

**Education Holdings Limited: Private Plan Change Request
Kohimarama Retirement Village
223 Kohimarama Rd**

**Assessment of Environmental Effects
and
Statutory Analysis**

November 2007

EXECUTIVE SUMMARY

This report has been prepared in support of a plan change request to rezone the land at 223 Kohimarama Road and 7 John Rymer Place from Special Purpose 2 (education) and Residential 6a to Special Purpose 1 (health). The combined area of the two lots is a little over 3ha. In the future it is envisaged that the site will be developed as a housing development for the elderly comprising approximately 200 two-bedroom units along with a range of ancillary support facilities.

The plan change involves amendments in order to insert a new concept plan into the District Plan. The concept plan sets out the rules for the site and the criteria by which resource consent applications will be assessed. By way of summary the rules include a 15m height limit in the centre of the site reducing to 6m in height within 20m of adjoining residential boundaries. No buildings are permitted within 8m of any residential boundary. Other rules controls the size and location of fences and the provision of parking on the site.

All new buildings will require a resource consent and applications will be required to be assessed against a detailed set of assessment criteria relating to building bulk and location, building design, landscaping, and engineering matters.

The application is supported by expert reports assessing urban design, visual and landscape, arboricultural, traffic, servicing and geotechnical matters. This report includes a detailed assessment of effects which concludes that, while the proposal will result in some adverse effects with respect to traffic and amenity, the effects from the proposed use can be avoided or reduced to an acceptable level.

An analysis has been carried out in terms of s 32 of the RMA. It is concluded that the proposed use is appropriate for the site and that the proposed plan change will be the most effective and efficient way of achieving the objectives of the District Plan.

Assessments have been carried out against the provisions of Section 10 of the District Plan and those of the Auckland Regional Policy Statement. It is concluded that the proposed plan change accords with the provisions of those documents.

It is considered that the proposal will facilitate the efficient use of subject site in a way that avoids or adequately mitigates adverse effects on the environment. Overall, it is considered that the proposal meets the sustainable management purpose as set out in Part 2 of the RMA.

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Background.....	1
1.2	Proposed Plan Change.....	1
1.3	Anticipated Development	2
1.4	Site Location and Description of Surrounds	3
2	CONSULTATION	5
2.1	Iwi Consultation.....	5
2.2	Consultation with Local Schools	5
2.3	Consultation with Auckland Regional and Auckland City Councils	5
2.4	Public Consultation	5
3	ASSESSMENT OF EFFECTS.....	7
3.1	Amenity Values	7
3.2	Building Bulk and Sunlight	8
3.3	Visual Effects	9
3.4	Urban Design	10
3.5	Acoustic Privacy.....	12
3.6	Traffic.....	12
3.7	Trees	14
3.8	Servicing	14
3.9	Geotechnical	15
3.10	Short-Term Construction Effects.....	16
4	SECTION 32 ANALYSIS.....	17
4.1	Statutory Overview.....	17
4.2	Extent to which Objectives are the most Appropriate (s32(3)(a))	19
4.3	Extent to which Policies, Rules and Other Methods are the most Appropriate for Achieving the Objectives (s32(3)(b))	20
4.4	Benefits and Costs of Policies, Rules or Other Methods (s32(4)(a))	23
4.5	Sufficiency of Information (s32(4)(b)).....	24
5	DISTRICT PLAN ASSESSMENT CRITERIA	26
6	AUCKLAND REGIONAL POLICY STATEMENT	29
7	RESOURCE MANAGEMENT ACT – PART 2	30
8	CONCLUSION	31

LIST OF APPENDICES

Public Consultation Plans (indicative development)	Appendix 1
Urban Design Assessment.....	Appendix 2
Landscape and Visual Assessment	Appendix 3
Urban Design Panel Comments.....	Appendix 4
Transportation Assessment	Appendix 5
Tree Survey	Appendix 6
Services Report	Appendix 7
Geotechnical Report	Appendix 8

1 INTRODUCTION

This report has been prepared in support of a plan change to rezone two parcels of land located at 223 Kohimarama Road and 7 John Rymer Place from Special Purpose 2 and Residential 6a to Special Purpose 1. The report sets out the proposed plan change provisions and provides an assessment of effects and an analysis against the relevant provisions of the Resource Management Act.

1.1 Background

The land subject to this proposed plan change is contained within two certificates of title.

The main parcel of land, described as Lot 1 DP 332284 (223 Kohimarama Road) is 3.0770ha in area. This parcel of land is currently zoned Special Purpose 2 (Education) and, until recently, was part of the adjoining Selwyn College.

There are no buildings on the site, however, at some time in the past, extensive earthworks have been carried out on the site to create level playing fields.

The Ministry of Education has declared this land surplus to requirements and in 2005 the designation for education purposes was lifted from the land. The lifting of the designation was confirmed in the District Plan by way of Plan Modification 189 which became operative on 14 July 2005.

The site was subdivided from the 15.6ha parent lot with a certificate of title being issued for the new 3.0770ha parcel of land in January 2005. The land is owned by Ngati Whatua O Orakei Maori Trust Board (Ngati Whatua). In September 2006 Education Holdings Limited entered into a 150 year lease agreement with Ngati Whatua.

The secondary parcel of land, described as Lot 51 DP 163242 (7 John Rymer Place) is 451m² in area. This parcel of land is currently zoned Residential 6a and forms part of contiguous row of residentially zoned properties located on the northern site of John Rymer Place. The current certificate of title was issued in 1995 as part of a 63 lot subdivision. The site is currently undeveloped and was purchased by Education Holdings Limited in 2006 in order to provide access to the main parcel of land.

1.2 Proposed Plan Change

The proposed plan change comprises four parts as follows:

1.2.1 Part A: Amendments to Planning Maps Sheet No. 1

This involves an amendment to Planning Maps C13, C14, D13 Sheet No. 1 to reflect the proposal to rezone Lot 1 DP 332284 from Special Purpose 2 and Lot 51 DP 163242 from Residential 6a to Special Purpose 1.

1.2.2 Part B: Amendments to Planning Maps Sheet No. 2

This involves an amendment to planning Maps C13, C14, D13 Sheet No. 2 to identify the rezoned sites as being subject to “C14-05 Concept Plan: Kohimarama Retirement Village”.

1.2.3 Part C: Amendments to Appendix A: Schedule

This involves amending the Appendices to Maps, Appendix A: Schedule to add a reference to “C14-05 Concept Plan: Kohimarama Retirement Village”.

1.2.4 Part D: Amendments to Appendix B: Additional Limitations, Controls and Diagrams

This involves an amendment to the Appendices to Maps, Appendix B: Additional Limitations, Controls and Diagrams to insert the proposed concept plan “C14-05 Concept Plan: Kohimarama Retirement Village”.

The proposed concept plan comprises the following:

- Concept Plan diagram identifying building platforms and pedestrian and vehicle entry and exit points.
- Rules setting out the range of permitted activities, the bulk and location of buildings, coverage requirements, controls on fencing, and parking requirements.
- Exceptions to existing District Plan provisions.
- Assessment criteria for new buildings including criteria dealing with: building bulk and location; building detail and design; landscaping and on-site amenity; traffic, parking and access; and site servicing and engineering.

1.3 Anticipated Development

Assuming the proposed rezoning is adopted, it is expected that the site will be developed as *housing for the elderly*¹.

