

**NOTICE OF MEETING**

**RESOURCE CONSENTS HEARINGS PANEL**

**TO:** Chairperson                      Les Simmons  
         Crs                                      Grahame Powell  
            Wayne Walker

A meeting of the Resource Consents Hearings Panel will take place in the Council Chamber, Rodney District Council, Centreway Road, Orewa on Friday, 8 February 2008 commencing at 9.00 a.m.

for: ACTING CHIEF EXECUTIVE OFFICER  
     Geoff Mears

OREWA  
30 January 2008

\* \* \* \* \*

**PROGRAMME**

<u>Time</u>		<u>Page</u>
9.00 a.m.	<b>RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991</b>	2
	<b>AN APPLICATION FOR CONSENT TO CONSTRUCT AN INTEGRATED RETIREMENT VILLAGE AND TO UNDERTAKE RELATED EARTHWORKS ON THE SITE</b>	
	Address: 30 Ambassador Glade, Orewa	
	<b>APPLICANT: RYMAN HEALTHCARE LIMITED</b>	

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	<b>AN APPLICATION FOR CONSENT TO CONSTRUCT AN INTEGRATED RETIREMENT VILLAGE AND TO UNDERTAKE RELATED EARTHWORKS ON THE SITE</b>	

Address: 30 Ambassador Glade, Orewa

**APPLICANT: RYMAN HEALTHCARE LIMITED**

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ITEM NO: 1

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## APOLOGIES AND ANNOUNCEMENTS

ITEM NO: 2

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## REQUESTS FOR CONSIDERATION OF URGENT ITEMS

Urgent items not referred to on the main agenda can only be considered if the following requirements of the Local Government Official Information and Meetings Act 1987 are met:

- The Chairperson must explain at a time when the meeting is open to the public (even if the additional item is a confidential item)
  - the reason why the item is not on the agenda
  - the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- The Council or Panel must resolve to consider the item.

Councillors or staff members who wish to raise urgent items for consideration need to brief the Panel Chairperson and the Committee Adviser prior to the meeting.

ITEM NO: 3

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REPORT



TO Resource Consents Hearings Panel  
ON 8 February 2008  
FROM Paul Jones – Reporting Planner  
SIGNATURE

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APPROVED FOR RELEASE BY Ian Dobson – Team Leader Resource Consents  
SIGNATURE

A handwritten signature in black ink, appearing to be "I. Dobson", written over a horizontal line.

SUBJECT **RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991**

**AN APPLICATION FOR CONSENT TO CONSTRUCT AN INTEGRATED  
RETIREMENT VILLAGE AND TO UNDERTAKE RELATED  
EARTHWORKS ON THE SITE**

Address: 30 Ambassador Glade, Orewa

**APPLICANT: RYMAN HEALTHCARE LIMITED**

FILE REF RMA 53144  
WARD Hibiscus Coast

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**Note: This report sets out the advice of the reporting planner. This report has yet to be considered by the Panel of Commissioners delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Commissioners have considered the application and heard the applicant and any submitters.**

## 1.0 APPLICATION AND PROPERTY DETAILS

<b>SITE ADDRESS:</b>	30 Ambassador Glade Orewa
<b>APPLICANT:</b>	Ryman Healthcare Limited
<b>LEGAL DESCRIPTION:</b>	Lot 2 DP 208382 (CT NA 136C/771)
<b>SITE AREA:</b>	4.7897 ha
<b>DISTRICT PLAN ZONING:</b>	<b>Operative Plan as amended by Plan Change 26</b> Medium Intensity Residential Activity Area  <b>Proposed District Plan 2000</b> Residential Medium Intensity
<b>SNA:</b>	N/A
<b>ACTIVITY STATUS:</b>	<b>Operative Plan as amended by Plan Change 26</b> Non-complying  <b>Proposed District Plan 2000</b> Non-complying  <b>Overall</b> Non-complying

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## 2.0 BACKGROUND

### Section 93/94 Decision

2.1. On 13 September 2007, the Team Leader - Resource Consents made a decision pursuant to Section 93 of the Resource Management Act 1991 (the Act) that the application be fully notified for the following reasons:

- a) *The scale, character and intensity of the development removes the proposal from what could reasonably be expected on the site, including the approved development. It is considered that the significance of the departure is such that the development has the potential to have adverse effects on the surrounding natural and physical environment, in particular on the immediate area's character and the nature and level of amenity provided by the existing urban environment that are more than minor.*
- b) *The consultation undertaken by the applicant clearly indicates that many of the immediate neighbours have concerns regarding the development and accordingly these potentially affected parties must be given the opportunity to partake in the assessment of this application.*
- c) *In addition to these parties it is considered that due to the nature and scale of the development, in relation to what may be established on the property by way of the provisions of the Plans, the wider community should be given the opportunity to scrutinise the activity and participate in the assessment process.*

### Planning History

2.2. In 1997, Council granted consent to the subdivision of the site as part of the "The Grange" subdivision. The approval provided for the subject area to be subdivided into a total of 70 lots/dwellings. While other portions of "The Grange" were developed for residential purposes, the subject site was not developed beyond the earthworks that created the current contours.

- 2.3.** In 2005, Cabra Holdings Limited applied to Rodney District Council for resource consent for an integrated residential development “St Emilion” on the site. This development consisted of 144 residential units within 35 individual buildings. The application was publicly notified. Resource consent for the residential development was subsequently granted in 2006 (subject to the reduction in height of two of the four storey blocks). The applicant appealed the decision and has since withdrawn the appeal on the sale of the land to Ryman Healthcare Limited.

### **3.0 THE PROPOSAL AND REASONS FOR APPLICATION**

#### **Proposal**

- 3.1.** The proposal is to establish and operate an integrated retirement village on the property. In summary, the proposal involves the following elements:
- Earthworks to create building platforms, basement car parks, service trenches and access roads
  - Construction of 17 buildings including:
    - 231 independent apartments – mainly two bedroom units, with some three bedroom units all with private outdoor space as balconies or patios
    - 47 serviced apartments – single bedroom with kitchenette – all with private outdoor space as balconies
    - 60 long term care beds –single rooms with en-suite
    - Community facilities including a swimming pool, communal dining and lounge
  - Construction of access roads, footpaths and service
  - Extensive planting and creation of shared outdoor recreational facilities (bowling green, croquet lawn)
  - On-going management of the site as an integrated retirement village

#### **Building details**

- 3.2.** The development will comprise a total of 17 buildings. Buildings fall into three main categories; the main building, apartment buildings and duplexes.

##### *Main building*

- 3.3.** This building, Block 1, is located at the centre of the site and comprises all the community facilities as well as serviced apartments and long stay care beds. These accommodation options are intended for those residents who are less mobile, or who require an increased level of care. The centre also includes community dining and lounge areas and is closely associated with outdoor active recreation areas; the bowling green and the croquet lawn.
- 3.4.** Block 1 is three-level, including a partial basement for car parking. On the western façade the majority of the building presents as two levels while, due to topography, the eastern façade is three-level.
- 3.5.** Serviced apartments are mainly orientated to the east or west and have east or west facing outdoor space in the form of a patio or deck. They all include kitchenettes, although communal dining facilities are available for all residents within the main building.

##### *Apartment buildings*

- 3.6.** Blocks 10 through to 13 are located to the east of the main building, along West Hoe Road. Block 14 is slightly to the south west of the main building, adjacent to Grand Drive. Buildings fronting West Hoe Road are three to four levels with partial basement car parks. Block 14, located up-gradient of the main building, is only two above-ground levels, with a partial basement car park.

- 3.7. Apartments are all orientated to the north, east or west. They all have outdoor space as patios or decks. Due to site topography, the western façade of each building generally presents as a slightly lower structure than to the east.
- 3.8. All buildings comprise two and three bedroom apartments, with a predominance of two bedrooms apartments. Car parks are provided on the basis on one car parking space per unit.

*One and two level duplexes*

- 3.9. Blocks 2 to 9 and 15 to 17 are located along the western perimeter of the site, adjacent to the existing residential development. These buildings are located and designed to improve the interface with the existing residential sites to the west.
- 3.10. Block 2 is a single level terraced building and blocks 15 – 17 are all single level duplexes. Open space is provided as a patio and lawn area on the northern side of Block 2, fronting onto Ambassador Glade. Garages are accessed from the south. Blocks 15 to 17 have an outdoor patio area on the north western or south western corner of the building.
- 3.11. Blocks 3 to 8 are all two level, with one level visible on the western elevation. Road access is provided to both elevations and garage entries are on the eastern and western elevation. Private open space is mainly provided on the eastern and northern elevation. Upper level dwellings have decks and patios and a small lawn area, while lower level dwellings have patios on the northern and southern side of the building and a larger lawn.
- 3.12. All buildings provide two car parks per unit. One is garaged and the other is provided as a stacked park in the driveway.

*Private open space*

- 3.13. Every independent apartment and serviced apartment is provided with private open space either in the form of a deck or patio. These areas are directly accessible from main living areas and range in size from a minimum area of 10.2 m<sup>2</sup> (for type 8 and type 9 apartments) to 31.6 m<sup>2</sup> (for type 10 apartments). Duplex apartments have additional private open space in the form of lawn areas. These areas generally comply with District Plan standards where they are located to the east of buildings. Those located to the west do not meet the standard but provide useable outdoor space in addition to the patio areas.
- 3.14. All buildings have been designed so that this open space is orientated to the north, east or west except in a very few cases where the ends of buildings front to Grand Drive. Southern elevations of buildings generally include public space balconies as access ways (shown as common areas on floor plans).
- 3.15. Where open space is at ground level, a clear delineation between public and private areas will be made through landscape elements such as hedges or gardens. These open spaces and landscape elements will be maintained by Ryman.

**Consultation**

- 3.16. Following an introductory meeting with staff of the Rodney District Council, the applicant distributed an information pack to 42 neighbours and key stakeholders in July of 2007. Ten parties responded to the mail out. All of the responses were acknowledged and the Ryman team and advisors visited the site as part of the assessment of the issues raised.
- 3.17. The applicant has made minor changes to the building footprint, basement works and carparking since the production of the information pack.
- 3.18. The applicant has had some ongoing dialogue with the owners of 39 and 41 The Ritz since the initial mail out and staff from both the Rodney Council and Auckland Regional Council. The applicant has responded to the issues raised by Council staff in the submission accompanying the application. The Hearing may provide the opportunity for the applicant to explain their response to these concerns in more detail.

## Reasons for the Application

3.19. Resource consent is required for the following reason(s).

### Operative Plan as amended by Plan Change 26

The site is zoned Medium Intensity – Residential Activity Area.

Rule 3.2 of the Plan Change provides for “*boarding houses, homes for the aged and day care facilities for the elderly... accommodating 11 or more persons...*” as a discretionary activity. It is considered that the proposal lies outside the accepted meaning of any of these activities and therefore must be considered as a non-complying activity.

Although the performance standards do not apply, the development exceeds the following:

- Rule 3.6.1 habitable room window to common property or common driveway.
- Rule 3.6.1 maximum height – building blocks 1, and 10 to 14 exceed the maximum height limit of 9 metres.
- Rule 3.6.2 Private open space - the development does not provide each unit with the required open space requirements.
- Rule 3.7 Conservation of Landscape – the site works exceeds the permitted volume of earthworks of 200m<sup>3</sup>.

