length and such a surface shall be maintained throughout the life of the road.*
6. *Within 6 months of opening the road, a noise assessment must be undertaken to ensure compliance with the predicted noise levels in the following table. A noise assessment methodology is to be submitted to the Council and approved prior to undertaking the assessment. If compliance is not being achieved then the best practicable option must be taken to mitigate noise effects in agreement with the requiring authority so that the predicted traffic noise levels are not exceeded.*

Receiver	Noise level Leq (24 hours) dBA		
	Existing Ambient Level	Transit Guideline Design Level	Predicted Traffic Noise Level
273 Middleton Road	53	62	55
38 & 40 Glenside Road	52	62	52
24 to 36 Glenside Road	52	62	49
5 & 10 Ashfield Grove	48	60	49
Longmont Tce (north side)	48	60	49
19 Stebbings Road	48	60	50
Aintree Grove (north side)			
Nos. 8 to 10	48	60	51
Nos. 14 to 18	48	60	55
Nos. 20 to 22	48	60	57
68 Lakewood Ave	55	62	59
102 Westchester Drive	53	62	61
104 Westchester Drive	54	62	60
3 Melksham Drive	48	60	60
5 Melksham Drive	48	60	60

### **Geotechnical and Design**

7. *All earthworks must be designed and supervised by a suitably qualified and experienced Chartered Geotechnical Professional Engineer. The Engineer must provide a completion certificate/ certification (PS4) and as built drawings at the conclusion of the work.*
8. *Design contours must be constructed to develop a natural appearance on the earthworked surfaces as far as practicable, especially in the case of cut and fill batters where the contours must be sufficiently curved across the batter faces and radiussed off where the design contours meet the original contours in order to conform and merge with natural ground surfaces to the extent that is achievable while still meeting engineering requirements for stability.*

### **Landscaping**

9. *The landscaping plan prepared by Boffa Miskell Ltd entitled Westchester Drive Stormwater Management, Overall Landscape Plan, Drawing No. LA-06-101, Rev 01, dated 21.11.08 and attached as Appendix D to the Notice of Requirement is approved in principle. However, a detailed landscape plan including an implementation and maintenance programme must be submitted to, and be approved by, Wellington City Council's Compliance Monitoring Officer prior to any works commencing on site (including earthworks). The plan shall be consistent with the Landscape and Restoration Plan required by WRC Land use consent [27601] and shall include details of the numbers and sizes of plants and ground preparation details for all locations in accordance with the above landscape plan. Where ground conditions permit, areas shown as being planted with a mix of moss lichens and ferns will be expected to be planted to a higher*

level. The landscape plan may be reviewed after bulk earthworks have established the full extent of disturbed ground.

*Note: The Compliance Monitoring Officer will approve the Landscape Plan following consultation with appropriate officers within the Wellington City Council once satisfied with its content.*

10. *The landscaping plan, approved under condition (9), must be completed within one year of completion of the bulk earthworks. The plantings are to be monitored for a period of 18 months from the time of planting in order to allow for plant establishment. This includes the removal of weeds within the vicinity of the plantings and the replacement of plants that die or are removed unlawfully within this period in the same location, with the same species and sized plants. The requiring authority must ensure that the plants and seeds for any indigenous revegetation work carried out in regard to the proposed works have been eco-sourced.*

### **Road Design**

11. *The requiring authority must provide a detailed design for the proposed road approved road marking, signs and parking areas where kerbside parking can be accommodated without compromising road safety and where kerbside parking is prohibited. The design must be approved by the Council's Compliance Officer prior to construction starting on-site.*
12. *The proposed road must be designed and constructed to generally comply with the Council's Code of Practice for Land Development and the Standard NZS 4404:2004 - Land Development and Subdivision Engineering, except there will only be one footpath and carriageway with a width of 9m.*
13. *The requiring authority must provide street lighting along the proposed road in compliance with NZ Street Lighting Standard. Light spill must be directed away from residential properties by the use of specifically designed lighting cowls where necessary.*
14. *The requiring authority must provide a detailed design for the intersection at Westchester Drive and Middleton Road for the approval of the Council's Compliance Officer. The design and construction of the intersection is to meet the requirements of all road users including pedestrians, cyclists and over-dimensional vehicles and to comply with the Council's Code of Practice for Land Development and Austroads – Guide to Traffic Engineering Practice.*
15. *The requiring authority must provide a detailed design for the intersection layout of Westchester Drive, Lakewood Avenue and Melksham Drive and this intersection must be constructed to comply with the Council's road hierarchy and Code of Practice for Land Development. The design must incorporate local safety measures for existing driveways at 102 Westchester Drive and 68 Lakewood Avenue due to the increased traffic flow.*
16. *Isolation strips must be provided alongside the roadway to prevent unauthorised physical access to the adjoining land.*
17. *Reasonable provision must be made for vehicular, pedestrian and cycle access to private and Wellington Regional Council properties at all times during the construction period and to ensure that any interruption to public vehicle, pedestrian and cycle access is minimised to the greatest extent practicable. This*

*includes providing access to Wellington Regional Council's flood detention designation area for that Council.*

### **Archaeological**

18. *If any archaeological deposits are identified during works or construction (e.g. shells, midden, hangi or ovens, garden soils, burials, pit depressions, defensive fortifications, occupation evidence, taonga, historic bottles and ceramics) work must cease in the vicinity of the remains and the Historic Places Trust and tangata whenua contacted immediately.*

Note: *There may be a burial site on the land.*

Note: *The requiring authority should be aware that the Historic Places Act 1993 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. Under section 2 of the Act, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Section 10 directs that an authority is required from the Historic Places Trust if there is reasonable cause to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted, or the activity is permitted in a regional or district plan. Evidence of archaeological sites may include oven stones, charcoal, shells, ditches, banks, pits, terraces, stone walls, building foundations, artefacts of Maori and European origin or burials. In this regard, the requiring authority is advised to consult with officers of the Historic Places Trust regarding the need for any archaeological assessment of this site prior to any earthworks or construction taking place.*

### **REPORT OF THE JOINT HEARING COMMITTEE**

1. The Westchester Drive connector route was designated in the then Wellington City Transitional District Plan in July 1992 following a decision of the Planning Tribunal. This designation was then included in the Proposed Wellington City District Plan when this was notified in 1994 in accordance with the transitional provisions of the Resource Management Act 1991 (RMA). Although an error occurred whereby the designation was deleted from the Proposed District Plan, it was restored by rectification of that error prior to the Proposed District Plan being made operative, pursuant to Clause 16(2) of the First Schedule to the RMA.
2. Designation 134 is included in the schedule of designations of the District Plan as a designation for a 'New Road' - *Proposed new road to link to existing sections of Westchester Drive*, and has a duration of 15 years from the date that the District Plan was made operative, being 27 July 2000. Designation 134 is shown on Planning Map 26.

### **THE NOTICE OF REQUIREMENT**

3. In essence, the NOR formally seeks an alteration to the existing designation to accommodate those parts of the preferred road alignment that extend outside the boundaries of the existing designation. These include:
  - An area of approximately 462m<sup>2</sup> at the Lakewood Avenue end to fill the gap between the formed section of Westchester Drive and the designation boundary;
  - An area of approximately 568m<sup>2</sup> from the northern side of 19 Stebbings Road



- to facilitate the western bridge;
- An area approximately 3378m<sup>2</sup> between the proposed alignment and Stebbings stream necessary to avoid extremely high cuts; and
- An area of approximately 4740m<sup>2</sup> at the Middleton Road end to avoid property impacts and reduce the height of the cut faces.

