Oceania Melrose Retirement Village

Resource Consent Application

Proposed Re-development of Aged Care and Accommodation Complex

159 Waihi Road
Tauranga
**APPLICANT:** Oceania Healthcare Ltd

**APPLICATION:** Proposed re-development of the existing aged care complex for new aged care home, retirement apartments and retirement villas

**LOCATION:** 159 Waihi Road

**LEGAL DESCRIPTION:** Lots 4 DP333, Lots 3 and 5 and Part Lot 1 DP 33, Lot 1 DP 1875 Lot 1 and 2 DP 21637, Part Lot 1 DP 29013 Part Lot 5 DP 26048 and Lot 1 DP 32216

**SITE AREA:** 55,483m²

**ZONING:** Suburban Residential

### 1.0 PROPOSAL

The proposal is for the re-development of the existing Melrose Retirement Village (Melrose Lifestyle Care and Village) comprising replacement of existing care home and assisted living with new care home and retirement apartment buildings and new and replacement retirement villas.

The existing complex has a total of 110 care home beds and 60 retirement villas.

The re-development proposes a total of 60 care home beds 209 retirement apartment units and 9 new retirement villas (in addition to the 33 existing villas to remain) giving a total of 42 retirement villas.

The existing care home, comprising hospital, dementia care and assisted living accommodation will be demolished. 27 existing retirement villas will also be demolished.

The design of the complex is laid out in 6 ‘wings’ that accommodate the retirement apartments (B1 – B5) and the care home (B6). The retirement villas are located at the eastern and southern areas of the site.

Buildings B1 – B4 each vary from three levels down to two levels at the northern ends. The buildings are linked by a covered walkway to B5. Building B5 includes the service facilities for the retirement apartments including reception, administration, support services, kitchen, lounge and dining.
Building B6 is the care home building of 2 levels. This building includes the care home rooms and the service facilities for the care home residents, including reception, administration and support services, kitchen, dining and lounge.

Access to the site remains via the two existing access points from Waihi Road. An improved re-design of the eastern access is proposed in keeping with the primary access role. The existing western access has a secondary role in providing limited service and staff access to the care home and for apartment residents at the northern end.

The proposal will provide for the assessed demand for carparking on site by way of outside car parks and under cover parks including those proposed within Building B5.

The proposal results in a full re-design of the layout and functioning of the site including access, parking and landscape planting components.

The site is zoned Suburban Residential under the Operative City Plan. The proposal has been assessed under the requirements of this zone.

The proposal is a discretionary activity under the provisions of the Tauranga City Plan as the proposed buildings exceed the maximum height for the zone. In summary the re-development requires resource consent due to the following City Plan requirements not being met;

- Exceeds the permitted activity density provisions for rest homes and retirement villages (Rule 14B.6 g)
- Exceeds permitted height
- Exceeds 25 parking spaces (Rule 4B.4)
- Does not comply with minimum parking requirements
- Exceeds the permitted earthworks (4C.3)

Preparation of the design and of the assessment of effects has included specialist assessments specific to site engineering (comprising service infrastructure, earthworks, stormwater and geotechnical), traffic engineering and design, and landscape and visual assessment.

There are considered to be no regional policies relevant to the proposal, apart from the management of earthworks.

The architectural design of the proposed village has been carried out by Peddle Thorp Aiken Ltd (Attachment 1).

In support of the assessment matters required by the provisions of the City Plan the following assessments are included in the application;
- Landscape and Visual Assessment (Shafer Design Limited) *(Attachment 2)*
- Integrated Transportation Assessment (Traffic Solutions Ltd) *(Attachment 3)*
- Engineering Infrastructure and Land Management Plan (MSC Consulting Group Ltd) *(Attachment 4)*
- Geotechnical Assessment (Coffey Geotechnics NZ Ltd) *(Attachment 5)*

There are no special features identified on the City Planning maps for the site.

### 2.0 BACKGROUND

#### Pre Application meetings

Two pre-application meetings were held with council staff. The first meeting was to provide a brief to council staff and set up separate communication between the applicants engineering and landscape specialists and council staff and landscape consultant.

The communication with council staff enabled the consideration of preliminary engineering and landscape assessments as to methodology and information to be provided. This also included site inspections with the applicants and Council’s landscape architect consultants.

A second pre-application meeting was held to present the advanced design to council staff and consultant prior to finalising the design and assessments for submission with the application. This presented a further opportunity to demonstrate the evolution of the design and the key design influences and to highlight the issues for inclusion as part of the environmental impact assessment.

#### Aged Care and Accommodation

Care home refers to the provision of care for those aged persons no longer able to live independently and includes rest home, hospital, dementia and assisted living care. The proposed re development of Melrose Retirement Village provides for rest home and hospital level care within the care home. This is in accordance with the City Plan definition of rest home.

Retirement apartments provide for those persons who may have a reduced level of independence and seek the support provided by the village. Retirement apartment units may be occupied by persons requiring a higher level of assisted living care.

Retirement villas provide for a more independent style of living for persons that however seek the support of life within a village complex.
The apartment designs incorporate a mix of one and two bedroom units. The popularity of the two bedroom design stems from the flexibility that this design provides for residents, in terms of the size of the units and the living arrangements of couples. Typically residents are moving from a substantial family home, and prefer a dwelling size that will accommodate their furniture and provide a feeling of spaciousness. Often residents of the apartments have a partner who is under care within the care home and the unit provides a means of living in close contact.

