SUMMERSET VILLAGES (PARNELL) LIMITED

APPLICATION FOR RESOURCE CONSENT

&

ASSESSMENT OF ENVIRONMENTAL EFFECTS

TO

DEVELOP AND OPERATE A RETIREMENT VILLAGE (INTEGRATED RESIDENTIAL DEVELOPMENT)

AT

23 & 41 CHESHIRE STREET, & PI 901067 10652/1 RAILWAY LAND, PARNELL

PREPARED BY

BENTLEY&Co
Resource Management Consultants

SEPTEMBER 2020

TABLE OF CONTENTS

PROPERTY DETAILS **9**

UNITARY PLAN DETAILS **10**

EXECUTIVE SUMMARY **18**

INTRODUCTION **20**

SITE DESCRIPTION **21**

Unitary Plan Zoning *23*

SURROUNDING ENVIRONMENT **24**

SITE HISTORY **25**

PLANNING HISTORY **26**

Proposed Auckland Unitary Plan *26*

Plan Change 13 ..... *31*

Planning History - Conclusion *32*

RECORDS OF TITLE **32**

ZONING AND PLANNING FRAMEWORK **33**

Site Zoning *33*

Overlays *33*

Controls *33*

Catchments & Hydrology *34*

Contamination Status *34*

THE PROPOSAL **34**

Site Layout *35*

Building Form *38*

Site Access, Parking and Traffic *40*

Construction Traffic and Access *43*

Buildings Occupancy *43*

Wind *43*

Landscaping *44*

Infrastructure *46*

Flooding and Overland Flows *48*

Earthworks *49*

Contamination *51*

Geotechnical Matters *51*

Noise and Vibration *52*
Signage *54*
Lighting *55*
CONSULTATION **55**
RESOURCE CONSENT REQUIREMENTS **55**
Auckland Unitary Plan (Operative in Part) *55*
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health *56*
ASSESSMENT **57**
Unitary Plan Matters *57*
NES-CS Matters *63*
Permitted Baseline *63*
The Receiving Environment *67*
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 Matters *94*
NOTIFICATION ASSESSMENT **96**
Section 95A – Public Notification of Consent Applications *96*
SECTION 104 ASSESSMENT **97**
Any actual or potential effects on the environment of allowing the activity (s104(1)(a)) *98*
Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment (s104(1)(ab)) *99*
Any relevant provisions of a National Environmental Standard, Other Regulations, National, Regional or Coastal Policy Statements (s104(1)(b)(i-v)) *100*
Any relevant provisions of a Plan or Proposed Plan (s104(1)(b)(vi)) *106*
Any other matter that the consent authority considers relevant and reasonably necessary to determine the application (section 104(1)(c)) *113*
Section 104 Conclusion *114*
Part 2 Matters *115*
CONCLUSION **116**

ATTACHMENTS

Attachment 1:	List of Consent Requirements
Attachment 2:	Rule Compliance Assessment
Attachment 3:	Consultation Summary
Attachment 4:	Urban Design Panel Minutes
Attachment 5:	Landscape Plans
Attachment 6:	Historic Heritage Assessment
Attachment 7:	Detailed Site Investigation
Attachment 8:	PAUP Submissions
Attachment 9:	Records of Title
Attachment 10:	Architectural Drawings
Attachment 11:	Landscape Visual Effects Assessment
Attachment 12:	Urban Design Assessment
Attachment 13:	Transportation Assessment
Attachment 14:	Draft Construction Traffic Management Plan
Attachment 15:	Wind Assessment
Attachment 16:	Infrastructure Assessment
Attachment 17:	Flood Assessment
Attachment 18:	Archaeology Authority Approval
Attachment 19:	Draft Site Management Plan
Attachment 20:	Geotechnical Assessment
Attachment 21:	Noise & Vibration Assessment
Attachment 22:	Draft Construction Noise & Vibration Management Plan
Attachment 23:	Ecological Effects Assessment

APPLICATION FOR RESOURCE CONSENT

Form 9

APPLICATION FOR RESOURCE CONSENT –
SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

1. **SUMMERSET VILLAGES (PARNELL) LIMITED** c/- Bentley & Co. Limited, at the address for service listed below, applies for the following type of resource consent:

- Land use Consent.
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

2. **The activity to which the application relates is as follows:**

- To develop and operate a retirement village ('Integrated Residential Development').

Without limitation, the reasons for which resource consent has been assessed to be required in respect of the proposal are set out in 'List of Consent Requirements' – **Attachment 1**. Overall, consent is required as a Restricted Discretionary activity

3. **The site at which the proposed activity is to occur is as follows:**

(a) Address: 23 Cheshire Street, Parnell
41 Cheshire Street, Parnell
PI 901067 10652/1 Railway Land
Ngahere Terrace Road Reserve
Cheshire Street Road Reserve

Legal Description: Lot 1 DP 477135 (23 Cheshire Street)
Pt Lot 2 DP 85443 (41 Cheshire Street)
Pt Lot 10 ALLOT 3 SEC 95, RL NEWMARKET

Records of Titles: 660763 (23 Cheshire Street)
NA41C/768 (41 Cheshire Street)
660764 (Railway Land)

(b) The natural and physical characteristics of the site are described in the Assessment of Environmental Effects.

4. **The names of the owners of land to which the application relates is as follows:**

- 23 Cheshire Street, Parnell
  Summerset Villages (Parnell) Ltd
- 41 Cheshire Street, Parnell
  Summerset Villages (Parnell) Ltd

- PI 901067 10652/1 Railway Land, Parnell
  KiwiRail Holdings Limited
- Ngahere Terrace & Cheshire Street Road Reserve
  Auckland Transport

5. Other activities that are part of the proposal to which the application relates are:

Refer to **Attachment 2** – 'Rule Compliance Assessment', which describes the activities that are inherent to the proposal (to which the application relates) and how the permitted activities comply with the requirements, conditions, and permissions for the permitted activity, so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991.

The proposal also includes (subject to the approval of Auckland Transport (AT)) the reformation of the cul-de-sac head of Cheshire Street, which rationalises the existing public parking layout, together with footpath improvements, landscaping and provision for vehicle access to the subject site. Similarly (subject to the approval of AT), the proposal includes improvements to the western end of Ngahere Terrace, in the form of footpath improvements, landscaping and the installation of stormwater utility infrastructure.

6. No other resource consents, or exemptions, are needed for the proposal to which this application relates.

7. I attach an assessment of the proposed activity's effect on the environment that-

(a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

(b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

8. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

9. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

10. No other information is required to be included in this application by the District Plan, the Regional Plan, the Resource Management Act 1991, or any regulations made under that Act.

Signature: **Summerset Villages (Parnell) Limited**
by its authorised agents Bentley & Co. Limited:

Prepared by:

……...
Matthew Round
Resource Management Planner

…….
Craig McGarr
Director - Resource Management Planner

Date: 9th September 2020

Address for service of the applicant:

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Address for fees / charges for the application:

Summerset (Parnell) Villages Limited
Level 4 – 5 Short Street
Newmarket
Auckland 1142

Attention: Adam Tyrie

Mobile: 027 4726 231
Email: Adam.Tyrie@summerset.co.nz

ASSESSMENT OF ENVIRONMENTAL EFFECTS

PROPERTY DETAILS

Site Addresses:	23 Cheshire Street, Parnell 41 Cheshire Street, Parnell PI 901067 10652/1 Railway Land Parnell Cheshire Street Road Reserve Ngahere Terrace Road Reserve
Legal Descriptions:	Lot 1 DP 477135 (23 Cheshire Street) PT Lot 2 DP 85443 (41 Cheshire Street) Pt Lot 10 Allot 3 SEC 95, RL Newmarket (Railway)
Records of Titles:	660763 (23 Cheshire Street) NA41C/768 (41 Cheshire Street) 660764 (Railway Land)
Proprietors:	Summerset Villages (Parnell) Limited KiwiRail Holdings Limited (Railway Land) Auckland Transport
Site Area:	23,368m^2 (23 Cheshire Street) 348m^2 (41 Cheshire Street) Total Site Area: 23,716m^2
Site Constraints:	Overland Flow Paths Flood Prone Area Flood Plain HAIL Site (NESCS)
Roading Hierarchy:	Cheshire Street is not an Arterial Road

UNITARY PLAN DETAILS

23 Cheshire Street, Parnell

Zoning:	Business Mixed Use Zone
Overlays:	Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - E8, Mount Eden, Viewshafts
	Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - T1, Rangitoto Island, Viewshafts
	Historic Heritage and Special Character: Auckland War Memorial Museum Viewshaft Overlay
Controls:	Centre Fringe Office Control
	Macroinvertebrate Community Index - Exotic
	Macroinvertebrate Community Index – Urban

41 Cheshire Street, Parnell

Zoning:	Business Mixed Use Zone
Overlays:	Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - E8, Mount Eden, Viewshafts
	Historic Heritage and Special Character: Auckland War Memorial Museum Viewshaft Overlay
Controls:	Height Variation Control – Parnell (27m)
	Centre Fringe Office Control
	Macroinvertebrate Community Index – Urban

Cheshire Street Road Reserve

Zoning:	Road
Overlays:	Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - E8, Mount Eden, Viewshafts

	Historic Heritage and Special Character: Auckland War Memorial Museum Viewshaft Overlay
Controls:	Macroinvertebrate Community Index – Urban

Ngahere Terrace Road Reserve

Zoning:	Road
Overlays:	Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - E8, Mount Eden, Viewshafts
	Historic Heritage and Special Character: Auckland War Memorial Museum Viewshaft Overlay
Controls:	Macroinvertebrate Community Index – Urban

PI 901067 10652/1 Railway Land Parnell

Zoning:	Strategic Transport Corridor Zone
Overlays:	Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1566, Auckland Domain/Pukekaroa/Pukekawa Hill Pa site R11_105, including pits, terraces, midden, house sites, structures, memorials, water supply site, ponds, roads, gardens and plantings.
	Historic Heritage and Special Character: Auckland War Memorial Museum Viewshaft Overlay
Controls:	Macroinvertebrate Community Index – Exotic
	Macroinvertebrate Community Index - Urban
Designations:	6301, Newmarket Branch Railway Line, Designations, KiwiRail

Note: Overlays / Controls relevant to the above land parcels have only been identified where they are applicable.

AERIAL LOCALITY DIAGRAM

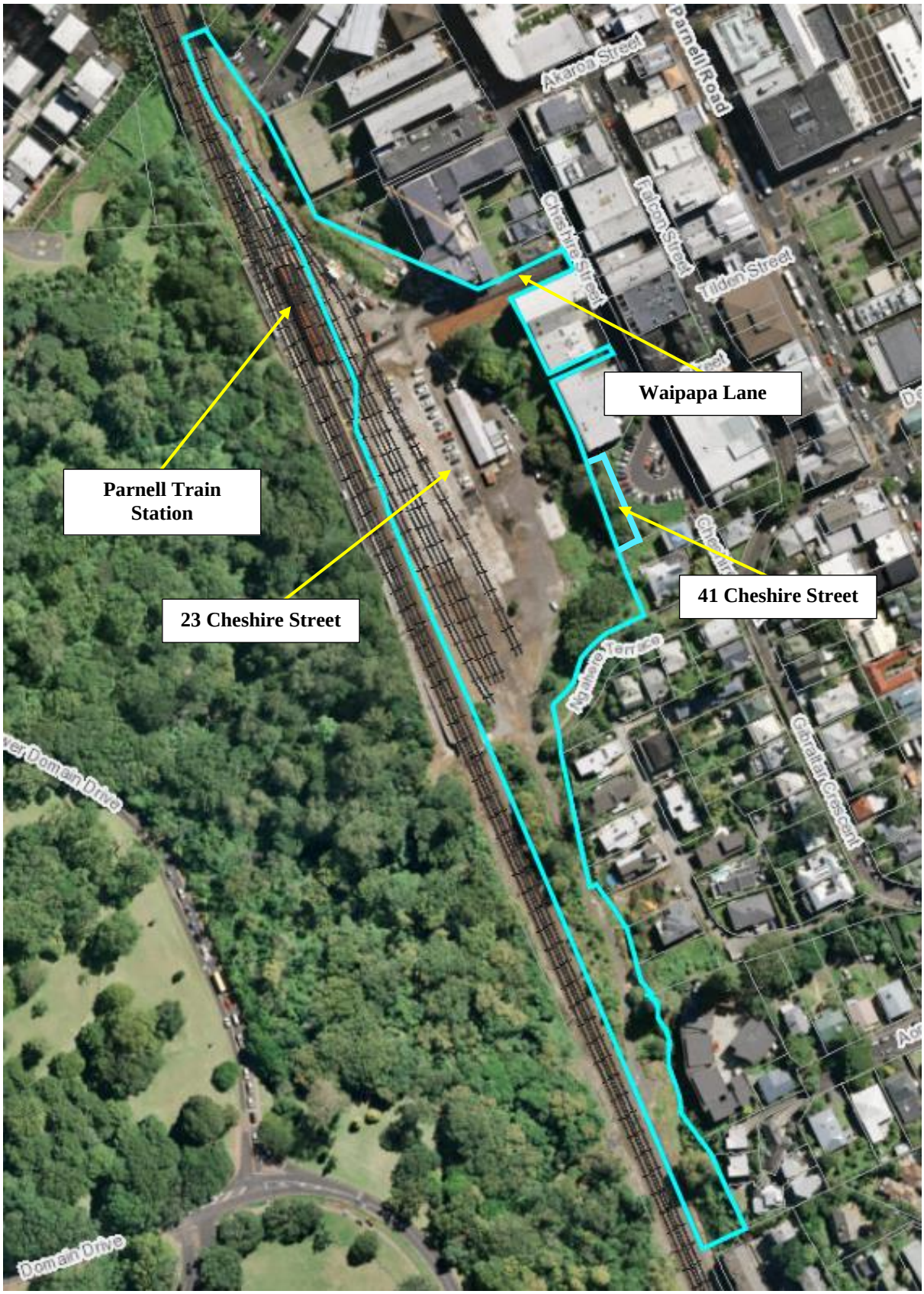

Figure 1: Aerial of site and surrounds (Source: Unitary Plan GIS).

ZONE LOCALITY DIAGRAM

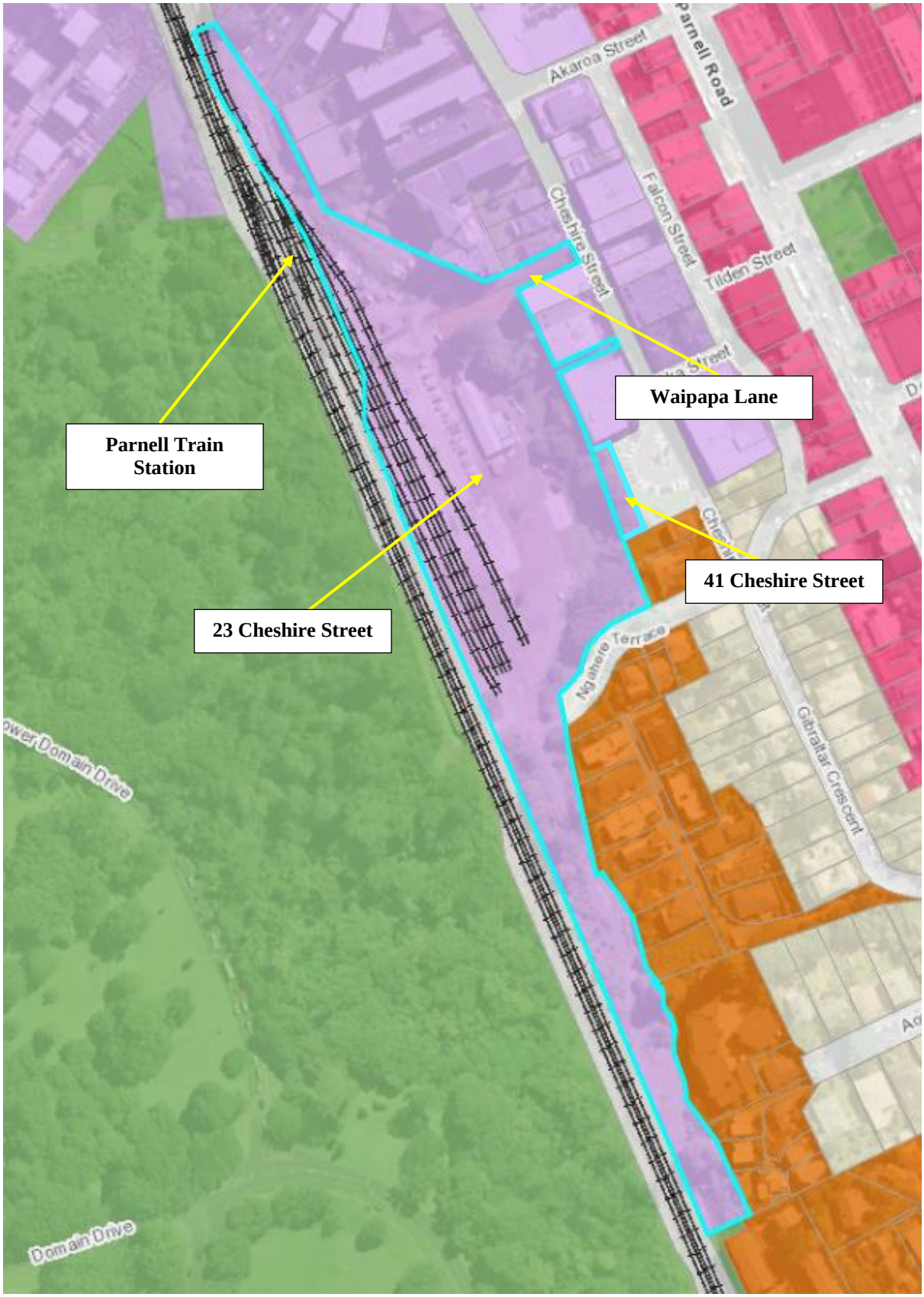

Figure 2: Zoning diagram of the site and surrounds (Source: Unitary Plan GIS).

AUCKLAND WAR MEMORIAL MUSEUM VIEWSHAFT

Figure 3: Location of museum viewshaft above the site (Source: Unitary Plan GIS).

REGIONALLY SIGNIFICANT VOLCANIC VIEWSHAFTS

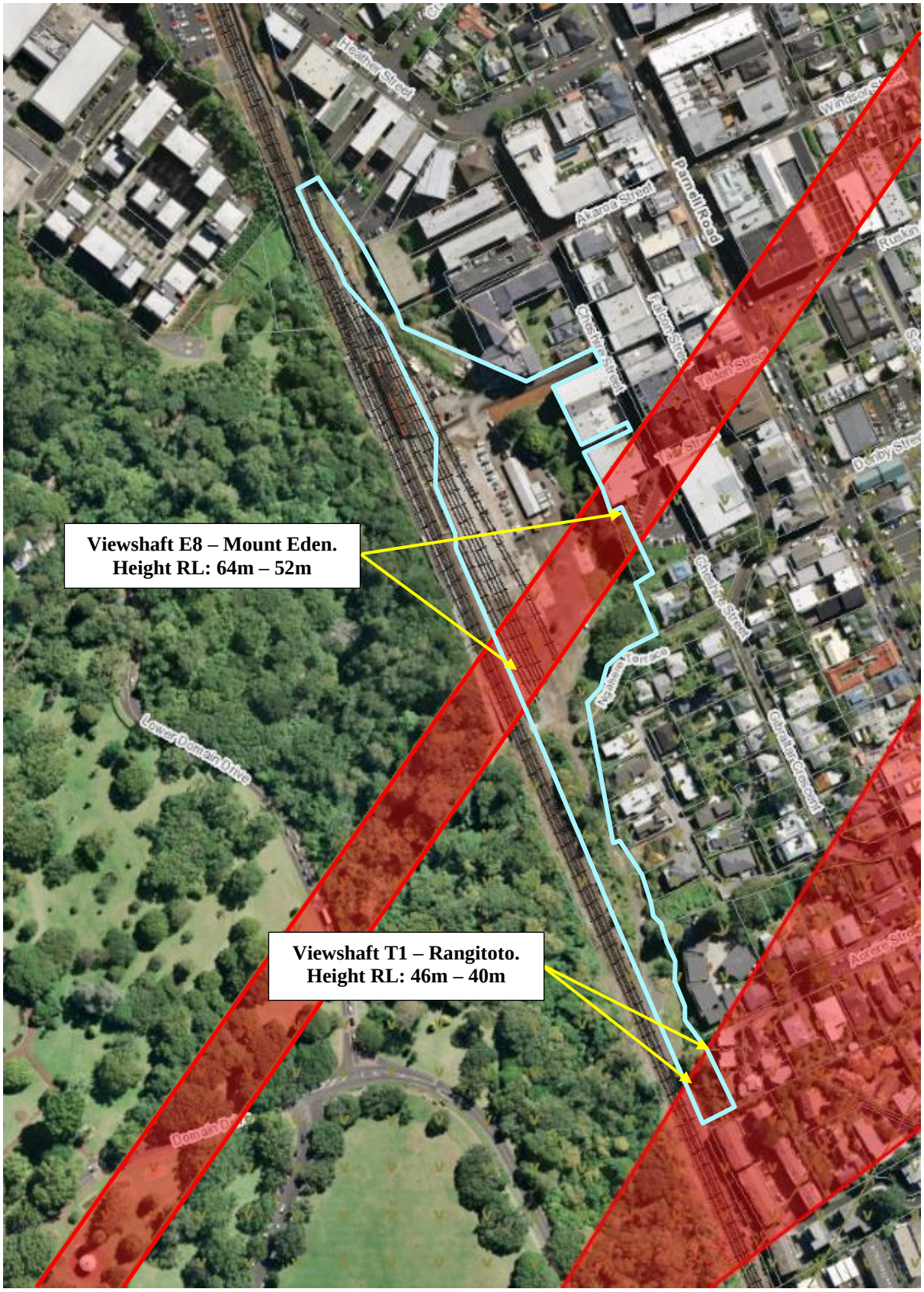

Figure 4: Location of volcanic viewshafts above the site (Source: Unitary Plan GIS).

HEIGHT VARIATION CONTROL

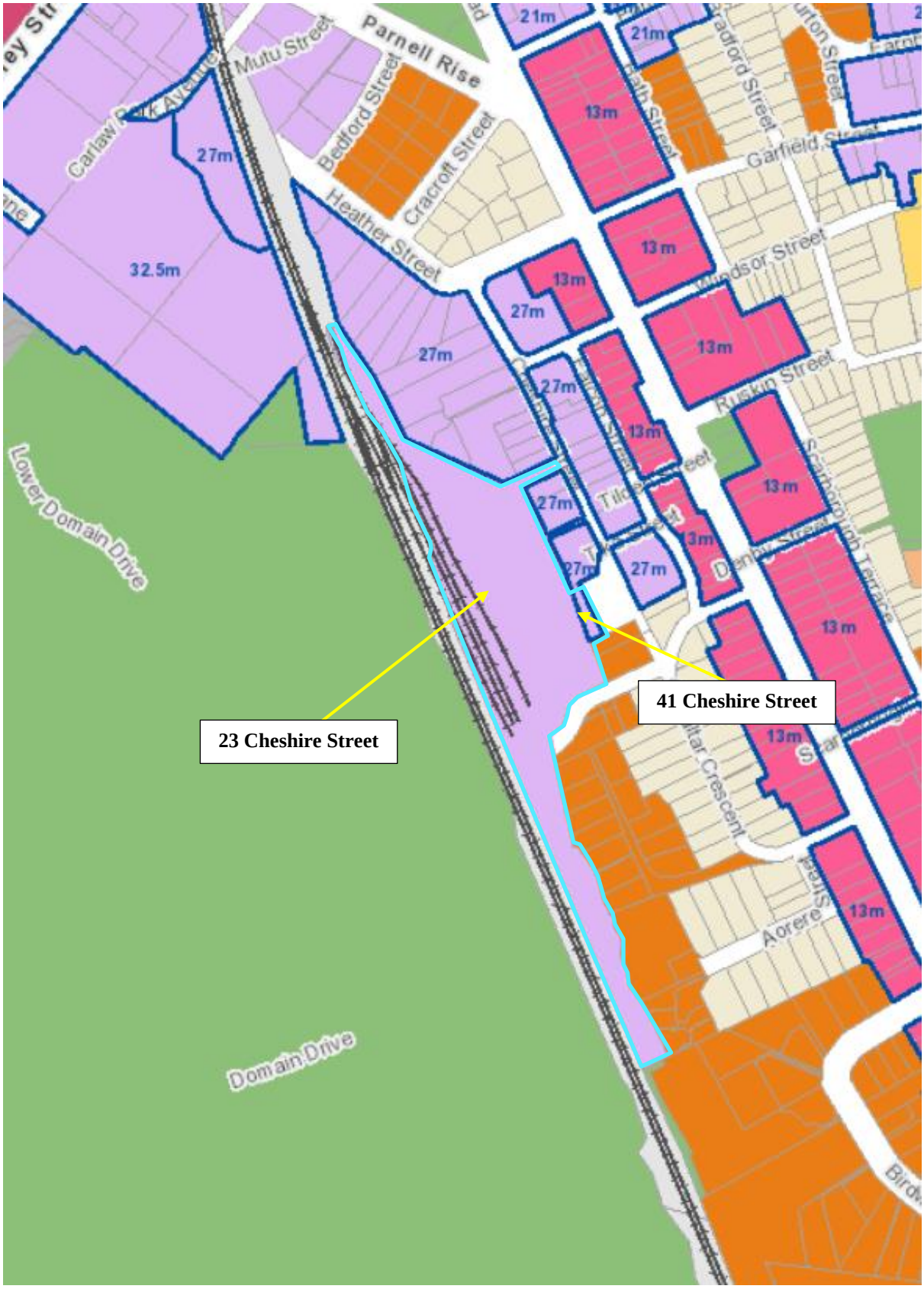

Figure 5: Diagram of the land subject to the Height Variation Control (Source: Unitary Plan GIS).

CATCHMENTS AND HYDROLOGY DIAGRAM

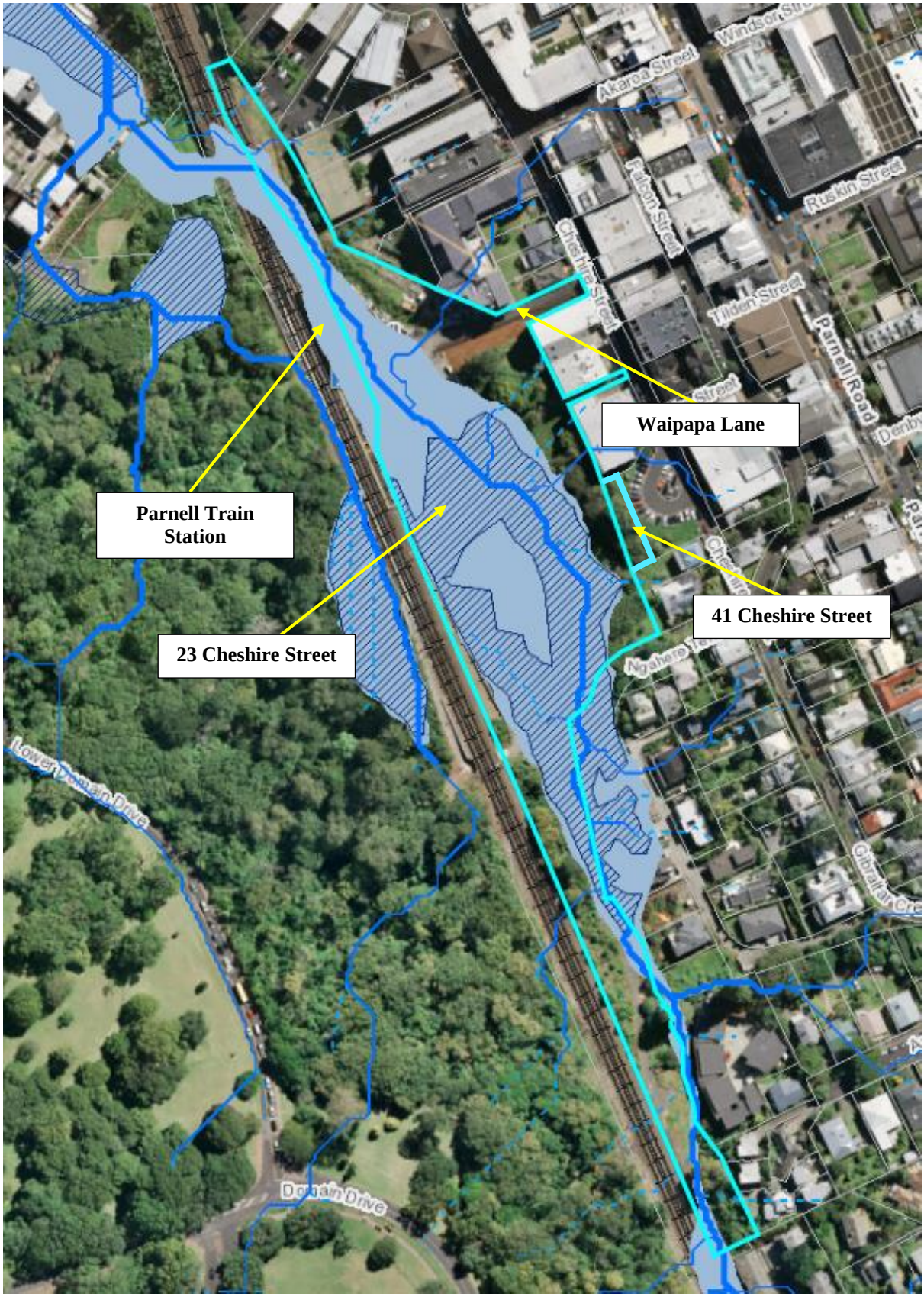

Figure 6: Diagram of flooding and overland flow in respect of the site (Source: Unitary Plan GIS).