### **Outline Plan Details**

4. The NOR also includes details of the location and nature of the proposed physical works and alignment of the new 810 metre section of road with the intention that an Outline Plan would not need to be submitted, having regard to section 176A(2)(b).

### **Ownership and Location**

5. The site to which the NOR relates lies between Middleton Road, Glenside and Westchester Drive, Churton Park between approximate map reference NZMS 260:R27; 2662267.5998754 (Middleton Road end) and NZMS 260:R27; 2661663.5998967 (Westchester Drive end). The land includes Lot 103 DP 407806; Lot 4 DP 78736, Pt Lot 24 DP 70931; Lot 3 DP 26649; Sec 1 SO 336646; Sec 3 SO 336646 and Pt Lot 2 DP 76439. The land that comprises the existing designation and the alterations as described above is all either owned by or in the process of being acquired by the Wellington City Council.

## **THE PROPOSAL**

### **Description**

6. The proposed link road will descend from the unformed end of Westchester Drive, at Lakewood Ave (close to the Stebbings Dam) to Stebbings Road where a new 40 metre bridge will be constructed to cross the stream. From here, major localised earthworks will be required to cut a road formation into the northern hillside above Stebbings Stream. Approximately half way along its length, a section of fill will be required to maintain the road's grade at the point where a tight 'hairpin' section of Stebbings Stream flows. The stream flow will be shifted south to a new channel and a 3 metre high retaining wall built and fill placed to bring the road up to grade. From this section of fill the road is again cut into the hillside as it heads toward Middleton Road, finally requiring another bridge (20 metre span) to cross the Porirua Stream approximately 50-60 metres downstream of where Stebbings and Porirua streams meet.
7. The works required to construct the proposed road are fully described in the NOR and can be summarised as follows:

**Road construction** – approximately 55,000 m<sup>3</sup> of cut will be needed to cut the road alignment into the hillside above Stebbings Stream. 8,000 m<sup>3</sup> of fill will be needed behind the Mechanically Stabilised Earth (MSE) walls. Around 47,000 m<sup>3</sup> of excess to be trucked offsite to a consented cleanfill site on Ohariu Valley Road – consent reference WGN060219.

**Discharges from areas of bulk earthworks** – with approximately 55,000 m<sup>3</sup> of cut and 8,000 m<sup>3</sup> of fill, any rainfall on the earthworked area will generate runoff, entraining sediment particles. Treatment measures are proposed (primarily sediment retention ponds), but these will need to discharge either to land, and then to the stream, or directly to the stream. This will discolour the stream.

**Three bridges** – two permanent and a temporary 'bailey' bridge to maintain access to an adjoining landowner's property are required. The 20 metre span eastern bridge is proposed to cross the Porirua Stream at Middleton Road. This sits on abutments

founded on MSE walls. Extensive rip rap erosion protection works are proposed. A minor realignment of the stream is required to enhance its alignment under the proposed bridge. The MSE walls and erosion protection works all lie within the bed of the stream.

The 40 metre span western bridge (near the Stebbings Dam) is proposed to cross the Stebbings Stream and sits on abutments well clear of the stream bed; however, due to its span, the bridge requires a central 1.8 metre diameter concrete central pier within the stream bed.

The temporary Bailey Bridge is required to cross the Stebbings Stream to maintain access to the adjoining property during construction. The bridge will be 12 metres in span and will sit atop concrete abutments well clear of the stream bed. No erosion protection works or stream realignments are required.

**One MSE retaining wall** that is not associated with bridge works lies within the bed of the stream at chainage 550 metres. This wall is approximately 40 metres long and is needed to support the road above. Extensive rip rap is required, extending around 6 metres out from the wall into the stream bed. The wall will require the reclamation of around 47 metres of a 'hairpin' section of stream. Flow will be maintained and diverted to a new, shorter channel.

**Erosion protection works** at chainage 650 metres associated with a MSE wall (note the wall is clear of the bed of the stream). The erosion protection works are around 55 metres long.

**Reclamation and diversion works** to reclaim approximately 47 metres of stream bed and divert it to a new channel. The reclamation works are required to construct the MSE wall to support the road (see bullet point four above). The new stream channel will be shaped in a gentle curve to tie into the two ends of unmodified stream bed. Extensive rip rap is proposed as described in the plans submitted with the application.

### **Timing and Staging**

8. The information in the NOR indicates that the bulk earthworks will take approximately nine months to complete with another nine months needed to complete the road formation, stormwater and services, intersection and road sealing. The applicant intends to put the project out for tender in 2010/11.
9. The works have been spilt up into 3 principal stages. The key parts of each stage are:

#### **Stage 1**

- Install silt control
- Construct eastern bridge
- Earthworks to chainage 260 at Westchester end
- Complete western abutment to western bridge; and
- Complete stormwater infrastructure

#### **Stage 2**

- Install silt control
- Complete western bridge
- Complete 300 metres of road construction
- Construct MSE wall at chainage 650 metres; and
- Reclaim and divert stream, construct MSE wall (all at chainage 550 metres)

#### **Stage 3**

- Install silt control

- Complete earthworks to Middleton Road/eastern bridge
- Construct kerb and channel, install sumps over full length of road
- Construct road surface and seal
- Remove temporary Bailey bridge; and
- Landscaping over whole project

## **SUBMISSIONS**

10. The NOR was publicly notified on 21 February 2009 for an extended period of 30 working days. A total of 54 submissions were received, including 7 submissions received late. These were all accepted with the timeframe extended pursuant to section 37 of the RMA. Of the total number of submissions received, 28 were in support, 23 were in opposition and 3 were neutral.
11. Issues raised within submissions were generally categorised by the reporting officer as follows:

### Support

- Road will reduce traffic and congestion on narrow local roads especially at peak times
- Positive environmental benefits of reducing excess vehicle travel
- Halswater Drive is unsafe, dangerous exiting driveways and dangerous to cross especially for children
- Will reduce congestion
- The new road will help getting shops into Churton Park, increase viability of it
- Road will improve traffic flows in the area
- Burbank crescent is currently the shortest route and is unsuitable for the current volume of traffic
- New and better access to Churton Park
- Infrastructure development must keep up with growth
- Road will provide an alternative access for emergency services
- Will reduce pollution on Halswater Drive
- Road essential to the growth of the Churton Park community

### Opposition or raised as issue of concern

- Destruction of the natural environment
- Road may not be sufficiently utilised, need for road unsubstantiated and based on flawed assumptions
- Adverse effects on flora and fauna
- Effects on residents privacy
- Construction effects, including dust, noise
- Visual impact
- Change to stability and increased flood risk
- Increased traffic noise, light pollution and vibrations from truck movements
- Negative impact on Glenside residents social and economic wellbeing
- Decrease in property values
- Significant financial cost and questionable costs/benefits
- Landscaping proposed is inadequate
- General effects on Glenside residents
- Road not an efficient use of resources
- Adverse archaeological/heritage effects
- Not consistent with Part 2 matters

- Noise and light effects not properly assessed
- Road safety issues
- Insufficient consideration of alternative routes
- Roundabout design inadequate and will lead to a range of traffic flow issues
- Soil removal route will create pedestrian safety issues
- Concerns over stability of the earthworked areas
- Opening up Stebbings Valley for additional development
- Specific design issues with road width, footpath and parking

## RELEVANT STATUTORY PROVISIONS & PLANNING INSTRUMENTS

12. The Wellington City Council is a Requiring Authority under s167 of the RMA and is authorised to issue a NOR for a public work within its own district for which it has financial responsibility under section 168A and is also authorised to alter such a designation under section 181(4). The effect of sections 181(3) and 181(4) is that section 168A, with all necessary modifications, applies to the notification and consideration of a NOR by a territorial authority to alter its own designation.