Approximately 200, two-bedroom (75m²) units are envisaged and these will be supported by around 250 car parks - primarily located in basement areas. A wide range of ancillary support facilities for the residents is planned which will include some or all of the following: dining facilities; meeting and recreation

¹ A housing development for the elderly is defined in Section 13 of the District Plan as:
“...a development which provides residential accommodation for the elderly or disabled, including pensioner housing, kaumatua housing, and housing for persons with disabilities. The development may involve one or more housing or accommodation types such as shared accommodation, bedsits, or small self contained units. Shared facilities may include cooking facilities and laundry facilities. Where such housing is in the form of fully self-contained units, compliance with the zonal density limitations is not required. Where such a development is not undertaken by a registered charity, society, or public body, independent residential units are to be held either under one title or unit titles under the Unit Titles Act which is encumbered by an appropriate legal instrument which ensures that the use of the unit is confined to such persons. Does not include rest homes, retirement villages, or non-permanent accommodation for care...”

areas; gym, spa and pool; a library and computer room; indoor bowls; hair salon; and doctors rooms.

It is anticipated that the development will be broken into a number of multi-storied block orientated on a north-south axis. Open space will be provided between the buildings and throughout the site.

Indicative concept plans, reflecting the applicant's current design intent are attached as **Appendix 1**. These plans are attached to illustrate the kind of development that is anticipated under the proposed rules and assessment criteria. The actual development of the site will be subject to a resource consent application for which a full set of resource consent drawings will be prepared.

1.4 Site Location and Description of Surrounds

Comprehensive descriptions of the subject sites and surrounding area have been provided in both the urban design report and landscape and visual assessment (attached as **Appendices 2 and 3** respectively).

The following extract, taken from LA4's landscape and visual assessment is considered to be an accurate description of the site and surrounds:

"The 3 hectare site is located in Kohimarama Road and was previously part of the adjoining Selwyn College land to the northwest. The land falls down steeply from the school grounds in a south-easterly direction. It falls approximately 13 metres down to an excavated playing field before dropping away again to the adjoining residential area to the south located off John Rymer Place...

Kohimarama Road runs along the ridge extending in a northerly direction from St Johns Road. The land generally falls in both directions from the road – to the west and south down towards the vegetated Purewa Creek corridor and NIMT railway line and beyond to the residential areas of St Johns and Meadowbank, and to the east and north and the residential slopes of Kohimarama and Mission Bay.

Vegetation within the site comprises some large groupings of trees, most of which are weed species including privet, hawthorn, wattle, willow, acmena, privet, Phoenix palms. Other weed species include wild ginger, bougainvillea, gorse and tobacco weed. A significant English Oak (Quercus robur) and a row of 15 closely spaced Pohutukawa (Metrosideros excelsa) extend along the Kohimarama Road frontage forming a visual screen into the site. Below these to the south is a dense area of planting within the gully comprising predominantly weed species. A mature ponga and cabbage tree are located within this group. Towards the middle of the site are a grouping of mature wattle trees and tobacco weed. The south-western triangle of the site is vegetated and again comprises mainly weed species as well as a large Cottonwood Poplar. A full outline of the vegetation throughout the site is included within the 'Tree Survey 2007', prepared by The Specimen Tree Company.

Selwyn College abuts the north-western boundary of the site. Occupying a large piece of land, the school is characterised by a mixture of buildings of varying architectural styles. The classrooms closest to the site are predominantly single level and of linear format however taller buildings are located within the grounds including the school hall and auditorium. The school playing fields extend along half this boundary. To the north of the school is the Kepa Road shopping centre on the corner of Kohimarama Road and Kepa Road.

Kohimarama Road in the vicinity of the site is characterised by a mixture of residential, educational and commercial activities. Selwyn College is the main generator of activity in the immediate vicinity. On the eastern side of Kohimarama Road is St Thomas's Primary School on the corner of Allum Street and immediately to the south of the school is the local

commercial shopping centre with dairy, hairdresser, art shop, bakery, liquor store and takeaway shops. Kohimarama Road itself exerts a powerful influence over its surrounds. The virtually continuous flow of traffic up and down the arterial road and the stop-start of vehicles near the Allum Road and Kepa Road intersections impart a strong sense of vehicular domination along the corridor and immediate environs.

The residential enclave accessed off John Rymer Place is located to the southeast of the site. John Rymer Place drops down into the valley from Kohimarama Road with the dwellings on the northern side of the road located below the site. The land rises up to the south towards the surrounding residential area off Whytehead Crescent which continues rising to Kohimarama Road. A small cluster of residential dwellings are located on the higher ground above the playing field to the east of the site accessed off Kohimarama Road.

The wider area is characterised by residential development set within the well vegetated slopes focusing on the Purewa Creek corridor and the bushed open spaces extending down to it including Kepa Bush and Thatcher Street reserves.

The landscape context and existing visual environment is therefore characterised by the mixed residential, educational and commercial activities located along the main arterial road. Purewa Creek and the vegetated gullies extending up from it into the residential area provide an extensive area of bushed open space."

1.5 Report Structure

The following section (Section 2) sets out the details of consultation carried out to date.

Section 3 provides an assessment of environmental effects based on the expert reports received in support of the application. Matters considered include: amenity values; building bulk and sunlight; visual effects; acoustic privacy; traffic; trees; servicing; geotechnical; and short-term construction effects.

Section 4 provides an analysis against the provisions of s 32 of the Resource Management Act and considers the extent to which the proposed use is appropriate for the site and whether or not the concept plan is the most effective and efficient way of achieving the objectives of the plan.

Section 5 provides an assessment against the criteria set out in Chapter 10 of the District Plan that are required to be taken into account when considering plan change applications.

Section 6 provides an overview of the relevant Auckland Regional Policy Statement provisions and assesses the extent to which the proposal accords with these.

Section 7 provides an assessment against the requirements of Part 2 of the Resource Management Act.

Conclusions are provided in Section 8.

2 CONSULTATION

A wide variety of parties have been consulted as part of the preparation of this plan change request as outlined below.

2.1 Iwi Consultation

The subject site is owned by Ngati Whatua. It has, therefore, not been considered necessary to carry out formal consultation as such. Instead, we understand that the applicant has kept the Trust Board abreast of their plans for the site following the signing of a 150 year lease last year.

An invitation was extended to Ngati Whatua to attend the public consultation sessions held on 7 and 9 September this year.

2.2 Consultation with Local Schools

Presentations were made to Selwyn College's Property Committee and the Principal of St Thomas's School on 24 July 2007. The main issues raised at these presentations concerned reverse sensitivity, pedestrian access, and vehicles movements. It is expected that further discussions will be had with the schools through the plan change process.

2.3 Consultation with Auckland Regional and Auckland City Councils

A number of meetings have been held with planners and engineers at both the Auckland Regional Council and Auckland City Council to discuss particular aspects of the proposed plan change. Their input is reflected in the final documents submitted in support of this application.

A presentation was made to Auckland City Council's Urban Design Panel on 23 August 2007. They provided a number of useful comments (see **Appendix 4**) with respect to the assessment criteria contained within the proposed concept plan. Their comments have been taken into account in drafting the final proposed provisions.

2.4 Public Consultation

Despite there being no specific statutory requirement to do so, public consultation sessions were held at the St Thomas's school hall on Friday 7 September and Sunday 9 September. Notice of the sessions was given by:

- Posting a letter to all properties located in John Rymer Place and those properties located on Kohimarama Road that abut the site².
- The placement of a public notice in both the *Central Leader* and *East and Bays Courier* on Friday 31 August and Wednesday 5 September.

² It is noted that seven of these letters were returned address or recipient unknown. Some attendees at the consultation sessions also mentioned they had not received a letter.

Turnout to both sessions was very good with approximately 50 groups coming through over the course of the two sessions. A series of story boards with drawings and explanations of the anticipated development and proposed plan change were mounted around the room. Attendees were invited to browse at their leisure while representatives from Education Holdings Limited and their advisors were on hand to answer questions.

