

**Report to the Resource Consents Hearing Panel
on a Publicly Notified Resource Consent**

22 August 2022

Service Request No: 471670
File Reference: 1927348

<u>Site Address:</u>	26 Donald Street and 37 Campbell Street, Karori
<u>Legal Description:</u>	Section 2 Survey Office Plan 515832 and Section 1 Survey Office Plan 28414
<u>Applicant:</u>	Ryman Healthcare Limited c/o Mitchell Daysh
<u>Proposal:</u>	To establish a comprehensive care retirement village
<u>Owners:</u>	Healthcare Shelf Company No. 28 Limited
<u>District Plan Area:</u>	Outer Residential Area
<u>Activity Status:</u>	Non-Complying Activity

PROFESSIONAL BACKGROUND

1. My name is Laura Brownlie, I am a Senior Planner at Urban Edge Planning Limited and have been engaged by Wellington City Council to assess the subject application. I hold a Bachelor of Arts from Victoria University of Wellington and a Master of Resource and Environmental Planning from Massey University.
2. I was employed in a variety of planning roles at Wellington City Council between 2011 and 2020 and have worked as a Senior Planner at Urban Edge Planning Limited since 2020.
3. Over the past 11 years, I have prepared, assessed and decided a range of resource consent applications. Of particular relevance to this application, I have processed applications for a variety of mid to large scale multi-unit developments, Central Area high rise buildings, a new hospital building, works on heritage-listed buildings, and projects with large infrastructure components, all of which have some relevance to this application.
4. I confirm that I have read the Code of Conduct for expert witnesses contained in section 7 of the 2014 Environment Court Practice Note and agree to abide by the principles set out therein.

SITE DESCRIPTION AND CONTEXT

Site Description and Surrounding Context:

5. Section 3 of the applicant's Assessment of Environmental Effects (AEE) provides a comprehensive description of the site and its surrounds, and it should be read in conjunction with this report.

6. In summary, the site comprises two land parcels: 26 Donald Street, which is 2.9449 hectares and 37 Campbell Street which is 1,126m². For clarity, the site does not include 24 Donald Street (Section 1 Survey Office 515832). The combined area of the site is approximately 3.05ha and it is located between Campbell Street and Donald Street in Karori.
7. The site is located in an established residential area and is surrounded by residential dwellings along Campbell Street, Donald Street, Scapa Terrace, and further afield. Dwellings in the area are typically detached on separate sites and are either one or two storeys in height. The Karori shops are approximately 300m to the north (as measured from the Campbell Street frontage) and Ben Burn Park is located to the south-west at 50 Campbell Street. There are also a number of non-residential activities and buildings in the immediate area, including:
 - Wellington City Council's Karori Pool and the associated car parking area and public accessway, which adjoin the site to the north-west and north-east at 22 and 24 Donald Street;
 - Karori Normal School, which is located further north at 2 Donald Street;
 - Karori RSA, which is adjacent to the site to the north-west at 27A Campbell Street; and
 - Karori Kids Inc., which is a community childcare centre and is located to the north at 29 Campbell Street.
8. A public walkway is located parallel to the site's northern boundary which provides through access between Donald Street and Campbell Street.
9. The site and its surrounds are shown in Figure 1 below. For context, the above-listed non-residential uses and buildings are identified with a yellow star.

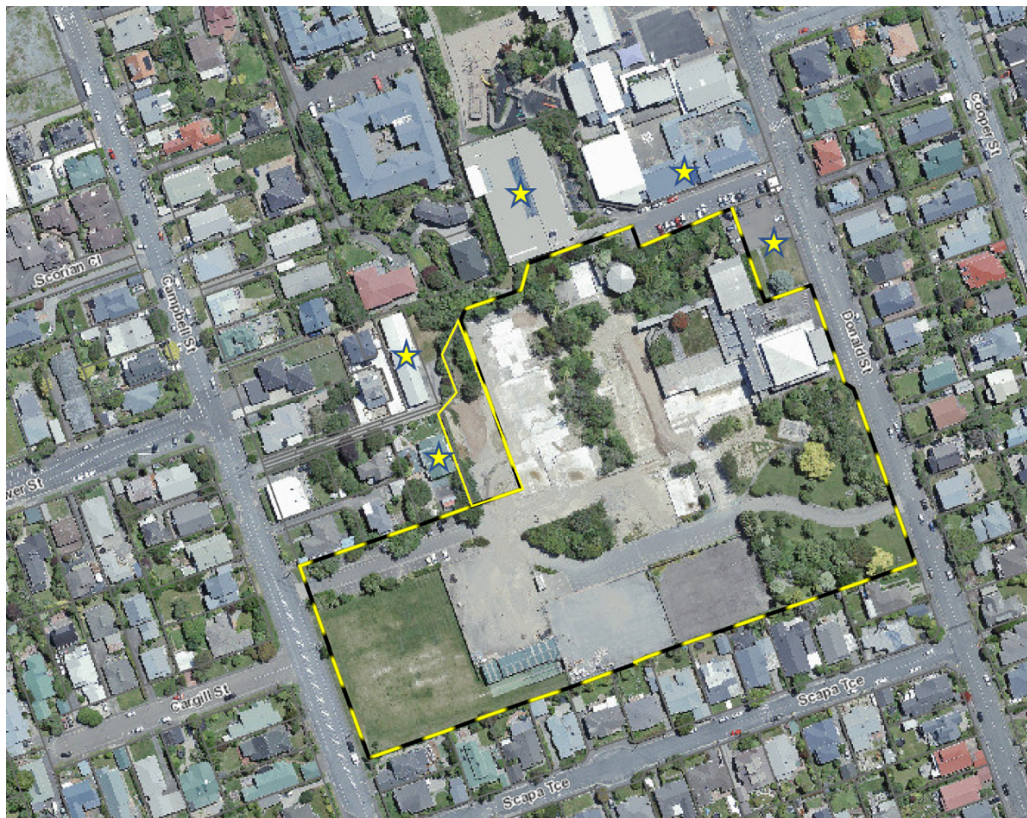


Figure 1: Subject site and its surrounds.

District Plan Context:

10. The site is located within the Outer Residential Area. The following District Plan notations apply to the subject site:
 - Educational Precinct – Victoria University (Karori Campus)
 - Collector Road – Campbell Street.
11. The following non-District Plan notations apply to the site:
 - Historic Place Category 1, as identified by Heritage New Zealand Pouhere Taonga (HNZPT) (List Number 9797)
 - SN/05/1067/02 on Greater Wellington Regional Council’s (GWRC) Selected Land Use Register (SLUR)
 - 1% AEP flood hazard as identified on GWRC’s flood hazard maps.
12. The Wellington City Council property maps identify an open stormwater channel/stream corridor in the south-eastern corner of the site, as shown in Figure 2 below.

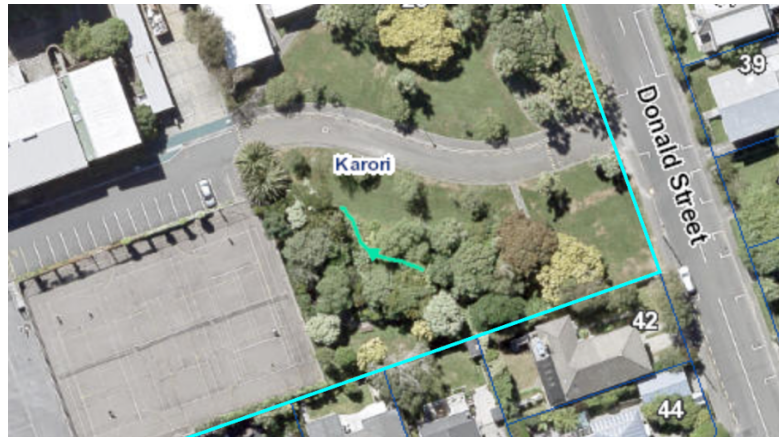


Figure 2: Open stormwater channel/stream. Source: WCC Property Maps.

RELEVANT RMA BACKGROUND

Certificates of Compliance:

13. On 1 May 2018, the Council issued a Certificate of Compliance (SR No. 407395) for the demolition of select buildings on site as a permitted activity.
14. On 27 November 2019, the Council issued a second Certificate of Compliance (SR No. 453248) for the demolition of select buildings on site as a permitted activity.
15. The Certificates of Compliance did not include the demolition of the Allen Ward VC Hall or the Tennant Block.
16. The two Certificates of Compliance were given effect to and all buildings covered by the Certificates of Compliance have been demolished, except for the octagonal building associated with the Oldershaw Block, which could have been demolished under SR No. 407395 but has been retained.
17. Accordingly, of the buildings that formerly existed on site the Allen Ward VC Hall, the Tennant Block, and the octagonal building associated with the Oldershaw Block have been retained and will be adaptively re-used as part of the subject application. All other buildings have now been demolished. For reference, the buildings identified in red in Figure 2, below, are those that have now been demolished.

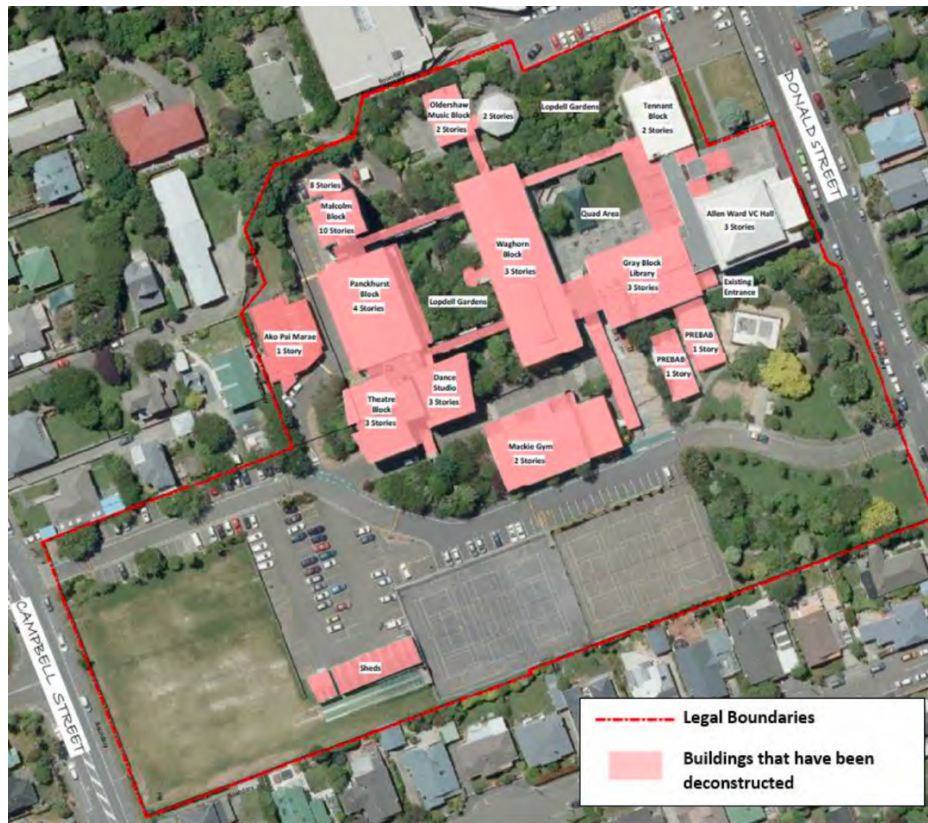


Figure 3: Former buildings that have been demolished. Source: AEE.

Previous Application:

18. On 30 March 2020, the applicant, Ryman Healthcare Limited, applied for resource consent for the establishment of a comprehensive care retirement village (Council’s reference SR No. 462500), similar to the subject proposal. I was involved in this application during the time I was previously employed by Wellington City Council. The application did not advance to a point where a decision on notification was made and the application was formally withdrawn on 1 September 2022.

SITE VISITS

19. During my previous involvement in SR No. 462500 I had visited the site on a number of occasions. These were largely from the external site boundaries and included visiting the site prior to the former buildings being demolished as well as during demolition.
20. In addition, I organised a site visit with the directly adjoining properties and visited their sites on 19 May 2020 (where permission had been arranged in advance). I visited the below listed properties to support my understanding of the relationship between the application site and their properties. A photographic record was made and the photographs were saved against Council’s files and have been drawn upon in this application, where and when required.

Scapa Terrace	Scapa Terrace	Campbell Street	Donald Street
6 Scapa Terrace	16 Scapa Terrace	29 Campbell Street	42 Donald Street

8 Scapa Terrace	18 Scapa Terrace	31 Campbell Street	44 Donald Street
10 Scapa Terrace	20 Scapa Terrace	31A Campbell Street	
12 Scapa Terrace	24 Scapa Terrace	33A Campbell Street	
14 Scapa Terrace	26 Scapa Terrace	49 Campbell Street	

21. On 9 August 2022, I undertook a site visit with Moira Smith, Council’s consultant heritage advisor, and the applicant and was able to access all parts of the subject site. I was also able to view the Scapa Terrace properties, 49 Campbell Street, and Karori Kids (29 Campbell Street) from within the site. On 16 August 2022, at the request of Jeremy Sprott (submitter number 60) and with permission arranged in advance, I visited their property at 32 Campbell Street.

PROPOSAL

22. Section 2 of the applicant’s AEE provides a comprehensive description of the proposal and this should be read in conjunction with this report.
23. There are two sets of plans which have been made public. The first set is the RC set and the second is the RCA set. The RC set is the one that would be approved should the Hearing Panel be of a mind to grant consent, and the RCA set is more for information purposes (as it contains 3D perspectives, shading diagrams, and other illustrative matters) and is not intended to form part of a ‘General’ condition of consent.

Ground works

24. Earthworks are required across the site to facilitate the development, including excavations for the basement car parking, building foundations, and the 1,400m³ water storage tank which is located between buildings B04 and B05 under the car park and courtyard area. Earthworks will be undertaken over an area of approximately 25,000m² and will involve 37,000m³ of cut and 2,500m³ of fill, with approximately 34,500m³ being transported off site. The maximum cut height and fill depth should be confirmed by the applicant as the Tonkin + Taylor report¹ suggests the maximum cut will be around 5.5m but there is no cross section to confirm the exact excavation height. Tonkin and Taylor also say that “the maximum fill heights are expected to be in the order of 3m” but it looks like it will be circa 4.5m.
25. As mentioned above, the site is identified in GWRC’s SLUR due to the presence of an above ground diesel storage tank when the site was operating as Victoria University. As outlined in the application², there is potential for this Hazardous Activities and Industries List (HAIL) activity to have resulted in ground contamination and there is the potential for other HAIL activity to have occurred across the site. Accordingly, the proposal is for the disturbance of, remediation, and management of contaminated or potentially contaminated land.

Servicing / Three Waters

26. The proposal involves the establishment of new infrastructure to service the development. This includes water supply, wastewater, stormwater, telecommunications, electricity, and gas. Sections 2.2.1 to 2.2.5 of the application and

¹ Refer to Appendix H of the application.

² Refer to Appendix J of the application.

BO1A is a collection of six buildings, comprising three proposed buildings and the existing Allen Ward VC Hall, Tennant Block, and octagonal building associated with the Oldershaw Block.

BO1A is located in the northern part of the site and has an interface with Donald Street. These buildings contain a mix of uses, including the main entrance to the village, the village centre which is where the communal amenities are located, the bowling green, the operational and administration facilities, and 44 apartments. Pages 9 and 10 of the AEE provide a detailed overview of BO1A's layout and key features. Two pedestrian gates are provided off Donald Street. A fire exit is proposed from the boundary shared with 24 Donald Street (WCC car park) which will only be used as a fire exit, not as a pedestrian entrance to the village.⁴

The three existing buildings will retain their existing heights and will be adaptively re-used. The larger BO1A building, which is located between the bowling green and BO1B, as shown in Figure 4 above, will be five storeys in height (which includes a level of car parking and an area of base isolation). The two other proposed buildings (one located to the west of the existing Oldershaw Block and the other to the south of the bowling green, as shown in Figure 4), will be base isolated and will be three storeys in height.

BO1B

BO1B comprises two buildings and will be located centrally within the site. BO1B will have a basement level which will accommodate car parking and storage rooms. The building will be seven storeys in height, including the basement level. BO1B will contain the residential care area including the rest home, hospital, and dementia care facilities, 68 assisted living suites, as well as a number of apartments.

Pages 10 and 11 of the applicant's AEE provide a detailed overview of BO1B's layout and key features.

BO2-BO6

BO2-BO6 is a collection of five buildings with BO2 fronting Campbell Street and with all buildings immediately adjacent the rear boundaries of the properties on the northern side of Scapa Terrace. The five buildings are interconnected at the ground floor where adjacent the Scapa Terrace properties (including 49 Campbell Street), which is where the undercroft car parking area is. Roof terrace areas providing private outdoor living space are provided at Level 1 between the main five building forms. BO2-BO6 are up to three storeys in height. There are two entrances to the car park: one directly from Campbell Street and the other is internal to the site between BO4 and BO5.

Scapa Terrace interface

BO2-BO4 are set back 5.5m from south-eastern boundary whereas BO5 and BO6 are set back 4.2m.

The areas where the roof terrace areas are located are single storey in height. The five buildings are then two storeys in height where set back 5.5m or 4.2m. The five buildings are three storeys in height where they have been set back a further 11m from the south-eastern boundary. Visual corridors ranging between approximately 17.8m and 20.2m in width (including the wing walls) are provided between the two storey components of the buildings. Figure 5 below shows the arrangement of BO2-

⁴ Refer to Appendix O of the application.

Bo6 in relation to the boundary shared with the Scapa Terrace properties and 49 Campbell Street.



Figure 5: Buildings Bo2-Bo6, as viewed from the Scapa Terrace properties and 49 Campbell Street. Source: applicant's AEE.

Campbell Street interface

Bo2 directly addresses Campbell Street and is 72.5m in length along this frontage. It is set back between 5.2m and 7.2m from the south-western boundary. Vehicular access to the undercroft car park is provided off Campbell Street as well as a number of pedestrian access points, including ones to individual units located at ground level. When Bo2 is viewed from the residential properties on the opposite side of Campbell Street, it will predominately be three storeys in height except where it tapers to two storeys at either end.

Bo2 and Bo3 will be set back 4.1m from the north-western boundary where directly adjoining the properties at 29, 33, and 33A Campbell Street. These buildings will be two storeys in height where set back 4.1m from the boundary and will be three storeys in height where they are set back further into the site. The third level of Bo2 will be set back approximately 8.1m from the boundary and the third level of Bo3 will be set back approximately 15m (excluding the eave) from this boundary. A visual corridor approximately 15m wide is provided between Bo2 and Bo3 when viewed from these Campbell Street properties.

Pages 11 to 13 of the applicant's AEE provide a detailed overview of Bo2-Bo6's layout and key features.

Bo7

Bo7 is a single building located adjacent to the main entrance and will directly address Donald Street. It is two and three storeys in height, with basement car parking provided under the northern part of this building (which connects to the basement car park under the main village entrance). This building contains apartments.

Pages 13 and 14 of the applicant's AEE provide a detailed overview of Bo7's layout and key features.

Bo8

Bo8 is located between Bo1A and Bo1B, is small in area and is single storey in height. It will house bins and a compactor for recycling.

Access and parking

- 30. As shown in Figure 4 above, there will be two vehicular access points to the site: one from Campbell Street which will provide direct access to the undercroft car parking area in Bo2-Bo6 and will be 6m wide, and the other from Donald Street which is where the existing access point to the site is located and is proposed to be 9m wide. The Donald Street access point will provide access to the entrance portico of Bo1A, which will be the primary access point for visitors to the village and where drop off and pick up of the residents will occur.

31. The internal roading network will be 5.5m wide and will provide for two-way vehicle access throughout the site.
32. 229 car parks will be provided across the development. 39 will be located at grade around the site and 190 will be in basement or undercroft parking areas. The applicant has advised that 25 car parks will be for staff use and that the ratio and allocation of resident car parking and visitor car parking will be determined by Ryman prior to the village becoming operational, should the Hearing Panel be of a mind to grant consent.

Landscaping, fencing, lighting, and signage

33. The existing Lopdell gardens, which are located in the northern part of the site and in between B01A and B01B, will be retained where it is practicable to do so. Some existing vegetation and trees will need to be removed where required for construction-related purposes or if diseased. Any of the existing vegetation removed from the Lopdell gardens will be replaced with appropriate native species.
34. Extensive landscaping is proposed across the site, as shown on the indicative landscape plan⁵. This includes both hard and soft landscaping. The indicative landscape plan also identifies existing vegetation for retention and removal.
35. A publicly accessible pocket park will be located in the site's eastern corner, adjacent to the property at 42 Donald Street. This will not be vested with Council and Ryman will retain ownership and associated maintenance responsibilities. It is noted that the latest plan set only includes two out of the three sheets – Sheet 3 is not included but can be found in the RCA plan set. Sheet 3, being LO-xxxPP Rev A, dated 07/02/2020, identifies an existing memorial kowhai tree in this area. The existing tree will be retained and protected. The pocket park will be landscaped and will have seating, but the applicant advises it will not have lighting. If the space is not intended to be used after dark no light would be the preferable approach. If it is intended to be used after dark, it definitely should be well-lit. The applicant is invited to provide further commentary on this; further commentary on CPTED matters is recommend. The applicant should confirm if the abovementioned Sheet 3, dated 07/02/2020, is the latest version and is to be included as part of the RC plan set.
36. Fencing is proposed across the site. The proposed fencing is shown on RC12, Drawing No. AO-110 (Revision A, dated 18 June 2021), with all external site boundaries being fenced, except where the pocket park faces Donald Street or where a vehicle or pedestrian gate is required.
37. Section 2.1.14 of the applicant's AEE identifies the types of lighting proposed across the site and this is shown on RCA06, Drawing No. AO-20 (noting this is not part of the RCA set).
38. Entrance signage (shown on RC12), wayfinding signage, and posted speed limit signage is proposed⁶. Section 2.1.12 of the AEE describes the different types of signage proposed and Drawing No. AO-20 includes basic signage information. Based on what is shown and described in the plans and AEE, the Donald Street entrance will have two external-facing signs and Campbell Street will not have any external-facing signage.

Other

⁵ Please note the indicative landscape plan does not have a corresponding appendix letter, but it is part of the latest application documents as stated on the WCC dedicated webpage for this resource consent application. The plan revision is 'Amendment S' dated 14/07/21 but it is noted that the detailed plan for the public pocket park is included in the RCA plan set.

⁶ Wayfinding signage and speed limit signage is shown on RCA06, which is part of the RCA set.

39. It is noted that Part A of the AEE outlines the consents required from GWRC. It is my understanding that, at the time of issuing this recommendation report, the consents and permits required from GWRC had not yet been approved.
40. The applicant owns the site at 33 Campbell Street and therefore written approval from this property is implicit and is attached at Appendix P of the application. Any actual and potential effects on 33 Campbell Street must be disregarded.

RESOURCE MANAGEMENT AMENDMENT ACT 2013

41. The Resource Management Amendment Act 2013 (RMAA) came into effect on 3 March 2015 and this application was lodged on 7 September 2020. Consequently, the provisions of the RMAA apply. Of particular relevance, the RMAA changed the resource consent process and timeframes relating to notification and hearings.

RELEVANT NATIONAL ENVIRONMENTAL STANDARD

42. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) enabled the establishment of the Hazardous Activities and Industries List (HAIL). HAIL is a list of activities and industries that are likely to cause land contamination resulting from hazardous substance use, storage or disposal. It has been identified that HAIL activities have (or are likely to have) occurred on the site.
43. In particular, if a person wishes to change the use of land that is, has been, or is more likely than not to have been subject to an activity or industry described in the HAIL and is reasonably likely to harm human health, that activity must be assessed for compliance in accordance with the NES-CS.

RELEVANT NATIONAL POLICY STATEMENT

44. The National Policy Statement on Urban Development (NPS-UD) came into effect on 20 August 2020 and is relevant to this proposal. The NPS-UD supersedes the National Policy Statement on Urban Development Capacity (NPS-UDC), which came into effect from 1 December 2016. Both the NPS-UD and earlier NPS-UDC recognise the national significance of urban environments and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
45. The purpose of the NPS-UD is to enable development by maximising the benefits of intensification. The NPS-UD directs decision making under the Act to ensure that planning decisions enable development through providing sufficient development capacity for housing and business.

PROPOSED DISTRICT PLAN

46. On 18 July 2022 the Council notified the Wellington City Proposed District Plan.
47. The Proposed District Plan gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), enacted in December 2021, as well as the NPS-UD policies 3 and 4 (intensification and qualifying matters).
48. The following provisions in the Proposed District Plan have immediate legal effect:

1. Historic Heritage
 2. Significant Natural Areas
 3. Medium Density Residential Standards (MDRS) – being intensification provisions within the Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) that give effect to the Amendment Act.
49. Decision making processes for the Proposed District Plan will follow both the Resource Management Act 1991 (RMA) Intensification Streamlined Planning Process (ISPP) and the Part One, Schedule One process. This means that the notification of the Proposed District Plan will be split into two separate processes:
- The ISPP process uses an independent hearings panel, has no merit appeals to the Environment Court and must be completed in around one year.
 - The Schedule One process follows the normal Plan Change process and can be subject to appeals to the Environment Court.
50. Provisions relevant to the Resource Management (Enabling Housing supply and other matters) Amendment Act 2021 and NPS-UD will be determined through the ISPP. The remaining provisions will be determined through the Schedule One process.

ACTIVITY STATUS

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect human Health 2011 (NES-CS):

51. Resource consent is required under the following regulation:

<p>Regulation 10</p> <p>The proposal does not meet Regulation 8(3) with respect to the volume of disturbance of soil and the volume of soil to be taken away. The proposal does not meet Regulation 8(4) for a change of use as no PSI has been prepared to assess the risk to human health. The proposal includes a Detailed Site Investigation (DSI) which indicates that concentrations of soil contaminants exceed background concentrations, thus will not meet Regulations 9(1) or 9(3). As such, consent is required as a Discretionary (Restricted) Activity under Regulation 10 of the NES-CS.</p>	<p>Discretionary (R)</p>
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52. The proposal is assessed as a **Discretionary (Restricted) Activity** under the NES-CS.

District Plan:

53. Resource consent is required under the following rules:

<p>Rule 5.3.1 – Activities</p> <p>The proposal requires resource consent as a Discretionary (Restricted) Activity as it will not comply with the following standards:</p> <p><u>Standard 5.6.1.1.1 - Noise</u></p> <p>It is proposed to exceed the permitted standard by 3dB (when measured from 29 Campbell Street) once or twice a week during refuse collection.</p>	<p>Discretionary (R)</p>
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<p><u>Standard 5.6.1.3 - Vehicle Parking</u></p> <p>When the application was lodged, standard 5.6.1.3 applied a minimum car parking rate of one per household unit and one visitor car park per four household units. The proposal did not comply with this requirement at the time of lodgement.</p> <p><u>Standard 5.6.1.4.3 – Site Access</u></p> <p>The site has frontage to both a Collector Road and a Local Road and therefore does not comply with this standard as each frontage will have a crossing, including one onto a Collector Road (Campbell Street).</p> <p><u>Standard 5.6.1.4 .7 - Site Access</u></p> <p>The vehicle crossing on Donald Street will have a maximum width of 9m, which therefore exceeds the permitted width of 6m. The vehicle crossing on Campbell Street will comply.</p> <p>There are no relevant conditions.</p>	
<p>Rule 5.5 – Buildings</p> <p>Resource consent is required as a Non-Complying Activity. It will not comply with the below permitted activity standards and it will not comply with conditions 5.3.4.15, 5.3.4.16, and possibly 5.3.4.19 (refer to footnote 12) under Rule 5.3.4.</p> <p><u>5.6.2.3 – Ground Level Open Space</u></p> <p>50m² of ground level open space is not provided for each unit.</p> <p><u>5.6.2.4 – Site Coverage</u></p> <p>The proposal will have a site coverage of 47.1%⁷.</p> <p>Condition 5.3.4.15 is not met as the site coverage exceeds 42%.</p> <p><u>5.6.2.5 – Maximum Height</u></p> <p>The proposed buildings exceed the 8m maximum building height⁸. The below measurements are not the total building height per building, but rather the exceedance from the 8m permitted height limit. Please refer to Drawing AO-041 for B01A and B02’s building numbers for ease of reference.</p> <ul style="list-style-type: none"> • B01A (1): 11.82m • B01A (2): 3.49m • B01A (3): 3.84m • B01A (4): existing Allen Ward VC Hall (but does not comply) • B01A (5): existing Tennant Block (but complies) 	<p>Non-Complying</p>

⁷ The applicant needs to confirm how site coverage has been calculated. Page 39 of the AEE says it will be 47.1% but this has not been included on the plans. RCO3 says the total building footprint will be 14,533.15m², which, if the total footprint has been used to calculate the site coverage across the 30,575m² site, the site coverage would be 47.5%. It is also not known if the total footprint includes eaves greater than 1m – this should also be confirmed. Based on what is known, I consider it reasonable to say the site coverage exceeds 42%, which is the threshold to elevate the application to Non-Complying activity status.

⁸ Pages 40 and 41 of the AEE list the building height exceedances and the sections in the RC plan set show the exceedances. Drawing AO-041 also includes the RLs for the buildings. It is noted there are some discrepancies between the maximum exceedances between the ones listed on pages 40 and 41, and the sections when working through the RLs. This is particularly the case with B01B (both buildings) and B07. The exceedance in building heights for B02-B06 are consistent between what is listed in the AEE and with the RLs, however, there are some differences shown in the sections (refer to Long Section 5 on RC16).

- Bo1A (14): existing Oldershaw building (but complies)
- Bo1B (6): 15.51m – 17.58m⁹ (this needs to be confirmed by the applicant – refer to footnote)
- Bo1B (7): 14.49m – 14.54m¹⁰ (this needs to be confirmed by the applicant – refer to footnote)
- Bo2: 3.39m
- Bo3: 3.68m
- Bo4: 3.91m
- Bo5: 3.91m
- Bo6: 2.54m
- Bo7: 2.32m – 3.13m¹¹ (this needs to be confirmed by the applicant – refer to footnote)
- Bo8: complies.

While some of the building heights need clarification, I am confident that condition 5.3.4.16 is **not** met as the maximum building height is exceeded by more than 20%.

5.6.2.8 – Building Recession Planes

- North-western boundary (where adjacent to 33 Campbell Street): 841mm (as shown on RC17).
- North-western boundary (where adjacent to 29 Campbell Street) at Bo3: 1,449mm (as shown on RC17).
- Bo1A (northern boundary, as measured to the west of the Oldershaw building): either 2,979m or 4,022m¹² (this needs to be confirmed by the application – refer to footnote).

The proposed buildings comply with the recession planes along the south-eastern boundary shared with the Scapa Terrace properties and 49 Campbell Street and 42 Donald Street¹³.

Compliance with condition 5.3.4.19 cannot be determined at present as confirmation from the applicant is required in respect to the recession plane along the northern boundary. Notwithstanding, the application is already being assessed as a Non-Complying activity as it does not meet conditions 5.3.4.15 and 5.3.4.16.

5.6.2.9 – Alterations and Additions to Buildings with an Existing Non-Compliance

The existing Allen Ward VC Hall exceeds the 8m permitted height limit and the proposal will increase the degree of non-compliance indirectly through the incorporation of the proposed buildings associated with Bo1A as they are all connected.

⁹Bo1B (building 6): The AEE says the exceedance will be 17.58m, the difference in RL says 23.51m so an exceedance of 15.51m, and the section (refer to Long Section 1 on RC16) shows the exceedance to be 16m.

¹⁰ Bo1B (building 7): The AEE says the exceedance is 14.54m, the difference in RL is 14.49m, and the section (refer to Long Section 6 on RC15) shows the exceedance to be 14.783m.

¹¹ Bo7: the AEE says the exceedance will be 3.13m, the difference in RL is 2.32m, and there is no section in the RC set for Bo7, however, the elevations on RC37 show the maximum height at 10.45m, so based on this the exceedance would be 2.45m.

¹² This recession plane needs to be confirmed by the applicant as RP07 on RC14 shows this to be 2.979m whereas section 2 on RC14 shows this to be 4.022m and the ground level is the same as is the 181.52 RL. This will determine whether condition 5.3.4.19 is met for not.

¹³ Page 40 of the AEE states there will be building recession plane infringements along the south-eastern boundary for Bo4 and Bo5. Based on the latest plans and sections, it would appear these buildings comply, but the applicant is invited to confirm this.

<p>Rule 5.3.7 – Multi-unit Development Resource consent is required as a Discretionary (Restricted) Activity. There will be 179 independent living apartments and 68 assisted living suites, both of which meet the definition of a household unit, and 60 care beds (which meets the definition of a residential activity).</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 5.3.10A – Educational Precinct The proposal requires resource consent as a Discretionary (Restricted) Activity as it involves the construction of buildings and structures within an Educational Precinct. The gross floor area of the proposed buildings exceeds 100m², therefore they cannot be provided for as Permitted activities.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 5.3.11 – Signage Resource consent is required as a Discretionary (Restricted) Activity for the proposed entrance signage. There will be two signs at the main entrance on Donald Street and both will be greater than 0.5m² in area (but less than 1.5m²).</p> <p>The relevant condition under this rule, which requires permanent signs on residential sites and buildings to not have a sign area exceeding 1.5m², will be met.</p> <p>The wayfinding and speed limit signage within the site are not considered to be intended principally to attract the attention of the public and do not have implied or actual commercial advertising intent.</p>	<p>Discretionary (R)</p>
<p>Rule 30.2.1 – Earthworks Resource consent is required as a Discretionary (Restricted) Activity as the earthworks will be undertaken over an area of approximately 2.5ha, which exceeds the permitted area of 250m², and the maximum cut height and fill depth will exceed 2.5m.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
<p>Rule 32.2.1 – Contamination Resource consent is required as a Discretionary (Restricted) Activity as it involves the remediation, use, development and subdivision of any contaminated land, or potentially contaminated land.</p> <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>

Notes:

- a. When the application was submitted in September 2020, the Council had minimum car parking requirements, which was one car park per household unit. There were also minimum visitor car parking requirements of one car per every four units. All

minimum car parking requirements were removed from the District Plan on 4 May 2021 and this had immediate effect.