The design of the retirement apartment unit incorporates many features found in a general residential dwelling. However they are not fully independent with the village providing services for support of the residents. Supported living in this way caters for the everyday needs of residents, including for example a dining room which provides the majority of meals for residents.

Retirement villages and care homes for the elderly are a necessary part of the fabric of the community, providing for the residential requirements of the elderly in a supportive and secure environment. The village draws its residents by and large from the community within which it is located, enabling residents to continue to be associated with the community with which they have recently lived.

The design of the proposed retirement units has been carried out in order to provide a high standard of living environment for the elderly occupants. It has balanced the built environment against the provision of quality internal and external living space and a design theme that promotes the idea of a village.

The care requirements and age profile of residents results in lesser offsite environmental effects than an alternative residential development of comparable unit numbers due to the limited mobility of residents. This characteristic distinguishes it from residential developments in general.

Residents of the retirement apartment units do not require the same amount of outdoor space that occupants of a standard dwelling would due to this reduced level of mobility, more sedentary lifestyle and absence of young people.

### 3.0 RESOURCE MANAGEMENT ACT 1991

Before making a decision pursuant to Section 104(B) of the Act, Council must consider the proposal pursuant to Section 104 of the Act. Subject to Part 2, Section 104 requires that regard be given to any actual or potential effect on the environment and any relevant policies under or other provisions of the district plan and any other relevant matters. The proposal qualifies as a discretionary activity as identified by the provisions of the Operative Tauranga City Plan.
Section 5 of the Act (Purpose) declares the statutory purpose of sustainable management as that which “enables people and communities to provide for their social, economic and cultural wellbeing”.

Enabling the wellbeing of people and communities has to be achieved in the context of Section 5(2)(a)(b)(c). In particular the responsibility of (c) for “avoiding, remediying or mitigating any adverse effects or activities on the environment”.

The proposal represents a sustainable use of the residential land resource with the continued association of the location for a care home and retirement village. It will result in efficient use of residential land for a care home and retirement village, which is provided for as a permitted activity within the zone.

The proposal enables the existing facility to be developed to better provide for the care and accommodation requirements of the elderly members of the community. It is considered that seeking optimum use of an established facility and associated infrastructure is a more sustainable use of this established resource than duplicating the facility in an alternative nearby location. Duplication would not allow for the use of established staffing, administration and care function and infrastructure with such comparative low increase in these resources.

The use of the land for this type of activity has now become an established part of the character of the area. There is the potential that over development of the site or unrestrained expansion or creeping out of the facility may have an adverse and dominant effect on the character of the area. This is considered to be offset in this case by the comprehensive approach taken to the overall design and function of the facility. This is also linked to the need for the community to adequately provide for the care and accommodation requirements of their members as they age.

Increasing expectations from the community in the range of care and accommodation options from the same site are more frequently resulting in an established facility adding to the range of care and accommodation. In this way progressive care for the elderly can be provided from the same location eliminating the need to relocate as care requirements change. In addition it provides the flexibility for couples to continue to live together within the same site where one requires a higher level of care than the other.

A grant of consent will enable the applicant and the community to provide for their economic well-being whilst avoiding, remedying, or mitigating the actual adverse effects on amenity values, natural and physical resources, and the quality of the environment.
There are no Section 6 matters (National Importance) of relevance to the consideration of the proposal.

Section 104B of the Act enables the Council to either grant or refuse consent for a discretionary activity and, if granted, the consent may be subject to such conditions under Section 108, as are deemed appropriate.

### 4.0 DISTRICT PLAN ASSESSMENT CRITERIA

#### 3.1 Activity Status

The Tauranga City Plan makes specific provision for Care Homes (as Rest Homes) and Retirement Villages within the Suburban Residential Zone.

Rule 14B.2.1 provides for retirement villages and rest homes as permitted activities subject to the permitted activity standards of Rule 14B.3. As the proposal does meet the following requirements, restricted discretionary status would apply:

- density standards the status of the activity under the City Plan is restricted discretionary, due to Rule 14B.6 g) and the activity not complying with the permitted density standard of 14B.3.1.
- Does not comply with minimum parking requirements (Rule 4B.4a)
- Exceeds 25 parking spaces, (Rule 4B.4b)
- Exceeds the permitted earthworks, (4C.3)

However as the activity activity does not comply with the maximum 9 metre height standard in accordance with Rule 14B.3.2 the proposal has discretionary activity status.

#### 3.2 Relevant Rules of the City Plan

The following is an assessment of the proposed activity with regard to the relevant permitted activity conditions of the district plan.

The definitions of rest homes and retirement villages under the City Plan are as follows:

**Rest Home**

A building incorporating a number of bedrooms used to provide rest home care in accordance with Section 9 of the Health and Disability Services Act 2001 for persons who require medical and/or other forms of support (including dementia care) and includes the facilities and staff necessary to provide such support.

**Retirement Village**

Part of any property, building, or other premises that contains two or more independent dwelling units or their dwelling unit equivalents that
provide residential accommodation in the form of independent living townhouses and/or apartments and/or supported living provided on a bed and/or room basis (for avoidance of doubt this includes rest home and/or dementia care), predominantly for persons in their retirement (including their spouses or partners), together with associated services and facilities.