The majority of attendees who expressed an opinion indicated that they were opposed to the plan change and/or future development of the site for housing for the elderly. Among the issues raised were:

- The loss of the site for education purposes.
- The intensity of the proposed development (catering for approximately 200 units).
- The scale of any future development and concerns about the quality of the architectural design.
- The access off John Rymer Place and the perceived traffic associated with the retirement village, particularly at peak times.
- The use of a residential site (7 John Rymer Place) to access the main site.
- Existing stormwater issues in the area and how these might be exacerbated by any future development.

The majority of these issues are addressed in this report and the accompanying expert reports. It is acknowledged, however, that if a development is to go ahead, it is likely that not all of the neighbours concerns will be able to fully resolved to their satisfaction.

Since the public consultation sessions, I understand that Education Holdings have continued discussions with some neighbours with respect to particular issues of concern to them. These discussions are ongoing.

3 ASSESSMENT OF EFFECTS

After consideration of the context and nature of the land subject to the plan change and requirements of the Fourth Schedule of the Act, it is considered that the following are the potential environmental effects that should be assessed:

- Amenity Values;
- Building Bulk and Sunlight;
- Visual Effects;
- Urban Design;
- Acoustic Privacy;
- Traffic;
- Trees;
- Servicing; and
- Geotechnical

Each of these matters are considered below.

3.1 Amenity Values

“Amenity values” is defined in section 2 of the Resource Management Act 1991, as:

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

In this case the surrounding area is predominantly residential in character but also features a variety of other land uses. These include a primary and secondary school, a stadium, local and district arterial roads, a railway line, and local shops along with extensive areas of medium density single-detached residential dwellings. The character of the area can therefore be described as being residential located within a relatively busy suburban context. Amenity values are generally very good - the footpaths and roads are in good condition, the building stock is relatively modern and well maintained and there is a predominance of large trees, particularly on the properties fronting Kohimarama Road.

The subject site is located below the level of Kohimarama Road and to the rear of the properties located on the northern side of John Rymer Place. There are therefore limited views of the site from surrounding public places and consequently a limited extent to which the site forms part of the streetscape character.

Impacts on amenity values arising from the redevelopment of the site will be mainly with respect to the immediately adjoining residential properties located on John Rymer Place and Kohimarama Road. These properties currently enjoy views over three hectares of undeveloped land.

Any development of the site will have an impact on the amenity of the immediate area and it is likely that some of these residents will experience a loss of the amenity that they currently enjoy. In considering impacts on amenity values, however, it is considered appropriate to have regard to the extent to which adjoining land could be reasonably developed. In this respect, the residents currently live next door to a large tract of undeveloped land and given the scarcity of land throughout the isthmus, it is reasonable to expect that this land will be developed for some use.

It is considered that the proposed concept plan provisions will promote development on the site in such a way that will provide a reasonable level of protection to existing amenity values. In particular, the rules provide for a 15m height limit but such buildings are required to be set back at least 20m from residential property boundaries. Further, development of buildings on no more than 35% of the site is allowed and standards require at least 40% of the site to be landscaped. Particular assessment criteria deal with appropriate building and landscaping design. All of these factors will ensure that the site is developed appropriately and will ensure that a reasonable level of amenity for neighbouring properties will be maintained.

3.2 Building Bulk and Sunlight

The bulk and location of buildings will be controlled through a mixture of development controls and assessment criteria.

The development controls provide for a 15m height limit across the majority of the site, however, this reduces to 6m near the sensitive residential interfaces. In addition to this, relatively wide 8m-yard setbacks are proposed adjacent to the residential boundaries in which no buildings are allowed. An overall limit of 35% building coverage is proposed.

In addition to the development controls, a number of assessment criteria are proposed. It is intended that all new buildings will be assessed against these criteria via a resource consent process. Many of the proposed criteria have been specifically drafted in order to promote design that further breaks up the appearance of unsympathetic bulk. These include the following [emphasis added]:

"Building Bulk and Location

- (a) *In the context of the permitted bulk and location controls, the extent to which buildings are designed to avoid the appearance of bulk when viewed from surrounding residential properties.*
- (c) *In the context of the permitted bulk and location controls, the extent to which the form of development is articulated in order to achieve a character that is sympathetic to the surrounding area.*
- (d) *The extent to which adequate separation is given to multi-storied buildings to avoid the appearance of continuous blocks of buildings.*
- (f) *The extent to which buildings take into account and appropriately respond to the scale, location and orientation of buildings on adjoining residential sites.*

Building Detail and Design

- (a) *The extent to which the detailed design assists in breaking up the apparent mass of individual buildings.”*

The proposed concept plan anticipates buildings of up to 15m in height, and for this reason, the rules and assessment criteria have been formulated to ensure that potential adverse dominance effects associated with large buildings can be avoided or reduced to an acceptable level. The principal method used to achieve this is by requiring large buildings to be located away from residential boundaries. With the yard setbacks and height areas proposed, a 15m high building can be located no closer than 20m from a residential boundary. This will ensure that any future buildings will not over-dominate adjoining residential sites.

The controls will also ensure that adverse effects associated with the loss of sunlight are minimised and that adjoining properties still receive reasonable levels of sunlight. At worst, any future development will be required to comply with the Residential 6a zone height in relation controls. Based on preliminary massing studies carried out, however, it is expected that any development will achieve significantly better setbacks than this (see **Appendix 1, Concept Design – Indicative Cross Sections**).

Overall, it is considered that the rules and assessment criteria will ensure that potential adverse dominance and shading effects on the adjoining residential properties will be avoided or reduced to an acceptable level.

The same level of control has not been proposed with respect to the Selwyn College boundary as this is considered to be a less sensitive interface. In particular, the College itself can be developed with buildings up to 12.5m in height and it sits to the north of the subject site at a higher elevation. It is considered, however, that the proposed assessment criteria will still ensure that this interface is appropriately dealt with.

3.3 Visual Effects

A comprehensive visual assessment has been carried out by LA4. Their report, attached as **Appendix 3**, includes a detailed analysis of the surrounding context and viewpoints and provides an assessment of visual effects based on the type of development likely to be carried out.

Key conclusions reached in the LA4 report are as follows:

“12.1 The Plan Change site is influenced by the contrasting character areas surrounding it. These include the well vegetated residential areas to the south, east and west; the educational facilities to the north; the surrounding arterial roads and railway line; and the open space and vegetated areas within the gullies extending down towards the Purewa Creek.

12.2 While the visual character and landscape qualities of the site and surrounding environs would change from that of undeveloped open space to that of higher density housing for the elderly the proposed Plan Change will allow for integrated development of the

site in a manner which will protect the amenity values and character of the site and wider area.

- 12.3 *The proposed Plan Change, in conjunction with the existing relevant provisions of the District Plan and package of development controls and assessment criteria contained within the Plan Change will protect the amenity values of the adjacent zones and wider environment.*
- 12.4 *Mitigation of any potential adverse effects of the proposed Plan Change can be dealt with at the Resource Consent application stage. Mitigation measures such as architectural controls, design and detailing of facades, extent of glazing and surface treatment are proposed within the Plan Change's assessment criteria and would be imposed to ensure that development is of high quality and fits well into the surrounding neighbourhood.*
- 12.5 *LA4 has carried out a comprehensive visual assessment of the implications of the proposed Plan Change and concludes that the effects will be visually acceptable in the context of the existing landscape and visual environment for the reasons identified. The visual amenity and quality of the environment surrounding the site will not be adversely affected by the implications of the proposed Plan Change."*

Based on the advice received from LA4, it is considered that the provisions of the proposed concept plan adequately address visual matters such that any adverse effects can be avoided or reduced to an acceptable level.

