

**Ryman Healthcare Limited**

**Proposed Retirement Village**

**Ngataringa Road, Devonport**

**Volume One**

**Resource Consent Applications and Assessment  
of Environmental Effects**



**November 2015**

## FORM 9

### APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

**To:** Special Project Management Team  
Level 2  
35 Graham Street  
**AUCKLAND 1010**

**1. Ryman Healthcare Limited ("Ryman") applies for the following types of resource consent:**

All necessary resource consents to authorise the construction, operation and maintenance of a retirement village, including, but not limited to:

- A land use consent for a discretionary activity for the following activities:
  - The construction, operation and maintenance of a retirement village in the Residential 4B zone;
  - Structures in the Coastal Conservation Area;
  - The removal of trees;
  - Buildings and structures in overland flow paths;
  - Site works, including works within the Foreshore Yard;
  - An exemption from the esplanade reserve requirements;
  - The remediation of contaminated land;
  - The excavation, disturbance and alteration of a heritage site;
  - Access to or more road frontages;
  - The generation of more than 100 vehicle movements per day; and
  - The establishment of signage.
- A land use consent for a restricted discretionary activity for earthworks in the Sediment Control Protection Area;
- A water / discharge permit for a non-complying activity for the diversion and discharge of stormwater from the site;
- A land use consent for a discretionary activity for uncovered parking areas;
- A land use consent for a non-complying activity for earthworks over, and the demolition of, a Category B archaeological site;
- A water permit for a restricted discretionary activity for the diversion of groundwater;
- A land use consent for a restricted discretionary activity for earthworks on the site;
- A land use consent for a discretionary activity for the establishment and occupation of the Coastal Marine Area in association with the upgrade of a stormwater outlet structure;

- A land use consent and discharge permit for a discretionary activity for the disturbance of the foreshore and seabed of Ngataranga Bay, including the removal of vegetation (particularly mangroves) and the associated discharge of contaminants and sediment;
- A discharge permit for a discretionary activity for the discharge of contaminants to water or land during site remediation works;
- A land use consent for a controlled activity the drilling and construction of a bore;
- A water permit for a discretionary activity for the take and use of groundwater from the Waitemata Aquifer; and
- A land use consent for a discretionary activity for the disturbance of contaminated soil and the change of use of the site.

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

Ryman proposes to construct, operate and maintain a retirement village on the site. The retirement village has been designed to provide comprehensive care for elderly residents, ranging from those who are relatively independent through to those who require increased levels of care in an advanced care environment. More specifically, the retirement village will provide:

- 120 care beds – all of which will be located in Building B01;
- 78 assisted living suites – all of which will be located in Building B01;
- 195 apartments, comprising:
  - 8 one bedroom apartments (1 in Building B01, 6 in Building B03 and 1 in Building B06);
  - 149 two bedroom apartments (1 in Building B01, 49 in Building B02, 32 in Building B03, 18 in Building B04, 41 in Building B05 and 7 in Building B06); and
  - 39 three bedroom apartments (7 in Building B02, 11 in Building B03, 9 in Building B04 and 12 in Building B05).
- 269 car parks.

The layout of the village has been specifically designed to meet the needs of the elderly residents. In addition, Ryman has given particular consideration in the design of the retirement village to ensure that potential adverse environmental effects are avoided, remedied or mitigated. The landscape plan for the site proposes a park like setting, incorporating the use of both native and exotic species to provide fragrance and colour throughout the different seasons of the year.

The proposal offers an opportunity to develop a high quality, purpose built, secure retirement village on a rare underdeveloped site within the established residential community of Devonport and is close to existing infrastructure and amenities. The retirement village has been designed to sit comfortably within this neighbourhood - minimising any actual or potential adverse effects on

residential amenity values. The proposed retirement village is considered to be appropriate for this location and will result in positive benefits for the community.

This application is made in general accordance with the attached **Assessment of Environmental Effects**, which forms part of this application.

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

The site is located at 7 – 37 Ngataringa Road and 29 Lake Road, Devonport. The site is legally described as Lots 4 and 5 DP 20927 and is held in Certificate of Title 547719. The Certificate of Title is attached as Appendix A to the AEE.

The site is approximately 4.2 hectares more or less in area, and is surrounded by residential dwellings to the north, west and east. The southern extent of the site includes a corridor of exotic and native vegetation, and borders Ngataringa Bay.

**4. The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:**

The site is owned by Whai Rawa Property Holdings Limited, a company owned by Ngāti Whātua Ōrākei Trust. Healthcare Shelf Company No. 24 Limited, a company owned by Ryman, holds a 150 year lease over the site.

**5. The other activities that are part of the proposal to which the application relates are as follows:**

Other aspects of the proposal which are permitted under the relevant statutory planning documents are described in the enclosed Assessment of Environmental Effects.

**6. The following additional resource consents are needed for the proposal to which this application relates and have been applied for:**

No other resource consents are required for the construction, operation and maintenance of the retirement village. An archaeological authority from Heritage New Zealand is required for the demolition of an archaeological site on the site – being the former Duder Brickworks.

**7. Attached is an assessment of the proposed activity's effect on the environment that—**

- (a) Includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- (b) Addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
- (c) Includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

**8. Attached is an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.**

9. Attached is an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
10. Attached is an assessment of any effects that the proposed activity may have on the environment in accordance with section 88 of, and the Fourth Schedule to, the Act.
11. No other information is required to be included in the application by the Auckland City District Plan – North Shore Section, Sediment Control Plan, Air Land and Water Plan and the Proposed Auckland Unitary Plan.

**Signed:**



(On behalf of Ryman Healthcare Limited  
by its authorised agent Dr Phil Mitchell, Mitchell Partnerships Limited)

Dated at Auckland this 19th day of November 2015

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**Annexure:**

An Assessment of Environmental Effects in accordance with the Fourth Schedule to the Resource Management Act 1991.

# TABLE OF CONTENTS

		<b>Page</b>
<b>1.</b>	<b>INTRODUCTION</b>	<b>1</b>
1.1	Project Overview	1
1.2	Introduction to Ryman	2
1.3	Project Rationale	2
1.4	Document Structure	4
<b>2.</b>	<b>DESCRIPTION OF THE PROPOSAL</b>	<b>6</b>
2.1	Site Layout and Design	6
2.1.1	Building B01	6
2.1.2	Building B02	8
2.1.3	Building B03	8
2.1.4	Building B04	8
2.1.5	Building B05	9
2.1.6	Building B06	9
2.1.7	Building Design and External Appearance	9
2.1.8	Access, Internal Roading and Car Parking	9
2.1.9	Pedestrian Links	11
2.1.10	Landscaping	11
2.2	Servicing	12
2.2.1	Water Supply	12
2.2.2	Sewerage	12
2.2.3	Stormwater Management	13
2.2.4	Electricity and Gas Supply	14
2.2.5	Telecommunication Services	14
2.3	Construction Activities	14
<b>3.</b>	<b>ENVIRONMENTAL SETTING</b>	<b>16</b>
3.1	General Wider Setting	16
3.2	Physical Setting	16
3.2.1	Location and General Site Characteristics	16
3.2.2	Roading and Traffic	17
3.3	Historical / Cultural Setting	20
3.4	Contaminated Land	20
<b>4.</b>	<b>DISTRICT AND REGIONAL PLANNING REQUIREMENTS</b>	<b>22</b>
4.1	Introduction	22
4.2	Auckland Council District Plan: Operative North Shore Section	22
4.2.1	Chapter 16 - Residential	22
4.2.2	Chapter 8 – Natural Environment	23

4.2.3	Chapter 9 – Subdivision and Development	24
4.2.4	Chapter 10 – Pollution, Hazardous Substances and Waste Management	25
4.2.5	Chapter 11 – Cultural Heritage	25
4.2.6	Chapter 12 - Transportation	25
4.2.7	Chapter 13 – Signs	26
4.3	Auckland Regional Plan: Sediment Control	26
4.3.1	Earthworks	26
4.3.2	Sediment Discharges	26
4.4	Auckland Regional Plan: Air, Land and Water	26
4.4.1	Discharges from Contaminated Land to Land or Water	26
4.4.2	Stormwater Management	26
4.4.3	Diversion of Groundwater	27
4.4.4	Bore Construction and Use	27
4.4.5	Take and Use of Water from the Waitemata Aquifer	27
4.4.6	Discharges of Contaminants (Dust) to Air	27
4.5	Auckland Regional Plan: Coastal	27
4.5.1	Upgrade of the Stormwater Outlet Structure	27
4.5.2	Discharge of Stormwater	28
4.6	Proposed Auckland Unitary Plan	28
4.6.1	Historic Heritage	28
4.6.2	Pre-1944 Building Demolition Control	28
4.6.3	Vegetation Clearance	29
4.6.4	Stormwater Management	29
4.6.5	Discharges to Air	29
4.6.6	Earthworks and the Discharge of Sediment Laden Water	29
4.6.7	Works within the Coastal Management Area	30
4.6.8	Contaminated Land	30
4.6.9	Diversion of Groundwater	30
4.6.10	Bore Construction and Use	30
4.6.11	Take and Use of Water from the Waitemata Aquifer	30
4.7	National Environmental Standards for Assessing and Managing Contaminants	31
4.8	Summary	31
<b>5.</b>	<b>ASSESSMENT OF ENVIRONMENTAL EFFECTS</b>	<b>33</b>
5.1	Introduction	33
5.2	Positive Effects	33
5.3	Heritage / Archaeological Effects	34
5.3.1	Duder Brickworks	34



5.3.2	Pre-1944 Building Demolition Control Overlay	35
5.3.3	Other Heritage Values	35
5.4	General Construction Effects	36
5.4.1	Discharge of Dust	36
5.4.2	Contaminated Soils	36
5.4.3	Construction Traffic	37
5.4.4	Construction Noise	38
5.4.5	Retained Trees	38
5.5	Geotechnical Matters	39
5.6	Design and External Appearance	39
5.7	Visual Amenity	40
5.7.1	Effects on Neighbouring Properties	41
5.7.2	Building Height	44
5.7.3	Building Length and Setbacks	44
5.7.4	Height in Relation to Boundary Recession Plane	45
5.7.5	Building Bulk	45
5.7.6	Mt Victoria Visual Protection Plane	45
5.7.7	Shading	45
5.8	Noise Effects	45
5.8.1	Operational Village Noise	45
5.8.2	Noise from Lake Road	45
5.9	Traffic and Parking	46
5.9.1	Operational Traffic	46
5.9.2	Site Access	46
5.9.3	Parking	46
5.10	Effects on Water Quality	47
5.11	Effects on Groundwater Resource and Water Availability	47
5.12	Effects on Ecological Values	48
<b>6.</b>	<b>CONSULTATION</b>	<b>49</b>
<b>7.</b>	<b>STATUTORY ASSESSMENT</b>	<b>50</b>
7.1	Introduction	50
7.2	Section 104D Assessment	50
7.3	Section 104 Assessment	51
7.3.1	Introduction	51
7.3.2	Actual and Potential Effects	51
7.3.3	Relevant Statutory Planning Documents	52
7.3.4	Clause (1)(c) – Other Relevant Matters	65
7.3.5	Part 2 Considerations	66
7.4	Summary	68
<b>8.</b>	<b>CONCLUSION</b>	<b>69</b>

## LIST OF FIGURES

1.1:	Location of the Proposed Retirement Village in Devonport, Auckland.	1
3.1:	The site showing the current buildings and surrounds.	17

## LIST OF TABLES

1.1:	Elderly Population Statistics and Projections for the Auckland Region.	3
2.1:	Key Features of Building B01.	7
2.2:	Key Features of Building B02.	8
2.3:	Key Features of Building B03.	8
2.4:	Key Features of Building B04.	8
2.5:	Key Features of Building B05.	9

## VOLUME 2 - APPENDICES

A:	Certificate of Title
B:	Infrastructure Report, Woods (2015)
C:	Transportation Assessment Report, Commute Transportation (2015)
D:	Geotechnical Investigative Report, Tonkin and Taylor (2015)
E:	Tree Health, Andrew Barrell, Consultant Arborist (2015)
F:	Ground Contamination Assessment, Tonkin and Taylor (2015)
G:	Urban Design Review, Clinton Bird Urban Design Limited (2015)
H:	Heritage Impact Assessment, Clough and Associates Limited (2015)

## VOLUME 3 – DRAWINGS

A:	Infrastructure Drawings
B:	Site Plans and Drawings

# 1. INTRODUCTION

## 1.1 Project Overview

Ryman Healthcare Limited (“**Ryman**”) is a leading provider of retirement living and has been operating in New Zealand for 31 years. During this time Ryman has developed an excellent reputation for its specialist service in aged care villages and healthcare. Through this experience the company has developed knowledge and expertise in the construction and operation of purpose built retirement villages that meet the needs of the community.

With a view to providing additional specialist aged care in Auckland, Ryman is proposing to construct, operate and maintain a comprehensive retirement village at 7 – 37 Ngataringa Road, Devonport (“**the site**”). The retirement village will provide comprehensive care for elderly residents and will cater for people requiring different levels of care. It will include independent apartments, assisted living suites, a rest home, and higher level care options (including dementia care). This continuum of care concept is seen as exceptional by elderly residents, as evidenced by the high demand for Ryman’s retirement villages throughout the country.

The site is approximately 4.2 hectares (“**ha**”) in size and is owned by Whai Rawa Property Holdings Limited, a company owned by Ngāti Whātua Ōrākei Trust. Healthcare Shelf Company No. 24 Limited, a company owned by Ryman, holds a 150 year lease over the site. The location of the site is depicted in red in Figure 1.1 below.



Figure 1.1: Location of the Proposed Retirement Village in Devonport, Auckland.

The site was previously used for housing by the Royal New Zealand Navy, but now largely consists of a grassed area, an accessway and car parking, and established trees along its boundaries with Ngataringa Road and Ngataringa Bay. The site also contains a single duplex dwelling that abuts Lake Road.

The site is considered by Ryman to be ideally suited for a comprehensive retirement village due to its size within the well-established urban area of Devonport, and also due to its close proximity to local amenities and transport links. There is also a lack of suitable retirement village accommodation options in Devonport.

This Assessment of Environmental Effects (“**AEE**”) has been prepared to accompany the application by Ryman for all necessary resource consents to enable the construction operation and maintenance of a comprehensive retirement village development at 7 – 37 Ngataringa Road, Devonport in accordance with Schedule 4 of the Resource Management Act 1991 (“**RMA**”).

## 1.2 Introduction to Ryman

Ryman has been operating retirement villages for the elderly in New Zealand since 1984. It has four retirement villages currently operating in Auckland, located in Orewa, Saint Heliers, Remuera and Howick. In addition, Ryman is currently constructing new retirement villages in Birkenhead, Pukekohe and Greenlane.

Ryman has a reputation of building and operating exceptionally high quality retirement villages and employing professional, caring staff. Its retirement villages provide a range of living options, including independent living apartments, assisted living apartments, and care centres that provide specialised levels of rest home and higher level care. The expertise that Ryman has developed in caring for elderly residents has resulted in the company being awarded the “*Best Retirement Village in New Zealand*” at the Australasian Aged Care Industry Awards on six occasions.

Ryman is considered to be a pioneer in many aspects of the healthcare industry – including retirement village design, standards of care, and staff education. A high quality, purpose built village is a core principle of Ryman’s philosophy. This philosophy has been communicated to all team members contributing to the planning, site layout, design and engineering of the retirement village in Devonport.

## 1.3 Project Rationale

The lack of retirement living and aged care in New Zealand is considered to be at crisis point.<sup>1</sup> The demand for quality living options up to a standard that is acceptable to retirees is significantly higher than the current supply. The supply of retirement living is actually decreasing due to the ongoing closure of small and poor quality aged care homes. These are usually conversions of old houses that are simply not up to standard and which provide a poor living environment, lack insulation, and do not provide suitable amenities for residents.

Ryman considers that its residents deserve a high quality, safe and warm environment, where residents are able to go about their day to day activities comfortably and to a standard people choose to live in.

<sup>1</sup>

“Aged Residential Care Service Review” – Grant Thornton (September 2010).

It is estimated that 635,000 people in New Zealand were aged 65+ years as at June 2013.<sup>2</sup> This number is expected to rise to approximately 834,000 people by 2021, and 1.1 million people by 2031 - primarily due to the 'baby boomer' generation. In effect, the number of people aged 65+ years will almost double within the next 20 years. It is also currently estimated that 262,000 people in New Zealand are aged 75+ years (the primary demographic for Ryman's retirement villages), and this number is expected to rise to over 538,000 nationally within the next 20 years.

With respect to the Auckland Region, Table 1.1 below highlights the increase in the population aged 65+ and 75+ years experienced in the region between 2006 and 2012. Table 1.1 also details the projected growth in the population over 65+ and 75+ years through to 2031. In this regard, the population aged 65+ years is expected to range between 332,900 and 352,500 people, whilst the population aged 75+ years is expected to range between 153,730 and 165,090 people.

**Table 1.1: Elderly Population Statistics and Projections for the Auckland Region.<sup>3</sup>**

Year	Total Auckland Population	Total Auckland Population 65 +	%age population 65+	Total Auckland Population 75 +	%age population 75+
2006 (ex-census)	1,373,000	134,000	9.8%	61,730	4.5%
2012 (ex-census)	1,507,600	164,000	10.9%	68,460	4.5%
2031 (Medium Growth Projection)	1,968,100	332,900	16.9%	153,730	7.8%
2031 (High Growth Projection)	2,118,700	352,500	16.6%	165,090	7.8%

In light of the retirement living supply crisis identified above, Ryman considers it important that the few suitable sites available for comprehensive retirement villages are utilised as much as possible so as to ensure their efficient use. With this in mind, Ryman seeks to provide comprehensive care retirement villages that include a range of retirement living and care options, including independent apartments, serviced care, rest home care, hospital care, and dementia level care.

<sup>2</sup> Source: Statistics New Zealand.

<sup>3</sup> Source: Statistics New Zealand.

The ability to provide a continuum of care from an independent lifestyle to one of 24 hour nursing care within the same site is considered to be very important for the following reasons:

- A site offering a full range of care options means that residents only need to make one move; and
- It allows couples to remain close to each other despite any differences in the level of care that they may require individually.

