

RESOURCE CONSENTS HEARINGS PANEL

MINUTES: of a meeting of the Resource Consents Hearings Panel which commenced at 9.00 a.m. in the Council Chamber, Centreway Road, Orewa on Friday, 8 February 2008.

PRESENT:

Chair	Les Simmons
Crs	Grahame Powell
	Wayne Walker

IN ATTENDANCE:

Reporting Planner	Paul Jones
Team Leader	Ian Dobson
Urban Design Advisor	Andrew Trevelyan
Committee Adviser	Raewyn Morrison

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341/02/08 APOLOGIES AND ANNOUNCEMENTS

AGENDA ITEM NO. 1

Apologies:

Steve and Sandra Phillips were unable to attend the hearing.

Announcements:

There were no announcements.

342/02/08 REQUESTS FOR CONSIDERATION OF URGENT ITEMS

AGENDA ITEM NO. 2

There were no requests for the consideration of urgent items.

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343/02/08 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
AGENDA ITEM NO. 3

9.00 a.m. The applicant seeks consent 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 ensuite.
 - 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 village.

The applicants, Mr Simon Challies (Chief Executive Officer of Ryman Healthcare Ltd), Mr Taylor Allison (Architect and Design Manager, Ryman Healthcare Ltd), and the applicant's representatives, Mr Russell Bartlett (Counsel), Mr Doug Leighton (Urban Designer), Ms Suzanne Sullivan (Landscape Architect), Mr Phil Huse-White (Civil Engineer), Mr Leo Hills (Transportation Engineer), and Mr Carey Pearce (Planner, Boffa Miskell), present.

Also present, Mr Andrew Mitchell and Ms Debbie Versey of Ryman Healthcare Ltd and residents of Ryman Healthcare's Grace Joel Retirement Village, Mr Jim Espie, Mrs Judy Hart and Mr Cliff Hart.

Submitters: Mr Gordon Miller and Mrs Margaret Miller, Mr Gary Burkett, Ms Shirley Dando, Mr Terence McCarty, Mr Graham Andrew and Mrs Sharon Andrew, Mr Colin Gussey and Mrs Carol Gussey, and Mr Kenneth Wells present.

Observers (in intermittent attendance): Mr Ian Boocock, Mr Peter McLeod, Mr Graham Booth, Mr Barry Roberts, Mr Owen Cherrett and Mrs Patrica Cherrett, present.

The Mayor, Penny Webster, and Councillor John Kirikiri were in intermittent attendance during the afternoon.

9.09 a.m. The Chairperson opened the hearing and outlined the meeting procedure.

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The Chairperson invited Mr Trevelyan, Council's Senior Urban Design Advisor to address the meeting in relation to matters of urban design. The following was noted:

Mr Trevelyan said that he had two principal concerns: one was the proposal's repetition; he would like to see some other techniques employed to break up the facades. The second concern was with Block 11. Mr Trevelyan said that this building should be designed to respond to the street and he believed it should be angled more to the east so it had a better relationship with West Hoe Road.

A memorandum was tabled from Council's Development Engineer, Ross Green. The memorandum stated that since Mr Green had written his report he had had discussions with the engineers for the applicant in regard to two issues he had raised. The first issue was in relation to the existing stormwater line in the development. The Asset Engineer was now comfortable with the build over the line as it had been confirmed that this could be done without compromising the pipe's integrity and the Council's ability to maintain the pipe. The second issue was in regard to the proposed condition requiring the level of Block 13 to be raised to prevent the need to install a stormwater pump for the water from the driveway. It had been pointed out that it was not practical to raise the level. Instead the applicant was offering to cover the area of driveway that was lower than the available stormwater reticulation with a canopy. The water from the canopy would drain to the stormwater system. Mr Green's memorandum detailed the recommended conditions in relation to both issues.

The Chairperson, Mr Simmons, pointed out that both he and Commissioner Wayne Walker had been involved in the Saint Emilion application, a resource consent proposal for the same site, and the hearing for the proposal. Mr Simmons had been involved as a Council planner and Councillor Wayne Walker as a commissioner on the hearing.

The applicant confirmed they had no issue with the previous involvement of either of the particular Panel members.

Mr Bartlett introduced the applicant's case. Mr Bartlett distributed and read a written submission.

Mr Bartlett said that Ryman Healthcare Limited, through its subsidiary, was the owner of the site. Through its design division it was also the architect. The Company had a clear understanding of what its customers required, and was keenly attuned to general community expectations. The Company itself would assume responsibility in terms of meeting conditions of resource consent and building consent that potentially affect neighbours as the Company itself was the builder. Likewise, with the final landscape details, the Company designed and managed the work. The project having been completed, Ryman remained the owner. It was not a conventional development in the sense of then being on-sold to one or more parties. Occupants of the apartments would have lifetime titles to secure their position, but ownership of the land and buildings would remain in the Company. Maintenance work would be undertaken when required because the whole operation was properly funded. The average occupancy was around seven years – meaning that in a sense in any one year one seventh of the stock would be on the market. It was essential then for the whole Village to be constantly in top condition because in a sense it was always on the market.

Mr Bartlett described the site, the most characteristic aspect being the size at 4.79 hectares. There were only a handful of large undeveloped sites available in the region and the purchase of this site followed an exhaustive search for a large sites within the Metropolitan Urban Limits. The subject site had multiple frontages to the road and the presence of Victor Eaves Park directly opposite conveyed an assurance that there would be no development in that location. Maintaining the land as a single site had resulted in a development that provided for safe access from the busy main roads to the benefit of occupiers and the public at large. The slope of the site was also significant as it dropped away from the residential boundary to the west, generally opening the land to the easterly views and the sun. The site had a legal constraint being the height covenant of RL23 applying to future buildings and trees on the property. The covenant could only be amended or removed by agreement of neighbours and in his view, this was unlikely to happen. The greatest benefit of the covenant was at the rear of the site joining the established residential development; that formed the protection of sea views. Buildings on the lower portions of the land to the east or northeast complying with RL23, but going beyond the permitted activity height standard in the District Plan, did not cause any significant impact on views.

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Mr Bartlett said that Ryman's thinking behind the acquisition of the prime residential site had been that there was a clear and obvious preference for retirement villages to be within existing communities, close to facilities, perhaps even close to where the new residents once lived. Mr Bartlett said that evidence to be presented would challenge archaic notions that single residential dwellings on 600m² lots created an inherently "superior" environment. It also challenged the peculiarly Kiwi superstition that the sight of buildings constituted an adverse effect under the RMA, and particularly that the sight of a building larger than one's own was an unacceptable environmental effect. Mr Bartlett described the buildings and said that because of the site size it was possible to accommodate large buildings and to generally internalise effects. The differentiation in height between the proposed buildings was achieved as a response to the site's contour, and in conformity with the covenant. He suggested that a condition describing a particular colour range or palette be employed. Mr Bartlett addressed the planner's report and planning documents.

With regard to financial contributions, Mr Bartlett said that proposed conditions needed more work. He considered that no contribution was necessary with regard to neighbourhood reserves and he referred the Panel to the original subdivision consent with Cabra which did not include liability for neighbourhood reserves, sportsfields or stormwater. Mr Bartlett mentioned that the former owner, Mr Boocock, thought that he was in credit with regard to financial contributions. The sale of the site had happened soon after the St Emilion appeal had been lodged. As to the roading contribution, the principal use of vehicles would be in the immediate locality and therefore he believed a reduction was warranted. A range of unit charges were proposed in relation of roading, sewerage and water and could form the starting point for assessment. Mr Bartlett requested a consideration with regard to community facilities, outlining his reasons in his submission.

In response to questions from the Panel, Mr Bartlett said that:

- He would have liked a bit more information with regard to the Cabra financial contribution query. He would have liked to have been able to present a collection of raw material.
- Ryman has never sold anything. To give integrity to the financial contributions he entirely expected that consent could record that a change of use gave rise to reassessment. There was scope in Plan Change 62 for reassessment.
- The buildings would be constructed of solid concrete and last for 80 – 100 years.

In response to questions, Mr Challies said that with regard to the age spread, very few people were under 75 years. Typically the age started at 75 years. 45% of residents in the Edmund Hillary Retirement Village were 85 years of age and over. It would be fair to say someone of 75 years of age was now more mobile than someone of that age 10 years ago. Typically the village catered for people who were less mobile. Very few residents would take advantage of Council facilities (e.g. reserves) as these were provided on site. Ryman had surveyed their own villages with regard to water usage and concluded that there was less demand per person at peak loading than the demand of an ordinary household.

Mr Simon Challies distributed and read written evidence. Mr Challies also demonstrated a power point display to support his evidence. The following was noted:

Mr Challies said that Ryman Healthcare had grown steadily over the past 20 years to become one of the 15 largest companies on the NZX. Over the past 20 years the company had designed, built and now operated 17 retirement villages throughout New Zealand and it currently had plans to develop a further five villages. Providing a continuum of care within the village meant that Ryman attracted an older group of residents – the average age being around 84 years, and 86% of residents lived alone. Mr Challies said that it was imperative that society moved to plan and develop well located cost effective retirement developments to cater for the needs of its rapidly rising population. He outlined in detail the proposed Orewa Retirement Village and in conclusion said that Ryman was excited about the prospect of building a world class retirement community in Orewa and looked forward to being good neighbours and to serving the local community well.

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In response to questions from the Panel, Mr Challies said that:

- The buildings were designed to take into account the open space and the Council reserve opposite. Designers thought it would be more appealing to outsiders to have the carparking not so visible.
- An information pack was circulated to residents in July and some alterations had been made as a result of this feedback. The feedback was generally positive regarding the style of the buildings.