13. Section 168A(3) provides that:

*“(3) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to –*

*(a) any relevant provisions of –*

*(i) a national policy statement:*

*(ii) a New Zealand Coastal Policy Statement:*

*(iii) a regional policy statement or proposed regional policy statement:*

*(iv) a plan or proposed plan; and*

*(b) whether adequate consideration has been given to alternative sites, methods of undertaking the work if -*

*(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*

*(ii) it is likely that the work will have a significant adverse effect on the environment; and*

*(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*

*(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.”*

14. Section 168A(4) provides that:

*(4) The territorial authority may decide to –*

*(a) confirm the requirement:*

*(b) modify the requirement:*

*(c) impose conditions:*

*(d) withdraw the requirement.*

15. Within the above statutory framework the following are the appropriate considerations:
- The effects of the alterations to the designation on the environment with particular regard to the relevant provisions of:
    - the Regional Policy Statement
    - the Proposed Regional Policy statement
    - the District Plan.
  - The consideration of alternatives
  - The necessity of the alterations to the designation for achieving the objectives of the Council for which the designation is sought; and
  - Part 2 matters
16. Section 176A sets out the requirements for an outline plan, and details the situations in which such approval is not required. This is of relevance to the present notice given the requiring authority's intention that an outline plan not be required for the proposed works.
17. Under ss (3) an outline plan must show –
- (a) The height, shape and bulk of the public work, project, or work; and
  - (b) The location on the site of the public work, project, or work; and
  - (c) The likely finished contour of the site; and
  - (d) The vehicular access, circulation, and the provision for parking; and
  - (e) The landscaping proposed; and
  - (f) Any other matters to avoid, remedy or mitigate any adverse effects on the environment.
18. Under section 176A(2) an outline plan need not be submitted to the territorial authority if the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation.

## **SUMMARY OF EVIDENCE HEARD**

### **The Case for the NOR**

19. The case for the NOR was presented by Mr Steven Harte, Programme Manager for Transport Network Development, Infrastructure Directorate at Wellington City Council, who was supported principally by Mr Lindsay Daysh, New Zealand Planning Manager with GHD Limited and also by Graeme Doherty, Principal Project Manager with MWH New Zealand Limited, Stephen Fuller from Boffa Miskell Limited, Steve Dunn from Boffa Miskell Limited and Charles Wood from Marshall Day Acoustics Limited.
20. Mr Harte summarised the history of the designated connecting road through the District Plan and plan changes. He outlined the need for the road and investigated alternative routes and why these were disregarded over the route being presented. Mr Harte explained the Wellington City Council's rationale for factors such as the need for the road, alignment, traffic volumes, safety and speed, street design, intersection controls and the economic assessment for the road. Mr Harte responded to several concerns

raised by submitters including traffic calming measures, public transport opportunities, the future shopping centre, construction traffic, noise and street lighting. His conclusions concluded that the proposed link:

- will result in a more direct and improved access benefiting Churton Park and the growing residential development of Stebbings Valley through saving in travel distance and the reduction of unnecessary traffic through local streets and improving safety;
- will improve the viability of public transport routing through the area and provides an alternative route;
- fits with the Council's strategic policy objectives for transport and growth management;

21. Mr Doherty, an engineer, summarised work completed by MWH since 2001 with regard to alternatives to the Westchester Drive Extension. He explained *“the proposed alignment is designed to appropriate engineering standards correlated to the anticipated volumes of vehicular and non-vehicular traffic, whilst preserving the ecology of Stebbings Stream, reducing the number of crossings of the stream and the impacts within the stream in comparison to the existing designation alignment.”*
22. In answer to questions from the Committee, Mr Doherty advised that a road could be engineered and constructed within the existing designation, but much of this would be in the in the bed of the stream and the applicant considered this an inappropriate option for environmental reasons. Mr Doherty also gave a summary of the proposed engineering characteristics of the proposal and summarised the potential construction effects. Mr Doherty addressed submitters concerns relating to provision of non-vehicular traffic (cyclists and pedestrians) capacity, road alignment (horizontally and vertically), proposed batter slopes and construction impacts.
23. Mr Fuller, an ecologist, summarised his involvement with the project, the existing environment (the Stebbings Stream habitat quality, sampling results, fish life, terrestrial vegetation and habitats, birdlife and significant natural areas) and the scope of the proposed works. In Mr Fuller's Assessment of Ecological Effects, he considered the loss of terrestrial vegetation and habitats, stream diversion and habitat loss, fish passage, water quality and opportunities for enhancement. Mr Fuller responded to submitters concerns about stream habitat, stream diversion, loss of riparian habitat, fish life, birdlife, corridors, water quality, Porirua Harbour, migration and level of investigation. He provided a series of photos showing Stebbings Stream, the stream bed, fish species, and typical vegetation.
24. Mr Fuller suggested that the landscaping condition recommended by the Council could be finalised after the bulk earthworks are completed. Mr Fuller's conclusions were:
- “I believe all reasonable steps have been taken to locate the road in a way that will avoid any major potential effects and I therefore consider this modified alignment to be a significant improvement over the previous proposal.”*
25. Mr Dunn, Landscape Architect, outlined his involvement to date with the designated road and provided treatment options in terms of substrate, types of landscape treatment, areas for treatment and hydro seeding (in terms of timing, plant species). He also commented on submissions that had raised landscaping or vegetation related concerns. Mr Dunn suggested that the landscaping restoration plan be finalised after the bulk earthworks are completed.

26. Mr Wood, acoustic consultant, outlined the subject site and the existing noise levels taken at several sites. He discussed the Transit New Zealand Guidelines and how the average noise design levels, internal levels and single event design criterion relate to this roading project. He predicted the traffic noise levels to be generated by the Westchester Extension and outlined the mitigation options relevant to the proposal. He then outlined the predicted traffic noise effects to be generated by the current road alignment in comparison to the original road alignment.
27. Mr Wood discussed the comments and conclusions drawn by the Wellington City Council's recommendation report. He discussed construction noise to be generated and responded to submitters concerns. Mr Wood concluded *"the noise from traffic on the proposed new route is predicted to comply with the Transit Guideline criteria at all assessment points. Compared to the alignment initially designated, this amended designation alignment is predicted to have a less than minor adverse effect."*
28. Mr Daysh introduced the strategic context of the Westchester Drive link road in terms of:
- "providing the missing connection between the planned formation through the subdivision of the western section of Westchester Drive through to Middleton Road then beyond to the Churton interchange."*
29. Mr Daysh submitted that:
- "the fact is that a link road has been proposed for a number of years and I consider this hearing is not about the principle of a road in this location. It is about optimising the route, considering the effects and delivering a detailed consent package whereby the link can be built, maintained and operated."*
30. Mr Daysh explained the history of the designation in detail reminding the Committee that the hearing was about *"the necessity of the alteration to the designation and the minimisation of adverse effects, not the existing designation"*.
31. Mr Daysh considered the proposal against the relevant objectives and policies of the Wellington City District Plan, the Regional Policy Statement and Regional Plans. He summarised the predominant concerns of submitters being ecological, landscape/visual, construction, noise and engineering effects.
32. Mr Daysh discussed the positive effects of the proposal – most significantly being the provision of greater access to the upper sections of Churton Park for motorists, pedestrians and cyclists. Mr Daysh ran through the ecological, sedimentation, landscape and visual amenity, operational noise, construction noise, traffic, public safety and amenity effects, cultural and archaeological effects that will be generated by the proposal.
33. Mr Daysh commented on the conditions and recommended requirements for management plans from both the Wellington City Council and the Wellington Regional Council, preferring that the numerous recommended plans be consolidated into a Construction Management Plan, a Landscaping Plan and an Erosion and Sediment Control Plan. He then considered the Resource Management Act 1991 sections 5, 6, 7 and 8 and concluded his presentation.

