



**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN  
THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON MONDAY, 26 JULY 2004, COMMENCING AT 9.30 AM.**

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**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN  
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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 9.30 AM HENDERSON WARD**

**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY CHRISTIAN HEALTHCARE TRUST TO EXTEND AND REDEVELOP ST MARGARET'S HOSPITAL, INCLUDING THE EXPANSION OF THE EXISTING 40-BED GERIATRIC HOSPITAL (TO 50 BEDS), THE ADDITION OF A NEW 40-BED REST HOME AND THE ADDITION OF A HOSPICE FACILITY AT 52-60 BEACH ROAD, TE ATATU PENINSULA**

**RMA 20040170**

**N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.**

## APPLICATION DETAILS

|                               |   |
|-------------------------------|---|
| Planner:                      | Greg Sawyer   |
| Site Address:                 | 52 Beach Road, Te Atatu Peninsula   |
| Applicant:                    | Christian Healthcare Trust  |
| Date Received:                | 30/01/2004  |
| Building Consent No:          | 20040723 (issued with s 35 certificate 3 June 2004)                                     |
| Legal Description:            | Lot 1 DP 124945, Lot 12 DP 64297, Lot 13 DP 64297, Lot 14 DP 64297, Lot 15 DP 64297     |
| Address for Service:          | Bentley & Co. Limited, PO Box 4492, Shortland Street, AUCKLAND, Attention: Craig McGarr |
| Site Area:                    | 10,472m <sup>2</sup>  |
| Unit Site Area(s):            | N/A   |
| District Plan:                |   |
| Human Environment:            | Living Environment (Harbour View)   |
| Natural Area(s):              | General   |
| Landscape Elements:           | None  |
| Hazards:                      | Hazard  |
| Roading Hierarchy:            | Collector Road  |
| Further Information Required: | Yes   |
| Date Requested:               | 16/02/2004, 18/02/2004, 07/05/2004, 10/05/2004, 16/06/2004                              |
| Date Received:                | 03/03/2004, 26/05/2004, 28/06/2004  |

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks resource consent to extend and redevelop the existing hospital on the subject site, being 52-60 Beach Road, Te Atatu Peninsula. The proposed development requires resource consent for various infringements of the Operative District Plan, including rules relating to levels of building coverage and impermeable surfacing, the extent of earthworks, the use of sites for non-residential activities, traffic generation, provision of car parking spaces and the erection of signs.

### 1.2 Resource Management Issues Raised

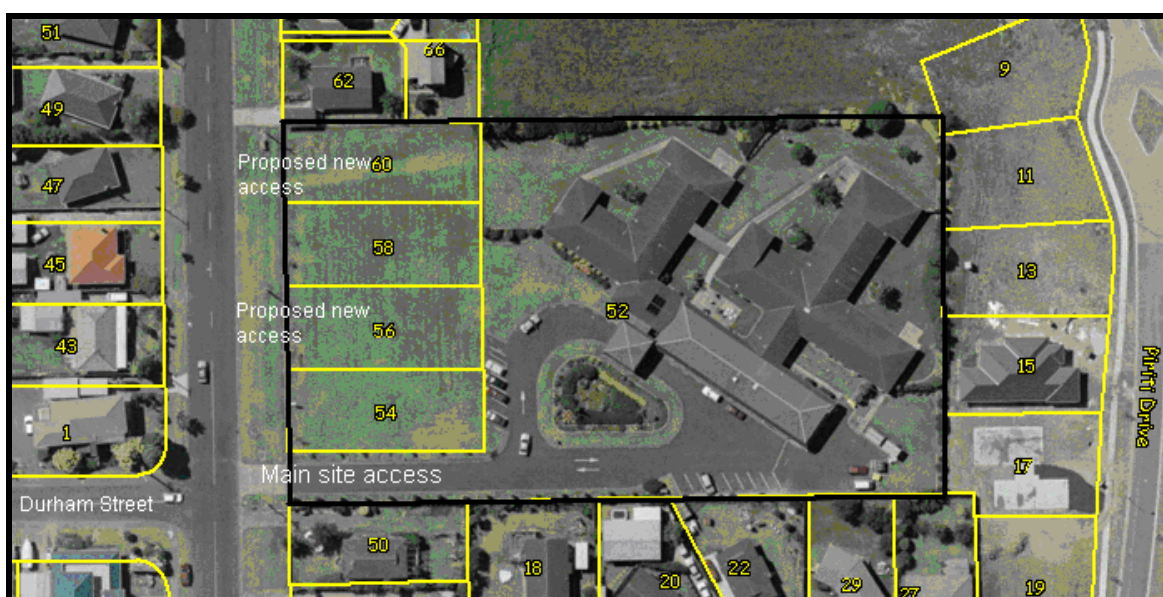
The Resource Management Act 1991 requires that when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan. The most significant issues raised by this proposal relate to the appropriateness of a non-residential activity within a predominantly residential area, and the degree to which neighbourhood character and amenity may be affected by the 24-hour operation of the facilities on the site.

### 1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the extension and redevelopment of the existing facilities on the site. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of District Plan will be satisfied.

### 2.0 SITE LOCATION

**Legal Description:** Lot 1 DP 124945, Lot 12 DP 64297, Lot 13 DP 64297, Lot 14 DP 64297, Lot 15 DP 64297  
**Human Environment:** Living (Harbour View)  
**Natural Area:** General  
**Landscape Elements:** None



Location Plan

### 3.0 PROPOSAL

St Margaret's Hospital was established through the grant of a notified resource consent (Council Ref. No. RMA 882202, Decision No. 1392/88) in June 1988. In accordance with the consent granted, the existing hospital may lawfully accommodate 40 patients. The hospital is presently located wholly within the legal boundaries of 52 Beach Road, but the applicant now proposes to develop the four smaller, undeveloped sites immediately to the west of the existing hospital building.

The applicant proposes to expand the existing facilities on the site, and to provide a wider range of residential care and medical services. The existing Totara Court rest home, located at 118 Beach Road, some 520m to the north of St Margaret's Hospital, would be absorbed into the new facilities, and the West Auckland Hospice, presently based in Woodford Avenue, Henderson, would also relocate to the subject site.

The proposal involves the following components:

- Increasing the gross floor area of the building on the site to 4,531m<sup>2</sup>. The breakdown of gross floor area is as follows (shown on submitted plan RC-002 Revision D).
  - Hospital Use 1873m<sup>2</sup>
  - Rest Home (residential component) 1317m<sup>2</sup>
  - Service Core (administration) 637m<sup>2</sup>
  - Hospice 704m<sup>2</sup> (inc. 169m<sup>2</sup> storage space)
- Increasing the number of hospital beds from the existing 40 by 10, bringing the total to 50.
- The addition of a 40-bed rest home on the site.
- The construction of a two-storey hospice within the proposed building extension on the front part of the site.
- Increasing the maximum number of staff on-site at any one time to 43 (28 associated with the rest home and hospital, and 15 with the hospice).
- The provision of 56 car parking spaces on the site, with the majority to be located on the southern half of the site, and the balance in the north-western corner of the site.
- Landscaping of the site, with particular focus on planting adjacent to the site's boundaries. Gardens will also be provided in internal courtyards within each block. The existing 'post and wire' fence along the site's front boundary would be removed to allow a row of Pohutukawa trees to be planted in its place.
- The construction of two additional single-width vehicle crossings, in the middle and at the northern end of the site's 75m long road frontage. The existing vehicle crossing in the site's south-western corner would remain.
- Earthworks with a volume in the order of 1,350m<sup>3</sup> over a 5,120m<sup>2</sup> area to establish building platforms, parking spaces and internal roading.
- Increasing the impermeable surface coverage on the site to 73.9% of site area. Building coverage will increase to 41.9% of the site area.
- Amalgamating the site upon which the existing hospital is located, and the four sites between it and Beach Road.

The extension of the existing hospital and the creation of new rest home and hospice facilities will involve major additions and alterations to the existing building. The building's lattice form will be retained, and the enlarged building will extend to within 5.5m of the site's front boundary.

Six of the 15 staff associated with the operation of the hospice will generally work off-site, mainly visiting home-cared patients within the community. The remaining 10 staff will work within the hospice. The applicant states that these 10 staff will be involved in administration or provide respite care for home-cared patients, to allow caregivers a break from caring for their patients in their (the patients') homes. The rest home and hospital components would employ 28 staff. A maximum of 9 staff would be on-site during the night-shift (11.00pm to 7.00am).

The existing signage structure adjacent to the site's sole existing entrance would be removed, and two new signs erected along the site's road frontage; one in the same location as the existing sign, and a second beside the proposed new vehicle crossing in the north-western corner of the site. The signs would each have a maximum area of 3m<sup>2</sup> (2m x 1.5m).

Stormwater from the buildings' roofs and the impermeable surfaces on the site will be discharged to the Council's reticulated system. An underground detention tank(s) will be installed on the front portion of the site to control the rate of stormwater run-off from the site.

A1-A4

Full development plans are attached at pages A1 to A4, and comprises the proposed site plan and building elevations. A comprehensive landscaping plan, provided following a request for further information, is also attached.

#### 4.0 REASONS FOR THE APPLICATION

Consent is required under the following provisions of the District Plan for the following reasons:

##### 4.1 Operative District Plan

###### Living Environment

1. The proposed development requires resource consent as a Discretionary Activity, pursuant to Rule 7.2 (*Building Coverage*) of the District Plan. The application involves an infringement of the 35% control that applies in this zone. The applicant proposes 41.9% building coverage (4,397m<sup>2</sup>, where the Plan permits 3,665m<sup>2</sup>).
2. The proposal requires resource consent as a Discretionary Activity, pursuant to Rule 10.3 (*Non-Residential Activities*) of the District Plan. The proposed use of the site does not meet the standards of Rules 10.1 (Permitted Activities) or 10.2 (Limited Discretionary Activities).
3. Resource consent as a Discretionary Activity is required, pursuant to Rule 2.3 (*Residential Activities / Density*) of the District Plan. The residential components of the proposal do not meet the standards of Rules 2.1 (Permitted Activities) or 2.2 (Limited Discretionary Activities).
4. The proposal requires resource consent as a Discretionary Activity, pursuant to Rule 11.3 (*Traffic Generation – Non-Residential Activities*) of the District Plan. The application involves 490 vehicle movements to and from the site per day, thereby exceeding the standards of Rules 11.1 (Permitted Activities) and 11.2 (Limited Discretionary Activities).
5. The proposal requires resource consent as a Limited Discretionary Activity, pursuant to Rule 12.3 (*Car Parking & Driveways*) of the District Plan. The standards of Rules 12.1 (Permitted Activities) and 12.2 (Limited Discretionary Activities) of the Plan relate to the provision of driveways and parking spaces for the residents of dwellings and minor household units. There are non-residential components to the proposed development, and the residential component does not involve the provision of dwellings.
6. The proposal requires resource consent as a Non-Complying Activity, pursuant to Rule 15.3 (*Signs*) of the District Plan. The standards of Rules 15.1 (Permitted Activities) and 15.2 (Limited Discretionary Activities) are not met, as the two proposed signs are not associated with a home occupation, and both exceed 1.5m<sup>2</sup> in area.

