

URBANEDGE
P L A N N I N G L T D

Resource Consent Application and Assessment of Environmental Effects

758 – 760 High Street, Boulcott

DATE – 25 March 2022

APPLICANT – Ropata Lodge Village Limited



PO Box 39071
Wellington Mail Centre
Lower Hutt 5045

Contents

1.	Existing Environment.....	6
2.	Proposal	10
3.	Resource Consent Requirements.....	14
4.	Notification Considerations	22
5.	Assessment of Environmental Effects.....	43
6.	Statutory Assessment.....	56
7.	Conclusion	69

Appendix A. Record of Title

Appendix B. Architectural Plans

Appendix C. Topographical Plan

Appendix D. Landscape Plans

Appendix E. Infrastructure Report and Plans

Appendix F. Traffic Assessment

Appendix G. Urban Design Report

Appendix H. Land Information New Zealand - Advice

PART A: RESOURCE CONSENT APPLICATION

To: Resource Consents Manager

Address: **Hutt City Council**
Private Bag 31-912
Lower Hutt 5040

Urban Edge Planning on behalf of Ropata Lodge Village Limited applies for the following land use consent and variation to a consent notice under sections 9 and 221 of the Resource Management Act 1991 (RMA):

Location of application site	Street Address:	758-760 High Street, Boulcott
	Legal description:	Units 8-27 DP80390 and Lot 1 DP80154
	District Plan Zoning:	General Residential activity area
Type of resource consent	Land use consent and variation of consent notice	
Brief description of the proposal	Construction of a retirement village (CRD) containing 48 residential units, associated services, communal living spaces and a private café. Variation to an existing consent notice.	
Activity Status	Discretionary activity	
Other consents required	N/A	
Deposit fee	\$1,750 – Land use consent \$1,050 – Variation to a consent notice	
Address for service	Urban Edge Planning Ltd Attn: Kerry Wynne PO Box 39071 Wellington Mail Centre Lower Hutt 5045 E: kerry@urbanedgeplanning.co.nz P: 022 6959 432	
Address for invoices	Ropata Lodge Village Ltd c/- harrison@windsormgmt.co.nz	

Urban Edge Planning attaches, in accordance with **Schedule 4 of the RMA 1991**, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

Urban Edge Planning also attaches, in the policy analysis, the relevant information required to be included in this application by the operative District Plan. No additional information requirements apply in this case under the RMA or any regulations made under the RMA. No regional consents are required as part of this proposal.

Signature of applicant:

A handwritten signature in black ink, appearing to read "Kerry Wynne", followed by a period.

Kerry Wynne

Urban Edge Planning

On behalf of Ropata Lodge Village Limited

Date: 25 March 2022

PART B: ASSESSMENT OF ENVIRONMENTAL EFFECTS

1. Existing Environment

1.1 Location and General Description

The application site consists of two adjoining properties at 758-760 High Street, Boulcott. As illustrated in **Figure 1** below, the properties are located on the eastern side of the road carriageway. Combined, the two sites create a regular shaped property with a total area of 4,028m².

The property at 758 High Street is currently utilised as Ropata Lodge Village, being a largely independent living retirement facility. The ‘u-shaped’ site includes two vehicle access points with a driveway extending along the southern and eastern boundaries and a separate carpark at the north-western corner of the site. Within the site are a total of 20 existing retirement units. These one and two storey residential units are arranged around a central courtyard containing mature vegetation, a pond, and lawn.

760 High Street has an area of 500m² and is surrounded on three sides by N°758. The property contains a two storey dwelling house accessed via a driveway along the north-eastern boundary. A paved patio and modest lawn provide outdoor living space to the north-west of the dwelling, with concrete service areas to the south-east.

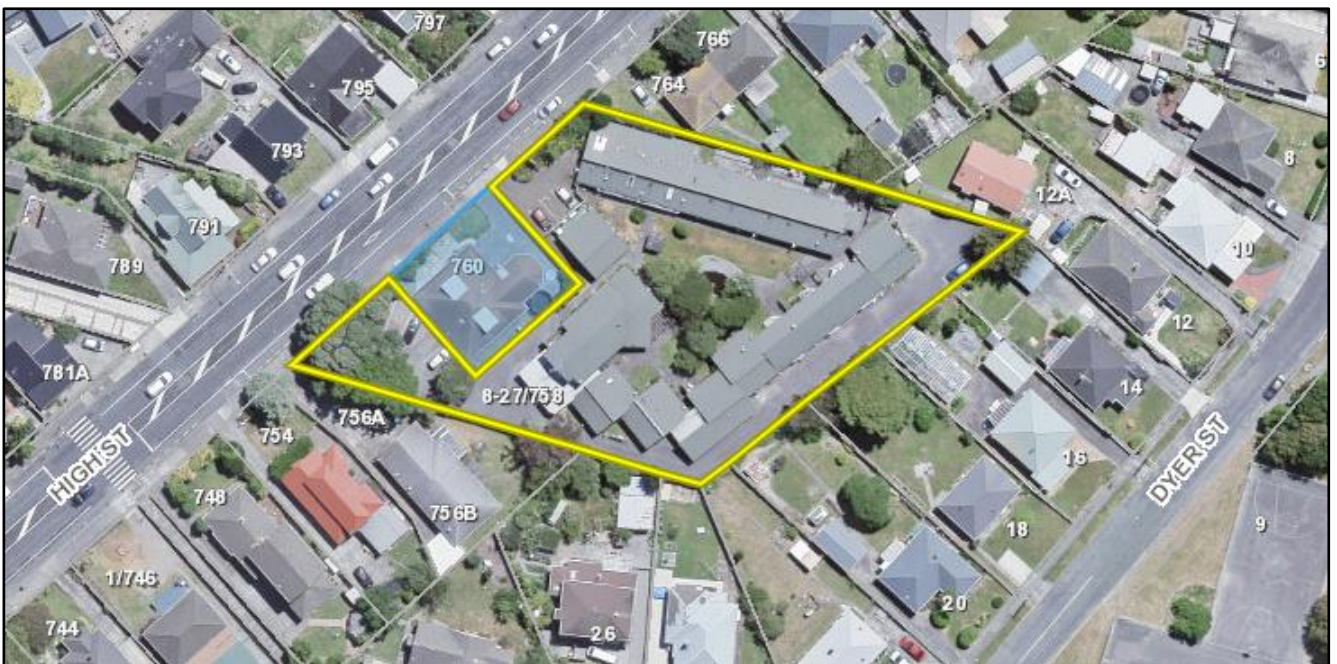


Figure 1: The application site at 758 High Street (outlined in yellow) and 760 High Street (outlined in blue). Source: HCC GIS.

The surrounding area is primarily residential in character with the majority of surrounding sites containing a standalone dwelling and associated accessory buildings. There is evidence of infill with older cross-lease style development and backyard infill evident in the surround area. A school is located approximately 190m to the east of the site (across Dyer Street), with a church and two clusters of shops located within 400m to the north of the site.

1.2 Planning Environment

The site is located within the General Residential activity area of the Operative City of Lower Hutt District Plan. The site is not subject to any other overlays, designation, heritage protections, identified natural hazards or

significant natural, cultural or archaeological resources under the District Plan. The site is also not identified as contaminated under the Greater Wellington Regional Council Selected Land Use Register (SLUR), nor is it located within an identified flood extent modelled for GWRC.

1.3 Legal Description

The property at 758 High Street is held in a series of Unit Titles. The parent allotment was identified as Lot 2 Deposited Plan 80154 held in Record of Title WN47A/72, and has since been subdivided into the following:

Record of Title reference	Legal Description	Interests
WN47A/387	Unit 8 Deposited Plan 80390	Consent notice B432001.5 Encumbrance 10163737.3
WN47A/388	Unit 9 Deposited Plan 80390	Consent notice B432001.5 Encumbrance 11681736.3
WN47A/389	Unit 10 and Accessory Unit 10A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 11637964.3
WN47A/390	Unit 11 and Accessory Unit 11A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 11207491.2
WN47A/391	Unit 12 and Accessory Unit 12A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 11835427.3
WN47A/392	Unit 13 and Accessory Unit 13A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 10728371.3
WN47A/393	Unit 14 and Accessory Unit 14A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 10653764.4
WN47A/394	Unit 15 and Accessory Unit 15A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 11971557.3
WN47A/395	Unit 16 and Accessory Unit 16A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 10649790.3
WN47A/396	Unit 17 and Accessory Unit 17A Deposited Plan 80390	Consent notice B432001.5

		Encumbrance 11816262.4
WN47A/397	Unit 18 and Accessory Unit 18A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 10694692.3
WN47A/398	Unit 19 and Accessory Unit 19A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 1168749.3
WN47A/399	Unit 20 and Accessory Unit 20A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 11207746.2
WN52D/333	Unit 21 and Accessory Unit 21A and 21B, Deposited Plan 80390	Consent notice B432001.5 Encumbrance 10583129.3
WN50B/754	Unit 22 Deposited Plan 80390	Consent notice B432001.5 Encumbrance 12014094.3
WN50B/755	Unit 23 Deposited Plan 80390	Consent notice B432001.5 Encumbrance 11563862.3
WN50B/756	Unit 24 Deposited Plan 80390	Consent notice B432001.5 Encumbrance 10722687.4
WN50B/757	Unit 25 Deposited Plan 80390	Consent notice B432001.5 Encumbrance 11600652.3
WN50B/758	Unit 26 Deposited Plan 80390	Consent notice B432001.5 Encumbrance 9956611.2
WN50B/759	Unit 27 and Accessory Unit 6A and 7A Deposited Plan 80390	Consent notice B432001.5 Encumbrance 9825213.4
WN46D/795 (appended to all Titles listed above)	Deposited Plan 80390 Supplementary Record Sheet	Ownership of common property, pursuant to s47 Unit Titles Act 2010; and B443427.6 – Change of rules of the Body Corporate.

Consent notice B432001.5 includes requirements for the following:

- Retention of six specified trees;
- Undertaking the activity onsite in accordance with the approved consent application;
- For driveways and carparks to be sealed and marked to the satisfaction of Council; and
- For landscaping of the site to be undertaken in accordance with an approved plan and maintained as such thereafter. A performance bond was to be taken by Council in regard to implementation of this requirement.

As part of the proposal, it is sought to cancel consent notice B432001.5.

Copies of the encumbrances listed above were obtained for three of the sites (WN47A/387, WN50B/758 and WN52D/333). These encumbrances are private agreements relating to a licence to occupy the various retirement units within 758 High Street. The encumbrances are understood to all be around licence to occupy such that copies of each encumbrance have not been supplied.

760 High Street is formed by a single land parcel. This portion of the application site is legally described as Lot 1 Deposited Plan 80154 held in Record of Title WN47A/71. Consent notice B432001.5 is also registered on the Title for Lot 1.

A copy of the various Records of Title, consent notice and a sample of the encumbrances are attached at **Appendix A**.

2. Proposal

2.1 Description of the Proposal

Resource consent is sought to establish a new retirement village on the properties at 758-760 High Street.

2.2 Land Use Consent

It is proposed to completely redevelop the subject site, establishing a 48-unit retirement village including associated communal facilities. An overview of the proposed site layout is shown in **Figure 2**, below, with detailed plans included in **Appendix B**.



Figure 2: Overview of the proposed development (Source: Architectural plans, Appendix B).

The proposed buildings will be arranged parallel to the legal site boundaries, and are focused around a central courtyard and parking area. The 48 residential units proposed are spread over three storeys, and include a range of typologies as follows:

- **Apartment 'A'** – a two bedroom apartment with an area of 69m². This unit typology includes an open plan kitchen, dining and living area, two bedrooms, a bathroom, and built in laundry facilities. A total of 29 such units will be incorporated into the village.
- **Apartment 'B'** – a one bedroom studio with an area of 46m², typology 'B' includes an open plan living/dining/kitchen, one double bedroom, a bathroom, and laundry facilities. 13 of these Apartment 'B' dwellings are incorporated into the site.
- **Apartment 'C'** – an alternative one-bedroom design with an area of 56m², Apartment 'C' has a similar layout to type 'B'. Two such dwellings are proposed.
- **Apartment 'D'** – a three bedroom apartment spread over 97m². Three type 'D' apartments are proposed, each incorporating an open plan kitchen, living and dining space, built in laundry, three bedrooms and two bathrooms.

- **Apartment 'E'** – an alternative three-bedroom design with an area of 97m², only one such apartment is proposed for the site. This will include an open plan kitchen, living and dining area, two bathrooms, three bedrooms, and built in laundry.

Each single storey apartment is provided with private outdoor living space in the form of a ground floor deck or balcony that connects to the primary internal living space. Private outdoor living is supplemented by a communal courtyard in the centre of the development that features a pond, plantings and seating. A detailed landscaping plan has been prepared for the proposed development (refer: **Appendix D**), and includes proposed surface treatments, fencing, lighting, and planting across the application site.

A number of existing trees onsite are proposed to be retained where possible. Of particular note, the existing Pohutukawa positioned to the south-west (adjacent the vehicle access) is to be protected and retained onsite.

A range of facilities will also be provided for the residents, including a café, pool, gym, activity room, lounge, motor scooter parking, lobby and reception, and a shared central outdoor area. These facilities will be available exclusively for use by residents; the café, pool and gym will not be accessible by the general public, unless as a guest of a resident.

Additional service areas are proposed, including stairwell/lift areas, waste storage, and letterbox provision.

Access and car parking

It is proposed to utilise the existing vehicle crossing to the south-western corner of the site for access. This crossing will be widened, enabling two-way vehicle access at the street edge. The proposed driveway will range between 5m – 7m wide and provides access to 14 onsite carparks (including one accessible park). The allocation of car parks will be as follows:

- Two dedicated staff parks;
- Two dedicated visitor parks;
- One accessible car park;
- One dedicated electric vehicle park, with an EV provided under a car share scheme of residents; and
- Eight car parks available for lease by occupants of the apartments.

The proposed access and parking arrangements are further detailed in the Transport Assessment attached at **Appendix F**.

Staff

A maximum of five staff are expected to be onsite at any one time.

Earthworks

To accommodate the proposal, preparatory earthworks are needed across the application site. Consent is sought to undertake a total of 1,340m³ of cut across the application site, alongside 1,160m³ of fill. The maximum depth of cut and fill will be approximately 0.75m as necessary to level the site. The fill balance calculation takes

into account new road pavements, topsoil, landscape material and new floor construction; in reality, it is expected that the fill volume will be much lower than the 1,160m³ stated above.

Servicing

An infrastructure memo and servicing plans (**Appendix E**) have been prepared in support of the proposal, demonstrating how water, wastewater, stormwater and power and telecommunications will be provided. In short, the servicing arrangement incorporates the following elements:

- New 150mm and 225mm stormwater pipes will be extended around the perimeter of the building and wider application site, before discharging into the existing Council main within High Street via two new connections. To achieve stormwater neutrality, the carpark has been designed to provide temporary attenuation capacity.
- A secondary flow path has been incorporated into the site levels, and has been designed to mimic the existing situation in a 1% AEP peak storm event.
- Rain gardens will be incorporated into the landscaping around the central carpark to enhance stormwater quality in accordance with the Regional Standard;
- Wastewater flows will be conveyed through new 150mm pipes. These will be stored within a pumpstation chamber (with emergency storage capacity) before being pumped into the High Street network via a single connection point during off-peak periods.
- A 63mm potable water line is proposed to be installed to supply water to the proposed retirement village.

The proposed services layout is described in further detail in the infrastructure design report included at **Appendix E** to this consent application.

2.3 Title Management

It is **not** proposed to complete a subdivision alongside the land use consent aspect. The following articulates the intent with respect to the underlying Titles:

- Presently, the application site consists of two parent allotments (758 and 760 High Street being Lots 1 and 2 DP80154) with a further unit title established over N^o758.
- The applicant intends to dissolve the existing unit title subdivision under s177 of the Unit Titles Act 2010. It is understood that this is a legal process between the client's solicitor and the Registrar-General of Land at Land Information New Zealand (LINZ). Once this is collapsed, the application site would then constitute the underlying parent allotments.
- The applicant will then either tie the parent allotments together under s75 of the Building Act or will apply to LINZ for the issue of a single title. As per the advice from LINZ included at **Appendix H**, a single title can be sought by lodging an Order for New Certificate of Title with LINZ.

It is our understanding that the above processes do not require resource consent from the Hutt City Council for subdivision; the Title arrangements can be dealt with outside of the RMA 1991.

2.4 Consent notice variation

As detailed in **section 1.3** above, each Record of Title forming part of the application site lists consent notice B432001.5 as one of the relevant interests.

The consent notice stipulates four key matters as follows:

- Retention of six specified trees, identified on the attached plan TP2026;
- Undertaking activity onsite in accordance with the approved consent application. No copy of the resource consent approval from 17th February 1995 has been found on the property files publicly accessible on the HCC website;
- For driveways and carparks to be sealed and marked to the satisfaction of Council; and
- For landscaping of the to be undertaken in accordance with an approved plan and maintained as such thereafter. A performance bond was to be taken by Council regarding implementation and satisfaction of this requirement.

In accordance with s221(3) of the RMA 1991, it is sought to vary this consent notice across all Titles forming part of the application site. It is proposed to cancel all the existing conditions therein, replacing them with a single provision as follows:

That the Pohutukawa tree identified on Sheet No. L003 (Ref: Project No. 21156, Sheet No. L0003, entitled "Vegetation Plan", prepared by Urban Edge Planning and dated 22/02/22) is retained and protected. Any works that may impact on the physical condition of the roots, trunk, or crown of the tree including, but not limited to, the pruning and trimming of branches or works within the dripline (whether above or below ground) shall be carried out under the supervision of a suitably qualified arborist to ensure the long-term health of the tree.