Mr Pearce said that an informal 42 information packs had been sent out and there had been 10 responses. There was a reasonable awareness in the community with regard to the proposal. The original development concept was quite different from the plans presented today.

Mr Challies said that:

- He expected construction for the whole project to take about 3 years. The initial period, about 12 months, would be quite active but not all the earthworks would be done at once. The main facility and apartments would be amongst the first buildings.
- The rationale for the buildings' height had taken into account that people liked to take advantage of the views, especially as some residents may not be able to get out that much; view was very important.
- With regard to the rationale of the design phase for the new site and the maximum number of units, scale was dependent on the local area and how many people there were to service. He saw a huge need in the future for this type of community in Orewa. The site was close to the shopping centre and being such a unique site, needed to be taken advantage of. He was conscious of Ryman not being elitist and wanted people to be able to afford to move in.
- A number of residents would not be mobile and would spend time contemplating views and watching the wider community. He was also mindful that when there were a lot of people over 80 it had to be made easy for staff to service them. There were ongoing operational demands.
- He was aware of the Madison Heights Retirement Village proposal and he thought that there was room for both in terms of demand. Most importantly, the Ryman site was a superior location and solution.

Mr Bartlett said that the proposal had slightly different commercial drivers to that of the St Emilion proposal.

10.44 a.m. – 11.04 a.m. Morning tea adjournment.

Mr James Espie, a resident of Ryman's Grace Joel Retirement Village for 4½ years, distributed and read written evidence.

Mr Espie said that the decision by him and his wife to move into a retirement village was made after careful consideration. They concluded Ryman's terms were fair and reasonable and have had no reason to change their view over the intervening years. They were pleased to live in a secure environment and had made many close friends amongst the other residents. They enjoyed all the benefits of independent living whilst taking advantage of the excellent facilities and activities available to them. A great team of staff ran the Grace Joel Retirement Village and regular bi-monthly resident meetings were held with senior staff. One of the benefits of residency was the access to simple first aid through to care for more serious medical conditions. There were a number of operators in the retirement village industry and as could be imagined, residents were quick to compare the services they receive in their village with those of friends in other villages. From his experience and that of his wife, Ryman stood out as clear industry leaders.

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Mrs Judy Hart, a resident of Grace Joel Retirement Village since August 2002, distributed and read written evidence.

Mrs Hart said that she and her husband had an independent apartment at Grace Joel. They had a harbour view and every room had a view of some sort. The three bedroom, two bathroom apartment also had a lounge big enough to cater for groups of 20 or more. Mrs Hart said that security was good and facilities were available on site should the need arise for short stay convalescence. Mrs Hart described the operation of the village and the regular activities provided. In conclusion Mrs Hart said that she and her husband had been very satisfied with the move and were enjoying a new family, a family which they thought of as being equally as important as their own family.

Mr Hart said that initially his son had been concerned about their move to a retirement home, but that concern had quickly been dispelled.

Mr Taylor Allison, Design Manager for Ryman Healthcare Limited, distributed and read written evidence. The following was noted:

Mr Allison outlined the background and the site and the design philosophy and he described the proposal in detail. He said that effort had been made to ensure that the building layout and form complemented the existing residential dwellings to the west of the site. The latter relationship was assisted by the natural topography which drops 11m across the site and made the relationship easier. In regard to the relationship of the dwellings to the road, Mr Allison said that all buildings would look single level from the west. All the access points were capable of taking the width of a mobility scooter.

Mr Allison outlined the proposed buildings which he said varied from the smaller residential scale buildings to the west and the larger residential apartments to the east. Careful consideration had been given to the colour selection for the different materials which would be used to construct the retirement village. The design palette consisted of earthy natural colours deemed to be more comforting in their familiarity. Extensive landscaping was proposed ensuring a pleasant outdoor setting for residents and visitors, as well as effectively softening the lines of the building envelopes as viewed from vantage points outside the site. Mr Allison discussed access and parking, construction, effects, privacy, views and shading.

With regard to the comments by Mr Trevelyan, Mr Allison said that he felt there was enough variation in the design of the buildings. Although the ridge line of the buildings were of a similar relative level, the building heights varied from single to four storey. The slight variations in colour tones were found to be appreciated by residents; the appeal being living in an environment of consistent design and look.

In response to a question from the Panel with regard to Mr Trevelyan's suggestion of moving Block 11, Mr Allison said that he liked the buildings lining up as they were as extra set back from West Hoe Road was created. If Block 11 was swung around the bottom left hand corner would be closer to Block 10. He was after a bit more space on West Hoe Road rather than crowding the park.

Mr Bartlett pointed out that with regard to the separation distance at the boundary, a conventional subdivision was different; there wouldn't be the spacing between buildings as residential units would likely be expected to be closer together with not much greenery.

In response to questions from the Panel, Mr Allison said:

- The colour sheet included in his evidence showed the intention of the construction palette.
- The applicant used Monier roof products and tended to use darker colours; a large variety of colours were available.
- Breaking up the blocks would break up the precinct area. There were more possibilities for changing the roof line, for example, the long wing could be broken by hips.
- Garage doors were generally timber.
- He liked the St Emilion design in regard to the single level buildings in relation to the western properties.
- The site warrants larger buildings on it.

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- There would be one TV aerial for the whole site situated on the main building; this was usually hidden below roof level.
- With regard to lighting within the precinct, Ryman didn't overly light their villages.
- Council development controls were met with regard to shading.

Mr Trevelyan said that he still largely had the same concern and that gables and variations of facades would be welcome. A technique could be employed with regard to stepping Block 11; it was not a major movement and would create a better frontage and relationship. He was quite keen to see Block 11 moved as it would allow more land internally and by bringing it forward would create better amenity at the rear.

Mr Bartlett said that it was a matter of urban design doctrine. He also said that the applicant was not presenting the colour sheet as something the applicant would be bound by. The colour sheet was a general palette allowing room to move; he would be happy to be bound by way of a condition with regard to the colours, but not in a way that meant the applicant had to come back for consent. Mr Bartlett suggested the reporting planner might need to make a comment about locking this in as a condition.

Mr Douglas Leighton, a planner specialising in urban design, distributed and read written evidence. The following was noted:

Mr Leighton described the proposal, the site and its context and gave an assessment of the application taking into account the regional scale, city/town scale and the neighbourhood and site scale. Mr Leighton's evidence covered aspects such as the loss of privacy or overlooking, vehicle access, pedestrian access and boundary treatment. He discussed the building orientation, the internal amenity and architecture as well as resident parking, visitor car parks, footpaths and private open space. He addressed matters raised by submitters which were of relevance to urban design. These matters were addressed under the headings: the height of buildings; the density of the development; single point access into the development; repetitive nature of the architecture; adverse effects on amenity; precedent effect for tall buildings in the future; development has a low visual standard; setback standards; proximity of buildings to Grand Drive road edge; proximity to existing properties at No. 1 & 10 Grand Drive; and, the appropriateness of the development.

12.30 p.m. – 1.20 p.m. Luncheon adjournment.

Mr Leighton concluded reading written evidence following the luncheon adjournment. In conclusion he said that he believed the proposed development had been designed to a high standard and was likely to be well-maintained over time and would prove to be an asset to the high profile site, to Orewa, and its surrounding area.

In response to questions Mr Leighton said that:

- With regard to the Orewa Structure Plan, there was opposition to very tall buildings but an openness to taller buildings closer to the beach. These were generally 5-6 storey buildings spaced further apart with green space in between.
- The height wasn't out of keeping and had the ability to be absorbed; it was a large one off site that could handle more intensification and height.
- The profile of buildings did not necessarily follow the slope of the landscape. It was logical to keep the height low at the back and push the height closer to Victor Eaves Park.
- The architecture, once taken altogether, offered enough variation and form. More variation in colour was desirable but would be dealt with at the detailed design stage. The main body of the buildings and roofs were treated in a uniform way but with the addition of splashes of colour. He thought the architect had hit the right balance and variety was present.

Mr Challies said that sustainability had been taken into account in the design considerations; for example solar panels, whether they were cost effective and what impact they might have on neighbours. The effective use of power had also been taken into consideration.

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Mr Allison said that from Grand Drive Block 10 was set back about 8m, Block 1 about 6m, and Block 14 was an average of about 7m.

Mr Trevelyan said that he wanted the buildings to engage with the road; Block 11 with a 25m yard didn't engage and he felt it was desirable to reduce the 25m. He had no problem with the height of Blocks 10 and 11. He thought that some of the facades could be broken up, and gables added to the roofscape on the blocks.

Ms Suzanne Sullivan distributed and read written evidence.

Ms Sullivan said that her brief from Ryman had always been to use mainly flowering exotic plants to create, where possible, a park like setting. In this case too, she was asked to consider the use of various trees and shrubs already given approval by the Council for the previous St Emilion development proposed for the site.

Ms Sullivan said that apart from the extensive open grassed areas and plantings around the various buildings and roadways the garden would feature several outside amenities for the residents to enjoy as they chose. A large area between Block 1 and the main building would include a bowling green, and a croquet and petanque court, all of which would be suitably enhanced with various plantings of flowering species. The plantings alongside the buildings and in the gardens themselves had been carefully selected for their form and structure, and were intended to act as a natural mitigation against the form of the proposed building.

In response to questions from the Panel, Ms Sullivan said that:

- The approach to landscaping was consistent with the other Ryman sites.
- There had to be good horticultural practices; for instance breaking up the clay pans, tree pits dug and refilled with different soil mix.
- With regard to drainage issues, the proposal included raised beds and more could be included.
- There were contoured areas of mounded grass and there were also shady areas with a fernery.
- Where possible Ryman had always used larger more mature grade plants.
- The agapanthus used would be the small one with sterile form. She was not sure that Norfolk Island Hibiscus was on the Regional Council "hit list".
- She was aware of garden plants that people were allergic to, for example the olives would be standardised and clipped.
- The landscaping incorporated a variety in texture, colour and form in order to create a nice even development that looked appealing to the eye. Within uniformed areas to give formality it was important to have repeats of certain things.
- Along the back of the site the planting was mostly native.