### **Submitters**

34. **Zena Kavas** presented submissions on behalf of the **Glenside Streamcare Group** (Submitter No 1). Her submission included a brief description of the work completed by the Group over the past nine years to help improve the stream environment. The

Group's main concerns as they relate to the NOR included adverse effects on the stream ecology from disturbance caused by machinery, contamination by concrete and other toxic materials, and discharges of silt laden water affecting both the streams and Porirua Harbour. Mrs Kavvas told the Committee that she would like to see the erosion sediment control measures strengthened so that no discharges of sediments into the stream occur.

35. **Paul Waechter** (Submitter No 2) of 34 Glenside Road presented submissions in opposition to the proposed road link. His key points included:
- that the road was unlikely to form part of any future public transport network, and was unlikely to serve shops and community facilities
  - road safety concerns with the proposed Middleton Road roundabout safety issue
  - adverse effects from construction noise and vibration and the proposed inadequacy of the mitigation measures proposed
  - adverse effects of traffic noise and no mitigation measures
  - loss of visual amenity, privacy and damage to the stream environment.
36. **Peter Graham** (Submitter No 8) of 19 Beazley Avenue opposed the proposed link road on the grounds of the environmental damage that would ensue. He submitted that the requirement should be deferred pending further investigation of alternatives, the viability of it as a public transport route and the preparation of a cost/benefit analysis.
37. **The Glenside Progressive Association Inc** (Submitter No 4) was represented by **Claire Bibby** who presented a comprehensive submission in opposition to the proposed link road. After giving a history of the settlement and governance of Glenside she questioned the validity of the existing designation, and questioned the application of public funding to finance a road which she alleged was principally for private benefit. Ms Bibby also challenged many of the statements, assumptions and conclusions of the NOR documentation in regard to traffic and pedestrian safety and alleged that the Council had failed to properly address these matters in the NOR. She presented the findings of a Community Planning seminar on the Northern Growth Management Framework that showed a slow speed low impact "Glenside Link Road" running along the southern side of the stream and avoiding large scale earthworks as a preferred option.
38. Ms Bibby was also concerned that the proposed road would;
- adversely affect the potential for the Glenside area, in particular the Stebbings Valley, to provide ecological corridors for native flora and fauna to utilise;
  - have adverse effects on flooding because of the proposed structures in the District Plan Flood Hazard Management Area introducing a potential risk to property owners;
  - result in further sediment discharges to the stream, having adverse effects.
39. **Bruce Koller** (Submitter No 28) presented a submission in support of the NOR on his own behalf and on behalf of other householders in Halswater Drive and Dormar Place (Submission No 27). Mr Koller's submission was that the existing traffic levels on Halswater Drive of 7800 vehicles per day (750 per hour at peak times) were untenable and are expected to grow as Stebbings Valley is developed. He submitted that Halswater Drive was never designed for that level of traffic and the Westchester Road connection should be a high priority for completion to relieve this pressure and provide for future growth.
40. **Roger and Maryanne Whittaker** (Submitters No 10) of 68 Lakewood Avenue



questioned the validity of the designation and were also concerned about traffic effects both during construction and long term. They emphasised the difficulties that they believed would occur with construction traffic and traffic in general because of the complex arrangement of property driveways and the configuration of Lakewood Avenue Westchester Drive and Melksham Drive, particularly when this was serving a fully developed Stebbings Valley. They were also concerned about dust nuisance and the monitoring of construction conditions. Past experience of dealing with such problems has not given them confidence that these nuisances will be properly dealt with on this project. In response to questions they agreed that conditions on hydro-seeding, planting batters and the hours of work would address some of their concerns.

41. The Whittakers' submission included video footage of when the WRC flood retention dam was constructed as well as concerns over the proposed discharges into the Stebbings Stream from the earthworks. Mr and Mrs Whittaker expressed concern on how sediment entering the Stebbings Stream may adversely affect ecosystems in the stream and how they believed that the batter slopes would contribute to sediment discharges because they cannot be planted easily.
42. **Ling Phang** represented **Wellington Regional Council** (Submission No 30) and presented a submission that supported the Wellington City Council officer's recommendation in response to the submission points made and advised that the Regional Council had no objection to the alteration to the designation provided environmental effects could be adequately addressed to meet the objectives of the RMA.
43. **Thomas Zinc**, registered engineer, (Submitter No 5) of 14 Longmont Terrace advised that he was aware of the proposed road when he purchased his property and was not fundamentally opposed to it but wanted the long term effects of noise and lighting properly addressed. He confirmed that his original criticism of the noise report that accompanied the NOR was not satisfied by the noise evidence given to the hearing. He maintained that traffic noise effects are poorly reported with little or no supporting information to substantiate the predictions of future noise levels. He recommended screening of the proposed road to mitigate both sound and the effects of vehicle headlights, and if necessary double glazing of windows. He agreed that planting along the roadway may mitigate the adverse effects to some degree.
44. **Tamati Reedy** (Submitter No 39) supported the proposed road as the adjoining landowner. He acknowledged that he would benefit from the construction of the road because it would make it possible to develop his land, whereas past uncertainty over the road had caused a previous consent to lapse. He submitted that residents of Churton Park would also share the benefits of the proposed road. He was aware of the work to locate the gravesite and was happy for the New Zealand Historic Places trust to continue to be involved. He agreed that the heritage aspect of the site could be commemorated in some way.
45. Submissions from the **Churton Park Community Association** (Submitter No 25) were presented by **Roger Ellis**, President, and **John Morrison**, Vice President. Mr Ellis submitted that there was a need for the proposed road as an alternative access to Churton Park and to relieve traffic pressures on other roads. He also advised that the Association understood that the provision of neighbourhood shopping and community facilities was dependent on the provision of the road. However, while supporting the proposed road, the Association was concerned that appropriate measures be adopted to minimise the effects during construction on residents living near the proposed road.
46. Mr Morrison, who was also a submitter in his own right (Submitter No 26) presented a comprehensive submission which indicated support for the proposal conditional upon resolution of a number of problem areas including temporary works and construction, batters and new landform, road widths footpaths and lighting, intersection details, traffic

noise, and visual effects. In particular Mr Morrison suggested that a community liaison person be appointed by the Council for the duration of the construction and he expressed dissatisfaction with the lack of geotechnical input into the design of the batter slopes and the restoration proposals for the large highly visible cut batters. Mr Morrison detailed a number of matters that in his opinion must be carried through to conditions of the designation, including more particular batter design and restoration, provision of some off street parking at the western end of the proposed road, better arrangements for pedestrians, specific attention to traffic flows and intersection design, a binding condition regarding the use of “open graded porous asphalt”, and additional landscaping. He agreed with the conditions proposed in the WRC report relating to the stream and chemical treatment of stormwater runoff.