3. Resource Consent Requirements

3.1 District Plan Rules and Notations

A retirement village is captured by the definition of a Comprehensive Residential Development (CRD) as per Chapter 3 of the District Plan, that states a retirement village is:

a managed comprehensive residential development used to provide accommodation for aged people, including recreation, leisure, supported residential care, welfare and medical facilities and other related non-residential activities.

Accordingly, for the purposes of the following assessment the proposal draws on the CRD provisions where relevant.

As per Rule 4A 4.1.7, retirement villages are a **Restricted Discretionary** activity.

District Plan Rule No.	District Plan Standard	Compliance
Permitted Activity Conditions – General Residential		
4A 4.1.9(a)	<p>Light Spill</p> <p>Activities are permitted if:</p> <ul style="list-style-type: none"> (i) Artificial light does not result in added illuminance in exceed of 8 lux measured at the window of any dwelling house. (ii) Light spill is avoided beyond the boundary of the site. 	Will comply
4A 4.1.10	<p>Vibration</p> <p>Activities that would cause vibration are permitted if:</p> <ul style="list-style-type: none"> (i) The activity is managed and controlled in such a way that no vibration from the activity is discernible beyond the boundary of the site. 	<p>Does not comply –</p> <p>It is expected that vibration will be experienced beyond the site boundary during construction.</p>
4A 4.1.11	<p>Vegetation Removal</p> <p>a) Removal of indigenous vegetation is permitted where:</p> <ul style="list-style-type: none"> (i) It was planted within a domestic garden for amenity purposes and/or screening; (ii) It is within 5m of a lawfully established dwelling; 	<p>Will comply</p> <p>The removal of exotic vegetation is permitted, and both 758-760 High Street are urban environment allotments whereby removal of trees is a permitted activity. In all other instance, vegetation to be cleared is located within 5m of a lawfully</p>

	<ul style="list-style-type: none"> (iii) It is within 3m of a lawfully established accessory building with a GFA over 10m² (iv) It is required to maintain existing open area, tracks, accessways, fences and onsite services (v) To maintain existing network utilities (vi) To prevent loss of life, injury or damage to property (vii) To remove dead or diseased vegetation (viii) In accordance with Tikanga Maori <p>b) The removal of exotic vegetation is permitted where the area of removal is stabilised against erosion</p> <p>c) The removal of trees is permitted on an Urban Environment Allotment</p> <p>d) The trimming of vegetation is permitted</p>	<p>established dwelling and/or was planted for amenity or screening purposes.</p> <p>The trimming of vegetation is permitted across the application site.</p>
4A 4.2.1(a)	Dwellings per site – two	N/A – The proposal is for a CRD
4A 4.2.2(a)	Site coverage – 40%	N/A – The proposal is for a CRD
4A 4.2.3(a)	Building height – 8m	N/A – The proposal is for a CRD
4A 4.2.4(a)	<p>Recession Plane – 2.5m + 45°</p> <p>This does not apply to front or internal boundaries</p>	N/A – The proposal is for a CRD
4A 4.2.5(a)	<p>Yards – 3m front yard, 1m all other yards</p> <p>No yards are required along internal boundaries, and eaves may encroach by up to 0.6m</p>	N/A – The proposal is for a CRD
4A 4.2.6(a)	Permeable surface – 30% minimum	N/A – The proposal is for a CRD
4A 4.2.7(a)	<ul style="list-style-type: none"> (i) Outdoor living space must meet the following: <ul style="list-style-type: none"> 1) Minimum area of 50m² 2) Minimum dimension of 4.0m 3) Direct access from and adjoins the dwelling it serves 4) Is not occupied by any buildings, parking or access 	N/A – The proposal is for a CRD

	(ii) Dwellings above ground floor can provide outdoor living space through a balcony or roof terrace.	
4A 4.2.8(a)	Accessory buildings	N/A – No accessory buildings are proposed
4A 4.2.9(a)	Minor additional dwelling	N/A – No minor additional dwelling(s) are proposed
4A 4.2.10(a)	<p>Comprehensive residential development</p> <p>(i) 60% site coverage</p> <p>(ii) 8m maximum height</p> <p>(iii) 2.5m + 45° recession plane from side and rear boundaries; do not apply from road boundaries or existing or proposed internal boundaries.</p> <p>(iv) 2m front yard, 1m side and rear yards; do not apply to existing or proposed internal boundaries.</p> <p>(v) Private outdoor living space must be provided per dwelling that satisfies the following:</p> <ol style="list-style-type: none"> 1) Minimum area of 20m² 2) Minimum dimension of 3.0m 3) Direct access from and adjoins the dwelling it serves 4) Is not occupied by any buildings, parking or access. <p>(vi) Must achieve stormwater neutrality</p> <p>(vii) Developments that create any road or reserve that vests in Hutt City Council must install a stormwater treatment device or system that is designed and built in accordance with the <i>Water Sensitive Design for Stormwater: Treatment Device Design Guideline</i>. The device or system must be located on land to be vested in Hutt City Council or with easements in favour of Hutt City Council over the land the device is on to provide access for maintenance.</p>	<p>Does not comply –</p> <p>The proposal equates to 47% site coverage, in compliance with standard (i).</p> <p>The building has a maximum height of 8.96m, being 0.96m higher than permitted under standard (ii).</p> <p>Recession planes do not apply the north-western (front) boundary. The proposal creates the following breaches with standard (iii):</p> <ul style="list-style-type: none"> - <i>North-eastern boundary:</i> <p>The verandah over the upper-level balconies and a portion of the façade to the lift/stairwell along the north-eastern boundary breach the recession plane by up to 0.69m.</p> - <i>South-eastern boundary</i> <p>Up to 3.435m from the external edge of the stairwell; and up to 3.263m from the external edge of Units 24 and 41. The corridor adjacent to Units 42-45 breaches the recession plane by up to 1.218m.</p> - <i>South-western boundary</i> <p>The corridor adjacent to Units 45-48 breaches the recession plane by up to 1.164m as measured from the south-western boundary.</p> <p>The entry porch to the south-western stairwell is 0.8m from the front</p>

		<p>boundary, while the verandah over the entry ramp and patio adjacent to the café is positioned 0.5m off the front boundary. These are a breach of the 2m requirement under standard (iv).</p> <p>The private outdoor living space for the following units fall short of the required 20m² area:</p> <ul style="list-style-type: none"> - Unit 4 - 16.91m² - Unit 5 – 16.3m²; and - Units 15-48, with balconies ranging from 6.21m² – 15.8m² in size. <p>The outdoor living for the following Units falls short of the required 3m minimum dimension:</p> <ul style="list-style-type: none"> - Units 5-11, with a minimum dimension of 2.6m; - Units 15-24 and 26-48, with a minimum dimension of 1.8m; and - Unit 25 with a minimum dimension of 2.5m. <p>Stormwater neutrality will be achieved for the site (refer: Appendix E).</p> <p>No roads are proposed to be vested to Hutt City Council such that the location of stormwater treatment devices is not controlled by the District Plan.</p>
4A 4.2.11(a)	Demolition is permitted	Complies
4A 4.2.12(a)	Stormwater retention – for dwellings with a roof area of 100m ² to 200m ² rainwater tanks with 3000L capacity must be provided	N/A – The proposal is for a CRD
General Rules		
14A Transport	<p>Standard 1 – Standards for New Roads</p> <ul style="list-style-type: none"> (a) Road Classification (b) Engineering Standards (c) Service Lanes, Private Ways, Pedestrian Accessways and Walkways 	<p>Complies –</p> <p>Refer to transport assessment, Appendix F.</p>

	<p>Standard 2 – Site Access and Manoeuvring Area</p> <ul style="list-style-type: none"> (a) Vehicle access (b) Separation distances from intersections and rail level crossings (c) Manoeuvring area (d) Additional provision for service stations 	<p>Does not comply -</p> <p>The proposal complies with standards (a) and (b).</p> <p>The proposal does not comply with standard (c) as rubbish trucks will have to reverse into or out of the site.</p>
	<p>Standard 3 – Minimum Sight Distances at Railway Level Crossings</p>	<p>Not applicable</p>
	<p>Standard 4 – Car and Cycle Parking and End of Trip Facilities</p>	<p>Complies –</p> <p>Refer to transport assessment, Appendix F.</p>
	<p>Standard 5 – Loading and Unloading</p>	<p>Does not comply</p> <p>As the development is for more than 20 dwellings, an onsite loading facility is required for rubbish collection vehicles. No dedicated loading bay is proposed, whereby rubbish trucks will temporarily pause in the private driveway when loading.</p> <p>Refer to transport assessment, Appendix F.</p>
	<p>Standard 6 – Development within the State Highway and Railway Corridor Buffer Overlays</p>	<p>Complies</p> <p>There are no new buildings proposed within the Railway Corridor buffer overlay.</p>
<p>14B Signage</p>	<p>Signage is permitted subject to the following standards:</p> <ul style="list-style-type: none"> a) Location <ul style="list-style-type: none"> i. All signs must be located on the site to which they relate ii. No signs permitted on the roof. b) Maximum height <ul style="list-style-type: none"> i. 3m for freestanding signs ii. Where attached to a building, shall not protrude above the eaves of the building. c) Maximum face area – 1m² per site. 	<p>Does not comply -</p> <p>The proposal includes signage in three locations across the application site. This includes a sign by the café, one at the south-western site entry, and one at the entrance door from the courtyard.</p> <p>Each sign has a size of 2m x 0.5m (being 1m²). A total of 3m² of signage is proposed, exceeding the permitted 1m² per site.</p> <p>At this time it is not intended to illuminate signage. However, should illumination be included, it will be</p>

	<p>d) Temporary Signs</p> <p>e) Illumination</p> <p>i. Any illumination must be constant, directional light or lit from within.</p> <p>ii. Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling within certain zones/overlays.</p> <p>iii. All measures shall be taken to ensure there is no unreasonable lightspill beyond the boundary.</p> <p>f) Movement</p> <p>i. No sign shall any parts that are moving or carry a variable message</p> <p>ii. No inflated signs are permitted</p> <p>g) Content – limits content of signs within the Tertiary Education Precinct</p>	<p>directionally lit and will be designed to comply with provisions (ii) and (iii).</p> <p>The signs will not be moving.</p>
14C Noise		Will comply
14D Hazardous Facilities		Not applicable – no hazardous facilities are proposed
14F Heritage Buildings and Structures		Not applicable – no heritage buildings or structures are present on site
14G Trees		Not applicable – no listed trees are present on site
14H Natural Hazards	<p>Rule 14H 2.1(a) states that all structures and buildings on any site where the whole site or a portion of the site falls within the Wellington Fault Special Study Area are a Restricted Discretionary activity, excluding the following:</p> <ul style="list-style-type: none"> Proposed accessory buildings which are not required for habitable or working purposes, Utilities including associated uninhabited buildings 	Not applicable – the site does not fall within the Wellington Fault Special Study Area.
14I Earthworks	Ground Level: the natural ground level may not be altered by more than 1.2m measured vertically	<p>Does not comply –</p> <p>It is proposed to undertake a total of 1,340m³ of cut across the application</p>

	Quantity: maximum volume of 50m ³ (solid measure) per site.	site, alongside 1,160m ³ of fill. This equates to 2,500m ³ of earthworks. The maximum depth of cut and fill will be approximately 0.75m as necessary to level the site.
14J Temporary Activities		Not applicable – no temporary activities are proposed
14K Filming		Not applicable – no filming activities are proposed
14L Renewable Energy Generation		Not applicable – no renewable energy sources are proposed

3.2 Activity Status

The proposed development has the following activity statuses under the District Plan:

- **Restricted Discretionary** under Rule 4A 4.1.7 for the establishment of a retirement village;
- **Restricted Discretionary** under Rule 4A 4.1.10 (b) for non-compliance with the relevant vibration standards;
- **Discretionary** under Rule 4A 4.2.10 for a CRD that does not comply with the relevant standards;
- **Restricted Discretionary** under Rule 14A 5.1(b) for an activity that does not comply with the relevant transport standards;
- **Discretionary** under Rule 14B 2.4(a) for signage that breaches the size standards;
- **Restricted Discretionary** under Rule 14I 2.2 (a) for earthworks that do not comply with the relevant standards.

The various land use components are considered to be mutually inclusive whereby it is unlikely that any one activity will proceed without the others. In accordance with the bundling principle, the overall activity status for the proposal is therefore **Discretionary** under Rules 4A 4.2.10 and 14B 2.4(a).

3.3 Assessment Criteria

As the proposal is for a Discretionary activity, any matter deemed relevant can be considered in assessing this application.

3.4 Consent notice cancellation

The provisions in s221 of the RMA 1991 record the process for assessing an application to vary or cancel a consent notice. Specifically, section 221(3) states that:

At any time after the deposit of the survey plan, —

- the owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice:*
- the territorial authority may review any condition specified in a consent notice and vary or cancel the condition.*

Section 221(3A) states that, when processing an application to vary or cancel a consent notice:

Sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications, in relation to an application made or review conducted under subsection (3).

The relevant sections of the RMA 1991 are taken into account in the following assessment.

4. Notification Considerations

4.1 Public Notification

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. On 18 October 2017, Section 95A was replaced with a four-step process to determine whether to publicly notify an application for a resource consent. This four step process was altered further by the Resource Management Amendment Act 2020, which took effect with respect to Section 95A on 20 September 2020.

Step 1: Mandatory public notification in certain circumstances (sections 95A(2) and (3))

Determine whether the application meets any of the following criteria –

- (a) The applicant has requested that the application be publicly notified;*
- (b) Public notification is required under Section 95C; or*
- (c) The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977*

The applicant has not requested that the application be publicly notified, nor has the applicant jointly made an application to exchange recreational reserve land. Therefore, public notification is not required under Step 1, and the test for public notification continues at Step 2.

Step 2: If not required by step 1, public notification precluded in certain circumstances (sections 95A(4), (5) and (6))

Determine whether the application meets any of the following criteria –

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:*
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:*
 - (i) a controlled activity;*
 - ~~*(ii)*~~ *[Repealed by Resource Management Amendment Act 2020]*
 - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;*
 - ~~*(iv)*~~ *[Repealed by Resource Management Amendment Act 2020]*

The application is for a Discretionary activity that is not a boundary activity and is not precluded from public notification under the District Plan or any NES. Therefore, the application must be tested for public notification under Step 3.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

Determine whether the application meets any of the following criteria –

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or NES that requires public notification;*
- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

For the purposes of this notification assessment, and in accordance with the provisions of s95D, effects upon persons who own or occupy the land in, on, or over which the activity will occur, or any land adjacent to the

application site must be disregarded. Effects upon the owners and occupiers of the following sites have therefore been disregarded:

- 756A and 756B High Street;
- 12A – 26 Dyer Street (even numbers only);
- 764-766 High Street; and
- 789 – 797 High Street (odd numbers only).

The application is not considered to require public notification as the effects will be no more than minor for the following reasons:

- The application site is located within the suburb of Boulcott. The surrounding area is typically defined by one and two storey standalone dwellings on individual allotments, but these are interspersed with semi-detached units and examples of infill development (e.g. 745A – 5/747, 1-3/785, and 744-2/746 High Street). 758 High Street – being part of the application site – is also used for a retirement village at present. This has been achieved by converting and expanding an old motel and has resulted in a higher density residential operation, with 20 dwellings established over N°758. More intensive built forms are also established within the surrounding area, including Hutt Hospital to the south and a six-story apartment block at 15 Park Avenue. While residential development is predominant, pockets of established commercial and community facilities also contribute to a more varied character within the area.

The proposal represents a departure from the established built form both within the application site and wider area. The proposed retirement village will consist of 48 residential apartments and associated communal facilities located within a three-storey building. The building has been designed to relate directly to High Street, extending along most of the front boundary and forming a ‘u’-shape around the perimeter of the site. In addition, the proposed building will exceed the height control (by up to 0.96m), encroaches through the recession plane, and extends into the front yard. The resulting built form will be perceived as bulkier and more intensive than established within the wider area, with the potential to create adverse character and amenity effects.

The size and scale of the proposed building ensures it makes a significant contribution to the streetscape and surrounding neighbourhood. The development is architecturally cohesive with a consistent built form, material palette and colour scheme, yet has design elements that promote visual interest including: green walls to provide vertical delineation; an articulated edge through use of balconies, build-outs and verandahs; and contrasting cladding materials. The proposed building will also remain ‘human’ in scale. This is achieved by limiting the building height to three storeys, and activation of the external-facing façades with numerous windows, doorways and balconies providing a sense of connection and human activity between the site and High Street. These same architectural cues also reinforce the residential occupation of the site; the creation of a building with an institutional or commercial character will be avoided.

The proposed building exceeds the permitted 8m height limit by up to 0.96m. However, the application site sits below the adjacent street level by approximately 0.3-0.55m at the conclusion of earthworks and a low roof pitch has been utilised to limit perceptions of the non-compliance. While the proposed

building breaches the recession plane controls, these are concentrated along the north-eastern, south-eastern, and south-western boundaries and are thus well separated from the public domain and wider area. Where verandahs encroach into the front yard setback, these serve to define the key entry points into the retirement village, modulate the front façade, and are relatively open structures that make a reduced contribution to perceived building bulk and dominance. The footprint of the building is less than permitted under the District Plan (47% site coverage, compared to the permitted 60%) and it is noted that there are no rules in the plan that seek to control the length of any buildings; in this regard, the building is consistent with the parameters laid out in the District Plan for Comprehensive Residential Development.