- b. The District Plan does not have a separate rule framework, including any relevant bespoke standards, for retirement villages. As such, the proposed retirement village and care facility are considered to be a 'residential activity' and the proposal is being assessed as a multi-unit development as more than two 'household units', albeit not in traditional sense, are proposed.
 - c. Rule 5.3.10A does not state that the construction of buildings within an Educational Precinct has to be for educational purposes only. As such, consent is required under this rule given the Operative District Plan overlay for this site and that the proposal involves the construction of buildings. However, where residential development is proposed this rule cannot be applied in isolation from the rules and associated standards that apply directly to the construction of residential buildings and structures as Rules 5.1.9 and 5.3.10A do not include a statement that precludes this. While the proposal is a Discretionary (Restricted) activity under Rule 5.3.10A, it involves the construction of residential buildings which do not comply with the standards outlined in section 5.6.2 which then requires consideration under Rule 5.3.4. As the conditions of this rule are not met, the proposal is elevated to a Non-Complying activity under Rule 5.5. In addition, Rule 5.3.7 applies to all residential buildings where the result will be a multi-unit development.
 - d. The Operative District Plan maps do not map the open stormwater channel/stream corridor located in the south-eastern part of the site, however, this is identified on the Council's property maps. Notwithstanding, there are no proposed buildings in that area and there is an existing fence that will be replaced, such that it is not considered Standard 5.6.2.2.11 is breached. As shown on the landscape plan, no impervious surfaces are proposed in this part of the site, thus compliance with Standard 5.6.2.2.12 would be achieved.
 - e. Despite the site and existing buildings, being the Allen Ward VC Wall, Tennant Block, and Octagonal building associated with the Oldershaw Block, being listed as a Historic Place Category 1 by HNZPT, the buildings are not identified in District Plan as being heritage listed. Accordingly, the proposal does not require consent under Chapter 21 - Heritage.
54. The proposal is assessed as a **Non-Complying Activity** under the Operative District Plan.

Overall Activity Status:

55. Overall, the proposal is assessed as a **Non-Complying Activity** under the NES-CS and the Operative District Plan.

NOTIFICATION AND SUBMISSIONS

Notification:

56. The application was publicly notified on 19 April 2022 in accordance with section 95A of the Act as the applicant requested that the application be publicly notified. A public notice appeared in the Dominion Post on this date and a sign was erected on the site. Notice of the application was also posted on the Council's website. Owners and occupiers of land in the immediate area were served a copy of the application:

Campbell Street properties	3, 5, 6, 7, 8, 8A, 9, 9A, 10A, 10B, 11, 11A, 12, 14, 15, 16, 17, 17A, 17B, 18, 19, 19A, 20, 21, 21A, 22, 23, 24, 25, 26, 1/27, 2/27, 28, 28A, 29, 30, 31, 31A, 32, 33, 33A, 34, 36, 38, 40, 42, 49, 53, 55, 57, 59
Karori Road properties	221, 221A, 221B, 221C

Cooper Street properties	1, 2
Lewer Street properties	3, 6, 6A, 7, 7A, 8
Scapa Terrace properties	5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26
Donald Street properties	2, 7, 9, 19, 21, 21A, 22, 23, 23A, 25, 27, 29, 31, 33, 35, 37, 39, 41, 42, 43, 44, 45, 46, 47, 49, 51, 52, 53, 54, 56, 58,
Cargill Street properties	6A, 6B, 7, 8A, 8B, 9, 10, 10A, 11, 12, 13, 14, 15, 16, 17

57. In addition, notice was served on GWRC, Taranaki Whānui ki Te Upoko o Te Ika, Ngāti Toa Rangatira, the Karori Residents Association, and other interested parties registered with the Council.

Submissions:

58. A total of 75 submissions were received by the close of submissions on 18 May 2022. Of these submissions 36 were opposed to the application, 38 were in support of the application, and 1 was neutral.
59. On 18 August 2022 a late submission was received from HNZPT. The applicant has agreed to a section 37 extension to the submission timeframe, so the submission has been accepted.
60. Submissions were received from the following parties:

#	Submitter	Address	Oppose/ Support
1	Heng Hu	27 Hathaway Avenue	Oppose
2	Margaret Halton	IA 703 / 134 Burma Road	Support
3	Tim Prescott	3B/3 Clyde Quay Wharf	Support
4	Richard Hesom-Williams	16 Blakey Avenue	Support
5	Jan Heynes	14 Tisdall Street	Support
6	Donald Craig	12 Lancaster Street	Support
7	Kevin Carr	Flat B05, 10 Ebor Street	Support
8	Darko Petrovic	5/12 Stanley Street	Support
9	Sandra Lamb	81 Silverton Road	Support
10	Helen Carr	Flat B05, 10 Ebor Street	Support
11	Geraint Scott	3/42 Cambridge Terrace	Support
12	Susan Harper	162 Daniell Street	Support

13	J S McPherson	PO Box 3559	Support
14	Michelle Jansen	14 Edgeware Road	Support
15	Jacqueline O'Hagan	53 Campbell Street	Oppose
16	Francine Tyler	26 Scapa Terrace	Oppose
17	Maryann Healy	42 Donald Street	Oppose
18	Yew Mun Ho	5 Ridd Crescent	Support
19	Mei C Ho	5 Ridd Crescent	Support
20	David Wallace Marshall	1 Lancaster Street	Support
21	Gabrielle Anne Marshall	1 Lancaster Street	Support
22	David Powell	46 Donald Street	Oppose
23	Cheryl Harrison	(address not supplied)	Support
24	John Sarfati	275 Karori Road	Support
25	Sandra Waldrom	31 Donald Street	Oppose
26	Denis Stoops	13 Rochester Street	Support
27	Noeline Stoops	13 Rochester Street	Support
28	Judy Elliott	23 Donald Street	Support
29	Angela Werren	27 Standen Street	Support
30	Jennifer Rutledge	11 Farm Road	Support
31	Janet Hercus	25 Donald Street	Support
32	Karori Residents Association c/o Andrea Skews	27 Buller Street	Support
33	Roger E Lane	11 Rutland Way	Support
34	Sandra Fitzgibbon	Apt 618/134 Burma Road	Support
35	Silvana C Evans	3/229 Karori Road	Support
36	Mary Miria Finny	34 Campbell Street	Oppose
37	Helen Meo	6 Scorian Close	Support

38	Barbara Carruthers	14 Scapa Terrace	Oppose
39	John McArdle	15 Scapa Terrace	Oppose
40	Sarah Minson	5 Scapa Terrace	Oppose
41	Nikki Fraser	19A Campbell Street	Support
42	David Butcher	6 Horopito Road	Support
43	Jude Wallace	13 Scapa Terrace	Oppose
44	Simon Ross	383A Karori Road	Neutral
45	Michael Hamilton	18 Scapa Terrace	Oppose
46	Jennifer Mattlin	36 Cooper Street	Oppose
47	Carol Allan	67 Chamberlain Road	Support
48	Virginia Carpenter	21 Donald Street	Oppose
49	Bonita Gestro	6 Scapa Terrace	Oppose
50	Joost and Kerri van Amelsfort	12 Scapa Terrace	Oppose
51	Fire and Emergency New Zealand c/o Fleur Rohleder - Beca Ltd	PO Box 3942	Oppose
52	R & C Blair	7 Cargill Street	Oppose
53	Margaret MacLaren	2 Kate Way	Oppose
54	Richard Brandon	23 Scapa Terrace	Oppose
55	John Eyles	38 Campbell Street	Oppose
56	Andrew and Julie Cooper	49 Campbell Street	Oppose
57	Richard Leikis and Vanessa Porter	20 Scapa Terrace	Oppose
58	Clinton Moran	16 Scapa Terrace	Oppose
59	J Aim	6/260 Oriental Parade	Support
60	Jeremy and Debbie Sprott	32 Campbell Street	Oppose
61	Michelle Frances Walton	3 Spencer Street	Support

62	Bruce Dunstan	11 Scapa Terrace	Oppose
63	Timothy Jacomb	161-163 Karori Road	Oppose
64	Harriette Carr	10 Matai Road	Support
65	Responsible Development Karori Inc c/o Andrew Cooper	49 Campbell Street	Oppose
66	David Jupp	21 Scapa Terrace	Oppose
67	Lina Hao	40 Campbell Street	Support
68	Peter Taylor	21A Campbell Street	Oppose
69	Catherine and Michael Hallagan	42 Campbell Street	Oppose
70	Mark Moore	17 Paddington Grove	Oppose
71	Dr Margaret E. Gordon	41 Ngaio Road	Support
72	Bernadette and Tristram Ingham	22 Scapa Terrace	Oppose
73	Margot King	15 Scapa Terrace	Oppose
74	Bruce and Miranda Major	37 Donald Street	Oppose
75	David Winston King and Anna Reese McKinnon-King	24 Scapa Terrace	Oppose
76	HNZPT	N/A	Oppose

61. The following issues were raised in the submissions:

Visual effects, streetscape and character

- Buildings are too high and overbearing
- Skews the skyline
- The development is too large
- Loss of visual amenity
- Design will fit in well with the residential area
- Development will be compatible with the area and will have less impact than the former Campus
- High quality buildings

Residential amenity

- Shading effects from buildings
- Shading effects from the proposed trees along the southern boundary
- Visual bulk and dominance effects
- Loss of outlook and views

- Privacy effects
- Effect on neighbours will be minimal when compared with the previous use

Landscaping

- Shading effects from the proposed trees along the southern boundary
- Council should impose requirements for planting new trees
- Council should impose requirements to retain existing vegetation
- Exotic plants should not be used; natives will create a haven for bird life
- Trees along the southern boundary are not appropriate
- No mitigation planting adjacent to 16-22 Scapa Terrace
- Landscaping is appealing and is high quality
- Retention of existing vegetation and there will be new landscaping

Wind effects

- Wind effects on backyards
- General wind effects from the development
- Wind funnelling
- Not enough has been done to mitigate wind effects

Construction effects (noise, traffic)

- Duration
- Construction period should be limited to two years
- The scale of the development means there will be a longer construction period
- There should be a published construction program to be part of any building consent, with provision for liquidated damages paid to affected residents should the developer delay or procrastinate
- Construction noise effects
- Noise from construction workers, including use of radios
- Vibration
- Construction traffic effects
- Construction hours should be limited i.e. stricter than NZ6803:1999

Earthworks and Geotechnical

- Dust effects (also exacerbated by the windiness of the site)
- Creation of pollutants
- Ryman Healthcare should make good on their original offer to frequently wash the exterior of affected houses
- Impacts of ground movement from excavations
- Ryman to honour their original offer to neighbours impacted by the development to have their homes assessed pre and post-construction and to rectify any movement or shaking impacts on the houses from construction activities
- Works should not be able to proceed until there is an understanding of soil types and potential impacts to existing buildings
- Should be controls and mitigations in place for heavy rain events during construction

Operational noise

- Noise from garage door alarm
- Noise from tyres screeching from the undercroft car park
- Noise from laundry and air conditioning

Infrastructure / Servicing

- Development will exacerbate existing infrastructure issues

- Additional pressure on existing infrastructure
- Regional Standard and Specification for Water Services (RSWS) used by the applicant is out of date (i.e. not the 2021 version)
- Old data from Ryman's other sites has been used
- That Council excluded Karori from the zoning and height changes because of the constraints further development would have on infrastructure and that Karori cannot sustain high levels of intensification
- Wastewater mitigation is required and should not be left to the engineering approval stage
- Matters should not be left to the engineering approval stage

Flooding

- Flooding impacts on adjoining properties
- Flooding impacts on the surrounding area
- Flooding impacts from over-capacity stormwater pipes
- Stormwater detention should capture a 1% AEP
- Existing open space area acts as a de-facto soakpit

Loss of green space / amenities

- Ryman should provide more green space
- Loss of public open space
- Loss of tennis courts, cricket nets amenities/facilities on site
- Buildings will be in place of open space

Lighting

- Lightspill effects
- Concerns there will be flood lights like there are at Karori School

Traffic

- Increased pressure on public transport
- Increased demand and stresses on on-street car parking during construction
- Increased demand and stresses on on-street car parking once operational
- Safety concerns for daycare, school children, pedestrians
- Not enough on-site car parking for staff, visitors, and residents
- Increased levels of traffic
- Increased level of construction
- Access issues for fire appliances
- Too many car parks are being provided given the public transport in the area
- Council should have dedicated residents car parking in the nearby streets
- Council should have restricted parking or loading zones in the area
- Traffic modelling is outdated
- Concerns that staff will park on the surrounding streets / car parks in front of Ben Burn Park
- Residents concerned they will not be able to park in front of their houses
- Car parks should be allocated for staff and visitors
- There should be a judder bar to slow vehicles exiting from the Donald Street exit

Heritage

- The proposed buildings detract from the heritage values of the buildings that are being retained
- Concerns about the use of aluminium joinery
- That existing timber joinery should be retained and repaired

- Concerns pertaining to the two screens on either side of the entrance lobby

Other

- Impacts on the stream that runs through the site
- There are issues with rodents/vermin on site
- Pest eradication conditions should be imposed
- Lack of consultation by Ryman
- Loss of value to properties
- Internal amenity effects for residents
- Council should promptly respond to residents' complaints regarding noise, traffic, vehicles blocking driveways and the like
- Effects on bird life

STATUTORY CRITERIA

62. Under section 9(3) of the Act:

“No person may use land in a manner that contravenes a district rule unless the use-

- (a) is expressly allowed by a resource consent; or*
- (b) is allowed by section 10; or*
- (c) is an activity allowed by section 10A.”*

63. The application is for a Non-Complying Activity under the District Plan. Subject to section 104D, the Council may grant or refuse consent under section 104B of the Act and, if granted, may impose conditions under section 108 of the Act.

64. Section 104(1) of the Act sets out matters a consent authority shall have regard to in considering an application for resource consent and any submissions received. Subject to Part 2 of the Act (Purposes and Principles), the matters relevant to this proposal area:

Section 104 (1) (a) “any actual and potential effects on the environment of allowing the activity;”

Section 104 (1)(b) “any relevant provisions of-

- (i) a national environmental standard:*
- (ii) other regulations:*
- (iii) a national policy statement:*
- (iv) a New Zealand coastal policy statement:*
- (v) a regional policy statement or proposed regional policy statement:*
- (vi) a plan or proposed plan”*

Section 104 (1)(c) “any other matter the consent authority considers relevant and reasonably necessary to determine the application.”

65. Part 2 (Sections 5, 6, 7 and 8) of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is *“to promote the sustainable management of natural and physical resources”*. Section 5 goes on to state that sustainable management should enable *“people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment”*.

66. In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).
67. An assessment against Part 2 of the Act will be undertaken later in this report.

SECTION 104 ASSESSMENT

Section 104D Assessment – Gateway Test:

68. As the proposal is for a Non-Complying Activity the gateway test of section 104D must be fulfilled, namely that either the effects are not more than minor or that the proposal is not contrary to the objectives and policies of the Operative District Plan and Proposed District Plan, before the application can be considered under section 104B of the Act.
69. As the applicant requested public notification and a Notification Report was accordingly not prepared, the Council has not yet determined whether the effects of the proposal will be no more than minor. As such, the effects will be assessed below.

Section 104D(1)(a) – Effects Assessment:

Permitted Baseline:

70. In forming the opinion for the purposes of section 104D(1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (in accordance with sections 104D(2) and 104(2) of the Act).
71. The applicant has not provided a permitted baseline against which adverse effects can be compared and disregarded. Noting that while the applicant has not provided a permitted baseline argument, the Operative District Plan permits incremental development of a site utilising the permitted activity residential buildings and structures rules and the permitted activity subdivision rule. This can provide for the construction of two houses to begin with, or potentially three now the Medium Density Residential Standards of Schedule 3A of the Act have been notified in the Proposed District Plan, followed by a permitted activity subdivision. Each subdivision can facilitate a faster rate of permitted housing development than the subdivision before it. It is not uncommon for smaller scale developers to develop their land in an incremental way consistent with this.
72. However, without more information from the applicant such an approach cannot be properly considered in terms of credibility, or whether other resource consents may be required such as for earthworks. Additionally, without any information there is no ability to compare the proposal against anything.
73. For this reason, I have not considered a permitted baseline relating to the building development as part of the assessment to follow.
74. The permitted baseline that is of relevance is the construction of a 2m fence on the site's boundaries. Disregarding permitted activity effects from a 2m high fence is considered appropriate in this case as use of the permitted baseline is not inconsistent with the wider context of the District Plan and Part 2.

Existing Environment:

75. It is appropriate to consider the effects of the development in comparison to the existing building development on the site (i.e. the existing environment). In this case, the existing environment comprises the Allen Ward VC Hall, the Tennant Block, and the octagonal building associated with the Oldershaw Block. It also includes the garage building parallel to 20 and 22 Scapa Terrace.
76. For completeness, the existing environment does not include the former buildings associated with the Teachers' College/Victoria University of Wellington which were demolished circa 2020.

Effects Assessment:

77. The effects of this proposal are considered to fall into the following categories:
- Residential Amenity
 - Wind Effects
 - Streetscape, Character, and Visual Effects
 - Landscape Effects
 - Arboriculture Effects
 - Heritage Effects
 - Construction Effects
 - Earthworks and Geotechnical Effects
 - Contamination Effects
 - Traffic Effects
 - Noise Effects
 - Servicing / Three Waters Effects
 - Flooding Effects
 - Effects on Water Quality
 - Signage Effects
 - Lighting Effects
 - Open Space and Recreation
78. I will provide an assessment of the application under the sub-headings listed above which take into account relevant matters raised in the submissions, along with the further advice provided by the Council's expert advisors.
79. My assessment of the adverse effects of the proposal draws on the information provided in the applicant's AEE, along with advice provided by the Council's experts. The table below sets out in full the advice I have received from the Council's experts.
80. Table 1: Advice provided by the Council's experts

Advisor	Area of Expertise	Assessment Date
Sarah Duffell	Senior Urban Design Advisor	21 July 2022
Angela McArthur	Consultant Landscape Advisor	28 July 2022
Mike Donn	Consultant Wind Advisor	26 July 2022
Moira Smith	Consultant Heritage Advisor	25 July 2022 and memo 19 August 2022
Lindsay Hannah	Acoustic Engineer	18 July 2022
Soon Teck Kong	Transport Engineering and Operations Manager	July 2022
John Davies	Senior Earthworks Engineer	14 July 2022

Stephanie Cherfane	Consultant Senior Geotechnical Engineer	1 December 2020
Ayoub Riman	Consultant Geotechnical Engineer	2 August 2022
Suzanne Lowe	Principal Environment Consultant	2 August 2022
David Wilson	Consultant for Wellington Water Limited	19 August 2022

81. Should the Hearing Panel be of a mind to grant consent, **Appendix 1** contains a comprehensive list of conditions of consent as recommended by the expert advisors and as proffered by the applicant in their AEE. Where conditions that would mitigate adverse effects have been proffered or agreed to by the applicant, they can be relevant to determining whether the effects would be no more than minor and I will identify this where applicable.

Residential Amenity

82. The development has the potential to affect the residential amenity of nearby residential properties and on this basis an assessment must be undertaken to determine the scale of effects. Residential amenity includes factors such as shading, privacy and overlooking, and bulk and dominance. It is noted that at large proportion of the submitters who oppose the application have raised concerns relating to these matters. Wind effects are addressed separately.
83. It is also recognised that the directly adjoining and surrounding sites have benefited since the existing buildings were demolished on site in 2020 as, aside from the Tennant Block and Allen Ward VC Hall, the site has been largely vacant of buildings. The associated effects, including visual bulk, outlook, and shading of these buildings have not existed since these buildings were demolished.

Bulk and Dominance

84. Many submitters have expressed concerns relating to the visual impact and bulk and dominance effect the proposal will have of them due to the scale of the development.
85. In assessing the actual and potential visual bulk and dominance effects from the proposal on the adjoining properties, I have relied on the expert advice of the Council's Senior Urban Designer, Ms Sarah Duffell, and the Council's consultant Landscape Architect, Ms Angela McArthur attached at **Appendix 2** and **Appendix 3**, respectively. For completeness, it is noted that Ms Duffell and Ms McArthur's evidence are reviews of the applicant's Urban Design Assessment, prepared by Mr Andrew Burns (dated 16 July 2021), and the Landscape and Visual Effects Assessment, prepared by Ms Rebecca Skidmore (dated July 2021), respectively.
86. To provide a nexus between Ms Duffell's and Mr Burns' evidence, I will address the effects on a per street basis, with supplementary commentary provided where required.

Karori Road Properties

87. I agree with the conclusions drawn by Mr Burns and note Ms Duffell has adopted this assessment. Visual bulk and dominance effects will be less than minor.

Lewer Street Properties

88. Mr Burns' assessment largely relates to users of the street, not residential properties, and concludes that users "will experience minor adverse visual dominance and

character effects.” From a residential amenity perspective, Ms McArthur has advised that for some properties, the upper levels of the proposed buildings will be noticeable, however the separation distance and buildings in the foreground will help reduce the visual impact of B01B. Given the setback between B01B and residential properties on Lewer Street, I consider bulk and dominance effects as experienced from the residential properties will be less than minor. Effects from the other proposed buildings will not be as appreciable from the Lewer Street properties given the topography and intervening built form between these properties at the surrounding environment.

Donald Street Properties

89. There will be approximately 34m between B07 and 42 Donald Street and approximately 40m between this property and B06, with intervening landscaping which will assist in mitigating adverse effects. There is also sufficient separation between this property and B01A, B01B, and any other part of the development that would be visible to this property such that bulk and dominance effects will not occur. As such, I consider bulk and dominance effects on this property will be less than minor.
90. From 44 Donald Street, B07 will largely be screened by the two storey dwelling at 42 Donald Street. I also consider there to be sufficient separation between this property and B06, B01A, B01B, and any other part of the development that would be visible to this property such that bulk and dominance effects will be less than minor.
91. I agree with Mr Burns that for 21, 23, 25, 27, 29, and 31 Donald Street their direct outlook will not significantly change as they presently face the part of the site that contains the Allen Ward VC Hall and Tennant Block. 31 Donald Street will perceive B07, however, the I consider the physical separation of the legal road will provide a sufficient buffer.
92. I agree with Mr Burns that for 33, 35, 37, and 39 Donald Street their direct outlook will change, however, these properties will be physically separated from the site by the width of the legal road (approximately 15m) coupled with the 4.5m-6m setback of B07 from the site’s front boundary. These dwellings are also set back from their western (street facing) boundaries. There is a general consensus between the expert advisors that B07 is more in keeping with residential style apartments. For these properties, there will be change in outlook and they will experience some bulk and dominance from B07, however, I do not consider effects will be more than minor. 41 and 43 Donald Street will have views of B07, but will be sufficiently separated from the building and will have more of an oblique outlook towards this building such that bulk and dominance effects would be minimal.
93. Other proposed buildings will be further separated from the Donald Street boundary, with the topography of the site assisting in minimising visibility for persons at the abovementioned Donald Street properties and the increased separation distance mitigating any bulk and dominance effects.

Campbell Street (excluding 49 Campbell Street)

94. For the properties on the opposite side of Campbell Street (32-42), there will a noticeable change in outlook when compared to the existing site as it has been an open space devoid of buildings for decades. As such, properties have benefited from borrowed amenity so the introduction of B02 on the site will result in bulk and dominance effects and I have relied on the expert advice in determining the extent of

effects. The 20m width of the legal road, in addition to the front boundary setback of B02 (ranging between 5.2m and 7.2m) will assist in mitigating adverse bulk and dominance effects. It is also recognised that the front yards of these properties (32-42 Campbell Street) do not appear to be the primary outdoor living areas and many have fencing and/landscaping along the front boundary. Ms McArthur also noted that *“foreground trees will establish for building integration and will create a more contemporary but acceptable streetscape character to Campbell Street front”* which will soften the ground level. B01B and parts of B01A may be visible, but they are set back further into the site away from these properties. I consider that, overall, bulk and dominance effects will be no more than minor on these properties.

95. As for 29 and 33A Campbell Street, I agree with the conclusions reached by Mr Burns that the effects will be minor given the visibility of B01B and B03 in relation to these sites. It is acknowledged that there is separation distance from the proposed larger buildings and these properties that provides some mitigation, and that planting will also assist in mitigating visual effects over time.
96. I agree with the conclusions reached by Mr Burns that bulk and dominance effects on 27A Campbell Street will be less than minor due to this property’s non-residential use.
97. Properties further to the north (19, 19A, 21, 21A 23, 25, 1/27, 2/27, 31, 31A) will likely perceive B01B, however, given the separation distance and intervening built form, I consider bulk and dominance effects will be less than minor. In a similar vein, 53 Campbell Street and the properties further to the south may perceive the buildings, namely B02, B03, and B01B, but I consider bulk and dominance effects will be less than minor given the separation and intervening built form.

Scapa Terrace and 49 Campbell Street

98. 6-24 Scapa Terrace and 49 Campbell Street adjoin the site to the south. 26 Scapa Terrace is sited behind 49 Campbell Street, so it does not directly adjoin the site, but is in close proximity. These properties will largely experience the visual bulk and dominance effects associated with B02-B06, although B01B and B01A will have some visibility. B07 may also be visible but this will be filtered by existing vegetation that is being retained in the south-eastern corner. Submitters have expressed concerns about the visual bulk and dominance, including height and scale of the buildings, loss of outlook, and the role of landscaping to mitigate bulk and dominance effects.
99. Presently, these properties have an unobstructed northern outlook as they either face the open space area (Campbell Street end), garages that are still on site, tennis court and netball courts (with the part of the site that contains the slabs of the former buildings that have since been demolished in the background), or the vegetated south-eastern part of the site. A comparison of effects between the proposal and the former Teachers’ College cannot be undertaken as the existing environment is what currently exists on site today subsequent to demolition. Accordingly, the development of the subject site will inevitably change the outlook experienced by these properties and will introduce bulk and dominance effects to an area that, with the exception of the existing garages, is largely open space or vegetated.
100. Visual bulk and dominance assessments have been undertaken for these properties by Mr Burns and Ms Duffell (from an urban design perspective) and by Ms McArthur and Ms Skidmore (from a landscape and visual effects perspective). There is general agreement between the advisors in terms of the effects on these properties. I am relying on their expertise to inform my overall conclusions.

101. Ms Duffell advises in her evidence that she is “*not completely agreed with Mr Burns’ view that Scapa Terrace has a high level of visual containment which screens views beyond the dwellings. Particularly along the northern side, most of the houses are single-storey and set at street level. This creates a relatively open aspect northwards that will be impacted by the dwellings along the applicant’s south boundary.*” I agree with Ms Duffell’s point on this.
102. The ground and first floors of B02, B03, and B04 are set back 5.5m from the southern boundary and B05 and B06 are set back 4.2m. The upper floors are set back a further 11m, thus providing a separation of 16.5m and 15.2m from the southern boundary. It is noted that the southern boundary recession plane complies along this boundary. Ms Duffell advises that “*care has been taken in the design to moderate building bulk in this area by way of transition of volumes, orientation, and landscaping.*” Ms McArthur also shares this view.
103. Submitters expressed concerns about the landscaping and that it was disingenuous to rely on landscaping to mitigate adverse visual effects and that large trees will result in additional shading effects. This has been considered by Ms McArthur and is discussed in further detail in the ‘Landscape Effects’ section below, but, in short, Ms McArthur advises that a change is required and that landscaping along the southern boundary would need to be limited to a maximum height of 4m (at maturity), or it could be higher but only if the tree is deciduous, in order to achieve visual mitigation of the development without creating effects from the landscaping itself. Planting is proposed along the entire length of the southern boundary and Ms McArthur advised that this will help filter views and reduce visual impact of buildings rather than obscuring buildings entirely.
104. Ms McArthur notes in her evidence (paragraph 43, **Appendix 3**) that she concurs with Ms Skidmore that “*there may be greater visual intrusion effects for the residents at 49 Campbell Street and 24 Scapa Terrace with upper level windows overlooking the [application] site.*” Mr Burns has also provided an assessment on the upper levels of these dwellings. These dwellings are two storeys, however, having visited both properties in May 2020 their primary living areas are on the ground floor, not the upper floor. So while there may be greater visual change and associated effects as viewed out of the upper level windows, I do not consider this to result in a more than minor effect given bedrooms are not primary living areas and are not typically afforded the same level of amenity as primary living areas.
105. I agree with Mr Burns that bulk and dominance effects on 6 Scapa Terrace will be less than minor due to the physical separation between B07 and B06 and that this property will largely retain a planted northern outlook.
106. The properties to the south of Scapa Terrace, being 5-23 Scapa Terrace, will perceive the development but to a lesser degree than that of the properties on the northern side of Scapa Terrace. Buildings will be visible in the breaks between the buildings on the northern side of Scapa Terrace, as shown in the Visual Simulations package, with B01B having some visibility over the single storey dwellings on the northern side. Notwithstanding, these properties are set back some 40-45m from the subject site’s southern boundary which will moderate bulk and dominance effects to a degree. This, coupled with the intervening building form, leads me to conclude that bulk and dominance effects on these properties will be less than minor.
107. The building bulk and location standards are intended to provide for development while still achieving reasonable levels of amenity for neighbouring properties. The

proposed buildings B02-B06 comply with the building recession planes (standard 5.6.2.8) along the south-eastern boundary, deck in side yard (5.6.2.2.9) for the first level terraces, and where the building is two storeys in height along this boundary it is under the 8m height limit, (where there are exceedances with 5.6.2.5 the upper level is set back a further 11m from the lower two levels and will not be as evident). There are also no front yard requirements as the width of the legal road is 20m (Campbell Street) and, similarly, there are no requirements for side yards in the Outer Residential Area, thus the setbacks proposed (4.2m and 5.5m along the south-eastern boundary and 5.2m – 7.2m along the Campbell Street frontage) are over and above what the District Plan anticipates for buildings sited from boundaries.

108. The full extent of the additional building bulk from the site coverage infringement will not be appreciable from any one site given the size of the site, the siting of the buildings, and the topography of the site. The taller buildings within the site are physically separated from these sites, so while there may be visibility of these buildings, these will be separated and there will be intervening building bulk (from B02-B06) which will limit building bulk and dominance effect as the full extent of the these buildings will not be as visible.
109. Having considered the expert evidence, I consider that bulk and dominance effects will invariably change for these properties at 8-24 Scapa Terrace and 49 Campbell Street, but will not result in more than minor effects. Effects on 5-23 Scapa Terrace will be less than minor.

Other Residential Properties

110. The proposed buildings may be visible from other properties, such as Cargill Street, Cooper Street, Firth Terrace, and further afield, however given the physical separation and intervening built development, I consider bulk and dominance effects will be less than minor on all other properties.

Karori Pool and Karori Normal School

111. These properties may have views of the proposed buildings, however, given the site and separation and that they are less sensitive receivers due to the non-residential uses, effects will be less than minor.

Conclusion

112. Based on expert advice received, and taking into account the extent of compliance with the Operative District Plan bulk and location standards where relevant, I consider that actual and potential visual bulk and dominance effects as experienced by adjacent properties will not be more than minor.

Privacy

113. Abovementioned, a number of submitters have expressed concerns about loss of privacy and increased overlooking from the proposal. Privacy effects are a relevant matter of consideration given the scale of development and the location of the proposed buildings in relation to adjacent properties.
114. In assessing the actual and potential privacy and overlooking effects from the proposal on the adjoining properties, I have been informed by and will call upon the assessments and conclusions reached in the following:
 - a. Evidence prepared by the Council's Senior Urban Designer, Ms Sarah Duffell

- b. The applicant's Urban Design Assessment, prepared by Mr Andrew Burns.

49 Campbell Street and 6-24 Scapa Terrace

115. Section 3.3 of Mr Burns' Urban Design Assessment provides an assessment of privacy effects on the 'Scapa Terrace Properties', which includes the even numbered properties to the south of the site and 49 Campbell Street. Mr Burns' assessment includes the use of a representative selection of the cross sections (supplied in the proposed plan set) and has annotated the cross sections with setbacks and viewing lines to better illustrate his assessment.
116. B02, B03, and B04 are set back 5.5m from the common boundary on the ground and first floors, and the upper level is set back 16.5m. B05 and B06 are set back 4.2m from the southern boundary on the ground and first floors, and the upper level is set back 15.2m. All the dwellings at 6-24 Scapa Terrace are set back varying distances from the common boundary, with the dwelling at 49 Campbell Street being located the closest to the common boundary.
117. In terms of privacy and overlooking, I have considered the matters raised in the submissions, however, I agree with the assessment provided by Mr Burns in that the privacy and overlooking effects from B02 – B06 will be less than minor. I do note that Mr Burns' has referred to "*intervening tree planting (existing and proposed) will effectively mitigate adverse privacy effects*" but I have not relied on any existing vegetation on neighbouring sites as a form of mitigation as this is beyond the applicant's site and could be removed at any given time. Notwithstanding, this does not change my conclusion that effects will be less than minor as:
- a. There are no windows on the ground level of B02-B05, there are three windows along the ground level of B06; two are set back at least 4.2m from the boundary, with the third being set back slightly further. The setback, coupled with boundary fencing and landscaping, will assist in mitigating effects;
 - b. The first level only contains high level windows, which, by virtue of their design, will limit overlooking;
 - c. The first level terraces will be screened by planting. The Landscape plan notes that "*To address the potential privacy issues of being able to look into the rear of Scapa Terrace properties: planter boxes along the southern end of the mezzanine floor will be planted with species that will have a finished height (pot and plant) of 1.5m height.*" Ms McArthur has recommended conditions of consent that requires the landscaping details to be provided to Council for certification, including specifying minimum heights for planting. Planting will assist in mitigating privacy and overlooking from the first level terraces; and
 - d. The upper level of the buildings are set back either 15.2m or 16.5m from the southern boundary. While there are windows on the upper level that would have increased potential for overlooking, the setbacks and limited line of sight, as illustrated on the representative cross sections in Mr Burns' assessment, mitigate these effects. In particular, overlooking of the primary outdoor living spaces for the adjacent Scapa Terrace and Campbell Street properties will be heavily restricted due to building design and landscape treatment, if it occurs at all.
118. It is noted that the primary indoor living areas of 24 Scapa Terrace and 49 Campbell Street are not located on the upper levels, so while there may be a clearer line of sight between these upper levels and the middle and upper level of B02, this will not be into the primary living areas as these are located on the ground floor.