Overall the proposed activity is not provided for and must be considered as a non-complying activity.

### Proposed District Plan 2000

The site is in the Residential M (Medium Intensity) Zone.

Rule 8.9.2 of the Proposed District Plan, 2000, provides for “*homes for the aged and day-care facilities for the elderly and disabled, accommodating more than 10 persons...*” as a discretionary activity. It is considered that the proposal lies outside the accepted meaning of any of these activities and therefore must be considered as a non-complying activity.

Section 3 of the Plan defines Homes for the Aged as:

*“premises licensed as a home under the Old Peoples’ Homes Regulations 1987 or any Regulation in substitution therefore.”*

As the activity is non-complying, performance standards do not apply. However, the proposal is required to be assessed against the discretionary activity standards in Rule 8.13. One of the criteria for consideration is compliance with the performance standards.

Although the performance standards do not apply the development exceeds the following:

- Rule 8.10.1.1 maximum height – building blocks 1, and 10 to 14 exceed the maximum height limit.
- Rule 8.10.6.1.2 open space - the development does not provide each unit with the required open space requirements.
- Rule 8.10.6.2.3 Separation between household units – the development does not comply.
- Rule 18.9.2, earthworks and site modification - the site works exceeds the permitted volume of earthworks.

Overall the proposed activity is not provided for and must be considered as a non-complying activity.

## **Overall Status**

The application requires consent as non-complying activity.

### **4.0 SITE AND NEIGHBOURHOOD DESCRIPTION**

- 4.1. The 4.7ha site is a large vacant block that lies between Grand Drive, West Hoe Road, West Hoe Heights, Ambassador Glade and residential dwellings that have access off The Ritz. The land is the last undeveloped block of the original The Grange subdivision.
- 4.2. A large recreation reserve (Victor Eaves Park) lies to the east of the site (to the east of West Hoe Road). The Park has been developed into playing fields, children's play area, community hall and associated buildings. The areas to the north, east and south of the Park are part of Orewa's older urban development.
- 4.3. The areas to the north, west and south of the site have been subdivided for residential purposes more recently than the land to the east and are characterised by a variety of housing types.
- 4.4. The site falls approximately 10 metres from the south western corner down towards West Hoe Road/West Hoe Heights and generally has an easterly aspect. There is no vegetation on the site apart from grass and a small area of bush in the site's north western corner.
- 4.5. While there is no formal crossing onto the site, an indented kerb line on Ambassador Glade indicates that access to the site was anticipated to be formed of this roadway.

### **5.0 WEIGHTING OF DISTRICT PLANS**

- 5.1. Section 104(1) (b) (iv) of the Resource Management Act requires any resource consent application to be considered in terms of the provisions of the Operative Plan and Proposed District Plan.
- 5.2. The matters for which resource consent is required have been outlined as part of this report. With regard to the assessment of an application for resource consent and the decision making process, where an application is being assessed under various Plans, it is common practice to establish a weighting of the Plans.
- 5.3. Plan Change 26 was made operative in July 2005 and the provisions that relate to this planning document therefore supersede those of the previously Operative District Plan 1993.
- 5.4. The Council has released its decisions regarding submissions to the Proposed Plan. A number of these submissions have been appealed. The Residential Chapter (Chapter 8) has 7 (seven) appeals outstanding at the time this report was written. None of the appeals are relevant to this application.
- 5.5. As these appeals have not been settled, greater weight needs to be placed on the provisions of the Plan Change 26.

### **6.0 NOTIFICATION AND SUBMISSIONS**

#### **Notification**

- 6.1. The application was fully notified on 6 November 2007 and submissions closed on 5 December 2007. A summary of the submissions is set out below. A full copy of the submissions is attached as **Appendix C**.
- 6.2. \* Denotes those that wish to speak at the hearing.

## Submissions

### Submissions in Support

6.3. The following submission has been made in support of the application:

Wilson Owen, 28 Chesterfield Way, Orewa

### Comments in Support

- Looming need for retirement accommodation
- Should be strategy to provide more higher accommodation
- Four storey height should not provide any sea view blockage
- Village will be an asset

### Submissions in Opposition

6.4. The following submissions have been made in opposition to the application:

Orewa Residents Group. Gordon Miller has lodged a joint submission on behalf of twenty seven property owners. These include the following parties who have made their own submissions:

Lesley Anne Davie, 30 Ambassador Glade, Orewa (a, c)  
Richard Heathfield, 11 The Ritz, Orewa (b, i)  
Karen and Paul Wilson, 30 Ambassador Glade, Orewa\* (a, i)  
Gordon and Margaret R Miller, 17 The Ritz, Orewa\* (l, m)  
G Andrew, S Andrew and D Gill, 25 The Ritz, Orewa \* (i, n)  
Graham Andrew 25 The Ritz, Orewa \* (i, n)  
Colin and Carol Gussey, 29 The Ritz, Orewa \* (h, c, n, o, p)  
Graeme and Shirley Dando, 35 Grosvenor Drive, Orewa \* (h, c, n)  
Kevin W and Susan M Judson, 39 Grosvenor Drive, Orewa \* (i)  
Gary & Barbara Burkett, 30 Ambassador Glade, Orewa (a, o)  
Ken Wells, 14 The Ritz, Orewa (i)

Gordon Miller, 17 The Ritz, Orewa\* (a, c, g)  
Stuart & Sharon Blow, 39 The Ritz, Orewa  
Ray Davie, 30 Ambassador Glade, Orewa (a, c)  
Stephen Hickey and Rachel Ann Hickey, 41 The Ritz, Orewa \* (h)  
Stephen and Sandra Phillips, 5 Grand Drive, Orewa \* (d, i)  
Ed and Sharon Baggaley, 30 Ambassador Glade, Orewa (a, e, f)  
Terry and Raewyn Maddaford, 53 The Ritz, Orewa (j)  
M & ME Ala'i, Po Box 435  
Ken Noble, 10 The Ritz, Orewa (g)  
Anita and Ken Brewer, 1 Grand Drive, Orewa (a, k)  
Eric and Joan Pannett, 9 Grand Drive, Orewa (a, k)  
Gary Burkett, 30 Ambassador Glade, Orewa (a, c, g)  
Terence and Glenis McGarty, 18 The Ritz, Orewa \* (a, e, l)  
Leslie & Patricia Stefek, 5 Felicity Place, Meadowwood, Albany

### Comments in opposition (as mentioned by submittor)

- The buildings are over the 9m maximum
- The density of the development
- Existing infrastructure will not be able to accommodate the increased flows
- Precedent set with regards to Cabra Holdings Ltd "St Emilion" development/consent
- Integrity of the Plan
- Use of Ambassador Glade
- Proposal will be overly dominant and be out of scale
- Breach of covenant
- Use of Grand Drive for construction traffic
- Aspect and shadow are unacceptable
- Noise
- Dust from construction traffic and earthworks
- Mud

- Peace
- Safety of roading network
- Loss of daylight
- Loss of privacy
- Reduced setback on western boundary
- Stability of adjacent properties and potential for subsidence and settlement
- Alignment and length of blocks will obstruct view through the development
- Mass and repetitive nature of the buildings
- Significant variations to the Operative District Scheme
- Number of proposed units

**Relief Sought** (number of times mentioned in submissions)

- a) Reduce height to three storeys (10)
- b) Reduce the density of the development (1)
- c) Review the entrance of the site on Ambassador Glade (6)
- d) No heavy vehicles to gain access/egress onto Grand Drive (1)
- e) Reduce extent of earthworks (2)
- f) Reconfigure design to meet daylight and privacy (1)
- g) Work with Developer to resolve issues (3)
- h) Ensure that no building is erected over the covenanted height (3)
- i) Height reduced to 9 metres (7)
- j) Reconfirm St Emilion decision (1)
- k) Revise building lines on southern boundary to reflect St Emilion decision (2)
- l) Reduce time frame for work (1)
- m) Conditions on final appearance (1)
- n) Ensure stability of neighbouring properties (4)
- o) Conditions placed on height of trees (2)
- p) Conditions prohibiting structures on roofs (i.e. TV aerials) (1)

**Submissions in Support/Opposition**

**6.5.** The following submission has been made in support/opposition of the application:

Peter & Maud Anderson, William Henderson & Deborah Johnston, 37 The Ritz, Orewa

**Comments in opposition/support**

- Quantity of proposed earthworks
- Construction height
- Dust

**Relief Sought**

- Ensure stability of site
- Conform with the 9m height limit
- Keep dust to a minimum

**Other Submissions**

**6.6.** Transit New Zealand has made a submission which states:

*“Ambassador Drive is not directly accessed off the State Highway nor it is a Limited Access Road. Transit concurs with the assessment made by the Traffic Design Group and does not consider that the activity of a retirement village in this location will have an impact on the state highway and its respective intersections.”*

## **PRE HEARING MEETING**

6.7. No pre hearing meeting was sought by any party.

## **7.0 REPORTS FROM OTHER OFFICERS**

7.1. Comments have been sought from the following:

- Development Engineer (Ross Green) – **Attachment C**
- Traffic Engineers report received from T2 Traffic Engineers Limited (Mr D Mitchell) **Attachment D**

## **8.0 STATUTORY ASSESSMENT**

8.1. The Act requires for all applications for resource consent that, subject to Part 2 of the Act, the Council must have regard to the matters set out in section 104 of the Act.

8.2. Section 104 (2) of the Act states that the Council “may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.” The permitted baseline of effects will therefore be assessed prior to the assessment in terms of section 104 (1) of the Act.

8.3. Following the section 104(1) assessment an assessment will be made in terms of sections 104 B and 104D, as applicable, and Part 2 of the Act.

### **Section 104- Matters for Consideration**

(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to:*

(a) *any actual and potential effects on the environment of allowing the activity; and*

(b) *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;*

(c) *any other matter the consent authority considers relevant and reasonable necessary to determine the application.*

(2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.*

(3) *A consent authority must not:*

(a) *have regard to trade competition when considering an application;*

(b) *when considering an application, have regard to any effect on a person who has given written approval to the application;*

(c) *grant a resource consent contrary to the provisions of section 107 or section 217, any Order in Council in force under section 152, or under any regulations;*

(d) *grant a resource consent if the application should have been publicly notified and was not.*

- (4) *Subsection (3)(b) does not apply if a person has given written approval in accordance with that paragraph but, before the date of the hearing (if a hearing is held) or otherwise before the determination of the application, that person gives notice in writing to the consent authority that the approval is withdrawn.*

### **Section 104B**

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority:

- (a) *may grant or refuse the application; and*  
(b) *if it grants the application, may impose conditions under section 108.*

### **Section 104D**

- (1) *Despite any decision made for the purpose of section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:*
- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor, or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of:*
- (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
- (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity,*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

## **9.0 SECTION 104 ASSESSMENT**

### **Permitted Activities Assessment**

- 9.1. A consent authority may, pursuant to section 104(2) of the Act, consider an application with reference to activities that are permitted by a plan. This permitted baseline defines the environment against which a proposed activity's degree of adverse effect is gauged. The permitted baseline comprises non-fanciful hypothetical activities and their constituent effects that would be permitted as of right by a district plan.