EXECUTIVE SUMMARY

1. Summerset Villages (Parnell) Limited (the applicant or Summerset) seeks resource consent to construct and operate a retirement village (defined in the Auckland Unitary Plan (Operative in Part) (Unitary Plan or AUP) as an Integrated Residential Development) on the site at 23 and 41 Cheshire Street, Parnell (the subject site).

2. The proposed retirement village will provide some 216 'Independent Living' units and 100 'Aged Care' units, together with a variety of common amenities and facilities for residents (and their visitors) and staff, and some 235 parking spaces (the proposal).

3. The subject site is zoned Business – Mixed Use under the Unitary Plan, and is integrated with the Parnell Train Station and railway corridor, which is located immediately to the west of the site. The proposal will enhance access to the train station from Cheshire Street and Ngahere Terrace, and facilitate improved future connectivity with provision for the future construction of a northern pedestrian underpass.

4. The proposed retirement village comprises eight interconnected buildings ranging 3-8 storeys in height, located in the central portion of the site and situated towards the east and west boundaries, with intervening space between the buildings comprising a common central landscaped courtyard. The building footprints and the overall scale and form of the proposal has been designed and positioned to respond to the topography of the site, its 'landscape' setting, its relationship with neighbouring properties, and the form of development anticipated relative to the strategic transport network.

5. The southern portion of the site, south of Ngahere Terrace, will be retained (and enhanced) as a landscaped amenity area, with access across the subject site between Ngahere Terrace, the Domain and train station (via the underpass) enhanced.

6. Pedestrian and vehicular access to the main entrance of the proposed retirement village will be via the cul-de-sac head of Cheshire Street and via Waipapa Lane, both of which will be reconfigured and enhanced as part of the proposal.

7. The proposed retirement village activity is a Permitted Activity, with resource consent being required due to all new buildings in the Mixed Use Zone being classified as a Restricted Discretionary Activity. The proposal complies with all the Mixed Use Zone development standards, except for maximum height, with an infringement to this standard similarly classified as a Restricted Discretionary Activity.

8. Typical of brownfield urban development, the preparation of the subject site to accommodate the proposal also triggers several technical and construction related resource consent matters. These include earthworks (including legacy site contamination and construction noise and vibration management matters), flood (and overland flow) management, and groundwater diversion / take.

9. The proposed retirement village is anticipated to be constructed over a period of seven years and is likely to be undertaken in a staged manner.

10. The Unitary Plan promotes compact development and intensification in locations that are appropriate to make optimum use of the available land and infrastructure resources, thereby encouraging growth in neighbourhoods where it can be sustained to make efficient use of Auckland's existing urban areas, and in doing so, provide and promote housing choice. This includes encouraging (rather than precluding) intensification within established and developing neighbourhoods where it can be demonstrated that the design response to the neighbourhood context (including the planned future context) can address and integrate with the appreciable qualities and physical characteristics of the site and surrounding area.

11. The design and layout of the proposed retirement village and its locational attributes, together with its proximity to public transport, open space, and commercial and social networks, combine to form an appropriate, efficient and integrated land use. The design and layout of the subject site and the judicious positioning of the scale of the built form has been developed cognisant of its context and surrounding land form, and will maintain the amenity values attributable to the adjoining residential areas, without generating adverse effects of dominance, overlooking and shadowing.

12. Overall, the proposal is consistent with the outcomes anticipated by the objectives and policies of the Mixed Use Zone, is appropriate in relation to the context of the site and the surrounding urban environment, and is consistent with the outcomes required by the National Policy Statement on Urban Development 2020 (NPS-UD).

INTRODUCTION

13. The applicant seeks resource consent to develop and operate a retirement village on the site at 23 and 41 Cheshire Street, Parnell.

14. This Assessment of Environmental Effects (AEE) has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act 1991 (RMA).

15. The following describes the application for resource consent in detail, considers the proposal against the relevant provisions of the Unitary Plan, and assesses the actual and potential environmental effects of the proposal with reference to the relevant matters of discretion applicable to the proposal for which consent is required as a Restricted Discretionary Activity, in the context of the surrounding environment.

16. Summerset has undertaken consultation with key stakeholders prior to and during the development of the proposal, including with Auckland Council staff, AT, the Auckland Domain Committee, KiwiRail, Heritage New Zealand, the Waitemata Local Board, Parnell Business Association, and iwi. Consultation has also been undertaken with the owners of neighbouring properties. Details of the consultation undertaken by the applicant are set out in the Consultation Summary appended as **Attachment 3**.

17. The proposal has been presented to the Auckland Urban Design Panel (AUDP) on two occasions (31 October 2019 and 19 March 2020). The purpose of those presentations was to discuss and receive feedback on the overall form and scale of the proposal (including the nature and distribution of the proposed height of buildings across the site), relative to the context of the surrounding environment and to subsequently review and receive feedback on the finer grain design matters.

18. The 'Meeting Minutes' from the AUDP reviews are appended as **Attachment 4**. The feedback received from the AUDP, which is supportive of the proposal, has assisted with informing the layout and final design of the proposed development.

19. This assessment is to be read in conjunction with the appended documents.

SITE DESCRIPTION

20. The site comprises two parcels of land and has a combined area of 23,716m^2, being 23 Cheshire Street (23,368m^2) and 41 Cheshire Street (348m^2).

21. The site also includes a portion of the adjacent rail corridor to the west of the site (KiwiRail land), which provides for the integration of the proposed retirement village with the Parnell Train Station. The extent of this is illustrated on Drawings 14 and 21 of the 'Landscape Plans' prepared by Kamo Marsh (**Attachment 5**).

22. To accommodate the intended vehicular and pedestrian access arrangements to the subject site from Cheshire Street, the proposal includes the reformation and re-arrangement of the layout of the existing public parking area located at the southern end of the Cheshire Street cul-de-sac.

23. Works are proposed to the western end of the Ngahere Terrace road reserve to improve pedestrian access and landscaping at the interface with the southern end of the site (and the 'southern' rail underpass), and to accommodate utility (stormwater) upgrades.

24. The majority of the subject site (the central portion) comprises a former rail yard that historically included locomotive workshops and ancillary structures as a component of the adjacent rail activity. As shown in **Figure 7**, this central portion of the site is gravelled and currently used as informal car parking, with building slabs present in certain locations, remnant from the demolition of the former railway buildings.

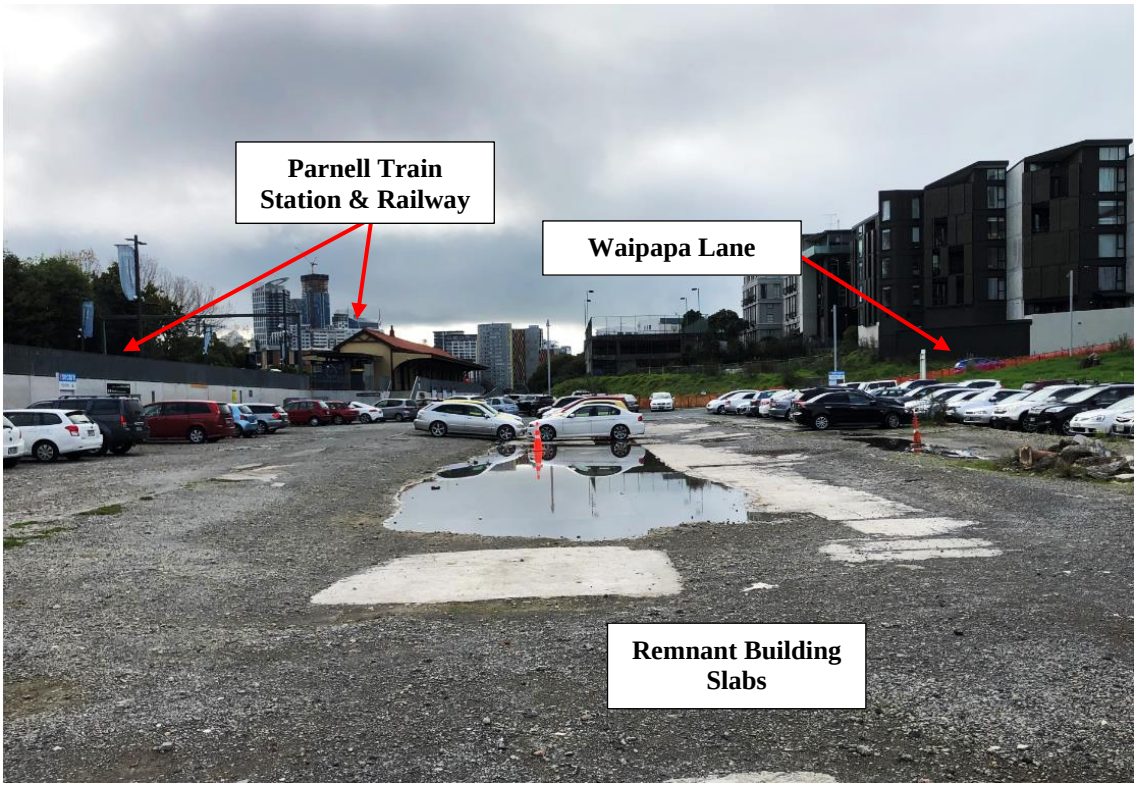

Figure 7: Photo of the current site looking from south to north (Source: Bentley & Co).

25. The site has an uncommon shape and can be described as comprising 3 distinct areas:
    - The central portion – some 85m x 160m, the majority of which is largely occupied by a gravelled surface.
    - The northern taper – some 15m x 150m, being a strip of land adjacent to the rail line and occupied by a gravelled surface and rail network utility infrastructure.
    - The southern taper – some 20m x 235m, which is occupied by regenerative vegetation and the Waipapa Stream.

26. Overall, the subject site has a length of approximately 565m, and a width of approximately 85m (at its widest point), through the central portion.

27. The topography of the subject site varies, being generally flat within the central portion (where previous development has existed), and rising moderately to steeply adjacent the eastern boundary of the site (at the rear boundaries of neighbouring sites situated along Cheshire Street and the cul-de-sac) where, as shown in **Figure 8**, the interface primarily relates to semi-basement parking within the adjacent multi-level buildings, which are largely built to the common boundary with the subject site.

Figure 8: View of buildings located along the eastern site boundary (Source: Boffa Miskell).

28. Vehicle and pedestrian access to the subject site is available from the north-east via a formed access way from Cheshire Street (shown in **Figure 9**), which also provides public access to / from the Parnell Train Station. For the purposes of this application, this access is referred to as "Waipapa Lane". This access is to be redeveloped as part of the proposal to provide for two-way vehicle flows and a 2.5m wide pedestrian footpath (on its southern side), to service the retirement village and the train station.

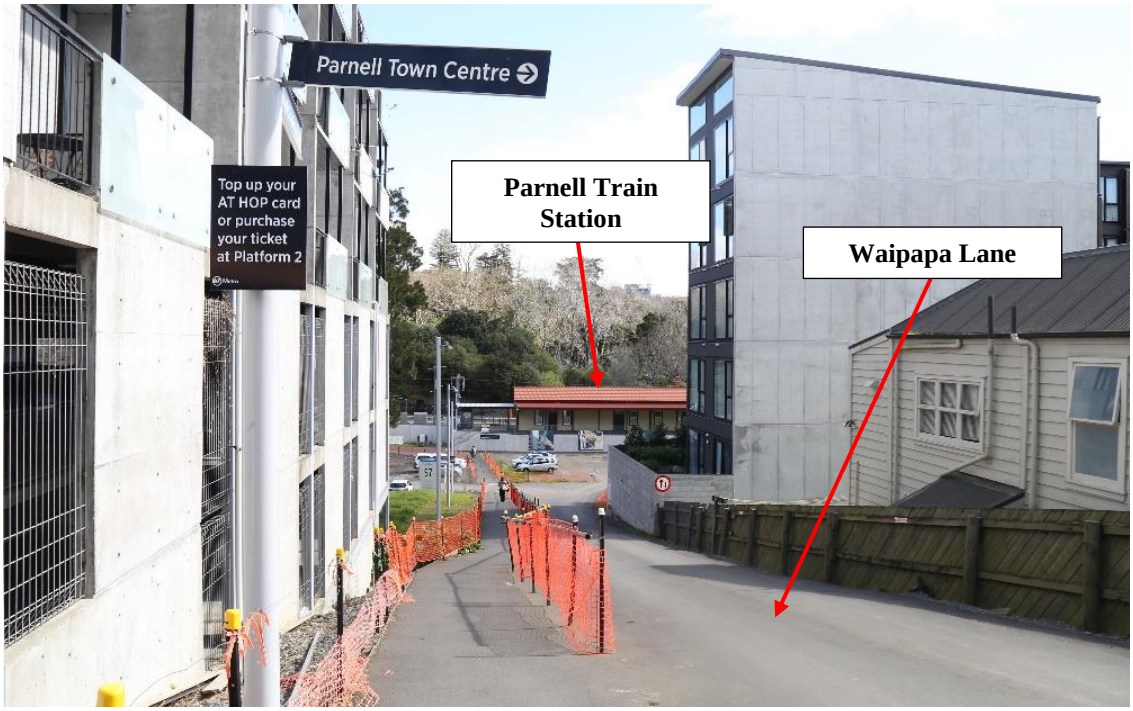

Figure 9: View from the top of Waipapa Lane towards the site (Source: Boffa Miskell).

29. Vehicle and pedestrian access will be made available to the subject site from the southern end of Cheshire Street, across 41 Cheshire Street (which forms part of the site – refer to Aerial Locality Diagram – **Figure 1**). The existing cul-de-sac at the southern end of Cheshire Street will be reconfigured to facilitate this.

30. Pedestrian access to the subject site is also available from the lower portion of Ngahere Terrace (an unformed road), which also provides pedestrian access to residentially zoned land to the south. At the western end of Ngahere Terrace, pedestrian access across the subject site is provided via an easement to the Auckland Domain and the western side of the Parnell Train Station (platform) via a pedestrian underpass.

Unitary Plan Zoning

31. The subject site is zoned Business – Mixed Use under the Unitary Plan, with the neighbouring land to the north, north-west, and east similarly zoned. Neighbouring land to the south and south east is zoned Terrace Housing and Apartment Buildings (THAB), with land beyond that zoned Single House (refer to **Figure 2**).

32. The neighbouring Mixed Use zoned land to the north and east is overlain with a Height Variation Control (HVC) (**Figure 5**), providing for a permitted building height of 27m, with the Business – Mixed Use zoned land to the north-west (Carlaw Park) also overlain with a HVC, and having a permitted building height of 32.5m.

33. That part of the site fronting Cheshire Street (41 Cheshire Street) is also subject to the HVC, which provides a permitted building height of 27m. Where the HVC does not apply, the permitted building height is 16m (occupiable space) +2m (roof forms).

34. The neighbouring THAB zoned land has a permitted building height of 16m.

SURROUNDING ENVIRONMENT

35. The neighbouring land to the east and north of the site is largely characterised by multi-level commercial and residential developments, with sites typically occupied by large footprint buildings that occupy the majority of the site on which they are located. Buildings on such neighbouring land generally range between 4-6 storeys in height.

36. The vacant triangular shaped site at 11A and 11B Cheshire Street (to the north of the subject site) has been granted resource consent (R/LUC/2011/2932) for a 4-6-storey apartment building. This consent expires on 12 October 2021.

37. Reflective of the opportunity provided for by the HVC (27m), the site at 15-21 Cheshire Street (northern corner of Cheshire Street and Waipapa Lane) was recently granted resource consent (August 2020) for an 8-storey apartment building with a commercial unit at ground level and 3 basement parking levels.

38. To the south-east and south of the subject site, between the end of Cheshire Street and Ngahere Terrace, and on the southern side of Ngahere Terrace (where land is zoned THAB), development typically comprises suburban style residential activity in the form of 1-to-2 storey dwellings, and includes a mixture of 'older' housing styles, interspersed with some contemporary styled dwellings (**Figure 10**).

Figure 10: View of housing adjacent the south-east boundary (Source: Bentley & Co).

39. The Parnell Train Station and associated rail corridor adjoins the western side of the subject site, and includes a single-storey station building and raised concrete platforms, together with utility structures, electronic ticketing gates and other passenger facilities. The rail line itself is located upon a raised gravelled embankment.

40. Auckland Domain adjoins the western side of the rail corridor, with this part of the Domain comprising a heavily vegetated slope with mature trees.

41. To the north-west (beyond the train station) is 'Carlaw Park', which includes student accommodation within various multi-storey apartment buildings. Carlaw Park also includes a number of commercial offices, hotel accommodation and food and beverage activities. A timber boardwalk connects Carlaw Park to the western train station platform, with access to the subject site (and Ngahere Terrace), and the eastern train station platform (and station), provided via the southern pedestrian underpass.

42. The Parnell town centre (and Town Centre Zone) is defined by Parnell Road, located some 100m to the east of the site, with the intervening land occupied by a combination of intense commercial and residential activity, within a Business – Mixed Use Zone.

43. The subject site is well serviced by public transport, with multiple bus stops located in close proximity along Parnell Road, and the Parnell Train Station immediately adjacent.

SITE HISTORY

44. As discussed in the Historic Heritage Assessment prepared by Clough & Associates appended as **Attachment 6**, the 'Parnell Railway Workshops' and associated train lines were constructed on the subject site in the mid-1950s following World War II, for the purpose of maintaining diesel locomotives operating to and from Auckland CBD. Prior to this time, the site was historically used during the 1940s as a rubbish dump.

45. Extensive site investigations have determined that the historical activities that were undertaken, together with indiscriminate filling prior, has resulted in the land containing hazardous materials, which results in it being listed as a 'contaminated' site by Council (refer to Detailed Site Investigation – **Attachment 7**).

46. All buildings on the subject site were demolished in 2015, with only remnants of the foundations remaining on the site today. Following demolition, the new Parnell Train Station was constructed, and the balance of the site has remained vacant.

PLANNING HISTORY

Proposed Auckland Unitary Plan

47. Prior to the Unitary Plan being proposed and coming into effect, the majority of the subject site (23 Cheshire Street) was zoned Special Purpose 3 under the provisions of the legacy City of Auckland District Plan (Isthmus Section) Operative 1999.

48. The Special Purpose 3 Zone was a Transport Corridor Zone, which was applied to land associated with the existing railway corridor (and certain strategic roads) for the purpose of maintaining transport corridors throughout the Isthmus.

49. The majority of the site (23 Cheshire Street) was also subject to a designation (B09/06) for railway purposes. The designation (which also included the rail line and a portion of the Domain to the west of the rail line) envisaged and provided for the development of pedestrian connections, including underpasses within the vicinity of the train station.[1]

50. That part of the site at 41 Cheshire Street was zoned Open Space 2 in the legacy plan, being a zone principally applied to land used for informal recreation.

51. As shown in **Figure 11**, when the Proposed Auckland Unitary Plan (PAUP) was notified in September 2013, that part of the site at 23 Cheshire Street (and the adjacent rail line) was zoned Strategic Transport Corridor (and formed part of the rail network). The part of the site at 41 Cheshire was zoned Open Space – Informal Recreation.

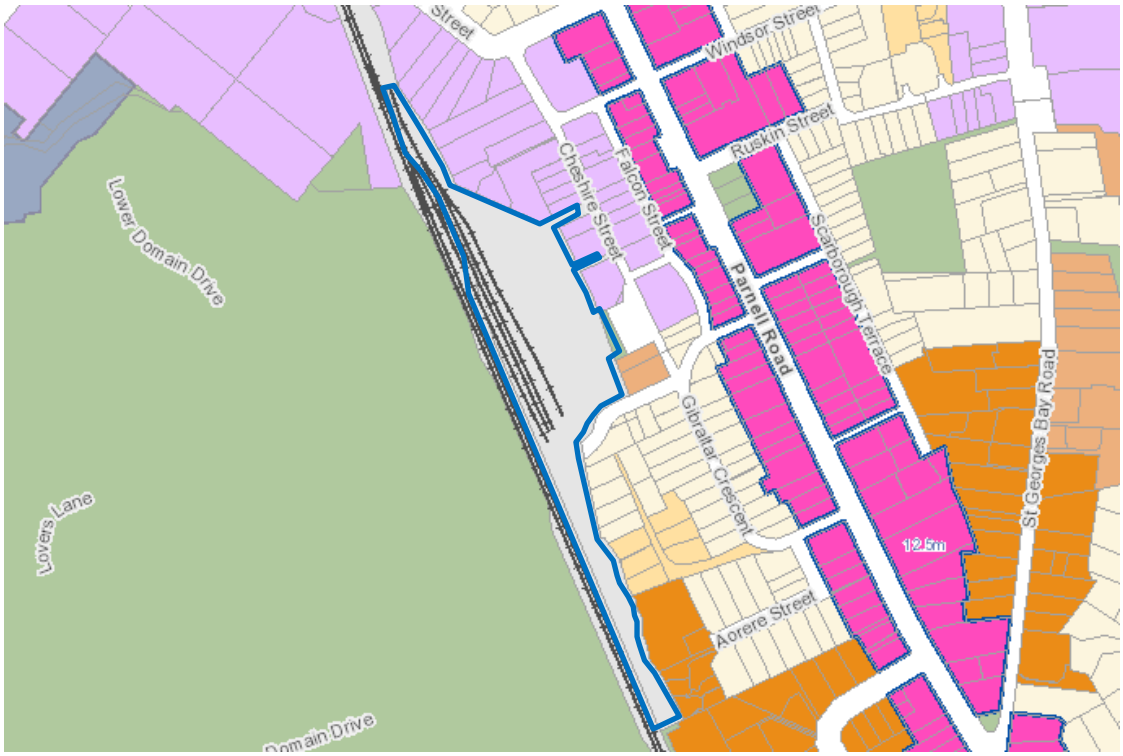

Figure 11: Zoning of the subject site as notified in the Proposed Unitary Plan.

[1] The designation (6301) applying to the current rail line (including the railway station and platforms) similarly provides for pedestrian underpasses.

52. With reference to **Figure 11**, when the Unitary Plan was notified, the neighbouring land was zoned a combination of Business (Mixed Use) and low (Single House) to medium (Mixed Housing Urban) intensity Residential.

53. Following notification of the PAUP, several submissions (and further submissions) were filed, relative to the subject site and neighbouring land. For completeness, a summary of these submission is appended as **Attachment 8**.

54. On 28 July 2015, Council filed evidence[2] on Hearing Topics 051-054 (Business Zones) in respect of the submission of the Parnell Business Association (Parnell Inc.), which sought to apply the HVC to the Mixed Use zoned land fronting Cheshire and Heather Streets. At this time, 23 Cheshire Street was proposed to be zoned Strategic Transport Corridor and was not included in the submission. The Council's evidence supported the application of the HVC (27m) to the extent shown in **Figure 12**. There was no evidence filed by the Parnell Business Association (Parnell Inc.), or any other party, in respect of the application of the HVC.

Figure 12: Application of HVC to properties adjacent the south-east boundary.

55. On 26 January 2016, Council filed evidence[3] on Hearing Topic 081e (Rezoning and Precincts – Geographical Areas) in respect of submissions which sought to rezone land. The Parnell Business Association (Parnell Inc.) (Submission 2016-6) sought:

[2] Statement of Evidence of Hannah Thompson, Hamish William Scott and Lee-Ann Mary Lucas on behalf of Auckland Council, dated 28 July 2015, paragraphs 11.105 to 11.108.

[3] Joint Evidence Report on Submissions by Panjama Ampanthong and Hamish Scott, Central – City Centre Fringe Area Rezoning, dated 26 January 2016.

> The track of land adjacent to the rail corridor, earmarked as the site for the Parnell train station (accessed from Gibraltar Crescent and Cheshire Street), is zoned Strategic Corridor under the PAUP. Parnell Inc. requests that this site, excluding the land required for the rail corridor, be zoned Mixed Use to provide for future development of the site in-line with the type of development anticipated around train stations.

56. The Council's evidence stated that the submission is supported "in principle". The reasons given for supporting the submission were:

Zoning will be refined through the evidence exchange process once we have had the benefit of the submitter's evidence in chief - site is no longer owned by Kiwirail so the STR zoning will no longer be appropriate.[4]

57. Notwithstanding this position, the Council's evidence did not propose a different zoning to be applied to 23 Cheshire Street, and did not identify any change to the zoning in the maps appended to their evidence.

58. The hearings for Topic 081 (Rezoning and Precincts) were held between 3 March and 29 April 2016. The Council's Legal Submissions[5] addressed the submission by KiwiRail (submission 4336-153) which sought to rezone 23 Cheshire Street to Mixed Use. The Legal Submissions identified that the site was no longer owned by KiwiRail, and that Summerset Holdings Ltd had adopted the submission point. The Legal Submissions also confirmed that the submission point had been allocated to Topic 081, but inadvertently was not addressed by primary evidence.

59. In respect of the submission seeking the rezoning of 23 Cheshire Street to Mixed Use, the Council's Legal Submissions stated:

> 48. The subject site falls away steeply, continuing the slope from Parnell Road, located along the ridgeline, down to the railway line that runs along the border of the Domain. The site narrows to the south to around 20m in depth. The site is bordered to the north and east by the MU zone, and to the west by the railway line, while zones to the south include SH, MHS, and THAB. The MU zone would allow for a range of development supporting the Parnell Town Centre and aligned with the railway station.
>
> 49. We are instructed that the Council supports rezoning the site from STC to MU with the application of the City Centre Fringe Office controls. No additional height is either sought or suggested for the site, and as such the default height of 18m (proposed to be revised from 16.5m through Topic 051-054 evidence) applies.

60. Mr Andrew Wilkinson filed a letter on 31 March 2016 with the Independent Hearings Panel (Panel) on behalf of Summerset Holdings Limited in respect of the submission

[4] Ibid. Attachment C, Page 46 of 53.

[5] Legal Submissions on Behalf of Auckland Council in Relation to Topic 081 Rezoning and Precincts (Geographical Areas): Rezoning Only Hearing dates: 3 March 2016 to 29 April 2016

filed by KiwiRail (and adopted by Summerset). Mr Wilkinson advised the Panel that the proposed rezoning of 23 Cheshire Street to Mixed Use, as set out in the Council's Legal Submissions, addressed the 'submitter's concerns'.