Alongside the building, it is proposed to implement a comprehensive landscaping plan (as per **Appendix D**). This will serve to visually soften and integrate the built form into the surrounding area, particularly as vegetation matures. Retention of the mature Pohutukawa at the western corner of the site ensures that a landmark feature will remain and provides immediate depth and greening to the proposal, further fostering positive character, streetscape and visual amenity effects. To ensure the long term health of the Pohutukawa tree, a condition of consent is proffered that the detailed services and foundation design take account of the presence of the Pohutukawa, and that any works within the dripline of the tree are supervised by a qualified arborist.

Persons utilising High Street are typically transiting through the area, being pedestrians or occupants of vehicles moving along a primary thoroughfare through the City. This in turn limits exposure to the application site and associated sensitivity of receivers in respect of character, streetscape and visual amenity effects. The retirement village will be visible from the wider public domain but will be separated and partially screened by intervening residential development. Combined with the screening and softening afforded by the proposed landscaping, it is considered that any adverse character and visual amenity effects will be mitigated.

When considering the potential character, streetscape and visual amenity effects of the proposal, the cumulative built form must be considered (not just the effects of the individual bulk and location non-compliances). Overall, it is considered that the proposed retirement village will be of a scale and form that departs from the prevailing development patterns of the area. However, the proposal is not entirely without precedent within the wider environment and has been designed with a human scale and positive streetscape connections. As stated above, design and landscape details will limit perceptions of excessive building bulk, dominance and associated adverse visual amenity, character, and streetscape effects. Combined with the transient nature of vehicles and persons within the public domain, and noting separation distance from the majority of public vantage points, I consider any adverse visual amenity, character, and streetscape effects will be no more than minor upon the public domain and wider environment.

- The proposed retirement village may result in an increase in privacy and shading effects. However, these will be primarily concentrated upon the adjoining residential properties upon whom effects must be disregarded.

Persons utilising the public domain are inherently less sensitive to loss of privacy and stand to benefit from passive surveillance over public streets. It is therefore considered that any adverse effects due to

the level of residential activity and overlooking from balconies and outdoor living areas fronting to High Street will be less than minor. All other persons within the wider environment are sufficiently screened and separated from the application site whereby perceived loss of privacy will have a less than minor effect.

Due to the extensive frontage and height of the proposed building (being approximately 50m long, and 8.9m high), the proposal will contribute to additional shade over High Street throughout the year as compared to the existing environment. However, this is limited to the early morning hours (prior to 9am) across the year. Shade will be concentrated upon the road and footpath, areas where users are typically in transit and thus less sensitive to loss of sunlight and daylight. Accordingly, any such effects are less than minor.

The proposal may also contribute to shade over Dyer Street in the late afternoon/evening. Shade of the public domain will occur from approximately 4:30pm at the Winter solstice, or from approximately 6pm during the equinox times of the year. Given the limited duration, the less sensitive nature of persons transiting through this area and noting that the neighbouring dwellings fronting Dyer Street will already contribute to shade in this location, any adverse effects will be less than minor.

Overall, any adverse privacy and shading effects will be less than minor.

- The proposal will not comply with the District Plan standards in respect of the manoeuvring and loading requirements for all vehicles. Rubbish trucks will need to reverse into the site and have not been provided with a dedicated onsite loading bay. An assessment of the traffic arrangements has been undertaken by Luke Benner, Traffic Engineer (refer: **Appendix F**). Mr Benner concluded that rubbish trucks will primarily be able to manoeuvre within the road shoulder, and with minimal encroachment into the live traffic lane along High Street. Given the wide median strip within the road, Mr Benner considers there to be adequate room for any vehicles to pass during rubbish truck manoeuvres. I concur with Mr Benner. Additionally, the road is flat and straight adjacent to the application site ensuring clear sightlines for vehicles. On this basis, I consider any adverse traffic safety or efficiency effects will be less than minor upon the wider area.
- Effects associated with the lack of onsite loading bay for waste collection are considered to be internal to the application site. There will be negligible adverse effects upon the safe and efficient operation of the wider traffic environment.
- There is considered to be sufficient capacity for the estimated 133 vehicle trips per day generated by the proposed retirement village, noting that these can be at least partially accounted for by the existing Ropata Lodge Village and the dwelling house at 760 High Street.
- No onsite parking is required under the District Plan. Irrespective, the applicant is proposing to provide 14 onsite carparks for staff, visitors and residents. Both time restricted and unlimited parking is available on the street adjacent the site to accommodate any overspill parking. It is also anticipated that there will be lower demand for vehicles by the older residents, and a car share will be provided further reducing the need for individual vehicle ownership. Accordingly, any adverse parking effects are considered to be less than minor.
- Signage is to be installed in conjunction with the proposed retirement village. Signage is proposed in three locations with a cumulative face area of 3m². The signage will identify the site as 'Ropata Village' and will be located on the façade of the building near to key entry points. One sign will be internal to

the application site (positioned at the entry door from the central courtyard/carpark) and thus will not be visible from the wider area. Signage is otherwise proposed facing towards High Street; one will be located at the café entry, the other at the entry beside Unit 1. The signage has a discreet design (as evidenced on Drawings A20 and A21 in **Appendix B**) and is modest in size (each being 1m²). Signage is also present in the existing environment, with one freestanding sign and one sign attached to the fence identifying the existing '*Ropata Lodge Village*'. Compared to the existing environment, the proposed signage will have a less than minor visual amenity or character effect.

- Up to 2,500m³ of earthworks are proposed, including a combination of cut and fill. These earthworks generally consist of a site scrape and minor filling to level the site. Earthworks will occur over an area of approximately 4,060m², with a maximum depth of 0.75m. The application site is generally flat with a gentle fall from the street towards the rear boundary. There are no existing natural or topographical features that will be altered by the proposed earthworks, and at the conclusion of works all exposed areas will be built over, paved and sealed, or landscaped whereby there will not be any long term scarring or adverse visual amenity effects. Given the flat topography of the area, the proposed earthworks are not considered to create or exacerbate land instability effects. The site is not located within a modelled flood extent identified by Wellington Water, and the proposed overland flow paths at the conclusion of works have been designed to imitate the existing whereby the earthworks are not considered to adversely affect inundation risk. Earthworks will be limited to a scrape and minor filling of the site and will be occurring on a site that has been previously disturbed for development. There are no known sites of cultural or archaeological significance located within the application site, whereby associated effects are considered to be less than minor.
- Construction effects associated with the development may include noise, vibration, erosion and sedimentation, and construction traffic. A Construction Management Plan (CMP) will be prepared for the site detailing methods to avoid and mitigate as far as practicable these effects. Works will be undertaken in compliance with NZS 6803:1999 Acoustics – Construction Noise, and erosion and sediment control will be in place for the duration of works. The CMP will include staging of works to minimise the duration of any construction works that may produce off-site vibration effects. Demolition of the existing buildings onsite can occur as of right whereby such effects will have a less than minor effect. The CMP will include appropriate controls to ensure any adverse construction effects upon the public domain and wider environment will be less than minor.
- Servicing of the proposed development has been designed by Awa and includes connection to reticulated water, stormwater and wastewater services. There is considered to be sufficient water supply and pressure within the wider network to service the application site, and stormwater neutrality will be achieved. Secondary overland flow paths will mimic the existing environment and thus are not considered to create or exacerbate inundation risk within the surrounding environment. Wastewater will be stored onsite and discharged at off-peak times to reduce loading on the existing network. Accordingly, any adverse infrastructure effects are considered to be less than minor for all persons within the wider environment.

Consent notice

For the purposes of assessing whether the proposed consent notice cancellation requires notification, this aspect has been assessed as if for a Discretionary activity.

- **Condition 1:** Six trees onsite are protected under condition 1 of the existing consent notice. This includes three cabbage trees, one copper beech, one Pohutukawa and one araucaria species.
 - o The protected cabbage trees are located with the area required for access and car parking under the concurrent land use consent. These trees provide minimum screening and are not of a form or stature that contributes greatly to the amenity of the site. The proposed landscaping plan submitted with the concurrent land use includes a number of cabbage trees to compensate for their loss, should this consent notice provision be cancelled;
 - o The copper beech tree is shown in is shown in **Figure 3**. As assessed by our landscape architect, Andrea Reid, the tree is not in great condition. The form of the tree is unusual and appears to have been poorly trimmed over time. It is largely positioned over the boundary. The tree makes no notable contribution to screening the application site, or to the amenity of the wider environment. Cancellation of this provision (and thereby enabling removal of this tree) would not result in any loss of character, amenity, or streetscape values.
 - o The Pohutukawa (**Figure 4**) is positioned at the existing entry to the site. It is proposed to retain this Pohutukawa, as demonstrated on the landscaping plan in **Appendix D**. It is sought to vary the existing consent notice to provide ongoing protection for this tree as detailed in **section 2.4** of this application. A condition of consent is also proffered as part of the concurrent land use that the detailed design of services and foundations take account of the tree, within any works within the dripline being supervised by a suitably qualified arborist to ensure the long term health of the pohutukawa. This will ensure the ongoing protection of the most notable tree established on the application site. Associated effects are therefore considered to be less than minor.



Figure 3: Existing copper beech.



Figure 4: Existing Pohutukawa

- o The final tree protected via the existing consent notice is an araucaria species. There is no araucaria plants located in the area identified on the plan attached to the consent notice. An investigation via Google Streetview suggests there may have been a tree in 2009, however this

was removed prior to 2013 (refer to **Figures 5 and 6**), and prior to the applicant taking ownership of the site. As the tree no longer exists, the consent notice is considered redundant. Removal of this provision will have no adverse effects upon any persons.



Figure 5: Araucaria species, circled in red, as at November 2009. Source: Google Streetview; red annotation added.



Figure 6: Application site as at August 2013. Source: Google Streetview.

- *Condition 2:* It is considered that the requirement to undertake activity onsite in accordance with the previously approved plan submitted with the consent application approved on 17th February 1995 is no longer relevant. The District Plan and existing consents will continue to regulate activity on the site, irrespective of the presence of the consent notice. Additionally, the applicant is concurrently seeking land use consent for re-configuration of the site and change in the nature of the onsite retirement village such that continued compliance with the previously approved plan will not be possible. The effects of this change of activity will be assessed through the resource consent. The consent notice provides no further protection against adverse environmental effects than currently afforded by the District Plan whereby no persons will be adversely affected by cancellation of this provision.

- *Condition 3:* The consent notice requires that driveways and carpark within the application site are sealed and marked to the satisfaction of Council. This has already been achieved onsite, and the future layout and surfacing treatments are the subject of the current consent application. Any ongoing benefits from Condition 3 are internal to the application site whereby no persons are considered to be affected by the cancellation of this provision.
- *Condition 4:* Requires that landscaping be undertaken onsite prior to issuing building consent for the previously approved development form. It is considered that this requirement has been met and is no longer relevant. The proposed development includes a carefully considered landscaping plan that has been designed to provide visual interest, onsite amenity, and soften and integrate the development into the surrounding area. In conjunction with the reasons given under Condition 1 and noting that the site reconfiguration renders compliance with a previous landscaping scheme irrelevant, it is considered that any wider streetscape, amenity and character effects from cancellation of Condition 4 will be less than minor.

Based on the above, it is considered that the proposed consent notice variation will have a less than minor adverse effect upon the character, streetscape and amenity values of the wider environment.

The effects of the proposed land use and consent notice variation are considered to be no more than minor for any persons within the public domain and wider environment. Accordingly, public notification is not required under Step 3 and the test for notification continues at Step 4.

Step 4: Public notification in special circumstances (section 95A(9))

Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified.

No special circumstances exist in relation to the application that could warrant the application being publicly notified.

Section 95A Conclusion

Having regard to the four steps outlined within Section 95A, it is considered that public notification of this application is not required.

4.2 Potentially Affected Persons

Section 95B relates to limited notification of consent applications and (in summary) directs that, where notification of an application for resource consent is not required under Section 95A, the consent authority must give limited notification of the application to any affected person. Section 95B is a four-step process to determine whether to limited notify an application for a resource consent. Section 95B was altered further by the Resource Management Amendment Act 2020, which took effect with respect to Section 95B on 20 September 2020.

Step 1: Certain affected groups and affected persons must be notified (Sections 95B (2) and 95B (3))

Determine whether there are any—

- (a) *affected protected customary rights groups; or*

- (b) *affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

Determine—

- (a) *whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*
- (b) *whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

The application is not considered to affect any of the parties outlined within Step 1, nor is it located on, adjacent to, or may affect land that is subject of a statutory acknowledgement. Therefore, limited notification is not required at Step 1, and the test for limited notification continues at Step 2.

Step 2: If not required by step 1, limited notification precluded in certain circumstances

- (a) *the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;*
- (b) *the application is for a controlled activity (but no other activities) that requires consent under a district plan (other than a subdivision of land):*

The application is not precluded from limited notification under Step 2. Therefore, the test for limited notification continues at Step 3.

Step 3: If not precluded by step 2, certain other affected persons must be notified (Sections 95B (7) and 95B(8))

Determine whether, in accordance with section 95E, the following persons are affected persons:

- (a) *In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person; and*
- (b) *In the case of any other activity determine whether a person is an affected person in accordance with section 95E.*

The application is not for a boundary activity only.

In accordance with section 95E, Council is unable to consider those parties which have given their written approval to the applicant as affected persons. No written approvals have been sought or provided.

The following assessment has been undertaken in accordance with the provisions of s95B and s95E of the RMA 1991.

789 High Street

The property at 789 High Street is positioned west of the application site, on the opposite side of the road. The site has a narrow frontage (approximately 5m) and thus a limited outlook towards the application site. Sightlines to the east are further impeded by the adjacent dwelling at 791 High Street that extends along much of the shared boundary. In addition, the dwelling at N°789 is largely oriented to the north and west, with living spaces and outdoor areas opening in this direction. Within this context, and noting that the dwelling is positioned opposite the proposed entry and retained pohutukawa, any adverse visual amenity effects will be largely similar to the existing environment. The proposed retirement units will extend to the north and east but will not be

dominant within the outlook of persons at N°789. Instead, they will be visible at an oblique angle and will be largely screened and softened by the existing pohutukawa. The proposed façade modulation and articulation will provide further visual interest, and in combination with the setback across the High Street carriageway it is considered that any adverse visual amenity, building bulk or dominance effects will be less than minor.

The limited frontage, restricted line of site, and offset position also ensure that any adverse privacy effects will be less than minor for persons at 789 High Street.

Shading diagrams included in **Appendix B** compare the proposed shading effects to the existing environment. In reliance upon these diagrams, the following effects are demonstrated:

- At the summer solstice, the proposal may result in additional shade upon 789 High Street at 6am. From 7am onwards, no shade extends into the site.
- At the winter solstice, shading is directly comparable to the existing environment.
- During the March and September equinoxes, the proposal will contribute to additional shade across 789 High Street at 7am. However, by 8am the shade is clear of the listed property and does not return over the balance of the day.

Given the limited extent and duration of additional shade, and noting that it will largely fall upon the driveway and front yard (considered to be a secondary living space), any adverse shading effects upon persons at 789 High Street will be less than minor.

791, 1/793 (front flat), 795, and 797 High Street

- The properties at 791-797 High Street are one and two storey, standalone dwellings, positioned on the opposite side of High Street carriageway. These dwellings have varying setbacks from the street frontage, but typically include a carport or garaging towards the front of the site. Aerial imagery suggests that the outdoor living areas for these units are primarily located to the north-west of the dwellings, away from the High Street frontage, with a more northerly aspect and greater levels of privacy and onsite amenity.
- The building fronting to High Street is approximately 50m long and presents a three-storey façade towards to the road. The building exceeds the maximum height control by 0.96m and encroaches into the front yard setback. With respect to the height non-compliance, it is noted that this is largely attributable to the roof, which has been deliberately set at a low angle to minimise the encroachment whilst allowing for three storeys within the site. The application site is also set slightly below the adjacent street, further limiting perceptions of non-compliant height. While the verandahs encroach into the front yard setback, the offset provided by High Street carriageway ensures any adverse visual amenity or bulk and dominance effects of the non-compliance are less than minor. It is considered that the potential adverse visual amenity effects are largely the result of the cumulative built form, rather than the non-compliances themselves. The extensive façade length combined with the building height is a departure from the built form within the wider area. Architectural details including contrasting materials and colours on cladding, utilisation of green walls, a low angle roof, and use of fenestration, balconies and verandahs provide visual interest and modulation, mitigating the visual impact of the proposed build. In addition to this, the High Street carriageway provides 20m of separation between the application sites, further limiting perceptions of excessive building bulk and dominance for persons at 791-797 High Street (as listed above). Proposed fencing at the ground floor combined proposed planting and retention of the existing pohutukawa onsite will serve to visually soften and integrate the development into the surrounding area, further mitigating adverse visual amenity effects.