3.4 Urban Design

Urban design matters have been considered by Chow:Hill and their report is attached as **Appendix 2**.

The Chow:Hill report begins by setting out an urban design framework by which the proposed concept plan can be assessed. This framework comprises a hierarchy of cascading documents: the New Zealand Urban Design Protocol (2005); Auckland Regional Policy Statement (draft 2006); Auckland City Council Urban Design Strategy (draft 2004); and Auckland City Council Residential Design Guide (2001).

Having established the urban design framework, the report goes on to provide a contextual analysis of the site and surrounding area. In light of the surrounding context, an assessment is then provided with respect to the extent to which the proposed rules and assessment criteria will achieve appropriate urban design outcomes.

By way of reflection, the report then concludes with an assessment against the "7Cs" set out in the New Zealand Urban Design Protocol. Chow:Hill's conclusions are repeated in full below:

"The proposed controls are a mix of relatively prescriptive and objective rules, blended with a range of more subjective criteria against which development can be assessed. The proposed controls are by no means simple to meet in their entirety and certainly encourage any site development along a path of design quality and responsiveness to context. From comparison with existing urban design guidance, they do encapsulate best practice approaches to development of the urban area. With reference to the broad headings identified by the New Zealand Urban Design Protocol and the sequence of detailed issues identified in Section 1, the following conclusions can be drawn:

Context

The site has a complex topography, which is matched by a variety of different relationships in terms of height and use, with the surrounding setting. The development controls which have been proposed will shape the height, building coverage, open spaces, separation distances, building massing and scale and articulation of future development. Arguably, there are few, if any, aspects of any built development which are not positively directed by the controls towards a quality urban design outcome.

Character

The contextual responsiveness which is demanded of a future scheme is also combined with criteria that demand consideration of fundamental design aspects. These include scale, proportion and materiality, will be instrumental in shaping architectural outcomes. In addition, there are expectations made of landscape design and on-site amenity. The result will be to encourage a design response which is closely related to the character of the site and its setting.

Choice

Within a predominantly suburban environment, making provision for future development such as an apartment based retirement development will expand the choice of housing options available to residents in the area. An underlying principle of retirement development is to allow older people in a given community the chance to live in different form of housing more suited to their needs, but within a short distance of where they previously lived. This allows social and community ties to be maintained. In addition, the controls applying to the site support a range of private and more public spaces to co-exist in an appropriate manner. This will allow residents a range of open space experiences.

Connections

The controls address the connectivity of the scheme by requiring consideration of how the traffic generated by the site interfaces with the surrounding road network. In addition, the requirement for separation of pedestrian and vehicular movement will encourage consideration of internal movement patterns within the site.

Creativity

The issue of creativity is not specifically spelled out in the controls. However, the requirements on the detail building design and articulation as well as the requirement for positively shaped landscape spaces will demand that a high degree of creativity is employed.

Custodianship

The emphasis on sustainable design elements as they relate to site servicing and engineering begin to address the need to adopt ever more environmentally responsive approaches to design. This is implicit in the requirement for the design of buildings and open space which, if they are to be successful, will need to consider issues of solar gain and energy efficiency, in combination with the aesthetic urban form and detail.

Collaboration

The degree of control applying to the development demands that future development on the site achieves a fit with the surrounding buildings and landscape setting. This is underpinned by the aim of ensuring that the scheme does not impose unreasonable impacts on neighbours and other people in the community.

Overall, the controls challenge future designers of the site to consider specific urban design aspects of the site and deliver appropriate quality responses. Urban Design has always been an important aspect of the built environment, but it is only recently that it has become an area

of focus in the New Zealand context. The proposed development controls for the site are part of the process of embedding urban design into the thinking of designers.”

The plan change proposal was presented to Council’s Urban Design Panel on 23 August 2007. The Panel considered that *“the rules and criteria of the proposed Plan modification are appropriate”* but made some suggestions for changes. These changes include the deletion of the reference to the “indicative aerial view”, the need to include criteria relating to open space, and changes to the criteria relating to the bulk and location of buildings. Their recommendations have been incorporated into the current proposed provisions.

Based on the expert input from Chow:Hill and the comments received from Auckland City Council’s Urban Design Panel, it is considered that the proposed plan change provisions will result in a development that is appropriate in urban design terms.

3.5 Acoustic Privacy

There is nothing inherent to the retirement village development that is expected to result in unacceptable acoustic effects. It is noted that the setbacks proposed under the concept plan rules will assist in attenuating any noise that might be received at the residential interface.

The development may result in some additional traffic noise, both on John Rymer Place and from the internal access road. Both these roads will be low speed environments which will assist in reducing road noise. It is considered, however, that a certain level of traffic noise is reasonable as part of any development.

While any development of the site will most likely result in the generation of more noise than is currently the case with the vacant site, it is considered that inherent characteristics of a retirement village (and, in particular its residential nature), means that it will be appropriate use of the site in terms of noise likely to be received at the residential interface.

3.6 Traffic

Transportation aspects of the proposal have been comprehensively considered by Wes Edwards Consulting. Their report is attached as **Appendix 5**.

Any development of this site will result in some traffic effects and it is acknowledged that the existing surrounding road network is at, or near, capacity at peak times. Mr Edwards’ report starts by assuming that this 3ha site should be developed (rather than being left vacant). The report then goes on to consider what the best use of the site in traffic terms might be. Commercial and retail uses are discounted as most likely not being viable in this location which leaves the main potential alternatives being traditional residential, education, and other healthcare uses. Mr. Edwards provides a brief comparison of the likely trip generation associated with each of the activities and concludes that the proposed retirement village use is likely to have the same or lower trip generation rates than other activities developed at a comparable intensity. The

principal difference between a retirement village and all other activities, however, is that retirement villages have a relatively low trip generation rate in peak periods. This is an important consideration when considering the congested nature of the surrounding road network. It is noted that during off-peak periods there is spare capacity in the network.

Mr Edwards has examined the two possible access alternatives for the site and on the basis of his investigation, has a clear preference for access off John Rymer Place. Section 8 of his report concludes the following:

“...It is not possible to provide safe access to this site from Kohimarama Road due to sub-standard sight distances, and the only access option available is from the frontage onto John Rymer Place.

Access via John Rymer Place is assisted by the traffic signals located at the intersection of John Rymer Place with Kohimarama Road and Allum Street; however in order not to significantly degrade the performance of that intersection it is desirable to keep peak-hour traffic volumes at relatively low levels. This is also desirable to avoid adverse amenity effects for the few residents in this part of John Rymer Place.

While a range of activities could be accommodated on the site with respect to their impact on the roading network, in most cases the scale of the development would need to be constrained to levels likely to be uneconomic to develop, or generally wasteful of the available land resource.

The proposed zoning, allowing for the development of retirement apartments makes good use of the location advantages of the site, and makes good use of the land while producing only modest demands on the roading network by virtue of low traffic flows; particularly in peak hours.

The traffic effects of the proposed rezoning are a relatively minor degradation in the performance of the traffic signals at the Kohimarama Road/ John Rymer Place intersection, and it is possible to mitigate this drop in performance very easily by remarking the road to provide two queuing lanes on the approach to the intersection.”

The Transportation Assessment examines the crash history records for the area and has not identified any traffic safety issues which would preclude the development.

It is expected that parking and loading will be provided at the rates required under Clause 12.8.1.1 of the District Plan. The parking rates are *“one for every two units, or where such accommodation is not provided for in the form of separate units, one for every two bedrooms; plus one visitor space for every 5 units or 5 bedrooms.”*

Assessment criteria have been included in the proposed plan change requiring a consideration of traffic and parking matters as part of any resource consent application for new buildings.