### **The Existing Environment**

- 9.2. The site is located in a relatively new residential area. Large houses are located to the west of the site (on The Ritz and Grovenor Drive (The Grange Subdivision)). An integrated housing development comprising a mix of single and two storey dwellings (all appear to be attached) is located to the north on the opposite site of West Hoe Road. A generally level 7ha recreation reserve lies to the east of West Hoe Road. The housing to the south resembles the traditional pattern of development on the flat area behind the beach of single houses on separate sites.
- 9.3. Grand Drive and West Hoe Road run past the site on two boundaries. These are busy roads, which have a significant impact in determining the character and amenity of the surrounding physical environment.
- 9.4. The site is primarily grass with the exception of a small area of vegetation in the upper north-west corner of the site. This vegetation runs along the sides of Ambassador Glade before further residential development.

- 9.5. The existing environment therefore is primarily of a traditional residential nature with single household units being the dominant residential form. However, it should be noted that more intensive development is present, as illustrated by the Seabreeze development, Orewa Grand Apartments and the more distant Nautilus apartments.

#### **Unimplemented Consents**

- 9.6. Two resource consents have been granted relating to the development of this site.
- 9.7. RMA 22011 provides approval to a total development/subdivision of the parent property of 375 residential units/ lots throughout the overall subdivision ('The Grange') over a 10 year period (and a 5 year period for the construction of multiple units). This consent was granted on the basis of one dwelling per 686m<sup>2</sup> over the entire parent area. Much of this subdivision has been completed, with 107 approved lots/ dwellings remaining and allocated by the applicant to the subject site (it is therefore assumed that the average dwelling ratio of 1/686m<sup>2</sup> as set out in the consent has been met over the entire subdivision). Development of this site was originally proposed to be via a traditional subdivision pattern, including a cul-de-sac and access lots. The subdivision component of this consent lapsed on 26/6/07 and therefore does not form part of the permitted baseline. (A copy of the consent and plans are included in **Attachment F**).
- 9.8. RMA 40686 provides approval for an integrated residential development known as "St Emilion" on the site. This development consists of 144 residential units within 35 individual buildings. (A copy of the consent and plans are included in **Attachment E**).

#### **Activities Permitted by the Plan**

- 9.9. The permitted activity tables contained in the Plans provide primarily for the erection and occupation of a single household unit per lot. On the subject site this would equate to one household unit erected in compliance with the relevant development controls.
- 9.10. Other non-fanciful activities permitted under the documents include:
- Boarding houses, homes for the aged and daycare facilities for the elderly, hostels and private hotels (accommodating not more than 10 persons);
  - Childcare facilities (not more than 10 children at any time); and
  - Any business, trade, craft or profession subordinate to residential use meeting certain criteria.

#### **Section 104(1) (a) – Any Actual and Potential Effects on the Environment of Allowing the Activity**

- 9.11. The effects on the environment of the proposal are considered to be greater than those generated by an activity which is permitted as of right (as outlined above). The potential effects on the environment of the proposal are considered to relate to the following broad categories:
- Effects on residential character;
  - Effects of height and bulk;
  - Amenity values (on site and off site);
  - Staging;
  - Stormwater discharge and water quality effects;
  - Noise and dust (construction effects);
  - Natural hazards;
  - Traffic effects;
  - Services;
  - Landform modification;
  - Economic;
  - Ecological;
  - Cultural.
- 9.12. Section 3 of the Act states that an "effect" on the environment includes any positive or adverse effect; temporary or permanent effect; past, present, or future effect; any cumulative effect and potential effects.

**9.13.** In carrying out this assessment of effects, I have had regard to the relevant rules and assessment criteria of the district plans, and the information provided on behalf of the applicant as described in previous sections of this report.

**(a) Character**

The character of the area is defined by the existing physical elements and that which may arise as an area is developed in accordance with the provisions of the District Plan.

The site is located on one of the entranceways into the Orewa town centre where a mix of housing styles and site densities are present. The majority of the surrounding area has been developed as envisaged under the medium density zoning, at one dwelling per lot. In addition to this general pattern of development, there are several more intensive residential developments, being the residential complex known as Seabreeze Grove (immediately to the north of the site), 66 Grand Drive (attached units) and Orewa Grand Apartments (apartments). A retirement complex is also located on Tauranga Place (adjacent to Grand Drive). The complex includes a large five storey block.

The other predominant physical feature within the immediate area is Victor Eaves Park. The 7ha park is largely open at present with young specimen planting breaking the open expanse into separate compartments.

There are fundamental differences between the relatively intensive, multi storey nature of the proposed retirement village and the more diverse range of housing styles currently found around Grovenor Drive and Grand Drive. These differences will clearly set the development apart from the preceding stages of The Grange. Although there are these differences, the proposed development is residential in nature and the Plans provide for integrated residential development to occur on large residential lots.

In addition to these two factors, the basic configuration and broad architectural theme of the proposed development will be compatible with and has a clear affinity with the adjacent Seabreeze Grove development and Orewa Grand Apartments.

The proposed landscaping of the property, in particular the tree and shrub planting, will reinforce this integration and broad compatibility. The comprehensive and integrated nature of the development may be a positive feature of the complex as it will provide a degree of visual coherence and harmony not often found in the District's urban areas. Notwithstanding this effect, there is the potential for the buildings finish to become overbearing without a greater degree of variation across the site. The applicants may seek to vary the colour scheme to a greater degree than proposed to eliminate this potential "sameness" from occurring.

Overall it is considered that the proposal appears likely to reinforce the established pattern of development that has been established by the two aforementioned residential developments and the overall generally higher density, albeit generally involving individual houses on individual sites.

The proposal will also link, from a physical perspective, with Victor Eaves Park and the surrounding street network apart from The Ritz and Grovenor Drive which are already physically severed from the site by existing residential properties and houses. This integration will be enhanced by the creation/provision of internal open spaces between the buildings and open spaces that will provide space for passive recreation use, thereby complementing the larger scale and active recreational focus off Victor Eaves Park.

In addition to this physical connectivity, the location of the development, at the point where the land starts to rise up at the back of Orewa, means that the proposed development will build upon the natural amphitheatre qualities of the land immediately west of Victor Eaves Park and to a lesser degree the town centre to provide an additional containment and definition to the large open public space and in part, the town centre's periphery. The retirement complex will mirror the differentiation achieved by the nearby Seabreeze Grove and Orewa Grand Apartments between the flat town centre and its suburban surrounds.

In addition to the need to assess the village in relation to the physical features of both the site and neighbourhood, the provisions of the Plans also need to be taken into account.

Although the Plans envisage the District's medium intensity zoned land been developed generally in the configuration / pattern of single dwellings on separate sites, the Plans do provide for integrated residential development in the zone. The actual form of the subject development is envisaged as being appropriate in the District's medium intensity zoned land in certain circumstances.

Orewa has traditionally been a seaside holiday settlement but over the last twenty years has undergone a rapid transformation. The changes and growth which are occurring within the established and greenfield areas would appear to be gaining momentum rather than slowing.

The growth and urban form has been managed by the Council through the Plans, and associated Structure Plans and variations (such as Variation 58 and 101 – which provides for more intensive development on the strip of land between Orewa Beach and the Hibiscus Coast Highway).

The provision of the rule that “provides” for integrated residential development as well as the changes that are occurring within the Orewa urban form and fabric indicate that the development will fit within the residential character envisaged by the Plans.

Overall it is considered that although the development will not mirror the majority of the residential development that has occurred within the neighbourhood, the retirement village is in essence an integrated residential development and the site is sufficiently isolated, together with the presence of similar buildings in the immediate area, to allow the architecturally designed and landscaped complex to be accommodated within the existing mixed urban character without adversely affecting the character and integrity of the Orewa coastal environment.

## **(b) Height and Bulk**

Almost all the submissions refer to the height of the buildings and many refer to the subsequent impacts on views from other sites within The Grange subdivision. Plan Change 26 and the Proposed Plan do not specifically protect views but rather contain provisions which seek to create a certain environment and associated amenity to be established. In part this is achieved through development controls.

Both Plan Change 26 and the Proposed Plan outline a maximum height of 9 metres in this zone. The Proposed Plan describes that the rule is intended to limit effects of buildings on neighbours and to ensure a relatively low rise residential environment. It should however be noted that infringing this rule is not a non-complying or prohibited activity, and therefore both planning documents anticipate some infringements of this rule may be acceptable.

It is recognised that the majority of housing in the vicinity of the application site is already oriented so as to make the most of views to the Hauraki Gulf and the proposal could potentially have a significant adverse impact on the established residential community's amenity values precisely because of such incursion. However it is considered that the difference in the height of the roof lines of the buildings (RL slightly below 23.0) in relation to the height of the viewing points on the adjacent properties (typically at 22.0 – 23.3) will ensure that the buildings will sit below the viewing planes from these properties to the Hauraki Gulf.

The difference should ensure that when sitting on the decks on the properties close to Grovenor Drive, most view interference will be sporadic and localised. The proposal will have less impact as the viewer moves up the slope (to the west). This level of interference with existing views appears to be consistent with what might have been expected in relation to complying development on the subject site given the abrupt change of contours at the subject site's western boundary (individual houses erected to the covenanted height).

Many submitters also refer to a covenant on the titles on The Grange subdivision. While this is not a covenant to which the Council is a party, the applicant has advised that the application as proposed meets this covenant (as shown on the cross sections submitted as part of the application).

The tallest buildings and those that infringe the 9m height limit are located adjacent to Grand Drive, Victor Eaves Park and West Hoe Heights Road. The buildings are set away from the site boundaries and on the opposite side a roadway from any existing or potential residential development. All the other buildings within the development are less than 9 metres high and meet the required yard setbacks.

Development along the site's western boundary (parallel with the residential properties on The Ritz) are similar to that which could be anticipated if the site were developed as a more traditional residential subdivision (single house units surrounded by open space).

The similarity of these proposed buildings with what could be erected on the site "as of right" should ensure that the buildings have very similar effects on the amenities of the adjacent residential properties, particularly in terms of shading.

Further, the use of the contours and low profile allows the development to integrate well with the properties to the west. The one level building profile and boundary setback will create a feeling of spaciousness in terms of outlook from these elevated properties that lie to the west of the property.

The four storey nature of the four buildings that have frontage onto Grand Drive and West Hoe Heights Road has the potential to create a wall of development when viewed from West Hoe Road and Grand Drive and the adjacent park. This wall has the potential to separate the park and Orewa township from the residential hinterland.

The mass and scale of the units will differentiate the blocks from the housing stock that generally surrounds the vacant property and could be in excess of that which may be considered appropriate at the interface between the town's core and suburban hinterland.

However it is considered that any potential effect on the transition of the urban form and any over dominance the blocks may have on the adjacent residential properties will be offset by the positive effects the development will have in terms of defining and enclosing Victor Eaves Park, creating a strong relationship between the site and road frontages and also increasing the numbers of residents that can appreciate the expansive view over the park and beyond.

The location and alignment of the blocks will create an urban street frontage that is more intense than that which is characteristic of the surrounding areas. This difference needs to be considered in the context of the immediate landforms and urban development.

In addition to these effects, the potential for the four blocks to generate any dominance over the adjacent roadways and properties is significantly reduced by the proposed reasonably attractive external face generated through its generally cohesive built form, sizeable open spaces between the blocks, the alignment of the blocks away from the roadway and proposed landscape treatment.