In addition, and due to the frailty and mobility limitations of some residents, Ryman provides for extensive onsite community and amenities - including entertainment activities, small shops, a bar and restaurant, communal sitting areas and large, attractively landscaped areas. All of these features lead to significant positive benefits for residents and for the efficient management and operation of the retirement village. Inevitably these features result in a density and layout that differs from those typically experienced in residential areas. However, without this density and layout the cost of providing the specialised care facilities and on-site amenities would be too expensive for residents and the village would not be efficient.

In addition to utilising sites efficiently in order to cater for the supply crisis in retirement living, it is Ryman's experience that there are a very limited number of potentially suitable sites in urban areas that can accommodate the type of retirement villages that are undertaken by Ryman. As such, the size and location of the Ngataranga Road site makes it entirely suitable for a comprehensive retirement village.

Locating the retirement village in Devonport will enable residents to continue to participate in community life in a familiar setting, close to friends and family. The ability to achieve this has proven benefits in terms of improving the quality of life for elderly people. Ryman has found that where residents can continue to reside in, or near, the community within which they have previously lived, the stress associated with the transition to assisted living or a higher level of care is markedly reduced.

Given the increasing demand for retirement living options in the Auckland Region (including dementia care and assisted care options), Ryman consider it is essential to maximise the efficient use of the site in order to best cater for the living needs for retirees. Such an approach will enable the social and economic wellbeing, and health and safety, of people and communities in accordance with section 5(2) of the RMA. It also constitutes an efficient use of natural and physical resources in accordance with section 7(b) of the RMA.

## 1.4 Document Structure

This AEE comprises eight sections as follows:

- Section 1:** This introduction provides background to the proposal, an introduction to Ryman, the rationale for the project, and the structure of this AEE.
- Section 2:** Describes the detail of the proposal.
- Section 3:** Describes the environmental setting, including general site characteristics, social setting, and physical setting.

- Section 4:** Sets out the resource consent requirements for the proposal.
- Section 5:** Provides an assessment of environmental effects associated with the proposal in relation to positive effects, cultural effects, general construction effects, design and external appearance, landscape and visual amenity, noise, traffic and parking, archaeological, groundwater and water quality.
- Section 6:** Outlines the consultation undertaken for the proposal.
- Section 7:** Sets out the statutory framework within which these applications have been made and assesses the proposal in relation to the provisions of the RMA and the relevant provisions of the Auckland Council statutory planning documents.
- Section 8:** Is a short concluding statement.

The technical assessments prepared in support of the resource consent applications by Ryman are provided in Volume 2 to this AEE, while the site plans, photo montages and civil works drawings are provided in Volume 3.

## 2. DESCRIPTION OF THE PROPOSAL

### 2.1 Site Layout and Design

The proposal is to establish a comprehensive retirement village on the site. The retirement village has been designed to provide a full range of elderly housing options, comprising independent living apartments, assisted living suites, and rest home care including higher level care and dementia care. The layout of the retirement village has been specifically designed to meet the needs of the residents.

The retirement village is depicted on the site plans, elevations and photo montages provided in Volume 3 to this AEE. Detailed information on the servicing of the retirement village is provided in the Infrastructure Report (Appendix B, Volume 2).

The key features of the retirement village are summarised as follows:

- 120 care beds – all of which will be located in Building B01;
- 78 assisted living suites (“**ALS**”) – all of which will be located in Building B01;
- 195 apartments, comprising:
  - 8 one bedroom apartments (1 in Building B01, 6 in Building B03 and 1 in Building B06);
  - 149 two bedroom apartments (1 in Building B01, 49 in Building B02, 32 in Building B03, 18 in Building B04, 42 in Building B04, 42 in Building B05 and 7 in Building B06); and
  - 39 three bedroom apartments (7 in Building B02, 11 in Building B03, 9 in Building B04 and 12 in Building B05).
- 269 car parks.

Further detail on the configuration of each building is provided below.

#### 2.1.1 Building B01

Building B01 will be located in the centre of the site and will cover an area of 3,721 m<sup>2</sup>. It will range in height between one and five levels, and will provide the village centre and resident care (including rest home, hospital and dementia care). The layout of the various levels of Building B01 is summarised in Table 2.1 below and detailed in Drawings RC13 to RC15 in Volume 3.



**Table 2.1: Key Features of Building B01.**

<b>Building B01</b>		
Level 0	Car parks	40
Level 1	ALS	11
Level 2	ALS	12
	Dementia beds	40
Level 3	ALS	12
	Rest home beds	40
Level 4	ALS	12
	Hospital beds	40
Level 5	ALS	31
	Apartments	2

Ancillary amenities to be located within Building B01 include:

- Outdoor patio with canopy and terrace areas;
- Indoor swimming pool;
- Gym;
- Activities room;
- Theatre;
- Games room;
- Large common lounge, bar and dining areas;
- Library;
- Staff conveniences and managers office;
- Sales office;
- Kitchen;
- Salon and beauty / treatment facilities;
- Shopping amenities for residents;
- Resident's workshop; and
- Utilities and equipment plant (including a laundry, maintenance area and a transformer / substation).

Level 1 of Building B01 will open out to a generously scaled garden courtyard, which will provide the main communal open space area for the retirement village. A bowling green will also be located to the south of Building B01, between the internal roading network and the southern boundary of the site.

### 2.1.2 Building B02

Building B02 will be located to the west of Building B01. It will cover an area of 1,650 m<sup>2</sup> and provide a total of 56 apartments. The height of Building B02 will be between three and six levels. The layout of the various levels of Building B02 is summarised in Table 2.2 below and detailed in Drawings RC17 and RC18 in Volume 3.

**Table 2.2: Key Features of Building B02.**

<b>Building B02</b>		
Level 0	Car Parks	56
Level 1	Apartments	9
Level 2	Apartments	12
Level 3	Apartments	12
Level 4	Apartments	10
Level 5	Apartments	10
Level 6	Apartments	3

### 2.1.3 Building B03

Building B03 will be located in the western extent of the site. It will cover an area of 1,463 m<sup>2</sup> and provide a total of 49 apartments. The height of Building B03 will be between three and five levels. The layout of the various levels of Building B03 is summarised in Table 2.3 below and detailed in Drawing RC20 in Volume 3.

**Table 2.3: Key Features of Building B03.**

<b>Building B03</b>		
Level 0	Car Parks	50
Level 1	Apartments	11
Level 2	Apartments	11
Level 3	Apartments	11
Level 4	Apartments	9
Level 5	Apartments	7

### 2.1.4 Building B04

Building B04 will also be located in the western extent of the site. It will cover an area of 1,217 m<sup>2</sup> and provide a total of 27 apartments. The height of Building B04 will be three levels. The layout of the various levels of Building B04 is summarised in Table 2.4 below and detailed in Drawing RC22 in Volume 3.

**Table 2.4: Key Features of Building B04.**

<b>Building B04</b>		
Level 0	Lobby and stairwell	
Level 1	Car parks	35
Level 2	Apartments	9
Level 3	Apartments	9
Level 4	Apartments	9

### 2.1.5 Building B05

Building B05 will also be located to the east of Building B05. It will cover an area of 2,042 m<sup>2</sup> and provide a total of 53 apartments. The height of Building B05 will be between two and four levels. The layout of the various levels of Building B05 is summarised in Table 2.5 below and detailed in Drawings RC24 to RC26 in Volume 3.

**Table 2.5: Key Features of Building B05.**

<b>Building B05</b>		
Level 0	Car parks	54
Level 1	Apartments	14
Level 2	Apartments	14
Level 3	Apartments	13
Level 4	Apartments	12

### 2.1.6 Building B06

Building B06 will be located on the eastern boundary of the site, adjacent to Lake Road. It will comprise 8 apartments and basement car parking for 10 vehicles. The building will be two levels. The layout and key features of Building B06 are detailed in Drawings RC28 to RC29 in Volume 3.

### 2.1.7 Building Design and External Appearance

Ryman proposes to use high quality, permanent, low maintenance and sustainable materials for the construction of the buildings comprising the retirement village. The proposed materials closely reflect a 'brick and tile' style of development character.

The buildings will use brick veneer and plaster walls, long-run 'colorsteel' roofs and roof tiles, and powder-coated aluminium joinery. The brick veneer wall colours will be from the Austral Indulgence ('Truffle', 'Biscotti', 'Praline') and the Austral Nubrik Ranges ('Terracotta'). The plaster finishes will include 'Talc' and 'Truffle', while the rendering will also be 'Truffle'. The roofs, gutters, fascia and down pipes on Buildings B01 to B05 will be long-run colorsteel ('Ironsand'). Building B05 will be clad in Hacienda roof tiles ('Sambuca'), but will also utilise long-run colorsteel for gutters, fascia and down pipes.

Balcony railings will be powder-coated aluminium ('Ironsand').

The boundary fences around the site will consist of Austral Nubrik Range Domain ('Terracotta') brick pillars with brick wall bases a maximum of 1.2 m high, and powder-coated aluminium railing panels ('Ironsand') in between.

Further detail on the building design and external appearance of the retirement village is provided in Drawings RC16, RC19, RC21, RC23, RC27 and RC29, as well as the photo-montages in Drawings RC35 to RC42 in Volume 3.

### 2.1.8 Access, Internal Roading and Car Parking

Access to the site will be provided via an existing vehicle crossing onto Ngataringa Road, two secondary access points onto Wesley Street, and a separate access point for Building B06 via Lake Road. Building B06 will not have a vehicle connection to the remainder of the retirement village and the internal roading network.

The Ngataranga Road vehicle crossing will continue to operate as a two-way vehicle crossing, and will accommodate all turning movements. Sight distances for this vehicle crossing are 125m to the east and 200m to the west, which exceed the 40m distance required by the New Zealand Transport Agency's Road and Traffic Standards 6 – Guidelines for Visibility at Driveways ("**RTS 6**") for a high volume driveway and a road operating speed of 50 km/h.

The access point at the top of Wesley Street (approximately 30m from the intersection with Ngataranga Road) will provide two-way vehicle access to Building B04 only. Sight distances at this access point exceed the 30m distance required by RTS 6 and the Operative Auckland City District Plan: North Shore Section ("**District Plan**").<sup>4</sup>

The second access point to the retirement village off Wesley Street will be provided at the bottom of Wesley Street. It will provide two-way vehicle access to Building B03 and the internal roading network within the retirement village. Wesley Street will be widened to a width of 8m in order to safely accommodate two-way traffic along its entire length. This is documented in Drawing 035-RCT\_401\_C0-025 in Volume 3. The additional width will be provided via land from the site. No sight distance issues will arise from this access point as it is at the end of a cul-de-sac road.

The existing vehicle crossing at 29 Lake Road will be removed as part of the construction of the retirement village, and relocated to the southern extent of the property. This vehicle crossing will provide two-way vehicle access for 8 apartments and 10 car parking spaces. The sight distance to the north and south has been measured at over 200m, which easily exceeds the 115m required by the RTS 6 guideline for a low volume driveway on an arterial road and an operating speed of 60km/h.

The private internal roading network within the site will connect the vehicle crossings on Ngataranga Road and at the bottom of Wesley Street, and will also provide vehicle access between Buildings B01, B02, B03 and B05. As already noted, direct vehicle access to Buildings B04 and B06 is provided via Wesley Street and Lake Road respectively. The internal roading network will have a minimum width of 5.5m, which will provide two-way vehicle access throughout the site and also moderate vehicle speeds. These dimensions are in accordance with the recommended movement lane dimensions of a 'live and play' land use in a suburban area - primary access to housing contexts contained in New Zealand Standard 4404:2010 *Land Development and Subdivision Infrastructure*. These dimensions have also been used extensively at other retirement villages by Ryman around New Zealand without issue.

Car parking within the site will consist of a total of 269 car parks, of which 245 will be located in the basements of Buildings B01 to B06. An additional 24 car parks will be provided on-grade outside Building B01 and at convenient locations around the internal roading network.

Further detail on the layout of the car parking within the site and the circulation of vehicles is provided in the Infrastructure Report (Volume 2, Appendix B), Transportation Assessment (Volume 2, Appendix C), and Drawing RC07 (Volume 3, Appendix B).

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4

Rule 12.4.2.9 of the District Plan.

### **2.1.9 Pedestrian Links**

A series of pedestrian paths are proposed throughout the retirement village. They will provide linkages between the key access points of each building and between buildings (including the bowling green). In addition, and as noted above, Building B06 will only be connected to the rest of the retirement village via a pedestrian path that extends on ward from Building B05.

The proposed location of the key pedestrian paths is detailed in Drawing RC04 (Volume 3).

Public access along the southern boundary of the site via the Mary Barrett Glade Loop Track will not be affected by the retirement village.

### **2.1.10 Landscaping**

The proposed landscape planting for the retirement village has been designed by Suzanne Sullivan Limited (see Volume 3 Drawings RC43 - RC45A). The landscaping plan sets out a masterplan which will be further refined through detailed design. It proposes a park like setting for the site, incorporating the use of larger tree species often unsuitable for smaller developments within the city boundaries.

In summary, the proposed landscaping at the site will:

- Provide fragrance and colour throughout the different seasons of the year;
- Integrate both native and exotic species to enhance the biodiversity (particularly bird life) throughout the site, especially on the southern boundary;
- Provide well-lit paths and linkages to all amenities, buildings and communal areas, with points of interest and seating along the way;
- Create a cohesive whole to the village by use of repeat plantings and types of plants throughout the retirement village;
- Provide appropriately scaled gardens for residents to both view and enjoy;
- Provide options for residents to enjoy sheltered outside areas in the village greens and internal courtyards, including recreational amenities such as a bowling green; and
- Provide interesting views, patterns of plantings and seasonal colour from within the apartment and care blocks to look onto from above as well as providing for a sense of private space for those on the ground floors.

Areas on the site not occupied by buildings, car parks, and pedestrian / vehicular access networks will be landscaped and maintained to create a good standard of visual amenity and privacy for both the residents of the retirement village and for surrounding properties. All planting and landscaping will be maintained by permanent full time gardeners in charge of keeping the grounds to the high standard.

Automated irrigation systems will ensure plantings establish, survive, and remain in good health.

## 2.2 Servicing

The construction and operation of the retirement village involves the establishment of a range of utility services - including water supply, wastewater disposal, stormwater disposal, electricity supply, telecommunications services and reticulated gas supply. Detail on the servicing of the site is provided in the Infrastructure Report (Volume 2, Appendix B) and is summarised below.

### 2.2.1 Water Supply

The existing water supply infrastructure consists of a 150 mm diameter PE water main on the northern side of Ngataringa Road that has two 150 mm diameter leads on to the site. On Lake Road there are two 300 mm diameter bulk supply mains, as well as a 50 mm PE line that currently supplies the site of Building B06. An analysis of this existing infrastructure by Woods indicates that the existing infrastructure is sufficient to provide potable and fire-fighting water supply to the retirement village, as confirmed by Watercare.

Woods have designed a reticulated water main system for the retirement village. The preliminary design is based on daily water consumption of 200 litres /per person / per day – which is the average daily consumption for Ryman retirement village occupants.<sup>5</sup>

It is proposed to take advantage of the multiple connection points on the site to provide a looped network through the site. This is illustrated in the drawings supporting the Infrastructure Report (Volume 3, Appendix A). As the water network servicing the retirement village will be privately owned, provision will be made for the installation of back flow prevention devices on the lines supplying the fire sprinklers.

In addition to sourcing water from the bulk water supply mains, it is also proposed to abstract up to 25 m<sup>3</sup>/day of groundwater from a new well for irrigation purposes. This will require a new well to be drilled in the northern part of the site using standard industry best practice drilling practices.

### 2.2.2 Sewerage

The site is serviced by a 300 mm diameter public wastewater sewer that exits the site on Lake Road. A 150mm diameter earthenware line follows the eastern site boundary and a 225mm diameter line traverses the southern boundary for the length of the site. A short 150mm line runs into the site from the 225 mm line.

The 300 mm line on Lake Road goes to a pump station at the corner of Lake Road and Seabreeze Road.

Woods has designed a sewerage system for the retirement village that will comply with Watercare Services Limited's Water and Wastewater Code of Practice. It is intended to connect the main section of the site to the 150 mm line that runs into the site. A second connection into the manhole at the start of the 300mm line will be made to service Building B06. It is proposed that the retirement village will utilise a low pressure sewer network for its internal reticulation. This is illustrated in the drawings supporting the Infrastructure Report (Volume 3, Appendix A).

<sup>5</sup>

These figures have been accepted by Auckland Council for other recent retirement village developments by Ryman.

The following parameters have been established for the design of the sewage infrastructure:

- Average dry weather flow - 160 litre / per person / per day;<sup>6</sup>
- Dry Weather Peak factor - 3;
- Peak wet weather flow - 1500 litre / per person / per day.

Peak sewer flow expected from the retirement village is 7.85 litre / second. This flow can be accommodated within the existing infrastructure capacity, as confirmed by Watercare.

### 2.2.3 Stormwater Management

An existing 150 mm diameter stormwater line passes through the eastern end of the site and discharges into Ngataranga Bay. At the western end of the site a 225 mm diameter line runs down Wesley Street and also discharges into Ngataranga Bay. Multiple other unrecorded outlets have been created from the site down to the estuary as part of the defence force occupation. These range from non-perforated novacoil pipes to steel pipes with little to no outlet structures at their discharge points to the estuary.

There are no streams or watercourses on the site. The Auckland Council GIS data indicates that an overland flow path crosses the site. However, further investigations by Woods shows that this is not the case and that the overland flows follow the existing roads around the site.

A stormwater management plan for the retirement village has been designed by Woods in accordance with Technical Publication 10 (“**TP10**”) and Technical Publication 108 (“**TP108**”), the Proposed Auckland Unitary Plan stormwater management provisions, and Auckland Council’s Stormwater Code of Practice. Further details on the stormwater management system for the retirement village are set out in the Infrastructure Report (Volume 2, Appendix B).

Stormwater runoff from the roads, buildings and paved areas on the site will be collected into a piped stormwater network sized to contain a 10 year annual return interval (“**ARI**”) storm event. It is proposed to treat the run off from the access roads and car parking areas utilising a proprietary storm water treatment device - such as the storm water 360 storm filter system. This device will be located adjacent to the bowling green beneath the carpark area. The network has been designed to allow as much ‘clean’ water from the roof catchments as possible to bypass this device as it does not require treatment and allows the device to operate more efficiently. This level of treatment accords with that required by the Stormwater Management Area 5 Zone in the District Plan.

Storm events greater than a 10 year ARI will be conveyed via a secondary flow path, which follows the main internal roading network to just west of the bowling green - before travelling south and discharging to Ngataranga Bay.