61. In Council's Closing Remarks[6] , following the close of the hearing for Topic 081, the Council again confirmed that it supported the rezoning of 23 Cheshire Street from Strategic Transport Corridor to Mixed Use and that no additional height had been "sought or suggested for the site". Relevantly, despite the Parnell Business Association submission requesting the land be zoned Mixed Use to provide for future development of the site in line with the type of development anticipated around train stations, the rezoning did not incorporate the application of the HVC. This was because the HVC was not a matter which was raised in any submission relative to 23 Cheshire Street and correspondingly the merits were not addressed in evidence, or by the Panel in respect of either Topic 051-054 or Topic 081. The Council's Closing Submissions further noted:

> 319. We are now instructed by the Council to bring the following information to the Panel's attention. Somerset will be informed of this information:
>
> (a) The site is mostly covered by a flood plain. Flood depths range from 200mm to 600mm across much of the site.
>
> (b) There are downstream surface flooding issues and an overland flow path which crosses a railway line. The downstream reticulation is highly surcharged due the low lying land form.
>
> (c) Any development of the site would need to be hydraulically neutral including retaining existing storage volumes and flows.
>
> (d) The Council has not received sufficient engineering detail to confirm if the site could be feasibly developed to a state whereby vulnerable activities could be permanently placed within the site.
>
> 320. We are instructed that the Council's position on rezoning has not however changed from that advised to the Panel at the hearing.

62. The Panel's recommendations on the PAUP were released on 22 July 2016. The Recommendation Reports do not address site-specific rezoning matters. The recommendations version of the PAUP maps amended the zoning of 23 Cheshire Street and the neighbouring land, including rezoning the residential land to the south from Single House and Mixed Housing Suburban / Urban to THAB, as shown in **Figure 13**.

[6] Closing Remarks on Behalf of Auckland Council in Relation to Topic 081 Rezoning and Precincts (Geographical Areas): Rezoning Only, no date.

63. No additional building height (by way of applying the HVC) for 23 Cheshire Street was recommended by the Panel, which reflects the absence of submissions or evidence provided during the hearings process in support of such an outcome. On 19 August 2016, the Council's decisions on the Panel's Recommendations accepted the rezoning (and controls) for 23 Cheshire Street and the surrounding land.

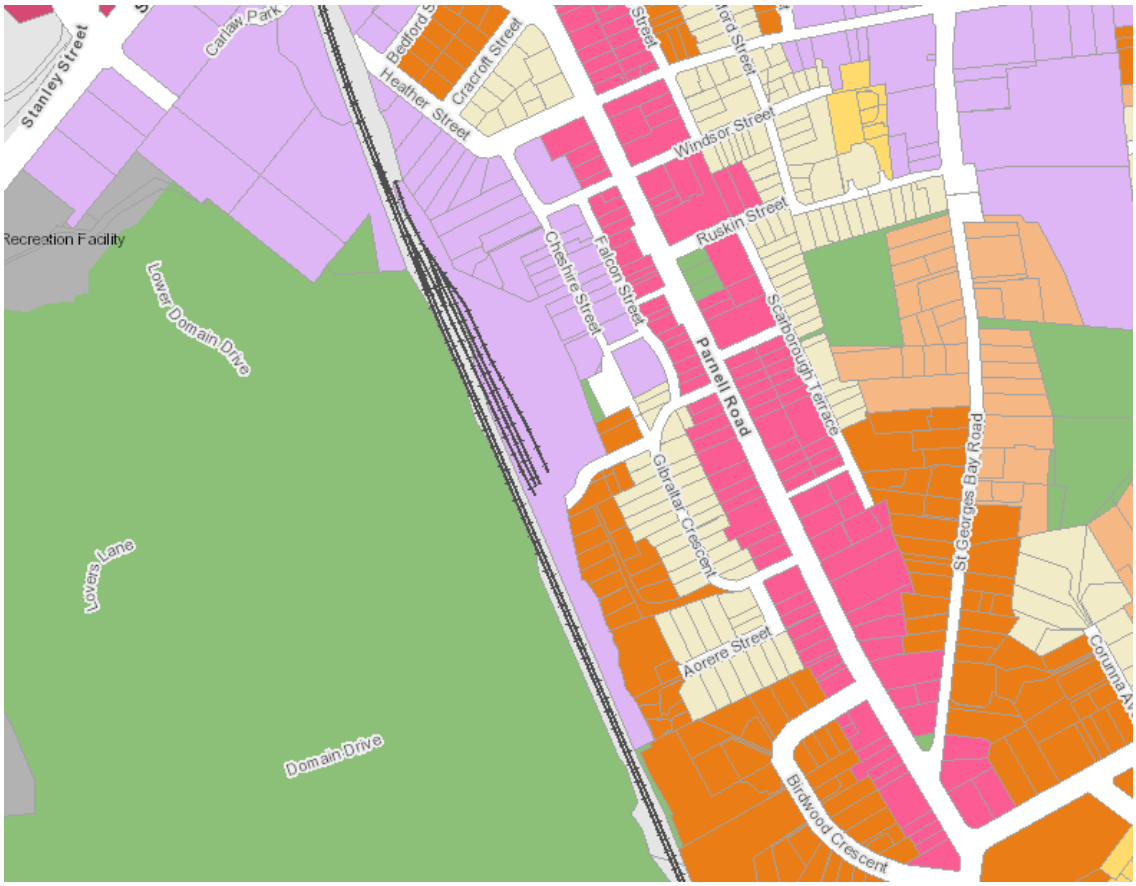

Figure 13: IHP proposed rezoning of the subject site as part of July 2016 recommendations.

64. The Panel's recommendations (accepted by Council) also substantially amended the zoning of the neighbouring land to the south / southeast of the site, with an 'up-zoning' of all land adjacent from Single House / Mixed Housing Suburban / Mixed Housing Urban to THAB. This change of zoning creates a substantially different neighbourhood in respect of the future neighbourhood character envisaged at the time the PAUP was notified which, if were available at the time (through a coincident submission to address the application of a HVC to 23 Cheshire Street), would likely have informed a different HVC outcome for 23 Cheshire Street (consistent with that envisaged by the Parnell Business Association) – which as a consequence of the sequencing of the hearings process (and lack of 'in scope' submission) was not able to be considered in such a comprehensive manner by the Panel.

Plan Change 13

65. With regards to the above, the appropriateness of applying the HVC to the subject site was considered (in part) more recently as part of the Plan Change 13 process to the Unitary Plan. Plan Change 13 involved the rezoning of that part of the subject site at 41 Cheshire Street from Open Space to Mixed Use, as part of a process which involved the rezoning of several similarly zoned properties across Auckland, which Council had determined were no longer required, and were to be disposed of.

66. At the time of the notification of Plan Change 13, Council had not undertaken a comprehensive, integrated and holistic assessment of whether any other relevant controls should also apply to 41 Cheshire Street, coincident with its proposed rezoning.

67. In its submission on Plan Change 13, Summerset identified that together with the proposed rezoning, consideration should be given to whether other controls should be applied to the site, having regard to its context, and its relationship with the zoning of neighbouring land, and the nature of the controls which similarly apply to neighbouring land. That approach was considered appropriate for consistency across the planning framework, as well as to ensure that the rezoning was undertaken in a way which provided for future development opportunities to be optimised, and for the approach to the rezoning to be consistent with the wider strategic objectives of the Unitary Plan.

68. Applying this approach, the Summerset submission identified that the HVC and the City Fringe Office Control should apply to that part of the site at 41 Cheshire Street. In support of this submission, Summerset undertook an evaluation (consistent with the approach undertaken by Council in determining which zoning should be applied) in accordance with section 32 of the RMA, which confirmed the suitability of incorporating a HVC and City Fringe Office Control coincident with the Mixed Use rezoning of the land.

69. The Council's subsequent evaluation of the Summerset submission (under section 32 of the Act) appropriately examined whether such an outcome would be consistent with the purpose of the Act and whether the proposed provisions were the most appropriate way to achieve the objectives of the proposed Plan Change. The conclusions of that analysis confirmed that the rezoning of 41 Cheshire Street together with the incorporation of the HVC (and the City Fringe Office Control) was appropriate, and would result in an outcome that would enable a form of development and activity consistent with the overarching provisions of the Unitary Plan.

70. The application / inclusion of the HVC (and the City Fringe Office Control) to 41 Cheshire Street confirmed that such a height outcome (circa 27m) is appropriate for land zoned Mixed Use in this context, having regard to its locational attributes and

relationship with the zoning and controls applicable to the neighbouring land, being 'consistent with the approach for properties in the surrounding area'[7]

Planning History - Conclusion

71. The planning history of the subject site is relevant to understanding the context in which the scale and form of buildings proposed for the site was determined. The above history demonstrates that:

    (a) Through the PAUP process, there was no substantive analysis in respect of the ability of the primary site area (23 Cheshire Street) to accommodate additional height. That is because the site was held by KiwiRail at the time original submissions on the PAUP were lodged and the transfer of ownership to Summerset did not provide any opportunity to raise additional height with the Panel, as that matter was not within scope of the original submission.

    (b) However, the decision on the recent Plan Change 13 in respect of the smaller portion of the subject site (41 Cheshire Street) established that the application of the HVC was appropriate for that site.

    (c) Therefore, while the HVC does not apply to the majority of the subject site, that is not the result of a finding that the application of the HVC would be inappropriate - following an assessment of the merits of applying the HVC to the subject site. It is simply a consequence of the absence of any consideration of that matter in respect of the subject site.

72. As will be discussed in the following assessment, for similar reasons to those endorsed by the decision makers on Plan Change 13 in determining to apply the HVC to that portion of the site at 41 Cheshire Street, buildings of greater height than the standard Mixed Use Zone height can be appropriately accommodated on the balance of the site.

RECORDS OF TITLE

73. There are a number of registered encumbrances on the Records of Title for the subject site. These are appended (with a summary) as **Attachment 9**.

74. Other than Right of Way easements for access (which are discussed below), none of the encumbrances on the Records of Title affect the proposal.

75. Currently, the Records of Title for 23 Cheshire Street include a Right of Way generally on the current alignment of Waipapa Lane for access to Parnell Train Station. With the agreement of AT, this is to be realigned to be consistent with the proposed alignment of Waipapa Lane, to continue to facilitate access to the station, and provide connectivity to

[7] Council Hearing Report for Proposed Plan Change 13, 6-8 March 2019, page 56

a future northern pedestrian underpass north of the train station, and provide for the prospect of future pedestrian connectivity to Heather Street – along the rail corridor.

76. As part of this application, a Right of Way easement is proposed to formalise the existing pedestrian access arrangement which traverses the subject site between Ngahere Terrace and the existing southern pedestrian underpass.

77. Until such time that the northern pedestrian underpass (proposed by AT) is developed, the existing arrangement for pedestrians to access the western railway platform via a pathway along the western side of the site to the southern underpass will be retained, by way of a revised configuration (Sheet 21 of Landscape Plans **- Attachment 5**).

ZONING AND PLANNING FRAMEWORK

Site Zoning

78. As discussed previously and shown in **Figure 2**, the subject site is zoned Business – Mixed Use under the Unitary Plan. The neighbouring land to the north, north-west, and the majority of the land to the east, is also zoned Business – Mixed Use.

79. The land located immediately west of the subject site (Parnell Train Station) is zoned Special Purpose – Strategic Transport Corridor. Beyond this, Auckland Domain is zoned Open Space – Informal Recreation Zone. The land located to the south-east and south of the subject site is zoned THAB.

80. To the north-west of the site, the Carlaw Park land (on the opposite side of the rail corridor) is also zoned Business – Mixed Use.

Overlays

81. With reference to **Figure 3**, the entire extent of the site is subject to the Historic Heritage and Special Character: Auckland War Memorial Museum Viewshaft Overlay. The height of the viewshaft above ground level ranges between RL 64m – 63m in the lower central portion of the site, and up to RL 52m at the higher eastern ground.

82. As illustrated in **Figure 4**, the subject site is also subject to two Regionally Significant Volcanic Viewshafts and Height Sensitive Areas. Due to the topography of the subject site, the height of the volcanic viewshafts above ground level varies between RL 64m – 52m (Viewshaft E8) and RL 46m – 40m (Viewshaft T1).

83. All of the viewshafts located above the subject site are at a substantially higher RL than the site (and the height of the proposed buildings).

Controls

84. As set out in **Figure 5,** a HVC applies to the neighbouring Business – Mixed Use zoned land, and that part of the subject site located at 41 Cheshire Street.

Catchments & Hydrology

85. As shown in **Figure 6**, the subject site is identified on the Auckland Council GIS as being subject to the following Catchment and Hydrology hazards:

- Overland Flow Paths – 3ha and above
- Overland Flow Paths – 4,000m^2 to 3ha
- Overland Flow Paths – 2,000m^2 to 4,000m^2
- Flood Prone Area
- Flood Plain

Contamination Status

86. The site is listed on Auckland Council's database as a 'contaminated site', having previously accommodated hazardous activities (discussed above) that are listed on the Ministry for the Environment – Hazardous Activities and Industries List (HAIL).

87. Further details on activities that have been undertaken on the subject site historically and the status of the contamination are set out in the Detailed Site Investigation prepared by Riley Consultants, appended as **Attachment 7.**

THE PROPOSAL

88. The applicant seeks resource consent to construct a retirement village (Integrated Residential Development) comprising a series of interconnected buildings (Buildings A - H) ranging 3-8 storeys in height. The proposal will provide some 216 'Independent Living' units and 100 'Care' units, with a variety of ancillary common amenities.

89. The form and layout of the proposal is detailed within the Architectural Drawings prepared by Warren & Mahoney Architects (**Attachment 10**) and the Landscape Plans prepared by Kamo Marsh (**Attachment 5)**. The context of the proposal relative to its urban landscape and visual setting is described in detail within the Landscape Visual Effects Assessment prepared by Boffa Miskell, appended as **Attachment 11.**

90. The proposed layout of subject site has been configured (including car parking and site-wide landscaping) to include a variety of amenity spaces for passive and active recreation and outlook, while providing appropriate levels of privacy and amenity for residents and neighbours of the site through a combination of building setbacks and aspect, having regard to the site's mixed-use urban context.

91. Although the construction programme is yet to be confirmed, the proposed retirement village is expected to take some 6 years to complete, on a staged basis. Therefore, a 7 year lapse period is sought under section 125 of the RMA. This timeframe would give the applicant reasonable opportunity to complete the construction of the proposal.

Site Layout

92. The site layout is explained with reference to the Architectural Drawings appended as **Attachment 10** and shown in **Figure 14**. The rationale behind the design of the buildings and the associated layout of the access arrangements and landscaping is explained in the Urban Design report prepared by Boffa Miskell in **Attachment 12**.

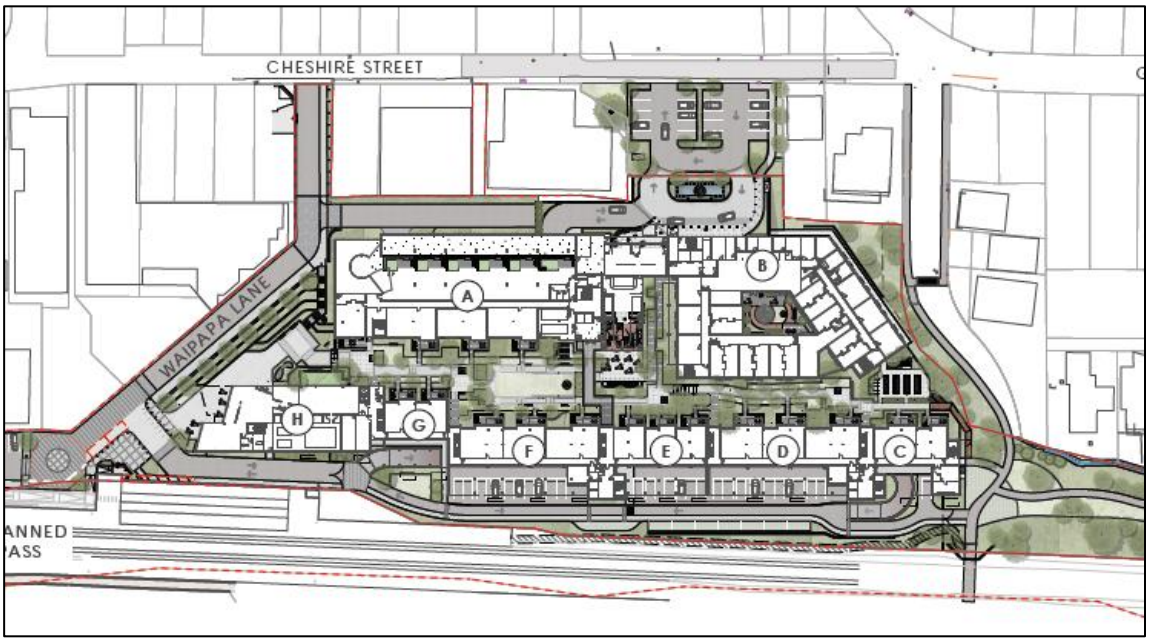

Figure 14: Proposed site layout (Source: Sheet 7 – Attachment 5 (Landscape Plans)).

93. As detailed in the Architectural Drawings and appended specialist reports, the retirement village is to occupy the central portion of the subject site (between Waipapa Lane and Ngahere Terrace), with the northern taper occupied by a combination of at-grade staff car parking, landscaping and a railway plaza, and the southern taper retained (and proposed to be enhanced) as a landscaped 'parkland' amenity area.

94. As shown in **Figure 15 & 16**, the design and layout of the proposed retirement village includes improvements to the access arrangements to Parnell Train Station, and has been developed to future-proof access to Auckland Domain (and beyond) via a future pedestrian underpass to the north of the train station platform (to be developed by AT). This is achieved by the proposed reformation, regrading, and realignment of Waipapa Lane, which extends from Cheshire Street along the north-east site boundary. This arrangement will provide pedestrian and vehicle access to Parnell Train Station and include provision for two pick-up / drop-off parking spaces.

95. The access to the Parnell Train Station will be complemented with a landscaped public plaza space (the 'Northern Plaza'**)** adjacent to Building H. The ground floor of Building H will interface with the plaza with a café / juice bar and outdoor seating, and will serve as a landscaped interface to the northern pedestrian entrance to the village.

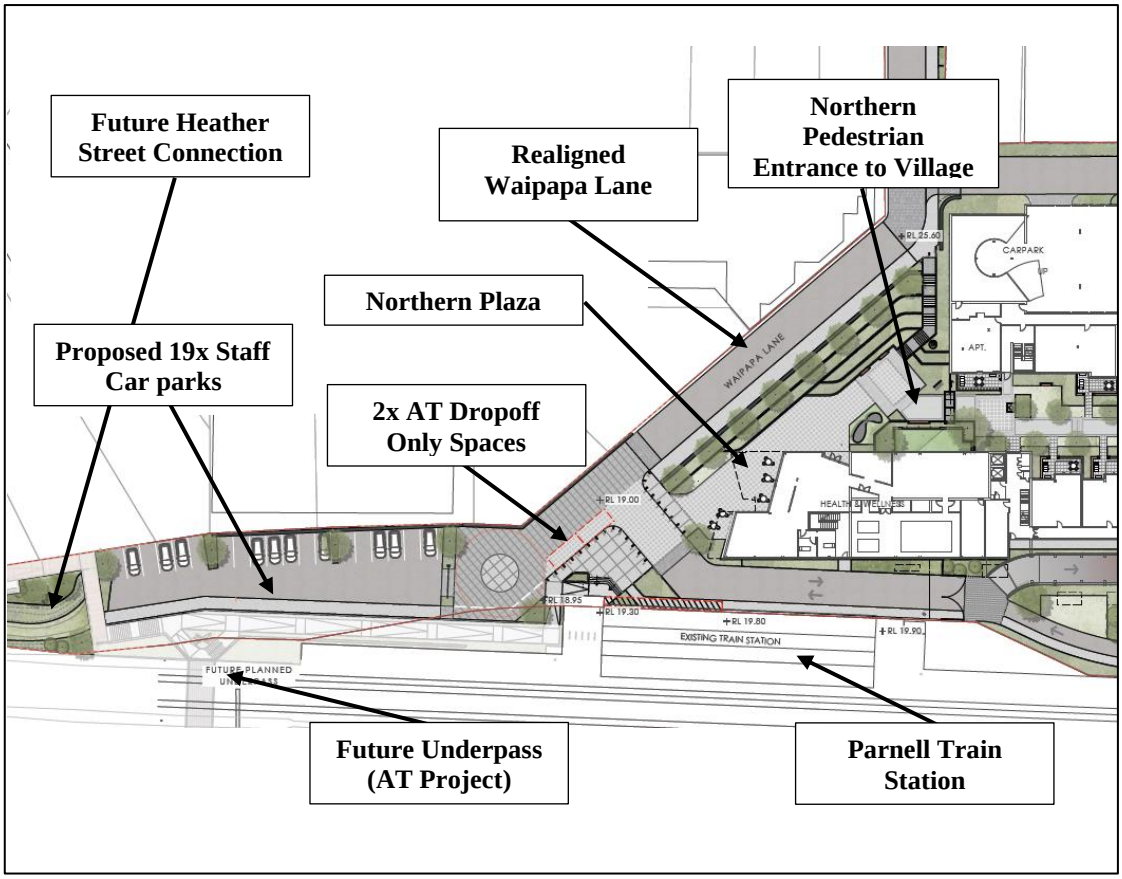

Figure 15: Proposed site layout (north) (Source: Sheet 14 – Landscape Plans).

Figure 16: Artist impression of Northern Plaza (Source: Sheet 57 – Architectural Drawings).

96. At the southern end of the subject site, public access will be maintained (and enhanced) between the western end of Ngahere Terrace and the existing southern pedestrian underpass. As shown on **Figure 17**, this area of the site will be enhanced with various forms of landscaping and an improved pedestrian pathway connecting Ngahere Terrace with the southern pedestrian underpass (and Auckland Domain and the western train station platform). The landscaping (and maintenance) of the southern taper beyond this area (which is effectively residual land) is included for general amenity purposes, as opposed to being necessary to mitigate the effects of the proposal.

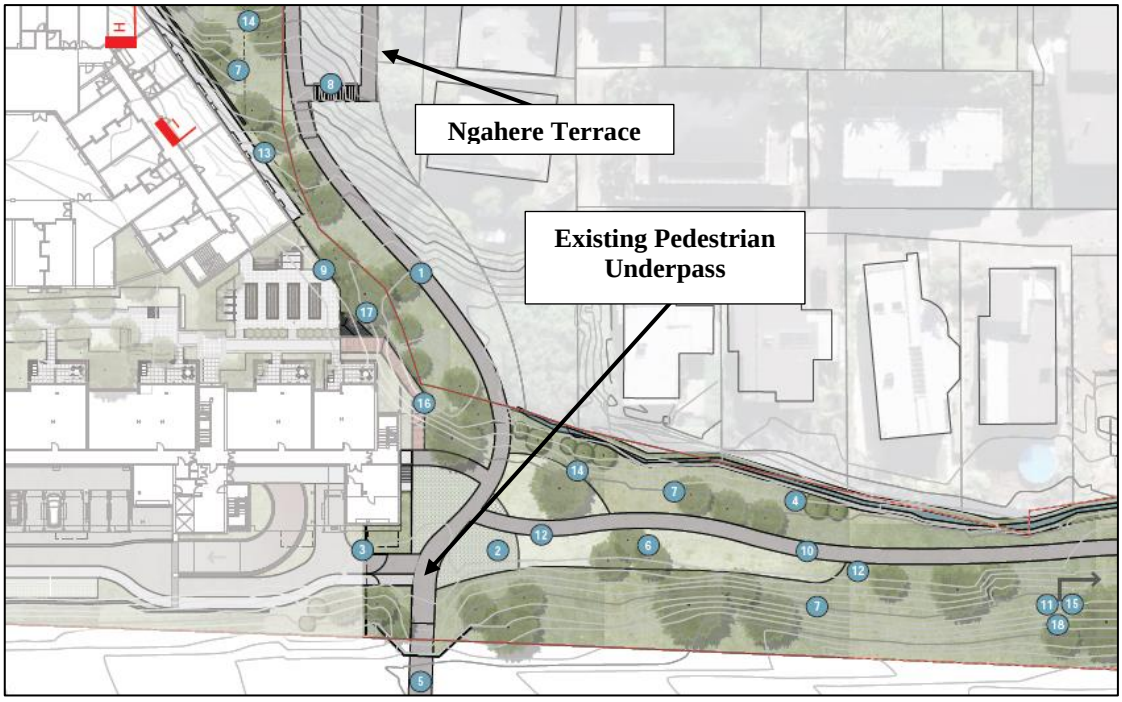

Figure 17: Proposed southern connection (Source: Sheet 23 – Landscape Plans).

Building Form

97. With reference to the Architectural Drawings, and **Figure 18**, the proposed retirement village comprises eight buildings (Buildings A – H) ranging in height between 3-8 storeys. The buildings are positioned to the east and west of the central portion of the subject site with a north-south alignment to optimise solar access, aspect and outlook, relative to their relationship with neighbouring properties and the Domain.

Figure 18: Artist impression of the proposal (Source: Sheet 24 – Architectural Drawings).

98. The design approach for the retirement village is of a contemporary aesthetic, utilising a combination of materials including brick, timber, terracotta, and precast panelling, that will be complementary to the site's context and the eclectic style of development in the surrounding environment. The design approach is consistent with that envisaged by the zone and the site's context, as well as the design expectations for high-intensity residential development in the Business – Mixed Use Zone.

99. The footprint and the overall scale and form of the buildings has been designed and positioned to respond to the topography of the site, its 'landscape' setting, and its relationship with neighbouring properties, and the form of development anticipated relative to the strategic transport network. The proposal will provide suitable and sufficient separation and setbacks to neighbouring development located proximate to the site to achieve good amenity outcomes for the residents of the village, while also respecting the amenity of the existing and approved development on neighbouring land.

100. The height of the proposed buildings is illustrated on Sheets 49 - 55 of the Architectural Drawings (**Attachment 9**). Three of the buildings (Buildings D, F and H) are 8 storeys (some 27m in height) and these have been located adjacent the western boundary of the site, well separated from neighbouring properties to the north, east and south, and with the intervening land occupied by a combination of lesser scale buildings (E and G), access ways, landscaping, and adjacent roads (Ngahere Terrace / Cheshire Street).

101. Along the western boundary of the site, Buildings D, F and H are separated from each other by approximately 24m (D-F) and 16m (F-H) respectively, with intervening smaller scaled shorter buildings (Buildings E and G) that are 3 and 4 storeys tall. At the southern end of this row of buildings (south of Building D), a 5 storey building (Building C) interfaces with the landscaped pedestrian access between Ngahere Terrace and the existing southern pedestrian underpass.

102. The proposed modulated arrangement of building heights positively responds to the site's relationship with the rail line to the west and Auckland Domain beyond, with the crenulation providing visual interest and appropriate stepping of building scale.

103. The two connected buildings adjacent the eastern and south-eastern boundary (Buildings A and B) are 4-6 and 5 levels respectively. However, as shown in **Figure 19** and **Figure 20**, as a consequence of the site contour and the benching of these buildings within the eastern slope of the site, their appreciable height, as viewed from the street (Cheshire Street and Ngahere Terrace) and neighbouring properties is much less.

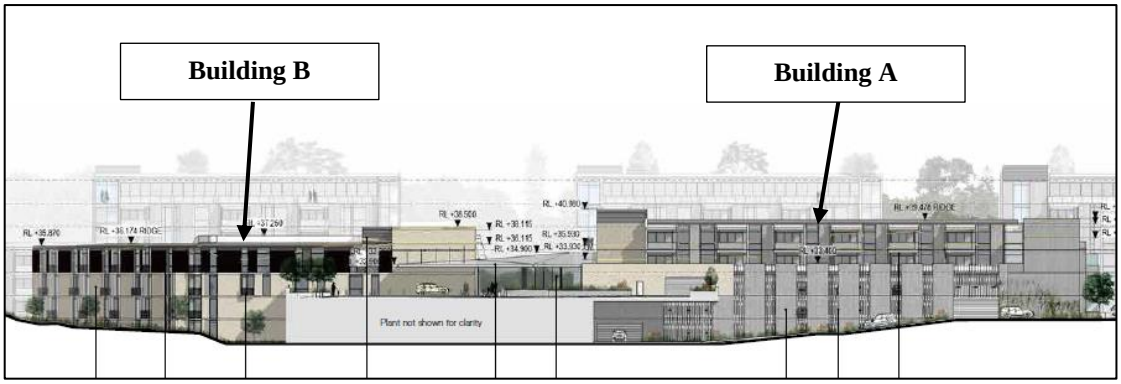

Figure 19: Elevation from Cheshire Street (Source: Sheet 43 – Architectural Drawings).