###### General Natural Area

7. The proposal requires resource consent as a Non-Complying Activity, pursuant to Rule 3.3 (*Earthworks*) of the District Plan. The application involves earthworks with a volume of approximately 1,350m<sup>3</sup> over an area of 5,120m<sup>2</sup>, and no earthworks management plan has been provided.
8. The proposal requires resource consent as a Limited Discretionary Activity, pursuant to Rule 4.2 (*Impermeable Surface Coverage*) of the District Plan. The applicant proposes 73.9% (7,739m<sup>2</sup>) coverage, where the Plan permits 60% coverage on sites with a connection to a reticulated stormwater system.

## Transport Environment

9. The proposal requires resource consent as a Limited Discretionary Activity, pursuant to Rule 7.3 (*Vehicle Crossings*) of the District Plan. The applicant proposes that the site be served by three vehicle crossings, where the Plan permits only one crossing per site within the Living Human Environment.

### **4.2 Overall Status of Application**

Overall, the application is considered to be a Non-Complying Activity. The proposal complies with all other development controls under the District Plan.

### **5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION**

The subject site is a large, flat rectangular site, comprised in five separate Certificates of Title and with a total area of 1.047ha, located on the eastern side of Beach Road approximately 400m north of the intersection of Beach Road and Harbour View Road, and 200m south of the intersection of Beach Road and Waipani Road.

The site is located within a residential area characterised by a mix of different housing styles. The dwellings on the neighbouring sites to the west and south are generally older than the dwellings on the sites to the north and east, which are relatively new. This is confirmed by aerial photographs of the general area, dated March 2000, which show the adjoining land to the east and north of the site mostly undeveloped. The largest site adjoining the northern boundary is known as 'Waimanu Village', a medium-density gated community consisting of single-level duplex buildings of brick and tile construction. The neighbouring dwellings to the east have been built recently (i.e. over the last five years) as part of the comprehensive subdivision and residential development of the Harbour View area. These dwellings are single-level buildings, and are generally plaster-clad or of brick and tile construction.

The general area is characterised by single and two-storey dwellings, though single-level construction is predominant. The nearest commercial area is located approximately 850m from the site, at the intersection of Te Atatu, Taikata and Harbour View Roads.

Development on the subject site presently consists of a large, single-storey building of brick construction (St Margaret's Hospital), which provides medical care for the elderly. The building is located towards the rear of the site, and there are four undeveloped, rectangular sites between the hospital and the site's road frontage. The hospital presently provides accommodation for 40 persons, housed in five blocks. The five blocks are joined and give the appearance of a single building, but with several distinct 'wings' in a lattice-like shape. The hospital provides comprehensive medical care (though surgery is not performed on-site), and comprises bedrooms, patient dining rooms, staff rooms, storage and toilet facilities, a common kitchen, medical professionals offices and other ancillary services. Resource consent (publicly notified) for the existing hospital was granted in 1988 (Council Ref. No. RMA 882202, Decision No. 1392/88).

Existing landscaping on the site is focused along the boundaries, particularly along the rear (eastern) boundary. Vegetation is less dense along the southern and northern boundaries, while there is almost no vegetation screening the hospital from Beach Road (western boundary). Boundary screening takes the form of 1.8m high close-boarded timber fencing along the southern and eastern boundaries, with 1.5m high 'post and wire' fencing along the western (front) and northern boundaries.

Access to the site is available via a double-width vehicle crossing located at the south-western corner of the site, almost directly opposite the intersection of Durham Street and Beach Road. The driveway splits within the main body of the site to become a circular, one-way internal loop road, which passes under the existing canopy extending from the main entrance to the hospital. There are 15 formed parking spaces on the southern half of the site.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A119-A131

The application was the subject of limited notification. Notice of this application was served on all identified affected persons on 31 March 2004. The period for submissions closed on 30 April 2004. Four (4) submissions were received. One submission supported the application, and 3 submissions opposed the application, as attached at pages A121 to A131 for copies of the submissions that were received. A map showing the location of the submitters is attached at pages A119 to A120.

### 6.1 Submissions

Four submissions were received in response to the proposed development of the site. A summary of the content of the submissions is as follows:

#### In Opposition

##### Stuart & Susan Liddell - 15 Piriti Drive

- Desire to limit the proposed additions to single-storey, as the surrounding residential houses are single-storey.
- Single-storey development would allow noise generated on the site to be contained more effectively.
- There would be no precedent for the existing buildings to be extended to double-storey if the proposed new building was only single-storey.

##### Robert & Jane Roper - 1 Durham Street

- Concerned over layout of proposed hospice building plan.
- Opposed to the potential levels of traffic noise and movements.
- An increase in service deliveries would increase pollution from traffic.
- Reduction in grass area would result in increased environmental problems.
- Views and sunlight access (to their property) would be further adversely affected.

##### Dosser Group Limited - 50 Beach Road

- Rest home, hospice and hospital components of the proposal do not meet the standards for residential activities within the Living Environment.
- Earthworks would result in noise, mess, use of heavy machinery. Construction noise creates potential for loss of rental income.
- Ability to attract tenants adversely affected by time taken to complete development, and by unsightliness of buildings.
- Expectation that remaining vacant sites would be developed residentially. Proposed development is not consistent with Living Environment.
- Views, outlook and amenity would be adversely affected.
- High-density accommodation on the site will result in excessive noise, glare, and other problems.
- Majority of additional vehicle movements (including hearses) and service deliveries will be via the existing vehicle crossing and driveway, which adjoins the owner's site. This will have a "massive impact" on his property and his tenants.
- View of hearses will be detrimental to visual amenity.

## **In Support**

### **Housing New Zealand Corporation Limited - 62 & 66 Beach Road**

- Landscaping layout is supported.
- Construction of buildings with a maximum two storeys is supported, as is the provision of on-site car parking.

## **6.2 Pre-Hearing Meeting**

*A165-A166*

A pre-hearing meeting was held at St Margaret's Hospital on the evening of Tuesday 8 June 2004. All submitters were invited to attend the meeting, the minutes for which are attached at pages A165 to A166. A number of people involved in the development of the proposal attended the meeting, including an architect, a traffic engineer, a planning consultant and several representatives of St Margaret's Hospital and the Christian Healthcare Trust. The owners / occupiers of 1 Durham Street and 50 Beach Road were present, and a number of the issues raised in their written submissions were discussed in detail during the two-hour meeting. In particular, the following matters were discussed:

- Number and frequency of vehicle movements to and from the site, especially of service vehicles and trucks / vans.
- Parking arrangements, including the potential for Beach Road to be used to accommodate 'over-flow' car parking.
- Stormwater drainage, particularly the ways in which run-off from impermeable surfaces would be managed to avoid adverse effects during and after heavy rainfall events.
- Noise associated with earthworks and construction, and the duration of these works.
- Increase in traffic volumes along Beach Road, and associated safety issues.

It should be noted that the main topic of discussion was the proposed increase in traffic movements to and from the site, with a particular focus on the impact of service vehicles on residential amenity.

## **7.0 STATUTORY REQUIREMENTS**

### **7.1 Non-Complying Activities**

The relevant policies and criteria which apply under the Operative District Plan and the Resource Management Act 1991 are set out in more detail below. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a Non-Complying Activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test that all resource consent applications for Non-Complying Activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. Council may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect.

The matters to be considered when assessing an application for resource consent are set out in section 104 of the Resource Management Act 1991. Among other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. All considerations are subject to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

However, it should be noted that for council to grant consent to a Non-Complying Activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan, and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be unusual because the application relates to the expansion of a non-residential activity already operating lawfully on the subject site, and although the proposal does not meet the Operative District Plan's definition of residential activity, the proposal does, nevertheless, provide for accommodation of the elderly in a manner that is, at least in part, residential in nature.

Council also has discretion to consider any precedent issues that may arise for a Non-Complying Activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a Non-Complying Activity consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because the particular mix of existing and proposed activities on the subject site are specific to this site, as are the style and level of development, amenity values and character of the surrounding area.

The District Plan has been prepared with an "effects based" emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

## **7.2 Limited Notification - Section 94(1)**

*A172-A187*

Section 94(1) provides for "limited notification" if the adverse effects of a proposal would be no more than minor, but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under Section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on 23 March 2004, and is attached at pages A172 to A187. It was identified that the owners and occupiers of twenty-six (26) properties may be adversely affected by the proposal. (Note: The report was based on information available at the time of writing. Further additional information has been received since the application was notified, and forms the basis for this report.) However, not all persons identified as being potentially affected gave their written approval. As required by section 94(1), notice of the application was therefore served on all persons who were identified as being potentially adversely affected.

## **8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991**

In order to make a decision in terms of section 104B of the Act, it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application, Council must not have regard to any effect on a person who has given their written approval to the application (section 104(3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (Section 104(2)).

## 8.1 Assessment of Environmental Effects (section 104(1)(a)): Actual and Potential Effects on the Environment

### 8.1.2 Water Quality and Quantity

The applicant proposes to undertake earthworks with a volume in the order of 1,350m<sup>3</sup> on the site, in order to establish the extended building platforms, new car parking / manoeuvring areas and to bury a proposed stormwater detention tank. A total area of 5,120m<sup>2</sup> will be affected, which represents approximately half the total area of the site. The average depth of cut, therefore, is estimated to be 260mm, though this figure is slightly skewed (upwards) by the deeper cut required to install the detention tank. The proposed level of superficial excavation is not unexpected in this instance, nor is it untypical of developments of this scale. Concrete slab foundations are proposed, and driveways and internal roading surfaces of sufficient thickness are also required. Overall, the site is flat, with only very minimal variation in ground levels. Due to the flat nature of the subject site and the adjoining sites, and the sufficient distance of the site from any water body (more than 350m), there is considered to be minimal potential for adverse effects arising from the proposed development. The works will not result in more than *de minimis* effects on the surrounding environment, provided that adequate erosion and sediment control measures are established prior to works commencing on the site. The application recommends that a condition be imposed on any consent granted, requiring that a construction / site management plan be submitted to Council for approval. Likewise, an erosion and sediment control plan would also need to be submitted and approved.

