

**Before the Environment Court**

**ENV-2017-AKL-000**

**In the Matter** of the Resource Management Act 1991 (**Act**)

**And**

**In the Matter** Of an appeal under section 121 of the Act against a decision of Auckland Council to grant resource consent to construct, operate and maintain a retirement village in the Devonport Peninsula Precinct

**Between** **Devonport Peninsula Precincts Society Incorporated**

Appellant

**And** **Auckland Council**

First Respondent

**And** **Ryman Healthcare Limited**

Second Respondent

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**Notice of Appeal to Environment Court Against Decision on Resource  
Consent Application**

**Dated 8 February 2017**

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Richard Brabant  
Barrister  
Level 2, 14 Vulcan Lane  
PO Box 1502, Shortland Street  
Auckland City  
Email: richard@brabant.co.nz

To: the Registrar  
Environment Court  
**Auckland**

1. The Devonport Peninsula Precincts Society (**Society**) appeals against a decision of Auckland Council (**Council**) on the following matter:
  - (a) An application for resource consent to construct, operate and maintain a retirement village at 7-37 Ngataranga Road, 1-88 Wakakura Crescent and 29 Lake Road, Devonport.
2. Allan McNatty, Marinka Teague, Ken Davis, Petra Heemskerk, Iain Rea, Sue Claridge, Keith Humphreys, Guy Davies, Hamish Grotian, Geoff Richards, Graham Petterson, Jacqueline Goldingham, Jean Day and Diane Humphreys are the first members of the Society. They all made a submission on the Application.
3. Notice of the decision was received on 17 January 2017.
4. The decision was made by Auckland Council.
5. The Society is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. The decision the Society is appealing is:

The decision of Council to grant resource consent to Ryman Healthcare Limited to construct, operate and maintain a retirement village at 7-37 Ngataranga Road and 29 Lake Road, Devonport.

7. The land affected is a 4.2ha site at 7-37 Ngataringa Road and 29 Lake Road, Devonport.
8. The reasons for the appeal are as follows:
  - (a) The significant adverse effects of building bulk, scale and overall dominant character of the development, in particular:
    - i. The Village as a collective design is not cohesive and the overall scale, bulk and wider dominance effects create a visual wall of buildings detached from the background context;
    - ii. The approved design will not integrate well within the Ngataringa Road streetscape or its Waitemata Harbour coastal context;
    - iii. The bulk, scale and overall dominant character of the development will be clearly visible from the southern side of Ngataringa Bay, including Ngataringa Park, which creates adverse visual and dominance effects;
    - iv. The approved design will not protect neighbourhood amenity;
    - v. The approved design fails to carry through the street pattern between Ngataringa Peninsula and Devonport which results in a lack of restraint, proportion, connectivity and integration with the wider environment and neighbourhood;
    - vi. The existing and proposed planting is insufficient to screen the significant adverse visual and dominance effects of the Village;
    - vii. The approved design creates a separation of the Village from the street and neighbourhood resulting in dominating building walls and inappropriate outdoor spaces; and

- viii. The buildings individually and cumulatively create wider dominance and visual effects that are more than minor.
- (b) The proposal is contrary to objectives and policies of the Auckland Unitary Plan.
- (c) The proposal is contrary to policies and assessment criteria of the Devonport Peninsula Precinct Plan (**DPP**). In particular:
  - i. Every building proposed, with the exception of B06, will exceed the DPP height limits;
  - ii. The building design does not ensure an appropriate building height transition to the residential built form of the locality;
  - iii. The development as proposed does not ensure a mix of building height as viewed from streets, public open spaces and external boundaries of the site;
  - iv. The development as proposed does not establish an integrated built form that is in keeping with the residential form and function of the existing streets and open space. The Village presents an ill-fitting mixture of buildings in composition, height, mass, materials and spatial relationships. Specifically, the Village's higher buildings have not been designed to reduce dominance and bulk.
  - v. The design of the development does not ensure a mix of building heights or variation of built form when viewed from streets, public open space and the adjoining residential locality.
  - vi. The Devonport Peninsula street pattern and residential neighbourhood are concealed and blocked by the visual wall of buildings. The proposal does not integrate with or form a contextual relationship to the urban structure and suburban context. The Village



appears to maximise and exploit the opportunity of its site rather than enhance its coastal setting.

- (d) The Decision is contrary to Part 2 of the Act. In particular, fails to have particular regard to section 7(c), (f) and (g).

9. The Society seeks the following relief:

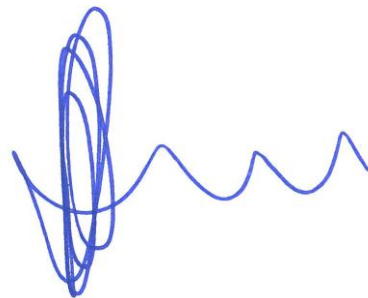
- (a) The Council's decision to grant consent to the Application be overturned and consent be refused.

10. The following documents are **attached** to this notice:

- (a) A copy of submissions in opposition made by the first members of the Society (**Annexure A**);
- (b) A copy of the Council's decision (**Annexure B**);
- (c) A list of names and addresses of persons to be served with a copy of this notice (**Annexure C**);

**Signature:**

**Devonport Peninsula Precincts Society**  
**Incorporated** by its authorised agent:



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**Richard Brabant**

**Date:**

8 February 2017

**Address for service:** Richard Brabant  
Level 2, Broker House, 14 Vulcan Lane  
PO Box 1502, Shortland St  
**Auckland**

**Telephone:** (09) 306 2900

**Facsimile:** (09) 309 6667

**Email:** richard@brabant.co.nz

### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may be a party to the appeal if you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and service copies on the parties, within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991).

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

#### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the relevant submissions on the Application or the relevant decision. These documents may be obtained, on request, from the appellant.

### **Advice**

If you have any questions about this notice, contact the Environment Court in Auckland.

## **Annexure “A”**

Copies of submissions of the named first members of the Society

**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - 7-37 Ngataranga Road and 1-88 Wakakura Crescent, Devonport  
**Date:** Friday, 14 October 2016 9:04:00 a.m.

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**Joan Bartley | Resource Consent Administrator**  
**Northern Resource Consenting**  
Ph 09 301 0101 | Extn (43) 8240  
Auckland Council, Level 1, 1 The Strand, Takapuna  
**Visit our website:** [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

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**From:** Auckland Council [<mailto:donotreply@aucklandcouncil.govt.nz>]  
**Sent:** Wednesday, 12 October 2016 1:13 a.m.  
**To:** Takapuna RC Submissions  
**Subject:** Resource Consent submission for North Shore - 7-37 Ngataranga Road and 1-88 Wakakura Crescent, Devonport

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 If you have any queries about this request, please hit 'reply' to email us  back, or send an email to [TakapunaRCSubmissions@aucklandcouncil.govt.nz](mailto:TakapunaRCSubmissions@aucklandcouncil.govt.nz)

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## 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Limited

**Who proposes to (description of application from public notice):**  
The construction and operation of a retirement village. Overall, the applications are assessed together as a non-complying activity

### APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:

**Street number and name:** 7-37 Ngataranga Road and 1-88 Wakakura Crescent

**Suburb:** Devonport

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204, REG-2142205

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

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## 2. CONTACT DETAILS:

**Full name:** Alan McNatty

I am a: Property owner

**Street number, name and suburb of the property, you are acting on behalf of:** 16 Ngataranga Road, Devonport

**Email address:** [alan.mcnatty@gmail.com](mailto:alan.mcnatty@gmail.com)

**Address for correspondence:** 16 Ngataranga Road, Devonport, Auckland, 0624

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### 3. SUBMISSION DETAILS:

**I/we:** Oppose

**specify aspects of the above application you are submitting on:**  
Size, Scale & Visual Impact; Lake Road Traffic; Lack of Consultation;  
Coastal Reserve & Environment; Heritage Site & Values

**The reasons for my/our submission are:** Please see attached PDF

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** If Ryman were to address these issues then a more diverse and successful outcome would result for both Ryman and the local community. This would offer the occupants and the community to interact and socialise and enhance (the proposal as submitted should be rejected).

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:** [MySubmission.pdf](#)

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101



[Powered by iProduce Forms](#)

## #ConsentApplicationFail

### Description of application

The construction and operation of a retirement village. Overall, the applications are assessed together as a non-complying activity

This resource consent application was written by someone who does not reside in the local community. If they did then they would not author the following ...

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

As a local Devonport resident I would like request the opportunity to attend and present my thoughts at any related hearings there are many blatant short-falls in this proposal. Very disappointing from a local NZ company with over 30 years experience catering for customers through custom-designed villages – the following taken from the submitters website <sup>1</sup>

***Developing unique new villages** – our villages are custom-designed and built to meet the needs of the older people, based on 25 years of in-house experience.*

It is imperative that any consent on this scale be publicly notified (if not simply due to this obvious inability to comply from such an experienced company). It is totally egregious that any development on this scale with this many non-compliant issues be considered as non-notified. With neighbourhood and community input comes the prospect of a much richer result. However, I do believe that through public consultation all parties can agree that ..

"**A** retirement village is considered to be appropriate for this location and **could** result in positive benefits for the community. "

So why the gap, why the lack of confidence? The current proposal provides a great deal of detail but lacks clarity on key points. In place these points are addressed with sweeping statements disconnected with reality. These sweeping generalisations leave a lot to be desired and I don't believe we are in a position to move forward with the level of understanding that we have. It is my opinion that the council reject this proposal and ask the submitter to represent. Allow me to outline my concerns and provide a roadmap for addressing these short-falls which I would be happy to present.

<sup>1</sup> <https://www.rymanhealthcare.co.nz/investor-centre/underlying-growth-drivers>

## My Concerns

### Lack of consultation

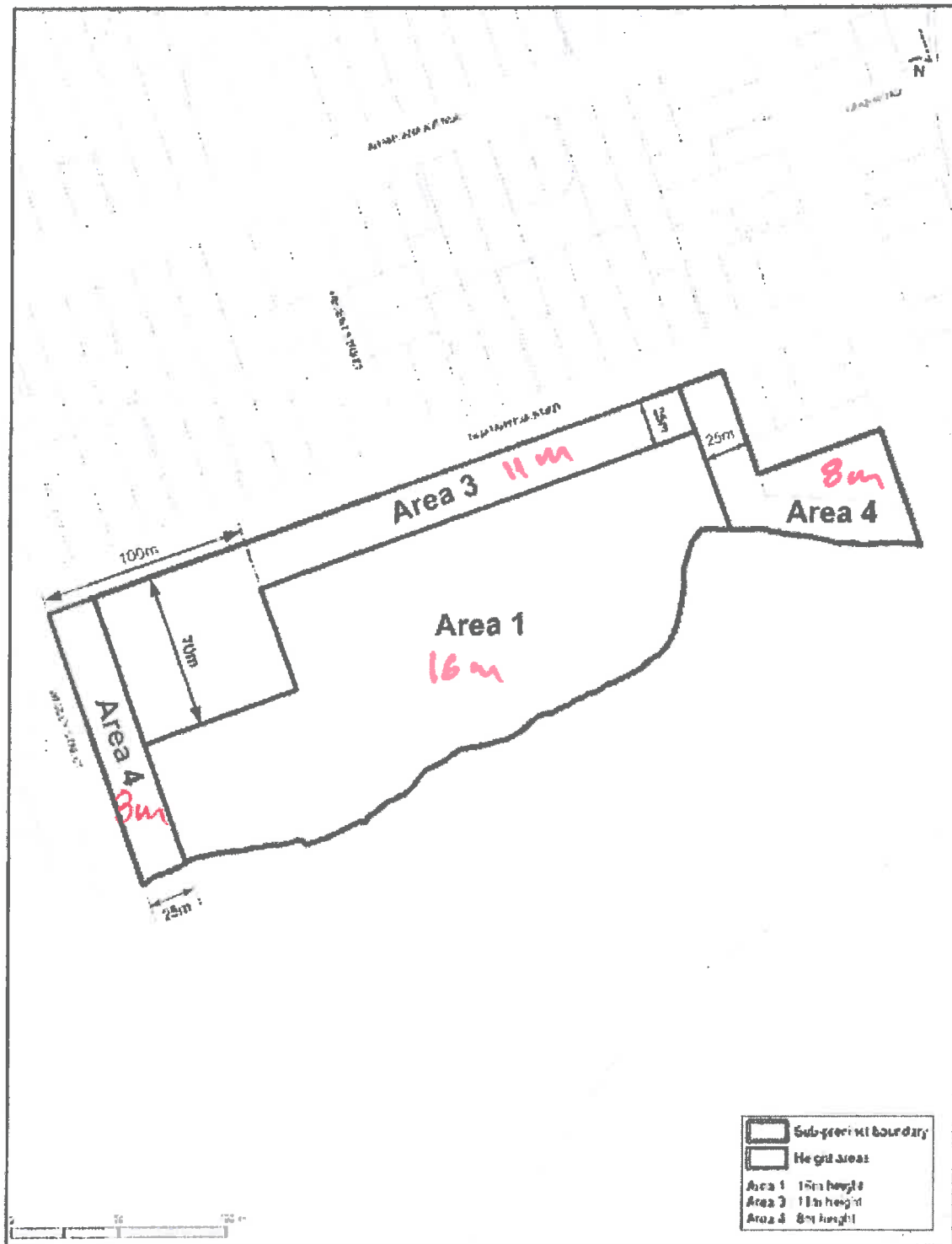
First and foremost Devonport as a community provides great value to the submitter – that's why they have leased the land, without the community they have nothing. It's the desire to stay in the local community and retain proximity to family that backs demand and supports the business. They have not consulted with residents regarding their concerns or what they want in a retirement facility, despite numerous attempts by locals, and they argue that their large scaled development will have “less than a minor effect”. The submitter states on their website that “our villages are custom-designed and built to meet the needs of the older people, based on 25 years of in-house experience.” .. my concern is that this experience is in running a business and not engaging the community to build a customer-centric designed and built facility.

### Size, Scale & Visual Impact

The size and scale of the development: The buildings are large institutional styled buildings and are not designed to integrate with the existing neighbours houses. The proposed buildings breach the maximum height limits. As a result, they obstruct the stunning iconic views both to and from Mt Victoria. The views from Ngataranga Road and Wakakura Crescent to Mount Victoria are a visual amenity for the neighbourhood. It is therefore important that the height and length of any structures to be constructed on this site be regulated. This will assist in realising a better outcome for both the neighbourhood and wider community.

My understanding is that the proposal is to be assessed under both the operative North Shore City District Plan (land is zoned “Residential 4B”) and the Council approved Auckland Unitary Plan (the site is identified as within the “Devonport Peninsula Precinct” and the land within this precinct is zoned “Residential - Mixed Housing Suburban Zone”, “Residential - Mixed Housing Urban Zone” and “Open Space – Conservation” ). I have already submitted against the Unitary Plan (“Residential Mixed Housing Suburban” zone) and since that is ongoing will focus on the operative North Shore City District Plan. This “Sub precinct F – Wakakura Crescent” allows specific height limits in 3 areas on the site (Area 1: 16m, Area 3: 11m and Area 4: 8m) - see map below, which is greater than that generally allowed in the “Residential - Mixed Housing Suburban Zone” of 8 to 9m (8m is the maximum height under the operative North Shore City District Plan “Residential 4B” zone)

# 1508.10.6. Devonport Peninsula: Precinct plan 6 – Sub-precinct F





## Lake Road Traffic / Transport issues

The proposal estimates that there will be 4000 - 8000 large truck movements to remove soil, plus hundreds of vehicles visiting the site/parking in surrounding streets during construction. Construction is to take in the order of 3 years and given the nature of the peninsular and the infrastructure issues delays can be expected.

Upon completion, there will be a significant increase in local traffic: facility staff, up to 600 residents family and friends, health professionals and service providers, putting pressure on an already overloaded Lake Rd. The figures and sweeping statements provided are just plain wrong – without detailed analysis and a design and development strategy to mitigate the fragile infrastructure no proposal can be seriously considered in my view. That aside there also seems to be some basic non-compliance of related infrastructure within the site relating to car parking.

### Car parking

My understanding is the District Plan requires the provision of 309 car parks. As 245 spaces will be provided in the internal car park areas and a further 24 spaces provided on grade, the proposal will have a shortfall of 40 spaces (269 spaces vs 309) in parking spaces. The actual allocation of car parks to different users, such as residents, staff and visitors, will be the responsibility of the submitter. 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 and thus there should be no off-site parking effects. The proposal suggests this will not be the case.

## Coastal Reserve & Environment

Auckland Council has acknowledged the important ecological value of Ngataranga Bay and the coastal fringe that includes Polly's Park. In my view it is vital that this area be protected from damage during construction and that the public retains access to Polly's Park as intended by the Devonport- Takapuna Greenways Plan. The proposal submitted leave me with concerns as to the welfare of the area.

The Conservation Act guarantees a 20m marginal strip along the foreshore as a public open space. The submitter appears unwilling to acknowledge that this could serve as a link to public walkways as intended by the Devonport-Takapuna Greenways Plan. This project should not encroach on the reserve. Indeed I believe that the requirement for an esplanade reserve for Wakakura Crescent with linkage along the Ngataranga Peninsula and continuous to Ngataranga Road should be upheld. This Unitary Plan objective is stated as 'establishing well-connected, safe and accessible pedestrian and public open space...to improve accessibility'. The community is entitled to more reserve land as an offset to loss of amenity arising from this development.

## Heritage Site & Values

This area is linked historically to Devonport as Ngataranga Bay and Wakakura Crescent form a gateway to Devonport. This relationship is further linked by their close proximity to the Lake Road and Memorial Drive. Any future developments in the area need to be cognisant of this relationship.

This site is also recognised for its historic significance. The Brickworks that were established by the twin brothers Richard and Robert Duder in 1875 are referenced in “The Duder Family in New Zealand” by Marianne Philson (Auckland, Bush Press, 1990) and “Historic Survey of the Historic R. and R. Duder Brickworks Site in Devonport, Auckland” (Uni. of Auckland thesis) by A. J. Packington-Hall. Plan Change 38 (4.2.3) also recognises the importance of this site, “by the 1880s Duder brickworks formed a network of more than 10 brickworks” that were located from Devonport to Birkenhead. This is a significant historic location and any future developments must take into consideration protection for this historic area and the related archaeological evidence of earlier settlement.

The landscape and ecological values are addressed in the Residential 4 Zone, Policy 10. The ecological and community importance of the Ngataranga and Shoal Bay areas as feeding and breeding grounds for the threatened New Zealand species Wrybill and Dotterel wading birds has been established. As residents we raise this issue as it appears to be an example of local knowledge which has not been realised at Council level. The protection of the natural environment is a matter that must be addressed.

## Miscellaneous

There are numerous other concerns that I will raise now to be addressed more fully at future hearings.

- Storm water,
- Sewage,
- Earthworks,
- Noise, and
- Dust

## #HowToSucceed

It is more than disappointing when any new neighbour joins the community and doesn't reach out and engage. The submitter is a local NZ company with over 30 years experience at working through the consent process(es). Like all long term relationships and project deliveries initiation is a crucial step to keeping it simple .. wow .. I thought I should pen some ideas to pass on to submitters on how to succeed next time.

## #Engage the community

The Devonport community is not a big community by Auckland standards. Take the time to succeed. The submitter is moving into a neighbourhood and the neighbourhood is providing them with many advantages. They should start listening to the concerns that the community wants to raise, at present they haven't consulted despite numerous attempts by locals.

## #Research and describe community demand

The submitter has a successful business model for the services being described from the local community, beds will get filled – shareholders will get dividends. “less than a minor effect” I don't think so – provide confidence. The community should be engaged to ensure that the proposed development accurately addresses community need rather than simply exacerbating existing challenges.

## #Accept and mitigate the lack of infrastructure

Provide an agile construction time-line in accordance with this customer demand and the infrastructure capacity. Modern project delivery focuses on incrementally delivering ongoing customer benefit. Change, measure the impact (and benefit) and change again. Continuous improvement (i.e. be it a block at a time). Fragile infrastructure, heritage and ecologies cannot withstand a big bang approach. This is demonstrated in part by the outstanding tactile urbanisation employed in the CBD – a fabulous result for the whole community, of all ages.

## #Adopt (our) design-led thinking

Take on board all the valuable feedback (in support of the Auckland Design Manual) from the Devonport-Takapuna Local Board in the Section 32 review. To quote the board's feedback:

“Of fundamental importance to the Board in these high rise, high intensity areas is the quality of design and detailed urban design assessment of major new development.”

Not just lip service to the look-and-feel of the day, adopt the essence of design-led thinking to find yourself in a position to submit a compliant proposal that delivers real benefit for all. The business model is sound but the products they offer don't align with the ADM nor do they live up to the hype of “custom-designed”. There is value in being cognisant of the rapid pace in change with the modernisation (dare I say digitisation) of today's communities. Yes our population is ageing but their expectations will change fast too. The ADM is forward thinking and exposes the outdated design, gated community / private infrastructure model on offer. There is “less than minor” value to

the community and doesn't harness the value of the Devonport community beyond the obvious vistas.

## **#BeContextAware**

In short - address all ecological, heritage, size, scale and visual impact challenges the current proposal has. Successful design harnesses the aspects of the environment, heritage and history. It amplifies them doesn't smother or overpower them. As a prime example described is the Duder's Brickworks is an asset that should be embraced. Regardless of the existing community value the residence will find value in connecting to the community through the natural heritage of the site when retained. Allowing public access to the site will also help facilitate deeper longer lasting connections with the communities.

## **#BeCompliant!**

Resolve all the non-compliance issues – simple.

## **Thanks**

Thank you for the opportunity to submit. I look forward to the opportunity to be heard. And, with work I look forward to greeting our new neighbours.

Alan McNatty

16 Ngataranga Road  
Devonport

**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - 7-37 Ngataranga Rd, Devonport  
**Date:** Friday, 14 October 2016 9:11:46 a.m.

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**Joan Bartley | Resource Consent Administrator**  
**Northern Resource Consenting**  
 Ph 09 301 0101 | Extn (43) 8240  
 Auckland Council, Level 1, 1 The Strand, Takapuna  
 Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

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**From:** Auckland Council [<mailto:donotreply@aucklandcouncil.uq.co.nz>]  
**Sent:** Thursday, 13 October 2016 8:56 p.m.  
**To:** Takapuna RC Submissions  
**Subject:** Resource Consent submission for North Shore - 7-37 Ngataranga Rd, Devonport

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## 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Ltd

**Who proposes to (description of application from public notice):**  
 Construct and operate a retirement village.

### APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:

**Street number and name:** 7-37 Ngataranga Rd

**Suburb:** Devonport

**Application number:** LN-2142200

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

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## 2. CONTACT DETAILS:

**Full name:** Susan Kay Claridge

**I am a:** Property owner

**Street number, name and suburb of the property, you are acting on behalf of:** 79 Albert Road, Devonport, Auckland

**Business phone:** +6494452966

**Home phone:** +6494452966

**Mobile phone:** 021 0263 3627

**Email address:** [sueandbryan@clear.net.nz](mailto:sueandbryan@clear.net.nz)

**Address for correspondence:** 79 Albert Road, Devonport, Auckland, 0624

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### 3. SUBMISSION DETAILS:

**I/we:** Oppose

**specify aspects of the above application you are submitting on:**

Lack of Consultation Traffic and Congestion Size and Scale of the proposed construction Design and Architecture Environment and ecological values Public access to the Esplanade Reserve and Polly's Park

**The reasons for my/our submission are:** See attached document

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** The application should be declined. See attached document.

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:** [SK Claridge - Ngataranga Retirement Facility Submission.docx](#)

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101



**Submission – Susan Claridge**

**Re: Ryman Healthcare Ltd application LN-2142200**

**The reasons for my/our submission are**

I can see the benefits of and the need for a retirement and aged care facility in the Devonport community, as well as the need to intensify housing in Auckland to cope with a burgeoning housing crisis. However, Ryman Healthcare's proposal lacks consultation with the community and will significantly affect a wide range of values currently held by Devonport residents, and considerably exacerbate an existing transport and traffic problem into and out of Devonport. In addition, this proposal will significantly affect the residents of Ngataringa Rd on very many levels both during construction and operation of the proposed facility. Finally, there is significant scope for damage to the fragile and important ecosystem bordering the southern boundary of the proposed development, that is the remnant slice of coastal forest which is locally known as Polly's Park, and Ngataringa Bay. That Ryman have stated that the effects of the construction of the proposed facility are "less than minor" shows a complete disregard for the community in which they propose to operate and from whom they can expect to make considerable profit.

### **Traffic and Congestion**

The traffic problems into and out of Devonport increase significantly year on year. I have lived in Devonport for more than 16 years and the traffic congestion on Lake Road has worsened exponentially. There is no such thing as a peak period anymore; there are multiple peaks throughout the day that often merge in to a single, day-long traffic nightmare. It is not uncommon for it to take me over an hour and up to an hour and forty minutes to drive the 5.5 kms to Takapuna from my Albert Road property outside of traditional peak commuter times (e.g. after 9 am on a Wednesday, and 12:30 pm on a Saturday. It is not unusual for it to take over an hour to get from Albert Road to the Bayswater intersection at Bayswater, a distance of two kilometres. Getting into Devonport is just as difficult as is leaving. Ryman quote 18,500 vehicle trips per day in both directions in 2015 in their application, yet an NZ Herald report in 2009 quoted Lake Road as having 39,000 vehicle trips per day.

There is only one road in and out and every user of Lake Road, every Devonport, Belmont and Hauraki resident, every visitor to Devonport, Belmont and Hauraki, will be adversely affected by the construction and operation of the proposed facility. Ryman themselves estimate an extra 689 vehicle trips per day. While as a proportion of the current traffic load this might seem insignificant, the reality is that even a small increase to the vehicle trips per day will substantially worsen the current day-long, seven day a week congestion. This represents an extra 689 vehicles trying to gain access to Lake Road, a road that is already subject to gridlock on a regular basis.

During construction, there will be thousands of heavy truck movements removing soil and substrate, on top of likely hundreds of daily vehicles movements by tradesmen and builders, materials deliveries, inspections and visits from construction professionals.

Once the facility is completed there will be traffic into and out of Devonport by all the staff (aged-care is not a highly paid job and it is unlikely that many staff will come from existing Devonport

residents or that the staff will be able to afford to live here so will have to commute), visiting health workers, tradesmen and labourers required to maintain the facility, visitors to the potentially 600 plus residents and the vehicle trips by residents themselves.

As the daughter of able-bodied and independent elderly parents (who do live in a retirement complex in Auckland) I know that many of the residents of the independent living apartments will have cars and drive at least once a day, sometimes more than once a day.

All these vehicle trips will involve Lake Rd even if some of them are only into the Devonport CBD. This in itself raises another related issue; the lack of parking in Devonport. If all the independent residents of the facility do their grocery shopping in Devonport, this will add significant pressure to an already stretched parking facility. It is not unusual to struggle to find a park at the central carpark at any time between 9 am and 5-6pm at the moment. This will be exacerbated by an increase in shoppers, although no doubt the increased trade will be welcomed by business owners.

### **Lack of Consultation**

Ryman Healthcare Ltd appear to have made no attempt to consult with the residents of the community in which they propose to build their facility. While almost exclusively the many people I have spoken to do not oppose and in fact welcome or say a retirement and aged care facility is needed, they have not been consulted and have concerns about the proposal. Devonport residents have not been asked what they do and don't want in such a facility, what their concerns are for the construction and operation of such a facility or how their lives might be impacted by it. They have not had an opportunity to engage with Ryman, and work with them, to develop a facility that would be welcomed and appreciated.

Importantly, the elderly residents of Devonport who might be expected to have the greatest interest in and want/need for such a facility, have not been asked what they want and/or need. Most importantly of all the residents most adversely affected, those residents of Ngataranga Road and surrounding streets, and those across Ngataranga Bay who will overlook the development have not been consulted in any way.

Ryman will make a considerable profit from this development over many years and it behoves them to be a good corporate citizen and good neighbour to the community in which they wish to operate. Instead they have downplayed the impacts of their proposal by referring to them as "less than minor" and had the gall to seek that the proposal be non-notified which would have given the community absolutely no say.

### **Size and Scale**

The heights of buildings in the proposal significantly exceed maximum permitted heights, and the size of the development will have a significant adverse visual impact on all Devonport residents with sightlines to the development. This will have a significant effect on the visual amenity of their



properties and for residents of Ngataranga Rd this may translate as actual loss of value and saleability of their property.

The character of Devonport is that residential buildings are predominantly single story, with a small percentage of two story homes, and very few buildings (such as Devon Park) in excess of two stories. However, unlike Devon Park (Stanley Bay Rd) which is a single building with limited street impact, the Ryman Development comprises multiple, multi-story buildings exceeding the height limits all in close physical proximity, leaving little in the way of visual corridors to their former views for the majority of residents impacted by the changed visual amenity.

It seems to me that Ryman are trying to maximise the number of elderly that can conceivably be housed on the site, with no thought to the environment that the proposal creates for those elderly residents, so as to maximise their profit.

### **Design and Architecture**

The design and architecture of the buildings in the development are simply not in keeping with or even sympathetic to the predominant architectural style of Devonport, a recognised heritage area. The buildings as planned have a very institutionalised look about them, and to me are reminiscent of the new Mt Eden Prison, or a British council housing development. Are these the sort of buildings our elderly wish to live in? It is certainly not the style of building that many residents wish to look upon from the outside.

The predominant façade material among existing Devonport homes is weatherboard, which creates a soft visage. The proposed buildings are harsh and lack character. The development should take more inspiration from the existing natural and built environment and greater effort must be made to ensure that the buildings are sympathetic to the existing environment.

### **Environment and ecological values; public access to the esplanade reserve and Polly's Park**

Auckland Council has acknowledged the important ecological value of Ngataranga Bay and the coastal fringe that includes Polly's Park. It is vital that this area be protected from damage during construction. Ngataranga Bay is a breeding and feeding ground for wading birds including two endangered native species – Wrybill and Dotterel. The fragile slice of remnant coastal forest, known locally as Polly's Park, forms part of a narrow fringe of coastal forest on the inner harbour, linking up with other reserves north of Ngataranga Bay. Together with bush and reserves in the more northerly suburbs, Polly's Park is part of a corridor that it is hoped will encourage endangered birds currently resident on Tiri Tiri Matangi to naturally migrate to populate urban bush and eventually other Hauraki Gulf islands such as Rangitoto and Motutapu.

Of particular concern are the impacts of construction on the habits of the birds that use Ngataranga Bay for feeding and breeding, including dust and sediment run off into the Bay from the site. In addition the construction will impact on the birds that have made Polly's Park their home over the last decade, in particular a large number of tui.

The Conservation Act guarantees a 20m marginal strip along the foreshore as a public open space. Ryman appear not to have acknowledged that this could serve as a link to public walkways. It is important the public retains access to Polly's Park and the coastal edge as intended by the Devonport-Takapuna Greenways Plan.

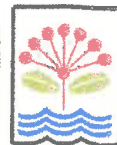
**The decision I/we wish the Council to make is**

The application should be declined. In any future proposal, the Auckland Council must address the traffic and roading infrastructure issues facing Devonport and in particular address in a meaningful way, the congestion that defines Lake Road. This proposal is the first of several for the Devonport peninsula and traffic issues must be resolved before any increase in population through increased density housing is considered by the council. \$50+million that was earmarked for addressing Lake Road congestion was taken away and this must be reinstated – in good faith!

In addition, in any future proposal Ryman must:

- engage in genuine consultation with the community;
- address the design flaws and adopt an architectural style that is less institutional and more in keeping with the existing natural and built environment of Devonport;
- reduce the size and scale of the project, lowering building heights and reducing on-site resident numbers.
- address the significant potential adverse environmental impacts to the coastal fringe and Ngataranga Bay, in particular during the construction phase, and provide for better run-off and sediment management to protect the bay and its flora and fauna.
- ensure continued public access to and enjoyment of the coastal forest area known as Polly's Park.

## Submission on Resource Consent Application

Auckland  
Council  
Te Kaitiaki o Tāmaki Makaurau

RECEIVED

13 OCT 2016

BY: \_\_\_\_\_

## 1.0 SUBMITTER DETAILS

Name of submitter(s)  
(please write all names in full)

Diane Humphreys

Physical Address:

81-A Ngatarunga Rd. Lk Postcode: 0624

Address for service: (if different)

Postcode:

Telephone (day):

09 446 0916

Mobile:

Fax:

09 446 0916

Email:

Smartchick@ihug.co.nz

## 2.0 APPLICATION DETAILS

Application Number:

LN-2142200

Name of applicant:  
(please write all names in full)

Ryman Healthcare Limited

Address of proposed activity:

7-37 Ngatarunga Rd &amp; 1-88 Wakakura Crescent Postcode: 0624

Description of proposed activity:

To construct and operate a retirement village. Overall, the applications are assessed together as a non-complying activity.

## 3.0 SUBMISSION DETAILS

My/our submission: (please tick one)

☐ Supports the Application☒ Opposes the Application☐ Neutral regarding the Application

The specific parts of the application to which my/our submission relates to are: (use additional pages if required.)

Lake Road Traffic increased substantially.  
back of Consultation with community.  
Size, scale, impact on environment.  
Heritage site & Coastal reserve.

3.0 SUBMISSION DETAILS contd

The reasons for my/our submission are: (use additional pages if required.)

see attached

The decision I/we would like the Council to make is (including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought):

Take into account the increase of traffic, the size and scale of the proposal on the environment AND take into consideration the heritage value of the site & the coastline.

4.0 SUBMISSION AT THE HEARING

- ☒ I/we wish to speak in support of my/our submission.
- ☐ I/we do not wish to speak in support of my/our submission.
- ☐ If others make a similar submission, I/we will consider presenting a joint case with them at the hearing.

Signature of submitter(s) or agent of submitter(s)

Diane Humphrey

Date: 8 - 10 - 2016

Date:

Date:

**IMPORTANT INFORMATION**

The Council must receive this submission before the date and time indicated. A copy of this submission must also be given as soon as reasonably practicable to the applicant at the applicant's address for service.

All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind as to whether you wish to attend the hearing, please phone the Council so that the necessary arrangements can be made.

**PRIVACY INFORMATION**

The information you have provided on this form is required so that your submission can be processed under the RMA, so that statistics can be collected by the Council. The information will be stored on a public register, and held by the Council. The details may also be made available to the public on the Council's website. These details are collected to inform the general public and community groups about all consents which have been issued through the Council. If you would like to request access to, or correction of your details, please contact the Council.

### **Lake Road Traffic.**

Already Lake Road is acknowledged as the most congested road in Auckland, probably the most congested in New Zealand. The Ryman development will initially cause a large amount of truck movement, initially removing soil, and then come the delivery of building materials etc.

Upon completion with up to 600 Ryman residents, and staff, this will put further pressure on the already overloaded Lake Road.

In the future I for-see a pedestrian crossing on Lake Road and probably traffic lights at the intersection of Ngataranga Road and Lake Road. This will be a ridiculous situation and will cause even more disruption on what is the arterial and only road into Devonport.

### **Lack of Consultation with the Devonport Peninsula Residents.**

Devonport has always had a great community heart. It would have been advantageous to Ryman to have held a meeting or meetings with the Devonport community to gauge their concerns and or their wants for a retirement facility. How can Ryman have the cheek to say their over-sized development would have a "less than a minor effect" on the community? What they are proposing without community input is an over-sized, dominating the landscape development that does not enhance the existing area nor does it sit well amongst the existing residential houses.

Many, many years ago when we were still a local Devonport Borough we were able to prevent high rise buildings being generated in Devonport and this has kept the peninsula a unique part of Auckland landscape.

### **Size, Scale & Impact on the Environment.**

The Ryman development is on a site that deserves a far better and a more sympathetic development than what is proposed. The height of the development and slab sidedness of the structure are just NOT IN KEEPING with the surrounding environment!!!!

### **Heritage Site & Coastal Reserve.**

The Wakakura site is recognized for its historic significance as the site of Duders Brickworks.

Ngataranga Road is Duders Point.

These and the Foreshore Reserve and Polly's Park must be taken into consideration.

Diane Humphreys

22'4

**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - Ngataranga Road, Devonport  
**Date:** Friday, 14 October 2016 8:53:16 a.m.

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**Joan Bartley | Resource Consent Administrator**  
**Northern Resource Consenting**  
Ph 09 301 0101 | Extn (43) 8240  
Auckland Council, Level 1, 1 The Strand, Takapuna  
**Visit our website:** [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

---

**From:** Auckland Council [<mailto:donotreply@aucklandcouncil.uq.co.nz>]  
**Sent:** Wednesday, 12 October 2016 10:47 p.m.  
**To:** Takapuna RC Submissions  
**Subject:** Resource Consent submission for North Shore - Ngataranga Road, Devonport

Having trouble reading this email? [View it in your browser.](#)



 If you have any queries about this request, please hit 'reply' to email us back, or send an email to [TakapunaRCSubmissions@aucklandcouncil.govt.nz](mailto:TakapunaRCSubmissions@aucklandcouncil.govt.nz) 

---

## 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Limited

**Who proposes to (description of application from public notice):**  
The construction and operation of a retirement village. Overall, the applications are assessed together as a non complying activity.

### APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:

**Street number and name:** Ngataranga Road

**Suburb:** Devonport

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204 & REG-2142205

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

---

## 2. CONTACT DETAILS:

**Full name:** Guy Davies

**I am a:** Concerned local Architect and property owner

**Street number, name and suburb of the property, you are acting**

22'4

on behalf of: 4 Bulwer Street, Devonport

Mobile phone: 022 192 8810

Email address: [guy@pavilionarchitecture.co](mailto:guy@pavilionarchitecture.co)

Address for correspondence: PO BOX 32-089, Devonport, Auckland, 0744

### 3. SUBMISSION DETAILS:

I/we: Oppose

**specify aspects of the above application you are submitting on:**

The general design and over-development of the site as described in my attached submission document

**The reasons for my/our submission are:** The professional opinion that the design of the proposal is not of the quality that is required for a project of this size & impact on the local environment & community

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** That Council reject the current Ryman proposal, that a revised proposal is tabled in front of the Auckland Urban Design Panel to review the design prior to submission, for Council to support the Auckland Design Panels recommendations and for the applicant to take these recommendations into consideration and the proposal is redesigned as required prior to submission for RC.

**I/we wish to be heard at the council planning hearing:** No

**Uploaded documents:** [Ngataringa Road Development.pdf](#)

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101





**From:** [Lesley Rouse](#) on behalf of [Regional Consents](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - Ngataringa Rd, Devonport  
**Date:** Thursday, 13 October 2016 5:47:38 p.m.

---

**From:** Auckland Council [<mailto:donotreply@aucklandcouncil.govt.nz>]  
**Sent:** Thursday, 13 October 2016 3:51 p.m.  
**To:** Regional Consents  
**Subject:** Resource Consent submission for North Shore - Ngataringa Rd, Devonport

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 If you have any queries about this request, please hit 'reply' to email us back, or send an email to [regionalconsents@aucklandcouncil.govt.nz](mailto:regionalconsents@aucklandcouncil.govt.nz) 

## 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Ltd

**Who proposes to (description of application from public notice):** Retirement Village

### APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:

**Street number and name:** Ngataringa Rd

**Suburb:** Devonport

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204 & REG-2142205

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - regional issues

## 2. CONTACT DETAILS:

**Full name:** Ken Davis

**Organisation:** Ken Davis Architects Ltd

**I am a:** Local architect and resident

**Street number, name and suburb of the property, you are acting on behalf of:** 52 Vauxhall Rd, Devonport

**Business phone:** 09 4452727

**Home phone:** 09 4466363

**Mobile phone:** 027 447 9720

**Email address:** [kendavis@xtra.co.nz](mailto:kendavis@xtra.co.nz)

**Address for correspondence:** 52 Vauxhall Rd, Devonport, Auckland, 0744



**From:** [Lesley Rouse](#) on behalf of [Regional Consents](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - Ngataringa Rd, Devonport  
**Date:** Thursday, 13 October 2016 5:47:38 p.m.

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## 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Ltd

**Who proposes to (description of application from public notice):** Retirement Village

### APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:

**Street number and name:** Ngataringa Rd

**Suburb:** Devonport

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204 & REG-2142205

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - regional issues

## 2. CONTACT DETAILS:

**Full name:** Ken Davis

**Organisation:** Ken Davis Architects Ltd

**I am a:** Local architect and resident

**Street number, name and suburb of the property, you are acting on behalf of:** 52 Vauxhall Rd, Devonport

**Business phone:** 09 4452727

**Home phone:** 09 4466363

**Mobile phone:** 027 447 9720

**Email address:** [kendavis@xtra.co.nz](mailto:kendavis@xtra.co.nz)

**Address for correspondence:** 52 Vauxhall Rd, Devonport, Auckland, 0744

### 3. SUBMISSION DETAILS:

I/we: Oppose

**specify aspects of the above application you are submitting on:** Concern over quality and scale of the design heritage, urban and architectural design issues, traffic management issues

**The reasons for my/our submission are:** Concern over quality and scale of the design heritage, urban and architectural design issues, traffic management issues

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** The design modified to address my concerns

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:** [Ryman Resource Consent submission 12 Oct 2016.pdf](#)

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101



## KEN DAVIS ARCHITECTS

Suite B  
Devon Lane  
Devonport  
Tel [09] 445 2727  
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E- mail

Alison Court  
P O Box 32590  
Auckland  
Fax [09] 445 2726  
Mobile [0274] 479 720  
kendavis@xtra.co.nz

### Submission on Resource Consent Application

on

#### Ryman Healthcare Ltd Proposed Retirement Village Ngataranga Road, Devonport

Submitted by Ken Davis BA BArch(Hons) NZIA  
12 October 2016

#### 1. BACKGROUND

- 1.1 My full name is Kenneth John Davis and I am a Registered Architect and an Urban Designer and an Associate of the New Zealand Institute of Architects. I am a Director of Ken Davis Architects Ltd and I manage the Auckland office of Herriot + Melhuish: Architecture Ltd.
- 1.2 I have a Bachelor of Architecture degree with Honours from the University of Auckland and I have a Bachelor of Arts degree majoring in Urban Geography and Economics from the University of Otago.
  - (a) I have over 30 years' experience in the practice of architecture and urban design in Australia and New Zealand, having worked with leading practices such as the Public Works Department and MMH Partnership in Melbourne and Structon Group, Athfield Architects, Custance Associates and Herriot + Melhuish: Architecture in Wellington and Auckland. During that time, I have had extensive experience in a wide range of architectural and urban design projects, including:
    - (i) Wellington Public Library and Civic Centre, 1988-1992 (NZIA National Award 1993)
    - (ii) Cuba Precinct Urban Design study, Wellington 1988-89 (one of the first Precinct Plans to be incorporated into a District Plan in NZ)
    - (iii) Marion Square retail, public parking and apartment development, Wellington, 1996
    - (iv) New Newmarket Railway Station, Auckland (NZIA Awards for Public Architecture 2010 and Urban Design 2011)
    - (v) New Navy Museum and Public Maritime park, 2010 (NZIA Award 2011), WW1 Commorative Pavillion (2013), Torpedo Bay, Devonport,
    - (vi) Queens Wharf Upgrade: Commissioned by Auckland Council in 2009 for a design proposal for the upgrade of Queens Wharf including the adaptive reuse of the existing Historic Sheds
    - (vii) Devonport Ferry Building: commissioned by Auckland Transport in 2013
    - (viii) Multi-Unit mixed use Intergerational Housing Development, Wakakura Block, Ngataranga Rd, Devonport, 2012 for Ngati Whatua: Initial Design concepts for a 146 unit town house

and apartment development to accommodate a range young to elderly family groupings integrated with medical centre, small aged care hospital, café, shops, landscaped public open space, walkways, cycleways, kids playground and community gardens

- (ix) Mt Wellington Residential Development. Auckland, 2011: concept plans for a 300 unit apartment development

- 1.3 I have participated widely in the New Zealand architectural community, having won a number of architectural design awards. I have been a jury member for several New Zealand Institute of Architects Awards Programmes and in 1995 I was a member of the NZIA Membership Review Panel.
- 1.4 I have a range of teaching experience having tutored and lectured at Victoria University's School of Architecture from 1988 to 2004 and have been a guest design critic at Auckland University's School of Architecture since 2007.
- 1.5 I have provided expert architectural and urban design evidence at Resource Consent hearings and I have worked as an architecture and urban design consultant to the Wellington City Council assessing a range of Resource Consent applications and advising on the design of the proposed new School of Music in Wellington's Civic Square.
- 1.6 I have been a member several influential organisations that have helped shape the urban design of Wellington including:
- (a) The Wellington Architectural Centre from 1988 until 1996, including 7 years on the executive and three years as President from 1991 to 1993.
  - (b) From 2004 -2007 I was a Wellington City Council appointed member of the Wellington Waterfront Development Sub-Committee, responsible for overseeing the development of Wellington's urban waterfront
- 1.7 I am currently a Board Member of the Devonport Business Association (DBA) Business Improvement District (BID) since 2013

## 2. GENERAL

I acknowledge that The Retirement 'village' as proposed by Ryman is a response to a growing demand for accommodation for the elderly as NZ's population ages. It should provide additional housing choices for those local elderly who want to remain in Devonport and those from elsewhere who want to live here and is an appropriate use of the site but the built outcome should be significantly better than that proposed

In general I support the proposal to provide a form of residential accommodation for the retired and elderly and whilst we do not oppose re-development of the site per se, I do **oppose** the application in its current form for the following reasons and concerns noted below:

## 3. KEY CONCERNS

Below is an initial list of key issues in blue we discussed (including the points raised by the Urban Design Panel report). Please review, add, revise, augment, develop, so this gives us a kit of parts/points/arguments to include in our collective and/or individual submissions

### Lack of Diversity

- The Ryman development lacks diversity of proposed uses, dwelling types architectural form and open space

- It could be a much more diverse and interesting multi-use development than the exclusive and architecturally monotonous ghetto for the elderly currently proposed
- If the Ryman proposal were to better address the following issues set out below then a richer, more diverse and successful outcome would result for both Ryman, its occupants and the wider local community

#### **Community/Commercial Facilities**

- There are opportunities to provide and integrate into the Ryman development a range of community/commercial facilities that can be used and for the benefit of both the occupants, their visitors and the wider local community.
- These facilities could include a café, medical centre, childcare centre, some small shops (eg a dairy), a small community centre, and a variety public open spaces (community gardens, sheltered sunny sitting and garden/courtyard areas, a kids playground [where the occupants can engage with children/grandchildren], walkways/cycleways etc)
- This would offer a chance for the occupants and the locals to interact, socialise and enhance the life experience of the elderly in the development (who are often physically and emotionally isolated)

#### **Different Types of Housing**

- The Ryman proposal offers a limited type of housing:
  - 195 apartments (comprising 8 one bed, 149 two bed and 39 three bed units)
  - 78 assisted living suites
  - 120 care beds
- There are other types of housing that could be offered on the site
  - independent living units/townhouse/villas for younger retirees (common in many other similar retirement villages)..... eg smaller 1-3 level town house/terrace house or standalone villas .....maybe along Ngataranga Rd and Wesley St (on the west) to form a street edge and help transition the scale to the larger apartment blocks within the site
  - Some other small house types along Ngataranga Rd which could be rented out to younger families so that children are part of the inhabitation of the site. This would offer the opportunity for some intergeneration living on the site (where the old look after the young and the young look after the old) and sense of community which has not been fully explored

#### **Coastal Reserve**

- This 20m wide strip of public open space should be incorporated into the Ryman proposal to provide public access around this coastal edge and could link into the public network of walkways as indicated in the Devonport Takapuna Greenways Plan.
- The project should not encroach into the existing Coastal Reserve, but it should only be allowed if it was offset by other positive public benefits provided on the site

#### **Ngataranga Road Relationship**

- The development is fenced off from the street creating a “gated community” and a sense of exclusion.
- The link with the public qualities of Ngataranga Rd is further reduced by setting the buildings back from the road frontage which reduces the opportunities for visual and physical connection between the occupants of the Ryman “village” and the wider community
- The change in ground and floor levels of the development exacerbate this lack of connection. Consequently communal areas are located well below the street level and the opportunity for human scale interconnection between occupants of the building and those in the public (street) realm is greatly diminished
- provide a footpath for the full length of this side of the street to enhance the pedestrian relationship to this side of the street and public access to the site
- Existing vegetation along Ngataranga Road vegetation has been retained, but at the expense of a good urban relationship between the buildings and the street .....design changes would create the opportunity for buildings to have a more direct relationship to the street while integrating positively around some of the existing trees

### Scale and Size

- The Ryman design presents a large institutional styled buildings with no precedent in this locality which are in contrast to the immediate context of small 1 and 2 level free standing dwellings are out of scale in this context, but if sensitively and well designed could be positively integrated into this large site and its low scale residential context to minimise any negative effects (the sloping site helps)
- The proposed generally buildings breach the maximum height limits Operative NS District Plan 8m abd some of the Unitary Plan 8m-16m
- The proposed development is reasonably successful in locating a high density residential development, which includes taller buildings, within a sensitive context with limited off-site effects .....however greater attention should be given to all elevations, particularly to the south elevation, that includes stronger colour and / or material differentiation and a more articulated roof scape.
- Limited additional height, internal to the site could be acceptable, in order that the effects at the street level are mitigated, and improved building and roof form and articulation are achieved
- Need to break up the apparent continuity of the buildings and create some opportunities for real views shaft that connect the site and across and through the site to the wider physical Devonport environment

### Spatial relationship

- Improve the site permeability and inter-connectedness
- The cross-site circulation between buildings and throughout the village is poor and a stronger, more legible, on grade pattern of circulation need to be developed
- The spaces between the buildings are poorly configured and changes in ground level are not well integrated into these spaces and as a result the opportunity to create a coherent village concept has not been realised.

### Landscape strategy and open space

- The external spaces should be reconsidered with greater regard to solar access, wind protection and the provision of a range of communal and more intimate outdoor spaces.
- Landscaping and Outdoor spaces: outdoor spaces to the north and south of the main communal areas in Building 01 to have poor amenity particularly in respect to light and year-round sunshine.
- Provide a rich network of open space and pathways that allow connections to existing street infrastructure and existing use patterns (eg diagonal short cut across site from west end of Ngaratinga Rd to Lake Rd by Block B06/ Polly's Park which a natural desire line and part of a pattern of existing use
- Create opportunities to better access Ngataranga Bay.....may be a jetty
- Incorporate outdoor amenities that both the retirement village occupants, their visitors and the local community can access.....walkways/cycle ways, sheltered sitting areas, scented gardens, quiet spaces, active spaces, shared garden plots (flowers and veges/fruit), maybe a community garden, children's playground

### Site Heritage / cultural landscape

- The development should better acknowledge the sites rich cultural heritage (from pre-contact, early colonial brickworks through naval use to mid-twentieth century architecture) for the benefit of the project and the wider community
- Have Te Aranga Design Principles been applied as part of the projects cultural integration? There is significant opportunity for the landscape strategy to acknowledge cultural heritage. This might include indigenous species planting to facilitate cultural harvest and related onsite activities
- How does this development reveal and interpret much of the site's rich cultural heritage (pre European inhabitation, Brick works, Navy/Defence occupation/Polly's Park.
- What's happened to the Group House edging Lake Rd part of the site.....looks like it has been removed and replaced with a smaller scale apartment block (B06) .....this last remaining Group House is of particular significance and we would encourage its retention.
- What's happening to Polly's Park?

**Transport Management**

- The traffic/management around Lake Road, which this development will likely exacerbate, is a serious issue, that must be addressed by Auckland Council/Auckland Transport around improving transport infrastructure and transport services and also as part of the Ryman development

**Eco systems/Ecological**

- the effect on the local ecology and ecosystems of this development need to be fully analysed and any negative effects fully mitigated

**Quality of Ryman's Design Consultants**

- Who are Ryman's architects and what are their qualifications and relevant experience



# Submission on Resource Consent Application



RECEIVED

13 OCT 2016

BY: \_\_\_\_\_

## 1.0 SUBMITTER DETAILS

Name of submitter(s)  
(please write all names in full)

JEAN DOROTHY DAY

Physical Address:

28A NICCOL AVE NARROW NECK

Postcode: 0624

Address for service: (if different)

Postcode:

Telephone (day):

09 445 2882

Mobile:

Fax:

Email:

jday@kiwiflink.co.nz

## 2.0 APPLICATION DETAILS

Application Number:

LN-2142200

Name of applicant:  
(please write all names in full)

Ryman Healthcare Limited

Address of proposed activity:

7-37 Ngataranga Road and 1-88 Wakakura Cres, Devonport Postcode: 0624

Description of proposed activity:

The construction and operation of a retirement village. Overall the applications are assessed together as a non-complying activity.

## 3.0 SUBMISSION DETAILS

My/our submission: (please tick one)

☐ Supports the Application

☒ Opposes the Application

☐ Neutral regarding the Application

The specific parts of the application to which my/our submission relates to are: (use additional pages if required.)

see my proposed objection paper



## 3.0 SUBMISSION DETAILS contd

The reasons for my/our submission are: (use additional pages if required.)

see my objection paper

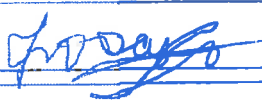
The decision I/we would like the Council to make is (including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought):

I feel that this would be inappropriate use of the land.

## 4.0 SUBMISSION AT THE HEARING

- ☒ I/we wish to speak in support of my/our submission.
- ☐ I/we do not wish to speak in support of my/our submission.
- ☐ If others make a similar submission, I/we will consider presenting a joint case with them at the hearing.

Signature of submitter(s) or agent of submitter(s)



Date: 8-10-2016.

Date:

Date:

## IMPORTANT INFORMATION

The Council must receive this submission before the date and time indicated. A copy of this submission must also be given as soon as reasonably practicable to the applicant at the applicant's address for service.

All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind as to whether you wish to attend the hearing, please phone the Council so that the necessary arrangements can be made.

## PRIVACY INFORMATION

The information you have provided on this form is required so that your submission can be processed under the RMA, so that statistics can be collected by the Council. The information will be stored on a public register, and held by the Council. The details may also be made available to the public on the Council's website. These details are collected to inform the general public and community groups about all consents which have been issued through the Council. If you would like to request access to, or correction of your details, please contact the Council.

## Objections to proposed Ryman Development Ngataranga Bay.

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My objections include:

Size, Scale & Visual Impact;      Lake Road Traffic;      Lack of Consultation;  
Coastal Reserve & Environment;      Heritage Site & Values.

The proposed buildings are contrary to the recommendations of the Auckland Urban Design Panel.

### Size, Scale & Visual Impact

Ryman's asked for a non-notified consent, and with no consultation from local residents propose building with no regard to integration with the existing houses. These buildings would breach the maximum height limits and will obstruct the iconic views available from this area.

### Lake Road Traffic

The existing traffic on Lake Road is already a huge problem and would be hazardous in case of a major emergency. The proposed build would entail many thousands of truck movements to remove soil, and bringing building materials; plus hundreds of vehicles visiting the site/parking in surrounding streets during and after construction. Upon completion, a huge increase in local traffic: would be expected, with up to 600 new residents, plus health professionals and service providers and facility staff - some needed for shifts covering 24 hour care - plus visitors to the residents, all putting pressure on an already overloaded Lake Rd.

### Lack of Consultation

Ryman's are asking Devonport to provide them with many advantages, yet they have not consulted residents regarding their concerns or what they want in a retirement facility, despite numerous attempts by locals, and they argue that their large scaled development will have "less than a minor effect." I believe the effect will be major.

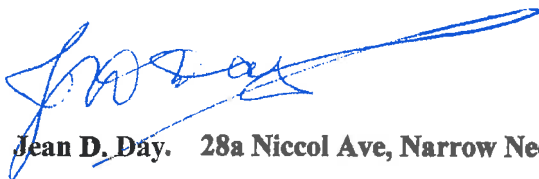
The council refused to send out hard copies of the application as they said it was "too big." It was not convenient for many people (including myself) to read it online or to spend the many hours necessary to study it properly at the local library.

### Coastal Reserve & Environment

Auckland Council has acknowledged the important ecological value of Ngataranga Bay and the coastal fringe that includes Polly's Park. It is vital that this area be protected from damage during any construction and that the public retains access to Polly's Park as intended by the Devonport- Takapuna Greenways Plan.

### Heritage Site & Values.

The area known as Wakakura is recognised for its historic significance as the site of a brickworks established by Duder brothers in 1875. It is a significant historic location and any developments must take into consideration protection for this historic area and also the archaeological evidence of earlier settlement.



Jean D. Day. 28a Niccol Ave, Narrow Neck, Auckland 0624

## Lack of Consultation

The only way I found out about Ryman's Application was a Devonport resident posted the New Zealand Herald article online FB

[http://www.nzherald.co.nz/business/news/article.cfm?c\\_id=3&objectid=11711127](http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=11711127)

Lack of consultation by Ryman and the request that the application to be non-notified does not show -Devonport residents, that Ryman Shelf company 24 will be a good neighbour.

The difficulty for people to view the documents of Ryman's application. The Application is so big the council would not send me a hard copy to share with locals. It is not always possible to read such big documents on line due to internet connections and older software. It was not possible for a lot of people to go to Takapuna Council service centre. Devonport Library only had one copy to be viewed by many residents during work hours. The online submission form is not easy for the layman to understand. More consultation should have been done and forms made available to fill in at the Devonport Library.

•"Healthcare Shelf Company No. 24 Limited, a company owned by Ryman, holds a 150 year lease over the site." They are using designs from the 1990 not 2020. If this building will sit on Ngataranga Bay for a 150 years surely more thought could be put in to the design so it sits well on the land and blends into the historic suburb of Devonport

•"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." Who considers to be appropriate for this location? How does Ryman know this without even asking the community of Devonport? The neighbourhood feels Ryman has done nothing to minimise the adverse effects and that only a very small number of people will benefit from this complex and there is no guarantee they will be existing Devonport residents.

•"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;" For the care of the elderly much need in our community.

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Inevitably these features result in a density and layout that differs from those typically experienced in residential areas..... WHY!!!! ..... 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....

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- "Ryman has given particular consideration in the design of the retirement village to ensure that potential adverse environmental effects are avoided, remedied or mitigated." . Ryman and their residents gain all the benefits of living in Historic Devonport. In return we get to look a badly designed apartment block that is way too big for the site. The building should have to sit with in the site, without major earthworks. No dispensation should be given for the building to be over 8 metres high. This a special coastal environment and any dispensation will have an effect that is more than minor.

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#### **"The Proposed Auckland Unitary Plan (notified 30 September 2013)**

SubPrecinct F – Wakakura Crescent (refer to Precinct Plan 6) Sub-precinct F provides for the development of landholdings at Wakakura Crescent, to the south of Ngataranga Rd, Devonport, comprising approximately 4.64ha of land. The subprecinct has three height areas

Area 1 within the core and to the south of the subprecinct with outlook across Ngataranga Bay,

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A marginal coastal strip is to be taken along the south side of the site, containing a pedestrian connection

#### **. Objectives**

The objectives as listed in the Mixed Housing – Suburban Zone apply in addition to the objectives specified

Integrated high quality housing development on large contiguous sites, which incorporate additional building height while complementing building heights in adjacent residential areas. Development that mitigates general visual and dominance effects and enhances public use and accessibility of the precinct and surrounding public open space.

The policies as listed in the Mixed Housing – Encourage consultation with any other owners of land within a subprecinct when preparing a framework plan.

Require the framework plan to demonstrate the interrelationship and future integration with: other land within the subprecinct, where a framework plan can only be prepared for part of the sub-precinct any neighbouring precinct.

Provide for integrated residential development on moderately large sites.”

**When I first saw the PAUP Ngataringa Bay I thought integrated residential development meant mixed housing for different groups in the community a mix of ages. I never envisioned a single use right to occupy retirement home of 600+ beds and 260+ car parks**

**Rymans Proposed Development does not mitigate general visual and dominance effects and enhance public use and accessibility of the precinct and surrounding public open space.**

**The height of the building on the south side is unacceptable and destroys the visual amenity of Ngataringa Bay and does not sit well with objectives of good town planning**

**I object to any Structures in the Coastal Conservation Area;**

**“ A marginal coastal strip is to be taken along the south side of the site, containing a pedestrian connection’**

**This is non- negotiable to residents we have a right to expect Coastal Conservation and Auckland City Council to up hold this, especially on a such an important site. Existing bush and pedestrian access via Polly’s Park should also be preserved**

**Site works, including works within the Foreshore Yard should not be allowed**

**No exemption from the esplanade reserve requirements should be given**

**No dispensation should be given.**

## **Removal of trees**

**No trees should be removed or harmed on the site during the 40 month building process**

**It has taken years of planting on and around Ngataringa Bay and Ngataringa Park to bring the natives birds back to area .Many trees were paid for and planted by locals. Jacqui Goldingham and Lyndsay Brock raised the money to plant Ngataringa Park when the council could not find the funds. When the tip closed local residents rallied round.**

## **Source of Article Description**

New Zealand Herald, 05 June 1993; 1:24  
School pupils are helping to transform the Devonport rubbish dump into a landscaped park by planting trees.

## Noise, traffic and construction

Noise should be kept to a minimum during the building process. This is a very noise sensitive area as the water bounces the noise and acts as a sound shell.

Is the CMP protocols for the management of dust, noise, traffic, hours of construction, and sediment runoff during construction according to standard industry best practices good enough for this historic residential area and sensitive wetland.

Due to the nature of the geology in this area any drilling or pile driving is felt by the residents around the Bay. During one earthquake many of the residents of Bulwer Street headed into the street to see if a truck had crashed. July 1 2011

[www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10735824](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10735824) .

- "Some potential shear surfaces that can be associated with instability were identified in rock beneath the site during the drilling". T&T

Has enough investigation been done on the stability of the site?

- "The assessment was limited by the need to attain approval for further excavation to be undertaken in areas of the site which house archaeological features. The assessment recommends that further investigation be undertaken to confirm the conclusions reached from the initial investigations. The assessment indicated that the cliffs south of the site are stable, but recommends a 10m specific design zone from the cliff top where specific geotechnical design will be required for building footings within this zone"

[paperspast.natlib.govt.nz/newspapers/AS19330511.2.157](http://paperspast.natlib.govt.nz/newspapers/AS19330511.2.157) Ngataranga Bay May 11 1933  
footpath sinks 6 feet,

## Storm water discharge

Auckland, like many other major cities, faces the prospect of becoming a "turtle city", where nearly all of the surface is covered by concrete.

What may seem like a small problem of too much water on the footpath can have huge environmental consequences

"Soil absorbs the water and trees assist in slowing down the speed of falling water," she said.

"When you have heavy rainfall in urban areas ... the water's velocity increases and the volume increases and the risk of flooding is higher.

"It also causes increased erosion and increased silt in the water that is flowing into rivers and seas." Senior lecturer in civil and environmental engineering at the University of Auckland, Dr Carol Boyle 2004

"Normal pavement, be it concrete or tarmac, is designed to have water run off it," he said. But porous concrete allowed water to run through and into the soil underneath. There were also larger and more gaps between the concrete blocks, to aid drainage.

**"It minimises the run-off and collects some of the pollutants, for example oil."**

**Other contaminants in rainwater include faeces from cats and dogs, petrol, herbicides, pesticides and heavy metals from building and housing materials. Metrowater spokesman Brian Sharman said the result of the trial could be less water on paved areas and cleaner water returning to the soil. 2004**

**Is this best practise for 2016?**

- **"A secondary overland flow path is provided by the main access road through the site. This flow path has been designed to channel the flow to the low point in the access road west of the proposed Bowling Green. From the low point west of the bowling green the flow will flood over the kerb and travel south to the Ngataranga Estuary."**
- **A discharge permit for a discretionary activity for the discharge of contaminants to water or land during site remediation works;**
- **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 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;**

**In this day and age the longer pipe is not the best solution. Ngataranga Bay has the old Tip producing leachate sent to the sewer. The Ngataranga Estuary is beginning to recover. Reports on chemical oxygen demand and Biochemical oxygen demand show that concentrated run off cause damage to the environment. Why does Ryman not design a wet land to naturally filter the storm water.**

**<http://www.walkatoregion.govt.nz/PageFiles/3331/tr05-12.pdf>**

**If good design was used Ryman could store roof water, to water the site there would be no need to use bore water**

- **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;**

Dewatering can cause ground settlements which, in some cases can be large enough to cause distress or damage to any structures located within the zone of drawdown. The most common geotechnical mechanism causing this settlement is the increase in effective stress in the soil caused by lowering of groundwater levels, which causes the soil to compress, resulting in ground settlement. <http://www.groundwatereng.com/blog/2014/02/managing-environmental-impacts-of-dewatering>

**I ask that more modern forward think design be used on this site and that the consents be declined.**

## Traffic

I'm sure many submissions on the effects of extra traffic on Lake Road have been received. My concerns are for The construction period of 40 months and then for drivers trying to get out onto or across Lake Rd safely.

The Bus routes are limited on Ngataringa Road at this time.

There is real danger for pedestrians trying to cross Lake Road.

## History of Ngataringa Bay

The history of this area goes back to the landing of Tainui canoe and many battles were fought in the Ngataringa Bay area

The original Tribe was from the Tainui Canoe and the Ngati Paoa were the last tribe to live here. Patuone retained Ngataringa bay and land in the Melrose area where he lived until his death in 1872.

Heteraka Takapuna, the last chief of Ngai Tai, returned to North Head around 1835. He planted a weeping willow tree, originating from Napoleon's St Helena "around the racecourse, where was then a heavy native (Maori) population" . The racecourse being the current Waitemata Golf course at Devonport, which is on reclaimed land. The land at Flagstaff was surveyed in the early 1850's, and in 1854 Lot 8 on the northern slopes of Mount Victoria (bounded by present day Allenby, Derby, Albert and Lake Roads) was granted to Ngati Paoa's Te Rangi.

This may well have been the site of Riria, Patuone's residence in the area before receiving land near Lake Pupuke. In 1852 land on the North Shore was given to Hakiha and others, probably Ngati Paoa, for working on the construction of the Albert Barracks, and this may have been what became the 1854 land. Te Rangi sold in 1860.

In 1862 50 or so Maori were still living at the "head of a little bay behind North head (which was) the outlet of a swamp that ran well up to Vauxhall Road .. (their meeting house was) where Munn's house stands" . They left for the Waikato in that year.

Auckland Provincial Council Gazette 1864 page 350 and New Zealand Gazette 1885 page 164.

Local historian Tom Walsh, when writing in the 1920s, claims that by the early 1860s there were still 50 or so Maori living on the banks of what at that time was a swamp, between Cambridge and Cheltenham Roads fronting King Edward Parade. They had at least one whare there, which they used as a meetinghouse. Patuone's numerous whanau had already moved from what is now the Alison Park area, before it was reclaimed, to the Takapuna area.

On 9 July 1863, prior to what the Waitangi Tribunal describes as the invasion of Maori land in the Waikato, local Maori in the Auckland area came under a curfew restricting their movements at night. They were also ordered to swear an oath of allegiance to the Queen, hand in any weapons, or depart for the Waikato. From 11 July 1863 there was a curfew introduced on Maori vessels and waka on the Waitemata and Manukau harbours outside the hours of daylight. Because of these restrictions, most of the 50 or so Maori still in the area left for the Waikato soon after, as did most Maori living in the Mangere area.



**The History pre European is complicated and not as straight forward as Ryman would have us believe.**

- “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 or on any issues of significance to Mana Whenua.”

**[http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10393584](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10393584)**

**“Thick winter fog smothers most of the city a few days earlier as Glen Tupuhi and whanau gather at the crater rim of Maungawhau for a karakia. They are Ngati Paoa and sick and tired of hearing only the name Ngati Whatua associated with Auckland ....”**

**"Our footprints are all over this whenua says Tupuhi, looking across the shrouded city to the summit of North head."**

- “It should be noted that archaeological survey techniques (in this instance based on visual inspection) cannot necessarily identify all subsurface archaeological features, or detect wahi tapu and other sites of traditional significance to Maori, especially where these have no physical remains.”

**I ask the council to preserve this archaeological site and do not allow major earth works.**

## **European settlement and the Duder Brickworks**

**European settlement and the Duder Brickworks are well documented**

**by Paul Titchner “Bricks Helped Build Borough”, Beginnings, Vol.3 p.11**

**“The Duder Bros Pottery Brick and Tile works at Ngataranga Bay was a major employer in Devonport in the 1890s through to the 1920s. The clay was dug on site to produce ornamental and common bricks, sanitary pipes, chimney heads and tiles for bakers’ ovens. Coal used in production was brought in the company’s cutter and unloaded at their wharf at the end of Church Street. A canal dug out of the Ngataranga Bay mud enabled the bricks to be loaded directly on to scows for delivery anywhere on the Waitemata.”**

**The Duder Brickworks has been evaluated according to the relevant statutory criteria and has been scheduled for protection on the District Plan (ID 1795) and PAUP (ID 831) as a Category B place of historic heritage significance. Known heritage values are identified as A (historical) and D (Knowledge).**

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## Reclamation of Ngataranga Bay

Until the mid-19th century, Devonport was connected with the rest of the North Shore by a causeway between Ngataranga Bay and the Hauraki Gulf. This causeway gave the appearance of a "narrow neck". On the eastern side of this strip of land is the Narrow Neck beach, on the western side there was an extensive mangrove swamp.

The mangrove swamp where Ngataranga Bay reached Narrow Neck was reclaimed from the late 1870s to form the race course – now the golf club and Woodall Park. This reclamation enabled Lake Road to be built, thereby affording a more direct route north. Reclamation has taken place on the Stanley Point side of Ngataranga Bay - much of it by the Navy –

The Biggest threat to Ngataranga Bay was In 1968 By Robbins holdings Holdings to build a marina complex in Ngataranga Bay. The story goes back to 1964 when a council decision to site a rubbish tip at Ngataranga Bay caused citizens to react adversely. On 24 September 1968 the Auckland Harbour Board approved a joint venture of 1.5 million with Devonport Borough Council to reclaim Ngataranga Bay for a marina-type residential subdivision The resulting proposal approved by the Auckland Harbour Board and supported by the Auckland Regional Authority in 1969. The development was to reclaim 24 acres in July 1969 a \$5 million marina was approved with 370 sections, each of one-fifth of an acre, a Jetty, and water access for each

The Ngataranga Bay Protection Society was formed and successfully fought the proposal. In 1971 fierce public opposition voted out the "old guard" on Council, and the decision was reversed by the incoming Council. The subsequent compensation paid by Council to the developer raised Devonport's rates for many years.

<http://www.vdig.net/hansard/content.jsp?id=12700>

"At times the debate was a bitter wrangle that divided the community,

"Finally, in May 1980 Ngataranga Bay compensation was set at \$750,000. As far back as November 1980 the council decided to call for the repeal of the Auckland Harbour Board and Devonport Borough Council (Ngataranga Bay) Empowering Act. In December 1980 the Auckland Regional Authority refused to help the council with the payment of compensation. In January 1981 the Auckland Harbour Board refused to help the council with those payments. So we come to the Bill seeking the repeal of the Act. The story is a sorry one, and I believe that as it is now history there is no point in recriminations about what has happened." Hon. G. F. GAIR (North Shore) September 06, 1989 Hansard

<http://www.vdig.net/hansard/content.jsp?id=12701>

**"Auckland Harbour was to be properly protected the environmental features had to be looked after. Many people realised that mudflats, mangroves, and the wildlife that lived in them, including one or two seagulls, were worth protecting, and that Parliament's decision to go ahead with the scheme was wrong. However, the member for North Shore was correct in one aspect that he pointed out---that is, that members ought to guard against developers who come with flashy presentations and with the latest state-of-the-art aids to take them out to show them great displays. Members should not be carried away with that kind of thing. Instead, they should look to see what is in the public interest". Hon. RICHARD PREBBLE September 06, 1989 Hansard**

**"I tell the member for North Shore, and other members, that it is our duty as a Parliament to consider the public interest. This was a Bill that was really in the private interests of a developer; it was not in the interests of the people of Auckland. I thought that the speech made by the member for North Shore, given his history, was fairly gracious. It is good to realise that, as the local member, he is finally prepared to recognise that the small section of the public that was wise enough to oppose the Ngataranga Bay scheme in 1970 was correct." Hon. RICHARD PREBBLE September 06, 1989 Hansard**

**Hon. RICHARD PREBBLE:" What does the member for North Shore want to do? He wanted to redevelop the area. He wanted all the old buildings to be pulled down because they were old, and he wanted it rebuilt in a tacky Takapuna style. That might help to explain the comments made by the father of the member for North Shore that that member does not win many polling booths in Devonport because the people like Devonport the way it is. They do not want it the way the member for North Shore and his wealthy mates want it to be redeveloped. It is fortunate that he failed in that idea."**

**"The real reason is that the scheme was wrong."**

**"I am confident that Devonport will remain the way it is."**

**To Many of us that lived here in the 1980's and had pay in our rates to save Ngataranga Bay. We ask that let us enjoy our retirement here in our own homes looking at the bay we have saved so many times. Let us retire without having to fight for the bay every time a developer gets a good idea to make money and do what they think good for us.**

**Let us enjoy the quietness of the Bay without 40 months of building noise and traffic**

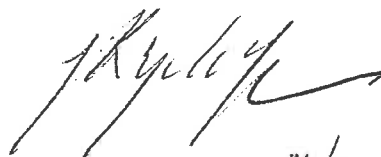
**As a council it is up to you to set the rules that will protect us and then enforce them.**

**I object strongly to any dispensation on this site.**

**I ask that Rymans go back to the drawing board and give us something we want to live in and next for the next 100 years. They want to build next to our homes that have been here for 100 years and Ngataranga Bay that we have paid and worked to save for future generations.**

**Jacqueline Goldingham**

**7 Bulwer street Devonport**



11/10/2016

## Lack of Consultation

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[http://www.nzherald.co.nz/business/news/article.cfm?c\\_id=3&objectid=11711127](http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=11711127)

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Integrated high quality housing development on large contiguous sites, which incorporate additional building height while complementing building heights in adjacent residential areas. Development that mitigates general visual and dominance effects and enhances public use and accessibility of the precinct and surrounding public open space.

The policies as listed in the Mixed Housing – Encourage consultation with any other owners of land within a subprecinct when preparing a framework plan.