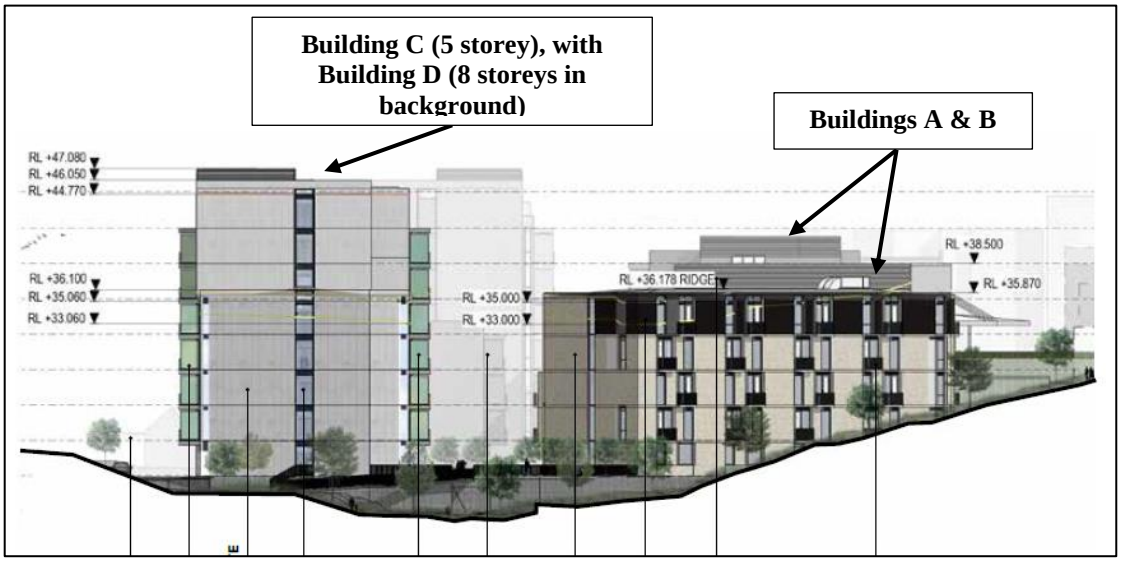

Figure 20: Elevation from Ngahere Terrace (Source: Sheet 44 – Architectural Drawings).

104. The relationship of the proposed buildings relative to neighbouring properties is illustrated on the Sections (Sheets 49-55) of the Architectural Drawings (**Attachment 10**), and the series of visual simulations of the buildings and proposed landscaping ('before and after' scenarios) that are contained within Appendix 3 of the Landscape Visual Effects Assessment prepared by Boffa Miskell (**Attachment 11**).

105. With the exception of maximum building height, the proposed retirement village complies with all other Business – Mixed Use Zone standards, as explained in the Rule Compliance Assessment appended as **Attachment 2**.

Site Access, Parking and Traffic

106. The proposal has been assessed and confirmed to be compliant with all relevant standards under Chapter E27 – Transport of the Unitary Plan. No resource consent is required in respect of any Transport related matters.

Access Arrangements

107. Pedestrian and vehicular access to the subject site is via the Cheshire Street cul-de-sac and the reformed Waipapa Lane, which will be 6m wide to provide for two-way vehicle flow, with a 2-2.5m wide pedestrian footpath (on its southern side). A combination of surfaces is proposed for these access arrangements, for amenity purposes and to provide traffic calming. Pedestrian access will also be available via Ngahere Terrace and from Auckland Domain (via the southern pedestrian underpass).

108. The design of the proposal has been future proofed to accommodate the prospect of a new pedestrian underpass being developed by AT to the north of the train station platform, which will improve pedestrian connections between the eastern and western train station platforms, as well as improve connectivity for the public from Parnell (via Waipapa Lane) to the Domain and the city beyond, via the existing pedestrian walkway to Carlaw Park. This future proofing also includes the design of the northern taper of the subject site, which makes provision for a future northern pedestrian connection (along the rail corridor), enabling pedestrian access to the Train Station at an 'accessible' grade from Heather Street, should this opportunity be taken up by AT.

109. The main entrance to the village will be via the Cheshire Street cul-de-sac. As shown in **Figure 21**, existing parking within the cul-de-sac will be reconfigured to accommodate vehicle entry and exit points. Consultation with AT has been undertaken for these works and agreement has been given in principle for the design / layout (**Attachment 3**), with the final design to be confirmed as part of ongoing consultation with AT.

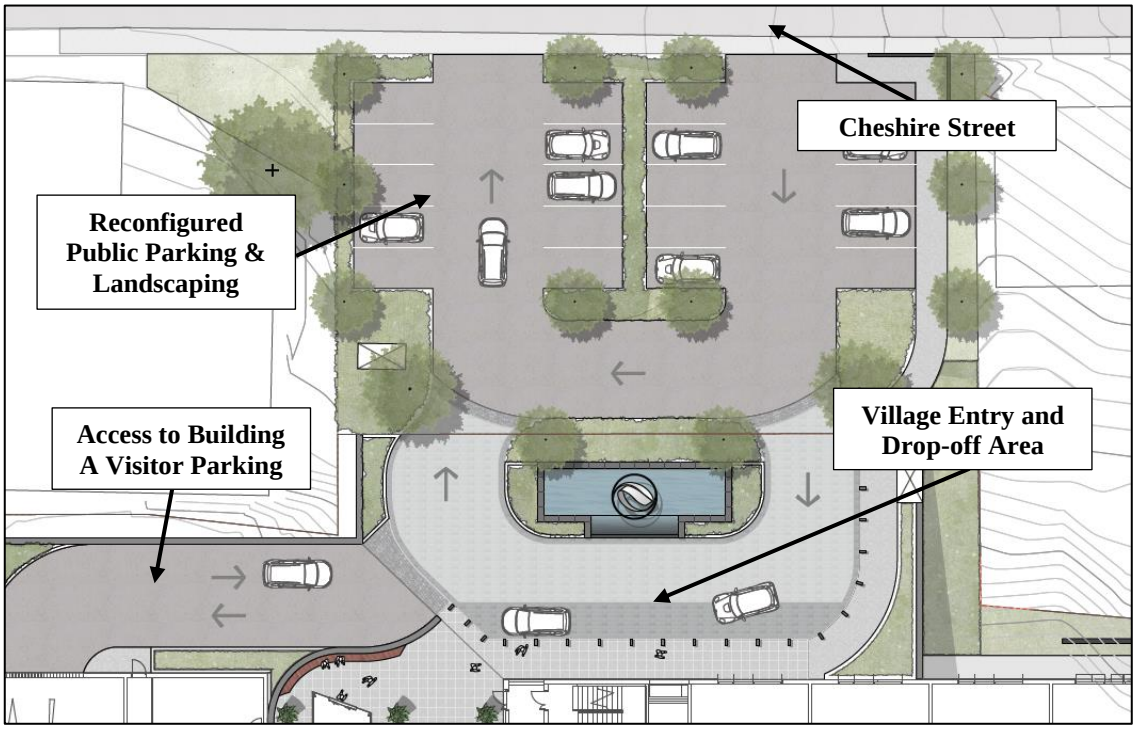

Figure 21: Proposed public car park configuration (Source: Sheet 9 – Landscape Plans).

110. Consultation has also been undertaken with AT in respect of the proposed realignment of Waipapa Lane and the associated interface with Parnell Train Station. As with the arrangement of the Cheshire Street cul-de-sac, AT has agreed in principle with the proposed arrangements (refer to Consultation Summary appended as **Attachment 3**), with the final design details to be developed in consultation with AT.

Parking Arrangements

111. Some 235 parking spaces are proposed, with the majority (120 spaces) will be located internally within the lower four levels of Building A to provide resident parking (accessed via Waipapa Lane), and visitor parking (accessed from the main village entry via the reconfigured Cheshire Street cul-de-sac) which will be located within Level 3 of Building A.

112. A mixture of basement and under-croft car parking (96 spaces) is proposed beneath Buildings C-G for residents, accessed from Waipapa Lane. An at-grade staff car park comprising 19 spaces is proposed within the northern part of the site and 2 drop-off / pick-up spaces are proposed adjacent to the train station plaza.

113. Loading and servicing (by private contractors) will occur within a servicing area located within Level 1 between Buildings A and B. Access to this area will be undertaken from the southern end of the driveway servicing Building A (from Waipapa Lane). The design and layout of the site makes suitable provision for emergency vehicles, for which Fire and Emergency New Zealand (FENZ) has been consulted.

114. 16 bicycle parking spaces are proposed (within Building A) for staff and visitors. The location of these spaces is identified on Sheets 36-37 (**Attachment 10**).

115. The proposed access, parking and loading arrangements have been confirmed by TPC Ltd (**Attachment 13**) to be suitable for the nature and intensity of the activity, and will comply with all standards under Chapter E27 (Transport) of the Unitary Plan.

Traffic Generation

116. The proposed retirement village is expected to generate some 822 vehicles per (vp) day, with peak traffic flows of up to 94vp hour occurring mid-morning and mid-afternoon, and up to 64-79vp hour during the typical AM and PM peak periods. The split, relative to the access and parking arrangements is provided in **Table 1**.

Access	AM peak	12pm Peak	PM peak	Daily
Waipapa Lane – Western Driveway	31	46	39	402
Waipapa Lane – Eastern Driveway	25	37	31	322
Waipapa Lane total	**56**	**83**	**70**	**724**

Main Village Entrance	8	11	9	98
Totals	**64**	**94**	**79**	**822**

Table 1: Overview of expected traffic generation relative to access points.

Construction Traffic and Access

117. Construction vehicle access to the site will be undertaken via Waipapa Lane from Cheshire Street, Heather Street and Parnell Rise (and beyond). Movements to and from the site will be managed through an approved Construction Traffic Management Plan (CTMP) consistent with the draft CTMP prepared by TPC (**Attachment 14)**, to ensure that no queuing or double parking occurs within the surrounding streets, and that sufficient space is made available on the site to accommodate all movements.

118. Where movements are constrained by kerbside parking or narrow streets along the route to the site for construction traffic, temporary parking restrictions and kerbside parking removal will occur through approved Corridor Access Requests (CARs), and will be managed by Traffic Management Plans (TMPs). Other temporary traffic management (such as lane narrowing, shoulder closure, stop-go-control) where necessary will be undertaken during some stages of construction.

119. The on-street parking spaces affected are those along the western side of Cheshire Street (13 spaces), which will be removed during the construction period. None of these on-street parking spaces are allocated to particular residents and a number of the spaces are currently subject to 10 minute maximum parking restrictions.

Buildings Occupancy

120. Each of the 100 ‘Care’ units within Building B can be occupied by a maximum of 1 resident, and each of the 216 ‘Independent Living’ units (ILUs) can be occupied by a maximum of 2 people. Therefore, the maximum occupancy will be 532 residents.

121. Having said that, based on extensive experience with retirement villages across New Zealand, the applicant anticipates the occupancy rate per ILU will be approximately 1.3 persons, thereby giving a likely occupancy of approximately 380 residents.

122. The number of full-time equivalent staff (FTE) required to service the retirement village is anticipated to be 42. This includes a combination of health care professionals, management, administrative staff, and maintenance staff.

Wind

123. To protect the amenity of Waipapa lane from strong westerly winds, a 30m long physical barrier is proposed along a portion of the southern side of Waipapa Lane that will be 40% porous and 60% solid. The wind barrier will provide sufficient intervisibility between the proposed retirement village and the laneway.

124. The final design of the physical wind barrier will be confirmed as part of the detail design process. The proposal has been assessed by WSP Opus with regards to the wind environment and confirmed to comply with the relevant wind standards of the Unitary Plan (refer to Wind Assessment appended as **Attachment 15**).

Landscaping

125. As detailed in the Landscape Plans (**Attachment 5**), the design and layout of the proposed buildings is to be complemented with integrated site-wide landscaping.

126. The proposed landscaping arrangements will provide a high level of amenity for residents and neighbouring properties. The landscape approach responds to the site's configuration and the arrangement of 'activity areas', being:

- The internal amenity ('central courtyard').
- The interface with neighbouring properties adjoining the eastern, southern and northern boundaries, which also includes the interface with the 'public realm'.
- The northern and southern tapers.

127. The above spaces have been designed relative to their function, and landscaping will be implemented progressively as each building stage is completed.

Central Courtyard

128. A large central courtyard will occupy the intervening space between the east and west buildings (**Figure 22**). The courtyard will comprise multiple outdoor activity and al-fresco dining areas, providing for resident leisure spaces (including a central lawn area, outdoor fire and seating area, pergola shelters and raised vegetable gardens). A covered walkway through the courtyard will connect the east and west buildings.

Figures 22: Artist impression of entrance to the courtyard from the northern plaza (Source: Sheet 59 – Architectural Drawings.

129. Within the central courtyard, the design of the landscaping for ground floor units is integrated and contributes towards creating a community feel within the village. Each ground floor unit is provided with an outdoor patio (set back from the main pathway that traverses through the courtyard) and low-height planting and fencing to provide visual separation. A small pathway links each of the patios to the main pathway.

130. For residents occupying units within the dementia and memory care units in Building B, a secure internal courtyard is provided central to that building, which will include outdoor dining and seating areas, a timber pathway, various trees and a central grassed area with feature / sculpture element. Resident and visitor access to the courtyard for Building B will be managed as part of the operation of the retirement village.

Northern Plaza / Wellness Centre

131. The Northern Plaza is a landscaped space accessible to residents and the public, and provides an 'arrival' to the central courtyard, as one of the main interfaces between the retirement village and the public realm of Waipapa Lane.

132. The plaza provides a transition space which is landscaped with a combination of hard and soft surfaces, and fronted at ground level by the 'Wellness Centre' and a small café and outdoor seating, for use by both the public and residents of the retirement village.

133. North of the plaza is an at-grade staff car park (19 spaces) which will be interspersed with trees, shrubs and grasses, and a drop-off area for the train station (2 spaces).

134. Beyond the staff car park area, the balance of the site to the north will be landscaped in a way which accommodates overland flow.

135. Provision has also been made in the design for future public footpath access through the northern part of the site for pedestrians to connect northward (via the rail corridor) to Heather Street, should AT / KiwiRail wish to progress such an opportunity.

Southern Taper

136. South of the proposed buildings, the existing vegetation within Ngahere Terrace and within the southern taper will be retained and enhanced, with the removal of invasive weeds and the creation of a new pathway that will provide for the opportunity for the space to be used for passive recreational purposes. As part of the landscaping arrangements, this area will be managed and accessible to residents of the retirement village and the public, noting that this space (south of the connection between Ngahere Terrace and the southern pedestrian underpass) is residual land.

137. Other than landscaping enhancements, no changes are proposed to Waipapa Stream. The walkway that connects the existing southern underpass with Ngahere Terrace will also be enhanced, as shown on Sheet 23 of the Landscape Plans (**Attachment 5**).

Fencing / Boundary Walls

138. Proposed fencing arrangements for the village are detailed in Sections 10 and 11 of the Landscape Plans (**Attachment 5**). For those parts of the site where the facades of the buildings do not 'secure' the site, proposed fencing typically comprises a mixture of visually permeable open-steel fencing along the south-eastern and western public interfaces (train station and Ngahere Terrace), and at the north and south entrances to the main central courtyard (which will close after-hours for resident security).

Infrastructure

139. With reference to the Infrastructure Report prepared by Riley (**Attachment 16)**, the following summarises the infrastructure proposed to service the retirement village.

Stormwater

140. Several existing public stormwater pipes that traverse the subject site will be diverted and supplemented with new pipes to accommodate the proposal.

141. Details of the works proposed are contained within Section 9.3 of the Infrastructure Report and Drawing 150788-1021 appended to the Riley report. Consultation with Healthy Waters has been undertaken in respect of the scope of these changes.

142. The interception, collection and conveyance of stormwater from the retirement village will be managed via conventional reticulation methods. As shown in **Table 2**, the proposal will result in a net increase of 3,236m^2 of impervious surface area:

Description	Area (m^2)	Portion of Site
Pre-development		
Pervious	11,596m^2	49%
Impervious (including gravel surfaces)	12,120m^2	51%
Post-development		
Pervious	8,585m^2	36%
Impervious	15,131m^2	64%

Table 2: Overview of pre-development and post-development 'coverages'.

143. The increase in impervious area on the site will result in an increase in peak runoff of 32l/s. The downstream stormwater network capacity has been assessed by Riley (and confirmed by Healthy Waters) to be sufficient to accommodate the increased impervious surface area (3,236m^2), with no on-site retention required.

144. On-site stormwater treatment devices will be installed to ensure contaminants are managed for all at-grade parking areas and driveways.

145. No changes are proposed to Waipapa Stream within the southern taper (except for landscaping enhancements).

146. To improve flood management and inlet capacity to the piped network, a 2100mm diameter scruffy dome (to replace an existing manhole) is proposed some 6m east of the northern extent of Waipapa Stream (within the Ngahere Terrace road reserve), consistent with where stormwater currently enters the reticulated (piped) system.[8]

Wastewater

147. As shown in **Table 3**, the proposal is estimated to generate a peak wastewater discharge of 70.64m^3/day. A traditional gravity pipe system is proposed for the private drainage (including drainage within the basement car park), with multiple connections to the public wastewater reticulation system (as proposed to be amended)[9] within the site.

	Number of Units	Occupancy	Per Capita Flows (L/p/d)	Wastewater (m^3/d)
Apartments	216	1.3	180	50.54
Care units	100	1.0	180	18.00
Staff	-	42	50	2.1

[8] Details relating to flooding matters are provided in the Flood Risk and Overland Flows section of this report.

[9] The existing 300mm diameter wastewater pipe is to be diverted within the site and subject to a 'build over' consent, as discussed with Healthy Waters and explained in the Infrastructure Report (Section 10.2.1 and 10.2.2).

Total Design Wastewater Production	70.64

Table 3: Overview of calculated wastewater volumes for the proposal.

148. The existing wastewater network has been assessed by Riley and confirmed by Watercare to have sufficient capacity to accommodate the proposal.

Potable Water and Fire Suppression

149. An existing 450mm diameter watermain is located within Cheshire Street and Ngahere Terrace, which connects into the southern end of the site. The location and depth of the watermain has been surveyed and confirmed to not be in conflict with the proposal.

150. The proposal has been assessed to generate a peak daily water demand of 171.72m^3 per day and a peak hourly demand of 5.0 litres per second. Potable water and fire suppression will be supplied from the existing Cheshire Street water main.

151. Riley has confirmed that the existing water mains have sufficient capacity to service the water supply and firefighting needs for the proposal. A new hydrant will be installed on Waipapa Lane to provide firefighting flows during construction and operation.

Power / Telecommunications

152. Existing power and telecommunication infrastructure is located along Cheshire Street, proximate to the subject site. Power and telecommunication services will be extended and modified within the site to service the proposed buildings.

153. An emergency diesel generator will be located within the ground floor 'plant' area of Building B and will supply emergency power during outages. In addition to emergency use, the generator will be routinely tested on a monthly basis.

Flooding and Overland Flows

154. Auckland Council's GIS identifies the majority of the lower-lying portion of the site to be located within a 1% AEP floodplain, with a number of overland flow paths also shown to enter the subject site from the south and east boundaries. The extent to which the site is affected by flooding and overland flows is identified in **Figure 6**.

155. With reference to the Flood Assessment prepared by Riley (**Attachment 17**), during a high intensity rainfall event, the adjacent railway embankment impounds flood waters within the central portion of the subject site, before exiting the property (over topping the rail line) via the northern taper.

Compensatory Flood Storage / Conveyance / Overland Flow

156. To address flooding and overland flows, the proposal includes a range of measures, which have been developed in consultation with Council's Healthy Waters department. These include a system comprising the following:

- A flood storage chamber located beneath Building B, with a footprint of approximately 1,285m^2 x 2.5m (H).
- A flood storage chamber beneath Building C, with a footprint of 230m^2 x 2.5m (H).
- Capturing and diverting overland flows and flood waters beneath the proposed buildings via a flood conveyance culvert, which is to be located beneath the western driveway and northern staff car park), measuring 130m (L) x 3.5m (W) x 2.4m (H) (south), and 165m (L) x 3.5m (W) x 1.5m (H) (north).

157. The design of the flood management system is such that overland flow and flood waters will be directed by landform to enter the system via entrance inlets located below the southern end of the central courtyard, stored within the flood storage chambers, and flow beneath the proposed buildings before daylighting at the northern taper (beyond the staff carpark area), and exiting the site consistent with the existing situation.

Earthworks

158. As detailed in the Infrastructure Report (**Attachment 16**), to facilitate construction of the proposal (including site recontouring to achieve desired ground profiles, basement levels, flood management, and suitable gradients for access ways and building platforms), earthworks across approximately 17,810m^2 are required to be undertaken.

159. A summary of the areas and volume of earthworks proposed relative to anticipated stages of construction is provided in **Table 4**, and a staging plan is included as Drawing 150788-1016 of the plans appended to the Infrastructure Report.

Stage	Cut (m^3)	Fill (from site excavation (m^3)	Fill (imported hardfill) (m^3)	Fill (light fill) (m^3)	Excess (cut to waste) (m^3)	Earthworks Area(m^2)
Stage A	-970	0	140	0	-970	1,120
Stage B	-4,130	670	2,550	1,590	-3,460	5,650
Stage C	-10,200	2,920	450	0	-7,280	10,210
Cheshire St. cul-de-sac	-410	0	0	0	-410	830
Total	**-15,710**	**3,590**	**3,140**	**1,590**	**-12,120**	**17,810**

Table 4: Detail of earthworks proposed.

160. Earthworks material not suitable for fill (estimated to be 20% of earthworks) will be transported off-site and disposed of at a suitable construction and demolition disposal site. Contaminated material will similarly be disposed of at a suitable licensed facility.

161. The earthworks will raise the low-lying central portion of the site (within the 1% AEP floodplain) by approximately 1.5m, with approximately 2.0m of earthworks (cut) required to form the basement car park (beneath Buildings C-F) and the flood management system. The maximum proposed cut depth is 3.5m and the maximum fill depth is 5.0m (refer to cut / fill plan appended to the Infrastructure Report).

162. To provide suitable access to the site (noting an approximate 11.5m difference in ground level between Cheshire Street and the site), Waipapa Lane will be reformed and re-aligned to create a maximum gradient of 1:8 (which represents an improvement in the current gradient on the laneway, being 1:6). Other internal roadways, car parking areas, and pedestrian routes will be formed with suitable (compliant) gradients.

163. Of the 17,810m^2 of earthworks, 1,650m^2 are proposed within the 'Sediment Control Protection Area' (being that part of the site located within 50m of the northern reach of Waipapa Stream). As set out in the Infrastructure Assessment and below, these works, which relate to 'Stage C' of the proposal (and all works), will be undertaken with suitable erosion and sediment control measures being implemented and maintained.

164. Due to the nature of the activities that have previously occurred on site, the proposed earthworks will involve the disturbance of contaminated soils and require particular measures to be adopted. These measures are set out in the Contamination section of this report and detailed extensively within the Detailed Site Investigation (**Attachment 7**).

165. An Authority to Modify has been granted for the bulk earthworks by Heritage New Zealand, and the applicant will comply with the conditions of that Authority while carrying out the works. The Authority is appended as **Attachment 18**.

<u>Erosion and Sediment Control Measures</u>

166. An Erosion and Sediment Control Plan (ESCP) will be implemented and will include best practice sediment, erosion, and dust control measures. The ESCP will be maintained during earthworks in accordance with Council's GD05.

167. These best practice measures are outlined in Section 6.7 of the Infrastructure Report (**Attachment 16**) and will ensure that sediment-laden runoff is controlled, while preventing the erosion of exposed ground and ensuring that contaminated sediment is not dispersed from the site or into Waipapa Stream. Key measures proposed include:

- Stabilised construction entrance and wheel wash.
- Silt perimeter fences.

- Sediment and cleanwater diversion bunds.
- Mulching (where immediate earthworks stabilisation is required).
- Earth decanting bunds.
- Chemical treatment of sediment-laden runoff.
- Dust control measures.

168. Should it be necessary, the ESCP will include measures to be employed in the event of an accidental sediment runoff entering Waipapa Stream.

Contamination

169. As discussed in the Detailed Site Investigation (DSI) prepared by Riley (**Attachment 7)**, during the 1940s the subject site was used as a rubbish tip until construction of railway operations commenced in the mid-1950s. Large industrial buildings were constructed and utilized for steel fabrication railway activities, including locomotive storage, maintenance and repairs, welding workshops, and later as a diesel repair depot.

170. The DSI confirms that the subject site contains heterogeneous fill material up to 13.9m below ground level (northern end). Contaminating activities that have previously occurred on the site are included on the HAIL under the NES-CS, which have resulted in soil contaminants above 'permitted' levels.

171. The site investigations undertaken by Riley confirm that the sources of contamination on the site also exceed the Unitary Plan's permitted activity soil acceptance criteria.

172. A Draft Remedial Action Plan and Site Management Plan (SMP) has been prepared by Riley (**Attachment 19**), which sets out the measures proposed to ensure potential adverse effects from the disturbance of contaminated soils are managed appropriately. A Site Validation Report (SVR) will be prepared as appropriate relative to staging, detailing the results of validation testing, any contamination discoveries, soils imported, and relevant regulator correspondence.

Geotechnical Matters

<u>Ground Conditions</u>

173. The Geotechnical Assessment prepared by Riley (**Attachment 20)** confirms the subject site is suitable from a geotechnical perspective to accommodate the proposal.

174. The proposed retirement village has been designed in accordance with the advice provided by Riley in respect of this matter, including the retaining of: Waipapa Lane; the eastern boundaries (where neighbouring development abuts the site's boundaries); and works proximate to the rail corridor. Specific detailing of the retaining proposed is set out in Section 7.8 of the Geotechnical Assessment appended as **Attachment 20**.

175. Where retaining is proposed in the south-eastern corner of the site, the prospect of temporary propping or ground anchors below the Cheshire Street cul-de-sac head (to limit deflections of these retaining walls) has been identified, and discussed as part of ongoing consultation with AT (refer to Section 7.8.2 of the Geotechnical Assessment).

Groundwater

176. As set out in the Geotechnical Assessment, extensive site investigation has been undertaken to determine the presence of groundwater (including reviews of previous third-party investigations that have been conducted).

177. These investigations have determined that permanent groundwater dewatering and diversion is necessary (following construction) relative to the depth of the proposed basement below Buildings C – G. Drainage systems will be established behind the basement retaining walls, where, during winter months or extreme rain events, groundwater levels will naturally increase and need to be intercepted. Outside of winter months, interception of the groundwater table is not expected to occur.

178. Any intercepted groundwater will be disposed of to the reticulated stormwater network that is proposed to be upgraded as part of the development of the site.

Noise and Vibration

Construction Matters

179. Main construction works are proposed to occur on the site between the hours 7.30am – 6.00pm Monday to Saturday (when a 70 dB noise limit is provided for), with no works proposed to be undertaken on Sundays or Public Holidays, noting that these limits are intended to mirror the relevant noise standards in the Unitary Plan and are not intended to prevent contractors from working on the site before 7:30am and after 6.00pm to undertake 'light' works that generate low levels of noise, as permitted by the Plan.

180. WSP has undertaken a Noise and Vibration Assessment (**Attachment 21**), which confirms that general works will comply with the Unitary Plan construction noise standards, with the exception of piling and excavation activities (where these are undertaken in close proximity to the boundaries of the nearest residential properties), at which time the construction noise limits are expected to exceed the 70dB limit by between 1-10dB, depending on the distance from neighbouring properties (**Table 5**):

Property	Predicted noise level at 1 metre from façade (dB $L_{Aeq(30min)}$)				
	Excavation	Compaction of fill	Piling	Concrete activities	Cranage
11 Cheshire Street	60 – 66	56 – 62	60 – 70	60	48
13 Cheshire Street	62 – 72	58 – 68	62 – 79	61	48
19 Cheshire Street	59 – 66	55 – 62	60 – 72	57	47

21 Cheshire Street	60 – 68	56 – 64	61 – 74	59	48
25, 27 and 31 Cheshire Street	64 – 77	60 – 73	70 – 80	63	56
45 Cheshire Street	63 – 71	59 – 67	65 – 73	53	50
1 Ngahere Terrace	65 – 77	61 – 73	66 – 80	52	51
2 Ngahere Terrace	61 – 68	57 – 64	62 – 71	50	49
4 Ngahere Terrace	61 – 66	58 – 62	63 – 70	50	49
6 Ngahere Terrace	62 – 68	58 – 64	64 – 70	51	49
41 Gibraltar Crescent	58 – 60	54 – 56	61 – 62	48	46

Table 5: Predicted noise levels for the closest receivers (Source: CNVA – Attachment 21).