47. **John Pask** (Submitter No 13) of 14 Aintree Grove accepted the rationale for the proposal to connect Westchester Drive to Middleton Road. However, Mr Pask and his wife were concerned about the construction effects of noise, dust, and vibration, and wished to see a more sophisticated management plan in place to mitigate those aspects for the duration of the project.
48. **Kamil Tinawi** (Submitter No 11) of 102 Westchester Drive presented a submission dealing with issues of the validity of the designation (which he considered had lapsed), traffic and road safety aspects (particularly at the intersection of Westchester Drive and Lakewood Avenue), the effects of traffic noise, the loss of visual amenity and construction effects. As mitigation, he requested traffic management measures near his property to slow traffic and allow safe access, triple glazing of windows, erection of a solid concrete fence along the perimeter of his property, the use of open graded porous asphalt pavement, and landscaped screening of the road. Regarding the construction period his requests included hours of work restricted from 9am to 5pm weekdays only (excluding public holidays) a construction noise management plan and control of dust nuisance,
49. **Jan Voss** (Submitter No 9) of 267 Middleton Road presented a submission of her own and read a submission from her husband **Guy Beatson**, an economist. Mr Beatson’s submission was that the RMA required economic considerations to be taken account of when decisions were being made. In his opinion there was a lack of economic analysis of the proposed road and that the cost benefit ratio of between 1 and 0.5 was far from the benchmark of “4” used by regional and national roading authorities. Even with other benefits cited by the Applicant of returning local streets to more liveable environments and sustaining future growth in the area, Mr Beatson submitted that the economic benefits are insufficient to meet the economic efficiency and sustainable management requirements of the RMA.
50. Mrs Voss presented extensive evidence relating to traffic effects of a roundabout at the intersection of the proposed Westchester Drive and Middleton Road. She produced a traffic survey of Middleton Road conducted by local residents in March 2009 in this vicinity. She showed video footage to support the findings of the study which, in summary, were that the Middleton Road/Halswater Drive intersection had spare capacity and no extraordinary delays, Middleton Road would continue to be the preferred access to State Highway 1 from Churton Park even if the proposed road was built and, most importantly, a roundabout at the intersection of Middleton Road and the proposed Westchester Drive intersection would have adverse effects on traffic flows and be unsafe for pedestrians and cyclists. The preferred traffic control option was the installation of traffic lights at both Westchester and Halswater Drives.
51. Mrs Voss also presented submissions that detailed her concerns about loss of amenity value in relation to their property, dust and noise pollution and construction effects, in particular the inadequacies of the proposed construction management plan.

52. **Barry Blackett** (Submitter No 14) of 26/28 Glenside Road submitted that he had not been notified of the original designation which he believed had now lapsed. Consequently he submitted that the full effects of the proposed road should now be taken into account. He had concerns regarding construction effects on Stebbings stream and construction noise. In summary, he believed that the road should not be built for the reasons of technical difficulty, disturbance during construction, high cost, negative environmental impacts, negative effects on amenity values and a misguided development strategy.
53. **Michael and Deborah Bell** (Submitters No 12) of 271 Middleton Road opposed both the resource consent applications and the NOR in their entirety because they will have a negative effect on the quality of their family life, the Glenside community and the unique character of the natural environment surrounding Glenside and their home. In particular they referred to construction effects of heavy machinery, traffic safety issues, heavy traffic movements near their property, parking constraints, adverse effects on heritage, significant noise effects, air pollution from increased vehicle emissions, light pollution, excessive cost, and adverse effects on in-stream values and birdlife. Mr and Mrs Bell adopted the evidence of other submitters in opposition to reinforce their submissions.
54. Michael and Deborah Bell also presented a written submission on behalf of **Jane and Dave Needham** (Submitters 6) of 281 Middleton Road who had similar concerns.
55. **Jacqueline Bligh** (Submitter No 32) questioned the need for the proposed road but said if it goes ahead it must benefit both Churton Park and Glenside communities. She requested that the hours of construction be limited for Monday to Friday 7.30am-4.30pm only.
56. **Rachael Cole and Anthony Chatfield** (Submitters No 7) of 279 Middleton Road opposed the proposed road but if approved, they requested construction hours be limited to Monday to Friday 8am – 5pm. They were concerned about litter, privacy and changes in their environment from semi-rural to one with moiré intensive traffic, street lighting and cumulative adverse effects. They do not believe the road is necessary, with the detrimental effects outweighing the benefits. Any benefits were for Churton Park at the expense of Middleton Road property owners. They requested fencing and visual barriers to screen the road if it went ahead.
57. **Keith and Helen Bond** (Submitters No 3) of 36 Glenside Road opposed the proposed road on the grounds of it having a significant effect on the property where they live and others that they own at 38 and 40 Glenside Road. They submitted that the proposed road will cause loss of privacy in their living areas and outdoors and there will be a detrimental effect from car headlights. They objected to the height and length of the proposed retaining wall and said that it was out of character with the rural aspect of Glenside. They had serious concerns regarding the potential noise and disputed the findings of the noise report. They were sceptical that the Council had the resources to manage the planting proposed. They submitted that they would have a financial loss through loss of tenants, reduced rent, reduced property values and increased maintenance costs.

### **Officer's Report and Comments**

58. A comprehensive section 42A report prepared by Andy Christofferson had been pre-circulated and was taken as read. His report covered the history and status of the designation, the statutory context, submissions, and the effects of the proposal. Mr Christofferson concluded that the existing designation was valid, the statutory tests were met, adequate consideration had been given to alternatives, that the proposed road was reasonably necessary for achieving the Council's strategic transport objectives, and that

adverse effects would be appropriately avoided or mitigated by the conditions that he proposed. He recommended that the NOR be confirmed subject to the provision of additional noise information, and the assessment of sedimentation and erosion control aspects by the Wellington Regional Council.

59. Mr Christofferson's report was accompanied by reports from Glynn Jones, the Council's Environmental Noise Officer, Angela McArthur, the Council's Landscape Architect, and Soon Teck Kong, the Council's Transport Network Manager.
60. Mr Christofferson confirmed his report and recommendations subject to the imposition of conditions. He agreed that the landscaping plan could be approved post construction and that isolation strips could be required to prevent frontage development between the two bridges. He did not recommend additional noise mitigation measures.
61. Mr Jones confirmed that the issues he had raised with the noise report had been answered by Mr Wood. Mr Jones considered that it was not reasonable for owners to expect an upgrade of houses with sound insulation. Mr Jones considers the proposed road to be at the lower end of the scale of the need for noise mitigation. The vehicle flow could be doubled and yet increase the noise level by only 3 dBA. Mr Jones supported the use of open grade porous seal and the review of noise levels once the road was in operation.
62. Mr Soon Kong confirmed his report and advised that the proposed lane width was sufficient and that a wider carriageway would promote speeding. He advised that road markings at the western end of the road would be altered after construction

### **Applicant's Reply**

63. Mr Daysh presented the applicant's right of reply. He commented that the submitters had presented high quality material resulting in a number of issues to be dealt with. In these respects he advised that:
  - the existing designation was valid;
  - economic efficiency was outside the scope of the Committee's enquiry;
  - the costs of the proposed road were high and the benefits were moderate;
  - Wellington City Council takes traffic safety seriously and he was sure that residents concerns can be dealt with;
  - Mr Wood is confident that predictions as to the future noise are reliable and conservative. He reaffirmed that open grade porous surfaces are an effective noise mitigation measure and will need to be maintained;
  - construction effects will be comprehensively dealt with through the construction management plan. He did not believe that an independent liaison person was necessary, although he agreed that the various management plans could be consolidated and a 'hot line' established;
  - the proposed landscape conditions were acceptable and the Council would look at involving the Stream Care Group in these aspects;
  - conditions imposed by the Committee can remove the need for an outline plan;
  - in response to ecology and sedimentation concerns, the capacity of the sedimentation ponds has been increased;
  - isolation strips were not necessary.
64. In conclusion, Mr Daysh reiterated his position that the proposed works and resulting structures would have no more than a minor adverse effect on the environment.