Therefore, although information relating to those matters remains outstanding at this time, it is considered that appropriate conditions can be imposed to ensure that effects are kept to an acceptable level.

Also, through intensified use of the site, the applicant effectively proposes to increase the loading on Council's reticulated stormwater and wastewater systems. These matters are addressed in section 8.1.10 of this report.

### 8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The applicant proposes to retain all of the existing significant trees on the site, which has been highly modified by previous development. There will be minimal loss of vegetation associated with the proposed works, as the larger existing trees on the site are located adjacent to the site's boundaries, some metres from the proposed building extension. There may be some minor works (excavations to lay foundations) required marginally within the drip line of some of the larger trees along the site's northern and eastern boundaries, but given the shallow depth of the excavations, the adequate average setback of the building extension from the site boundaries (the building will not be parallel with the straight boundaries) and the relatively small size of the potentially affected trees, it is considered that the effects of these works would be insignificant. A condition would be imposed requiring the applicant to take all reasonable steps to ensure that the proposed works did not adversely affect the long-term welfare of the larger trees along the site's boundaries. It is also noted that the applicant proposes comprehensive replanting of the site, and that the retention of the existing trees forms part of the proposed landscaping plan.

Some small exotic specimens located towards the middle of the site may have to be removed to accommodate the building extension, but any ecological effects resulting from any removal required would be far outweighed by the substantial replanting proposed on the site, particularly around the four property boundaries. The proposed landscaping of the site is addressed in more detail in sections 8.1.10.1 and 8.1.10.7 of this report (i.e. visual effects). In general, the undeveloped parts of the site are grassed, though there are attractive 'pockets' of vegetation in various places along the boundaries, particularly along the eastern boundary and at the eastern end of the northern boundary. Therefore, there would be no more than *de minimis* adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity.

#### **8.1.4 Land / Soil**

There would be minor adverse effects on soil / existing landform as a result of the proposed activity, as almost half of the site (5,120m<sup>2</sup>) would be subject to excavation under this proposal. Up to 1,350m<sup>3</sup> of material would be removed from the site for disposal, as there are no opportunities for reuse of the surplus fill on the site. However, it is noted that the application involves the establishment of extensive concrete slab building foundations, new car parking areas and internal roading, all of which require superficial ground disturbance. Once the proposed new building extensions and concrete surfaces have been completed, the excavated areas will be fully covered. The site is not known by Council to be subject to any natural hazard, and the flat nature of the site reduces the potential for soil subsidence or erosion. Overall, the contours of the site would not be significantly altered, and the changes made would be fully concealed by the new building extension and hard surfaces.

#### **8.1.5 Air**

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be *de minimis* adverse effects on air quality.

#### **8.1.6 Ecosystem Stability**

As the site is within the urban area, and the existing environment is already modified, there would be *de minimis* adverse effects on the stability of ecosystems as a result of the proposal. The application involves the loss of some grassed areas, but the ecological effects of this would be more than adequately mitigated by the comprehensive landscaping (including planting of native trees and shrubs) proposed on the site.

#### **8.1.7 Outstanding Natural Features: Landforms & Geological Sites**

The subject site is not identified in the District Plan as containing "outstanding natural features" (refer Maps 3.5D & E). The proposed activity would not, therefore, adversely affect any identified outstanding natural features.

#### **8.1.8 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands**

There would be no adverse effects in relation to the natural character of the coast, or the margins of lakes, rivers and wetlands as a result of the proposed activity, as it would be located within the urban area of the City and would not be near the coast, a water body or a wetland. The site is more than 350m from the Waitemata Harbour to the east, and is separated from the harbour waters by residential development.

#### **8.1.9 Outstanding Landscapes**

The subject site is not identified in the District Plan as being within an area of "outstanding landscape" (refer Map 3.6B). The site is within the urban area of the city and the environment is already extensively modified. Therefore the proposed activity would not adversely affect any identified outstanding landscapes.

## 8.1.10 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

### 8.1.10.1 Visual Amenity & Neighbourhood Character

The existing hospital is a single-storey building that occupies a large proportion of the rear half of the site. The proposed extension would see the building extended substantially, mainly towards the road boundary over the vacant, grassed area at the front of the site. The proposed extension, with the exception of the 354m<sup>2</sup> hospice building at the very front of the site, would also be single-levelled. The existing building style is functional and non-descript, and is not visually intrusive in an area generally characterised by similarly unremarkable (in an architectural sense) single-level residential dwellings.

Although the proposed facilities would be combined into a single building, covering a much larger area than a typical residential building (i.e. an average dwelling) in this locality, the building would, overall, have a residential appearance, due to compatibility of construction materials, roof lines and building heights. The existing building and the proposed extension would generally have a maximum height of 5.0m, a height consistent with the single-level dwellings in the surrounding area, which far outnumber two-level dwellings. The two-level hospice building would be 8.0m in height, the same height as two-storey dwellings in the general area. Therefore, the building would be 'in scale' with its surroundings, and there would be no undue dominance effect. However, the proposed extended building's overall size (i.e. ground 'footprint') and the unbroken exterior wall lengths would not be wholly consistent with the style of development on the numerous smaller residential properties adjoining the site. In summary, the existing development on the site, with the exception of the single-building format, has a residential appearance generally in keeping with the surrounding sites.

A1-A4  
A159-A161

It should also be noted that the applicant proposes comprehensive landscaping planting of the site, with a focus on screening of the external boundaries. This landscaping includes the planting of a variety of trees, including a row of Pohutukawa trees adjacent to the road frontage, and various native and exotic trees (eg. Pittosporum, Magnolia, Camellia varieties). All of the existing significant trees along the boundaries will be retained, thus complementing the new plantings. The proposed landscaping plan is attached at pages A1 to A4. The proposed landscaping has been designed to provide sufficient vegetative screening between the building extensions and the existing dwellings on the adjoining sites to the north, and also between the extended internal roading and car parking areas in the north-western corner of the site and along the southern boundary. Overall, it is considered that the landscape planting would contribute to a more than adequate level of visual amenity, due particularly to the density and variety of the planting proposed. A Council landscape architect, Ms Helen Ballinger, has reviewed and approved the proposed landscaping plan, subject to conditions relating to: choice of hedging varieties (*Griselinia littoralis* not considered appropriate); eco-sourcing of native species; and maintenance of proposed new plantings. Ms Ballinger's report is attached at pages A159 to A161.

It is also noted that some of the car parking spaces likely to be used most regularly by staff and visitors to the site (i.e. the 15 spaces, most of which are existing, located between the building's main entrance and the properties at 20 and 22 Glen Haven Place, and the 4 new spaces adjacent to the property at 62 Beach Road that would primarily serve the hospice) would be separated from the property boundaries by a 2.5 - 3.0m wide planting strip. This is wider than the landscaping strips along other lengths of the external boundaries, though that does not imply that the other areas are not of sufficient width. Along all external boundaries, the proposed car parking spaces are considered to be set back a suitable distance.

### 8.1.10.2 Traffic & Parking

A155-A158

The applicant proposes to provide 56 car parking spaces on the site, located in three distinct areas: a 10-space area located in the north-western corner of the site, adjacent to the property at 62 Beach Road; a 7-space area in the south-western corner of the site, beside the main vehicle entrance; and the balance of 39 spaces spread across the south-eastern part of the site. A total of 490 vehicle movements to and from the site per day are anticipated, an increase of 293 over the existing, estimated 197 movements per day. In support of the proposal, the applicant has submitted a traffic impact assessment, prepared by Traffic Design Group. This report has been assessed and endorsed by a Council traffic engineer, Mr John Carroll, whose report is attached at pages A155 to A158, for the following reasons:

#### A. Parking

The proposal provides for an adequate number of car parking spaces. Fifty-seven spaces are required and 56 have been provided. This is based on the following ratios taken from the Waitakere City Parking and Driveway Guideline (October 1997):

- Rest Home - 1 space per 5 residents plus 2 per 3 staff. Proposed = 40 residents and 10 staff. Therefore, 14.7 spaces are required.
- Hospital - 1 space per 4 residents plus 2 per 3 staff. Proposed = 50 residents and 18 staff. Therefore, 24.5 spaces are required.
- There is no specified ratio in the Parking and Driveway Guideline for 'hospices', as this phrase is used by the applicant. Therefore, Mr Carroll has based his assessment of parking need on the number of staff who will work in the hospice, a 'first principle' method of assessment, as used by the applicant. On the basis of 1 space being required per community nurse (6 to be employed), then 6 spaces would be required. In addition, there are an additional 9 staff to be employed (6-7 of them part-time), and on the basis of 2 spaces being required per 3 staff, a further 6 spaces would be required. Lastly, 4 spaces would be set aside for dropping off / picking up patients.
- Storage area (169m<sup>2</sup> first-floor area in hospice) - 1 space per 100m<sup>2</sup> of gross floor area. Therefore, 1.69 (ie. 2) spaces are required.

#### **TOTAL REQUIREMENT = 57 SPACES (rounded up from 56.89)**

Therefore, with reference to the Parking and Driveway Guideline, the proposed development could be considered to involve a shortfall of 1 on-site car parking space. However, it is considered that this shortfall is theoretical, rather than practical, as the following factors would mitigate the shortfall.

- The 6 community nurses will be working off-site for most of the day, thereby 'freeing up' spaces for other users during most of the day.
- The above assessment does not take into account the fact that part-time employees' cars will not occupy parking spaces for the whole working day. Also, these employees' work shifts may not overlap. Therefore, the parking spaces used by these employees will - at least for some proportion of the working day - be available for use by others when the part-time employees are not on the site.

Given these mitigating factors, it is considered that the proposed development provides a sufficient number of on-site car parking spaces for the anticipated level of demand.