Mr Huse-White and Mr Hills' evidence had been circulated for reading prior to the luncheon adjournment.

The Panel advised that they had no questions of Mr Huse-White whose evidence dealt with civil engineering matters.

Mr Hills' evidence was in relation to the transportation planning implications of the proposal. In response to questions from the Panel, Mr Hills said that:

- There were crossing points for mobility scooter etc across some of the busier roads and there were other options if it was felt it was difficult to cross the road, such as a shuttle service.
- He thought pedestrians and mobility scooters would cross at Ambassador Glade, but mostly at West Hoe Road and West Hoe Heights Road. Generally people would cross at an intersection which could be used as mobility scooter crossing points.
- With regard to the crest at Ambassador Glade, the traffic generated by this proposal was under half what could have occurred with St Emilion. Whilst there would also be service and staff vehicles, the sight distance complied with the requirements for a high generating driveway onto a local road. In terms of fixing the problem there were two options; one was to move the driveway slightly, say 20m to get on top of the crest but that would have a major

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impact on where buildings were located. The other option was to drop the crest slightly, say half a metre at the most, as there was a sewer line under the crest.

Mr Bartlett pointed out that in the future signalisation at intersections would be a likely possibility.

Mr Challies said that Ryman would consider financial support in regard to lowering the crest of the road.

Mr Bartlett added that this would need to be reflected in the financial contributions.

Mr Carey Pearce distributed and read written evidence. The following was noted:

Mr Pearce's evidence commented on the content/conclusions within the Council Officer's Report, and specifically dealt with a few of the suggested conditions of consent. There was an acknowledgement that the general level of intensity associated with the conduct of a retirement village, e.g. in traffic and noise generating characteristics, was somewhat lesser than what would generally be associated with a more traditional form of residential development and this particular proposal was further moderated by the fact that it would be operated in all respects by a single company as a comprehensive entity.

Mr Pearce said that Ryman had gone to significant expense with regard to circulation of the information packs to the community. The applicant had also had dialogue with the Auckland Regional Council and it was notable that the ARC was not at the hearing as a submitter. Mr Pearce was generally comfortable with the suite of conditions proposed, but in line with Mr Bartlett's comments, he did however consider that some financial contributions identified in respect of the proposed retirement village did not recognise the unique nature of the village activities. The general thrust of conditions sought to ensure that the development proposed was implemented with limited variation, providing a degree of certainty to the neighbouring community. In instances where suggested conditions contain residual officer discretion e.g. General Condition (i) relating to staging, that those discretions would be exercised appropriately.

In conclusion Mr Pearce said that the integrated retirement village of the type proposed by Ryman Healthcare sat comfortably with the site at 30 Ambassador Glade. It was likely to become over time a key feature of the Orewa community and a residential and care option for a number of elderly people in the district. The scale, configuration and intensity of the proposed village was not at variance with broad District and Regional planning objectives and overall impacts of the village on local amenities, particularly once it was fully operational, would be no more than minor. In his view, the physical characteristics of the site could accommodate the additional height sought for some of the apartment buildings and for part of the main central building without significant impact to neighbouring residential properties. With the landscape treatments proposed and the extensive open space available on site the retirement village would present as a pleasant residential environment. The proposal to establish the village on the site accorded with the sustainable management purpose and principles espoused with Part II of the Resource Management Act 1991.

In response to questions from the Panel, Mr Pearce said that:

Plan Change 26 made provision for integrated residential development and provision for homes for the aged. This proposal was a comprehensively developed and planned facility with a residential character. Within that context it was important to note the three road frontages and the very large site. In respect of concept of the site regardless whether a village or residential – different residential form was becoming more common throughout region. He didn't believe the limited infringements were significant; it was necessary to look at the outcome of a comprehensively planned development.

3.33 p.m. – 3.48 p.m. Afternoon tea adjournment.

Mr Jones clarified for the benefit of the Panel that the application was a discretionary activity under the Operative Plan and a non complying activity under the Proposed District Plan. He believed the greatest weight should be put on Plan Change 26.

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SUBMITTERS:

Mr Gordon Miller distributed written evidence on behalf of the Orewa Residents' Group, representing 27 properties in the immediate area. He said that several members would speak to the group's submission.

Mr Graham Andrew read written evidence on behalf of the Orewa Residents' Group.

Mr Andrew discussed access safety and site stability. The group considered the entrance off Ambassador Glade to West Hoe Heights Road did not have sufficient visibility to the right. Members were also worried about the possibility of slumping effects on the land above due to the high volume of earthworks proposed. Members wanted written assurance they would be fully compensated should movement or tension cracking becomes evident.

Ms Shirley Dando read written evidence behalf of the Orewa Residents' Group.

Ms Dando said the proposal had the potential to create a "homogenous and dominating effect on the environment." Members disagreed the additional height was in keeping with the site context and there would be negligible effects on residential neighbours. The 9m rule was designed to limit the effect on neighbours and ensure a relatively low rise environment, although some minor infringements of the rule may be acceptable. In summary, Ms Dando said that the Ryman proposal was not sensitive in terms of scale and form with respect to adjoining sites. The bulk, height and mass, and to a lesser extent the repetitive nature of the buildings, would detract from the adjoining sites, especially when combined and view alongside the existing Seabreeze housing development. The scale and physical extent of the proposal would impact on the existing character and existing low rise neighbourhood.

In response to questions from the Panel, Ms Dando said that personally she felt her view would be markedly affected by the proposal. She would lose her view to Victor Eaves Park. However, in terms of longer views, hers would be retained. She felt that building height of up to 9m was acceptable; anything over 9m and up to 15m was, in her opinion, questionable.

Mr Gary Burkett read written evidence on behalf of the Orewa Residents' Group.

Mr Burkett said members believed the development would have a significant negative impact on the views and general outlook of all residences in The Ritz and many on Grovenor Drive. It would also having overbearing dominance for motorists travelling on West Hoe Road, especially those heading south, and the many persons who use Victor Eaves Park. Because of this, members requested the large, front line buildings on West Hoe Road, be reduced to nearer the 9m height restrictions in the District Plan. Members believed the development should proceed in line with the St Emilion hearing decision, which was that any buildings not exceed three storeys.

In response to a question from the Panel, Mr Burkett said that he didn't think the set backs for Block 11 were sufficient to mitigate the height. If the building was angled closer to the road it would be a bigger mass.

Mr Gordon Miller read written evidence on behalf of the Orewa Residents' Group.

Mr Miller's evidence included quotations from planning documents. He said that most residents had purchased and built their homes based on the outline of the district scheme. He noted that most of the buildings in Orewa were of one or two levels. Members understood the land would be built on day and would welcome Ryman as a neighbour. Members would support an application that fitted more closely with current planning regulations.

In response to questions from the Panel, Mr Miller said that:

- Members wanted the height reduced to 3 storeys.
- Ryman had already made a pleasant approach to resolve minor issues.
- Height was the key matter that remained unresolved from the group's point of view.
- Members were concerned about the effects on the wider environment.

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Individual submitters:

Mr Graham Andrew distributed written evidence. The following was noted

Mr Andrew said that his submission was also on behalf of S Andrew and D Gill, their land being Lot 229, an adjoining property of the applicant's site. Mr Andrew said that he felt his land would be most affected. Mr Andrew discussed maximum height, access safety and site stability. He requested written assurance that they be fully compensated if any land movement or tension cracking became evident.

In response to questions from the Panel, Mr Andrew said that:

- They were aware they would lose their view when they bought their property. However, the St Emilion proposal had given view channels, that's why he had supported that application. The way the buildings were situated with the Ryman proposal would present a building mass.
- At the moment the only views he has to Victor Eaves Park were through the site.
- No land movement had occurred since he'd built his house.
- The soil in the area comprised clay fill; the Ryman land previously was a swamp.
- There had been trouble stabilising West Hoe Road and Victor Eaves Park had big pipes for drainage as it also had problems.
- He would like to see the 4 storey building lowered.

Mr Miller distributed and read written evidence on behalf of himself and his wife, Margaret. The following was noted:

Mr Miller said that their objection was to the height, bulk and mass of the proposal. Mr Miller's evidence contained quotes from planning documents, the planning report and the St Emilion decision. He believed these declarations, and a clear decision by previous Council members to reject excessive height applications, were ample reason to decline the more irregular aspects of the application.

Mr Gary Burkett read a letter he had sent to Ryman Healthcare in regard to the application (page 150 of the agenda).

Mr Burkett thought the development should keep to the 9m height limit. Although other retirement buildings at Maygrove and Oteha Valley Road had 4 level buildings, at least in the case of Maygrove, that building was set back in the valley and was not an overbearing distraction to its surrounding area, and the building at Oteha Valley Road was surrounded by trees which hid the bland, concrete structure. Mr Burkett also had concerns with regard to trees and the height that they might grow to. He was generally happy with the evidence given about the landscaping but the issue was how big the trees would grow.

4.50 p.m. Ross Green entered the room.

Mr McCarty gave verbal evidence. The following was noted:

Mr McCarty said that he was concerned about building height and he didn't want anything above 9m. He believed there might be problems with ground stability and dust, especially in regard to movement of heavy vehicles and he requested residents be compensated regarding dusting and cleaning of their houses. He thought the proposal would result in an intense building mass dominating the residential area. The planting height of the proposed trees also concerned him and he wanted to know what height the trees would eventually be. He was of the opinion that if the proposal was allowed to exceed the 9m height limit it would set a precedent. Whilst he could live with some 11.5m high buildings on the site he considered that the additional 2.5 metres should be only to provide roofline variation.