- More specifically, the outlook for persons at **791 High Street** will remain similar to the existing environment. At present, their outlook is towards the entry, carpark and large pohutukawa at the western corner of the site. The proposal seeks to retain the entry in this location (albeit re-designed) while also keeping the pohutukawa (noting that some trimming may be required). The proposed building bulk will be visible, but at an increasingly oblique angle as the building extends towards the north. The western façade of Units 14, 31 and 48 may also be visible to the rear, although this will be largely screened by the street-facing units and pohutukawa. In combination with the architectural and landscaping parameters discussed above, it is therefore considered that any adverse visual amenity effects upon persons at N°791 will be less than minor.
- **793 High Street** is located directly opposite the application site and has a low front fence with windows oriented to the street. A search of Council floor plans suggests that the facing windows are likely from a living space, and possibly bedrooms. A carport is also positioned towards the street frontage. The proposed building bulk will be visible from these areas and the front yard, but at an increasingly oblique angle as the building extends north along the street. High Street is considered to form part of the secondary outlook from the dwelling at N°793; the primary and more sensitive aspect and outdoor living are positioned to the rear (north-west) of the site, with any outlook towards the application site interrupted by the dwelling itself. The dwelling at N°793 is also positioned in proximity to the access at the western corner of the application site which provides a visual break and will benefit from retention of the existing pohutukawa that will provide softening and a sense of scale to the retirement village. Combined with the 20m setback provided by High Street carriageway and articulation and modulation along the facing façade of the building as detailed above, I consider that any adverse visual amenity effects will be less than minor for persons at 793 High Street.
- The dwelling at **795 High Street** is single storey, with kitchen and living areas positioned adjacent to the street. The front yard is surrounded by a fence approximately 1.8m high, with a car pad and single garage located at the street edge. It is considered that any outlook across High Street towards the application site is largely impeded from internal living spaces; the garage, verandah and pergola, and fence interrupt sightlines towards the application site and will serve to screen the proposed development from view. While the proposed building bulk may remain visible from N°795, the potential adverse effects will be mitigated by the proposed façade treatment (including articulation, modulation, varied claddings, green walls, and landscaping as detailed above) and 20m setback over the intervening road carriageway. Combined with the impeded outlook described above, I consider that any adverse visual amenity effects will be less than minor for persons at 795 High Street.
- **797 High Street** currently contains a two storey dwelling set back approximately 8m from the site frontage. The property is positioned opposite the northern corner of the application site. While the proposed building will be visible from N°797, this will be at an oblique angle to the south as well as a limited sightline along the north-eastern façade of the building. Taking into account the visual mitigation afforded by the proposed façade treatment (including articulation, modulation, varied claddings, green walls, and landscaping as detailed above) and 20m setback over the intervening road carriageway, it is considered that any adverse visual amenity effects attributable to the cumulative built form will be less than minor.
- A total of 13 residential units extend along the north-western façade of the proposed apartment complex, spread over three levels. Each of these apartments has an outdoor living area or balcony oriented towards High Street and the residential properties opposite, all accessible via floor-to-ceiling windows and doors. Additionally, the ground floor includes a café (available to residents and their guests) with frontage to High Street. Despite the number of residential units and balconies properties,

any adverse privacy effects upon persons at 791-797 High Street are considered to be less than minor. The intervening road carriageway provides a separation distance of 20m that reduces perceptions of direct overlooking and minimises awareness of activity within the application site. High Street is characterised by high levels of vehicular and foot traffic, and within this context it is considered that any actual or perceived increase in residential activity or use of the café within 758-760 High Street will have a less than minor adverse effect. Furthermore, it is noted that areas fronting High Street at each of the above properties typically consists of driveways, vehicle parking, and entry yards; these spaces are less likely to be utilised for outdoor living and are thus less sensitive to perceptions of overlooking or loss of privacy.

- Shading diagrams included in **Appendix B** compare the proposed shading effects to the existing environment. In reliance upon these diagrams, the following effects are demonstrated:
 - At the summer solstice, the proposal may result in additional shade upon the above properties at 6am. From 7am onwards, no shade is cast upon the above sites.
 - At the winter solstice, shading is directly comparable to the existing environment.
 - During the March and September equinoxes, the proposal will contribute to additional shade across the above properties at 7am. However, by 8am the shade is well clear of the listed sites and does not return over the balance of the day.

Given the limited duration of additional shading, and noting that (with the exception of 795 High Street) it is typically concentrated upon secondary yard areas containing vehicle parking and access, it is considered that any adverse shading effects will be less than minor.

799 High Street

- 799 High Street contains a single storey dwelling with a carport located to the south-eastern corner of the site. Council records indicate that a lounge and two bedrooms front the street, with a sunporch, dining room and extensive yard positioned to the rear (north-west) of the site. Sightlines towards the application site will be achieved only at an oblique angle, with the existing boundary fence and carport impeding clear sightlines. The north-eastern façade will be most evident to persons at N°799, extending above the roofline of the adjacent dwellings at 764-766 High Street. However, the limited line of sight, partial screening afforded by the adjacent dwelling, separation distance afforded by the road carriageway (20m), and orientation of the proposed retirement village such that it extends away from the 799 High Street all serve to limit the perceived bulk, dominance, and adverse visual amenity effects of the development. In combination with the modulated and articulated façade (as achieved via cladding type, inclusion of balconies, verandahs, green walls, and fenestration) and separation distance from the proposed building height and recession plane non-compliances, it is considered that any adverse visual amenity effects attributable to the cumulative bulk will be less than minor.
- Each of the apartments proposed and visible from 799 High Street includes a ground floor patio, or north or west-facing balcony, all accessible via floor-to-ceiling windows and doors. Additionally, the ground floor includes a café (available to residents and their guests) with frontage to High Street. Despite the number of residential units and balconies properties, any adverse privacy effects upon persons at 799 High Street are considered to be less than minor. The intervening road carriageway provides a separation distance of 20m that reduces perceptions of overlooking and minimises awareness of activity within the application site. High Street is characterised by high levels of vehicular and foot traffic, and within this context it is considered that any actual or perceived increase in residential activity or use of the café within 758-760 High Street will have a less than minor adverse effect. Furthermore, the

proposed apartments (and therefore balconies) will only be visible at an oblique angle whereby they will have a less than minor impact on privacy.

- The proposed retirement village is not anticipated to create or exacerbate shading effects upon persons at 799 High Street at any time of the year, as illustrated in the shading diagrams in **Appendix B**. Accordingly, any shading effects will be less than minor.

754 High Street

- 754 High Street is positioned south of the subject site, albeit separated by the property at 756A-756B High Street. N^o754 contains a two storey dwelling with kitchen and living spaces on the ground floor, as well as a bedroom and study, with two additional bedrooms, a bathroom and playroom/store at the first floor. At the time of site visit it appears that a sleepout is under construction within the front yard.
- The dwelling at N^o754 is positioned such that its primary outlook is towards the north-west (street frontage) and the north-east (towards the application site). Their north-western aspect will not be modified by the proposal. The application site will likely be visible from the family room and lounge at the ground floor, and the gallery and bedrooms at the upper level; from the rest of the house and much of the private outdoor living area to the rear, sightlines will be interrupted by the adjacent dwellings at 756A-B High Street. However, the following mitigating factors are considered sufficient to ensure any adverse visual amenity effects upon persons at 754 High Street will be less than minor:
 - Outlook from N^o754 will generally be between the south-western and north-western wings of the proposed apartments; the access way and central parking area provide a visual break and limit perceptions of immediate building bulk or dominance.
 - While the proposed buildings are three storeys tall, they will be separated by a minimum distance of approximately 20m. The proposed landscaping includes retention of the existing pohutukawa which will screen and soften the appearance of the north-western wing, and intervening dwellings, fencing, and proposed landscaping will serve to screen and soften the southern façade of the south-western wing.
 - The proposed buildings are generally oriented away from the southern boundary, further limiting perceived building bulk and dominance due to the increasingly oblique line of sight.
 - The mix of cladding materials and colours, green walls, low profile roof, and fenestration along the building façades will provide visual interest and articulation, mitigating any adverse effects attributable to the building height and recession plane non-compliances.
- The height and extent of the proposed building may contribute to perceptions of overlooking and loss of privacy. However, such effects are mitigated by the proposed separation distance between the two sites, position of the dwelling in line with the driveway rather than the proposed apartments, the use of opaque window treatments within the upper-most level of the building, its hallways and stairwells (being circulation spaces, not living spaces) positioned in closest proximity to the external site boundary, and any activity within the application site will be largely buffered by the adjacent property and dwellings at 756A-B High Street. On this basis, any adverse privacy effects are considered to be less than minor.
- In terms of shading, the sun studies in **Appendix B** show the following:
 - At the summer solstice, the proposal does not contribute to shade over 754 High Street;
 - In the March/September equinox, the proposal contributes to additional shade over the front yard and internal living area at 7am as compared to the existing environment. Shade will be generally clear of the N^o754 site by 8am. Given the limited duration of additional shade and

noting that good sunlight access is available to the rear yard at 7am, and across the balance of the day, associated effects are considered to be less than minor.

- At the winter solstice, the potential shading effects are comparable to the existing environment until 9am. At this time, the proposal creates additional shade over the front and rear yards may impact on sunlight access to internal living spaces. By 10am, shade is generally clear of the site at N°754 and what remains is comparable to that which could arise from a boundary fence. Beyond this time, the proposal does not contribute to shade over 754 High Street.

On the basis of the above, any adverse shading effects are considered to be less than minor.

768 High Street

- 768 High Street is positioned to the north-east of the application site, buffered by the intervening properties at 764-766 High Street. N°768 contains a standalone, single story dwelling within the front half of the site, with a rear yard containing a garage, shed, and glasshouse around the periphery and an area of lawn.
- The dwelling at 768 High Street is positioned such that its primary outlook is away from the application site. Council records suggest that the living room is oriented to the north-west, with one window facing towards 766 High Street to the south. A kitchen, bathroom facilities and bedrooms may have windows oriented to the south-east and/or south-west. However, the alignment of the underlying land parcel and dwelling thereon is such that views to the south-east will extend past the back corner of the proposed building, over the orchard and towards neighbouring properties on Dyer Street. While the proposed apartments may be visible at a more oblique angle, they will be generally screened by intervening dwellings, accessory buildings, and fencing. This will limit perceived building bulk, dominance and associated visual amenity effects from inside the dwelling.
- The outdoor living areas at N°768 seem to consist of a screened porch to the north-west, accessed via the internal living area, as well as the lawn to the rear of the site. The proposed development will not be readily perceived from the north-west facing porch. While the three story building may be visible from the rear lawn, potential adverse visual amenity effects will be limited due to separation distance; the proposed 4.5m setback between the proposed buildings and application site boundary, interceding nature of 764-766 High Street, and screening and separation provided by the accessory buildings within N°768 will limit building bulk and dominance.
- In combination with the mix of cladding types and colours, inclusion of green walls to provide visual interest and vertical articulation, fenestration, modulation achieved via the inclusion of balconies and verandahs, and noting that any recession plane and building height non-compliances are modest as measured from the north-eastern boundary, I consider any adverse visual amenity effects to be less than minor.
- With respect to privacy, it is considered that ground floor activity within the application site will be sufficiently screened via fencing, intervening dwellings, and physical separation distance whereby associated privacy effects will be less than minor. Balconies and windows at the first and second floor may increase perceptions of overlooking and loss of privacy for persons at N°768. However, the balconies are small in area (approximately 7.9m²) and thus lend themselves to passive enjoyment by a small number of people thereby limiting potential privacy effects. The height of the proposed building (being up to three storeys) and separation distance between the apartments and the dwelling and outdoor living areas at 768 High Street means that outlook will be primarily over, rather than down into, the property at N°768. Combined with screening of windows and activity on balconies by the proposed semi-solid balustrade detailing, screening afforded by existing accessory buildings (including a garage,

shed and glasshouse) within 768 High Street, and the diverging boundary alignments between the two sites, I consider any adverse privacy effects will be less than minor.

- In terms of shading, the sun studies in **Appendix B** show the following:
 - During the summer solstice, shading over the property at N°768 is comparable to the existing environment until 6pm and again from 8pm onwards. The shading diagrams show that, at 7pm, there will be additional shade over the rear outdoor living space of the property. It is considered that any adverse amenity effects from this additional shading will not be easily discerned; the accessory buildings located along the south-western boundary of 768 High Street will already contribute to shade in this location.
 - At the equinox and during the winter solstice, shading across the property at 768 High Street will be comparable to the existing environment.

On the basis of the above, any adverse shading effects are considered to be less than minor.

9 Dyer Street, Epuni (Dyer Street School)

The property at 9 Dyer Street is utilised by the Dyer Street School, and is positioned approximately 59m to the south-west of the application site. This separation distance, coupled with the screening afforded by intervening residential properties, will limit perceptions of excessive building bulk and dominance. The mix of cladding materials, colours and green walls along the south-eastern façade of the proposed building provide break up the façade and further mitigate any adverse visual amenity effects. As a non-residential activity, the school is also considered less sensitive to visual effects. On this basis, any adverse visual amenity effects (including those attributable to the building height and recession plane non-compliances) will be less than minor.

The 59m of physical separation and non-residential use of 9 Dyer Street is also sufficient to ensure any adverse shading or privacy effects upon the owners and occupiers will be less than minor.

12 Dyer Street

- The property at 12 Dyer Street is located to the north-east of the application site. There is no shared boundary, with N°12 slightly offset and separated by part of 12A Dyer Street. This property contains a single storey standalone dwelling. It appears that a service area, shed and driveway are positioned to the rear (north-west) of the house, with the primary outdoor living space to the east.
- The proposed buildings will be three storey in height and have an extensive footprint, however the potential adverse visual amenity effects are mitigated due to the following factors:
 - The proposed building will be setback approximately 22m from the dwelling at N°12. This setback will limit perceptions of immediate bulk and dominance.
 - The site layout means that persons at 12 Dyer Street will have a most direct view towards the eastern façade of Units 8, 24 and 41. The internal circulation spaces, stairwells and balance of units will be stepped behind these units and extend away from the shared boundary. Where they are visible, this will be limited to an oblique angle and will be positioned with increasing distance from the property at N°12. This further reduces perceptions of building bulk and dominance.
 - While the upper portion of Unit 41 breaches the recession plane by up to 3.26m, this is setback from the boundary and limited to a length of approximately 4.5m. Given the separation distance, oblique line of sight, and screening and softening afforded by the proposed landscaping including the existing boundary fence and mature deciduous tree at the very eastern corner of the site, it is considered that any adverse visual amenity effects will be limited.

- At 8.9m, the building will exceed the maximum height control. However, the low angle roofline and hip profile will limit the extent (and perceptions of) the non-compliance.
- The mix of cladding materials, colours and fenestration provides visual interest to the façade facing 12 Dyer Street.
- The primary outlook for persons at 12 Dyer Street is expected to be towards the north-east and south-east; areas to the north-west consist of parking/driveway and servicing areas used in a more transitory manner and considered less sensitive to visual changes.

Taking into account the above matters, I consider that any adverse visual amenity effects from the proposal will be less than minor for persons at 12 Dyer Street.

- With respect to privacy, it is noted that persons at N°12 do not directly abut the application site. The unique shape of the application site and slight offset in property boundaries means that no windows will directly overlook 12 Dyer Street. Windows in the eastern façade of Units 8, 24 and 41 will be into bedrooms, spaces that typically have lower levels of occupation during the day and where privacy is generally sought. Any windows along the northern façade of the proposed apartments are oriented away from N°12 and thus will not be visible or contribute to overlooking. It is noted that Units 24 and 41 have balconies oriented to the north. Due to their position on the first and second floors respectively, when occupied these may contribute to perceptions of overlooking. However, these balconies are approximately 23m from the dwelling at N°12 and due to their modest size are not designed to accommodate large groups of people. The handrails are not visually permeable and will serve to screen activities and people, particularly when occupants are seated. Combined with screening afforded by the existing tree (noting this is deciduous, but will lose its leaves in autumn and winter when use of the balconies is expected to be lower) and noting that any overlooking will primarily be of parking, servicing, and the roof of the dwelling at 12 Dyer, I consider any adverse privacy effects to be less than minor. All other Units and balconies are sufficiently screened and separated whereby associated privacy effects will be less than minor.
- The shading diagrams included at **Appendix B** demonstrate the following:
 - At the summer solstice, the proposal contributes to additional shading over the north-western yard and façade of the dwelling between 6pm and sunset as compared to the existing environment. However, this is a service area less sensitive to loss of sunlight, and combined with the modest duration any adverse effects are considered to be less than minor.
 - At the equinox times, the proposal will contribute to a modest area of additional shading to the north-west of the dwelling at 5pm. By 6pm, shade over the north-western yard and façade will be comparable to the existing environment. The proposal will contribute to additional shade over the south-western façade and front yard of the dwelling at 6pm. However, the front yard will likely be shaded by the dwelling at N°12 during this time and by 7pm shading effects are again comparable to the existing environment. Sunlight access will also be unaffected by the proposal across the balance of the day. Accordingly shading effects are considered to be less than minor during the equinox times.
 - At the winter solstice, the shading effects are directly comparable to the existing environment and are therefore less than minor.

756A-B, 764-766, and 768 High Street, and 12A, 14, 16, 18, 20, 22, 24 and 26 Dyer Street

- With the exception of 768 High Street, the above properties all abut the application site. Each property contains a standalone or semi-detached residential dwelling with outdoor living spaces typically oriented towards the application site.