<sup>6</sup>

These figures have been accepted by Auckland Council for other recent retirement village developments by Ryman.

It will be necessary to pump stormwater flows from the basements of the various buildings. The design has taken this into account and reduced the catchment to the area's requiring pumping as much as possible, as well as ensuring that the secondary flow path cannot enter the building basements.

It is intended to service the retirement village with reinforced concrete piping ranging in size from 225mm diameter to 675mm diameter in accordance with the Auckland Council Storm water Code of Practice.

An upgraded outlet structure will also be required to ensure flow energy is sufficiently discharged prior to entering the estuary. The drawings supporting the Infrastructure Report (Volume 3, Appendix A) contains design details for the proposed stormwater reticulation network layout and upgraded outlet structure. Its construction will require temporary construction works and removal of a small section of vegetation. The footprint of these works will be minimised to the extent practicable, and best practice sediment control measures will be employed.

## **2.2.4 Electricity and Gas Supply**

Electricity and gas will be supplied to the site via existing connections located at the front of the site on Ngataranga Road.

It is expected that a transformer will be needed for the retirement village. The proposed siting and normal protection safeguards for the transformer will be taken into account in the design of the village.

## **2.2.5 Telecommunication Services**

Telecommunication services will be supplied to the site via existing connections located at the front of the site on Ngataranga Road. No issues have been identified with supplying communication services to the retirement village.

## **2.3 Construction Activities**

The construction period for the retirement village is expected to be approximately 36 to 40 months. It will involve the excavation of approximately 85,000 m<sup>3</sup> of cut and approximately 8,500 m<sup>3</sup> of fill across the site in order to construct the foundations and basements for the six buildings, establish the internal roading network and level the at-grade car parking areas, widen Wesley Street, and install infrastructural services.

The depth and extent of earthworks required across the site for the construction of the retirement village are provided in the drawings supporting the Infrastructure Report (Volume 3, Appendix A).

It is proposed that a Construction Management Plan (“**CMP**”) will be developed for the construction activities on site by way of a condition of consent. The CMP will establish appropriate protocols for the management of dust, noise, traffic, hours of construction, and sediment runoff during construction according to standard industry best practices.

In addition, all construction activities will be undertaken in accordance with the relevant New Zealand standards. The appropriate protocols in terms of site safety and access will also be adhered to and governed by the CMP offered as a condition of consent by Ryman. Given that all such effects will be temporary in nature, it is considered the



overall effects associated with the construction phase will be managed in such a way as to be within acceptable limits.

During construction, earthworks and stormwater on the site will be managed on the site in accordance with the Sediment and Erosion Control Plan. All the sediment and erosion controls for earthworks at the site will be designed in accordance with the relevant sections of Auckland Council's Technical Publication 90 Guidelines ("**TP90**"). The contractor will be responsible for ensuring those requirements are satisfied and maintained onsite for the duration of the works.

The construction of the retirement village will also require the removal of four mature exotic trees on the site. The location of these trees is indicated in Drawing RC06 in Volume 3. Importantly, the construction works will not involve the clearance of the existing trees located along the boundary of the site with Ngataranga Road.

### 3. ENVIRONMENTAL SETTING

#### 3.1 General Wider Setting

The site is located in Devonport, a popular and attractive harbour side suburb located at the southern end of a peninsula that runs southeast from near Lake Pupuke in Takapuna, forming the northern side of the Waitemata Harbour. The Devonport shops contain a mix of antiques, gift and book shops, boutiques, cafes and restaurants, and the area contains a number of beaches, a golf course, open spaces and public amenities.

The volcanic cone of Maungauika / North Head is located at the eastern end of Devonport and forms the headland overlooking the mouth of the Waitemata Harbour. The taller volcanic cone of Takarunga / Mount Victoria is located behind the Devonport shopping center and has a network of accessible old bunkers and tunnels from its past use by the military for coastal defense purposes. Since 1909 Devonport has been a naval base with a deep-water anchorage at Stanley Bay at the southern end of the peninsula. The Devonport Naval Base remains the home of the New Zealand Navy.

Devonport and the surrounding suburbs of Cheltenham, Narrowneck and Bayswater are characterised by a mix of housing types, including many buildings dating from the latter 1800s. Victorian and Edwardian villas are prominent throughout the area, as well as later bungalow style buildings and earlier workers' cottages. Amongst the older houses are a smaller number of 1960s units and homes. Devon Park was built in the late 1960s and was the first block of high-rise apartments built in the metropolis.

#### 3.2 Physical Setting

##### 3.2.1 Location and General Site Characteristics

The site is approximately 1.5 km from the Devonport shops on the western side of the peninsula. The site is strategically located approximately 5 km from State Highway 1 (“**SH1**”), and 3 km from both the Devonport Ferry Terminal and the Bayswater Marina - both of which provide ferry services to the Auckland Central Business District (“**CBD**”).

The majority of the site is vacant and comprises a disused private road (Wakakura Crescent) and two sealed car park areas, with the remainder of the site being a mix of green space and stands of exotic and native vegetation, as shown in Figure 3.1. A single dwelling is located in the east of the site and is accessible off Lake Road. The site is bordered by Ngataranga Road to the north, Wesley Street to the west and a small section of the north-east of the site borders Lake Road. From Ngataranga Road the site slopes on a north to south gradient, down to the Coastal Marine Area (“**CMA**”) at Ngataranga Bay in the Waitemata Harbour. The site is separated from the CMA by a corridor of exotic and native vegetation.

The residential properties directly opposite the Ngataranga Road frontage of the site contain one and two storey high, typically suburban, detached houses, which vary widely in age, materials and architectural style. A similar situation applies to the houses opposite the eastern and western boundaries of the site.



**Figure 3.1: The site showing the current buildings and surrounds.**

Ngataranga Bay to the south of the site is a tidal bay identified in the Proposed Auckland Unitary Plan (“**PAUP**”)<sup>7</sup> as a Significant Ecological Area – Marine 2 and as an important wading bird feeding ground. The coastal reserve to the south of the site has a large variety of well-established native species including Rimu and Puriri in a dense stand along the entire coastal property boundary. The broader coastline is dominated by vegetation, however it is within an urban setting and is characterised by residential development at cliff-top and also near the water’s edge.

The underlying site geology comprises of Flysch (sedimentary rock from a deep marine setting) of the East Coast Bays Formation (“**ECBF**”), overlain by ECBF residual soils (stiff to very stiff silts to dense fine silty sand) and fill (silts and sandy silts) related to earthworks at the site in the 1950’s.

### **3.2.2 Roading and Traffic**

#### **3.2.2.1 Location in the Road Network**

As noted above, the site is bound by Ngataranga Road to the north, Wesley Street to the west, and Lake Road to the east. Ngataranga Road and Wesley Street are classified as local roads in the District Plan, while Lake Road is classified as a primary / regional arterial.

Ngataranga Road intersects with Lake Road with a priority controlled intersection, as illustrated in Figure 3.2. A right turn bay is provided on the southbound Lake Road approach. Motorway access is approximately 4.5 km from the site heading northwest.

<sup>7</sup>

Reference SEA-M2-60b (Ngataranga Bay intertidal area), Appendix 6.1, PAUP.

From this access, motorists can travel either north towards Whangarei or south towards the Auckland CBD.



**Figure 3.2: Ngataranga Road / Lake Road Intersection.**

The area served by Ngataranga Road is suburban / residential in nature with a posted speed limit of 50 km/h. The cross-section of Ngataranga Road in the vicinity of the site consists of an 8.5 m wide carriageway made up of one traffic lane in each direction. Parking is permitted on both sides of the road.

### **3.2.2.2 Existing Vehicle Crossings**

Vehicle access to the site currently occurs via three access points.

The first is provided on Ngataranga Road at the north-eastern corner of the site via an intersection between Wakakura Crescent (private internal access way) and Ngataranga Road. The access resembles a local road intersection but lacks any priority. The intersection is approximately 16 m wide at the kerb line and provides 6 m radii for turning into and out of the sight.

The second access point is situated at the western extent of the site on Wesley Street.



A third access point is provided directly onto Lake Road which currently provides access for 2 dwellings, and as proposed will only provide access to the B06 apartments.

### **3.2.2.3 Existing Traffic Volumes**

Traffic count data has been extracted from Auckland Transport for Ngataranga Road and Lake Road. The most recent five-day average daily traffic (“**ADT**”) on Ngataranga Road is approximately 1,150 vehicles / day in both directions, and the most recent five-day ADT on Lake Road is 18,500 vehicles / day in both directions.

Peak period traffic surveys were undertaken by Commute Transportation Consultants to measure traffic volumes using the intersection of Ngataranga and Lake Roads. The survey was undertaken during the morning and evening commuter peak periods of Thursday the 20<sup>th</sup> of May 2015 (7 – 9am and 4 - 6pm), as well as the midday period of Saturday the 15<sup>th</sup> of May 2015 (11 - 2pm).

The busiest period was found to be between 7 - 8am during the weekday morning survey, followed by the weekday evening peak and the Saturday midday peak.

### **3.2.2.4 Road Safety**

A search of the New Zealand Transport Agency’s Crash Analysis System was undertaken to identify all reported crashes in the vicinity of the site during the period 2010 - 2014 inclusive.

In the wider area, one accident occurred on Lake Road where a drunk driver lost control while travelling south near the intersection with Aramoana Avenue. Three further minor injury crashes occurred at other intersections with a failure to give way as the cause.

The intersection of Ngataranga and Lake Roads experienced one crash over the 5 year period. This was a rear end type crash, which resulted in no injuries.

### **3.2.2.5 Public Transport**

Two bus services pass the site. Service 815 travels between Westwell Road and the Devonport Ferry Terminal. This service utilises Ngataranga Road and has a stop situated directly adjacent to the site. A stop is also located on Lake Road within 20 m of the intersection with Ngataranga Road. This service only operates in peak periods.

Service 813 makes use of Lake Road providing a connection between Devonport and Takapuna. This service makes use of Old Lake Road with a bus stop located approximately 300 m north of the site. From Takapuna passengers can connect with other services on the Northern Busway, which provide connections to the Auckland CBD. This service operates at a 15-minute frequency in the peak periods.

Ferry services are provided from both the Devonport Ferry Terminal and Bayswater Marina. Ferry services offer connections to the Auckland CBD at varying frequencies throughout the day. Parking is provided at both locations.

### 3.3 Historical / Cultural Setting

The site is owned by Ngati Whatua Orakei Trust and was returned to Ngati Whatua under the Ngāti Whātua Ōrākei Claims Settlement Act 2012. It is identified as containing a scheduled archaeological site in the District Plan and the PAUP - being the Duder Brickworks.<sup>8</sup> Beyond the area affected by the construction of the retirement village are Maori shell midden deposits<sup>9</sup> and further remains associated with the Duder Brickworks within the Mary Barrett Glade Loop Track. It also noted that the site has been rehabilitated and developed several times since the brickworks ceased operations in 1936.

An assessment of the historical use of the site is provided in the Heritage Impact Assessment (Volume 2, Appendix H). It notes that the Duder Brickworks operated on the site from approximately 1875 to 1936. Most of the building structures were located in the south-eastern part of the site. A jetty extended into Ngataringa Bay to enable the transport of bricks to other parts of Auckland. The brickworks consisted of a horizontal brick machine with a capacity of 5,000 bricks per day and a pipe machine - all driven by a six horsepower boiler and engine. There were also two kilns, each with a capacity of 20,000 bricks.

Production at the brickworks began to decrease by the mid-1930s, and production ceased between 1934 and 1936 due to a brick chimney collapsing in a storm.

The site was utilised for military purposes during World War Two and 'Camp Duder' was established from 1944. Some of the existing remnants of the brickworks were demolished at this time, including three brick drying sheds.

The site was permanently acquired by the Government for naval housing in January 1953. The site was completely cleared and two-storey 'terrace-style' naval housing blocks were completed on the site between 1957 and 1958. This development included the construction of Wakakura Crescent, which ran along the front of the housing blocks. The naval housing blocks were demolished in 2003.

The Heritage Impact Assessment notes that there are no surface manifestations of the brickworks in the main area of the site. Previous surveys and investigations on the site have included soil resistivity surveys in order to detect sub-surface structural features (Packington - Hall, 1992). While no evidence of the circular 'beehive' kiln was found during this survey, some sub-surface structures appear to have been identified. No sub-surface investigations were undertaken by Packington – Hall, 1992 to verify the survey results.

### 3.4 Contaminated Land

An assessment of the potential for contaminated material to exist within the subsurface of the site was undertaken by Tonkin and Taylor. A copy of this assessment is provided in Volume 2, Appendix F.

Tonkin & Taylor identified historic activities that had the potential to cause contamination of the site, including the following:

- Former brickworks and ancillary buildings (engines and kilns);

<sup>8</sup>

#1795 in the District Plan and #831 in the PAUP.

<sup>9</sup>

#2181 in the District Plan.

- Filling within the archaeological exclusion area;
- Storage of chemicals; and
- Lead and asbestos from demolished buildings.

The results of soil testing carried out on parts of the site to date do not indicate a significant risk to human health for the retirement village.

## 4. DISTRICT AND REGIONAL PLANNING REQUIREMENTS

### 4.1 Introduction

The regional and district statutory planning documents administered by Auckland Council which contain rules relevant to the construction, operation and maintenance of a retirement village on the site are as follows:

- Auckland Council District Plan: Operative North Shore Section 2002 (“**District Plan**”);
- Auckland Regional Plan: Air, Land and Water 2010 (“**ALW Plan**”);
- Auckland Regional Plan: Sediment Control 2001 (“**Sediment Control Plan**”);
- Auckland Regional Plan: Coastal 2004 (“**Coastal Plan**”); and
- Proposed Auckland Unitary Plan 2013 (“**PAUP**”).

It is noted that the rules in the PAUP that relate to the management of water, air, soil, or which seek to protect areas of significant indigenous vegetation / habitats of indigenous fauna, and historic heritage have had legal effect since 30 September 2013 in accordance with section 86B of the RMA. These rules been considered (as applicable) as part of the rule assessment in this section of the AEE. The relevant objectives and policies of the PAUP have also been given regard in section 7 of this AEE, although it is noted that these provisions have been given less weight as they are still subject to consideration by the Independent Hearings Panel appointed by Auckland Council to hear submissions on the PAUP.

In addition, the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“**NES**”) contains rules governing the excavation and use of land that is potentially contaminated.

### 4.2 Auckland Council District Plan: Operative North Shore Section

#### 4.2.1 Chapter 16 - Residential

The site is zoned Residential 4B (‘Main Residential Area’) in the District Plan.<sup>10</sup> The retirement village is considered a “*retirement complex*” under the District Plan. Retirement complexes are defined in Chapter 21 of the District Plan as follows:

***Retirement Complex***

*Means a comprehensive residential development including housing, recreation, welfare or medical facilities which is intended principally or solely for elderly or retired persons.*

The construction, operation and maintenance of a retirement complex in the Residential 4B zone is a **discretionary activity** in accordance with Rule 16.5.1 and Table 16.2 of the District Plan.

<sup>10</sup>

Planning Map 32 of the Auckland City District Plan: North Shore Section.



## 4.2.2 Chapter 8 – Natural Environment

### 4.2.2.1 Coastal Conservation Area

The retirement village development is a **controlled activity** in accordance with Rule 8.4.1.1 of the District Plan as it will include structures, notably underground servicing infrastructure, in the Coastal Conservation Area.

### 4.2.2.2 View Corridors

The eastern extent of the site is located in the volcanic viewshafts for Mount Victoria (V1, V2 and V3) and in a Volcanic Height Sensitive Area.<sup>11</sup> The northern extent of the site is also located in the volcanic viewshaft for Rangitoto Island.<sup>12</sup> However, the retirement village will not trigger the need for resource consent in accordance with Rule 8.4.4 of the District Plan for the following reasons:

- The height of Building B06 within the Volcanic Height Sensitive Area will not exceed 9 m. This is detailed on Drawing RC12 in Volume 3; and
- The volcanic viewshafts across the northern and eastern extents of the site apply at heights of between 21 and 37.5 m above ground level. Drawing RC12 confirms the height of Buildings B01 – B06 will not be over 21 m in height.

### 4.2.2.3 Tree Protection

The retirement village is a **limited discretionary activity** in accordance with Rule 8.4.6.1.2 of the District Plan as it will require the removal of trees larger than the permitted activity height and girth thresholds listed in Rule 8.4.6.1.1 (b).

The height of the trees on the site is detailed in Drawing RC02 in Volume 3, while the location of the trees to be removed is indicated on Drawing RC06.

### 4.2.2.4 Maximum Impervious Surface

The retirement village is a **permitted activity** in accordance with Rule 8.4.7.1 and Table 8.2 of the District Plan. In this regard, the impervious area of the retirement village across the site will be approximately 42.93% - whereas Table 8.2 specifies a maximum impervious area of 70% in Stormwater Management Area 5.

The impervious area calculations for the retirement village are detailed in Drawing RC03 in Volume 3.

### 4.2.2.5 On-Site Stormwater Management

The retirement village is a **permitted activity** in accordance with Rule 8.4.8.1 of the District Plan as it is located in Stormwater Management Area 5. The development of the retirement village will also comply with the following general standards in Rule 8.4.8.5:

<sup>11</sup> Appendix 2, Sheet 1 to the Planning Maps - Visual and Cultural Protection of Rangitoto, Takarunga (Mount Victoria) and Maungauika (North Head).

<sup>12</sup> Appendix 2, Sheet 2 to the Planning Maps - Visual and Cultural Protection of Rangitoto, Takarunga (Mount Victoria) and Maungauika (North Head).

*All Permitted, Controlled and Limited Discretionary activities are required to comply with the following standards. Failure to comply requires consent as a Discretionary activity.*

- a) Bio-retention devices within areas subject to geotechnical constraints, particularly on slopes steeper than 1 in 4, shall provide an impervious membrane to reduce infiltration into the subsoil and a suitably qualified geotechnical engineer shall certify that geotechnical constraints or problems will not be created or exacerbated by the device.*
- b) Reserves shall not be used for soakage areas to mitigate stormwater runoff.*
- c) On-site stormwater management devices are to be maintained by the landowner and kept in an operational condition. These devices may not be removed or disconnected.*
- d) Stormwater shall be disposed of in an acceptable manner to an approved outfall so as not to cause nuisance or erosion at the point of discharge.*
- e) On-site stormwater management may be achieved by a combination of individual and communally owned onsite measures. Where the stormwater devices proposed serve more than one freehold property, or are located on public land or land vested in Council, then these may be vested in Council, at Council's sole discretion, provided they meet all Council's requirements. If communally-owned measures are to be partly relied upon, then localised detention and treatment devices designed to serve a multi-unit development may be used, provided these sites shall be retained in private ownership and shall be managed by a body corporate under the Unit Titles Act.*

Detail on how stormwater will be managed on the site is provided in the Infrastructure Report (Volume 2, Appendix 2).