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Council Officers:

Mr Ross Green tabled further information with regard to the financial contributions.

Mr Green said that any credit in respect to neighbourhood reserves an owner of a property may have had were not able to be transferred to another developer. Mr Green said that the neighbourhood reserves contribution levied was towards reserve purchase and/or development within this area for projects identified within the Council's Long Term Plan. He said it was reasonably expected that residents of the retirement village would enjoy the use of the reserves the Council provides in the area. A reduction in the number of household unit equivalents as suggested based on the retirement unit residents not using the Rodney roading network as much as those in "standard household units" was not supported. Mr Green commented on other aspects of the financial contributions.

The Chairperson requested that Mr Bartlett provide his reply in writing with regard to the financial contributions.

Mr Trevelyan confirmed that his concerns, as he had expressed earlier, remained.

Mr Jones said that he stood by his recommendation to grant consent, but he was a bit concerned by what Mr Trevelyan had had to say. Overall he thought the development should proceed subject to conditions. He thought Mr Trevelyan's concerns could be addressed by way of conditions, and there was potential, for example, in tweaking the design. However, he didn't have any recommended conditions in that regard for the Panel to consider. Mr Jones said that he had visited Ryman's completed villages. Grace Joel and Edmund Hillary, and he was very impressed with the standard of finish in terms of detailing etc. He thought if Mr Trevelyan went to these sites it might help to eliminate some of his fears. He said that the high, impressive standard of the two complexes he had visited should be carried over to the Orewa development.

Mr Dobson said that he had been unable to locate the Interim Decision from the Environment Court with regard to the Marlin hearing but he had a transcript of the judge's summary (this was tabled).

Mr Bartlett presented the right of reply. The following was noted:

Mr Bartlett said that a site visit to Ryman's Auckland retirement villages, Grace Joel and Edmund Hillary, had helped the reporting planner to put things into context and he would encourage the Panel to visit those villages. Submitters were also invited to undertake a visit to these villages.

In terms of general issues, Mr Bartlett said that the key issue was the effect of the proposed buildings on Grand Drive and West Hoe Road and that had not been taken up by anyone in those streets. Mr Bartlett said that Ryman had bent over backwards in regard to the design of the proposal with the people living at The Ritz in mind. He said there would be good landscaping, and all the larger buildings had been pushed to the centre and middle. It had been demonstrated through the photomontages, based on the worst case scenario, that sea views would be unaffected. With regard to the covenant affecting trees, it was possible an alternative development might not have significant buildings, but there could be trees. Victor Eaves Park only took in some of the panorama. Mr Bartlett talked of the proposal's openness in relation to the sea and sky. Mr Bartlett made specific mention that the Panel not propose to protect the views of the park in this context, noting that in any event those views were all but obliterated by higher buildings on the western and higher side of the site. Mr Bartlett urged the Panel to consider places overseas they had visited with 4 and 6 storey buildings; he considered that they did not create feelings of oppression. He said it was a "nutty Kiwi idea" to only have lower level buildings and it made no sense as it was the antithesis of what had happened in other countries over time, for example Europe. The idea that a single house on a single section had a better quality was dated. He considered New Zealand was developing a more mature approach to urban form and that a 3-4 storey building on the edge of Grand Drive wouldn't affect the submitters' views or lifestyles.

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Mr Bartlett said that with respect to expert points of view versus layperson points of views, ultimately the views of people who knew more about these things had to be relied upon. He said that the applicant wanted to have a good relationship with the Council and neighbours. Mr Bartlett said that the points raised by Mr Trevelyan might be able to be worked through, especially in regard to matters of colour and finistrations. He said that he would be wary of any conditions "to be to the satisfaction of..." rather, the applicant would be happy to engage in consultation with respect to colours and final detail. The orientation of Block 11 was within the Panel's judgement but the applicant would rather not move it; its orientation provided better landscaping. With regard to comments about dropping one storey, this could mean that instead of views from window to window that the view would become window to roof. In the future there would need to be consultation with residents regarding fencing, planting etc. The applicant was receptive to particular requirements and if there were any problems with construction residents could phone up. Mr Bartlett thought these mechanical things could be worked through. Matters of dust control would be attended to and there should be no issue with noise. Mr Bartlett concluded by saying that all could be attended to in an atmosphere of reasonable cordiality.

5.45 p.m. The Chairperson adjourned the hearing. The Chairperson requested further consideration be given to the financial contributions.

The Chairperson closed the hearing at 4.30 p.m. on Monday, 25 February 2008 at the close of deliberations.

The Panel resolved:

Simmons/Powell

That under section 37 of the Resource Management Act 1991, the late submissions from M and M E Ala'i, S and S Phillips, and E and S Baggaley be accepted.

Carried

Simmons/Powell

THE DECISION

That, pursuant to Sections 104 and 104D of the Resource Management Act 1991, the notified application for resource consent by Ryman Healthcare Limited to construct an integrated retirement village and undertake related earthworks at 30 Ambassador Glade, Orewa is refused consent for the following reasons.

PREAMBLE

Background

The proposal is to establish an integrated retirement village of 17 separate buildings consisting of 231 apartments, 47 assisted living suites, a 60 bed rest home and associated community facilities. The site comprises 4.7897 hectares in area and is located between Grand Drive, West Hoe Road, West Hoe Heights Road and Ambassador Glade at Orewa. Opposite the site on the eastern side of West Hoe Road is Victor Eaves Park, a large Council owned recreation reserve. The applicant site is currently vacant.

In 1997 consent was granted to the subdivision known as "The Grange" which created a total of 375 residential lots. The current application site was part of "The Grange" subdivision. The balance of "The Grange" subdivision has been completed with most of the lots now containing dwellings. Many of the submitters to this proposal reside immediately to the west of the applicant's land within "The Grange" subdivision.

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A key feature of "The Grange" subdivision was that a height covenant was applied to all the newly created lots, including the land now the subject of this application. This legal constraint applies to all buildings and trees on this land and restricts maximum heights to a RL of 23 metres. The purpose of this covenant is to protect the sea views to the Hauraki Gulf. The site falls approximately 10 metres generally from west to east. The effect of the height covenant is that new buildings on the western side of the land must be lower than the 9 metre height permitted by the District Plan, whereas further to the east the height covenant allows buildings considerably higher than the 9 metre District Plan limit. The current proposal complies with the height covenant but not the maximum height controls of the District Plan. For those buildings that exceed the 9 metre District Plan limit, they range from 10.9 metres for Block 14 through to 15.6 metres for Block 10. The buildings that comply with the 9 metre District Plan height limit are located along the western edge of the site, whereas the over height buildings are located generally across the middle and eastern end of the site. Those buildings along the eastern edge of the site range between 4.3 metres and 6.6 metres above the 9 metre permitted height limit.

Although not the only matter requiring consent, the over height aspects were of particular concern to those who had lodged submissions.

Retirement villages are not specifically defined within the relevant district planning documents and this proposal has therefore been considered to be a non-complying activity on this site.

In 2006, Cabra Holdings Limited was granted consent to an integrated residential development comprising 136 apartments and associated communal facilities on this site. Although that proposal was not for a retirement village there were similarities with the current application particularly with respect to the design and height of the proposed buildings and the nature of the submissions received to both applications. The previously approved development also complied with the height covenant but some of the proposed buildings exceeded the 9 metre maximum height limit under the District Plan. The grant of consent in 2006 reduced the height of two of the proposed buildings from four storeys to three storeys. This consent, dated 3 May 2006, remains unimplemented and does not lapse until 3 May 2014 as a consequence of an eight year expiry date being part of the grant of consent.

At the end of the hearing, on the 8th of February at 5.45pm, the hearing was adjourned to enable a site visit to be undertaken and for the applicant to respond in writing in relation to the proposed financial contributions. The site visit was undertaken on 21st of February. At the suggestion of the applicant the Commissioners also on the same day visited the existing Ryman Villages known as Grace Joel Retirement Village in St Heliers and Edmund Hillary Retirement Village in Remuera. The primary purpose of visiting these two villages was for the Commissioners to experience these two villages, particularly in relation to the design and finish of the buildings, the grounds and the landscaping. Mr Bartlett on behalf of the applicant responded in writing on the financial contribution matters by way of a letter dated 15th of February. The hearing officially closed on the 25th of February as there were no matters that arose from the site visit or the letter from Mr Bartlett that required the hearing to be reconvened.

There were a number of submissions received after the closing date of 12 December 2007. The closing date of 5 December stated in the report of Mr Jones (reporting planner) apparently was incorrect. At the hearing three were identified from S and S Phillips (dated 13 December), E and S Baggaley (dated 13 December) and M and E Ala'i (dated 17 December). It has also been noted that seven of the submissions had not been date stamped as to when they were received by the Council. All but one of the undated submissions were signed and dated by the submitters prior to the closing date of 12 December, the remaining submission was dated 12 December. Given the above facts, and that the submissions are all very similar in content, the Panel has resolved to accept all these late submissions pursuant to section 37 of the Act.

For the reasons set out below and discussed more fully in the findings of fact consent has been refused. It is anticipated that a revised proposal may well be granted consent in the future and the Panel wishes to record this fact for the benefit of the applicant and the submitters. There is a large degree of consensus in relation to the suitability of this site for a modified version of the proposed integrated retirement village and it is also noted that the vast majority of submitters fairly recognised this in the presentation of their evidence.

