

**PROPOSED PLAN CHANGE 11 - WESLEYHAVEN RETIREMENT
VILLAGE, RATA STREET, NAENAE**

SECTION 32 REPORT

1. INTRODUCTION

Proposed Plan Change 11 schedules the Wesleyhaven site at 255 Rata Street Naenae. It introduces a new policy and rules into the Landscape Protection Activity Area chapter of the District Plan that provide for the on-going development of facilities on the site as permitted activities.

The Resource Management Act requires an evaluation of objectives, policies, rules or other methods in terms of section 32 of the Act. This section requires an evaluation to be made of the objectives in terms of the purpose of the Act and whether the policies, rules or other methods are the most appropriate means of achieving the objectives, taking into account efficiency and effectiveness.

2. BACKGROUND

Wesleyhaven Retirement Village is a complex providing residential and hospital care and other community facilities, situated at the eastern extremity of Rata Street, Naenae (Pt Lot 1 DP 14660). It is the longest established residential care facility for the elderly in New Zealand, and provides a variety of living arrangements, including a hospital. The site also has a community centre, and there are plans to improve and further develop the site.

The site has been included in its entirety in the Landscape Protection Residential Activity Area. The Plan states that this Area is characterised by steep slopes, however, the area of the Wesleyhaven site that is identified in Attachment 1, and is the subject of the proposed plan change, is relatively flat (most of the area identified in Attachment 1 is between the 60m and 70m contours) and is suitable for more intensive use and development.

The zone rules for the Landscape Protection Activity Area in Chapter 4E of the District Plan make existing and future activities associated with the Retirement Village non-complying and are such that almost any future development of the site will require relatively complex consents. For example, the only activities permitted within the Landscape Protection Activity Area are dwelling houses, home occupations, child care and kohanga reo facilities, and accessory buildings associated with the aforementioned activities, and the maximum permitted site coverage is 15%. Residential and hospital care facilities are not included within the permitted activities in this zone, nor are

they identified as restricted discretionary or discretionary activities. All activities within this zone which are not identified as permitted, restricted discretionary or discretionary are considered to be non-complying activities. Therefore the existing use of the Wesleyhaven site is non-complying under the Plan, and any future development of care and community facilities on the site would require consents as non-complying activities.

3. EVALUATION

Section 32 of the Resource Management Act 1991 requires an evaluation to be carried out before a proposed district plan change is publicly notified. The requirements of that evaluation are –

(3) An evaluation must examine-

(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and

(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objective.

(4) For the purposes of this examination, an evaluation must take into account

(a) the benefits and costs of policies, rules, or other method; and

(b) the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

3.1 Achieving the Purpose of the Resource Management Act 1991

The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety.

The proposed plan change will allow for the upgrade and expansion of an existing long established community facility. The following provides an analysis of Part II considerations:

Section 5

The Wesleyhaven Retirement Village is the longest-established residential care facility for the elderly in New Zealand and provides for community wellbeing including social and cultural needs. Scheduling the area of the site identified in Attachment 1 will allow for the continued development of the site, enabling it to meet the needs of present and future generations. Any

adverse effects of such continued development of the site will be contained within the site.

Section 6

The proposed plan change does not affect any matters of national importance in this part of the Resource Management Act.

Section 7

Section 7 matters of relevance to the proposed plan change are discussed below:

(b) Efficient use and development of natural and physical resources

The proposed plan change will allow for the sustainable development of the Wesleyhaven Retirement Village without the need to obtain a non-complying resource consent for each change or addition. The development of the identified area of the site in this way can be viewed as an efficient use of the land for the provision of a community facility.

(c) The maintenance and enhancement of amenity values

The proposed plan change recognises the existing local character and amenity of the Wesleyhaven site, which is not currently recognised in the District Plan. This is because the steep slope amenity which characterises the Landscape Protection Activity Area is not reflected in the flat area of the site identified in Attachment 1. The amenity of any future development of the land will be managed through the zone and specific site rules, and through consent processes. Given the location of the site on Rata Street it is considered that any adverse effects associated with the proposed plan change will be contained within the site, and that there will be no more than minor effects on the amenity values of the surrounding residential environment.

(f) Maintenance and enhancement of the quality of the environment

Comments in relation to this aspect of section 7 are as for 7(c).

Section 8

It is not thought that there are any relevant Treaty principles to be addressed in relation to the proposed plan change.

3.2 Appropriateness in terms of District Plan Objectives and Policies

The District Plan includes a small number of district wide objectives and policies in Chapter 1.10 which are of relevance in evaluating the proposed plan change for appropriateness. These are discussed below.

1.10.2 Amenity

Objective: To identify, maintain and enhance the character and amenity values of the different activity areas.

Policy: To identify within all activity areas the general character and amenity values of that activity area.

Comment:

The proposal is within the scope of the existing objective and policy as it recognises the existing local character of the site which is currently not recognised under the District Plan.