Require the framework plan to demonstrate the interrelationship and future integration with: other land within the subprecinct, where a framework plan can only be prepared for part of the sub-precinct any neighbouring precinct.

Provide for integrated residential development on moderately large sites.”

**When I first saw the PAUP Ngataringa Bay I thought integrated residential development meant mixed housing for different groups in the community a mix of ages. I never envisioned a single use right to occupy retirement home of 600+ beds and 260+ car parks**

**Rymans Proposed Development does not mitigate general visual and dominance effects and enhance public use and accessibility of the precinct and surrounding public open space.**

**The height of the building on the south side is unacceptable and destroys the visual amenity of Ngataringa Bay and does not sit well with objectives of good town planning**

**I object to any Structures in the Coastal Conservation Area;**

**“ A marginal coastal strip is to be taken along the south side of the site, containing a pedestrian connection’**

**This is non- negotiable to residents we have a right to expect Coastal Conservation and Auckland City Council to up hold this, especially on a such an important site. Existing bush and pedestrian access via Polly’s Park should also be preserved**

**Site works, including works within the Foreshore Yard should not be allowed**

**No exemption from the esplanade reserve requirements should be given**

**No dispensation should be given.**

## **Removal of trees**

**No trees should be removed or harmed on the site during the 40 month building process**

**It has taken years of planting on and around Ngataringa Bay and Ngataringa Park to bring the natives birds back to area .Many trees were paid for and planted by locals. Jacqui Goldingham and Lyndsay Brock raised the money to plant Ngataringa Park when the council could not find the funds. When the tip closed local residents rallied round.**

## **Source of Article Description**

**New Zealand Herald, 05 June 1993; 1:24  
School pupils are helping to transform the Devonport rubbish dump into a landscaped park by planting trees.**

## Noise, traffic and construction

Noise should be kept to a minimum during the building process. This is a very noise sensitive area as the water bounces the noise and acts as a sound shell.

Is the CMP protocols for the management of dust, noise, traffic, hours of construction, and sediment runoff during construction according to standard industry best practices good enough for this historic residential area and sensitive wetland.

Due to the nature of the geology in this area any drilling or pile driving is felt by the residents around the Bay. During one earthquake many of the residents of Bulwer Street headed into the street to see if a truck had crashed. July 1 2011

[www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10735824](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10735824) .

- "Some potential shear surfaces that can be associated with instability were identified in rock beneath the site during the drilling". T&T

Has enough investigation been done on the stability of the site?

- "The assessment was limited by the need to attain approval for further excavation to be undertaken in areas of the site which house archaeological features. The assessment recommends that further investigation be undertaken to confirm the conclusions reached from the initial investigations. The assessment indicated that the cliffs south of the site are stable, but recommends a 10m specific design zone from the cliff top where specific geotechnical design will be required for building footings within this zone"

[paperspast.natlib.govt.nz/newspapers/AS19330511.2.157](http://paperspast.natlib.govt.nz/newspapers/AS19330511.2.157) Ngataranga Bay May 11 1933  
footpath sinks 6 feet,

## Storm water discharge

Auckland, like many other major cities, faces the prospect of becoming a "turtle city", where nearly all of the surface is covered by concrete.

What may seem like a small problem of too much water on the footpath can have huge environmental consequences

"Soil absorbs the water and trees assist in slowing down the speed of falling water," she said.

"When you have heavy rainfall in urban areas ... the water's velocity increases and the volume increases and the risk of flooding is higher.

"It also causes increased erosion and increased silt in the water that is flowing into rivers and seas." Senior lecturer in civil and environmental engineering at the University of Auckland, Dr Carol Boyle 2004

"Normal pavement, be it concrete or tarmac, is designed to have water run off it," he said. But porous concrete allowed water to run through and into the soil underneath. There were also larger and more gaps between the concrete blocks, to aid drainage.

**"It minimises the run-off and collects some of the pollutants, for example oil."**

**Other contaminants in rainwater include faeces from cats and dogs, petrol, herbicides, pesticides and heavy metals from building and housing materials. Metrowater spokesman Brian Sharman said the result of the trial could be less water on paved areas and cleaner water returning to the soil. 2004**

**Is this best practise for 2016?**

- **"A secondary overland flow path is provided by the main access road through the site. This flow path has been designed to channel the flow to the low point in the access road west of the proposed Bowling Green. From the low point west of the bowling green the flow will flood over the kerb and travel south to the Ngataranga Estuary."**
- **A discharge permit for a discretionary activity for the discharge of contaminants to water or land during site remediation works;**
- **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 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;**

**In this day and age the longer pipe is not the best solution. Ngataranga Bay has the old Tip producing leachate sent to the sewer. The Ngataranga Estuary is beginning to recover. Reports on chemical oxygen demand and Biochemical oxygen demand show that concentrated run off cause damage to the environment. Why does Ryman not design a wet land to naturally filter the storm water.**

**<http://www.waikatoregion.govt.nz/PageFiles/3331/tr05-12.pdf>**

**If good design was used Ryman could store roof water, to water the site there would be no need to use bore water**

- **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;**

**Dewatering can cause ground settlements which, in some cases can be large enough to cause distress or damage to any structures located within the zone of drawdown. The most common geotechnical mechanism causing this settlement is the increase in effective stress in the soil caused by lowering of groundwater levels, which causes the soil to compress, resulting in ground settlement <http://www.groundwatereng.com/blog/2014/02/managing-environmental-impacts-of-dewatering>**

**I ask that more modern forward think design be used on this site and that the consents be declined.**



## Traffic

I'm sure many submissions on the effects of extra traffic on Lake Road have been received. My concerns are for The construction period of 40 months and then for drivers trying to get out onto or across Lake Rd safely.

The Bus routes are limited on Ngataranga Road at this time.

There is real danger for pedestrians trying to cross Lake Road.

## History of Ngataranga Bay

The history of this area goes back to the landing of Tainui canoe and many battles were fought in the Ngataranga Bay area

The original Tribe was from the Tainui Canoe and the Ngati Paoa were the last tribe to live here. Patuone retained Ngataranga bay and land in the Melrose area where he lived until his death in 1872.

Heteraka Takapuna, the last chief of Ngai Tai, returned to North Head around 1835. He planted a weeping willow tree, originating from Napoleon's St Helena "around the racecourse, where was then a heavy native (Maori) population" . The racecourse being the current Waitemata Golf course at Devonport, which is on reclaimed land. The land at Flagstaff was surveyed in the early 1850's, and in 1854 Lot 8 on the northern slopes of Mount Victoria (bounded by present day Allenby, Derby, Albert and Lake Roads) was granted to Ngati Paoa's Te Rangi.

This may well have been the site of Riria, Patuone's residence in the area before receiving land near Lake Pupuke. In 1852 land on the North Shore was given to Hakiaha and others, probably Ngati Paoa, for working on the construction of the Albert Barracks, and this may have been what became the 1854 land. Te Rangi sold in 1860.

In 1862 50 or so Maori were still living at the "head of a little bay behind North head (which was) the outlet of a swamp that ran well up to Vauxhall Road .. (their meeting house was) where Munn's house stands" . They left for the Waikato in that year.

Auckland Provincial Council Gazette 1864 page 350 and New Zealand Gazette 1885 page 164.

Local historian Tom Walsh, when writing in the 1920s, claims that by the early 1860s there were still 50 or so Maori living on the banks of what at that time was a swamp, between Cambridge and Cheltenham Roads fronting King Edward Parade. They had at least one whare there, which they used as a meetinghouse. Patuone's numerous whanau had already moved from what is now the Alison Park area, before it was reclaimed, to the Takapuna area.

On 9 July 1863, prior to what the Waitangi Tribunal describes as the invasion of Maori land in the Waikato, local Maori in the Auckland area came under a curfew restricting their movements at night. They were also ordered to swear an oath of allegiance to the Queen, hand in any weapons, or depart for the Waikato. From 11 July 1863 there was a curfew introduced on Maori vessels and waka on the Waitemata and Manukau harbours outside the hours of daylight. Because of these restrictions, most of the 50 or so Maori still in the area left for the Waikato soon after, as did most Maori living in the Mangere area.

**The History pre European is complicated and not as straight forward as Ryman would have us believe.**

- “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 or on any issues of significance to Mana Whenua.”

**[http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10393584](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10393584)**

**“Thick winter fog smothers most of the city a few days earlier as Glen Tupuhi and whanau gather at the crater rim of Maungawhau for a karakia. They are Ngāti Paoa and sick and tired of hearing only the name Ngāti Whātua associated with Auckland ....”**

**“Our footprints are all over this whenua says Tupuhi, looking across the shrouded city to the summit of North head.”**

- “It should be noted that archaeological survey techniques (in this instance based on visual inspection) cannot necessarily identify all subsurface archaeological features, or detect wahi tapu and other sites of traditional significance to Maori, especially where these have no physical remains.”

**I ask the council to preserve this archaeological site and do not allow major earth works.**

## **European settlement and the Duder Brickworks**

**European settlement and the Duder Brickworks are well documented**

**by Paul Titchner “Bricks Helped Build Borough”, Beginnings, Vol.3 p.11**

**“The Duder Bros Pottery Brick and Tile works at Ngataranga Bay was a major employer in Devonport in the 1890s through to the 1920s. The clay was dug on site to produce ornamental and common bricks, sanitary pipes, chimney heads and tiles for bakers’ ovens. Coal used in production was brought in the company’s cutter and unloaded at their wharf at the end of Church Street. A canal dug out of the Ngataranga Bay mud enabled the bricks to be loaded directly on to scows for delivery anywhere on the Waitemata.”**

**The Duder Brickworks has been evaluated according to the relevant statutory criteria and has been scheduled for protection on the District Plan (ID 1795) and PAUP (ID 831) as a Category B place of historic heritage significance. Known heritage values are identified as A (historical) and D (Knowledge).**

- “It should be noted that archaeological survey techniques (in this instance based on visual inspection) cannot necessarily identify all subsurface archaeological features....”

**I ask the council to preserve this archaeological site and do not allow major earth works.**

## **Reclamation of Ngataranga Bay**

Until the mid-19th century, Devonport was connected with the rest of the North Shore by a causeway between Ngataranga Bay and the Hauraki Gulf. This causeway gave the appearance of a "narrow neck". On the eastern side of this strip of land is the Narrow Neck beach, on the western side there was an extensive mangrove swamp.

The mangrove swamp where Ngataranga Bay reached Narrow Neck was reclaimed from the late 1870s to form the race course – now the golf club and Woodall Park. This reclamation enabled Lake Road to be built, thereby affording a more direct route north. Reclamation has taken place on the Stanley Point side of Ngataranga Bay - much of it by the Navy –

The Biggest threat to Ngataranga Bay was In 1968 By Robbins holdings Holdings to build a marina complex in Ngataranga Bay. The story goes back to 1964 when a council decision to site a rubbish tip at Ngataranga Bay caused citizens to react adversely. On 24 September 1968 the Auckland Harbour Board approved a joint venture of 1.5 million with Devonport Borough Council to reclaim Ngataranga Bay for a marina-type residential subdivision The resulting proposal approved by the Auckland Harbour Board and supported by the Auckland Regional Authority in 1969. The development was to reclaim 24 acres in July 1969 a \$5 million marina was approved with 370 sections, each of one-fifth of an acre, a jetty, and water access for each

The Ngataranga Bay Protection Society was formed and successfully fought the proposal. In 1971 fierce public opposition voted out the "old guard" on Council, and the decision was reversed by the incoming Council. The subsequent compensation paid by Council to the developer raised Devonport's rates for many years.

<http://www.vdig.net/hansard/content.jsp?id=12700>

"At times the debate was a bitter wrangle that divided the community,

"Finally, in May 1980 Ngataranga Bay compensation was set at \$750,000. As far back as November 1980 the council decided to call for the repeal of the Auckland Harbour Board and Devonport Borough Council (Ngataranga Bay) Empowering Act. In December 1980 the Auckland Regional Authority refused to help the council with the payment of compensation. In January 1981 the Auckland Harbour Board refused to help the council with those payments. So we come to the Bill seeking the repeal of the Act. The story is a sorry one, and I believe that as it is now history there is no point in recriminations about what has happened." Hon. G. F. GAIR (North Shore) September 06, 1989 Hansard

<http://www.vdig.net/hansard/content.jsp?id=12701>

**"Auckland Harbour was to be properly protected the environmental features had to be looked after. Many people realised that mudflats, mangroves, and the wildlife that lived in them, including one or two seagulls, were worth protecting, and that Parliament's decision to go ahead with the scheme was wrong. However, the member for North Shore was correct in one aspect that he pointed out—that is, that members ought to guard against developers who come with flashy presentations and with the latest state-of-the-art aids to take them out to show them great displays. Members should not be carried away with that kind of thing. Instead, they should look to see what is in the public interest". Hon. RICHARD PREBBLE September 06, 1989 Hansard**

**"I tell the member for North Shore, and other members, that it is our duty as a Parliament to consider the public interest. This was a Bill that was really in the private interests of a developer; it was not in the interests of the people of Auckland. I thought that the speech made by the member for North Shore, given his history, was fairly gracious. It is good to realise that, as the local member, he is finally prepared to recognise that the small section of the public that was wise enough to oppose the Ngataranga Bay scheme in 1970 was correct." Hon. RICHARD PREBBLE September 06, 1989 Hansard**

**Hon. RICHARD PREBBLE:" What does the member for North Shore want to do? He wanted to redevelop the area. He wanted all the old buildings to be pulled down because they were old, and he wanted it rebuilt in a tacky Takapuna style. That might help to explain the comments made by the father of the member for North Shore that that member does not win many polling booths in Devonport because the people like Devonport the way it is. They do not want it the way the member for North Shore and his wealthy mates want it to be redeveloped. It is fortunate that he failed in that idea."**

**"The real reason is that the scheme was wrong."**

**"I am confident that Devonport will remain the way it is."**

**To Many of us that lived here in the 1980's and had pay in our rates to save Ngataranga Bay. We ask that let us enjoy our retirement here in our own homes looking at the bay we have saved so many times. Let us retire without having to fight for the bay every time a developer gets a good idea to make money and do what they think good for us.**

**Let us enjoy the quietness of the Bay without 40 months of building noise and traffic**

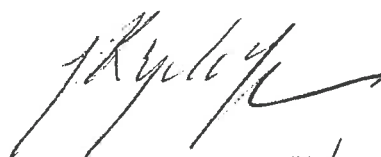
**As a council it is up to you to set the rules that will protect us and then enforce them.**

**I object strongly to any dispensation on this site.**

**I ask that Rymans go back to the drawing board and give us something we want to live in and next for the next 100 years. They want to build next to our homes that have been here for 100 years and Ngataranga Bay that we have paid and worked to save for future generations.**

**Jacqueline Goldingham**

**7 Bulwer street Devonport**

  
11/10/2016

**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - 7-37 Ngataringa Road, Devonport  
**Date:** Thursday, 13 October 2016 2:54:39 p.m.

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**Joan Bartley | Resource Consent Administrator**  
**Northern Resource Consenting**  
Ph 09 301 0101 | Extn (43) 8240  
Auckland Council, Level 1, 1 The Strand, Takapuna  
**Visit our website:** [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

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**From:** Auckland Council [<mailto:donotreply@aucklandcouncil.uq.co.nz>]  
**Sent:** Thursday, 13 October 2016 1:28 p.m.  
**To:** Takapuna RC Submissions  
**Subject:** Resource Consent submission for North Shore - 7-37 Ngataringa Road, Devonport

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 If you have any queries about this request, please hit 'reply' to email us  back, or send an email to [TakapunaRCSubmissions@aucklandcouncil.govt.nz](mailto:TakapunaRCSubmissions@aucklandcouncil.govt.nz)

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#### 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Limited

**Who proposes to (description of application from public notice):**  
Retirement Village

#### **APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:**

**Street number and name:** 7-37 Ngataringa Road

**Suburb:** Devonport

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204 & REG-2142205

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

---

#### 2. CONTACT DETAILS:

**Full name:** Hamish Michael Grotrian

**I am a:** Property owner

**Street number, name and suburb of the property, you are acting on behalf of:** 76 Victoria Road, Devonport

**Business phone:** 021377484

**Home phone:** 2148647

**Mobile phone:** 021 377 484

**Email address:** [hamish@pavilionarchitecture.co](mailto:hamish@pavilionarchitecture.co)

**Address for correspondence:** PO Box 32089, Devonport, Auckland, 0744

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### 3. SUBMISSION DETAILS:

**I/we:** Neutral regarding the application

**specify aspects of the above application you are submitting on:** 1. Design quality and built outcomes 2. Meeting District Plan & PAUP compliance 3. Terminology - use of the phase "Village" and design response to "Community".

**The reasons for my/our submission are:** Refer Attachment 1

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** 1. I support the proposed development on this site to meet compliance with the District Plan & PAUP. 2. Review of the proposed design - Better design in context to the local environment and community. 3. Engage with the local community and their representatives for a better design outcome. 4. If the proposed development is to exceed the provisions set by Council, the Developer must contribute significantly to the further well-being of the existing local community as a positive outcome.

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:** [Attachment 1\\_Hamish Grotrian\\_Submission\\_RC\\_Ryman.pdf](#)

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101



**Attachment 1****SUBMISSION – PUBLIC NOTIFICATION****REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204 & REG-2142205**

**Ryman Healthcare**  
**Resource Consent application**  
**Ngataranga Road,**  
**Wakakura Crescent,**  
**Devonport**

**Mr Hamish Grotrian**

<b>Local Resident</b>	76 Victoria Rd, Devonport
<b>Local Business Operator</b>	Studio 2, 12 Wynyard St, Devonport
<b>Local Design Professional</b>	Pavilion Architecture Ltd.

**Reasons for my submission:**

1. Proposed development exceeds compliance with District Plan & PAUP.
2. Proposed development lacks diversity of use and community amenity.
3. Proposed development lacks diversity in architectural aesthetic.
4. Proposed development disrupts and breeches the esplanade and public foreshore access, causing separation and isolating local communities.
5. Proposed development shows lack of "community" interface with the surrounding neighbourhoods.
6. Proposed development is referred to as a "Village" but in line with the current design proposal would be more appropriately described as a "Private Gated Facility - where people go to die".
7. Excessive bulk and scale of the proposed structures – Visual Amenity is severely affected.
8. Spatial relationships and landscape design lack principles of good design for health and well-being through indoor/outdoor activity.
9. Site heritage and cultural landscape is ignored.
10. Who are the designers for this proposal and what engagement have they had with the local community to date?
11. Opportunity for the applicant and the local community to create a visionary and forward-thinking environmental and sustainable design together, as an exemplar for this genre of urban/suburban development, for the future in Auckland's growing residential market.

**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - 7-37 Ngataranga Road and 1-88 Wakakura Crescent, Devonport  
**Date:** Thursday, 13 October 2016 2:54:53 p.m.

---

**Joan Bartley | Resource Consent Administrator**

**Northern Resource Consenting**

Ph 09 301 0101 | Extn (43) 8240

Auckland Council, Level 1, 1 The Strand, Takapuna

Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

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**From:** Auckland Council [mailto:donotreply@aucklandcouncil.uq.co.nz]



**Sent:** Thursday, 13 October 2016 1:31 p.m.

**To:** Takapuna RC Submissions

**Subject:** Resource Consent submission for North Shore - 7-37 Ngataranga Road and 1-88 Wakakura Crescent, Devonport

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## 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Limited

**Who proposes to (description of application from public notice):**

The construction and operation of a retirement village. Overall, the applications are assessed together as a non-complying activity.

### APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:

**Street number and name:** 7-37 Ngataranga Road and 1-88 Wakakura Crescent

**Suburb:** Devonport

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142205

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

---

## 2. CONTACT DETAILS:

**Full name:** Petra Heemskerk



I am a: Property owner

**Street number, name and suburb of the property, you are acting on behalf of:** 1/28 Ngataringa Road, Devonport

**Home phone:** 09-4452036

**Mobile phone:** 021 299 3238

**Email address:** [p\\_heemskerk@yahoo.co.uk](mailto:p_heemskerk@yahoo.co.uk)

**Address for correspondence:** 1/28 Ngataringa Road, Devonport, Auckland, 0624

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### 3. SUBMISSION DETAILS:

**I/we:** Oppose

**specify aspects of the above application you are submitting on:**

Lack of consultation, Coastal Reserve and public access, Size, Scale and Visual impact, Off Site Effects, including traffic on Lake Road, Heritage and Community importance, Landscape and Ecology

**The reasons for my/our submission are:** See attached.

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** That Auckland Council reject the application.

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:** [Rymansubpoints.pdf](#)

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101



**The reasons for my submission are:**

**1. Lack of consultation**

Ryman argue that because the effects (in their opinion) are minor that there was no need to consult with the community. The effects are not minor. This is a major project which will significantly disrupt the community in which it will be located. No attempts have been made by Ryman to consult with the community on any aspect of the development despite attempts by locals to engage.

I argue that there are potentially significant (and certainly much more than minor) effects – especially around bulk and location. Construction noise and vibration, construction and operational traffic on Lake Road and earthworks (dust management), none of which have been specifically addressed.

**2. Coastal reserve and Public access**

Ryman does not provide the marginal strip as defined by the Reserves Act (referred to in the Resource Consent Application as an 'esplanade'). The 20m wide coastal strip should be incorporated into the Ryman proposal to provide public access around the coastal edge and could link into the public network of walkways as indicated in the Devonport Takapuna Greenways Plan, as was recommended by the Auckland Urban Design Panel in their assessment of Ryman's identical application of november 2015.

**3. Building location, heights and bulk will have a significant adverse impact on residents and on the amenity of the area.**

The buildings are large institutional in design and do not integrate in or make any reference to the predominant style of dwellings in the area. The heights significantly exceed maximum permitted heights and will obstruct views of the volcanic cones. Ryman's application argues that the effects of 'over height' will be no more than minor. The Recommendations of the Auckland Urban Design Panel in relation to an identical application in 2015 identified that significant enhancement could be achieved in respect of the following matters relating to views and amenity. They need to be specifically taken into account by the hearing Panel for this application.

**Interface with Ngataranga Road**

The complex is 'closed off' from the neighbourhood by a fence and has no relation in style and design to the surrounding properties, not does it allow easy access for the local community.

**Bulk and scale**

The proposed development is too bulky for the location and exceeds the height limits along all elevations.

**Spatial relationship**

The length of two of the buildings is concerning and creates a monolithic look and feel. The air circulation between the buildings is poor.

**Landscape strategy and open space**

The outdoor spaces appear to have been planned without regard to the prevailing wind or sun exposure. In fact, most apartments appear to be south facing.

**4. Off-site Effects**

Traffic on Lake Road, storm-water, noise, dust and earthwork impacts must be given weight by hearing commissioners. Lake Road traffic in particular is of major concern. The studies included by Ryman are too old to be of any value to assess the current situation.

Construction traffic during building will add significantly to an already severely congested road, parking on site will not be sufficient and will spill into neighbouring streets. Once

completed there will be a significant increase in traffic from staff, Ryman residents, services and visitors.

#### **5. Heritage and Community Importance**

This area is linked historically to Devonport as Ngataranga Bay and Wakakura Crescent form a gateway to Devonport. This relationship is further linked by their close proximity to the Lake Road Memorial Drive. This site is also recognised for its historic significance and any future developments must take into consideration protection for this historic area and the related archaeological evidence of earlier settlements.

Wakakura Crescent used to be the site of the brickworks established by the Duder brothers in 1875 and it is a site of significant historical value. Any development must ensure the historical value is protected and that the archeology that remains is protected wherever possible.

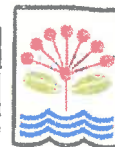
#### **7. Landscape and Ecology**

The landscape and ecological values are addressed in the Residential 4 Zone, Policy 10.

The ecological and community importance of the Ngataranga and Shoal Bay areas as feeding and breeding grounds for the threatened New Zealand species Wrybill and Dotterel wading birds has been established. As residents we raise this issue as it appears to be an example of local knowledge which has not been realised at Council level. The protection of the natural environment is a matter that must be addressed.

# Submission on Resource Consent Application

**Auckland Council**  
Te Kaunihera o Tāmaki Makaurau



**RECEIVED**  
**13 OCT 2016**  
BY: \_\_\_\_\_

## 1.0 SUBMITTER DETAILS

Name of submitter(s)  
(please write all names in full)

Keith Humphreys

Physical Address:

81-A Ngataranga Rd, Devonport

Postcode: 0624

Address for service: (if different)

Postcode:

Telephone (day):

09 446-0916

Mobile:

-

Fax:

09-446-0916

Email:

wensum@ihug.co.nz

## 2.0 APPLICATION DETAILS

Application Number:

REG 2142199 LN 2142200 REG 2142201 REG 2142202  
REG 2142203 REG 2142204 REG 2142205

Name of applicant:  
(please write all names in full)

Ryman Healthcare Limited

Address of proposed activity:

7-37 Ngataranga Rd &  
1-88 Wakakura Crescent, Devonport

Postcode: 0624

Description of proposed activity:

The construction and operation of a retirement village  
Overall, the applications are assessed together as  
a non-complying activity

## 3.0 SUBMISSION DETAILS

My/our submission: (please tick one)

☐ Supports the Application

☒ Opposes the Application

☐ Neutral regarding the Application

The specific parts of the application to which my/our submission relates to are: (use additional pages if required.)

The operative plans 8 metre maximum height grossly exceeded.

3.0 SUBMISSION DETAILS contd

The reasons for my/our submission are: (use additional pages if required.)

see attachment


The decision I/we would like the Council to make is (including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought):

Restrict the proposed development to the current 8 metre maximum height

4.0 SUBMISSION AT THE HEARING

- ☒ I/we wish to speak in support of my/our submission.
- ☐ I/we do not wish to speak in support of my/our submission.
- ☒ If others make a similar submission, I/we will consider presenting a joint case with them at the hearing.

Signature of submitter(s) or agent of submitter(s)



Date: 5-10-16

Date:

Date:

IMPORTANT INFORMATION

The Council must receive this submission before the date and time indicated. A copy of this submission must also be given as soon as reasonably practicable to the applicant at the applicant's address for service.

All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind as to whether you wish to attend the hearing, please phone the Council so that the necessary arrangements can be made.

PRIVACY INFORMATION

The information you have provided on this form is required so that your submission can be processed under the RMA, so that statistics can be collected by the Council. The information will be stored on a public register, and held by the Council. The details may also be made available to the public on the Council's website. These details are collected to inform the general public and community groups about all consents which have been issued through the Council. If you would like to request access to, or correction of your details, please contact the Council.

## COMPLICITY AND BLATANT RACISM BY COUNCIL PLANNERS:

I have no problem with government giving blocks of under-valued land to Ngati Whatua as part of a treaty settlement, but when Auckland Council Planners put a new zoning in the Proposed Unitary Plan (Precinct Overlay) exclusive to these blocks of land, apparently to enable the iwi to maximise their investment, to the disadvantage of all those who live in the immediate vicinity, it can only be viewed as complicity and racism at its worst.

Many people have objected to this zoning in the unitary plan, but the process of objecting is so cumbersome that the objectors lose complete track of what is happening to their objection and whether or not they can be heard, by the volume of information sent by email, couched in a language and terms hard for lay people to comprehend.

Further, my suspicious mind sees three recent Council decisions/activities as being designed to further enhance the Ryman proposal and therefore demonstrating further complicity;

A deep groundwater interception drain has recently been installed adjacent to the road channel along the site's boundary, presumably to reduce water flow across the property.

The adjacent sewage pumping station in Lake Road has been upgraded.

The Lake Road improvements which were on the back burner and a long way off happening, were suddenly brought forward to the top of the list.

## ARROGANCE OF BIG BUSINESS

There is no doubt in my mind that Ryman Healthcare assumed that their proposed retirement village would get a smooth path through the planning process, probably engendered by advice given by their own planners and Councils planners too.

That there were objections to this when discovered and that it is now being advertised indicates that their confidence was misplaced.

Ryman Healthcare is in the business of farming old people for maximum profit and to this end they need to get the most number of units on any given site for efficiency and profitability. The Ngati Whatua are also in the business of maximising the return on their investments.

In my cynicism, I am convinced that this first, appalling, out of scale proposal is intended to soften us up for a slightly lesser proposal, so that at the end of the process when they fall back on the lesser proposal, we will all be delighted and pat ourselves on the back for effecting such a change, when the end result will still be too monstrous for the location.

To propose a development such as this on water's edge site surrounded by single storeyed dwellings, mostly pre-war, is totally inappropriate in scale and considering the impact that it will have on those properties, appalling to contemplate.

## INADEQUATE INFRASTRUCTURE ALREADY STRETCHED TO THE LIMIT

As is well known, Lake Road is already considered one of Auckland's most congested roads, and the additional traffic created by this proposal during construction and when in business, with staff, occupant and visitor traffic can only make the congestion issue even less tolerable.

Despite the various proposals for Lake Road and the comings and goings of its place on the "to do" list, there is no actual effective plan to deal with the problem.

The intensification of the other Ngati Whatua blocks of land with the precinct overlay zoning, together with the large state house areas also being intensified, all accessed by Lake Road, will only make the situation considerably worse than it already is.

One thing that Lake Road does not need is another set of traffic lights!

There is a certain inevitability about this, should the project go ahead: Firstly the inmates of the retirement village will want to cross Lake Road to access Narrow Neck Beach and the golf course.

This will almost certainly result in yet another pedestrian crossing controlled by traffic lights.

Secondly, already it is not unusual to find traffic backed up to beyond the end of Ngataranga Road at any time of the day and one is very reliant on the good nature of queuing motorists to get out. Further, many people from the adjoining streets exit at Ngataranga Road because of the better sight lines.

With the additional traffic generated by the Ryman project, it's not too hard to envisage a set of traffic lights to allow cars to join the mainstream of Lake Road.

This would be even more disastrous to the traffic flow.

Also, despite the fact that the pumping station in Lake road, opposite the subject property has recently been upgraded, the fact is that most of Devonport's trunk sewers are ancient and never intended to carry the current loads, let alone the additional loads a project such as this will impose on the system

#### VIEW CORRIDORS TO VOLCANIC CONES

Ngataranga Road is one of Devonport's hidden secrets. When you crest the rise at the beginning of the road there are magnificent views of the city. It also enjoys a beautiful view of the Harbour Bridge when you drive down its lower half.

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When we return from a holiday there is always a feeling of "this is heaven" when we turn into Ngataranga Road (having endured the Lake Road traffic to get there)

#### IMPACT ON NEIGHBOURHOOD

The site is a historic one, originally having a large brickworks on it and there is evidence of this in the bush walk below.

It is a waters edge site, and to put a high density multi storeyed development on it is totally inappropriate, and once it is there, the valuable amenity will be lost forever.

It is also south facing and exposed to the prevailing westerlies, also exposed to the more severe easterlies and totally exposed to the occasional cold southerly. I speak from experience as our property has the same orientation in Ngataranga Road.

As a location for a retirement village it is quite unsuitable.

The proposed multi storyed development is completely out of scale with the surrounding environment and should be restricted to 8 metre maximum height of the operative plans 4B zoning as is imposed on the surrounding areas.

I am surprised that the whole of Devonport is not up in arms about this proposal as they have been in the past when the multi-storeyed Devon Park was constructed, stopping any further similar development, and when Robins Holdings proposed a Marine subdivision, which was squashed at some cost to the community, and when the super city was planned and everyone had "Independent Devonport" flags and banners on their houses? (It may prove that they are?)

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In fact it is a factory, processing people through the last stages of their life cycle.

Keith Humphreys



## RYMAN HEALTHCARE OBJECTION



View of the city as one crests Ngataringa Road on the way in



View of the harbour bridge at the end of the road



## RYMAN HEALTHCARE OBJECTION



View of the volcanic cones as one crests Ngataringa Road on the way out

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Bill Rayner

Edit Profile

Devonport Heritage

1

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Maunganui Heritage...

5

Shops

PAGES

Devonport Heritage

1

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20+

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Create Page

GROUPS

Rayner Family

Devonport Locals F...

20+

North Shore, NZ Hi...

20+

Wynyard Family

1

Devonport People (...)

2

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Create Group

FRIENDS

Hamburg-Sued/Col...

APPS

Live Video

Games

2

On This Day

Suggest Edits

Photos

Games Feed

20+

INTERESTS

Pages and Public ...

EVENTS

Create Event

Ngataringa Bay Retirement Village Development

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Keith Humphreys

2 hrs

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ADD MEMBERS

Enter name or email address...

MEMBERS

213 Members

DESCRIPTION

This group is to discuss and inform c proposed devel... See More

GROUP TYPE

Neighbors

CREATE NEW GROUPS

Groups make it easier than ever to share with friends, family and teammates.

UPCOMING GROUP EVENTS

Have Your Say on Ngataringa Bay

October 9 - October 9

Auckland Council

Hosted by ian Rea

Duck Pond Event afternoon

Sunday at 1 PM

corner of lake rd an Seabreeze

Hosted by Lucy Bu

RECENT GROUP PHOTOS

CREATE NEW GROUPS

Friends Who Like Team George Wood

Therese Hoani

Stephen Maire

Sally Hughes

Sharon Stewart

Rawinia Matthews

Maxine Boag

Sarah Nilson

Tofik Mamedov

Swain McMullan Wh...

7m

Anne-Marie Coury

11h

George Wood

1h

Raywyn Tutt Rayner

1h

Maria Momint

50m

Gavin Busch

18m

Mimi Dibert Rayner

5h

Jan O'Connor

1h

Cathy Casey

48m

Penny Hulise

5m

Mike Lee

5m

Hilary Chan

2h

Christine Prince

1m

https://www.facebook.com/groups/564334713752926/permalink/570224946497236/

Page 1 of 3

1714

S26

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The University of  
Auckland Friends

#### SUGGESTED GROUPS



Bike Shore  
3 friends · 20 members



Pay It Forward - North  
Shore  
6 friends · 9,295 members



Browns Bay, North Shore,  
NZ  
10 friends · 4,786 members

#### BUY AND SELL GROUPS NEAR YOU



Mount Roskill Buy Sell and  
Trade  
2 friends · 2,226 members



AUCKLAND FLATS / HOUSES  
FLATMATES ROOMS &  
BOARDING...  
0 friends · 42,173 members



AUCKLAND DEALSSSSS  
2 friends · 35,193 members



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Like Comment Share

You, Lyndsay Brock, Jean Day and 13 others

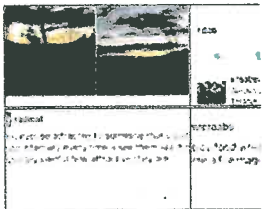
Seen by 71

2 shares

10 Comments

- Jerome Jeremy** Well written words Keith, its a fait accompli by this council and another bulldozer type action that only a earthquake or volcano eruption can prevent  
Like · Reply · 1 hr
- Paul Jervie** Well said Keith  
What does **Chris Darby** think of this.  
And I did vote for u Chris... See More  
Like · Reply · 1 hr
- Nevena Nikolic** Way to go Keith! Will make sure all of these concerns are in my submission too... and way too big for sure! We are calling them Ryman WEALTHcare 'cause that about sums it up.. a few shareholders getting rich.  
Like · Reply · 1 hr
- Ian Ferguson** Awesome **Keith Humphreys** you have addressed the interests of the residents and exposed the development for what it is.  
Like · Reply · 1 hr
- Jean Day** Thank you Keith for such a clear and well written post. I hope it will get shared by many readers.  
Like · Reply · 1 hr
- Nicholas Philp** Outstanding Keith. Thank you.  
Like · Reply · 55 mins
- Paul Burge** With reference to the Alan Wood article in Stuff 21st August 2014 below I seek a resolution with Ryman whereby they profit somewhat less by recognising the unique environmental aspects of the "Ngataranga Retirement Village" site and tailor fewer less ... See More  
Like · Reply · 54 mins
- Paul Burge** Ryman Healthcare wins praise  
ALAN WOOD  
Last updated 10:33 21/08/2014... See More  
Like · Reply · 52 mins
- Mel Ryans** Well written  
Like · Reply · 26 mins
- Gustav Scholtz** Totally agree about your main point. But it is flawed logic to link all actions by Council that appear related (eg. stormwater upgrade). That the council is favouring the developer and has abrogated its responsibility for good planning is pretty obvi... See More  
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- Write a comment...

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NORTH SHORE'S MONTHLY MAGAZINE

# Channel

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NORTH SHORE HISTORY with David Verran

## Devonport in the 1970's & 1980's

The controversy over the proposed marina at Ngataranga Bay in the late 1960s and into the 1970s was a turning point in the story of Devonport and its future direction. Briefly, on 24 September 1968 the Devonport Borough Council and the Auckland Harbour Board agreed on a joint venture to construct a residential marina in the Bay between Dunders and Stanley Points. In July 1969, the Auckland Harbour Board then approved a plan for reclaiming 146 acres of seabed to allow for 370 luxury residential sections each with jetties and water access. There was also to be a public marina and boat ramps, and the total area to be involved was 244 acres including navigable waterways.

This also gained the approval of the Auckland Regional Authority and from 1968 to 1970 a Ngataranga Bay empowering Bill slowly made its way through Parliament. The access road was to be via an extension of Victoria Road, next to the current Ngataranga Park.