## **B. Traffic Generation**

*A132-A148*

Beach Road is defined as a 'Collector Road' under the District Plan, capable of carrying between 2,000 and 10,000 vehicles per day. At present, Beach Road carries 2,180 vehicles per day (Council-sourced figure), though this figure may now be closer to 2,830, a figure obtained through surveys recently undertaken by the traffic engineer engaged by the applicant (refer information provided by Bentley & Co. Limited, dated 11 June 2004, is attached at pages A132 to A148). It is estimated that the existing level of daily trip generation associated with the 40-bed St Margaret's Hospital is in the order of 197 trips, while 490 trips per day (ie. an additional 293) are anticipated as a result of the proposed redevelopment. The revised total of approximately 3,120 vehicle movements per day outside the site will remain well towards the lower end of the range of traffic volumes that is able to be accommodated by Collector Roads. (This figure is based on the higher of the two figures given above relating to the existing number of vehicles using Beach Road.)

It should also be noted that, of the 43 staff (maximum) who would be working on the site at any one time, only 9 (maximum) would work the night shift, which is defined as the hours between 11.00pm and 7.00am. All staff associated with the hospice would work "normal" business hours, with none working overnight on the site.

All three access points are considered to have adequate visibility, width, and layout to safely and efficiently service a site that has 75m of road frontage. It is noted that residential development of the front sites (54, 56, 58 and 60 Beach Road, all owned by the applicant) meeting the permitted standards of the District Plan would result in the creation of an additional four vehicle crossings, two more than the additional two proposed.

Therefore, it is considered that the adverse effects of the proposal with respect to parking and traffic movement would be no more than minor.

### **8.1.10.3 Infrastructural Capacity**

*A149-A154*

The application has been assessed and approved, subject to appropriate conditions, by an engineer from EcoWater, Ms Shelley Renkema. The conditions recommended by Ms Renkema relate mainly to providing for mitigation of the effects arising from the intensification of the use of the site on existing public stormwater and wastewater systems. In particular, the applicant would be required to implement stormwater detention measures sufficient to control run-off from the site to the levels permitted by the Operative District Plan, and appropriate to the capacity of the down-stream system. Ms Renkema's report is attached at pages A149 to A154.

### **8.1.10.4 Environmental Health (Noise, Glare, Odour)**

As the ten proposed car parking spaces in the north-western corner of the site are designated for use by the hospice (and are conveniently located for such use), it is anticipated that there would be no use of the two proposed new vehicle entrances (one ingress, one egress) outside 'normal' business hours. Therefore, the residents of the adjoining sites to the north, and particularly 62 Beach Road, should not be adversely affected (i.e. car lights, engine noise) by traffic movements to and from the site outside normal work hours. Use of the existing, main vehicle entrance in the south-western corner of the site outside normal hours of business would be relatively low, due to the limited number of staff required to manage the rest home and hospital functions during the 'off-peak' periods. The applicant states that between the hours of 11.00pm and 12.00 midnight there would be a total of 24 vehicle movements (all staff) to and from the site. Except perhaps in instances of medical emergency, there would be no other vehicle movements until 6.30am (i.e. prior to the 7.00am work shift change), though the applicant states that there is an existing bread delivery at around 4.00am, which presently occurs on Mondays, Wednesdays and Fridays.

The existing activity on the site is generally very quiet, as the residents of the hospital spend little of their time outdoors. It is not expected that the proposed redevelopment of the site, which mainly involves the expansion of the existing hospital facility and the addition of new facilities with similar characteristics, would result in significant increased noise levels. In particular, noise levels during the night, i.e. outside 'normal' business hours, would be relatively low, as the number of vehicle movements associated with the arrival and departure of staff would be lower than during the day. Use of the grounds by residents at night would, it is assumed, be virtually nil. In addition, visitors to the site would not generally arrive during traditional hours of sleep. Furthermore, existing close-boarded timber fencing along the site's southern boundary would screen any car headlight glare from the adjoining residential properties when cars are arriving and leaving the site by car during hours of darkness.

However, given the anticipated substantial increase in the use of the main vehicle entrance and the associated driveway and car parking areas, it is considered that there is potential for undue disturbance to people sleeping in the dwellings on the adjoining sites to the south. This might be exacerbated by the frequency and timing of vehicle movements in that area, as there would be a daily work shift changes at 11.00, and again at 7.00am.

It is also considered that a substantial increase in the number of vehicle movements to and from the site during normal daytime work hours could disturb the occupiers of the neighbouring sites, an impression given more weight by the extent of the disparity between the proposed level of traffic generation and the level that could be expected if the rear lot containing the existing hospital facility was developed residentially in accordance with the permitted density standards applicable in the Living Environment, being one dwelling per 450m<sup>2</sup> of net unit area. It also became clear at the pre-hearing meeting that the increase in the number of service vehicle movements was of particular concern. Information provided by the applicant states that on a typical day, around 10-15 service vehicles would visit the site, with perhaps half of these vehicles being vans or cars.

This number is no greater than occurs presently. The applicant states that this is because all service vehicles that currently travel to Totara Court also travel to St Margaret's Hospital. While the service vehicles would now have to spend longer unloading goods on the subject site (as the two separate facilities would effectively be amalgamated), the size and nature of the vehicles, and the timing of their deliveries, would not change. However, the total number of vehicle movements to and from the site would increase substantially, as described above.

Therefore, in light of this proposed increase in traffic movements, it is considered that the existing timber fence along the site's southern boundary should be augmented by the construction of an acoustic fence. The fence should extend along the full length of the southern boundary to the south-eastern corner of the site.

Overall, it is considered that the effects of noise on the owners and occupiers of the properties that adjoin the existing driveway and parking area would be no more than minor if an acoustic fence was constructed along an appropriate length of the site's southern boundary.

The application has been assessed and approved by a Customer Field Advisor (Health), Mr Andrew Chalton, who considers that the effects of the proposed redevelopment of the hospital on the residents of the surrounding sites would be no more than minor, if such a fence were constructed. In particular, the noise levels would comply with the applicable noise controls (decibel limits), and the rubbish storage area at the rear of the site would be set back a suitable distance from the southern boundary (20m minimum) to ensure that odour would not adversely affect the occupiers of the neighbouring sites. Mr Chalton recommends that a condition be imposed requiring that delivery and service vehicles, including rubbish trucks, not be permitted on site between 10pm and 7am, to maintain appropriate levels of residential amenity. It is noted that the imposition of this condition would necessitate a change to the site's current thrice-weekly bread delivery, which occurs at 4am on Mondays, Wednesdays and Fridays.

With respect to on-site artificial lighting, the applicant states that "this would be limited to that required for safety purposes, which would include bollard and bulkhead type-fixtures, strategically placed." These would be controlled via a timer to switch off after the 11.00 pm work shift change (for example at 11.30), with a practical manual override facility. The proposed signs adjacent to the front boundary would not be illuminated. It is considered that low-level lighting such as that proposed would not adversely affect local residents' privacy, or their ability to sleep.

The proposed earthworks involve excavation in the order of 1,350m<sup>3</sup> across approximately half of the site. An average 12 tonne-capacity vehicle would be used to transport excavated material off the site. Two return trips per hour would be undertaken. Therefore, it is stated by the applicant that the earthworks phase would be of 15 working days duration. The applicant also states that the proposed redevelopment, including all building construction, would take place over 60 weeks, and that a Construction Traffic Management Plan would be provided if required by Council. It is considered that this would be appropriate, and such a condition is recommended. In addition, though no earthworks management plan has been submitted thus far for Council assessment, it is considered that this could be addressed via appropriate conditions of consent. The applicant would be required to have obtained explicit approval from Council for its submitted earthworks management plan prior to works commencing on the site. The proposed works would be temporary in duration, and the effects would be no more than minor during this time.

#### **8.1.10.5 Views**

As mentioned above, the subject site and the surrounding area are almost completely flat, and the additional building area will not impinge on any significant existing views (i.e. views beyond the subject site) to more than a *de minimis* degree. It is acknowledged that some properties, particularly those directly adjoining the south-western and north-western corners of the site, would no longer enjoy views of the field-like setting on the front part of the subject site once the proposed extensions have been completed. However, some form of residential development on the stand-alone sites could be undertaken as-of-right (i.e. one two-storey dwelling on each of the four undeveloped sites), and development of this type would result in a similar loss of views. Therefore, it is considered that the effects of any perceived loss of views from any surrounding site would be no greater than could be expected from a permitted residential development of the site.

#### **8.1.10.6 Privacy**

The proposed landscaping of the site, in conjunction with the existing screening vegetation along the site's boundaries, and close-boarded timber fencing along the southern and eastern boundaries, would provide for an adequate level of visual privacy between the proposed new facilities and the neighbouring sites.

A full discussion of the proposal's effects on aural privacy is provided in section 8.2.10.4 of this report.

#### 8.1.10.7 Streetscape

The effects of the proposal on the existing streetscape would be no more than minor, mainly because the proposed landscaping of the site's road frontage would adequately 'soften' the additional structures to be built on the front part of the site. Furthermore, it is considered that there would, potentially, be a lesser effect on streetscape than might result from a residential development of the four front sites to the permitted standards of the District Plan. To illustrate this, the applicant could add four vehicle crossings to the site's road frontage (one per undeveloped site) and erect four dwellings with a maximum height of 8.0m at a distance of 3.0m from the site's road boundary. Close-boarded timber fencing could also be erected along this boundary. Landscaping of the site (other than the provision of complying permeable areas, which might only comprise grass) could not be required by Council. Therefore, it is considered that the adverse effects of a permitted residential development could be greater than the effects that would result from the proposed development. Not only would much of the built form visible from the street be single-level and set back much further than the 3.0m minimum distance from the boundary, but the applicant also proposes attractive landscaping of the road frontage, including the planting of eight Pohutukawa trees (*Metrosideros excelsa*). This would produce a streetscape of above-average visual amenity.

The applicant has also confirmed that two new signs (one replacing the existing sign) would be erected adjacent to the road frontage. The maximum area of each sign would be 3.0m (2.0m x 1.5m). Given the small size of the signs relative to the length of the site's front boundary, and the extent of the proposed landscaping adjacent to the boundary, it is considered that the signs would have no more than *de minimis* effects on the streetscape.

#### 8.1.11 Heritage

There would be no adverse effects in respect of heritage items, as the proposed activity would not be located near, or impact on, any identified heritage item.

#### 8.1.12 Summary

Increased traffic noise and loss of visual amenity and neighbourhood character were identified as the adverse effects of most concern in the submissions received in opposition to the proposal. Adverse effects relating to increased vehicular use of the existing site entrance and loss of the area's residential character were the main topics of discussion at the pre-hearing meeting held on 8 June 2004.