1.10.3 Residential Activity

Objective: To accommodate residential growth and development through consolidation of the existing urban area but to allow some peripheral development.

Policy

(a) To provide opportunities for gradual intensification of residential densities by:

- (i) Enabling higher densities along major transport routes and near suburban focal points,*
- (ii) Providing for infill development throughout the established residential areas to appropriate minimum standards, and*
- (iii) Managing the rate at which land at the periphery of the urban area is developed for residential purposes.*

Comment

Accommodation for the elderly is not well provided for in the District Plan, and the proposed plan change creates an opportunity to ensure that it is, which is important as New Zealand faces an aging population. The proposed plan change will simplify the process for increasing the residential density of the site, which is consistent with the above objectives and policies.

Chapter 4E Landscape Protection Activity Area

In looking to schedule an area within the Landscape Protection Activity Area it is important to consider the relevant Objectives and Policies relating to this zone, in order to evaluate the appropriateness of a scheduled site for the area identified in Attachment 1, within this activity area.

The Landscape Protection Activity Area within which the Wesleyhaven site is located, is described in Section 1.10.2 of the District Plan as being

characterised by “particularly steep sites with large land areas. The amenity values are influenced by this topography, vegetation cover and the potential impact of development including the creation of driveways and building platforms.”

4E.1.1.1 Residential Character and Amenity Values

Objective: To ensure the character and amenity values of undeveloped steep hillside areas are maintained and enhanced.

Policies

- (a) That significant steep hillside areas with regenerating bush cover which are undeveloped for residential purposes and provide a visual backdrop to the City be identified on the Planning Maps.*
- (b) That the visual appearance and nature of earthworks (excavation and fill) be managed to minimise the adverse effects on the visual amenity values of the hillside environment.*
- (c) That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effects on the visual amenity values of the hillside environment or the intrinsic values of ecosystems.*
- (d) That significant trees which contribute to the amenity values of the hillside areas be retained where practicable.*
- (e) To preserve the natural features of the environment which contribute to the visual amenity values, and provide a visual backdrop to the City.*
- (f) That where practicable, the natural appearance of the skyline be preserved from development to maintain its visual appearance.*
- (g) That the range and nature of non-residential activities be limited to ensure the amenity values of the activity area are not affected adversely.*
- (h) To establish a large minimum net site area to ensure low building density is achieved, and amenity values are retained, protected and enhanced.*

Comment

The area of the site which it is proposed be scheduled, is relatively flat in comparison with the steeper areas of the site, and the steep slopes more generally which characterise the Landscape Protection Activity Area. The area identified in Attachment 1 to be scheduled is defined by the 70m contour level and is below the existing bush line.

It is considered that the proposed plan change is consistent with the above objective and policies, as it is only the flatter, lowest-lying part of the site, and not the well vegetated slopes, which will be scheduled. The activities that would be permitted within the scheduled area are consistent with the established use and amenity of the site.

4E.1.2.1 Site Stability

The relevant objective and policy for this section comes from Chapter 4D 1.2.1 for the Hill Residential Activity Area.

Objective: To ensure future development does not affect adversely the stability of the site.

Policy

- (a) *That earthworks and the clearance of vegetation be managed to ensure the stability of the site and to avoid, remedy or mitigate any consequential adverse effects on neighbouring properties.*

Comment

The proposed plan change is consistent with this objective and policy, as the area of the site subject to the proposed scheduled use is relatively flat.

4E 1.2.2 Building Height, Scale, Intensity and Location

The relevant objective and policy for this section primarily comes from Chapter 4D 1.2.2 for the Hill Residential Activity Area.

Objective: To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

Policies

- (a) *To establish a minimum net site area and maximum site coverage requirement to ensure low density development is achieved.*
- (b) *To ensure all new development is of a height and scale which is compatible with surrounding residential development.*
- (c) *To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight for adjoining properties.*
- (d) *To manage the siting of all buildings so as to minimise detractions from the character and visual attractiveness of the surrounding residential activity area.*
- (e) *To manage the siting of all buildings so as to ensure that any detraction from the amenities of adjoining properties are no more than minor.*
- (f) *That the scale and siting of garages and carports be managed to reduce the need for extensive excavation into the hillside, and to enhance the streetscape and amenity values of adjoining sites.*
- (g) *(not relevant to 4E 1.2.2)*

Policy (a) of 4E 1.2.2

Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or crosslease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, it is recognised that it is reasonable to permit the erection of buildings/structures (as contemplated when the title was issued or plan lodged) even though the maximum site coverage may exceed that set out in 4E 2.11(a). Under such circumstances the scale, intensity, visual attractiveness of the buildings and/or structures as well the adverse effects on the

amenity values of adjoining properties, and the streetscape be taken into account in assessing the suitability of the development.