## **PRINCIPAL ISSUES IN CONTENTION**

### **The status of the existing designation**

65. Many submitters questioned the validity of the existing Designation 134, the process by which it was included in the District Plan and whether it had lapsed given the specific provisions of section 184 of the RMA in that regard.
66. Both Mr Daysh and Mr Christofferson have verified that the existing Designation 134 for a new road has been properly included in the District Plan and has not lapsed.
67. The Committee has considered the evidence of Mr Daysh and Mr Christofferson and the additional material provided by Mr Daysh at the hearing, including minutes of relevant Council meetings and associated reports. On the basis of that evidence and information, the Committee is satisfied that Designation 134 is included in the schedule of designations of the District Plan as a designation for a *'New Road' - Proposed new road to link to existing sections of Westchester Drive*, and has a duration of 15 years from the date that the District Plan was made operative being 27 July 2000.
68. In response to questions from the Committee, the Applicant confirmed that a road could be engineered within the boundaries of the existing designation. The Committee is therefore satisfied that the NOR can be dealt with as an alteration to the existing designation under section 181. This in turn means that the scope of the enquiry in respect of the NOR, is primarily limited to the adverse effects of the alterations to the designation, rather than the designation in total.

### **The need for the proposed road**

69. A number of submitters have questioned the need for the proposed road in a strategic planning sense and in respect of social benefits, traffic safety and efficiency and as a future public transport route. A number of submitters also raised financial questions including cost/benefit ratio, economic efficiency and the funding of the project.
70. In these respects the Committee agrees with the evidence of Mr Christofferson that the need for the road is already established beyond challenge through its inclusion in the District Plan via the existing designation. In terms of funding, this is similarly outside of scope of the Committee's enquiry and subject to separate Council processes under the Long Term Community Council Plan and Annual Plan.
71. The appropriate test to applied to a NOR in respect of need is not a matter of whether the work concerned is justified in absolute terms, but whether *"the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought"* (section 168A(3)(c) RMA). In this case, the test is further modified to relate to the alterations to the designation. As will be seen later in this report, the Committee is satisfied that the alterations to the designation are reasonably necessary to achieve the quite specific objectives of the Council that have been debated and confirmed over a long period.

### **Sediment transfer to streams during construction**

72. One of the key issues raised by submitters during the hearing was the possible adverse effects the proposed sediment discharges from sediment ponds and bulk earthwork construction activities may have on Stebbings Stream. The Committee was presented with evidence from submitters and in the officer's report on the potential adverse effects that sediment can have on aquatic ecosystems. The Committee also acknowledges the points made by submitters that Stebbings Stream is already subject to sediment discharges from other consented works within the catchment as is the Porirua Stream

and that the Porirua Harbour is the final receiving environment for any discharges occurring within the Porirua Stream catchment.

73. The Committee was informed that the applicant had proposed a Construction Management Plan (CMP) for the works and that this plan detailed the typical array of erosion and sediment control measures proposed for the site. The Committee was also told that the applicant intended to utilise flocculated sediment retention ponds as primary treatment devices for reducing sediment discharges into the stream in conjunction with clear-water diversion drains, silt fences and truck wheel wash areas. The Committee is satisfied that the effects of the proposed discharges will be adequately mitigated by the proposed conditions of the Greater Wellington consents and those proposed to be attached to the amended designation.

### **Effects on the Environment of the Alteration to the Designation**

74. There are both positive and adverse effects on the environment associated with a road realigned as proposed by the alterations to the designation. The principal issue raised in support of the proposal was that the link road would, if constructed, provide an alternative, safer link for traffic into Churton Park by reducing traffic on local roads, thereby increasing the safety of people and cyclists using the roads. This was a strong common theme of the submissions in support of the application.
75. In addition, there are positive environmental effects because the proposed alignment would be less intrusive on the stream environment, there would be no culverts or piping of the stream and stream crossings were reduced from 4 to 2 only. The proposed alignment is also further away from residential properties in Glenside Road than the previous preferred option and the extent of cut batters throughout the length of the road is reduced.
76. Adverse effects identified by submitters opposed to the alterations include:
- Construction
  - Traffic
  - Road safety
  - Road noise
  - Visual and landscape aspects
  - Stream and terrestrial ecology
  - Cultural and/or heritage aspects
  - Lighting
  - Vibration
  - Stability
  - Privacy aspects
  - Property values.
77. The extent to which these adverse effects are related to the alterations and the extent to which they will be mitigated is an issue in contention. Effects of the proposed alterations are dealt with below.

## **MAIN FINDINGS OF FACT AND REASONS FOR RECOMMENDATION**

### **Consideration of Effects**

78. Under section 168A the effects of the alterations to the designation on the environment must be considered with particular regard to:
- The provisions of the Regional Policy Statement (RPS) and the Proposed Regional Policy Statement (PRPS); and

- The provisions of the District Plan.

79. In the assessment of effects set out below, the Committee had regard to the relevant objectives and policies of the RPS and PRPS identified in the evidence of Mr Daysh, and Ms Phang and the reports of Mr Christofferson and Mr Rusbatch. These include provisions relating to landscape and heritage, iwi management, freshwater, ecosystems and transportation.
80. The Committee agrees with Mr Christofferson that adverse effects are already anticipated by virtue of the existing designation and the alterations proposed will not result in any significant increase in adverse effects. It is the Committee's view that with the imposition of conditions, including those proposed for the regional resource consents, the adverse effects of the alterations to the proposed designation will be mitigated to an extent that does not result in any significant inconsistency with regional policy.
81. The District Plan contains a number of objectives and policies that relate to the effects of land uses. The proposed road lies partly within the Outer Residential Area and partly within the Rural Area such that the objectives and policies for both areas are relevant although there is a large degree of commonality.
82. Mr Christofferson's report identifies a number of transportation objectives and policies including in the Outer Residential Area:

*“Objective 4.2.9                      To enable efficient, convenient and safe access for people and goods within Residential Areas.*

*Policy 4.2.9.1                      Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.*

*Policy 4.2.9.2                      Provide for and, in certain circumstances, require extensions to the existing road network. ....*

83. Similar provisions apply in the Rural Area, and both rural and residential areas have objectives and policies that relate to the avoidance of earthworks on specified skylines and ridges, the design of earthworks, and the retention of vegetation. The Committee had particular regard to the relevant objectives and policies when considering the effects of the alterations to the designation.

#### Construction Effects

84. The proposal will result in a range of temporary effects during construction of the proposed road. Such effects within the jurisdiction of Wellington City Council will pertain to construction noise, construction traffic and effects relating to earthworks, being erosion and sediment control, stability, and dust.
85. Construction noise will be generated by the use and operation of heavy machinery. Concern about the noise was raised by several submitters. Construction noise can not be avoided for a project of this nature, but the Committee is satisfied that the adverse effects can be reduced to an acceptable level by the means proposed, including a restriction on the hours of work, the use of a construction noise management plan, the

use of modern and relatively quiet equipment and the use of a complaints procedure. The applicant has also proposed where practical and necessary to construct temporary noise barriers. The Committee did not consider it necessary to require double glazing of windows of affected dwellings for what will be a temporary situation.