181. The predicted noise exceedances will occur intermittently and for a limited duration (for these aspects of the works) and be managed by a Construction Noise and Vibration Management Plan (CNVMP), consistent with the draft CNVMP prepared by WSP appended as **Attachment 22**. The CNVMP will be finalised by the appointed contractor and submitted to Council for approval prior to works commencing on the site.

182. As part of the mitigation detailed within the draft CNVMP, particularly noisy works (including piling and excavation / compaction activities) are proposed to be restricted to 9am – 4pm Monday to Saturday, in combination with a range of managerial measures including a Construction Communications Plan (to keep neighbours informed), ongoing noise monitoring, complaints procedures, and scheduled respite periods.

183. Section 3.5 of the Noise and Vibration Assessment confirms that the proposal will comply with the relevant vibration standards specified in E25.6.30(1)(a) for the duration of construction works. With regards to E25.6.30(1)(b), vibration levels from piling and / or compaction activities are predicted to exceed 2 mm/s by up to 7.9mm/s (as set out in **Table 6**), depending on the distance from the neighbouring building.

Activity		**Predicted PPV (mm/s) at distance**					
		1 – 2 metres	**2 – 5 metres**	**5 – 10 metres**	**10 – 15 metres**	**15 – 20 metres**	**20 – 25 metres**
Piling	Driving of casing	N/A*	N/A*	4.8 mm/s	1.67 mm/s	0.91 mm/s	0.59 mm/s
	Augering	8.89 mm/s	3.14 mm/s	0.80 mm/s	0.28 mm/s	0.15 mm/s	0.10 mm/s
	Auger hitting base of hole	9.90 mm/s	3.5 mm/s	0.89 mm/s	0.31 mm/s	0.17 mm/s	0.11 mm/s
60kg plate compactor	-	N/A	N/A	3.3 mm/s	1.16 mm/s	0.63 mm/s	0.41 mm/s
**Piling within 10 metres is not expected to use casing; however the final piling methodology will be confirmed by the contractor and submitted as part of an updated CNVMP*							

Table 6: Predicted vibration levels for the closest receivers (Source: CNVA – Attachment 21).

184. The predicted vibration exceedances will occur intermittently and for a limited duration (for these aspects of the works) and be managed by a Construction Noise and Vibration Management Plan (CNVMP), consistent with the draft CNVMP prepared by WSP appended as **Attachment 22**. The CNVMP will be finalised by the appointed contractor and submitted to Council for approval prior to works commencing on the site.

185. Confirmation as to the detail and extent of works required proximate to neighbouring buildings will be provided once the detailed foundation design for the proposal has been undertaken (following engagement of the contractor).

Operational Matters

186. Retirement villages (being a residential activity) inherently do not generate operational noise inconsistent with that envisaged in an urban environment. The primary sources of operational noise for the proposal can be attributed to vehicles entering and exiting the site, mechanical plant equipment (e.g. air conditioning / heat extracts / ventilation), and the emergency backup power generator.

187. With reference to WSP's Noise and Vibration Assessment (based on traffic information contained in the Transportation Assessment appended as **Attachment 13**), noise generated from vehicles on the subject site has been modelled to comply with the relevant daytime and night time noise limits contained in the Unitary Plan at both the Residential and Business zone interfaces.

188. WSP has also reviewed the specifications for the mechanical services proposed, including the backup emergency generator, and has confirmed that such proprietary plant can be designed and installed to achieve the relevant AUP noise limits.

189. As Integrated Residential Developments are classified by the Unitary Plan as a 'noise sensitive' activity, the detailed façade design for the proposed buildings will include controls (e.g. internal linings) to ensure internal ambient noise levels from external environmental noise that may be generated by legitimate activities occurring on neighbouring land will comply with the permitted standards, contained within Table E25.6.10.1 of the AUP. This level of detail will be provided at building consent stage.

Signage

190. As illustrated in the Architectural Drawings prepared by Warren & Mahoney (**Attachment 10**) and the 'Graphic Visuals' included within Appendix 3 of the LVEA Report (**Attachment 11**), signage for the proposal includes identification of the various buildings and services on the site, and general wayfinding from the street, as well as 'naming' signage for the retirement village at Building A fronting Cheshire Street.

191. Details for the respective signage beyond that indicated above and within the drawings is yet to be confirmed, and a condition of consent requiring final signage details to be provided to Council for approval is sought by the applicant.

Lighting

192. Preliminary details of the proposed lighting is provided in Section 9 of the Landscape Plans (**Attachment 5**), which indicate the following lighting zones:
    - Car park and Railway Plaza.
    - Waipapa Lane & Terraced Gardens.
    - Main Entrance (Cheshire Street).
    - Memory Care Courtyard.
    - Western Edge.
    - Southern Gardens.
    - Main Central Courtyard.

193. Each of the lighting zones listed above will be developed with a lighting scheme specific to the purpose of the area. Precise details of lighting for the proposed retirement village will be confirmed at the building consent stage and will be designed and located in a manner that is appropriate for its use and context.

194. All lighting will be designed to comply with the Unitary Plan E23 Lighting standards. A condition of consent requiring final lighting details to be provided to Council for approval is sought by the applicant.

CONSULTATION

195. Summerset has undertaken extensive consultation with key stakeholders and neighbouring property owners / occupiers prior to and during the development of the design of the retirement village. A detailed summary of the consultation undertaken with those who have engaged with the applicant, is appended as **Attachment 3**.

RESOURCE CONSENT REQUIREMENTS

Auckland Unitary Plan (Operative in Part)

196. The applicant seeks all necessary resource consents in respect of the proposed retirement village under the Unitary Plan.

197. The proposed activity is an Integrated Residential Development, being defined in the Unitary Plan as:

> A residential development on sites greater than 2,000m^2 which includes supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital

care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village.

198. Integrated Residential Development is provided for as Permitted Activity within the Business – Mixed Use Zone pursuant to Activity Table H13.4.1(A4), subject to permitted activity standards. Except for maximum building height, the proposal complies with all the Business – Mixed Use Zone standards. Notwithstanding that the activity is Permitted, all new buildings within the Business – Mixed Use Zone require resource consent as a Restricted Discretionary Activity.

199. A list of the reasons for which resource consent is required for the proposal is appended as **Attachment 1** (List of Consent Requirements). **Attachment 2** (Rule Compliance Assessment) compares the proposal against all relevant Unitary Plan provisions.

200. Overall, resource consent is required under the Unitary Plan as a Restricted Discretionary Activity.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

201. The applicant seeks all necessary resource consents in respect of the proposed retirement village under the NES-CS.

202. The site has been determined to contain concentrations of soil contaminants that exceed the relevant NES-CS health-based soil contaminant standard (high-density residential land use). The NES-CS applies to the works for the proposed retirement village under Regulation 5(4)(a), being soil disturbance of a piece of land.

203. A DSI has been prepared (**Attachment 7**) and resource consent is required under the NES-CS for the following reason:

- The proposal involves soil disturbance and removal from a piece of land that is subject to the NES-CS Regulations 2011 that does not meet the requirements of Regulation 9(3). This is a Restricted Discretionary Activity pursuant to Regulation 10(1) of the NES-CS.

204. Overall, resource consent is sought for the proposal as a **Restricted Discretionary Activity** under the Unitary Plan, and as a **Controlled Activity** under the NES-CS.

ASSESSMENT

205. As a Restricted Discretionary Activity under the Unitary Plan, the Council is limited in its discretion as to which matters it may have regard to when assessing the actual or potential effects of the proposal on the environment.

206. With reference to the reasons for which resource consent is required, the matters to which the Council's discretion is restricted are set out in the Unitary Plan and the NES-CS. These matters relate to the following:

Unitary Plan Matters

- *H13.8.1(3) – New buildings:*
  - *(a) the design and appearance of buildings in so far as it affects the existing and future amenity values of public streets and spaces used by significant numbers of people. This includes:*
    - *(i) the contribution that such buildings make to the attractiveness pleasantness and enclosure of the public space;*
    - *(ii) the maintenance or enhancement of amenity for pedestrians using the public space or street;*
    - *(iii) the provision of convenient and direct access between the street and building for people of all ages and abilities;*
    - *(iv) measures adopted for limiting the adverse visual effects of any blank walls along the frontage of the public space; and*
    - *(v) the effectiveness of screening of car parking and service areas from the view of people using the public space.*
  - *(b) the provision of floor to floor heights that will provide the flexibility of the space to be adaptable to a wide variety of use over time.*
  - *(c) the extent of glazing provided on walls fronting public streets and public spaces and the benefits it provides in terms of:*
    - *(i) the attractiveness and pleasantness of the public space and the amenity for people using or passing through that space;*
    - *(ii) the degree of visibility that it provides between the public space and the building interior; and*
    - *(iii) the opportunities for passive surveillance of the street from the ground floor of buildings;*
  - *(d) the provision of verandahs to provide weather protection in areas used, or likely to be used, by significant numbers of pedestrians;*
  - *(e) the application of Crime Prevention through Environmental Design principles to the design and layout of buildings adjoining public spaces;*
  - *(f) the effects of creation of new roads and/or service lanes on the matters listed above;*
  - *(g) the positive effects that landscaping, including required landscaping, on sites adjoining public spaces is able to contribute to the amenity values of the people using or passing through the public space;*
  - *(h) taking an integrated stormwater management approach; and*
  - *(i) all the above matters to be assessed having regard to the outcomes set out in this Plan and the functional requirements of the activities that the buildings are intended to accommodate.*

- *H13.8.1(7) – Buildings that don't comply with the standards:*
  - *(a) any policy which is relevant to the standard;*
  - *(b) the purpose of the standard;*
  - *(c) the effects of the infringement of the standard;*
  - *(d) the effects on the amenity of neighbouring sites;*
  - *(e) the effects of any special or unusual characteristic of the site which is relevant to the standard;*

- E7.8.1(6) - All Restricted Discretionary Activity matters of discretion related to the diversion of groundwater;

(1) general:

(a) the effects on Mana Whenua values.

(4) take and use of groundwater for dewatering or groundwater level control associated with groundwater diversion:

(a) refer to the matters listed in E7.8.1(6)(a)-(f) below.

(6) diversion of groundwater:

(a) how the proposal will avoid, remedy or mitigate adverse effects:

(i) on the base flow of rivers and springs;

(ii) on levels and flows in wetlands;

(iii) on lake levels;

(iv) on existing lawful groundwater takes and diversions;

(v) on groundwater pressures, levels or flow paths and saline intrusion;

(vi) from ground settlement on existing buildings, structures and services including roads, pavements, power, gas, electricity, water mains, sewers and fibre optic cables;

(vii) arising from surface flooding including any increase in frequency or magnitude of flood events;

(viii) from cumulative effects that may arise from the scale, location and/or number of groundwater diversions in the same general area;

(ix) from the discharge of groundwater containing sediment or other contaminants;

(x) on any scheduled historic heritage place; and

(xi) on terrestrial and freshwater ecosystems and habitats.

(b) the need for mineral extraction within a Special Purpose - Quarry Zone to carry out dewatering or groundwater level control and diversion and taking of groundwater in the context of mineral extraction activity.

(c) monitoring and reporting requirements incorporating, but not limited to:

(i) the measurement and recording of water levels and pressures;

(ii) the measurement and recording of the settlement of the ground,

(iii) buildings, structures and services;

(iv) the measurement and recording of the movement of any retaining

(v) walls constructed as part of the excavation or trench; and

(vi) requiring the repair, as soon as practicable and at the cost of the

(vii) consent holder, of any distress to buildings, structures or services

(viii) caused by the groundwater diversion.

(d) the duration of the consent and the timing and nature of reviews of consent conditions;

(e) the requirement for and conditions of a financial contribution and/or bond;

(f) the requirement for a monitoring and contingency plan or contingency and remedial action plan.

- E11.8.1(1) - All Restricted Discretionary Activity matters of discretion related to 'Regional' earthworks;

(1) All restricted discretionary activities:

(a) compliance with the standards;

(b) the design and suitability of erosion and sediment control measures to be implemented;

(c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;

(d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;

(e) the proportion of the catchment which is exposed;

(f) staging of works and progressive stabilisation;

(g) timing and duration of works;

(h) term of consent;

(i) potential effects on significant ecological and indigenous biodiversity values;

(j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;

(k) information and monitoring requirements.

- E12.8.1(1) - All Restricted Discretionary Activity matters of discretion related to 'District' earthworks;

(1) All restricted discretionary activities:

(a) compliance with the standards;

(b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;

(c) effects on the stability and safety of surrounding land, buildings and structures;

(d) effects on overland flow paths and flooding;

(e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;

(f) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;

(g) staging of works and progressive stabilisation;

(h) information and monitoring requirements;

(i) timing and duration of works;

(j) term of consent;

(k) potential effects on significant ecological and indigenous biodiversity values;

(l) risk that may occur as a result of natural hazards;

(m) protection of or provision of network utilities and road networks.

(n) potential effects on the natural character and values of the coastal environment, lakes, rivers and their margins, where works encroach into riparian or coastal yards; and

(o) positive effects enabled through the land disturbance.

- E23.8.1 - All Restricted Discretionary Activity matters of discretion related to comprehensive development signage;

(1) visual amenity;

(2) scale and location;

(3) lighting and traffic and pedestrian safety;

(4) duration of consent; and

(5) cumulative effects

- E25.8.1 - All Restricted Discretionary Activity matters of discretion related to construction noise and vibration, and operational noise;

(1) for noise and vibration:

(a) the effects on adjacent land uses particularly activities sensitive to noise; and

(b) *measures to avoid, remedy or mitigate the adverse effects of noise*.

- E30.8.1 – All Controlled Activity matters of control related to contamination.

(*1) the adequacy of the detailed site investigation report including:*

(a) site sampling;

(b) laboratory analysis; and

(c) risk assessment.

(2) the need for and adequacy of a site management plan (contaminated land);

(3) the need for and adequacy of a remedial action plan (contaminated land);

(4) how the discharge is to be:

(a) managed;

(b) monitored, including frequency and location of monitoring; and

(c) reported on.

(5) the physical constraints of the site and operational practicalities;

(6) the transport, disposal and tracking of soil and other materials taken away in the course of the activity;

(7) the effect on potable water supplies;

(8) methods to identify contaminant risks prior to works commencing such as qualitative assessments of risk;

(9) protocols around notifying the Council of contaminant risks;

(10) how stormwater is to be managed;

(11) soil management during work and at the completion of the works;

(12) odour control;

(13) vapour control;

(14) groundwater management;

(15) contingency plans;

(16) remediation or ongoing management of the site, its timing and standard;

(17) the nature and type of close out criteria if proposed;

(18) the need for a financial bond;

(19) the need for any review conditions in the event that standards to be achieved are not achieved;

(20) the timing and nature of the review conditions; and

(21) the duration of resource consent.

- E36.8.1 - All Restricted Discretionary Activity matters of discretion related to natural hazards and flooding (floodplains and overland flow paths).

  Activities in the 1 per cent annual exceedance probability (AEP) flood plain

  (4) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.5:

  (a) the design of the fence or wall;

  (b) the effects on flood depth and velocity from the blocking or channelling of water; and

  (c) the effects of the flood hazard within the site and on other properties upstream or downstream of the site.

  (5) for below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain:

  (a) the effects of the location of the structures and building platforms;

  (b) the effects of flood hazards on the structural integrity of a building or structure;

  (c) the effects of storage of outdoor goods and materials;

  (d) the effects of the location and design of roads, access ways and parking areas;

  (e) the extent of any associated earthworks;

  (f) the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;

  (g) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided;

  (h) the effects of the use of spaces under buildings; and

  (i) the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.

  (8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain:

  (a) the effects that the flooding may have on the function of the device including the potential mobilisation of accumulated contaminants.

Activities in overland flow paths

(11) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:

(a) the design of the fence or wall;

(b) the potential impacts on the overland flow path including all of the following:

(i) the obstruction of flows;

(ii) any change to location and capacity;

(iii) any changes in depth and velocity of flow; and

(iv) any change to overland flow on the site and on other properties upstream or downstream of the site.

(12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:

(a) the potential impacts on the overland flow path including:

(i) the obstruction of flows; and

(ii) any change to location and capacity; and

(iii) any changes in depth and velocity of flow; and

(iv) any change to overland flow on other properties.

(b) the provision of alternative overland flow paths;

(c) the extent of any associated earthworks; and

(d) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided.

(13) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

(a) the effects of flooding on the activity proposed, including whether it is a more or less vulnerable activity;

(b) the effects on the location of habitable rooms;

(c) the design of the building and how it provides for safe access and the potential effects of flood hazards on chosen access routes; and

(d) *the effects on people during a flood event and the ability to avoid, remedy or mitigate these.*

207. The following assessment has regard to the above matters and the corresponding assessment criteria contained in the following sections of the Unitary Plan:

- H13.8.2 - (Business – Mixed Use Zone)
- E7.8.2 - (Taking, using, damming and diversion of water)
- E11.8.2 - (Land disturbance – Regional)
- E12.8.2 - (Land disturbance – District)
- E23.8.2 – (Signs)
- E25.8.2- (Noise and vibration)

- E30.8.2 - (Contamination)
- E36.8.2 - (Natural hazards & flooding)

NES-CS Matters

208. In addition to the above, the NES-CS restricts the Council's discretion over the following matters in respect of the soil disturbance works:

(a) the adequacy of the detailed site investigation, including—

(i) site sampling:

(ii) laboratory analysis:

(iii) risk assessment:

(b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:

(c) the approach to the remediation or ongoing management of the piece of land, including—

(i) the remediation or management methods to address the risk posed by the contaminants to human health:

(ii) the timing of the remediation:

(iii) the standard of the remediation on completion:

(iv) the mitigation methods to address the risk posed by the contaminants to human health:

(v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants.

(d) the adequacy of the site management plan or the site validation report or both, as applicable:

(e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:

(f) the requirement for and conditions of a financial bond:

(g) the timing and nature of the review of the conditions in the resource consent:

(h) the duration of the resource consent.

209. Having regard to the matters over which Council has restricted its discretion (as set out above), and the associated assessment criteria that are contained within the Unitary Plan, the following assessment is provided, having regard to the permitted baseline and the context of the receiving environment.

Permitted Baseline

210. Pursuant to Section 104(2) of the RMA, when determining the extent of adverse effects of a proposed activity, Council 'may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect'.

211. The permitted baseline is described as those activities which could be legally established as a Permitted Activity (without resource consent). As all new buildings require resource consent as a Restricted Discretionary Activity in the Business – Mixed Use Zone, there is no permitted baseline for the proposed buildings on the subject site.

212. As discussed in the following sections of this assessment, the matters of discretion for new buildings are principally concerned with the design, appearance and relationship of the built form in so far as it affects the existing and future amenity values of public streets and spaces used by significant numbers of people, as opposed to the relationship of new buildings with neighbouring sites.

213. Notwithstanding there being no permitted baseline for *development*, section 104(1)(b)(vi) of the RMA requires regard to be had to any relevant provisions of the Unitary Plan.

214. The Business – Mixed Use Zone provides for the residential *activity* proposed (as well as a range of accommodation (including dwellings) and commercial activities (including offices)) as permitted activities, with no controls limiting the intensity of such development, and no standards restricting maximum building coverage or impervious area, or prescribing a minimum landscaped area, with built development expected to optimise the available site area.

215. Further to the above, there are no yard or height in relation to boundary standards applicable to the neighbouring Business – Mixed Use Zone or the Special Purpose Transport Corridor (railway) zoned land, or where the site fronts a road (Cheshire Street / Ngahere Terrace). Such setback standards only apply to the subject site where the neighbouring land is zoned THAB.

216. Therefore, at the interface with neighbouring properties and the street (and 3m from the neighbouring THAB zoned land), buildings up to 18m are reasonably anticipated within the Business – Mixed Use Zone, with buildings up to 27m also reasonably anticipated where the site fronts Cheshire Street. Related to this, the Unitary Plan envisages that development in the Mixed Use Zone will provide a reasonable standard of visual privacy and amenity for residential activities in respect of habitable rooms and outlook *within* the site of respective developments, rather than expecting such amenity or outlook to be available across neighbouring land. While not a technical permitted baseline, these are relevant plan provisions in accordance with Section 104(1)(b)(vi).

217. With the zone enabling further development and intensification (particularly where a site is vacant), it is reasonable to expect that construction activity will occur, together with the related effects of traffic, earthworks, noise and vibration, dust, etc; all of which are matters expected to be managed, as opposed to being avoided. In this regard:

- Construction noise and construction vibration are an expected component of all new development. Where a project has a construction period of greater than 20 weeks, construction noise is permitted up to 70dB Leq between 7.30am-6pm Monday to Saturday, and 50dB Leq between 7.30am-6pm Sundays and Public Holidays. For vibration, the maximum vibration limit in a receiving occupied building sensitive to noise is 2mm/s between 7am - 10pm.

- Notwithstanding the permitted standards, the Plan acknowledges that there will be circumstances, as a consequence of various site conditions and the proximity of neighbouring properties, where construction activities cannot practically meet the permitted noise and vibration standards. It is appropriate to remedy and mitigate the effects of infringements in such circumstances through management measures, including controlling the duration, frequency and timing of such activity.[10]

- As with any large scale project of this nature, there will be a range of construction effects to be managed during the construction phase of the proposal as set out in the assessment which follows. Any assessment of the effects arising from construction activities needs to be undertaken in light of the recent Environment Court decision delivered by Judge Smith, where the Court held that construction effects are an inevitable consequence of development occurring in Auckland and are invariably capable of being managed through conditions of consent.

  In respect of construction traffic and noise effects specifically, the Court in that matter held[11]:

  [70] … The interruptions with transportation in Auckland are evident and commonplace. There is no doubt that this intensification creates disruption to residential populations …

  [71] … These outcomes are ones that are anticipated under the AUP and must be seen as a consequence of the intensification of development in the city.

  [72] We conclude that the appropriate course must be the imposition of conditions to minimise such effects.

  [73] Accordingly, notwithstanding that we acknowledge that Mrs Ngata will experience inconvenience as a result of the construction, it is clear that construction of some form is inevitable on this Site and conclude the effect can be appropriately managed by conditions of consent and management plans.

  These conclusions are considered to be equally applicable to construction vibration.

[10] Unitary Plan: E25.2(4) and (10).
[11] *Summerset Villages (St Johns) Limited v Auckland Council* [2019] NZEnvC 173.

- Construction activity is provided for as a Permitted Activity for a duration of up to 24 months pursuant to E40.4.1(A20). The purpose of this standard is to provide a trigger for a resource consent process for the management of the associated effects of the duration of construction activity, rather than being a limitation, noting that larger development projects will have a longer construction period, and may be undertaken in a staged manner.
- In relation to land disturbance, earthworks in the Business – Mixed Use Zone are permitted up to an area of 2,500m^2 and a volume of 2,500m^3, although these standards operate to trigger a resource consent process for the management of the adverse effects of such earthworks activity, rather than being a limitation (or constraint) on such works occurring.
- In relation to matters of land disturbance involving contaminated material, the resource consent triggers are a mechanism to ensure that such contaminated material is appropriately managed, including the handling and disposal of contaminated material, rather than being a limitation on such works occurring.
- The resource consent triggers for works on land that is affected by natural hazards (i.e. flooding / overland flow paths) are a mechanism to address and appropriately manage the risks of such hazards through the implementation of suitable development methods, rather than being a limitation on such works occurring.
- The resource consent triggers for groundwater are concerned with the adverse effects of ground settlement arising from the diversion / take, and the discharge of groundwater containing sediment or other contaminants. These are to be managed through the implementation of 'standard' measures, rather than being a limitation on such works occurring.

218. Overall, as discussed in the following assessment, although the proposal involves a range of enabling works / activities which are not provided for as permitted activities by the Unitary Plan, these relate to matters that are 'typical' for construction of this nature on a brownfield urban site. Subject to standard practices, the effects of these construction activities can be readily managed and are aspects of development that are otherwise consistent with the expectations for urban development envisaged by the Unitary Plan.

219. While all development requires consent in the Mixed Use Zone and there is therefore no applicable permitted baseline for the proposed buildings on the site, a comparison of the activities proposed with those provided for in the zone provides a useful benchmark

against which the proposal can be considered in respect of the matters that discretion has been restricted to (and the associated assessment criteria for these matters).

The Receiving Environment

220. The receiving environment against which the proposal is to be assessed includes:

(a) the existing environment and the effects of lawfully established activities;

(b) the effects of any consents on the site (that are not impacted by the proposal) that are likely to be implemented;

(c) the existing environment as modified by any resource consents granted in the locality and likely to be implemented; and

(d) the environment as likely to be modified by activities permitted by a District Plan (the Unitary Plan).

Existing Environment

221. The 'existing environment' is described in Paragraphs 20 – 43 of this document. In addition, the following resource consents form part of the existing environment:

- Resource consent approved for the neighbouring land at 11A and 11B Cheshire Street, authorising the construction of a 6-storey residential apartment building (R/LUC/2011/2932).
- Resource consent approved for 15-21 Cheshire Street, authorising the construction of a new 8 storey mixed use development (LUC60345268).

222. The activities reasonably anticipated within the Mixed Use Zone include a wide range of residential activities, as well as a variety of commercial and retail activities, together with entertainment, food-and-beverage and community activities.

223. The neighbouring Business – Mixed Use zoned land is overlain by the HVC, which provides for a permitted building height of up to 27m to the east and north of the site, and up to 32.5m to the northwest of the site (Carlaw Park).

224. Having regard to the above, this is the context against which it is appropriate to assess the effects of the proposed retirement village.

225. The structure of the following assessment addresses the consent matters with reference to the relevant matters that discretion has been restricted to, for:

- the new building(s), including the proposed infringements to the maximum building height standard, and associated signage; and
- the 'technical' and 'construction' related aspects of the proposal, which are associated with the site works (earthworks, contamination, groundwater diversion,

flooding and overland flow, construction noise and vibration), and the duration of the construction activity.

Matters of Discretion

H13.8.1(3) – New buildings

H13.8.1(3)(a) – The design and appearance of buildings in so far as it affects the existing and future amenity values of public streets and spaces used by significant numbers of people. This includes:

(i) the contribution that such buildings make to the attractiveness pleasantness and enclosure of the public space;

226. The corresponding assessment criteria for this matter of discretion refer to Policies H13.3(3)(a) and H13.3(3)(b), which are concerned with requiring new development to be of a quality and design that positively contributes to the planning and design outcomes for the zone, and the visual quality and interest of streets and other public open spaces. The Mixed Use Zone objectives articulate the planning and design outcomes sought in the zone, being the creation of moderate to high intensity residential activities with a high level of amenity.

227. The design and layout of the building arrangement has been developed to integrate and respond to the public streets that the subject site has frontage to. From Cheshire Street, the main entrance to the retirement village between Buildings A and B (as well as Building B itself) will appear as a modest, one to two storey building, with the frontage landscaping (and landscaping within the redesigned public car park area) contributing to the built form and providing a positive address to the 'front door'. From this perspective, the form of development (including the view of the taller building elements beyond) will appear typical of the established urban nature of Cheshire Street.

228. The Ngahere Terrace boundary, comprising a pedestrian pathway within an unformed road, is activated by the proposal with the southern face of Building B, the elevated central courtyard and (to a limited extent) the eastern facing units of Building C. This frontage to, and interface with, Ngahere Terrace, together with the proposed landscape and pedestrian amenity improvements within this part of the site, provides a combination of built form and activity presence, as well as improved CPTED through enhanced outlook, lighting and accessibility.