119. It is further noted that Ms Duffell has advised that she is satisfied with the conclusions drawn by Mr Burns in relation to these properties. For the above reasons, I therefore consider any actual and potential privacy effects on 49 Campbell Street and 6-24 Scapa Terrace will be no more than minor.

29 Campbell Street

120. Mr Burns states that this site contains a dwelling used as a childcare facility. For clarity, the building is used for a childcare centre and is not used as a dwelling.
121. Trees are proposed in front of B03 which will assist in screening overlooking from the ground level windows. The middle level windows are high level windows, which, by virtue of their design, will limit overlooking into 29 Campbell Street. The upper level is set back sufficiently from the shared boundary such that effects will be less than minor from B03.
122. B01B is seven storeys in height (including the basement level) and is located to the east of 29 Campbell Street and will be set back at least 21m from this site, which will assist in mitigating effects from the higher levels. The separation, coupled with the fencing and landscaping proposed along the length of the shared boundary will also assist in mitigating effects from the lower levels. Ms Duffell has stated that *“I don’t consider the use as a childcare centre to be residential in nature. Therefore, it would not be reasonable to apply the usual privacy expectations of a private household to this property.”*
123. I consider the childcare centre to be a relatively sensitive use, which should be afforded reasonable levels of privacy but not necessarily the same as a residential use. However, given the scale of B01B and the mitigation proposed, which includes the setback and landscaping along the length of the boundary, I consider privacy effects will be minor.
124. I also agree that planting and separation distance will moderate any ability to look into the outdoor space on this site.
125. I consider privacy and overlooking effects on this property will be no more than minor.

126. 33A Campbell Street

127. This property is largely located in the space between B02 and B03, but does have a direct interface with the western part of B03. There are no windows on the southern elevation of the dwelling such that effects will be negligible. In terms of effects on the outdoor living area, which is located to the east of the dwelling, I agree with Mr Burns’ assessment as the proposed trees (White Cedar and Upright Maidenhair) in front of B03’s northern elevation and boundary fencing will assist in mitigating adverse privacy effects. The middle level windows of B03 are high level windows, which, by virtue of their design, will limit overlooking into this property. The upper level of B03 is sufficiently set back from the common boundary and the upper level of B02, whilst closer to the northern boundary, will not directly face this property with any overlooking being at an oblique angle. Accordingly, privacy and overlooking effects on this property will be no more than minor.

128. 27A Campbell Street (RSA)

I agree with Mr Burns’ assessment that privacy and overlooking effects will be less than minor, primarily because of this site’s non-residential use.

129. 15, 17, 17A, 17B, 19, 19A, 21, 21A, 23, 25, 1/27, 2/27, 31, 31A Campbell Street and 26 Scapa Terrace
130. I agree with Mr Burns' assessment that privacy and overlooking effects will be less than minor given the setback from the site and screening by intervening built form.
131. Effects on 33 Campbell Street have been disregarded as the applicant owns this site, thus written approval is implicit and has been obtained.
132. 28/28A, 30, 32, 34, 36, 38, 40, and 42 Campbell Street
133. I agree with Mr Burn's assessment that privacy and overlooking effects will be less than minor given the separation distance afforded by the width of the legal road (approximately 20m). It is also noted that additional separation is provided as the ground level of B02 is further set back into the site between 5.2m and 7.2m. Landscaping is proposed along the Campbell Street frontage which may further mitigate any privacy and overlooking effects. Ms Duffell is satisfied with the conclusions drawn by Mr Burns'. Accordingly, I consider privacy and overlooking effects on these properties will be less than minor.
134. 25 – 41 Donald Street
135. I agree with Mr Burn's assessment that effects will be less than minor given the separation distance afforded by the width of the legal road (approximately 15m south of the Allen Ward VC Hall and approximately 17m north of it). It is also noted that additional separation is provided as B07 is set back into the site. There are no privacy and overlooking effects from the western elevation of the Allen Ward VC Hall as it contains no fenestration. Any privacy and overlooking effects from the Tennant Block will be further mitigated by this building's setback into the site. Ms Duffell is satisfied with the conclusions drawn by Mr Burns. I consider perceived privacy and overlooking effects from the Allen Ward VC Hall and Tennant Block will be comparable to the existing environment, as the physical separation will limit any perceived additional effects attributable to the changing activity within the site. Accordingly, I consider privacy and overlooking effects on these properties will be less than minor.
136. 42 Donald Street
137. I agree with Mr Burns' conclusion that privacy and overlooking effects will be less than minor on 42 Donald Street given the approximate 34m separation between B07 and this property. There is also approximately 40m between this property and B06.
138. With respect to the publicly accessible pocket park in the south-eastern corner of the application site, Submitter 17 (of 42 Donald Street) stated in their submission that "*I would appreciate Ryman funding a high fence that is aesthetically appropriate and allows me to enjoy privacy and peace next door.*" Ms Duffell has responded to this in her evidence, attached at **Appendix 2**, which I generally agree with respect to an urban design perspective, including the benefits the proposed fence has for passive surveillance. However, I note the following:
- a. The District Plan provides for fences up to 2m in height as a permitted activity so a solid 2m fence on the site boundary could be constructed (and shading effects on this property would be expected from this).
 - b. Should Ryman wish to change the fence height and transparency/solidity in response to this submitter's request (up to 2m as a permitted activity) then I do not disagree with that approach given a 2m solid fence is anticipated by the District Plan.

- c. It is noted that applicant has not sought consent to exceed the 2m permitted fence height.
 - d. While it is beneficial to have a semi-permeable fence where adjoining a publicly accessible space, there are no District Plan rules in Chapter 4 that prescribe different fence heights or typology where adjoining such a space.
139. Regardless of the above, I do not consider the proposed pocket park and current fencing design will result in adverse privacy and overlooking effects given it is adjacent to the front yard and driveway area of 42 Donald Street, rather than the primary outdoor living space, and that there are no windows on the ground level of the dwelling (as this relates to the garage aspect). Landscaping is also proposed which may assist mitigating privacy and overlooking effects so a certain degree. As such I consider privacy effects will be no more than minor.

Shading

140. Shading diagrams have been supplied with the applicant's AEE. These show the shading at 15 minutes intervals throughout the day in the summer solstice, equinox, and winter solstice.
141. The shading diagrams are showing the shading from:
- a. The existing buildings that are being retained
 - b. The former buildings which have been demolished
 - c. The proposed buildings
 - d. Shading from buildings built to residential buildings standards.
142. I consider that I can rely on a. and c. for the purposes of analysing the actual and potential shading effects. I do not consider it appropriate to use/compare/disregard the shading from the former buildings that existed on site (b.), as described in 'Existing Environment' section earlier, as there is no existing environment I can rely on that would include the demolished buildings as they have now gone. Furthermore, I do not believe I can use/compare/disregard the shading shown that is based on the residential standards for height and building recession planes (d.). What has been shown is shading from the 8m height limit and building recession plane, but effectively with 100% site coverage, which could never be built in accordance with the residential standards as the permitted site coverage is 35%, not 100%. The 50% building coverage introduced with the MDRS having been notified in the Proposed District Plan may provide some additional benefit, noting a good portion of the site is subject to a qualifying matter which adds complexity to the application of the MDRS, however again this is still well short of 100% of the site which is what the shading information is based on. I do, however, acknowledge that it is helpful to see where the shadow cast from the 8m height limit will fall on adjoining properties.
143. I understand that the shading diagrams do not show the shading from existing fences and vegetation.
144. The shading diagrams do not separately show shading from a 2m high permitted boundary fence, which is a relevant consideration in disregarding shading effects from a 2m high solid boundary fence which could be constructed on the site's boundaries as a permitted activity. The applicant may wish to show shading from a 2m high solid boundary fence during the winter solstice at selected times (not all the 15min intervals) to illustrate the extent of the shadow cast on the properties adjoining the site to the south (49 Campbell Street, even numbered Scapa Terrace, and 42 Donald Street).

145. The shading on the properties to the south (49 Campbell Street, the even numbered Scapa Terrace properties, and 42 Donald Street) can largely be attributed to buildings B02-B06 which are the two- three storey dwellings. The shading from B01A and B01B, being the five and seven storey buildings (with the seven storey buildings including a basement level), does not appear to impact these properties to a noticeable degree when viewed in conjunction with the shading from B02-B06 as shading from the taller buildings is largely being absorbed by B02-B06 except for a short time at the end of the day in the winter solstice where the shadow projects further south.
146. The receiving environment is an important consideration in determining whether shading effects will be less than minor, minor, or more than minor. The receiving environment is the environment upon which a proposed activity might have effects and it can include the future state of the environment as it might be modified by activities which can be lawfully undertaken as a permitted activity.
147. Where the term 'existing environment' has been referred to in the shading effects assessment below, I emphasise that this does not relate to the subject site as it was prior to the former buildings associated with the Teachers' College/University being demolished. It relates to the existing environment of the area beyond the application site boundaries, i.e. existing dwellings in the area.
148. I have read the applicant's Urban Design Assessment, prepared by Andrew Burns, including section 3.3 of his assessment and the conclusions reached therein. I have also viewed the accompanying shading breakdown attached at appendix 2 of Mr Burns' report and have studied the proposed solar studies supplied by the applicant.
149. So as to provide a nexus between the below shading analysis and that of Mr Burns', I have followed the order in which the properties were listed/assessed in Mr Burns' assessment. I will state if I agree or disagree with the assessment made by Mr Burns and will provide an explanation why I do not agree with the assessment and conclusion reached. I will also include any other relevant information and a supplementary assessment where warranted.
150. A number of submitters express concerns about the shading effects from the proposed buildings. Some concerns are expressed more generally and some are concerned for the shading effects on their neighbours' properties. Conversely, other concerns are specific. I have addressed concerns raised by submitters where they relate to a specific property.
151. It is recognised that the properties directly adjoining the site (even numbered Scapa Terrace properties, 49 Campbell Street, 42 Donald Street, 29 Campbell Street, and 33A Campbell Street) as well as the properties located on the opposite sides of Campbell Street and Donald Street (32-42 Campbell Street and 31-43 Campbell Street) have greatly benefitted from borrowed amenity as the southern, western, and part of the eastern boundaries/parts of the site have been largely undeveloped since the former Teachers' College was established in the late 1960s and late 1970s. Instead, these parts of the site have accommodated open spaces, at grade car parking, tennis courts, landscaping, and the garage-type building that is parallel to 20 and 22 Scapa Terrace, thus these properties have not experienced visual bulk and associated shading effects from this site (except perhaps from the garage-type building).
152. Importantly, the subject site is zoned Outer Residential. It is not zoned Open Space or Conservation, for example, which would imply that it is not suitable for residential development. Quite the contrary, the site is not only zoned for residential use subject

to the bulk and locations controls for such development, it also has an overlay that envisaged its use as an educational facility.

153. These properties have not experienced effects from proximate built development along the southern, western, and part of the eastern boundaries/parts of the site. Accordingly, these properties will likely experience the most noticeable change in effects, however, it is not reasonable to expect that a three hectare site with residential zoning in close proximity to amenities, services, and the CBD to be forever vacant or undeveloped along the western, southern, and part of the eastern boundaries. As such, borrowed amenity cannot be relied upon in perpetuity.
154. Policy 4.2.4.1 states “the building recession standards are intended to protect people’s access to a reasonable amount of direct sunlight.” While the proposal and associated effects are considered in the round (as proposals that exceed site coverage and building height can result in shading effects as well), it is acknowledged that the building recession plane along the southern boundary shared with 49 Campbell Street, the Scapa Terrace properties, and 42 Donald Street complies at all points. There is no non-compliance in respect of this standard along this boundary.

6 Scapa Terrace

155. Submitter 49 (Bonita Gestro of 6 Scapa Terrace) has stated in their submission that “*I also stand to lose a reasonable amount of sunlight from the shading effects of the new building.*”
156. I visited the site in May 2020 and have included a photograph of this property’s deck and northern elevation as it was then for reference – refer to Figure 6.



Figure 6 – 6 Scapa Terrace.

157. Winter solstice: at 3:15pm the shading from the building reaches this property’s western boundary and reaches the deck and dwelling thereafter. By 3:45pm the dwelling and deck are completely shaded. At all other times during the winter solstice this property is free of shading from the proposed buildings.
158. Equinox: this property experiences shading from the proposed buildings at 4:45pm. This starts at the common boundary and grassed area and reaches the edge of the deck at 5:15pm and has reached the dwelling by 5:45pm. At all other times during the equinox this property is free of shading from the proposed buildings.
159. Summer solstice: there is no shading from the proposed buildings on this property.

160. There would be a degree of shading from the existing environment from the two storey dwelling at 42 Donald Street.
161. In considering the above, and taking into account the conclusion reached by Mr Burns, I consider that the shading effects will be no more than minor on this property

8 Scapa Terrace

162. I visited the site in May 2020 and have included a photograph of this property's deck and northern elevation as it was back then for reference – refer to Figure 7.



Figure 7 – 8 Scapa Terrace.

163. Winter solstice: shading starts on this site (in the western corner) from 10:45am and gradually increases as the sun tracks westward. At 12:45pm the shading reaches the northern façade of the dwelling; the right photograph, above, shows the portion of the façade that will be shaded at this time. The deck and stepped back northern façade (image on the left) is not shaded by the proposed buildings until 2:00pm where a small amount of shading falls on the western-most part of the deck. From this time, the shadow increases in surface area to the south-east until 3:00pm at which time the deck is completely shaded and the shadow reaches the sliding doors seen in the figures above). I do not consider this to be a minor effect as there is sunlight on the deck and sliding doors (albeit it to varying degrees) up until 3:00pm and the northern façade is considered to receive adequate levels of morning and very early afternoon sunlight.
164. Equinox: this property experiences shading from the proposed buildings at 3:00pm. The shading falls on the outdoor area and by 4:45pm it reaches the edge of the deck and northern façade. A small part of the deck is not shaded at 5:30pm but is fully shaded by 5:45pm. At all other times during the equinox this property is free of shading from the proposed buildings.
165. Summer solstice: there is no shading from the proposed buildings on this property.
166. In considering the above, and taking into account the conclusion reached by Mr Burns, I consider that the effects will be no more than minor on this property.

10 Scapa Terrace

167. I visited the site in May 2020 and have included photographs of this property's deck, outdoor living area, and northern elevation as it was back then for reference – refer to Figure 8.



Figure 8 – 10 Scapa Terrace

168. Winter solstice: Shading is on this property as early as 8:30am in the winter solstice. This is due to this property being located to the south of the application site and south of the proposed buildings. The angle of the shadow at 8:30am until 9:00am is such that a small area of shading falls in the western corner of the site. There is some shading on the outdoor living area from 9:00am, however, this is restricted to the area near the common boundary and the shadow moves across the site to the east in this location near the boundary. It does not shade the entire outdoor living area. The shadows inch closer to the dwelling and cover more of the deck area around 1:30pm. At 2:30pm the shadow reaches the northern façade of the eastern part of dwelling (not the curved windows/conservatory shown in Figure 8 above) and it does not cover the entire outdoor living area, with the shadow free-part of this area still visible. By 3:15pm, the northern façade and outdoor living area are shaded. I have considered whether this would warrant a minor effect. The shading in the morning and near the boundary is not considered to be adverse and a compliant 2m fence (if it was modelled) would have a shading effect on this part of the site. Given the sliding doors and conservatory are not shaded by the proposed buildings until 3:15pm and that there are still areas of the outdoor living area that are unimpacted by shading until this time, effects are not considered to be significant or more than minor.
169. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is, however, localised to a small area in the northern corner of the site from 3pm until 5:00pm. At 5:00pm, the shadow appears like a semi-circle near the northern boundary at 5:15pm, the shadow covers approximately half of the outdoor living area and reaches the dwelling at 5:30pm. From 5:30pm the shadow is over half of the dwelling and is fully shaded by 6:00pm. At all other times during the equinox this property is free of shading from the proposed buildings.
170. Summer solstice: there is no shading from the proposed buildings on this property.
171. There would also be shading on the property from a 2m high permitted fence on the boundary.
172. On balance and in considering all of the above, taking into account the conclusion reached by Mr Burns, I consider that the effects will be no more than minor on this property.

12 Scapa Terrace

173. Submitter 50 (Joost and Kerri van Amelsfort of 12 Scapa Terrace) discussed shading effects in section 3 of their submission. Helpfully, they have included photographs which show shadows cast on their northern yard close to the winter solstice (19 June

2019). What is evident from the photos (taken at 12:17pm reproduced below at Figure 9) is that shading from the (presumably compliant up to 2m) fence shades almost half of the lawn, noting that this is believed to be set into the site as opposed to being on the boundary where the tennis court fence is/was. As mentioned earlier, the shading diagrams do not differentiate between shading from a 2m permitted fence and the proposed buildings, but it would be remiss to not consider the shading from permitted boundary fences and, abovementioned, the applicant is invited to provide plans that show the shading effects from a 2m permitted fence during the winter solstice.



Photo taken at 12.17pm on 16 June 2019 (ie near mid-winter)

Figure 9: photo from submitter number 50.

174. I visited the site in May 2020 and have included a photograph of this property's deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 10. A single garage is located in the north-eastern corner.



Figure 10: 12 Scapa Terrace.

175. Winter solstice: at 8:30am most of the lawn is shaded, but not all of the deck. This is like this until 10:00am where there is a small surface area of shading to the west of the garage. Shading on the garage can be considered less than minor given the nature and use of a garage. At 10:15am, the area of shading on the lawn reduces further and by 10:45am, the lawn is completely free of shade from the proposed buildings, with the

shading fall on the garage. The lawn, deck, and dwelling are completely free of shade from the proposed building until 1:00pm. Based on the image above, we know the lawn is partially shaded at 12:19pm from the existing fence, but the proposed buildings do not contribute to shade at that same time. At 1:00pm, shading falls near the boundary that is shared with 14 Scapa Terrace and is likely to reach part of the deck. By 2:30pm, more of the deck is shaded as is the lawn, but remembering the existing fence contributes to shade on the lawn from 12:19pm (as also a permitted 2m fence on the boundary would). From 3:00pm the dwelling and deck are shaded. I have turned my mind to whether this would warrant a minor effect and, while it is close, the determining factor is that the dwelling is not shaded until 3pm which means up until this time all northern facing windows are unaffected by the shading from the proposed buildings. There are also parts of the deck and lawn that are not impacted from shading throughout the day and can be utilised for outdoor living.

176. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is, however, localised to a small area in the north-western corner of the site from 3:00pm and by 4:00pm, the area of the shadow is covers slightly more of the grassed area, but not all of it. It is noted that the deck location and shape shown in the aerial image of the shading diagram appears to be outdated. As such, it is estimated that the deck (which is as per the image above) is likely to start receiving shading around 4:45pm-5:00pm. By 5:30pm the deck is shaded and the shading has reached the dwelling. The site is fully shaded by 6:00pm. At all other times during the equinox this property is free of shading from the proposed buildings.
177. Summer solstice: there is no shading from the proposed buildings on this property.
178. In considering all of the above, on balance and taking into account the conclusion reached by Mr Burns, I consider that the effects will be no more than minor on this property.

14 Scapa Terrace

179. Submitter 38 (Barbara Carruthers of 14 Scapa Terrace) has expressed concerns about the increased amount of shade on their property.
180. I visited the site in May 2020 and have included photographs of this property's deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 11.



Figure 11: 14 Scapa Terrace.

181. Winter solstice: at 8:30am the entire lawn and deck are shaded, as is the northern façade of the dwelling, by 9:15am the shadow has retreated and is no longer on the northern façade of the dwelling and deck, and part of the lawn is free of shading. From 9:15am until 10:30am the lawn is shaded to varying degrees (estimated to be at least 50% of the lawn area free from shading), but the deck is not. From 10:30am the surface area of shading on the lawn increases, but does not appear to reach the deck proper (there may be some at the very edge but this is difficult to tell from the shading diagrams). The shadows reach the edge of the deck by 12:00pm, and by 13:15pm has inched closer to the northern façade of the dwelling, thus covering most of the deck. By 2:00pm, the shadow has reached the roof of the dwelling. I have turned my mind to whether this would warrant a less than minor effect and, while it is close, the determining factor is that the lawn and deck area receive more shading, although it is noted that a 2m permitted boundary fence would also contribute to shade on this area. The northern façade of the dwelling receives at least four hours of sun.
182. Equinox: similar to 12 Scapa Terrace, this property experiences shading from the proposed buildings near the southern boundary just before 3pm. This is, however, localised to the area near the boundary shared with the site. As the sun tracks westward, the surface area of the shadow moves towards the north-eastern corner of the site where the lawn area is. At 5:00pm, more shading from the buildings appears on the lawn, but still leaving an area in the centre that is unshaded. Importantly, the shadow has still not reached the deck and dwelling at this time. At 5:15pm the shadows reach the deck and dwelling. The site is fully shaded at by 6:00pm. At all other times during the equinox this property is free of shading from the proposed buildings.
183. Summer solstice: there is no shading from the proposed buildings on this property.
184. There would also be shading on the lawn area from a 2m high permitted fence on the boundary.
185. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: “*A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.*”

16 Scapa Terrace

186. Submitter 58 (Clinton Moran of 16 Scapa Terrace) stated that “*We stand to lose significant sunlight from the shading effects of the new buildings overwinter months where the McIndoe Urban report included in the application currently acknowledges ‘Shade from former or existing Teachers College buildings does not fall on the property. We currently grow vegetables and fruits in our backyard year round and stand to lose this capability.’*” The submitter also stated that the proposed trees along the boundary will likely generate even more shading on their property. The tree matter is addressed at the ‘Landscape’ section later in this report, but, in short, the Council’s landscape architect recommends different tree species are selected so as to avoid additional shading.
187. I visited the site in May 2020 and have included a photograph of this property’s deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 12 below. A single garage is located in the north-eastern corner of the site.



Figure 12: 16 Scapa Terrace.

188. Winter solstice: at 8:30am the entire lawn and deck are shaded, as is the northern façade of the dwelling. At 8:45am, however, the deck and northern façade of the dwelling are not shaded. Based on the surface area of the shadow I would estimate that around 50% of the lawn is shaded until around 12:00pm. From 12:00pm, a decent part of the lawn is not shaded until 2:00pm. From 2:00pm, the shadows start to inch closer and also from the west and at 2:45pm the shading hits the north-western corner of the dwelling and more of the lawn and deck. By 3:30pm the lawn, deck, and dwelling are completely shaded. I have turned my mind as to whether this would warrant a less than minor effect and, whilst it is close, the determining factor is that the lawn and deck area receive more shading, although it is noted that a 2m permitted boundary fence would also contribute to shade on this area. The northern façade of the dwelling receives at least six hours of sun from 8:45am until 2:45pm.
189. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is, however, localised to a small area in the north-western corner of the site from 3:00pm and by 4:00pm, the area of the shadow is covers slightly more of the grassed area, but not all of it. There is still a decent area of the lawn that is not shaded and the deck is also not shaded. By 5:15pm, the shadows have reached the deck and have reached the dwelling by 5:30pm. At all other times during the equinox this property is free of shading from the proposed buildings.
190. Summer solstice: there is no shading from the proposed buildings on this property.
191. There would also be shading on the property, but certainly the lawn area, from a 2m high permitted fence on the boundary.
192. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: “A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.”

18 Scapa Terrace

193. Submitter 45 (Michael Hamilton of 18 Scapa Terrace) discussed shading effects in their submission. They also note that increasing the setbacks would diminish the shading effects and the energy efficiency of existing homes. They also note that “The situation we have today is that our raised deck and principle living areas receive sun until it sets behind the hills in the background.”
194. The two storey part of the proposed building is setback 5m and the third level is setback approximately 15m. I acknowledge that the submitter states they currently have uninterrupted sun until sunset on their deck and principal living areas, and I refer back to earlier assessment that mentions borrowed amenity.
195. I visited the site in May 2020 and have included photographs of this property’s deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 13. A single garage is located in the north-western corner of the site.



Figure 13: 18 Scapa Terrace.

196. Winter solstice: at 8:30am the entire lawn and deck are shaded, as is the northern façade of the dwelling. By 9:45am, the deck and northern façade of the dwelling are not shaded (although the shadow is close to the part of the northern façade shown where the window is to the left of the image on the left above). At 10:00am the middle part of the lawn is free of shading, with the shadows being cast in a sort of semi-circle near the boundaries – this is like this until 11:45am. From 11:45am the shadow falls more to the east and reaches the corner of the upper part of the deck and by 1:00pm the deck is completely shaded. By 2:15pm the deck and northern façade are shaded. I have considered whether this would result in a more than minor effect and I do not consider it will. The principal reason for this is that the northern façade of the dwelling will still receive a reasonable amount of sunlight during the winter solstice. The lawn and deck area are shaded more, but it is recognised that a 2m permitted fence on the boundary would result in a degree of shading, as evidenced by the image supplied by submitter 50.
197. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is largely where the existing bushes are until 4:00pm. From 4:00pm, these shadows are projected further towards the deck and dwelling with the shadow reaching the northern façade (window shown in the image on the left) but not the deck. By 5:15pm it has reached the deck and the dwelling. At all other times during the equinox this property is free of shading from the proposed buildings.
198. Summer solstice: there is no shading from the proposed buildings on this property.

199. There would also be shading on the lawn area, from a 2m high permitted fence on the boundary.
200. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: *“A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.”*

20 Scapa Terrace

201. Submitter 57 (Richard Leikis and Vanessa Porter of 20 Scapa Terrace) stated in their submission that “my family will go from a “No shade from existing property (Teachers College) exists” to “0.75 hours of sunlight at the equinox” and “According to the “Updated Urban Design (July 2021)” this development does not meet the RDG guidelines, which I understand to be 4 hours per day (min) for house and 3 hours per day for outdoor living space. The same report states my family will have 0.75 hours of no shading at the equinox. For this reason alone, this current design cannot be approved” – please refer to response in ‘Equinox’ section below and earlier discussion that mentions borrowed amenity. The RDG is also a guideline and there is no specific rule or standard in the District Plan that specifies minimum hours of sunlight.
202. I visited the site in May 2020 and have included photographs of this property’s deck, lawn area, and northern elevation as it was back then for reference – refer to Figure 14. A double garage is located in the north-western corner of the site.



Figure 14: 20 Scapa Terrace

203. Winter solstice: at 8:30am the entire lawn/landscaped area and deck are shaded, as is the northern façade of the dwelling. By 9:00am, the northern façade is not shaded except for an exiguous area in the north-eastern corner. By 9:15am, part of the deck is free from shade although there is still shading over the garage and over the part of the site where the existing vegetation is. At 10:00am the majority of the deck is shaded (but not the northern façade) and this is like this until around 2:00pm when a small part of the deck becomes unshaded. The northern façade of the dwelling receives shade again by 3:15pm and then by 3:30pm the shadow casts over most of the dwelling. I have considered whether this would result in a more than minor effect and whilst it is

close, I do not consider it will. The principal reason for this is that the northern façade of the dwelling will still receive a reasonable amount of sunlight during the winter solstice. This property's deck and vegetated area is affected by shading, more so than the other properties on Scapa Terrace, but I also acknowledge that a 2m permitted fence on the boundary would result in a degree of shading in this area.

204. Equinox: there is no shading on this property in the morning or early afternoon, with shadows reaching this property by 3:00pm, so what the submitter has stated in their submission about only having 0.75 hours of sunlight in the equinox is not accurate. At 3:15pm, the shadow from B03 reaches the roof of this property's double garage. That shading from this building falls only on the roof of the garage until 4:15pm. From 4:15pm the shading falls on the landscaped area (seen in the image above) and part of the deck. By 5:00pm it has reached the northern façade of the dwelling. At all other times during the equinox this property is free of shading from the proposed buildings.
205. Summer solstice: there is no shading from the proposed buildings on this property.
206. There would also be shading from a 2m high permitted fence on the boundary and from the existing garage on site.
207. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: "*A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.*"

22 Scapa Terrace

208. Submitter 70 (Mark Moore of 22 Scapa Terrace) stated that "*we stand to lose significant sunlight from the shading effects of the new buildings.*"
209. When I undertook site visits in May 2020 I was not able to visit this site. I have, however, been able to obtain photographs online from when the property was last for sale – refer to Figure 15.

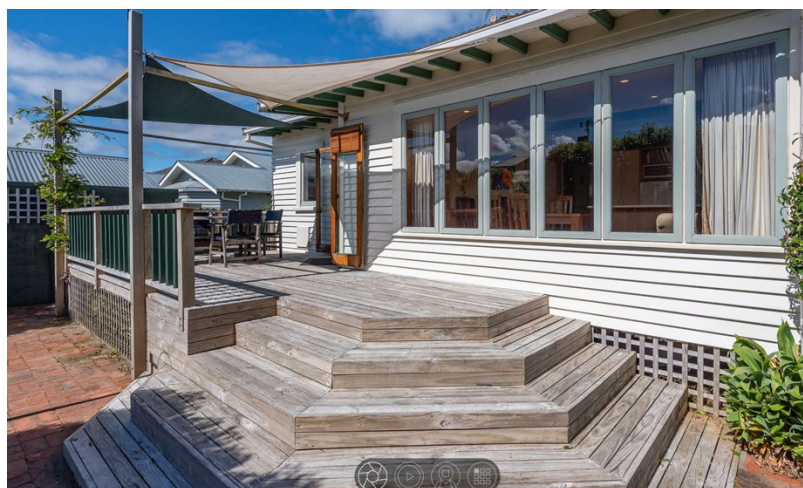


Figure 15: 22 Scapa Terrace. Source: Ray White¹⁴

¹⁴ Presumed to be taken around 2019 when the property was last on the market.

Winter solstice: at 8:30am the entire lawn and deck are shaded, as is the northern façade of the dwelling. By 9:45am, the northern façade of the dwelling is not shaded, nor is the western part of the rear yard. The deck shown in the image above will be shaded. At 10:15am, there is some shading on the deck near the boundary with 20 Scapa Terrace and this reduces in extent and by 10:45am there is no shading on the deck, but a small amount near the western boundary shared with 24 Scapa Terrace. Around 12:15pm the shadow coming from the west will reach the corner of the deck and will gradually extend over the north-eastern corner of the dwelling and deck. The deck and patio on the eastern side of the site are unshaded. By 2:15pm the deck and northern façade are shaded and will be shaded for the rest of the day. I have considered whether this would result in a more than minor effect and whilst it is close, and I do not consider it will. The principal reason for this is that the northern façade of the dwelling will still receive a reasonable amount of sunlight during the winter solstice. The patio and deck area are shaded more, but it is recognised that a 2m permitted fence on the boundary would result in a degree of shading, as evidenced by the image supplied by submitter 50.

210. Equinox: this property experiences shading from the proposed buildings by 3:00pm. This is largely along the northern boundary and patio area. From 3:45pm/4:00pm, the shadows reach the deck and by 4:45pm they have reached the northern façade of the dwelling. At all other times during the equinox this property is free of shading from the proposed buildings.
211. Summer solstice: there is no shading from the proposed buildings on this property.
212. There would also be shading on the property, but certainly the lawn area, from a 2m high permitted fence on the boundary.
213. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: “*A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.*”

24 Scapa Terrace

214. Submitter 75 (David Winston King and Anna Reese McKinnon-King of 24 Scapa Terrace) discussed shading effects on their property at paragraphs 140-145 of their submission, which I have read and considered.
215. I visited the site in May 2020 and have included photographs of this property’s deck, outdoor area, and northern elevation as it was back then for reference – refer to Figures 16 and 17.



Figure 16: 24 Scapa Terrace



Figure 17: 24 Scapa Terrace.

216. Winter solstice: at 8:30am the entire lawn and the northern part of the dwelling is shaded. By 9:00am the shading is not on the dwelling, but is still on the majority of the outdoor area. By 9:15am the lawn area to the east of the dwelling is free from shade, but the area patio is still shaded. By 10:00am the shadow is still on the patio and shades the north-eastern part of the site where the trees are in Figure 17 above. From 12:00pm, the shadow begins to move off the north-western part of the site (where the outdoor furniture is) and from 12:15pm, the shadow may reach around half of the ground level northern façade of the dwelling. By 1:15pm, I would estimate about one third of the outdoor area (in the north-western part of the site) is free from shade and that the shadows have reached the northern façade (where the two storey component of the dwelling is, but it has moved off the single storey part of the ground level northern façade). By 1:45pm I would estimate that approximately 50% of the outdoor area is free of shade and the shadow on the dwelling is on the apex/eastern side of the gable roof (i.e. half of the upper level bedroom window), noting that direct sunlight into the ground level fenestration directly under the two storey part of the dwelling may be limited given it is recessed beneath the upper level overhang. By 2:30pm, the shadow is largely off the two storey part of the dwelling and more of the outdoor area is free of shade, but there is now a sliver of shade along the northern boundary. As the sun tracks westwards, the extent of the shadow moves south within the site but also moves away

from the dwelling to the east. By 3:15pm, the shade falls in a semi-circle around the dwelling, with a part of the deck unshaded, but it has reached the northern façade of the dwelling (where it is closest to 49 Campbell Street). By 3:30pm, the outdoor area is completely shaded as is the western side of the dwelling and the site is completely shaded by 4:00pm.