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REASONS FOR THE DECISION:

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

- (a) The scale and form of the proposed development includes buildings of such bulk, height and unrelieved mass that the overall development will have adverse effects on the established and foreseeable future character and amenity values of the immediately adjoining and adjacent properties, and upon the wider residential community. These adverse effects will be more than minor.
- (b) The development in its current form, and in particular the overall design, intensity, scale and character of the development, is not compatible with the existing residential development in this locality, nor is it likely to be compatible with the intended medium intensity residential development outcomes of the locality.
- (c) The Panel accepts that because of the size and nature of the subject site some flexibility should be given in relation to strict compliance with the maximum permitted height and intensity of the proposed development, however the current proposal has resulted in an outcome that fails to sit comfortably or integrate successfully within the established and foreseeable residential environment.
- (d) The proposal for an integrated retirement village, subject to the design changes signalled above, is an appropriate activity on this site and will have a positive benefit in meeting the retirement needs of the local community.
- (e) The proposal in its current form is contrary to the relevant objectives and policies that seek to maintain and enhance amenity values of neighbourhoods and residential areas, avoid or mitigate adverse effects on other residential sites and the neighbourhood generally and ensure an overall compatibility in building scale, spacing and design.
- (f) The proposal has for the above reasons been determined to have adverse effects on the environment that are more than minor and is contrary to the relevant objectives and policies. This proposal fails to satisfy either of the gateway tests of Section 104D of the Act.
- (g) When assessed in the context of promoting the sustainable management of resources in terms of Part 2 of the Act, the proposal does have some positive attributes in relation to meeting the retirement needs of the community and enabling a comprehensive design approach to such a large site within the MUL. When considered in the wider community context and the sustainable management of the surrounding residential neighbourhood, this proposal fails to maintain or enhance the amenity values and quality of the environment that all residents can reasonably expect consistent with the established and foreseeable future urban residential outcomes for this community.

**THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED:
(Section 113(1) (AA))**

Overall this application was considered to be a **non-complying** activity and was considered in terms of sections 104 and 104D and Part 2 of the Act.

**OTHER RELEVANT PROVISIONS THAT WERE CONSIDERED:
(Section 113(1) (ab))**

The provisions of the following documents were considered by the Hearings Panel in reaching this decision.

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Auckland Regional Policy Statement

Chapter 2, Regional Overview and Strategic Direction

Proposed Regional Policy Statement

Proposed Plan Change 6

Operative District Plan as amended by Plan Change 26, Residential

Objectives 3B, 3D, 3G, 3H, 3I and their supporting policies, The intended environmental outcomes for Medium Intensity Areas set out at 3.2, the assessment criteria for comprehensively designed multiple household unit developments set out at 3.2.1 and rules as they relate to the proposal.

Proposed District Plan 2000

Objectives 8.3.1 to 8.3.4, and policies 8.4.1, 8.4.2, 8.4.3, 8.4.4; Objectives 8.8.3.1.1, 8.8.3.1.2, policies 8.8.3.2.4, 8.8.3.2.1, 8.8.3.2.3, 8.8.3.2.4 and 8.8.3.2.7 and the explanation and reasons for these policies set out after policy 8.8.3.2.9 and rules as they relate to the proposal.

Plan Change 62

Objectives, policies and rules as they relate to the proposal.

Proposed Variation 101

THE PRINCIPAL ISSUES THAT WERE IN CONTENTION: (Section 113(1) (ac))

The principal issues that were in contention were:

- (1) The weight to be given to the relevant district planning documents.
- (2) The height of the proposed buildings and the compatibility of the proposed development with adjoining sites and the effects on character and amenity values.
- (3) Whether the proposal is consistent with the relevant provisions of the district planning documents.
- (4) Whether the gateway tests of Section 104D of the Act can be met.
- (5) Whether the proposal and/or the site have any features that distinguish them from other sites and proposals within the district.
- (6) Whether the proposal is consistent with the sustainable management purpose of the Act and its principles as set out in Part 2 of the Act.

SUMMARY OF THE EVIDENCE HEARD: (Section 113(1) (ad))

The Applicant

The applicant was represented by Mr Bartlett who presented opening submissions and the reply. In addition to the verbal reply at the hearing Mr Bartlett also produced a written reply on the financial contribution matters by way of a letter dated 15th of February.

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Mr Simon Challies, the Chief Executive of Ryman Healthcare Limited, presented written evidence. He provided a background to the company which is a specialist healthcare company which designs, develops, builds and operates residential retirement villages for the elderly. He outlined the nature of a Ryman Healthcare Village and in particular the continuum of care for residents from independent living in apartments to assisted living suites, to the rest home and hospital. He also indicated that landscaping is an integral feature of the design and a key point of difference between Ryman and its competitors. He identified the social need for retirement villages generally and more specifically on the Hibiscus Coast where significant population growth has occurred for those over the age of 65.

Mr Challies set out the reasons why this site had been chosen and in particular stressed the outstanding location within a 700 metre walking distance of Orewa Town Centre, with extensive vistas and that it overlooks Victor Eaves Park. He set out in detail the features of the proposal and how the village would operate.

In relation to the overall design of the proposal he stated:

- The proposal acknowledges the neighbours to the west by building below the covenanted height limit, thereby protecting their sea views;
- The smaller single level dwellings on the west of the site will ease the transition from the residential neighbours to the village centre;
- The prominent buildings on the intersections and overlooking Victor Eaves Park have been designed to provide strong architectural features which are appealing to the wider community at significant additional cost to the applicant;
- That apartment buildings are not unique to this proposal; he referred to a five level building within the Maygrove Village;
- That the four level buildings overlooking Victor Eaves Park are proposed to provide a smaller building footprint, with basement car parking and allows for the creation of large green corridors; and
- The additional scale of development is able to be achieved without impacting significantly on the views, sunlight and privacy of neighbours on the southern side of Grand Drive.

He stressed that Ryman would manage the whole project from construction through to its ongoing operation once built. It was his overall conclusion that the proposal would provide a world class retirement community for Orewa that would be a good neighbour and serve the local community well.

Mr James Espie, an apartment resident of Grace Joel Retirement Village for 4.5 years, presented written evidence. Mr Espie outlined the facilities and activities he enjoys at Grace Joel. He noted the design and construction of the village and the attractive landscaping that had been established. It was his experience that Ryman Healthcare were leaders in their field and he considered the proposed Orewa development would be "right up there with the best."

Mrs Judy Hart, also an apartment resident of Grace Joel since 2002, presented written evidence. She described the apartment she occupies and the operation of the village. She concluded that she and her husband have been very satisfied with Grace Joel and intend to spend their remaining years there.

Mr Taylor Allison, Design Manager for Ryman Healthcare presented written evidence. He provided a background to the site and described its key features, outlined the design philosophy to the provision of an integrated retirement village and set out a detailed description of the proposal. Attached to his evidence were colour samples and simulated views from four different locations beyond the site. These viewpoints were particularly helpful in the Panel's understanding of the proposal and during the site visit.

Mr Allison outlined the proposed buildings which he said varied from the smaller residential scale buildings to the west and the larger residential apartments to the east. Careful consideration had been given to the colour selection for the different materials which would be used to construct the retirement village. The design palette consisted of earthy natural colours deemed to be more comforting in their familiarity. Extensive landscaping was proposed ensuring a pleasant outdoor setting for residents and visitors, as well as effectively softening the lines of the building envelopes as viewed from vantage points outside the site. Mr Allison discussed access and parking, construction, effects, privacy, views and shading.

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With regard to the comments by Mr Trevelyan, Mr Allison said that he felt there was enough variation in the design of the buildings. Although the ridge line of the buildings were of a similar relative level the building heights varied from single to four storeys. The slight variations on colour tones were found to be appreciated by residents; the appeal being living in an environment of consistent design and look.

In response to a question from the Panel with regard to Mr Trevelyan's suggestion of moving Block 11, Mr Allison said that he liked the buildings lining up as they were as extra set back from West Hoe Road was created. If Block 11 was swung around the bottom left hand corner would be closer to Block 10. He was after a bit more space on West Hoe Road rather than crowding the park.

In response to questions from the Panel, Mr Allison said:

- The colour sheet included in his evidence showed the intention of the construction using palette.
- The applicant used Monier roof products and tended to use darker colours; there was a large variety of colours available.
- Breaking up the blocks would break up the precinct area. There were more possibilities for changing the roof line, for example, the long wing could be broken by hips.
- Garage doors were generally timber.
- He liked the St Emilion design in regard to the single level buildings in relation to the western properties.
- The site warrants larger buildings on it.
- There would be one TV aerial for the whole site situated on the main building; this was usually hidden below roof level.
- With regard to lighting within the precinct, Ryman didn't overly light their villages.
- Council development controls were met with regard to shading.

Mr Douglas Leighton, a planner specialising in urban design, presented written evidence.

Mr Leighton described the proposal, the site and its context and gave an assessment of the application taking into account the regional scale, city/town scale and the neighbourhood and site scale. Mr Leighton's evidence covered aspects such as the loss of privacy or overlooking, vehicle access, pedestrian access and boundary treatment. He discussed the building orientation, the internal amenity and architecture as well as resident parking, visitor car parks, footpaths and private open space. He addressed matters raised by submitters which were of relevance to urban design. These matters were addressed under the headings: the height of buildings; the density of the development; single point access into the development; repetitive nature of the architecture; adverse effects on amenity; precedent effect for tall buildings in the future; development has a low visual standard; setback standards; proximity of buildings to Grand Drive road edge; proximity to existing properties at No. 1 & 10 Grand Drive; and, the appropriateness of the development.