Nevertheless, public opposition was growing, noticeable following the 1971 local elections and the arrival into Council politics of Mike Pritchard and Jim Titchener (later Mayor from 1980 to 1989), along with the rise of the Devonport Planning Association. Nevertheless, in February 1973 the Council voted 8.2 in favour of reclaiming the Bay and in July 1974 approved a draft plan for the Marina.

Supporters of the Marina said the addition of new housing would increase the rating base of the Borough, as the Borough had lost 1,000 residents in the last 10 years. They also believed the Marina would have no adverse effect on the tides and marine life and local residents would benefit from an additional 6 acres of reserve and 2 kilometres of new beaches. Opponents pointed to what they saw as a negative environmental impact from the reclamation.

Heated debate continued and a new Council was elected at the 1974 local elections, which took a much more sceptical view of the Ngataranga Bay scheme. In April 1975, the Commission for the Environment concluded that the planned reclamation wasn't desirable and recommended that it not be approved by the Devonport Borough Council. Soon after, the Council formally



- Get Playing!
- Thinking about... Marriage,...
- Make May Magic for Mum!
- A Boys' Weekend
- Cam Calkoen: Bending...
- Thinking about... Takapuna and...
- Shine in Shore Style this Season...
- Getting To Know the...
- Industrial Evolution
- Guidelines on the use of casual...



## Eating Out on the Shore

Feature Restaurant: Talay Thai - A True Taste of Thailand

Meaning 'the sea' in Thai, Talay is the fitting name chosen by Peter and Nong Sharp for their beautiful business, given the Shore seaside suburb where it is based, and, the superb...read more>>



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withdrew its approval.

During the controversy, there had been increasing concern about public access to Council information surrounding the project and this necessitated a further re-think in how the Council related to its residents and ratepayers. The result was a more open style of local government in Devonport from then on.

Inevitably, the developers sought compensation. In early June 1978 the New Zealand Supreme Court ruled the Council had breached its contractual arrangements with the developers by not allowing the project to go through. Further, there were the matters of the developers' losses of potential profits, their loss of rights and opportunities, and costs of development that they had already incurred. In April 1979 the Council lost its appeal and in May 1979 contemplated going to the British Privy Council. However, in May 1980 it was reported that the Council and the developers had now settled, with payments made to the developers between April 1980 and September 1983. The original empowering Act was later repealed in 1989.

Devonport became a Nuclear Free Zone on 17 March 1981 and into the 1980s the Council was renowned for its support for local democracy, conservation, re-cycling and heritage architecture values. The lead up to the creation of the new North Shore City in 1989, and the end of the Devonport Borough Council, again saw Devonport residents rise up in anger at the possibility of losing those hard fought for values within the new Council.

David Verran.

by David Verran



## articles by David Verran

Lest we forget Local street...

Lake Pupuke's Drinking Water

Early aviation on the North Shore

The East Coast Bays from the...

The East Coast Bays in the 1950's

They Bays - Castor, Campbells,...

Edwin Harrow; the local...

Lest we forget Local street...

Early aviation on the North...

Takapuna and the Bays in 1930...

Thomas and Mary Poynton

Narrow Neck Military Camp and...

'Lochaber' and surrounding land...

The North Head Volunteer Corps...

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**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - 7-37 Ngataringa Road and 1-88 Wakakura Cresc., Devonport  
**Date:** Thursday, 13 October 2016 2:55:53 p.m.

---



**Joan Bartley | Resource Consent Administrator**  
**Northern Resource Consenting**  
Ph 09 301 0101 | Extn (43) 8240  
Auckland Council, Level 1, 1 The Strand, Takapuna  
**Visit our website:** [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

---

**From:** Auckland Council [<mailto:donotreply@aucklandcouncil.uq.co.nz>]  
**Sent:** Thursday, 13 October 2016 1:58 p.m.  
**To:** Takapuna RC Submissions  
**Subject:** Resource Consent submission for North Shore - 7-37 Ngataringa Road and 1-88 Wakakura Cresc., Devonport

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 If you have any queries about this request, please hit 'reply' to email us  back, or send an email to [TakapunaRCSubmissions@aucklandcouncil.govt.nz](mailto:TakapunaRCSubmissions@aucklandcouncil.govt.nz)

---

## 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Ltd

**Who proposes to (description of application from public notice):**

The construction and operation of a retirement village. Overall the applications are assessed together as a non-complying activity.

### APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:

**Street number and name:** 7-37 Ngataringa Road and 1-88 Wakakura Cresc.

**Suburb:** Devonport

**Application number:** LN-214220

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

---

## 2. CONTACT DETAILS:

**Full name:** Graham Leonard Pettersen

**I am a:** Property owner

**Street number, name and suburb of the property, you are acting on behalf of:** 17 Wicklow Road Narrow Neck

**Home phone:** 4457481

**Email address:** [valhowell@xtra.co.nz](mailto:valhowell@xtra.co.nz)

**Address for correspondence:** 17 Wicklow Road, Narrow Neck, Auckland, 0622

---

### 3. SUBMISSION DETAILS:

**I/we:** Oppose

**specify aspects of the above application you are submitting on:**

Size and scale of buildings, Impact on Lake Road traffic at the 3 intersections and causing congestion further up the peninsula, Effect on the marine environment, Disruption for 3 years.

**The reasons for my/our submission are:** The size and scale denigrates the area with the overheight and density. The amount of traffic in the construction stage will be intolerable- some 13354 return 7cu metre truck trips just for excavation and fill. Add to this all service and construction traffic. Fresh water discharge into the bay will be detrimental to the marine environment.

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** Ideally reject the application or at least reduce size and height commensurate with the locality and the character of Devonport.

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:**

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101





**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - 7-37 Ngataranga Road and 1-88 Wakakura Crescent, Devonport  
**Date:** Monday, 31 October 2016 8:59:13 a.m.

---

Here you go

**Joan Bartley | Resource Consent Administrator**  
**Northern Resource Consenting**  
Ph 09 301 0101 | Extn (43) 8240  
Auckland Council, Level 1, 1 The Strand, Takapuna  
**Visit our website:** [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

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**From:** Auckland Council [<mailto:donotreply@aucklandcouncil.uq.co.nz>]  
**Sent:** Thursday, 13 October 2016 4:40 a.m.  
**To:** Takapuna RC Submissions  
**Subject:** Resource Consent submission for North Shore - 7-37 Ngataranga Road and 1-88 Wakakura Crescent, Devonport

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**Who proposes to (description of application from public notice):**

The construction and operation of a retirement village. Overall, the applications are assessed together as a non-complying activity

#### **APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:**

**Street number and name:** 7-37 Ngataranga Road and 1-88 Wakakura Crescent

**Suburb:** Devonport

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204, REG2142205

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

---

#### 2. CONTACT DETAILS:

**Full name:** Iain Rea

I am a: Property owner

**Street number, name and suburb of the property, you are acting on behalf of:** 18 Ngataranga Road

**Business phone:** 3674771

**Home phone:** 4460389

**Mobile phone:** 027 568 5522

**Email address:** [iairea@gmail.com](mailto:iairea@gmail.com)

**Address for correspondence:** 18 Ngataranga Road, Devonport, Auckland, 0624

---

### 3. SUBMISSION DETAILS:

**I/we:** Oppose

**specify aspects of the above application you are submitting on:**

Incursion on the conservation estate. Building and site design.  
Community and amenity affects. Destruction of cultural and heritage sites. Lack of consultation

**The reasons for my/our submission are:** (as attached)

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** That Auckland Council reject the current application on the basis of this and other submissions.

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:** [Objection to notified Resource Consent application and AEE by Ryman Healthcare in September 2016 .pdf, 8 12 15\\_Ryman Retirement Devonport.pdf](#)

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# AUCKLAND URBAN DESIGN PANEL



## RECOMMENDATIONS

### Recommendations - Auckland Urban Design Panel

<b>Project:</b>	Ryman Retirement Village, Devonport
<b>Location:</b>	135 Albert Street, Level 14, Meeting Room 2
<b>Date:</b>	Tuesday 8 <sup>th</sup> December 2015
<b>Time:</b>	1.30 -5.00pm
<b>Members:</b>	Rachel de Lambert (chair), Pip Cheshire, Alistair Ray and Lucy Tukua
<b>Panel Advisor:</b>	Graeme Burgess
<b>Planner:</b>	Brooke Dales (consultant Planner) Quentin Budd (Resource Consent Project Manager)
<b>Urban Designer:</b>	Chris Butler

The panel thanks the applicant for their presentation and recognises the fact that the proposal has already been lodged limits the extent to which the applicant is minded to respond to the Panel's commentary. The Panel encourages the applicant in future proposals to engage early with the urban design process.

The Panel broadly supports the proposal but considers that significant enhancement could be achieved in respect of the following matters.

#### **Esplanade and public foreshore access**

The Panel is of the view that this project should secure and enable public access around the foreshore and that this should link into the public network of walkways as indicated in the Devonport Takapuna Greenways Plan. This also provides the opportunity to reveal and interpret much of the site's rich cultural heritage.

#### **Interface with Ngataranga Road**

The Panel appreciates the approach of retaining the Ngataranga Road vegetation and setting the buildings back from that frontage, however this reduces the connection of the village to the wider community. This lack of connection is exacerbated by the

site levels which put the communal areas well below the street level. The Panel considers the outdoor spaces to the north and south of the main communal areas in Building 01 to have poor amenity particularly in respect to light and year-round sunshine.

The Panel encourages the pedestrian linkage to the street to be strengthened and considers a footpath should be provided for the full length of this side of the street.

#### **Bulk and scale**

The Panel considers the design is successful in locating a high density residential development, which includes taller buildings, within a sensitive context with limited off-site effects.

Notwithstanding the above, the Panel considers greater attention should be given to all elevations, particularly to the south elevation, that includes stronger colour and / or material differentiation and a more articulated roof scape. The Panel would support limited additional height, internal to the site, to support achieving an improved skyline.

The Panel is not convinced that the identified view shafts between the buildings will be able to be perceived. Furthermore, due to the building setback the combined length of buildings B01 and 05 is significantly greater than would be expected. Further consideration should be given to strategies to break up the apparent continuity of the buildings.

#### **Spatial relationship**

The Panel is not convinced by the cross-site circulation between buildings and throughout the village. As a result the opportunity to create a coherent village concept has not been realised. The Panel urges the applicant to further develop a stronger, more legible, on grade pattern of circulation.

#### **Landscape strategy and open space**

The Panel is not convinced by the diagram of 'positive exterior spaces' on page 78 and considers that the external spaces should be reconsidered with greater regard to solar access, wind protection and the provision of a range of communal and more intimate outdoor spaces.

#### **Site Heritage / cultural landscape**

The site has a rich cultural heritage, from pre-contact, early colonial brickworks through naval use to mid-twentieth century architecture. The Panel considers this should be appropriately acknowledged to the betterment of the project and the wider community. In particular the Panel considers the presence of the last remaining Group House on the Lake Road part of the site to be of particular significance and would encourage its retention.

The Panel considers there is significant opportunity for the landscape strategy to acknowledge cultural heritage. This might include indigenous species planting to facilitate cultural harvest and related onsite activities.

The Panel encourages cultural integration through the appropriate use of Te Aranga Design Principles.

**Internal corridors and access to internal circulation**

The Panel considers further opportunities to daylight the ends of internal corridors should be explored.

### Consultation

I disagree with Ryman's assessment that "the potential effects of the proposed retirement village will be minimised and localised" and that for this reason, and that they claim to be "focussed on complying with the design standards in the District Plan and Auckland Unitary Plan", they do not consider wide consultation with the public is necessary.

The effect on the wider Devonport and North Shore peninsular will be more than minor. The increase in traffic volumes will affect every resident who uses the roads.

The Wakakura site, adjacent to Ngataranga Bay's northern shoreline sits in the middle of a natural amphitheatre looked at from the South by houses on Takarunga's (Mt Victoria) lower slopes and the north facing slopes from Calliope Road to Stanley Point and the southern slopes of Ngataranga Peninsula. Homes face each other across the bay and the common ground of Ngataranga Park.

The applicant proposes building an effective five and six storey wall for nearly two residential blocks that will destroy the relationship between a great many homes across the bay.

The fact the applicant has not recognised the wide and more than minor effects their proposal will have on the Devonport and Peninsula communities, and has elected not to undertake public consultation must make their claim that they are "committed to working productively with the communities in which its retirement villages are located," suspect.

### Protection and Setback from the coastal Marginal Strip

The southern boundary of the site is incorrectly marked in the applicant's proposal. In particular Ngataranga Rd - 07 Volume Two Appendices 19 11 15 - Part5 [Urban Design Review, Clinton Bird] 6.27 and Figure 123 is wrong.

The marginal strip along this piece of land (Lot 5 DP 20927) with a width of 20 metres was created on transfer of this Lot to Whai Rawa Property Holdings Ltd. under section 53 of the Ngāti Whātua Ōrākei Claims Settlement Act 2012. The marginal strip provisions applied under section 57(3) of the Settlement Act.

The marginal strip is administered by the Department pursuant to Part 4A of the Conservation Act 1987.

Accordingly, any building bordering the marginal strip must be set back.

### Amenity

The marginal strip contains many regenerating juvenile 6 to 10 metre Kauri, several very large mature Pohutukawa and much regenerating native bush that is a habitat for native

birds. The Tui population has increased markedly in the marginal strip and regenerating bush along the fringes of Ngataringa Park in the last five years.

The walk through the bush along the foreshore and marginal strip, past the remains of Duder's wharf and piles of bricks surrounded by Pohutukawa roots and views across water or long mudflats to the Auckland Harbour Bridge is a significant public amenity that should not be compromised by incursion or shadowing by development to the north.

Likewise the Devonport-Takapuna Green Route that rises up Ngataringa Road before turning up Regent Street; if you walk or cycle along the south side of Ngataringa Road from Lake Road, you get a unique and surprising view of the peninsular and its place in Tamaki Makau Rau. You can see part of Rangitoto, you see Maungauika (North Head), Takarunga (Mt Victoria), across the harbour you see Pukekawa and Auckland Museum, Maungakiekie (One Tree Hill), Maungawhau (Mt Eden), The Sky Tower and even a glimpse of a green field adjacent to Orakei Marae. There is a sense of place...and history...from the public space.

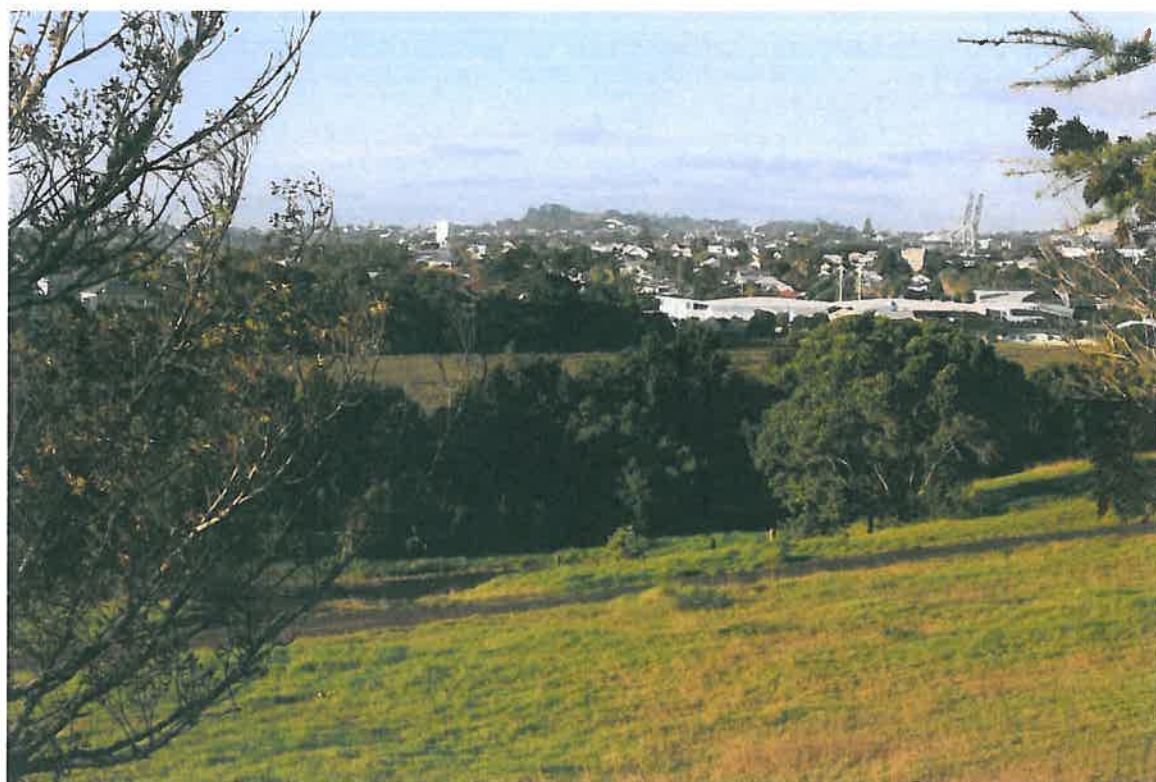


**Maungauika (North Head) from Ngataringa Road**





Takarunga (Mt Victoria) and peak of field adjacent to Orakei from Ngataringa Road



Titikōpuke (Mt St John) and Maungakiekie (One Tree Hill) from Ngataringa Road





Pukekawa, Auckland Museum and Maungawhau (Mt Eden) from Ngataringa Road



Auckland CBD and Sky Tower from Ngataringa Road

The applicant's proposal to construct monolithic multi-level structures, two-storey (to Ngataranga road -level) buildings, effectively overlapping for two blocks, will largely destroy this public amenity; views to the Maunga, the relation to the bay, mangroves, the tidal rhythm, the local Ngataranga park with a community garden, clay store community workshop, and soccer fields from the public space will be largely lost - an effect that is more than minor.

The Auckland Design Panel's review of the applicant's earlier, largely identical, 2015 application for resource consent for Ngataranga Road on a non-notified basis, (attached as appendix) said they were "not convinced that the identified view shafts between the buildings will be able to be perceived. Furthermore, due to the building setback the combined length of buildings B01 and 05 is significantly greater than would be expected. Further consideration should be given to strategies to break up the apparent continuity of the buildings". It appears, from the effectively identical plans subsequently proposed; the applicant has given no further consideration to these strategies. The yellow arrows added to the site plan to indicate the proposed view shafts only serve to hide the mature trees that would negate the view shafts' efficacy.

### Community

One of the best things about Devonport is its community. It's often described as a village, people know each other, they greet each other in the street, and residents generally feel they live in a safe environment.

The applicant's proposed development does not appear to embrace these characteristics of the community they hope to be part of. As the Urban Design Panel noted, that while they appreciated "the approach of retaining the Ngataranga Road vegetation and setting the buildings back from that frontage", "this reduces the connection of the [retirement] village to the wider community. This lack of connection is exacerbated by the site levels which put the communal areas well below street level".

The applicant has not proposed to put a footpath on the south side of Ngataranga Road as the Panel suggested. The development appears to turn its back to the public street and ghettoise it – an effect that is more than minor and not in keeping with the character of the Devonport community.

### Storm Water Runoff

It is unclear whether any consideration has been given by the applicant on the more than minor effect the increased storm water will have being discharged into Auckland Harbour's deepest silted bay. The ecological effects have not been fully evaluated.

### Destruction of Archaeological Site

I strongly object to the proposed destruction of the archaeological site of Ngataringa Brickworks, an action and effect that is more than minor.

### Destruction of a Group Architect house.

I'm saddened that the applicant has found no way to incorporate the last remaining Group Architects house on the site. For a company that states "it is one of New Zealand's leading providers of retirement living" (Mitchell, 2013) for our elders, it seems incongruous they think it necessary to destroy the recognised treasures our elders have left us.

### North Facing Service Corridors

If the applicant's aim is "to meet the needs of the elderly and to provide a wide range of amenities/facilities on-site that contribute to a quality environment", why do they proposed to have so many service corridors on the north faces of the buildings? Not only would it further isolate the elderly from the community they might be part of, it also reduces the benefits of sunlight for the elderly who may be more sedentary.

### Mass and Permeability

As the Urban Design Panel noted, due to the building setback the combined length of buildings B01 and 05 is significantly greater than would be expected. Further consideration should be given to strategies to break up the apparent continuity of the buildings". I note that another planned layout for the Ngataringa site contained in Ngataringa Rd - 04 Volume Two Appendices 19 11 15 - Part2 page 112 after the title "Conceptual Development Plans" could be optimistically read as an acknowledgement by the applicant that the perceived impact of mass, length and height could be addressed by other workings of the site concept.

### In Short

- My view is that the application for consent, as proposed, would generate significantly more than minor adverse environmental effects on the amenity values of the public areas on Ngataringa Road and Ngataringa Park.
- As proposed, it will generate more than minor adverse ecological effects on the Ngataringa Bay and marginal strip of rejuvenating to mature native bush and bird-life.
- And, it will have more than a minor effect on the whole community that the applicant wishes to be part of.

### Bibliography

Mitchell, A. (2013, May 30). Ryman Healthcare Submission on the Housing Accords and Special Housing Areas Bill 2013.

### Appendices

8 12 15\_Ryman Retirement Devonport (Auckland Urban Design Panel Review

**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - 7-37 Ngataranga Road, Narrow Neck  
**Date:** Friday, 14 October 2016 9:08:17 a.m.

---



**Joan Bartley | Resource Consent Administrator**  
**Northern Resource Consenting**  
 Ph 09 301 0101 | Extn (43) 8240  
 Auckland Council, Level 1, 1 The Strand, Takapuna  
**Visit our website:** [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

---

**From:** Auckland Council [mailto:donotreply@aucklandcouncil.uq.co.nz]  
**Sent:** Thursday, 13 October 2016 3:32 p.m.  
**To:** Takapuna RC Submissions  
**Subject:** Resource Consent submission for North Shore - 7-37 Ngataranga Road, Narrow Neck

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## 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Limited

**Who proposes to (description of application from public notice):**  
 The construction and operation of a retirement village

### APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:

**Street number and name:** 7-37 Ngataranga Road

**Suburb:** Narrow Neck

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204 & REG-2142205

**Applicant's email address:** [phil.mitchell@mitchellpartnerships.co.nz](mailto:phil.mitchell@mitchellpartnerships.co.nz)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

---

## 2. CONTACT DETAILS:

**Full name:** Geoff Richards

**I am a:** Property owner

**Street number, name and suburb of the property, you are acting on behalf of:** 32 Mozeley Avenue, Devonport, Auckland



**Business phone:** 09 446 0800

**Home phone:** 09 445 2477

**Mobile phone:** 021 684 937

**Email address:** [geoff@gra.net.nz](mailto:geoff@gra.net.nz)

**Address for correspondence:** 32 Mozeley  
Avenue, Devonport, Auckland, 0624

---

### 3. SUBMISSION DETAILS:

**I/we:** Oppose

**specify aspects of the above application you are submitting on:**  
Size, Scale + Visual Impact. Competing policy issues. Ngataranga Rd interface. Lake Rd traffic. Coastal Environment & Public Amenity & Statutory Requirements for an Esplanade Reserve. Stormwater & Water Demand. Heritage Site & Values.

**The reasons for my/our submission are:** See attached supporting document.

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** Decline the application in its present form.

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:** [Ryman Submission .pdf](#)

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101



Whilst we do not oppose re-development of the site per se, we **oppose** the application in its current form for the following reasons:

**Size, Scale & Visual Impact**

In our view the proposal represents over-development of the site, introducing a level of bulk and height that cannot be successfully integrated into its surrounding environment.

The proposed buildings are large with generally unrelieved bulk. Their repetitive and 'institutional' design and appearance comprise a form, bulk and materials that could relate to a commercial development such as an office park. No cues have been taken for the design from the surrounding built fabric. As such they do not integrate with the urban form and fabric of the predominantly single and two storey detached existing houses in the surrounding area.

To belong within a residential environment and become part of the neighbourhood there needs to be a strong and recognisable connection to the surrounding suburban fabric, however the scale and design of this development prevents it from being appropriately assimilated into its environment.

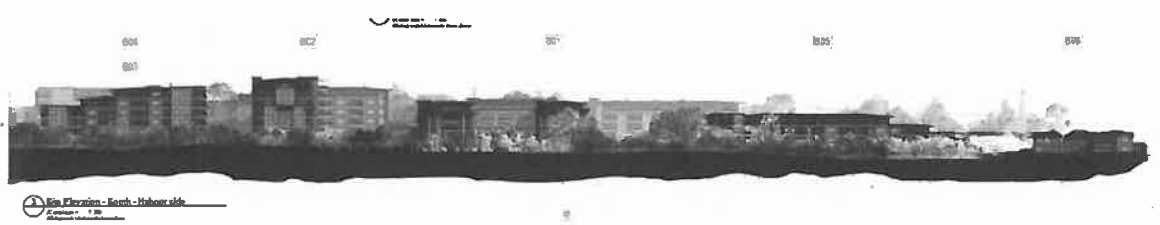
The proposed buildings infringe the maximum height controls of both the operative plan and (albeit to a much lesser degree) the PAUP Decisions Version (PAUP DV). There is no justification for infringing the maximum height controls of the PAUP DV given the significant increase in height these provide for over the previous height controls, which have guided the existing low level building form prevalent in the area.

Whilst some form of higher density living is accepted as reasonable on the site, in our view the amount of development and its physical form is inappropriate and does not sufficiently consider the wider visual effects the development will have on the surrounding area.

In this regard the proposal comprises a near continuous block of buildings spanning some 330 m, only punctuated by two gaps between Buildings 03/04 and Building 02 and between Building 02 and Building 01. This will have more than minor adverse visual effects from numerous public viewing points, best evidenced by the prominence of the southern elevation on drawing A0-070 and the visual simulations represented by photo montages, as replicated below.

These illustrate the degree to which the proposed development will introduce a new urban form and scale of buildings into its surrounding environment, creating a clear contrast. The view in VP03 in particular demonstrates the high degree of visual prominence the development will have with the 'village' being just as visible from this vantage point as Rangitoto Island.

**Figure 1: Replicated images form Ryman Healthcare Ltd drawings from A0-070, A2-023, A2-024 and A2-022**









### Competing Policy Issues

It is challenging to reconcile the development controls provided for the site by the Devonport Peninsula Sub-Precinct F of the PAUP DV with the H4 Residential - Mixed Housing Suburban Zone H4.2 and H4.3 Objectives and Policies. Specifically the proposal is clearly designed to mostly comply with the 1508.6 Standards particularly Height to Boundary, Setbacks, Site coverage and Maximum Heights with some height infringements, however the extent of the development and design of the buildings are in sharp contrast to the urban fabric of the adjoining existing residential area, as evidenced above.

Despite the provision for larger buildings within the Precincts, the 2nd of the objectives and policies of 1508.3 requires development within the precincts to avoid or mitigate wider visual and dominance effects. However, as stated above, a continuous block of buildings of spanning some 330 m, only punctuated by two gaps will have adverse visual effects from numerous public (and private) viewing points to the south). Consequently the proposal fails to satisfy the requirements of this objective and policy.

Notwithstanding this, the development also needs to be consistent with the relevant objectives and policies of the Residential – Mixed Housing Suburban Zone of the PAUP DV and the operative plan.

With regard to the wider impacts of the proposed development discussed above, for these reasons it is our view that the development in its current form does not satisfy Objective H4.2(2) and its supporting policy H4.3(2):

#### Objectives H4.2

- (2) *Development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached).*

#### Policies H4.3

- (2) *Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:*
- (a) limiting the height, bulk and form of development;*
  - (b) managing the design and appearance of multiple-unit residential development; and*
  - (c) requiring sufficient setbacks and landscaped areas.*

In the same vein, the proposal is more inconsistent with the equivalent objectives and policies of the Residential 4B zone of the operative plan.

### Ngataranga Road Interface

The connection to Ngataranga Road is driven by the understandable approach of retaining the significant existing vegetation along this frontage of the site and leaving the sloping land between it and the north facing walls of Buildings B04, B02 & B01 largely unchanged and undeveloped.

However taking this approach to the entire street frontage with Ngataranga Road means that the development is inward looking and separates it from any street activity and the surrounding community. In our view this is contrary to parts of policy H4.3(3):

(3) *Encourage development to achieve attractive and safe streets and public open spaces including by:*

*(a) providing for passive surveillance.*

In particular the development should include a footpath with public rights of way within its Ngataranga Road frontage, which would encourage pedestrian life and enable residents to better interact with their surroundings and encourage a safer neighbourhood. The current design limits the use by both visitors and residents alike of what would be an expansive north facing park-like area with good solar access and shading provided by the trees.

Moreover, it leaves this northern boundary of the development vulnerable to later fencing off for administrative reasons, which would create a gated style development separating itself from its neighbourhood community, which is very much 'against the grain' of the urban form within the predominantly character residential zoning of Devonport.

## **Lake Road Traffic**

### *Permanent Effects*

Upon completion of the development, there will be a significant increase in local traffic movements derived from facility staff, up to 600 residents, visitors, external health professionals and other regular and irregular service providers and deliveries, that will apply additional pressure on overloaded Lake Road, which is already at or beyond capacity during peak times (which includes weekends).

The Transportation Assessment by Commute focuses on the performance of the Ngataranga Road/Lake Road intersection. Whilst the need for this assessment is not disputed, in our view the traffic effects of the development that will have the greatest impact, are the additional traffic movements in both directions on Lake Road, as these affect all people that access the Devonport peninsula by road.

Such effects are deemed to be 'addressed' by the Transportation Assessment within two short paragraphs in section 5.3.2 on page 29, containing the following statements:

"In terms of impact on Lake Road the retirement village is expected to add approximately 35 vehicles per hour to any one section of Lake Road ... and thus will add approximately 3-4% of Lake Road traffic."

The assessment then extrapolates this to be of a comparable (similar) level of traffic if the subject site were developed for residential use of the type/density contemplated by its Residential 4B zoning and therefore concludes:

"Overall the village proposal will cause minimal traffic/transportation effects to Lake Road and the surrounding road network".

However what the assessment does not do is relate this increase in traffic movements to the existing traffic conditions on Lake Road and its existing (poor) Level of Service, which the assessment is silent on. In this regard it is our submission that a 3-4% vehicle movement increase (or 35 vehicle movement increase per hour - or 687 per day) cannot be considered a minor or minimal effect due to the existing LoS of Lake Road, which is poor largely due to key sections of the road being single lane in each direction.

Residents and employees of Devonport and regular visitors to Devonport only know too well the constraints of Lake Road and the AM and PM peak periods during the week and the congestion occurring during Saturday mornings and Sunday afternoons in particular. The PAUP DV in providing for increased intensification in 6 precincts on the peninsula as well as some wider spread intensification provided by the replacement residential zones has failed to align this intensification with its infrastructure needs. Such effects therefore now fall on individual developments such as the proposed retirement village. The encouragement of staff to spread their trips to/from the village will not successfully mitigate the adverse effects of the additional trips generated by the development and the added congestion during peak times.

#### *Effects during the Earthworks and Construction Phase*

The proposal involves an estimated 93,500 m<sup>3</sup> of earthworks that will necessitate some 4,000 - 8,000 heavy truck movements to remove soil, plus many more vehicle movements related to different aspects of the construction process.

Whilst the details of how construction traffic can be managed to avoid or mitigate any adverse effects to a suitable level can be covered by a CTMP required as consent condition, in our view the following features of the proposed development mean that the basic level of information regarding construction traffic provided to date in the application is insufficient to adequately assess its adverse effects:

- the scale of the development and its construction operations;
- the duration of construction (up to 40 months);
- the existing low LoS of Lake Road, and its critical status to the area, being the only land based route into and out of the Devonport peninsula.

Therefore a preliminary CTMP should be prepared by the applicant setting out, at a minimum, the following information/types of restrictions proposed:

- truck routes that heavy vehicles must use; and
- the extent of any times of the day and week for which construction traffic shall not be permitted to travel to/from the site (to avoid adding to existing congestion levels); and
- the list of contents of the final CTMP to be provided for the approval of Auckland Council and Auckland Transport.

We contend that this information needs to be established at this stage and expressed to all stakeholders with certainty to ensure that any adverse effects can be satisfactorily managed.

#### **Coastal Environment & Public Amenity & Statutory Requirements for an Esplanade Reserve**

Auckland Council has acknowledged the important ecological value of Ngataranga Bay and the coastal fringe that includes the area known as Mary Barrett Glade (informally known locally as Polly's Park). This is reflected by the *Significant Ecological Area* status applied to both terrestrial and marine areas within the coastal margins of the subject site in the PAUP DV.

It is critical that this area be protected from damage during construction for maintaining the ecological values of the site's margins with the coastal marine area and that the public retains access to Mary Barrett Glade as intended by the Devonport - Takapuna Greenways Plan, providing a high amenity bush walk between Lake Road and Wesley Street.

More importantly, the comprehensive development of the site is a prime opportunity for this area to be protected and vested in Council for its ongoing protection from development in perpetuity.

The applicant accepts that the proposed development triggers the vesting of an esplanade reserve for that part of the site within 20 m of mean high water springs (it applies to waive this requirement as a

discretionary activity under Rule 9.8.3(a)) but simply dismisses the need for an esplanade reserve by stating in the AEE:

*"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." (p25)*

In so doing it fails to address Section 9.8 of the operative district plan which exists to implement the direct requirements of Part 10 of the RMA. Situations such as this where esplanade reserves are triggered by the RMA itself also relate to Section 6 of the Act, and are hence matters of national importance:

*"The preservation of the natural character of the coastal environment ... and the protection of them from inappropriate subdivision, use and development:"*

The simple comment in the AEE quoted above fails to appropriately consider the need for an esplanade reserve, and provides no valid reasons why this important statutory requirement should be waived in this case. In our view there is no justifiable reason to avoid the vesting of an esplanade reserve in this case, the opportunity for which will be inextricably lost for generations to come if it were not applied to the development of the site.

### **Stormwater & Water Demand**

Whilst the AEE is correct in stating that the zone and SMA5 rules of the North Shore City Plan do not require attenuation or retention of stormwater flows, in this case it would be remiss not to collect roof water and re-use this for at least irrigation purposes for the landscaping on the site (if not grey water use for toilet flushing and laundry purposes as well). This is particularly so as the application is concurrently seeking a water take of 25 m<sup>3</sup>/day from the Waitemata Aquifer for irrigation purposes.

The Infrastructure Assessment by Woods makes the following general comment about limited stormwater-use:

*"It is not proposed to attenuate the post development storm water flows from the site although some of roof run-off will be retained for reuse on the site in a holding tank located between buildings 2 and 3." (p9)*

However no specifics about this are provided regarding the volume capacity to be retained, the proportion of total roof collected water that would be retained and what proportion of the development's needs could be met by such retention.

Accordingly the application does not explain why a water take from the Waitemata Aquifer for irrigation purposes is necessary when this water need can be provided sustainably through the retention and re-use of roof collected stormwater, which is considered to be best practise and a sustainable use of a resource, meeting the purpose of the RMA. It is rare for such urban activities to require water to be drawn from an aquifer and the application contains no justification for this if the water need can be satisfied via a sustainable means by re-using collected stormwater that will otherwise have to be disposed of into Ngataranga Bay in any event.

### **Heritage Site & Values**

The area known as Wakakura is recognised for its historic significance as the site of a brickworks established by the Duder brothers in 1875. It is a significant historic location containing rare archaeological evidence of industrial activities during the early settlement of Devonport.

We are supportive of the suggestion of an Interpretative Panel on the site given the heritage significance of this archaeological site and the public access provided around the foreshore. This should be undertaken by Rymans as developer of the land in conjunction with the vesting of land as esplanade reserve (as discussed above) and indeed should be a condition of consent that the Interpretative Panel is installed at the cost of Rymans, with the ongoing maintenance being a responsibility of Auckland Council, being legal owner and custodian of the esplanade reserve.

**From:** [Joan Bartley](#) on behalf of [Takapuna RC Submissions](#)  
**To:** [Leerina Savage](#)  
**Subject:** FW: Resource Consent submission for North Shore - 7-37 Ngataringa Road and 1-88 Wakakura Crescent, Auckland  
**Date:** Thursday, 13 October 2016 3:01:57 p.m.



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**Joan Bartley | Resource Consent Administrator**  
**Northern Resource Consenting**  
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**From:** Auckland Council [mailto:donotreply@aucklandcouncil.uq.co.nz]  
**Sent:** Thursday, 13 October 2016 12:40 a.m.  
**To:** Takapuna RC Submissions  
**Subject:** Resource Consent submission for North Shore - 7-37 Ngataringa Road and 1-88 Wakakura Crescent, Auckland

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#### 1. APPLICATION DETAILS

**I/we wish to make a submission on the application of (name of applicant):** Ryman Healthcare Limited

**Who proposes to (description of application from public notice):**  
The construction and operation of a retirement village. Overall, the applications are assessed together as a non-complying activity

#### **APPLICATION SITE ADDRESS FROM THE PUBLIC NOTICE:**

**Street number and name:** 7-37 Ngataringa Road and 1-88 Wakakura Crescent

**Suburb:** Auckland

**Application number:** REG-2142199, LN-2142200, REG-2142201, REG-2142202, REG-2142203, REG-2142204, REG2142205

**Applicant's email address:** [marinkateague@gmail.com](mailto:marinkateague@gmail.com)

**Location of application site:** North Shore

**Main area to which the application relates:** Resource Consents - district issues

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#### 2. CONTACT DETAILS:

**Full name:** Marinka Teague

I am a: Property owner

**Street number, name and suburb of the property, you are acting on behalf of:** 16 Ngataringa Rd

**Business phone:** 0220533092

**Home phone:** 0220533092

**Mobile phone:** 022 053 3092

**Email address:** [marinkateague@gmail.com](mailto:marinkateague@gmail.com)

**Address for correspondence:** 16 Ngataringa Rd, Dvonport, Auckland, 0624

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### 3. SUBMISSION DETAILS:

**I/we:** Oppose

**specify aspects of the above application you are submitting on:** •

Height, scale and visual impact • Community consultation and engagement (including needs assessment) • Infrastructure to support such intensification (including traffic management, storm water, waste, sewage, parking) • Lack of design • Preservation of costal access, heritage and the environment

**The reasons for my/our submission are:** Please see attached

**The decision I/we wish the Council to make is (include any part of the application you wish to have amended and any conditions of a general nature):** That Auckland Council reject the current application on the basis of this and other submissions.