#### **4.2.2.6 Natural Hazards**

The site is not located within a flood sensitive area or within a 1% annual exceedance probability (“**AEP**”) flood plain. As such, Rules 8.4.9.1.1 to 8.4.9.1.3 of the District Plan do not apply.

The retirement village is a **limited discretionary activity** in accordance with Rule 8.4.9.2.2 of the District Plan, as it will involve diverting / altering overland flow paths on the site and the establishment of buildings and structures within, or over, overland flow paths (but which do not form an obstruction to overland flow paths).

Detail on how overland flow paths on the site will be managed is detailed in the Infrastructure Report (Volume 2, Appendix 2).

#### **4.2.2.7 Coastal Inundation Areas**

The site is not located within an identified coastal inundation area in the District Plan. As such, Rules 8.4.9.3.1 to 8.4.9.3.3 of the District Plan do not apply.

### **4.2.3 Chapter 9 – Subdivision and Development**

#### **4.2.3.1 Site Works and Subdivision Controls**

The retirement village is a **discretionary activity** in accordance with Rule 9.4.1.4 as it involves site works and earthworks that do not comply with the permitted, controlled and limited discretionary activity standards specified in Rules 9.4.1.1 - 3. In particular, the construction of the retirement village will require site works within the 20 m foreshore yard that applies across the southern extent of the site.

#### **4.2.3.2 Esplanade Reserves**

The retirement village is a **discretionary activity** in accordance with Rule 9.8.3(a) of the District Plan as no esplanade reserve is proposed along the southern boundary of the site where it abuts the CMA. In this regard, no formal esplanade reserve is considered necessary as the retirement village has already been setback from the Foreshore Yard and formal access is already provided along part of the coastal interface with Ngataranga Bay via the Mary Barrett Glade Loop Track.

### **4.2.4 Chapter 10 – Pollution, Hazardous Substances and Waste Management**

#### **4.2.4.1 Discharges to Air, Odour, Dust, Outdoor Lighting, Waste Management**

Rules 10.4.1 to 10.4.3, 10.6, 10.7 and 10.9 of the District Plan apply to permitted and controlled activities in all zones. As the retirement village is a discretionary activity in the Residential 4B zone it does not trigger the requirements of Rules 10.4.1 to 10.4.3, 10.6, 10.7 and 10.9.

#### **4.2.4.2 Noise**

While part of the site is located on an existing high noise route (Lake Road),<sup>13</sup> Rule 10.5 of the District Plan is not triggered as the proposed retirement village is a discretionary activity in the Residential 4B zone.

#### **4.2.4.3 Contaminated Sites**

As noted in the Contaminated Land Assessment (Volume 2, Appendix F), decontamination works will be required on the site in order to establish the retirement village. This activity is a **controlled activity** in accordance with Rule 10.8.3.1 of the District Plan.

### **4.2.5 Chapter 11 – Cultural Heritage**

The retirement village requires resource consent for a **discretionary activity** in accordance with Rule 11.4.2.1 of the District Plan as the site works will involve the excavation, physical investigation, damage, modification or alteration of an archaeological site listed in Appendix 11B.<sup>14</sup>

### **4.2.6 Chapter 12 - Transportation**

#### **4.2.6.1 Road Frontages**

The retirement village requires resource consent for a **controlled activity** in accordance with Rule 12.4.1.1 of the District Plan as the site will have access to more than one road frontage, and one of these frontages faces an arterial road (i.e. Lake Road).<sup>15</sup>

<sup>13</sup> Appendix 10D – High Noise Routes.

<sup>14</sup> Duder Brickworks / Jetty #1795.

<sup>15</sup> Appendix 1 – Road Hierarchy.

#### 4.2.6.2 **Traffic Generation**

The retirement village will generate vehicle movements that exceed 100 vehicles per day. As such, resource consent is required for a **limited discretionary activity** in accordance with Rule 12.4.1.2 of the District Plan.

#### 4.2.7 **Chapter 13 – Signs**

The retirement village requires resource consent for a **discretionary activity** in accordance with Rule 13.4.2 of the District Plan, as the proposed signage along the boundary of the site will not comply with the number and size standards for permitted activities set out in Rule 13.4.1.2.

### 4.3 **Auckland Regional Plan: Sediment Control**

#### 4.3.1 **Earthworks**

Section 5.3.2 of the Sediment Control Plan defines the Sediment Control Protection Area (“**SPCA**”) as extending 100 m landward of the CMA. As the construction of the retirement village will require works exceeding an area of 0.25 ha on the site, resource consent is required for a **limited discretionary activity** in accordance with Rule 5.4.3.1 of the Sediment Control Plan.

#### 4.3.2 **Sediment Discharges**

Rule 5.5.1(iii) of the Sediment Control Plan permits the discharge of sediment laden run-off provided the disturbance of land is allowed by a land use consent authorised under the plan.

As outlined above, resource consent is being sought to undertake land disturbance activities in accordance with Rule 5.4.3.1 of the Sediment Control Plan. Therefore, the discharge of sediment laden run-off is assessed as being a **permitted activity** in accordance with Rule 5.5.1.

### 4.4 **Auckland Regional Plan: Air, Land and Water**

#### 4.4.1 **Discharges from Contaminated Land to Land or Water**

The discharge of contaminants to land or water from the site, including during its remediation, is a **discretionary activity** in accordance with Rule 5.5.45 of the ALW Plan.

As is noted in the Ground Contamination Assessment by Tonkin and Taylor (Volume 2, Appendix F), the development of the majority of the site is likely to be a permitted activity in accordance with Rule 5.5.41. However, the lack of testing in the area of the brickworks means that it is prudent to apply for resource consent as a discretionary activity in accordance with Rule 5.5.45.

#### 4.4.2 **Stormwater Management**

As the retirement village involves the establishment of new impervious areas that are greater than 10,000 m<sup>2</sup> in an urban area, the diversion and discharge of stormwater

from the site requires consideration under Rules 5.5.4 and 5.5.5 of the ALW Plan. Resource consent is required for the diversion and discharge of stormwater as a **non-complying activity** in accordance with Rule 5.5.5 as the stormwater works will not be vested with Auckland Council.

#### 4.4.3 Diversion of Groundwater

The diversion of groundwater through the site in order to enable the construction of the basements of Buildings B01 to B06 is a **restricted discretionary activity** in accordance with Rule 6.5.77 of the ALW Plan.

#### 4.4.4 Bore Construction and Use

The drilling and construction of a bore for the purpose of groundwater abstraction requires resource consent as a **controlled activity** in accordance with Rule 6.5.25 of the ALW Plan.

Ryman proposes to pump test the bore and will comply with the **permitted activity** standards of Rule 6.5.32 for this activity (i.e. the take will not exceed seven days and an average rate of 1,000 m<sup>3</sup>/day).

#### 4.4.5 Take and Use of Water from the Waitemata Aquifer

Ryman proposes to take and use groundwater for irrigation purposes at a rate of up to approximately 25 m<sup>3</sup> / day. This take and use of groundwater requires resource consent as a **discretionary activity** under Rule 6.5.46 of the ALW Plan.

#### 4.4.6 Discharges of Contaminants (Dust) to Air

Rule 4.5.49 of the ALW Plan specifies that the discharge of contaminants to air from earthworks is a permitted activity subject to compliance with the standards specified in Rule 4.5.1(a) to (c). These standards generally relate to any discharge not causing noxious, objectionable or offensive emissions beyond the boundary of the subject site.

Dust generating activities at the site (e.g. earthworks) will be managed via the CMP. In this regard, all reasonable measures will be applied during the site works to minimise potential dust effects on neighbouring properties and the environment generally (thus ensuring no objectionable adverse effects beyond the boundary of the site). As such, it is considered that the discharge of contaminants to air from earthworks at the site will be a **permitted activity** in accordance with Rule 4.5.49 of the ALW Plan.

### 4.5 Auckland Regional Plan: Coastal

#### 4.5.1 Upgrade of the Stormwater Outlet Structure

The upgrade of the stormwater outlet structure on the foreshore and seabed of Ngataranga Bay, at the eastern end of the site, is a **discretionary activity** in accordance with Rule 12.5.18 of the Coastal Plan. The stormwater outlet structure is located in Coastal Protection Area 2 rather than Coastal Protection Area 1, so it is not a non-complying activity in accordance with Rule 12.5.22.

The disturbance of the foreshore and seabed of Ngataranga Bay in order to enable the works required to upgrade the stormwater outlet structure is a **restricted discretionary activity** in accordance with Rule 16.5.17 of the Coastal Plan. While this rule also provides for the removal of mangroves that is not provided for in other rules in Chapter 16 of the Coastal Plan, it is noted that the removal of mangroves from Ngataranga Bay, being Coastal Protection Area 2, is a **discretionary activity** in accordance with Rule 16.5.20.

The discharge of contaminants and sediment to Ngataranga Bay during the upgrade of the stormwater outlet structure is a **permitted activity** in accordance with Rule 20.5.4 of the Coastal Plan. In particular, the discharge will not give rise to any of the effects listed in clause (a) to (g) of Rule 20.5.4.

#### 4.5.2 Discharge of Stormwater

The discharge of stormwater and contaminants (i.e. sediment) from the site to Ngataranga Bay is a **permitted activity** in accordance with Rule 20.5.4 of the Coastal Plan. As with the above, the discharge will not give rise to any of the effects listed in clause (a) to (g) of Rule 20.5.4 and will not contain contaminants that will cause more than minor adverse effects on the receiving waters and the marine environment.

### 4.6 Proposed Auckland Unitary Plan

As outlined previously, section 86B(3) of the RMA states that a rule in a proposed plan has immediate legal effect if it protects or relates to water, air, or soil (for soil conservation), protects areas of significant indigenous vegetation, protects areas of significant habitats of indigenous fauna, or protects historic heritage. The applicable rules from the PAUP are considered below.

#### 4.6.1 Historic Heritage

The retirement village requires resource consent for a **non-complying activity** in accordance with Chapter J.2.1 of the PAUP as the site works will involve the demolition or destruction of a Category B archaeological site.<sup>16</sup>

The retirement village also requires resource consent for a **non-complying activity** in accordance with Chapter H4.2.1, Activity Table 1.2, of the PAUP for earthworks exceeding 1,000 m<sup>2</sup> and 1,000 m<sup>3</sup> within a historic heritage overlay area.

#### 4.6.2 Pre-1944 Building Demolition Control

The existing dwelling on Lake Road is subject to the Pre-1944 Building Demolition Control' overlay in the PAUP. As outlined in Section 3 of this report, the Heritage Impact Assessment by Clough & Associates Limited that has reviewed relevant background material and demonstrated that the dwelling was built in the 1950's. Based on this assessment the rules restricting the removal of pre-1944 dwellings in Chapter J, 3.6 of the PAUP do not apply to the construction of the retirement village.

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<sup>16</sup>

### 4.6.3 Vegetation Clearance

The two significant ecological areas (“**SEA**”) located on the southern boundary of the site are:

- SEA-T-8268 – Terrestrial: meets criteria for representativeness, threat status and rarity, and diversity; and
- SEA-M2-60b – Marine 2: Ngataringa Bay intertidal area is identified as an important wading bird feeding ground, the coastal vegetation is an outstanding example of a saline community, and remnants of pohutukawa occur on the fringes of Ngataringa Bay.

As the construction of the retirement village will require the upgrading of the existing stormwater outlet at the eastern end of the site, resource consent is required for the removal of vegetation as a **discretionary activity** in accordance with Chapter H.4.3, Activity Table 2 of the PAUP.

### 4.6.4 Stormwater Management

The diversion and discharge of stormwater from the site to land or water requires resource consent for a **discretionary activity** in accordance with Chapter H.4.14.1.1 of the PAUP.

With respect to land use controls for managing stormwater, the retirement village is a **permitted activity** in accordance with Chapter H4.14.2.2.1 of the PAUP as the site is connected to a stormwater network and the total impervious area on the site will be less than the maximum impervious area threshold of the Mixed Housing Suburban Zone (which is 60%).

Notwithstanding the above, resource consent is required for a **restricted discretionary activity** for uncovered parking on site (including entry /exit areas) which does not meet the permitted and controlled activity controls set out in Chapter H.4.14.3.1 of the PAUP.

### 4.6.5 Discharges to Air

Chapter H.4.1 of the PAUP specifies that any earthworks that do not meet the general permitted activity controls are a restricted discretionary activity. The general permitted activity controls refer to the discharge to air not containing contaminants that will cause (or likely cause) adverse effects on human health beyond the boundary of the site. Given the dust management procedures that will be employed on site as part of the CMP, it is not expected that the discharge of dust to air will cause adverse effects on human health beyond the boundary of the site. As such, resource consent for the discharge of dust to air in association with the earthworks is a **permitted activity**.

### 4.6.6 Earthworks and the Discharge of Sediment Laden Water

The construction of the retirement village requires resource consent for a **restricted discretionary activity** in accordance with Chapter H.4.2.1.1 of the PAUP as earthworks on the site will exceed an area and volume greater than 2,500 m<sup>2</sup> and 2,500 m<sup>3</sup> respectively.

The discharge of sediment laden water associated with the earthworks is a **permitted activity** in accordance with Chapter H.4.2.1.1, as it authorises such discharge where the earthworks are allowed by a regional land use consent.

#### 4.6.7 Works within the Coastal Management Area

The upgrade of the stormwater outlet structure on the foreshore and seabed of Ngataranga Bay (which is within the SEA Marine 2 overlay), at the eastern end of the site, is a **discretionary activity** in accordance with Chapter I.6.1.10 of the PAUP. The stormwater outlet structure meets the definition of 'infrastructure' in the PAUP, and as such is classified as infrastructure not existing at 23 October 2001.

The disturbance of the foreshore and seabed of Ngataranga Bay, including the removal of mangroves and associated discharge of contaminants and sediment, in order to enable the works required to upgrade the stormwater outlet structure is a **discretionary activity** in accordance with Chapter I.6.1.4 of the PAUP.

#### 4.6.8 Contaminated Land

The discharge of contaminants to land or water from the site, including during its remediation, is a **restricted discretionary activity** in accordance with Chapter H.4.5.1 of the PAUP.

As is noted in the Ground Contamination Assessment by Tonkin & Taylor (Volume 2, Appendix F), the development of the majority of the site is likely to be a permitted activity in accordance with Chapter H.4.5.1 of the PAUP. However, the lack of testing in the area of the brickworks means that it is prudent to apply for resource consent as a restricted discretionary activity.

#### 4.6.9 Diversion of Groundwater

The diversion of groundwater through the site in order to enable the construction of the basements of Buildings B01 to B06 is a **restricted discretionary activity** in accordance with Chapter H.4.17.1 of the PAUP.

#### 4.6.10 Bore Construction and Use

The drilling and construction of a bore for the purpose of groundwater abstraction requires resource consent as a **controlled activity** in accordance with Chapter H.4.17.1 of the PAUP.

Ryman proposes to pump test the bore and will comply with the **permitted activity** standards of Chapter H.4.17.1 of the PAUP for this activity (i.e. the take will not exceed seven days and an average rate of 1,000 m<sup>3</sup>/day).

#### 4.6.11 Take and Use of Water from the Waitemata Aquifer

Ryman proposes to take and use groundwater for irrigation purposes at a rate of up to approximately 25 m<sup>3</sup> / day for a period of between 100 and 150 days per annum. This take and use of groundwater proposed take requires resource consent as a **discretionary activity** in accordance with Chapter H.4.17.1 of the PAUP.



## 4.7 National Environmental Standards for Assessing and Managing Contaminants

The NES came into effect on 1 January 2012. The NES deals with territorial authority functions under section 31 of the RMA with respect to the management of potentially contaminated land. The NES applies to the disturbance of soil and the changing of land uses on land that is potentially contaminated. Land that is covered by the NES includes:

- (7) The piece of land is a piece of land that is described by 1 of the following:
  - (a) an activity or industry described in the HAIL is being undertaken on it;
  - (b) an activity or industry described in the HAIL has been undertaken on it;
  - (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

The Hazardous Activities and Industries List (“**HAIL**”) is a compilation of activities and industries that are considered likely to cause land contamination. The HAIL has grouped similar industries together which typically use or store hazardous substances that could cause contamination if these substances escaped from safe storage, were disposed of on the site, or were lost to the environment through their use. The HAIL is intended to identify most situations in New Zealand where hazardous substances could cause, and in many cases have caused, land contamination.

Based on this historical land uses on the site, potentially hazardous activities identified in the HAIL may have been undertaken. These activities include: E.3 - Cement or lime manufacture; E.4 - Concrete manufacture and commercial cement storage; and E.5 - Coal or coke yards.

In light of the above, resource consent is required for a discretionary activity for the disturbance of soil and the change of use of the site in accordance with regulation 11 of the NES.

## 4.8 Summary

As noted in the resource consent application attached to this AEE, Ryman seeks all necessary resource consents from Auckland Council to authorise the construction, operation and maintenance of a retirement village on the site. Overall, it is currently considered that the following resource consents will be required:

- A land use consent for a discretionary activity for the following activities:
  - The construction, operation and maintenance of a retirement village in the Residential 4B zone;
  - Structures in the Coastal Conservation Area;
  - The removal of trees;
  - Buildings and structures in overland flow paths;
  - Site works, including works within the Foreshore Yard;
  - An exemption from the esplanade reserve requirements;
  - The remediation of contaminated land;
  - The excavation, disturbance and alteration of a heritage site;

- Access to or more road frontages;
  - The generation of more than 100 vehicle movements per day; and
  - The establishment of signage.
- A land use consent for a restricted discretionary activity for earthworks in the Sediment Control Protection Area;
  - A water / discharge permit for a non-complying activity for the diversion and discharge of stormwater from the site;
  - A land use consent for a discretionary activity for uncovered parking areas;
  - A land use consent for a non-complying activity for earthworks over, and the demolition of, a Category B archaeological site;
  - A water permit for a restricted discretionary activity for the diversion of groundwater;
  - A land use consent for a restricted discretionary activity for earthworks on the site;
  - A land use consent for a discretionary activity for the establishment and occupation of the CMA in association with the upgrade of a stormwater outlet structure;
  - A land use consent and discharge permit for a discretionary activity for the disturbance of the foreshore and seabed of Ngataringa Bay, including the removal of vegetation (particularly mangroves) and the associated discharge of discharge of contaminants and sediment;
  - A discharge permit for a discretionary activity for the discharge of contaminants to water or land during site remediation works;
  - A land use consent for a controlled activity the drilling and construction of a bore;
  - A water permit for a discretionary activity for the take and use of groundwater from the Waitemata Aquifer; and
  - A land use consent for a discretionary activity for the disturbance of contaminated soil and the change of use of the site.