In conclusion it was his opinion that the application addresses the key urban design issues, is compatible with the Council's key statutory and non-statutory documents and is aligned with urban design best practice as outlined in the New Zealand Urban Design Protocol. It was his opinion that the proposed development would fit well with its surrounding neighbours and urban context, is preferable from development that might otherwise be permitted 'as of right' in the zone and from an urban design perspective that this is unlikely to cause significant adverse effects on its surrounding area and neighbours. He believed the proposed development had been designed to a high standard, is likely to be well-maintained over time and would prove to be an asset to this high profile site, to Orewa, and to its surrounding area.

In response to questions Mr Leighton said that:

- With regard to the Orewa Structure Plan, there was opposition to very tall buildings but an openness to taller buildings closer to the beach. These were generally 5-6 storey buildings spaced further apart with green space in between.
- The height wasn't out of keeping and had the ability to be absorbed; it was a large one off site that could handle more intensification and height.

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- The profile of buildings did not necessarily follow the slope of the landscape. It was logical to keep the height low at the back and push the height closer to Victor Eaves Park.
- The architecture, once taken altogether offered enough variation and form. More variation in colour was desirable but would be dealt with at the detailed design stage. The main body of the buildings and roofs were treated in a uniform way but with the addition of splashes of colour. He thought the architect had hit the right balance and variety was present.

Ms Suzanne Sullivan, landscape consultant, presented written evidence.

Ms Sullivan said that her brief from Ryman had always been to use mainly flowering exotic plants to create, where possible, a park like setting. In this case too, she was asked to consider the use of various trees and shrubs already given approval by the Council for the previous St Emilion development proposed for the site. She described in detail the landscape aims for this development, the existing landscape, the specific landscape areas and the garden areas.

Ms Sullivan said that apart from the extensive open grassed areas and plantings around the various buildings and roadways the garden would feature several outside amenities for the residents to enjoy as they chose. A large area between Block 1 and the main building would include a bowling green, croquet and a petanque court, all of which would be suitably enhanced with various plantings of flowering species. The plantings along the buildings and the gardens have been carefully selected for their form and structure, and are intended to act as a natural mitigation against the form of the proposed building.

In response to questions from the Panel, Ms Sullivan said that:

- The approach to landscaping was consistent with the other Ryman sites.
- There had to be good horticultural practices; for instance breaking up the clay pans, tree pits dug and refilled with different soil mix.
- With regard to drainage issues, the proposal includes raised beds and more could be included. There were contoured areas of mounded grass and there were also shady areas with a fernery.
- Where possible Ryman had always used larger more mature grade plants.
- The agapanthus used would be the small one with sterile form. She was not sure that Norfolk Island Hibiscus was on the Regional Council "hit list".
- She was aware of garden plants people were allergic to, for example the olives would be standardised and clipped.
- The landscaping incorporated a variety in texture, colour and form in order to create a nice even development that looked appealing to the eye. Within uniformed areas to give formality it was important to have repeats of certain things.
- Along the back of the site the planting was mostly native.

It was her conclusion that the landscaping proposed for the site would provide for an attractively presented amenity which would both blend in with, and complement the established character of the area and enhance it with its diversity of plantings. It was her opinion that the benefit of planning and planting to achieve screening and softening of the proposed buildings will ensure they become an asset to the neighbourhood and the wider community.

Mr Phil Huse-White, civil engineer, presented written evidence which was pre read by the Panel during the luncheon adjournment. His evidence covered the public infrastructure aspects of the proposal under the headings; stormwater, sanitary sewer, water main, roading/slab levels, and construction/sediment control. It was his conclusion that the proposal can comply with the infrastructural requirements of both Rodney District Council and the Auckland Regional Council.

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Mr Leo Hills, transportation engineer, presented written evidence which also had been pre read by the Panel during the luncheon adjournment.

Mr Hills' evidence was in relation to the transportation planning implications of the proposal. He addressed the site location and existing conditions, existing traffic volumes, road safety, described the proposed development and the consented 2006 development, compared the trip generation of the consented 2006 development with the trip generation of the proposal, discussed the Ambassador Glade/West Hoe Heights intersection and the West Hoe Heights/West Hoe Road intersection, outlined the parking allocations, parking dimensions, mobility/accessibility spaces, site access, internal road access, pedestrian arrangements, cyclist provisions, loading and servicing arrangements and construction traffic. He commented on the Council Officer's report on traffic, with which he agreed in relation to the recommended traffic conditions.

It was his conclusion that: the volume of traffic generated by the retirement village is considerably less than the consented development and will have no more than minor effects on the capacity of the surrounding road network; suitable access can be provided to the site; and the proposal will not compromise traffic safety in the area.

In response to questions from the Panel, Mr Hills said that:

- There were crossing points for mobility scooter etc across some of the busier roads and there were other options if it was felt it was difficult to cross the road, such as a shuttle service.
- He thought pedestrians and mobility scooters would cross at Ambassador Glade, but mostly at West Hoe Road and West Hoe Heights Road. Generally people would cross at an intersection which could be used as mobility scooter crossing points.
- With regard to the crest at Ambassador Glade, the traffic generated by this proposal was under half what could have occurred with St Emilion. Whilst there will also be service and staff vehicles, the sight distance complied with the requirements for a high generating driveway onto a local road.
- In terms of fixing the problem there were two options; one was to move the driveway slightly, say 20m to get on top of the crest but that would have a major impact on where buildings were located. The other option was to drop the crest slightly say half a metre at the most as there was a sewer line under the crest.

Mr Bartlett pointed out that in the future signalisation would be a likely possibility.

Mr Challies said that Ryman would consider financial support to take the crest down. Mr Bartlett added that this would need to be reflected in the financial contributions.

Mr Carey Pearce, consultant planner, presented written evidence.

Mr Pearce's evidence identified that the overall focus with the project to this point, has been on the form of the development, in terms of its physical and design parameters, rather than the activity itself. He outlined the nature of the proposal, commented on the consultation that had taken place with the community, discussed the submissions that had been received and the report of Mr Jones on behalf of the Council and specifically dealt with a few of the suggested conditions of consent.

In relation to the statutory and policy framework he accepted that the proposal is to be considered as non-complying but in his opinion an activity "of this ilk" is contemplated within a medium intensity zone. He noted the issue of height was being debated in relation to proposed Variation 101 that had been recently publicly notified and was open for submission. He noted that the maximum height limit of 9 metres had been retained, an additional bonus of 2.5 metres was contemplated where pitched roofs are proposed.

There was an acknowledgement that the general level of intensity associated with the conduct of a retirement village, e.g. in traffic and noise generating characteristics being somewhat lesser than what would generally be associated with a more traditional form of residential development and this particular proposal was further moderated by the fact that it would be operated in all respects by a single company as a comprehensive entity.

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Mr Pearce said that Ryman had gone to significant expense with regard to circulation of the information packs to the community. The applicant had also had dialogue with the Auckland Regional Council and it was notable that they were not at the hearing as a submitter. Mr Pearce was generally comfortable with the suite of conditions proposed, but in line with Mr Bartlett's comments, he did however consider that some financial contributions identified in respect of the proposed retirement village did not recognise the unique nature of the village activities. The general thrust of conditions sought to ensure that the development proposed was implemented with limited variation, providing a degree of certainty to the neighbouring community. In instances where suggested conditions contain residual Officer discretion e.g. General Condition (i) relating to staging, that those discretions would be exercised appropriately.

In conclusion Mr Pearce said that the integrated retirement village of the type proposed by Ryman Healthcare sat comfortably with the site at 30 Ambassador Glade. It was likely to become over time a key feature of the Orewa community and a residential and care option for a number of elderly people in the district. The scale, configuration and intensity of the proposed village was not at variance with broad District and Regional planning objectives and overall impacts of the village on local amenities, particularly once it was fully operational, would be no more than minor. In his view, the physical characteristics of the site could accommodate the additional height sought for some of the apartment buildings and for part of the main central building without significant impact to neighbouring residential properties. With the landscape treatments proposed and the extensive open space available on site the retirement village would present as a pleasant residential environment. The proposal to establish the village on the site accorded with the sustainable management purpose and principles espoused with Part II of the Resource Management Act 1991.

In response to questions from the Panel, Mr Pearce said that:

Plan Change 26 made provision for integrated residential development and provision for homes for the aged. This proposal was a comprehensively developed and planned facility with a residential character. Within that context it was important to note the three road frontages and the very large site. In respect of concept of the site, regardless whether a village or residential – different residential form was becoming more common throughout the region. He didn't believe the limited infringements were significant; it was necessary to look at the outcome of a comprehensively planned development.

The Submitters

Mr Gordon Miller distributed written evidence on behalf of the Orewa Residents Group, representing 27 properties in the immediate area. He said that several members would speak to the group's submission.

Mr Graham Andrew presented written evidence on behalf of the Orewa Residents Group.

Mr Andrew discussed access safety and site stability. The group considered the entrance off Ambassador Glade to West Hoe Heights Road did not have sufficient visibility to the right. Members were also worried about the possibility of slumping effects on land above due to the high volume of earthworks proposed. Members wanted written assurance they would be fully compensated should movement or tension cracking becomes evident.

Ms Shirley Dando presented written evidence behalf of the Orewa Residents Group.

Ms Dando said the proposal had the potential to create a "homogenous and dominating effect on the environment." Members disagreed the additional height was in keeping with the site context and there would be negligible effects on residential neighbours. The 9m rule was designed to limit the effect on neighbours and ensure a relatively low rise environment, although some minor infringements of the rule may be acceptable. In summary, Ms Dando said that the Ryman proposal was not sensitive in terms of scale and form with respect to adjoining sites. The bulk, height and mass and to a lesser extent, the repetitive nature of the buildings would detract from the adjoining sites, especially when combined and viewed alongside the existing Seabreeze housing development. The scale and physical extent of the proposal would impact on the existing character and existing low rise neighbourhood.