Associated services and facilities may include, but are not limited to, the following:

a) Healthcare and/or hospital facilities providing medical support exclusively to village residents;

b) Retail and service facilities for the exclusive use of village residents;

c) Administrative offices for the day to day operation of the village;

The following are not retirement villages for the purposes of this definition:

d) Owner-occupied residential units registered under the Unit Titles Act 2010 or owner-occupied cross-lease residential units that in either case do not provide services or facilities to their occupants beyond those commonly provided by:

i) similar residential units that are not intended to provide accommodation predominantly for retired people and their spouses or partners; or

ii) residential units occupied under tenancies to which the Residential Tenancies Act 1986 applies;

e) Boarding houses, guest houses, or hostels;

f) Halls of residence associated with educational institutions; and

g) Shared accommodation.

The following assessment of the permitted activity standards has been carried out.

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<th>Permitted Activity Condition</th>
<th>Statement of Compliance</th>
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<td><strong>14B.3.1 Residential Development Density</strong>&lt;br&gt;Suburban Residential&lt;br&gt;Rest home&lt;br&gt;- Sites shall have a minimum site area of 1000m²;&lt;br&gt;- 1 bed and/or bedroom per 75m² of site area;&lt;br&gt;- Maximum of 20 rest home residents per site (excluding staff).&lt;br&gt;Retirement Village&lt;br&gt;- Sites shall have a minimum site area of 1000m²;</td>
<td>Does Not Comply&lt;br&gt;The site area is 55,483m²&lt;br&gt;The rule allows for a maximum of 20 rest home residents (60 proposed) – does not comply&lt;br&gt;The site area allows for 170 independent dwelling units, (total of 251 apartment and</td>
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<td>Permitted Activity Condition</td>
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| - 1 independent dwelling unit or its dwelling unit equivalent per 325m² of nett site area;  
- 1 rest home bed and/or bedroom per 75m² of site area;  
- Maximum of 20 rest home occupants per site (excluding staff). | villas proposed) – does not comply |

14B.3.2 Building Height
9 metres

Does not comply
The proposed buildings exceed the permitted height by a maximum of:
B1 – 0.939 metre (Plan ref 1462-2-131)  
B2 – 4.359 metres (Plan ref 1462-2-200)  
B3 – 3.964 metres (Plan ref 1462-2-300)  
B4 – 2.165 metres (Plan ref 1462-2-400)  
B5 – 3.909 metres (Plan ref 1462-2-500)  
B6 - 1.392 metres (Plan ref 1462-2-600)

14B.3.3 Streetscape
3 metres from front boundary

Complies
The proposed building layout complies with the setback requirement as applied to Waihi and Sutherland roads. All buildings are proposed to comply with this standard.

14B.3.4 Setbacks
1.5 Metres;
A building may be erected closer to a side or rear setback where, prior to the building works relating to the encroachment being undertaken, the written approval of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained and is clearly endorsed on all relevant building plans or other plans that show the encroachment. The written approval and endorsed plans shall be provided to Council for registration on the appropriate property file(s). In the context of this rule an adjoining property will include rights of way and properties separated by rights of way adjoining the non-compliance

Complies
The proposed building layout complies with the building setback requirements for side and rear boundaries as applied to external boundaries of the site. All buildings are proposed to comply with this standard.
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<td>where the building is to be located within 1.5 metres of that property boundary. A maximum of two setbacks may be reduced through this rule.</td>
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<td><strong>14B.3.5 Setbacks – Traffic Management Safety</strong></td>
<td>No direct vehicle access from any garage of the village is proposed to Waihi Road</td>
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<td><strong>14B.3.6 Overshadowing – Suburban Residential</strong></td>
<td>Complies</td>
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<tr>
<td>With reference to Appendix 14C</td>
<td>All buildings are proposed to comply with this standard.</td>
</tr>
<tr>
<td><strong>14B.3.7 Site Coverage – Suburban Residential</strong></td>
<td>Complies</td>
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<td>45% maximum site coverage</td>
<td>Site coverage is approximately 30%.</td>
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<tr>
<td>With reference to the definition of site coverage.</td>
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<td><strong>14B.3.9 Site Access</strong></td>
<td>Complies</td>
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<td>For 5 or more independent dwelling units, a minimum legal width of 6 metres with a 5 metre minimum seal width.</td>
<td>The proposal provides for two access points. Details of the design and functioning of these accesses is contained in the Integrated Transportation Assessment.</td>
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<tr>
<td><strong>14B.3.10 Outdoor Living Area - Suburban Residential</strong></td>
<td>Not Applicable</td>
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<td>b) This rule is specifically excluded from applying to a retirement village</td>
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<td><strong>Rule 4B.2.3 On-site Carparking Requirements</strong></td>
<td>Does not comply</td>
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<tr>
<td>With reference to Appendix 4A the parking requirements</td>
<td>In accordance with these standards the proposed development requires 352 carparks. The number of carparks proposed is 216.</td>
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<tr>
<td>For a rest home are;</td>
<td>Each retirement villa has its own carpark which is included in the 216 carpark total.</td>
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<td>Non-hospital</td>
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<td>Residents 0.35 spaces /unit</td>
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<tr>
<td>Staff 1 space / 2 FTE staff</td>
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<td>Loading 1 90 percentile car</td>
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<td>Hospital</td>
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<td>Residents 0.25 spaces /unit</td>
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<td>Staff 1 space / 2 FTE staff</td>
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<td>Permitted Activity Condition</td>
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For a retirement village are;
- Residents – 1 space per unit
- Visitors – 0.2 spaces per unit

**Rule 4B.4(b) Transportation**
Any Activity, apart from those located within the City Centre Zone, that provides more than 25 on-site car parks as calculated in accordance with Rule 4B.2.3 - On-Site Parking Requirements – General (is a restricted discretionary activity).