## **5. ASSESSMENT OF ENVIRONMENTAL EFFECTS**

### **5.1 Introduction**

This section of the AEE addresses the actual and potential environmental effects associated with the construction, operation and maintenance of a retirement village on the site. The environmental effects associated with the retirement village include:

- Positive effects;
- Heritage and archaeological effects;
- General construction effects;
- Geotechnical matters;
- Design and external appearance;
- Visual amenity;
- Noise;
- Traffic and parking;
- Effects on water quality;
- Effects on groundwater and water availability; and
- Effects on ecological values.

A number of technical assessments have been commissioned by Ryman to inform this AEE. These technical assessments are provided in Volume 2 of this AEE and are referenced, as appropriate, in Sections 5.3 to 5.12 below.

### **5.2 Positive Effects**

As outlined in section 1.3 of this AEE, the lack of retirement living and aged care in New Zealand is at crisis point and the number of people aged 65+ years will almost double within the next 20 years. As such, it is essential that appropriate services are put in place within the community to provide for the needs, care and support of the elderly.

From a social and economic standpoint, it is desirable that elderly people live as independently as possible for as long as possible, with the transition to more advanced care undertaken with a minimum of stress and disruption. When this transition can be made within a residential community within which the individual is familiar, the potential disruption and stress caused by the transition is minimised.

The site will provide good social connections for the residents, the opportunity for frequent participation in social activities, and will enable residents to continue to participate in community life in a familiar setting, close to friends and family. The ability to achieve this has proven benefits in terms of improving the quality of life for elderly people. Ryman has found that where residents can continue to reside in or near to the

community within which they have previously lived, the stress associated with the transition to assisted living or a higher level of care is markedly reduced. The location of the retirement village will also enable passive interaction for the less able residents. The proposal will make a positive contribution to the local community and will ensure that the elderly residents are not isolated from the community.

As outlined in section 1.3, the supply of retirement living is decreasing due to the ongoing closure of small and poor quality aged care homes, while the estimated number of people aged 65+ years is expected to almost double over the next two decades in New Zealand. The proposed retirement village will efficiently utilise a large undeveloped site in a residential neighbourhood in New Zealand's largest city, and satisfy an increasing need to cater for the supply crisis in retirement living now, and in the future given New Zealand's aging population.

Furthermore, the Government has identified a need for new housing, especially in established metropolitan centres like Auckland. The retirement village will contribute to this national housing need by providing accommodation for the fastest growing group in our society. Furthermore, while not the purpose of the proposal, a 'knock-on' effect of the retirement village will be the release of a typically family home (often occupied by a single person) by an elderly person downsizing to an accommodation option in the retirement village. These homes are often located within an established suburb with access to schools, recreation facilities, transport and infrastructure, and will contribute to Auckland's undersupplied housing market.

Relative to other more intensive residential developments (such as apartment blocks), the retirement village places lower demands on infrastructure and other services as health and community services, rehabilitative care and other support services are provided on-site. On-site care staff can also work with other service providers to ensure that community resources are used efficiently.

The retirement village will also provide an economic benefit to the community and the local workforce during construction, as well as providing employment once operational. In this regard, the retirement village will employ approximately 50 FTE staff once operational.

Overall, the activity is assessed as making a significant positive contribution to the social and economic wellbeing of the wider Auckland community.

## **5.3 Heritage / Archaeological Effects**

In light of the site containing heritage sites identified in the District Plan and PAUP, an assessment of heritage / archaeological effects was prepared by Clough & Associates Limited. The following sections provide a summary of the effects assessment provided in the heritage impact assessment (Volume 2, Appendix H).

### **5.3.1 Duder Brickworks**

As noted in section 3 of this AEE, the site is identified in the District Plan and PAUP as being the location of the former Duder Brickworks – which operated on the site from approximately 1875 to 1936. While there are no surface manifestations of the brickworks on the site, previous surveys and investigations on the site, including soil resistivity surveys, appear to have identified some sub-surface structures in the eastern

extent of the site (in the vicinity of the proposed location of Building B05). However, no sub-surface investigations have been undertaken to verify these survey results to date.

In light of the fact that there are no surface manifestations of the former brickworks, and the lack of information regarding sub-surface features, Clough & Associates Limited recommended that Ryman seek consents from Auckland Council and Heritage New Zealand for investigative works on the site. These consents have subsequently been sought by Ryman from Auckland Council and Heritage New Zealand (and granted in the case of Heritage New Zealand). Ryman intend to undertake these investigations as soon as the necessary consents are granted by Auckland Council.

Notwithstanding the above, the Heritage Impact Assessment considers that if only a small area of intact remains is still present below the surface of the site any potential effects would be minimal. If reasonably intact remains of the brickworks are discovered during the investigations then the potential for adverse effects is greater. If this circumstance eventuates, Clough & Associates recommend that any earthworks in the eastern extent of the site be subject to archaeological oversight and all archaeological finds recorded / documented. It may also be appropriate for interpretation panels to be established within, and outside the site, depending on the archaeological finds made during the earthworks.

The second scenario above is considered the more unlikely of the two, given that the site has been subject to multiple phases of development and rehabilitation since the brickworks ceased operations in 1936.

### **5.3.2 Pre-1944 Building Demolition Control Overlay**

As noted in section 3 of this AEE, the residential dwelling abutting Lake Road is identified as being within the Pre-1944 Building Demolition Control Overlay in the PAUP. However, the Heritage Impact Assessment documents that this dwelling was actually constructed in the 1950s as part of the original naval housing development centred on Wakakura Crescent.

Given, therefore, that the removal of the dwelling is not captured by the rules applying to Pre-1944 dwellings in the PAUP, it is not considered that this aspect of the proposal will generate any adverse effects on heritage values.

### **5.3.3 Other Heritage Values**

The Heritage Impact Assessment notes that there are also shell midden deposits and further remains associated with the brickworks located on the site. This includes the remains of a jetty associated with brickworks in Ngataringa Bay. These remains will not be affected by the construction of the retirement village. The shell midden deposits are located outside the proposed area of works for the establishment of the retirement village, while the remains of the jetty will not be affected by the upgrade works required to the stormwater outfall structure.

Notwithstanding the above, it is recognised that earthworks on the site could potentially uncover previously unrecorded / documented archaeological material of either Maori or European origin. As such, Ryman proposes that standard accidental discovery protocols be imposed on the resource consents for the construction of the retirement village to ensure that the appropriate actions are taken by contractors in the event that possible archaeological material is uncovered during earthworks on the site.

## 5.4 General Construction Effects

The construction period for the retirement village will be approximately 36 – 40 months. Ryman is conscious to ensure that these temporary construction activities are suitably managed in order to minimise nuisance effects for neighbours.

General construction effects associated with the proposal are:

- Discharge of dust during construction works;
- Management of contaminated soil;
- Construction traffic;
- Construction noise; and
- Effects on retained trees.

These are discussed further below.

It is proposed that a CMP be developed for the construction activities by way of a condition of consent. The CMP will establish appropriate protocols for the management of dust, noise, traffic, hours of construction, and sediment runoff during construction.

In addition, all construction activities will be undertaken in accordance with the relevant New Zealand standards, and the appropriate protocols in terms of site safety and access will be adhered to and governed by the CMP. Given that all such effects will be temporary in nature it is considered the overall effects associated with the construction phase will be managed in such a way as to be within acceptable limits.

### 5.4.1 Discharge of Dust

There is potential for dust to be generated during earthworks activities due to the nature and scale of the activity. A Sediment and Erosion Control Plan will be developed and will ensure that all reasonable measures will be applied during the construction phase to minimise potential dust effects on neighbouring properties and the environment generally. Standard management practices will be undertaken to prevent dust nuisance occurring, such as dampening down areas with water, if necessary.

### 5.4.2 Contaminated Soils

In respect to the disturbance and removal of some slightly contaminated material, Ryman proposes to remove contaminated surface soils from the localised areas on the site, and will either transport off-site to a licensed disposal facility, or encapsulate the soils on-site to isolate them from future users (e.g. encapsulate them beneath a suitable thickness of clean materials within a public open space area, or beneath a structure).

Ryman proposes to provide a Remediation Action Plan (“**RAP**”) to Auckland Council for certification prior to any works commencing on that part of the site. This approach is in accordance with, and has been accepted by Auckland Council for other developments Ryman has undertaken and is consistent with the scope of the resource consent required under the NES and the various statutory planning documents.

The purpose of the RAP will be to outline measures to avoid or mitigate any potential adverse effects on human health and the environment during the excavation and removal of contaminated soil. In addition, the RAP will provide detail on the following matters consistent with its overall purpose:

- Contaminated land earthworks procedures and controls including excavation procedures;
- Stockpiling procedures;
- Disposal methods for all types of excavated material along with health and safety procedures;
- Monitoring requirements and the validation programme; and
- A contingency plan and first response procedure should unexpected contamination be identified.

The RAP will include a detailed description of the proposed works and excavations, as well as disposal volumes.

Confirmation of the contaminated material removed from the site will be reported to Auckland Council in a Site Validation Report (“**SVR**”), which will be prepared upon the completion of earthworks.

Ryman anticipates that the need for a RAP and SVR will be included as conditions of consent.

#### **5.4.3 Construction Traffic**

The proposed earthworks and construction activities will be carried out in a manner that minimises the effect on traffic in the area through best practise construction techniques.

Ryman proposes to develop a Construction Traffic Management Plan (“**CTMP**”) to ensure the safe and efficient integration of construction traffic on the local roading network. The CTMP will form part of the conditions of consent and will be provided to Auckland Council for approval prior to the commencement of any earthworks on the site. The CTMP will include the following:

- Construction dates;
- Truck route diagrams both internal to the site and external to the local road network;
- Temporary traffic management signage/details for both pedestrians and vehicles to appropriately manage the interaction of these road users with heavy construction traffic; and
- Details of site access/egress over the entire construction period, noting that all egress points are to be positioned so that they achieve appropriate site distance as per RTS 6.

With an appropriate CTMP in place with the above measures implemented, it is considered that construction activities will be managed to ensure an appropriately low level of traffic effects. As assessed by Commute Transportation Consultants (Volume 2, Appendix C), the construction activities are temporary and with appropriate measures in place are able to be managed such that the construction effects are considered less than minor.

#### **5.4.4 Construction Noise**

Construction work on the site will be designed and conducted to ensure construction noise does not exceed the provisions of NZS6803. Ryman proposes to prepare a Construction Noise Management Plan (“**CNMP**”) in accordance with Annex E of NZS6803. The purpose of the CNMP is to describe the measures to be adopted, as far as practicable (and as appropriate to the site and the construction works proposed), to meet the relevant provisions of NZS6803. The CNMP will include the following:

- The construction noise criteria;
- The identification of the most affected houses and other sensitive locations where potential for noise effects exist;
- Description of the works, anticipated equipment/processes, and durations;
- Times and days when construction activities causing noise will occur;
- Mitigation options, including alternative strategies where full compliance with the relevant noise criteria cannot be achieved;
- Methods for monitoring and reporting on construction noise during each stage of construction;
- Procedures for maintaining contact with stakeholders, notifying them of the proposed construction activities and handling noise; and
- Contact numbers for key construction staff, staff responsible for implementation of the CNMP, and complaint receipts and investigations.

#### **5.4.5 Retained Trees**

As outlined in section 3 of this AEE, a number of trees on the northern boundary of the site will be retained. They are mainly pohutukawa, with a handful of other species (mainly ash – *Fraxinus* species) scattered in between.

Construction works will require some excavations to encroach to the outer edge of the drip line of these trees.

All works in the vicinity of retained trees will be managed to ensure any root damage is minimised to the extent it is practicable to do so. A layer of wood chip mulch will also be placed over the root zone area of all trees which are to be retained. Such root zone amelioration will serve to improve tree health in general and help to buffer any adverse health effects that may eventuate from peripheral root damage that may occur during construction works.



## 5.5 Geotechnical Matters

Tonkin and Taylor undertook a geotechnical assessment of the site (Volume 2, Appendix D). Tonkin and Taylor consider the site is suitable for the establishment of a retirement village and that all geotechnical considerations can be appropriately managed during the detailed design phase.

Of particular note, the Tonkin and Taylor assessment concludes that:

- The risk of slope instability at the site is assessed as low. Some potential shear surfaces that can be associated with instability were identified in rock beneath the site during the drilling. However, these surfaces do not appear to be connected to form a potential slip surface, and there is no evidence in the site geomorphology or regional slopes that large scale instability is present at the site or in the area. Aerial photographs show that the slopes have not regressed significantly in the past 65 years, and the face is assessed as relatively stable;
- The risk of severe liquefaction or lateral spreading effects affecting the site is very low;
- Either shallow or deep (piled) foundations are suitable for the site depending on structural requirements, and design parameters; and
- Basements at the site are located above the regional groundwater table, but may intercept some transient, perched groundwater during operation. Any drainage that may be installed for the basements is assessed as having a negligible effect on groundwater at the site boundary.

## 5.6 Design and External Appearance

The Urban Design Review (Volume 2, Appendix G) has concluded that the retirement village is an appropriate development in this location. In particular, the Urban Design Review concludes that from an urban design perspective, the site is unquestionably suited to use by a comprehensive care retirement village of the type and scale proposed, and that:

- The retirement village will significantly increase the range and choice of residential living accommodation in an area currently characterised by largely traditional types of residential accommodation in the form of 'single family' detached houses; and
- The relatively long rectangular shape and Ngataringa Road frontage of the site and its orientation, together with the slope and outstanding views to the south (towards the harbour and the city beyond), have provided an exceptional opportunity to maximize the level of residential amenity and outlook for residents, while at the same time not adversely affecting the amenity of the existing residential properties to the north, east and/or west of the site.

The Urban Design review also concludes the design and location of the proposed new retirement village has been very successfully managed to simultaneously:

- Comply as far as practicable with the Residential 4B zone provisions of the District Plan;
- Limit any breaches of the permitted 8 m building height control, to a degree whereby any actual or potential adverse environmental effects (including shading, visual dominance, overlooking and/or loss of privacy) arising from such breaches will be less than minor;
- Ensure that all buildings comply with the 'height-in-relation-to- boundary' recession plane controls applying to their respective adjoining site boundaries;
- Respond to the shape and sloping nature of the site;
- Be cognisant of the existing generally one / two storey high, detached, houses in Ngataringa Road directly opposite and overlooking the site;
- Be cognisant of and responsive to the one / two storey high existing houses in Wesley Street directly opposite the site;
- Align the village's various buildings with the road boundaries of the site to ensure that they spatially define and contain the adjoining streets;
- Enhance the visual amenity and surveillance of the adjoining streets and harbour edge pedestrian pathway;
- Avoid any more than minor adverse environmental effects on the amenity values of immediate adjacent properties, including in particular the existing residential properties directly adjoining the eastern boundary of the site;
- Avoid any significant loss of sunlight, daylight and privacy (through overlooking) in respect of directly adjoining and generally neighbouring residential properties;
- Within the limits realistically achievable when taking account of the functional and operational requirements of healthcare-based retirement village accommodation, ensure that the form, scale and character of the proposal is broken down by the composition of the elevations and the variation in the colours and types of cladding materials to be generally compatible with scale and character of residential development in the neighbouring area; and
- Ensure that the proposal maintains and enhances the quality and amenity of the adjoining streetscapes and harbour edge.

## **5.7 Visual Amenity**

The potential effects of the proposed retirement village on neighbouring properties with views to the site and the street frontage, and of shading, have been assessed in the Urban Design Review by Clinton Bird Urban Design Limited (Volume 2, Appendix G). This assessment is summarised below.

### 5.7.1 Effects on Neighbouring Properties

The site has only two boundaries with existing residential properties; one to the east adjoins the side boundary of 5 Ngataringa Road and one to the north adjoins 31 Lake Road. All other site boundaries adjoin a public road or the Waitemata Harbour foreshore yard. Nevertheless, the proposal will result in changes to the site's existing boundary relationships with the adjoining land or harbour. The boundary conditions that will change as a result of the proposed retirement village are those associated with Ngataringa Road and 31 Lake Road to the north, the 20 m wide foreshore yard along the Waitemata Harbour coastal boundary to the south, number 5 Ngataringa Road, Lake Road to the east, and Wesley Street to the west. These changes are discussed below.

As discussed in detail in the Urban Design Review, and summarised below, the retirement village has been designed to respond well to the site boundaries while its three-dimensional expression in built form is cognisant of and responsive to the existing and anticipated views of the site from the surrounding public open spaces and streets, as well as from the surrounding residential properties.

Key design elements which contribute to the retirement village being respectful of, and responsive to the character and amenity of all of its existing and anticipated site boundary conditions are summarised below in respect of each boundary.

- The northern boundary with the southern side of Ngataringa Road (opposite the houses fronting onto its northern side):
  - Buildings B01, B02, B04 and B05 have been aligned parallel with, but set back different distances from, the street boundary to enable the substantial groupings of existing mature trees growing near the street boundary to be retained and to ensure compliance with the zone's building length controls.
  - The largest of all the buildings, the village centre building B01, is located approximately midway along the length of the northern boundary behind what is the densest grouping of existing trees lining the street frontage of the site at the base of the steepest slope down from the street boundary.
  - The visible height of Buildings B01, B02, B04 and B05 from Ngataringa Road has been limited to no more than one-two storeys above the road level to ensure that the outlook from the existing houses on the higher northern side of the road will be towards buildings of a similar height to those which could be reasonably be expected to be constructed in a Residential 4B zone.
  - With the exception of relatively small areas of the upper-most level of Building B01, opposite 14 Ngataringa Road and Building B04, and opposite 22 Ngataringa Road, no buildings located along the Ngataringa Road frontage of the site exceed the 8 m permitted height limit relative height-in-relation-to-boundary recession plane applied to the road boundary.
  - Additional planting will be located between the existing trees and the northern faces of the proposed buildings to mitigate any adverse effects on the Ngataringa Road streetscape or the residential properties on the opposite side of the road.