Based on the advice received from Mr Edwards, and the detailed assessment that will be carried out as part of any development proposal, it is expected that any adverse traffic effects can be avoided or reduced to an acceptable level.

3.7 Trees

The Specimen Tree Company Ltd (STC) has carried out a comprehensive survey of all the trees on the subject site. Their report is attached as **Appendix 6**.

The STC survey found that, while there are extensive areas of vegetation on the site, much of this vegetation is made up of weed species. A total of 27 protected trees were identified.

No consents are sought to remove any trees under this plan change process and all the protected trees are subject to the provisions of Section 5C.3.3.3 of the District Plan. Notwithstanding that any application for tree removals will be assessed on its merits at a future time, the following general comments are made:

- The best trees, which include a cluster of 15 pohutukawas, are those located in the north-eastern corner of the site adjacent to Kohimarama Road ("Area A" in the STC report). These are well clear of intended building platforms and are likely to be retained.
- Two of the four protected trees located within "Area B" are considered worthy of retention. It is noted that Area B is also clear of intended building platforms but part of the area is within the zone where a stormwater pond and path network may be located.
- "Area C", in the centre of the site contains only unprotected trees and weed species. This area is likely to be cleared to make way for building platforms.
- "Area D" contains six generally protected trees which are in good to fair condition. These trees are likely to need to be removed to facilitate the development.
- "Area E", in the south-western corner of the site contains only unprotected trees and weed species. This area is likely to be cleared to make way for a new landscaped / amenity area.

Based on the foregoing, it is likely that the site can be developed in such a way that the best trees (abutting Kohimarama Road) can be retained. In the event that protected trees are to be removed, it is considered that any potential adverse effects in terms of loss of habitat and amenity can be mitigated through replanting.

3.8 Servicing

Harrison Grierson Consultants Ltd have carried out a preliminary infrastructure assessment and their report is attached as **Appendix 7**.

Their report confirms that, subject to certain infrastructure upgrades, the site can be adequately serviced in terms of water supply, waste water, stormwater,

phone, gas, and power. The main conclusions contained within section 8 of their report are as follows:

- “• *The downstream public sewer lines serving the site should have adequate capacity to cater for the additional development.*
- *The downstream sewer pump station currently experiences problems during wet weather. Two options have been investigated to enable connection from the proposed development to the sewer network. These include either upgrade of the pumps within the pump station, with cost sharing with Metrowater; or implementation of on-site detention of sewage flows to discharge during off-peak times. The later option is less favourable. The options would be investigated further at detailed design phase, however both are feasible.*
- *Downstream public stormwater lines are marginally undersized. The development proposal includes the implementation of a stormwater quality and detention pond. The pond will reduce flows from the site to the piped system from 640L/sec to 400L/sec. The pond has also been designed to detain the 100 year overland flows to ensure that following development, there will be NO increase in overland flow runoff to downstream properties.*
- *It is expected that with the extension of a new 100Ø looped watermain into the site, adequate provision will be made for potable and fire fighting water supply. This is based on the expectation that the future building will be sprinklered. Final design of the building and sprinkler system may highlight the need for storage tanks and booster pumps.*
- *The utility service authorities have all confirmed that the site can be adequately serviced for power, telecommunications and gas.*
- *We can therefore conclude that subject to some upgrade works as detailed within this report there should be no reason why the development cannot be adequately serviced by the existing downstream infrastructure.”*

On the basis of the advice from Harrison Grierson it is considered that the site will be able to be adequately serviced.

It is noted that there is a consent notice on the certificate of title for the main site requiring that any future development needs to consider overland flow paths, the capacity of the public stormwater system, and the capacity of the public sanitary sewer.

Assessment criteria have been included in the proposed concept plan to ensure that these site servicing matters are all assessed as part of any application for new buildings on the site.

3.9 Geotechnical

A preliminary geotechnical investigation of the site has been carried out by Babbage Consultants and their report is attached as **Appendix 8**.

Babbage Consultants note that the site is subject to instability and that any future development will need to be subject to specific engineering design. Notwithstanding this, they are of the opinion that, subject to further investigation and design work being carried out, there is nothing inherent in the geotechnical characteristics of the site that would preclude its development in the way envisaged under this plan change.

It is further noted that there are consent notices on both certificates of title requiring that a comprehensive geotechnical report be provided as part of any application for the development of the sites.

In recognition of these consent notices, and based on the advice received from Babbage Consultants, assessment criteria have been included in the proposed concept plan provisions requiring that geotechnical matters be addressed as part of any resource consent application for new buildings. It is considered that the future geotechnical investigations and detailed design will be able to ensure that any adverse effects associated with site instability can be avoided.

3.10 Short-Term Construction Effects

Due to the topographical and geotechnical characteristics of the site, it is likely that any development will involve significant volumes of earthworks, including the removal of material off-site. Any earthworks involving more than 250m² on a site with a gradient of more than 5%, requires resource consent under Rule 4A.2B of the District Plan. Consents may also be required from ARC. In considering applications, Council is able to impose a wide range of conditions to ensure that adverse effects, including amenity and nuisance effects on neighbouring properties, are avoided. It is considered that this rule, and the associated assessment criteria, will be adequate to ensure that potential adverse effects associated with earthworks are able to be avoided.

In terms of other construction activities, the principle adverse effect associated with these is considered to be noise. In this respect, Clause 4A.1D of the District Plan sets out the standards that must met when carrying out construction activities. The clause also provides that, in the case of large scale construction projects, Council can require the preparation of a noise management plan. It is considered that the controls set out in this clause of the District Plan will ensure that adverse acoustic effects during the construction phase of the development are minimised.

4 SECTION 32 ANALYSIS

4.1 Statutory Overview

Section 32 of the Act sets out the requirements for parties making a plan change request. In terms of the KRV request, the relevant sections are [emphasis added]:

“32 Consideration of alternatives, benefits and costs-

- (1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by –
 - (a) the Minister for a national policy statement or regulations made under section 43; or
 - (b) the Minister of Conservation for the New Zealand coastal policy statement; or
 - (c) the local authority for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or
 - (d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1.
- ...
- (3) An evaluation must examine –
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
 - (b) whether, having regard to their efficiency or effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
- (4) For the purposes of this examination, an evaluation must take into account –
 - (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.
- (5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.
- (6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.”

In *Nugent Consultants Limited v Auckland City Council* at page 4 AO33/96, 2NZED362, [1996] NZRMA481, the then Planning Tribunal defined the function of a rule in a plan as:

“A rule in a proposed district plan has to be necessary in achieving the purpose of the Act, being the sustainable management of natural and physical resources (as those terms are defined); it has to assist the territorial authority to carry out its function of control or actual or potential effects of the use, development or protection of land in order to achieve the purpose of the Act; it has to be the most appropriate means of exercising that function; and it has to have a purpose of achieving the objectives and policies of the plan.”

The purpose of the Act is stated in Section 5 as follows:

“5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

- (2) *In this Act, “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 wellbeing and for their 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.”*

Section 31 of the Act sets out the functions of territorial authorities under the act from which subsections (a) and (b) are relevant:

- “(a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*
- (b) The control of any actual or potential effects of the use, development or protection of land...”*

Integrated management is inextricably linked to whether a proposed change to an operative plan prepared under the RMA is consistent with its direction and overall philosophy. In other words, if a private plan change is contrary to the overall strategic direction set by regional statutory documents and the operative plan (unless it proposes to change the strategic direction itself) it can not be considered to achieve integrated management of the district’s resources. The function in turn is linked to Section 72 of the Act which states the purpose of District Plans as being:

“The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.”