Does not comply
The proposal exceeding 25 on-site car parks and restricted discretionary activity status applies.

**Rule 4C.2.2 Earthworks**

a) They are ancillary to an activity that is listed as a Permitted, Controlled or Restricted Discretionary Activity within that zone;

b) They use a combination of erosion and sediment control measures that are consistent with Appendix 4N: Erosion and Sediment Control Measures where earthworks on a site expose more than 100m² of area. For the avoidance of doubt this rule shall not apply to approved earthworks or earthworks ancillary to primary production;

c) Any single cut on a site 1.5 metres in height or higher (either as a single cut or combination of cuts) where the angle of cut is 45° or greater is retained either before construction of any building foundations or retained no later than 3 months after that cut being created. This rule shall not apply to earthworks in the Rural Zone unless those earthworks are associated with construction of a building;

Does not comply
The proposal exceeds these requirements and restricted discretionary status applies.

**Rule 4D.2.3 Permanent Signs**
Complies
Signage will comply with the zone requirements.

**Rule 4E.2.1 Noise Provisions**
No aspect of the proposal is identified that...
Permitted Activity Condition | Statement of Compliance
--- | ---
will exceed the permitted noise standards for the zone.

**Rule 4G.2.1 Lighting Provisions**
Artificial lights will not exceed the luminance levels as specified.
No sources of lighting are proposed which will exceed the stated maximum limits.

The proposal is a discretionary activity.

The relevant restricted discretionary activity standards applicable are specific to retirement villages, an integrated transportation assessment and earthworks and are as follows;

**Rule 14B.6.15 (Standards and terms specific to Retirement Villages as restricted discretionary activities)**

Retirement Villages defined as Restricted Discretionary Activities under Rule 14B.6 j) - Restricted Discretionary Activity Rules are subject to the following standards and terms:

a) Retirement villages shall comply with permitted activity rules (Rule 14B.3) specified for building height, streetscape, setbacks, setbacks - traffic management, overshadowing:

b) Shall occur on a development site with a minimum gross site area of 5000m²;

c) The maximum development intensity shall be:

*Independent dwelling units - 1 per 200m² of gross site area*

*Rest home or retirement accommodation provided on a bed or room basis that is not an independent dwelling unit. - 1 bed or resident per 75m² of gross site area*

d) An application shall be accompanied by a design assessment prepared by a person suitably qualified and/or experienced in the field of urban design, building design or landscape design. This assessment shall be commensurate to the scale of the proposal and clearly discuss:

i) **The manner in which the activity relates to, and addresses adverse effects on, the residential amenity values and character of its adjacent neighbours and the wider suburban residential environment.**
e) An application shall be accompanied by an engineering assessment of infrastructural capacity within the subject catchment in relation to the anticipated water, wastewater and stormwater demands generated by the proposed activity;

f) Retirement villages shall also comply with the following sections of the Plan:

i) The provisions of Chapter 4 – General Rules Provisions;
ii) The provisions of Chapter 7 – Heritage;
iii) The provisions of Chapter 8 – Natural Hazards;
iv) The provisions of Chapter 9 – Hazardous Substances and Contaminated Land;
v) The provisions of Chapter 11 – Financial Contributions;
vi) The provisions of Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services;
vii) The provisions of any Plan Area.

Under Rule 14B.6.16 Council discretion is restricted to

The Council restricts the exercise of its discretion to:

a) The extent to which the use maintains and/or enhances the residential amenity character and coherence of the surrounding neighbourhood;

b) The extent to which the scale, layout and appearance of built form and the use of landscape planting provides a transitional area at the edges of the development site (including any street frontage) to assist with its integration with adjacent landuse;

c) The capacity of infrastructure to accommodate the anticipated demand of the activity;

d) The design and location of entry and exit points onto public roads;

e) The application of Financial Contributions in accordance with Chapter 11–Financial Contributions.

Rule 4B.4.2.4 (Matters of discretion specific to provision of more than 25 carparks)

In considering activities under Rule 4B.4.1.1 – Provision of more than 25 Car parks the Council exercise of discretion is restricted to:

a) The matters outlined in Appendix 4K – Integrated Transport Assessment Information Requirements;
b) Any recommendations of the Integrated Transport Assessment;
c) The effects from the proposal on the safe and efficient operation of the transport network (including the function of the roads as identified in the road hierarchy) and measures to avoid, remedy or mitigate those adverse effects.

d) Considering whether reductions in parking requirements are appropriate having regard to Appendix 4L – Parking Adjustment Factors;

e) Methods of stormwater disposal where 25 or more car parks are proposed to be provided on site.

In considering activities under Rule 14B.6.1.5 Access the councils exercise of its discretion is restricted to;

...the extent to which vehicular traffic generated by any activity can be accommodated without compromising the functionality of the access and the road on to which the access links (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement) or without loss of residential character and amenity.