- The proposed retirement village buildings are three storeys in height and wrap around the perimeter of the site. The buildings exceed the maximum height control by up to 0.96m, and breach the recession plane as measured from the external site boundaries. The proposed building will be clearly visible from the dwellings and outdoor living spaces at the above sites, and it is considered that the cumulative built form will contribute to adverse building bulk and dominance and associated visual amenity effects that will be minor.
- In terms of privacy, it is noted that persons at the above properties will experience potential overlooking attributable to the three storey built form. For properties to the east and south the overlooking and privacy effects will be partially mitigated by the site layout; circulation spaces (rather than living areas) are positioned along the external boundary, and these are used in a more transient manner. Furthermore, the use of opaque narrow windows at the upper-most level will limit perceptions of overlooking. Nevertheless, the number of glazing panels and perceived building extent will contribute to privacy effects that are minor for persons at 756A-B and 14-26 Dyer Street
- Along the north-eastern boundary, a total of 12 balconies will be oriented to the north. The density of development, as well as the intensity of the site layout and concentration of residential dwellings, combined with the number and orientation of balconies and extent of glazing will create adverse privacy effects that are minor for persons at 764-768 High Street and 12A Dyer Street.
- With regard to shading, the diagrams included in **Appendix B** have been relied on in drawing the following conclusions:
 - During the summer solstice, shading effects are generally comparable to the existing environment with the following exception. By 6pm, the proposal is contributing to additional shade over the dwellings and/or outdoor living spaces of 764-768 High Street, and 12A, 14 and 16 Dyer Street.
 - At the equinox, the proposal creates additional shade over the properties at 756A-B High Street between 7-9am, over the outdoor living spaces and dwellings at 14-20 Dyer Street between 3pm and sunset, and over 12A Dyer Street at 6pm.
 - At the winter solstice, additional shade is cast over 756A-B High Street between 9am – 1pm, and across the outdoor living areas at 26 Dyer Street between 9-3pm, 16-22 Dyer Street between approximately 11am-5pm, and over 14 Dyer Street between 4-5pm.

It is considered that the cumulative loss of sunlight to these properties across the year, including direct impacts upon key outdoor living areas as well as the dwellings themselves will be minor.

- Overall, it is considered that the individual and cumulative effects of visual amenity, bulk and dominance, privacy and shading upon persons at the above properties will be minor.

28 Dyer Street

- The property at 28 Dyer Street is positioned south of the application site. There is no shared boundary, with N°28 separated by both 26 Dyer Street and 756A-B High Street. This property contains a single storey standalone dwelling with outdoor living and open yard space to the north and south-east of the site. Council plans indicate that it is the kitchen, dining, lounge and sunroom positioned along the northern façade. A two-storey garage is located to the south-west corner of the site.
- The proposed retirement village will be three storeys in height and has an extensive footprint, however the potential adverse visual amenity effects are mitigated due to the following factors:
 - The proposed building will be setback approximately 36.6m from the dwelling at N°28, or 21.8m from the closest boundary point. This setback will limit perceptions of immediate bulk and dominance both within the dwelling and out outdoor living areas.

- The site layout means that persons at 28 Dyer Street will have a most direct view towards the south-western wing (specifically, the Level 1 and 2 circulation spaces adjacent to Units 28-31 and 45-48). The balance of the retirement village will be generally screened by these units and extend away from the shared boundary. Where other portions of the development are visible, this will be limited to an oblique angle and will be positioned with increasing distance from the property at N°28. This further reduces perceptions of building bulk and dominance.
- As measured from the south-western boundary, the proposal will breach the recession plane by 1.16m. However, this breach will be viewed at a minimum distance of 21.8m (approximately) such that the adverse visual amenity, bulk and dominance effects will be mitigated.
- At 8.9m, the building will exceed the maximum height control. However, the low angle roofline and hip profile will limit the extent (and perceptions of) the non-compliance.
- The mix of cladding materials, colours, green walls, and fenestration provides visual interest to the façade facing 28 Dyer Street. The proposed landscaping includes fencing and specimen trees that will serve to screen and soften the appearance of the proposed building, particularly as plants mature.
- The fencing, dwellings and existing vegetation within N°28 and on surrounding residential sites will partially screen the proposed development from view. A two storey dwelling approximately 7.5m tall is established on the site at 26 Dyer Street and this will provide context and a sense of scale to the proposed building.

Taking into account the above matters, I consider that any adverse visual amenity effects from the proposal will be less than minor for persons at 28 Dyer Street.

- The height and length of the proposed building may contribute to perceptions of overlooking and loss of privacy. However, such effects are mitigated by the proposed separation distance between the two sites (16m from boundary-to-boundary, plus an additional 20.6m (or total distance of 36.6m) from building-to-building). Additionally, opaque window treatments are proposed within the upper-most level of the building, and spaces along the southern façade are circulation spaces (hallways, and stairwells used in a more transient manner) with no primary indoor or outdoor living areas oriented towards N°28. Activity within the application site will be largely buffered by the intervening properties at 756B High Street and 26 Dyer Street and thus will not be readily perceived. On this basis, any perceived overlooking and loss of privacy is considered to be mitigated to a less than minor extent.
- Due to the proposed building bulk there is potential for shading effects upon persons at 28 Dyer Street. However, such effects are considered to be less than minor for the following reasons:
 - The shading plans included at **Appendix B** demonstrate that N°28 will be unaffected by shading during the summer solstice and equinox times of the year.
 - At the winter solstice, shading will be generally comparable to the existing environment prior to 8am, and from 10am onwards. Between 8-10am the shading diagrams indicate that additional shade will extend into the northern yard of the property. However, this shade will be largely concentrated upon areas likely subject to existing shade from the garage and dwelling at 756B High Street and from existing boundary fencing. Furthermore, shade will primarily fall upon an area of garden rather than the more usable lawn space. Given the limited extent, duration, and noting that this area is likely already shaded by surrounding residential development, I consider any adverse shading effects to be less than minor.

General effects and effects upon all other persons

- It is considered that all other persons are sufficiently screened and separated from the application site whereby any adverse visual amenity, bulk and dominance, privacy, and shading effects will be less than minor.
- Provision has been made for the three waters as part of the current application, including ensuring stormwater neutrality is received and providing onsite storage and timed wastewater discharges to mitigate any potential effects upon the wider reticulated system. Overland flow paths have been designed to reflect the existing situation whereby the development not considered to create or exacerbate inundation effects for persons on any adjacent site. Accordingly, any adverse engineering effects will be less than minor for all persons.
- Signage totalling 3m² will be installed on site. This will be attached to the building façade and is discreet in design (as evidenced on Drawings A20 and A21 in **Appendix B**) and is modest in size (each being 1m²) limiting any adverse visual amenity effects. Signage forms part of the existing environment, with one freestanding sign and one fence sign attached to existing fencing identifying the existing retirement village. For these reasons, any adverse amenity effects will be less than minor for all persons as compared to the existing environment.
- Up to 2500m³ of earthworks are proposed, including a combination of cut and fill. These earthworks generally consist of a site scrape and minor filling (both approximately 0.75 in depth) to level the site. The site is generally flat with no notable natural or topographical features that will be altered by the proposal, and all exposed areas will be built over, paved and sealed, or landscaped at the conclusion of works. Accordingly, any adverse visual amenity effects will be less than minor. Given the flat topography of the area, the proposed earthworks are not considered to create or exacerbate land instability effects for any persons. Earthworks will be limited to a scrape and minor filling of the site and will be occurring on a site subject to prior development. There are no known sites of cultural or archaeological significance located within the application site, whereby associated effects are considered to be less than minor.
- Construction effects associated with the development may include noise, vibration, erosion and sedimentation, and construction traffic. A Construction Management Plan (CMP) will be prepared for the site detailing methods to avoid and mitigate as far as practicable these effects. Works will be undertaken in compliance with NZS 6803:1999 Acoustics – Construction Noise, and erosion and sediment control will be in place for the duration of works. The CMP will include staging of works to minimise the duration of any construction works that may produce off-site vibration effects. Demolition of the existing buildings onsite can occur as of right whereby such effects will have a less than minor effect. The CMP will include appropriate controls to ensure any adverse construction effects upon all persons will be less than minor.
- A detailed traffic assessment has been provided in **Appendix G** to this consent application. It found that the effects of any traffic non-compliances will be generally internal to the application site. Irrespective, the wide, flat and straight nature of the road will ensure that any off-site safety effects are less than minor for all persons.
- No onsite parking is required under the District Plan. Irrespective, the applicant is proposing to provide 14 onsite carparks for staff, visitors and residents. Both time restricted and unlimited parking is available on the street adjacent the site to accommodate any overspill parking. It is also anticipated that there will be lower demand for vehicles by the older residents, and a car share will be provided further

reducing the need for individual vehicle ownership. Accordingly, any adverse parking effects are considered to be less than minor for all persons.

Consent notice

In addition to the above assessment of effects from the proposed land use, it is considered that any adverse effects arising from the consent notice variation will be less than minor for all persons for the following reasons:

- Clause 1 protects six existing trees on site. It is considered that, with the exception of the pohutukawa, none of the trees protected provide significant visual amenity, privacy or biodiversity outcomes for the area. The proposed landscaping plan (being sought as part of the concurrent land use) will be implemented on site and will offset the loss of the copper beech and cabbage trees. The araucaria tree has historically been removed whereby the consent notice is no longer needed. The pohutukawa is to be kept. The proposed consent notice variation will continue to afford protection to the pohutukawa, ensuring that the visual amenity and privacy benefits this provides are retained for all persons.
- Should the above land use consent be approved, Clause 2 becomes redundant; the change in activity onsite from the prior use will have been approved under the RMA, with effects found to be acceptable. There will be no additional environmental effect arising from cancellation of this clause for any person;
- Clause 3 requires the driveways and carparks are sealed and marked. The effects of this are internalised to the application site. Irrespective, the existing access and parking arrangements are well defined onsite and any future access and parking arrangements will be assessed under the above land use consent, or will be otherwise regulated under the District Plan. Accordingly, cancellation of this condition has no environmental effect upon any person.
- Clause 4 relates to the implementation of a prior landscaping plan on the application site. It is understood this has been given effect to in terms of the current operations on site, and will be superseded by the land use consent being sought concurrently. Again, this provision becomes redundant with no adverse environmental effect being caused by its cancellation.

On this basis it is considered that the proposed consent notice cancellation and variation will have a less than minor effect upon all persons.

Conclusion

The proposed land use is considered to create adverse effects upon persons at **756A-B and 764-766 High Street, and 12A, 14, 16, 18, 20, 22, 24 and 26 Dyer Street** that are minor and therefore warrant limited notification.

It is considered that the effect of the land use is less than minor upon all other persons such that limited notification is not required under Step 3. The proposed consent notice variation is considered to have a less than minor effect upon all persons and does not trigger the need for limited notification.

Step 4: further notification in special circumstances (Section 95 (10))

Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons), and,—

- a) if the answer is yes, notify those persons; and*
- b) if the answer is no, do not notify anyone else.*

No special circumstances exist in relation to the application that could warrant the application being limited notified.

Section 95B Conclusion

Having regard to the four steps outlined within Section 95B, it is considered that limited notification of this application is required to persons at **756A-B and 764-766 High Street, and 12A, 14, 16, 18, 20, 22, 24 and 26 Dyer Street.**

5. Assessment of Environmental Effects

5.1 Scope

The following section presents an assessment of environmental effects (AEE) in accordance with Schedule Four of the RMA, with regard to the assessment criteria outlined in Section 3.2 above. The AEE is comprised of the following components in respect of the proposed land use:

- Permitted Baseline
- Character, streetscape, visual amenity and internal amenity effects
- Privacy effects
- Shading effects
- Infrastructure capacity and servicing
- Construction effects
- Earthworks effects
- Transport effects
- Signage effects
- Natural hazard effects; and
- Positive Effects

The following section also assesses the effects of the proposed consent notice variation.

5.2 Permitted Baseline

The permitted baseline allows a consent authority to disregard adverse effects that are the same as could arise from a compliant activity.

In terms of built form, the permitted baseline would provide for the construction of two dwelling houses on 760 High Street. To proceed without a resource consent the dwellings must comply with the required 40% site coverage (over each lot, respectively), must not exceed 8m in height, shall be contained within the required recession planes (2.5m + 45°), and need to comply with the required 3m front yard and 1m setback from all other external boundaries. At least 30% of each site must consist of permeable surface, and each dwelling must be provided with 50m² of outdoor living space with a minimum dimension of 4m. Stormwater retention tanks would need to be installed for each new dwelling in accordance with standard 4A 4.2.12, and the proposal must comply with the relevant standards in Chapter 14. This permitted baseline is considered to be of limited relevance to the proposal.

It is also noted that a permitted baseline must be credible and non-fanciful. 758 High Street currently contains an operational 20-unit retirement village, whereas the permitted baseline would provide for redevelopment of the site with just two dwellings. From a financial standpoint it is highly unlikely that such a redevelopment would occur; such a proposal is considered fanciful, and on this basis there is no permitted baseline of relevance to built form at 758 High Street.

In this instance, the permitted baseline provides for earthworks up to 50m³ in volume and 1.2m in depth across each of the allotments forming the subject site. In total, this provides for 100m³ of earthworks up to 1.2m deep whereby the permitted baseline is considered to be of limited relevance to the proposed earthworks.

5.3 Character, streetscape, visual amenity and internal amenity effects

A detailed assessment of the character, streetscape and visual amenity effects has been undertaken in **section 4**, above. The conclusions therein are considered to remain relevant for the purposes of this s104 assessment.

In summary, the above assessment identified the most sensitive receivers as the immediately adjacent properties to the north-east, south-east and south-west; the visual amenity, bulk and dominance effects were found to be minor upon persons at 756A-B and 764-766 High Street, as well as 12A and 14-28 Dyer Street (even numbers only).

The balance of receivers are sufficiently screened and separated whereby such effects will be less than minor, or are located within the public realm with effects found to be no more than minor and thus acceptable for the reasons detailed in **sections 4.1** and **4.2**.

Despite the larger built form, the proposed building is not without precedent in the wider area. Infill is evident at 745A – 5/747, 1-3/785, and 744-2/746 High Street, with large buildings also established at Hutt Hospital to the south and a six-story apartment block at 15 Park Avenue. The application site also supports a more intensive residential development via the existing 20-unit Ropata Lodge Village at 758 High Street.

The building has been designed to address the public realm via the use of defined entries, fenestration and balconies. The proposed building will also remain ‘human’ in scale. This is achieved by limiting the building height to three storeys, and activation of the external-facing façades with numerous windows, doorways and balconies providing a sense of connection and human activity between the site and High Street.

The proposed landscaping will serve to integrate the site into the surrounding area, by addressing the street and softening the appearance of the retirement village as viewed from external properties. In particular, retention of the existing pohutukawa will provide an instant sense of scale and softening to the building. To ensure that the tree survives a condition of consent is proffered that all works within the dripline of the tree must be directly supervised by a suitably qualified arborist, and another that requires servicing infrastructure not to interfere with its roots, to ensure the long-term health of the pohutukawa.

The proposed retirement village is architecturally cohesive with a consistent built form, material palette and colour scheme, yet has design elements that promote visual interest including: green walls to provide vertical delineation; an articulated edge through use of balconies, build-outs and verandahs; and contrasting cladding materials and colours.

While the proposal breaches the maximum height control, this is limited to 0.96m. The low hipped roof form mitigates perceptions of excessive building bulk and dominance, as well as the visibility of the non-compliance. Additionally, the recession plane breaches are typically limited in scale (between 0.9-1.2m in the majority of locations, albeit up to 3.4m adjacent the eastern corner of the site) which limits adverse bulk, dominance and visual amenity effects. Where the recession plane breach is greatest, it is narrower in width (approximately 4.5m), reduces in scale along the length of the breach, and is setback from the adjacent boundary. Combined with the screening and softening afforded by the proposed landscaping and existing deciduous tree onsite effects will be further mitigated.

The extent of the proposed building is notable, however the overall footprint is well below that anticipated for a CRD (being 47%, as compared to the 60% provided for under the District Plan). Furthermore, the District Plan does not seek to control the length of buildings.

Due to the size of the application site, it abuts a number of surrounding properties. None of the adjacent sites share the full length of the boundary; the adjacent properties extend along only a portion of the subject site boundary. As such, no persons are exposed to the full extent of the proposed development from any one vantage point.

An assessment of the proposal against the Medium Density Design Guide has also been undertaken in **Appendix G**. This concluded that the outcomes in respect of neighbourhood fit, character and visual amenity (insofar as they are governed by the Design Guide) are acceptable.

The Design Guide assessment also considered that internal amenity effects of the proposal. I defer to the expertise of Ms Reid in that respect and consider that the overall outcomes are generally consistent with the Design Guide provisions and are therefore acceptable.

On the basis of the above, any adverse character, streetscape, visual amenity and internal amenity effects are considered to be acceptable for all persons.

5.4 Privacy effects

The proposed retirement village may result in a perceived loss of privacy for persons within the wider area and surrounding residential sites. This may be attributable both to the density of development proposed, and also to the design and layout of the proposed building.

Persons utilising the public domain are inherently less sensitive to loss of privacy and stand to benefit from passive surveillance over public streets. It is therefore considered that any adverse effects due to the level of residential activity and overlooking from balconies and outdoor living areas fronting to High Street will be less than minor.

A total of 48 residential units are proposed within the retirement village, alongside a café (for use by occupants and their guests only), and common facilities such as a gym and pool. This level of activity exceeds that presently established on site, being a total of 21 dwelling units across the two sites, and with fewer communal facilities.

In order to manage the potential privacy effects, the following measures have been incorporated into the site layout:

- Common facilities including the café, pool and gym are located on the ground floor. The gym and pool in particular are oriented towards the centre of the site, away from external boundaries. The café has been positioned towards the High Street frontage, already a highly trafficked area, with a verandah, fencing and yard setbacks designed to limit perceptions of activity onsite from adjacent residential properties.
- The carpark is centralised on the property with associated vehicle and pedestrian movement and noise screened from the surrounding area.
- Existing boundary fencing around the perimeter of the site will be kept, screening activity within the site.