Section 76 of the Act sets out limitations and requirements for the setting of district plan rules. The following sections are considered to be relevant to the assessment of a plan change:

- “(1) A territorial authority may, for the purpose of –*
 - (a) Carrying out its functions under this Act; and*
 - (b) Achieving the objectives and policies of the plan, -*
Include rules in a district plan.
- ...*
- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, an adverse effect; and rules may accordingly provide for permitted activities, controlled activities, discretionary activities, non-complying activities, and prohibited activities.”*

Consideration of actual or potential effects on the environment requires a proposed plan change to be tested against a maximum development or worst case scenario (other than a fanciful proposition).

The above sections of the Act are all inter-related in terms of assessing a proposed plan change as required under Section 32 of the Act. The above is taken into account in the Section 32 analysis which follows.

4.2 Extent to which Objectives are the most Appropriate (s32(3)(a))

No new objectives are proposed under this plan change. However, the existing relevant district wide, Residential zone, and Special Purpose zone objectives are set out below in order to provide a framework for the analysis contained within the remainder of this section.

The overarching objective as set out in Chapter 2 of the District Plan is to achieve the sustainable management of the resources of the Isthmus in terms of: natural environment and resources; heritage; community; commerce; and urban growth. In broad terms, this overarching objective mirrors the sustainable management purpose as set out in Part 2 of the RMA.

In terms of the specific objectives relating to the Special Purpose zones, Objective 10.3.2 is most relevant:

"To provide for large-scale community facilities and infrastructure while ensuring the sustainable management of the natural and physical resources committed to them."

This general objective recognises that there is a need for large scale community facilities and infrastructure and that such facilities represent an important resource to the community. The District Plan then goes on to list objectives specific to particular community facilities. These include education and healthcare facilities.

In terms of the main site's existing Special Purpose 2 zoning, the Education objectives are as follows (Clause 10.6.2.1):

"To provide for educational facilities and specialised research facilities, while ensuring that any adverse effects are avoided or mitigated."

"To encourage the sustainable management of the Isthmus' existing educational facilities."

In terms of the smaller site's Residential zoning, the following objectives from Chapter 7 of the District Plan are considered to be most relevant:

"To provide opportunities for residential growth in Auckland by encouraging suitable intensification of housing in appropriate locations." (Clause 7.3.1)

"To identify, maintain and enhance the recognised character and amenity of residential environments." (Clause 7.3.2)

"To provide for a broad and flexible range of residential development while offering reasonable protection to the amenities of neighbouring properties and the local environment." (Clause 7.3.3)

"To recognise that certain non-residential activities can be located in residential areas in a way which maintains and enhances the amenities of the area and enables people to provide for their social, economic and cultural well-being, and for their health and safety." (Clause 7.3.4)

"To promote high quality distinctively Auckland urban design within specified residential areas of the city. (proposed Clause 7.3.5)"

These objectives recognise that there is a need for a wide range of housing types to be provided in the City and that there is scope for intensification to occur provided that it can be supported by the local environment. The objectives

also provide for a degree of flexibility in terms of non-residential development but that all development should be carried out in such a way that provides reasonable protection for the amenity of a neighbourhood.

In terms of the proposed Special Purpose 1 zoning, the Health objectives are as follows:

To provide for the use and development of large-scale hospitals, healthcare complexes and, in some instances, housing for the elderly with associated care facilities. (Clause 10.6.1.1(a))

To ensure that hospital, housing for the elderly and healthcare activities do not have an adverse effect on the environment or the amenity³ of an area. (Clause 10.6.1.1(b))

The District Plan therefore provides for large-scale housing for the elderly developments provided that they do not have an adverse effect on the environment or amenity of an area.

4.3 Extent to which Policies, Rules and Other Methods are the most Appropriate for Achieving the Objectives (s32(3)(b))

No new policies are proposed under this plan change, however, certain rules and other methods are proposed. This section evaluates the extent to which these are the most appropriate method for achieving the relevant District Plan objectives.

4.3.1 Other Methods

Two “other methods” are proposed under this plan change: the rezoning of the site from Residential 6a and Special Purpose 2 to Special Purpose 1; and the introduction of a concept plan to guide future development on the site.

In terms of the first of these two methods, zoning, along with rules relating to activities, is a long-established planning technique to ensure that a range of activities and land-uses are appropriately provided for and that compatible activities can be grouped together whilst incompatible activities can be kept apart. The purpose of using zoning as a primary planning technique is described in Section 3.4.1 of the District Plan as follows:

“The concept of zoning as the basic technique of land use control is retained in the Plan. Although this is less directive than in the past, the adopted technique of “activity areas” continues the practice of grouping areas of similar character. This technique recognises the

³ It is noted that Objective 10.6.1.1(b) sets a very high threshold that “housing for the elderly and healthcare activities do not have an adverse effect on the environment or the amenity of an area”. This threshold is considered to be unreasonably high as it effectively requires an activity to have no adverse effects. In most cases this would be extremely difficult if not impossible to achieve. It is considered that a more reasonable test is one by which there is an examination of the extent to which adverse effects are avoided or mitigated to an acceptable level. For the purposes of 32(3)(b), this proposal only needs to be assessed in terms of the extent to which the provisions are most appropriate in achieving the objective. In making such an assessment, it is reasonable to consider how the current proposal compares to other possible proposals or uses for the site. Such an assessment is carried out in Section 4.3.3 below.

present-day pattern of activities and allows a range of future opportunities for development in keeping with the character and amenities of those areas. Within activity areas, there is flexibility which allows for the location of a range of activities which can be serviced by the infrastructure in the area, and which are compatible with its character and amenities.”

It is considered therefore that, in principle, zoning is an appropriate method in order to achieve the objectives of the District Plan. The question as to whether or not the Special Purpose 1 zoning is the most appropriate zone for the subject site is discussed further below.

The second of the two methods, the development of a concept plan, is a comparatively new technique, however, it is one that has gained in popularity in recent years. Concept plans are widely used throughout the district but particularly on large Business and Special Purpose zoned sites in order that the development of such sites can be guided in an integrated and comprehensive way.

For the reasons detailed more fully in sections 4.3.3 and 4.4, it is considered that the rezoning of the site and the introduction of a concept plan is the most appropriate way to meet the broad objectives as set out in Section 2 of the District Plan as well as the more specific objectives of the Special Purpose zone. In particular, it will provide a high level of certainty as to the future activities that will be carried out on the site and will also provide a means by which potential adverse effects on the surrounding environment can be avoided or reduced to an acceptable level.

4.3.2 Rules

As with zoning, rules are a long established planning technique used to control the effects of activities. As part of this plan change request, a number of rules are proposed. These cover the following matters:

- The range of activities that can be established on site (as permitted or restricted discretionary activities);
- The locations in which buildings may be established;
- The permitted height of buildings;
- The proportion of the site that can be taken up with buildings, landscaping and paving;
- The extent of buildings and activity buffers required in relation to adjacent properties;
- The size and location of boundary fences; and
- The minimum parking requirements.

Where a resource consent is required, activities are required to be assessed either against existing District Plan assessment criteria or new criteria which are proposed as part of the concept plan.

It is considered that the proposed rules and assessment criteria are the most efficient and effective way to achieve the District Plan objectives for the following reasons:

- The rules will facilitate the establishment of a housing development for the elderly. It is recognised that demand for this type of development is increasing and that the provision of such housing provides additional accommodation choice for Auckland's aging population.
- The rules require all new buildings to be assessed against comprehensive criteria encompassing design and appearance, landscape and engineering related matters. While this imposes a burden of time and cost on the applicant, a resource consent process can ensure minimum environmental standards are met.
- The rules governing the bulk and location of buildings will ensure that adverse effects on the amenity of the area, particularly with respect to neighbouring residential properties, can be avoided or reduced to an acceptable level.