The above assessment of effects discusses the actual and potential effects of the proposal in detail and concludes that these would be no more than minor, and could be adequately mitigated through appropriate conditions of consent. In particular, the provision of an appropriate acoustic fence along the site's southern boundary would mitigate the noise effects on the occupiers of the adjoining sites arising from the increased vehicular use of the existing main entrance, driveway and car parking areas.

The proposed levels of building coverage and impermeable surfaces would, subject to conditions, be acceptable. Neighbourhood character and amenity values would not be significantly adversely affected, due in some part to the generally single-storey nature of the building extensions; the proposed landscaping of the site's boundaries; and the considerable setback of the extensions from the boundaries, particularly the road boundary.

## 8.2 Any Relevant Provisions of the District Plan (section 104(1)(b)(iv))

### 8.2.1 District Plan Policies and Objectives

A188-A192

The District Plan provides a range of objectives, policies, rules and assessment criteria to be considered in relation to development in the Living Environment, General Natural Area and Transport Environment. These have been used as a guide in considering the proposal and are discussed below under the headings of **Neighbourhood Character & Amenity**, **Traffic Generation & Parking** and **Earthworks and Infrastructure**. If a specific objective or policy is considered particularly relevant it has been included in its entirety prior to the discussion. The full assessment criteria is attached at pages A188 to A192.

#### Neighbourhood Character & Amenity

##### Objective 10

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- adequate levels of daylight and sunlight in dwellings;
- adequate levels of darkness for sleep;
- a safe environment;
- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy;
- healthy air quality.

##### Policy 10.3

Activities should be managed in a way that any associated artificial lighting of roads, driveways, signs and sites and the exterior of buildings do not detract from the ability of occupants of surrounding buildings to achieve uninterrupted and adequate levels of sleep.

##### Policy 10.4

Wherever possible, buildings should be located on residential sites in a way that provides for an adequate area of outdoor space for recreation and leisure, including providing:

- sufficient outdoor space for the anticipated number of occupants of the dwelling;
- outdoor space which is of a usable shape for recreation;
- sunlight access to the outdoor space area.

Where such outdoor space cannot be provided on-site, the offsetting of consequent adverse effects on public open space that arise from increased usage may be required. Such an offsetting of effects would be in addition to any other requirement to contribute to the provision of public open space made under Policy 10.10.

##### Policy 10.5

Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.

### **Policy 10.6**

Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and onsite amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled Living and Rural Villages Environments.

### **Objective 11**

To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- the quality and character of different patterns of settlement within the City's intensively settled residential areas;
- the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres;
- the utilitarian nature and character of the industrial areas;
- the natural and physical features that give each rural and coastal village its particular and unique character;
- the pastoral/rural character of the northern parts of the City;
- the complex, mixed landscape of the foothills.

### **Policy 11.3**

Buildings and structures should be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:

- the overlooking of streets by buildings;
- maintaining characteristic links between private and public space arising from the orientation of houses and the way they face the street;
- the setback of buildings from the road boundary;
- planting of section frontages;

in a way that gives particular regard to variations in amenity values, and neighbourhood character.

### **Policy 11.8**

Structures, (except within the Working and Community Environments), should be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views. In particular, relocated housing must be of a scale, form and finished quality, and located so as to maintain and enhance surrounding amenity values and neighbourhood character.

### **Policy 11.10**

Non-residential activities should be designed and managed in a way that:

- maintains the visual amenity values of the Environment they are in;
- maintains the amenity of the site and surrounding area when viewed from the street;
- adequately screens any associated car parking, vehicle access and storage areas from view, from residential sites.

### **Policy 11.11**

Signs should be designed so that they do not intrude visually on to the amenity of the surrounding area or detract from surrounding neighbourhood character, and the safety of vehicles and pedestrians on any adjacent roads and state highways.

### **Policy 11.18**

Non-residential activities (other than retail activities) may be located within residential areas of the City, provided that the individual and cumulative impacts of such a provision do not adversely affect amenity values and neighbourhood character or fragment residential activities to the point that essential residential character is lost, and the safety of residents is harmed.

### **Discussion**

Though occupying a relatively large proportion of the site, the extensions to the existing building would be well set back from the site boundaries and would not shade any adjoining property. The majority of the building would be single-storey, with only the hospice component being two-storey. With respect to on-site amenity, and the provision of useable areas of outdoor space, it is noted that the occupants of the subject site will generally be elderly and/or frail, and will not require large areas of sunny outdoor recreational space. There are numerous internal courtyards on the site, in addition to indoor areas, that would meet the occupants' anticipated recreational requirements.

The proposed landscaping of the site's boundaries and the existing boundary fencing would ensure adequate visual privacy for the occupiers of both the subject site and the adjoining residential properties. With respect to artificial lighting of the site, there would be minimal impact on the neighbouring properties, as concluded in section 8.2.10.4 of this report. New lighting would be limited to strategically placed, low-level fixtures, installed where necessary for safety purposes only.

A comprehensive discussion of the proposal's potential effects on neighbourhood character and amenity is provided in section 8.1.10, particularly under the 'Visual Amenity & Neighbourhood Character', 'Environmental Health (Noise, Glare, Odour)', and 'Streetscape' sub-headings.

In summary, it is considered that while the proposed development of the site is only partly residential in character, overall there would be no more than minor adverse effects, for the following reasons:

- The extensions would provide for the retention of a sufficient building setback (from the road boundary), and there would be attractive landscape planting undertaken adjacent to the site's road frontage (refer Policy 11.3).
- The proposal would maintain the amenity of the site and surrounding area when viewed from the street (Policy 11.10). This would be achieved through landscaping and retention of adequate building setback from boundaries.
- The car parking, vehicle access and storage areas would not be visually obtrusive, where visible at all, when viewed from nearby residential sites (Policy 11.10). All such areas would be adequately screened by close-boarded fencing or vegetation, or a combination of these.
- The proposed extension, with the exception of the 354m<sup>2</sup> hospice building at the very front of the site, would be single-storey. The building style is functional and non-descript, and is not visually intrusive in an area generally characterised by similarly unremarkable (in an architectural sense) single-level residential dwellings (Policies 11.10 & 11.18).

- The building would, overall, have a residential appearance, due to compatibility of construction materials, roof lines and building heights. The two-level hospice building would be 8.0m in height, the same height as two-storey dwellings in the general area (Policy 11.18).
- The proposed signs would be located directly adjacent to the site's two vehicle entrances, and with a maximum area of 3.0m<sup>2</sup> (each), would not be visually intrusive or overly conspicuous in the context of the surrounding area. The signs would also be positioned between Pohutukawa trees to be planted along the road boundary. These trees would be Pb 95-grade (approximately 1.8 - 2.0m tall at time of planting), thereby providing for immediate visually 'softening' of the signs' angular form. Over time, the signs would become increasingly less visible from adjacent residential properties as the trees continued to mature.

As noted above, the proposed extended building's overall size (i.e. the building 'footprint') and the unbroken exterior wall lengths would not be wholly consistent with the style of development on the neighbouring residential properties. However, overall the existing development on the site, with the exception of the single-building format, has a residential appearance generally in keeping with the surrounding sites.

Noise generated by additional vehicle movements along the existing main entrance could be adequately mitigated (i.e. to the extent that effects would no more than minor) by the construction of an acoustic fence along an appropriate length of the site's southern boundary. (Note: Noise levels are expected to comply with the permitted standards of the District Plan, but the increased frequency of vehicular use of the main entrance may adversely affect neighbourhood character and amenity, and thus an acoustic fence is considered to be necessary.)

For the aforementioned reasons, it is considered that the proposal meets Assessment Criteria 2(a), 2(c), 7(a) - (d), 10(a) - (c), 12(a), 15(a), 15(c) (Living Environment), and 7(c) (Transport Environment).

The proposal is not consistent with Assessment Criterion 2(b), as the proposed level of building coverage building footprint exceeds the permitted level (35% of site area) within the Living Environment by 6.9% (approx. 720m<sup>2</sup>), but this is adequately mitigated by the proposed landscaping of the site, the sufficient setback of the building from the boundaries, and the generally single-storey nature of the extensions.

The proposal is not consistent with Assessment Criterion 12(c), but this can be satisfactorily addressed through the provision of an acoustic fence along an appropriate length of the site's southern boundary.

Any assessment criteria not mentioned above were not considered relevant to this proposal.

### **Traffic Generation & Parking**

#### **Objective 10**

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- adequate levels of daylight and sunlight in dwellings;
- adequate levels of darkness for sleep;
- a safe environment;

- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy;
- healthy air quality.

#### **Policy 10.11**

Activities should provide for:

- the on-site parking and loading of motor vehicles;
- the location and design of access to car parking and loading areas, including areas for reverse manoeuvring to ensure that the safe and efficient functioning of adjacent roads, according to the positioning of that road in the Roding Hierarchy, is not adversely affected;

#### **Policy 10.14**

Activities should be of a scale and located and managed in a way that:

- any traffic generated by the activity, including heavy traffic, does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the wellbeing of residents occupying surrounding sites;
- the safe and efficient functioning of the road network is not adversely affected.

#### **Policy 10.16**

Driveways, carriageways and car parking areas should:

- be laid out in a way that provides for the safe circulation of vehicles and pedestrians;
- be of sufficient design quality to ensure the safe passage of motor vehicles, cyclists and pedestrians and discharge of stormwater;
- be designed to avoid edge fretting;
- allow safe, ready access to adjoining sites.

#### **Objective 11**

To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features that contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- the quality and character of different patterns of settlement within the City's intensively settled residential areas;
- the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres;
- the utilitarian nature and character of the industrial areas;
- the natural and physical features that give each rural and coastal village its particular and unique character;
- the pastoral/rural character of the northern parts of the City;
- the complex, mixed landscape of the foothills.

### **Policy 11.11**

Signs should be designed so that they do not intrude visually on to the amenity of the surrounding area or detract from surrounding neighbourhood character, and the safety of vehicles and pedestrians on any adjacent roads and state highways.

### **Policy 11.12**

Activities should be of a scale, and located and managed in a way, that does not increase the number of vehicle trips, including heavy vehicle trips, to a level that adversely affects the amenity values of the surrounding Environment or neighbourhood, taking into account the location of the site in relation to the roading hierarchy and the characteristic levels of quiet found in these areas.