229. At the northern end of the site, the proposed buildings have been designed to interface with the reformed Waipapa Lane, which provides access to the site and public access to the adjacent train station and platforms (which extend southwards along the western boundary). The site layout and building design has been designed to positively respond to this 'public frontage', integrating the vehicular and pedestrian access to the train

station (and future northern pedestrian underpass) with the landscaping and plaza space within the site. This has been designed to encourage interaction and activity at the ground level with the publicly accessible spaces and activity, and upper level north facing units, fronting and overlooking the lane. This is supported by Boffa Miskell's Urban Design assessment (**Attachment 12**), which states "*the retirement village will integrate with the community and make a very significant contribution to the public realm and amenity of this part of Parnell, including the Parnell Rail Station."*[12]

230. The design and the relationship of the proposed buildings with the western train station platform and rail corridor, as well as the southern pedestrian underpass, have been developed to provide a westerly outlook, which addresses (rather than turning its back on) this outlook, and encompasses the Domain beyond. In doing so, the proposed design benefits the users of the train station platform and the southern pedestrian underpass (and the limited visibility from pathways within the Domain) with an attractive building design which is modulated in its form. The proposed buildings will significantly enhance the security of the train station platforms and this part of the Domain with beneficial overlooking and passive surveillance.

231. The contribution that the proposed buildings make to the attractiveness, pleasantness and enclosure of the rail corridor is summed up in the Landscape and Visual Effects Assessment (**Attachment 11**), which notes that, while commuters will generally have a low sensitivity to the nature of the proposal (considering their transient nature), "*the scale and form of the buildings proposed for the retirement village is considered to be entirely in keeping with the existing and expected future built context of the environment, including other 27m buildings. In its current state the site is desolate and unattractive; the introduction of a development with high quality architecture will improve the visual relationship between the rail station users and the site."*[13]

H13.8.1(3)(a)

(ii) the maintenance or enhancement of amenity for pedestrians using the public space or street;

232. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(3)(c). That sub-policy refers specifically to requiring development to be of a quality and design that positively contributes to pedestrian amenity, movement, safety and convenience for people of all ages and abilities (in addition to positively contributing to the planning and design outcomes for the Mixed Use Zone, and the visual quality and interest of streets and other public open spaces as assessed above).

[12] Urban Design Assessment, Page 21.
[13] Landscape Visual Effects Assessment, Page 32.

233. The design of the proposal has been undertaken in a manner that specifically addresses pedestrian amenity for neighbouring streets and public spaces. The cul-de-sac at the southern end of Cheshire Street is proposed to be reformed and redeveloped to enhance the current public parking arrangement and configuration, together with the introduction of pedestrian footpaths and various forms of landscaping to benefit the public users and the outlook of neighbouring properties. In this regard, the proposal will improve the usability of the street and footpath for all users.

234. Ngahere Terrace, and its connectivity with the Domain and the western train station platform, will be improved with the introduction of the new pathways proposed that will link Ngahere Terrace with the existing southern pedestrian underpass, which is to be supplemented with comprehensive landscaping (and lighting) adjacent. This space will also benefit from the overlooking of residents of the retirement village, thereby enhancing security and passive surveillance for users of this space.

235. Waipapa Lane is to be significantly enhanced with its reformation, regrading, and landscaped amenity (including lighting), and its improved integration with the train station and platform, and future connectivity with a northern underpass (proposed by AT). The northern plaza of the retirement village will provide further activation, and the orientation of the units overlooking this space will enhance its amenity. The design of the landscaping within the site (to the south of the lane) also incorporates a wind screen along a portion of the southern side of Waipapa Lane, as a complementary architectural element to protect pedestrians from the prevailing winds.

236. The nature of the proposed activity (Integrated Residential Development), being residential in nature, provides a 24/7 interface with the adjacent public realm, thereby contributing to its activation and passive security. The residential activity proposed is complementary to the existing predominantly residential activity in the neighbourhood.

H13.8.1(3)(a)

(iii) the provision of convenient and direct access between the street and building for people of all ages and abilities;

237. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(4), which is concerned with encouraging universal access for all new development, particularly when development is of medium to large scale.

238. Inherent to the nature of the proposal is the provision of suitable, convenient and direct access to the street for residents, visitors and staff. The proposal also improves the accessibility for the public to the train station, and makes provision in the design for a future northern pedestrian underpass (proposed by AT), as well as a northern pedestrian

connection to Heather Street. The proposal also improves the convenience of the current Ngahere Terrace connection with the Domain and the western rail platform.

239. Overall, the proposed access arrangements for the various retirement village buildings will appropriately respond to the constraints of the site, and will be convenient for residents and visitors of all ages and abilities.

H13.8.1(3)(a)

(iv) measures adopted for limiting the adverse visual effects of any blank walls along the frontage of the public space;

240. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(3)(a), which is concerned with quality design outcomes being of a high standard that enhances the quality of streets within the area and public open spaces.

241. The design of the proposed buildings fronting the streetscape addresses and activates these spaces, as well as the 'public' spaces located within the site. Where 'end' walls are necessary for structural design reasons, the materiality is proposed to be patterned / textured to provide for good amenity outlook for the immediate residents of the village, as well as for the wider views of these buildings, which will be seen in the context of a range of building elements in the foreground, as well as within the well-articulated form of the village setting.

H13.8.1(3)(a)

(v) the effectiveness of screening of car parking and service areas from the view of people using the public space;

242. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(7), which requires at-grade parking to be located and designed in such a manner as to avoid or mitigate adverse effects on pedestrian amenity and the streetscape.

243. Car parking is predominantly located within or beneath the proposed buildings within the site, except for several at-grade spaces in the northern taper. Undercroft spaces beneath Buildings C-F are obscured from view of the train station platforms by intervening landscaping (refer to Landscape Plans appended as **Attachment 5**).

244. The at-grade parking spaces within the northern taper of the site are physically separated from the 'public' space of the rail plaza, and the layout is interspersed with mature vegetation and back dropped (on the north-eastern boundary) with a landscaped retaining wall. This arrangement is effective in mitigating visual effects on pedestrian amenity and the amenity of the 'streetscape' of Waipapa Lane.

H13.8.1(3)(b) – The provision of floor to floor heights that will provide the flexibility of the space to be adaptable to a wide variety of use over time.

245. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(6), which encourages new buildings at the ground floor to be designed in a manner that is adaptable to a range of uses and allow activities to change over time.

246. The design and layout of the proposal is a purpose-built retirement village that will provide a mix of 'independent living' and 'care' facility accommodation in a non-institutional setting. The design of the retirement village is purposefully one of a residential aesthetic (as opposed to being commercial or health centric) and the floor to floor heights reflect the functional requirements of such a residential activity.

247. H13.8.1(3)(b) is concerned with ensuring that the design of new buildings within the Mixed Use Zone provide sufficient flexibility for tenancies to change over time (i.e. typical commercial / retail activities that require flexible fit-out options – including those which may change to residential over time). The proposal relates to a specific activity and is purposefully designed for such a form of accommodation.

248. Notwithstanding the above, the design of the floorplates for the proposed buildings will enable variation in fit-out and / or adaptation to suit the changing needs of residents, including the delivery of 'care' services to residents within ILUs.

H13.8.1(3)(c) – The extent of glazing provided on walls fronting public streets and public spaces and the benefits it provides in terms of:

(i) the attractiveness and pleasantness of the public space and the amenity for people using or passing through that space;

(ii) the degree of visibility that it provides between the public space and the building interior; and

(iii) the opportunities for passive surveillance of the street from the ground floor of buildings;

249. The corresponding assessment criteria for this matter of discretion refers to Policies H13.3(3)(a) and H13.3(3)(b), which are concerned with requiring new development to be of a quality and design that positively contributes to the planning and design outcomes for the zone, as well as contributing to the visual quality and interest of streets and other public open spaces.

250. The site has limited frontage to public streets. Building B, being the 'front door' to the village, has frontage to the cul-de-sac at the southern end of Cheshire Street. As shown in **Figure 23**, the façade of this building, albeit set back from the street frontage, incorporates an appropriate extent of glazing, with the placement and proportions

complementing the building materiality. Together with the frontage landscaping, the extent of glazing at this location contributes positively to the amenity of the streetscape.

Figure 23: View of the village main entrance from Cheshire Street (Source: Drawing 56).

251. The proposed buildings fronting Waipapa Lane are north facing and are to be occupied by ILUs, fronted with balconies. These facades are extensively glazed, with outlook over Waipapa Lane, the train station and the northern plaza, thereby enlivening the public space. The attractiveness and pleasantness of the public space and the amenity for people using or passing through is further enhanced by the activation of the northern plaza with the Wellness Centre and café / juice bar on the ground level of Building H.

252. Where the buildings face Ngahere Terrace and the walkway proposed between Ngahere Terrace and the southern pedestrian underpass, the south-eastern façade of Building B (albeit setback from the street boundary) contains extensive glazing, thereby providing outlook from the care suites towards the street / footpath. The orientation of Building C includes west and east facing units which will also activate and overlook Ngahere Terrace, the walkway, and the southern pedestrian underpass. Building C also includes a stair core on the southern elevation, and a picture window at ground level that will provide outlook from the ‘craft / residents’ activity room’ to the ‘public space’.

253. Overall, with regards to the outcomes sought by the provisions of the Business – Mixed Use Zone, the proposal achieves a high-level of glazing relative to the street frontages, and adjoining ‘public’ spaces, contributing to providing quality environments for those walking through, or in close-proximity to, the site, while also providing for visibility and interactivity between the various activities occurring on the site.

H13.8.1(3)(d) – The provision of verandas to provide weather protection in areas used, or likely to be used, by significant numbers of pedestrians

254. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(3)(c), which is concerned with the provision of sufficient levels of pedestrian amenity, movement, safety and convenience for people of all ages and abilities.

255. The proposed buildings do not adjoin or have direct frontage to a street. The zoning of the site and the neighbouring land is not subject to a standard requiring the provision of a veranda, and the existing (and approved) development along Cheshire Street and the neighbouring interconnecting streets do not provide verandas, with such a form of weather protection only available along stretches of Parnell Road.

256. The front entry to the retirement village from Cheshire Street is proposed to be provided with a porte-cochere for weather protection for visitor (and resident) drop off / pick up, which is suitable relative to the nature of the activity.

H13.8.1(3)(e) – The application of Crime Prevention through Environmental Design principles to the design and layout of buildings adjoining public spaces

257. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(3)(c), which is concerned with the provision of sufficient levels of pedestrian amenity, movement, safety and convenience for people of all ages and abilities.

258. With reference to Section 7.11 of the Urban Design Report prepared by Boffa Miskell (which in includes an assessment of CPTED matters) (**Attachment 12**), some areas of the site – particularly components of existing pedestrian pathways that provide access to Parnell train station, the southern rail underpass, and the Domain – currently exhibit elements that have the potential to cultivate an unsafe environment.

259. This current environment can be attributed to the subject site's (and surrounding) topography, and the relative lack of activity at night, both within the Domain and along the respective pedestrian connections to the train station.

260. As discussed in Boffa Miskell's Urban Design Report (**Attachment 12**), the proposal will significantly improve the CPTED qualities of the site, the surrounding streets, and 'public' spaces, as a result of the placement of the proposed buildings and their outlook, as well as the activation introduced with the 24/7 residential activity.

H13.8.1(3)(f) – The effects of [the] creation of new roads and / or service lanes on the matters listed above

261. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(3)(b), which is concerned with the contribution the proposal makes to the visual quality and interest of streets and other public open spaces.

262. The proposed reformation and reconfiguration of Cheshire Street and Waipapa Lane represent a significant improvement to the quality and amenity of these spaces. These spaces will be integrated with the proposed retirement village to contribute to the creation of visually interesting spaces enhanced by landscaping, and will be suitable for the nature and intensity of activity that they will service.

H13.8.1(3)(g) – The positive effects that landscaping, including required landscaping, on sites adjoining public spaces is able to contribute to the amenity values of the people using or passing through the public space

263. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(3)(c), which is concerned with the provision of sufficient levels of pedestrian amenity, movement, safety and convenience for people of all ages and abilities.

264. The proposed landscaping arrangements for the site have been comprehensively designed to integrate with the adjoining 'public' spaces, contributing to providing a high level of amenity both internally to the proposed retirement village and in locations that will be utilised and viewed by the public. Additionally, the landscaping scheme will result in a significant enhancement to the existing site, which is currently vacant and a low-amenity environment.

265. The enhancement of existing public connections through the northern and southern portions of the site between Parnell, Auckland Domain and Parnell Train Station has informed the layout of the proposal, with the landscaping scheme contributing towards integrating the retirement village with attractive spaces within the site that will encourage interactivity between the public and residents of the village.

266. The choice of planting, in terms of species, location and scale, has been carefully considered by specialist landscape designers to integrate the retirement village with those aspects of the development that will have public interfaces, including Waipapa Lane, the northern plaza, the village main entrance, and the pedestrian connection between Ngahere Terrace and the southern pedestrian underpass.

267. A component of the landscape design for Waipapa Lane is the inclusion of a wind screen on the southern side of the footpath, which is to be designed[14] as an architectural element, with sufficient porosity to mitigate wind effects while providing sufficient visibility (and connectivity) between the village and the footpath.

268. At the western edge of the site adjoining the rail corridor, the intervening space between the proposed buildings / the driveway and the site boundary are to be landscaped to soften views of the under croft spaces of the building.

[14] Preliminary concepts of this element have been developed, with the detailed design to be refined.

269. The improvement to the public connection between Ngahere Terrace and the existing southern pedestrian underpass will include an 'avenue' of trees before opening up to a central junction that offers pathway connections internally to the retirement village, the residual southern taper (which while not required will include a publicly accessible 'parkland space' and the retained and enhanced Waipapa Stream) and the underpass.

270. Overall, the proposed landscaping arrangements contribute positively to the landscaped character of the surrounding environment and will provide for a high level of amenity for residents of the retirement village and members of the public.

H13.8.1(3)(h) – Taking an integrated stormwater management approach

271. The corresponding assessment criteria for this matter of discretion refers to Policy E1.3(10), which requires an integrated stormwater management approach to be adopted having regard to a range of matters set out in the Policy.

272. The design and layout of the site has been developed following a comprehensive assessment of the existing infrastructure constraints and opportunities, including the presence of the 1% AEP flood plain and overland flow paths which traverse a large portion of the site, and the capacity and condition of the underground utility network.

273. In response to these conditions, an integrated stormwater management approach has been adopted (as set out in the Civil and Flood assessments (**Attachments 16** and **17**)), having regard to the sensitivity of the receiving environment, the capacity of existing utility network infrastructure, and the suitable management of overland flow and flooding on the site (i.e. to achieve a neutral outcome for the proposal so that flood hazards are not increased to neighbouring sites).

274. With regards to the assessments undertaken by Riley (as referenced above), the proposed retirement village will not result in exacerbated flooding effects to nearby properties in either the 10% or 1% AEP post-development scenarios. Post-development flood levels will be lower than (and in some cases will reduce) the pre-development levels to all upstream and downstream neighbouring properties.

275. The on-site stormwater treatment devices proposed will ensure contaminants are suitably removed from the system, as they relate to at-grade parking areas and manoeuvring areas, prior to being discharged to the network.

276. Enhancement riparian planting and weed removal is proposed along the portion of the Waipapa Stream that traverses the site to improve the amenity of the waterway. With reference to the Ecological Assessment (**Attachment 23**), there will be no detrimental change to the condition or function of Waipapa Stream resulting from the proposal.

277. The proposed integrated approach to stormwater management is the most appropriate for the site and the nature of the proposal.

H13.8.1(3)(i) – All the above matters to be assessed having regard to the outcomes set out in this Plan and the functional requirements of the activities that the buildings are intended to accommodate

278. The corresponding assessment criteria for this matter of discretion refers to Policy H13.3(3)(12), which is concerned with the recognition of the functional and operational requirements of activities and development.

279. The built form has been designed and located within the site to provide for the requirements of the 'permitted' activity, with the proposed buildings positioned in a manner to ensure that an appropriate level of amenity is provided in the form of outlook and outdoor living, while also ensuring good aspect and orientation. Such a layout also benefits the amenity of neighbouring properties with the relative separation of the proposed buildings from the common boundaries.

280. Provision has been made for functional and convenient access, and circulation to the respective parts of the site and the various levels of the buildings, with the buildings themselves and the access / parking arrangements being interconnected vertically and horizontally, as well as being readily accessible and connected with the Cheshire Street frontage, publicly accessible spaces, and the adjacent train station.

281. Overall, the design and layout of the building forms have been developed to incorporate the functional requirements of the activity in terms of access, accessibility, servicing, and the amenity of the occupants, staff and visitors. The related design and layout of the 'public' spaces (Waipapa Lane and connectivity to the train station, Cheshire Street cul-de-sac, and the Ngahere Terrace pathway connection) have all been developed relative to the nature of the users and the functionality and purpose of these spaces, while ensuring a high standard of amenity is created to enhance the experience of such environments.

H13.8.1(7) – Buildings that do not comply with Standard H13.6.1 Building Height

282. The matters for consideration, relevant to the infringement sought include:

(a) any policy which is relevant to the standard;

(b) the purpose of the standard;

(c) the effects of the infringement of the standard;

(d) the effects on the amenity of neighbouring sites;

(e) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(f) the characteristics of the development;

(g) any other matters specifically listed for the standard; and

(h) where more than one standard will be infringed, the effects of all infringements.

283. The corresponding assessment criteria refer to relevant Policies H13.3(3)(a), H13.3(3)(b), H13.3(8), H13.3(13), and H13.3(21) which provide:

(3) Require development to be of a quality and design that positively contributes to:

(a) planning and design outcomes identified in this Plan for the relevant zone;

(b) the visual quality and interest of streets and other public open spaces;

(8) Require development adjacent to residential zones […] to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing.

(13) In identified locations within the centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:

(a) is an efficient use of land;

(b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy;

(c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and

(d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.

(21) Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.

284. The purpose of the building height standard in the Business – Mixed Use Zone is:

H13.6.1. Building height

Purpose:

- *manage the effects of building height;*
- *manage shadowing effects of building height on public open space, excluding streets;*
- *manage visual dominance effects;*
- *allow an occupiable height component to the height limit, and an additional height for roof forms that enables design flexibility, to provide variation and interest in building form when viewed from the street;*
- *enable greater height in areas identified for intensification; and*

- *provide for variations to the standard zone height through the Height Variation Control, to recognise the character and amenity of particular areas and provide a transition in building scale to lower density zones.*

285. Applying the relevant policies and the stated purpose of the building height standard, proposals that seek to infringe this standard for new buildings should manage the potential effects arising from the exceedance of the standard, the shadowing effect on public open spaces, and the effects of dominance, overlooking and shadowing relative to the amenity values of neighbouring residentially zoned land.

286. The following assessment considers these matters relative to:

- the effects at the interface with neighbouring properties;
- the suitability of the proposed building height as it is arranged in the context of the characteristics of the site and the wider locality; and
- the suitability of distribution of height across the site, noting the site's attributes and the planning outcomes anticipated for the zone relative to the AUP framework.

Neighbouring THAB zoned land

287. As shown in **Figure 24** and **25**, the height of proposed Buildings B and C proximate to the neighbouring THAB zoned land (and the streetscape) is demonstrably consistent with that of a compliant built form, with the infringing aspects of these buildings relating to elements of the roofscape, which will not be readily appreciable relative to the outlook from neighbouring properties and the streetscape as a consequence of the land contour, distance (physical separation and intervening development), and the available outlook.

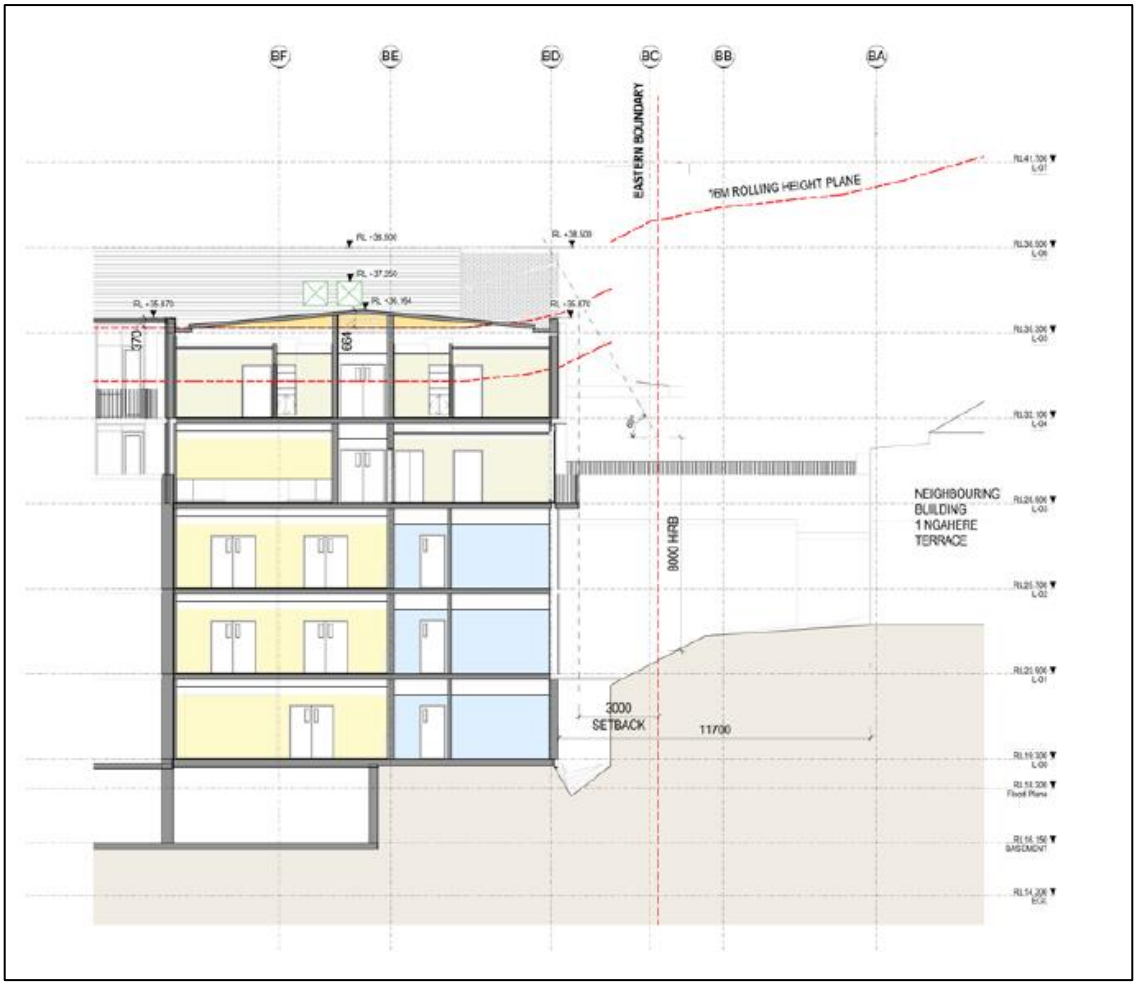

Figure 24: Cross-section through Building B and 1 Ngahere Terrace (Source: Drawing 55).

Figure 25: Height compliance diagram for 16m + 2m standard (Source: Drawing 64)

288. At the interface with the neighbouring THAB zoned land, the height of the proposed buildings will maintain the amenity values of those areas, and will not introduce effects of dominance or overlooking not otherwise anticipated with a compliant built form for an intensive residential activity envisaged and encouraged by the Mixed Use zoning of the land. The buildings at the THAB interface are compliant with the setback and height in relation to boundary standards. As demonstrated by the shadow diagrams (refer to Drawings 68 – 71 of **Attachment 10**), the proposal will not generate adverse shading effects to these neighbouring properties or the 'public' space.

289. With regards to the taller building elements (Buildings D, F, and H), which infringe the height standard by some 9m, these are substantially setback from the common boundary with the residentially zoned land to the south and southeast, and are buffered (physically and visually) by the intervening largely compliant built form in the foreground. Notwithstanding the distance over which these taller buildings will be visible, their orientation negates the prospect of any effect of overlooking or dominance to neighbouring properties, such that the amenity values of these areas are maintained.

290. As a consequence of the distance of the proposed buildings from the neighbouring boundaries, these taller building elements similarly do not introduce adverse shading effects, relative to that of a compliant building form.

Neighbouring Mixed Use zoned land to the east

291. As explained on Drawing 49 (Site Section A) of the Architectural Drawings (**Attachment 10**), the four level component of Building A is located some 10m from the neighbouring buildings in the Mixed Use Zone to the east, with the 6-level component of this building located some 18.6m from this interface. The 4-level component of this building complies with the height standard, with the roof and the upper level of the 6-level component partially infringing the height standard.

292. As with the relationship of Buildings B and C to the THAB zoned land, the outlook to this building from the neighbouring properties to the east is of a largely compliant building form, with the upper level infringements (on the western side of the building) not appreciable as a consequence of land contour and the intervening largely compliant building mass. The location and scale of this building (and its overall height) relative to the common boundary, is an appropriate response having regard to the amenity of the neighbouring sites, which are effectively built to the common boundary and currently reliant on the airspace of the subject site to achieve outlook from the residential units they contain. Comparatively, if the building were sited closer to the boundary (noting there is no yard or height to boundary control necessitating a setback), a similar scaled / height building to that proposed could be reasonably expected to be developed on the common boundary.

293. The physical separation of the building from the eastern boundary (together with the articulation of the building form) mitigates the effects of visual dominance to the neighbouring properties and does not generate any adverse shading effect.

294. In terms of the taller building elements proposed (Buildings D, F, and H), which infringe the height standard, these are substantially setback from the common boundary with the eastern neighbours and are interspersed with lower height building elements (Buildings E and G). The combination of the size of these taller building footprints and the crenulation of the building forms, together with the substantial setback, negates any prospect of building dominance or shading effects being generated, and maintains an appropriate and reasonable level of amenity for these neighbouring properties.

Neighbouring Mixed Use zoned land to the north

295. The neighbouring land to the north is separated from the northern most buildings (Buildings A and H) by the northern plaza and Waipapa Lane. Buildings A and H are 4-6 and 8 storeys respectively where they face the northern boundary, and are at a lower contour than the neighbouring land on the opposite side of Waipapa Lane, which rises to Cheshire Street with a difference in RL of some 13m. The comparative scale, proportion and height of buildings proposed, and the modulation and articulation they exhibit, together with the separation from the neighbouring properties to the north, will mitigate their potential visual dominance effect and maintain an appropriate and reasonable level of amenity.

Neighbouring Special Purpose and Open Space zoned land to the west

296. The neighbouring land to the west is occupied by the transport corridor, which includes areas of 'public' space in the form of the train station and associated platforms. Beyond the rail infrastructure to the west, the Domain is heavily vegetated with limited outlook towards the site. The buildings facing the western boundary are variable in height, with 3 of the buildings being 8 storeys tall (Buildings D, F, and H), interspersed with a combination of 3-4 storey buildings (Buildings E and G), and bookended at the southern end of this row of building with Building C, which is 5 storeys.

297. The three taller building elements (Buildings D, F and H) which infringe the permitted building height, together with the lower height building elements, combine to present a design that positively contributes to the visual quality and interest of the utility corridor and does not visually dominate this environment or the Domain beyond. The buildings are of a scale and form which readily assimilates with this context, and will not generate adverse shading effects relative to a compliant building form.

Wider Context

298. In the wider context, the overall building form and distribution of height has been developed having regard to the site's relationship with the surrounding landform, landscape character, and the existing and evolving urban context (including the existing and enabled[15] built forms) of Parnell, together with the relationship with the utility corridor, and the form and nature of the open space of the Domain.

299. In the wider context (which has been explained in the Landscaped Visual Effects Assessment prepared by Boffa Miskell (**Attachment 11**)), as a consequence of the visually constrained nature of the surrounding topography and associated built development, as well as the potential future development enabled by the Plan, there are relatively few viewing audiences that will have direct open views towards the proposed retirement village. From such a wider perspective where views may be available, the layout and modulation of built form will appear within the context of the existing dense urban grain of the Parnell area (largely zoned Mixed Use). The proposed layout of the retirement village, its height variation and architectural differentiation / articulation, combined with the more detailed design of the varying façades, will integrate the proposal with its established and still developing urban context.

300. Overall, the distribution and modulation of the proposed built form and the variance in the height of the proposed buildings, relative to the land contour and neighbouring built forms, will not appear out of character, or be prominent or incongruous in this environment. The scale and articulation of the built form is an appropriate response to the adjacent utility corridor and the vegetated nature and scale of the Domain beyond – both of which can accommodate development of the height proposed, noting that such a scale and height of buildings is a commonly occurring theme (in response to the enabling planning framework), where Mixed Use zoned land adjoins the transport network and large scale open space zoned land.

The Planning Framework

301. The height outcome sought is consistent with:

- the strategic direction promoted by the Auckland Plan – the long term strategic document which aims to guide Auckland's growth over the next 30 years; and
- the strategy of the Unitary Plan – being the framework that is intended to give effect to this strategy.