In addition to opening up the site and softening the buildings, the open landscaped areas will provide a visual linkage and will complement the much more expansive and largely active, recreational potential of Victor Eaves Park.

Notwithstanding the above comments, the Council's Senior Urban Designer, Andrew Trevelyan has raised a concern that the design is too repetitive. He considers that the buildings should be provided with more variety (in terms of form, heights, materials, building setbacks, colours, etc) particularly those which will be in public view. Having regard to the prominence of the site and its importance to creating a high quality street scene and urban focal point within the locality, every effort should be made to attend to the detailed built form and structural landscaping

The applicants have responded to this concern by noting in the submission that the *"form of the 17 buildings range from relatively traditional residential duplex arrangements to apartment blocks. The project buildings have been designed using a colour palette of ten earthy tones. The overall form of the larger buildings is to a degree dictated by operational requirements. Every endeavour is made to promote efficiency in terms of delivery of care to residents. Useable open space and accessible buildings are important. Design and orientation of these buildings are to fit the needs to site user and to provide maximum onsite amenity."*

*Because the maximum height on the site is restricted by a private covenant to RL 23 there is little opportunity to provide additional variation to building heights through changes in roof pitch. However, it is considered that the circular components in Blocks 10 to 13 will appear taller than the attached building mass when viewed from the street, due to the differing design of the roof forms as the two parts of the building.*

*With regards to the refinement of architectural detailing and the materials proposed for use on the construction of the village, the applicant notes that in the context of the application, these matters could be dealt with during the detailed design phase.*

With regards to these matters, the applicant may take the opportunity at the hearing to explain to the Committee in more detail the reasoning behind the design features and also the potential for design details to be further refined.

**(c) Amenity Values (on site and off site)**

*External*

Outlook

The proposed retirement village will have an impact on the outlook of all those properties that currently have an outlook over the vacant block of land. The actual impact needs to be placed in the context that the site had consent to be subdivided into 70 individual sites and is subject to a consent that allows for it to be developed for an integrated residential development.

Therefore, from an outlook perspective it would be difficult to differentiate the impact of the proposed development with the effect of a cluster of 70 individual roof tops or those of the St Emilion 35 building development. In addition to the similar effect, the covenanted height limit would have set the height of any development on the site and as such may have resulted in a similar plane as that which will be produced by the proposed development.

Overall it is considered that the potential interference with the existing views will be consistent with what might have been expected in relation to a complying development on the subject site or the consent in integrated housing development.

Shading/Sunlight

With regards to the potential of loss of sunlight and daylight, the height and set back of the buildings on the western boundary and difference in ground levels will ensure that any such loss will be less than that created by a complying situation.

The only properties that may experience shading are those on the southern side of Grand Drive (Nos. 1, 5 and 9) and the undeveloped residential sites that lie between West Hoe Heights and Ambassador Glade. The actual extent will be minimal due to the separation distance between the subject buildings (Block 10, 12 & 13) and the aforementioned properties.

Blocks 12 & 13 will lie to the south east of the vacant sites. The orientation and design of these lots will further reduce any potential loss of early morning sun during the summer months.

Privacy

All the residential properties surrounding the development site will experience a loss of privacy as a result of the occupation of the units. It is accepted that the elderly are generally very observant of their surroundings.

The properties to the north of the site will experience minimal loss due to the orientation of the blocks (numbers of units overlooking the properties), the separation distance between the blocks and the buildings and also the orientation and design of the adjacent residential properties.

The majority of the properties to the west will experience less of a loss than if complying developments were erected along the common boundary.

The properties to the south of Grand Drive will be overlooked by the three blocks along this road frontage. However it is considered that due to the orientation of the units in each of the blocks (living rooms are on the northern façade) any loss will be minimal.

Noise

The potential for any noise nuisance to occur is very limited and restricted to construction noise, which will be controlled by standards and will be temporary in nature, and vehicle noise.

Any noise generated by vehicles will be minimal as the bulk of the carparking is underground and the speeds of vehicles through the village will, it is reasonable to assume, be relatively low.

## Dominance

Blocks 10, 12 and 13 in particular, have the potential to appear overbearing when viewed from the properties on the southern side of Grand Drive and the vacant sites to the north of Ambassador Glade.

Of these, the four storey with basement Block 10 has the greatest potential to have an impact on the four dwellings near the bottom of West Hoe Road (between Chesterfield Road and Hatton Road) due primarily to the difference in elevation between the two areas (the subject site raises up at this point).

The dwelling on the corner of Chesterfield and Grand Drive and the adjacent dwelling are orientated north south. The northern elevation of these buildings will face the main building (the three storey Block 1). It is considered that due to the presence of a substantial rock wall on the road boundary and separation distance between the buildings the actual impact on the amenities of these properties will be minimal.

The two dwellings to the east are orientated east west and their main outlook is to the north.

The dwelling at No 9 Grand Drive will look between Block 1 and 10, whereas the dwelling on No 1 Grand Drive will look directly at the "rear" of Block 10. Again the actual effect on these properties will be mitigated by the existing boundary wall and the separation distance between the buildings.

Although the actual effect will be diminished by these factors, the occupiers will be looking at the "rear" of the units (the same effect that one has when passing the apartments on the corner of West Hoe Road and Centreway Road). I have concerns regarding this view and would request the applicant consider how the "utility" nature of this elevation could be amended to reflect the quality of the other elevations.

## *Internal*

### Outdoor living spaces

The retirement village consists of separate duplex apartment blocks, apartments and serviced apartments within larger blocks. The Plans require individual units to provide a set area of outdoor living space. None of the units provide the required space.

All of the units have access to balconies or patios directly accessible from their living areas but none meet the required standards. In this case, it is considered that the need for the space is reduced due to the age of the prospective occupants. The requirements as set out under the Plans are more relevant to stand alone houses and terraced developments (which generally have higher and younger occupancy profiles). The provision of shared open spaces in close proximity to the apartments and the larger communal open space and recreation facilities provided outside the main building (including a bowling green and croquet lawn) will adequately compensate for the deficiency in the private outdoor spaces.

In addition to the above, the submission notes that all balconies overlook public open space providing a greater sense of open space and also increased access to sunlight and daylight. Also the balconies are located so as to minimise overlooking and ground level open space is screened through the use of planting.

### Landscaping

The proposed development also involves extensive planting, by which the applicant seeks to create a park like setting which will complement the existing surroundings and enhance the neighbourhood.

The dominant features are:

Pohutukawa trees will feature along all four road frontages, these will be planted in association with a series of native griselinia hedges. The purpose of the hedges is to add form and structure to the pohutukawa planting. These plantings will lie inside the wrought iron boundary fence. On the two main corners to the village, "natural" water features will be created. These will consist of cascading water over rocks with mainly native planting.

The entrance way and boulevard will be lined with Queen Palms and will highlight a water feature. Internal paths will be lined with olives and clipped griselinia hedges.

In addition to these plantings, flowering exotic trees and gardens will provide colour to the property.

The proposed planting would indicate that the internal spaces of the village will provide the occupants with a high level of amenity.

### Pedestrian Access

The Village will have an extensive footpath network which will provide a high level of pedestrian connectivity within the complex. There will be pedestrian access points onto Grand Drive, West Hoe Road and Ambassador Glade. Access through the two first points (which are to be marked by seating areas/pergolas) will be limited to residents. Access through the main entrance will be open all day, only being closed from late in the evening. The lack of any public linkage from The Ritz negates the loss of pedestrian connectivity through the property from the properties to the west. The standard of the existing pedestrian access around the site (footpaths either side of the Ambassador Grove, West Hoe Road and Grand Drive) and relatively gentle contours mitigates the loss of pedestrian connectivity from a north/south perspective.

### **(d) Staging**

The applicant seeks to carry out the development in eight stages. The development of the site will create nuisance to the adjoining landowners and residents of the village in terms of dust and noise associated with machinery, workers, and vehicles moving to and from the site. It is considered that these effects can be adequately mitigated through the imposition of appropriate conditions such as those in relation to silt and sediment control, site access and hours of operation.

### **(e) Servicing**

#### **Stormwater**

The Council's Development Engineer, Ross Green, has made the following comments:

*"The development is within the Orewa Urban Drainage Area. A connection can be made to the public stormwater system within the site.*

*There is an existing 1600 diameter stormwater line crossing the property and the plans show buildings are to be located over this line. The issue of whether it is acceptable to build over the lines has been taken up with the Council's Stormwater Asset Engineer. The Engineer has requested that the stormwater line be diverted, clear of the buildings and an appropriate condition requiring this is recommended.*

*The developer intends to provide a private stormwater reticulation system within the development discharging to the existing 1600 diameter line and lines within Grand Drive and West Hoe Heights. It has been confirmed that these lines have sufficient capacity and therefore on site detention to limit flows is not required.*

*The plans show an area of the property served by a stormwater pump and rising main to the Council gravity system. Pumped stormwater systems are not acceptable for a number of reasons and a condition is recommended requiring the levels to be revised so that pumping is not required.*

*In accordance with the requirements of the discharge consent the Council holds for the catchment, stormwater treatment to TP10 should be provided for the stormwater from the access roads and parking areas."*

## **Wastewater**

The application has also been reviewed by Council's Development Engineer who has made the following comments:

*There are existing public sewer lines that run through the site.*

*At the time of approval of the previous development on the site there was some discussion as to whether the public sewer system downstream of the property was able to take the flow. The current proposal will lead to an even greater number of persons on the site with a consequent greater loading on the sewer system. To determine whether any upgrading works are required to take the additional flow the capacity of the downstream system has been reviewed. This review has shown that the discharge from up to 200 person equivalents can go to the existing wastewater system provided additional storage of 240m<sup>3</sup> is created at Lakeside Pump Station. A condition of consent is recommended requiring the consent holder to design and fund the construction of the storage. These works are specific to the development and therefore financial contributions towards wastewater will still need to be paid in addition. At the stated average of 1.3 persons per unit, the 200 person equivalents would be equal to 154 accommodation units.*

*Before the remainder of the development can proceed the Orewa West transfer system must be in place otherwise the sewer system will not have the capacity to take the additional load. This work is currently estimated to commence in 2 years time. A condition is recommended that the second stage of the development (i.e. above 153 units) does not commence until the new system is available.*

*The proposed sewer reticulation within the development will become part of the public system up to the point where a connection is provided for each building. Part of the public system within the site is to be relocated to take it clear of the buildings.*

*The Council's Wastewater Bylaw requires water saving devices to be installed throughout the development.*

## **Water Supply**

The application has also been reviewed by Council's Development Engineer who has made the following comments:

*"The development is within the Hibiscus Coast Water Supply Area.*

*The Council's Water Supply Asset Engineer has confirmed that the current reticulation system has the capacity to serve the development.*

*The supply will need to be metered at the boundary and the reticulation within the property remain private. The plans show hydrants along this reticulation to provide a fire fighting supply."*

## **Financial Contributions**

Financial contributions are applicable to this proposal, pursuant to Plan Change 62. The values of certain aspects of this contribution are able to be offset due to works already undertaken as part of The Grange subdivision. This includes laying and connection of service lines, and while not relevant to services, vesting of reserve land.