**I/we wish to be heard at the council planning hearing:** Yes

**Uploaded documents:** [Submission M Teague.pdf](#)

Head office: 1 Greys Avenue | Private Bag 92300, Auckland 1142 | 09 301 0101



As a home owner at 16 Ngataranga Rd, I would like to make it very clear I oppose the granting of resource consent for the proposed Ryman's development. I am nothing short of appalled at the developers suggestion that the impacts of this development are negligible and that no public consultation is needed. I would welcome the opportunity to appear before a resource consent hearing to speak to the issues I have.

Below I have summarised my key concerns that I believe should be taken into consideration when assessing if it is appropriate to grant resource consent.

1. Building height – the buildings are not keeping with the surrounding area which are two stories high. I appreciate the sites zoning under the PAUP allows for up to four stories and I believe Ryman should adhere to this. The fact they are not should alone be enough to trigger consultation as it is clearly a point that residents are interested in and has a huge impact.
2. The scale – each individual building is monolithic in structure because of their scale and density. This is totally disproportionate to the scale of every development south of Takapuna and reaching to Devonport. This point alone means the impact is in no way negligible. The buildings overlap and form a complete wall from Ngataranga Rd and will create a visual wall across the bay. View shafts are almost non-existent in the suggested plan.
3. Character of the developer – This process has shown Ryman to be only self-interested. For Ryman's this process began years ago, at no stage have they engaged with the community to see what is required. An example of this is they provide views from a range of houses on Ngataranga Rd as requested by the council. Our house is one of those where a view has been requested. They never approached us to do this properly they simply made an estimation. Interestingly 24 hours ago Ryman attempted to contact us, odd timing don't you think? They have applied zero design consideration to the site instead applying the Ryman blueprint and fitting it on site to maximise the number of residents not the quality of the facility. By international standards this is not state of the art retirement housing far from it. They have not even taken the time to put accurate traffic assessments in their application. This is not the work of an organisation that can be left to do the "right" thing and they will need to be treated as such. They will be the single largest resident on Ngataranga Rd with the backing of a big business, they will generate the greatest interaction with infrastructure I believe they need to be held to a standard that recognises this huge imbalance.
4. Number of residents/staff/visitors – at no stage does the application actually indicate how many people will be living there, working there or visit the site. Surely Ryman's with all their expertise could accurately forecast these numbers – no doubt their accountants have. By not sharing this information it is hard to truly understand the impact on current infrastructure including water, sewage, traffic, waste management, storm water etc..Ryman's indicates they are going to burden the existing systems and that the impact is negligible without knowing the number of residents I don't see how this could be assessed.
5. Parking – the application falls short of the required number of carparks but also says Ryman can allocate these parks as they wish. As mentioned Ryman's character as an organisation doesn't suggest they will allocate this with consideration for anyone but themselves. Given they will dominate the street in terms of number of residents and size of dwelling I believe the need to be held to standard that will protect the existing residents. I would like to understand how they intend to allocate the parks and why they believe there will be negligible impact on parking in Ngataranga Rd and the surrounding roads. I would also like to understand if parks can be sublet.
6. Impacts of construction on residents – Ryman indicates they will minimise adverse effects but has included no plan at all for this. I would like to understand how they intend to



minimise adverse effects and how they define adverse effects to residents and lake Rd users. An example of this is how do they intend to move the dirt required to dig out the foundations will there trucks access only via Ngatararing Rd or would they consider a loop coming in via Ngatararing Rd but exiting directly on to lake Rd via the south eastern corner, what will they do to prevent the area becoming a dust bowl in summer, where will builders park for the period of construction, how will noise be controlled.

7. Traffic – Ryman describes the traffic impact as negligible. In order to make an assessment of negligible I would have thought you would need to know the number and peaks of movements generated. Ryman have indicated the number but with no reference to how this is calculated I think it is important to understand this to assess its validity. They have also not indicated peak flows. Getting out of Ngatararing Rd at peaks times can take some time now I can only imagine how long it will take with increased flow and during the construction period. Furthermore Lake Rd traffic is appalling this had been widely publicised and acknowledged by Council and AT. There is no indication as to how this will be addressed and by adding a development of this scale in the location this can only increase the problem.
8. Lack of design – this is a magnificent site situated within a unique community. The design Ryman has proposed does not reflect this in any way. For example there are six primary school between Belmont and Devonport, the high school, and intermediate and a flourishing preschool population. The design does nothing to entice interaction with youth – a point that is strongly linked to the wellbeing of the elderly (please refer to the Office of Seniors for a wealth of NZ and international research that supports this. The design in no way respects the coastal nature of the property, it is monolithic in nature with minimal true view shafts. This creates a barrier between the community and the residents. The onsite facilities are minimal not even a café and none are accessible to the public. Ryman have a lease for 150 years and a growing market, this is an opportunity to put in something that is state of the art for its residents and something we could all be proud of in 100 years' time the current design does not deliver on either of those things.
9. Coastal access – it is not clear if the coastal pathway will remain accessible. I use this regularly with my family and believe the accessibility of the coast line is one of the wonderful things in Devonport but also New Zealand. I strongly object to the public being shut off from the coastal walkway and I don't believe Ryman address this in their proposal.
10. Environmental impact – Ryman is proposing silt run off into the bay, a Bore, and that the level of intensification will have minimal environmental impacts. The Ngatararing Bay marine eco system has been identified as fragile so I do not understand how Ryman have made this conclusion.
11. Lack of community consultation - Devonport as a community provides great value to the Ryman – that's why they have leased the land. They have not consulted with residents regarding their concerns or what they want in a retirement facility, despite numerous attempts by locals, and they argue that their large scaled development will have "less than a minor effect". The submitter states on their website that "our villages are custom-designed and built to meet the needs of the older people, based on 25 years of in-house experience." .. my concern is that this experience is in running a business and not engaging the community to build a customer-centric designed and built facility. This is also evidenced by the lack of design that has gone into the current proposal.
12. Heritage site- Ryman has dismissed the historical value of this site entirely. This is yet another example of Ryman's lack of respect for the community or perhaps lack of understanding of the value to the community or how they could incorporate this into the design. I would like to see this addressed.

In summary I am not opposed to a retirement village on this site but I am opposed to the current proposal. There are many unanswered questions and vagaries which I believe require community engagement to solve. The areas which need to be addressed in summary are:

- Height, scale and visual impact
- Community consultation and engagement (including needs assessment)
- Infrastructure to support such intensification (including traffic management, storm water, waste, sewage, parking)
- Lack of design
- Preservation of coastal access, heritage and the environment

Thank you for the opportunity to submit. I look forward to being able to contribute further to this process and working in partnership with the Council, Rymans, the land owners and Devonport residents to achieve a truly great outcome for our community.

Regards

Marinka Teague

16 Ngatarangi rd.

Devonport

Auckland 0624

## **Annexure “B”**

Decision of the Auckland Council

# Decision following the hearing of an application for resource consent under the Resource Management Act 1991

## Proposal

To construct, operate and maintain a retirement village.

By a majority of the Commissioners, the application for resource consent is **GRANTED**. The reasons are set out below.

<b>Application numbers:</b>	REG-2142199 (Regional Bore Consent) LN-2142200 (District Landuse, Regional Earthworks) REG-2142201 (Regional Stormwater Discharge) REG-2142202 (Regional Groundwater Diversion) REG-2142203 (Groundwater Take) REG-2142204 (Regional Coastal) REG-2142205 (Regional Contaminated Site Discharge)
<b>Site address:</b>	7-37 Ngataranga Road, 1-88 Wakakura Crescent, and 29 Lake Road, Devonport
<b>Applicant:</b>	Ryman Healthcare Limited
<b>Hearing commenced:</b>	9.30am, 5 December 2016
<b>Hearing panel:</b>	Kitt Littlejohn (Chair) Dave Serjeant John Hill
<b>Appearances:</b>	<p><u>For the Applicant:</u></p> <p>Luke Hinchey/Nicola de Wit – Counsel Andrew Mitchell – Ryman Healthcare Limited Taylor Allison – Village Design Assoc Prof Clinton Bird – Urban Design Dr Rod Clough – Heritage Leo Hills – Traffic and Transportation Dale Paice – Civil Engineering/Infrastructure Pierre Malan – Geotechnical Engineering Dr Gary Bramley - Ecology Dr Phil Mitchell – Planner</p> <p><u>Submitters:</u></p>

	<p>Victoria Brown  Gay Richards  Joy Mace  Petra Heemskerk  Trish Deans  Christine Thomas  Dinah Connon  Jonathan Cutler  Rixt Brownlow  Katherine Beauchamp  Grey Power North Shore Inc  Paul Cornish  Simon O'Brien  Cameron Smith  Forest &amp; Bird (North Shore Branch)  Ron Dykman  Geoff Richards  Guy Davies  Ken Davis  Ngataranga Bay Action Group (Joel Cayford, Lucy Bucknall, George Rea-Bucknall, Alan McNatty, Jean Day, Susan Claridge, Marinka Teague, Susan Davis, Keith Humphreys, Iain Rea, Ian Goldingham, Suzanna Stickney, Jacqueline Goldingham, John Duder, Lyndsay Brock (statement read), Nigel and Susan Cope, Andrew Skokandich, Graham Pettersen, Christopher Jackson, Richard Reid)  Heather Young  Peter Wakeman</p> <p><u>For Council:</u>  Quentin Budd – Senior Project Manager  Brooke Dales – Reporting Officer  Chris Butler – Urban Design  Brad Coombs – Landscape Architect  Myfanwy Eaves – Heritage  Sam Shumane – Traffic and Transportation  Paulette Kenihan – Hearings Advisor</p>
<b>Hearing adjourned</b>	9 December 2016
<b>Commissioners' site</b>	1 and 13 December 2016

<b>visits</b>	
<b>Hearing closed:</b>	15 December 2016

## Introduction

1. The hearing of this application by Ryman Healthcare Limited was undertaken on behalf of the Auckland Council (**the Council**) by Independent Hearing Commissioners Kitt Littlejohn, Dave Serjeant and John Hill appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**RMA**).
2. The application was publicly notified on 16 September 2016. A total of 392 submissions were received, with 73 in support, 14 neutral and 305 in opposition. Twenty-nine submissions were received late, of which 2 were in support, 2 were neutral and 25 were in opposition.
3. This decision contains the findings from the deliberations of the Commissioners on the application for resource consent and has been prepared in accordance with section 113 of the RMA.
4. The decision to grant the resource consent is made by Commissioners Littlejohn and Hill, as a majority of the Commissioners appointed to hear and determine the application. For the reasons separately recorded below, Commissioner Serjeant would have refused consent to the application.

## Procedural matters

5. With the consent of the applicant, at the outset of the hearing we granted waivers of the time within which submissions should have been received under sections 37 and 37A of the RMA, thereby allowing the late submissions to be considered as part of our decision making.
6. No other procedural matters arose for consideration.

## Historic Background to the Application site

7. The application site at 7 – 37 Ngataranga Road and 29 Lake Road, Devonport is presently undeveloped, except for a residential dwelling situated at 29 Lake Road, Devonport. The site is approximately 4.2 ha in area and is surrounded by residential dwellings to the north, east and west. The southern extent of the site comprises a 20 metre marginal strip of regenerating native vegetation and a public walkway which borders Ngataranga Bay.
8. The site is owned by Ngāti Whātua Orakei Trust and was returned to Ngāti Whātua under the Ngāti Whātua Orakei Claims Settlement Act 2012. It is identified as containing a scheduled archaeological site in the relevant planning documents – being the Duder Brickworks. Beyond the area affected by the construction of the proposed retirement village buildings are Maori shell midden deposits and further

remains associated with the Duder brickworks within the Mary Barrett Glade Loop Track, located within the marginal strip.

9. The site has been rehabilitated and developed several times since the brickworks ceased operations in 1936. 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 5000 bricks per day and a pipe machine – all driven by a 6 horse power boiler and engine. There were also two kilns, each with a capacity of 20,000 bricks. Production of 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 subsequently utilised for military purposes during World War II and “Camp Duder” was established from 1944. Some of the existing remnants of brickworks were demolished at this time including three brick drying sheds.
10. The site was permanently acquired by the Government for naval housing in January 1953. The site was completely cleared and 2 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. Shortly after the return of the land to Ngāti Whātua, Ryman Healthcare Limited (**Ryman**) acquired a leasehold interest in the site, for a term of 150 years.

## Description of locality

11. The site is located in Devonport, a popular and attractive harbourside suburb located at the southern end of a peninsula that runs south-east from near Lake Pupuke in Takapuna, forming the northern side of the Waitemata Harbour. 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 volcanic cone of Takarunga, Mt Victoria is located behind the Devonport shopping centre and has a network of accessible old bunkers and tunnels from its past use by the military for coastal defence 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.
12. Devonport and the surrounding suburbs of Cheltenham, Narrow Neck 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.
13. The site is approximately 1.5 kilometers from the Devonport shops. 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. A single dwelling is located in the east of the site and is accessible off Lake Road. The site is bordered by Ngataringa 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 in a north to south gradient, down to the coastal margin at Ngataranga Bay in the Waitemata Harbour.

14. 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 east and the western boundaries of the site.
15. Ngataranga Bay to the south of the site is a tidal bay identified as a Significant Ecological Area – Marine 2 in the Proposed Auckland Unitary Plan and has 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, albeit within an urban setting and characterised by residential development at clifftop and also near the water's edge.
16. In relation to the site, Ngataranga Road and Wesley Street are classified as local roads in the relevant planning documents, while Lake Road is classified as a primary/regional arterial road. Ngataranga Road intersects with Lake Road with a priority controlled intersection. A right turn bay is provided on the southbound Lake Road approach. Motorway access is approximately 4.5 km from the site to the north-west. From this access, motorists can travel either north towards Whangarei or south towards the Auckland CBD. The area served by Ngataranga Road is suburban/residential in nature with a speed limit of 50 km/hr. The cross section of Ngataranga Road and the vicinity of the site consists of an 8.5 metre wide carriageway made up of one traffic lane in each direction. Parking is permitted on both sides of the road.
17. Traffic count data extracted from Auckland Transport for Ngataranga Road indicates that the most recent 5-day average daily traffic flows on Ngataranga Road are approximately 1,150 vehicles per day in both directions. For Lake Road, in the vicinity of the site, the most recent 5-day average traffic flow is 18,500 vehicles per day in both directions. Lake Road is acknowledged as congested at peak times, the duration of which peaks have, over time, extended to significant periods of the day, particularly as one travels further to the south-west from Devonport towards Esmonde Road/Takapuna. Lake Road has been frequently described as “at capacity” in terms of its available vehicle capacity compared to the extent of existing usage.

## **Summary of proposal**

18. Ryman's proposal is to establish a comprehensive retirement village on the site. Its 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. Ryman is recognised as a leading provider of retirement living and has been operating in New Zealand for 31 years. Through this experience we accept that Ryman has developed knowledge and expertise in both the construction and operation of purpose-built retirement villages that meet the needs of the community, as well as the needs of its residents.

19. The retirement village layout and design is depicted in detail on various site plans, elevations and photo-montages. The key features of the village are summarised as follows:
- 120 care beds – located in Building B01;
  - 78 assisted living suites – all located in Building B01;
  - 195 apartments, comprising 8 one bedroom apartments, 149 two bedroom apartments and 39 three bedroom apartments variously located in Buildings B01, B02, B03, B04, B05 and B06; and
  - 269 car parks.
20. Building B01 is the main services building for the village. Located in the centre of the site it will cover an area of 3721 m<sup>2</sup> ranging in height from between 1 to 5 storeys. Although the building will contain some apartments, it will provide all of the facilities for resident care, including rest home, hospital and dementia care. Ancillary amenities to be located within 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 manager's office;
  - Sales offices;
  - Kitchen;
  - Salon and beauty/treatment facilities;
  - Shopping amenities for residents;
  - Residents workshop; and
  - Utilities and equipment (including the laundry, maintenance area and a transformer/sub-station).
21. Level 1 of Building B01 will open out to a 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 this building, between the internal roading network and the southern boundary of the site.

22. As noted, the other proposed buildings in the village will contain a various mix of one, two and three-bedroom apartments within stand-alone buildings of different heights. All will contain basement car parking for residents.
23. Access to the site will be provided by an existing vehicle crossing onto Ngataringa Road, two secondary access points onto Wesley Street, and a separate access point to Building B06 via Lake Road. Building B06 will not have a vehicle connection to the remainder of the retirement village or its internal roading network. The Ngataringa Road vehicle crossing is proposed to continue to operate as a two-way vehicle crossing and will accommodate two-way vehicle movements. The access point at the top of Wesley Street will provide two-way vehicle access to Building B04 only, whereas the second access point off Wesley Street will provide a two-way vehicle access to Building B03 and the internal roading network within the village.
24. Ryman proposes to widen the Wesley Street carriageway to a width of 8 metres in order to safely accommodate two-way traffic along its entire link. The additional width will be provided via land from the site. The existing vehicle crossing at 29 Lake Road will be removed and relocated to the southern extent of this property to service building B06.
25. 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 B01 and at convenient locations around the internal roading network for visitors etc.
26. A series of pedestrian paths are proposed throughout the retirement village to provide linkages between the key access points of each building and between buildings (including the bowling green). Building B06 will only be connected to the rest of the village via a pedestrian path that extends onward from Building B05.
27. The existing public access along the southern boundary of the site via the Mary Barrett Glade Loop Track (located within the marginal strip area) will not be impacted by the retirement village proposal. There will be some restrictions on its use as a result of the applicant's proposals to upgrade the stormwater infrastructure which traverses under the track and improve the surface of the track generally, but these would be limited to the period of the construction works required for these upgrades.
28. A comprehensive landscape plan has been proposed for the outdoor areas around and within the site to provide a "park-like" setting for village residents.
29. Existing reticulated services (water, waste water, electricity, gas, telecommunications) will, as necessary, be upgraded and extended to the site to service the village. Stormwater will be managed on-site, an aspect of which will see the upgrade of an existing stormwater outlet discharge point into Ngataringa Bay.
30. Construction of the village will take approximately 36 to 40 months and is to be undertaken in stages. A total excavation of approximately 85,000 m<sup>3</sup> of cut and approximately 8,500 m<sup>3</sup> of fill is required across the site to construct foundations and basements for the various buildings, establish the internal roading network and level the car parking areas, widen Wesley Street and install infrastructure services. The applicant proposes the development, approval and implementation of a detailed

construction management plan to manage construction activities including dust, noise, traffic, hours of construction and sediment run-off during construction. During construction, earthworks and stormwater on the site will be managed on-site in accordance with a 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 TP90 Guidelines.

31. Construction of the retirement village will also require the removal of four mature exotic trees on the site. All other existing site vegetation is to remain intact.

### **Relevant statutory provisions, standards, policy statements and plan provisions considered**

32. We have considered the application in accordance with the requirements of sections 104, 105 and 107 of the RMA. In evaluating the proposed conditions of consent, and subsequently imposing them, we have referred to section 108 of the RMA. In determining whether, overall, consent should be granted or not under section 104B of the RMA, we have referred to Part 2 of the RMA to ensure our decision promotes the sustainable management of natural and physical resources.
33. Under section 104(1)(b) of the RMA, we have had regard to the following standards and national policy statements:
  - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**);
  - The New Zealand Coastal Policy Statement 2010 (**NZCPS**);
  - National Policy Statement on Urban Development Capacity 2016 (**NPSUDC**).
34. During the processing of the application the Council notified its decisions on the recommendations of the Independent Hearings Panel on the Proposed Auckland Unitary Plan (**PAUP**) under clause 10(5) of Schedule 1 of the RMA. Subsequently, on 15 November 2016, the Council gave notice pursuant to clause 20 of Schedule 1 of the RMA that those parts of the PAUP not challenged by appeals were now operative. These statutory changes to the planning framework for the assessment of the application have had the effect of amending rules which had immediate legal effect upon notification of the PAUP (which the application addressed on lodgement), making other rules (and associated objectives and policies) in the PAUP legally applicable (and most recently operative) to the application, and making obsolete other rules and provisions of legacy plans that applied at the date the application was lodged.
35. In advance of the hearing the Commissioners directed the reporting officer and applicant to confer and agree on the relevant rules and other policy provisions that applied to the application at the date the hearing commenced. A joint statement was filed and we have relied on it as describing the consent requirements and policy framework now applicable to this proposal. Most notably, the applicant and the reporting officer considered that rules that had earlier applied to the proposal that classified aspects of it as non-complying, had been superseded with the effect that the proposal was now classified as a fully discretionary activity. No party to the hearing

contended otherwise and we have therefore proceeded with our assessment and determination of the application on that basis.

36. Under section 104(1)(b) of the RMA, we have also had regard to the following policy statement and plans:
- Operative Regional Policy Statement (Part B of the Auckland Unitary Plan) (**RPS**);<sup>1</sup>
  - Auckland Regional Plan: Coastal (**ARPC**);<sup>2</sup>
  - Operative Auckland Unitary Plan (**OAUP**), in particular:
    - Chapter C General Rules;
    - Chapter D Overlays (D9 Significant Ecological Areas Overlay; D14 Volcanic Viewshafts and Height Sensitive Areas Overlay; D17 Historic Heritage Overlay);
    - Chapter E Auckland Wide (E7 Taking Water; E8 Stormwater - discharge and diversion; E11 Land disturbance – Regional; E12 Land disturbance – District; E15 Vegetation management and biodiversity; E23 Signs; E27 Transport; E30 Contaminated land; E36 Natural hazards and flooding);
    - Chapter F Coastal;
    - Chapter H Zones – Mixed Housing Suburban (**MHS**) zone;
    - Chapter I Precincts – Devonport Peninsula Precinct (I508) (**DPP**).
37. After analysing the OAUP and the reasons for which consent was required initially under the Auckland Council District Plan (North Shore) Section (**Legacy Plan**), we have determined that none of the provisions of the Legacy Plan remain relevant to the application. Although we observe that various standards in the OAUP's MHS zone are the subject of appeals, thereby technically keeping the complementary Legacy Plan provisions 'alive', none of the challenged standards are infringed by the proposal. In the result, we proceed on the basis that the land use zoning and activity framework for the site, including the DPP provisions, are fully operative.
38. Under section 104(1)(c) of the RMA we have also given consideration to:
- The Auckland Plan;
  - The marginal strip reservation under Part 4A of the Conservation Act 1987 registered on the title to the application site.

### **Reasons for consent**

39. The following table sets out in detail the reasons for consent under the OAUP and any relevant matters of discretion. The table was included as Appendix 2 to the evidence of Dr P Mitchell and accepted as correct by the reporting officer in the joint statement

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<sup>1</sup> We have carefully reviewed the parts of the RPS that cannot yet be treated as operative due to appeals and find that they are not engaged by or do not relate to the issues raised by the applications. We therefore make no reference to the legacy Auckland Regional Policy Statement.

<sup>2</sup> The ARPC is still relevant as Chapter F of the OAUP is not yet operative

provided to us prior to the commencement of the hearing. No submitter or witness appearing at the hearing disputed the contents or accuracy of the table.

<b>Rule</b>	<b>Resource Consent Required</b>	<b>Activity Status</b>	<b>Commentary</b>
D17.4.1(A1)	A land use consent for the demolition or destruction of a Historic Heritage Category B Extent of Place.	Discretionary	<p>The construction of Building B05 will require works within the area scheduled extent of place for the Duder Brickworks and Jetty (00831 – Schedule 14.1).</p> <p>The jetty will not be affected by the construction of Building B05.</p>
D17.4.1(A10)	A land use consent for a new building and structures in the Historic Heritage Category B Extent of Place.	Discretionary	<p>The construction of Building B05 will constitute a new building or structure in the scheduled extent of place for the Duder Brickworks and Jetty (00831 – Schedule 14.1).</p> <p>The jetty will not be affected by the construction of Building B05.</p>
E23.4.2(A53)	A land use consent for the establishment of signage on the fence line of the retirement village.	Restricted Discretionary	<p>As the retirement village is deemed to be a comprehensive development, resource consent is required for the site signage as a restricted discretionary activity.</p> <p>The relevant matters of discretion include:</p> <ul style="list-style-type: none"> <li>• visual amenity;</li> <li>• scale and location;</li> <li>• lighting and traffic safety;</li> <li>• duration of consent; and</li> <li>• cumulative effects.</li> </ul>
E27.4.1(A2)	A land use consent for an activity that does not comply with the loading and parking design requirements of the PAUP.	Restricted Discretionary	<p>The retirement village will only have one loading bay, whereas Rule E27.6.2.7 (T114) requires two loading bays.</p> <p>Rule E27.6.3 specifies the dimension and design requirement for carparking. The carparking within the retirement village will not comply with these requirements.</p> <p>The relevant matters of discretion for activities which provide fewer than the minimum number of loading spaces include:</p> <ul style="list-style-type: none"> <li>• effects of the loading arrangements on the safe and efficient operation of adjacent transport network;</li> <li>• the specific business practice, operation or type of customer associated with the activities;</li> <li>• the extent to which an accessible and adequate on-street loading space is available nearby;</li> <li>• the extent to which loading can be provided informally on site; or</li> <li>• the extent to which the reduction in loading spaces will contribute to the efficient use of the site.</li> </ul>
E36.4.1(A41 & A42)	A land use consent for the diversion / alteration of an overland flow and	Restricted Discretionary	The retirement village will involve diverting / altering overland flowpaths on the site, and the establishment of buildings and structures within flowpaths.

	the establishment of buildings and structures within an overland flowpath.		<p>The relevant matters of discretion include:</p> <ul style="list-style-type: none"> <li>• the potential impacts on the overland flow path;</li> <li>• the provision of alternative overland flow paths;</li> <li>• the extent of any associated earthworks;</li> <li>• the extent to which methods for long term maintenance of areas affected by flooding are provided;</li> <li>• the effects of flooding on the activity proposed;</li> <li>• the effects on the location of habitable rooms;</li> <li>• the extent to which the design of the building provides for safe access and the potential effects of flood hazards on chosen access routes; and</li> <li>• the effects on people during a flood event and the ability to avoid, remedy or mitigate these.</li> </ul>
E11.4.1(A8 & A9)	A regional land use consent for earthworks, including earthworks in the Sediment Control Protection Area.	Restricted Discretionary	<p>The Sediment Control Protection Area is defined as extending 100m landward of the Coastal Marine Area, which captures approximately two-thirds of the site. Earthwork on the site will also exceed the 2,500m<sup>2</sup> limit specified in the rule.</p> <p>All restricted discretionary activities in Table E11.4.1 must also comply with permitted activity standards relating to:</p> <ul style="list-style-type: none"> <li>• land disturbance must not, after reasonable mixing, result in any of the effects listed in section 107(1) of the RMA;</li> <li>• best practice erosion and sediment control measures must be implemented;</li> <li>• dewatering of trenches and excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any water body;</li> <li>• trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time;</li> <li>• only cleanfill material may be imported and utilised as part of the land disturbance;</li> <li>• vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree; and</li> <li>• earthworks associated with a temporary activity within the Significant Ecological Areas Overlay shall be limited to the area of earthwork previously disturbed or modified.</li> </ul> <p>The relevant matters of discretion include:</p> <ul style="list-style-type: none"> <li>• compliance with the relevant standards;</li> </ul>



			<ul style="list-style-type: none"> <li>the design and suitability of erosion and sediment control measures;</li> <li>effects of land disturbance and sediment discharge on water bodies;</li> <li>effects on cultural and spiritual values of Mana Whenua;</li> <li>the proportion of the catchment which is exposed;</li> <li>staging of works and progressive stabilisation;</li> <li>timing and duration of works;</li> <li>term of consent;</li> <li>effects on significant ecological and indigenous biodiversity values;</li> <li>the treatment of stockpiled materials; and</li> <li>information and monitoring requirements.</li> </ul> <p>The temporary diversion, damming and discharge of treated sediment laden water from land disturbance activities is a permitted activity in accordance with Rule E11.4.2(A14).</p>
E11.4.3(A28 & A30)	A regional land use consent for earthworks exceeding 5m <sup>2</sup> and 5m <sup>3</sup> in a Significant Ecological Area Overlay.	Restricted Discretionary	<p>The vegetation along the southern boundary of the site, adjacent to Ngataranga Bay, is scheduled as a Significant Ecological Area – Terrestrial. The earthworks for the upgrade of the stormwater pipe for the site will involve an area and volume exceeding the limits in Rule E11.4.3(A28 &amp; A30).</p> <p>As with Rule E11.4.1(A8 &amp; A9), all restricted discretionary activities in Table E11.4.3 must also comply with permitted activity standards.</p> <p>In addition to the matters of discretion listed in the row above, restricted discretionary activities under Rule E11.4.3 (A28 &amp; A30) are subject to the following matters:</p> <ul style="list-style-type: none"> <li>cumulative effects of sedimentation; and</li> <li>effects on significant ecological and indigenous biodiversity values.</li> </ul>
E12.4.1(A6 & A10)	A land use consent for earthworks exceeding 2,500m <sup>2</sup> and 2,500m <sup>3</sup> in a residential zone.	Restricted Discretionary	<p>The construction of the retirement village will involve the excavation of approximately 85,000m<sup>3</sup> of cut and approximately 8,500m<sup>3</sup> of fill across the site (which is 4.2 ha).</p> <p>All restricted discretionary activities in Table E12.4.1 must also comply with a number of permitted activity standards, with the relevant standards including:</p> <ul style="list-style-type: none"> <li>land disturbance must not result in any instability of land or structures beyond the boundary of the property;</li> <li>the land disturbance must not cause malfunction or result in damage to network utilities;</li> <li>access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public;</li> </ul>

			<ul style="list-style-type: none"> <li>• measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited;</li> <li>• earthworks within a 100 year AEP flood plain must not raise ground levels more than 300mm (to a total fill volume up to 10m<sup>3</sup>) and must not result in any adverse changes in flood hazard beyond the site; earthworks within overland flowpaths must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site; and</li> <li>• temporary land disturbance and stockpiling of soil and other materials within the 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction activities.</li> </ul> <p>The relevant matters of discretion include:</p> <ul style="list-style-type: none"> <li>• compliance with the relevant standards;</li> <li>• effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;</li> <li>• effects on the stability and safety of surrounding land, buildings and structures;</li> <li>• effects on overland flow paths and flooding;</li> <li>• protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;</li> <li>• the treatment of stockpiled materials on the site;</li> <li>• staging of works;</li> <li>• information and monitoring requirements;</li> <li>• timing and duration of works;</li> <li>• term of consent;</li> <li>• effects on significant ecological and indigenous biodiversity values;</li> <li>• risk that may occur as a result of natural hazards;</li> <li>• protection of or provision of network utilities and road networks;</li> <li>• potential effects on the natural character and values of the coastal environment;</li> <li>• positive effects enabled through the land disturbance; and</li> <li>• effects on historic heritage.</li> </ul>
E12.4.2(A30 & A33)	A land use consent for earthworks exceeding 50m <sup>2</sup> and 250m <sup>3</sup> in a Historic Heritage Overlay.	Restricted Discretionary	<p>The construction of Building B05 will require earthworks within the area scheduled extent of place for the Duder Brickworks and Jetty (00831 – Schedule 14.1).</p> <p>The same permitted activity standards and matters of discretion apply as listed in the row above.</p>
E30.4.1(A6)	A discharge permit for the	Controlled	A resource consent for a controlled activity is required as the volume of soil disturbed will

	discharge of contaminants to land or water from the remediation of the site.		<p>exceed 200m<sup>3</sup>.</p> <p>The relevant matters of control relate to the following:</p> <ul style="list-style-type: none"> <li>• the adequacy of the detailed site investigation report;</li> <li>• the need for and adequacy of a site management plan;</li> <li>• the need for and adequacy of a remedial action plan;</li> <li>• how the discharge is to be managed and monitored;</li> <li>• the physical constraints of the site and operational practicalities;</li> <li>• the transport, disposal and tracking of soil and other materials taken away in the course of the activity;</li> <li>• methods to identify contaminant risks prior to works commencing such as qualitative assessments of risk;</li> <li>• protocols around notifying the Council of contaminant risks;</li> <li>• stormwater management;</li> <li>• soil management during work and at the completion of the works;</li> <li>• odour and vapour control;</li> <li>• groundwater management;</li> <li>• contingency plans;</li> <li>• remediation or ongoing management of the site;</li> <li>• the nature and type of close out criteria if proposed;</li> <li>• the need for a financial bond; and</li> <li>• the need for any review conditions in the event that standards to be achieved are not achieved.</li> </ul>
E15.4.1(A22)	A land use consent for vegetation alteration or removal greater than 25m <sup>2</sup> within a cliff area that is within 150m of Mean High Water Springs.	Restricted Discretionary	<p>Rule E15.4.1 (A22) states that vegetation alteration or removal of greater than 25m<sup>2</sup> of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3m in height, that is within:</p> <ul style="list-style-type: none"> <li>• a horizontal distance of 20m from the top of any cliff with;</li> <li>• a slope angle steeper than 1 in 3; and</li> <li>• within 150m of Mean high water springs.</li> </ul> <p>There is no definition of a cliff in the PAUP, but we have conservatively assumed resource consent may be required for the works along the access track in order to enable the upgrade of the stormwater pipe given that it sits above the edge of Ngataranga Bay.</p> <p>All restricted discretionary activities in Table E15.4.1 must also comply with a number of permitted activity standards, although none of the standards in Rule E15.6 are relevant to this application.</p> <p>The relevant matters of discretion include:</p>

			<ul style="list-style-type: none"> <li>the effects that the vegetation removal will have on ecological values;</li> <li>the extent to which it is appropriate to require measures to contain and control plant pathogens and diseases including Kauri die back;</li> <li>the role of the vegetation in avoiding or mitigating natural hazards and the extent to which the vegetation removal will increase any hazard risk;</li> <li>the effects the vegetation removal will have on mitigating bush fire risk;</li> <li>the effects the vegetation removal will have on soil conservation, water quality and hydrological function;</li> <li>the effects the vegetation removal will have on landscape, natural features and natural character;</li> <li>the effects the vegetation removal will have on the amenity values of any adjacent open space, including the coast and walkways;</li> <li>the extent to which the vegetation alteration or removal is necessary to enable reasonable use of a site for existing activities on the site;</li> <li>the extent to which the vegetation removal is necessary taking into account the need for, or purpose of, the proposed structure;</li> <li>the extent to which the vegetation removal is necessary to provide for the functional and operational needs of infrastructure;</li> <li>the minimisation of effects from the removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works;</li> <li>the remedy or mitigation of adverse effects, including through revegetation;</li> <li>the benefit of imposing bonds, covenants or similar instruments; and</li> <li>the effects on Mana Whenua values associated with a Significant Ecological Areas Overlays.</li> </ul>
E15.4.2(A43)	A land use consent for vegetation clearance in a Significant Ecological Area – Terrestrial.	Discretionary	The vegetation along the southern boundary of the site, adjacent to Ngataringa Bay, is scheduled as a Significant Ecological Area – Terrestrial. Vegetation clearance is required in this area in order to enable the upgrade of the stormwater pipe.
E7.4.1 (A41)	A land use consent for the drilling and construction of a bore(s) for groundwater abstraction.	Controlled	The drilling and construction of a bore(s) will be undertaken in accordance with the controlled activity standards in Rule E7.6.2.3.
E7.4.1 (A26)	A water permit for	Discretionary	

	the take and use of groundwater for irrigation purposes.		
E7.4.1 (A28)	A water / discharge permit for the diversion of groundwater through the site in order to enable the construction of the basements of Buildings B01 to B06.	Restricted Discretionary	<p>The diversion of groundwater during the construction of the basements of the building is a restricted discretionary activity as it may not comply with all of the permitted activity standards in Rule E7.6.1.10.</p> <p>The relevant matters of discretion include:</p> <ul style="list-style-type: none"> <li>• effects on Mana Whenua values;</li> <li>• how the proposal will avoid, remedy or mitigate adverse effects on (i) the base flow of rivers, springs and wetlands; (ii) existing lawful groundwater takes; (iii) groundwater pressures, levels and saline intrusion; (vi) ground settlement; (v) the frequency or magnitude of flood events; (vi) cumulative effects; (vii) the discharge of groundwater containing sediment or other contaminants; (viii) scheduled historic heritage places; and (ix) terrestrial and freshwater ecosystems and habitats;</li> <li>• monitoring and reporting requirements;</li> <li>• the duration of the consent and the timing and nature of reviews;</li> <li>• the requirement for and conditions of a financial contribution and/or bond; and</li> <li>• the requirement for a monitoring and contingency plan or contingency and remedial action plan.</li> </ul>
E8.4.1(A10 & A11)	A water / discharge permit for the diversion and discharge of stormwater from the site to land or water (including the Coastal Marine Area).	Discretionary	The diversion and discharge of stormwater runoff from the site will be from impervious areas that are greater than 5,000m <sup>2</sup> .
F2 19.4(A50)	A coastal permit for the removal of mangroves in a Significant Ecological Area – Marine 2 Overlay associated with the upgrade of the stormwater outfall in Ngataranga Bay.	Discretionary	<p>Ngataranga Bay is scheduled as a Significant Ecological Area – Marine 2 in the PAUP. The upgrade of the stormwater outfall will require the removal of mangroves in the immediate surrounds.</p> <p>Rule F2 19.4 (A47) does provide for mangrove removal to enable the 'use, maintenance and functioning' of existing lawful structures as a permitted activity. However, as functioning is not defined in the PAUP we have assumed that it does not extend to the upgrade of structures.</p>
F2.19.10(A13 3)	A coastal permit for the upgrade of the stormwater outlet structure in the Coastal Marine Area.	Discretionary	
H4.4.1(A8)	A land use consent for an	Restricted Discretionary	The relevant standards for integrated residential development under Rule H4.4.1(A8)

	integrated residential development in the Mixed Housing Suburban Zone.		<p>are building height, height in relation to boundary, alternative height in relation to boundary and yards. The only standard that will not be complied with is building height.</p> <p>Restricted discretionary activities that breach the standards (in this case for building height) are still deemed to be restricted discretionary activities in accordance with Rule C1.9(2).</p> <p>The relevant matters of discretion include:</p> <ul style="list-style-type: none"> <li>• effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from (i) building intensity, scale, location, form and appearance; (ii) traffic; (iii) design of parking and access; and (iv) noise, lighting and hours of operation;</li> <li>• standards relating to (i) maximum impervious areas; (ii) building coverage; (iii) landscaped areas; (iv) outlook space; (v) daylighting; (vi) outdoor living spaces; (vii) front, side and rear fences and walls; and (viii) minimum dwelling sizes; and</li> <li>• infrastructure and servicing.</li> </ul> <p>For buildings that do not comply with the standard for building height, the matters of discretion also include:</p> <ul style="list-style-type: none"> <li>• relevant policies;</li> <li>• the purpose of the standard;</li> <li>• the effect of the infringement;</li> <li>• the effect on rural and coastal character;</li> <li>• the effect on the amenity of neighbouring sites;</li> <li>• the effect of any special or unusual characteristic of the site which is relevant to the standard;</li> <li>• the characteristics of the development; and</li> <li>• any other matters specifically listed for the standard.</li> </ul>
I508.6.1	A land use consent for a development that exceeds the building height limits in Areas 1 - 4 of the Devonport Peninsula Sub-Precinct F.	Discretionary	The buildings comprising the retirement village will exceed some of the height limits for Areas 1 – 4 of the Devonport Peninsula Precinct.