4.3.3 Consideration of Alternatives

In carrying out an assessment pursuant to s 32(3)(a), a useful way to assess the appropriateness of a plan change is to consider the extent to which alternatives might also meet the objectives of the Plan. Some likely alternatives to the proposed plan change are as follows:

Do nothing – retain the Special Purpose 2 zoning

“Do nothing” is always an option that should be considered. In this case, the “do nothing” option would mean that the site would retain its Special Purpose 2 zoning.

Given that the land has been declared surplus to requirements by the Ministry of Education, it is considered unlikely that the land will be developed or used for educational purposes in the foreseeable future. It is also understood that a private training facility was given some consideration, however, such a use is not considered economically viable at the present time.

Given the scarcity of vacant land for development, it is not considered that the “do nothing” option would meet the broad objectives as set out in Section 2.3 of the District Plan which require the “*sustainable management of the resources of the isthmus*”.

Rezone the site residential

Given the site's adjacency to other residentially zoned land, consideration was given to rezoning the site to a residential zone. Given the site's size, topography, its location on a district arterial road and proximity to services, it is considered that a Residential 6a zoning would be appropriate. This zoning would allow for buildings of up to 8m in height at a density of one dwelling per 375m² of site

area. Assuming that 80% of the site could be developed (once roads and other services were provided for and taking into account the complex topography of the site) this would give a yield of around 65 residential units.

While such a development would not be considered contrary to the District Plan objectives, it is considered that it would result in a greater level of adverse effects in terms of amenity for surrounding residential properties and on the capacity of the surrounding roading network. For example, a residential development would most likely result in dwellings being constructed almost right to the boundary with the existing John Rymer Place residential properties. For these reasons, it is considered that a residential zoning, whilst being appropriate, would not be the *most appropriate* zoning for the land.

Rezoning the site business

The site's location adjacent to Residential 6a and Special Purpose 2 zoned land, together with the site's relative remoteness from any other large tracts of business zoned land means that a business zone is not considered appropriate for the site. It is considered that such a zoning could give rise to development whereby potential issues with respect to traffic and the residential interfaces would not be able to be adequately mitigated. It is not considered, therefore, that the business zone and transportation objectives would be met by such a zoning.

Rezoning the site open space

Rezoning the site for open space would assist in achieving some of the objectives set out in Chapter 2 of the District Plan, particularly "*to achieve a healthy and safe living environment*" (Objective 2.3.3). It would not be the most appropriate use, however, when taking into account other objectives that seek to provide for compact residential development and a wide range of housing choices. In any event, we understand that Auckland City Council has considered, and rejected, the use of the site for open space.

Summary

When taking into account all of the District Plan objectives and viewing these against the particular contextual characteristics of the subject site, it is considered that a Special Purpose 1 zoning is the *most appropriate* (although not the only appropriate) zoning for the site.

4.4 Benefits and Costs of Policies, Rules or Other Methods (s32(4)(a))

Section 32(4)(a) of the RMA requires that an assessment of the benefits and costs of proposed policies, rules or other methods be taken into account. These are set out and discussed in the table below:

Method	Costs	Benefits
Rezoning the site to Special	The expense associated with carrying out a plan change	Having an appropriate zoning in place will provide certainty

Purpose 1	<p>process.</p> <p>Potential adverse effects on adjoining residents.</p> <p>Potential adverse effects on the adjoining road network.</p>	<p>with respect to future uses for the site.</p> <p>Increase in housing choice for elderly residents.</p>
The introduction of a concept plan into the district plan	The expense associated with the preparation of a concept plan. Options for development will be constrained to only those provided for in the concept plan.	<p>The concept plan will provide a relatively high degree of certainty with respect to the nature of development that will be carried out.</p> <p>Benefits from buffers and other elements to maintain amenity for neighbours.</p>
The introduction of bulk and location controls for the site	All new buildings will require resource consent and buildings will need to be designed in accordance with the rules. The resource consent process may introduce time delay and expense into the development process. The rules may constrain development on the site.	The rules will ensure that potential adverse effects, particularly with respect to residential neighbours, can be avoided or reduced to an acceptable level.
The introduction of assessment criteria for new buildings	The assessment criteria contain a degree of subjectivity so there may be some uncertainty surrounding the exact nature of future development.	The assessment criteria will provide for a reasonable level of flexibility in carrying out building design whilst ensuring potential adverse effects are avoided or mitigated.

When taking into account the benefits and costs of the plan change provisions, it is considered that an appropriate balance has been achieved between providing for the reasonable redevelopment of the site whilst ensuring that the adverse effects of development can be managed.

4.5 Sufficiency of Information (s32(4)(b))

Section 32(4)(b) of the RMA requires an assessment of “the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.”

In this case there has been a detailed and robust expert assessment of the site in terms of:

- Amenity Values;
- Building Bulk and Shadowing
- Visual Effects

- Urban Design
- Acoustic
- Traffic
- Trees
- Servicing
- Geotechnical

Based on the expert reports prepared in support of this plan change, it is considered that there is sufficient information with respect to the site and its surrounds to determine that the proposed concept plan provisions are appropriate.

5 DISTRICT PLAN ASSESSMENT CRITERIA

Clause 10.5.1.1 sets out a number of criteria that must be taken into account when considering plan changes. The proposed concept plan has been assessed against these criteria in the table that follows:

No.	Criteria	Comment
A(i)	the site should be readily accessible from the major roading network, so as not to encourage heavy traffic volumes in access roads particularly residential roads)	Despite being located on an arterial road vehicle access to the site will be via a local road. As set out in the attached transportation assessment, there are sound traffic engineering grounds for this. The assessment also demonstrates that the development will not generate particularly <u>heavy</u> traffic volumes.
A(ii)	consideration will be given to the impact of the development on adjacent sites.	Potential adverse effects on adjacent sites have been considered in section 3 of this report. It is concluded that adverse effects can be avoided or reduced to an acceptable level.
B(i)	the site should be of sufficient size to enable <ul style="list-style-type: none"> • the establishment of the facility, together with associated areas of parking, open space and landscaping. • the separation of the facility from adjacent land uses (particularly residential activities) by the inclusion of suitable buffer yards or screening; 	The site is just over 3ha in size. Preliminary site planning has demonstrated that, based on a 200-unit development, there will be adequate provision for parking, open space and landscaping (see Appendix 1). Rules are proposed requiring a minimum of 40% landscaping and generous buffers are proposed with respect to all boundaries, particularly those with adjacent residential zoning.
B(ii)	the site shape and land topography should be suitable for the intended development;	Despite the site's relatively steep topography, the preliminary site planning and engineering assessments carried out demonstrate that the site is suitable for the intended development,
B(iii)	the site must be capable of sustaining the infrastructure servicing needs (e.g. drainage, roading) of the development. Where the existing infrastructure cannot sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs.	The preliminary servicing report confirms that the site will be neutral in terms of peak-period stormwater discharges and that, subject to certain infrastructure upgrades, the site can be adequately serviced. Roading aspects have been considered and, notwithstanding the network is currently at capacity in peak times, it is considered that the proposed use can be accommodated. Some additional capacity in the John Rymer Place intersection may be achieved by altering the existing lane markings.
C(i)	the applicant will need to demonstrate that the effects of the development on the environment have been assessed in terms of PART 12 – TRANSPORTATION of the Plan;	These effects have been comprehensively assessed in the Transportation Assessment attached as Appendix 5.
C(ii)	the activities to be nominated within the	Housing for the elderly development is