The following comments are made by Council's Development Engineer:

*"The financial contributions for the previous development on the site included contributions under Plan Change 62 plus the amount outstanding in regard to contributions for the underlying subdivision.*

*In the case of the current development financial contributions have been calculated entirely under Plan Change 62 but with allowance being made for the less intensive use of the public infrastructure by retirement home residents. The applicant has indicated an average occupancy rate of 1.3 persons per apartment and this has been used to compare the effects of on apartment with that of a standard household unit.*

*A sports field's contribution has not been levied based on the facilities to be provided on site."*

#### **(f) Natural Hazards**

The Council's Development Engineer notes that:

*The site has no record of any natural hazard and due to the extensive modification, contours and location is unlikely to be subject to any natural hazards. A geotechnical report specific to the development has been provided with the application. In the preparation of the report additional site testing was carried out to supplement the geotechnical information that was already available on the property. Significant earthworks have previously been undertaken on the site in conjunction with the construction of Grand Drive.*

*A site stability analysis has been prepared based on the landform following the substantial earthworks proposed. The analysis confirms adequate factors of safety in regard to stability. The report makes a number of recommendations with respect to earthworks, drainage and foundations.*

*Sufficient information has been provided to confirm that the site is suitable for development proposed.*

#### **(g) Traffic Effects**

The proposed development is to have one vehicular entrance point located on Ambassador Glade. This point is the only formed access way to the site and is in the same location as the previously consented St Emilion development. Potential queuing and associated traffic hazards along Ambassador Glade will be minimised through provision of a double entry lane to the site.

The majority of parking is either garaged or located in basement car parks. At grade parking is primarily for visitors and is dispersed across the site, minimising the size of any one car park and providing for parking in relatively close proximity to destinations. The majority of at grade car parks are internal to the site.

The proposal provides for 359 car parks, which exceeds the requirements of the parking standards of both Plans. Of these 298 are provided for residents, the remaining spaces are for visitors and staff.

Grand Drive and West Hoe Road are classified by the Proposed Plan as regional roads while Ambassador Glade is a local road.

The Council's Consultant Traffic Engineer, David Mitchell (refer Attachment C), and the roading authority of the adjacent section of State Highway 1A, Transit New Zealand (refer submission), have reviewed the application.

David Mitchell recommends that consent from a traffic perspective be granted, provided several conditions are imposed on the consent. These refer to the generation of a construction traffic management plan, road signage and markings, and that all parking and manoeuvring spaces shall be formed to District Plan requirements.

Transit New Zealand's submission to the application states that it is of the opinion

*"that the road network, namely State Highway 1 and 1A will not be impacted upon as a result of the retirement village development.*

*Ambassador Drive is not directly accessed off the State Highway nor is it a Limited Access Road. Transit concurs with the assessment made by the Traffic Design Group and does not consider that the activity of a retirement village in this location will have an impact on the state highway and its respective intersections."*

#### **(h) Landform Modification (Noise/Dust)**

The application involves earthworks of around 33,000m<sup>3</sup> of cut to form the basement parking areas, services and roads. Around 4,100m<sup>3</sup> will be used as fill; the remainder will be trucked off the site. The majority of the 4.8ha site will be worked.

The applicants have sought to minimise the volume of earthworks through aligning the finished contours as closely as possible with the site's existing contours.

The development will be staged, taking around three years to complete. Staging the earthworks associated with the development means that the potential for sediment generation is minimised as the area of exposed earth will be confined to the area that is subject to the current development. The proposed control measures include clean water diversion bunds and silt fences as well as a stabilised construction access and wheel wash.

The initial work will be carried out around the centre of the property and main site entrance off Ambassador Glade. These three stages will create the main buildings and a number of the single and two level apartment buildings along the western boundary. Construction of these units is expected to take 18 months. On the completion of this work, the main entrance will be opened to residents. Construction access will then be relocated so that residential and construction traffic can be separated. Construction access to the site will alter between Grand Drive and West Hoe Road and will be managed as set out in the report from Traffic Design Group. It is anticipated that around 5,300 truck movements will be required to remove the excavated spoil over a three year construction period.

It is considered that the effects associated with the removal of the spoil from the site will be minimal subject to the implementation of the traffic management plan and the arterial classification of both Grand Drive and West Hoe Road which are both classified as arterial and anticipated to carry high volumes of traffic. The construction traffic should be readily absorbed into the traffic flow along this route.

The proposed earthworks will be undertaken in relatively discrete stages, and erosion and sediment control measures will further limit the transport of sediment from the site. As such, the effects of earthworks on erosion and sediment generation are considered to be minor.

Coffey Geotechnics has completed a Geotechnical Investigation Report for the site. They make a number of recommendations in relation to foundation designs. Provided these recommendations are followed in relation to bulk earthworks and foundation design, effects on site stability are considered minor.

The Council's Development Engineer has made the following comments:

*"Earthworks are required to create seventeen building platforms, basement carparks, service trenches and access roads. The earthworks plans provided show 33,300m<sup>3</sup> of cut and 4,100m<sup>3</sup> of fill. The earthworks are to be staged over 9 stages of up to 5,500m<sup>3</sup> volume.*

*The earthworks have been designed such that there will not be any change of level at the boundaries of the site. Retained cuts of up to 3 metres are proposed along the western portion of the site for the formation of the apartments. The geotechnical report recommends careful design and analysis to ensure that stability within the site and within the residential subdivision to the west is not compromised.*

*A condition of consent is recommended requiring the earthworks to be carried out in accordance with the recommendations of the geotechnical report. The geotechnical engineer should review the final earthworks drawings before construction commences and provide an earthworks completion report and certification upon completion of the earthworks. As it is important the engineer has reviewed the drawings a proposed condition of consent requires the drawings signed by the geotechnical engineer to be provided to the Council for approval.*

*As the surplus cut material will need to be removed from the site there will be significant traffic generated by this operation. The application does not indicate where this fill is to go. A construction traffic management plan will be required and this should detail the measures to be implemented to ensure that the removal of fill from the site does not have any adverse effects on the surrounding road network."*

The earthworks will generate a visual scarring of the land during the period the site is being worked. However it is considered that as this effect is temporary in nature the actual effects will be less than minor. Further, as the final contours will be similar to the existing landform, the work will not create any permanent detrimental visual effects.

**(i) Economic Effects**

The construction of the Village and subsequent operation will provide significant employment opportunities which will have a beneficial effect on Orewa's and the District's economy. As the development is to be constructed in eight stages, the benefits flowing from the construction phase will be spread over a number of years.

The Village's residents will also have a beneficial effect on the economy as they will generate additional demand for goods and services in the Orewa area.

**(j) Ecological Effects**

The site contains a very limited area of vegetation (to the north-west) which is contiguous with that which runs along the sides of Ambassador Glade in this location (please note that it is difficult to identify exactly which lot this vegetation is on due to the contiguous nature of the bush). The remainder of the site is grass. Other than an overland flow path which was referred to earlier, there are no watercourses or other natural features existing on the site. It is noted that the site has been earth worked as part of The Grange subdivision, which would have reduced any ecological values the site may have once had. The site also appears to be well maintained and as such long grass areas and the habitat associated with this has not been able to establish. In its current state it is considered that the site has limited ecological value.

The development is proposed to utilise public services, such as storm water and wastewater, rather than on site management. This limits the potential for contamination in this regard. Conditions are also available to prevent or minimise silt and sediment leaving the site and entering waterways.

Taking into account the above matters, it is considered ecological effects associated with this proposal will be minimal.

**(k) Cultural Effects**

There are no known cultural heritage items on this site, as identified by Plan Change 26, the Proposed District Plan or the Auckland Regional Council's Cultural Heritage Database. Details of the application have been viewed by representatives of Ngati Manuhiri and Ngati Whatua Nga Rima o Kaipara. Ngati Manuhiri has advised in writing that they do not require further involvement in relation to this application. No concerns have been raised by Ngati Whatua Nga Rima o Kaipara. It is therefore considered that there will be no adverse cultural effects.

**Effects Conclusion**

- 9.14.** Overall, and subject to conditions of consent and clarification of those matters highlighted in the preceding assessment, the effects on the environment of the proposal are considered to be less than minor.

**Section 104(1)(b)**

**District Plan Provisions**

**Objectives and Policies**

- 9.15.** The objectives and policies of Operative District Plan as amended by Plan Change 26, Proposed District Plan 2000 and Proposed Variation 101, are evaluated below.
- 9.16.** When considering the relevant weighting to be given to the three sets of Objectives and Policies, it should be noted that the Operative Plan is generally considered to be the dominant planning document.

## **Operative District Plan as amended by Plan Change 26**

- 9.17.** The Operative Plan sets out several sections which have direct reference to the application. These sections are: 3B Provision for Residential Development, 3D Provision for Medium Intensity Residential Areas, 3G Sustainability of Residential Development, 3H Effects of Activities, 3L Development Controls, 3.6 Building and Development Controls.

The relevant objectives of these Sections are as follows:

### **3B Provision for Residential Development**

*To ensure that the actual and/or potential effects of activities and processes are controlled and managed in a manner which allows for and does not compromise the sustainable management of the natural and physical resources within the District's urban concentrations.*

*Require that any other residential developments be comprehensively designed, on large sites, and provided for as discretionary activities so that individual effects and the cumulative impact of combinations of individual effects can be assessed, and so that appropriate control may be exercised over any adverse effects and a greater range of mitigation measures may be employed to remedy these effects.*

### **3L Development Controls**

*To ensure that the sustainability of the natural and physical resources of the environment are safeguarded, and that residential development provides each household unit with an adequate standard of on-site amenity, and is compatible with adjoining sites and the features of the natural environment which contribute to the amenities of residential areas.*

### **3G Sustainability of Residential Development**

*To ensure that the development of urban concentrations and associated residential/non-residential development occurs in a manner which allows the sustainable management of resources.*

### **3D Provision for Medium Intensity Residential Areas**

*To enable residential development of a medium scale and intensity and a spacious quality to occur in the larger urban settlements served by utility services and in smaller townships throughout the District where development of this nature is the predominant character.*

*To recognise that this type of development will constitute the dominant living environment throughout the District in terms of areal extent.*

## **Comments**

- 9.18.** The proposed retirement village has been comprehensively designed and is on a large site. The individual effects and the cumulative impact of the combinations of these individual effects has been assessed and appropriate controls (through the imposition of conditions on the consent) have been recommended which should mitigate any of the actual and potential effects that have been identified as part of this assessment.
- 9.19.** The design, layout and nature of the activity on the site will ensure that the development represents a sustainable use of the property. These features will also ensure that the occupiers of the facility enjoy an adequate standard of on-site amenity, and that the complex is compatible with adjoining sites and the features of the natural environment which contribute to the amenities of residential areas.
- 9.20.** Although the Plan refers to residential development within the zone being of a medium scale and intensity and a spacious quality where development of this nature is the predominant character, the Plan provides for integrated residential developments on appropriate sites. Therefore the proposed activity can not be repugnant to those particular set of objectives and polices.

- 9.21. Overall, I am of the opinion that although the development of the complex will have effects on the immediate neighbourhood, these will be managed and as the development matures will be mitigated to the extent that the village will become an integral component of the residential landscape, sustainable in terms of the use of the land and resources development and will reflect the scale, character and intensity of alternative residential developments that the Plans seek to provide for within the District's medium intensity residential zoning.

### **Proposed Plan 2000**

- 9.22. The Proposed Plan has the following objectives and policies which are considered to be the most relevant in the assessment of this application.