- All buildings fully comply with the building height-in-relation-to-boundary recession planes applying to the northern boundary.
- The northern boundary with Number 31 Lake Road
  - Building B06 has been set back from the Lake Road frontage of the site in response to the scale and character of the front yards of the properties to the north.
  - The existing private pedestrian pathway into the site from Lake Road, tracing the site boundary to the south of Building B06, will be retained.
  - Building B06 has been designed to fully comply with the height and height-in-relation-to-boundary recession plane controls applying to the site boundary with 31 Lake Road.
- The southern boundary with the riparian margin and the mangroves in the Ngataranga Bay inlet of the Waitemata Harbour:
  - Buildings B03, B02, B01, B05 and B06 have been set well back from the foreshore. In addition, the buildings' southern facades have been kept relatively narrow and varied in height so that the natural ambience and character of the foreshore yard permeates northwards deep into the site and into the spaces between the buildings.
  - The existing Wakakura Crescent running through the site will be retained, slightly realigned near its western end and provide direct and relatively level access to the basement car parks in Buildings B03, B02, B01 and B05.
  - The combination of the projections and recessions in the floor plans will produce a series of architecturally well-articulated and modulated vertically proportioned southern elevations which will ensure that the scale, height and character of the buildings will sit very comfortably in their greater Ngataranga Bay setting.
- The eastern boundary with 5 Ngataranga Road and 31 Lake Road:
  - A substantial area of the retirement village site immediately to the west of the residential property at 5 Ngataranga Road has been left clear of any new buildings, and Building B05 has been set back 6.1m back from the common boundary with these properties.
  - The location of a single-loaded corridor and two bedrooms within the floor plan layout of Building B05 will minimize overlooking of the house at 5 Ngataranga Road and the rear of 31 Lake Road.
  - The height of the eastern end of Building B05 has been progressively stepped down from four to two storeys as it approaches the boundaries of the adjoining residential properties.
  - The combination of building set back and progressive reduction in building height will ensure that the existing levels of amenity (including

access to sunlight, privacy, lack of overlooking from living areas and/or balconies) enjoyed by the neighbouring properties at 5 Ngataranga Road and 31 Lake Road will be maintained.

- The south-west facing living area and the deck on the south-eastern corner of the house at 5 Ngataranga Road will retain its south-west views through the gap between the rear of 31 Lake Road and the eastern end of Building B05 towards the harbour and the city beyond.
- The private indoor and outdoor living areas of the house at the rear of 31 Lake Road will continue to be screened by the boundary fence and the mature vegetation along the boundary.
- The eastern boundary with Lake Road:
  - The building on this part of the site has been limited to two storeys and the accommodation has been split into three apartments per floor, with two approximately equal length residentially scaled frontages either side of the front door which faces the street.
  - The building has been set back from its street boundary to create a front yard similar in character to that which exists in the residential properties to the north.
  - The building has been set back from its street boundary to create a front yard similar in character to that which exists in the residential properties to the north.
  - The kitchen/dining/living areas of the two apartments facing Lake Road will enhance the level of passive surveillance of the street, thereby making it safer for those using it.
  - All buildings fully comply with the building height-in-relation-to-boundary recession planes applying to the eastern boundary.
- The western boundary with Wesley Street
  - The western ends of Buildings B03 and B04 have been set back 10.9 m and 9.2m respectively from what will become a widened Wesley Street and these wings will be separated by a vast, approximately 30m x 30m, garden courtyard facing Wesley Street
  - This combination of setback and site plan configuration will ensure that the house at 39 Ngataranga Road will continue to enjoy a sense of expansive space (on the Ryman site) to both the north-east and south-east.
  - The house at 1 Wesley Street will enjoy a similar level of spatial amenity to the north-east and south-east, although this house is arguably less reliant upon these outlooks because of what appears to be its primary orientation to the west and views across the harbour to the city.
  - The western elevations of Buildings B03 and B04 will present an attractive face to what will become a widened Wesley Street and to the

existing residential properties at 1 and 3 Wesley Street and at 39 Ngataranga Road.

- Within the overall composition, the Building B03 and B04 elevations nearest Wesley Street have been architecturally articulated and modulated to be appropriately scaled and visually responsive neighbours to the existing houses on the opposite side of the road. This has been achieved by the use of design techniques such as projections and recessions in the floor plan footprint, the provision of balconies together with hipped, gabled and flat roofs, and a varied palette of materials and colours.
- Buildings B03 and B05 have also been specifically located 'end-on' rather than 'side-on' to Wesley Street in order to minimise their appearance on the houses located across from the site on Wesley Street;
- All buildings fully comply with the building height-in-relation-to-boundary recession planes applying to the western boundary.

### **5.7.2 Building Height**

Parts of the proposed new buildings B01, B02, B03, B04, B05 and B06 will infringe the maximum permitted height plane of 8 m above existing ground level.

The Urban Design Review concludes that any actual and / or potential adverse visual dominance, overlooking and/or loss of privacy effects arising as a result of any of the permitted building height infringements will be less than minor.

It also considers that any actual or potential adverse effects on neighbouring properties arising as a result of the 8 m building height infringements have been avoided and/or mitigated by a combination of the following factors:

- The locations of the buildings within the site relative to other buildings. The tallest building has been located near the centre of the site. It is heavily screened on its northern side by the densest patch of existing vegetation growing along the northern boundary of the site. On its eastern side it is screened by Buildings B05 and on its western side by Buildings B02, B03 and B04;
- The generous building set-backs from the site boundaries; and
- The buildings' compliance with all height-in-relation-to-boundary recession planes.

### **5.7.3 Building Length and Setbacks**

With the exception of a very small, northern most corner of the plan footprint of Building B01, all buildings fully comply with the building length and setback controls. The Urban Design Review considers any adverse effects arising as a result of the small area of Building B01 which infringes the building length control applying to the Ngataranga Road boundary to be less than minor.

#### **5.7.4 Height in Relation to Boundary Recession Plane**

All six buildings fully comply with all of the height-in-relation-to-boundary recession plane controls applying to the site.

#### **5.7.5 Building Bulk**

The Urban Design Review considers that the design responses, techniques and characteristics embodied within the retirement village design will coalesce to reduce any visual effects of building bulk to a level entirely commensurate with and appropriate to the scale and character of the existing adjoining residential environments to the north, east and west of the site

#### **5.7.6 Mt Victoria Visual Protection Plane**

The retirement village fully complies with the Mt Victoria Visual Protection plane, which imposes a 9m height restriction across the very eastern (Lake Road) end of the retirement village site.

#### **5.7.7 Shading**

Shadow diagrams have been prepared for the northern part of the proposed development for mid-winter (21 June), mid-summer (21 December) and for one of the two Equinoxes (20 September).

The shadow diagrams are discussed in detail in the Urban Design Review (Volume 2, Appendix G) and are provided in Drawings RC31 – RC33 of Volume 3 of this AEE.

Those diagrams demonstrate that largely because of the substantial setbacks from the various site boundaries and the full compliance with the height-in-relation-to-boundary recession plane controls, any actual and/or potential adverse shading effects from the proposed retirement village are considered to be less than minor

### **5.8 Noise Effects**

#### **5.8.1 Operational Village Noise**

Traffic and mechanical plant noise will be the main sources of noise during the operation of the retirement village. Any vehicles entering and exiting the site are expected to generate adverse noise effects that are less than minor.

Based on Ryman's extensive experience, noise from the mechanical plant can be treated and controlled using well tested engineering methods, and will achieve the District Plan noise standards.

In conclusion, operational noise from the retirement village is not expected to be generally audible at the majority of the surrounding residences.

#### **5.8.2 Noise from Lake Road**

Lake Road is identified as a High Noise Route in the District Plan. The amenity and wellbeing of the residents of the retirement village is a significant design consideration for Ryman. As such, it will ensure that the apartments within Building B06 are

appropriately designed to ensure the health and wellbeing of residents from any noise effects emanating from Lake Road. This will be detailed as part of the building consent drawings for the retirement village.

## **5.9 Traffic and Parking**

A Transportation Assessment has been undertaken in respect of the proposed retirement village by Commute Transportation Consultants (Volume 2, Appendix C). The Transportation Assessment analyses the likely generation of traffic resulting from the proposal and the effects this may have on the surrounding road networks. This assessment is summarised below.

### **5.9.1 Operational Traffic**

Approximately 689 vpd can be expected to be generated by the proposed retirement village. This correlates to approximately 69 trips during the peak period.

Commute Transportation Consultants have modelled the addition of this traffic volume to the surrounding road network and concluded that level of traffic generated by the retirement village is considered acceptable, and will have minimal traffic effects, including in particular effects on the capacity of the surrounding road network.

It is also noted that if residential development were to occur on the site, as anticipated and provided for in the District Plan and PAUP, traffic generation would be very similar, numbering approximately 675 vpd and 63 vph during peak periods.

### **5.9.2 Site Access**

As outlined in section 2.1 of this AEE, access to the site will be via access points off of Ngataranga Road, Wesley Street and Lake Road.

Commute Transportation Consultants consider that suitable access can be provided to the site using the four accesses. Sight distances and separation distances for all access points exceed RTS and are considered adequate for the site.

### **5.9.3 Parking**

A total of 269 parking spaces are proposed to be established on-site which exceeds the PAUP and RTA Guide recommendations, but is 41 spaces less than the District Plan requirements. The number of parks provided on site is based on a ratio per unit type that has been successfully implemented at other Ryman villages throughout New Zealand; this being one parking space per apartment, one parking space per five assisted living suites / care beds and one parking spaces per two members of staff. The rate is also as per recently Auckland Council approved Ryman villages in Birkenhead and Greenlane.

The actual allocation of car parks to different users, such as residents, staff and visitors, will be the responsibility of the retirement village management. This will ensure the parking requirements of each user group are appropriately catered for and parking is used efficiently. Accordingly, it is considered that users of the site can be contained on-site and will not be required to park on-street. Thus there will be no off-site parking effects.



A number of the parking space dimensions do not meet default District Plan standards. However, Commute Transportation Consultants consider the parking space dimensions to be acceptable, as all car parks will be used by residents who will be both regular and long-term users. Ryman Healthcare has successfully implemented the specified parking dimensions (in accordance with AS/NZS 2890) at numerous similar Ryman comprehensive care retirement villages throughout the country including in Auckland.

One loading bay is proposed. This is considered appropriate and has proved more than sufficient at current Ryman properties as they are largely residential in nature. A loading area is provided adjacent to the kitchen / laundry area of the care bed facility (Building B01). This loading area can accommodate the turning of an 8m rigid truck. Ambulances can also access all three buildings with parking available near all main entrances. The internal road layout is also able to support emergency vehicles such as ambulances and fire engines.

## **5.10 Effects on Water Quality**

As outlined, during construction, earthworks will be managed in accordance with an Erosion and Sediment Control Plan which will be developed specifically for the site. The Erosion and Sediment Control Plan will be consistent with TP90 which will ensure effects arising from sediment runoff into water courses on the site or to the harbour are minimised. The erosion and sediment control measures proposed during the earthworks phase are summarised in Section 2.3 and detailed in the Infrastructure Report attached in Volume 2, Appendix B to this AEE.

## **5.11 Effects on Groundwater Resource and Water Availability**

As outlined in Section 2.2.1, it is proposed to drill a new well towards the northern boundary of the site, and abstract water from it for irrigation purposes.

Records indicate that the site is underlain by the East Coast Bays Formation (ECBF) of Waitemata Group rocks. ECBF comprises siltstone and sandstone sequences (flysch) and weathers to form silty clays, clayey silts and sandy silts. The Waitemata aquifer is contained within the ECBF and groundwater is generally extracted from the coarse sandstone layers.

Investigations have shown a single borehole drilled to 50m depth near the northern boundary of the site will provide a groundwater supply of up to 25 m<sup>3</sup>/day, at a quality suitable for irrigation without causing saline intrusion. Auckland Council records also indicate there are no consented groundwater takes from the Waitemata aquifer within 1.5 km of the site. While there are shallow wells located within 1.5 km of the site, all are observation boreholes or a groundwater take from landfill waste. As such, no effects on any existing groundwater user are expected.

As outlined in the Tonkin and Taylor geotechnical report, some of the proposed basements extend far enough below ground level to enter the weathered rock and potentially encounter a perched groundwater table. This may cause a minor localised drawdown of groundwater levels on the boundary of the site. While there are a number of established trees in the vicinity of this drawdown, a majority of their functional roots would be located in the top 200 – 400 mm of soil, and it would be very unusual to find functioning roots greater than 1m below ground level. As the existing groundwater

level is below this, any drawdown is not expected to have an adverse effect on the health of the retained trees.

## **5.12 Effects on Ecological Values**

The main ecological values attributed to the environment in the vicinity of the site are contained in the tidal habitat of Ngataranga Bay to the south of the site. As outlined in Section 2 of this AEE, it is classified a Significant Ecological Area – Marine 2 in the PAUP and as an important wading bird feeding ground. The coastal reserve to the south of the site also has a large variety of well-established native species including Rimu and Puriri in a dense stand along the entire coastal property boundary.

The only disturbance of these areas will be clearance of a small pocket of vegetation to allow construction of the replacement stormwater outfall structure. The footprint of the works will be minimised to the extent practicable, and best practice sediment control measures will be implemented. The small disturbed area is expected to regenerate, and the proposed works will not impact on the ecological values of the area.

## **6. CONSULTATION**

Ryman is committed to working productively with the communities in which its retirement villages are located. In this respect, Ryman has a history of designing its proposals in order to minimise the potential effects of its development on the residential amenity and character of surrounding communities.

The Urban Design Review (Volume 2, Appendix G) also notes that the design process for the retirement village has focussed on complying with the design standards in the District Plan and PAUP as far as practicable and ensuring that any potential adverse visual dominance, shading or privacy effects on the residential properties are minimised. In this regard, given that the potential effects of the proposed retirement village will be minimised and localised, it is not considered that wide consultation with the public is necessary.

In light of the above, Ryman has not undertaken public consultation as part of preparing the AEE for the retirement village.

## 7. STATUTORY ASSESSMENT

### 7.1 Introduction

The RMA is the principal statutory document governing the use of land, air and water. The purpose of the RMA, as set out in section 5(1), is to “*promote the sustainable management of natural and physical resources*”. This section of the AEE sets out the framework under the RMA for the resource consents that are being sought from Auckland Council.

### 7.2 Section 104D Assessment

As outlined in section 4 of this AEE, two of the resource consents required to construct and operate the retirement village are non-complying activities under the ALW Plan and the PAUP, namely:

- A water / discharge permit for a non-complying activity for the diversion and discharge of stormwater; and
- A land use consent for a non-complying activity for earthworks over, and the demolition of, an archaeological site.

Section 104D of the RMA sets out restrictions on the ability of a consent authority to grant resource consents for non-complying activities. Section 104D states:

- (1) *Despite any decision made for the purpose of [[section 95A(2)(a) in relation to adverse effects]], a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
  - (a) *the adverse effects of the activity on the environment (other than any effect to which [[section 104(3)(a)(ii)]] applies) will be minor; or*
  - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
    - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
    - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
    - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.]*

An assessment of the actual and potential environmental effects associated with the construction and operation of the retirement village is provided in section 5 of this AEE and the technical assessments appended in Volume 2. The objectives and policies of the relevant statutory planning documents are assessed in section 7.3 of this AEE. As is noted below, it is concluded that the construction and operation of the retirement village will not be contrary to the objectives and policies of the relevant statutory planning documents (particularly the ALW Plan and the PAUP) – and in most circumstances fits comfortably with the direction set out in the provisions.

In light of the above, it is not necessary to form an overall conclusion of whether the actual and potential effects associated with the construction and operation of the

retirement village will be no more than minor in order to satisfy the gateway test of section 104D of the RMA. In this regard, section 104D of the RMA is not considered to be an impediment to the granting of resource consents for the retirement village and it can be further considered under section 104 of the Act.

## **7.3 Section 104 Assessment**

### **7.3.1 Introduction**

Section 104 of the RMA lists the matters that a consent authority must have regard to consider in determining whether a resource consent application should be granted. It states:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
  - (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (b) *any relevant provisions of—*
    - (i) *a national environmental standard:*
    - (ii) *other regulations:*
    - (iii) *a national policy statement:*
    - (iv) *a New Zealand coastal policy statement:*
    - (v) *a regional policy statement or proposed regional policy statement:*
    - (vi) *a plan or proposed plan; and*
  - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (2A) *When considering an application affected by section 124 or 165ZH(1)(c), the consent authority must have regard to the value of the investment of the existing consent holder.*

Section 104 of the RMA does not give any of the matters to which a consent authority is required to have regard primacy over any other matter. All of the relevant matters are to be given such weight as the consent authority sees fit in the circumstances, and all matters are subject to Part 2 of the RMA.

### **7.3.2 Actual and Potential Effects**

In respect to clause (1)(a) of section 104, the actual and potential effects on the environment in respect to the construction and operational effects of the retirement village are set out in section 5 of this AEE. By way of summary, it is concluded that all adverse effects can be appropriately avoided, remedied or mitigated such that the development will promote the sustainable management purpose of the RMA.

### 7.3.3 Relevant Statutory Planning Documents

In terms of clause (1)(b) of section 104 of the RMA, an assessment of the activities associated with the construction and operation of the retirement village against the provisions of the New Zealand Coastal Policy Statement (“**NZCPS**”), Auckland Regional Policy Statement, District Plan, ALW Plan, Sediment Control Plan and PAUP is provided below.

#### 7.3.3.1 *New Zealand Coastal Policy Statement*

The NZCPS is relevant as the construction of the retirement village requires minor works within the CMA, and because the site is located within the coastal environment. The key objectives and policies of the NZCPS relevant to the construction and operation of the retirement village seek to:

- Protect significant natural ecosystems and sites of biological importance;
- Maintain and enhance coastal water quality;
- Maintain and enhance public open space qualities and recreation opportunities;
- Enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development;
- Require that development not result in a significant increase in sedimentation in the CMA; and
- Manage discharges of stormwater by reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment, and by controls on land use activities.

The utilisation of the site for a retirement village is considered to be an appropriate activity in the coastal environment, as the site is zoned for residential purposes in the District Plan and the PAUP. The utilisation of the site for a retirement village will also provide for the social, economic and cultural wellbeing of a large number of people by providing an attractive and comfortable place for the elderly to reside within their existing community.