The proposed building extends for a length of approximately 35m along the south-western boundary, and approximately 54m parallel to the south-eastern boundary. In combination with the three storey built form,

there is potential for overlooking and loss of privacy. Such effects were found to be minor on a number of persons, as identified in **Section 4.2** above. However, consideration has been had to whether these effects will be acceptable in light of s104. In addition to the general matters above, the following mitigations will reduce the adverse privacy effects:

- For persons abutting the application site to the south-east and south-west, any overlooking will be occurring from within circulation spaces such as entry foyers, hallways and stairwells/lifts. Such spaces are used in a transitory manner and do not lend themselves to loitering or extend overlooking of adjacent sites;
- Fenestration at the first and second level is typically narrow, limiting sightlines towards and perceptions of overlooking from within, adjacent dwellings.
- At the upper level (i.e. second storey) the windows have an opaque treatment to further reduce perceptions of overlooking.
- Specimen trees located adjacent the building have a minimum height of 2.3-5m after five years, and may grow to a height of 6-10m after 10 years. These trees will serve to screen activity within the site.
- The proposed building is setback approximately 4.5m from the external site boundary (or 2.3m at the edge of the eastern stairwell). This setback, combined with the separation distance to adjacent dwellings (being 10-30m approximately to the Dyer Street dwellings, and 12-14m to 756A-B High Street) and screening afforded by intervening accessory buildings such as garages, sheds and glasshouses where relevant will further limit perceptions of overlooking.
- Persons at 756A High Street are located adjacent the carpark and accessway into the site, limiting any perceptions of direct overlooking from within the application site.

For these reasons, and noting that there will be no direct overlooking from balconies or primary living spaces, it is considered that any adverse privacy effects upon persons abutting the south-eastern and south-western boundaries will be acceptable.

For persons located to the north-east of the application site, potential privacy effects are again attributable to the length and height of the building, and number of dwelling units proposed. Units 5-8, 19-24, and 36 – 41 extend along the north-eastern boundary, as well as the café, kitchen, activity room, and an entry foyer. There is potential for perceived privacy and overlooking from the windows into the building as well as the balconies from each dwelling. At the ground floor the existing boundary fencing and proposed vegetation will serve to screen activity within the site such that any adverse effects will be comparable to the existing environment. At the first and second levels, the range of windows, doors and balconies may lead to privacy and overlooking effects.

However, the balconies are modest in size (approximately 11m²) and thus restrict the scale and type of activity that can occur; more passive use by a limited number of persons is expected. As detailed in the attached urban design assessment (**Appendix G**), it is anticipated that balconies will be used to extend outlook from within the units and for ventilation, with lower levels of occupation. When in use, it is anticipated that residents are more likely to sit. The balustrades for the balconies have been designed to minimise overlooking with solid/perforated aluminium panels restricting visibility of users, particularly when seated.

Opportunities for more active recreation are provided elsewhere onsite in the form of a gym, pool, activity room, communal courtyard and community orchard at the ground floor. This will reduce reliance upon the balconies for active recreation; more sedentary use of such spaces will in turn limit privacy and overlooking effects. Combined with the physical setback from the north-eastern boundary and oblique sightlines to more than the

immediately adjacent balconies, it is considered that the potential overlooking and privacy effects will be mitigated to an acceptable degree.

All other persons within the wider environment are sufficiently screened and separated from the application site whereby perceived loss of privacy will have a less than minor effect.

5.5 Shading effects

The construction of the proposed retirement village has the potential to create adverse shading effects over the public domain and surrounding residential sites.

Due to the extensive frontage and height of the proposed building (being approximately 50m long, and 8.9m high), the proposed building will contribute to additional shade over High Street throughout the year as compared to the existing environment. However, this is limited to the early morning hours (prior to 9am) across the year. Shade will be concentrated upon the road and footpath, areas where users are typically in transit and thus less sensitive to loss of sunlight and daylight. Accordingly, any such effects are less than minor.

The proposal may also contribute to shade over Dyer Street in the late afternoon/evening. Shade of the public domain will occur from approximately 4:30pm at the Winter solstice, or from approximately 6pm during the equinox times of the year. Given the limited duration, the less sensitive nature of persons transiting through this area and noting that the neighbouring dwellings fronting Dyer Street will already contribute to shade in this location, any adverse effects will be less than minor.

Specific consideration has also been had to the shading effects upon those persons for whom effects were found to be minor in **section 4.2**. These are broken down by property in the following assessment. This should be considered in conjunction with the shading diagrams provided in **Appendix B**, and also to Figure 6 in the Urban Design Guide Assessment (**Appendix G**). Figure 6 includes a scaled 50m² outdoor living space for surrounding dwellings, being the minimum outdoor living area permitted under the District Plan for a dwelling. This has been identified based off aerial images demonstrating the most practicable location, taking into account proximity to the dwelling and internal layout where possible. This has been used to consider sensitivity of areas to sunlight loss, although the below assessment expressly considers shading impacts over the entire outdoor living area per dwelling.

758A High Street

- Summer – During the summer solstice, persons at 758A High Street will be unaffected by shade from the proposed building.
- Equinox – At the equinox, shade additional to the existing environment is primarily concentrated upon the driveway servicing N^o758A. This is an area considered much less sensitive to loss of sunlight due to the nature of use and typically transient occupation of the space. Extra shade will be cast over the conservatory and dwelling roof between 7-8am. By 9am shade is generally clear of the dwelling, although a portion of the conservatory may still be in shade. Given the limited duration of additional shade, and noting that from 9am onwards the dwelling and shade on any outdoor living areas will be clear of shade, the associated amenity effects are considered to be acceptable.
- Winter – At the winter solstice, shading from the proposed development will be comparable to the existing environment until approximately 9am. Between 10-1pm the proposed building will cast additional shade over the roof and driveway at N^o758A, however these locations are less sensitive to loss of daylight and sunlight. Between 10am and 4pm, the proposed building may cast additional shade

over the limited lawn area and façade of the dwelling at 758A. However, the effects of this are offset as the conservatory will continue to have direct sunlight access between 11am and 4pm, ensuring adequate internal amenity for occupants. Given that at least 5 hours of sunlight access will be maintained to the sunroom, I consider the overall amenity effects will be acceptable.

Overall, shading effects upon persons at 758A High Street are considered to be acceptable.

758B High Street

- Summer – During the summer solstice, persons at 758B High Street will be unaffected by shade from the proposed building.
- Equinox – during the spring and autumn equinox shading over the dwelling at N°758B will be comparable to the existing environment. Between 7am and 9am the proposal will cast additional shade over the outdoor living area, but beyond this time sunlight access will again be comparable to the existing environment (being largely in full sunlight). Given the limited duration of additional shade (two hours in the early morning) and noting that quality sunlight access will be maintained over the balance of the day, the shading effects are considered to be acceptable.
- Winter – shading effects upon the property at 758B will be comparable to the existing environment until 8am. Between 9am – 11am additional shade will fall on the dwelling but will be comparable to the existing environment from 11am onwards. Given the limited duration of sunlight loss to the dwelling, the overall amenity effects are considered to be acceptable. Outdoor living areas will be fully shaded between 9am – 11am. From 12pm – 4pm sunlight access will return, with the patio and lawn in direct sunlight. From 1pm – 4pm in particular, shading is largely attributable to the boundary fencing and is therefore generally comparable to the existing environment. The key difference at this time is that the proposed buildings will create additional shade at the corners of the outdoor living area. Overall, four hours of quality sunlight will be provided to the outdoor living areas in mid-winter whereby the associated amenity levels are considered to be acceptable.

On balance, shading effects upon persons at 758B High Street are considered to be acceptable.

764 – 766 High Street.

- Summer – at the summer solstice, shading upon 764-766 High Street will be comparable to the existing environment until 6pm and again from 7pm onwards. For approximately 1 hour from 6pm, the rear yards of the above properties will be shaded. For N°764 this means the entire rear yard will be fully shaded as compared to the existing half-shade, while at N°766 additional shade will be concentrated upon the lawn and sheds with the deck remaining in sunshine. Given the limited duration (and for N°766, the location) of additional shading, any adverse effects are considered to be acceptable.
- Equinox and Winter – during the equinox and winter solstice period, shading from the proposed development will be comparable to the existing environment and is thus less than minor and acceptable.

Overall shading effects upon persons at 764-766 High Street are considered to be acceptable.

12A Dyer Street

- Summer – at the summer solstice, shading upon 12A Dyer Street will be comparable to the existing environment until 5pm, and again from 7pm onwards. At 6pm, additional shade will fall over the dwelling and south-western yard. This area appears to be utilised as a service area, with clothesline and shed; the outdoor living area appears to be located to the north and north-west of the dwelling. Given

the less sensitive nature of use in this area and limited duration, associated effects are considered to be acceptable. It is considered that any shade falling on the sleepout to the south-east of the site will be generally comparable to the existing environment.

- Equinox – during the equinox, the proposal will contribute to an additional hour of shade at approximately 6pm. For the same reasons as given under ‘summer’ above, any adverse effects are considered to be acceptable.
- Winter – at the winter solstice shading effects will be comparable to the existing environment and are thus acceptable.

Overall shading effects upon persons at 12A Dyer Street are considered to be acceptable.

14 Dyer Street

- Summer – during the summer solstice, shading upon 14 Dyer Street will be comparable to the existing environment until 5pm. From 5pm onwards there will be additional shading across the rear yard. However, this will primarily fall upon the garage and lawn; the dwelling, half the rear yard, and the deck to the rear of the dwelling will remain unaffected by the proposal.
- Equinox – during the equinox, shading will be comparable to the existing environment prior to 2pm and from 5pm onwards. Between 2pm and 5pm, additional shade will fall upon the lawn and garage. However, the primary outdoor living area (being a deck to the rear of the dwelling) will be unaffected until 5pm and approximately half the lawn will remain in sunlight at 4pm. On this basis there is considered to be sufficient areas of lawn and deck in direct sunlight whereby the overall amenity effects will be acceptable.
- Winter – shading during the winter solstice will be comparable to the existing environment until approximately 4pm, at which time extra shade will extend along the south-western boundary of the property. Although a strip of the lawn and deck will be affected, the shade typically falls on an access path along the side of the dwelling. Given the limited location and duration of additional shade it is considered that the overall outcome will be acceptable.

Overall shading effects upon persons at 14 Dyer Street are considered to be acceptable.

16 Dyer Street

- Summer – during the summer solstice, shading effects upon 16 Dyer Street will be comparable to the existing environment until 7pm at which time shading will extend further into the site. Shading will continue to extend through the site until sunset but will be concentrated in the northern corner of the site containing a clothesline and shed, behind the garage. Given the limited extent and duration of shading, and noting that it will be clear of the dwelling and primary outdoor living spaces, any associated effects will be acceptable.
- Equinox – shading at the equinox is comparable to the existing environment until 3pm. From 4-5pm, the proposal contributes to additional shade and is again comparable to the existing environment by 6pm. Between the hours of 4-5pm the extra shade will be concentrated upon the glasshouse, services/lawn area, and garage. It is noted that the glasshouse is likely a more sensitive receptor to shading effects. However, the dwelling and the sunroom/conservatory on the north-western façade will remain unaffected by shade from the proposed building, and given the limited duration of extra shading (2 hours) and noting that the wider outdoor living space will be largely in sunlight between 8am – 3pm (7 hours), it is considered that adequate sunlight will be maintained to N°16.

- Winter – during the winter solstice, shading from the proposal will be comparable to the existing environment until approximately midday and again from 5pm onwards. Until 2pm the shade is concentrated on the rear half of the back yard, including the glasshouse, services/lawn area, and garage. The dwelling itself and the conservatory/sunroom will remain unaffected by shade at this time. By 3pm shade has reached the dwelling, and by 4pm the dwelling will be shaded in its entirety. Despite the additional shade cast, overall amenity outcomes are considered to be acceptable for the following reasons:
 - The yard and greenhouse are in near-full sun until midday, providing for four hours of good sunlight;
 - While sunlight is reduced over the outdoor living space from midday until it is again comparable to the existing environment by 5pm, the dwelling and sunroom/conservatory will remain in full sunlight until 3pm, equating to approximately 7 hours of sunlight access over the day.

Overall, it is considered that the daylight and sunlight access to persons at 16 Dyer Street will be acceptable.

18 Dyer Street

- Summer - at the summer solstice, any shading cast by the proposal will be comparable to the existing environment.
- Equinox – at the spring and autumn equinox, shading cast by the proposal is generally comparable to the existing environment until 3pm. Beyond this time shading begins to encroach further into the N^o18. By 5pm, approximately half the rear lawn/yard will be shaded by the proposal; the dwelling and an outdoor area of approximately 100m² will remain in full sunlight. By 6pm, the shade will have reached the dwelling (including living room windows) and the rear yard will be almost entirely shaded. By 7pm however, the shading is again comparable to the existing environment. Given the limited duration of additional shading over the dwelling and full loss of sunlight to the rear living space, it is considered that the overall level of sunlight and daylight access maintained will ensure adequate amenity for the owners/occupiers.
- Winter – shading at the winter solstice is generally comparable to the existing environment until midday. From 1pm onwards, longer shadows are cast over N^o18. At 3pm approximately half the rear yard is in shade; the dwelling and an outdoor area of approximately 100m² will remain in full sunlight and this is considered sufficient to achieve a high level of onsite amenity. By 4pm, the shade is impacting on the whole outdoor area and the dwelling itself (including kitchen, living and bedroom). These areas remain impacted through until sunset, noting only that the extent of shading will once again be comparable to the existing environment by 5pm. Given the limited duration of additional shading over the dwelling and full loss of sunlight to the rear living space, it is considered that the overall level of sunlight and daylight access maintained will ensure adequate amenity for the owners/occupiers. Direct sunlight will be maintained to the dwelling between sunrise and 4pm, or a total of 7+ hours across the day.

For these reasons, shading effects upon persons at 20 Dyer Street are considered to be acceptable.

20 Dyer Street

- Summer - at the summer solstice any shading cast by the proposal will be comparable to the existing environment.
- Equinox – during the spring and autumn equinox, shading upon 20 Dyer Street will be comparable to the existing environment until approximately 3pm and again from 6pm onwards. Between 3pm – 6pm,

shadows will extend further into the rear yard than currently occurs. However, shade will remain well clear of the dwelling, falling instead upon the lawn, sheds and clothesline within the northern half of the rear yard. Given that the dwelling, primary outdoor living space (being the deck to the rear) and approximately half of the lawn will remain in sunlight across the day, it is considered that the effect of this additional shade will be acceptable.

- Winter – shading from within the application site will be comparable to the existing environment until midday, then again from 5pm onwards. Between 1pm and 5pm, the proposal contributes to additional shade. From 1-3pm this will be concentrated within the northern half of the rear yard, falling upon the lawn, sheds and clothesline. The dwelling and outdoor living area being the sheltered deck/porch and approximately half the rear lawn will remain unaffected at this time. By 4pm the shade is impacting on the garage (considered to be less sensitive) as well as the dwelling (including the kitchen, living room, and a bedroom) as well as the sheltered porch/deck. Given that the additional shade over the dwelling is limited in duration (approximately 1 hour) and noting that between 9am and 4pm the dwelling will be unaffected associated amenity effects are considered to be acceptable. Good sunlight will be provided to at least half the rear yard between 9am – 3pm such that the overall shading effects are considered acceptable.

On balance, shading effects upon persons at 20 Dyer Street are considered to be acceptable.

22 Dyer Street

- Summer and Equinox – at the summer solstice and equinox times, any shading cast by the proposal will be comparable to the existing environment.
- Winter – during the winter solstice, shading will be comparable to the existing environment until approximately 12pm. From 1pm, shadows will extend further into the site than current occurs. Until 3pm this additional shade will be concentrated in the northern half of the outdoor living area, being narrower, further from the dwelling and thus less likely to be the primary outdoor living space. By 3pm the shade will have reached the shed, an accessory building considered to be less sensitive to loss of sunlight, with approximately half the northern lawn remaining in full sun. By 4pm, the rear yard will be fully in shade as will the rear portion of the dwelling. This additional shade will last for approximately 1 hour, being comparable to the existing environment again by 5pm. Given the limited duration of additional shade on the dwelling (with approximately 8 hours of full sunlight across the day), and noting that at least half the lawn/outdoor living area will be in sunlight for approximately 7 hours, it is considered that acceptable sunlight and amenity levels will be maintained for persons at N°22.

On balance, shading effects upon persons at 22 Dyer Street are considered to be acceptable.

24 Dyer Street

- Summer and Equinox – at the summer solstice and equinox times, any shading cast by the proposal will be comparable to the existing environment.
- Winter – during the winter solstice, shading upon N°24 will be comparable to the existing environment. Shade will be concentrated upon the very northern limits of the lawn and the accessory building thereon; the dwelling and majority of the outdoor living space remains clear. From 3pm, shadows will extend into the site and may fall upon the shed, clothesline, and eventually the extend and may fall on portion of the clothesline and perhaps very north-eastern corner of the dwelling from approximately 4pm. The part of the dwelling likely to be affected appears to support a laundry, while much of the yard

is expected to be shaded by the neighbouring garage. By 5pm, shading effects will be comparable to the existing environment once again. Overall, the dwelling at N°24 will maintain good sunlight access across the day, and approximately 6 hours of good sunlight will be provided to the outdoor living space.

Overall shading effects upon persons at 24 Dyer Street are considered to be acceptable.