#### **General Residential**

The Plan sets out general objectives and policies for the District's residential areas. These include:

##### Objective 8.3.1

*To maintain and enhance amenity values within residential sites.*

##### Objective 8.3.2

*To maintain and enhance amenity values of neighbourhoods and residential areas.*

##### Objective 8.3.4

*To protect the character, ecological, landscape and open space qualities of the environment and especially the natural character of areas near the coast and landscapes of high value, from being adversely affected by inappropriate subdivision and development.*

These Objectives are supported by the following policies:

##### Policy 8.4.1/2

*Effects of buildings within a site/other sites*

*Buildings should be located and designed so as to minimise adverse effects on the same site, including effects on:*

- (a) *the admission of daylight and direct sunlight into buildings and outdoor living areas; and*
- (b) *privacy, both inside dwellings and in outdoor living areas; and*
- (c) *vehicle movement and parking; and*
- (d) *the ability of the site to provide for adequate stormwater and waste water drainage.*

##### Policy 8.4.3

*Amenity values and liveable neighbourhoods*

*Residential subdivision and development should be designed, located and arranged in such a way as to minimise adverse effects on the neighbourhood and other residential areas, and to provide for high amenity values and liveable neighbourhoods. This will be achieved by managing the effects of subdivision and development in green fields and built up areas in different ways. Management of adverse effects may result in:*

- (a) *having neighbourhoods of generally similar dwelling density;*
- (b) *having an overall compatibility in building scale, spacing and design;*
- (c) *retaining existing significant trees appropriate to an urban situation, and ensuring that space is available to plant new ones;*

- (d) *using the amenity value of the street and other open spaces to mitigate the adverse effects of higher intensity development on residential sites;*
- (e) *ensuring there is adequate car parking and manoeuvring space;*

#### Policy 8.4.4

##### *Health, safety and amenity values*

*Activities in residential areas should be sited, designed and operated to avoid, remedy or mitigate adverse noise and traffic effects on the health, safety and amenity values of people in the area.*

#### **Comments**

- 9.23.** The design, finish and layout of the residential complex together with the adjacent reserve and relationship with the adjacent residential properties will ensure that the proposed activity is in general compliance with the above as the development will provide for the maintenance of the neighbourhood's residential amenity values while providing for the protection of the character, ecological, landscape and open space qualities of both the residential and recreational environment.

#### **Medium Intensity Residential Zone**

The Plan sets out the following specific objectives and policies for the Medium Intensity Residential Zone as:

##### Objective 8.8.3.1.1

*To protect and maintain the open and spacious living environments that exist throughout most of the residential areas of the District.*

##### Objective 8.8.3.1.2

*To prevent intensive development that would remove or alter the open and spacious living environment that exists through most of the residential areas of the district.*

##### Policy 8.8.3.2.1

*The intensity of development in the Medium Intensity Residential Zone should not generally exceed one dwelling per site.*

##### Policy 8.8.3.2.2

*The intensity of development in the Medium Intensity Residential Zone should average to no greater than one household unit per 600m<sup>2</sup> of site area except that a second Household Unit can be established where this is a Minor Household Unit.*

##### Policy 8.8.3.2.3

*Subdivision in the Medium Intensity Residential Zone should not create sites with a net site area of less than 600m<sup>2</sup>.*

##### Policy 8.8.3.2.4

*In medium intensity zones, residential development at an intensity higher than a single household unit per site should be located only on sites where the development;*

- (a) *is an integrated residential development; and*
- (b) *is on a site capable of providing significant on-site amenity value such as long street frontage, landscaping and open areas;*

(c) *is within easy walking distance of main public transport routes and significant community focal points.*

~~(e) will not have adverse effects on direct neighbours and on the surrounding neighbourhood. (Deleted under Variation 58)~~

(e) *is in accordance with additional specified design rules and guidelines or more intensive development. (Added under Variation 58)*

#### Policy 8.8.3.2.7

*In the Medium Intensity Residential Zone, no more than 35% of a site should be covered in buildings.*

The Plan sets out the explanation and reasons for the zone are:

*The Medium Intensity Zone aims to protect the traditional medium intensity living environment that is predominant throughout the urban areas of the District and to recognise community expectations that such environments will be protected from activities that could reduce amenity values in the Zone. It is intended that the environment in these areas while being built up retains significant open spaces and a spacious character and that a quiet and pleasant environment is maintained for residents. These Objectives and Policies are aimed at ensuring that such an environment is maintained in areas zoned Medium Intensity Residential.*

The Plan describes the zone as:

*This Zone applies to the majority of residential areas in the District, and provides for the continuation of traditional medium intensity development based on one house per site. This type of development is the dominant living environment throughout the District.*

*The key characteristics of the Zone are:*

- (a) *a spacious quality of development both in the larger urban settlements and in the smaller residential settlements;*
- (b) *a predominance of sites with only one house;*
- (c) *a significant area of open space exists on sites;*
- (e) *because of the provision of on site open space, there is a significant number of trees on sites.*

*It is intended that the Zone should provide a living environment that is reasonably spacious and that allows room for trees and vegetation to continue to be an important part of the landscape. The Zone is also intended to provide an environment that allows people to live without experiencing significant adverse effects from their neighbours and others nearby.*

#### **Comments**

- 9.24.** The zone seeks to limit development on sites to the typical one dwelling per site and structures with a bulk and form that retain the open spaciousness nature of the Medium Intensity Residential zone.
- 9.25.** Notwithstanding this primary objective, the Plan does provide for medium intensity sites to be developed in a more intensive manner by way of integrated residential development. This departure allows sites to be developed in a manner that only partially reflects the nature of the development around the property.
- 9.26.** In this case, it is considered that the proposed development satisfies the exception in that it is essentially an integrated residential development (albeit a retirement village), is located on a site capable of providing significant on-site amenity value, is within easy walking distance of main public transport routes and significant community focal points and is in general accordance with additional specified design rules and guidelines of more intensive development.

- 9.27. Overall I am of the opinion that the proposed development is not repugnant to the relevant objectives and policies as the complex will provide the residents with a high standard of residential amenity while having less than minor effects on the environment of the immediate neighbours and wider community.
- 9.28. The open nature of the complex and adjacent public spaces will combine to ensure that the neighbourhood retains its spacious character and that a quiet and pleasant environment is maintained for the residents of both the subject and surrounding properties.

#### **Proposed District Plan 2000**

- 9.29. Whilst the proposed activity is non complying (for the reasons stated above) and is not technically an integrated residential development, it is considered that the assessment criteria contained in Rule 8.12.2.1.2 for assessing integrated residential developments is relevant in this case as it gives a clear indication as to how the proposal fits within the type of residential development that does not reflect the traditional medium intensity development but which is seen as appropriate by the Plans.
- 9.30. It is considered that the proposal generally satisfies the following criteria:
- Building envelope and siting (a)
  - Amenity outlook (b), (c), (d)
  - Open space (e), (f), (g), (h) and (i)
  - Landscaping (j) and (k)
  - Vehicular access and parking (o), (p), (q), (r), (s) (t), (u), (v), (w), (x)
  - Utilities and Services (w)
  - Refuse and Recycling (x)
- 9.31. It is considered that the buildings setbacks from the boundaries will offset the buildings bulk when viewed from the adjacent residential and open space properties/area. The location, orientation and detailing of the individual units outdoor spaces (decks) will provide the required level of outlook amenity. The proposed additional landscaping and proximity to the reserve will ensure that these factors will combine to provide the development with sufficient green spaces and landscaping to preserve on-site amenity and amenity within the locality.
- 9.32. Although the scale of the development differs from that which has been established in the immediate neighbourhood, it must be noted that the area is in a state of transition, there are similar developments/buildings within the neighbourhood and the Plans provide for integrated residential development.
- 9.33. For the reasons contained in the paragraphs above it is considered that the proposal appropriately avoids or mitigates adverse effects on off-site infrastructure and the roading network, provides adequate on-site service provisions, and that the outdoor amenity spaces provided for each unit and for the community as a whole are appropriate for the needs of the future residents.

#### **Any Relevant National Policy Statement or Regional Policy Statement**

##### **The Auckland Regional Policy Statement (the RPS)**

- 9.34. The strategic direction within the Auckland Regional Policy Statement (RPS) focuses on sustainable management of natural and physical resources for the Auckland Region. Growth is to be accommodated in a manner that gives effect to the purposes and principles of the Resource Management Act 1991 and is specifically addressed in section 2 of the RPS.
- 9.35. The RPS also addresses issues relating to iwi, Transport/Energy, Water Quality, Soil Conservation and Environmental Protection. Areas for future urban growth are to be identified, provided for and managed through an integrated process on a regional basis consistent with the Strategic Direction. The RPS identifies Metropolitan Urban Limits within which urban-type activities should be located.

- 9.36. The fact that the site lies within the urban limits indicates that the intensity of development deems that it is not in conflict with the Auckland Regional Policy Statement. Plan Change 6 to the RPS was introduced as a result of the Local Government Auckland Amendment Act 2004 (LGAAA).
- 9.37. Orewa is identified as schedule 1A – intensification areas to the RPS and is located within walking distances to local amenities including shops, schools and reserves and is located along a public transport route.
- 9.38. The intensification of the site in the proposed manner is therefore consistent with the RPS and the LGAAA.
- 9.39. The Auckland Regional Council did not lodge a submission to the application.

#### **Auckland Regional Growth Strategy 2050**

- 9.40. This is a non-statutory planning document, which outlines the growth strategy for the Auckland Region for the next 50 years. Orewa has been identified as an intensive centre and corridor in this non-statutory document to cater for growth. The site is situated within the area subject to intensification as outlined in the RPS. The proposal therefore achieves the objectives of this document.

#### **Section 104 (1) (c) Any other Matters**

##### **Relevant Council Documents**

##### **Vision Rodney**

- 9.41. The document 'Vision Rodney', adopted by Council in July 2003, is the Rodney District's articulation of the future it wants. While it would not be appropriate to assess the application against this document as if it were the District Plan, it should be taken into account as a relevant matter as it expresses a wide range of view points and is considered to be Council's lead document of strategic intent.
- 9.42. The six main intentions expressed in the document are as follows:
1. *We will keep our country look and feel*
  2. *We will not let our towns and villages sprawl*
  3. *We will maintain our lifestyle and look after the environment*
  4. *We will take care of ourselves while working with others*
  5. *We will be able to make our living in Rodney*
  6. *We will determine the future of our district*
- 9.43. It is considered intents 2 and 3 as stated above are most relevant to this proposal.
- 'We will not let our towns and villages sprawl'*
- 9.44. This intention is considered to relate to a desire of the local community to keep rural areas rural and urbanised or town areas urban and therefore to only allow for growth and development that is accommodated and well planned for. Growth should also be located within existing residential settlements in a manner that caters for the environment.
- 9.45. This proposal is in keeping with this intent as the proposal results in an increase in urban activity within an identified urban area, a residential site being developed for residential purposes and generally will not compromise the existing environment.
- 'We will maintain our lifestyle and look after the environment'*
- 9.46. The proposal will provide residential accommodation without impacting upon the lifestyle of the surrounding properties and wider community in a manner that would differ from either of the approved developments on the site or any of the permitted activities.
- 9.47. The retirement village will allow the occupiers the opportunity to participate and enjoy in the lifestyles enjoyed by the current residents of the Orewa residential area while having minimal effects on the surrounding natural and physical environment.