40. To be added to this table as further reasons for consent are the activities for which consent is still required under the ARPC, that document still being operative.<sup>3</sup>

41. We note that OAUP Rule C1.8(1) requires us, when considering any restricted discretionary or discretionary activity, to also consider all relevant overlay, zone,

<sup>3</sup> Stormwater outlet upgrade (Rule 12.5.18 – discretionary activity per Rule 12.5.22); disturbance of foreshore and seabed (including mangrove removal) (Rule 6.5.17 – discretionary activity per Rule 16.5.20).

Auckland-wide and precinct objectives and policies that apply to the activity or to the site where the activity will occur.<sup>4</sup> To set out all of these provisions here would be cumbersome. Appendix 4 to Dr Mitchell's evidence helpfully included them all and we have reviewed them carefully as they relate to the various aspect of the proposal.

42. However, as the principal focus of the hearing was the land use component of the application and its proposed built form, we propose to set out the relevant objectives and policies for the MHS zone and the DPP.
43. The relevant MHS zone objectives (H4.2) are:
  - (1) *Housing capacity, intensity and choice in the zone is increased.*
  - (2) *Development is in keeping with the neighbourhood's planned suburban built character of predominantly two-storeyed buildings, in a variety of forms (attached and detached).*
  - (3) *Development provides quality on-site residential amenity for residents in adjoining sites in the street.*
44. The relevant policies (H4.3) are:
  - (1) *Enable a variety of housing types including integrated residential development such as retirement villages;*
  - (2) *Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:*
    - (a) *limiting the height, bulk and form of development;*
    - (b) *managing the design and appearance of multiple-unit residential development; and*
    - (c) *requiring sufficient setbacks and landscaped areas.*
  - (3) *Encourage development to achieve attractive and safe streets and public open spaces including by:*
    - (a) *providing for passive surveillance;*
    - (b) *optimising front yard landscaping;*
    - (c) *minimising visual dominance of garage doors;*
  - (4) *Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites;*
  - (5) *Require accommodation to be designed to:*
    - (a) *provide privacy and outlook; and*

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<sup>4</sup> Section 104(1)(b) would require that approach on a discretionary proposal in any event. The rule appears to make objectives and policies de facto assessment matters for restricted discretionary activities, where not explicitly noted.



- (b) *be functional, have access to daylight and sunlight and provide the amenities necessary to meet the day-to-day needs of residents.*
  - (6) *Encourage accommodation to have useable and accessible outdoor living space;*
  - (7) *Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;*
  - (8) *Enable more efficient use of larger sites by providing for integrated residential development.*
45. The general underlying MHS zone provisions need to be read in conjunction with the specific DPP provisions that apply to the site. The relevant objectives (I508.2) are:
- (1) *Integrated high quality housing development on large contiguous sites, which incorporate additional building height while complementing building heights at the interface with adjacent residential areas.*
  - (2) *Development that mitigates general visual and dominance effects.*
46. The relevant policies (I508.3) are:
- (1) *Enable greater building height in Areas 1, 2 and 3, and generally in areas with outlook across open space while:*
    - (a) *avoiding wider dominance or visual effects;*
    - (b) *ensuring an appropriate building height transition to adjacent residentially zoned areas through lower building heights in Area 3 and Area 4;*
    - (c) *ensuring a mix of building heights across Areas 1 and 2 as viewed from open spaces and the external boundaries of the site; and*
    - (d) *ensuring that the additional intensity of development enabled by greater building height is adequately serviced by open space and infrastructure.*
47. Although the proposal is to be considered overall in an integrated effects assessment manner, we have found it helpful to analyse the application's key consent requirements under three 'headings'.

#### Integrated Residential Development

48. Retirement villages are expressly included within the definition of 'Integrated residential development' in Chapter J of the OAUP. In the MHS zone such developments are provided for as a restricted discretionary activity provided they comply with four development standards (building height, height in relation to boundary, alternative height in relation to boundary and yards). Failure to meet any of these standards triggers a further restricted discretionary consent requirement (OAUP Rule C1.9(2)).
49. The MHS zone standards are expressly varied for this site by virtue of the DPP provisions and therefore take precedence (OAUP Rule C1.6(4)). Of particular relevance is the standard in relation to building height, which in Precinct F (this site) is

varied from the MHS zone permitted height of 8-9 metres<sup>5</sup> to, depending on the location within the site (by reference to Precinct Plan 6), 8-9, 11-12 and 16-17 metres.

50. In this case because there are portions of several of the proposed buildings that exceed the additional height limits in the DPP, these buildings are to be treated as fully discretionary (OAUP Rule I508.6.1(3)).
51. Aspects of the proposed layout of the site for parking/loading and its provision of signage also trigger restricted discretionary consent requirements due to a variation from the permitted standards in the OAUP.

#### Works and buildings in a heritage area

52. The construction and location of Building B05 requires specific consideration as a discretionary activity because this building is to be located in the Historic Heritage Category B Extent of Place of the *Duder Brickworks and jetty*, which is a listed heritage area in the OAUP (OAUP Rules D17.4.1(A1) and (A10)).

#### Development works

53. All of the works required to establish the village (construction earthworks, stormwater diversions and sediment control) are classified by the OAUP as either controlled or restrictive discretionary activities.
54. The upgrade to the stormwater outfall, including vegetation clearance within Significant Ecological Areas, operational discharges of stormwater from the site through that upgraded outfall, and the water bore for irrigation purposes are classified as discretionary activities.

#### **Activity Status**

55. By application of Rules C1.5 and C1.6, under the OAUP the proposal is to be considered overall as a discretionary activity. Bundling the discretionary consent requirements under the ARPC with those under the OAUP also yields an overall discretionary status.
56. This analysis substantially changes the statutory framework for assessment and determination of the application from that which applied at the date it was lodged and notified. The proposal is no longer a non-complying activity (to which the consent thresholds in section 104D of the RMA applied), but rather a discretionary one, for which consent may or may not be granted following consideration of the matters in section 104 of the RMA and an overall assessment as to whether the purpose of the RMA will be achieved or not.

### **Summary of evidence heard**

57. The reporting officer's section 42A report and recommendation was circulated prior to the hearing and studied by the Commissioners. The report included all of the application materials to that point, copies of all submissions received on the application

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<sup>5</sup> Expressing height this way acknowledges that the rules enable 50% of the height of a roof in elevation to exceed the permitted height by up to a further 1m (Rule H4.6.4(1); Rule I508.6.1(2))

and a number of specialist reports from other Council officers or consultants acting in a review capacity. The section 42A report was taken 'as read' at the hearing.

58. The applicant filed its evidence in support of the application and in response to the section 42A report on 18 November 2016. Expert evidence to be called by submitters was also pre-circulated before the rescheduled hearing date commencement of 5 December 2016. Two such briefs of evidence were received. All pre-circulated evidence was read by the Commissioners prior to the commencement of the hearing.
59. At the hearing, the applicant's witnesses summarised their written evidence and answered questions. Assoc Prof Bird provided a further statement of evidence in response to the expert evidence of Mr Reid who had filed urban design evidence for one of the submitters. Ms Paice also produced a further brief response to some engineering issues raised in submitter evidence by Mr Duder. The applicant closed the hearing with submissions in reply and further application materials (plans and proposed conditions).
60. Submitters who were not calling expert evidence also appeared at the hearing and presented summary submission statements to us, as well as oral presentations. Not all of the submitters attended the hearing. Some tabled further summary submissions.
61. All of the written material is now a matter of record. What follows is a brief summary of the key aspects of the evidence and submissions we heard.

### **Applicant's Evidence**

62. Counsel for the applicant, **Mr Luke Hinchey**, presented opening legal submissions in support of Ryman's application. He submitted that there would be significant positive effects from the proposed retirement village in that it would provide a high quality living environment for elderly residents located within the community which would provide for their particular care needs. Referring to the evidence of Mr Mitchell, he noted the very real shortages in the provision of quality care for the elderly and the problems this shortage will cause in the future if new accommodation is not provided.
63. Mr Hinchey submitted that there was no legal impediment under the RMA or any other legislation that would prevent the consent being granted. He noted that there was broad agreement between Ryman, Ryman's expert consultants, the reporting officer and accompanying specialist reviewers, that the actual and potential effects on the environment would be less than minor or minor. In conclusion, he submitted that the benefits of the proposal substantially outweighed its minor adverse effects, which would largely be confined to its construction period.
64. **Mr Andrew Mitchell** (Group Development Manager for Ryman Healthcare Limited) provided evidence on behalf of the applicant. Mr Mitchell began his presentation with a brief audio visual display showcasing other Ryman villages and including interviews with existing residents expressing their views about life within a Ryman retirement village.
65. In relation to the proposed village at Ngataringa Road, Mr Mitchell's evidence was that the village was urgently needed in the Devonport area and consequently would make a positive contribution to the local and wider community. Mr Mitchell advised that Ryman

has already collated a list of over 300 people who have expressed an interest in living in the village, despite no official marketing to date. Mr Mitchell considered that the design of the Ngataranga proposal achieved the high standards that Ryman sets for its villages so as to provide a high quality living and care environment for its residents.

66. Mr Mitchell confirmed that Ryman considered the site was ideally suited for the proposal given its size, flat/sloping topography, coastal setting and views and mature boundary vegetation. From his research, large relatively flat sites are very rare in the existing urban area of Auckland and Ryman had been looking actively for such a site in this location for almost 20 years. He considered that there were no other available sites in the Devonport community suitable for a comprehensive care retirement village as proposed. He also noted that the site is located within a well-developed urban area with a mix of residential development, and that the site is in reasonably close proximity to local amenities including cafes, shops, parks and the like.
67. In addition to the economic effects arising from the investment in the construction of the village, and the provision of much needed retirement living and care facilities for elderly residents, Mr Mitchell considered that there would be other important community benefits achieved following the development of the village, namely the release of approximately 300 plus family homes (from residents moving into the village), the upgrade to the local Mary Barrett Glade Walkway and the freeing up of scarce hospital resources used by elderly people as they become more dependant.
68. **Mr Taylor Allison**, the design manager for Ryman, summarised to us the key features of the village layout, essentially describing in narrative terms the detailed plans that had been prepared and included with the application documents. Mr Allison has worked as a designer for 35 years, of which the last 16 years had been for Ryman and he has been responsible for the design of the last 29 Ryman villages, including alterations and extensions to those villages. He advised us that Ryman villages are designed to the highest quality, providing comfort, security and safety and that the design and layout aim to meet the day-to-day needs of residents within the village community. He emphasised the need for a central 'community facilities'/care building and good, at-grade connections between buildings. He considered the design to be generally conservative, to blend in with existing architecture in the area and immediately adjacent sites.
69. Mr Allison also described how the photo montages, shadow diagrams, 'permitted' building envelope and existing boundary tree shadows had been constructed and presented by reference to various CAD software and methods, including how the original 'point cloud' images had been prepared.
70. **Associate Professor Clinton Bird** provided detailed urban design evidence on behalf of Ryman. In his opinion the site was well suited for use as a comprehensive retirement village of the type and scale proposed, noting that sites of the requisite scale in appropriate locations are hard to find. After briefly describing key aspects of the topography at present on and adjacent to the site, he noted that, despite the intensity of the proposal and the heights of some of the six buildings, his evidence demonstrated that actual and/or potential adverse effects arising from infringements of the relevant standards in the OAUP would be less than minor. In particular, he opined that the steeply sloping site contours along the northern edge of the site would result in those

retirement village buildings facing onto the southern (lower) side of Ngataranga Road to appear generally as two to three storeys above the level of the road. Together with the buildings being set back from the Ngataranga Road boundary to enable the retention of the existing trees, this fact would ensure, in his view, that the proposal was responsive to and integrated well into its Ngataranga Road residential context. Assoc Prof Bird also carefully addressed urban design related concerns arising from submissions. Overall, he considered that the proposal would result in an attractive, efficient and sustainable use of this scarce land resource.

71. In a supplementary statement of evidence, Assoc Prof Bird responded in detail to the expert evidence of Mr Richard Reid, pre-circulated as expert evidence for the Ngataranga Bay Action Group. In short, he did not agree that Mr Reid's criticisms of the proposal from an urban design and landscape perspective were reasonable or soundly based, holding firm to his opinions as to the relevant urban design effects managed/avoided by the design of the proposal.
72. **Dr Rod Clough** provided expert heritage effects evidence for the applicant. He described how he had undertaken detailed assessments of the *Duder Brickworks and jetty* scheduled historic place (OAUP ID 831), which included exploratory archaeological investigations to determine the extent and condition of the remains. He confirmed that earthworks and building B05 of the proposed retirement village were to occur within part of the extent of site of the heritage item, but that his investigations established that the remains of the brickworks within the proposed area of works had been largely destroyed and that no significant surviving remains above the former ground level would be expected. However, Dr Clough considered that there are likely to be discrete areas where partial remains of the features such as working floors, kiln floors and sub-surface flues had survived, and that these have the potential to provide information through further archaeological investigation.
73. Dr Clough noted that the proposal would not affect the coastal margins to the south of the site through which the Mary Barrett Glade Walkway runs and in which a number of archaeological features that are part of the Duder Brickwork site and midden deposits relating to Maori occupation are located.
74. Overall, Dr Clough considered that the adverse effects of the proposal would likely be no more than minor and could be appropriately mitigated through archaeological investigation and information recovery, public information and continued public access to the Mary Barrett Glade Walkway. He also considered that the works would not diminish the reasons for which the historic place had been identified in the OAUP.
75. Although Dr Clough indicated in his evidence some concerns with conditions related to heritage matters proposed by the Council's heritage specialist, he advised by the close of the hearing (following further discussions with Ms Eaves), that a suite of conditions had been agreed between them that, in his (and Ms Eaves) opinion appropriately addressed all heritage related effects matters.
76. **Mr Leo Hills** provided traffic and transportation evidence for the applicant. He indicated that the proposed retirement village satisfied most of the transport related standards for permitted activities, except in relation to the number of bicycle parking spaces, parking space dimensions and number of loading spaces. Despite these

shortfalls, however, he advised that the proposal would not have adverse effects arising from such matters, a conclusion with which Council's reviewing traffic specialist (Mr Shumane) agreed.

77. Mr Hills advised that the number and design of vehicle accesses to the site were acceptable and furthermore that the vehicle accesses to Buildings B04 and B06 should be a vehicle crossing (with pedestrian priority) off the main access road, and its vehicle accesses at Ngataringa Road and Wesley Street, should be "road" designs with curb and channel (with vehicle priority).
78. In relation to potential traffic generation by the retirement village, as described and estimated in detail in the TAR included with the application, Mr Hills opined that the expected generation was appropriate and acceptable; in his view it reflected a lower level of traffic generation than a standard residential development scenario that could be anticipated on the site. Consequently, his opinion was that effects on the nearby Lake Road/Ngataringa Road intersection would be minimal.
79. In relation to construction traffic effects, Mr Hills was of the opinion that these could be appropriately managed with a construction traffic management plan. He further recommended restrictions in terms of hours of truck operations to and from the site.
80. In response to a number of submitters concerned with wider traffic congestion on Lake Road, Mr Hills advice to us was that the proposed retirement village would generate traffic that would be less than what could be generated from the anticipated residential development on the site undertaken in accordance with the underlying zoning and relevant precinct provisions (i.e. it is not generating traffic movements beyond what could be reasonably expected from the site developed in accordance with the OAUP). On this basis he considered there was little scope for Ryman to undertake large scale mitigation measures in respect of Lake Road to resolve what is widely accepted as a road network capacity issue.
81. **Ms Dale Paice** provided civil engineering evidence on behalf of the applicant. In respect of earthworks she advised that the site will require substantial earthworks to create roads, outdoor areas and building platforms for the village. Approximately 85,000m<sup>3</sup> of earthworks would be required with the majority of spoil disposed of off-site. Earthworks would be subject to erosion and sediment control using a management plan approach, and in this case it would involve a central sediment pond into which all run-off from staged earthwork areas will flow before being discharged off site. She indicated that detailed conditions of consent in relation to sediment and erosion control had been agreed with Council's reporting specialist.
82. In relation to stormwater Ms Paice advised that the retirement village would increase the amount of stormwater generated from the site in comparison to the existing situation. To cater for this additional run-off, the existing public network downstream of the village would be upgraded from the point of connection to the point of discharge into Ngataringa Bay. The outfall would also be upgraded to provide for erosion protection. Stormwater filters will be installed within the site to treat run-off from the new roads and carparks. These filters will remove 75% of TSS on a long-term average basis, the typical standard for stormwater treatment in Auckland. Ms Paice indicated that the steepness of the site and proximity to the sea meant that there were no

significant existing flooding issues likely to be encountered. The site grading, roads and building levels have been designed so that overland flow paths are directed away from buildings and that there is freeboard to meet the anticipated 1% annual exceedance probability storm event and the overland flow paths and building floor levels meet local and national flood protection standards. No downstream properties would be affected by run-off from the village.

83. As to services, Ms Paice confirmed that the village would be serviced by new internal reticulation networks for stormwater, water supply, sanitary sewer, power, gas and communication. The networks will connect into the existing public networks in the surrounding streets, which we are advised have sufficient capacity for the additional demand created by the village.
84. **Mr Pierre Malan** provided geotechnical evidence for the applicant. His advice to us was that the site is generally suitable in geotechnical terms for the proposal, provided the recommendations in his initial GIR were considered and implemented during detailed design. In that regard, Mr Malan indicated that the proposed conditions satisfied those matters appropriately.
85. Mr Malan advised us that in geotechnical terms the site was a low risk. The geotechnical risks however that could give rise to adverse effects relate to the effect of building basements on ground water, the potential presence of fill on parts of the site and the proximity of structures to the coastal edge. After completing additional work, which was provided via a s92 response, Mr Malan concluded that effects from the basements encountering ground water would be negligible. In terms of design and structures adjacent to coastal edges Mr Malan advised that the proposed buildings would be set back sufficiently from the sloped edge to mitigate any potential risk. In any event, he assessed the coastal boundary as having a low risk of instability and was generally stable with little to no evidence of significant active regression.
86. **Dr Gary Bramley** provided ecological evidence for the applicant. He confirmed to us that there were no notable ecological values within the site itself that would be impacted upon by the development of the retirement village as proposed. Dr Bramley confirmed that the coastal boundary of the site had been identified as a significant ecological area on both sides of mean high water springs and that the proposal would require the disturbance of an area of mangroves in Ngataranga Bay and some minor disturbance to the terrestrial vegetation along the coastal margin as part of the upgrade of the existing stormwater pipe and outlet. These disturbance works would occur within the SEA area. However, in Dr Bramley's opinion if the upgrade of the stormwater pipe and outlet works were undertaken in accordance with appropriate conditions, then his advice was that they could be managed in such a way to minimise the spatial and temporal extent of any adverse effects on terrestrial and marine ecology etc.
87. **Dr Phil Mitchell** provided planning evidence for the applicant. His evidence addressed relevant district and regional planning provisions, summarised the actual and potential environmental effects of the proposed village (relying on other experts' evidence), discussed matters raised in submissions and the Council officer's section 42A report. His evidence also addressed relevant statutory matters for consideration and discussed recommended consent conditions.



88. Overall, Dr Mitchell's opinion was that the proposed retirement village offered an opportunity to develop a high-quality, purpose built, secure, comprehensive care retirement village on a large site within the well-established residential community of Devonport that is close to existing infrastructure and amenities. In his view the proposal has been designed to integrate with the surrounding residential environment and to comply with the relevant yard setbacks and height plan angles as they relate to permitted activities in the OAUP as far as practicable. Effects on residential amenity values, the transportation network, earthworks, stormwater management, geotechnical considerations, ecology and effects associated with construction had been investigated thoroughly by a number of specialists in his view and he was unable to identify any issues arising which could not otherwise be avoided, remedied or mitigated through conditions of consent. Dr Mitchell summarised to us the significant positive effects of the proposed village and opined that it would be consistent with the outcomes sought in the relevant objectives and policies of the OAUP.
89. Dr Mitchell helpfully referred us to the NESSC and its relevancy in respect of the site and the proposed earthworks. He also discussed the New Zealand Coastal Policy Statement, the Hauraki Gulf Marine Park Act and the recently promulgated NPS on Urban Development Capacity. In respect of that latter document, which came into effect on 1 December 2016, Dr Mitchell reminded us that it directed decision makers making "planning decisions" that affect the way and the rate at which development capacity is provided, shall provide that the social, cultural and environmental wellbeing of people and communities and in doing so to have particular regard to the need to provide choices that will meet the needs of people in communities for a range of dwelling types and locations and promote the efficient use of urban land and development infrastructure. Dr Mitchell opined that if the current proposal was seen as giving effect to the objectives and policies of the OAUP, then that too would satisfy the requirements of the NPSUDC.

### **Submitter's Evidence**

90. Taking into account the late submissions, that were formally accepted by resolution of the Commissioners, the application drew a total of 421 submissions, 330 in opposition, 16 neutral and 75 in support.
91. The Commissioners heard from 40 submitters over the course of the hearing. The section 42A report groups consideration of these submissions in terms of the issues raised and we adopt a similar approach in the summary that follows. We do not refer to each submission individually; however, we do note specific submissions where the matter was more substantively covered in the submission.

### **Use of the Site for a Retirement Village**

92. Even amongst those persons who submitted against the proposal there was virtually unanimous support for the use of the site as a retirement village. Such support was often based on the recognition of the growing needs of an aging population for a smaller home and for medical and support facilities, and the lack of such facilities generally and in this part of the North Shore in particular. To the extent that the future occupants of the retirement village might come from the Devonport peninsula, it was

also recognised that their occupation would free up family homes in the area for occupation by younger persons.

### Traffic and Transport

93. Approximately 70% of submitters identified the operational traffic effects of the proposed village on Lake Road as being a cause for concern. Their concern was mainly focused on the addition of Ryman generated traffic to an existing traffic situation on Lake Road that is characterised by long periods of congestion during both weekdays and weekends. The submitters identified the following causes for this congestion:
- Morning and evening commuters travelling from Devonport to workplaces in the wider metropolitan area;
  - Workers travelling to and from Devonport for work, in particular New Zealand Navy personnel;
  - Local school-related traffic movements at the beginning and end of the school day;
  - Weekend sport and recreational travel to and from Devonport; and
  - Special sports and community events, such as the Devonport Wine and Food festival.
94. The submitters stressed the fact that Devonport was served by only a two lane road and, being a peninsula, that the area had no alternative road access.
95. During the Council officer's presentation Mr Shumane provided some quantification of the congestion on Lake Road, advising that the two lane road had a carrying capacity of approximately 900 vehicles/hour in each direction. Auckland Transport 2013 data for the road was as follows:

Time Period	Two-Way Movements
Weekday morning (peak hour)	1575
Weekday evening (peak hour)	1515
Weekday inter-peak (highest hour)	1475
Weekday total	18600
Weekend total	17300

96. These weekday and weekend totals, which we understood to apply to Lake Road near to Ngataranga Road, suggest that times during which congestion exists (i.e., Lake Road is beyond its carrying capacity) extends well outside the peak hour. Many submitters attested to this being the case and provided us with information and photos of personal experiences of being in 'gridlock' on Lake Road.<sup>6</sup>

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<sup>6</sup> For example submissions by Paul Cornish, Rixt Brownlow, and Susan Claridge

97. A number of submitters stated that the applicant's and Council's data was out of date. One submitter referred us to Average Daily Traffic (ADT) data counts for Lake Road indicating that ADT5 (weekday) was 32,050 movements and ADT7 (full week) was 31,076 movements.<sup>7</sup> This data appears to derive from Auckland Transport Traffic Count Data<sup>8</sup>, which we note provides traffic counts at a number of different locations along Lake Road. These higher traffic counts are for a section of Lake Road near Hauraki Corner and demonstrate that the congestion can be extreme at times and places. A number of submitters acknowledged that Auckland Transport had prepared the Lake Road Corridor Management Plan 2014, but noted that funding for this plan was not currently available.<sup>9</sup>
98. In addition to the wider network concerns, some submitters expressed concern about more localised traffic effects, in particular the right turn out of Ngataranga Road into Lake Road.<sup>10</sup> They considered that this movement was already dangerous and that elderly drivers from the retirement village would find this movement difficult in terms of finding a gap in the traffic in which to make the turn. Other localised traffic effects about which concern was expressed included additional traffic on Aramoana Avenue, Kawerau Avenue and Regent Street accessing the retirement village.<sup>11</sup> The concern was based on the potential for persons travelling to and from the retirement village choosing to leave Lake Road at an alternative point to Ngataranga Road, and using these local streets instead. Submitters noted that there are families with young children on these streets and a day care centre and that additional through traffic would increase the hazard from traffic for children.
99. Transport effects related to the accessibility and proximity of public transport and the need for a footpath along the Ngataranga Road frontage of the proposed retirement village. Many submitters advised us of the proposed changes to the bus services in the vicinity, which would see Route 815 no longer timetabled to pass along Ngataranga Road during the morning and evening commuter peak. The changes would place the nearest bus stop near the corner of Old Lake Road and Lake Road, approximately 660m from the mid-point of the retirement village. The walk to the bus stop is also uphill, which the submitters considered was not conducive to elderly persons accessing the bus service.
100. Finally, many submitters identified the lack of a public footpath along the Ngataranga Road frontage of the proposed retirement village as being an adverse effect on the ability of persons, including future occupants of the village, to move around the local area. The width of this footpath also was a matter for submission, with the suggested width being 2.7m in order to provide for passing mobility scooters.<sup>12</sup> We were told that the formation of this footpath also has some relevance to the enhancement of the 'Green Route', being the shared walking/cycling pathway that traverses Shoal Bay and western parts of the peninsula between Takapuna and Devonport, which we refer to again below.

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<sup>7</sup> For example submission by Stephen and Vanessa Finnemore

<sup>8</sup> <https://at.govt.nz/media/1971765/october-2016-tc-data.xlsx>

<sup>9</sup> For example statement by Jonathan Cutler, para. 33

<sup>10</sup> For example submission by Susan Davis

<sup>11</sup> For example submission by Daniel Skelton

<sup>12</sup> For example submission by Gay Richards

### Construction Effects

101. Construction effects were identified by approximately 20% of submitters, most of whom reside in close proximity to the proposed activity. Potential construction effects include traffic and parking, noise, and vibration. We shall review the submissions on each of these in turn. The effect of potential sediment discharges from the site is addressed below in the context of effects on Mary Barrett Glade walkway and the natural values of the coastal margin and Ngataranga Bay.
102. The traffic effects of construction include congestion effects on Lake Road and surrounding streets which raised similar concerns as addressed above in terms of operational traffic. However, as much construction traffic would be heavy vehicles, there were additional concerns expressed about the passage of heavy vehicles along local residential streets.<sup>13</sup> Some submitters suggested the access point to the construction site should be limited to one point on Ngataranga Road close to Lake Road so as to minimise overall effects of construction traffic on the local area.<sup>14</sup> Many submitters drew attention to the need to transport 85,000m<sup>3</sup> of soil from the site, which increases the total construction traffic significantly.<sup>15</sup>
103. The parking of construction, staff and contractor vehicles on local streets was a concern expressed by a number of submitters.<sup>16</sup> These submitters considered that Ryman should be able to organise construction so that all such vehicles were located on the site at all times.
104. Construction noise and vibration were also a concern of many submitters who live in close proximity to the proposed activity, particularly the potential for this effect to extend over a three-year period.<sup>17</sup> In order to mitigate these construction effects some submitters suggested that the construction hours each day should be limited.<sup>18</sup>
105. Overall on construction related effects, several submitters sought that the applicant be required to keep residents up to date on construction progress.

### Effects on the Natural and Amenity Values of Mary Barrett Glade Walkway and Ngataranga Bay

106. Approximately 34% of submitters expressed concern about adverse effects on the ecological values of the coastal margin and Ngataranga Bay. To this number must be added the many submitters who expressed concern at potential effects on Mary Barrett Glade walkway and Polly's Park in terms of its natural values and local amenity.
107. It was apparent to us at the outset that many submitters were unclear about the extent of the proposal in terms of its interface with the coastal margin. Many submitters appeared to assume that the proposal required the clearance of some or all of the natural vegetation along the bay edge and that no public access was to be retained. Some submitters sought not only the retention of the existing vegetation, but also the addition of a further 20m 'buffer zone' of native plantings to protect the natural coastal

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<sup>13</sup> See again submission by Daniel Skelton

<sup>14</sup> For example submission by Marinka Teague

<sup>15</sup> For example submission by Chris Thomas

<sup>16</sup> For example submission by Alison Burford

<sup>17</sup> For example submission by Andrew Skokandich

<sup>18</sup> For example submission by Marinka Teague

edge.<sup>19</sup> In his statement of evidence on behalf of submitter Jacqueline Goldingham, John Duder identified that the Ryman earthworks stage plans appeared to show encroachment into the 20m coastal strip of vegetation. The legal position on this matter is that the title for the site is subject to Part 4A of the Conservation Act, which places a marginal strip over the land and this strip is in Crown ownership. The applicant requires the permission of the Crown to undertake works in the marginal strip. The applicant responded to Mr Duder's evidence during the hearing, amending the relevant plans to make it clear that no encroachment into the 20m coastal strip was proposed (apart from the works needed to pipe stormwater to the bay).

108. Submitters were also concerned about the discharge of stormwater into the bay, both during the construction period and also once the retirement village was operative. Noting the very large amount of earthworks and land disturbance over each of the earthworks stages the submitters were concerned that this aspect of the activity had the potential for significant amounts of sediment laden stormwater to enter the bay.<sup>20</sup> While many submitters recognised the need for stormwater discharges, they wanted to ensure that sediment-laden discharges were avoided, if at all possible, and that treatment of stormwater was to the highest standards. A number of submitters provided evidence of the diversity and abundance of flora and fauna within Polly's Park and Ngataranga Bay.<sup>21</sup>
109. The important amenity values of Mary Barrett Glade walkway were emphasised by a number of submitters. The walkway provides access through an area of largely indigenous vegetation that is quite rare in the Takapuna-Devonport area, it is a link between the northern end of Wesley Street and Lake Road, and it also allows an appreciation of the bay shoreline and some remnants of the historic Duder Brickworks. Submitters sought that not only should the walkway be retained but that it should be upgraded. In this context some submitters referred us to the 'Green Route' between Takapuna and Devonport. We were referred to the plan for improving this route in the vicinity of the site, and noted the options for improvement included a route through the site or a boardwalk link across Ngataranga Bay to Ngataranga Park. Some submitters suggested that the applicant should contribute to the formation of this latter link.<sup>22</sup> Mary Barrett Glade walkway itself did not feature on the plan. We understood that this was due to the steepness of the walkway at its western end, and the fact that the Green Route was a shared pathway, needing to be suitable for cycling as well as walking.

#### Design and External Appearance, Bulk and Height, and Visual Effects of Proposed Buildings

110. Approximately 70% of submissions and the majority of hearing time on submissions was focused on matters relating to the effects of the proposed buildings. The height of the proposed buildings was a key concern for submitters. As noted above, during the processing of the application the rules of the Legacy Plan had been largely superseded by the OAUP. The development controls had been replaced and this had implications for a number of development parameters, the most significant of these being height.

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<sup>19</sup> For example submission by Jean Day

<sup>20</sup> For example submissions by Alan McNatty, Avril Welsh, Forest and Bird and Iain Rea

<sup>21</sup> For example Forest and Bird and George Rea-Bucknall

<sup>22</sup> For example submission by Gay Richards

The significance of this change was that the written submissions had been expressed in terms of the old rules. Submitters attending the hearing generally took account of this change, but many nevertheless considered that the proposed development should largely comply with the 8m height limit that applied to the MHS zone. While concerns about the height of the proposed buildings was expressed by most submitters, concerns about design and appearance were expressed in a variety of ways including:

- The scale of the development permits a density of development that is out of character with the area.
- The appearance of the external cladding materials is not appropriate for the area.<sup>23</sup>
- While acknowledging the retention of the trees along the front boundary area on Ngataringa Road, this had resulted in the buildings being disengaged from the street.<sup>24</sup>
- The lack of connection with Ngataringa Road, in contrast with the typical suburban interface on the northern side of the road.<sup>25</sup>
- While acknowledging the higher height limits in the OAUP, there should be more variation across the site, as viewed from the south.<sup>26</sup>
- The materials used for the development do not reflect the character of the buildings in the surrounding area.<sup>27</sup>
- The development could increase the interface with the community by enabling community access more, and the provision of a café and children's play area.<sup>28</sup>
- The spaces between buildings do not reflect the 'porosity' of the surrounding residential area<sup>29</sup> and that building width should be limited.
- The buildings will create a situation where there could be adverse effects on privacy.<sup>30</sup>
- A number of submitters drew connections between what they saw as the 'institutional' appearance of the proposed buildings (submitters used various critical descriptors in this regard), and the 'connectedness' of the retirement village with the local community. They considered that the "neighbourly and open" culture of the existing area would change as a result of the development.<sup>31</sup>
- The dominance of the buildings cannot be mitigated by additional landscaping.<sup>32</sup>

111. Submitters provided various measures of visual dominance. These included:

<sup>23</sup> For example submission by Stephen and Vanessa Finnemore

<sup>24</sup> For example submission by Ken Davis

<sup>25</sup> For example submission by Ken Davis

<sup>26</sup> For example submission by Ken Davis

<sup>27</sup> For example submission by Geoff Richards

<sup>28</sup> For example submission by Ken Davis and Lucy Bucknall

<sup>29</sup> For example submission by Geoff Richards

<sup>30</sup> For example submission by Andrew Skokandich

<sup>31</sup> For example submission by Suzanne Stickney

<sup>32</sup> For example statement by Jonathan Cutler, para. 22

- Not being able to see any of the houses on the north side of Ngataringa Road from Ngataringa Park.<sup>33</sup>
  - Loss of views to the south from houses on Ngataringa Road.<sup>34</sup>
112. There was a significant amount of commentary from submitters on the accuracy of the visual montages that had been prepared by the applicant's experts. The set of visual montages presented by the applicant to us at the hearing was compliant with the New Zealand Institute of Architects Best Practice Guide: Visual Simulations BP10.2 (dated 2.11.2010). Nevertheless, some submitters considered that these montages were unrealistic or unhelpful.<sup>35</sup> Ian Goldingham, provided evidence based on his lifetime experience in film and television for submitter Iain Rea on this matter. He advised that it is "vitally important that when [you] step onto the location, what [you] see with [your] eyes, matches closely the image of the photos [you] have been shown." Mr Coombs, the Council's consultant landscape architect, also advised us to ground-truth the montages. Accordingly, we conducted a second site visit taking in VP02 (Mt Victoria) and VP07 and VP08 at Ngataringa Park, an VP17 on Lake Road in particular, comparing the montages prepared for these viewpoints with the actual environment as viewed with the naked eye.
113. We heard submissions from a number of submitters who were architects, or had a related design profession (the 'architect submitters')<sup>36</sup> and also from Richard Reid, who provided a statement of evidence as an independent expert for Ngataringa Bay Action Group. The architect submitters acknowledged that they were not providing evidence as independent expert witnesses in accordance with the Environment Court Code of Conduct for Expert Witnesses. We distinguish these submitters as their submissions applied their professional knowledge to the proposal and also provided us with alternative design solutions to demonstrate their case.
114. Geoff Richard's view was that the proposal introduced a "level of bulk and height that cannot be successfully integrated into its surrounding environment". He considered that "no cues have been taken for the design from the surrounding built fabric" and did not belong within a residential environment. However, when questioned on what these were, Mr Richards stated that the housing materials in the local area were quite diverse and that the proposal "did not have to look like what is there already". Mr Richards was critical of the porosity of the proposal and provided an alternative design that increased this. In relation to a question from the Commissioners on views of the proposal from the south, Mr Richards considered that the skyline should be visible.
115. Ken Davis also provided an alternative design that had some basis in a design for multi-unit development of the site he had undertaken in 2012. He had adapted this design for retirement village purposes. A key feature of Mr Davis' alternative was a network of open spaces within the site that were accessible by the public. Mr Davis was critical of the lack of sunlight in the proposal's outdoor spaces and his design featured lower buildings along Ngataringa Road, higher buildings along the southern edge of the site, and none of his buildings had large floor plates. Mr Davis also

<sup>33</sup> For example submission by Iain Rea

<sup>34</sup> For example submission by Andrew Skokandich

<sup>35</sup> For example submission by Iain Rea

<sup>36</sup> We heard submissions from Geoff Richards, Ken Davis, and Guy Davies at the hearing.

provided information on exemplars of private campus type developments that incorporated public access.