[15] The scale and intensity of development provided for by the Unitary Plan in the locality.

302. The use and development of the subject site for the proposed Integrated Residential Development activity, with the various building heights proposed, will contribute to achieving a quality compact urban environment, with increased housing supply, choice, and a diverse range of living options being provided which cater to the varied needs of the community to respond to forecast demand.

303. Both the Auckland Plan and the Unitary Plan recognise the importance of accommodating change. The need for the city of the future to be more compact means there must be innovation in the way that compactness can be achieved, while providing for an appropriate level of amenity, commensurate with the needs and requirements of the community. Relative to its context, this large, undeveloped site has unrealised potential to accommodate a reasonably intensive, comprehensively designed, quality development. The applicant's desire to ensure that such development occurs in a manner that responds to the site's potential, while being cognisant of the surrounding environment through the judicious layout of building forms with a variety of heights, responds to Council's vision for the future of Auckland's urban environment.

304. At its core, the Unitary Plan seeks to promote quality, compact development and intensification in appropriate locations to encourage the optimum use and development of available land and infrastructure resources, while constraining outward urban expansion. This approach is intended to provide for the efficient use of Auckland's existing land resource in urban areas, and to promote housing choice to meet the varied needs and lifestyles of Auckland's diverse and growing population. These outcomes are reflected in Chapter B2 of the Unitary Plan, and in particular B2.2 (Urban growth and form), B2.3 (A quality built environment), and B2.4 (Residential growth).

305. These outcomes are further reflected in the way in which the Unitary Plan provides for urban intensification across the region; specifically the approach to (and spatial arrangement of) zoning. In addition to the Plan providing for a range of residential zones that enable different housing types and intensities that are typically appropriate to the residential character of the area that they are applied to, the Plan includes the Mixed Use Zone, which is typically located around centres and along corridors served by public transport. It acts as a transition area, in terms of scale and activity, between residential areas and the Business – City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone. It also applies to areas where there is a need for a compatible mix of residential and employment activities.[16]

[16] Unitary Plan: H13.1 Mixed Use Zone description.

306. The extent to which the scale and design of the built form positively contributes to the planning outcomes for the Mixed Use Zone, and to the visual quality and interest of the streetscape (Policies H11.3(3)(a) and (b)), has been addressed in the preceding analysis. In summary, the contemporary architectural design will positively contribute to the visual quality of adjoining streets, both in respect of the ground level amenity for pedestrians, and in respect of the visibility of the upper levels of the buildings.

307. In making provision for a moderate to high level of intensity of activity (and enabling the development of intensive residential activities) in areas in close proximity to, or which can support the City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and the public transport network, greater building height than the standard zone height is enabled, having regard to whether the development:

(a) is an efficient use of land;

(b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy;

(c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and

(d) can be supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.[17]

308. In promoting and managing development at the intensity envisaged, the Mixed Use Zone requires development / activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on the amenity values of those areas. In doing so, the zone provisions (and the Plan provisions overall) do not prescribe a specific form of development, nor prohibit development which does not comply with the standards. On the contrary, the Mixed Use Zone provisions anticipate development of a greater scale and intensity in appropriate locations. Further to this, the zone provides for standards to be infringed, having regard to the purpose of the standard, the characteristics of the site, the effect of the infringement, and the related objectives and policies.[18]

309. Having regard to the context of the site, the design and layout of the proposal (relative to neighbouring properties), the relevant Unitary Plan provisions, and the effects arising from the proposed infringements to the building height standard, the proposal will generate effects on the environment which are consistent with those outcomes that can be reasonably anticipated. Specifically, the form and scale of the proposal is not incongruous or repugnant to the objectives and policies of the Mixed Use Zone, and aligns with those policies which address increased height opportunity.

[17] Unitary Plan H13.3(13).
[18] C1.9 Infringements to standards; Unitary Plan.

310. The design, scale and relationship of the proposed building form and location relative to the site's boundaries and immediate neighbouring development (and the relationship to buildings within the site) is such that the effects of shadowing and visual dominance are appropriately managed, while providing for variation and interest when viewed from the wider context, public places and the neighbouring streets in a way which will be consistent with the pattern of prevailing and anticipated development in the locality, and envisaged relative to the transport network and neighbouring open space.

311. Overall, the layout of the proposed buildings and their height relative to neighbouring properties does not generate adverse effects of visual dominance, overlooking or shading. The building setbacks, layout, separation, orientation and intervening landscaping appropriately mitigate such effects, compared to a compliant built form (which has been discussed in the above assessment and addressed specifically in the Landscape and Visual Effects Assessment (**Attachment 11**) and the Urban Design Assessment (**Attachment 12**)).

E7.8.1(6) – Diversion of groundwater

312. The relevant matters for consideration include the following:

E7.8.1(1)(a) – The effects on mana whenua values

E7.8.1(6) – Diversion of groundwater

(a) how the proposal will avoid, remedy and mitigate the adverse effects of the groundwater diverison, with regards to E7.8.1(6)(a)(i)-(xi);

(c) monitoring and reporting requirements incorporating, but not limited to the matters set out in E7.8.1(6)(c)(i)-(iv);

(d) the duration of the consent and the timing and nature of reviews of consent conditions;

(f) the requirement for a monitoring and contingency plan or contingency and remedial action plan.

313. The corresponding assessment criteria for the relevant matters of discretion identified above are E7.8.2(1), E7.8.2(6), and E7.8.2(10). These matters seek to address:

- *E7.8.2(1)(a) - the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated;*
- *E7.8.2(6) - Whether the proposal to take and use groundwater will monitor the effects of the take on the quality and quantity of the freshwater resources;*
- *E7.8.2(10) - Whether the proposal to divert groundwater will ensure that:*

(a) the proposal avoids, remedies or mitigates any adverse effects on:

(i) scheduled historic heritage places and scheduled sites; and

(ii) people and communities;

(b) the groundwater diversion does not cause or exacerbate any flooding;

(c) monitoring has been incorporated where appropriate, including:

(i) measurement and recording of water levels and pressures; and

(ii) measurement and recording of the movement of ground, buildings and other structures;

(d) mitigation has been incorporated where appropriate including:

(i) minimising the period where the excavation is open/unsealed;

(ii) use of low permeability perimeter walls and floors;

(iii) use of temporary and permanent systems to retain the excavation; and

(iv) re-injection of water to maintain groundwater pressure.

314. With reference to the Riley Geotechnical Assessment (**Attachment 20**), the temporary dewatering of groundwater required during excavation works, and the permanent dewatering and diversion of groundwater required following the construction of retaining walls and the basement, has been assessed, and the short and long-term effects of groundwater drawdown have been confirmed to be appropriate.

315. As outlined in the Riley assessment, a range of mitigation measures will be implemented to ensure that the development will not result in adverse effects beyond the site. In respect of the relevant matters of discretion contained in E7.8.1(6) and contained in Table 14 of the Geotechnical Assessment:

- The proposal will not adversely affect any existing lawful groundwater takes and diversions in the vicinity of the subject site (E7.8.1(6)(a)(iv)).
- The proposal will not adversely affect groundwater pressures, levels or flow paths (E7.8.1(6)(a)(v)).
- The proposal is not anticipated to result in adverse effects caused from ground settlement on any existing buildings, structures of services (E7.8.1(6)(a)(vi)).
- The proposal will not increase the risk of flooding on the subject site or any neighbouring upstream or downstream properties (E7.8.1(6)(a)(vii)).
- The proposal will not generate cumulative adverse effects as a result of the scale, number and location of groundwater diversions (E7.8.1(6)(a)(viii)).

- Any sediment laden discharges generated as a result of the proposed works will be managed through the Erosion & Sediment Control Plan (E7.8.1(6)(a)(ix)).
- A Groundwater and Settlement Monitoring and Contingency Plan (GSMCP) will be produced, which will outline monitoring requirements for settlement and groundwater. Regular monitoring of all existing piezometers around the subject site will be carried out leading up to , and during, construction to confirm groundwater levels and any remedial action (E7.8.1(6)(c)).

316. In respect of the relevant matters of discretion contained in E7.8.1(10), and addressed in Table 15 of the Geotechnical Assessment:
    - There are no scheduled historic heritage places or sites that will be affected by the proposal, and the assessments undertaken confirm that the proposal sufficiently avoids adverse effects on people and communities (E7.8.2(10)(a)).
    - The proposed groundwater diversion will not cause or exacerbate flooding on the site or neighbouring sites (E7.8.2(10)(b)).
    - Ongoing monitoring of groundwater levels is proposed and will be undertaken in accordance with a GSMCP (E7.8.2(10)(c)).
    - Appropriate mitigation will be incorporated into the design of the basement retaining walls to minimise unsealed excavation and retain where appropriate (E7.8.2(10)(d)).
317. In respect of E7.8.1(1)(a) the applicant has engaged with relevant iwi for the area (refer to Consultation Summary appended as **Attachment 3**), who at the time of lodgement, have not identified concerns in respect of this matter relative to mana whenua values.
318. As the proposed groundwater diversion and take will be a constant activity following construction, a consent duration of 35 years is sought by the applicant (the maximum period that can be sought).

E11.8.1(1) and E12.8.1(1) – Land Disturbance (District and Regional)

319. The relevant matters of discretion and associated assessment criteria for 'Regional' land disturbance under Chapter E11 relate to the degree to which compliance is achieved with the standards, the suitability of sediment and erosion control measures that are proposed, the adverse effects of land disturbance on any nearby water bodies, mana whenua values, staging, timing, duration, term of consent, and monitoring.
320. The matters of discretion and associated assessment criteria for 'District' land disturbance under E12 relate to the consideration of such earthworks activities in relation to the potential or actual adverse effects of noise, vibration, dust, odour,

lighting, traffic, the stability of land and buildings, overland flow paths and flooding, archaeological values, duration, staging of works, and monitoring.

321. As detailed in the Infrastructure Report (**Attachment 16**), to facilitate the construction of the proposal (including site re-contouring to achieve desired ground profiles, the basement and flood storage / conveyancing systems, and the creation of suitable gradients for access ways and building platforms), approximately 17,810m^2 of earthworks are required to be undertaken across the site, with a volume of 17,240m^3.

322. The proposed earthworks have been assessed by Riley and confirmed to generally comply with the relevant standards for undertaking such works. The matters of discretion concerning the stability of land and buildings, overland flow paths, archaeological values, management and staging of works, and monitoring, are addressed in Table 4 of the Infrastructure Report. Key conclusions of that report are:

- The potential instability of neighbouring land and buildings adjacent to cut areas within the site will be managed by either forming temporary stable cut slopes or temporary retaining / propping, prior to the construction of retaining walls, or the forming of top down retaining walls prior to excavation.
- The proposed excavation will not result in any changes to flood hazards beyond the site, with appropriate flood mitigation measures incorporated in the design.
- No archaeological values will be affected by the proposed earthworks.[19]
- The earthworks will be for a limited duration, and staged to minimise exposed areas, such that only those areas needing to be exposed will be open at any particular time.
- Measures will be implemented to control and monitor the effects associated with sediment transfer and water quality during the respective earthworks stages.

323. All site excavation works will be undertaken in accordance with Council's GD05 Erosion and Sediment Control Guidelines, with appropriate erosion and sediment controls implemented prior to excavation commencing and maintained throughout the relative staging of the works, including the implementation of a Sediment and Erosion Control Plan (ESCP), which will be prepared by the appointed contractor.

324. The ESCP will detail the construction methodology and the erosion and sediment controls that will be put in place prior to excavation commencing (and maintained throughout the duration of these works) to control dust and sediment effects (including suitable measures to prevent the discharge of sediment to Waipapa Stream), and will include those measures recommended in the Infrastructure Assessment.

[19] An Authority to Modify has been obtained from Heritage New Zealand and is appended as **Attachment 18**.

325. With regards to the above, the Ecological Effects Assessment appended as **Attachment 23** confirms that the proposed land disturbance works will appropriately avoid adverse effects on the ecological values of Waipapa Stream.

326. The applicant has engaged with relevant iwi for the area, who at the time of lodgement, have not identified concerns in respect of the proposed land disturbance works matter relative to mana whenua values.

327. Overall, with the measures proposed, the actual or potential effects of land disturbance will be appropriately managed.

E12.8.1(1)(b) – Effects of construction traffic

328. The matters concerning construction related traffic effects are addressed in the Traffic Assessment appended as **Attachment 13**.

329. With reference to the Draft Construction Traffic Management Plan (CTMP) appended to **Attachment 14**, construction vehicles will access / egress the subject site via Waipapa Lane (accessed from Cheshire Street). Truck manoeuvring will be contained within the subject site, with trucks entering and exiting the site in a forward direction. Vehicle movements will principally involve the delivery of fill and building supplies, the removal of contaminated materials, concrete pours and various trade vehicles.

330. Construction vehicle movements (and any temporary traffic management measures implemented during the construction period) will be managed (consistent with typical construction activities) by way of an approved CTMP, which will address the measures outlined in the draft Construction Traffic Management Plan (**Attachment 14)**.

331. Construction activity is anticipated to be undertaken over a typical period of 7.00am – 6.00pm Monday – Saturday. Sufficient parking will be made available on site for construction vehicles at all times during the construction period.

332. The draft CTMP identifies the need to temporarily remove a total of 13 general public on-street parking spaces located along the western side of Cheshire Street during the construction of the proposed retirement village. None of these on-street parking spaces are allocated to a specific property and a proportion are subject to P10 restrictions.

333. The temporary removal of on-street spaces to facilitate construction activity is not unusual, and is reasonable to facilitate the timely and efficient construction of new development anticipated by the zone. With the measures proposed, the adverse effects of construction traffic will be managed appropriately.

E12.8.1(1)(b) – Effects of construction noise and vibration[20]

334. The matters concerning construction related noise and vibration are addressed in the Noise and Vibration Assessment (NVA) prepared by WSP (**Attachment 21**), which identifies that construction noise is expected to exceed the permitted noise limits by 1-10dB relative to the residentially occupied properties located closest to the boundaries of the subject site, during the time that certain noisy construction activities are undertaken – including excavation / earthworks, bored piling and the compaction of fill.

335. To address the temporary effects of construction noise, a draft CNVMP has been prepared (**Attachment 22**), which details the practical measures that could be adopted to ensure noisy works are undertaken in an appropriate manner relative to the time of day, their duration and the best practicable option. These include:

- localised acoustic barriers installed proximate to or around noisy equipment (such as fixed plants, pumps and generators);
- physical attachments to construction machinery, such as a 'Duraflex' or 'Hushtec' concrete breaking and / or piling rig noise controlling device; and
- restrictions on the operation of certain noisy equipment to particular hours of the day and week when higher dB limits are permitted by the AUP.

336. The contractor appointed to undertake the construction of the proposal will confirm the best practicable methods to mitigate construction noise relative to the machinery required and the location and duration of such works, and this information will be included in the final version of the CNVMP, which will be submitted to Council for approval prior to earthworks / construction works commencing on the site.

337. The NVA confirms that the proposal will comply with the relevant vibration standards specified in E25.6.30(1)(a) for the duration of the construction works. As discussed in the NVA, *"the vibration levels generated by these activities are expected to readily comply with these standards for avoiding cosmetic damage of 10 mm/s for residential apartment and commercial buildings, and 5 mm/s for single dwellings (as outlined in DIN 4150-3, referenced by the AUP).*

338. With regards to E25.6.30(1)(b), where construction works are proposed in close proximity to neighbouring buildings (1-2 metres), vibration levels are predicted to exceed 2mm/s by up to 7.9mm/s. As set out in the NVA *"The occupants of neighbouring buildings will be consulted with, and informed as to the timing, duration etc of such activity, as per the management measures proposed in the draft CNVMP submitted with the resource consent application. With these measures in place, this level of vibration is not unreasonable and the process proposed is appropriate to*

[20] The following assessment also addresses the matters for discretion contained in E25.

manage the effects associated with the nature of such vibration, which cannot otherwise be practically mitigated".

339. As with the management of construction noise, construction vibration will be managed through the implementation of the final CNVMP, which will include various measures and processes to confirm compliance, and processes (including monitoring) and mitigation measures to be implemented in the event that non-compliances are identified. As discussed in the NVA, in such circumstances, *"the vibration effects associated with any exceedances can be managed through managerial mitigation measures such as neighbour liaison, reducing the hours which piling occurs close to properties, and the vibration methodology proposed in the AUP".*

340. The final CNVMP will include appropriate managerial and precautionary measures, including neighbour liaison, and the undertaking of pre and post building condition surveys of neighbouring buildings (where access is made available) to measure and provide for remediation (if necessary) of any related physical damage to neighbouring buildings as a result of the construction works.

341. Overall, having regard to the preceding analysis and the temporary nature of the works, and taking into account the management procedures that will be put in place, the noise and vibration generated during construction will be managed to a reasonable level.

E23.8.1 – Signs (Comprehensive Development Signage)

342. The assessment criteria for comprehensive development signage are concerned with the following four matters set out in E23.8.2(1)-(4):

E23.8.2(1) - Visual amenity, scale & location

E23.8.2(2) - Lighting and traffic and pedestrian safety

E23.8.2(3) - Duration of consent

E23.8.2(4) - Cumulative effects

343. The comprehensive development signage proposed for the retirement village is limited to identifying / naming the activity on the site. The scale and location of the proposed signage is appropriate to its context and will be contained within the profile of the building to which it is attached.

344. The signage will be viewed within the context of a Business – Mixed Use Zone urban environment, and will appear as a well-integrated element within the form and appearance of the subject site and proposed buildings.

345. The proposed signage does not contribute to any visual clutter. There is no reason to limit the duration of consent for the signage. The signage will not appear as a dominant or incongruous element, and is appropriate to the context of environment.

E30.7.1(1-21) – Disturbance of contaminated soils

346. The matters of discretion and associated assessment criteria relate to the adequacy of the DSI (**Attachment 7**), the need and adequacy of the Site Management Plan (SMP) and Remedial Action Plan (RAP), how the discharge will be managed and monitored, the physical constraints of the site and operational practicalities, and other matters including odour, vapour, groundwater, and contingency plans.

347. As required by E30.6.2.1, Riley has prepared a Draft SMP and RAP (**Attachment 19**), which set out the measures by which any potential impact to human health or the environment (as a result of the proposed soil disturbance) will be minimised and managed, including details on the appropriate handling and disposal of such soils.

348. The SMP details remediation strategies for materials deemed unsuitable to be re-used on site; provides guidance to the civil works contractors on the management and handling of contaminated soils and groundwater, including procedures for managing soil contaminants including asbestos; and requires worker training, PPE, monitoring and protection protocols relevant to gas and vapour risks during excavation works.

349. Additionally, a Site Validation Report (SVR) will be prepared and submitted to Council to confirm the results of any validation testing undertaken, details of any accidental discoveries and the actions taken, and details of any imported and exported soils. It is appropriate to include conditions of consent to require works to be undertaken in this manner, together with procedures if additional contamination is discovered.

350. Overall, with regards to the extent of works proposed, and the analysis set out in the DSI, the risks associated with the undertaking of earthworks (which will contain contaminated materials) can be appropriately managed.

E36.8.1 – Activities in the 1%annual exceedance probability (AEP) flood plain and in overland flows paths

351. As discussed in the Flooding and Infrastructure assessments prepared by Riley (**Attachment 16** and **17**), the proposed retirement village is to be constructed within areas subject to a 1% AEP floodplain and overland flow paths.

352. The Flooding and Infrastructure Reports respectively address the relevant matters of discretion and associated assessment criteria, and confirm that with the proposed flood mitigation measures, the proposal will not result in exacerbated flooding effects to other nearby properties in either the 10% or 1% AEP events, and that post-development flood levels (as modelled) will be lower than the pre-development levels, and in some cases

will reduce the modelled pre-development flood levels.[21] The assessment also confirms that, with the measures proposed, the activity can be suitably established on the site.

353. With regards to the above, the proposed retirement village has been designed to redirect all three of the overland flow paths through the site, with no change to the combined exit point. The point of entry of one of the existing overland flow paths (from Cheshire Street) will be relocated as a consequence of the proposed modifications to the Cheshire Street cul-de-sac. The relocation of the entry point from within the Cheshire Street road reserve will not implicate any adjacent property.

354. Overall, the specialist assessments confirm that with the measures proposed the effects of the proposed activities within the 1% AEP floodplain will be suitably managed.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 Matters

10(3)(a) – Adequacy of the Detailed Site Investigation

355. A DSI has been undertaken (**Attachment 7**) in accordance with the (NES-CS). The DSI is specific to the subject site and the proposed retirement village, and adequately characterises the nature of contaminants present on the site to enable a sufficient assessment of the adverse effects on human health to be undertaken.

10(3)(b) - The suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination

356. With the measures proposed to remove and/or manage / contain the material present, including the measures proposed to manage the prospect of landfill gas, the site will be suitable for the nature of the proposed activity.

10(3)(c)-(d) – How the activity must be managed, monitored, and reported on

357. The DSI identifies a number of potential exposure pathways (refer to Riley DSI Assessment appended as **Attachment 7**) which can be mitigated through the implementation of the particular controls contained in the SMP (**Attachment 19**) during the proposed land disturbance works.

358. The draft SMP has been developed to provide guidance to the civil works contractors regarding appropriate PPE, worker training, the handling and disposal or re-use of contaminated soils, and unexpected contamination discovery protocols. A preliminary draft of the SMP was provided to Council prior to lodgement and feedback has been incorporated to address the matters raised.

[21] The existing flood levels relating to the properties located at 41, 43, 45 & 47 Gibraltar Crescent that have been modelled to be 'flood prone' during a 1% AEP flood event are predicted to be less prone to flood risk following construction of the development, with flood levels to these properties during a 1% AEP flood event expected to be reduced by 90-140mm.

359. Contractors will be required to actively monitor the land disturbance works for indicators of contamination or hazardous materials, and implement the actions set out within the draft SMP in consultation with a suitably qualified and experienced practitioner, should such material be identified during the works, and a final version of the SVR will be prepared following the completion of the works.

360. These measures (which are consistent with standard practices) will be implemented and are considered to be sufficient to ensure the protection of human health for the duration of the proposed land disturbance works.

10(3)(e) – Transport, disposal, and tracking of soil and other materials

361. The draft SMP confirms that contaminated soils from the proposed land disturbance works will be required to be disposed of at appropriately licensed landfills. Landfill acceptance of excavated material will be obtained prior to works commencing and the appointed contractor will retain copies of all disposal receipts / documentation.

362. As set out in Section 6.1 of the draft SMP, the excavation, handling and off-site removal of excavated material is proposed to be managed as follows:

- Materials requiring disposal to a licensed landfill or reuse at another commercial location will be loaded directly into trucks where possible (limiting stockpiling) to ensure control and containment of spills or runoff.
- Soils that exceed the NES-CS soil contaminant standards for high-density residential and/or outdoor worker (unpaved) land use scenarios will not be reused within the top half metre of areas intended for landscaping purpose. Testing of soils for this purpose will be undertaken to ensure these standards are met.
- Site soils loaded onto trucks will be dampened and covered before leaving the site and any soils brushed off wheels to avoid tracking onto public roads.
- Tracking documentation for all excavated soils and materials disposed off-site, including weighbridge tonnage, will be held by the contractor and provided to the Contaminated Land Specialist for preparation of the SVR on completion of the development.

363. These measures are sufficient to ensure that the transport, disposal, and tracing of soil and other materials will be appropriately managed to protect human health.

10(3)(g) – Timing and nature of the review of the conditions in the resource consent

364. Other than the limitations proposed to manage construction activity noise effects, it is not considered necessary (or appropriate) to limit the timing and duration of the land disturbance works or impose any review conditions in respect of these matters.

10(3)(h) – Duration of the resource consent

365. The nature of the proposed land disturbance works is to be undertaken in stages. Coincident with the resource consent period sought, it is appropriate that the duration period for land required to be disturbed be consistent, i.e. a period of 7 years.

NOTIFICATION ASSESSMENT

Section 95A – Public Notification of Consent Applications

366. The matters to be considered by the consent authority when deciding whether or not to publicly notify an application are set out in Section 95A of the RMA:

Step 1: Mandatory public notification in certain circumstances

367. *Determine whether the application meets any of the criteria set out in subsection (3):*

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to Step 2.

368. *The criteria for Step 1 are as follows:*

(a) the applicant has requested that the application be publicly notified:

(b) public notification is required under section 95C:

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

369. In respect of the above, the applicant requests the application be publicly notified.

370. In developing the proposal, the applicant has undertaken extensive consultation with key stakeholders that have an interest in the site and development, and with neighbouring properties and iwi where availability, timing and willingness to participate has permitted.

371. As a consequence of the global COVID-19 pandemic, a proportion of this consultation has, by necessity, been undertaken by virtual meetings, and has occurred over an extended period of time. Those parties with whom consultation has occurred are detailed in the Consultation Summary appended as **Attachment 3**. Following consultation, letters of support (or support in principle) have been provided from the following parties, and these are appended to the Consultation Summary:

- KiwiRail Holdings Limited;
- Auckland Transport;
- Auckland War Memorial Museum;
- Auckland Domain Committee
- Parnell Business Association;
- Mex Cheshire Limited.

SECTION 104 ASSESSMENT

372. Subject to Part 2 of the RMA, when considering an application for resource consent the Council must, in accordance with section 104(1) of the RMA, have regard to:

> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provision of -*
>
> *(i) a national environmental standard:*
>
> *(ii) other regulations:*
>
> *(iii) a national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*
>
> *(v) a regional policy statement or proposed regional policy statement:*
>
> *(vi) a plan or proposed plan; and*
>
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

373. With reference to the Controlled Activity consent that is required under Rule E30.4.1(A6), section 104A of the RMA requires that after considering an application for a resource consent for a Controlled Activity, a consent authority:

> (a) *must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and*
>
> *(b) may impose conditions on the consent under section 108 only for those matters—*
>
> *(i) over which control is reserved in national environmental standards or other regulations; or*
>
> *(ii) over which it has reserved its control in its plan or proposed plan.*

374. In respect of an application for a Restricted Discretionary activity, section 104C of the RMA states:

> *(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*
>
> *(a) a discretion is restricted in national environmental standards or other regulations:*

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

(2) The consent authority may grant or refuse the application.

(3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—

(a) a discretion is restricted in national environmental standards or other regulations:

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

Any actual or potential effects on the environment of allowing the activity (s104(1)(a))

375. An assessment of the actual and potential adverse effects of the proposal relative to the matters to which control and discretion have been restricted has been undertaken above. The conclusion, derived from the assessment undertaken, is that the effects of the proposal are suitable and appropriate and that resource consent can be granted.

376. The proposal will also have the positive effect of providing high quality assisted living for Auckland's increasing elderly population. The design of the village integrates with the environment and will achieve the outcomes envisaged by the Mixed Use Zone.

377. The proposal will positively maintain and reinforce local community connections for residents and their families, as people who reside in retirement villages typically transfer from a catchment of a few kilometres, allowing residents to maintain their circle or convenience / familiarity with friends, family, commercial and social services.

378. The retirement village has been designed to become a long-term built component of the local Parnell community, and will provide residents and their families with opportunities to be an integral part of the neighbourhood, thereby contributing to the individual and collective social and physical wellbeing of the Parnell community.

379. Further positive effects of the proposed retirement village include:

- The retirement village will provide high quality living options in an environment that offers a continuum of care, from 'independent living' through to 24-hour 'assisted living' in a secure environment, all within the same site.
- As the retirement village will offer a full range of living and care options, residents can 'age in place' without moving from neighbourhood to neighbourhood. This also allows elderly couples to remain close to each other despite any differences in the level of care that they need individually.