The transportation assessment has covered those matters reserved for the discretion of council. Additionally a stormwater assessment as part of the infrastructure report is provided.

**Rule 4C.3.2 (Matters of discretion specific to earthworks)**

4C.3.2.1 For Earthworks in all Zones

a) In considering activities that do not comply with Rule 4C.2.2(b) – All Zones the Council restricts the exercise of its discretion to how the proposed methods of erosion and sediment control will meet the intended purpose of Appendix 4N – Erosion and Sediment Control Measures;

b) In considering activities that do not comply with Rule 4C.2.2 c) – All Zones the Council restricts the exercise of its discretion to considering the degree of slope and the risk of instability taking into account the volume of earthworks and any appropriate alternative methods of retention.

**5.0 ASSESSMENT OF EFFECTS AND RELEVANT OBJECTIVES AND POLICIES OF THE DISTRICT PLANS**

**Development Intensity**

**Policy Framework**

There are relevant policies to the density of development in the residential zones. Theses are as follows;
14A.1.2 Objective - Residential Diversity and Densities

A range of dwelling types and densities, to meet varied residential needs in a way that is compatible with existing and anticipated residential character, amenity and environmental characteristics.

14A.1.2.1 Policy – Residential Diversity and Densities

By providing for various densities of residential development by:

a) Identifying, through zoning, areas suitable for high, medium and low density residential development taking into account the existing residential character and amenity of these areas and the capacity of existing infrastructure;

b) Providing for residents requiring specialised accommodation where the adverse effects on local residential character and amenity can be mitigated.

The restricted discretionary development intensity standard is met by the proposal as follows;

For independent dwelling units (retirement villas and apartments) at a density of 1 per 200m² of gross site area, a total of 277 units are provided for. The proposal is for a combined total of 251 units.

For the rest home (care home bed) component at a density of 1 bed or resident per 75m² of gross site area, a total of 739 beds are provided for. The proposal is for a total of 60 beds.

The density standard for the dwelling units and the rest home components are each based on the gross site area and are therefore calculated independent of the other component.

Residential Character and Amenity (Design Assessment)

Policy Framework

The proposal has discretionary activity status due to maximum height for the zone being exceeded. In assessing the effect of the activity the relevant policy framework is as follows;

14B.1.1 Objective - Bulk and Scale of Buildings in the Suburban Residential Zone and Large Lot Residential Zone

Buildings that are of a bulk and scale compatible with the existing and anticipated suburban residential character and amenity anticipated for the zone.
14B.1.1.1 Policy - Bulk and Scale of Buildings in the Suburban Residential Zone and Large Lot Residential Zone – Building Height and Overshadowing

By ensuring buildings are restricted to a height and building envelope that:

a) Provides flexibility for a range of residential building forms in the varied topographical conditions of the zone;

b) Avoids the potential adverse impacts of over height buildings on surrounding dwellings, including their outdoor living areas, and on public open space including the streetscape or skyline through overshadowing, overlooking or visual dominance of buildings;

c) Provides for increased height opportunities in the Medium Rise Plan Area in recognition of the incidental amenity of open space and outlook in that locality;

d) Avoids the potential adverse impacts of overshadowing on surrounding dwellings, including their outdoor living areas.

Design Evolution Process

The proposal has been the subject of a comprehensive landscape and visual assessment prepared by Paul Murphy of Shafer Design.

Shafer Design was engaged at an early stage in the design process and worked closely with the architect in developing the design of the development enabling early consideration to be given to the relationship of the proposed design with the amenity of the adjacent suburban environment.

In this way the design evolution occurred with regard to neighbourhood amenity and landscape context in balance with the requirements of the applicant. This approach avoided attempting to ‘retro fit’ a design and the mitigation of potential visual effects after having committed to a building design.

Potential Cumulative Effect

The Landscape and Visual Assessment addresses those specific matters of discretion for retirement villages under Rule 14.6.15 and 14.6.16. The discretion however is not restricted to these matters as a result of non-compliance with maximum height. A broader assessment of the effect of the proposed design of the complex has been carried out on the amenity and character of the environment.

The effect of non-compliance with maximum height must in my opinion be assessed on a cumulative effects basis together with the scale of the complex which would otherwise be confined to the restricted discretionary activity criteria.
In this way the potential consequential effects arising from the proposed design in its entirety are assessed.

These potential consequential off-site effects include the matters of discretion under Rules 14.6.15 and 14.6.16 specific to the relationship of the activity to the residential character, coherence and amenity and the following;

- Outlook from adjacent land
- Overshadowing
- Privacy

**Extent of non-compliance with height**

The extent of non-compliance with maximum building height is identified on the Peddle Thorp plans (attachment 1).

The site has been subject to survey in order to accurately determine the extent of this encroachment. Cross-section drawings reflect the relative heights of the adjoining land and building at the identified critical points. The level of the adjoining properties was also determined by a registered surveyor.

**Landscape and visual effect assessment**

**Viewpoint Analysis**

Shafer Design has determined the critical viewpoint locations for assessing visual effect on adjoining properties and from more distant locations.

These viewpoints were further reflected in the plan preparation process by Peddle Thorp. Critical locations were selected for cross-sections with the proposed building in the context of the ground level and the level of the adjoining properties.