217. I have considered whether this would result in a more than minor effect and whilst it is close, and I do not consider it will. The principal reason for this is that the northern façade of the dwelling will still receive a reasonable amount of sunlight during the winter solstice - 9:00am until 12:15pm; the western-most part of the northern façade and window (single storey part of the dwelling shown in Figure 16) may experience some shading from 12:15pm but the shading has moved off this window by 1:15pm and will be unshaded until 3:15pm. Bedrooms are not typically afforded the same level of amenity as indoor living areas so while there will be some shading on the upper level window in the morning until 9:00am and from 1:00pm – 2:30pm and then again from 3:15pm, there is still a portion of the day where it is not impacted. This is the same for the fenestration directly under the two storey part of the dwelling (although this is set back into the site so the effect would be less, noting also that the upper level overhang will likely restrict the amount of sunlight received into this ground level fenestration to a certain degree). It is also recognised that a 2m permitted fence on the boundary would result in a degree of shading of the outdoor area, as evidenced by the image supplied by submitter 50.
218. Equinox: by 3:00pm, shading from B03 falls on this site in the north-eastern corner. It remains this small, localised area until 4:00pm. By 4:15pm, shading from B02 falls in the north-western corner of the site (which is where the outdoor furniture in the above photo is) – it does not reach the dwelling. By 5:00pm, the shadow has reached the northern façade and covers the entire outdoor area. The shadows moves south across the dwelling between 5:00pm and by 6:00pm the site is fully shaded. At all other times during the equinox this property is free of shading from the proposed buildings.
219. Summer solstice: there is no shading from the proposed buildings on this property.
220. There would also be shading on the rear yard from a 2m high permitted fence on the boundary.
221. On balance and in considering all of the above, I agree with the conclusion reached by Mr Burns that the effects will be **minor** on this property, but, for completeness, I note that I am not relying on the following comment he made to inform my position: “*A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.*”

26 Scapa Terrace

222. Submitter 16 (Francine Tyler of 26 Scapa Terrace) expressed concerns about “the shade impact on neighbours” and that they “*will probably also lose sun during the winter time.*”
223. I visited the site in May 2020 and have included photographs of this property’s eastern elevation and outdoor living area as they were back then – refer to Figure 18. There is also a circular grassed area between the dwelling and garage near the Scapa Terrace frontage.



Figure 18: 26 Scapa Terrace.

- 224. Winter solstice: shading starts on this property at 3:15pm and will be over the outdoor living area with the pergolas by 3:30pm (image on the left) and most of the deck by 3:45pm. There will be an area near the eastern elevation that is not shaded by the proposed building B02 (image on the right), but this is likely to be shaded by the existing environment at 49 Campbell Street or the dwelling itself.
- 225. Equinox: there is no shading from the proposed buildings on this property.
- 226. Summer solstice: there is no shading from the proposed buildings on this property.
- 227. There would be a degree of shading created from the existing environment at 49 Campbell Street and at 24 Scapa Terrace, throughout the year. It is noted that both of these dwellings are two storeys in height at present and would inevitably result in shading on this property.
- 228. On balance and in considering all of the above, and taking into account the conclusion reached by Mr Burns, I consider that the effects will be no more than minor on this property.

49 Campbell Street

- 229. Submitter 56 (Andrew and Julie Cooper of 49 Campbell Street) discussed shading and how their property will be impacted by shading from the proposed buildings. They also mentioned that the trees along the boundary will create more shading – this is being addressed in the ‘Landscape’ section of this report. The submitters also advised that their property receives full sun year round; I refer back to earlier discussions on borrowed amenity.
- 230. I visited the site in May 2020 and have included photographs of this property’s deck, outdoor area, and northern elevation as it was back then for reference – refer to Figures 19 and 20. The submission also includes various photographs and I have reproduced one of these – refer to Figure 21. It is noted that the aerial image used for the shading diagrams does not include the pergola area, but I have considered this.



Figure 19: 49 Campbell Street.



Figure 20: Northern elevation of 49 Campbell Street.



Figure 21. Northern elevation supplied by the submitters.

231. Winter solstice: at 8:30am the northern half of the site (which includes the parts of the dwelling, pergola, and outdoor area) are shaded. By 9:15am this is largely off the dwelling, but still on the pergola and outdoor areas. By 9:45am this shadow is on the western part of the northern façade and in the north-eastern corner of the outdoor area. From this time, the shadow on the northern façade moves to the east, covering the windows shown in the above images to varying degrees and by 12:30pm the northern façade is fully shaded until the end of the day (except that a small part of the northern façade is not shaded in the late afternoon, but this does not align with window locations). From 12:30pm the shading reaches the pergola area. The pergola area is free of shading from around 9:45am until 12:30pm. The southern half of the outdoor area and the area near the boundary shared with 24 Scapa Terrace is unshaded for a

reasonable amount of time. From 2:30pm/2:45pm the shadows fall in the southern half of the site and extend closer to the boundary shared with 24 Scapa Terrace and by 3:00pm the dwelling and outdoor area are completely shaded.

232. Mr Burns concludes that the shading will be less than minor, however, I disagree with this conclusion. I do agree that a substantial portion of the outdoor area receives sunlight and that the eastern façade is the primary façade that opens onto the outdoor living area (refer to Figure 19 above), however, the large bay window on the northern elevation relates to the dining room and would likely be the principal source of daylight/sunlight on this elevation; this façade is shaded to varying degrees up until 12:30pm and then essentially shaded thereafter. As such, I consider this to be a minor effect.
233. Equinox: by 3pm the shading from Bo2 falls near the common boundary. This largely falls in the area between the boundary and edge of the dwelling, until it reaches the dwelling by 4:15pm. By 5:15pm the shadow is off the dwelling, but will still be over the north-eastern corner of the pergola area and the north-eastern corner of the outdoor area. By 6:00pm, the shadow from Bo2 is localised to the north-eastern corner of the site.
234. Summer solstice: there is no shading from the proposed buildings on this property.
235. There would be shading on the outdoor area from a 2m high permitted fence on the boundary.
236. On balance and in considering all of the above, I consider there will be a **minor** effect on this property. I note that I am not relying on the following comment made by Mr Burns to inform my position: *“A form compliant with the RBS creates greater shading than that generated by the Proposed Village throughout mid-winter and the equinox.”*

42 Donald Street

237. I agree with the conclusion reached by Mr Burns that the shading effects will be less than minor on this property. Supplementary commentary is provided below. I visited this site in May 2020 and have included photographs from that visit in Figure 22.
238. Based on the shading diagrams provided, during winter the upper level deck at the rear of the dwelling (refer to Figure 22 (left image) below) as well as the grassed outdoor area are unaffected by shade up until 4:00pm, in which there will be some shade on the grass area only at this time. The deck is unaffected. The shadows that fall on the northern façade and area to the north of the dwelling do not shade this area or the façade in full; there are parts that are unaffected by shade as the sun tracks westwards. It is further noted that the grassed outdoor area to the north of the dwelling is not the primary outdoor living area (refer to Figure 22 (right image) below).
239. From 4:15pm at the winter solstice, the proposed buildings will shade this property, but this is not considered to result in adverse effects given the short duration until sunset.
240. At 5:15pm, there is some shading on the grassed outdoor area and a sliver of the deck. From 5:30pm until 6:00pm there will be shadow cast from the proposed buildings, but again, this is not considered to be for a prolonged duration.



Figure 22: 42 Donald Street..

5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 Scapa Terrace

241. I agree with the conclusion reached by Mr Burns that the shading effects will be less than minor on these properties.
242. Submitter number 62 (Bruce Dunstan of 11 Scapa Terrace) stated in their submission about loss of light and sunshine. Submitter number 54 (Richard Brandon of 23 Scapa Terrace) stated in their submission, *“As far as we can tell, there will be an element of shading cast on our house at certain times of the year, particularly in winter, when even a small reduction of sun can seem significant.”* A short duration of shading (from either 4:00pm or 4:15pm until 4:30pm) is not considered to be significant, which is what the shading diagrams show.
243. It is debateable if the shadow cast from the proposed buildings at 6pm at the equinox reaches 9 and 11 Scapa Terrace given the overlay falls on the site boundary line (identified by the white overlay). Irrespective of this, any shading from this would be inappreciable given the location in which it falls.

25 Donald Street

244. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property.

27 Donald Street

245. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property and note that the shading on this property is from the existing building on site that is being retained; effects will be comparable to the exiting environment.

29 Donald Street

246. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property and note that the shading on this property at 5:45pm at the equinox is from the existing building on site that is being retained.

31 Donald Street

247. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property and note that the shading on this property is from the existing building on site that is being retained, except at 8:00pm in the summer solstice where an exiguous amount of shading on the southern side yard is from the proposed building (B07). Regardless, this shading will be indiscernible.

33 Donald Street

248. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property. I further note that the majority of shading on this property at the winter solstice is from the existing building on site that is being retained, except for a sliver from proposed buildings (refer to RCA74 and RCA75). Regardless, that sliver of shading will not result in discernible adverse effects when viewed in conjunction with the shading from the existing buildings.

35 Donald Street

249. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property. I further note the below.
250. The majority of shading on this property at the winter solstice is from the existing building on site that is being retained, except for a sliver from proposed buildings (refer to RCA75). Regardless, that sliver of shading will not result in appreciable adverse effects when viewed in conjunction with the shading from the existing buildings.
251. The shading at the equinox is from a combination of the existing buildings that are being retained and the proposed building (B07). Shading from the existing building has been disregarded. At 4:30pm a sliver of shading from the proposed building will fall near the front (western) boundary and by 5:15pm would have reached the southern part of the dwelling. While the front yard is shaded at this time, part of the rear yard will not be shaded from the proposed building at 5:15pm and 5:30pm. From 5:30pm the site is completely shaded. Given there are still parts of the site in which outdoor living can occur, that the site is not completely shaded until 5:30pm, and that the site is not shaded by the proposed buildings for the most part of the day, effects will overall be less than minor.
252. Shading during the summer solstice from the proposed building B07 starts on this site at 6:45pm at the front yard and reaches the dwelling at 7:30pm. There is no shading on the rear yard until 8:00pm. Given the short duration of shading and that the site is not shaded from the proposed buildings at all other times during the summer solstice, effects will be less than minor.

37 Donald Street (Donald Street Pre-School)

253. Submitter number 74 (Bruce and Miranda Major of 37 Donald Street) have advised that their property is their residence and business (with the pre-school located on the ground floor). The submitters state that they “*stand to lose significant sunlight from the shading effects of the new buildings*” which I do not agree with.
254. It is noted that the shading that falls on this property from 3:30pm in the winter solstice is from the shading from the existing buildings that are being retained.

255. Shading from the new building starts on this site at 4:45pm at the equinox, but this is localised to the front yard, which is not a primary living/activity area for the pre-school. From 5:00pm, the shadows from B07 will fall on the building. The rear yard is unaffected by shading from the proposed building until 5:30pm.
256. Shading during the summer solstice from the proposed building B07 starts on this site at 6:45pm at the front yard and reaches the building at 7:15pm. There is no shading on the rear yard until 8:00pm. Given the short duration of shading and that the site is not shaded from the proposed building at all other times during the summer solstice, effects will be less than minor.
257. Overall, taking into account the conclusions reached by Mr Burns, I consider that the effects will be no more than minor on this property.

39 Donald Street

258. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property. It is noted that the shading that falls on this property from 3:30pm in the winter solstice is from the existing buildings that are being retained¹⁵. Shading during the equinox is from the proposed building (namely B07) and is from 4:30pm. While there is shading on the front yard and dwelling from 4:30pm, the rear yard will not experience shading from the proposed buildings until 5:15pm. The site will be in full shade from 5:30pm, also acknowledging that the dwelling at 37 Donald Street (the existing environment) may result in some shading on this property at this time.

41 Donald Street

259. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property. It is further noted that at 3:45pm in the winter solstice, the shading from the proposed building falls on the front part of the sites whereas the shading on the northern boundary is from the existing buildings¹⁶ that are being retained. Shading from 4:00pm is attributed to the shading from the existing buildings that are being retained.

43 Donald Street

260. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property.

45 Donald Street

261. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on this property.

47, 49, and 51 Donald Street

¹⁵ My understanding is that there is some overlap between the shading from the existing building and from that of B07 in the winter solstice shading diagrams where the shadows are cast to the east – refer to RCA73-75. The area that is shown in purple, whilst it may include shading from B07, is the extent of the shadow cast from the existing buildings (namely Allen Ward VC Hall) such that even if there is overlap in shading from B07, the area in purple is the shading from the existing environment. For clarity, I am not referring to the overlap between the purple and blue.

¹⁶ *Ibid.*

262. I agree with the conclusions reached by Mr Burns that the effects will be less than minor on these properties. It is noted that shading from the existing environment (surrounding residential properties) is not shown and it is considered there would be a degree of shading on these properties from the existing environment.

Karori Pool

263. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on this site. I also note the site's non-residential use whereby such sites, which are not sensitive receivers, are not typically afforded the same levels of amenity protection as a residential site.

44 Donald Street

264. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on this property. I further note that the shading diagrams do not show shading from the existing environment (i.e. shading from 42 Donald Street and 6 Scapa Terrace that falls onto 44 Donald Street). Accordingly, there is likely to be overlap in the shading from the proposed buildings and with the shading that currently exists on site from the two storey dwelling at 42 Donald Street, thus the shading would not just be from the proposed buildings and could be largely accounted for by the existing environment.

46-58 Donald Street

265. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties.
266. Submitter 22 (David Powell of 46 Donald Street) stated that they "*will be directly affected by the shade from the buildings due to their height.*" These properties experience little shading at the winter solstice from either 4:15pm or 4:30pm and at no other times during the year. This is not considered to be an adverse effect.
267. I further note that the shading diagrams do not show the shading from the existing environment, i.e. the surrounding residential properties. Accordingly, while shading is shown on these properties from the proposed buildings, it is considered there would be a degree of shading from the existing environment, such that the shading from the proposed buildings is not necessarily a new shading effect experienced by these properties given the intervening built development to the north and north-west.

33A Campbell Street

268. B03 will result in a recession plane infringement along the northern boundary that is shared with 33A Campbell Street (refer to section B04 on Drawing No. RC17).
269. I visited this property and can confirm that their outdoor living area is located to the east of the dwelling and is accessed via French doors.
270. It is acknowledged that at the winter solstice, this property would experience a degree of shading from the existing environment, being 29, 31, and 31A Campbell Street, but this is not modelled so it is not known how much shading would be attributed to this existing environment.
271. I agree with the overall conclusion reached by Mr Burns in that the shading effects on this property will be **minor**.

29 Campbell Street (Karori Kids)

272. According to the Karori Kids website, the hours of operation are Monday to Friday 7:45am until 5:30pm.
273. I note in Mr Burns' assessment, reference is made to the shading from the former building on site and to that of a building that complied with the recession planes – both of which I am not considering for the reasons explained earlier. Notwithstanding, I agree with the conclusion reached by Mr Burns in that the shading effects on this property will be **minor**.

27A Campbell Street (RSA)

274. I agree with the overall conclusion reached by Mr Burns in that the shading effects on this property will be less than minor. I also note that there will be shading on this property from 8:00am until 10:00am at the equinox and solstice and from 7:00am until 10:00am in the summer solstice, but consider effects will be less than minor given the site's non-residential use.
275. For completeness, the grassed area to the west of the RSA building is part of 22 Donald Street (which is owned by the Council).

15, 17, 17A/17B, 19, 19A, 21, 21A, 23, 25, 1/27, 2/27, 31, 31A, and 33 Campbell Street

276. Written approval from 33 Campbell Street has been obtained and is implicit anyway as the site is owned by the applicant. Effects must therefore be disregarded.
277. It is reminded that despite some of these properties previously being shaded by the former buildings that existed on site, consideration has not been given to this and my analysis disregards these shadows (shown in blue) on the shading diagrams.
278. Shading from the existing environment (being the surrounding residential properties) is not modelled, but it is considered that in some instances the shadows cast from the proposed building would in fact already occur from neighbouring building(s), to various degrees.
279. I agree with the overall conclusion reached by Mr Burns in that the shading effects on these properties will be less than minor, but I have provided a supplementary assessment below.
280. *Winter solstice*
- There is no shading on the properties north/north-west of 25 Campbell Street. The shading on 25 Campbell Street falls in the south-eastern corner of the yard and will not be appreciable.
 - 1/27 and 2/27 Campbell Street will experience shading on the building at 8:30am and 8:45am. By 9:00am it has retreated and will fall on the south-eastern corner of the site.
 - 31 and 31A Campbell Street will experience shading to various degrees from 8:30am until 10:30am. From 9:30am 31 Campbell Street will not experience shading from the proposed buildings and 31A Campbell Street's northern yard (as well as the western yard) will be free from shade, although the dwelling is still shaded. During my site visit in May 2020, the small eastern yard (at the northern end) did have outdoor furniture, thus suggesting it was/is used as an outdoor living area. This will be shaded until 9:45am /10:00am. At 10:15am, there is a small

amount of shade on the south-eastern corner of the dwelling, with the dwelling being completely free from shade by 10:30am.

- Effects on these properties will be no more than minor.

281. *Equinox*

- There will be shading on the rear yard of 25 Campbell Street at 8:00am and would have retreated by 8:15am, with only a sliver near the eastern boundary. Note, this does not take into account any shading created by 1/27 and 2/17 Campbell Street.
- 1/27 and 2/27 Campbell Street will experience shading from 8:00am until 9:15am. The shading is completely clear of the northern part of the site at all times and is clear of the western yard from 8:30am. By 9:00am the shading is not on the dwelling and is localised to the south-eastern corner of the site. The shading diagrams do not show the shading from 27A Campbell Street (the RSA) on this site.
- 31 Campbell Street is not impacted by shading at the equinox.
- 31A Campbell Street will experience shading from 8:00am until 8:45am. As the sun tracks westwards the extent of the shading decreases, noting that much of the yards receive sunlight to varying degrees. It is also noted that the shading diagrams do not show the shading on this property from 29 Campbell Street (Karori Kids).
- Effects on these properties will be less than minor.

282. *Summer solstice*

- All of these properties will experience a degree of shading during the morning in the summer solstice except for 31 Campbell Street. The duration of shading varies depending on the property, but, generally speaking, the shading will be from 7:00am to 8:45am. Most properties will be shaded between 7:00am and 7:45am, however 25 and 27 Campbell Street will experience shading until 8:15am and 8:45am, respectively.
- It is noted that there would be a degree of shading cast from 221B Karori Road onto 21A Campbell Street. With 21A Campbell Street, by 7:45am the western and northern elevation are free from shade and by 8:00am the shading is clear of the dwelling. From 8:15am the property is free from shading.
- It is noted that there would be a degree of shading cast from 27A Campbell Street (the RSA) onto 1/27 and 2/27 Campbell Street. With this property, by 8:00am the western yard is not impacted by shading from the proposed building and by 8:30am the shading from the proposed building is clear of the house and is clear of the site by 8:45am.
- Effects on these properties will be no more than minor.

283. Submitter number 41 (Nikki Fraser of 19A Campbell Street) expressed concerns with *“increased shading on [their] property close by with planned tower block higher than last which affected my sun three months of the year.”* The shading diagrams show that there will be shading from the proposed buildings in the summer solstice at 7:00am but this will have fully retreated by 7:45am. The property does not experience shading at any other time during the year and it is recognised that there would be a degree of shading from the surrounding properties i.e. the existing environment. Effects are therefore less than minor.

28/28A, 30, 32, 34, 36, 38, 40, and 42 Campbell Street

284. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties.

285. These properties will be shaded to various degrees between 8:30am and 9:45am (worst case) during the winter solstice, with most of the properties being shaded for a shorter duration than this. The worst case is not considered to be a prolonged duration that

would warrant conclusion of a minor effect as the sites will be unimpacted from 9:45am during the winter solstice.

286. Submitter 55 (John Eyles of 38 Campbell Street) has stated *“I understand that my house will be shaded by the tall buildings in the proposed development. This is not acceptable to us at 38 Campbell Street as it will prevent us from enjoying our property to the full at all times in the day at all times of the year. Proposed buildings should be reduced in height and moved back further from boundaries to eliminate shading.”* This submitter’s property is fully shaded until 8:30am at the winter solstice. From 8:45am as the sun tracks westwards, the extent of shading reduces and the rear yard becomes free of shading. At 9:00am the rear yard is completely free of shading from the proposed building. At 9:30am shading is off the dwelling and part of the front yard is free from shading. At 9:45am there is only a sliver of shading near the front boundary. It is further noted that this property is not shaded in the equinox or summer solstice. This property also benefits from borrowed amenity of the subject site not being or having been developed with buildings in the location facing Campbell Street, but this does not mean that it will remain undeveloped. I consider that the shading effects are less than minor.
287. Submitter 60 (Jeremy and Debbie Sprott of 32 Campbell Street) has stated *“we stand to lose significant sunlight from the shading effects of the new buildings BO2 and BO1A on the front of our home.”* This property experiences shade in the morning at the winter solstice (mainly from BO1B), but the shadow has retreated from this property by 9:00am. This is not considered to be a significant shading effect. It is further noted that this property is not shaded in the equinox or summer solstice.
288. It is noted that 26 Campbell Street has not been addressed as it is unaffected by the shadows cast from the proposed buildings.

221A Karori Road

289. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on this property.

221B Karori Road

290. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on this property.

6A, 6B, 7, 8A, 8B, 9, and 11 Cargill Street

291. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties.

20, 22, and 24 Firth Terrace

292. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties.

34, 36, 38, 40, 41, 42, 43, and 44 Cooper Street

293. I agree with the conclusion reached by Mr Burns that the effects will be less than minor on these properties during the winter solstice, also noting that part of the shading is attributed to the existing buildings on site that are being retained.

294. Mr Burns' assessment does not address shading on these properties from the proposed buildings at the equinox. A supplementary assessment is provided and I note that effects from the existing buildings that are being retained on site form part of the existing environment and can therefore be disregarded. There will be shading from the proposed buildings on the rear of 32, 34, 36, 38, and 40 at 5:45pm and 6pm. Given the short duration, effects will be less than minor.
295. Submitter number 46 (Jennifer Mattlin of 36 Cooper Street) stated in their submission that they "*stand to lose significant sunlight from the shading effects of the new buildings.*" I do not agree and consider this property will not lose significant levels of sunlight for the reasons above and based on what is shown in the shading diagrams.

Properties not included in Mr Burns' assessment

221C Karori Road

296. This dwelling is not shown on the aerial imagery in the shading diagrams, however, 221C Karori Road's legal boundary includes the vacant portion of land located between 221A and 221B Karori Road – it is not what is as shown on the shading diagrams. Notwithstanding, shading occurs on this part of the site and on the dwelling during the summer solstice, but I note that effects will be less than minor given the short duration of shading, being from 7:00am until 8:15am.

221 Karori Road

297. There is some shading on this property at 7:00am until 7:30am during the summer solstice from the proposed buildings. Effects are considered to be negligible and therefore be less than minor.

17, 19, 20A, 21, 22 Vera Street

298. There will be some shading on these properties at 6pm at the equinox from the proposed buildings. Effects will be negligible and therefore less than minor.

35, 37, and 41 Cooper Street

299. There will be some shading on these properties at 6pm at the equinox from the proposed buildings. Effects will be negligible and thus less than minor.

45 Cooper Street

300. I further note that there is some shade that is cast on 45 Cooper Street at 4:30pm during the winter solstice, but at no other time and this is from the existing buildings on site that are being retained. Effects on 45 Cooper Street will be as per the existing environment.

53 Donald Street

301. There will be a sliver of shading on this property at 4:30pm during the winter solstice. Effects will be negligible and thus less than minor.

Other Properties

302. All other properties are considered to be sufficiently screened and separated from the subject site whereby any actual or potential adverse effects attributable to the proposal are considered to be less than minor.

Conclusion

303. Based on the information provided in the shading diagrams, Mr Burns' Urban Design Assessment, and my own analysis, I consider that overall shading effects of the proposal will not be more than minor.
304. As I have noted above, the District Plan does not intend to completely protect properties adjacent to a development from shading effects. The land is zoned for residential use with an overlay that also provides an expectation of use of the land for educational purposes. Some level of shading effect is a consequence of the land being used for its intended purpose.
305. While I have not accepted the shading from buildings built to the residential buildings standards shown on the shading diagrams as being an appropriate way of assessing the shading effects expected under the Operative District Plan for the reasons given above, the extent of shading shown does indicate that the level of non-compliance with the District Plan standards does not in itself lead to a higher level of shading effect than could be expected by the Plan.

Density

306. The level of density proposed on site is greater than the density levels in the area, which is primarily fine-grained development. Dwellings are typically stand alone on individual sections, with a noticeable amount of infill development and some multi-unit developments in the area. The density of the proposed village is indisputably higher than that of the surrounding area given 179 independent living apartments and 68 assisted living suites are proposed.
307. The proposed village does not conform to the traditional suburban patterns that have been established in Karori, however, the site is a windfall site and as Ms Duffell advises *"in my view it would not be reasonable to expect that any development on this site matches the patterns of the surrounding area which is largely characterised by buildings on individual sections. This is indicated by both the understanding that this is a 'windfall' site, and by the difference in functional typology between this development and the surrounding houses."*
308. It is further noted that the full extent of the development and associated density effects, such as privacy and overlooking, will not be appreciable from any one property given the layout of the development on site, the topography, screening providing by intervening buildings, and physical separation by legal road and between buildings and existing dwellings. As determined above, the privacy effects from the proposal will not be more than minor. Mr Burns also recognises the windfall nature of the site and that the District Plan anticipates some degree of departure from *"conventional suburban outcomes"* and a higher level of development on site. Ms Duffell agrees with this as do I. Density effects will therefore not be more than minor.

Wind Effects

309. The application is accompanied by a Wind Assessment, prepared by WSP¹⁷. This Wind Assessment is based on a desktop study as opposed to a wind tunnel test. As part of the section 92 response, additional wind and landscape information was supplied by WSP and Sullivan & Wall. The Council's Wind Advisor, Dr Michael Donn, has reviewed the Wind Assessment and section 92 responses and his evidence, attached at **Appendix 4**, should be read in conjunction with this assessment.
310. It is noted that there are no specific objectives and policies or standards pertaining to wind in the Outer Residential Area. WSP has undertaken the Wind Assessment based on the Centres Zone framework which requires a consideration of wind effects when a building is higher than three storeys/12m.
311. The Central Area and Centres Area focus for wind effects is primarily on the effects on public spaces and the pedestrian wind environment. They do not tend to focus on effects on private property. The Proposed District Plan also takes a similar approach as it states that *"the provisions do not apply to private spaces such as adjacent properties or backyards."*
312. Given the Non-Complying Activity status, I am not restricted to any specified matters of discretion and given there are no prescribed wind objectives and policies for the Outer Residential Area, and noting the significant scale of building development proposed for the site as compared to what is usually expected in the Outer Residential Area, it is not unreasonable to consider wind effects as an amenity effect on adjacent properties. It is also not unreasonable to consider on-site/internal wind effects from an amenity and comfort perspective for the future residents of the site.
313. In making the below assessment, I have relied on the expert advice received from Dr Donn. It is noted that the Wind Assessment is a desktop analysis, it is not a wind tunnel test and in one of Dr Donn's recommendations, he has stated that *"a more thorough analysis of wind effects of the selected form of the tallest building on site is recommended. This should consider alternate forms and potential effects on the nearest properties, and potentially the nearby public thoroughfare alongside the site, if it is retained."* The public pathway is being retained. As such, the applicant is invited to provide such analysis as part of their evidence.
314. Dr Donn has assessed the proposal in terms of effects on adjoining properties, effects on the public spaces, and effects that are internal to the site. Mr Donn's evidence differentiates between wind effects from the tall buildings (namely B01B which is seven storeys, including the basement level) and wind effects from the two to three storey buildings (B02-B07).
315. A key observation made by Dr Donn is that the proposed fences are not aerodynamically designed to mitigate wind effects and nor is the landscaping.

Adjoining properties

316. In respect to the wind effects on adjoining properties, Dr Donn has advised that the tall buildings will likely impact the rear of Karori Kids (29 Campbell Street), 27A Campbell Street (RSA), 221A, 221B, and 221C Karori Road and notes that *"these properties are outside of the worst zone of wind acceleration as they are more than two times the width of the proposed building away from it, the wind speeds on these properties is likely to increase in the wake of this building [B01B]."* This is attributed to the car spaces and vegetation removal. Dr Donn does, however, advise that *"the*

¹⁷ Refer to Appendix M of the application documents.

likely impact of the proposed buildings on the neighbours is likely to be *small* if the proposed fences were to be redesigned as genuine wind shelter devices” and that is most critical on the boundary adjacent to the tallest buildings (which I take to be the northern boundary up to where the Karori Pool is and the boundary shared with Karori Kids). Dr Donn further advises that the impacts would be *very low* if the improved aerodynamics of the wind fences were combined with planting of trees of a 3m-5m height along the northern and western boundaries of the site.

317. Based on this, I consider that with an aerodynamic fence along these boundaries the wind effects would be minor on 27 and 29 Campbell Street and 221A, 221B, and 221C Karori Road, and with an aerodynamic designed fence coupled landscaping the effects upon 27 and 29 Campbell Street and 221A, 221B, and 221C Karori Road would be less than minor. A condition of consent pertaining to the fencing is recommended should the Hearing Panel be of a mind to grant consent – this is critical for the effects not being more than minor. Ideally, this should be agreed by the applicant in order to give the Panel confidence that this aspect could satisfy section 104D(1)(a).
318. Moreover, comment from the applicant or further discussions with experts may be beneficial to determine whether landscaping along the north-western boundary shared with Karori Kids and the northern boundary (up to where the Karori Pool is) can include wind-suitable trees that can grow up to 5m in height and whether there is any ability to include trees along this part of the northern boundary as the landscape master plan does not presently include any. This would be to further mitigate wind effects.
319. I have included photographs of the existing vegetation in the north/north-western part of the site for reference, noting that some of the trees referred to in Figure 7 of Dr Donn’s evidence are likely to be on the adjoining properties so the applicant should also confirm this.



Figure 23: Existing vegetation along the north/north-western boundary.

320. In terms of wind effects on the properties to the south of the site, Dr Donn states that the low picket fence height¹⁸ is of poor aerodynamic design, “*but the proposed buildings near these buildings will likely significantly improve the wind on their properties, with or without a fence with improved aerodynamic shelter design.*” He further states that the buildings near most of the other site boundaries are much closer in height to the scale of the neighbouring properties [when compared to the taller buildings that is] such that these buildings are unlikely to cause wind issues. Dr Donn has not identified wind effects from the tall buildings on site as an issue for these properties.

¹⁸ This is based on fence type C, as shown on RC12. I further note that Figures 24 and 25 of Mr Burns’ Urban Design Assessment show this as a low-height picket fence.

321. Dr Donn also considers that the additional building height of B02-B06 (that exceeds the permitted 8m) *“would not significantly contribute to any increase in wind speeds experienced on site, or on the adjacent properties in Scapa Terrace.”* Further advice is that *“the function of the buildings [B02-B06] as a new barrier, largely oriented across the major wind flows, will hugely decrease the wind”* in the rear yards of these properties.
322. Two further observations are that there may be some increased turbulence around the south-western corner of B02 near 49 Campbell Terrace, but Dr Donn advises that *“the overall effect in the much more common northerly wind will be a significant reduction in windiness”* so, on balance, effects would not be more than minor. The second is that in a southerly there will be some redirection of winds along the face of the proposed buildings as previously wind flowed unobstructed over the open spaces. Dr Donn advises that *“any significant backwash off this south face of blocks B02 through B07¹⁹ will likely remain within the 5m space between the buildings and the legal boundary.”* Dr Donn considers the landscaping in this 5m setback will not diffuse these wind flows (southerlies) nor does the proposed fencing help with keeping these flows within the site. Whilst Dr Donn considers an overall improvement of wind effects on these properties (noting that southerlies are not the prevailing wind), I recommend that further discussions are had with parties to determine the necessity of having an aerodynamic wind shelter fence along the southern boundary to address southerly winds²⁰.
323. Dr Donn has advised that the winds in a northerly or southerly will be accelerated through the first level terraces of B02-B06. He has not mentioned whether this would impact the properties to the south as he had made these comments in respect of on-site/internal effects. I consider that through a landscape condition of consent imposed, the planting in these locations could function as a wind screen through careful plant selection, which Ms McArthur also recommends from a landscape perspective as well.
324. Based on the expert advice received, I do not consider the effects will be more than minor on these properties.

Public spaces

325. Dr Donn has advised that *“the distances of the largest proposed buildings from the surrounding streets makes it extremely unlikely that the site-adjacent public footpaths alongside Campbell and Donald Streets will be affected by these buildings.”* However, Dr Donn has indicated that the public footpath that runs along the site’s northern boundary will likely be affected from wind from the tall buildings. Peppered throughout Dr Donn’s evidence is commentary on fence design and landscaping.
326. The assessment above outlines that if an aerodynamic fence is constructed along the northern boundary, then effects will be small, and if that fence is coupled with landscape mitigation planting, effects will be very low. Again, further discussions should be had about the feasibility of having planting along that segment of the northern boundary, however, even if it is not feasible or practicable, I consider effects on the public pathway would be minor (not more than minor) if there is a suitably designed fence constructed alongside this pathway. As above, this could be secured via a condition of consent, should Hearing Panel be of a mind to grant consent.

¹⁹ Presumably this is meant to be B06 given B07 does not have a 5m space between the building at 42 Donald Street.

327. Dr Donn has considered the effects from B02 and B07 on Campbell Street and Donald Street, respectively, and notes that the proposed fencing between these buildings and the street has no aerodynamic qualities. Along Donald Street Dr Donn has advised that due to the length of the façade, wind would be worst on the south-eastern corner and that there would likely be an increase in wind on the footpath and in the main vehicle and pedestrian entry to the development. The proposed fence does not provide protection during a northerly wind, being the prevailing wind, to backwash off the façade. However, Dr Donn advised that *“for much of the length of this Donald Street façade, people walking past will experience far less southerly wind than they currently do.”*
328. As the issue appears to be with the northerly, which is the prevailing wind, I consider that effects could be mitigated to not be more than minor by changing the fence design or making changes to the proposed landscaping²¹. This can be secured via imposition of an appropriate condition of consent; recommended wording has been included, should the Hearing Panel be of a mind to grant consent. Again, agreement by the applicant would help give the Panel confidence that this aspect could satisfy section 104D(1)(a).
329. In Campbell Street the same issue arises but in a southerly, not a northerly. During a northerly, which is the prevailing wind, Dr Donn has advised that *“Campbell Street will be significantly less windy here because the long length of the building will impede the more frequent northerlies.”* Due to the slightly greater building set back on Campbell Street, there will be less backwash than Donald Street, however, Dr Donn advises that *“while this façade will provide significant protection from northerly winds, without these fences having an aerodynamic design, they will do nothing to reduce the southerly wind accelerations.”*
330. Consistent with the above conclusion reached for Donald Street but for a southerly wind in Campbell Street, I consider that effects could be mitigated to not be more than minor by changing the fence design or by making changes to the landscaping.