26 Dyer Street

- Summer and Equinox – at the summer solstice and equinox times, any shading cast by the proposal will be comparable to the existing environment.
- Winter – between 9am – 4pm, the proposal will cast extra shade over 26 Dyer Street. At 9am this will fall over the garage, lawn and a portion of the patio/garden to the immediate north-west of the dwelling. By 10 the shading is limited to the very northern portion of the site (approximately 8m) and falls on an area of lawn and a garage. Given that the dwelling and primary outdoor living space (being the patio and associated garden to the west) will remain unaffected by 10am, any adverse amenity effects are considered to be acceptable. Good sunlight access will be maintained from 10am – sunset, a length of approximately 7 hours.

Overall shading effects upon persons at 26 Dyer Street are considered to be acceptable.

As determined in **section 4.2**, shading effects upon all other persons are less than minor and therefore acceptable. This is attributable to the limited duration and extent of shading, and often the high degree of similarity to shading forming part of the existing environment.

Shading effects are thus considered acceptable for all persons.

5.6 Infrastructure capacity and servicing effects

A detailed assessment of the proposed servicing arrangements has been completed by Awa (refer: **Appendix E**). This includes connection to the reticulated water, stormwater and wastewater networks within the surrounding area.

Monitoring of the water supply and water pressure has been undertaken, with the results included in **Appendix E**. The monitoring demonstrated there is adequate supply and pressure to service the proposed retirement village.

Stormwater will largely discharge to the reticulated network within High Street. To avoid any adverse effects upon the wider network, the stormwater system has been designed to ensure neutrality during both a 1:10 and 1:100 year rainfall event; the central carpark will provide temporary attenuation capacity. Secondary flow paths will mimic the existing environment and thus are not considered to create or exacerbate inundation risk within the surrounding area.

Advice from Wellington Water confirmed that the wider wastewater network has limited to no spare capacity, is subject to heavy surcharging, and is currently contributing to wastewater overflows to the Hutt River. To avoid placing any additional strain on the existing network, it is proposed to store all wastewater onsite and discharge into the reticulated network at off-peak times. By shifting all discharges to off-peak times, loading will be reduced during times of existing high demand and will minimise the risk of overloading the network due to the increased volume of wastewater generated from the application site.

On this basis, any adverse infrastructure and servicing effects are considered to be less than minor and therefore acceptable.

5.7 Construction effects

Construction effects associated with the development may include noise, vibration, erosion and sedimentation, and construction traffic. A Construction Management Plan (CMP) will be prepared for the site detailing methods to avoid and mitigate as far as practicable these effects. Works will be undertaken in compliance with NZS 6803:1999 Acoustics – Construction Noise, and erosion and sediment control will be in place for the duration of works. The CMP will include staging of works to minimise the duration of any construction works that may produce off-site vibration effects. Demolition of the existing buildings onsite can occur as of right whereby such effects will have a less than minor effect. The CMP will include appropriate controls to ensure any adverse construction effects upon the public domain and wider environment will be less than minor.

5.8 Earthworks effects

Up to 2,500m³ of earthworks are proposed, including a combination of cut and fill. These earthworks generally consist of a site scrape and minor filling (both approximately 0.75 in depth) to level the site. The site is generally flat with no notable natural or topographical features that will be altered by the proposal, and all exposed areas will be built over, paved and sealed, or landscaped at the conclusion of works. Accordingly, any adverse visual amenity effects will be less than minor. Given the flat topography of the area, the proposed earthworks are not considered to create or exacerbate land instability effects for any persons. Earthworks will be limited to a scrape and minor filling of the site and will be occurring on a site that has been previously modified by earthworks. There are no known sites of cultural or archaeological significance located within the application site, whereby associated effects are considered to be less than minor.

Overall, any adverse earthworks effects are considered to be less than minor and acceptable.

5.9 Transport effects

Traffic effects have been considered in the attached Transport Assessment (**Appendix F**). This concludes that, despite breaching the standards relative to the need for onsite manoeuvring and the provision of a loading bay for waste collection purposes, the proposal will not compromise the safe and effective functioning of the road network.

The site and access layout means that rubbish trucks will need to reverse into the site. In his expert assessment, Mr Benner concluded that rubbish trucks will be able to manoeuvre within the road shoulder with minimal encroachment into the live traffic lane along High Street. Given the wide median strip within the road, Mr Benner considers there to be adequate room for any vehicles to pass during rubbish truck manoeuvres. I concur with Mr Benner. Additionally, the road is flat and straight adjacent to the application site ensuring clear sightlines for vehicles.

Without a dedicated loading bay, rubbish collection vehicles may temporarily impede two-way access for vehicles entering and exiting the application site. However, any such interruptions will occur irregularly (an estimated three times per week, based off preliminary correspondence with HCC's Waste Management Officer), will be temporary in duration, with adequate space and sightlines for vehicles turning into and out of the site to see the rubbish truck and wait clear of the live traffic lane either within the shoulder or median strip in High Street, or within the internal accessway within the site.

There is sufficient capacity within the adjacent road network to accommodate any additional vehicle movements triggered by the proposed retirement village. Mr Benner notes that an estimated 133 vehicle movements will

be generated per day. These can be partially accounted for by the presence of the existing retirement village (with 20 residential units) and existing dwelling at 760 High Street.

Under the District Plan there is no minimum onsite parking requirement. Irrespective, the applicant is proposing to provide 14 onsite carparks for staff, visitors and residents. Both time restricted and unlimited parking is available on the street adjacent the site to accommodate any overspill parking. It is also anticipated that there will be lower demand for vehicles by the older residents, and a car share will be provided further reducing the need for individual vehicle ownership. Given proximity to bus stops as well as local shops and amenities, uptake of public and active transport modes is expected to support a reduced level of car ownership.

Taking into account the above, as well as the expert assessment provided by Mr Benner, I consider any adverse traffic effects will be less than minor and acceptable.

5.10 Signage effects

A total of 3m² of signage is proposed over the application site. This will identify the site as '*Ropata Village*' and will be on the façade near to key entry points. One sign will be internal (positioned at the entry door from the central courtyard/carpark) and will not be visible. Signage is otherwise oriented towards High Street. The signage has a discreet design (as evidence on Drawings A20 and A21 in **Appendix B**) and is made in size (1m² each). Signage is also present within the existing environment, with one freestanding sign and one sign attached to the fence identifying present day '*Ropata Lodge Village*'.

The signage will not be moving, inflated, nor will it contain any variable messages. At this stage it is not proposed for the signage to be lit, but if this is incorporated it will be directionally or internally lit in accordance with the permitted activity conditions.

Overall, any adverse character, visual amenity or traffic safety effects will be less than minor and acceptable.

5.11 Natural hazard effects

The application site is not located within the Wellington Fault Special Study Area, and due to the topography of the site and surrounding area is not considered to be at risk from land instability. Earthworks will be limited in depth (0.75m) and are necessary for minor levelling of the site. The earthworks will marry into existing ground level at the boundary whereby they are not considered to create or exacerbate risk of land instability. The site is not located within an identified 1:100 flood extent associated with the Hutt River, nor is it shown as being affected by ponding or inundation in Wellington Water flood models.

The floor level of the proposed buildings has been determined in accordance with requirements of the New Zealand Building Code and the need for onsite attenuation. Specifically, the maximum ponding level with the central carpark is 11.370m (Wellington 1953 datum). The minimum floor level of the buildings is RL 11.7m. This ensures that any onsite inundation risk has been adequately mitigated.

Awa have completed an assessment of stormwater management, including risk of inundation from secondary flow paths (refer: **Appendix E**). This demonstrates that stormwater neutrality will be achieved from the application site, and shows that secondary flow paths will remain comparable to the existing environment. Accordingly, the proposal is not considered to create or exacerbate inundation risk within for persons within the wider environment.

Natural hazard risks are considered to be less than minor and acceptable.

5.12 Positive effects

The proposed development will have positive effects in that it will result in an efficient use of a residential allotment and assists in increasing the District's supply of housing stock as well as complementing the District's consolidated urban form. The proposal will increase housing supply from the current 21 dwellings to 48 and will provide additional retirement housing within the wider market, supported by onsite facilities such as the private café, pool and gym and wider public transport and healthcare facilities. Given proximity of the site to local shops, the proposed redevelopment is likely to support economic vitality in the area by increasing population within a walkable catchment.

5.13 Consent notice variation

A detailed assessment of the consent notice variation has been undertaken in **sections 4.1 and 4.2** above. The conclusions drawn therein are considered to remain relevant for the purposes of this s104 assessment and for the sake of brevity will not be repeated.

In summary however, the pohutukawa tree currently protected is to be retained and afforded ongoing protection given the contribution it makes to streetscape and visual amenity. It is proposed to undertake all works within the dripline of the pohutukawa tree under the supervision of a suitably qualified arborist, and this will be ensured through a variation of the consent notice as detailed in **section 2.4**.

All other provisions within the current consent notice are sought to be cancelled as they are no longer relevant, with any potential effects from the vegetation clearance in particular offset by the proposed integrated landscaping plan being sought as part of the concurrent land use.

Overall, any effects from the consent notice variation are considered to be acceptable.

5.14 Conclusion

Overall, on the basis of the above assessment, the actual and potential effects of the proposal are considered to be acceptable.

6. Statutory Assessment

The following assessment is provided in accordance with the relevant sections of the Resource Management Act 1991 (RMA).

6.1 Part 2 (Purposes and Principles) – Sections 5, 6, 7 and 8

6.1.1 Section 5 (Purpose and Principles)

The RMA has a single overarching purpose: to promote the sustainable management of natural and physical resources. Sustainable management is defined in section 5 as:

...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal is in keeping with the sustainable management purpose of the Resource Management Act in that it supports the efficient use of a finite resource (land), providing a total of 48 residential units and associated supported living facilities as compared to the existing 21 dwellings over the application site. It is considered that the proposal will provide for the social and economic wellbeing of future occupants through the provision of additional choice within the housing market; the proposal will increase choice within the existing retirement village market through creation of independent apartments with associated facilities, and by increasing the quality of units as compared to the existing Ropata Village Lodge on site. Any adverse environmental effects associated with the development are largely avoided by the design, location and scale of the proposal. Where adverse effects cannot be avoided, they have been appropriately mitigated for the reasons detailed in **sections 4 and 5** above.

6.1.2 Section 6 (Matters of National Importance)

In achieving the purpose of the RMA, section 6 provides that all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for a range of matters of national importance.

It is considered that there are no relevant section 6 matters that require consideration as part of this proposal.

6.1.3 Section 7 (Other Matters)

Section 7 outlines other matters that shall have particular regard to when managing the use, development and protection of natural and physical resources. The following are generally relevant:

- (b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (f) maintenance and enhancement of the quality of the environment;*

Particular regard has been given to section 7(b) – efficient use and development of natural and physical resources; 7(c) – maintenance and enhancement of amenity values; and 7(f) – maintenance and enhancement

of the quality of the environment in the assessment set out in **sections 4 and 5** of this report. The proposal is considered to be an efficient use of a finite (land) resource. With respect to amenity values, it is acknowledged that the proposal will contribute to changes in the character, visual amenity, streetscape, privacy and shading effects (in particular) both within the site and for the surrounding area. However, appropriate mitigations have been built into the proposed site layout, building design, and landscaping of the site. The proposal is considered to be generally consistent with the outcomes sought under the Medium Density Design Guide. On this basis it is considered that the proposal will, at a minimum, maintain amenity values and the quality of the environment at a level considered acceptable under the District Plan framework.

6.1.4 Section 8 (Principles of the Treaty of Waitangi)

The principles of the Treaty of Waitangi shall be taken into account when managing the use, development, and protection of natural and physical resources.

The application site is not identified as having any particular cultural or historic significance. It is therefore considered that this section of the Act is not applicable to this proposal.

6.2 Section 104(1)

This section of the RMA requires that, when considering an application for resource consent, the consent authority must have regard to a number of factors, as considered follows:

- Section 104(a) of the Act – Potential or Actual Effects;
- National Environmental Standards;
- Other Regulations;
- National Policy Statements;
- Objectives and Policies of the Greater Wellington Regional Policy Statement;
- Objectives and Policies of the City of Lower Hutt Operative District Plan; and
- Other Matters.

6.2.1 Section 104(1)(a) – AEE

This section of the RMA requires that regard is given to any actual and potential effects on the environment of allowing the activity.

An assessment of the actual and potential effects of the proposed structure is included in **Sections 4 and 5** of this report. Overall, it is considered that the adverse effects on the environment will be acceptable.

6.2.2 Section 104(1)(b)(i) – NES's

Section 104(1)(b)(i) of the RMA requires that regard is given to any relevant provisions of a national environmental standard. The following national environmental standards are currently in force through regulations:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- National Environmental Standards for Plantation Forestry
- National Environmental Standards for Freshwater
- National Environmental Standards for Storing Tyres Outdoors

None of the national environmental standards are considered relevant to this proposal.

6.2.3 Section 104(1)(b)(ii) – Other Regulations

Under section 104(1)(a)(ii), consideration must be given to any other relevant regulations. No other regulations are relevant to this proposal.

6.2.4 Section 104(1)(b)(iii) and (iv) – National Policy Statements

Under section 104(1)(b)(iii), consideration must be given to any relevant provisions of a National Policy Statement (NPS). The following national policy statements are currently in place:

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- New Zealand Coastal Policy Statement

The National Policy Statement on Urban Development (NPS:UD) seeks to create well-functioning urban environments through the Resource Management Act planning process. The proposal is consistent with the relevant objectives and policies of the NPS-UD in the following ways:

Objective and Policies ¹	Assessment
<p>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.</p> <p>Policy 1: Planning decisions contribute to well-functioning urban environments [...]</p>	<p>The proposal supports a well-functioning urban system through provision of a less common housing typology within Boulcott; apartment units provided specifically for use as a retirement village, and supported by community facilities including a café, gym/pool and communal garden areas will enhance housing choice for older persons within an established suburb of Lower Hutt.</p> <p>The development has good accessibility between housing, public transport (with bus stops connecting between Stokes Valley and Hutt Central, and Upper Hutt to Petone, and Stokes Valley to Seaview located within approximately 73m of the site), and local shops with the Park Avenue shops approximately 308-540m to the north. The Boulcott shops, recreational facilities and health hub is also located approximately 400-700m south of the site.</p>

¹ For the sake of brevity, the policies have not been replicated in full.

<p>Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.</p> <p>Policy 2: Local authorities provide sufficient development capacity to meet expected demand for housing and business land.</p>	<p>The proposal will result in the realisation of development capacity on a currently underutilised parcel of residentially zoned land.</p> <p>758 High Street site currently contains 20 older retirement units created (initially) from the conversion of an old motel, with a standalone dwelling on 760 High Street. The proposal will create purpose-built retirement units and supporting community facilities in an area the applicant considers has demand for additional retirement housing. The application site is large enough to be considered a CRD, with rules being introduced to the District Plan to help realise greater development density and capacity on larger sites.</p> <p>The site is zoned for residential use, and the proposal will increase housing supply and will foster affordability through construction of 48 dwellings (27 additional).</p>
<p>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.</p> <p>Policy 6: Have particular regard to the planned built form anticipated by RMA documents that have given effect to the NPS:UD; recognise that change may alter amenity values but is not in itself, adverse; acknowledge the benefits of well-functioning urban environments; consider realisation of development capacity and effects of climate change.</p>	<p>As the proposal is for 48 apartments and associated community facilities. The development of apartments and construction of a three storey building is a departure from the prevalent density and built form within the surrounding area. However, the existing site at 758 High Street is already utilised as a retirement village, and the proposal is not without precedent with infill housing and more intensively developed sites established at 745A – 5/747, 1-3/785, and 744-2/746 High Street, Hutt Hospital to the south and a six-story apartment block at 15 Park Avenue.</p> <p>The number of units to be constructed also reflects the larger size of the parent lot as compared to many of the surrounding land parcels.</p> <p>The outcome will be a well-functioning residential development that ensure efficient delivery of residential dwellings from an underutilised site.</p>
<p>Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)</p> <p>Policy 9: Provide opportunities in appropriate circumstances for Maori involvement and operate in accordance with iwi participation legislation.</p>	<p>The subject site is not recognised as having particular significance to iwi.</p>
<p>Objective 6: Local authority decisions on urban development that affect urban environments are:</p> <p>a) integrated with infrastructure planning and funding decisions; and</p>	<p>The proposal represents an increase in housing supply within Hutt Central through establishment of 48 retirement units on existing but underutilised residential sites.</p>

<p>b) strategic over the medium term and long term; and</p> <p>c) responsive, particularly in relation to proposals that would supply significant development capacity.</p> <p>Policy 6: When making planning decisions that affect urban environments, decision-makers have regard to: the planned built form anticipated by RMA planning documents that have given effect to the NPS:UD, recognise that urban environments evolve and that change may alter amenity values, are consistent with well-functioning urban environments, contribute to the realisation of development capacity, and account for climate change.</p>	<p>Development of the proposed dwellings will be undertaken in conjunction with the laying of services for the site, as designed by Awa (refer Appendix E). Stormwater neutrality will be achieved through installation of an attenuation system within the common access areas of the site, and wastewater detention is proposed to limit adverse effects upon the reticulated network.</p> <p>As detailed above (Objective 1) the proposal is considered to contribute to a well-functioning urban environment. As detailed below (Objective 8) the proposal also accounts for climate change.</p>
<p>Objective 8: New Zealand’s urban environments:</p> <p>a) support reductions in greenhouse gas emissions; and</p> <p>b) are resilient to the current and future effects of climate change.</p> <p>Policy 11: Do not set minimum car parking standards</p>	<p>The subject site has close links to existing public transportation with bus stops providing connections to Upper Hutt, Stokes Valley, Lower Hutt CBD, Petone and Seaview located within approximately 73m of the site.</p> <p>The development fosters public and active transport due to proximity to nearby shops and services, the limited provision of onsite carparking, and provision of a ride-share scheme within the site.</p> <p>The site is situated within a walkable catchment, due to proximity to public transport, the Boulcott shops and facilities, and Park Avenue shops and the flat nature of the surrounding area. Through proximity to public transport and limitations on onsite vehicle parking, the site is supporting a reduction in greenhouse gas emissions and associated benefits for climate change.</p>

6.2.5 Section 104(1)(b)(v) – Regional Policy Statement

Section 104(1)(b)(v) of the RMA requires that regard is given to any relevant provisions of a regional policy statement or proposed regional policy statement. The Wellington RPS was made operative in April 2013, and is therefore relevant to this proposal.