With respect to the management of stormwater run-off and discharges from the site, the construction of an upgraded stormwater outfall at the eastern end of the site will require the removal of a small amount of existing vegetation and mangroves within a significant ecological area that is recognised in the District Plan and the PAUP. However, the clearance of vegetation will not affect the viability or integrity of the significant ecological area given the small extent of the works proposed in Ngataranga Bay. Upgrading the existing stormwater outfall is considered preferable to establishing an additional outfall structure further to the west in Ngataranga Bay.

Stormwater from the site will be managed in accordance with a stormwater management plan that has been developed for the site in accordance with TP10 and TP108, and the recently released stormwater code of practice. It is also proposed to treat stormwater run-off from the access roads and car parking areas utilising a

proprietary stormwater treatment device, so as to ensure that any subsequent discharges to the CMA do not adversely affect water quality in Ngataranga Bay.

Finally, the existing public walkway along the southern boundary of the site (the Mary Barrett Glade Loop Track) will not be affected by the construction and operation of the retirement village. As such, it is considered that the existing public open space qualities of the coastal environment in the surrounding area will be maintained.

### **7.3.3.2 Auckland Council Regional Policy Statement**

The Auckland Regional Policy Statement provides an overview of the resource management issues of significance in the Auckland Region, and contains objectives, policies and methods intended to achieve the integrated management of the natural and physical resources. In that context, the objectives and policies of the RPS are given effect to within the Sediment Control Plan, ALW Plan, Coastal Plan, District Plan, and PAUP - which are discussed in detail in the sections below.

### **7.3.3.3 Auckland Regional Plan: Sediment Control**

The Sediment Control Plan includes objectives that seek to maintain or enhance water quality, sustain the mauri of water in freshwater bodies, and to reduce the risk of surface erosion and minimise sediment discharges. The accompanying policies seek to manage land disturbance activities so that adverse effects on waterbodies are appropriately avoided, remedied or mitigated.

All earthworks on the site will be managed in accordance with an Erosion and Sediment Control Plan. The Erosion and Sediment Control Plan will be consistent with the requirements of TP90, which will ensure there that the potential for the run-off of sediment from the site is reduced and that any potential adverse effects are minimal.

The above measures will ensure the construction of the retirement village is undertaken in a manner that is consistent with the direction of the objectives and policies within the Sediment Control Plan.

### **7.3.3.4 Auckland Regional Plan: Air, Land and Water**

The provisions in the ALW Plan which address the discharge of stormwater and the management of contaminated land are most relevant to the construction and operation of the retirement village. Each is addressed below.

#### *Stormwater*

The key provisions in respect of the proposed discharge of stormwater from the site are Objectives 5.3.5 and 5.3.8, and Policies 5.4.4 and 5.4.4B. The key directive in these provisions is that the discharge be enabled, provided it constitutes the best practicable option for managing the stormwater in question.

It is considered the proposed discharge represents the best practicable option for the development of the retirement village. Of particular note in this regard, a stormwater management plan has been developed for the site in accordance with TP10 & TP108, the PAUP stormwater management provisions outlined in TR035, and the recently released stormwater code of practice.

### *Contaminated Land*

The provisions in the ALW Plan concerning contaminated land seek to support the sustainable use of land containing elevated levels of contaminants. They also refer to the Auckland Council having regard to the actual and potential adverse effects of the activity, the physical constraints of the site, operational practicalities, and the financial implications of the investigation, remediation, management and monitoring options compared with other options.

As outlined in section 3 of the AEE, all contaminated material will be removed from the site as part of the site establishment works and transported to an appropriate landfill facility. Sediment control measures will also be implemented across the site as part of an Erosion and Sediment Control Plan to ensure any potential effects of sedimentation are minimised.

### *Summary – ALW Plan*

Overall, it is considered that the management of stormwater on the site is generally consistent with, and certainly not contrary to, the stormwater provisions of the ALW Plan. Similarly, the development of the retirement village will support the sustainable use of land containing elevated levels of contaminant and it cannot be concluded that the proposal is contrary to the relevant objectives and policies in the ALW Plan concerned with the management of contaminated land.

#### **7.3.3.5 Auckland Council District Plan: North Shore Section**

The objectives and policies in the following chapters of the District Plan are potentially relevant to the construction, operation and maintenance of a retirement village on the site:

- Chapter 7 – Tangata Whenua Values;
- Chapter 8 – Natural Environment;
- Chapter 9 – Subdivision and Development;
- Chapter 10 – Pollution, Hazardous Substances and Waste Management;
- Chapter 11 – Cultural Heritage;
- Chapter 12 – Transportation; and
- Chapter 16 – Residential.

The proposal is assessed against the relevant objectives and policies of these chapters below.

#### *Chapter 7 – Tangata Whenua Values*

The provisions in Chapter 7 of the District Plan seek that the principles of the Treaty of Waitangi and the concept of kaitiakitanga be taken into account in the management of the natural and physical resources in such a way that ensures the sustainability of resources.



The retirement village is being developed on land that is owned by, and with the approval of, the Ngāti Whātua Ōrākei Trust. This land was returned to Ngāti Whātua under the Ngāti Whātua Ōrākei Claims Settlement Act 2012. As such, it is considered that the development is consistent with the principles of the Treaty of Waitangi and will not impact on the exercise of kaitiakitanga by Ngāti Whātua.

Furthermore, it is noted that the construction works will not occur over the identified archaeological sites of Maori origin identified in the District Plan. In this regard, the identified archaeological site is located along the Mary Barret Glade Loop Track – which will not be affected by construction activities. Notwithstanding this, Ryman proposes to manage construction activities on the site in accordance with standard accidental discovery protocols.

### *Chapter 8 – Natural Environment*

The relevant objectives and policies in Chapter 8<sup>17</sup> seek to protect and enhance significant habitats of native fauna and flora in order to maintain biodiversity, avoid earthworks and vegetation removal affecting ecosystems and habitats, and require maximum on-site absorption and vegetation filters to protect receiving waters from the adverse effects of stormwater flows.

The retirement village has been designed by Ryman to utilise the existing cleared footprint of the site in order to retain the existing vegetation along the northern and southern boundaries of the site. The only vegetation of note that will be cleared as part of the construction of the retirement village will be at the south-eastern extent of the site in order to enable the upgrade of the existing stormwater outfall into Ngataranga Bay. However, the removal of this small area of vegetation will not affect biodiversity or ecosystem functioning of the Mary Barrett Glade.

All earthworks on the site will also be managed in accordance with a Sediment and Erosion Control Plan that will be developed as part of the CMP. The Sediment and Erosion Control Plan will be consistent with the requirements of TP90, which will ensure there that the potential for the run-off of sediment from the site is reduced and that any potential adverse effects on ecosystems and habitats are minimal.

Finally, stormwater from the site will be managed in accordance with a stormwater management plan that has been developed for the site in accordance with TP10 and TP108, and the recently released stormwater code of practice. It is also proposed to treat stormwater run-off from the access roads and car parking areas utilising a proprietary stormwater treatment device, so as to ensure that any subsequent discharges to the CMA do not adversely affect water quality in Ngataranga Bay.

### *Chapter 9 – Subdivision and Development*

The objectives and policies in Chapter 9 of the District Plan<sup>18</sup> seek to avoid, remedy or mitigate the adverse effects of subdivision and development on the environment, including the physical environment. This is to be achieved by ensuring that sediment run-off resulting from vegetation clearance and earthworks is managed by on-site control measures and by ensuring that new development recognises existing natural features and landscapes (e.g. waterways).

<sup>17</sup> Objective 8.3.2 and Policies 8.3.2.6 and 8.3.2.7.

<sup>18</sup> Objective 9.3.1 and Policies 9.3.1.2, 9.3.1.3 and 9.3.1.4.

As noted above, the retirement village has been designed by Ryman to utilise the existing cleared footprint of the site in order to retain the existing vegetation along the northern and southern boundaries of the site. This has also resulted in the buildings being setback from the site boundaries so as to maintain the amenity values of the neighbour residential properties.

Furthermore, and as already discussed, all earthworks on the site will also be managed in accordance with a Sediment and Erosion Control Plan that will be developed as part of the CMP. The Sediment and Erosion Control Plan will be consistent with the requirements of TP90, which will ensure there that the potential for the run-off of sediment from the site is reduced and that any potential adverse effects on ecosystems and habitats is minimal.

Chapter 9 also includes objectives and policies<sup>19</sup> that seek to ensure the servicing of new development is planned and implemented in an efficient manner, in order to avoid or mitigate any potential environmental effects. The provision of infrastructure to service the retirement village is discussed in section 2 of this AEE and the Infrastructure Report (Volume 2, Appendix B). Based on the assessment by Woods, it is concluded that the proposal can be adequately serviced in manner that does not generate adverse effects on the environment.

#### *Chapter 10 – Pollution, Hazardous Substances and Waste Management*

Objectives 10.3.1 and 10.3.2, and Policies 10.3.1.11, 10.3.2.4 and 10.3.2.6 are considered applicable to the construction and operation of the retirement village. These provisions generally seek the following outcomes:

- The avoidance, remediation or mitigation of effects on air quality in urbanised areas;
- The avoidance of the loss of vegetation and where this is not possible, the remediation of effects through re-vegetation programmes;
- The protection of the health and well-being of the community from excessive and unreasonable noise levels;
- Ensuring that consideration is given to appropriate avoidance and mitigation techniques and, where possible, achieving compliance with noise controls by managing noise at the point of emission;
- The location of activities in areas where their effects are compatible with the character of the area.

Any potential dust effects are intended to be managed as part of the CMP.

With respect to noise, the AEE has concluded that any noise from the operation of the retirement village will comply with the applicable noise limits in the District Plan. In addition, construction noise on site will be managed to comply with NZS6803:1999 Acoustics – Construction Noise. It is also intended that any construction noise on the site be managed via a Construction Noise and Vibration Management Plan. As such, it

<sup>19</sup>

Objective 9.3.3 and Policy 9.3.3.7.

is considered that the health and well-being of the community will be appropriately protected from any potential adverse noise effects.

Finally, the retirement village has been designed to respond to the topography of the landform and views, both from the site and into the site, from the surrounding residential properties. Further, the retirement village will make better and more intensive use of a valuable, but somewhat under-utilized land resource in an area with good access to local shops and major public transportation services.

### *Chapter 11 – Cultural Heritage*

Chapter 11 contains provisions relevant to the disturbance of the Duder Brickworks, which is a scheduled archaeological site in the District Plan. The relevant provisions in Chapter 11 of the District Plan are Objective 11.3.2 and Policies 11.3.2.1 and 11.3.2.2. They direct that archaeological sites be identified, scheduled, protected and preserved. No other detailed management direction is provided, except to note that activities on scheduled archaeological sites will be classified as discretionary activities.

As outlined in section 5.3 of the AEE, the construction of the retirement village will require disturbance over the area thought to contain the possible remains of the Duder Brickworks. Further investigations are proposed to confirm the exact location, extent and quality of any subsurface features prior to any construction works occurring.

In addition, and in accordance with the recommendations of the Heritage Impact Assessment (Volume 2, Appendix H) any earthworks in the eastern extent of the site will be subject to archaeological oversight and all archaeological finds recorded / documented. It may also be appropriate for interpretation panels to be established within, and outside the site, depending on the archaeological finds made during the earthworks. These measures will assist in mitigating the adverse effects associated with the disturbance of any remnant subsurface archaeological material that may remain on site, and will assist in documenting and preserving the heritage values of the North Shore.

### *Chapter 16 – Residential Zone*

There are a number of provisions in Chapter 16 of the District Plan that are relevant to the retirement village given that they relate to the management of the effects of development in residential environments. The key themes emerging from the relevant provisions<sup>20</sup> include:

- The protection of the environmental and amenity values of residential areas;
- The provision of opportunities for the establishment of activities required by people and communities in a manner which is compatible with the maintenance and enhancement of amenity values;
- Not granting resource consents for activities with significant adverse effects on the residential environment that cannot be mitigated by conditions;
- To control the form of development in order to achieve good standards of on-site and neighbourhood amenity;

<sup>20</sup>

Objectives 16.3.1, 16.3.2, 16.3.3, 16.3.4, 16.3.5, 16.3.8 and 16.4.4, and Policies 16.3.1.2, 16.3.2.3, 16.3.3.1, 16.3.3.14, 16.3.4.4, 16.3.5.7, 16.4.4.6 and 16.4.4.7

- Requiring all controlled, discretionary and non-complying activities to comply with the development controls applying to permitted activities, unless an alternative standard is required for the operation of the activity;
- To conserve those features of the natural environment which enhance the qualities of residential areas, are important natural ecosystems, or are associated with cultural values;
- To provide a diverse range of living environments and housing opportunities in order to meet the varied needs of the community, in a manner which is compatible with the maintenance and protection of residential amenity and environmental values; and
- To ensure that intensive residential developments are designed to a high standard, integrate well with their neighbourhood, are located where the physical and social infrastructure supports them, and any adverse environmental effects will be avoided, remedied or mitigated.

The protection and maintenance of the amenity values of residential areas is addressed at length in the Urban Design Review (Volume B, Appendix G). In summary, the Urban Design Review has concluded that, although set back varying distances, the proposed buildings generally align with the boundaries of the site to ensure that they spatially define and contain the adjoining streets and public parks at a scale commensurate with the scale of these open spaces. It notes that the retirement village will not generate 'more than minor' adverse environmental effects on the amenity values of immediately adjacent properties.

The Urban Design Review also considers that the retirement village will be compatible with residential development in the neighbouring area when viewed from the surrounding components of the public realm, and the immediately adjoining neighbouring residential properties.

The Transportation Assessment (Volume B, Appendix C) has also identified that the effects of the retirement village on the surrounding roading network will be minimal, ensuring that the existing environmental and amenity values of the local community will be maintained.

With respect to the provisions of Chapter 16 suggesting that resource consent not be granted for activities with significant adverse effects on the residential environment, it is the conclusion of this AEE that the adverse effects of the retirement village will not be significant.

In terms of on-site amenity and design considerations, the layout and environment of the retirement village have been specifically designed to meet the needs of the elderly and to provide a wide range of amenities / facilities on-site that contribute to a quality environment.

The provisions in Chapter 16 also suggest that all controlled, discretionary and non-complying activities should comply with the development controls applying to permitted activities, unless an alternative standard is required for the operation of the activity. The Urban Design Review has comprehensively assessed the potential effects of the breaches to the development controls in the District Plan on the surrounding residential

amenity and concluded that the scale of development that is proposed is appropriate for the site and the surrounding environment.

Finally, the retirement village will enable existing members of this community to make an easier transition into partial or full care when the time comes to move from their existing residence. The proposal will provide a diverse range of living options that will enable residents to continue to participate in community life for as long as they can in a familiar setting, close to friends and family.

#### *District Plan Summary*

The construction and operation of the retirement village on the site will be consistent with the overarching direction of the objectives and policies in the District Plan, and cannot be said to be contrary or repugnant to the objectives and policies of the District Plan.

In particular, the development of the retirement village will not threaten the existing residential amenity of the surrounding environment, construction effects will be suitably managed to ensure key values of the environment are safeguarded, and will diversify the range of living environments and housing opportunities available in Devonport in order to meet the varied needs of the community.

With respect to heritage matters, further investigations are proposed to confirm the exact location, extent and quality of any subsurface archaeological features on the site. In addition, any earthworks in the eastern extent of the site will be subject to archaeological oversight and all archaeological finds recorded / documented in order to preserve the former heritage values of the site.

#### **7.3.3.6 Proposed Auckland Unitary Plan**

The PAUP essentially contains two parts - a proposed regional policy statement and a combined regional / district plan. Both parts of the PAUP contain objectives and policies that are relevant to the development of the retirement village.

However, it is noted that the objectives and policies of the PAUP are still the subject of hearings before the Independent Hearing Panel appointed by Auckland Council in relation to the hearing of submissions on the PAUP. As such, the provisions should be given limited weight, and based on the evidence presented to the Independent Hearing Panel by Auckland Council and submitters, must be recognised as not necessarily representing the final management objectives for natural and physical resources in the Auckland Region.

#### *Proposed Regional Policy Statement*

With respect to the proposed regional policy statement it contains the following chapters that are directly relevant to the development of the retirement village:

- Chapter B.2 – Enabling quality urban growth;
- Chapter B.4 – Protecting our historic heritage, special character and natural heritage;
- Chapter B.5 – Addressing issues of significance to Mana Whenua; and

- Chapter B.6 – Sustainably managing our natural resources.

### *Chapter B.2 - Enabling Quality Urban Growth*

The objectives and policies of Chapter B.2 are relevant to the retirement village as they relate to the location, design and intensification of residential development within the Rural Urban Boundary. In this regard, Objectives B.2.1(3), B.2.2(1), B.2.6(2) and B.2.6(5), and Policies B.2.1(2), B.2.1(3), B.2.2(1), B.2.2(2), B.2.2(3), B.2.2(7), B.2.2(8), B.2.2(11), B.2.3(3), B.2.6(7), and B.2.6(12) are particularly relevant.

Overall, these provisions require that development be designed to integrate all elements of a place, buildings or space into a coherently designed solution and seek that higher residential densities occur in close proximity to public transport routes, community facilities and local centres. The Urban Design Review outlines how these outcomes will be achieved by the retirement village and via the site's proximity to key social infrastructure and community services in the area.

The provisions in Chapter B.2 of the PAUP also seek that urban development avoid areas with significant environmental, heritage, natural character or landscape values, sites of significance to Mana Whenua, and protect and enhance the landscape, heritage and natural values (including ecological and biodiversity values) of Auckland's public open spaces. These matters are all discussed in the provisions below regarding the various overlay areas under the PAUP.

### *Chapter B.4 – Protecting our Historic Heritage, Special Character and Natural Heritage*

The objectives and policies of Chapter B.4 are relevant to the retirement village as they relate to the management of historic heritage in the Auckland Region.

Objective B.4.1(1) and B.4.1(2) and Policies B.4.1(6), B.4.1(9) and B.4.1(10) are most relevant to the retirement village. These provisions seek that Auckland's significant historic heritage places are identified and protected, and that they are used appropriately and owners and the community are encouraged to actively protect and conserve these places. The policies also refer to the avoidance of significant adverse effects to significant historic heritage places.

As already noted, any earthworks in the eastern extent of the site will be subject to archaeological oversight and all archaeological finds related to the Duder Brickworks will be recorded / documented. It may also be appropriate for interpretation panels to be established within, and outside the site, depending on the archaeological finds made during the earthworks in order to mitigate any potential effects. These measures, along with the fact that any archaeological remnants are likely to be debris, should ensure there that adverse effects on historic heritage places are appropriately managed.