Internal

331. Dr Donn has identified some areas within the site where there may be wind effects as a result of design. These are shown on Figure 4 in Dr Donn’s evidence; these are the pocket park and terrace/courtyard facing Donald Street, the first floor terraces on B02-B06, and the area between B01A and B01B.
332. As mentioned above, I consider the first floor terrace landscaping can be addressed via the landscape condition to require it to function as a wind screen. As for the terrace/courtyard area and the pocket park, further comment from the applicant and/or wind experts should be had to determine wind effects on these two spaces can be mitigated by a change to the fence design. As for the pocket park, Crime Prevention Through Environmental Design (CPTED) principles would need to be considered here too so input from urban designers should be sought.
333. As for the wind effects between B01A and B01B and design of the building, I consider it would be beneficial to have comment from the applicant on this as part of their evidence and/or have the wind experts discuss this in more detail. This area between the buildings contains pathways, gardens, and the dementia terrace. Section 2.1.11 of

²¹ This may include planting trees closer together to perform as a wind screen (which may also require more trees to be planted than what is shown on the landscape plan) and/or have the proposed landscaping (what is presently shown) be supplemented by underplanting of a sufficient height.

the applicant's AEE states that there will be no direct access to the public pathway along the northern boundary, yet the plans show these will be a pathway directly to the fence. The applicant should clarify this in their evidence.

334. It is recognised that Ryman's development model is to develop the land and operate the village (as opposed to on-selling the land/apartments etc) and it is in the applicant's best interest to ensure this area is comfortable for the residents. Dr Donn highlights there are design solutions, thus further discussion is encouraged to work through such solutions for mitigation. As there are solutions to mitigate effects, I consider that internal amenity effects will not be more than minor, but can be addressed through further analysis and, ultimately, conditions of consent. I also consider appropriate CPTED outcomes can likely be achieved.
335. To clarify, in Figure 7 of Dr Donn's evidence in the areas where the two large yellow circles are these areas will contain a mix of retained vegetation and replacement vegetation (where vegetation is required to be removed). It is not proposed to remove all existing vegetation and not replace it.

Conclusion

336. Based on the expert input and acknowledging that conditions pertaining to fencing and landscaping are certainly required to mitigate both external and on-site amenity effects, I consider that, on balance, wind effects can be reasonably mitigated and will not be more than minor. While not a consideration for section 104D(1)(a), there will be wind effect benefits for the properties to the south of the development.

Streetscape, Character, and Visual Effects

337. Given the scale of the proposal, the proposal will alter the Donald Street and Campbell Street streetscapes when compared to the existing environment, which is essentially two street frontages that contain little built form for the full extent of Campbell Street and partial extent of Donald Street (to the south of the existing buildings that are being retained). The proposal will alter the landscape when viewed from further afield.
338. In forming a view on whether streetscape, character, and visual effects will be more than minor nor not, I have relied on the expert advice of Ms Sarah Duffell. Ms Duffell's evidence is attached at **Appendix 2** and is a review of Mr Burns' Urban Design Assessment. I have also relied on the expert advice of Ms Angela McArthur. Ms McArthur's evidence is attached at **Appendix 3** and is a review of the applicant's Landscape and Visual Effects Assessment (July 2021) prepared by Rebecca Skidmore.
339. Ms Duffell's and Ms McArthur's respective evidence provide supplementary commentary where necessary and highlight where they disagree with certain comments or positions taken by their counterparts. Overall, Ms Duffell has advised that the proposal has her support from an urban design perspective and Ms McArthur has confirmed her support for the proposal from a landscape and visual effects perspective.
340. Ms Duffell and Ms McArthur's evidence also provide responses to matters raised in the submissions relating to streetscape character, urban design, and visual impacts.
341. The site is not a typical Outer Residential site and it is considered to be a 'windfall site.' Expert advisors draw upon the windfall nature of the site in their assessments. Policy 4.2.1.5 in Chapter 4 states the following:

‘Windfall sites’ are loosely defined as relatively large properties that are located within an established residential area but which have never been developed for residential purposes. Often they are properties that have historically been used for commercial or community purposes. Because of their size these properties can provide significant opportunities for residential intensification. Because these sites have not been used for residential purposes, their re-development generally does not lead to a loss of existing residential character.

342. The Donald Street frontage will change by introducing B07, which is three storeys in height at its southern end. Mr Burns’ Urban Design assessment contains a detailed assessment which Ms Duffell has not raised any particular concerns with or made any additional comments. Mr Burns summarised that *“I therefore consider Building B07 to provide an appropriate and positive streetscape response that acknowledges and respects the character of Donald Street. Establishing a clear and consistent street edge with a ground level open space planted setback will create an attractive outcome that assists with integration of the Proposed Village into the existing residential environment.”* I accept the summary and position taken by the expert Urban Designers.
343. The Campbell Street frontage will change through the introduction of B02, which is three storeys in height, tapering to two storeys at either end. Mr Burns’ Urban Design assessment contains a detailed assessment with which Ms Duffell has not raised any particular concerns but has made the additional comments as per the below:
- *“I agree that the principal challenge presented by B02 is optimising use of this previously vacant part of the site while establishing an acceptable relationship to context.*
 - *The discussion around the height-to-width relationship between the building and Campbell Street is very agreeable and is a strong argument in favour of this building achieving a ‘comfortable’ relationship with the physical characteristics of the street.*
 - *Additionally, I consider that contrast with the surrounding development patterns is acceptable based on this type of use. Retirement complexes are frequently large-scale in nature and are increasingly rising to several storeys in height. Within the residential context, it’s acceptable for a large-scale retirement village to look like a retirement village, which this does.”*
344. In relation to B02 and B07, Ms McArthur assessed that *“the magnitude of change in character will be high. However, this change seems a predictable future street character given the available land and residential zoning. The buildings are contemporary in design for apartment style living. In my opinion the change in character will be compatible with the surrounding neighbourhood character and amenity values.”*
345. Ms McArthur has assessed that B01B may be visible or prominent from some neighbourhood viewpoints, but that the *“dark colours proposed for the upper levels together with other mitigating factors such as the building placement within the centre of the site in context with lower buildings, the set back from street frontages and adjoining residential properties will reduce adverse visual intrusion effects and loss of visual amenity. Tree planting proposed at site boundaries and road frontages will also help filter closer range views into the taller buildings.”* Ms Duffell has provided additional commentary in her evidence in respect to B01B and other taller buildings on site that *“it would be a principle of good urban design to locate height, where this might have potential to impact on the surroundings, in a location where the height could be moderated by placement and topography, and where was not directly adjacent to public roads, parks, or amenity spaces, so as to reduce the visual dominance by distance.”*

346. The proposed buildings will be visible from other public spaces, including surrounding streets and from long range views, as detailed further in Mr Burns', Ms Skidmore's, and Ms McArthur's evidence. It is acknowledged there will be change, but effects will not be more than minor for the reasons detailed above and included in the experts' assessment.
347. Extensive landscaping is proposed across the site and at the street frontages. Landscaping is addressed in further detail in the below section, however, it is acknowledged that Ms McArthur has recommended that all specimen trees proposed at the street edges are at least 2.5m-3m in height when planted to provide some immediate impact, in terms of visual softening.
348. I accept the advice received from Ms Duffell and Ms McArthur and consider that, while the proposal will introduce change to the area, streetscape, character and visual amenity effects will not be more than minor.

Landscape Effects

349. The proposal involves some vegetation removal, the partial retention and protection of the Lopdell Gardens and comprehensive site landscaping upon completion of construction. The proposal has been reviewed by the Council's consultant Landscape Architect, Ms Angela McArthur. Ms McArthur's evidence is attached as **Appendix 4** and should be read in conjunction with this report.
350. It is noted that concerns were raised in submissions that primarily related to suitability of tree species along the southern boundary and related shading effects, green space for residents to walk, impact on bird life, and lack of planting behind B03-B05. These concerns have been addressed and responded in Ms McArthur's evidence and I agree with the responses provided.
351. Ms McArthur notes that the Indicative Landscape Plan, Revision S prepared by Sullivan and Wall Landscapes shows a conceptual layout for garden areas and framework specimen trees only and further details in landscape plans, including paving, should be required as a condition of consent for all planting areas if the Hearing Panel is of a mind to grant consent. I further note that the applicant has proffered a condition of consent that requires a final landscape and paving plan to be provided. The wording they have proffered is slightly different to the Council's proposed wording; the Council's recommended wording incorporates specific matters raised in the submissions.
352. Ms McArthur has advised that the trees identified in the applicant's Arboricultural Report²² to be removed are consistent across the landscape plan and report and arboriculture effects are discussed in the subsequent section of this report.
353. In terms of the suitability of the species proposed, Ms McArthur advises that a higher level of wind tolerant species would be appropriate – I concur with this, noting it reinforces the conclusions of Dr Donn in regards to mitigation of wind effects.
354. As for the shading from trees proposed along the southern boundary, Ms McArthur has recommended that the large scale trees proposed in the Indicative Landscape Plan Revision S such as Pohutukawa, Rimu, Silver Tree Fern and Puriri should be removed from the southern boundary adjacent to buildings B02-B06 to reduce shading effects.

²² Refer to Appendix F of the application.

I support this recommendation and the condition Ms McArthur has recommended that requires trees species must be restricted to small to medium evergreen trees with light textured foliage that will reach a maximum height of 4m. The trees must be maintained at this height to avoid future shading within adjoining properties. I consider this an appropriate form of mitigation and note that Ms McArthur advised the 4m tree height will “help filter views and reduce visual impact of buildings rather than obscure buildings entirely” so limiting the height of the trees will still provide visual mitigation.

355. Ms McArthur has recommended that the specimen trees proposed at the street edges are at least 2.5m to 3m at the time of planting so as to provide immediate impact and visual amenity. However, she has included an option that if a tree species were to be higher then it must be deciduous. Ms McArthur has also recommended that the first floor terrace planting (that is to be a screen) should be 1.5m to 2m at the time of planting so that there is some immediate privacy. I concur with these recommendations and note that Dr Donn has recommended wind resistant species in these terrace areas.
356. Based on the expert advice from Ms McArthur and if the recommended conditions of consent are imposed should the Hearing Panel be of a mind to grant consent, I consider landscape effects will be no more than minor.

Arboriculture Effects

357. Section 5.8 of the applicant’s AEE addresses arboricultural effects and an Arboricultural Report, prepared by Tree Management Solutions²³, and Ms McArthur has reviewed this report as part of her landscape review.
358. Ms McArthur has not raised any particular concerns and notes that established trees and paths within Lopdell Gardens, and open lawns area within the south-east corner of the site will be retained and protected and that supplementary planting will be undertaken on completion of construction to replace any protected trees removed or damaged.
359. The Arboricultural Report recommends that a Tree Management Plan (TMP) should be prepared to address the management of retained vegetation during and after construction works, and the applicant has proffered a condition of consent accordingly. Ms McArthur agrees with this and has included a TMP condition in her list of recommended conditions, should the Hearing Panel be of a mind to grant consent. The TMP will need to be in accordance with this Arboricultural Report and provide a photographic record of the retention areas G1, G2, G3, and G4 including the Tree Protection Zone (TPZ). The final landscape plan, discussed above, would also need to show the existing vegetation that is being retained and protected.
360. Based on the expert advice received and subject to the imposition of and adherence to the TMP condition as proffered by the applicant and supported by Ms McArthur, I consider arboricultural effects will be no more than minor.

Heritage Effects

361. The subject site is not listed as a heritage item in the District Plan, however, it is identified as a Category 1 Historic Place by HNZPT. The remaining buildings on the site are acknowledged as having heritage value as are some of the open spaces. Accordingly, a consideration of effects on historic heritage is necessary.

²³ Refer to Appendix F of the application.

362. The application is accompanied by a heritage assessment prepared by DPA Architects²⁴. Appendix D of the further information response contains additional heritage plans and an addendum to the heritage assessment (July 2021) has been provided. The application has also been reviewed by the Council's Consultant Heritage Advisor, Moira Smith and her assessment attached at **Appendix 5** should be read in conjunction with this report.
363. Submitter 75 (David King and Anna McKinnon-King of 24 Scapa Terrace) raised matters pertaining to heritage effects, which Ms Smith has addressed in her evidence.
364. Additionally, on 18 August 2022 a submission was received from HNZPT. HNZPT echoed concerns Ms Smith had relating to the use of aluminium joinery and the screens near the Donald Street entrance. Due to the timing of this submission and the date in which this report is required to be circulated, Ms Smith's evidence, attached at Appendix 5, has not been updated, however, Ms Smith has prepared a supplementary memo, attached at **Appendix 13**, which addresses HNZPT's submission and the matters raised therein.
365. These reports and the HNZPT citation include detailed information explaining the heritage significance of the site. As a brief summary, the site is considered to have historical, aesthetic, architectural, and social significance. The values derive from the buildings collectively as well as the open spaces, particularly the Lopdell Gardens.
366. As discussed in the 'Relevant RMA Background' section of this report, the two Certificates of Compliance were given effect to and all former buildings on site that were included in the Certificates of Compliance were demolished, except for the Oldershaw building which was able to be demolished under the relevant Certificate of Compliance yet was retained. The Allen Ward VC Hall and Tennant Block were not included in the Certificates of Compliance and still remain on site. It should be noted though that regardless of this nothing on this site is heritage listed under either the Operative District Plan or the Proposed District Plan which contains no proposed heritage listing for this site. Accordingly, there is nothing under any district plan heritage provisions preventing the owners from clearing the other buildings or landscaping from the site.
367. For clarity, this consent cannot consider the effects from the loss of heritage values from the demolition of the buildings as this was a permitted activity (as confirmed by the two certificates of compliance). The effects of this cannot be reconsidered under this resource consent application and the site as it is now is the existing environment.
368. DPA Architects and Ms Smith agree that there is on-going heritage significance derived from the buildings proposed to be retained and the parts of the Lopdell Gardens that will remain, and that these continue to have architectural, historic, and social values.
369. Ms Smith's previous heritage assessment, dated 3 September 2021, outlined that her main concern:

"is that the works to the remaining heritage buildings and landscape areas will result in the loss of heritage values that is both unacceptable and avoidable. In particular:

- *Alterations to the Allen Ward VC hall including the removal of pre-cast panels to the north façade, and their replacement with a glazed screen. My view is that this work would need to be designed by a suitably qualified heritage architect to*

²⁴ Refer to Appendix C of the application.

ensure that it is sensitive to the remaining heritage values of the hall. It may be possible to address this issue with a suitable resource consent condition.

- *Replacement of timber window joinery with aluminium at the Allen Ward VC Hall and Tennant Block.”*
370. Ms Smith had also expressed concerns about the structures proposed for the entrance courtyard between the Allen Ward VC Hall and the Tennant Block.
371. In Ms Smith’s previous assessment, she was not able to support the proposal because of these primary concerns.
372. Ms Smith agrees with the DPA Architects that the B01A, B01B, B02, B03, B04, B05 and B06 will have little effect on the remaining heritage buildings.
373. Ms Smith and DPA Architects agree that B07 will change the streetscape along Donald Street and that B07 will partially screen the Allen Ward VC Hall when the site is approached from the south, but that this effect will be “relatively small.”
374. On 28 June 2022 the Council representatives, being Ms Smith and I, met with the applicant and their heritage advisor, Dave Pearson of DPA, to discuss Ms Smith’s concerns. The applicant confirmed they would use timber joinery and further clarification was sought on the screens near the entrance that were of a concern to Ms Smith.
375. Ms Smith sought further clarification from the applicant on the screens, however, a response from them was not provided at the time of finalising her evidence. However, Ms Smith has confirmed in her evidence that the proffered condition of consent, detailed further below, would address this concern.
376. On 22 July 2022 the applicant proffered a suite of heritage conditions of consent. These relate to:
- Submitting a photographic record
 - Consult with the Council’s heritage advisor on the locations from where the photographic record is to be taken
 - Retention of or replacement of timber joinery for the Allen Ward VC Hall, Tennant Block, and Oldershaw buildings
 - That design of the entrance canopy, doors and vertical timber louvres at the Donald Street entrance, between the Allen Ward VC Hall and the Tennant Block, is consistent with the original architecture of this entrance
 - Submitting a Heritage Management Plan that is to be prepared by a suitably qualified and experienced heritage architect
 - That a suitably qualified and experienced heritage architect is to be engaged to oversee, on a monthly basis or at a frequency otherwise agreed to, any remedial work to the Oldershaw Music Block, Tennant Block and Allen Ward VC Hall
 - That the heritage architect briefs all lead contractors and supervising staff to communicate the significance of the Oldershaw Music Block, Allen Ward VC Hall and Tennant Block, the requirements of these consent conditions and the requirements of the Heritage Management Plan
 - Preparing of a Heritage Information Plan and implementation thereof
 - Accidental discovery.
377. Ms Smith has advised that *“my view is that the negative effects could be managed by the conditions proposed by the applicant in appendix 1 of this heritage assessment – if the Commissioners are minded to grant consent for the proposed development”* and

that “my assessment is that the overall development would have a reasonable effect on the heritage values of the remaining heritage items, subject to consent conditions.”

378. I accept Ms Smith’s advice and consider that the proposal is acceptable from a heritage perspective. Based on the expert advice received and through the imposition of and adherence to the suite of conditions proffered by the applicant, I consider effects on heritage will be no more than minor.

Construction Effects

379. Construction effects are an inevitable part of development and given the size and scale of the proposed works, the proposal may cause some disruption to neighbouring properties during the earthworks and construction stages. The applicant has advised that the construction period for the village is expected to be over a period of approximately 36 to 40 months. The applicant has advised that the final timing and staging of the construction works is not yet finalised and will be once the detailed design of the development is complete. It is not clear whether this includes the earthworks stage of the development as well as construction, so this should be confirmed by the applicant in their evidence. Either way, the earthworks/construction stage is long and cognisant of the construction-related effects that proposal may have on surrounding properties, the applicant has placed emphasis on the mitigation measures that may assist with minimising the scale and extent of effects associated with the proposed works as experienced by surrounding properties.
380. Adverse effects relating to construction include, but are not limited to, noise and vibration, traffic, and measures to handle contaminated soil. A number of submitters have expressed their concerns on such matters as well as the duration of the construction program, all of which will be addressed in turn. For reference, as outlined in their AEE the applicant proposes to manage construction related effects via a Construction Management Plan (CMP), which would include:
- Construction Noise and Vibration Management Plan (CNVMP)
 - Construction Traffic Management Plan (CTMP)
 - Erosion and Sediment Control Plan (ESCP)
 - Details regarding management of contaminated soils.
381. It is noted that dust, erosion, silt and sedimentation are addressed under the ‘Earthworks and Geotechnical Effects’ section below and the management of contaminated soils is addressed under the ‘Contamination Effects’ section below.

Construction noise and vibration

382. The applicant has provided a Construction Noise and Vibration Assessment attached at Appendix A of the further information response, prepared by Marshall Day Acoustics. This assessment has been reviewed by the Council’s Acoustic Engineer, Lindsay Hannah, whose assessment is attached at **Appendix 6** and should be read in conjunction with this report.
383. Submitters have expressed concerns about construction noise and the associated impacts it will have on them. Mr Lindsay has reviewed the relevant submissions that raise noise and vibration and has provided responses to these in his evidence.
384. The Construction Noise and Vibration Assessment prepared by Marshall Day Acoustics does acknowledge that there will be some noise and vibration activities that exceed NZS6803:1999 Acoustics – Construction Noise and DIN 4150-3:1999 ‘Structural Vibration – Part 3: Effects of vibration on structures’, respectively. The predicted exceedances are detailed further in the assessment prepared by Marshall Day Acoustics

and in Mr Hannah's evidence. I understand some of the exceedances will be by up to 2 dB but others will be more. For example, Mr Hannah has stated that in the specific case of concrete cutting for the Allen Ward VC Hall, the exceedance levels may be exceeded by 11 dB. Specific mention is also given to Karori Normal School, which is a noise sensitive site, whereby levels may be exceeded by up to 6 dB, and the Karori Pool (which has less sensitivity than a residential site) by up to 7 dB during piling activities. For context, Mr Hannah notes that a 10 dB increase in sound levels can be viewed as being twice as loud. It is also acknowledged there may be some instances when the vibration limits are exceeded, with piling and rollers being specifically mentioned.

385. It is recognised that certain activities will exceed the noise and vibration standards for discrete periods of time. However, the exceedances are not anticipated to be throughout the entire construction period. Mr Hannah advises that *“with respect to non-compliance, neighbours will not be exposed to ongoing high noise activities for the entire construction period, but some will experience at times high exposure during construction activities when these are conducted close to them”* and concludes that this is why a detailed CNVMP is essential. The CNVMP is detailed further below.
386. Mr Hannah has included recommended conditions of consent in his evidence, which I agree with, should the Hearing Panel be of a mind to grant consent. The conditions relate to construction noise hours (this is based on the hours Marshall Day Acoustics have referenced in their report and, noteworthy, this precludes work from occurring on Sundays, with the applicant invited to comment on their intention for working on public holidays) and that a CNVMP must be prepared and submitted to the Council for certification and adhered to through the earthworks and construction stages. Importantly, there is a requirement that the CNVMP must identify and describe all specific activities that cannot comply with the upper recommended noise limits in Table 2 of NZS6803:1999 Acoustics – Construction Noise and those that cannot comply with the vibration limits in DIN 4150-3:1999 ‘Structural Vibration – Part 3: Effects of vibration on structures’. The CNVMP must specify the predicated noise and vibration limits and identify the properties where this is going to be exceeded for each stage. Included in this is a requirement to specify the duration of the works exceeding the noise and vibration levels and a further requirement to specify the mitigation methods that must be adopted to reduce noise to a reasonable level and vibration in accordance with section 16 of the RMA.
387. As identified in Mr Hannah's evidence, construction noise has been predicted with the adoption of a 2.4m acoustic noise barrier around the full perimeter of the site. At paragraph 42 of Mr Hannah's evidence, he emphasises the importance of a 2.4m high site perimeter noise barrier. The Panel should be advised that a 2.4m high fence on the boundary would not comply with standard 5.6.2.10 and that the applicant has not sought consent for such non-compliance. Effects from a non-compliant 2.4m high fence on the site's external boundaries (in terms of shading, visual bulk on the neighbouring properties) have not been assessed. If the 2.4m fence is to be set back 1m from the boundary then it would not trigger non-compliance with standard 5.6.2.10 as this standard only relates to fences where within 1m of a boundary. If it is to be set back 1m from the site's external boundaries then it would also comply with standard 5.6.2.8 (building recession planes), however, it is not known if setting the fence back 1m from the site's external boundaries would alter the efficacy of its acoustic performance. The applicant is invited to respond to this fence matter in their evidence and provide further information on its location in relation to the site's legal external boundaries.
388. Based on the expert advice provided by Marshal Day Acoustics and Mr Hannah and through the imposition of the recommended conditions detailed above should the Hearing Panel be of a mind to grant consent, I consider adverse construction noise and

vibration effects can be appropriately managed and mitigated where possible and, overall, will not be more than minor.

Duration

389. As detailed above, the earthworks/construction stage is expected to be approximately 36 to 40 months. Submitters have expressed concerns about the duration of works and exposure to prolonged construction related effects. The concerns are well understood, and it is considered that through the adherence to the CNVMP, detailed above, and through section 16 - the adoption of the best practicable option - effects can be appropriately managed and mitigated. It is also noted that no works will occur on Sunday, as implied in Appendix A of the further information response. Mr Hannah addresses duration in his evidence attached at **Appendix 6**.
390. A submitter has requested for a published construction program to be part of a building consent along with the provision for liquidated damages. Liquidated damages are addressed in section 104(1)(c) further below. I do not think it is unreasonable for a construction program to be provided and consider this could be incorporated into the CMP condition, should the Hearing Panel be of a mind to grant consent, as details of staging and timing will be better understood at this stage in the development. The submitter also requested for the Council to restrict the construction time to a maximum of two years. The District Plan is unable to control the overall duration of construction effects, with resource consents generally having a lapse period of five years under the RMA. Furthermore, a restriction on construction would not be practicable given the applicant has already identified that the construction stage is likely to be between 36 and 40 months, so it would be unachievable and could not be a lawful requirement. However, it is anticipated that standard industry best practice will be followed to minimise effects to the maximum extent possible, and through conditions which should be imposed such as a CMP, CNVMP, and CTP, to name the key ones, if the Hearing Panel is of a mind to grant consent.

Construction traffic

391. Appendix E – Transportation Assessment Report, by Commute Transportation Consultations CTC, provides an overview of construction traffic effects and states that a Construction Traffic Management Plan (CTMP) is anticipated to form part of the suite of conditions. The CTMP will include details pertaining to construction dates and hours of operation, including any specific non-working hours for traffic congestion and noise. It advises that “traffic movements should look to avoid school pick up and drop off times during school terms.” It will also be required to detail the truck routes, temporary traffic management signage and details for both pedestrians and vehicles, and details for site access and egress.
392. The Council’s Transport Engineering and Operations Manager, Soon Teck Kong, has reviewed the proposal and, should the Hearing Panel be of a mind to grant consent, has recommended that a CTMP condition is imposed. The CTMP condition is similar to that proffered by the applicant, except that it requires additional information to be incorporated, including an emergency 24/7 contact number, a register for public complaints, measures to address any collateral damage to vehicles and property, and any related occupation of the public footpath or carriageway for construction related purposes. It will also need to be adhered to throughout the entire earthworks (and construction) stages. Furthermore, a key difference between the CTMP recommended by Council and the one proffered by the applicant is that Council considers it necessary to restrict truck movements such that they are avoided during school drop off and pick up instead of the more tentative “look to avoid” as stated by the applicant. This is considered necessary from a safety perspective and I note that a number of

submissions expressed safety concerns for school children during the earthworks and construction period. I agree with this inclusion.

393. A CTMP condition is standard for managing traffic effects associated with medium to large projects and it is used extensively throughout the city. Based on the imposition of and adherence to a CTMP, I consider construction traffic related effects can be managed and mitigated and will be less than minor.

Conclusion

394. Based on the advice received from the Council's advisors and the applicant's advisors, and through the imposition of and adherence to the proffered and recommended conditions, I consider adverse construction-related effects will not be more than minor.

Earthworks and Geotechnical Effects

395. Earthworks are proposed to be undertaken over an area of approximately 25,000m² and involve cuts around 5.5m in height (note the applicant is asked to confirm this) and fill up to 4.5m in depth. Effects associated with earthworks relate to stability and geotechnical considerations, erosion, dust, and sedimentation, visual amenity, and the transportation of excess material.
396. The proposal and relevant submissions that raised earthworks related matters have been reviewed by the Council's Earthworks Engineer, John Davies. Mr Davies' assessment is attached at **Appendix 8** and should be read in conjunction with this report.
397. The proposal and relevant submissions that raised geotechnical related matters have been reviewed by ENGEO on behalf of Council. ENGEO's original assessment is attached at **Appendix 9** and the supplementary assessment which address submitters' concerns is attached at **Appendix 10**, both of which should be read in conjunction with this report.
398. Submitters have expressed concerns largely relating to dust, dirt, stability, and ground movement.

Stability and geotechnical considerations

399. Appendix H of the application includes a geotechnical report prepared by Tonkin and Taylor. This report was peer reviewed by Stephanie Cherfane, Senior Geotechnical Engineer at ENGEO on behalf of the Council. Ms Cherfane's assessment is attached at **Appendix 9** and should be read in conjunction with this report. ENGEO confirmed that they "*are conformable with the approach that Tonkin and Taylor followed in identifying, assessing and managing the geotechnical risks on-site.*"
400. Tonkin and Taylor advise that "*the maximum fill heights are expected to be in the order of 3m*" and that "*cut and retention heights are typically in the order of 4 to 6 m with local areas higher (but well offset from the site boundaries).*" Page 7 of their report says that the excavations associated with the northern portion of B01A close to the boundary with 22 Donald Street will be about 5.5m.
401. The 'Depth (cut/fill) contour plan', Drawing No. 042-RCT_401_Co_120, revision 1, dated 14/08/20 shows the fill hatch to be greater than 4m and the cut hatch to be greater than 3.5m.

402. For completeness, and in absence of a cross section that shows the maximum heights, the applicant should confirm in their evidence the proposed maximum cut and fill heights across the site – this issue was raised earlier in this report.
403. Ayoub Riman, Principal Geotechnical Engineer at ENGEO has reviewed all the preceding geotechnical documents as well as the submissions that relate to geotechnical matters. Mr Riman’s assessment is attached at **Appendix 10** and should be read in conjunction with this report.
404. Submitters have expressed concerns relating to ground movement, instability, and subsidence and how this may affect their properties during construction. Mr Riman has advised that in his professional opinion, *“the proposed development can be successfully constructed if the potential geotechnical risks identified and discussed in the reviewed Tonkin and Taylor report and letter are considered during the building consent and construction stage.”* Mr Riman has also provided additional recommendations which translate into conditions of consent, should the Hearing Panel be of a mind to grant consent. These relate to:
- a. All temporary work, foundations, and excavations to be assessed and designed by a Chartered Geotechnical Engineer;
 - b. The maximum excavation heights on the earthworks plans should be provided. It is recommended to include sketches illustrating the excavation sequence and stages at the most critical locations, identified by the Engineer;
 - c. That a ground movement monitoring plan should be specified by the design team to monitor induced ground displacements due to excavation and vibration in neighbouring properties prior, during and after completion of critical geotechnical and earthworks activities.
 - d. The monitoring plan should be either prepared or reviewed by a Chartered Geotechnical Engineer; and
 - e. The monitoring results should be regularly checked against the temporary works design model to confirm acceptability. All instruments and survey points are recommended to be monitored against proposed “Alert”, “Action”, “Alarm” (AAA) levels, specified by the engineer. The Contractor shall develop contingency plans to respond to exceedance of “Action Values” and “Alarm Values.”
405. The Council’s Earthworks Engineer has included a recommended condition of consent that requires a PS4 to be supplied to Council.
406. Based on the expert advice received and through the imposition of and adherence to the recommended conditions of consent, I consider stability and geotechnical matters can be appropriately managed and mitigated as much as practicable, and that effects will be less than minor.

Erosion, dust, and sedimentation

407. Given the scale of earthworks proposed, there is the potential for adverse erosion, dust, and sedimentation effects on the adjoining properties and wider environment. It is acknowledged that submitters have expressed concerns relating to such matters, as outlined in Mr Davies’ evidence attached at **Appendix 8**.
408. The applicant has prepared an Erosion and Sediment Control Plan (ESCP), which is situated within ‘Appendix D – Infrastructure Assessment Report – Woods.’ The ESCP depicts the proposed measures that will be implemented to manage and mitigate effects from the earthworks. These include earth bunds, silt fences, clean water

diversion, designated water retention areas, dewatering treatment, and a stabilised site entrance from Campbell Street. Section 2.3 of the applicant's AEE states that there will be on-going monitoring requirements including weekly inspections and inspections within a day of a significant rain event. This section of the AEE, as well as sections 5.3.1 and 5.3.3, confirm that standard earthworks management practices will be adopted to manage and minimise effects relating to dust, sedimentation and stormwater runoff. It is expected that these will be consistent with GWRC's Erosion and Sediment Control Guidelines for the Wellington Region, also noting that regional consents and discharge permits are being sought from GWRC.

409. Mr Davies has advised that the ESCP supplied with the application is supported in principle and, should the Hearing Panel be of a mind to grant consent, has recommended that a final Earthworks and Sediment Management Plan (ESMP) (term used interchangeably) is submitted to and certified by Council prior to any works commencing on site. A final ESCP is also required as further details will be able to be provided once a contractor has been appointed. Mr Davies has also listed additional measures that will need to be incorporated into the ESCP and notes that the key to providing further detail in the final ESCP is the staging of earthworks to minimise the potential for erosion and sediment loss from the site.
410. The additional measures and information required to be supplied as part of a final ESCP also address the management of dust and a condition of consent is recommended which relates to controlling dust to minimise nuisance and hazards.
411. The final ESMP and general earthworks management conditions, which includes the conditions pertaining to dust control, are required to be in place for the duration of works and until the site has been remediated and until it stops producing dust.
412. Based on the information contained within the applicant's AEE, including the ESCP, and on Mr Davies' assessment and recommended conditions of consent, I consider any actual and potential erosion, dust, and sediment control effects can be appropriately managed and mitigated, and will therefore be less than minor.

Visual effects

413. Given the scale of earthworks proposed, being over an area of 25,000m² and the cut height and fill depths (to be confirmed but will exceed the permitted activity threshold), there is the potential for the earthworks to result in adverse visual effects. Visual effects comprise temporary effects and permanent effects, and these will be assessed in turn.
414. With respect to temporary visual effects, there will be exposed areas of earthworks throughout the earthworks and construction stages. This is common component of development, however, measures can be adopted to mitigate effects. Measures include grassing and reinstating exposed areas as soon as practicable, which also assists with dust, silt, and sedimentation related effects. Section 5.3.3 of the applicant's AEE, which relates to sediment and stormwater run-off, states that "*re-vegetation and rehabilitating exposed areas as soon as practicable following completion of earthworks*" will occur. Mr Davies has recommended a condition of consent that requires all exposed areas of earthworks, unless otherwise built on, are to be grassed or re-vegetated within 1 month of completing each stage of the earthworks. This condition recognises and provides for flexibility with staging which is appropriate given the sheer scale of earthworks proposed. While there will be temporary visual effects, based on the recommended conditions, I consider the visual effects during the earthworks and construction stages will be less than minor on the environment and surrounding properties.