Of key focus for the visual assessment is the effect of the bulk and scale of the buildings on the receiving visual environment.

**Visual Assessment**

The viewpoint assessment has identified the extent of building visible from the viewpoints. In the case of Viewpoint 2 it provides the reference for the viewing audience without entering the individual properties. For each the assessment identifies the visual characteristics within which the proposed buildings are located; and the nature of the viewing audience.
The potential effects on the viewing audience have been identified including the relative position and scale of proposed buildings.

Mitigation measures proposed as part of the design and landscape treatment of the development are identified as part of this assessment.

Other mitigation features include the relative position of the building to the viewpoint, to boundaries in close proximity and relative to ground levels of adjoining properties.

Of these viewpoints and locations I highlight in particular the viewing audience of those sites adjoining the western boundary at the northern end. This viewing audience and the relative position of proposed Building 1 (B1) has been the subject of particular close scrutiny.

The cross-sections selected for B1 have enabled the potential effect of this building on the amenity of the adjoining properties at 27 A-C and 31 Tekoah Place to be assessed.

The assessment considers the proposed building in terms of scale and location and also the residential context within which the building is located.

In this regard the assessment has considered the alternative form of residential dwelling development that could occur on this land and the effect of that development.

In this way the alternative form of development presents a further mitigation consideration to the effect of the proposed building on the character and amenity of the environment.

Synopsis

I have considered the findings of the landscape and visual assessment. I concur that the potential for adverse effect on the viewing audience and on the character and amenity of the residential environment to be less than minor.

Permitted Baseline of Effect

The potential for the site to be developed as part of a general residential development is a relevant consideration.

The consideration of the effect of Building 1 on the adjoining properties included the assessment of the proposal in the context of the character of the residential environment and of the effect that may arise from alternative development of the land.
To gain permitted activity status the subject area of the site would first need to be subdivided and for this reason the demonstration of a baseline of effect has identified possible lot sizes.

Peddle Thorp have included details of the baseline effect which includes cross-sections of buildings on the height and a plan view of the number, size and proximity to the western boundary. This is shown on Plan reference 1462-2-135.

In this location there is a strong basis for a higher density of dwellings and for a larger scale of dwellings to that shown. In my opinion the selection of the form of alternative development is conservative but nevertheless reflects the scale and character of development existing in the area. Orientation of alternative building forms would seek to orientate to maximise the potential for sun and outlook and provide for sufficient space for on-site amenity.

With reference to this indicative form of alternative development, in my opinion supports the findings of a less than minor effect. This is due to the consequential effect from an alternative development on outlook, visual effect of bulk of building and potential for loss of privacy.

**Overshadowing**

A shadow study prepared by Peddle Thorp (reference 1462-9-100) demonstrates the overshadowing effect of the proposed development. Consideration of the internal effect of overshadowing from proposed buildings was a consideration during the design preparation and is in part the basis for the orientation, design and separation between the proposed wings.

The study demonstrates that the effect of overshadowing on adjacent properties is less than minor.

The potential for effect is mitigated by the distance of building to boundary and the higher ground level of adjoining property at the northern end of the western boundary.

**Privacy**

There is the potential for buildings that exceed maximum height to result in a loss of privacy for adjoining properties. The potential for loss of privacy needs to be considered against an alternative development that may occur on the land. Such alternative development has been demonstrated as having a similar effect with regard to height and being located closer to the external boundaries and therefore the adjoining dwellings.
The setback of the proposed buildings from the boundaries, the presence of selected boundary landscaping and lower ground levels relative to adjoining properties combine to mitigate the potential effect to less than minor.

Additionally the alternative form of development that may occur provides for further mitigating characteristics to this effect.

**Infrastructure Assessment**

MSC Consulting Group has prepared a services assessment that is attached to this application. Included within this assessment is a stormwater management assessment for the development of the land. The report includes the design of existing discharge and the means by which stormwater is to be attenuated to achieve the existing peak flows including flow rates and quality treatment for hardstand areas.

Wastewater generated by the development has been assessed to determine flow rates and the adequacy of existing receiving infrastructure.

The proximity of hydrants has been considered as to the provision for firefighting supply at the required flow rates. The location of the water mains servicing the site has been identified and noted for realignment as required.

**Transport Assessment**

The proposal requires in excess of 25 carparks and does not meet the required number of carparks under the requirements of the City Plan. An Integrated Transportation Assessment has been carried out by Traffic Solutions Ltd to assess the effects of traffic generated on the environment and to determine the demand for carparking.

The relevant objectives and policies of the City Plan with respect to these matters are as follows;

**Relevant Policy Framework**

4B.1.2.1 Policy – Use of Land

*Ensuring the pattern of subdivision, use and development of land occurs in a co-ordinated and comprehensive manner that optimises land availability whilst integrating with the transport network to maintain its safe and efficient function.*

4B.1.2.2 Policy – Maintaining Road Function
By ensuring that traffic generation associated with the subdivision, use and development of land does not adversely affect the primary function of roads within the road hierarchy.

4B.1.3 Objective – Parking
Parking is provided that meets the demand of activities either on-site or in the vicinity to ensure that the safe, sustainable and efficient functioning of the adjoining transport network is maintained and that parking areas provide appropriate stormwater disposal.