### **Discussion**

A comprehensive discussion of the proposal's potential effects with respect to traffic generation and car parking is provided in section 8.1.10.2 ('Traffic & Parking) of this report. In summary, it is considered that there is only a shortfall of 1 car parking space across the site, with 57 spaces required, and 56 proposed. This shortfall is considered to be only technical, as the specific nature of the facilities' operation would ensure that there is an adequate number of car parking spaces to meet demand. For example, the community nurses employed by the hospice each have a parking space allocated to them for the purposes of the assessment of on-site parking demand, but generally work off-site (within the community) during the day. The same situation applies with respect to the part-time staff who will be employed. The parking spaces allocated to the part-time staff for the purposes of assessing the proposed development's parking requirements would often be available for use by visitors. Council traffic engineer Mr John Carroll considers it likely that there may be up to 4 vacant spaces in the car parking area to be used primarily by hospice staff.

Beach road is a Collector Road, capable of carrying between 2,000 and up to 10,000 vehicles per day. At present, Beach Road carries 2,180 vehicles per day (Council-sourced figure), though this figure may now be closer to 2,830. The revised total of approximately 3,120 vehicle movements per day outside the site will remain well towards the lower end of the range of traffic volumes that area able to be accommodated by Collector Roads (Policy 10.14).

Mr Carroll has expressed no concerns regarding the layout of the driveways and car parking areas, or the location of vehicle crossings. Driveway gradients and driver sightlines were considered to be acceptable. In addition, the proposal makes provision for adequate on-site vehicle manoeuvring, and entry and exit from all car parking spaces (Policies 10.11 & 10.16). Service vehicles would also be able to manoeuvre on-site in accordance with the standards required by the Waitakere City Council Parking and Driveway Guideline.

Each proposed new sign would have a maximum area of only 3.0m<sup>2</sup>, a maximum height of 2.0, and would not be illuminated. This would not give rise to adverse effects with respect to traffic safety (Policy 11.11).

The proposal involves a substantial increase in the number of traffic movements to and from the site (an increase from 197 to 490 vehicles per day). It is considered that this increase would give rise to no more than minor adverse effects on the amenity values of the surrounding neighbourhood, provided that an acoustic fence was constructed along the subject site's southern boundary (refer section 8.1.10.4 of this report). Policy 11.12 would be met if such a fence was provided.

For the aforementioned reasons, it is considered that the proposal meets Assessment Criteria 11(a), 12(a), 12(b), 15(b) (Living Environment), and 7(a), 7(b), 7(d) (Transport Environment).

The proposal is not consistent with Assessment Criterion 12(c), but this can be satisfactorily addressed through the provision of an acoustic fence along the site's southern boundary.

Any assessment criteria not mentioned above were not considered relevant to this proposal.

### **Earthworks & Infrastructure**

#### **Objective 1**

To manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource, including maintaining:

- the life-supporting capacity of water;
- the ability to use aquatic ecosystems as a food source;
- the availability of water as a healthy place of recreation.

#### **Policy 1.7**

Activities should be managed in a way that encourages the absorption of rainfall and surface water runoff on-site, avoids the creation or exacerbation of stormwater flooding problems off-site and minimises the runoff of surface water into stream catchments and waterways.

#### **Objective 3**

To maintain the life-supporting capacity of the City's land resource.

#### **Policy 3.2**

Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.

#### **Objective 10**

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- adequate levels of daylight and sunlight in dwellings;
- adequate levels of darkness for sleep;
- a safe environment;
- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy;
- healthy air quality.

### Policy 10.17

Settlement in all parts of the City should be at a density that is within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers.

### Discussion

The proposal involves an infringement of the permitted level of impermeable surface coverage on the site. 73.9% coverage is proposed, where the permitted standard is 60%. A comprehensive discussion of the proposal's potential effects with respect to additional stormwater run-off is provided in section 8.1.10.3 ('Infrastructure Capacity') of this report. In summary, it is considered that the potential adverse effects arising from this infringement could be adequately mitigated through the imposition of appropriate conditions of consent. In particular, stormwater detention measures would need to be installed in accordance with the report submitted with the application (prepared by Mitchell Vranjes Consulting Engineers Limited), and with the Countryside and Foothills Stormwater Management Code of Practice. In complying with the recommended conditions of consent provided by EcoWater Water & Drainage Engineer Ms Shelley Renkema, the proposal would be consistent with Policies 1.7 and 10.17.

Earthworks in the order of approximately 1,350m<sup>3</sup> over an area of approximately 5,120m<sup>2</sup> are proposed. While the proposed volume of earthworks appears relatively high, it should be noted that earthworks would be required over almost half the site's total area. Also, the average depth of cut (around 260mm) would be very low, indicative of the superficial nature of the works, including the formation of building platforms, driveways, parking and manoeuvring areas, and the installation of stormwater detention tanks.

Conditions of consent would be imposed requiring the applicant to undertake the proposed earthworks in accordance with modern best practice. In particular, the applicant would be required to have obtained approval to an Earthworks Management Plan from Council prior to any works commencing on the site.

For the aforementioned reasons, it is considered that the proposal meets Assessment Criteria 3(a) - (c), 3(f), 3(h), 3(j), 3(k), 3(n) - (q), 4(a), 4(b), 4(d), 4(g) (General Natural Area).

The proposal is not consistent with Assessment Criterion 3(i), as there are no opportunities for the applicant to reuse excavated material on-site. Therefore, all excavated material would need to be disposed of off-site.

The proposal is not consistent with Assessment Criterion 3(l), as the proposed level of earthworks is not necessary to accommodate development otherwise permitted by the District Plan. The proposal requires resource consent for, among other matters, infringements of the applicable rules relating to maximum levels of building coverage and impermeable surfaces.

Any assessment criteria not mentioned above were not considered relevant to this proposal.

**Overall, it is considered that the proposed development would be consistent with the objectives and policies of the District Plan.**

### **8.3 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (Section 104(1)(b)(iii) & (iv))**

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Proposed District Plan has been prepared.

It is considered that the proposal is not contrary to the strategic objectives and policies, given that the proposed development provides for an appropriate intensification of a non-residential activity that has been lawfully undertaken on the site for 16 years. The proposal is not large in scale and would not generate effects of regional significance. Further, the application is considered to be consistent with the principles of sustainable management, and any off-site effects could be controlled through conditions of consent relating to noise, earthworks and stormwater management.

### **8.4 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (Section 104(1))(c))**

### **8.5 Bonds / Reserve Contributions / Development Levy / Financial Contributions**

The proposal relates to the expansion of existing non-residential activities on the site, and the assessed value of the additional development would exceed \$250,000 (A figure of \$7,459,481.25, inc. GST, was provided with the building consent application). Therefore, a financial contribution equal to 0.5% of the assessed value of the development is payable, pursuant to section 409 of the Resource Management Act. However, it has been determined that the financial contribution would apply only to the rest home component of the development, as the hospital and hospice components are deemed to be exempt, pursuant to Council's policy not to apply section 409 where a humanitarian element is demonstrable. A condition would be imposed requiring that such a contribution be paid to Council prior to the commencement of works on the site.

Council Transport Engineer Mr John Carroll has determined that a \$2,000.00 street damage bond should be paid to Council prior to works commencing on the site. This bond would be refunded in full once an inspection had confirmed that all site works had been completed, and that there had been no damage to Council's roading assets.

A bond of \$10,000.00 would also be taken to ensure that landscaping and planting of the site, which is considered to assist in mitigating the adverse of the proposed building form, is undertaken in accordance with the submitted plan.

### **8.6 Monitoring**

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to the construction of an engineer-designed acoustic fence along the site's southern boundary, and the establishment of required landscaping on the site, especially along the visually-important road boundary.

## 8.7 Lapsing of Consent

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent, or if no date is specified, 5 years after the date of commencement of the consent.

In this instance, a five-year period in which to give effect to this consent is considered appropriate, due to the relatively large scale of the proposed works.

## 9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent with sections 5, 6, 7 and 8 of the Resource Management Act 1991.

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources be managed sustainably, in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal would enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

## 10.0 EVALUATION IN ACCORDANCE WITH SECTION 104D OF THE RESOURCE MANAGEMENT ACT 1991

The threshold test in section 104D of the Resource Management Act 1991 states that a consent authority must not grant consent to a Non-Complying Activity unless it is satisfied that the adverse effects on the environment will be minor (section 104D(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (section 104D(b)).

It is considered that the threshold test for a Non-Complying Activity has been met, as the proposal satisfies section 104D, in that subject to appropriate conditions of consent requiring mitigation, the adverse effects on the environment of the proposal would be no more than minor, and the proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has, therefore, been established.

## 11.0 CONCLUSION

The applicant seeks consent to extend and redevelop St Margaret's Hospital, including the expansion of the existing 40-bed geriatric hospital (to 50 beds), the addition of a new 40-bed rest home and the addition of a hospice facility at 52-60 Beach Road, Te Atatu Peninsula. The site is within the Living Environment (Harbour View) and the General Natural Area.

It is considered that the proposal **meets** the criteria for granting consent, as the potential adverse environmental effects are **no more than minor** and **can** be adequately mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of the hospice, rest home and hospital components that constitute the proposed non-residential activity on the subject site **will not** lead to a decline in the amenity values of the area in which it seeks to establish.

Overall, the proposal is considered to be consistent with the objectives and policies of the Operative District Plan, which seek to:

- Maintain and enhance the natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers;
- Achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features that contribute to the amenity value and the neighbourhood character of an area;
- Manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource.

In summary, with respect to the subject site, the District Plan seeks to protect residential environments from undue adverse effects arising from incompatible non-residential activities, and to ensure that adverse effects on the natural environment are appropriately controlled and/or managed.

As discussed in section 8.2.1 ('District Plan Policies and Objectives') of this report, the proposal is partly contrary to Objective 10, where it states that "...an acceptable level of quiet and freedom from nuisance created by **noise**, odour, dust and vibration...[shall be maintained]". However, this inconsistency could be adequately addressed through the construction of an acoustic fence along the subject site's southern boundary. As noted previously, the proposal is considered to be consistent with all other aspects of Objective 10.

For the aforementioned reasons, it is considered that the proposal meets the threshold test under section 104D and jurisdiction to grant consent has been demonstrated.

It is considered that the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate conditions of consent.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with section 104 of the Resource Management Act 1991.