116. Like many other submitters, Guy Davies supported the higher density development of the site. However, he considered that an “articulation in building height would help to break up the apparent continuity of building scale across the site” especially on the southern elevation. Mr Davies noted the precinct height limits and considered that the proposal should be completely compliant with these.
117. As noted above, we heard expert evidence on design matters from Richard Reid. Mr Reid provided a statement of evidence before the hearing and a summary and supplementary statement at the hearing, which he read. The key points of his evidence are as follows:
- The site has a number of distinct areas, which in his view should shape the proposal;
  - Mr Reid was critical of the viewpoint analysis undertaken by Assoc Prof Clinton Bird on behalf of the applicant, both in terms of the production of montages and the conclusions arrived at about visual and dominance effects from the viewpoints, particularly those viewpoints from the south;
  - The development of the site should be viewed in the context of other intensification on the Devonport peninsula;
  - Regent Street should be continued through the site as a viewshaft (thus connecting with Victoria Road on the southern side of Ngataranga Bay);
  - The orientation, height and width of buildings create excessive shading and poor on-site amenity;
  - While critical of the uninterrupted length and mass of Building 1, he considered that this building, and Building 5, being lower on the site, would not create adverse visual effects when viewed from the south;
  - Both Building 2 and Building 3 should be reduced in height (if Building 2 was not to be removed altogether).

#### Heritage and Archaeological Effects

118. Heritage and archaeological effects were a significant concern for a number of submitters (16%). This concern focused mainly on the adverse effects of the development on the remnant Duder Brickworks, however some concerns were also expressed about effects on artefacts of Maori occupation of the site during pre-European times. Submitter concerns about the Duder Brickworks were most comprehensively presented to us by Trish Deans, the spokesperson for the Ngataranga Action Group on heritage matters.<sup>37</sup> Whilst acknowledging that she was not a heritage expert, Ms Deans had been involved in a number of heritage matters in Devonport, including submissions to the Unitary Plan on these matters. Ms Deans submission was that the loss and destruction of the remnant brickworks, a Category B listed site in the

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<sup>37</sup> See also submission by Petra Heemskerk



Unitary Plan (PAUP ID 831), would be a significant adverse heritage effect that could not be mitigated by the proposals to record information during excavation and provide for the exhibits that informed people of the former brickworks. Ms Deans considered that we should defer any decision on the application until the application under the Heritage New Zealand Pouhere Taonga Act 2014 had been decided (this application being a separate application to the RMA proceedings, also providing for appeal rights).

119. On the matter of the brickworks, we also heard from John Duder, whose great-uncles had owned and operated the works for 40 years from the 1880s. Mr Duder sought that any encroachment of the coastal strip, which contained remnants of the works, be avoided, and that thorough investigation and recording of remnant works within the site be undertaken and for exposed features to be incorporated into landscaping where possible.

#### Infrastructure effects

120. In addition to effects on traffic infrastructure, addressed above, a number of submitters expressed concerns about the adequacy of other infrastructure, such as stormwater, water and wastewater services. These submitters referred to capacity issues generally in the local area, and questioned whether the services could cope with the addition of such a large development.

#### Water Bore Effects

121. A small number of submitters identified the potential for the extraction of water by the applicant from a proposed water bore to lead to subsidence effects beyond the boundary of the site.<sup>38</sup>

#### Council Staff

122. The Council reporting officer was assisted by a number of specialists, but in relation to the issues that were considered most unresolved at the hearing, was accompanied only by experts in the areas of traffic, heritage, urban design and landscape/visual effects.
123. At the conclusion of the submitters' evidence Council staff summarised their recommendations to us following the hearing of evidence.
124. **Mr Quentin Budd**, Senior Project Manager, confirmed to us that the appropriate design standard for sediment and erosion control devices was Technical Publication 90 and that under that document sediment ponds are to be designed to an area equal to 2% of the catchment area of the proposed earthworks. He advised that in cases of sloping land, the standard promotes the upsizing of such devices so that they are equivalent to 3% of the catchment area.
125. **Ms Myfanwy Eaves**, specialist heritage adviser, confirmed to us that under the OAUP the Duder Brickworks and jetty site (R11/1795), is identified as a Category B heritage place with listed heritage values of 'Historical' and 'Knowledge'.
126. Ms Eaves confirmed that the extent of place of the heritage area was reduced in size on the site as a consequence of a submission on the notified PAUP by Ngati Whatua o

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<sup>38</sup> For example submission by Lindsay Brock

Orakei. Ms Eaves confirmed her agreement with Dr Clough to the proposed conditions of consent relating to mitigating the effects of the works on the heritage area and the protocols to be followed during the construction of Building B05 in the event that items of interest were discovered.

127. Finally, Ms Eaves advised that, in her view, as a consequence of the works, the extent of place of the heritage area may require redefinition in future, implying that the construction of Building B05 would diminish the reasons for which the area had been identified for protection.
128. **Mr Sam Shumane**, specialist transportation consultant, advised that, following hearing the evidence of submitters and the applicant, his opinion as to the traffic and transportation effects of the proposal (as detailed in his initial Memorandum) were unchanged. He confirmed that in his view construction traffic could be adequately managed through conditions and endorsed any proposals within the construction traffic management plan process for regular community updates on development works and traffic. As noted above, he provided further data on 5 day ADT and 7 day ADT for Lake Road.
129. In relation to contractor parking, Mr Shumane's view was that that Stages 1 and 2 will easily be able to accommodate contractor parking on site, given its size, but that this may become more challenging for Stage 3. He also considered that there would be sufficient parking provided for residents and visitors on site.
130. In relation to concerns about the capacity of the existing transport network, in particular Lake Road, he agreed with the applicant's traffic and transportation engineer that a 'normal' development of the site would generate similar traffic flows in the locality. Mr Shumane's view was that it was the Council's responsibility to accommodate the reasonably anticipated traffic generated from land used in accordance with the relevant planning rules. Consequently, no particular development should be required to mitigate its traffic effects unless its intensity is greater than what is anticipated by the district plan. As noted, Mr Shumane was of the view that that would not be the case with the proposed retirement village and on that basis, even though he accepted that any additional traffic on Lake Road would cumulatively adversely add to current congestion on the road, that additional traffic was a legitimate expectation within the roading network, given the undeveloped nature of the Ngataranga Road land.
131. In relation to questions as to whether a Staff Travel Management Plan ought to be required, Mr Shumane's view was that this was a "small operation" and that although a plan would be useful, his expectation was that Ryman would manage its staffing requirements to meet its available on-site parking.
132. **Mr Chris Butler**, specialist urban designer, provided further written material in which he summarised his position and re-evaluated his urban design assessment of the application by specific reference to the OAUP and Devonport Peninsula Precinct provisions. While Mr Butler indicated support for the proposed use of the site as a retirement village, he noted a number of outstanding concerns principally arising from the infringements to building height, the general bulk and lengths of buildings when viewed from Ngataranga Road and the lack of variety in materials and colours. He considered that the effects of the current proposal would be "more than minor".

133. Mr Butler's recommendations for amendments to the design of the village included removing the 6<sup>th</sup> floor from Building B02, removing the eastern portion of Building B01, removing the third floor of Building B04 where this extends into Area 4 of Precinct Plan 6. He also considered that the applicant should incorporate a broader range of external cladding materials and colours to introduce more variety and contrast to building elevations to be more sympathetic to the existing character and diversity of built form found in Ngataranga Road and to help in breaking down the visible and perceived lengths and bulk of buildings. Furthermore, he considered that a revised landscape tree planting plan which significantly increased framework planting (native trees and vegetation) around site boundaries and along the Ngataranga Bay coastal edge would be beneficial.
134. **Mr Brad Coombs**, specialist landscape consultant, affirmed his opinion that the proposal was acceptable and appropriate from a visual effects point of view. He did not support any opening up of "view shafts" through the site that would result in the removal of mature vegetation along Ngataranga Road. He was critical of Mr Reid's analysis of such views to expansive open water arising from the layout of local streets.
135. Mr Coombs considered that having a higher "crest" height through Building B02 provided visual interest and in his view did not introduce any additional dominance or visual effects to views from the south side of Ngataranga Bay beyond those that were already presented by the proposal. He saw no reason from a visual effects point of view to remove the 6<sup>th</sup> level of Building B02 or other upper storey levels. Mr Coombs also opined that due to the orientation and contour of the site, multi-level buildings (even as few as two or three levels), in a roughly east-west orientation across the site will present a lineup of something close to 5 to 6 visible levels, when viewed from the south. This was evident from a number of the alternative proposals that were presented during the hearing of the site in his view.
136. In summary, Mr Coombs confirmed the conclusions of his initial assessment and advised that his opinion remained that the adverse landscape and visual effects of the proposal could be appropriately managed through additional landscape planting, to the extent that the proposal would be appropriate in this location. He confirmed that his assessment was essentially "looking from the outside" and that it was not his role to assess internal configuration of buildings and spaces. He candidly accepted that he was "not here to fix architecture". He confirmed that the difference of approach between himself and Mr Butler was the reason for their different opinions about the proposal overall.
137. Finally, **Mr Brooke Dales**, the reporting officer, confirmed that his recommendation that consent could be granted to the proposal remained unchanged after hearing all of the evidence that had been presented to the hearing. He made final comments in respect of statutory matters and conditions of consent.

#### Applicant's Reply

138. Counsel for the applicant presented an oral reply on the last day of the hearing and supplemented that with a written reply which was received on 12 December 2016. The written reply comprehensively addressed a number of matters that had been raised throughout the hearing both by Council officers, the Commissioners and submitters. It

also set out reply submissions on a variety of legal issues that had been raised and on the submitter presentations.

139. The written reply then summarised the key effects issues addressed during the hearing and set out options considered to be available to the Commissioners in making our decision, which included approving either the application presented to the hearing or either of two alternative proposals involving reductions in the height of buildings B02 and/or B04.

## **Issues for determination**

140. After:

- a. analysis of the application (including proposed conditions of consent);
- b. reviewing the submissions received and the Council planning officer's report and recommendation (including specialist reports);
- c. receiving and considering detailed evidence and submissions at the hearing;
- d. undertaking two site visits; and
- e. deliberating as a panel,

we find that the retirement village proposal raises a number of issues for consideration, principally arising from its scale (influencing construction related effects, intensity of site use and traffic impacts), and the bulk, location and design of its proposed built elements on the residential character and amenity of the surrounding locality. For the most part, all of these issues were in contention as between the applicant and submitters, although the extent of qualified expert evidence on most of them was confined to evidence from the applicant and Council specialists and in those cases, substantially in agreement.

141. We propose to consider and make findings on the following contentious matters put before us, namely:
- a. Construction effects;
  - b. Effects on the Duder Brickworks;
  - c. Effects on the coastal edge;
  - d. Traffic and transport effects;
  - e. Built form (external appearance, height, bulk and location) and related landscape, visual and urban design effects.
142. In making on our findings on these matters we will also discuss (as required) relevant policy and plan related matters.
143. Where we have not expressly identified and discussed a matter raised at the hearing (or in submissions) it is because we have found that it is not a matter relevant to our determinations under the RMA, or we have been satisfied on the evidence before us, or from the applicant's response in reply, that it has been, or will be, satisfactorily addressed in the course of implementing any consent. In this regard, we express our

gratitude to the applicant for the comprehensive and detailed written response provided to the issues that were raised during the hearing. It has made our deliberative tasks much simpler. Except where we comment on specific matters in our discussion of issues in contention below, we accept the applicant's reply submissions on the vast majority of issues it addressed and do not propose to lengthen this decision by repeating them here.

144. After discussing the principal issues in contention, we will then address the key issue, being whether the actual and potential adverse effects of the proposed retirement village are able to be avoided, remedied or mitigated to an appropriate level. Consequently, depending on our findings in relation to that matter, we then consider whether allowing the application would be consistent with the applicable objective and policy framework, so as to achieve the purpose of the RMA.
145. Before we look at the specific matters in contention, we propose to set out the approach we are required (or have determined) to follow when considering the effects of the proposal. This requires us to consider the applicability of a permitted baseline (per section 104(2) of the RMA), or some other form of 'anticipated effects baseline'.

#### **Permitted and Anticipated Development effects baselines**

146. The applicant's case relied on both a permitted baseline proposition (in terms of section 104(2) of the RMA), as well as what it called an "anticipated development" baseline (by reference to section 104(1)(b) or section 104(1)(c)). Both these effects baselines were important features of its case to rebut submissions that its retirement village development would have adverse effects on the environment that were more than minor. At law the adverse effects of a 'permitted baseline' can be discounted from the adverse effects of an application for consent because permitted adverse effects are able to be disregarded. The applicant's anticipated development baseline is a slightly different concept and we deal with that separately below.
147. The reporting officer did not apply a permitted baseline to his assessment of the effects of the proposal, preferring instead to refer to a 'complying' development scenario for the site. In that regard, there was general agreement with the applicant's advisers as to the complying extent of building, bulk and location on the site from a standard residential housing development on the site, particularly when viewed from the south side of Ngataringa Road, which was enabled by the MHS zone in the OAUP (and in the former Residential 4 Zone of the Legacy Plan). From the section 42A report we understand the reporting officer to have accepted that the bulk and location effects of the proposed retirement village buildings as seen from Ngataringa Road would be only marginally greater (in terms of visual extent) than standard development along Ngataringa Road of residential dwellings, built to the bulk and location controls in the relevant plans.
148. For its part, and despite the reporting officer's reluctance to apply it, the applicant maintained that there was a section 104(2) permitted baseline for the site and that we should exercise our discretion to consider it. However, we prefer the view expressed by the reporting officer and find that there is a limited permitted baseline of bulk and location effects along Ngataringa Road that we can discount from our assessment of the effects of the retirement village in the manner contemplated by section 104(2) of

the RMA. We have come to this view for a number of reasons. First, comprised as it is in one title, three or more dwellings on the site require a restricted discretionary resource consent under the MHS zone Activity Table. Second, subdivision of the title to create vacant lots in order to subsequently construct one house per lot (as a permitted activity) would also require a restricted discretionary consent. Third, a portion of the site is affected by a heritage area overlay within which any earthworks or building activity is wholly discretionary and, as is evidenced by the current proposal, alterations to the surface of the land including by way of earthworks and the creation of impervious surfaces and diversion and discharge of stormwater also require a variety of different resource consents.

149. As the site currently sits therefore, the permitted baseline of activity on the property appears to be two additional dwellings built away from the heritage area and not requiring any extensive earthworks or other land modification. We decline to exercise the discretion in section 104(2) of the RMA to disregard the adverse effects of permitted activities on the site to any greater extent than this.
150. However, we do accept that the applicant's "anticipated development" baseline (or the reporting officer's 'complying development' concept) is something that we should have due regard to as a relevant matter under section 104(1)(b) or section 104(1)(c) of the RMA. Our finding in relation to this is reinforced by OAUP Rule C1.8(2) which advises:

*When considering an application for resource consent for an activity that is classed as a discretionary or non-complying activity, the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.*

151. While the approach directed here is not a strict, section 104(2) permitted baseline approach, it is an approach that acknowledges the effect of plan prescribed development standards in the real world. This is a particularly important feature of the current proposal because of the way in which the development opportunities for the site have been crafted.
152. In combination, the MHS zone and DPP rules classify an integrated residential development on this site that complies with the varied height and other related bulk and location standards in the DPP as a wholly restricted discretionary activity. Under the DPP provisions such an activity can be considered without public or limited notification, or the need to obtain written approval from affected parties, except in special circumstances (Rule I508.5 Notification).
153. We find that this is an important indicator as to the OAUP's approach to the management of effects on the environment at this location and the extent to which it has enabled development at this (and other) DPP locations. Put simply, subject to the specific assessment matters, we find that building development of the scale anticipated by the rules and standards must be considered to be consistent with the policy and objective framework of the DPP; after all, the former methods only exist to achieve the later provisions (in a plan hierarchy sense). The existence of a non-notification rule within the OAUP for such an activity also indicates that the effects of such a development complying with these standards is considered to be sustainable and

allowing decision making about it to proceed without public input is an appropriate way to achieve the objectives of the OAUP as they apply to this site and more generally.<sup>39</sup>

154. The approach to the section 104(1) matters is well established. The directive “*must have regard to*” does not mean “*must give effect to*”. Rather the decision-maker must give genuine attention and thought to the matters set out.<sup>40</sup> The directive preserves a discretion to the decision maker: the specified matters must be considered, but any or all of them may be rejected or given whatever weight the decision-maker considers appropriate.<sup>41</sup>
155. Accordingly, in summary, we give weight to the effects on the environment that might result from development of the site in accordance with the applicant’s anticipated development scenario, which is based on a ‘compliant’ restricted discretionary (as far as land use is concerned) proposal, albeit one which avoids the extent of place of the *Duder Brickworks*. Even with that exclusion, we have no trouble in finding that the scale of the anticipated buildings and their enabled height on the site is considerable and that the differences between that anticipated scale of buildings and the scale of buildings for which consent is sought are comparatively small. We will bear these differences in mind when we look at the specific assessment matters that the OAUP provides us with when looking in particular at the design and external appearance of the proposed buildings.

## Findings in relation to principal matters in contention

### Construction Effects

156. We have carefully considered the technical evidence relating to construction works for the village buildings and in particular the works to upgrade the stormwater outfall. In reviewing that evidence we have also analysed the relevant assessment criteria and objectives and policies that relate to the rules for which consents in relation to construction activities are required (see above). We are satisfied on the basis of that evidence and our assessment that the land disturbance works can be undertaken in an acceptable manner, subject to appropriate conditions of consent. We have recommended an amendment to the condition in relation to sediment control to ensure that any in-line stormwater pond to collect sediment from run-off during construction be upsized to a minimum of 3% of the area of the catchment, such an upsizing being acceptable to the applicant, and a matter that gives due precautionary recognition to the potential adverse effects of sediment discharges into the sensitive coastal marine area.
157. We acknowledge that construction of the stormwater outlet will disturb vegetation within an SEA and the marine environment, but overall we are satisfied that the scale of the

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<sup>39</sup> Section 77D RMA allows a plan to include rules as to notification. In making such a rule, the plan drafters were obliged to consider the effects on the environment of activities to be controlled by the rule (section 76(3)), and had to be satisfied that the rule was an appropriate method to achieve the objectives of the plan (section 32(b)).

<sup>40</sup> *Foodstuffs (South Island) Ltd v Christchurch CC* (1999) 5 ELRNZ 308; [1999] NZRMA 481 (HC).

<sup>41</sup> In *The Warehouse Ltd v Dunedin CC* EnvC C101/01, the Court adopted the approach taken in *R v CD* [1976] 1 NZLR 436.

works is small and that the construction methodologies will employ best practice to properly manage the impact of these works.

158. We accept the technical evidence of Ms Paice and Ms Hannah that stormwater can be managed appropriately on the property by means of a reticulated network and overland flow paths.
159. The most visible aspect of construction will be construction traffic, particularly during site earthworks and then during construction of buildings on site. We have carefully considered the additional matters suggested for inclusion by way of construction conditions by submitters<sup>42</sup> and have made some (but not all) changes to the conditions to incorporate those matters we were satisfied would further manage the effects of construction-related traffic. These have included additional items for inclusion within the Construction Traffic Management Plan in relation to contractor parking and utilising residential streets for access to the site and providing regular newsletter and public announcements of progress of the works.
160. Overall, we find that potential adverse effects arising from its construction of the village in the staged manner proposed will be appropriately avoided, remedied or mitigated by conditions of consent to an acceptable level. This is not to say that the works will not disturb or inconvenience surrounding residents from time to time during the construction programme – clearly they may – but rather, that such disturbance, managed to an appropriate level bearing in mind the size of the site and the scale of the development, is a reasonably anticipated one in any urban environment.
161. We also find that for the longer term, the effects of additional stormwater run-off from the development will be appropriately managed in an acceptable manner.

#### **Effects on the Duder Brickworks**

162. By the close of the hearing we were helpfully presented with a statement of agreement in relation to heritage effects (and appropriate conditions) by Dr Clough and Ms Eaves. We accept the agreed evidence of these qualified experts in relation to this aspect of the application.
163. Although not purporting to give specialist heritage expert evidence, Ms Deans is well-known and experienced in such matters. Her evidence contended that no works should be undertaken that would impinge in any way upon the heritage area as doing so would simply legitimise ongoing loss of heritage values within the Devonport area and undermine the very purpose of scheduling and protecting such features.
164. Our findings in relation to this matter have been guided by the matters for which the Duder Brickworks were scheduled and the policies that relate to the proposals to undertake earthworks and construct buildings within the identified Extent of Place. We refer here in particular to policies D17.3.3, 8-10, 13 and 14. While we accept Ms Deans argument that any impact on a heritage area represents a cumulative loss of a heritage resource, we consider that a more fine-grained approach is now required by the OAUP.

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<sup>42</sup> For example, Marinka Teague.



165. In this case the site has been scheduled for Historic and Information purposes – there being no buildings or other surface remains accessible to or visible on the development site itself (as distinct from the marginal strip area). The site will always be known as the location of the Duder Brickworks, just as it will no doubt be historically remembered as ancestral land of Ngati Whatua, as a base during World War II and, more recently, naval housing. We do not think that the overall purposes of scheduling will be diminished by the partial demolition of the area (by earthworks etc) and the adaptation of the site to another and more modern land use with substantial public benefits. Nor do we find that the Information category for listing will be diminished, but rather it will potentially be enhanced. The proposed condition suite in respect of heritage matters will enable more information to be discovered as to historic items associated with the brickworks.
166. Dr Clough considered that the site would still remain worthy of scheduling even after construction and development of the retirement village; Ms Eaves similarly agreed, but qualified her agreement by saying that the extent of place might need to be modified where the new buildings had been constructed. As such Policy D17.3.13 would not be infringed and the scheduling would still remain viable and relevant for a portion of the site.
167. Added to our analysis on this was the unqualified, but nonetheless important view of Mr John Duder, a relative of the original Duder Brickworks' founders, that the site was acceptable for development and that if any historic items or features were found they could be utilised within the retirement village itself – an outcome, we note, endorsed by the proposed conditions of consent in relation to this matter.

### **Effects on the coastal edge**

168. As noted above, the Mary Barrett Glade Walkway and Polly's Park is wholly located within Crown land, within a marginal strip which is reserved in the name of the Crown by virtue of Part 4A of the Conservation Act 1987. As discussed at the hearing, the applicant has no authority to undertake works in this area without the consent of the Minister of Conservation. Plans initially showing construction earthworks and other related parts within this area were amended to ensure that they stayed clear of the 20 metre marginal strip. We note that the applicant will need the approval of the Minister in any event for the stormwater outlet upgrade works.
169. With the proposals in relation to construction sediment management and the applicant's offer to upgrade the walkway, we are satisfied on the evidence that the effects of the construction of the village and its future operation on the usability and amenity able to be gained by users of the walkway, will be maintained or enhanced.

### **Traffic and Transportation**

170. We have set out above in summary form the evidence and various opinions we heard in relation to the actual or potential traffic and transportation effects that may arise from the development of the retirement village. Having considered the evidence, giving more weight to the specialist expert evidence we heard, we are satisfied that any adverse traffic and transportation effects of the village will be satisfactorily avoided or mitigated to an appropriate level as a consequence of the design and location of the village, and the fact that its residents are discretionary travellers and more likely than

not to avoid periods of peak congestion or have their transport requirements met in an integrated fashion by the operator of the retirement village.

171. This is not to say that the additional traffic movements arising from operation of the village will not add to those already existing on Lake Road and, in a strict sense, adversely accumulate with them. But we are drawn to find the applicant's case on this matter persuasive for a number of reasons:
- a. Development of the site for residential housing would generate similar, if not more, traffic impacts on the local roading network, potentially at more congested times of the day;
  - b. The permitted standard of vehicle generation for new activities by way of Auckland-wide rules in the OAUP is 100 vehicles in the peak hour, and the proposal does not infringe that standard; and
  - c. The site is undeveloped and its future occupants must have a legitimate expectation to use common access (i.e. roads) and related resources for day-to-day access and egress.
172. Taking these factors into account, we find that the traffic and transport related effects of the proposal will be acceptable.

**Built form (external appearance, height, bulk and location) and related landscape, visual and urban design effects**

173. The aspect of the proposal that was the focus of many at the hearing and also our own deliberations is the bulk, location and external appearance of the proposed retirement village buildings. We have been assisted in our analysis of these matters by the assessment criteria and matters for discretion for integrated residential development found generally in the MHS zone and specifically, for the scale of such development anticipated at this site, in the DPP. We acknowledge that our overall consideration of the application is not limited by section 104C of the RMA, it being a wholly discretionary proposal, but the assessment matters are still provisions of the OAUP to which we must have regard and the matters of discretion are helpful in defining for us the scope of discretion that would apply in the context of a wholly restricted discretionary (and potentially non-notified) proposal at this site.
174. In the MHS zone the relevant matters of discretion are:
- (3) *For integrated residential development:*
    - (a) *the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:*
      - (i) *building intensity, scale, location, form and appearance;*
      - (ii) *traffic;*
      - (iii) *design and parking and access; and*
      - (iv) *noise, lighting and hours of operation.*
    - (b) *all of the following standards:*
      - ... [H4.6.8 – 15].

(c) *infrastructure and servicing.*

175. We note that MHS zone matter for discretion (4) is engaged for “buildings that do not comply with Standard H4.6.4 Building height” as well as a variety of other standards. Although the proposed retirement village does not have to comply with Standard H4.6.4 Building height in the MHS zone (as a consequence of the additional height allowed under the Devonport Peninsula Precinct), for completeness we note that the following matters would otherwise be engaged:

- (a) *Any policy which is relevant to the standard;*
- (b) *The purpose of the standard;*
- (c) *The effects of the infringement of the standard;*
- (d) *The effects on the rural and coastal character of the zone;*
- (e) *The effects on the amenity of neighbouring sites;*
- (f) *The effects of any special or unusual characteristic of the site which is relevant of the standard;*
- (g) *The characteristics of the development;*
- (h) *Any other matters specifically listed for the standard; and*
- (i) *(Not applicable).*

176. As for assessment criteria relevant to integrated residential development in the MHS zone, H4.8.2.3 directs the reader to the relevant policies at H4.3 in respect of the various bulk and location standards. In addition, two further matters of assessment (at H4.8.2.3) are:

- (a) *The extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome: [various standards cross-referenced]*
- (k) *Infrastructure and servicing:*
  - (i) *Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.*

177. When it comes to the DPP, I508.8.1 advises that:

*The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the zone, Auckland-wide, or over-lay provisions.*

178. I508.8.1.1 “Any land use or development including one or more buildings which infringes the maximum height of the zone but complies with the maximum building heights in I508.6.1” has the following relevant additional matter of discretion:

(i) *Building footprints, profile and height.*

179. Assessment Criteria (I508.8.2.1) for such restricted discretionary activities are:

(1) *Whether building height establishes an integrated built form that is in accordance with Policy I508.3(1)(a), (b) and (c) and also:*

(a) *is in keeping with the form and function of existing and proposed streets, lanes and open space; and*

(b) *ensuring (sic) a mix of building heights and a variation of built form when viewed from streets, public open space and residentially zoned areas and in particular, views of higher buildings should be broken up by buildings of a lesser height to reduce dominance and bulk.*

(2) *...*

(3) *The extent to which the additional intensity of development within the sub-precinct enabled by the additional building height is appropriately serviced by open space, and a high quality living environment provided, including through consideration of the following:*

(a) *locating open space to provide a good standard of amenity, sunlight access and a high level of accessibility;*

(b) *retaining wherever possible and appropriate, the existing mature trees, particularly where it would assist (the appearance of three – five level buildings as viewed from the perimeter of the relevant sub-precinct); and*

(c) *providing for public access along the coast by way of a conservation covenant and/or other similar mechanisms.*

180. We set out below our principal findings in relation to these matters.

181. We find that the bulk, height and location of the proposed buildings establishes a built form on the site that avoids wider dominance or visual effects. Our assessment of the proposal from the most distant viewpoints we were provided is that although it will be noticeable as a large built form, it will still sit comfortably in the urban residential landscape when viewed from those elevated locations. It is assisted in this outcome by the extent of foreground vegetation to be retained, the fact that it does not dominate a ridgeline or the horizon, and that its architectural forms and appearance are not uncommon features in these views.

182. Most of the mitigating factors that apply from the distant elevated views apply equally for views from Ngataranga Park and Lake Road. Naturally, given the closer proximity to the site, from these locations the extent of built form on the site will be more noticeable. But even at this viewing distance, we are satisfied that the development will not

generate adverse dominance or visual effects. In making this finding we place weight on the nature of the activities occurring at these locations (public recreation and transport), and the fact that any development of the site in accordance with its anticipated development scale would have a similar, potentially indistinguishable, visual appearance from these locations.

183. We observe here that the enabled greater building height for the site is the method chosen by the DPP provisions to achieve the policies against which the proposal is then to be assessed. Consequently, a finding that a building of a complying height did not achieve the policy would be illogical. Of course here we are assessing buildings that do not fully comply with the DPP height limits. But in relation to the assessment matter, we are not persuaded that the additional areas of height result, overall, in the development having wider adverse dominance and visual effects. As the montages and elevations of the alternative options offered by the applicant show, it is difficult to discern the difference at first glance.
184. When it comes to building height transition to adjacent residentially zoned areas, we find that this outcome is also sufficiently achieved by compliance (as envisaged by the DPP provisions) with the lower height limits in Areas 3 and 4 (around the existing residential edges of the site). In the locations where the Area 3 and 4 heights are not met, we are satisfied that the significant setbacks from the road boundaries of those areas of additional height, the retained planting, and the absence of any adverse shading effects ensure an appropriate building height transition is achieved and the amenity of the surrounding residential areas is maintained. Although some views across the site will be lost, that is an inevitable outcome from any development on the site, and would occur even if the Area 3 and 4 height limits were fully complied with.
185. We also find that the retirement village at the intensity proposed will be appropriately serviced by open space and a high quality living environment provided on site for residents. Mature trees will be retained and will be supplemented with extensive further landscaping. Open space on site (including access to the Mary Barrett Glade walkway) will provide good amenity for residents and although sun-light access to all areas of the development and accessibility around it will not be as generous as might be achieved with less intensive building activity or a flatter, north-facing site, we are satisfied that they will still be of a good standard for the residents, duly appreciating the characteristics of the site and the nature of the use of it for comprehensive retirement living and aged care.
186. Finally on this topic we turn to the key point of difference between ourselves and Commissioner Serjeant, whose dissenting reasons (set out later) we have had the benefit of reading in draft. We refer here to the assessment criteria which direct us to consider whether the building height establishes “an integrated built form” that ensures a mix of building heights and variation of built form when viewed from streets, public open space and residentially zoned areas with views of higher buildings being broken up by buildings of lesser height, thereby reducing dominance and bulk.
187. We consider that the proposed retirement village buildings do provide a mix of building heights and variation of built form when viewed from the outside in. Undoubtedly, the design of the buildings could have incorporated a greater mix of height and variation of built form. We accept the analysis of Commissioner Serjeant in this regard. However,

we do not wish to be drawn into a debate on architectural design to achieve what are essentially qualitative criteria, particularly in circumstances where we are not satisfied on the evidence that requiring greater variation in height and built form is necessary to avoid or mitigate an adverse effect on the environment of the development. We also observe that the anticipated height and built form of a complying development on the site would not likely bring with it any greater variation than is currently proposed.

188. In the end we return to the assessment criterion of “integrated built form”. Importantly, this criterion echoes DPP Objective I508.2.1 which seeks to achieve integrated high quality housing development on large continuous sites, which incorporate additional building height while complementing building heights at the interface with adjacent residential areas. Notwithstanding Commissioner Serjeant’s criticisms of this aspect of the proposal, we are satisfied that the development as proposed generally achieves that objective, appreciating the intensification opportunity enabled for the site and the built form outcomes envisaged by that. Put another way, we do not consider that Commissioner Serjeant’s criticisms of the design of the proposal are sufficiently strong to support a finding that the proposal is inconsistent with the relevant OAUP objective and policies, or that approving it as proposed would not achieve the sustainable management purpose of the RMA. The plan provisions must be read as enabling a degree of discretion in relation to this aspect, having left it to a matter of assessment, and this approach enables other factors, such as the nature of the site activity proposed to factor in that overall assessment.
189. Overall, we are satisfied that the built form and appearance of the proposal are acceptable from an effects and policy analysis.

### **Assessment of application following findings in relation to principal matters in contention**

190. In relation to the principal effect issues in contention, we have set out our findings above.
191. We have had regard to the statutory, plan and other provisions recorded earlier in this decision.
192. In considering our discretion to grant or refuse consent, we determine to exercise our overall judgment to grant consent. We are satisfied that the proposal does not threaten the life supporting capacity of the natural environment, duly accommodates the reasonably foreseeable needs of future generations, and will appropriately avoid, remedy or mitigate any adverse effects on the environment if undertaken in accordance with the conditions of consent we intend to impose.
193. We also find that the proposal will enable people and communities to provide for their social, cultural and economic well-being, and for their health and safety. Even if we had agreed with Commissioner Serjeant’s factual findings as to built form effects, we would still have exercised our discretion to approve the application on the basis that it fundamentally achieves the sustainable management purpose of the RMA.

## **Decision of majority of Commissioners**

194. In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104 and 104B and Part 2 of the RMA, the majority of the Commissioners grant the resource consent subject to the conditions in Appendix 1.
195. The reasons for our decision are set out in our findings and final assessment above.



**K R M Littlejohn**  
Chairperson  
(for the majority of Commissioners)

13 January 2017

## **Decision of Commissioner Serjeant**

196. The decision above represents the majority view of the three Commissioners. The following section sets out my dissenting view.
197. At the outset, it needs to be clear that the area of dissention lies only in relation to the bulk, location and design of the buildings, and even then only Buildings 2, 3 and 4. I consider that the adverse effects of these buildings and their inconsistency with the objectives and policies for the Devonport Peninsula Precinct are such that the application should be declined. The Precinct objectives, policies and related assessment criteria focus on both intensification and a quality built environment, and I consider that to fail in either of these matters is to fail overall.
198. If a partial consent was an option (i.e. consent only to Stage 1, comprising Buildings 1 and 5, and to Building 6), then I would have granted that consent. However, as such a partial consent is not an option, my decision is to decline the application in total.
199. The reasons for my alternative view are set out below.

### **The Planning Provisions**

200. The Mixed Housing Suburban zone and Devonport Peninsula Precinct provisions must give effect to the objectives and policies in Regional Policy Statement (RPS) Chapter B2.2 Urban growth and form, B2.3 A quality built environment, and B2.4 Residential growth, as referred to us by Dr Mitchell and Mr Dales. The RPS chapters refer to optimising “the efficient use of the urban area”, enabling “the efficient supply of land for residential ... and social facilities”, providing “choices that meet the needs of people and communities for a range of housing types”. The intensity of the proposed development achieves all of these outcomes, as enabled by the Devonport Peninsula Precinct provisions, and is supported. The RPS chapters also refer to a “higher-quality urban environment”, with objectives that development responds “to the intrinsic qualities and physical characteristics of the site and area, including its setting”,

encourages “innovative design to address environmental effects”, promotes the “health and safety of people and communities”.