4B.1.3.1 Policy – On-Site Parking Requirements
Ensuring that land use activities provide:

a) A level of onsite vehicle parking that reflects anticipated demand;
b) Bicycle parking that meets the requirements of Appendix 4C - Bicycle Parking Dimensions and Design Requirements, where bicycle parking is proposed to be provided;
c) Parking and loading areas that are appropriately located and designed for their intended use;
d) On-site parking and loading areas that are configured to provide for the practical and safe movement of vehicles on-site and off-site, and avoid, remedy or mitigate adverse effects on the safe and efficient operation of the transport network (including the function of roads as identified in the road hierarchy).

Assessment

In carrying out the transportation assessment the outcomes sought by the above policy framework and the specific matters for assessment in the City Plan have been addressed.

Parking

The proposal results in a shortfall of required on-site carparking from the City Plan requirement of 352 spaces to the proposed number of 216 spaces. A carpark is provided for each retirement villa.

Actual parking demand for the complex has been assessed on the basis of surveys carried out of the existing activity, the use of survey information for other similar developments and by reference to other industry standards.

The Transportation assessment has applied a conservative approach to the findings to allow a level of ‘robustness’ that further lessens the likelihood of a shortfall occurring in the adequacy of the actual parking supply.

The Traffic Solutions assessment has determined that ‘...no parking will be generated off the site as a result of inadequate provision for on-site parking.’
The assessment has concluded that the proposal will generate a demand for carparking within the range of 130 – 145 spaces. On this basis the proposed number of carparks will cater for the parking demand and generates no off-site adverse effects.

Traffic Generation

The traffic generating characteristics of a rest home and retirement village are different on a per bed/unit basis than those associated with a general residential development. Drawing from a range of industry sources for traffic generating characteristics, this form of development generates in the range of 3.0 to 4.0 vehicle trips per day (between 0.25 and 0.40 trips per hour) per unit or care home bed.

The actual traffic generating characteristics of the subject existing activity have been determined by survey and lie within and at the lower end of the above range, (between 0.16 and 2.8 trips per hour).

A lower level of traffic generated in this regard is experienced and a consequent lesser impact on the area’s traffic infrastructure. For this reason the assessment has determined that the characteristics of the design specific to this development in regard to the design of internal access and traffic impact on the local road network are within acceptable design parameters.

The traffic flow characteristics are further distinguished from general residential development as not subject to the levels of peak flow that results from commuter type trips for households to and from work for example.

Access

The assessment has examined the changing characteristic of traffic generated as a result in the increase in scale of development from the existing situation. In particular this has been examined in order to determine the extent of off-site effect on both the operation of Waihi Road and on the amenity of the immediate environment.

The proposal uses the location of the existing access points at the western end of the site and the other located further to the east.

The eastern access is subject to a substantial re-design to improve the functioning of the access including separation of entering and exiting traffic and for improved pedestrian safety.

The primary access to the site is the eastern access. This role is borne out by the focus on this access for managing traffic into and from the site as distinct from the secondary role of the western access.
This is reflected in the traffic generation of the access points and particularly the limited change in traffic generated on the western access in comparison to the existing situation. The additional level of traffic generated on the western access will be so low as to unlikely to be discernible from a adjacent properties.

The eastern access provides for separation from adjoining properties to the west and to the east.

The assessment has concluded that the level of traffic generated and the design of the access points mitigates the potential for conflict on the traffic environment of Waihi Road. The traffic volumes on Waihi Road have been surveyed by Traffic Solutions and identified in the assessment. The traffic flows for the proposed development have also been identified at specific times.

Level of traffic generated by the proposed development is concluded to result in an ‘almost nil’ effect on the operation of Waihi Road. The low traffic that the development generates as a proportion of the corresponding traffic flows on Waihi Road is a key basis for this conclusion and provides the basis for considering the effects of the additional traffic generated on the amenity of the area.

As noted above the level of additional traffic generated on the western access is unlikely to be discernible to adjacent properties. On this basis the potential adverse effect on the amenity of the area from the functioning of this access in my opinion is sufficiently negligible as to being less than minor.

The location of the eastern access is not in close proximity to adjoining properties. This provides for mitigation of the potential for adverse effect on the amenity of these properties. In my opinion, however, of greater weight is the significantly low flow of traffic generated by the operation of the activity as a proportion of the corresponding traffic flows on Waihi Road. The traffic volume on Waihi Road will effectively serve to mask the total traffic generated by the development. Notably the additional increase in traffic flow from the site, against the background of the corresponding traffic flow on Waihi Road will be so indiscernible as to having a less than minor adverse effect on the amenity of the adjacent properties.

*Construction Traffic*

The potential effects arising from construction traffic has been identified in the Traffic Solutions assessment. As a consequence of these potential effects, a construction management plan (CMP) is recommended to establish the management and operating requirements of this traffic. The requirements and control to be set down as part of this CMP will provide mitigation of these potential effects.
Synopsis

The transportation assessment has considered the potential for conflict arising from the traffic generated by the development on the functioning of the adjoining traffic environment. The characteristics of the traffic and parking generated for this type of activity have been assessed and mitigating measures proposed to avoid these potential conflicts. As a result the potential for effect arising from the proposal on the traffic environment is assessed as minor and limited as to affected party to the asset manager of the roading network.