### **RECOMMENDATIONS**

That pursuant to sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Christian Healthcare Trust to extend and redevelop St Margaret's Hospital, including the expansion of the existing 40-bed geriatric hospital (to 50 beds), the addition of a new 40-bed rest home and the addition of a hospice facility at 52-60 Beach Road, Te Atatu Peninsula, being Lot 1 DP 124945, Lot 12 DP 64297, Lot 13 DP 64297, Lot 14 DP 64297, Lot 15 DP 64297, for the following reasons:

- (i) The building extensions, though occupying a relatively large proportion of the site, would not be visually inconsistent with, and would be no higher than, the surrounding residential development.
- (ii) Sufficient on-site car parking space would be provided to meet anticipated demand, and the increased volume of traffic along Beach Road would remain well within the designed carrying capacity of a Collector Road.
- (iii) Subject to appropriate conditions of consent being imposed, the proposed earthworks would not give rise to adverse effects, particularly through the infiltration of silt-laden run-off into stormwater drains.

- (iv) Proposed landscaping of the site's boundaries is comprehensive, and would be sufficient to visually 'soften' the development, particularly when viewed from Beach Road, adjacent to which a row of Pohutukawa trees would be planted.
- (v) Any adverse effects associated with excess impermeable surface coverage would be adequately mitigated through conditions of consent relating to the establishment of stormwater detention measures.
- (vi) The proposed signs would not be visually obtrusive, due to their relatively small area and their positioning between proposed plantings adjacent to the road boundary.
- (vii) The proposal is partly contrary to Objective 10 of the District Plan, due to the substantial proposed increase in the number of traffic movements along the existing driveway; however, this could be adequately mitigated through the construction of an acoustic fence along the subject site's southern boundary. Overall, the proposal is considered to be consistent with the Objectives, Policies and Assessment Criteria of the District Plan, and Part II of the Resource Management Act.

**CONSENT SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:**

**GENERAL**

These conditions are to be signed off by Consent Services, with fees being charged on an hourly basis:

1. The development shall proceed in accordance with the following:
  - Site plan, titled "Proposed Site Plan, St Margaret's Redevelopment Te Atatu Peninsula" (Drawing No. RC-002 Revision D), prepared by Klein, dated 01/03/2004.
  - Elevation plans, titled "Proposed Elevations, St Margaret's Redevelopment Te Atatu Peninsula" (Drawing No. RC-152 Revision C), prepared by Klein, dated 19/01/2004.
  - Landscape & planting plan, titled "Planting Plan, St Margaret's Redevelopment Te Atatu Peninsula", prepared by Klein, dated 17/02/2004.
  - The information, including further information, submitted with the application.
2. Pursuant to section 125 of the Resource Management Act 1991, the period for establishing the activity provided for by this consent shall lapse five (5) years from the consent's date of commencement.

**EARTHWORKS & CONSTRUCTION**

3. Prior to commencing any earthworks associated with the activities consented herein, the consent holder shall obtain approval from Council (Manager: Resource Consents) for an Earthworks & Site Management Plan. **This plan shall be lodged with Council a minimum of four (4) weeks prior to the expected start date of works.**
4. **Prior to the commencement of any works**, adequate sediment and erosion control measures shall be constructed and maintained in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan.

5. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager: Resource Consents. Any damage attributed to the earthworks operation shall be rectified at the cost of the consent holder.
6. The consent holder shall implement suitable measures, such as wheel-wash facilities or the construction of a stabilised entranceway(s), to prevent the deposition of earth on the surrounding streets from trucks entering or leaving the site, to the satisfaction of the Manager: Resource Consents. These measures shall remain in place until the completion of the development. Should any material be deposited on the street, it shall be removed immediately at the expense of the consent holder.
7. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of Council's Environmental Monitoring Officer.
8. The development works associated with the development are to be carried out in accordance with NZS 6803P:1984, 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work', with the exception of the hours of work, which are to be limited as follows:  

|                             |                    |
|-----------------------------|--------------------|
| Monday to Friday:           | 7.30 am to 7.00 pm |
| Saturday                    | 8.00 am to 5.30 pm |
| Sunday and Public Holidays: | No work            |
9. In the event of archaeological evidence being uncovered (e.g. shell, middens, hangi or ovens, pit depressions, defensive ditches, artifactual material or human bones) work shall cease in the vicinity of the discovery, the area secured, and the Council (Planning Helpdesk - 836 8000 ext. 6408) contacted. Activity on the site will remain halted until the Manager - Resource Consents gives approval for operations to recommence.

### **NOISE**

10. To ensure that noise levels generated on the site are consistent with the dominant residential character of the neighbourhood, the applicant shall ensure that the use of the site complies, with the exception of construction noise as restricted by Condition 8, with the following standards at all times:  

|   |                       |                        |
|---|-----------------------|------------------------|
| 7.00 am - 7.00 pm Monday - Saturday         | L <sub>10</sub> 50dBA | L <sub>Max</sub> N/A   |
| 7.00 pm - 10.00 pm Monday - Saturday        | L <sub>10</sub> 45dBA | L <sub>Max</sub> N/A   |
| 7.00 am - 10.00 pm Sunday & Public Holidays |                       |                        |
| 10.00 pm - 7.00 am                          | L <sub>10</sub> 40dBA | L <sub>Max</sub> 70dBA |
11. Service and delivery vehicles shall not be permitted on site between 10.00pm and 7.00am (7 days). This includes any existing deliveries to the site between these hours.
12. An acoustic fence shall be erected along the entire length of the subject site's southern boundary prior to the occupation of the building additions, to the satisfaction of the Council's Environmental Monitoring Officer.

### LANDSCAPING

13. Landscaping and planting shall be undertaken on the site in accordance with the submitted landscaping plan, titled "Planting Plan, St Margaret's Redevelopment Te Atatu Peninsula", prepared by Klein, dated 17/02/2004, *with the following exceptions*:
  - *Griselinia littoralis* and *Agapanthus* shall be replaced with other, more appropriate species, to the satisfaction of the Manager: Resource Consents.
  - All native species planted on the site shall be eco-sourced from local plant nurseries.
14. All planting shall be completed within the first planting season (May 1 to October 31) following the commencement of construction. All planting shall be irrigated and maintained for a minimum of three further planting seasons, with any plant losses within this time being replaced and maintained for a further planting season from date of replacement.
15. All garden areas shall be weed and debris-free, and have good-quality topsoil or garden mix (compost and topsoil combined) to a minimum depth of 250mm, and with a woodchip mulch to 60mm depth.

### PARKING, DRIVEWAYS & VEHICLE CROSSINGS

16. Prior to the occupation of the new facilities and extensions, all access, manoeuvring and parking areas shall be formed, finished in an all-weather surface, marked out and drained to Council standards, to the satisfaction of the Manager: Resource Consents.
17. Form and construct the two proposed new vehicle crossings (providing access to the Hospice) using standard detail SD 3.13 Light Commercial Vehicle Crossing. Vehicle crossing detail forms shall be completed and returned to Council. Note: Inspection of the boxing prior to concrete pouring is required. Contact Council on 836 8000 ext. 8725, at least 48 hours prior to the inspection being required.
18. Form and construct the two proposed new vehicle crossings (providing access to the Hospice) using standard detail SD 3.13 Light Commercial Vehicle Crossing. Vehicle crossing detail forms shall be completed and returned to Council. Note: Inspection of the boxing prior to concrete pouring is required. Contact Council on 836 8000 ext. 8725, at least 48 hours prior to the inspection being required.

### BONDS & FINANCIAL CONTRIBUTIONS

19. Pay to the Council, pursuant to section 409 of the Act, a sum (inclusive of GST at 12.5%), equal to 0.5% **of the assessed value of the rest home component of the development**. This sum shall be paid to the Council prior to the commencement of works on the site.
20. Pay to Council a street damage bond of \$2,000.00 prior to the commencement of work. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all work is completed. As building consent for the development has been issued, the bond payment will be invoiced at the time that payment is requested for this resource consent. Note: Bonds can only be released to the person who originally lodged the bond with Council.

21. To ensure the performance of Condition 13, the consent holder shall pay a performance bond of \$10,000.00 to Council. The bond shall be paid prior to the commencement of any work on the site, and shall be either in the form of cash or bank guarantee, to the satisfaction of the Council Solicitor. The consent holder shall meet any costs associated with the preparation of the bond document. The bond shall be held for a minimum period of 36 months, and shall be released when, in the opinion of the Manager - Resource Consents, Condition 13 has been satisfied. The consent holder shall meet any cost incurred by Council in preparing, checking, assessing and releasing the bond.

### **DRAINAGE & INFRASTRUCTURE**

22. Before the commencement of any work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development", detailing the nature and extent of any proposed work.
23. Design, provide and install a complete private wastewater reticulation system to public standards to serve the site in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 5.0). Specific requirements:
- (i) Pay Council to cap the existing connections serving Lots 12-14 DP 64297 that are under the proposed building platform.
  - (ii) Pay to the Council the cost of providing a new connection to the manhole located at the south-east corner of #54 Beach Rd.

Advice Note: EcoWater policy requires any wastewater manholes or line connections to be constructed by EcoWater Solutions' maintenance contractor. Wastewater manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions' maintenance contractor.

24. Due to the density of the proposed development and resultant increase in wastewater flows, mitigation is required. Therefore, advise Council which of the following you will be carrying out and fulfil the requirements:

**Either** mitigate the increase in wastewater flows from the site by providing the following flow reduction measures in the proposed buildings:

- (i) All taps over hand basins/sinks and showerheads are to be of a type that limits the flow rate to 9 litres/minute or less.
- (ii) All units shall have showers.
- (iii) All toilets shall be of 6/3 litre dual flush type.
- (iv) No in-sink waste disposal units shall be installed.

A covenant is required to be issued and registered on the title(s) requiring the use of low water use devices to limit wastewater flows to Council's satisfaction. Provide an EcoWater "Water Saving Devices Inventory Form" completed by a registered plumber to demonstrate that the above requirements are satisfied. Council's Hazards and Special Features Register will be advised of the above requirement.

**Or** pay to Council the sum of \$24,282.72 (incl. of GST) towards the cost of mitigating the flow of wastewater from the site over and above that allowed for as a permitted activity, without carrying out any mitigation measures. No covenant is required. Note: The calculations of the above sums are available from EcoWater.

25. Design, provide and install a complete private stormwater drainage system to public standards to serve the site in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
- (i) Mitigate stormwater runoff from the site to the capacity of the public system, and provide stormwater quality treatment to the site in accordance with the Auckland Regional Council's TP10 '*Stormwater Management Devices Design Guideline Manual*'. Install the attenuation device specified in the report by Mitchell Vranjes Consulting Engineers Limited, dated October 2003, and amendment dated 24 February 2004, and in accordance with EcoWater's Countryside and Foothills Stormwater Management Code of Practice. Provide a maintenance manual for this device to EcoWater for review.
  - (ii) Collect all existing discharge points. The system shall include connection to down pipes or drainage from any existing buildings/paved areas.
  - (iii) Pay to the Council the cost of providing a new connection to the manhole.