	facility should be consistent with the primary aim of the zone and should demonstrably provide a community benefit;	specifically provided for in the SP1 zone. It is considered that the development will provide a community benefit in that it increases the range of housing choice for Auckland's aging population. The development may allow existing local residents to move out of traditional detached dwellings but stay in the area.
C(iii)	the facility should (in general terms) comply with the controls for the zone and PART 12 -TRANSPORTATION unless it is not appropriate to do so because of inherent site characteristics, particular site development considerations, unusual environmental matters, and extraordinary vehicle or pedestrian movements;	It is expected that any future development will comply with the controls set out in Part 12 of the District Plan.
C(iv)	parking and loading areas must be landscaped to improve the visual appearance of the site;	It is expected that the majority of parking will be located in basement areas. The site, including any at-grading parking areas, is intended to be comprehensively landscaped. An assessment criterion is proposed in the concept plan to address this matter.
C(v)	suitable screening must be provided to prevent floodlighting or vehicle lights shining directly on adjacent sites;	Fencing, at least 1.2m in height is anticipated around the perimeter of the property. This, along with landscaping, will assist is reduce light glare from vehicles. Screening through the use of fencing, however, needs to be balanced against the potential for adverse shadowing and dominance effects associated with high fences.
C(vi)	no reverse manoeuvring of vehicles on to the road will be permitted;	No reverse manoeuvring is expected and, in any event, it is noted that this matter is controlled by Rule 12.8.2.3.
C(vii)	servicing activities and goods service areas should be adequate for the size of the development, and must be separate, where possible, from pedestrian and parking areas;	Loading will be provided in accordance with District Plan requirements or, if they are to be varied, a resource consent will be sought.
C(viii)	the appearance of buildings will be controlled in order to ensure that a high standard of visual design is obtained, particularly on the external faces of the complex, and in its relationship to surrounding buildings and adjacent facilities;	The concept plan contains comprehensive assessment criteria dealing the design and appearance of buildings.
C(ix)	activities within the facility will be subject to noise controls to ensure that an acceptable level of noise is maintained at the residential zone interface;	Construction activities are required to comply with the relevant District Plan standards and there is no reason to anticipate that these will be exceeded by the proposed activity. There is nothing inherent in the intended future development that suggests the operation of the retirement village will result in unacceptable effects at the residential boundary.

C(x)	activities within the facility may be subject to conditions relating to water discharges, air pollution and emissions to prevent, or reduce to an acceptable level, any detrimental effect the facility may have on the environment.	The concept plan includes assessment criteria relating to site servicing and engineering. These criteria broadly deal with the range of discharges and emissions expected to be associated with the development.
C(xi)	the applicant will need to demonstrate that the development has been designed to satisfy the safety assessment criteria listed in Clause 6.2.10.5.	The concept plan includes an assessment criterion dealing with this matter.

Based on the foregoing assessment, it is considered that the proposed plan change accords with the relevant assessment criteria set out in Clause 10.5.1.1 of the District Plan.

6 AUCKLAND REGIONAL POLICY STATEMENT

The Auckland Regional Policy Statement (ARPS) provides the overarching policy framework to guide future growth and development in the region. In general terms, the ARPS advocates urban containment and intensification around nodes whilst requiring the avoidance or mitigation of adverse effects of development.

The ARPS sets out the key resource management issues facing the region. In the context of this proposal, it is considered that the relevant issues are issue 2.4.1 with respect to the need to accommodate further population growth and issue 2.4.3 with respect to avoiding adverse effects associated with ad-hoc intensification. The objectives aimed at addressing these two issues include:

- Objective 2.6.1.1: To ensure that provision is made to accommodate the Region's growth in a manner that gives effect to the purposes and principles of the RMA.
- Objective 2.6.1.3: To achieve a compact well designed more sustainable urban form served by an integrated multimodal transport system.
- Objective 2.6.1.5: To achieve a built environment that has a sense of character and identity, has a range of densities and uses, maintains or enhances amenity values, and is visually pleasant, functionally efficient, environmentally sustainable and economically vibrant.
- Objective 2.6.1.11: To encourage the efficient use of natural and physical resources, including urban land.

The ARPS goes on to list policies under six strategic policy headings to give effect to these objectives (urban containment, urban structure, urban design, land use and transportation integration, infrastructure, and rural areas).

It is considered that the proposed development is in accordance with the relevant provisions of the ARPS for the following reasons:

- The use represents an efficient use of land that would otherwise remain under utilised for the foreseeable future;
- The use will provide for additional housing choice for the residents of Auckland's eastern suburbs;
- The proposed density is considered to be appropriate given the site's location and when taking into account transport and topographical constraints;
- The proposed concept plan provisions will result in a design that is appropriate in urban design terms; and
- The proposed concept plan provisions will result in a design that avoids or appropriately mitigates potential adverse effects on neighbouring residential properties.

7 RESOURCE MANAGEMENT ACT – PART 2

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. It is considered that the proposed development represents a sustainable use of land, within the capacity of the surrounding environment, and without compromising the ability of the owners and occupiers of surrounding properties to provide for their social, economic, and cultural well-being.

Section 6 of the Act sets out a number of matters of national importance. It is not considered that there are any matters of national importance relating to this application.

Section 7 identifies a number of “other matters” to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. It is considered that this proposal represents an efficient use of land and that for the reasons outlined elsewhere in this report, the scale and intensity of the proposed development is appropriate in this location.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. Notwithstanding some of the land subject to this proposal is owned by Ngati Whatua, it is not considered that there are any specific matters relating to the Treaty of Waitangi relevant to this application.

8 CONCLUSION

This plan change request relates to a proposal to rezone two parcels of land from Residential 6a and Special Purpose 2 to Special Purpose 1 in order to develop the property for a housing development for the elderly. The plan change request seeks to introduce a concept plan for the site into the District Plan. The concept plan sets out the rules and assessment criteria for new buildings and, in particular, requires all proposals for new buildings to go through a resource consent process. Buildings will be subject to a maximum height limit of 15m although much more restrictive controls apply adjacent to residential boundaries. Assessment criteria have been formulated in order to ensure that matters of building design, amenity, traffic, site servicing, and natural hazards are appropriately addressed through the consent process.

Prior to lodgement of this plan change request, a wide range of parties have been consulted including iwi, local schools, local authorities, and local residents. This consultation is ongoing and the public notification requirements associated with the plan change process will enable these groups to have further input into the proposed plan change provisions.

Specialist reports have been prepared in support of the application covering urban design, visual and landscape, arboricultural, traffic, servicing, and geotechnical matters. Based on these reports, a comprehensive analysis of potential adverse effects has been provided in Section 3 of this report where it was concluded that the proposed plan change provisions will ensure that potential adverse effects will be able to be avoided or reduced to an acceptable level.

An assessment against the provisions of Section 32 of the RMA was provided in Section 4 of this report. This included an analysis with respect to the extent to which the concept plan provisions are the most effective and efficient way of achieving the objectives of the District Plan. In carrying out this analysis, consideration was given to possible alternative uses for the site. It was concluded that a Special Purpose 1 zoning and the redevelopment of the site for housing for the elderly is the most appropriate use of the site when considering all of the District Plan's objectives. The costs and benefits associated with the rezoning and concept plan provisions were also considered. It is considered that these achieve an appropriate balance between providing a reasonable degree of certainty for surrounding neighbours (in terms of likely development and potential adverse effects) against maintaining a reasonable degree of flexibility to develop the site.

An assessment against the relevant District Plan assessment criteria for plan changes was carried out in section 5 of this report. It was concluded that the plan change generally accords with these criteria.

For all of these reasons, it is considered that the proposed plan change accords with the sustainable management principles outlined in Part 2 of the Resource Management Act.