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In response to questions from the Panel, Ms Dando said that personally she felt her view would be markedly affected by the proposal. She would lose her view to Victor Eaves Park. However, in terms of longer views, theirs would be retained. She felt that building height of up to 9m was acceptable; anything over 9m and up to 15m was in her opinion, questionable.

Mr Gary Burkett presented written evidence on behalf of the Orewa Residents Group.

Mr Burkett said members believed the development would have a significant negative impact on the views and general outlook of all residences in The Ritz and many on Grovenor Drive. It would also have overbearing dominance for motorists travelling on West Hoe Road, especially those heading south, and the many persons who use Victor Eaves Park. Because of this, members requested the large, front line buildings on West Hoe Road, be reduced to nearer the 9m height restrictions in the District Plan. Members believed the development should proceed in line with the St Emilion hearing decision, which was that any buildings not exceed three storeys.

In response to a question from the Panel, Mr Burkett said that he didn't think the set backs for Block 11 were sufficient to mitigate the height. If the building was angled closer to the road it would be a bigger mass.

Mr Gordon Miller read written evidence on behalf of the Orewa Residents Group.

Mr Miller's evidence included quotations from planning documents. He said that most residents had purchased and built their homes based on the outline of the district scheme. He noted that most of the buildings in Orewa were of one or two levels. Members understood the land would be built on and would welcome Ryman as a neighbour. Members would support an application that fitted more closely with current planning regulations.

In response to questions from the Panel, Mr Miller said that:

- Members wanted the height reduced to 3 storeys.
- Ryman had already made a pleasant approach to resolve minor issues.
- Height was the key matter that remains unresolved from the group's point of view.
- Members were concerned about the effects on the wider environment.

Individual submitters:

Mr Graham Andrew presented written evidence on behalf of himself, S Andrew and D Gill, their land being Lot 229, an adjoining property of the applicant's site. Mr Andrew said that he felt his land would be most affected. Mr Andrew discussed maximum height, access safety and site stability. He requested written assurance that they be fully compensated if any land movement or tension cracking became evident.

In response to questions from the Panel, Mr Andrew said that:

- They were aware they would lose their view when they bought their property. However, the St Emilion proposal had allowed for view channels, that's why he had supported it. The way the buildings were situated with the Ryman proposal would present a building mass.
- At the moment the only views he has to Victor Eaves Park were through the site.
- No land movement had occurred since he'd built his house.
- The soil in the area comprised clay fill; the Ryman land previously was a swamp.
- There had been trouble stabilising West Hoe Road and Victor Eaves Park had big pipes for drainage as it also had problems.
- He would like to see the 4 storey building lowered.

Mr Miller presented written evidence on behalf of himself and his wife, Margaret. Mr Miller said that their objection was to the height, bulk and mass of the proposal. Mr Miller's evidence contained quotes from planning documents, the planning report and the St Emilion decision. He believed these declarations and a clear decision by previous council members to reject excessive height applications were ample reason to decline the more irregular aspects of the application.

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Mr Gary Burkett read from the submission he had lodged to the proposal. Mr Burkett thought the development should keep to the 9m height limit. Although other retirement buildings at Maygrove and Oteha Valley Road have 4 level buildings, at least in the case of Maygrove, that building was set back in the valley and was not an overbearing distraction to its surrounding area, and the building at Oteha Valley Road was surrounded by trees which hid the bland, concrete structure. Mr Burkett also had concerns with regard to trees and the height that they might grow to. He was generally happy with the evidence given about the landscaping but the issue was how big the trees would grow.

Mr McCarty presented oral evidence.

Mr McCarty said that he was concerned about building height and he didn't want anything above 9m. He believed there might be problems with ground stability and dust, especially in regard to movement of heavy vehicles and he requested residents be compensated regarding dusting and cleaning of their houses. He thought the proposal would result in an intense building mass dominating the residential area. The planting height of the proposed trees also concerned him and he wanted to know what height the trees would eventually be. He was of the opinion that if the proposal was allowed to exceed the 9m height limit it would set a precedent. Whilst he could live with some 11.5m high buildings on the site he considered that the additional 2.5 metres should be only to provide roofline variation.

The Council Officers

Mr Paul Jones, consultant planner, was the reporting planner. In his report he provided background on why the application had been publicly notified, outlined the proposal and the reasons why consent was required under both the Operative Plan and Proposed District Plan 2000. He undertook an assessment in terms of sections 104, 104D and Part 2 of the Act and it was his overall conclusion that consent should be granted subject to conditions, for the reasons set out in section 11.10 of his report.

Mr Andrew Trevelyan, Council's Senior Urban Design Advisor had provided comments within the report of Mr Jones but had not produced a written report as part of the agenda material. He provided the following oral evidence at the beginning of the hearing.

Mr Trevelyan said that he had two principal concerns: one was the proposal's repetition; he would like to see some other techniques employed to break up the facades. The second concern was with Block 11. Mr Trevelyan said that this building should be designed to respond to the street and he believed it should be angled more to the east so it had a better relationship with West Hoe Road.

A memorandum was tabled from Council's Development Engineer, Ross Green. The memorandum stated that since Mr Green had written his report he had had discussions with the engineers for the applicant in regard to two issues he had raised. The first issue was in relation to the existing stormwater line in the development. The Asset Engineer was now comfortable with the build over the line as it had been confirmed that this could be done without compromising the pipe's integrity and the Council's ability to maintain the pipe. The second issue was in regard to the proposed condition requiring the level of Block 13 to be raised to prevent the need to install a stormwater pump for the water from the driveway. It had been pointed out that it was not practical to raise the level. Instead the applicant was offering to cover the area of driveway that was lower than the available stormwater reticulation with a canopy. The water from the canopy would drain to the stormwater system. Mr Green's memorandum detailed the recommended conditions in relation to both issues.

Mr Ross Green tabled further information with regard to the financial contributions.

Mr Green said that any credit in respect to neighbourhood reserves the owner of the property may have was not able to be transferred to another developer. Mr Green said that the neighbourhood reserves contribution levied was towards reserve purchase and/or development within this area for projects identified within the Council's Long Term Plan. He said it was reasonably expected that residents of the retirement village would enjoy the use of the reserves the Council provides in the area. A reduction in the number of household unit equivalents as suggested based on the retirement unit residents not using the Rodney roading network as much as those in "standard household units" was not supported. Mr Green commented on other aspects of the financial contributions.

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After hearing the evidence the officers advised as follows:

Mr Trevelyan confirmed that his concerns, as he had expressed earlier, remained.

Mr Jones said that he stood by his recommendation to grant consent, but he was a bit concerned by what Mr Trevelyan had had to say. Overall he thought the development should proceed subject to conditions. He thought Mr Trevelyan's concerns could be addressed by way of conditions, and there was potential, for example, in tweaking the design. However, he didn't have any recommended conditions in that regard for the Panel to consider. Mr Jones said that he had visited Ryman's completed villages, Grace Joel and Edmund Hillary, and he had been very impressed with the standard of finish in terms of detailing etc. He thought if Mr Trevelyan went to these sites it might help to eliminate some of his fears. He said that the high, impressive standard of the two complexes he had visited should be carried over to the Orewa development.

**THE MAIN FINDINGS OF FACT:
(Section 113(1) (ae))**

The main findings of fact determined by the Hearings Panel that have led to the above decision and the reasons for that decision are as follows. They have been reached after considering the application, the submissions, the evidence and submissions at the hearing, the report prepared by the reporting planner, all the relevant statutory and planning provisions, the principal issues that were in contention and from a site visit to the subject site and the two existing Ryman Villages known as Grace Joel and Edmund Hillary. The Panel finds the following.

(1) The weight to be given to the relevant district planning documents.

There was general agreement that greatest weight should be placed upon the Operative District Plan as modified by Plan Change 26. The Proposed District Plan 2000 is generally consistent with the Operative District Plan. The zoning of the land is essentially identical and the proposal is non-complying under both plans. The matters requiring consent are not significantly different under both plans. With respect to the height issue, both plans have a maximum height requirement of 9 metres.

Given the similarities between the two planning documents the Panel has taken into account the provisions of both plans in reaching a decision.

Proposed Variation 101 is at a very early stage and submissions had not closed at the date of the hearing. Very little if any weight can be attached as a consequence, however it is noted that this variation relates primarily to land other than the applicant's site.

(2) The height of the proposed buildings and the compatibility of the proposed development with adjoining sites and the effects on character and amenity values.

The fact that the six buildings generally sited adjacent to the sites three road frontages all exceeded the maximum height limit of 9 metres was the matter of greatest concern raised by submitters.

The general approach of providing single and two storey buildings along the western boundary, abutting the residential properties where most of the submitters live, was supported and the Panel agrees with this approach. These buildings fully meet both the District Plan and the private covenant requirements. In relation to the remaining buildings that exceed the District Plan maximum height limit of 9 metres the situation is not so straightforward.

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The Panel accepts that any development on this land needs to meet the covenant height limit based upon an RL of 23 metres. While this specific control is outside our considerations, in that the covenant is a private arrangement designed specifically to preserve views to the Hauraki Gulf, it is a matter that we have not ignored. It provides an additional level of control on development (restricting height in a different manner than the District Plan) and an additional environmental outcome (the protection of wider views) that the District Plan does not contemplate. This additional mechanism sits alongside and in addition to the District Plan provisions. Compliance with the covenant provisions, does not however in itself, lead to more flexible approach to be taken to the District Plan provisions.