415. In terms of permanent visual effects, upon completion of the construction of the buildings there will be no exposed areas of earthworks as they will be covered by a combination of the buildings, the internal road, pathways, at grade car parking, and the extensive landscaping that is proposed. The largest cut and fill locations occur within the central part of the site under B01A and B01B for the basement car parking areas and to fill the vehicle ramp area to the main entrance. For the most part, any potential permanent visual effects, from retaining for example, will be internalised to the site.
416. The exceptions to this are the areas of cut under B07 (for the basement car park) and the B01A building adjacent to the northern boundary shared with the Karori Pool. There will be no adverse permanent visual effects from the northernmost B01A building as it will be retaining a cut, so it will be below existing ground level and a boundary fence is proposed which, alongside landscaping, will partially restrict any views. Based on the elevations provided (refer to RC13, A0-200 and reproduced below for ease at Figure 24), the cuts and any associated retaining required for the basement under B07 will not be visible from Donald Street and, by implication, the residential properties to the east. It is noted that fencing and landscaping is proposed along the Donald Street frontage at ground level, which, whilst modified, is not considered to be too dissimilar to the existing levels as the topography slopes downwards from north to south. Should any retaining or evidence of the basement be visible, visual effects will be mitigated by the fencing and landscaping. Accordingly, any permanent visual effects from the earthworks will be less than minor.



Figure 24: B07 elevation (foreground) as viewed from Donald Street.

Transportation of excess material

417. The proposed earthworks involve approximately 37,000m³ of cut and 2,500m³ of fill across the site, with approximately 34,500m³ of material required to be transported off site to be disposed of. The exact number of truck movements has not been provided in the applicant's AEE, however, it is anticipated to be a large number given the volume of material to be transported off site. Given the volume of material required to be transported off site and the associated traffic movements involved, consideration needs to be given to how effects can be managed throughout the earthworks stage. As detailed in the 'Construction Effects' section above, it is recommended that a CTMP condition is imposed on the decision should the Hearing Panel be of a mind to grant consent. I agree with Mr Kong's recommended wording and that truck movements must avoid school drop off and pick up times, as stipulated in the wording of the recommended CTMP condition.

418. Based on the imposition of a CTMP and adherence to this, I consider any actual and potential effects associated with the transportation of material can be appropriately managed and mitigated and will therefore be less than minor.

Conclusion

419. For the reasons I have expressed above, I consider that the earthworks and geotechnical effects of the proposal will be less than minor, subject to the imposition of the recommended conditions of consent.

Contamination Effects

420. The site is the site is identified in GWRC's SLUR (SN/05/1067/02) due to the presence of an above ground diesel storage tank when the site was operating as Victoria University. The application is accompanied by a Ground Contamination Assessment of Environmental Effects, prepared by Tonkin and Taylor Limited²⁵, which has been prepared in accordance with the requirements for a Preliminary Site Investigation and Detailed Site Investigation (DSI). As outlined in this report, there is potential for this Hazardous Activities and Industries List (HAIL) to have resulted in ground contamination and there is the potential for other HAIL activities to have occurred across the site. These include diesel and petrol storage, playing fields and gardens, earthworks including imported fill, and buildings with asbestos containing materials and lead based paints. Tonkin and Taylor note that the 'landfill' part of the site in the south-west was, in fact, a cleanfill and that the potential for contamination from that source would be negligible and therefore not investigated further.
421. The Ground Contamination Assessment of Environmental Effects, prepared by Tonkin and Taylor Limited, has been reviewed by Suzanne Lowe, Principal Environmental Consultant at AECOM on behalf of the Council. Ms Lowe's assessment is attached at **Appendix 11** and should be read in conjunction with this report. In summary, Ms Lowe has advised that:
- "[their] review concurred with the Tonkin and Taylor assessment. The DSI adequately characterises soil contaminant conditions at the site for the purpose of assessing risk to human health and options for the management of this risk, but that additional investigation to refine the understanding of the distribution of asbestos in soils was warranted."*
422. Ms Lowe also noted there were some minor errors in Tonkin and Taylor's assessment, but confirmed these did not change the outcome of her assessment²⁶.
423. Tonkin and Taylor believe that the site is suitable for the construction and operation of the proposed retirement village, subject to additional controls being implemented to mitigate risks to human health from exposure to asbestos in soils and that these controls should be included in a Site Management Plan which should be a condition of consent. Section 2.3 of the applicant's AEE states that remediation and/or management of contaminated soils will be required and that this will be addressed by a Site Management Plan. As part of Ms Lowe's review, she has recommended a number of conditions of consent be imposed, should the Hearing Panel be of a mind to grant consent. The conditions relate to further sampling for asbestos in soils, the preparation of and adherence to a Contaminated Land Management Plan, the material with contaminant concentrations above background concentrations to be disposed of at a

²⁵ Refer to Appendix J of the application.

²⁶ Ms Lowe advised that there are some minor errors in the report and that these should be updated so that they are not carried through into future reports. As this does not change the outcome of Ms Lowe's assessment, I see there being little benefit in updating and reissuing the assessment for the purposes of this resource consent application.

licenced facility, and that a Site Validation Report is prepared and submitted to the Council.

424. Based on the expert advice received from Tonkin and Taylor and Ms Lowe, and the recommended conditions of consent being imposed should consent be granted, any actual and potential effects pertaining to contamination can be appropriately managed and mitigated and will therefore be less than minor.

Traffic Effects

425. The application is accompanied by a traffic assessment prepared by Commute Transportation Consultants (CTC)²⁷. Additional information pertaining to vehicle access details was provided as part of the section 92 response²⁸. The application has been reviewed by the Council's Transport Engineering and Operations Manager, Soon Teck Kong, and his assessment attached at **Appendix 7** should be read in conjunction with this report.
426. The proposal requires resource consent for site access non-compliances and minimum car parking requirements. Presently, there are crossings on Donald Street and Campbell Street. It is proposed to retain the Donald Street crossing, but increase its width to 9m and have a crossing on Campbell Street that provides access to the undercroft parking area contained in BO2-BO6. It is noted that the Council is not supporting the 9m wide crossing until there is justification from the applicant as to why it needs to be this wide i.e. tracking paths. The applicant is invited to comment on this in their evidence. The existing crossings on Campbell Street will become redundant. The District Plan provides for only one access to a site where access is available from both a Collector Road (Campbell Street) and a Local Road (Donald Street). As such, consent is sought for this non-compliance, but it is noted that the existing environment has a crossing on each of the frontages.
427. The proposal does not meet the minimum car parking requirements (one per 'household unit' and one visitor car park per four units where there are seven units or more). It is acknowledged that since the application was submitted in September 2020, the minimum car parking requirements have been removed from the District Plan, however, I consider the proposal needs to be assessed on the framework that existed at the time of the application being submitted. If this is not agreed with, it is worth noting that, regardless, due consideration has to be given to traffic effects, including those associated with parking, (as listed as a specific matter of discretion under Rules 5.3.7 and 5.3.10A, and as a Non-Complying Activity there is no restriction on the matters which have to be considered).
428. Submitters expressed concerns relating to construction traffic, including:
- Increased stress on on-street parking during construction;
 - That all construction traffic should only use Donald Street access, not Campbell Street;
 - That construction traffic should avoid the beginning and end of the school day;
 - Construction works should not park on Campbell Street or its side streets; and
 - Construction workers should park on site, not on the street.
429. Submitters expressed concerns relating to operational traffic, including:
- Residents, staff, and visitors should be prevented from parking on Campbell Street;
 - Increased stress on on-street parking in the area (generally), including the car parking in front of Ben Burn Parks, once operational;

²⁷ Refer to Appendix E of the application documents.

²⁸ Refer to Appendix B of the further information response.

- Access width for fire appliances;
- Too many car parks are being provided given the public transport options in the area;
- Not enough car parks are being provided;
- Car parks should be allocated to staff, visitors etc.;
- General safety concerns;
- That existing residents cannot park in front of their properties if workers and visitors are using the street to park their vehicles.

430. Submitters also expressed concerns relating to:

- The traffic modelling (2019) is outdated and should be re-done; and
- There should be restricted parking areas, loading zones in the surrounding streets.

431. Mr Kong has addressed submitters' concerns in his evidence attached at **Appendix 7**.

Access

432. Mr Kong has not raised any issues with having a crossing on both the Donald Street and Campbell Street frontage (in light of standard 5.6.1.4.3 non-compliance) and that he supports the proposal to provide accesses on both street frontages due to the large site which will provide a choice of routes for drivers as well as to reduce the concentration of vehicle movements at a single access point.

433. The Donald Street access is proposed to have a width of 9m, which is 3m in excess of the permitted maximum width. Mr Kong notes that CTC has not provided justification as to why the crossing needs to be 9m wide, but the plans do show a traffic island in centre. Mr Kong advised that the Council is not supporting this 9m width until there is justification for this i.e. tracking paths. Mr Kong has recommended a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires the tracking paths, final widths of the two crossing to be approved, as well as details such as pedestrian visibility and speed calming measures (for example, speed humps at the back of the footpaths). Based on the information provided by CTC, sightlines are expected to comply.

434. As for internal road layout, it will be 5.5m in width and will provide for low volume, two way access and that tracking is achievable. However, in light of the submission from FENZ, Mr Kong has suggested that the internal road layout must be reassessed to ensure it will permit emergency service vehicle access and manoeuvring as required in the Designers' guide to firefighting operations – Emergency vehicle access F5-02 GD. The applicant is invited to provide a response to this in their evidence.

435. Mr Kong has advised that the pedestrian pathways connect to public footpaths which will provide safe and convenient access from both Donald Street and Campbell Street. Mr Kong concludes that *"I consider the proposed internal roading layout and footpath provision are appropriate for this development with the inclusion of speed calming measures (speed humps and platforms) to ensure that vehicle speed is low for pedestrian safety."*

Traffic generation and modelling

436. Mr Kong has reviewed the information relating to trip generation, alternative options, traffic distribution, and intersection modelling and has not raised any specific concerns.

Parking

437. Mr Kong notes the minimum car parking and visitor car parking rates that apply to this application and further acknowledges that the District Plan does not have separate requirements for retirement villages and that retirement villages would be expected to have a different parking demand profile as compared to a residential development.
438. In terms of parking provision 229 car parks are proposed²⁹ - 190 are either basement or undercroft and 39 are at grade. Mr Kong has advised that he considers the total parking provision to be acceptable subject to the applicant actively managing the on-site parking demand on a shared use basis for residents, visitors, and staff without encroachment onto the surrounding streets. Mr Kong has recommended a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires monitoring of the on-site parking utilisation for residents, staff and visitors to validate the parking provision rates stated by CTC. A baseline parking survey of the adjacent streets will be necessary for future comparison. A condition is also recommended that requires all car parks to be clearly marked and signposted to be available for shared use by residents, staff, and visitors. The shared use of all on-site parking is to ensure that staff who arrive by private vehicles can park on-site while the consent holder gathers information on the site-specific staff travel behaviour and mode choice.
439. CTC advised that the car parks will meet AS/NZS 2890.1 -2004 Parking Facilities, Part 1: Off-Street Car Parking, that the ramps will satisfy maximum gradient and transition requirements, and that the accessible car parks will be designed to NZS 412. Mr Kong has suggested that detailed construction plans addressing these along with details on vehicle height clearances to permit emergency service vehicle access and manoeuvring as required in the Designers' guide to firefighting operations – Emergency vehicle access F5-02 GD, are submitted to the Council for certification as a recommended condition of consent. The applicant may wish to provide comment on the feasibility of complying with clearance heights for emergency service vehicles.

Travel Plan

440. CTC advises that Ryman do not prepare formal travel plans for staff travel and consider that a travel plan is not necessary. Mr Kong holds a different view. CTC state that staff shifts are arranged to avoid commuter peaks and note that the site is well positioned for public transport, walking and cycling. Mr Kong has recommended a condition of consent, should the Hearing Panel be of a mind to grant consent, requiring the preparation of a staff travel plan (to promote and encourage car sharing or alternative work travel modes) and the applicant will also need to confirm staff shifts, changeover period, and staff numbers on-site at any given time during the weekday and weekend and also staff travel behaviour and mode choices to confirm that staff shifts are arranged to avoid commuter peaks and that on-site staff parking provision is self-sufficient as expected by CTC.
441. I accept Mr Kong's recommendation of having a travel plan as a condition of consent. What is proposed is a very large scale operation that has the potential to create off-site traffic effects and anything the applicant can do to help avoid this is recommended. A travel plan can assist with this.

Loading and servicing

442. The main on-site loading area is provided to the south of B01A (Village Green building) and there will be a space to the north of B08, the bin and compactor building, for refuse

²⁹ 229 car parks are proposed. Previously, 230 car parks were proposed but an at grade car to the west of B01B was removed as part of the July 2021 changes to the proposal.

and recycling servicing. Mr Kong has advised that the information supplied as part of the section 92 response pertaining to vehicle clearance heights is acceptable but only for private vehicles, not service vehicles. FENZ's operational needs to attend emergencies where access to the basements and undercroft areas by emergency vehicles is not known – the applicant or FENZ may want to comment on this.

443. Mr Kong further advised that the loading and servicing arrangements are appropriate to service the development and has recommended a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires detailed construction plans to be submitted to Council for certification. Importantly, FENZ's submission is acknowledged through the recommended conditions, as part of this condition requires confirmation that emergency service vehicle access and manoeuvring is catered for in the detailed construction plans. It is suggested that the applicant provides a response to this in their evidence. However, building a development such as this without providing for fire and emergency would be unwise and I doubt that is intended.

Conclusion

444. In determining my conclusions above, I have relied on the expert advice of Mr Kong who has confirmed that, subject to his assessment and recommended conditions of consent, the proposal is acceptable from a traffic perspective. I therefore consider traffic effects will be no more than minor.

Operational Noise Effects

445. The proposal has the potential to result in noise effects once operational. Construction noise effects have been addressed at 'Construction Effects' section above and thus this section of my report will focus on operational noise, which can include, but not be limited to, service noise, fixed plant, people, and traffic.
446. The applicant has supplied an Operational Noise Assessment attached at Appendix K of the application and a Noise Assessment Response Memorandum attached at Appendix C of the further information response, both prepared by Marshall Day Acoustics.
447. The proposal, relevant appendices, and relevant submissions that raised noise related matters have been reviewed by the Council's Acoustic Engineer, Lindsay Hannah. Mr Hannah's assessment is attached at **Appendix 6** and should be read in conjunction with this report.
448. The applicant is seeking consent to exceed the permitted noise levels (as stipulated in Standard 5.6.1.1.1) once or twice a week when the refuse is being collected. This exceedance only occurs when measured from 29 Campbell Street (Karori Kids early childcare centre). It is anticipated to exceed the permitted level by 3 dB. Mr Hannah advises that a change in sound level of 3 dB would typically be imperceptible to the average listener and that the degree of change would be negligible. All other aspects of operational noise are capable of complying with the District Plan noise limits.
449. Submitters expressed concerns relating to operational noise effects from the proposal, including:
- Noise effects from the pocket park
 - Noise from air-conditioning units and the laundry services
 - Noise from tyres screeching in the undercroft car park of B02 - B06
 - That the southern wall of B02 - B06 should be attenuated to mitigate noise effects
 - Noise effects from a garage alarm and that any alarm should be inaudible.

450. With respect to operational noise effects raised by submitters, Mr Hannah has provided responses to these in his evidence. I defer to Mr Hannah's expertise on these matters and consider that he has responded to all the operational noise concerns. I do, however, note the following which could either be included as additional conditions of consent should the Hearing Panel be of a mind to grant consent, or the applicant could provide additional information on how they will comply/address these matters as part of their evidence:
- Mr Hannah advised that there is no practical reason why noise from the garage door and an associated warning device cannot be suitably designed, specified, and operated so as to comply with the District Plan noise limits. Mr Hannah has included some possible measures in his evidence. The applicant may wish to comment on this in their evidence.
 - Mr Hannah advised that mitigation measures, such as speed humps and/or signs can be adopted to ensure vehicles move at slow speeds, thus resulting in a reduction in vehicle noise. I note that two speed limit signs are proposed: one at the Campbell Street undercroft car park entry and the other at the Donald Street entrance. I also note that Mr Teck Kong has recommended a condition requiring speed humps and platforms to ensure a slow speed environment of 10km. The applicant may wish to comment on whether additional signage is required across the site. I would note, however, that for the intended use of the development for elderly people, the applicant would not be wanting to see high vehicle speeds within the site.
 - Mr Hannah advised that noise from tyre squealing could be a potential noise source that is detectable off-site, but that with suitable design and specification (for example having a rough textured vehicle manoeuvring and parking surface instead of a smooth surface) he sees no reason why it could not comply with the District Plan noise limits. I consider this to be an effect that can be easily mitigated through the use of a rough textured surface treatment, and have included a condition in **Appendix 1** should the Hearing Panel be of a mind to grant consent.
451. As part of Mr Hannah's assessment, he has recommended a number of conditions of consent be imposed relating to operational noise, should the Hearing Panel be of a mind to grant consent. These relate to a standard condition for fixed plant noise, a condition that requires the consent holder to provide an acoustic design certificate that certifies that suitable acoustic mitigation measures have been incorporated into the design and are sufficient in ensuring noise emitted from all operational activities on site comply with the District Plan (except for the breach associated with refuse collection as measured from 29 Campbell Street). Recommended conditions also relate to an acoustic site inspection to ensure the noise mitigation measures have been inspected and are sufficient to ensure the noise limits comply and a condition that requires the abovementioned design certificate and acoustic site inspection to be received and certified by the Council prior to residential occupation of the retirement village.
452. Based on the expert advice received from Marshall Day Acoustics and Mr Hannah, and the recommended conditions of consent being imposed should consent be granted, any actual and potential effects pertaining to operational noise can be appropriately managed and mitigated, and will therefore be less than minor.

Servicing / Three Waters Effects

453. Given the scale of the proposal, servicing effects and effects on infrastructure need to be considered and assessed accordingly.
454. The applicant has provided an Infrastructure Assessment Report prepared by Woods, attached at Appendix D of the application. The proposal has been reviewed by David

Wilson of the Urban Engineers Limited on behalf of Wellington Water Limited. Mr Wilson's evidence is attached at **Appendix 12** of this report and should be read in conjunction with this report.

455. Submitters have expressed concerns about infrastructure capacity, particularly regarding wastewater and stormwater, as well as more specific things like the version of the Regional Standard and Specifications for Water Services (RSWS) being used and details of the scruffy dome. Mr Wilson addresses submissions in his evidence.
456. With respect to water supply, and as outlined in Mr Wilson's evidence, the site will be provided with two new connections from the 150mm main in Donald Street. The first one will be to provide the potable supply and fire hydrants within the site and the second connection will be a dedicated supply for fire protection sprinklers. Mr Wilson advised that both connections will be provided with backflow preventors near the Donald Street boundary and all reticulation within the site will be privately owned by Ryman. Mr Wilson advised that the local water supply network has sufficient capacity so that RSWS requirements can be met.
457. Submitter 51 (Fire and Emergency New Zealand) notes that the Infrastructure Assessment Report states "*that the water supply network servicing the site has sufficient capacity available to supply suitable flows for firefighting purposes, which has been determined in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008 (Code of Practice)*" and they acknowledge that there will be connections for the fire hydrants and the sprinkler system. Accordingly, Fire and Emergency New Zealand has not raised any specific concerns with respect to water supply for firefighting purposes.
458. With respect to wastewater, Council mains run through the site and new wastewater infrastructure is proposed to service the site. The proposal will require realignment to the existing network to avoid buildings and underground services where possible and will require approval from Wellington Water Limited and the Council at engineering stage. Mr Wilson advises that "*building in close proximity of public pipelines should be avoided where possible.*" Conditions are recommended by Mr Wilson, should the Hearing Panel be of a mind to grant consent, that address the RSWS requirements in respect of building over public pipelines.
459. Regarding wastewater capacity, it is acknowledged that this is common concern raised by submitters. Mr Wilson has addressed wastewater capacity in his evidence and I am relying on his expertise in this regard. Importantly, Mr Wilson advises that Wellington Water Limited's current policy is that on-site wastewater mitigation is only required when there are capacity constraints in the local network. Trunk network capacity constraints are addressed at a whole of catchment scale. Mr Wilson has advised that it is his opinion that "*there is sufficient capacity in the local wastewater network for the proposed development and that on-site wastewater detention will not be required.*"
460. With respect to stormwater, Council mains run through the site and new stormwater infrastructure is proposed to service the site. The proposal will require alterations to the existing network to avoid pipelines under buildings (where practicable) and will require approval from Wellington Water Limited at engineering stage. The proposed stormwater infrastructure has been designed to avoid buildings where possible, however, there are some instances where this is not likely to be possible. Mr Wilson's evidence provides further detail on this and has recommended relevant conditions of consent to address these matters, should the Hearing Panel be of a mind to grant consent. A 1,400m³ stormwater tank is proposed and the below 'Flooding' and 'Effects

on Water Quality' sections in my report provide further assessment on flooding and stormwater quality effects.

461. I accept Mr Wilson's expert assessment and note he has advised that the proposal is supported from a three waters servicing perspective. Overall, based on the expert advice received and recommended conditions of consent, I consider servicing and infrastructure effects can be managed and mitigated (where relevant) and will be less than minor.

Flooding Effects

462. The subject site is not located in a Hazard (Flood) Area of the District Plan, however, it is identified on GWRC's flood hazard maps as being subject to a 1% AEP flood hazard. As such, there are no specific District Plan rules that apply to buildings in a flood hazard area on this site. Notwithstanding, natural hazards effects and risks need to be considered as a matter of national importance, further noting that the Non-Complying Activity status does not restrict discretion.
463. The applicant has provided an Infrastructure Assessment Report prepared by Woods, attached.³⁰ The proposal has been reviewed by David Wilson of the Urban Engineers Limited on behalf of Wellington Water Limited. Mr Wilson's evidence is attached at **Appendix 12** of this report and should be read in conjunction with this report.
464. The applicant and Wellington Water discussed and agreed to the on-site stormwater solution early on and I refer you to Mr Wilson's evidence which provides the specifics in terms of what was agreed to between the two parties. Flood modelling has been undertaken and is included in the abovementioned Infrastructure Assessment Report.
465. Mr Wilson has advised that the "The updated flood model was subject to review by a stormwater modelling consultancy on behalf of Wellington Water. The review confirmed that the updated model was fit for its purpose."
466. Importantly, Mr Wilson has advised that:
- a. There is no flood risk to the proposed village within the site for all scenarios³¹ modelled;
 - b. There is no increase flood risk to properties upstream or downstream of the site for all scenarios³² modelled;
 - c. The flood storage solution works as expected resulting in no increased water levels or flood extents in neighbouring properties with significant benefits along Donald Street, minor improvements along Campbell Street and no change on Scapa Terrace;
 - d. The modelling undertaken confirms that flood storage of approximately 1,275m³ is required for mitigation for the 100-year with climate change 12-hour duration storm nested event. However, the volume of the configuration proposed is 1,400m³, which exceeds the required flood storage;
 - e. The modelling has shown that the proposed solution will achieve hydraulic neutrality for the 10-year and 100-year events, therefore there will be no offsite adverse quantity effects. This includes all offsite infrastructure such as culverts, bridges and private property, roads and reserves; and
 - f. With 50% of the weir structure blocked, the weir will operate at a peak head of 0.61m with no increases in water levels or flood extents on neighbouring properties.

³⁰ Refer to Appendix D of the application.

³¹ 10% AEP, 1% AEP, and 1% AEP with 50% blockage.

³² *Ibid.*

467. The on-site flood storage/detention tank will be 45m long by 10.5m wide and will have a depth of 3m and a volume of 1,440m³. It will have a weir inlet that has a 3m width and 0.7m high opening. The underground detention tank will be located in between B03 and B04, partially under the undercroft car park, lawn area, and at grade car park. Its location is shown on Drawing No. 042-RCT_401_Co-300 (in Appendix D, Infrastructure Assessment Report) and is reproduced for ease of reference in Figure 25 below.



Figure 25: Location of detention tank (green hatching).

468. Mr Wilson has recommended a number of conditions of consent, should the Hearing Panel be of a mind to grant consent, that relate to preparation and submission of a stormwater management report, a requirement that the site is stormwater neutral for all events up to the 1% AEP event, a requirement to ensure the stormwater discharge post-development from the site for all events up to the 1% AEP event does not increase upstream or downstream inundation risk, maintenance requirements, and a requirement to not increase the impervious area of the site.
469. A number of submitters expressed concerns pertaining to flooding effects, overland flows, that the existing site acts as a soakpit, increased flood risk to people and property. Mr Wilson has considered the matters raised in the submissions and has advised that *“regarding the impact on existing inundation risk, it is my opinion that based on the flood modelling work completed to date that a suitable stormwater management can be built on the site so that stormwater discharge post-development from the Site for all rainfall events up to the 1% AEP plus climate change event does not increase upstream or downstream inundation risk.”*
470. Based on the expert advice received from Mr Wilson and recommended conditions of consent, I consider that there flooding impacts have been appropriately mitigated and will be less than minor.

Effects on Water Quality

471. An open stormwater channel/stream corridor is located in the south-eastern part of the site. It is undergrounded either side at this point and is a stormwater pipe through the site. It is daylighted again within Part Section 36 Karori District (which is part of 22 Donald Street, owned by the Council), as shown in Figure 26 below.



Figure 26: Open stormwater channel/stream corridor in dark green.

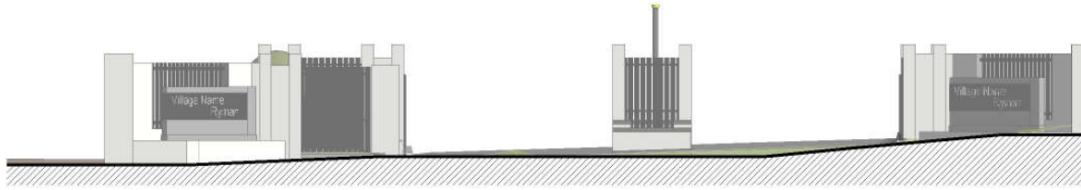
472. Submitters have expressed concerns relating to water quality and impacts on the stream running through the site, including improving the habitat within the stream. A submitter has suggested that *“any pipes and other structures in and over the stream within the development site should be daylighted to improve the aquatic habitat. Planting of the riparian margins, for a distance of at least 5m on either bank, with native species endemic to Karori should be required.”*
473. I understand that the proposal does not involve daylighting the existing piped sections of the corridor. However, I do note that the existing open stormwater channel/stream corridor in the south-eastern part of the site will not be piped and will remain as is.
474. In terms of water quality effects on the stream from the development, Mr Wilson has provided an assessment on this in his evidence attached at **Appendix 12**. Mr Wilson has advised that the 39 at grade car parks are considered to be a *“high contaminant generating zone”* and that stormwater discharged from the car parks, including accessways, will require treatment for contaminants.
475. Mr Wilson notes that the applicant has advised that that they propose to treat stormwater via Stormwater 360 EnviroPod® or similar. Mr Wilson has advised that *“the EnviroPod® is considered a pre-treatment device and will not provide the level of treatment provided [required].”* Mr Wilson has advised that stormwater treatment devices, such as rain gardens, will need to be provided in accordance with Wellington Water’s Water Sensitive Design for Stormwater: Treatment Device Design Guideline, and has recommended a condition of consent to reflect this, should the Hearing Panel be of a mind to grant consent. Ms McArthur has also recommended rain gardens be constructed on site.
476. Furthermore, Mr Wilson has advised that the increase in impervious area is 17.5% and that this change in imperviousness leads to increases in peak flow, runoff volume, and frequency of runoff from the site. The key to mitigating adverse effects of this level of imperviousness is hydrological retention and detention. Mr Wilson advised that the applicant has provided some hydrological mitigation measures, however, there is not an assessment of the reduction in runoff frequency and volume. Accordingly, Mr

Wilson has recommended conditions of consent, should the Hearing Panel be of a mind to grant consent, that require appropriate hydrological mitigation.

477. Mr Wilson has also advised that the applicant has indicated that building materials will be carefully selected so as to ensure that the use of materials that have the potential to harm and/or pollute waterways is avoided (for example unpainted zinc or copper cladding or roofing). Mr Wilson has recommended a condition of consent to reflect this, should the Hearing Panel be of a mind to grant consent.
478. Policy 42 of the Regional Policy Statement (RPS) relates to minimising contamination in stormwater from development with clause (j) recommending “*using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges.*” Mr Wilson has recommended a consent condition, should the Hearing Panel be of a mind to grant consent, that requires the installation of educational plaques which will promote public awareness toward maintaining the water quality of the stormwater discharge.
479. Furthermore, the applicant has applied for an operational stormwater discharge permit from GWRC so it is expected that water quality, ecological, and such matters will be addressed by GWRC.
480. Based on the expert advice received from Mr Wilson, including the recommended conditions of consent to mitigate effects if they are imposed, effects on the water quality will be less than minor.

Signage Effects

481. The proposal involves installing signage at various points throughout the site. The wayfinding and speed limit signage within the site are not considered to be intended principally to attract the attention of the public and have no implied or actual commercial advertising intent. As such, these are considered to be a permitted activity and effects can be disregarded.
482. Consent is sought for non-compliance with the permitted activity standards pertaining to the number of signs on a site and for the size of the signs. Two entrance signs are proposed on either side of the Donald Street entrance. The applicant provided an indicative illustration in the ‘RCA’ information package (titled ‘Resource consent drawings (including shading)’ which is reproduced below for reference. Section 2.1.12 of the AEE states that these signs will be 1.3m x 0.5m, so they will have an area of 0.65m² which exceeds the permitted sign area by 0.15m². The number of signs also exceeds the permitted number (one sign per site). Notwithstanding, I do not consider the two proposed entry signs will result in adverse effects on the wider environment or on any of the adjoining properties as they are modest in size, will be suitably located on either side of the main entrance to the village, and will only denote the name of the village.



3 MAIN ENTRANCE.
AO-0416 A1 sheet scale = 1:50

Figure 27: Indicative signage at the Donald Street entrance.

483. The Council’s Senior Urban Designer, Sarah Duffell, has stated in her evidence at **Appendix 2** that the application does not contain detailed information about signage and notes that this is something that could be addressed by a condition of consent. I concur with Ms Duffell’s position on this and consider that it is appropriate to include a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires the applicant to provide final signage details, including any associated illumination if proposed, to the Council for certification. While no lighting/illumination details have been provided, the condition of consent will require such details to be provided such that illumination effects on adjoining properties should lighting be proposed, can be managed and mitigated accordingly.
484. It is acknowledged that in the applicant’s Urban Design Assessment by Andrew Burns, dated July 2021, Mr Burns states that *“the Donald Street entrances work well while I note the intention on Ryman drawing AO-20 to provide the Campbell Street entry with appropriate signage and landscape design to signal the site-wide role of this access point.”* It is understood that reference to Campbell Street signage is for internal only/wayfinding purposes, and that there is no intention to have an external facing entry sign.
485. Based on the reasons above, including the recommended condition of consent if imposed, any actual and potential signage effects will be less than minor.

Lighting Effects

486. Submitters have expressed concerns about the effects from lighting in the proposed village, including lighting at night near the Campbell Street pedestrian pathway entrance, general light spill, and flood lighting.
487. Mr Burns advised in his Urban Design Assessment that lighting details are assumed to be part of the next stages of design. Drawing number RCA05, which is part of the RCA set that is more for illustration/information purposes, shows the proposed lighting. Lighting includes road lighting, road lighting wall mounted, walkway lighting, and walkway lighting wall mounted. This plan is not part of the approved set, however, Ms Duffell and I consider it appropriate to include a condition of consent, should the Hearing Panel be of a mind to grant consent, that requires a final lighting plan to be prepared and submitted to the Council for certification and a second condition that requires a lighting report to be supplied that confirms compliance with the relevant lighting standards.
488. As for the pocket park, if the space is not intended to be used after dark no light would be the preferable approach. If it is intended to be used after dark, it definitely should be well-lit. The applicant is invited to provide further commentary on this and if lighting is required it can be addressed by the recommended condition.

489. A submitter has stated that they do not want Ryman to have flood lighting like the Karori School does. It is my understanding that based on what is shown on the conceptual lighting plan, flood lighting is not proposed.
490. Based on the imposition of appropriate conditions of consent, I consider lighting effects will be less than minor.

Open Space and Recreation Effects

491. Submitters have expressed concerns about the loss of public open space and recreation amenities, such as the tennis courts and dog exercise area, that was provided when the site operated as the Teachers' College and Victoria University of Wellington.
492. Ms Duffell has provided a response to these concerns in her evidence attached at **Appendix 2**, which I agree with. In summary, the open space, recreation, and amenities are not formalised by Council ownership or another designation that grants a public right to expect such facilities, and there is no requirement for the applicant to retain or provide these opportunities and spaces. This is a privately owned property and the previous use of the site by the public was at the discretion of the owner at the time.
493. A submitter also stated that an aspect of the proposal they were neutral towards was *"the bowling green, especially if it is open to members of the public."* I understand that the bowling green and on-site amenities are for the use of the residents only, not members of the public. Furthermore, it is my opinion that this property owner cannot be compelled to provide public facilities as part of their development. It is noted that the site is located close to Ben Burn Park which provides public open space for the immediate area.
494. I therefore consider effects relating to loss of open space, recreation, and amenities will be less than minor.

Conclusion

495. Taking into account the assessment above of the actual and potential effects of the development (including positive effects), I consider the effects of the proposal will not be more than minor and therefore passes through the first 'limb' of the section 104D Gateway Test (section 104D(1)(a)).

Section 104D(1)(b)(iii) – Objectives and Policies of the Operative District Plan and the Proposed District Plan

Operative District Plan:

496. I have had regard to the objectives and policies of the District Plan. The below objectives and policies are considered relevant to the proposal.

Containment and Intensification

Objective 4.2.1: To enhance the City's natural containment, accessibility and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas.

Policy 4.2.1.1: Encourage the consolidation of the established urban area.

497. The proposal is consistent with this policy as it located in an existing established urban area, being Karori.

Policy 4.2.1.5: Enable residential intensification within the Inner and Outer Residential Areas provided that it does not detract from the character and amenity of the neighbourhood in which it is located.

498. This policy relates to residential intensification and it is acknowledged that residential intensification may take on a number of forms, such as infill developments and multi-unit developments. Multi-unit developments are envisaged by the District Plan in the Inner and Outer Residential Areas.