Advice Note: EcoWater policy requires any public stormwater line connections to be constructed by EcoWater Solutions' maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions' maintenance contractor.

26. To prevent increasing downstream flooding resulting from under-capacity drainage, stormwater disposal is required to comply with EcoWater's Countryside and Foothills Stormwater Management Code of Practice. A consent notice is to be issued and registered on the title stating that the stormwater disposal system from any development on the site shall be designed to incorporate the following requirements to the satisfaction of EcoWater:
- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 5-year storm event.
  - (ii) Underground attenuation cells or similar device to be provided to limit the rate of runoff.
  - (iii) Design and location to be approved by EcoWater prior to carrying out mitigation measures.
  - (iv) The property owner is required to maintain any devices to meet the above requirements to the satisfaction of Council.

Note: Council's Hazards and Special Features Register will be advised of the above requirements.

27. Design, provide and install a complete public water supply reticulation system and fire fighting services to serve the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) Reroute the existing public watermain clear of the proposed building platform.
  - (ii) EcoWater has agreed that the development can be metered for water supply as shown in drawing SD6.06.4 Option 2 of the Code of Practice. As there is a high risk of contamination, a reduced pressure zone back flow device (RPZ) is to be installed to the domestic supply pipe and to be maintained by the owner. A Back Flow Test Certificate is to be submitted annually to EcoWater.
  - (iii) Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes Council providing written advice to all affected property owners / tenants.

- (iv) Provide a detail showing the proposed connection to the existing Council water main/s. The detail is to include all flanges, joints and applicable details. In addition, any water reticulation plan is to show all necessary design details to inform construction (eg. thrust blocks etc).
- (v) Provide and install a fire hydrant within 135 metres of the farthest point of fire risk. Note: The hydrant is to be on a direct traffic route to the property. The distance specified above may not be measured as a radius.
- (vi) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
- (vii) Liaise with the Water Assets Engineer regarding the location of the existing water meter and arrange for its relocation or substitution and pay all fees applicable.

Note: Ducting of private service lines is recommended.

- 28. Contact EcoWater's Development Services Secretary (extn 8248) to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.
- 29. Provide an As-Built drainage and water supply plan, prepared by a registered surveyor, of the new public lines in accordance with Waitakere City Council COP. The stormwater drainage As-Built plan is required to include the features of the attenuation device (e.g. total area & location, inlets, outlets, maintenance access chambers, etc).
- 30. Pay any EcoWater engineering, works supervision, and administrative fees, as incurred. These fees will be charged at Council's advertised schedule of fees.
- 31. Advise Council the name of the Consultant and/or person(s) who will be the developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Council's Code of Practice for City Infrastructure and Land Development.

### **AMALGAMATION OF LOTS**

- 32. All lots the subject of the development approved via this resource consent shall be amalgamated pursuant to section 37 of the Building Act 1991 prior to the commencement of construction works. Confirmation of amalgamation shall be to the satisfaction of the Manager – Resource Consents.

### **TREE PROTECTION**

- 33. All reasonable steps shall be taken to ensure that effects on existing, generally protected trees on the site are minimised during the earthworks and construction phases of the development, to the satisfaction of Council's Environmental Officer.

### **MONITORING**

- 34. A consent compliance monitoring fee of \$600.00 (inclusive of GST.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection, all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

The \$600.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

**Advice Notes:**

Monitoring

1. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.

EcoWater

2. EcoWater advises that it is the applicant's responsibility, if applicable, to obtain from the Auckland Regional Council a discharge permit, and all other consents, on terms acceptable to the Council, pay all costs attributable to such application and comply with any conditions imposed by the Council. Provide copies of subdivision consent conditions and hydraulic or geotechnical reports to the Regional Council.
3. Under a building or subdivision consent, pay to the Council pursuant to section 407/409 of the Act the sum of \$13,656.40 (incl. GST at 12.5%) towards the cost of upgrading the stormwater drainage system (Te Atatu North Catchment main system improvements) necessary to serve the subdivision. (\$1,707.05 per additional Lot with development being equivalent to 8 additional Lots).
4. Under a building or subdivision consent, pay to the Council pursuant to Section 407/409 of the Act the sum of \$548.00 (incl. GST at 12.5%) to provide a wastewater manhole connection, plus \$888.00 (incl. GST at 12.5%) to cap 3 existing connections, or the advertised cost at the time the connection is required. Note: (i) All excavation and backfilling to be carried out by the owner. (ii) Installation of the connection and provision of an As-Built plan is required prior to the 224(c) certificate release.
5. Under a building or subdivision consent, pay to the Council pursuant to Section 407/409 of the Act the sum of \$597.00 (incl. GST at 12.5%), or the advertised cost at the time the connection is required, to provide a stormwater manhole connection at the site's north-west corner. Note: (i) All excavation and backfilling to be carried out by the owner. (ii) Installation of the connection and provision of an As-Built plan is required prior to the 224(c) certificate release.

Report prepared by: Greg Sawyer, Senior Resource Planner.



4 1.00 PM NEW LYNN WARD

**TODD AVENUE, NEW LYNN - CREATION OF PEDESTRIAN MALL OBJECTION BY VAULT INVESTMENTS, REGISTERED PROPRIETOR OF 8, 10, 12, 14 TODD AVENUE, NEW LYNN OBJECTION BY ACACIA CAFÉ, TENANT OF 4 TODD AVENUE, NEW LYNN LOCAL GOVERNMENT ACT 1974: SECTION 336 - CREATION OF PEDESTRIAN MALLS SECTION 716B - SPECIAL ORDERS**

**BACKGROUND INFORMATION**

The proposal for Todd Avenue to be converted to a pedestrian mall is part of a larger concept known as the Todd Triangle Reserve Development Concept Plan.

At its 26 May 2004 meeting, Council resolved, under Minute 854/2004, to proceed with the creation of a pedestrian mall by way of a Special Order under Section 336 of the Local Government Act 1974 and pursuant to Section 716B of the Local Government Act 1974. Council further resolved, under Minute 854/2004, to receive any submissions through the Hearings Committee.

The Local Government Act 2002 did not repeal all of the legislation comprised within the Local Government Act 1974. Section 336 of the 1974 Act, which relates to the creation of pedestrian malls, is a part of the Roading sections of the Act, which have not been repealed. Section 336 incorporates a requirement to follow the Special Order process of Section 716B of the 1974 Act.

The notification requirements of these sections of the above two sections of the Local Government Act created a very tight timeframe within which to consult with the community about this proposal. Overarching the process is a requirement for Council to make a Special Order before the expiry of 70 days from the date that Council resolved to proceed with the statutory process.

**Vault Investments Submission**

Vault Investments (who own four street addresses on two properties) made an objection relating to two matters:

1. The company objected to the loss of some 19 car-parking spaces immediately adjacent to the properties under its ownership, as part of the creation of the pedestrian mall. It believes the loss of such car parking spaces will have a negative effect on the value of these properties, and the company's ability to lease them.
2. The creation of the pedestrian mall would, in the company's opinion, limit the visibility of its properties, negatively affecting the commercial viability of these properties, and the company's ability to lease them.

The submission requested that Council provide at least 8 car parking spaces to replace some of the spaces that will be removed by the creation of the pedestrian mall.

At the Hearing, the company also confirmed its objection to the Council's removal of parking spaces, at a time when its own Resource Consent application process to expand the floor area of one property indicates a requirement for a car parking subsidy.

**Acacia Café Submission**

The owner of the Acacia Café (business) also objected to the proposal, primarily as a result of a concern over the removal of car parks from outside the front of the café. Her concern was that the creation of a pedestrian mall outside the café might detract from business, by preventing vehicles from parking directly outside.

## FUNCTION OF HEARINGS COMMITTEE

The Hearing Committee met to discuss the proposed creation of a Pedestrian Mall on 6<sup>th</sup> July 2004, and heard the objections of both objectors. The objectors suggested that they might withdraw their submission if a mutually-agreeable concept could be achieved. Consequently, the Hearing Committee deferred a specific resolution on the proposal, while officers met with the objectors. Consequently, the Committee resolved "*...that the hearing be adjourned to allow further discussion between staff and the objectors, in order to explore whether the objectors' concern can be resolved to their satisfaction*".

Pursuant to Section 336 of the Local Government Act 1974 as set out above, the Hearings Committee is required to hear the person making any objection, if present, and to determine either:

- (a) to abandon the works proposed, or
- (b) to proceed therewith, with or without such alterations as the Hearings Committee thinks fit.

It is not the function of the Hearings Committee to determine any questions of compensation or other contentions which may arise, nor does this report attempt to definitively address such matters.

## RIGHT OF APPEAL

If the Hearings Committee determines to proceed with the works proposed (with or without alterations) the objector may appeal to the Environment Court within one month of the giving of notice of the making of any Special Order. Pending the decision of the Court on any appeal, the Council shall not proceed with the works. On the hearing of the appeal, the Court, whose decision shall be final, may confirm or amend or set aside any determination of the Hearings Committee.

## ASSESSMENT

The proposed upgrading of Todd Triangle, including the creation of a pedestrian mall at Todd Avenue, is designed to improve the business environment at New Lynn. While the question of 'lost' parking spaces may be considered as part of the overall concept plan, and 'replacements' for some or all of the 'lost' spaces be sought, it is noted that the creation of a pedestrian mall is undertaken with a view to restricting or curtailing traffic flow, to encourage and enable the development of foot traffic through an area presently dominated by vehicular traffic for the benefit of the community as a whole. It would therefore not be possible to create a pedestrian mall while meeting Vault Investments' proposal to allow traffic to continue to flow through Todd Avenue.

At time of writing, officers are scheduled to meet with the two objectors on 16<sup>th</sup> July, prior to the Hearings Committee reconvening to discuss this matter at its meeting of 26<sup>th</sup> July 2004. Officers will circulate a report outlining the outcomes of the meeting between Council and the objectors once that meeting has been held, with a view to recommending that Council proceeds with the creation of a Pedestrian Mall at Todd Avenue.

## RECOMMENDATION

That the creation of a pedestrian mall at Todd Avenue proceed, subject to the provisions of Section 336 of the Local Government Act 1974, and subject to the inclusion of no less than eight car parking spaces within the overall Todd Triangle development.

Report prepared by: Michael Riley, Project Manager: Strategic Property Projects.