### *Chapter B.5 – Addressing issues of significance to Mana Whenua*

Objectives B.5.2(1), B.5.2(2), B.5.4(1), B.5.4(2) and B.5.4(3), and Policies B.5.2(1), B.5.2(3), B.5.4(7) and B.5.4(8) of the Chapter B.5 of the PAUP are most relevant to the development of the retirement village. These provisions seek to recognise that Mana Whenua are specialists in determining their values and associations with their cultural heritage, that the impact on unidentified sites and places of significance to Mana

Whenua that are uncovered during subdivision, use and development be managed, and that Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.

The retirement village is being developed on land that is owned by, and with the approval of, the Ngāti Whātua Ōrākei Trust. This land was returned to Ngāti Whātua under the Ngāti Whātua Ōrākei Claims Settlement Act 2012. As such, it is considered that the development will not impact on any issues of significance to Mana Whenua.

Furthermore, it is noted that the construction works will not occur over the identified archaeological sites of Maori origin identified in the District Plan. In this regard, the identified archaeological site is located along the Mary Barret Glade Loop Track – which will not be affected by construction activities. Notwithstanding this, Ryman proposes to manage construction activities on the site in accordance with standard accidental discovery protocols.

#### *Chapter B.6 – Sustainably Managing our Natural Resources*

The objectives and policies of Chapter B.6 are relevant to the proposal as they relate to the management of contaminated land, and natural hazards.

With respect to the provisions regarding the management of contaminated land, these primarily seek that human health and the quality of air, land and water resources be protected by the management and remediation of land containing elevated levels of contaminants. Ryman will remediate the site by removing all contaminated fill to an appropriate landfill facility. Furthermore, the RAP will include contaminated fill removal procedures relating to the diversion of stormwater around excavations, the placement of excavated fill directly into covered trucks, details as to which licenced disposal facility the contaminated material will be disposed to, and contingency plans. These are all standard procedures that can be applied at this site without difficulty.

In relation to the management of natural hazards, Chapter B.6 seeks to protect the natural functions of floodplains and overland flow paths from the adverse effects of development and infrastructure. This matter is also addressed in the Infrastructure Report (Volume 2, Appendix B), which notes that the existing overland flow paths on the site will be diverted such that no building obstructs a flow path and that the proposed overland flow paths will have sufficient design capacity to manage storm events.

#### *Chapter B.7 – Sustainably Managing our Coastal Environment*

With respect to Chapter B.7.1 of the PAUP, it seeks subdivision and development be located in appropriate areas. The Urban Design Review (Volume 2, Appendix G) provides a comprehensive assessment of why the retirement village is an appropriate development for this site.

Of particular relevance to the provisions in Chapter B.7.2, which seek to maintain public access to and along the CMA, the existing public walkway along the southern boundary of the site (i.e. the Mary Barrett Glade Loop Track) will not be affected by the construction and operation of the retirement village. As such, it is considered that the existing public open space qualities of the coastal environment in the surrounding area will be maintained.

With respect to Section B.7.3, which addresses coastal water quality, the only discharges to the CMA from the site will be stormwater, and they will be managed in accordance with best practice.

#### *Regional / District Plan Provisions*

With respect to the combined regional / district plan provisions of the PAUP, these are divided into four parts:

- Auckland-wide objectives and policies;
- Zone objectives and policies;
- Overlay objectives and policies; and
- Precinct objectives and policies.

The key parts of the combined regional / district plan provisions of the PAUP are discussed below.

#### *Chapter C - Auckland-Wide Objectives and Policies*

The Auckland-wide objectives and policies cover topics related to Infrastructure, Mana Whenua, Historic Heritage, Natural Heritage, Natural Resources, Subdivision, and General Matters (e.g. Noise & Vibration, Lighting, and Sustainable Design). The key themes emerging from the Auckland-wide objectives and policies include:

- Earthworks are undertaken in a manner that protects people and the environment;
- Ecosystem services and the indigenous biological diversity values of vegetation in sensitive environments and areas of contiguous native vegetation cover are recognised and maintained while providing for reasonable use and development;
- Land containing elevated levels of contaminants is managed to protect human health and the environment and to enable this land to be used for suitable activities now and in the future;
- The amenity of residential areas is protected from unreasonable or unnecessary noise, particularly at night; and
- Buildings are designed to minimise adverse environmental effects, maximise efficiency and provide healthy and comfortable indoor environments.

These themes are considered to largely reflect the themes emerging from the regional policy statement provisions of the PAUP. Importantly, the Auckland-wide objectives and policies do not divert from the intent of themes noted above with respect to the regional policy statement provisions of the PAUP.

As such, the conclusions reached with respect to the regional policy statement provisions equally apply to the Auckland-wide objectives and policies of the PAUP.



### *Chapter D - Zone Objectives and Policies*

The general objectives and policies for the residential zones are documented in Chapter D.1.1 of the PAUP. The relevant objectives and policies in this chapter include Objectives D.1.1(1) and D.1.1(2), and Policies D.1.1(1) and D.1.1(2). These provisions seek that residential areas are attractive environments with quality development that positively responds to, and enhances, the street, public open space and the neighbourhood. Furthermore, they recognise the need for a diverse range of housing to meet the varied needs and lifestyles of people and communities, and also recognise that the density of Auckland's residential areas will increase over time.

The site is located in the 'Mixed Housing - Suburban' zone under the PAUP. As such, it is also appropriate to consider the objectives and policies in Chapter D.1.5. The relevant provisions include Objectives D.1.5(1), D.1.5(2), D.1.5(3) and D.1.5(4), and Policies D.1.4(1), D.1.4(2) and D.1.4(3). These provisions seek that development is of a height, bulk and form that maintains and positively responds to the site and requires sufficient setbacks, landscaped areas and open space area to maintain the low density suburban residential character of one to two storey detached and attached housing types. In addition, the provisions require development to maintain a reasonable level of sunlight access and privacy for immediate neighbours and have useable and accessible outdoor living space of a size consistent with the spacious qualities of the zone.

The Urban Design Review (Volume 2, Chapter G) outlines how the outcomes sought by the provisions in Chapters D.1.1 and D.1.5 will be achieved by. In this regard, it notes that the retirement village has been designed to be a good neighbour to all adjoining public streets and private residential properties and to maintain and / or enhance all of its boundary character conditions. In addition, he considers that the retirement village will not detract from the indoor and outdoor amenity and privacy of the residential properties adjoining the site.

Furthermore, the establishment of a retirement village will diversify the housing stock available on the North Shore, providing the elderly with alternative living options within their existing community. It also utilises an appropriate site to improve the density of residential development in the Auckland Region.

### *Chapter E – Overlay Objectives and Policies*

There are two objectives in Chapter E.2 of the PAUP relating to the management of scheduled historic heritage places. The first seeks that scheduled historic heritage places are protected and conserved, while enabling appropriate, use, maintenance and repair. The second objective seeks that scheduled historic heritage places are protected from inappropriate demolition or destruction, and the adverse effects of development. Notably, both objectives do not seek the absolute protection of scheduled heritage places.

Policy 10 of Chapter E.2 goes to state that the destruction or demolition of Category B features should be avoided unless the action is required to allow for significant public benefit that could not otherwise be achieved, and the significant public benefit outweighs the retention of the feature, or parts of the feature. These provisions are somewhat inconsistent with the RPS provisions discussed earlier which reference significant adverse effects, but this reflects their proposed status, and Ryman understands amendments are likely to be made through the hearing process.

Notwithstanding this, the demolition of the heritage feature on the site is necessary in order to allow for the significant public benefits associated with the provision of retirement village living options for an aging population. As noted in section 1 of this AEE, the lack of retirement living and aged care facilities in New Zealand is considered to be at crisis point.<sup>21</sup> The demand for quality living options up to a standard that is acceptable to retirees is significantly higher than the current supply. The complete avoidance of the heritage site would impact on the ability to provide a critical mass of retirement living options on the site and the extensive on-site amenities that are typically provided by Ryman.

#### *Chapter F – Precinct Objectives and Policies*

The site is classified as Sub-Precinct F – Wakakura Crescent in Chapter F.5.11 of the PAUP. As outlined in the PAUP, the sub-precinct recognises the opportunities and unique characteristics of each site and surrounds, and accordingly provide for variability in building height across each sub-precinct. The PAUP also states *that “the size and aspect of the Devonport Peninsula precinct landholdings and the proximity of community amenities and public open space make it suitable to accommodate medium to higher density residential development”*.

Sub-precinct F has the following three height areas:

- Area 1 (14.5 m / four storeys) within the core and to the south of the sub-precinct with outlook across Ngataranga Bay;
- Area 2 (11 m / three storeys) along the Ngataranga Road frontage; and
- Area 3 (8 m / two storeys) alongside the residential zone interface to the east and west.

Based on the above, it is considered that the development of a retirement village on the site aligns with the intention of Sub-Precinct F with respect to accommodating medium to higher density residential development.

#### *PAUP Summary*

The construction and operation of the retirement village on the site will be consistent with the overarching direction of the objectives and policies in the PAUP, and cannot be said to be contrary or repugnant to the objectives and policies. In addition, it needs to be recognised that the relevant objectives and policies of the PAUP should be given limited weight given that the statutory planning framework is still the subject of hearings before an Independent Hearing Panel appointed by Auckland Council.

It is also noted that the development of the retirement village will align with those provisions that seek to enable more intensive development on appropriate sites within the Rural Urban Boundary. The development will also be undertaken in a manner that ensure the residential amenity of the surrounding environment is maintained, and adverse effects on key environmental values are avoided, remedied or mitigated.

With respect to heritage matters, further investigations are proposed to confirm the exact location, extent and quality of any subsurface archaeological features on the site. However, importantly it is considered that the development of the retirement village will

<sup>21</sup>

*“Aged Residential Care Service Review” – Grant Thornton (September 2010).*

align with the direction provided in the PAUP which allows the demolition of archaeological features where it is necessary for significant public benefits that could not otherwise be achieved.

### **7.3.4 Clause (1)(c) – Other Relevant Matters**

#### **7.3.4.1 The Heritage New Zealand Pouhere Taonga Act 2014**

The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand.

Ryman will obtain all necessary archaeological authorities from Heritage New Zealand prior to undertaking works that may modify or destroy any archaeological site, in addition to seeking the appropriate RMA resource consents.

#### **7.3.4.2 The Auckland Plan**

The Auckland Plan is a 30 year plan for Auckland which establishes a comprehensive and long term strategy to provide for Auckland's growth and development. The Auckland Plan is a non-statutory document, however it is considered a "relevant matter" for the purpose of section 104(1)(c) of the RMA. The Auckland Plan was adopted by the Auckland Council's Governing Body on 29 March 2012. Key to the Plan is to provide for Auckland's predicted population growth in a sustainable and 'liveable' manner.

Section 10 of the Auckland Plan addresses Urban Auckland and includes Priority 1: Realise Quality Compact Urban Environments.

Under Priority 1, Directives 10.2 and 10.3 state:

*Achieving a quality compact urban environment requires a shift towards using land resources in a more efficient way. This necessitates urban intensification to achieve a higher density of housing and business activity, both in brownfields and greenfields, with emphasis on well-designed higher-density development in the right places. Planning for intensification will focus on the areas most suited to it, and be developed in consultation with local communities, taking into account their aspirations for an area (including character, heritage, transport and environmental considerations).*

*Well-located and designed higher-density development will provide Aucklanders with living choices that deliver a wide range of benefits, including:*

- *greater accessibility through expanded public transport services and greater opportunities to walk and cycle*
- *increased productivity, economic growth and job opportunities*
- *reduced infrastructure costs improved vitality and security of urban areas by increased social activity and interaction*
- *greater preservation of natural environmental qualities through a reduced urban footprint*
- *increased protection of rural and coastal areas, productive agricultural potential, and lifestyle opportunities through a reduced urban footprint*
- *a wider range of housing types and choice.*

*By providing more opportunities for intensification it is expected that the overall proportion of detached dwellings will decrease over time. If we achieve the aim of*

*70% of growth within the urban footprint over thirty years, it is likely that around 60% of all new dwellings will be attached.*

*Focus urban intensification in areas that have:*

- *permeable street and block networks that easily connect residents to amenities, or can be adapted to do so*
- *infrastructure in place or which can be provided in a timely and efficient manner*
- *close proximity and good walking access to community facilities, open space, high-frequency public transport, centres and business areas.*

Ryman's proposed retirement village is an example of urban intensification and of providing choices in living opportunities for Auckland's elderly community with a compact urban form. The subject site is a rare, under-utilised site within the urban confines of Auckland.

Priority 2 for Urban Auckland demands good design in all development:

*Development opportunities must maximise the potential of each site, but never at the expense of high-quality living environments. Some areas have little capacity to accommodate intensification without compromising the values that make them special (for example, the unique bush environments in the Titirangi/Laingholm area, where residences are nestled into the extensive forest of the Waitākere Ranges). In other areas, such as the larger urban centres, higher densities will complement the existing built form.*

The Auckland Plan contains the 'Good Design Principles' which include "identity, diversity, integration and efficiency". These principles guide developments to recognise and respond to their environmental context, and encourage flexibility and adaptability in the changing environments. Through integration, developments that are well connected to services and amenities are sought while seeking to optimise the efficient use of the city's resource.

As outlined, the proposed retirement village represents a highly efficient use of this rare site in urban Auckland to provide a much needed retirement village. The site is well positioned to make use of existing infrastructure services and public transport. The design of the buildings responds to the residential dwellings in the neighbourhood in style and materials, albeit on a larger scale.

Overall, it is considered that the proposal demonstrates a high level of consistency with the Auckland Plan's goals of delivering a compact and liveable city.

### **7.3.5 Part 2 Considerations**

All the matters set out in section 104 of the RMA are "*subject to Part 2*". Thus, while the section 104 matters are important, each is a contributory part of the required "*overall broad judgement*" as to whether or not a proposal promotes the sustainable management of natural and physical resources. Under Section 5(2) of the RMA, 'sustainable management' means:

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

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal will provide a purpose built retirement village with high quality specialist care for elderly residents in Auckland and will enable people and communities (including future generations) to provide for their social, economic, and cultural wellbeing through the establishment of additional accommodation options for the elderly. Furthermore, the proposal will assist in ensuring that land within Auckland is used efficiently and will assist in addressing Auckland's housing shortage.

In achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following (Section 6):

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*  
.....
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*  
.....
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

All persons exercising functions and powers under the RMA are also required to have particular regard to (Section 7):

- (a) *Kaitiakitanga*  
.....
- (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:*
- (g) *Any finite characteristics of natural and physical resources:*

In addition, Section 8 of the RMA specifies 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 take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). There are no matters Ryman is aware of relating to the principles of the treaty that would preclude Auckland Council granting the resource consents for the proposal.

With respect to section 6(a) of the RMA, the establishment of the retirement village will not adversely affect the natural character of the coastal environment. In this regard, the retirement village is being established on land that is zoned for residential purposes and the various buildings that comprise the retirement village have been setback from the southern boundary of the site in order to retain the existing vegetation along the coastal margin. In addition, the footprint of the upgrade to the stormwater outfall structure is small and will not represent a new physical element in the environment.

While the southern boundary of the site and Ngataranga Bay are identified as being areas of significant ecological value in the District Plan and the PAUP, the extent of vegetation clearance required in these areas in order to enable the upgrade of the stormwater outlet structure will be minimal. In particular, the clearance of vegetation will

not affect the ecological integrity or functioning of the areas identified as being significant in the District Plan and the PAUP.

Section 6(e) relates to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga. As previously noted in this AEE, the retirement village is being developed on land owned by the Ngāti Whātua Ōrākei Trust. As such, and given that the development is occurring with Ngāti Whātua approval, it is not considered that the retirement village will affect the relationship of Maori with their ancestral lands.

Section 7 of the RMA includes other matters which should be given particular regard to in managing the use, development and protection of natural and physical resources. The retirement village will result in the efficient use of an undeveloped and rare site that is located in a well-established suburb in Auckland. It will also enhance the diversity of housing stock available to elderly people and as such, it is considered to achieve the intent of sections 7(b) and 7(g) of the RMA.

The retirement village will also maintain the residential amenity values currently enjoyed by local residents in accordance with section 7(c) and 7(f) of the RMA. It is also not expected that the development will impact on the exercise of kaitiakitanga by Ngāti Whātua in accordance with section 7 (a) of the RMA.

Overall, the proposal is considered to satisfy Part 2 of the RMA and promote sustainable management.

## **7.4 Summary**

Overall, it is considered that the granting of the resource consents, subject to the imposition of appropriate conditions, would promote the sustainable management of natural and physical resources and ensure that adverse effects on the environment are appropriately avoided, remedied or mitigated.

## **8. CONCLUSION**

Ryman proposes to construct, operate and maintain a retirement village on approximately 4.2 ha of land in Narrownneck, Devonport. The retirement village will provide comprehensive care for elderly residents, ranging from those who are relatively independent through to those who require increased levels of care in an advanced care environment.

The actual and potential effects associated with the construction and operation of the retirement village have been considered in accordance with section 104(1)(a) of the RMA. Overall, it is concluded that any adverse effects generated by the retirement village will be appropriately avoided, remedied or mitigated such that they are limited in scale and extent. The retirement village has also been assessed to be largely consistent with, and certainly not contrary to, the relevant objectives and policies of the District Plan, PAUP and the relevant regional plans in accordance with section 104(1)(b) of the RMA.

The retirement village will provide accommodation and aged care for Auckland's increasing elderly population to cater for the supply crisis in retirement living, and at the same time releasing much needed housing stock to Auckland's undersupplied housing market. Furthermore, the retirement village will provide a significant economic benefit to the community and the local workforce during construction, as well as providing employment once operational.

The site is well located in the established residential community of Devonport and is close to a number of amenities. The location of the retirement village will ensure good social connections, the opportunity for frequent participation in social activities, and social engagement for the elderly. The retirement village will make a positive contribution to the local community and will ensure that the elderly residents are not isolated from the community.

Retirement villages are provided for as discretionary activities within the Residential 4B zone of the District Plan. Therefore, it is considered that the establishment and ongoing operation of the retirement village is considered to be appropriate within this zone. It is considered that the proposed development is consistent with the purpose of the RMA and that there are no reasons why the resource consents sought by Ryman should not be granted.