499. The explanatory texts state that because of the emphasis on maintaining existing character and amenity in the Inner and Outer Residential Areas, the Council will encourage new multi-unit developments to locate on ‘windfall sites’ and undeveloped residentially zoned properties. The text then states:

500. *“Windfall’ sites are loosely defined as relatively large properties that are located within an established residential area but which have never been developed for residential purposes. Often they are properties that have historically been used for commercial or community purposes. Because of their size these properties can provide significant opportunities for residential intensification. Because these sites have not been used for residential purposes, their re-development generally does not lead to a loss of existing residential character.”*

501. The subject site:

- Is a large site located within Karori , which is an established residential area;
- Has never been developed for residential purposes as it was the Teachers’ College and later Victoria University of Wellington’s Karori campus;
- Was historically used for community purposes;
- Is of a size that provides for significant opportunities to intensify the site for residential purposes; and
- Can accommodate new on-site character without leading to a loss of existing residential character.

502. The explanatory text also states that *“Within the Residential Areas, and within the Outer Residential Area in particular, there are a number of sites zoned for residential purposes that have never been developed. It is anticipated that these sites will be further developed in the future.”* The subject site is zoned Outer Residential and has never been developed for residential purposes and the District Plan anticipates these sites to be developed for this use in the future. It is noted that the site is subject to the educational precinct overlay which also envisaged its use for educational purposes. However, as it is no longer required for that use the use of the site for residential purposes is also provided for and encouraged under the urban containment policy above.

503. The Allen Ward VC Hall, Tennant Block, and Oldershaw buildings were used for non-residential purposes when the site operated as the Teachers’ College and the Victoria University Karori campus. These form part of the existing environment. The District Plan supports the retention, and conversion to residential use as it makes efficient use of existing buildings, but notes that this should not impact significantly on adjacent residential properties. The buildings themselves will not undergo additions or alterations that would significantly impact the amenity of adjoining properties. The Allen Ward VC Hall and Oldershaw building are not being converted to residential units, rather they will be part of the Village Centre, thus not requiring the same levels of amenity that a residential unit would need. The Tennant Block will be converted to

residential units and will have good levels of amenity (three out of the four units will have more than four hours of sunlight) and the apartments will have a good outlook to the north-west into the Lopdell gardens or to the north-east towards the WCC car park and street, with landscaping located between the Tennant Block and car park for visual softening.

504. Overall, I consider that the proposal is consistent with this policy.

Urban Form

Objective 4.2.3: Ensure that new development within Residential Areas is of a character and scale that is appropriate for the area and neighbourhood in which it is located.

Policy 4.2.3.1: Ensure that new developments in the Inner and Outer Residential Areas acknowledge and respect the character of the area in which they are located.

505. As assessed in the effects assessment earlier, the proposal will introduce an appreciable change to the character of the area, however, based on the expert advisors' assessments, I consider that the proposal generally responds appropriately to the character of the surrounding area and is not inconsistent with or contrary to this policy.

Policy 4.2.3.5: Require on-site, ground level open space to be provided as part of new residential developments to enhance visual amenity and assist with the integration of new developments into the existing residential environment.

506. In the Outer Residential Area, each household unit is required to have 50m² of ground level open space – the proposal does not comply with this requirement. The explanatory text states that “*the requirement to provide open space is an important tool for ensuring that new developments are of appropriate density, are capable of providing a suitable degree of openness and greening on site, and are able to be sensitively integrated into the surrounding neighbourhood.*” The proposed density has been assessed earlier in this report and is considered appropriate given the windfall nature of this site. There will be adequate open space (not necessarily all green space) around the buildings and there will be greening onsite via the existing vegetation that is being retained as well as the extensive landscape proposed. I consider the proposal is not inconsistent with this policy.

Policy 4.2.3.6: Minimise hard surfaces by encouraging residential development that increases opportunities for permeable open space areas.

507. The proposal will increase the impervious area by 17.5%; the total impervious surface post-development will be 70.6%, when compared to the existing situation so it is not entirely consistent with this policy which seeks to increase opportunities for permeable space. It is acknowledged that the site is not a typical residential site given the large permeable open spaces that existed pre-development and will be built over (for example the open spaces adjacent to Campbell Street and to the south of the Allen Ward VC Hall). While there is an increase in impervious areas stormwater runoff effects, including treatment, can be mitigated via conditions of consent and the proposed detention tank, which has a larger capacity than required. While the proposal is not entirely consistent with this policy, the proposal is not considered to be contrary to it given the mitigation proposed and that this is not a typical Outer Residential site.

Policy 4.2.3.7: Encourage the retention of mature, visually prominent trees and bush in association with site redevelopment.

508. The proposal is consistent with this policy – refer to assessment provided for ‘Natural Features’ below.

Residential Amenity

Objective 4.2.4: Ensure that all residential properties have access to reasonable levels of residential amenity.

Policy 4.2.4.1: Manage adverse effects on residential amenity values by ensuring that the siting, scale and intensity of new residential development is compatible with surrounding development patterns.

509. The impetus of this objective and policy is to ensure residential properties have access to reasonable levels of amenity and the explanatory text states that “*maintaining reasonable levels of amenity in Residential Areas is one of the key objectives of the Plan.*” It does not state that the existing amenity levels need to be maintained, but rather speaks to maintaining ‘reasonable’ levels of amenity. It then states that the “*provisions seek to strike an appropriate balance between facilitating new development and protecting the amenity of neighbouring properties.*”
510. The explanatory text states that there are no controls to protect views from private property and that the building recession standards are intended to protect people’s access to a reasonable amount of direct sunlight. The southern boundary recession plane is compliant, however, it is acknowledged that shading effects on adjoining properties can occur when there is non-compliance with other permitted activity standards, such as site coverage and maximum height, which is the case here.
511. In terms of the site coverage non-compliance, which this policy identifies as being the principal density control, the full extent of the site coverage and built form will not be fully experienced by any one property. This is attributed to screening provided by intervening buildings (including the existing and proposed), topography, and orientation. Open space around the buildings help break up the site coverage as well.
512. As assessed in the ‘Residential Amenity Effects’ assessment earlier, it is recognised that the surrounding properties will experience a change in the levels of amenity they presently experience as a result of the proposal. However, it was my opinion that these effects would not be more than minor. The degree in change varies between properties, particularly those that adjoin the parts of the site that do not contain any built form or adjoin open space, but it was determined that the loss of daylight, sunlight or privacy would not be significant. Where effects on adjoining properties were greater, I have considered them to have a minor effect, but not more than minor.
513. There will be a change in the levels of amenity experienced by surrounding residential properties, however, the policy’s focus is on maintaining reasonable amenity levels rather than preventing any reduction of amenity. It is incredibly difficult to maintain amenity levels by introducing built form to the site where there are currently no buildings, as any development on this site which was intending to take full advantage of the site even if fully compliant with all building bulk and location standards would change (and not maintain) the existing levels of amenity experienced by the adjacent properties. While not a permitted baseline, this is evident from the shading assessment based on the District Plan height and building recession plane controls applicable to the site, i.e. even greater levels of shading might be experienced by neighbouring properties by fully compliant development. Therefore, with reference to the effects assessment above, I am led to conclude that the proposal is not entirely consistent with this policy. It is, however, my opinion that it is not contrary to this policy.

514. *Policy 4.2.4.2: Manage the design and layout of new infill and multi-unit developments to ensure that they provide high quality living environments and avoid or mitigate any adverse effects on neighbouring properties.*
515. The explanatory text states that “the Plan seeks to ensure that new residential development **maintains** [emphasis added] and enhances amenity values, and that such development does not adversely affect surrounding patterns of development and increase density at the expense of **reasonable** [emphasis added] amenity standards for residents.”
516. As detailed above, it is incredibly difficult for any built development to fully maintain amenity values where the parts of the site adjacent to neighbouring properties presently contain no built form, as is the case with this site as the subject site is vacant except for the three buildings and associated structures near Donald Street that are being retained and adaptively re-used. Any development on this site, including any kind of permitted development, would have an effect as the point of reference is that much of the site currently has no built form on it, with areas having comprised open space under the previous educational use of the site and prior to the demolition of those buildings.
517. The explanatory text (under the Multi-Unit Development sub-heading) states that “Council will seek to ensure that multi-unit developments in the Inner and Outer Residential Areas do not result in a **significant** [emphasis added] reduction in amenity for surrounding properties.” I have assessed the proposal in terms of how it affects the amenity of the adjacent properties and consider that the effects will not be more than minor. I also consider that while there will be a change in amenity levels experienced by adjoining properties, the change will not be significant.
518. The proposed village is considered to provide a high-quality living environment for its residents as assessed by Mr Burns and Ms Duffell.
519. Similar to Policy 4.2.4.1, as the intention is to maintain and enhance amenity values, any loss of amenity when compared to the existing environment would not technically be ‘maintaining’ and therefore I am led to conclude that the proposal is not entirely consistent with this policy, but reiterate that any built form on site would not be able maintain amenity levels when the existing environment is substantially devoid of built form (including any permitted development). For this reason, I do not consider the proposal contrary to this policy.

Policy 4.2.4.3: Provide for appropriate additions and alterations to established buildings (built before July 2000) that do not comply with the current planning standards.

520. Works are proposed to the existing buildings on site, being the Allen Ward VC Hall, the Tennant Block, and Oldershaw building. The applicant has sought consent for non-compliance with this standard as these existing buildings will be incorporated into B01A which exceed the 8m permitted height standard. The works will not increase the height of the existing buildings as such, but are interconnected through existing covered ways. If the buildings were viewed on their own, then they would comply as the height is not increasing. The on-going retention and re-use of existing building stock is supported from a planning perspective and also from a heritage perspective. I consider the proposal to be consistent with this policy.

Policy 4.2.4.4: Ensure that new residential developments recognise and provide for the health and safety of people

The proposed will provide for the health and safety of people including through the on-site care facilities, the internal access and circulation and associated lighting, gates/fencing for on-site security, and parts of B01A are base-isolated which will improve seismic resilience. As mentioned earlier, with the pocket park, if the space is not intended to be used after dark no light would be the preferable approach. If it is intended to be used after dark, it definitely should be well-lit – the applicant is invited to respond to this.

Sustainability

Objective 4.2.5: To encourage the energy efficiency and sustainability of buildings and subdivisions in Residential Areas.

Policy 4.2.5.1: To promote a sustainable built environment in the Residential Area that:

- *Utilises principles of low impact urban design; and*
- *Provides for the efficient end use of energy (and other natural and physical resources), especially in the design and use of new buildings and structures.*

Policy 4.2.5.3: Support the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels.

521. Section 2.1.16 of the applicant's AEE lists the sustainable initiatives that have been integrated with the building design and the sustainability outcomes that will be achieved once operational. Eight electric vehicle car parks and charging stations are a part of the proposal. I consider the proposal to be consistent with this objective and policy.

Activities

Objective 4.2.7: To facilitate a range of activities within Residential Areas provided that adverse effects are suitably avoided, remedied or mitigated, and amenity values are maintained or enhanced.

Policy 4.2.7.1: Control the potential adverse effects of residential activities.

Policy 4.2.7.2: Control adverse noise effects within Residential Areas.

522. Residential activities are generally consistent with the outcomes sought in Residential Areas. The proposed comprehensive care retirement village is deemed to be a residential activity and is thus compatible with outcomes anticipated for this zone.

523. Noise from the proposal has the potential to result in adverse noise effects, however, the only identified non-compliance with the permitted noise standards relates to refuse collection when measured from 29 Campbell Street (Karori Kids). The frequency of this exceedance will be one or twice per week and Mr Hannah advises that a change in sound level of 3 dB would be typically imperceptible to the average listener such that the degree of departure from the permitted standard would be negligible. As for other noises (such as garage alarms or tyre squealing), Mr Hannah has advised that he sees no practical reason for these not to comply with the District Plan limits. As for fixed plant, specific conditions of consent are recommended to address this, but noting that the applicant has not sought consent to not comply with the permitted standards pertaining to fixed plant.

524. I consider the proposal is consistent with this objective and supporting policies.

Natural Features

Objective 4.2.8: To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.

Policy 4.2.8.3: Encourage retention of existing vegetation, especially established trees and existing native vegetation.

Policy 4.2.8.4: Encourage retention and restoration of indigenous ecosystems and habitats.

525. As mentioned in the Landscape and Arboriculture Effects assessments, the proposal involves the retention of existing vegetation on site. This is primarily in the Lopdell Gardens and in the south-eastern corner of the site where the stream/open stormwater channel is. Vegetation within the 4m construction corridor from the buildings will need to be removed, and the applicant's arboricultural report identifies which vegetation is being removed in further detail. Where vegetation is being removed in the Lopdell Gardens or south-eastern corner replacement native vegetation will be planted. There are no indigenous ecosystems or habitats of any importance identified within the site. I consider the proposal to be generally consistent with this objective and supporting policies.

Natural And Technological Hazards

Objective 4.2.10: To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.

Policy 4.2.10.1: Identify hazards that pose a significant threat to people and property in Wellington and ensure that appropriate mitigation measures are taken to minimise risks to health and safety.

Policy 4.2.10.3: Ensure that buildings and structures in Residential Areas do not exacerbate natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes.

Policy 4.2.10.5: Ensure that the adverse effects of hazards on the natural environment arising from a hazard event are avoided, remedied or mitigated.

526. The site is not located in a District Plan hazard area, however, as previously mentioned, the site is identified in GWRC's flood hazard maps as being subject to a 1% AEP flood hazard. Mr Wilson has reviewed the proposal on behalf of Wellington Water Limited and has advised that there is no flood risk within the site and to properties upstream or downstream of the site for all scenarios modelled, that the flood solution works as expected with no increased water levels or flood extents in neighbouring properties (and Mr Wilson notes there will be significant benefits along Campbell Street, minor improvements along Campbell Street, and no change on Scapa Terrace).

527. Mr Wilson further advised that as the flood storage (1,400m³) exceeds the required volume (1,275m³), the site will achieve hydraulic neutrality for the 10 year and 100 year events and that there will be no off-site quantity effects (which includes off-site infrastructure such as culverts, bridges and private property, roads and reserves). Based on the expert advice received from Mr Wilson and the recommended conditions of consent being imposed, should the Hearing Panel be of a mind to grant consent, I consider the proposal is consistent with this objective and supporting policies.

Access

Objective 4.2.12: To enable efficient, convenient and safe access for people and goods within Residential Areas.

Policy 4.2.12.1: Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.

Policy 4.2.12.2: Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic within Residential Areas.

Policy 4.2.12.4: Require appropriate parking, loading and site access for activities in Residential Areas.

528. Nine accessible car parks are provided within the development and eight parks for electric vehicles. Through-access between Donald Street and Campbell Street is provided for the residents for both pedestrian and vehicular access. Whilst there used to be public through-access when the site was operating as the Teachers' College and Victoria University, this will not be maintained. Notwithstanding, there is an existing public pedestrian pathway parallel to the site's northern boundary that will continue to provide a through-block connection for the general public.
529. Campbell Street is identified as a Collector Road in the District Plan and all heavy vehicle movements must utilise the Campbell Street access point for access and egress, as stipulated in the Construction Traffic Plan condition of consent.
530. Based on the advice received from Mr Kong and the suite of recommended conditions recommended, I consider effects from parking, loading and site access can be managed and will be appropriate. Accordingly, I consider the proposal is consistent with this objective and supporting policies.

Signs

Objective 4.2.14: To achieve signage that is well integrated with and sensitive to the receiving environment, and that maintains public safety.

Policy 4.2.14.1: Control the erection of signs within Residential Areas.

531. The proposal involves two signs on either side of the Donald Street entrance, thus exceeding the permitted number of signs (one) by one. The permitted area for a sign (0.5m²) is also exceeded by 0.15m² per sign. Despite these breaches, the proposal is considered to be consistent with this objective and policy as the signs are modest in size, will denote the name of the village (once known), and will not result in visual clutter. As mentioned in the 'Signage Effects' assessment, a condition of consent is recommended, should the Hearing Panel be of a mind to grant consent, that will require final details, including any lighting, to be submitted to and certified by the Council which is considered appropriate to ensure any effects will be mitigated.
532. Accordingly, I consider the proposal is consistent with this objective and supporting policy.

Tangata Whenua

Objective 4.2.15: To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.

Policy 4.2.15.2: In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

533. Notice was served on Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira as part of the notification process and no submissions were received. It is noted that an accidental discovery protocol condition has been included, as proffered by the applicant, should the Hearing Panel be of a mind to grant consent. I consider the proposal to be consistent with this objective and policy.

Heritage

Objective 20.2.1: To recognise the City's historic heritage and protect it from inappropriate subdivision, use, and development

Policy 20.2.1.3: Promote the conservation and sustainable use of listed buildings and objects while ensuring that any modification avoids, remedies or mitigates, effects on heritage values of the listed buildings or objects and where relevant:

- *ensures that modifications to the main elevations are minimised, or if possible are unaltered;*
- *any modifications respect the scale of the building or object; and*
- *any modifications maintain the relationship of the building or object with its setting*

Policy 20.1.4: Protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied and mitigated.

534. As determined earlier, the proposal does not trigger consent under Chapter 21 - Heritage as the buildings are not listed in the Operative District Plan. However, they are listed in the New Zealand Heritage List Rārangī Kōrero as a Category 1 Historic Place. An assessment against this objective and supporting policies provides policy assistance in considering the effects on historic heritage.
535. I have relied upon the expertise of Ms Smith and consider that the proposal will not be inconsistent with this objective and supporting policies. The remaining buildings on site are being retained and adaptively re-used and the applicant has proffered a suite of heritage related conditions which include, *inter alia*, requirements pertaining to the type of joinery used in the retained buildings, the design of the Donald Street entrance canopy being consistent with the original architecture, and works on the Allen Ward VC Hall.

Earthworks

Objective 29.2.1: To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

Policy 29.2.1.3: Ensure that earthworks are designed to minimise the risk of instability.

Policy 29.2.1.4: Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands and the coastal marine area.

536. As noted in the assessment of 'Earthworks and Geotechnical Effects' earlier in the report, the proposal has been assessed by the Council's Earthworks Engineer, Mr John Davies, and the Council's consultant ENGEO for geotechnical and ground movement matters. Mr Davies is of the opinion that the proposed earthworks are acceptable and has recommended a suite of conditions to ensure that any adverse impacts of the earthworks, in terms of stability, erosion and dust and sediment, are avoided, remedied or mitigated should the Hearing Panel be of a mind to grant consent.

537. Mr Riman, of ENGEO, has also recommended conditions of consent, should the Hearing Panel be of a mind to grant consent, which relate to the potential geotechnical risks identified and discussed in the Tonkin and Taylor Report which need to be considered during the building consent and construction stage, and has recommended supplementary conditions of consent that specifically address ground movement and associated monitoring.
538. Based on the expert advice received from Mr Davies and ENGEO, I consider the proposal is consistent with Polices 29.2.1.3 and 29.2.1.4.

Policy 29.2.1.4: Ensure that earthworks and associated structures do not exacerbate flood events in Flood Hazard Areas

539. The subject site is not located in an identified Flood Hazard area in the District Plan, however, it is identified on GWRC's flood hazard maps as being subject to a 1% AEP flood hazard. As detailed elsewhere in this report, I have relied on the expertise of Mr Wilson and he has advised that "*regarding the impact on existing inundation risk, it is my opinion that based on the flood modelling work completed to date that a suitable stormwater management can be built on the site so that stormwater discharge post-development from the site for all events up to the 1% AEP event does not increase upstream or downstream inundation risk.*" As such, I consider the proposal to be consistent with this policy.

Policy 29.2.1.6: Ensure earthworks and associated structures are designed and managed in a way that protects and enhances the character and amenity of streams and wetlands through measures such as:

- *minimising changes to the flow of water in streams or wetlands;*
- *encouraging appropriate riparian management to ensure that rivers and wetlands stay healthy*

540. No earthworks are proposed in south-eastern corner of the site when the stream/open stormwater channel is located, and a silt fence is proposed along the southern side of the driveway to prevent material from entering this area. It is noted that a plethora of permits and consents are sought from GWRC, including associated discharge of sediment (construction) to water or land. It is considered that the proposal is consistent with this policy.

Policy 29.2.1.7: Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.

541. As noted in the assessment of effects earlier in this report, the adverse visual effects of the proposed earthworks will be of a temporary nature insofar as they will only be during the earthworks and construction stages of the development. Upon completion of the earthworks and construction stages, there will be no exposed areas of earthworks as these will be covered by the buildings, the internal roads, and other hard and soft landscaping. Landscaping, including the retention of identified vegetation and extensive proposed landscaping, will soften the visual impact of the earthworks and will enhance the visual amenity of the site and local area. As such, I consider the proposal to be consistent with this policy.

Policy 29.2.1.11: Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.

542. Given the estimated volume of material to be removed from the site (approximately 34,500m³) the transportation of this material is required to be undertaken in accordance with a Construction Traffic Plan in order to minimise effects on the public roading network. It is noted that the applicant has proffered a condition of consent for such a plan to be provided. Mr Teck Kong has adapted this condition (which I agree with) to include a requirement that truck movements are not to occur during school drop off and pick up to minimise public safety risks, ensure pedestrian safety, and reduce local congestion. Through the implementation of the Construction Traffic Plan, I consider adverse effects on the road network can be managed and mitigated and therefore the proposal is consistent with this policy.

Policy 29.2.1.12: Protect koiwi (human remains), taonga, Maori and Non-Maori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.

543. The site is not identified in the District Plan as being a site of significance to Maori. Notwithstanding, the applicant has proffered an accidental discovery protocol condition of consent should the Hearing Panel be of a mind to grant consent. As such, I consider the proposal is consistent with this policy.

Contaminated Land

Objective 31.2.1: To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment.

Policy 31.2.1.2: Minimise and control the adverse effects that may arise from the use, development and subdivision of any contaminated or potentially contaminated land.

Policy 31.2.1.3: Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.

Policy 31.2.1.4: Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on human health and the environment.

544. Based on the expert advice from Tonkin and Taylor and AECOM and recommended conditions of consent if imposed, should the Hearing Panel be of a mind to grant consent, I consider that contamination effects can be appropriately managed, and that accordingly the proposal is consistent with the above objective and policies.

Proposed District Plan:

545. The Proposed District Plan Schedule 3A objectives and policies apply to any application in a residential area where the MDRS apply. When considering an application lodged subsequent to the Intensification Planning Instrument (IPI) being notified, where there is any inconsistency with any of the existing objectives and policies in the Operative District Plan the Schedule 3A objectives and policies (as incorporated into the Proposed District Plan) have full weighting and the provisions of the Operative District Plan cease to have any effect. Note this does not apply for any new residential zone or where there is a qualifying matter as the MDRS do not apply in that case. This is specified by section 77M of the Act.

546. In this situation the application was lodged prior to notification of the IPI, and therefore the statutory requirement does not exist. As well as this some of the site is

subject to a natural hazard which is a qualifying matter meaning the MDRS does not apply to that part of the site at least.

547. The below Proposed District Plan objectives and policies are considered relevant to the proposal. Those identified with the red gavel are from Schedule 3A of the Act, and essentially have full legal effect from date of notification of the IPI. For the Hearing Panel's assistance, '(ISPP)' or '(P1 Sch 1)' beside the objective or policy reference denotes whether it is subject to the ISPP or the Schedule 1 process.

Medium Density Residential Zone

MRZ-O1 (ISPP): Purpose

The Medium Density Residential Zone provides for predominantly residential activities and a variety of housing types and sizes that respond to:

1. *Housing needs and demand; and*
2. *The neighbourhood's planned urban built character, including 3 storey buildings.*

548. The proposal is generally consistent with this objective as it provides housing options for a specific demographic and the two to three storey buildings in the site will align with the neighbourhood's planned character. The taller buildings exceed the three story character, but are not considered to result in adverse streetscape and character effects, as advised by the Council's experts, Ms Duffell and Ms McArthur.

MRZ-O2 (ISPP): Efficient use of land

Land within the Medium Density Residential Zone is used efficiently for residential development that:

1. *Increases housing supply and choice; and*
2. *Contributes positively to a changing and well-functioning urban environment.*

549. The proposal is consistent with this objective as it will increase housing supply and will provide housing choice through the provision of 179 apartments (four x one bedroom, 134 x two bedroom, and 41 x three bedroom), 68 assisted living suites, and 60 care bedrooms. It is an efficient use of urban land that can be appropriately serviced, and will positively contribute to a changing and well-functioning environment.

MRZ-O3 (P1 Sch 1): Healthy, safe, accessible and attractive environments

The Medium Density Residential Zone provides healthy, safe and accessible living environments with attractive and safe streets.

550. The proposal is consistent with this objective. The buildings will receive good levels of sunlight access and have solar shading features incorporated and will have thermal mass benefits from the use of concrete and brick materials. Some of the buildings in B01A will be base isolated which will improve resiliency and safety and lighting is proposed through the village and CPTED principles have been incorporated into the design, including passive surveillance of the adjacent public domain. Accessibility and the provision of accessible car parks have incorporated into the design. The proposal will deliver safe and attractive streets through passive surveillance from the buildings facing Campbell Street (B02) and Donald Street (B07 and parts of B01A) and landscaping along the street edge. The proposal is not considered to result in adverse safety effects as it will introduce activity onto a vacant site as well as passive surveillance. The adjacent properties may consider that the proposal will not result in healthy living environments due to the shading effects (in terms of loss of amenity, passive heating etc on their sites), however, as assessed earlier the effects are not considered to be significant or more than minor and it is acknowledged that there

would be a degree of shading effects from any development on site given the site is substantially vacant and devoid of built form that creates shading.

MRZ-P1 (P1 Sch1): Enabled activities


Enable residential activities and other activities that are compatible with the purpose of the Medium Density Residential Zone, while ensuring their scale and intensity is consistent with the amenity values anticipated for the Zone, including:

1. *Home Business;*
 2. *Boarding Houses;*
 3. *Visitor Accommodation;*
 4. *Supported Residential Care;*
 5. *Childcare Services; and*
 6. *Community Gardens.*
551. The proposal is consistent with this policy as both independent residential living and supported residential care is being provided. The proposal will result in the intensification of the site to an appreciable degree, as established elsewhere in this report. However, the scale and full extent of the development will not be readily experienced by any one person due to the size of the site, the topography, and that the taller buildings are centrally located in the site which enables them to be better absorbed within the site and the surrounding context.
552. The lower scale proposed buildings (B02-B07) which are adjacent to residential properties are between two to three storeys in height and are of a more compatible height to that of the adjacent building development. Effects from the intensification of use of the site such as privacy, shading, and visual bulk, have been assessed under section 104D(1)(a) and are considered to not result in a more than minor effect. In terms of vehicle movements from the intensification of use of the site, the main access road is located centrally within the site and while there is a vehicle entry point from Campbell Street with the undercroft parking parallel to the site's south-eastern boundary, the undercroft area will not be open-sided and I have recommended a condition, should the Hearing Panel be of a mind to grant consent, that requires surface treatment to mitigate wheel squeal.
553. Accordingly, while the development is of a greater scale than would usually be expected in the proposed Medium Density Residential Zone, and as a result will also have greater intensity of use, I consider it will still be consistent with the amenity values anticipated for the Zone and that therefore the proposal is consistent with this policy.

MRZ-P2 (ISPP): Housing supply and choice

Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.

554. The proposal is consistent with this policy as a variety of housing typologies is being provided (one, two, and three bedroom apartments as well as assisted living suites). B02 – B07 would be considered to be low rise apartments, however, B01A and B01B are not. While the proposal includes a combination of medium-rise buildings (five to seven storeys) and low-rise apartment buildings (two to three storeys), the site's size allows for a greater level of density to be absorbed.

MRZ-P3  (ISPP): Housing needs


Enable housing to be designed to meet the day-to-day needs of residents, and encourage a variety of housing types, sizes and tenures to cater for people of all ages, lifestyles and abilities.

555. The proposal is consistent with this policy as it will provide housing for an older demographic and will provide a range of typologies, as detailed above, along with 60 care beds thus catering for people's different lifestyles and abilities. It also will have on-site amenities and care services to provide for residents' day-to-day needs.

MRZ-P4  (ISPP): Medium density residential standards

Apply the medium density residential standards across the Medium Density Residential Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

556. Parts of the site are overlain with qualifying matters (inundation area, overland flowpath, and stream corridor), so where there is a qualifying matter the MDRS standards cannot be applied to that part of the site. However, there are parts of the site that do not have a qualifying matter – this includes the area where B07 and B01A buildings are proposed (as well as some of the area for B01B). The proposal is consistent with the MDRS (and could also be seen as exceeding the expectations of the MDRS) insofar as the intention is to enable intensification in urban areas and to provide for increased housing capacity and choice.

MRZ-P5  (ISPP): Developments not meeting permitted activity status

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

557. The proposal is not a permitted activity under the relevant rule framework. Policy MRZ-P5 seeks to provide for such activity, while achieving high-quality development.
558. It is considered that the proposed village will provide for a high level of on-site amenity both through provision of varied housing typologies, supporting community facilities (such as on-site leisure and recreation facilities), and will ensure appropriate levels of outdoor living space, sunlight and daylight orientation to all residential units. As determined in the assessment above, the offsite environmental effects of the proposal are considered to be no more than minor and are therefore of a quality that is appropriate for the setting.

MRZ-P7 (P1 Sch1): Retirement villages

Provide for retirement villages where it can be demonstrated that the development:

- 1. Fulfils the intent of the Residential Design Guide;*
- 2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;*
- 3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;*

4. *Is adequately serviced by three waters infrastructure or can address any constraints on the site; and*
5. *Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.*

559. An assessment against the proposed Residential Design Guide has not been undertaken given the application was submitted in September 2020 and that this proposed Design Guide is subject to change through the ISPP process.

560. However, based on the Urban Design Assessments provided by Mr Burns and Ms Duffell, the proposed open space provisions are adequate for the typology and there is access to other lounge and open space areas within the village. There is a dedicated area for waste and recycling, however, it is not known if this includes organic waste. The proposal can be adequately serviced by three waters infrastructure and is considered to be generally consistent with the amenity values anticipated for the zone as the buildings (and associated effects) located closest to adjacent residential dwellings are two to three storeys in height, with the larger buildings being located centrally within the site and principally adjoining the non-residential uses.

MRZ-P8 (ISPP): Residential buildings and structures

Provide for a range of residential buildings and structures, including additions and alterations, that:

1. *Provide healthy, safe and accessible living environments;*
2. *Are compatible with the built environment anticipated in the Medium Density Residential Zone;*
3. *Contribute positively to a changing urban environment; and*
4. *Achieve attractive and safe streets.*

561. The proposal is considered to be consistent with this policy for the reasons discussed under the above objectives and policies. It is noted that the landscaping proposed will achieve the intent of having attractive streets.

MRZ-P9 (ISPP): Permeable surface

Require development to provide a minimum level of permeable surface to assist with reducing the rate and amount of storm water run-off.


562. The proposed minimum permeable surface requirement does not apply as the application was submitted in September 2020. Regardless, refer to the assessment provided at Policy 4.2.3.6 of the Operative District Plan.

MRZ-P10 (ISPP): Vegetation and landscaping

Encourage the retention of existing vegetation, particularly native vegetation and visually prominent trees that may not otherwise be protected, and where vegetation is proposed to be removed, seek new landscaping of equal or better quality to help integrate new development into the surrounding environment and minimise hard surfacing.

563. The proposal is consistent with this policy as existing vegetation will be retained in the Lopdell Gardens where practicable, vegetation will be retained in the south-eastern part of the site near the open stormwater channel/stream, and extensive landscaping

is proposed across the site, including replacement planting for those that need to be removed.

MRZ-P11  (ISPP): Attractive and safe streets and public open spaces

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

564. The proposal is consistent with this policy as in achieving attractive and safe streets through building design, passive surveillance, and landscaping. A publicly accessible pocket park is being provided in the south-eastern corner for the public's use and enjoyment.

Contaminated Land (P1 Sch 1)

CL-O1: Protection of human health from contaminants

Contaminated land is identified and managed in order that it remains acceptable and safe for human health and its intended use.

CL-O2: Benefit of remediating contaminated land

Remediation and/or site management of contaminated land contributes to the health and wellbeing of communities and increases development opportunity for new use and development.

CL-P1: Benefit of remediating contaminated land

Recognise and provide for the benefits of remediation and site management in enabling development opportunities that can contribute to social, economic, and health benefits for people and communities.

CL-P2: Identification of contaminated and potentially contaminated land

Identify contaminated and potentially contaminated land prior to subdivision, change of use or development by:

- 1. Working with Greater Wellington Regional Council to maintain the Selected Land Use Register; and*
- 2. Requiring the investigation of contaminant risks for sites with a history of land use or activity that could have resulted in contamination of soil.*

CL-P3: Management of contaminated land

Minimise the risk to human health from the subdivision, change of use or specified development of contaminated land by:

- 1. Encouraging a best practice approach to site management for sites with elevated contaminant levels, which may include remediation, containment, and/or the disposal of contaminated soil;*
- 2. Ensuring the land is safe for its intended use; and*
- 3. Ensuring that land containing elevated levels of contaminants is managed to protect mana whenua's significant sites, waterways, natural resources and associated*

values and relationships, as well as the general health and wellbeing of their people and rohe.

565. The proposal is considered to be consistent with this objective and policies for reasons explained in the assessment of effects earlier.

Natural Hazards (ISPP)

NH-O1: Risk from natural hazards

Subdivision, use and development within the Natural Hazard Overlays reduce or do not increase the risk from natural hazards to people, property and infrastructure.

NH-O2: Planned natural hazard mitigation works

There is reduced risk to people, property and infrastructure from flood hazards through planned mitigation works and catchment management.

NH-P2: Levels of risk

Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by:

- 1. Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays;*
- 2. Requiring buildings and activities to mitigate the impacts from natural hazards to people, property and infrastructure in the low hazard and medium hazard areas within the Natural Hazard Overlays; and*
- 3. Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an exceptional reason for the building or activity to be located in this area and the activity mitigates the impacts from natural hazards to people, property and infrastructure.*

NH-P7: Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays

Manage subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths by:

- 1. Incorporating mitigation measures that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability flood;*
- 2. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability flood; and*
- 3. Overland flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties.*

NH-P6: Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays

Provide subdivision development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are

incorporated to ensure the risk to people and property both on the site and on adjacent properties is not increased or is reduced.