86. Vibration may be generated by extensive drilling and undertaking of earthworks during the construction phase. In order to respond to this, the Committee has recommended that the construction management plan should detail how to manage noise and vibration effects from any earthworks and construction work taking place near residential properties.
87. Construction traffic will result in approximately 4,700 return trips being generated transporting cut material in addition to the vehicle movements to and from the site involving contractor vehicles and heavy machinery. Traffic movements will vary throughout the construction period depending on the stage of development. It is also proposed that truck movements are restricted to a maximum of 4 per hour between 8am and 9am and again between 3pm and 4pm to reduce potential conflict at these times. The Committee is satisfied that the Construction Management Plan will maintain public safety and amenity protection during the construction phase of the development.
88. Construction related dust will be generated by the proposal, specifically while the earthworks are being completed. Rather than requiring the applicant to provide a Dust Management Plan as recommended by Mr Christofferson, the Committee recommends this be incorporated into the Construction Management Plan.
89. The applicant proposes to construct sediment retention ponds, silt fences, and other works to manage erosion and control sediment during earthworks. The erosion and sediment control measures will be required to be implemented and maintained in accordance with the relevant WRC Guidelines. In addition to controls proposed for the altered designation, erosion and sediment control measures are the subject of detailed conditions of the resources consent granted by the WRC.
90. Erosion and silt control was a significant concern to submitters, including the Glenside Stream Care Group and the Glenside Progressive Association Inc who wanted the provisions strengthened. As a result of these submissions the applicant agreed to increase the capacity of the silt retention ponds. The Committee is satisfied that the amended proposal and the conditions imposed will minimise the adverse effects of erosion sedimentation to the adjacent streams during construction.

#### Traffic and Road safety

91. The existing designation facilitates the construction of a new road. The proposed alterations to the designation still facilitate the construction of a new road, albeit with a different alignment, connecting the two existing ends of Westchester Drive at Middleton Road and Lakewood Avenue. In traffic terms therefore, the proposed alignment differs little from the existing designation. For this reason, the scope of the Committee's enquiry is limited to the design of the road to meet the appropriate traffic management and road safety standards.
92. The Committee has carefully considered the submitters' concerns regarding road design and road safety including the need for footpaths, widening the road, speed restrictions on the road, need for safe manoeuvring areas for the property at 102 Westchester Drive, loss of street parking, need for traffic calming measures, traffic in close proximity to school and crèche, and requests for traffic lights rather than round-a-bouts. The Committee was impressed with the detailed traffic information gathered and provided by Jan Voss as well as the video footage that she presented. However the fact remains that



these matters address the provision or non-provision of a road link, rather than the alterations to the existing designation.

93. The evidence of Mr Harte was that the route now proposed takes into account the topography through which it passes and the need to minimise the earthworks and the impact on the streams. Mr Harte advised that the proposed design differs from the Council's Code of Practice requirements by not providing footpaths on both sides of the road and by having a reduced carriageway because there is no need to accommodate on street parking, except at the western end around the Stebbings dam maintenance track where it can be accommodated. In Mr Harte's view the design makes adequate provision for the anticipated traffic volumes and its curved alignment will have a positive effect by reducing vehicle speeds.
94. Mr Kong has confirmed the adequacy and safety of the proposed road and in particular has addressed submitters concerns with the arrangements for the intersection with Middleton Road via a roundabout and the controls and traffic management proposals for the intersection with Lakewood Avenue. Mr Kong's recommendations have been included as conditions.
95. On the basis of the expert evidence on road design, traffic management and traffic safety the Committee is satisfied that traffic effects of the alterations to the designation can be appropriately mitigated by the conditions proposed.

#### Traffic Noise

96. The Committee had the benefit of expert noise reports/evidence prepared by Bill Wood of Marshall Day Acoustics, and Glynn Jones, the Wellington City Council Environmental Noise Officer. Mr Wood assessed the noise from the new road by establishing the existing ambient noise levels at representative points along the route and comparing these with the relevant Transit Guideline Design Level and the predicted traffic noise levels for the houses adjacent to the proposed route. Compliance with the Transit levels was achieved in all cases and in Mr Wood's opinion mitigation measures are not required.
97. Mr Wood also referred to the Draft Standard DZ6806 for assessing road traffic noise and considered that with an *Open Graded Porous Asphalt* surface the proposed road would meet the requirements of the Draft standard.
98. Mr Wood also carried out a comparison of predicted noise levels between the original and proposed alignment with the result that 273 Middleton Road was the only property identified to receive an increased amount of noise. In Mr Wood's opinion the two dB increase for this property would be less than a minor effect.
99. The Committee has carefully considered the expert evidence from Mr Wood alongside the concerns of the submitters, with particular regard to the comparative results for the new alignment. Mr Wood was not opposed to mitigation by way of the use of OGPA for the entire surface and this was endorsed by Mr Jones with the added requirement of a review of road noise levels post-construction.
100. The Committee is of the opinion that the potential traffic noise created by the new road will not constitute significant adverse effects over and above those that could reasonably be expected from the existing designation. However the Committee believes that it is not unreasonable in the circumstances to require OGPA surfacing for the new road and a post construction review of the noise levels.

#### Visual and landscape aspects

101. The proposed road will result in a noticeable change in the visual appearance of the site with large scale earthworks being undertaken to enable its construction. A number of bridges and retaining structures will also be constructed and will be visible to varying degrees from different parts of Glenside and Churton Park. A number of submissions from Glenside Road residents raised concerns about the likely visual effects.
102. In considering the effects in the context of the existing environment, of which the current designation is relevant, the mitigation proposed, and the fact that the alteration sought actually moves the proposed works further away from these properties than would be the case under the existing designation, it is considered that the visual effects on Glenside Road properties will be less affected than they would be if the original alignment was adhered to.
103. The visual character of the area will be altered by the proposed works, however this change is considered to be in keeping with what could be reasonably anticipated for the site given the current designation and topographical constraints. The Committee are of the opinion that the visual effects of the proposal will be mitigated to an acceptable level once the restorative and additional riparian planting is carried out in accordance with the conditions of the WRC consents and the batter slopes have been reseeded and re-vegetated as proposed by conditions to be imposed on the altered designation

#### Stream and terrestrial ecology

104. The Committee considers that the adverse effects of the alterations to the proposed road on the ecology of the site have been dealt with under the evaluation and outcomes of the various WRC resource consents and that appropriate conditions will satisfactorily mitigate these effects.

#### Cultural and/or heritage aspects

105. The applicant and several submissions raised the issue of a gravesite understood to be located near the stockyards on the northern side of the stream. The Committee is satisfied with the lengths the requiring authority has undertaken to investigate the existence of the suspected gravesite and are satisfied that by following the appropriate steps with respect to obtaining an archaeological authority from the Historic Places Trust, any adverse effects can be appropriately managed. The Committee has recommended a condition that should archaeological deposits be identified during works or construction, work is ceased and the Historic Places Trust and tangata whenua contacted immediately. There are no trees protected by the District Plan within the subject site.

#### Lighting

106. Several submitters were concerned with lighting effects generated both from street lights and from vehicular headlights. In response to these concerns, the Committee has recommended that all light spill from the street lighting along the designated road be directed away from residential properties if necessary by the use of specifically designed lighting cowls..
107. The Committee understood the concerns expressed by residents that car headlights may create a nuisance by shining directly at the windows of existing houses. However the Committee considered that the separation distance both horizontal and vertical between the proposed road and dwellings, and the proposed planting, was such that any more than a minor adverse effect was unlikely to be experienced. The applicant did indicate that if there were any specific instances of significant effect these could be looked at by fencing or other screening options.