- 9.48. Overall it is considered the application is in keeping with the general strategic intent of 'Vision Rodney'.

### **A Living Vision for Rodney's Economy**

- 9.49. A Living Vision for Rodney's Economy is a document which outlines the Vision, Values and Outcomes for the Rodney District. These have been identified through a partnership between the Rodney District Council and the people of Rodney. This document identifies desired outcomes that include:

- Work is local and well paid
- Opportunities are created locally
- Our identity is well branded and marketed
- Business, new ventures and entrepreneurship operate in a supportive environment

- 9.50. It is considered that the proposal will create some positive economic effects through an increased demand for goods and services by residents, and demand for construction related goods and services while the land is being developed.

### **The Integrity and Consistent Administration of the Plan**

- 9.51. The District's beachside residential areas are under significant development pressures. This proposal constitutes a non-complying activity under the Operative Plan as amended by Plan Change 26 and the Proposed Plan.

- 9.52. Of relevance with all non complying applications is the integrity of district plans and the communities' expectations in this regard. In order to allow the integrity of district planning documents to remain, it is generally accepted that a proposal or site should portray distinguishable features.

- 9.53. The site itself is somewhat unique in that it has three road frontages, lies within an area that has been extensively developed for medium density housing and adjacent to Victor Eaves Park.

- 9.54. In addition to these features the site was subject to a subdivision consent (since lapsed but which indicates how the site can be subdivided) and an unimplemented integrated residential development of 144 household units within 35 buildings.

- 9.55. These two consents give the general public the knowledge and expectancy that the site may be developed in either manner.

- 9.56. The presence of the large undeveloped block of land, its physical features and the consents, when taken together, would indicate that the site is subject to unusual circumstances when compared to other residential sites within the District.

- 9.57. I am of the opinion that these features provide sufficient details to differentiate the property from others within the District to the extent that consent to the proposal will not generate any concerns within the public arena as to Council's consistent administration of the District Plan. Consequently the integrity of the Plans will not be reduced by any approval.

### **Section 104 Assessment Conclusions**

- 9.58. Overall it is considered that having regard to all the relevant section 104 matters that consent be granted.

## **10.0 SECTION 104D ASSESSMENT**

- 10.1. As a non-complying activity section 104D of the Act states that the Council may only grant consent if it is satisfied that either:

(a) *the adverse effects of the activity on the environment will be minor; or*

(b) *the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.*

- 10.2.** Based upon the section 104 assessment of actual and potential effects in Section 9 of this report and for the reasons listed in this section, it is considered that the adverse effects on the environment will be less than minor.
- 10.3.** Based upon the section 104 assessment of the relevant objectives and policies of the plan in Section 9 of this report, it is considered that the proposed activity will not be repugnant with the relevant objectives and policies. The reasons for this conclusion are set out in the Section 9 assessment.
- 10.4.** Overall it is considered that the proposal meets both gateway tests and can be considered for the granting of consent.

## **11.0 PART II ASSESSMENT**

**11.1.** Part II of the Resource Management (the Act) outlines the Purpose and Principles of the Act. Various issues are referred to. These are discussed in further detail below, with particular reference to this application.

**11.2.** Section 5 of the Act, defines sustainable management as:

*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

**11.3.** It is considered that this application does promote sustainable management as the proposal will satisfy a need for the form of housing and community that is provided by such comprehensively designed retirement villages in a manner that limits the developments impact on both the natural and physical environments.

**11.4.** Section 6 refers to matters of national importance which is outlined to be issues such as preserving the natural character of the coastal environment, wetlands, lakes and rivers, protection of outstanding natural features and landscapes, areas of significant vegetation, maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.

**11.5.** There are no significant natural features on the site. It is not considered that the site is or forms part of a significant natural landscape. The proposal is considered to be consistent with Section 6 of the RMA.

**11.6.** With regards to the matters listed in Section 7, the following are relevant in the assessment of this application:

- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment*

**11.7.** The proposed retirement village, due to the scale of the development and the vacant nature of the site, will have adverse effects on the amenities currently enjoyed by those that live on the periphery of the large residential site and the existing quality of the environment.

**11.8.** When considered in the appropriate context of the site's zoning, the provisions of the Plans, the sites and neighbourhood natural and physical features, together with the approved developments, the actual losses and impact will reflect those which the Plans deem to be appropriate within the zone. Further, as the landscaping matures (in particular the outer screen of pohutukawa), the development will align itself more closely with the adjacent park and residential neighbourhood. The integration of the village with the immediate landscape will ensure that the amenity values of the surrounding properties are retained and a quality of environment that reflects that which is anticipated by the Plans.

11.9. There are no Section 8 Treaty of Waitangi matters relevant to this application.

11.10. Overall it is considered this application is consistent with Part 2 matters.

## **RECOMMENDATION**

**That, pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991, the notified application for resource consent by Ryman Healthcare Limited to an application for consent to construct an integrated retirement village and to undertake related earthworks on the site is granted consent.**

## **REASONS FOR THE RECOMMENDATION**

**Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:**

- (a) The proposed retirement village will have effects on the surrounding natural and physical environment, in particular, in terms of visual, character and streetscape effects. The actual and potential scale, character and intensity of these identified effects will be mitigated by the proposed structure's design, layout and finish to the extent that the activity will have less than minor effects on these matters. The immediate area's visual qualities and values will be retained, while the transitional nature of its character and streetscape will continue to evolve in the manner generally envisaged by the Plans.**
- (b) The proposal is not considered repugnant with the relevant objectives and policies for the Medium Intensity Zone contained in Plan Change 26 and the Proposed Plan. In particular, the scale, form, location, and intensity of the proposal are considered to be compatible with the existing and foreseeable future qualities and characteristics of the surrounding locality. The scale, character, and intensity of the effects generated by the development will lie within the levels identified as being acceptable and applicable to the zone.**
- (c) The building's design, finish and layout together with the immediate area's topographical features and pattern of development will ensure that the complex and the intensity of development, in terms of occupation, should have less than minor effects on the amenity values of land beyond the site boundary, including (but not limited to): reduction in privacy, overshadowing, overlooking, obstruction of views, visual impact, noise and traffic impacts, effects on heritage values and effects on the coherence and cohesion of the neighbourhood community.**
- (d) The existing public infrastructure has the capacity to accommodate any extra demand placed on the networks without the need for any additional upgrading.**
- (e) The application for consent is for a Non Complying Activity and satisfies the requirements of section 104D as the adverse effects of the activity are less than minor and the application is considered not to be repugnant to the objectives and policies of the relevant plan and the relevant proposed plan.**
- (f) The proposal is considered to be consistent with the sustainable management purpose and principles of Part II of the Act, particularly Section 7, as the design, finish and layout of the development together with the immediate area's physical features, will ensure that the neighbourhood's character, streetscape, and visual values and qualities will be maintained and enhanced through the erection and occupation of the complex.**
- (g) The site, its planning history and current use distinguishes the property from other residential sites in the District to the extent that approval to the application will not cause the general public to question the Council's consistent administration of the District Plan and subsequently the integrity of the Plan(s) will not be affected.**

## CONDITIONS

### General

- a) (general) The proposed activity (development) shall be carried out in accordance with the information submitted with the application and plans numbered:

#### Ryman Healthcare

LO-100	Landscape Master Plan
A0-030	Aerial Photo
A2-010	Site – Elevations
A3-010	Site – Sections
A0-010	Site Plan
A0-015	Site – Parking
A0-011	Site – Staging
A2-010	Block 02
A1-010	Block 02
A2-010	Main Building (Block 01)
A1-020	Main Building (Block 01)
A1-021	Main Building (Block 01)
A1-010	Main Building (Block 01)
A1-011	Main Building (Block 01)
A2-010	Block 03 (Blocks 04 05 06 07 and 08 similar)
A1-010	Block 03 (Blocks 04 05 06 07 and 08 similar)
A2-010	Block 09
A1-010	Block 09
A2-010	Block 10
A1-010	Block 10
A1-020	Block 10
A2-010	Block 11
A1-010	Block 11
A1-020	Block 11
A2-010	Block 12
A1-010	Block 12
A1-011	Block 12
A1-020	Block 12
A2-010	Block 13
A1-010	Block 13
A1-020	Block 13
A2-010	Block 14
A1-010	Block 14
A1-020	Block 14
A2-010	Block 17 (Blocks 15 and 16 similar)
A1-010	Block 17 (Blocks 15 and 16 similar)

#### Mitchell Vranjes Consulting Engineers

CO	Cover sheet
SED.1	Sediment Control Plan
EW.1	Earthworks Plan 1
EW.2	Earthworks Plan 2
C.1	Plan – Pavement Levels
C.2	Plan – Stormwater
C.3	Plan – Sewer
C.4	Plan – Watermain
C.5	Roading Longitudinal Sections
C.6	Roading Longitudinal Sections
C.7	Roading Longitudinal Sections
C.8	Roading Longitudinal Sections
C.9	Roading Longitudinal Sections
C.10	Roading Details
C.11	Stormwater Longitudinal Sections
C.12	Stormwater Longitudinal Sections
C.13	Stormwater Longitudinal Sections
C.14	Sewer Longitudinal Sections
C.15	Sewer Longitudinal Sections
C.16	Sewer Longitudinal Sections

C.17  
C.18

Sewer Longitudinal Sections  
Sewer Longitudinal Sections

- b) **(resource consent monitoring charges)** the resource consent holder shall pay to the Council within one month of the issue of this consent or prior to the activity commencing (whichever is earlier) the cost, including specialist services, staff time and administration for the processing of this application together with the initial charges for the following inspections:

Environmental protection x 6 (\$150 x 6)

Monitoring deposits will be invoiced by the Council together with the consent processing charges.

Should further monitoring be required to ensure compliance, the Council will recover the actual and reasonable costs that are incurred from this monitoring as set out in the Council's Schedule of Fees and Charges.

- c) **(covenanted height)** With the covenanted height limit as set out in the land covenant referenced "Land Covenant in Transfer D625314.8 – 26.7.2001" on the certificate of title of Lot 2 DP 208383 and with the evidence and the information provided at the Hearing, except as modified by any condition set out below.

The effect of this condition will be that the proposed development is to take place in strict accordance with the application, plans and evidence considered by the Hearings Panel. Any deviations from the proposal as granted consent will require a further resource consent. Of particular concern is that the design and appearance of the development, including individual buildings, the extent of building coverage, impermeable areas, landscaping, roading and pedestrian links, building height and the overall site intensity, as well as all the other components that combine to result in the integrated residential development of this site, shall be completed and maintained on an ongoing basis, so that the completed development is entirely consistent with the proposal that has been promoted, considered and consented to.

- d) **(landscaping)** A detailed landscape plan, including an implementation and maintenance programme shall be submitted to and approved by the Team Leader - Resource Consents prior to any works commencing on the site. The Council shall monitor the implementation and maintenance of this landscaping at the time of planting, yearly following planting (for 3 years following planting), and then at 8 years after planting to ensure a successful outcome (it is noted that the development is to be staged and the abovementioned monitoring relates to each stage).

The plan may be required to be amended and updated following the completion of any stage of the proposed development to incorporate any improvements deemed necessary to ensure a successful outcome. Any amended plan shall be submitted to and approved by the Team Leader - Resource Consents prior to the next stage of development proceeding.