NH-P8: Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay

Avoid subdivision development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the stream corridors, unless it can be demonstrated that:

- 1. The activity or subdivision has an operational and functional need to locate within the stream corridor and locating outside of these stream corridor is not a practicable option;*
 - 2. Mitigation measures are incorporated that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood;*
 - 3. People can safely evacuate the property during a 1% Annual Exceedance Probability flood; and*
 - 4. The conveyancing of flood waters through the stream corridor is still able to occur unimpeded and is not diverted onto adjacent properties.*
566. Mr Wilson has reviewed the proposal on behalf of Wellington Water Limited who has advised that there is no flood risk within the site and to properties upstream or downstream of the site for all scenarios modelled, that the flood solution works as expected with no increased water levels or flood extents in neighbouring properties (and Mr Wilson notes there will be significant benefits along Donald Street, minor improvements along Campbell Street, and no change on Scapa Terrace). Mr Wilson further advised that the flood storage (1,400m³) exceeds the required volume (1,275m³), that the site will achieve hydraulic neutrality for the 10 year and 100 year events and that there will be no off-site quantity effects (which includes off-site infrastructure such as culverts, bridges and private property, roads and reserves). Refer to earlier assessment that outlines how natural hazard impacts (flooding) have been mitigated for a 10 year and 100 year flood event. The stream corridor overlay in the Proposed District Plan is a high hazard area and there will be no buildings or activities in this area.
567. The proposal is consistent with these objectives and policies.

Earthworks

EW-O1 (ISPP): Management of earthworks

Earthworks are undertaken in a manner that:

- 1. Is consistent with the anticipated scale and form of development in the relevant zone;*
 - 2. Minimises adverse effects on visual amenity values, including changes to natural landforms;*
 - 3. Minimises erosion and sediment effects beyond the site;*
 - 4. Minimises risks associated with slope instability; and*
 - 5. Protects the safety of people and property.*
568. The proposal is considered to be consistent with this objective.

EW-P1 (ISPP): Co-ordination and integration with development and subdivision

Provide for the efficient integration of earthworks and associated subdivision and development by:

- 1. Encouraging joint applications for land use and subdivision; and*
- 2. Ensuring earthworks proposals provide finished landforms that can be feasibly developed or are fit for the future intended purpose*

569. The earthworks proposed are to facilitate the village and no subdivision is proposed.

EW-P3 (ISPP): Maintaining stability

Require earthworks to be designed and carried out in a manner that maintains slope stability and minimises the risk of slope failure associated with natural hazards such as earthquakes and increased rainfall intensities arising from climate change.

570. The proposal has been reviewed by the Council's Earthworks Engineer and Council's Consultant Geotechnical Engineer and based on the recommendations in the Tonkin and Taylor report and suggested conditions of consent, I consider the proposal is able to be consistent with this policy.

EW-P4 (ISPP): Erosion, dust and sediment control

Require earthworks to adopt effective measures to manage the potential for:

- 1. Erosion, and the movement of sediment beyond the site, and in particular into surface water, where proposals for earthworks no greater than 3,000m² in area are concerned; and*
- 2. The movement of dust beyond the site, where all proposals for earthworks are concerned.*

571. The proposed earthworks will be undertaken over an area greater than 3,000m² and it is noted consent is sought from GWRC for earthworks. A suite of conditions have been recommended by the Council's Earthworks Engineer pertaining to earthworks management, silt, sedimentation, and dust management. Subject to these conditions being imposed, I consider the proposal is generally consistent with this policy.

EW-P5 (ISPP): Effects on earthworks on landform and visual amenity

Require earthworks and associated structures, including structures used to retain or stabilise landslips, to be designed and constructed to minimise adverse effects on natural landforms and visual amenity and where located within identified ridgelines and hilltops ensure the effects are mitigated or remedied.

572. The proposal is considered to be consistent with this policy as there will be no exposed earthworks upon completion of construction, the sealing of the roads and pathways, and landscaping.

EW-P6 (ISPP): Earthworks and the transport network

Require any transport of earth and cleanfill material to and from any site to be undertaken in a way that minimises adverse effects on surrounding amenity and the safety of the transport network.

573. The proposal is consistent with this policy as the CTP condition will minimise and mitigate effects on the surrounding amenity and safety of the transport network.

EW-P16 (P1 Sch1): Earthworks within Flood Hazard Overlays

Provide for earthworks in Flood Hazard Overlays only where:

1. They would not significantly increase the flooding risk, when compared to the existing situation, to the site or neighbouring properties through the displacement of flood waters; and
2. The ability to convey flood waters along overland flowpaths or stream corridors is not impeded as a result of the earthworks.

574. The proposal is considered to be consistent with this policy, for the reasons discussed in NH section above.

Light (P1 Sch 1)

LIGHT-O1: Purpose

Artificial lighting provides for outdoor activities, safety, and security after dark.

LIGHT-O2: Adverse effects of outdoor artificial lighting

The adverse effects of outdoor artificial lighting on sensitive activities, traffic safety, aviation safety, coastal wildlife and the night sky are limited.

LIGHT-P1: Allow outdoor artificial lighting

Allow outdoor artificial lighting that maintains health and safety, and enables appropriate night-time activities.

LIGHT-P2: Design and location of outdoor artificial lighting

Require outdoor artificial lighting to be designed, located and oriented to maintain amenity values, traffic safety, aviation safety and to minimise effects on wildlife in coastal margins.

LIGHT-P3: Ensure safety and security of public and private shared space

Ensure the safety and security of shared or publicly accessible spaces by providing appropriate outdoor artificial lighting.

575. Lighting is proposed throughout the village and conditions of consent relating to lighting have been recommended. With the pocket park, if the space is not intended to be used after dark no light would be the preferable approach. If it is intended to be used after dark, it definitely should be well-lit – the applicant is invited to respond to this. As such, the proposal is considered to be generally consistent with these objectives and policies.

Noise (P1 Sch1)

NOISE-O1: Managing noise generation and effects

Amenity values and peoples' health and well-being are protected from adverse noise levels, consistent with the anticipated outcomes for the receiving environment.

NOISE-P1: General management of noise

Enable the generation of noise from activities that:

- 1. Maintain the amenity values of the receiving environment; and*
- 2. Does not compromise the health, safety and wellbeing of people and communities.*

NOISE-P2: Construction noise

Enable construction activities while ensuring that unreasonable noise and vibration effects are managed effectively.

576. The proposal is considered to be generally consistent with this objective and supporting policies. While there will be a noise exceedance once or twice per week associated with the refuse collection when measured from 29 Campbell Street, Mr Hannah advised that the 3 dB exceedance would not be noticeable. As for construction noise and vibration, there will be disruptions during the earthworks and construction stages, however, conditions of consent will mitigate adverse effects as far as reasonably practicable.

Signs (P1 Sch1)

SIGN-O1: Role of signage

Signs support the needs of the community to advertise and inform while the effects on local amenity are effectively managed.

SIGN-P1: Appropriate signs

Allow signs where:

- 1. They are of an appropriate size, design and location; and*
 - 2. They do not result in visual clutter; and*
 - 3. Any potential cumulative effects are managed; and*
 - 4. They are required to meet regulatory or statutory requirements; and*
 - 5. They do not compromise the efficiency of the transport network or the safety of its users, including cyclists and pedestrians; and*
 - 6. In the Residential, Rural and Open Space Zones, they relate to an activity on the site on which they are located; and*
 - 7. They maintain the character and amenity values of the site and the surrounding area.*
577. The proposed signage at the Donald Street entry is considered to be consistent with this objective and policy given their modest size, appropriate location at the main entrance, and low height.

Wind (ISPP)

578. In the 'Introduction' section of this chapter it states the following:

The provisions within this chapter apply to public spaces in a number of zones across the City including the City Centre and different Centres Zones. The provisions do not apply to private spaces such as adjacent properties or backyards.

579. The only proposed wind rule applicable to the proposed Medium Density Residential Zone is Rule WIND-R2 whereby the construction, alteration and addition to buildings and structures is permitted under the proposed wind provisions.

580. Because it is clear the intent is not to consider wind effects on private spaces, and not within the proposed Medium Density Residential Zone at all, it is considered that the proposal is consistent with the policy as it may affect any private properties adjacent the proposal. Applying a broad approach to the objectives and policies, and noting that Rule WIND-R2 is not yet resolved until the ISPP is completed, it is also considered that the effects on public spaces will either be satisfactory or able to be mitigated through fencing and landscape planting.
581. On the basis conditions to this effect are included should the Hearing Panel be of a mind to grant consent, I consider the proposal is consistent with this objective and associated policies.

Three Waters (ISPP)

THW-O1: Protecting water bodies and freshwater ecosystems

Subdivision and development contributes to an improvement in the health and wellbeing of water bodies and freshwater ecosystems.

THW-O2: Infrastructure-enabled urban development

Enable subdivision, use or development in urban areas where:

- 1. Sufficient existing or planned three waters infrastructure capacity and/or level of service is, or will be, available to service the use or development; or*
- 2. It can be satisfactorily serviced through an alternative means where existing three waters infrastructure capacity and/or level of service is insufficient.*

THW-O3: Hydraulic neutrality

There is no increase in offsite stormwater peak flows and volumes as a result of subdivision, use and development in urban areas.

THW-P1: Water sensitive design

Water sensitive design methods are incorporated into new subdivision and development and they are designed, constructed and maintained to:

- 1. Improve the health and well-being of water bodies and freshwater ecosystems;*
- 2. Avoid or mitigate off-site effects from surface water runoff;*
- 3. Demonstrate best practice approach to the management of stormwater quality and quantity;*
- 4. Reduce demand on water supplies; and*
- 5. Reduce wastewater overflows.*

THW-P2: Building materials

The use of copper and zinc building materials is avoided or the effects of copper and zinc entering the stormwater system are mitigated through the use of appropriate treatment.

THW-P3: Infrastructure-enabled urban development

New subdivision, use or development is enabled in urban areas that have existing or planned three waters infrastructure capacity to meet growth demand in the short to medium term.

THW-P4: Three waters infrastructure servicing

Subdivision or development in urban areas is serviced by three waters infrastructure that:

- 1. Meets the Wellington Water Regional Standard for Water Services v3.0 December 2021;*
- 2. Has sufficient capacity to accommodate the development; and*
- 3. Is in position prior to the commencement of construction.*

Limit subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient to service further development unless:

- 1. It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems; and*
- 2. The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone.*

THW-P5: Hydraulic neutrality

Require new subdivision and development to be designed, constructed and maintained to sustainably manage the volume and rate of discharge of stormwater to the receiving environment so that the rate of offsite stormwater discharge is reduced as far as practicable to be at or below the modelled peak flow and volume for each site in an undeveloped state.

582. The modelling has shown that the proposed solution will achieve hydraulic neutrality for the 10-year and 100-year events, therefore there will be no off-site adverse quantity effects. Based on the expert advice received, the proposal can be serviced by existing and proposed infrastructure. Conditions of consent relating to water sensitive urban design and building materials are recommended and, if imposed, I consider that the proposal would be consistent with policies THW-P1 and P2.
583. Overall, the proposal is considered to be generally consistent with these objectives and supporting policies.

Transport (P1 Sch1)

TR-P1: High trip generating use and development

Provide for high vehicle trip generating activities where they:

- 1. Safely and effectively integrate with the transport network, including planned network upgrades and service improvements; and*
- 2. Provide for pedestrian, cycling, micromobility and public transport modes.*

584. The Proposed District Plan does not include a definition for what a high trip generating activity is, however, based on the maximum number of vehicle movements per day outlined in TR-S1 (being 200), the proposal will exceed this as the CTC report identifies there will be an estimated 801 trips per day. Notwithstanding, based on the recommended conditions being imposed, I consider the proposal will be consistent with 1. As for 2, private pedestrian connections are provided through the site and section 2.1.16 of the applicant's AEE outlines that there will be mobility scooter and e-bike parking and charging facilities will be available throughout village.

TR-P2: Enabled activities

Enable on-site transport facilities and driveways that:

- 1. Provide for the safe and effective use of the site and functioning of the transport network;*
- 2. Meet the reasonable demands of site users; and*
- 3. Promote the uptake and use of pedestrian, cycling, micromobility and public transport modes.*

585. Based on the traffic expert advice and conditions being imposed, the proposal will generally provide for the safe and effective use of the site (subject to further consideration given to FENZ's requirements in the design), will not adversely impact the functionality of the roading network, and is expected to meet the reasonable demands of site uses, with conditions recommended to assist with this. Section 2.1.16 of the applicant's AEE outlines that there will be mobility scooter and e-bike parking and charging facilities will be available throughout village. The proposal is considered to be generally consistent with this policy.

TR-P3: Managed activities

Only allow on-site transport facilities and driveways that do not meet standards where:

- 1. The transport facilities and driveways are effective in meeting the operational needs and functional needs of the activity on the site;*
- 2. The safety and effectiveness of the transport network is not compromised;*
- 3. Public health and safety, including the safety of pedestrians, cyclists and micromobility users travelling through any parking areas, is not compromised;*
- 4. The projected demand for loading spaces or cycling and micromobility parking will be lower than that required in the standards or can be accommodated by public, shared or reciprocal arrangements;*
- 5. Safe and effective access for firefighting purposes is provided; and*
- 6. There are site and topographical constraints that make compliance unreasonable.*

586. The application has not been assessed against the Proposed District Plan's permitted activity standards as it was submitted in September 2020. Irrespective, as assessed above the proposal is considered to result in a safe and effective transport network both internal to the site and where it will increase demand on the surrounding public network.

Historic Heritage (ISPP and P1 Sch 1)

HH-O2: Protecting Historic Heritage

Historic heritage is retained and protected from inappropriate use, subdivision and development.

HH-O3 - Sustainable long-term use

Built heritage is well-maintained, resilient and kept in sustainable long-term use.

HH-P4: Enabling approach to works

Enable works to built heritage that:

- 1. Increase resilience through seismic strengthening, either in isolation or as part of additions and alterations;*

2. Support providing a sustainable long-term use;
3. Increase accessibility and support means of escape from fire; or
4. Provide the opportunity to promote, enhance, recover or reveal heritage values.

HH-P7: Additions, alterations and partial demolition of heritage buildings and structures

Provide for additions and alterations to, and partial demolition of heritage buildings and heritage structures where it can be demonstrated that the work does not detract from the identified heritage values

HH-P8: New buildings and structures, and modifications to existing non-scheduled buildings on the site of a heritage building or structure

Provide for new buildings and structures, and modifications to existing non-scheduled buildings and structures on the same site as heritage buildings or heritage structures where it can be demonstrated that the work does not detract from the identified heritage values.

587. The proposal would not trigger consent under the Historic Heritage chapter in the Proposed District Plan as the buildings are not listed and also noting the application was lodged prior to these proposed rules having legal effect. However, they are listed in the New Zealand Heritage List Rārangī Kōrero as a Category 1 Historic Place. As with the Operative District Plan objectives and policies assessment, an assessment against these objectives and supporting policies provides policy assistance in considering the effects on historic heritage.
588. I have relied upon the expertise of Ms Smith and consider that the proposal will not be inconsistent with this objective and supporting policies. The remaining buildings on site are being retained and adaptively re-used and the applicant has proffered a suite of heritage related conditions which include, *inter alia*, requirements pertaining to the type of joinery used in the retained buildings, the design of the Donald Street entrance canopy being consistent with the original architecture, and works on the Allen Ward VC Hall.

Conclusion

589. When considered overall, while I consider that the proposal does have some inconsistency with the objectives and policies of the Operative District Plan, I do not consider the proposal to be contrary to the objectives and policies of either. I consider that the proposal is consistent with the objectives and policies of the Proposed District Plan. As such, I consider the proposal passes through the second 'limb' of the section 104D gateway test (section 104D(1)(b)(iii)).

Section 104(1) Assessment:

590. The first requirement under section 104 of the Act is to assess the effects that the proposal may have on the surrounding environment (section 104(1)(a)).
591. The second part of the assessment is to consider whether the proposal is consistent with the outcomes sought by any relevant higher order planning documents, and the relevant objectives and policies of the District Plan (section 104(1)(b)).
592. The third part of the assessment is to consider whether any other matters apply (section 104(1)(c)).

Section 104(1)(a) – Effects assessment

Adverse effects

An assessment of the adverse effects on the environment has been made above under the section 104D(1)(a) assessment. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act and no further assessment is required.

Submissions in support

593. It is acknowledged that 38 submitters were in support of the proposal. The key areas of support relate to:
- a. Good quality design and buildings
 - b. The village responds to a need
 - c. Good location near shops and services
 - d. Will free up housing in a time of a housing shortage (as future residents sell their homes)
 - e. Will provide more housing
 - f. Good range of care and services within the village, for example dementia, hospital, apartments, assisted living suites
 - g. The site is in close proximity to public transport
 - h. Retention of some existing vegetation
 - i. New landscaping and gardens
 - j. Economic benefits post-covid
 - k. Job creation during construction and once operational
 - l. From a neighbour perspective, there will be less noise from senior citizens
 - m. The site will be revitalised after not being used for some time
 - n. Opportunity for residents of the village to remain in Karori (instead of moving out of the suburb to another village or rest home)
 - o. It will relieve pressure on the public health system by having on-site hospital care
 - p. Ameliorate concerns with existing security and vandalism on the existing, vacant site
 - q. The village is an asset for the community
 - r. Ryman has a good reputation.

594. It is noted that a number of submitters expressed a desire to live in the village.

Positive effects

595. Section 5.2 of the applicant's AEE outlines positive effects of the proposal to which I agree.
596. The proposal will have the following positive effects:
- a. The provision of a range of housing options including 179 independent living apartments (either one, two, or three bedrooms) and 68 assisted living suites.
 - b. The provision of a range of care options, including rest home, hospital, and dementia care.
 - c. The site is located in an established residential area and is conveniently located in close proximity to the Karori shops and services, the Karori library and community centre, and public transport connections.
 - d. The retention and adaptive re-use of the Allen Ward VC Hall, the Tennant Block, and the Oldershaw building will retain some of the heritage values associated with the former Teachers' College and will provide a tangible link to the past.
 - e. The retention of parts of the Lopdell Gardens and other existing vegetation, namely in the south-eastern corner.

- f. Seismic resilience of some of the B01A buildings which will be base isolated.
- g. Creation of employment opportunities throughout the construction stage and once operational.

Conclusion

597. Based on the assessment provided under section 104D(1)(a) whereby the conclusions reached therein are applicable to the section 104(1)(a) assessment and that I do not consider the effects to be significant, and coupled with the significant positive effects that the proposal will have, overall I consider the effects of the proposal to be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

598. The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. In this case I consider that no measures are necessary as the effects on the environment will not be more than minor.

Section 104(1)(b) - Relevant Planning Provisions:

599. I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Operative District Plan
- The Proposed District Plan

Higher Order Planning Documents:

600. Other than the NES-CS and NPS-UD discussed below, there are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement and is not contrary to any objectives and policies.

National Environmental Standard

601. An assessment of the proposal in relation to the relevant NES-CS provisions is included in the 'Contamination' section above and effects can be appropriately managed and mitigated via conditions of consent. The proposal is considered to be acceptable in terms of the NES-CS.

National Policy Statement

602. The objectives of the NPS-UD most relevant to this proposal are:

- **Objective 1:** New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- **Objective 2:** Planning decisions improve housing affordability by supporting competitive land and development markets.
- **Objective 4:** New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- **Objective 5:** Planning decisions relating to urban environments take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- **Objective 6:** Local authority decisions on urban development that affect urban environments are:
 - b) integrated with infrastructure planning and funding decisions; and
 - c) strategic over the medium term and long term; and
 - d) responsive, particularly in relation to proposals that would supply significant development capacity.
- **Objective 8:** New Zealand's urban environments:
 - a) support reductions in greenhouse gas emissions; and
 - b) are resilient to the current and future effects of climate change.

603. In addition to this Policies 1, 6, 9(c), 9(d) and 11 apply to resource consent decisions.
604. The NPS-UD directs the Council to enable housing even where this may result in significant changes to an environment and detract from existing amenity values. The requirements of the NPS-UD have been incorporated into the Proposed District Plan. As a higher order planning document the relevant objectives and policies of the NPS-UD have been taken into consideration within this recommendation report.
605. The proposal aligns with the strategic direction of the NPS-UD as the village itself will provide for people's social well-being and health and safety through the village (apartments with one to three bedrooms and assisted living suites) and on-site amenities which foster social interaction between the residents. The on-site rest home, hospital care, and dementia care will provide for people's health and safety if/when required along with the assisted living suite for those residents who may require additional support.
606. The higher density development is appropriately located to the Karori shops, library and community centre, and amenities and service, including public transport as bus stops are located on Karori Road. The village will provide 179 apartments and 68 assisted living suites which will introduce housing to the market as residents transition to the purchasing an apartment/suite in the village and it will also provide housing for the older demographic. The village will also offer housing choice through the provision of both independent and assisted living suites (and 60 care beds), with the apartments having options for one, two, and three bedrooms. By allowing residents to age in place, it is considered occupants will remain better linked to established social and cultural networks, in turn fostering positive wellbeing outcomes.
607. The proposal also supports the competitive function of land and development markets, allowing for the comprehensive development of a presently underutilised 'windfall' site within an established residential area. In this regard, the site contributes towards housing supply, affordability, and promotes infill development in lieu of urban expansion. Based on the expert advice received, the village can be suitably serviced by existing and proposed infrastructure and is supported from an urban design perspective in terms of building form, function, and design.

608. Policy 6 requires planning decisions, which include resource consents, to consider the matters listed in sub-items (a)-(e). Policy 6(b) recognises “*that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including providing increased and varied housing densities and types; and “are not, of themselves, an adverse effect.”*” The proposal will introduce a noticeable change on site when compared to the existing environment and with this comes a change in the amenity values experienced by neighbouring properties. As determined elsewhere in this report, there will be effects on adjoining properties and the streetscape, however, aside from B01B and the five level B01A building which are the taller buildings, buildings B02-B06 and B07 are two to three storeys in height. The extent of effects experienced by the adjacent residential properties are not considered to be inconsistent with the outcomes sought by the NPS-UD direction, further noting that B01B and the five level B01A building are centralised in the site, where they are located next to non-residential uses and buildings and are further separated from the adjacent residential properties to the north.

609. Overall, the proposal is considered to achieve the outcomes sought by the NPS-UD.

Regional Policy Statement:

610. The policies of the Wellington Regional Policy Statement (RPS) have been taken into consideration. In particular I have had specific regard to the following policies:

- **Policy 41:** Minimising the effects of earthworks and vegetation disturbance.
- **Policy 42:** Minimising contamination in stormwater from development.
- **Policy 46:** Managing effects on historic heritage values.
- **Policy 48:** Principles of the Treaty of Waitangi.
- **Policy 49:** Recognising and providing for matters of significance to tangata whenua.
- **Policy 51:** Minimising the risks and consequences of natural hazards.
- **Policy 52:** Minimising adverse effects of hazard mitigation measures.
- **Policy 54:** Achieving the region’s urban design principles.
- **Policy 55:** Maintaining a compact, well designed and sustainable regional form.
- **Policy 57:** Integrating land use and transportation.
- **Policy 58:** Co-ordinating land use with development and operation of infrastructure.

611. The proposal is considered to accord with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of either the Operative District Plan and/or Proposed District Plan which is assessed above.

Operative District Plan and Proposed District Plan

612. I have assessed the proposal against the relevant objectives and policies of the Operative District Plan and the Proposed District Plan under my section 104D(1)(b)(iii) assessment above and conclude that while there are some inconsistencies with the Operative District Plan the proposal will not be contrary to the objectives and policies of the Operative District Plan or the Proposed District Plan.

Section 104(1)(c) - Other Matters:

613. In accordance with section 104(1)(c) of the Act, here I will address various additional matters relevant to the application.

Submissions

614. A number of submitters raised or expressed concerns about matters that are outside scope of the resource consent process. These include, but are not limited to:
- **Issue:** The Council should promptly attend all issues that arise during construction, including noise complaints, construction working hours, and vehicles blocking driveways and streets during construction.
Response: The resource consent process cannot control how long it takes a complaint to be responded to/actioned as this is outside scope of this application. However, the Council’s compliance teams react to any complaints or other issues they become aware of as soon as they possibly can.
 - **Issue:** A number of submitters stated that: “WCC’s recent update to its District Plan, in which housing intensification and height levels have been increased in every other suburb in Wellington, left Karori’s zoning and height limits unchanged at 8m height limit. This is because WCC has determined that the infrastructure in Karori cannot sustain high levels of intensification.”
Response: The MDRS apply to the residential zoned parts of Karori so as a permitted activity, there can be three dwellings, subject to any relevant qualifying matter. The dwellings can be up to 11m in height as prescribed by the MDRS. In addition to this, the more permissive height in relation to boundary and building coverage standards apply to multi-unit development of the site. This all means that a higher level of density, as required by Schedule 3A of the Act, has been given to this site from that of the Operative District Plan noting that qualifying matters apply to some of it.
 - **Issue:** Submitters expressed concerns about Ryman’s business model and various other matters including not paying taxes and maximising profit, to name a few.
Response: This is not a relevant matter for the resource consent.
 - **Issue:** Submitters sought liquidated damages on a variety of things including, if the developer “procrastinates” or if the development is delayed.
Response: These are not resource consent or RMA matters to consider.
 - **Issue:** Submitters are dissatisfied with Ryman’s consultation with the community.
Response: Concerns are noted, but I also acknowledge section 36A of the Act which states that an applicant for a resource consent does not have a duty to consult any persons.
 - **Issue:** Concerns about vermin on site and that there should be pest-eradication conditions.
 - **Response:** This is a public health matter and concerns should be relayed to the Council’s public health team. However, considering the proposed use of the site it is expected that vermin management would be high priority for the facility.

Code of Practice for Land Development

615. The Council’s 2012 Code of Practice for Land Development, operative from December 2012, is a revision of the former Code of Practice for Land Development 1994 that is referred to in the District Plan. It is the Code of Practice for Land Development 2012 that holds the current technical standards required by the Council for the design and construction of earthworks, roading, water supply, wastewater, stormwater, and public open spaces. Whether the infrastructure will be vested with the Council or be a private asset, it is important that these assets are constructed to the Council’s current standards.
616. With particular regard to water supply and wastewater, these standards must be met before the Council will allow a property to be connected to the City’s water supply and wastewater system. However, it is not the intention of the Council to stifle innovation and ingenuity of design. Where the outcome will be a better quality living environment, proposed alternative solutions for infrastructure design, other than for water supply

and wastewater, should be negotiated with the Council to ensure that the Code of Practice for Land Development 2012 basic requirements are met.

617. Based on the advice provided by Wellington Water and Council's traffic experts, it is considered that the proposal can generally be constructed to meet the standards contained in the Council's Code of Practice for Land Development 2012.

Any Other Matters

618. There are no other matters that the Council needs to consider when assessing the application.

ASSESSMENT UNDER PART 2 OF THE ACT

619. Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is "*to promote the sustainable management of natural and physical resources*". Section 5 goes on to state that sustainable management should enable "*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*".
620. In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

Section 6 – Matters of National Importance:

621. Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this resource consent application. The proposed development is considered consistent with these matters, as follows:
- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
622. The site is not within areas of coastal environment.
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
623. No outstanding natural features or landscapes are contained within the site.
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
624. There is no vegetation in the location of the proposed building and the proposed development will not affect any area of significant indigenous vegetation.
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
625. The proposed development is not in the vicinity of the coastal marine area, lake or river, whereby public access could be enhanced.
- (e) *The relationship of Māori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other tāonga:*

626. The proposed development is not located within or adjacent to statutory acknowledgement areas, or areas identified as Māori Precinct in the District Plan. Furthermore, the proposed development is not considered to have any impact on Māori relationship to their ancestral lands, water, sites, waahi tapu, and other taonga. The applicant has nevertheless proffered an accidental discovery protocol that will ensure appropriate management of unanticipated finds within the development site.

(f) The protection of historic heritage from inappropriate subdivision, use, and development.

627. The proposal involves the retention and adaptive re-use of three buildings that have significant heritage value. As outlined in Ms Smith's evidence, the proposal is considered to be acceptable from a heritage perspective, with specific heritage conditions recommended should the Hearing Panel be of a mind to grant consent.

Section 7 – Other Matters:

628. Section 7 includes matters that the consent authority shall have particular regard to. In this case the relevant section 7 matters are as follows:

Section 7(b) – The efficient use and development of natural and physical resources;

Section 7(c) – The maintenance and enhancement of amenity values;

Section 7(f) – Maintenance and enhancement of the quality of the environment.

629. It is noted that 'amenity value' is defined under section 2 of the Act as:

“Those natural or physical qualities or characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

630. For the reasons as previously discussed in this decision report, any adverse effects on amenity values and character of the area is considered to be acceptable with regard to the relevant section 7 matters, in particular section (7)(c).

Section 8 – Treaty of Waitangi:

631. The proposal does not raise any matters of significance under the Treaty of Waitangi and it is noted that consultation has been undertaken Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira as part of the notification process.

Section 5 – Purpose of the Act:

632. The purpose of the Act is stated in section 5 - *“To promote the sustainable management of natural and physical resources”*. Section 5(2) goes on to state that sustainable management means:

“Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for health and safety while –

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

633. I consider the proposal to be consistent with section 5(2)(a) and 5(2)(b) of the Act, as the proposal will sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by providing a residential development that provides for housing within an area where this type of activity can be expected and is desirable. It will not affect the life-supporting capacity of air, water, soil and ecosystems. Furthermore, I consider the proposal is consistent with section 5(c) in that any potentially unacceptable adverse effects of the proposal that would not meet the wider intent of section 5 will be avoided, remedied or mitigated.

CONCLUSION

634. Having considered the application and supporting documents, together with the expert advice provided by various experts for the Council, I consider that the proposal to establish a comprehensive care retirement village on the site at 26 Donald Street and 37 Campbell Street will result in effects that will not be more than minor and will be acceptable.
635. As assessed earlier, the proposal is considered to be inconsistent with 4.2.4.1 and 4.2.4.2 of the Operative District Plan insofar as the development cannot maintain the amenity of the surrounding residential area in an unaltered state. However, I do not consider the proposal to be contrary to these policies. While the explanatory texts speak to maintenance of existing amenity levels, the policy wording itself directs that **reasonable** amenity should be retained, development should be **compatible** with the surrounding area, and adverse effects should be avoided or **mitigated** [emphasis added]. Based off the detailed assessment above, it is considered that the broad thrust of these policies is achieved, with adverse amenity effects being no more than minor. The development is considered to maintain reasonable amenity, with appropriate design mitigations incorporated to assist with integration with the surrounding neighbourhood. It therefore cannot be concluded that the proposal is opposite or repugnant to the intent of the objectives and policies.
636. Furthermore, the two amenity policies with which the proposal is inconsistent are from a first generation District Plan which does not give effect to the NPS-UD, being a higher order document. The MDRS policies are considered to have a very high weighting and have also been considered, particularly as they relate to the buildings up to three storeys in height (which is buildings B02-B07). The effects from these buildings on the adjoining properties is where the inconsistency with the Operative District Plan policies occurs as they are from a first generation District Plan which seeks to maintain and protect amenity, whereas the benchmark for amenity levels and expectations under the MDRS and Proposed District Plan has shifted to accord with the NPS-UD.
637. Accordingly, I have given higher weight to the MDRS objectives and policies as these do give effect to the NPS-UD, being a higher order planning document, in considering this inconsistency with the above-listed policies. The proposal is consistent with the objectives and policies of the MDRS and higher order planning documents, as they relate to residential amenity effects, and the Proposed District Plan.
638. The proposal is not entirely consistent with Policy 4.2.3.6 as the impervious surface will increase by 17.5%. However, stormwater effects from increased impervious surfaces have been mitigated and it is also recognised that the site is not a typical Outer Residential site as it contains large open spaces. Furthermore, as the total impervious area is 70.6%, the total permeable area is 29.4%, and the Proposed District Plan outlines that for retirement villages the minimum 30% permeable surface does not apply. As such, this would not be considered to be contrary to policy. In addition to this, a condition relating to water sensitive design is recommended which, if imposed,

would address the intent behind the policy which is to manage stormwater effects, both contamination and rate of discharge.

639. I note that the proposal has significant positive effects and, subject to imposition of suitable conditions, is on balance considered to have effects that are acceptable. It is not contrary to either of the Plans and I do not think the inconsistency with some policies provides sufficient grounds to recommend decline as the effects of the proposal will be acceptable. The proposal also meets the intention of Part 2 of the Act.
640. I therefore conclude that, when the proposal is assessed against the matters in section 104D, and 104(1)(a) to 104(1)(c) of the Act, the resource consent application should be granted subject to the recommended conditions set out at Appendix 1 of this report.

RECOMMENDATION

641. That the Hearing Panel, acting under delegated authority from the Council and pursuant to section 104B of the Resource Management Act 1991, **grant consent** for the proposal to establish a comprehensive care retirement village at **26 Donald Street and 37 Campbell Street, Karori** (being Section 2 Survey Office Plan 515832 and Section 1 Survey Office Plan 28414), subject to the conditions set out in Appendix 1 of this report.
642. **Appendix 14** includes the list of the matters the applicant is invited to comment on their evidence.
643. I note that my recommendation is based on the information provided to date. I reserve the right to reconsider this position, or any aspect thereof, should any new information or expert evidence eventuate prior to or at the hearing.

Reporting Officer:



Laura Brownlie
Consultant Senior Planner

Reviewed by:



Bill Stevens
Team Leader
Resource Consents Team
Wellington City Council

LIST OF APPENDICES

- Appendix 1: Recommended conditions of consent
- Appendix 2: Urban Design – Sarah Duffell
- Appendix 3: Landscape and Visual Effects – Angela McArthur
- Appendix 4: Wind – Mike Donn
- Appendix 5: Heritage – Moira Smith
- Appendix 6: Acoustics – Lindsay Hannah
- Appendix 7: Transport – Soon Teck Kong
- Appendix 8: Earthworks – John Davies
- Appendix 9: Geotechnical – Stephanie Cherfane
- Appendix 10: Geotechnical – Ayoub Riman
- Appendix 11: Contamination – Suzanne Lowe
- Appendix 12: Three waters / Servicing – David Wilson
- Appendix 13: Heritage Memo – Moira Smith
- Appendix 14: List of matters the applicant is invited to comment on