The characteristics of the location and existing environment provide for the mitigation of the potential for adverse effects of the additional traffic generated on the amenity of the area.

The additional flow of traffic on the western access is so low as to unlikely to be discernible to adjacent properties.

The additional traffic flow on the eastern access is mitigated as to effect by distance from adjoining properties and as a low proportion of the traffic flow on Waihi Road. In my opinion this low proportion characteristic is sufficient in itself to produce a less than minor potential adverse effect on amenity such that no other person is considered affected.

Earthworks

Policy framework

The relevant policies under the City Plan area as follows;

4C.1.1.1 Policy – Stability
By ensuring that areas of cut and fill associated with site earthworks are managed to minimise the risk of instability and damage to other properties both during and after construction.

4C.1.1.2 Policy – Sediment Run-Off
By ensuring earthworks are managed to minimise sediment run-off from a site, particularly into the Council’s stormwater system, through the adoption of suitable sediment and erosion controls.

Assessment

MSC Consulting has assessed the extent and management of the proposed earthworks. This includes identifying the application of sediment and erosion controls during this phase of construction. Consent is required from the Regional Council due to the proposed volume of work.
The assessment includes the design and key control measures for managing the earthworks and control sediment. This includes a proposed erosion and sediment control plan.

**NES Contaminants in Soil (NES)**

The site has been developed and occupied by residential activity for in excess of 50 years.

The following is an assessment against Section 5 of the NES.

<table>
<thead>
<tr>
<th>NES section</th>
<th>Assessment</th>
<th>Applies</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 (2)</td>
<td>An activity is removing a fuel storage system from the piece of land or replacing a fuel storage system in or on the piece of land, which means— (a) doing any of the following: (i) removing or replacing the whole system: (ii) removing or replacing an underground part of the system: (iii) taking away or putting back soil associated with the removal or replacement of the system or the part: (b) doing any of the following for purposes associated with removing or replacing the whole system or part of the system: (i) sampling the soil of the piece of land: (ii) investigating the piece of land: (iii) remediating the piece of land: (iv) validating the piece of land: (v) managing the piece of land.</td>
<td>No works being undertaken</td>
</tr>
<tr>
<td>5 (3)</td>
<td>An activity is sampling the soil of the piece of land, which means sampling it to determine whether or not it is contaminated and, if it is, the amount and kind of contamination.</td>
<td>No works being undertaken</td>
</tr>
<tr>
<td>5 (4)</td>
<td>An activity is disturbing the soil of the piece of land, which— (a) means disturbing the soil of the piece of land for a particular purpose: (b) does not include disturbing the soil of the</td>
<td>The site is not a Piece of Land</td>
</tr>
<tr>
<td>NES section</td>
<td>Assessment</td>
<td>Applies</td>
</tr>
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| 5 (5) An activity is subdividing land, which means subdividing land—  
(a) that has boundaries that are identical with the boundaries of the piece of land; or  
(b) that has all the piece of land within its boundaries; or  
(c) that has part of the piece of land within its boundaries. | No subdivision being undertaken | No |
| 5 (6) An activity is changing the use of the piece of land, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health. | The site is not a Piece of Land as per S5 (7) | No |
| 5 (7) The piece of land is a piece of land that is described by 1 of the following:  
(a) an activity or industry described in the HAIL is being undertaken on it:  
(b) an activity or industry described in the HAIL has been undertaken on it:  
(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it. | There is no history of the site being used by a HAIL activity | No |
| 5 (8) If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to—  
(a) remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land:  
(b) sample or disturb—  
(i) soil under existing residential buildings on the piece of land:  
(ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of | The site is not a Piece of Land as per S5 (7) | No |
In light of the above information, it is concluded that the provisions of the NES do not apply to this development.

6.0 **NOTIFICATION ASSESSMENT**

Any potential adverse effect must be considered in terms of the restricted discretionary activity status.

Section 95A(1) of the Act states that

*A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.*

Pursuant to Section 95A(2), in accordance with the findings of the assessment of effects the proposal does not require public notification as it is not likely to have adverse effects that are more than minor.

In accordance with Section 95B(1), if the consent authority does not publicly notify an application it must decide (under sections 95E and 95F) if there are any affected persons or affected order holders in relation to the proposed activity.

Section 95E(1) states that
A consent authority must decide that a person is an affected person, in relation to any activity, if the activity’s adverse effects on the person are minor or more than (but are not less than) minor.

The findings of the assessments are that any potential effects are considered less than minor. There are no persons considered to be affected by the proposal and on this basis it is considered appropriate that the application proceeds as non-notified in accordance with Section 95A (2) of the Act.

7.0 CONCLUSION

An application for resource consent is required, as the proposed activity is a discretionary activity within the Suburban Residential zone of the Tauranga City Plan.

The proposal has been assessed as to its actual and potential effects on the environment and in accordance with the relevant policies of the district plan. The proposal has a no more than minor adverse effect on the environment and is not contrary to the objectives and policies of the district plans.

On this basis a grant of consent is considered justified.

WASLEY KNELL CONSULTANTS LIMITED

Greg Knell
Director
Attachment 1
Architectural Plans
Attachment 2
Landscape and Visual Assessment
Attachment 3
Transportation Assessment
Attachment 4
Services and Earthworks Assessment
Attachment 5
Geotechnical Assessment