Comment

The proposed plan change will add a policy to 4E 1.2.2 to allow for the ongoing and enhanced use and development of the Wesleyhaven facilities. This new policy as well as the proposed bulk and location rules for the scheduled area are consistent with the existing objective and policies, as they will retain a low overall site coverage, and ensure that future building developments are in-line with the current scale, amenity and character of the buildings and activities on the site.

Summary

The proposed plan change seeks to schedule the area of the site identified in Attachment 1, which is located within the Landscape Protection Activity Area of the District Plan, for a range of specified activities, and for more intense development than applies elsewhere in the Area. This largely respects existing use and development, which is not recognised in the District Plan, and allows for some further development subject to appropriate levels of control.

Scheduling the site will allow for the continued sustainable development of the Wesleyhaven Retirement Village and associated community facilities provided on the site.

The objectives and policies of the Landscape Protection Activity Area apply to steep slopes. This plan change is seeking to provide a more relaxed development framework on the part of the site that is not steep. Therefore, it is considered that this proposal is not in conflict with any of the objectives or policies in Chapter 4E of the District Plan.

3.3 Alternatives to Proposed Plan Change

Table 1 assesses the proposed plan change against three options of 'do nothing' (or retaining the Landscape Protection Activity Area provisions as in the District Plan at present); a change of the zoning of the area identified in Attachment 1 to General Residential Activity Area; or change the zoning of the area identified in Attachment 1 to General Residential Activity Area with the area being scheduled as in the proposed plan change.

The findings from this analysis indicate that in terms of efficiency and effectiveness and other benefits, the proposed plan change (i.e. retain present zoning, but schedule the site for specific uses and more intensive development than elsewhere in the zone) is appropriate.

Table 1: Various Plan Change options

	Plan Change options			
	Option 1: Do nothing – retain Landscape Protection Activity Area	Option 2: Proposed Plan Change – schedule site	Option 3: Plan Change to rezone land as General Residential Activity Area	Option 4: Plan Change to rezone land as General Residential Activity Area, with site scheduled
Effectiveness and efficiency in achieving District Plan objectives	Any new use or development associated with the residential care activity on the site, or any increase in the size of buildings or the number of people living on the site, would require a consent as a non-complying activity.	The proposed plan change will allow for the efficient development and upgrade of an important community facility, by making activities associated with the Retirement Village permitted within the scheduled area of the site, subject to reasonable control over use and development of the site.	This is a more significant change. Because the area subject to the Plan Change is not on a separate title it would be difficult to administer two different zones on one title. It would not be effective and efficient in achieving the objectives as the existing level of use and development would still be non-complying.	This is a more significant change. Because the area subject to the Plan Change is not on a separate title it would be difficult to administer two different zones on one title. It would however, be as effective and efficient in achieving the objectives as Option 2 but it would involve a significant change to the Plan.
Costs	Costs are likely to be high in the long term as every small change to an existing building or addition of a new building will require a further consent. Thus, there is an associated risk that processing of multiple consents could mean that the site is not used to its sustainable potential.	One-off cost of processing Plan Change.	One-off cost of processing Plan Change. As it would involve a zone change, there is potentially a greater risk in processing the change.	One-off cost of processing Plan Change. As it would involve a zone change, there is potentially a greater risk in processing the change.
Benefits	None identified.	The benefits of this option is that it allows for the upgrade and expansion of an existing community facility, without having to apply for multiple non-complying resource consents.	The benefits are that the objectives and policies of Chapter 4A would be a better fit with the amenity and character of the site.	The benefits of this option is that it allows for the upgrade and expansion of an existing community facility, without having to apply for multiple non-complying resource consents. It also provides a better fit with policy, as the objectives and policies in Chapter 4A better reflect the use of the site than those in 4E.
Appropriateness	This option is not considered appropriate as it would require Wesley Community Action to apply for individual consents as non-complying activities for any extensions (including very minor ones) to this community activity.	This option is considered appropriate as it will maintain the integrity of the objectives and policies in Chapter 4E, whilst allowing for the future sustainable development of the scheduled area within the site.	This option is not considered appropriate as it would not really achieve anything as non-complying activity consents would still be required for development of the site. In addition, having two zones on one title would create difficulties.	This option would allow for the development of the site without the need to apply for a series of non-complying activity consents. However, this option creates difficulties, as with option 3, by having two zones on one title.

4. CONCLUSION

Option two, the proposed plan change represents an efficient and effective means by which to allow for the sustainable development of the Wesleyhaven Retirement Village. The proposed provisions applying to the area to be scheduled are clear, unambiguous, and simple to understand and administer, and will allow reasonable future development of the community and residential facilities on the site.

The section 32 analysis has indicated that the proposed plan change is efficient, effective and appropriate for the area. It is considered that the proposed plan change will maintain the Landscape Protection Residential Activity Area, whilst allowing for the continued use and development of the scheduled area of the site, for housing for the elderly and related community purposes.

Appendix Landscape Protection Residential 1