### Stability

108. The Committee is satisfied that the road and proposed earthworks including the retaining structures, bridges and road have been designed by suitably qualified engineers. A condition has been recommended requiring such engineers to be involved in the supervision of construction and provide final sign off as to the integrity of the works.

### Privacy aspects

109. The Committee agrees with the assessment of privacy effects made by Mr Christofferson in his report that privacy effects are not unacceptable because there is a greater separation distance between the proposed road and any dwelling than is required between houses under the District Plan. In addition the Committee finds that the alterations to the road alignment increase this distance in the majority of cases.

### Property values

110. Several submitters raised concerns with a loss of property values and of rental income. No submitters tabled any evidence of this from a registered residential property valuer. The Committee believes that the length of time that the designation has been shown on District Scheme/Plan maps means that the presence of the designation would have been taken into account in historic and present property values. In the Committee's view the alterations to the designation are unlikely to adversely affect property values or rental income.

## **The consideration of alternatives**

111. The very fact that this NOR has been made is a product of the ongoing consideration of alternatives that has been associated with proposals to connect the two ends of Westchester Drive. Alternatives that have been considered have been thoroughly discussed in evidence by Mr Harte and Mr Doherty. In summary, 8 options were explored in furtherance of the commitment to minimise the impact on Stebbings Stream and its ecology. Options 1 and 2 the most direct routes were dismissed because they severed the Glenside community, Option 3 taking a line further to the north was discounted because of the difficulty to construct, and option 5, 6 and 7 were rejected because of impacts on the stream and cost considerations. Both options 4A and 4B cross the stream four times.
112. The chosen option was based on option 4A but has been developed as a more circuitous route alongside the stream to minimise crossings. The Committee is therefore confident to adopt Mr Doherty's statement that:

*"I believe that options relating to the most appropriate position of the proposed Westchester Drive Extension have been fully investigated and the community consulted throughout this process. I believe the current alignment, as presented in the Notice of Requirement and regional resource consent application, reduces the engineering impacts of such a road, when compared with the original designation."*

**The necessity of the alterations to the designation for achieving the objectives of the Council**

113. The designation has been in place since the 1980's for the purpose of providing a new road to link the existing sections of Westchester Drive, thereby providing a more direct route to the Grenada interchange from the upper sections of Churton Park and reducing traffic volumes on Middleton Road and Halswater Drive. This is in accordance with the Wellington City Council's Northern Growth Management Framework (NGMF), and the Council's policy direction towards further developing Stebbings Valley for residential purposes in accordance with the Outer Residential zoning within the District Plan, and in line with existing resource consents to facilitate the development of this area.
114. The proposal fits with the Council's Transport Strategy and forward planning identified in the NGMF. It meets Council's current thinking for growth in the northern area and goes some way to achieving its objectives especially those related to livable communities where a highly developed roading network allows people to freely access work and leisure activities by any mode of transport.
115. The objectives of the Council remain essentially as stated in 1992 when the then Planning Tribunal approved the designation and found that it was reasonably necessary to achieve the Council's objectives.
116. More recently the relationship between the Council's objectives and the proposed link road has been reinforced by the NGMF, and Plan Change 36 which clearly outlines the need for, and intention to construct, the Westchester Drive extension.
117. Considering all of the above, the Committee is satisfied that the designation is reasonably necessary to achieve the objectives of the Council.
118. The Council's District Plan objectives also include several provisions that seek to minimise environmental effects of projects such as the proposed road thereby confirming that the alterations to the designation are also in accordance with and reasonably necessary to achieve those objectives.

**Part 2 Matters**

119. The Committee is satisfied that the alterations to the designation are not inconsistent with the Purpose and Principles of the RMA as set out in sections 5, 6, 7 and 8 of that Act. In particular the alterations will allow a road to be built that will promote the sustainable management of the road network in a way which minimises the adverse effects on the environment.
120. The proposed alteration to the existing designation will enable the proposed road to be constructed with an alignment that will minimise the amount of modifications and realignment works required within the streambed, and immediate stream environs, and will appropriately safeguard the life supporting capacity of air, water, soil and ecosystems to a greater degree than would be the case under the existing designation.
121. The proposed road will provide for improved access to the upper parts of Churton Park and will reduce traffic volumes on Middleton Road and Halswater Drive, thereby providing for the health and safety of people and the Churton Park community. This strategic link road will be fundamental to realising the future development potential of Stebbings Valley, which will provide for the residential expansion of Wellington City to accommodate forecast population growth and meet the 'reasonably foreseeable needs of future generations'.

122. Section 6 matters of national importance have been appropriately provided for in the re-design of the proposed road to minimise adverse effects on the natural character of the stream environment. There are no outstanding natural features or significant indigenous vegetation that require protection under this section and public access to the stream will not be altered by the proposal. Conditions are proposed in respect of the discovery of archaeological and/or cultural material.
123. The Committee had particular regard to relevant section 7 matters. The proposed alteration seeks to incorporate an alignment and methodology that will minimise effects on the stream, therefore being a more efficient use of natural resources. The proposed alignment will also minimise effects on private properties within the vicinity of the site compared to other alternative options which were investigated, and which may have required the removal of some houses to facilitate the development. The proposed alteration to the designation will facilitate the construction of the extension to Westchester Drive providing a more efficient route, as well as provision for pedestrian and cycling access to the upper part of Churton Park and future development planned for Stebbings Valley. This will increase the efficiency of the end use of energy by reducing fuel consumption required to access upper Churton Park and planned future development within Stebbings Valley.
124. The intrinsic values of ecosystems are subject to consent conditions imposed by the WRC resource consents. It is anticipated that ecosystems will be maintained to a greater degree than would be the case were the road constructed within the existing designation boundaries. Further, the quality of the environment is anticipated to be enhanced as a result of the alteration to the designation, which will reduce the number of stream crossings from that which could occur through an outline plan approval process under the current designation.
125. The Committee notes that in accordance with the principles of the Treaty under section 8 of the RMA the applicant advises that the Wellington Tenth Trust and Ngati Toa were both sent letters and drafts of the NOR regarding the proposed alignment and notice was served on them as well as the Port Nicholson Block Claimants, as part of the formal notification process. No submissions were received from any of these parties.

### **Outline Plan**

126. The Committee is satisfied that the details of the proposed road are sufficiently included in the designation as it will be when altered as proposed by the NOR that an Outline Plan need not be submitted for the project.

### **CONCLUSIONS**

127. The Committee considers that the notice of requirement to alter the existing designation no. 134 is consistent with Part 2 of the RMA and with the provisions of section 168A(3) of the RMA.
128. Regard has been had to the relevant planning instruments, alternatives and whether or not the proposed road is reasonably necessary for achieving the objectives of the Council for which the designation is sought.
129. The Committee has found that of the alternatives considered the proposed alignment has the least overall effects on the environment and is the most efficient use of resources. Having considered the objectives of the Council as reflected by the existing designation and the various provisions of the District Plan the Committee also finds that the alterations to the designation are reasonably necessary to achieve these objectives.

130. The Committee considers that significant positive effects will result from the alterations to the designation, and that the adverse effects, as mitigated by the conditions imposed on the NOR and the WRC resource consents, are acceptable in the context of the site and having regard to the effects which could have occurred if a road was constructed within the existing designation.

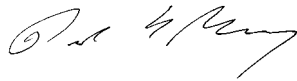
DATED at Wellington this 7<sup>th</sup> day of July 2009.

Joint Hearing Committee:



---

Sally Baber (Chair)



---

Paul Bruce



---

Stuart Kinnear