- The proposal seeks to provide a comprehensively designed retirement village which will contribute to the provision of high quality housing choices in a location that is identified as suitable for accommodating a greater intensity of activity.
- With the provision of new and enhanced public spaces, the proposed built form will be delivered in a manner that will provide tangible benefit to the Parnell community and the wider Auckland environment.
- The proposal provides for the efficient use of the existing physical land resource, in a manner which optimises the available site area.
- In addition to providing high quality living for the residents which is cognisant of its surrounding environment, the proposal also frees up housing and residential sites once occupied by those residents. This provides an opportunity for greater intensification of those sites, either through occupation by larger families or through further development. In this regard, the creation of a retirement village in the community positively contributes to the availability of land and buildings for intensification generally within the urban environment.
- The proposal is predicted to reduce pre-existing flood levels to neighbouring properties located south of the site, within Gibraltar Crescent, such that the risk of these properties becoming inundated during severe storm / flood events is reduced as a result of the proposed flood mitigation system.
- The design of the proposal improves the connectivity to the Parnell rain station, with the reformation and regrading of Waipapa Lane to incorporate two-way vehicle access, dedicated pick up/drop spaces, and improved pedestrian amenity.
- The design makes provision for the future prospect of a northern underpass (proposed by AT) to improve connectivity between Parnell and the city via the site to the western side of the rail line, and through to the city.
- The proposal improves the amenity of the Cheshire Street cul-de-sac, and streetscape amenity with the introduction of improved footpaths and landscaping.
- The proposal improves the safety and amenity of the connection between Ngahere Terrace and the southern underpass (and the Domain) with the enhancement of the existing walkway.

Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment (s104(1)(ab))

380. There are no measures proposed or required to offset or compensate for any adverse effects on the environment.

Any relevant provisions of a National Environmental Standard, Other Regulations, National, Regional or Coastal Policy Statements (s104(1)(b)(i-v))

381. Section 104(1)(b)(i-v) of the Act requires that, when considering an application for resource consent, Council shall have regard to relevant provisions of National Environmental Standards, other Regulations, and any Policy Statements.

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

382. The proposed retirement village has been assessed with reference to the relevant objectives and policies of the NES-CS.

383. Having regard to the assessment and associated DSI undertaken by Riley in respect of the nature of the contaminants that are present on the subject site, and having regard to the preceding analysis, the measures that are proposed to be implemented are considered to be appropriate to ensure that the potential adverse effects of the proposal on human health are suitably managed.

384. There are no physical constraints or operational practicalities which affect the proposed management of potential contaminants. The nature and extent of potential contaminants is such that the standards for the management of the site, together with the disposal of any contaminated soils, will be readily achievable. Overall, the proposal is considered to consistent with the outcomes sought to be achieved by the NES-CS.

National Policy Statement on Urban Development 2020 (NPS-UD)

385. The NPS-UD came into effect on 20 August 2020. The NPS-UD applies to planning decisions by any local authority that affect an urban environment.

386. The NPS-UD directs decision makers to give effect to the objectives and policies of the NPS-UD, which recognise the national significance of:

- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- providing sufficient development capacity to meet the different needs of people and communities.

387. The aim of this NPS is to ensure that planning decisions enable the sufficient supply of housing that is needed to meet demand, and improve the general affordability of housing around the country. Auckland is identified by the NPS-UD as being located within a Tier 1 high-growth urban environment.

388. The objectives and policies that are relevant to the proposal are:

Objectives

- **Objective 1:** New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- **Objective 2:** Planning decisions improve housing affordability by supporting competitive land and development markets.
- **Objective 3:** Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:
  (a) the area is in or near a centre zone or other area with many employment opportunities
  (b) the area is well-serviced by existing or planned public transport
  (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.
- **Objective 4:** New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- **Objective 6:** Local authority decisions on urban development that affect urban environments are:
  (a) integrated with infrastructure planning and funding decisions; and
  (b) strategic over the medium term and long term; and
  (c) responsive, particularly in relation to proposals that would supply significant development capacity.

Policies

- **Policy 1:** Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
  (a) have or enable a variety of homes that:
    (i) meet the needs, in terms of type, price, and location, of different households; and
    (ii) enable Māori to express their cultural traditions and norms; and
  (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
  (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change.

- **Policy 3:** In relation to tier 1 urban environments, regional policy statements and district plans enable:

  (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and

  (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

  (c) building heights of [at] least 6 storeys within at least a walkable catchment of the following:

    (i) existing and planned rapid transit stops

    (ii) the edge of city centre zones

    (iii) the edge of metropolitan centre zones; and

    …

- **Policy 6:** When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

  (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

  (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

    (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

    (ii) are not, of themselves, an adverse effect

  (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

  (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

389. The NPS directs that the Council must ensure that the development outcomes for zones in its tier 1 urban environments are consistent with the outcomes required by Policy 3.

390. Overall, the NPS-UD supports urban intensification to meet housing demand and enable all people and communities to be able to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

391. The site is located within an environment classified as a tier 1 urban environment, where development of at least 6 storeys is envisaged and required to be enabled. The proposal seeks consent to construct and operate a retirement village that can provide accommodation for up to 530 elderly residents, utilising the land available in an efficient manner while ensuring a high quality outcome.

392. The proposed retirement village includes a variety of accommodation typologies, with good accessibility and connectivity to services, transport, and open spaces. The proposal will provide for social and economic wellbeing through the provision of a diverse range of accommodation for the elderly population, which in turn will free-up existing housing stock and therefore assist with fulfilling housing demand in Auckland.

393. The scale and form of development proposed is appropriate in relation to the context of the site and the surrounding urban environment, and is consistent with the outcomes required by the NPS-UD.

National Policy Statement for Freshwater Management 2020 (NPS-FM 2020)

394. The NPS-FM 2020 came into effect on 3 September 2020 and replaced the NPS-FM 2014.The NPS-FM 2020 sets out the objectives and policies for freshwater management under the RMA.

395. The NPS-2020 provides local authorities with an updated direction on how to manage freshwater in a way that gives effect to Te Mana o te Wai, including new requirements for improving (and avoiding degradation of) the quality of streams.

396. The objective and policies that are relevant to the proposal are:

- **Objective 1:** The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

  (a) first, the health and well-being of water bodies and freshwater ecosystems

  (b) second, the health needs of people (such as drinking water)

  (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

- **Policy 1:** Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- **Policy 2**: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.
- **Policy 3**: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- **Policy 5:** Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.
- **Policy 9**: The habitats of indigenous freshwater species are protected.
- **Policy 13**: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.
- **Policy 14**: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.
- **Policy 15**: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

397. The proposal has been assessed with reference to the relevant objectives and policies of the NPS-FM 2020, and is considered to be consistent with the outcomes that are sought in resect of freshwater management:

- No changes are sought to Waipapa Stream within the southern taper of the site (except for enhancement planting and the removal of weed species).
- The proposed landscaping and removal of weed species adjacent to the Waipapa Stream will continue to protect the health and mauri of the Stream, and in doing so, protect the health and well-being of the wider environment.
- Best practice sediment and erosion control measures will be adopted to ensure that contaminants are not discharged into Waipapa Stream.
- An Ecological Effects Assessment has been undertaken, which confirms the proposal will adequately avoid adverse effects on the stream's ecological values.
- The life-supporting capacity, ecosystem processes and indigenous species (including their associated ecosystems) of the Waipapa Stream will be maintained.

- Summerset is committed to ongoing engagement with tangata whenua in respect of managing the freshwater values of the Waipapa Stream.

398. Overall, the proposal is considered to be consistent with the outcomes sought to be achieved by the NPS-FM 2020.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW)

399. A further instrument forming part of the 'Action for Healthy Waterways' reforms is the NES-FW, which also comes into effect on 3 September 2020. The NES-FW regulates certain activities that pose risks to freshwater and freshwater ecosystems.

400. With regards to the proposal, the relevant standards of the NES-FW relate to the protection of urban and rural streams from in-filling. No filling or changes are proposed to Waipapa Stream within the southern taper of the site (except for enhancement planting and the removal of weed species).

401. No other standards of the NES-FW are considered to be relevant to the proposal. No consents are required under the NES-FW. Overall, the proposal is consistent with the NES-FW.

Unitary Plan - Regional Policy Statement (RPS)

402. Chapter B of the Unitary Plan sets out the strategic framework for the identified issues of significance, and resultant priorities and outcomes sought by the Plan. Chapter B contains matters related to environmental protection such as urban growth and form, infrastructure, transport and energy, natural resources, environmental risk, and mana whenua, together with a suite of specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region. These are all identified as issues of regional significance (B1.4.(1)), and need to be considered collectively.

403. The strategic premise of the Unitary Plan provisions (as reflected in the RPS) is focussed on providing for Auckland's growing population in a manner that ensures quality of life and the sustainable management of resources with the integrated planning of land use, infrastructure and development. This is achieved by balancing the demand for housing with the provision of necessary physical and social infrastructure, while ensuring appropriate consideration is also given to the characteristics of value to the community.

404. The Unitary Plan promotes compact development and intensification in appropriate locations to make optimum use of available land and infrastructure resources (as opposed to continuous outward urban expansion). The quality compact model that the

Unitary Plan adopts encourages growth in neighbourhoods where it can be sustained, while recognising matters such as character, identity and heritage. Such an approach seeks to manage and provide for growth in a way which optimises the efficient use of Auckland's existing urban areas, and in doing so provides and promotes housing choice. These outcomes are reflected in Chapter B2 of the Unitary Plan, and in particular B2.2 (Urban growth and form), B2.3 (A quality built environment), and B2.4 (Residential growth).

405. These overarching objectives and policies are concerned with managing Auckland's urban areas over the next 30 years, with a primary focus of providing housing choice and affordability, and residential growth and intensification (so as to meet the varied needs and lifestyles of Auckland's diverse, growing and aging population) on land suitable for urbanisation where it can be sustained. This includes encouraging (rather than precluding) intensification within established and developing neighbourhoods where it can be demonstrated that the design response to the neighbourhood context (including the planned future context) can address and integrate with the appreciable qualities and physical characteristics of the site and surrounding area.

406. The proposed use and development of the subject site for an Integrated Residential Development is inherently consistent with the overarching vision of the Regional Policy Statement, which supports the optimisation of the intrinsic qualities of a site to contribute to the provision of a sufficient supply and diverse range of accommodation to meet the housing needs of people and communities, including those with special housing needs (such as the elderly).

407. The locational attributes of the proposal, and its proximity to infrastructure (public transport), open space, and commercial and social networks combine to form an efficient and integrated land use.

408. There are no other relevant documents to consider under Section 104(1)(b)(i-v)).

Any relevant provisions of a Plan or Proposed Plan (s104(1)(b)(vi))

409. Section 104(1)(b)(vi) requires that when considering an application for resource consent, the Council shall have regard to any relevant Plans or Proposed Plans.

Auckland Unitary Plan (Operative in Part)

410. The following provides an assessment of the proposal in relation to the relevant objectives and policies of the Unitary Plan. Those objectives and policies relevant to the proposal are:

- Chapter H13 – Business – Mixed Use Zone
- Chapter E1 – Water Quality and Integrated Management

- Chapters E11 and E12 – Land Disturbance (Regional and District)
- Chapter E23 – Signs (Comprehensive Development Signage)
- Chapter E25 – Noise and Vibration
- Chapter E30 – Contaminated Land
- Chapter E36 – Natural Hazards and Flooding

411. The above chapters are assessed in turn below:

Chapter H13 – Business – Mixed Use Zone

412. The objectives for the business zones generally seek to enable a strong network of centres at a variety of scales (Objective H13.2(1)), providing for development of a form, scale and design that reinforces centres as focal points for the community (Objective H13.2(2)) and positively contributes to creating a sense of place (Objective H13.2(3)). The objectives also seek to provide for a clear network of centres which provide a framework and context to the functioning of the urban area and its transport network (Objective H13.2(5)).

413. The Mixed Use Zone description explains that the zone is typically located around centres and along corridors well served by public transport. These specific locations enable the delivery of outcomes sought by the zone, i.e. moderate to high intensity residential and employment activities in close proximity to town centre zones and the public transport network (Objective H13.2(6)), in a way which does not compromise the role, function and amenity of the 'Centre' zones (Objective H13.2(7)) while enabling a mixture of compatible residential and non-residential activities (Objective H13.2(8)) and a high level of amenity in the Mixed Use Zone (Objective H13.2(9)).

414. These outcomes articulated in the Mixed Use Zone objectives are supported by policies that enable and encourage an increase in the density, diversity and quality of housing (Policy H13.3(2)), while seeking that development:

- is of a quality and design that positively contributes to the planning and design outcomes for the zone, the visual quality and interest of streets, pedestrian amenity, movement, safety and convenience for all ages and abilities (Policy H13.3(3)); and
- encourages universal access, particularly for medium to large scale development (Policy H13.3(4)).

415. The policies also require that large-scale development be of a design quality that is commensurate with its prominence and visual effects (Policy H13.3(5)). Furthermore, the policies require at grade parking to be located and designed to avoid or mitigate adverse effects on pedestrian amenity (Policy H13.3(7)); and that development adjacent

to residential zones maintains the amenity values of those areas, having regard to dominance, overlooking and shadowing (Policy H13.3(8)).

416. The policies specifically seek to enable intensive residential activities (Policy H13.3(18)), and to promote and manage development to a standard that recognises the moderate scale, intensity and diversity of business, social and cultural activities. Development that gives effect to the policies should recognise the increase in residential density provided for while avoiding significant adverse effects on residents (Policy H13.3(20)) and, where adjacent to residential zones, avoid, remedy or mitigate adverse effects on amenity values of those areas (Policy H13.3(21)).

417. The proposed retirement village is provided for as a Permitted Activity (Integrated Residential Development), being an activity that is specifically envisaged and encouraged in the Mixed Use Zone to contribute towards providing housing diversity and provide for the intensity of activity promoted by the zone. The extent to which the proposal gives effect to the majority of the above policies has been considered in detail in the matters of discretion assessment above.

418. The design and layout of the site and the scale and positioning of the built form has been developed cognisant of its context and surrounding land form, and will maintain the amenity values attributable to the adjoining residential areas, without generating adverse effects of dominance, overlooking and shadowing.

419. The proposed built form (and integral site-wide landscaping) positively responds to the adjacent streetscape(s), and the neighbouring public spaces, and those 'public spaces' which are provided for within the site as an inherent component of the overall development, with a high quality built form.

420. Overall, with regards to the above, the proposal overall is considered to be consistent with the outcomes anticipated by the objectives and policies for the Mixed Use Zone.

Chapter E1 – Water quality and integrated management

421. The objectives are concerned with:

- maintaining and improving freshwater and sediment quality (Objective E1.2(1));
- ensuring that the mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua (Objective E1.2(2)); and
- directing that stormwater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality (Objective E1.2(3)).

422. The policies seek to minimise or mitigate new adverse effects of stormwater runoff (Policy E1.2(9)) through the consideration and adoption of an integrated stormwater management approach (Policy E1.2(10)). Overall, they are intended to ensure that:

- adverse effects of stormwater diversions and discharges are avoided, minimised or mitigated (Policy E1.2(11));
- stormwater quality will be achieved on-site (Policy E1.2(13); and
- the best practicable option to minimise the adverse effects of stormwater discharges is adopted (Policy E1.2(14)).

423. The proposal will result in a 3,236m^2 increase in the impervious surface area on the site, resulting in a peak increase runoff of approximately 32l/s. The Infrastructure Report (**Attachment 16**) confirms this can be sufficiently accommodated by the upgrades proposed to the reticulated network, and sufficient stormwater treatment / quality control is proposed to remove contaminants from stormwater flows.

424. The Ecological Effects Assessment (**Attachment 23**) confirms that suitable erosion and sediment control measures are proposed that will be implemented during the construction of the retirement village to prevent the discharge of sediment to Waipapa Stream and avoid adverse effects on the stream's ecological values.

425. Overall, having regard to the integrated measures proposed, the proposal is consistent with the relevant objectives and policies of Chapter E1.

Chapter E2 – Water quantity, allocation, and use (groundwater)

426. These objectives and policies are concerned with the management of water resources to meet current and future water needs for social, cultural, and economic purposes (Objective E2.2(2)).

427. In respect of proposals which seek to divert groundwater, the policies are concerned with avoiding, remedying and mitigating adverse effects to people and communities (Policy E2.3(23)(a), and not causing or exacerbating flooding (Policy E2.3(23)(b). Where a diversion or take is proposed, appropriate monitoring of groundwater levels and pressures, including the movement of ground, buildings and other structures, is to be undertaken where appropriate and, where appropriate, mitigation is to be incorporated into the proposal (Policy E2.3(23)(c-d).

428. The proposal is consistent with the outcomes that the objectives and policies are concerned with. Dewatering is required during construction and on a permanent basis in respect of the basement and retaining of the site. The analysis confirms that the proposal will not result in adverse effects to neighbouring properties or exacerbate

flooding. Ongoing monitoring is proposed to occur as part of the development of the site and appropriate mitigation has been incorporated into the proposal.

Chapter E11 and E12 – Land disturbance – Regional and District

429. The relevant objectives that relate to land disturbance provide for works to occur while protecting the safety of people and avoiding, remedying and mitigating adverse effects on the environment (Objectives E11.2(1) and E12.2(1)), minimising sediment runoff (Objective E11.2(2)) and achieving soil conservation (Objective E11.2(3)).

430. The policies seek to give effect to these objectives by managing land disturbance to retain soil and sediment and using best practicable options (Policy E11.3(2)). E12.3(2) seeks to manage the amount of land being disturbed at any one time, to:

(a) avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;

(b) avoid, remedy or mitigate adverse effects on accidentally discovered sensitive material; and

(c) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.

431. The policies enable land disturbance for a range of activities to provide for social, economic and cultural well-being (Policies E11.3(4) and E12.3(3)), while managing the impact on Mana Whenua cultural heritage (Policy E12.3(4)), ensuring land disturbance is undertaken in a manner that recognises environmental constraints and opportunities (Policies E11.3(5) and E12.3(5)), and ensuring the stability and safety of surrounding land, buildings and structures (Policies E11.3(6) and E12.3(6)).

432. With regards to the above, the land disturbance proposed to be undertaken on the subject site will be managed through the implementation of a suite of erosion and sediment control measures, appropriate to the extent of works proposed and the context of environment. All earthworks will be undertaken in accordance with Auckland Council's GD05 best practice document. Overall, the proposal is consistent with the objectives and policies for land disturbance.

Chapter E23 – Signs (Comprehensive Development Signage)

433. With regard to the objectives and policies that relate to comprehensive development signage:

- the signage proposed will contribute to the social and economic well-being of people by providing identification / site naming information (Objective E23.2(1));

- the signage is designed and located to relate positively to the architectural features of the building and landscape elements (Objective E23.2(2)) and Policy E23.2(2)); and
- the signage will avoid creating clutter or dominating the building or the surrounding environment (Policy E23.3.(3)).

Chapter E25 – Noise and vibration

434. The relevant objectives are concerned with protecting people from unreasonable levels of noise and vibration, including the amenity values of nearby residential zones – and particularly at night, while acknowledging that construction activities that cannot meet noise and vibration standards are still enabled where the duration, frequency and timing of such works are controlled to manage adverse effects (Objectives E25.2(1, 2 and 4)).

435. These objectives are to be achieved by requiring activities to minimise (where practicable) noise and vibration at its source or on the site from which it is generated (Policy E25.3(2)), and to avoid, remedy or mitigate the effects of noise and vibration from construction, maintenance and demolition, while having regard to the sensitivity of the receiving environment, the duration and hours of operation and the practicability of complying with noise and vibration standards (Policies 25.3(10)).

436. Relative to the nature of prospective infringements during construction of the proposal, the approach taken in respect of managing the works is consistent with the outcomes envisaged by the objectives and policies, such that the effects will be minimised as best as practically possible and managed appropriately through the implementation of an approved CNVMP. A draft CNVMP has been prepared as part of this application and a final version will be submitted to Council for approval.

Chapter E30 – Contaminated land

437. The Unitary Plan seeks that the discharge of contaminants from contaminated land into the air, or into water, or onto or into land is sufficiently managed to protect the environment and human health in an appropriate manner and to enable land to be used for suitable activities now and in the future (Objective E30.2(1)).

438. This objective is to be achieved by requiring any use or development of land containing elevated levels of contaminants resulting in discharges to air, land or water to manage or remediate the contamination to a suitable level (Policy E30.3(2)).

439. Having regard to the analysis prepared by Riley, and the nature of the contaminants that are present on the site, specific site management measures are proposed to be implemented as per the SMP to ensure the immediate and on-going protection of human health and the management of adverse effects on the environment, and to ensure

that the proposed ground disturbance works do not result in the type of adverse environmental effects that Policy E30.3(2) of the Unitary Plan is concerned with.

440. Overall, the proposal is consistent with the relevant objectives and policies in respect of contaminated land under Chapter E30.

Chapter E36 – Natural hazards and flooding

441. The relevant objectives for natural hazards and flooding seek to enable land use and development where the risks of significant adverse effects from natural hazards to people, buildings and infrastructure can be avoided (E36.2(1)), are not increased overall and where practicable are reduced, taking into account the effects of climate change (Objective E36.2(2)). Furthermore, the function and conveyance of floodplains and overland flow paths are required to be safely maintained (Objective E36.2(5)).

442. This is to be achieved by assessing proposed developments on land that is subject to natural hazards in respect of the matters set out in E36.3(3)(a-k) (Policy E36.3(3)); and ensuring that new development does not accelerate or exacerbate the effects of, or expose vulnerable activities to, the effects of natural hazards (Policy E36.3(4)). The policies require new buildings to be designed to accommodate more vulnerable activities to be located within or above the 1% AEP floodplain where safe evacuation routes or refuges are provided (Policy E36.3(13)).

443. The Policies seek that development in the 1% AEP floodplain does not increase adverse effects from flood hazards or increase flood depths and velocities to other upstream or downstream properties (Policy E36.3(21)). The function of overland flow paths is also required to be maintained to ensure that stormwater runoff from the site can occur safely to the receiving environment (Policy E36.3(29)), and that the capacity of overland flow paths are maintained in a manner that does not result in damage to property or the environment (Policy E36.3(30)).

444. The Infrastructure Report (**Attachment 16**) and Flood Assessment (**Attachment 17**) confirm these outcomes will be achieved, and the proposal (including the mitigation proposed in the form of the flood conveyance system) will not exacerbate or increase the effects of, or expose the proposed activities to, flood hazards on the site or to other properties. The proposal will not undermine the current function of overland flow paths on the site (noting the proposal will improve upon the existing situation), and with the inherent design measures the use / activity will not be exposed to flooding.

445. Overall, the proposal is consistent with the relevant objectives and policies in respect of Natural hazards and flooding under Chapter E36.

Any other matter that the consent authority considers relevant and reasonably necessary to determine the application (section 104(1)(c))

446. While not required to be assessed under Section 104(1)(c), the following matters are considered relevant to the proposal and are discussed for completeness:

- Waitemata Local Board Plan 2017-2020.
- The Parnell Plan.

Waitemata Local Board Plan 2017-2020

447. The Waitemata Local Board Plan sets out a framework to guide decision-making over a 3-year period, with the current Plan relating to the 2017-2020 period. The vision and outcomes sought for the Waitemata area under the Plan include:

- Inclusive communities that are vibrant, healthy and connected.
- Attractive and versatile public places that meet our communities' needs.
- The natural environment is valued, protected and enhance.
- A high-quality built environment that embraces our heritage.
- An accessible, connected and safe transport network with well-designed streets.
- An innovative, productive and resilient local economy.

448. Relevant to the proposal, the Local Board Plan seeks to "improve the accessibility and connectivity of the transport network" through "supporting initiatives which make public transport more accessible and easier for people to move around" and delivering a "fit-for-purpose, safe and connected pedestrian network".[22]

449. The proposal maintains and improves connections between Parnell and key destinations, including the Domain, Parnell train station and Carlaw Park. The design and layout of the site improves the connection to the train station from Cheshire Street with the reformation and regrading of Waipapa Lane, and future proofs the design to accommodate a future pedestrian underpass to the north of the station (planned by AT).

450. The pathway connection between Ngahere Terrace and the existing southern pedestrian underpass will be improved as part of the proposal, enabling continued public access to the western side of the rail corridor.

451. Overall, the proposal is consistent with the outcomes envisaged by the Local Board Plan and will assist in delivering better connections between Auckland Domain, The Parnell Train Station, Parnell Town Centre, and other points of interest.

[22] Waitemata Local Board Plan – Page 33 (Outcome 5).

The Parnell Plan 2019

452. The Parnell Plan provides a 30-year framework of directions and actions, with the goal of ensuring Parnell continues to be a fantastic place to live, work, play and do business. It presents the vision for the area, key objectives, strategies and actions, including:

- Promote Parnell as an innovative and creative place to work, live, visit and do business.
- Enhance connectivity and accessibility within Parnell and with its neighbouring places.
- Enable the community to use and enjoy its great places and spaces.
- Value, protect and enhance Parnell's natural environment.
- Respect, recognise and protect Parnell's historic and cultural heritage and character.

453. The Parnell Plan identifies that the Parnell Train Station is an important gateway to Parnell, the Auckland Domain and surrounding areas, and that effective and attractive connections between these activities are critical for Parnell to flourish.[23]

454. Further to the above, the 'Implementation Plan' specifically references the "provision of a high amenity pedestrian and cycle crossing (underpass preferred) at the northern end of the station" as one of the 'Key Action Areas' in the short to medium term.

455. The development and associated pedestrian connections proposed (and future proofed as part of the proposal) via Waipapa Lane and Ngahere Terrace will improve connections between the Domain, the Parnell Train Station, Parnell Town Centre, and other points of interest. The design and layout of the southern taper does not foreclose the opportunity for future cycle connectivity, should a cycle route be sought to be developed in the future to connect to Newmarket along the alignment of the rail line.

456. The proposal is therefore consistent with the outcomes sought by the Parnell Plan and will assist to facilitate these outcomes.

Section 104 Conclusion

457. The preceding assessment and supporting documentation appended to this application confirm that the effects of the proposal on the environment will be appropriately managed, and that the proposal will result in a form of development which is consistent with the objectives and policies of the Unitary Plan.

458. Furthermore, the proposed retirement village will result in several positive effects, as discussed in Paragraphs 380 - 383.

[23] Parnell Plan – Page 13.

Part 2 Matters

459. The Court of Appeal has now confirmed that recourse to Part 2 may be appropriate in the consideration of an application for resource consent where the relevant planning documents do not furnish a clear answer as to whether consent should be granted or declined. However, where the relevant Plan has been competently prepared under the Act and clearly deals with Part 2 subject matters, then recourse to Part 2 may not add anything to the evaluative exercise.[24]

460. As the Unitary Plan provisions relating to the site have been recently prepared, there is no need to have particular regard to Part 2 in order to justify the grant of consent. However, for completeness, an assessment in regard to Part 2 matters is briefly made.

461. The purpose of the RMA is to promote the sustainable management of natural and physical resources. The definition of sustainable management in section 5 supports the use and development of resources to enable people and communities to provide for their wellbeing. This approach is, however, tempered by the requirements of sections 5(2)(a), (b), and (c) to avoid or manage effects on the environment.

462. The preceding analysis has taken section 5 of the RMA into consideration. The proposal represents the sustainable management of the natural and physical resources. The proposal will be undertaken in a manner that will appropriately avoid, remedy, or mitigate the adverse effects on the surrounding environment, and overall will be consistent with the purpose of the Act (as expressed in Section 5).

463. With reference to matters of national importance in section 6 of the RMA:

- the proposal will not adversely affect the natural character of the site or surrounding environment (section 6(a));
- the site is not identified as containing any outstanding natural features or landscapes (section 6(b));
- the site is not identified as containing any significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c));
- the proposal will not adversely affect any identified ancestral lands, water, sites, wāhi tapu or other taonga (section 6(e)); and
- the use and development proposed will not implicate any identified historic heritage (section 6(f)).

464. With reference to section 7 of the RMA, the proposal represents the efficient use, development and management of natural and physical resources (section 7(b)), and will not detract from the quality of the environment (section 7(f)).

[24] *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.

465. There are no specific Treaty of Waitangi matters requiring consideration in accordance with section 8 of the RMA in respect of this application.

466. Overall, it is considered that the proposal is fully in accordance with the purpose and principles of the RMA, and it is appropriate that this application be granted resource consent.

CONCLUSION

467. The preceding assessment has had regard to the relevant statutory planning documents and concludes that the potential adverse effects on the environment or on any person as a result of the proposal will be sufficiently avoided, remedied or mitigated.

468. The preceding assessment also concludes that the proposal is consistent with the objectives and policies of the Unitary Plan in respect of the proposed use and development of the site within the Business – Mixed Use Zone, and the wider strategic objectives in respect of urban growth.

469. Overall, the proposal is considered to be consistent with the purpose of the RMA and it is appropriate that resource consent be granted as sought by the applicant.

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