The plan shall include details of the plant sizes at the time of planting and intended species. Such a plan shall include appropriate measures to ensure the planting plan and proposed landscaping brings about a high level of internal amenity and an attractive site development when viewed from beyond the site, as well as providing certainty that the planting is undertaken in a manner which will provide for good plant growth and maintenance, within a reasonable timeframe of each stage of development being completed.

The landscaping for each stage shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season (May to October) following the completion of the works for that stage. The landscaping shall be maintained thereafter and will be monitored by the Council as outlined above (at planting, yearly for 3 years and then 8 years after planting). The landscaping may be required to be updated, as outlined above, to ensure a successful outcome.

- e) **(registered surveyor's certificate)** That prior to any building progressing beyond ground floor level the consent holder shall engage a registered surveyor to certify to Council in writing that based on the As Built floor level the building will be constructed in accordance with the plans approved by this consent (refer condition 1).
- f) **(certification of building accordance with plans)** Upon application of the corresponding Project Information Memorandum and/or Building Consent the consent holder shall supply to the satisfaction of the Team Leader Resource Consents written certification prepared by an appropriate professional adviser that the house design proposed in the building consent plans is in strict accordance with the specific design proposed and consented to under resource consent RMA53144.
- g) **(communal facilities)** Use of the communal facilities shall be confined to residents and their families and/ or invited guests.
- h) **(television aerials and satellite dishes)** Television aerials and satellite dishes shall be incorporated within the roofs of the individual buildings so that they are not visible, except that one aerial and one Sky digital satellite dish (or dish of equivalent dimensions) shall be permitted to be mounted externally on each building.

The effect of this condition is to avoid the proliferation of such aerials and dishes that could result if each apartment was individually provided with such equipment and conventionally installed.

- i) **(staging)** That the staging of construction proceed in accordance with an approved staging plan, approved in writing by the Team Leader – Resource Consents prior to the lodgement of the first building consent application. The staging plan shall indicate a programme for the construction of buildings and services, general earthworks, earthworks associated with the formation of individual buildings, and formation of driveways. This plan may be modified following further written approval by the Team Leader- Resource Consents.
- j) **(notification of commencement)** At least 7 days prior to the work commencing on the site the resource consent holder shall notify the Council's RMA Compliance Administrator by telephone (0800 426 5169) the expected date of work commencing.

#### Engineering

- k) **(earthworks design)** All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS 4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be designed and executed in compliance with the recommendations contained in the geotechnical report, prepared by Coffey Geotechnics, reference 13119, dated 16 August 2007.
- l) **(earthworks plans)** Prior to earthworks commencing on site, provide to the Consents Engineer for approval the earthworks drawings for construction signed by the geotechnical engineer and accompanied by a report from the engineer confirming that he is satisfied that the earthworks as designed will not have an adverse effect on the stability of the residential properties to the west of the development.
- m) **(earthworks certification)** On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer.

Note: It would be acceptable to provide a report as each stage is completed.

- n) **(developer's representative)** Prior to the commencement of engineering design, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.

- o) **(insurance and warranties for engineering works)** Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties in full satisfaction of section 102 of the "Standards for Engineering Design and Construction".
- p) **(engineering plans)** The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards," shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

**Earthworks**

The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;  
Street lights, landscaping or structures on land vested, or to be vested, in the Council;

The installation of gas, electrical or telecommunication reticulation including ancillary equipment;

Any other works required by conditions of this consent.

**Note:** Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

**Note:** The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

**Note:** Engineering Plan approvals, monitoring of construction and processing of As Built plans will be subject to charges in terms of the Schedule of Fees and Charges determined from time to time by the Council.

- q) **(pre-construction meeting)** The Developer's Representative shall give the Consents Field Supervisor named in the engineering plan approval at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.

**Note:** Attention is drawn to the requirements of section 103.15.3 "Standards for Engineering Design and Construction" for the following documentation to be presented at the preconstruction meeting:

Approved engineering plans and copy of approval letter;  
Health and Safety Plan;  
The Signed Road Opening Notice;  
The relevant Resource or Subdivision Consent (and all conditions attached thereto);  
Copies of any Auckland Regional Council Consents necessary for the works;  
Signed copies of all Consents to Enter for Construction for works on land (including Council land) not owned by the consent holder.

- r) **(silt retention)** Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.

- s) **(protection of roads)** All necessary measures shall be provided or implemented to prevent the deposition of any slurry, clay or other materials on the roads by vehicles leaving the site. Should any of such material be deposited on the road, the excavation and earthworks shall cease immediately until it is removed and adequate measures installed on-site to prevent further deposition to the satisfaction of the Consents Engineer.
- t) **(dust control)** All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:
- The staging of areas of the works;
  - The retention of any existing shelter belts and vegetation;
  - The installation and maintenance of wind fences and vegetated strips;
  - Watering of all haul roads and manoeuvring areas during dry periods;
  - Spraying of load dumping operations;
  - Suspension of all operations if necessitated by the prevailing conditions.
- The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.
- u) **(Health and Safety Plan)** A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992, specifically addressing control of works on and adjacent to public land, and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer s.109.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.
- v) **(Construction Traffic Management Plan)**. A detailed Construction Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of construction access to the site including the export of material from the site and its effects on surrounding roads and traffic control adjacent to the site, and the protection of the public, shall be submitted to the Consents Engineer. Verification that it meets the Council's requirements shall have been received in writing, prior to the commencement of any works on the site (refer s.109.2 of the "Standards for Engineering Design and Construction.") A copy of the Construction Traffic Management Plan, together with the verification letter shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the verified Plan shall be maintained and complied with at all times until such time as the works are completed.
- w) **(road opening notice)**. The Consent Holder or his Contractor shall obtain a Road Opening Notice from the relevant Network Service Provider prior to the commencement of any works within the legal road.
- x) **(design loading)**The design and construction of the retaining structure within a distance equal to its own retained height from the boundary shall provide for any surcharge load resulting from a driveway and vehicle loads, in the closest possible position on the adjoining land. This design criterion shall apply whether or not such a driveway will eventuate.

**Note:** This provision ensures that a retaining wall on a boundary is designed to a structural strength so as not to adversely affect the development potential of the adjoining property. For residential situations the vehicle load is expected to be not less than 5 Kpa.

- y) **(temporary support of adjoining property)** All excavation shall occur no closer than 100mm from the boundaries of the site. The excavation shall occur in such a manner that the land and any structures on the adjoining property will not collapse or become unstable. Any excavation for a retaining structure within a distance equal to its own height from the boundary shall have its design, excavation sequence, temporary support for the excavated ground and construction of the retaining structure including backfill compaction supervised by a Chartered Professional Engineer.

**Note:** The rear of the retaining wall may need to be at least 400 mm from the boundary to allow for a drain and drainage material at the rear of the retaining wall.

- z) **(safety barrier)** Any portion of a retaining structure exceeding a height of 1 metre shall have a safety fence erected on top of it to protect people from falling.
- aa) **(stormwater treatment)** Provide stormwater treatment to TP 10 for the stormwater from the roads and parking areas within the development.
- bb) **(existing stormwater reticulation)** Re-lay the existing 1600mm stormwater line within the site clear of the proposed buildings in accordance with the requirements of Appendix P of the Council's Standards for Engineering Design and Construction.
- cc) **(gravity connection)** Revise the levels of the road to Block 13 so it is not necessary to pump stormwater to the public system. Stormwater pumps are not an acceptable method of disposing of stormwater.
- dd) **(water supply reticulation)** Lay the water supply extension across Ambassador Glade to the requirements of the Council's Standards for Engineering Design and Construction. A bulk meter shall be installed at the boundary, with the reticulation within the development remaining private.

**Note:** Application should be made to the Council's Network Maintenance Contractor in regard to the installation of the bulk meter.

- ee) **(wastewater reticulation)** The existing public wastewater system which lies within or is contiguous to the land in the development shall be extended to the requirements of the Council's "Standards for Engineering Design and Construction" to serve each block within the development to become part of the public services of the District. Realign the existing sewer within the site clear of the buildings.
- ff) **(water saving devices)** Install water saving devices throughout the development, as per the requirements of the Council's Wastewater Bylaw.
- gg) **(wastewater upgrading)** Design and construct 250 m<sup>3</sup> of additional storage at the Lakeside Pump Station being the works required in order that the downstream system can take the flow from up to 154 units or single bed accommodation on the site. The work to be completed prior to the occupation of the first unit within the development. Detailed plans shall be provided with the engineering plans for approval.

**Note:** This cost is additional to, and does not replace, the requirement to pay a wastewater contribution under Plan Change 62.

- hh) **(wastewater servicing restrictions)** The development may proceed to a level of 154 units provided that the wastewater upgrading works required by this consent are completed. The remaining units shall not be completed until such time as the Orewa West wastewater transfer system is completed and is in operation. This system is required to be implemented so there is sufficient wastewater capacity for the completed development.
- ii) **(access, parking and manoeuvring areas)** All access parking and manoeuvring areas shall be formed to a paved standard and the carparking marked to the dimensions contained within the Council's Standards for Engineering Design and Construction.
- jj) **(internal road signage)** Signage shall be provided in regard to the internal roads within the development as per the recommendations of the Traffic Impact Assessment.

## Contributions

- kk) **(financial contributions)** Pursuant to Operative Plan Change 62 (Chapter 22), the financial contributions as set out in the “Schedule of Financial Contributions,” RMA 53144, Sequence 001, attached to this consent shall be paid to the Council in full mitigation of the offsite effects of the activity in respect of infrastructure and community facilities.
- ll) **(reassessment of contributions)** Any portion of the contributions (other than Neighbourhood Reserve Contributions) remaining unpaid on the anniversary of the date of granting the consent, shall be adjusted by applying any change in the Producer Price Index – Construction between the date of consent and the most recent anniversary of the date of consent prior to the payment of the contribution.

Any portion of the contributions (other than Neighbourhood Reserve Contributions) remaining unpaid five years after the date of granting of the consent, shall be fully reassessed in accordance with Operative Plan Change 62 immediately before the time of payment.

- mm) **(reassessment of neighbourhood reserve contribution)** The Neighbourhood Reserve Contribution (if any) in the Schedule of Financial Contributions is based on an estimated current market land value. Pursuant to Rule 22.8.3.1(b) the Neighbourhood Reserve contribution payable shall be reassessed on the basis of current market land values for all sites included in the consent, prepared by a Registered Valuer immediately prior to payment of the contribution.

For the purposes of this condition, “immediately prior to payment” shall mean “within two calendar-months of the date of payment”

- nn) **(timing of payment)** Pursuant to Rule 22.8.3.3, all contributions shall be paid in full prior to the commencement of the use, unless other arrangements satisfactory to the Council have been made pursuant to Rule 22.8.5.

Note: For the purposes of Rule 22.8.3.3, the issue of a building consent shall be deemed to be the commencement of the activity. The payment of the contribution can be done on a stage basis, based on the number of units being provided in any one stage.

## ATTACHMENTS

- Attachment A: Copy of Application
- Attachment B: Copy of Submissions
- Attachment C: Development Engineer Report
- Attachment D: Traffic Engineers Report
- Attachment E: Copy of St Emilion consent
- Attachment F: Copy of Subdivision consent