The district planning documents have taken a uniform approach to the maximum permitted height of buildings in residential zones. A maximum height of 9 metres has been applied and the intention of this rule is to limit the effects of buildings on neighbours and to ensure a relatively low rise residential development (refer to the explanation and reasons to Rule 8.10.1, PDP 2000) and to ensure no loss of visual and character amenity to adjacent household units and land (refer to performance criteria PC4 to Rule 3.6.1 ODP).

The planning documents do not prevent an increase in height over the 9 metre limit. Provision is made by way of either a restricted discretionary or a discretionary activity to exceed the 9 metres. In the Operative Plan the relevant assessment criteria states that *“the bulk and shape of the building should generally remain in character with the buildings in the neighbourhood and should enable the existing character of the streetscape to be retained and should not result in overbearing of adjoining sites.”* Similar wording is contained at 8.12.1.2 of PDP2000 and in particular *“whether the building will have adverse effects on neighbouring sites or buildings in terms of shadow, being overbearing and in terms of neighbourhood scale.”*

The Panel accepts that on a large site such as this, with the ability to provide an integrated and comprehensive approach to development, that a degree of flexibility can be appropriately contemplated. The approved St Emilion development on this site provided for buildings in excess of 9 metres in height, however the two four storey buildings at each end of the West Hoe Road frontage were reduced in height to three storeys. The Panel in that case recorded that the two four storey buildings were overly dominant and out of scale with the medium intensity development proposed for the area and the existing residential development. (It is noted that the applicant in the AEE prepared by Boffa Miskell Limited states in Table 1 that the assumed height of these two buildings is 12.2 metres).

While the Panel accepts that this is a new proposal and has been subject to a separate hearing, the existing consent does provide a useful reference point and does form part of the assessment of the effects on the existing environment permitted by the unimplemented consent.

For comparison the proposed buildings under the current proposal contemplate building heights of: Block 1 (two to three levels and 12.88m); Block 10 (four to five levels and 15.6m); Block 11 (three to four levels and 13.4m); Block 12 (three to four levels and 13.3m); Block 13 (four to five levels and 14.3 m) and 14 (two levels and 10.9m). In addition the intensity of development is more intensive than the approved St Emilion development.

A number of the submitters expressed concerns that as a result of the proposal they would no longer have views to Victor Eaves Park. Mr Bartlett in his reply sought a specific finding from the Panel on this matter. The Panel agrees that residents to the west of the site cannot reasonably expect to retain views into Victor Eaves Park. Local residents have had the benefit of this large site remaining vacant for a number of years, however, it is zoned for residential development and is ideally suited and located for an integrated retirement village. A development more consistent with the outcomes anticipated by the district planning documents would still have a considerable impact on the views of the reserve the residential neighbours to the west currently enjoy. Those neighbours are guaranteed the long distance views to the Hauraki Gulf by way of the private covenant but they cannot reasonable rely on the District Plan provisions to maintain an outlook into Victor Eaves Park.

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Mr Bartlett also in the reply raised the question of what was inherently wrong with 4 to 6 storey buildings stating that they were commonplace overseas and did not result in feelings of oppression. He also relied upon the overwhelming support of the expert evidence in support of this proposal. The urban design aspects of this proposal have been fully considered in the context of the District Plan, all the relevant District Plan provisions that are applicable, the particular circumstances of this proposal, the environment in which this proposal is set and then in the context of the Resource Management Act itself. It is in this context the Panel has weighed the proposal and it does not accept the specific design outcome that has been put forward.

Given the medium residential intensity zoning of this site and the surrounding residential land, the intensity, overall scale and character, together with the building form of any development on this site can reasonably be expected to be consistent with the expected environmental outcomes for the medium intensity residential zone. In its current form the proposal appears more consistent with the environmental outcomes of the high residential intensity zone.

While most of the submissions were received from residents to the west of the site, three submissions were received in relation to the properties at numbers 1, 5 and 9 Grand Drive. These submissions were particularly concerned in relation to the height of Blocks 1 and 10 and the overbearing effect of these buildings given the 6 and 8 metre setbacks from Grand Drive. The Panel observes that greater setbacks are proposed along West Hoe Road opposite Victor Eaves Park which range from 6 metres to 25 metres, with the majority of the buildings considerably further set back than the 6 and 8 metres along the Grand Drive frontage.

The Panel agrees that the effects of the proposed buildings, particularly Block 10 and to a lesser degree Block 1 will be more than minor for the properties in Grand Drive. These buildings in particular will appear as being of a bulk and shape out of scale and character with the buildings in the neighbourhood. They will not retain the existing character of the streetscape and will appear overbearing.

Given the integrated nature of the proposed development, the siting of the proposed buildings in relation to the streetscape, the numbers of buildings that exceed the permitted height limit, the size of the site and the general suitability of the site to accommodate a retirement village, together with the fact that a decision must be made on the proposal before us, the Panel does not consider it appropriate to grant consent subject to reduction in the overall height of some or all of the proposed over height buildings. Instead the Panel consider the applicant should reconsider the overall design of the proposal and attempt to design a more compatible scale and bulk of individual buildings within the overall site development.

In this regard the Panel particularly noted when visiting the two existing developments in St Heliers and Remuera that those two villages have both more successfully integrated the scale and bulk of those developments into the environments that surround them. The Edmund Hillary Village in particular has provided large areas of open space within the site that provide spacious grounds with generous set backs from the site boundaries. While some individual buildings on those sites were more than three storeys in height, the highest buildings had been located centrally rather than on the external boundaries. It is acknowledged that the Orewa site does have different site characteristics, as well as the private height covenant, however these constraints are not considered to sufficiently support the external impact of the scale and bulk of the proposed buildings.

Overall the Panel has concluded that intensity, height, overall scale and character, including the design and siting of the proposed buildings, in particular blocks 1, 10, 11, 12 and 13 will result in the incompatibility of the proposed development with adjoining sites and the existing and likely foreseeable future development they contain, with adverse effects on character and amenity values that will be more than minor.

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(3) Whether the proposal is consistent with the relevant provisions of the district planning documents.

The proposal is generally consistent with most of the relevant provisions of the district planning documents. The Panel largely accepts the evidence of Mr Jones and Mr Pearce on these matters.

The exceptions where we do not accept their evidence relate to the scale, bulk and compatibility of the proposed development as set out below.

Objective 3D is *“to enable residential development of a medium scale and intensity and a spacious quality to occur ... where development of this nature is the predominant character.”*

Objective 3I Development Controls includes the need to ensure *“that residential development ... is compatible with adjoining sites and the features of the natural environment which contribute to the amenities of residential areas.”*

Policy 2 (g) in support of Objective 3I which states; *“Assessment of applications for resource consents relating to development controls in terms of:*

- *the objectives and performance criteria set out for the relevant development controls; and*
- *the specific assessment criteria set out for the relevant development controls”*

The intended environmental outcomes for the medium intensity zone set out at 3.2 Activities at:

“1. Any activity shall be compatible with the existing and foreseeable future characteristics of the surrounding development, including design and scale, and shall be in keeping with the traits and quality of the local area in which it is located.”

The assessment criteria set out at 3.2.1(a) that relate to (i) building form and (iv) overall scale and character of development.

“(i) Whether the proposal is sensitive in terms of scale and form with respect to adjoining sites. The Council will discourage designs where the bulk, height, unrelieved mass or repetitive nature of buildings will distract from adjoining sites.

(iv) The scale and physical extent of any proposal should be such that the existing character of the street or streets on which a proposal is located is not markedly changed. The Proposal should, in general, allow the existing character of an area to be retained.”

The proposal is considered to be generally consistent with the majority of the relevant objectives and policies with the exception of those identified in relation to the compatibility of the proposal with the existing environment.

(4) Whether the gateway tests of Section 104D of the Act can be met.

The proposal fails to pass the gateway tests under section 104D of the Act.

The adverse effects on the existing residential character of the surrounding residentially zoned land on the amenity values these properties enjoy, and can reasonably expect to enjoy, from a comprehensively designed residential development such as this, are considered to be more than minor. The proposal is not compatible with, or sensitive to, the existing and most likely future residential development, to the extent the existing community can reasonably expect.

For the reasons set out in (3) above the proposal is considered to be generally consistent with the majority of the relevant objectives and policies with the exception of those identified in relation to the compatibility of the proposal with the existing environment.

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(5) Whether the proposal and/or the site have any features that distinguish them from other sites and proposals within the district.

This site distinguishes itself from the vast majority of medium intensity zoned land within the district because of its size, location close to the Orewa Town Centre and general suitability for a comprehensive residential development. In this respect the site is an appropriate one for an integrated retirement village consistent with the nature of the villages that Ryman Healthcare own and operate.

(6) Whether the proposal is consistent with the sustainable management purpose of the Act and its principles as set out in Part 2 of the Act.

This site does represent an opportunity to enable a comprehensively designed residential development to be accommodated primarily because of the size of the property. The site is located within the MUL and in an area signalled for medium intensity residential development. The proposal will also enable people within the community to provide for their wellbeing and health and safety when they reach retirement age. With respect to these matters the proposal promotes sustainable management of resources as intended by Part 2 of the Act.

Part 2 of the Act requires a wider assessment to promote sustainable management in terms of the whole community as well. In this regard sections 5 and 7 are relevant to this proposal as there are no matters of national importance that the Panel has been made aware of.

When considered in the wider community context and the sustainable management of the surrounding residential neighbourhood, this proposal fails to maintain or enhance the amenity values and quality of the environment that all residents can reasonably expect, consistent with the established and foreseeable residential outcomes for this locality.

Carried

The meeting closed at 4.30 p.m. on Monday, 25 February 2008.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 24TH DAY OF APRIL 2008

MAYOR

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