The proposal is generally consistent with the objectives and policies of this document as it:

- Will not impact on air quality, fresh water, historic heritage, indigenous ecosystems or soils and minerals;
- Will not result in any significant modifications to the natural landforms;
- Will not impact on natural hazards or unnecessarily increase risk to people from natural hazards; and
- Supports a consolidated regional form, design and function with a development that is appropriate to the residential character of the area.

6.2.6 Section 104(1)(b)(vi) – Plans or Proposed Plans

Under section 104(1)(b)(vi), regard must be given to any relevant provisions of a plan or proposed plan. There is no proposed plan pertaining to the subject site. The following table provides an assessment of the relevant objectives and policies in the operative District Plan.

6.2.6.1 Operative District Plan

Table 1- Relevant Objectives and Policies of the Operative District Plan

Policy / Objectives	Consistent?	Assessment
General Residential Activity Area		
<p>Objective 4A 2.1 Residential Activities are the dominant activities in the General Residential Activity Area.</p> <p>Any non-residential activities that locate in the General Residential Activity Area are compatible with the low to medium density residential development and high levels of amenity anticipated for the zone.</p> <p>Policy 4A 3.1 Provide for residential activities and those non-residential activities that support the community’s social, economic and cultural well-being and manage any adverse effects on residential amenity.</p>	Yes	<p>The proposal provides for 48 residential apartments and associated community in the form of a dedicated retirement village.</p> <p>The provision of a café, pool, gym and activities room onsite are inherently linked to the residential occupation of the site, will remain private facilities for use by occupants and their guests, and are designed to support the physical and social wellbeing of residents. The site has been laid out in such a way that the effects of the ancillary activities will be largely internal to the application site, supporting the amenity outcomes for surrounding properties.</p>
<p>Objective 4A 2.2 Housing capacity and variety are increased.</p> <p>Policy 4A 3.2 Enable a diverse range of housing types and densities.</p> <p>Policy 4A 3.3 Enable the efficient use of larger sites and combined sites by providing for comprehensive residential developments.</p>	Yes	<p>The proposal will increase housing supply within an established residential neighbourhood, and more specifically housing for retirees.</p> <p>Housing variety will be increased through provision of modern one, two and three bedroom apartments. While of a higher density, the retirement village has been designed to suit the needs of a specific market segment.</p> <p>The proposal has been designed in accordance with the CRD standards of the District Plan. Any breaches of the bulk and location controls have been effectively mitigated for the reasons detailed in sections 4 and 5 above.</p>

<p>Objective 4A 2.3</p> <p>Built development is consistent with the planned low to medium density built environment and is compatible with the amenity levels associated with low to medium density residential development.</p> <p>Objective 4A 2.4</p> <p>Built development provides high quality on-site amenity for residents as well as high quality residential amenity for adjoining properties and the street.</p> <p>Policy 4A 3.4</p> <p>Manage the effects of built development on adjoining sites and the streetscape and minimise visual dominance on adjoining sites by controlling height, bulk and form of development and requiring sufficient setbacks.</p> <p>Policy 4A 3.5</p> <p>Require built development to maintain a reasonable level of privacy and sunlight access for adjoining sites.</p> <p>Policy 4A 3.6</p> <p>Require built development to provide useable and accessible outdoor living space to provide for outdoor amenity.</p> <p>Policy 4A 3.7</p> <p>Encourage high quality built development to contribute to attractive and safe streets and public open spaces by providing for buildings that address the streets and public open spaces, minimise visual dominance and encourage passive surveillance.</p> <p>Policy 4A 3.8</p> <p>Require medium density built development and comprehensive residential development to be of a high quality design and to maintain the historic character of Petone-Moera.</p>	<p>Yes</p>	<p>A total of 48 residential dwellings will be constructed across the subject site in a manner consistent with the provisions of the Medium Density Design Guide (as per assessment in Appendix G).</p> <p>Where the proposal breaches the bulk and location standards of the District Plan the associated effects have been mitigated through the site layout, building form, and landscaping whereby the proposal is considered compatible with the amenity levels of the surrounding residential area.</p> <p>The proposal is considered to balance the introduction of a new typology and evolving urban form into the area with the requirements for management of adverse visual amenity, privacy and shading effects upon the surrounding area.</p> <p>The proposal includes a combination of private outdoor living in the form of patios and balconies, as well as communal facilities including a courtyard and orchard. In combination with the provided pool, gym and activities room, appropriate onsite recreational space is considered to be provided. Detailed landscaping plans are supplied in Appendix D to this application, and a further assessment of outdoor living is provided in the urban design assessment in Appendix G.</p> <p>Units 1-4, 15-18 and 32-36 directly address High Street, as does the proposed café. Entry to the ground floor units and café is directly from the street, with common access into the wider apartment complex also available from the road. Doors, windows and balconies provide a sense of passive surveillance over the public domain. Planting and fencing have been carefully considered at the street edge to present a softer, green frontage to the street whilst balancing internal privacy and amenity with the creation of safe and attractive streets.</p> <p>While the proposal is for a CRD it is located outside of Petone and Moera.</p>
---	-------------------	--

<p>Objective 4A 2.5</p> <p>Built development is adequately serviced by network infrastructure or addresses any network infrastructure constraints on the site.</p> <p>Policy 4A 3.9</p> <p>Require rainwater tanks and a minimum area of permeable surface in order to assist with the management of stormwater runoff created by development.</p> <p>Policy 4A 3.10</p> <p>Require comprehensive residential development to be stormwater neutral and encourage comprehensive residential development to contribute to the maintenance or improvement of water quality.</p>		<p>Each dwelling will be provided with connections to the water, wastewater and stormwater networks, and the stormwater system will be designed to achieve stormwater neutrality.</p> <p>Further details on how stormwater neutrality will be achieved are included in the services assessment in Appendix E.</p>
<p>Objective 4A 2.6</p> <p>Built development is located and designed to manage significant risk from natural hazards.</p> <p>Policy 4A 3.11</p> <p>Discourage medium density residential development in areas of high risk from natural hazards unless the development mitigates the risk from the natural hazard.</p> <p>Policy 4A 3.12</p> <p>Promote floor levels for new development to be above the 100 year (ARI) flood extent, where sufficient information is available.</p>	<p>Yes</p>	<p>The application site is not located within the Wellington Fault Special Study Area, nor is it considered to be susceptible to effects of land instability.</p> <p>The site is not located within any identified 1:100 flood extent associated with the Hutt River or other waterway. The proposal includes minimum floor levels advised by Awa (on the advice of Wellington Water) as needed to mitigate any risk of inundation from onsite attenuation or overland flow paths.</p> <p>Accordingly, the proposal is not considered to be at risk from significant natural hazards.</p>

Transport		
<p>Objective 14A 3.1</p> <p>A safe, efficient, resilient and well-connected transport network that is integrated with land use patterns, meets local, regional and national transport needs, facilitates and enables urban growth and economic development, and provides for all modes of transport.</p> <p>Policy 14A 4.2</p> <p>Land use, subdivision and development should not cause significant adverse effects on the connectivity, accessibility and safety of the transport network, and, where appropriate, should:</p> <ul style="list-style-type: none"> - seek to improve connectivity within and between communities; and - enable walking, cycling and access to public transport. 	<p>Yes</p>	<p>Access to the subject site has been designed to ensure the safe and efficient operation of the wider transport network with direct pedestrian and vehicular access from High Street.</p> <p>Despite not complying with the requirement for a dedicated loading bay and onsite manoeuvring for a waste collection truck, the waste management arrangements are considered to function safely and effectively. As detailed in sections 4 and 5, any effects will be largely internal to the application site, with temporary inconvenience caused during waste collection. Adequate space is available within the site and wide road shoulder for vehicles to wait clear of active traffic lanes.</p> <p>The site is located within walking distance of bus stops for key routes between Upper Hutt, Stokes Valley, Lower Hutt CBD, Seaview and Petone.</p> <p>Limited onsite parking is available for residents, due to expected lower rates of car ownership by the occupants. Irrespective, a ride share car will be available thus discouraging individual car ownership.</p>
<p>Objective 14A 3.3</p> <p>Reverse sensitivity effects on the transport network from sensitive activities are managed.</p> <p>Policy 14A 4.4</p> <p>Land use, subdivision or development containing noise sensitive activities should be designed and located to avoid, remedy or mitigate adverse effects which may arise from the transport network.</p>	<p>Yes</p>	<p>The site is not located within the State Highway or Railway Corridor buffer zones.</p>

<p>Objective 14A 3.5</p> <p>Adverse effects on the safety and efficiency of the transport network from on-site transport facilities (vehicle access, parking, manoeuvring and loading facilities) are managed.</p> <p>Policy 14A 4.6</p> <p>Vehicle access, parking, manoeuvring and loading facilities should be designed to standards that ensure they do not compromise the safety and efficiency of the transport network.</p> <p>Policy 14A 4.7</p> <p>The transport network, land use, subdivision and development should provide for all transport modes.</p>	<p>Yes</p>	<p>Onsite manoeuvring has been accounted for through the site layout whereby cars can enter and exit the site in a forwards direction.</p> <p>An assessment of the proposed access arrangements and loading facilities has been provided under Sections 4 and 5 above, and for the reasons detailed above I consider the proposal will result in the safe and efficient functioning of the transport network.</p> <p>There is no requirement for onsite parking, however 14 onsite carparks will be available for staff, visitors and residents.</p>
<p>Signage</p>		
<p>Objective 14B 1.1 – Amenity Values</p> <p>To provide for appropriate signs, while avoiding, remedying or mitigating any significant adverse effects on visual amenity values of the area in which they are located.</p> <p>Policy</p> <ul style="list-style-type: none"> a) To allow a wide range of signs within the commercial and business activity areas, while protecting visual amenity values. b) To restrict the size, location and frequency of signs in activity areas where visual amenity values are sensitive. c) To manage the size, location, frequency and appearance of signs at the interface between commercial/industrial activity areas, and all other activity areas. d) To manage illuminated signs to ensure the containment of light spill and glare within the boundaries of the site concerned. e) To ensure that lettering on signs is neat in appearance, and legible. f) To protect identified Urupa sites from inappropriate signs on neighbouring sites. g) To manage the adverse effects of off site signs in residential areas. 	<p>Yes</p>	<p>The three proposed signs are modest in size (1m²) each and of discreet design. Should lighting be installed, it will comply with the permitted activity standards of the District Plan.</p> <p>The signage will identify the application site as Ropata Village and will be attached to the façade of the building.</p> <p>Signage is not considered to create an adverse visual amenity, character or streetscape effects, and the site is not located in proximity to any urupa.</p>

<p>14B 1.2 – Traffic Safety and Visibility</p> <p>Objective</p> <p>To ensure that signs do not interfere with the safe and efficient use of all roads, cycle ways and pedestrian ways.</p> <p>Policy</p> <p>a) To discourage all signs being located where they will obstruct a roadway, pedestrian or cycle way, or obstruct drivers vision of an intersection or driveway.</p> <p>b) To encourage the use of directory boards to avoid a visual clutter of signs on one site.</p> <p>c) To manage the illumination of signs to ensure they do not distract drivers.</p>	<p>Yes</p>	<p>The proposed signage will be attached to the building façade and will not obstruct pedestrian or vehicle movements.</p> <p>Any lighting installed in conjunction with the signs will be designed to comply with the permitted activity standards.</p>
<p>14B 1.3 Main Entrance Routes</p>	<p>N/A</p>	<p>The application site is not located on a main entrance route.</p>
<p>14B 1.4 Temporary Signs</p>	<p>N/A</p>	<p>The proposal is not for temporary signage.</p>
<p>Earthworks</p>		
<p>Objective 14I 1.1 - Natural Character</p> <p>To ensure that earthworks are designed to maintain the natural features that contribute to the City’s landscape.</p> <p>Policy</p> <p>a) To ensure that earthworks are designed to be sympathetic to the natural topography.</p> <p>b) To protect significant escarpments, steep hillside areas, and the coastal area by ensuring that earthworks are designed to retain the existing topography, protect natural features, and prevent erosion and slips.</p>	<p>Yes</p>	<p>While earthworks totalling 2,500m³ are proposed, they will be no more than 0.75m in depth. This depth is less than could occur as part of the permitted baseline. The earthworks consist of minor cutting and filling to level the property and thus despite the area which is to be modified, the works are sympathetic to the existing site topography.</p> <p>The subject site does not contain any significant escarpments, steep hillside areas, nor is it located in proximity of the coastal area.</p> <p>Erosion and sediment control will be in place for the duration of works.</p>

<p>Objective 14I 1.2 – Amenity, Cultural and Historical Values</p> <p>To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.</p> <p>Policy</p> <ul style="list-style-type: none"> a) To protect the visual amenity values of land which provides a visual backdrop to the City. b) That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values. c) To protect any sites with historical significance from inappropriate earthworks. d) To recognise the importance of cultural and spiritual values to the mana whenua associated with any cultural material that may be disinterred through earthworks and to ensure that these values are protected from inappropriate earthworks. 		<p>At the conclusion of works all areas subject to earthworks will be built over, paved or landscaped to avoid long term scarring of the landscape.</p> <p>The subject site does not include any known sites of cultural or historical significance.</p>
---	--	--

The proposed consent notice variation is considered to be consistent with the above objectives and policies as relevant. Specifically, cancellation of those provisions relevant to the retirement village activity, parking and access arrangements onsite will not create any adverse environmental effects beyond those assessed for the concurrent land use consent.

While the proposed variation will allow the removal of several existing trees from the application site, the environmental effects of this were found to be less than minor, particularly given that approval is sought concurrently for the implementation of a comprehensive landscaping plan across the application site. Furthermore, the existing pohutukawa tree, which is the most notable and makes the greatest contribution to the streetscape and visual amenity values of the wider area will be afforded ongoing protection under the varied consent notice. This is consistent with out outcomes sought under the objectives and policies of Chapter 4A.

6.2.7 Section 104(c) – Other Matters

Section 104(1)(c) of the RMA requires that regard is given to any other matters the consent authority considers necessary to determine the application.

The Hutt City Urban Growth Strategy is considered to be a relevant consideration for this proposal. In 2013, Hutt City Council approved an urban growth strategy that encourages 6000 houses to be constructed over the next 20 years. A significant number of these houses are proposed to be constructed through more intense residential development. The application site represents 27 additional residential units, and allows for the re-development of two existing land parcels. It is considered that the proposed development is largely consistent with the design guide of the District Plan, thereby maintaining the amenity values of the surrounding area. It is therefore considered that the proposed development is meeting the intended outcomes of the Urban Growth Strategy.

A Housing and Business Capacity Assessment (HBA) has also been undertaken by Hutt City Council, as required under the previous NPS for Urban Development Capacity. This identifies that by 2047, Hutt City will need to provide for an additional 6105-11,256 dwellings to accommodate medium to high population growth. However, feasible development capacity was shown to provide for 'realisable' capacity of approximate 4,473 dwellings by 2047; this is a distinct shortfall for both medium and high growth scenarios. The proposed development goes some way to realising development potential and increasing housing supply through provision of 48 (28 additional) residential units. By accommodating retirees, the proposal frees up existing houses within the wider market.

7. Conclusion

Land use consent is sought under s9 of the RMA 1991 for the establishment of a 48-unit retirement village and associated earthworks across the application site.

Alongside this, it is sought to vary existing consent notice B432001.5 under s221 of the RMA 1991, with all provisions cancelled and replaced with the following:

That the Pohutukawa tree identified on Sheet No. L003 (Ref: Project No. 21156, Sheet No. L0003, entitled "Vegetation Plan", prepared by Urban Edge Planning and dated 22/02/22) is retained and protected. Any works that may impact on the physical condition of the roots, trunk, or crown of the tree including, but not limited to, the pruning and trimming of branches or works within the dripline (whether above or below ground) shall be carried out under the supervision of a suitably qualified arborist to ensure the long-term health of the tree.

This application has analysed the proposal in terms of the actual and potential effects on the environment, and while it is considered that notification will be required to a limited number of persons, the overall effects were found to be minor and acceptable.

It is considered that the proposal is consistent with the relevant objectives and policies of the Greater Wellington Regional Policy Statement, the District Plan, as well as Part 2 of the Resource Management Act 1991. It is therefore considered that the Council can grant the consent, subject to the imposition of appropriate conditions.

We request that draft conditions be circulated to us prior to the release of the resource consent decision.

Appendix A. Record of Title

Appendix B. Architectural Plans

Appendix C. Topographical Plan

Appendix D. Landscape Plans

Appendix E. Infrastructure Report and Plans

Appendix F. Traffic Assessment

Appendix G. Urban Design Report

Appendix H. Land Information New Zealand - Advice