201. Further, “residential intensification [that] supports a quality compact urban form”, “residential areas [that] are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area”. These objectives are to be achieved by managing “the form and design of ... development so that it ... supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage” and “meets the functional, and operational needs of the intended use”. Specific reference to the precinct approach is found in the policy to “recognise and provide for existing and planned neighbourhood character through the use of place-based planning tools” and managing “built form, design and development” to achieve the descriptions set out in those place-based plan provisions.
202. The relevant provisions of the MHS zone and DPP against which to assess the application are set out above. We received very little in the way of analysis from the parties of the place-based DPP provisions and the ‘description’ of what the “built form, design and development” is to achieve. However, I508.1 Precinct description states that the precinct enables additional building height and increased intensity as a consequence, however “provisions are designed to ensure that the effects generated as a result of the additional height [up to five storeys] and intensity are mitigated”. This is achieved in a number of ways:
- By providing for variability in building height across each sub-precinct, responding to the unique characteristics of each site and surrounds;
  - By ensuring a mix of building heights across Areas 1 and 2 (the Wakakura Sub-precinct only has Area 1 within it, being the 16m/17m height maximum area);
  - By specifying that development that exceeds the MHS zone height limits, but not the DPP height limits, is a restricted discretionary activity, to be processed by way of non-notification;
  - Including assessment criteria for such a restricted discretionary activity.
203. We did not receive any analysis from the parties on these criteria, despite their relevance to a full discretionary application. The assessment criteria (I508.8.2.1.1 to 3) provide guidance as to the manner in which the additional height and intensity within the site is to be mitigated. As set out at the beginning of this dissenting view, the focus is on the bulk and location and design of buildings, so criteria I508.8.2.1.2 on transport matters is not considered further. In relation to I508.8.2.1.3, it is considered that the proposal performs acceptably in relation to open space, tree retention and access along the coast, despite criticism in relation to sunlight access to some of the buildings. However, the critical issue in this dissenting view is the performance of the application against the matters raised in I508.8.2.1.1. In particular:
- Wider dominance and visual effects;
  - The mix of building heights across Area 1 such that views of higher buildings should be broken up by buildings of lesser height to reduce dominance and bulk;



- The variation of built form when viewed from streets, public open space and residentially zoned areas.

### **The Evidence**

204. The evidence on these matters is recorded above. The applicant's design and visual assessment evidence was provided by Mr Allison and Assoc Prof Bird. As the planning and design of the proposal had commenced well before the relevant criteria were known, and had not changed in any significant way, by reason of simple chronology, it had not specifically responded to it. In any event, Mr Allison did not refer to the criteria as guiding principles in the design and Assoc Prof Bird did not refer to them as components of his assessment methodology (for example, his 19 key design objectives).
205. Mr Allison is clearly very experienced in designing Ryman villages. He also considered that the design blended in with the existing architecture of the area and adjacent sites. However, in response to a question from the Commissioners he did not identify any specific ways in which the design had responded to the locality, beyond a general compliance with the height limits within the three areas of the sub-precinct and large building setbacks. Whereas the criteria in I508.8.2.1.1(b) envisage a mix of building heights within Area 1, and some building heights being lesser than the 16m height limit so as to reduce dominance and bulk, the entire development (Building 6 excepted) is contained within five large buildings which have little variation in built form.
206. At this point it must be acknowledged that Building 1 contains the administration, communal facilities, hospital, dementia unit, rest home and assisted living suites, all of which support the integrated levels of care needed for increased levels of dependency amongst the occupants. Whilst many submitters, and the expert evidence of Richard Reid is critical of the size of Building 1, my view is that for Building 1, 'function' needs to determine 'form' and all these facilities need to be in one building. However, that argument does not stand for the buildings containing independent apartments, where Ryman's choice of large buildings must be seen as driven mainly by cost, at the expense of responding to the precinct 'description'. It is also noted, as it was during the hearing, that the Narrow Neck buildings are the same as those for the proposed Ryman retirement village in Blockhouse Bay. Consequently, the extent to which the design responds to the locality, and the criteria, must be doubted.
207. Assoc Prof Bird was engaged as an independent urban design and visual assessment expert following the design process. His assessment utilised photo montages of the proposed development, and illustrations of "buildings built to the Proposed Auckland Unitary Plan decision [representing] the additional height permitted, enabled by the Devonport Peninsula Precinct". The applicant's evidence was that the proposed development had similar effects as to 'permitted' buildings. My view is that the images of the PAUP buildings cannot be relied on for a comparative assessment as the only buildings that are permitted on the site are those complying with the MHS height limit, with all buildings taking advantage of the DPP height limits requiring assessment under the criteria. As such it is not realistic to suggest that 'complying' buildings would look anything like what was depicted in terms of probable bulk and location (see for example the higher buildings in Drawing RC40A).

208. In terms of the visual effects of the proposed buildings in the wider landscape, Assoc Prof Bird came to the overall conclusion that the visual effects were no more than minor. I accept that such an overall conclusion is necessarily a combination of assessments from the various viewpoints, and in relation to the more distant viewpoints from North Head and Mount Victoria, it is agreed that the proposed development, although clearly visible and differentiated from the residential areas surrounding the site, is a small part of a large view. That is not the case with closer views from the south, in particular from Ngataranga Park. As noted previously in the decision, the Commissioners conducted a second site visit, taking in Viewpoints 7 and 8 at the park. Irrespective of the confirmation that the visual montages prepared according to the NZILA Best Practice Guide: Visual Simulations were to be taken as an accurate representation of the buildings in the landscape, it was the view of all Commissioners that these did not match the human eye. In terms of Viewpoints 7 and 8, it is the 'close up' versions of these viewpoints as shown on Drawing RC38 (which are similar to Assoc Prof Bird's base photos in Figures 16 and 17 in his original assessment), not the NZILA montages on Drawings RC38B, that are more real. These viewpoints are particularly important, as viewpoints from public open space are an essential part of the criteria. Assoc Prof Bird came to the conclusion that the proposal will have 'less than minor' adverse visual, dominance or overlooking effects on its various receiving environments. That is clearly not the case from Viewpoints 7 and 8 in particular, and likely other viewpoints from the south such as Viewpoint 17 on Lake Road where the buildings appear as a continuous line of multi-storey buildings, which is not the outcome sought by the criteria.
209. The evidence of Richard Reid, and the statements by other architects referred to above, albeit not appearing as independent experts, came to different conclusions to Assoc Prof Bird on matters of design and visual assessment. My view is confined to the public aspects of this assessment (as opposed to the internal design matters such as shading). Collectively, the aspects of the various evidence and presentations that are preferred as they respond more adequately to the assessment criteria are:
- The development requires greater porosity in order to respond to the surrounding built fabric, a point made by Mr Richards. This need not include the Regent Street 'viewshaft' component favoured by Mr Reid, as I consider this to be unrealistic, but it should include a finer grained approach to the development, apart from Building 1 as noted above. While Assoc Prof Bird emphasised the discrete viewshafts along the Ngataranga Road frontage, I consider that the bulk of buildings prevents the emulation of that aspect of neighbourhood character.
  - The development does not respond to the elevated topography on the western slope, which, unlike the eastern part of the site, does not drop steeply away from Ngataranga Road and so enables smaller scale apartment buildings, as in other Ryman villages, as Mr Reid stated. The design response has instead been to excavate the site in this area, and so enable larger floor plate buildings within the western slope. I consider that the western part of the development should be designed to engage with the neighbourhood in a more graduated way than Buildings 2, 3 and 4 currently do.

- Visual assessment from the southern side of the site is an important aspect of the overall wider dominance and visual assessment, and the criteria. From some of these viewpoints the development has adverse visual and dominance effects that are significant (Mr Reid).
- Elements of visual assessment against which the overall development fail (with reference to Mr Reid's factors) are the bulk and scale of individual buildings in relation to the surrounding built and natural environment, the uninterrupted length of the overall development, the degree of integration with the housing grain of the neighbourhood, and the solidity and massing of the building.

## Conclusion

210. My conclusion is that the application should be declined. Unlike the majority decision, my finding is that the application fails on the facts in terms of its ability to meet the assessment criteria, and this failure is sufficient to decline that application given the strong focus on design issues in order to meet the DPP description. This application is the first to be tested against the provisions of the DPP that provide for the intensification of six areas, beyond that otherwise provided for by the underlying zoning. This intensification will generate significant change in each of these areas, subject to the assessment criteria referred to above (and likely no public input, given the non-notification provision). While acknowledging that this application is for a retirement village, and not a typical apartment development, it would be unfortunate if the interpretation of the DPP provisions were seen to support the proliferation of large bulky buildings that have little or no variation in built form and adopt an undifferentiated 16m height limit within Area 1. While the achievement of greater intensity is supported, this does not have to be at the expense of the existing environment or a quality outcome. As noted at the beginning of this dissenting view, the RPS provisions of the Unitary Plan envisage both increased intensity and a high quality built environment, the two goals are not mutually exclusive, as set out in the Auckland Plan.
211. Finally, to articulate an outcome which I would have supported, this would include Building 1 and potentially Building 5, being lower within the site, as proposed, but the reconfiguration of Buildings 2, 3 and 4 to smaller apartment blocks (with variably 8, 12 or 16 apartments in each) of varying design still achieving the 132 apartments contained by the existing proposed buildings, but with a finer grain and greater porosity, that provided a better transition into the Ngataranga Road neighbourhood, and a differentiated visual effect on the open space to the south.



**Dave Serjeant**  
Commissioner

13 January 2017

## APPENDIX 1 – CONDITIONS OF CONSENT

## General Conditions

These conditions apply to all the resource consents.

1. The retirement village activity (and associated construction works, water takes, coastal permit and stormwater discharges) shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent numbers REG-2142199 (Regional Bore Consent), LN-2142200 (District Landuse, Regional Earthworks), REG-2142201 (Regional Stormwater Discharge), REG-2142202 (Regional Groundwater Diversion), REG-2142203 (Groundwater Take), REG-2142204 (Regional Coastal), REG-2142205 (Regional Contaminated Site Discharge), REG-2142199 (Regional Bore Consent) and in terms of the following:
  - Application Forms, and Assessment of Effects prepared by Mitchell Partnerships Limited dated 19 November 2015, including the following:

## 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
  - Email from Richard Turner of Mitchell Partnerships Limited dated 24 November 2015, confirming that the bore application seeks an actual volume of 90m<sup>3</sup> per day across 4 bores (not 25m<sup>3</sup> in the AEE) and includes the completed Bore application forms;
  - Email from Richard Turner of Mitchell Partnerships Limited dated 3 December 2015, with section 92 response from Woods to the requests regarding the Regional Stormwater (Arsini Hanna);
  - Email from Richard Turner of Mitchell Partnerships Limited dated 3 December 2015, with section 92 response to the requests regarding the Regional Coastal Permit (Kala Sivaguru);

- Email from Richard Turner of Mitchell Partnerships Limited dated 4 December 2015, with section 92 response from Woods to the requests regarding the Regional Earthworks (Matt Byrne);
- Email from Richard Turner of Mitchell Partnerships Limited dated 3 December 2015, with section 92 response (including section 92 response letter from Tonkin & Taylor) to the requests regarding the Regional Contamination Discharge (Andrew Kalbarczyk);
- Letter from Tonkin & Taylor) responding to section 92 requests regarding the Regional Groundwater Diversion (Richard Simonds);
- Email from Richard Turner of Mitchell Partnerships Limited dated 15 December 2015, with attached map showing location of Mary Barrett Glade Loop Track and to reaffirm the applicant's position that as the site is subject to Part 4A of the Conservation Act, the 20 m wide strip is essentially Crown land and an esplanade reserve is not required;
- Email from Richard Turner of Mitchell Partnerships Limited dated 17 December 2015, with section 92 response (including section 92 response letter from Tonkin & Taylor) to the requests regarding the Regional Groundwater Take and Bore (Therese Malcon);
- Email from Richard Turner of Mitchell Partnerships Limited dated 17 December 2015, with updated design for the stormwater outfall into Ngataringa Bay agreed with NRSI Coastal team;
- Email from Richard Turner of Mitchell Partnerships Limited dated 17 December 2015, with section 92 response (including section 92 response letter from Commute) to the requests regarding the Traffic, Transportation & Parking (Sam Shumane, SCON);
- Email from Richard Turner of Mitchell Partnerships Limited dated 17 December 2015, with signage details and dimensions;
- Email from Richard Turner of Mitchell Partnerships Limited dated 1 March 2016, with the Clinton Bird Urban Design Response report dated 1 March 2016 and updated photomontages;
- Email from Richard Turner of Mitchell Partnerships Limited date 2 March 2016, with the addendum report by Rod Clough to the Heritage Impact Assessment dated 26 February 2016 and the attached Rod Clough 'Interim Report On Exploratory Archaeological Investigation' dated 26 February 2016;
- Email from Phil Mitchell of Mitchell Partnerships Limited dated 17 May 2016, with various visual assessment maps; a short paper explaining the challenges associated with using conventional photographic methods at the site boundary.
- Memorandum from Phil Mitchell of Mitchell Partnerships Limited dated 24 June 2016 that addresses archaeological matters.
- Memorandum from Phil Mitchell of Mitchell Partnerships Limited dated 5 August 2016 that addresses the Council Urban Design Review.

2. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$5,000.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

**Advice Note:**

*The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.*

**Construction Management Plan**

3. Prior to the commencement of any works on the site, the consent holder shall submit a Construction Management Plan to the satisfaction of the Team Leader, Compliance Monitoring. The Construction Management Plan shall include specific details relating to the excavation of the site, or parts thereof, and the construction and management of all works associated with the redevelopment including:
  - (i) Details of the site or project manager, Including their contact details (phone, facsimile, postal address) for 7 day a week 24 hours a day contact;
  - (ii) The location of large notice boards that clearly identify the name, telephone number and address for service of the site or project manager;
  - (iii) Any means, such as a restriction on the size of construction vehicles and machinery, required to ensure that no damage occurs to street trees throughout the construction period;
  - (iv) Any means of protection of services such as pipes and water mains within the road reserve;
  - (v) Measures to be adopted to ensure all materials for the works are stored on the site;
  - (vi) Measures to be adopted to minimise impacts on visual amenity, including any screening proposed, and to maintain the site in a tidy condition In terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
  - (vii) Measures to be adopted to ensure that pedestrian access past the works is provided where practicable and that such access is safe;
  - (viii) Location of worker's conveniences (e.g. portaloos);
  - (ix) Ingress and egress to the construction site for construction, trade and worker vehicles and machinery during the construction period;

- (x) Numbers and timing of daily truck movements for each stage of the construction process (site clearance, excavation, construction of buildings and fit out) and the proposed routes (including a plan to avoid the use of residential streets to the extent reasonably;
- (xi) Measures to limit the disturbance caused by the delivery of materials to the site on neighbouring residents;
- (xii) Procedures for controlling sediment runoff, dust and the removal of soil, debris and demolition and construction materials from public roads or places. Dust mitigation should include use of water sprays to control dust nuisance on dry or windy days. Dust mitigation should also include the washing of the exterior of houses as determined by the consent holder following consultation with neighbours, to the satisfaction of the Council (Resource Consents Monitoring Leader);
- (xiii) Means of ensuring the safety of the general public;
- (xiv) Procedures to be followed in the event that any koiwi or cultural or historic artefacts are discovered, including the provision of information to the public.
- (xv) Procedures to be followed to ensure residents in the immediate vicinity of the site are consulted and kept informed of proposed construction activities on a regular and ongoing basis, which shall include but not limited to providing a newsletter every three months to residential property owners on Lake Road and westward of Lake Road that are within 1 km of the intersection of Lake Road and Ngataranga Road;

The Construction Management Plan shall be implemented and maintained to the satisfaction of the Team Leader, Compliance Monitoring at the expense of the consent holder.

### **Pre-Start Meeting**

4. Prior to the commencement of the earthworks activity, the consent holder shall hold a pre-start meeting that:
  - a) is located on the subject site
  - b) is scheduled not less than 5 days before the anticipated commencement of earthworks
  - c) includes all relevant Council staff as deemed appropriate by the Team Leader Compliance Monitoring, including NRSI Earthworks & Contaminated Land Officer, NRSI Stormwater Discharge Officer, NRSI Coastal Officer, Council Archaeologist.
  - d) includes representation from the contractors who will undertake the works, the consent holder's Project Appointed Arborist, Project Stormwater Engineer, Project Archaeologist, Project Geotechnical Engineer

The following matters shall be discussed at the meeting:

- Noise and vibration mitigation measures



- Tree Works and Methodologies, (In particular as they relate to the scheduled trees)
- Approved Construction Plans for Stormwater Discharge

The following information shall be made available at the pre-start meeting:

- Resource consent conditions
- Approved Erosion and Sediment Control Plan
- Approved Construction Management Plan
- Approved Construction Noise and Vibration Management Plan

A pre-start meeting shall be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised.

### **Earthworks & Sediment Control**

5. Prior to the commencement of works, a finalised, site-specific, scaled Erosion and Sediment Control Plan (ESCP), prepared in accordance with Auckland Council's Technical Publication 90 shall be submitted to the Team Leader, Compliance Monitoring (who will consult with the Team Leader, Earthworks and Contaminated Land). No works shall commence until confirmation is provided from the Team Leader, Compliance Monitoring that the erosion and sediment control plan satisfactorily meets these requirements. The erosion and sediment control plan shall include as a minimum the following items:
  - a. A detailed, scaled erosion and sediment control plan (drawing), in particular showing changes to the proposed plan to include a discharge system incorporating 2 floating t-bars.
  - b. A Dewatering Management Plan.
  - c. A Chemical Treatment Management Plan (as required in a following condition).

The ESCP shall be implemented for the duration of the earthworks activities to the satisfaction of the Team Leader, Compliance Monitoring.

#### **Advice Note:**

*In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the team leader, central resource consenting and compliance, Auckland Council prior to implementation to confirm that they are within the scope of this consent.*

6. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works referred to in Condition 5 and prior to the commencement of earthworks activity on the subject site, a suitably qualified engineering professional shall provide written certification to the Team Leader, Compliance Monitoring (who will consult with the Team Leader, Earthworks and

Contaminated Land), that the erosion and sediment control measures have been constructed and completed in accordance with Auckland Council's Technical Publication 90 (TP90) unless a different standard has been specifically approved by Condition 5. Written certification shall be in the form of a report or any other form acceptable to the Team Leader, Compliance Monitoring. Certification for these measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

- a. Contributing catchment area;
  - b. Shape of structure (dimensions of structure);
  - c. Position of inlets/outlets; and
  - d. Stabilisation of the structure.
7. Notice shall be provided to the Team Leader, Compliance Monitoring at least two (2) working days prior to the removal of any erosion and sediment control works specifically required as a condition of resource consent or by the approved Erosion and Sediment Control Plan.
8. Prior to the completion or abandonment of earthworks on the subject site, all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader, Compliance Monitoring (who will consult with the Team Leader, Earthworks and Contaminated Land).

**Advice Note:**

*In accordance with this condition should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:*

- *the use of mulching*
- *top-soiling, grassing and mulching of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

*The on-going monitoring of these measures is the responsibility of the consent holder.*

*It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Compliance Monitoring for more details. Alternatively, please refer to (former) Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland.*

9. The site shall be progressively stabilised against erosion at all stages of the earthwork activity and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water in accordance with the approved Erosion and Sediment Control Plan. Site stabilisation shall mean when the site is covered by a permanent erosion proof ground cover such as aggregate and includes vegetative cover which has obtained a density of more than 80% of a normal pasture sward.

**Advice Note:**

*In accordance with the condition above earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:*

- *the use of waterproof covers, geotextiles.*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

*It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader, Compliance Monitoring for more details. Alternatively, please refer to (former) Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.*

10. Prior to earthworks commencing, a final plan showing the design details of the project's sediment retention pond, shall be submitted to the Team Leader Compliance Monitoring for written approval. Earthworks at the subject site shall not commence until confirmation from the Team Leader Compliance Monitoring has been provided indicating that the design details are within the scope of works authorised by the granting of this consent. The pond design details shall confirm that the structure's decant / outlet dewatering device is in accordance with the design guidelines outlined in TP90, discharging at a rate of 3L/sec/ha.
11. Prior to the commencement of bulk earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader, Compliance Monitoring (who will consult with the Team Leader, Earthworks and Contaminated Land). The plan shall include as a minimum:
  - a. Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's sediment retention pond;
  - b. Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
  - c. Details of optimum dosage (including assumptions);
  - d. Results of initial chemical treatment trial;
  - e. A spill contingency plan; and
  - f. Details of the person or bodies that will hold responsibility for operation and maintenance of the chemical treatment system and the organisational structure which will support this system, throughout the duration of the consent.

**Advice Note:**

*In the event that minor amendments to the CTMP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the CTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be*

*provided to the Team Leader Compliance Monitoring prior to implementation to confirm that they are within the scope of this consent.*

12. All perimeter controls shall be operational before earthworks commence. All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site itself shall be diverted away from earthworks areas via a stabilised system, so as to prevent surface erosion.

**Advice Note:**

*Perimeter controls include cleanwater diversions, super silt fences and any other erosion control devices that are appropriate to divert stabilised upper catchment runoff from entering the site, and to prevent sediment-laden water from leaving the site.*

13. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

**Advice Note:**

*In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.*

14. No sediment laden runoff shall leave the site without prior treatment via an approved sediment control device.
15. The erosion and sediment control measures shall be inspected to ensure effective operation on a daily basis and within 24 hours after a significant storm event during the construction by the contractors. Any maintenance needs identified during the inspections, to ensure the devices continue to operate at full operation capacity shall be carried out as soon as practicable. A record shall be maintained of the date, time and any maintenance undertaken in associated with this condition which shall be forwarded to the Team Leader, Compliance Monitoring (upon request).
16. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity, that in the opinion of the Team Leader, Compliance Monitoring, is objectionable.

**Advice Note:**

*In order to manage dust on the site consideration should be given to adopting the following management techniques:*

- *stopping of works during high winds*
- *watering of haul roads, stockpiles and manoeuvring areas during dry periods*
- *installation and maintenance of wind fences and vegetated strips*
- *grassing or covering of stockpiles*

- *retention of existing shelter belts and vegetation*
- *positioning of haul roads, manoeuvring areas and stockpiles or the staging of works (in relation to sensitive receptors such as dwellings)*
- *In assessing whether the effects are noxious, offensive or objectionable, the following factors will form important considerations:*
- *The frequency of dust nuisance events*
- *The intensity of events, as indicated by dust quantity and the degree of nuisance*
- *The duration of each dust nuisance event*
- *The objectionableness of the discharge of dust, having regard to the nature of the dust*
- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

*It is recommended that potential measures as discussed with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Compliance Monitoring Central on 3010101 for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".*

17. To protect the health of workers on the site during excavations, works shall be managed to minimise the generation of dust on the site.

**Advice Note:**

*The following management techniques should be considered:*

- *Having sufficient water available to dampen exposed soils;*
- *Access to dust suppression measures such as coverings.*
- *In addition, all work should comply with to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".*

18. Excess soil or waste materials removed from the subject site shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination.

Where it can be demonstrated that the soil or waste materials have been fully characterised in accordance with the Ministry for the Environment's 'A guide to the management of cleanfills (2002)' and meets the definition of 'cleanfill', the removal to a consented disposal site is not required. In such circumstances, the Team Leader, Compliance Monitoring shall be advised prior its removal from the subject site.

19. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the construction

and/or earthworks activity. All materials and equipment shall be stored within the subject site's boundaries.

20. No vegetation removal or earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader, Compliance Monitoring at least two weeks prior to 30 April of any year.
21. Re-vegetation / stabilisation is to be completed by 30 April in the year of bulk earthworks in accordance with measures detailed in TP90 and any amendments to this document, unless a later date is approved in writing by the Team Leader, Compliance Monitoring at least two weeks before 30 April.

### **Geotechnical/Stability**

22. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified.
23. The Consent Holder shall provide verification in writing in accordance with Auckland Council "Code of Practice for Land Development and Subdivision, Section 2 – Earthworks and Geotechnical Requirements" Version 1.6, dated 24 September 2013 (or any updated version) from an engineer to Team Leader, Compliance Monitoring Central, that the recommendations of the T&T report have been implemented on site. This shall take the form of a Geotechnical Completion Report, accompanied by a Statement of Professional Opinion for the earthworks. This shall be provided no later than two weeks after foundation/retaining construction has been completed. All details in the written statement shall be to the satisfaction of the Team Leader, Compliance Monitoring Central.
24. The consent holder shall engage a suitably qualified engineer to supervise all excavations (especially close to boundaries), plus retaining and foundation construction. The supervising engineer's contact details shall be provided in writing to Team Leader, Compliance Monitoring Central at least two weeks prior to earthworks commencing on site.
25. An As-Built drawing from an engineer showing the final contours of the site and areas and levels of fill shall be provided on a CAD plan to Team Leader, Compliance Monitoring Central at the completion of the works.

### **Construction Noise & Vibration**

26. All construction activities on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise at all times.

The use of noise generating tools, motorised equipment, and vehicles that are associated with construction on the subject site shall therefore be restricted to between the following hours to comply with this standard:

- Monday to Saturday: 7:30a.m. to 6.00p.m.
- Sundays or Public Holidays: no works.

These restrictions do not apply to quiet works such as (but not limited to) painting, electrical work and planting.

27. Vibration from construction shall not exceed the guideline vibration values set out in the German Standard DIN 4150-3:1999 Structural vibration – Effects of vibration on structures.
28. At least twenty (20) working days prior to the commencement of construction works, the consent holder shall provide to the Resource Consent Monitoring Team Leader, a Construction Noise and Vibration Management and Monitoring Plan (CNVMMP) for certification. The CNVMMP shall provide the following:
- Construction noise and vibration limits;
  - Project time frames and hours of operation;
  - Activities that are predicted to exceed the limits and which receivers may be affected;
  - Identification of any receivers, where noise and/or vibration levels are predicted to exceed the identified limits;
  - Contact details of the contractor and site manager for the duration of the construction works;
  - Contact details of a liaison officer for neighbour contact for the duration of the construction works;
  - Details of procedures for community liaison and notification of proposed construction activities and handling of noise/vibration complaints;
  - Procedures for monitoring noise, vibration and building condition;
  - Description and duration of the works, anticipated equipment and the processes to be undertaken;
  - Hours of operation, including specific times and days when construction activities causing noise and vibration are expected to occur; and
  - Mitigation options, including alternative strategies where full compliance with the relevant noise criteria cannot be achieved; noise and vibration mitigation measures shall be implemented as required where noise or vibration levels are predicted or demonstrated to approach or exceed the relevant limits.

Construction works shall be undertaken in accordance with the approved CNVMMP throughout the entire period of construction works to the satisfaction of the Resource Consent Monitoring Team Leader at the expense of the consent holder.

**Advice note:**

*The CNVMMP shall be prepared by an appropriately qualified and experienced acoustic and vibration specialist. It shall, address noise and vibration effects throughout the entire period of the construction works and include, as a minimum, provision for the above.*

**Construction Traffic Management Plan (CTMP)**

29. Prior to undertaking construction works on-site, a Construction Traffic Management Plan (CTMP) shall be developed by the consent holder and provided to the Resource Consent Monitoring Team Leader for review and approval. The CTMP shall define the following for example:
- Construction hours of operation,
  - Consider general road users and construction traffic servicing the project,
  - Detail what consultation or notice will be provided to adjacent businesses and residents,
  - Be completed in accordance with the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management,
  - Show how construction traffic shall move to and from the site,
  - Location and form of signage;
  - Loading provisions;
  - Show how pedestrian accesses and neighbouring vehicular accesses will be managed during construction.

The CTMP shall stipulate that no heavy vehicles (8.0 m or longer) shall depart the site between 7:00 AM and 9:00 AM (although they may arrive) and shall not arrive at or depart the site between 4:00 PM and 6:00 PM on business days.

The CTMP shall also set out how the site is managed such that at all times during construction there is sufficient on-site parking for all construction-related vehicles

Construction works shall be undertaken in accordance with the approved CTMP throughout the entire period of construction works to the satisfaction of the Resource Consent Monitoring Team Leader at the expense of the consent holder.

### **Pre and Post Construction Building Condition Surveys**

30.

- a. Where a pre-construction building condition survey is proposed by this condition the consent holder shall request in writing the approval of the owners of identified properties to undertake an initial condition and photographic survey.
- b. The consent holder shall send copies of each of the requests to the Resource Consent Monitoring Team Leader.
- c. The consent holder shall engage a suitably qualified and experienced expert to undertake a survey of the following properties where the property owner has given their written approval:
  - i. Those properties fronting Ngataranga Road (north and south side) between its intersection with Lake Road and Wesley Street;
  - ii. 31 and 33 Lake Road



- iii. All properties on Wesley Street south of its intersection with Ngataringa Road
- d. If the property owner does not respond within four weeks of the request having been made, the consent holder need not undertake a survey of that property. The survey shall assess the current condition of the exterior and interior of the buildings on the properties listed above (additional properties to be surveyed at the consent holder's discretion). All surveys shall be at the consent holder's cost. The methodology shall be approved by the Resource Consent Monitoring Team Leader. prior to the survey's being undertaken.
- e. A copy of each survey shall be made available to those property owners who participate in the survey and request a copy of the results.
- f. Within twelve weeks of the completion of the construction works a follow up survey of each property and street surveyed shall be carried out (at the consent holder's cost). The purpose of these surveys is to assess any adverse structural effects resulting from excavation and construction activities at the site. Provided the consent of any landowner is obtained, the consent holder shall be responsible for any repairs, reinstatement or other works to surveyed buildings that can be reasonably attributed to construction activity

#### **Transportation, Access, Traffic and Parking**

- 31. Three mobility spaces shall be incorporated in the design and provided at different locations of the site. Prior to the approval of Building Consent, the consent holder shall provide a finalised set of Engineering Plans to the Team Leader, Compliance Monitoring for approval in liaison with the urban design team. The plans shall include the designs for a public footpath along the Ngataringa Road site frontage, detailing a 1.8 m footpath extending from the existing footpath (35 m east of the main access point) along the south side of Ngataringa Road to Wesley Street. The approved footpath shall be constructed in accordance with the approved plans at the consent holder's expense.
- 33. The consent holder shall provide at least 6 cycle parking spaces within the site that conveniently located in a safe and secure location for the use of staff.
- 34. The consent holder shall provide a detailed sign and line marking plan (for the proposed access and parking areas) for the approval of the Team Leader, Compliance Monitoring Central and this approved plan shall be implemented and maintained at the consent holder's expense on an ongoing basis.
- 35. The two vehicle crossings (one on Lake Road serving building B06 and one on Wesley Street serving building BB04) shall be designed to ensure the footpath is continuous across the crossing and at the same level as the footpath. The design of the vehicle crossings shall be consistent with Auckland Transport's Code of Practice (ATCOP) GD017 and be 5.5 – 6.0 metres in width. The design is to be approved by Auckland Transport at the detailed design phase.
- 36. The intersections of the main access road with Ngataringa Road and Wesley Street shall be reconstructed to current road design standards, include kerb and channel and allow centre lines of both roads to intersect at right angle taking into account the width of the internal carriageway of 5.5 m. This design shall be provided at the Engineering Approval stage for works within the road reserve.

37. All works required within the road reserve including the upgraded main entrances to the site but excluding the vehicle crossings servicing Buildings B04 and B06 shall be subject to an application for Engineering Approval (EA) to be lodged with Council. The EA design shall include details of any required street lighting along Wesley Street including its cul-de-sac.

**Advice Note:**

*All vehicle access points to public roads require vehicle crossing permits regardless of whether they are included in an application for Engineering Approval.*

38. Any retaining walls required to support the upgrades of Wesley Street shall be located inside the subject site in full.

**Infrastructure and Stormwater Drainage**

39. The consent shall provide an updated private drainage “as-built” drawing signed by a registered certifying drainlayer (with their registration number) showing the completed stormwater drainage for all impervious surfaces including all soakage systems to Team Leader, Compliance Monitoring within one month of practical completion.

Note that the drainlayer’s “as-built” drainage plan required for building consent code compliance certificate may be appropriate if all paved/roof areas and soakholes are shown.

40. All roofing, spouting, cladding and/or other architectural features used on the site must not result in high contaminant-yielding surfaces.

**Advice Note:**

*Final connection points for water supply and wastewater should be dealt with at the building consent stage with input from Watercare Services Ltd.*

**Tree Works**

41. Works within the site shall be carried out in general accordance with the Arboricultural Report by Andrew Barrel Consultant Arborist dated 17 November 2015. Where the following conditions conflict with the Arboricultural Report, the conditions shall take precedence.
42. The consent holder shall employ the services of a competent arborist (works arborist) to direct and supervise all works within the dripline of protected trees within the site.
43. Prior to any works commencing on site, the consent holder shall erect temporary fences to exclude all access to tree protection areas. The tree protection fences shall be self-supporting and at least 1.8m high. The location (and construction methodology) of the temporary protective fences shall be agreed at the pre commencement meeting, prior to any works commencing.
44. The consent holder shall be responsible for ensuring that the protective fence remains intact on site, for the duration of the work.

45. The appointed works arborist shall advise the Team Leader, Compliance Monitoring in writing, of any damage resulting from the works which, in the opinion of the works arborist, is likely to result in any significant adverse effect to any part of the scheduled tree, either immediately or long-term or which has reduced, or will reduce the visual amenity value of the tree. This should be done within twenty-four (24) hours from the time the event occurred. Where in the opinion of the Team Leader, Compliance Monitoring remedial works are required as a result of such damage, all costs associated with the remedial works, including any such works carried out by the Council, shall be met by the consent holder. Tree replacement required due to damage arising from the works, or significant damage that warrants arboricultural remedial work, should be at the discretion and to the satisfaction of the Team Leader, Compliance Monitoring. The consent holder shall meet all costs associated with the replacement, establishment and/or remedial works.

### **Stormwater Outlet / Significant Ecological Area**

46. The consent holder shall to the extent practicable, minimise vegetation clearance undertaken outside the footprint of the new stormwater outfall structure and drainage line.
47. Any clearance of mangroves shall be undertaken by hand or by hand-held tools, and shall as far as practicable be managed from the landward side to minimise compaction of the substrate.
48. All mangrove debris shall be removed from the site for disposal.
49. Where works involve the clearance of vegetation within areas identified as SEA – T8628 or SEA – M2 60b, restoration planting of the affected areas (excluding mangroves) shall:
- Be commenced within three months of the clearance and associated works being completed;
  - Be maintained for at least three years following the planting being undertaken, including provision of appropriate weed control;
  - Use, where practicable, indigenous species sourced from within the Tamaki Ecological District, and which are similar to the plants removed. Where species are sourced from outside the Tamaki Ecological District a suitably qualified and experienced ecologist shall confirm that the alternative source is appropriate; and
  - Use an appropriate mix of trees and sufficiently high planting density of smaller grade trees (at least 1 per square metre).
50. Prior to undertaking any vegetation clearance within SEA – T8628 or SEA – M2 60b the consent holder shall submit a Planting and Weed Control Management Plan (“PWCMP”) to the satisfaction of the Team Leader, Compliance Monitoring, which shows how rehabilitation works will be implemented so as to achieve the outcomes included in condition 49 and
51. Prior to undertaking any vegetation clearance within SEA – T8628 or SEA – M2 60b the consent holder shall submit a Kauri Dieback Management Plan to the satisfaction of the Team Leader, Compliance Monitoring, which shows how the activity will be managed to prevent the introduction and / or spread of Kauri

dieback disease ("PTA"), including appropriate cleaning of equipment before use in these areas.

### **Urban Design and Landscaping**

52. All existing vehicle crossings that will become redundant shall be removed and berm area reinstated at consent holder's cost.
53. Prior to the relevant building becoming occupied, the consent holder shall provide a finalised set of Landscape and Pavement Plans to the Team Leader, Compliance Monitoring for approval. The Landscape and Pavement Plans may be prepared in stages and shall include:
- the final landscape concept plan and specifications;
  - planting schedule, detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes;
  - annotated sections with key dimensions to illustrate that adequate widths & depths are provided for tree pits / planter boxes;
  - details of boundary planting to further screen and break-up the larger built elements and demonstrating an increased the use of native species, particularly as viewed from the coastal margin into the development site;
  - A management/maintenance programme.

The proposed planting plan shall be implemented in the first planting season following the approval of the Landscape Plan by Council. All landscaping is to be implemented and maintained thereafter to the satisfaction of the Team Leader, Compliance Monitoring at the consent holder's expense.

54. At no time between the hours of 2200 and 0700 shall any outdoor lighting be used in a manner that the use of such lighting causes an added luminance in excess of 20 lux measured horizontally or vertically at any point along any residential boundary of the site.

### **Screening**

54. Any air-conditioning plant and equipment on the roof shall be screened in a manner that ensures they are masked from view including when viewed from above, to the satisfaction of the Team Leader, Compliance Monitoring.
55. All service or storage areas shall be screened from public view, to the satisfaction of the Team Leader, Compliance Monitoring.

### **Refuse Disposal**

56. Facilities for the storage, collection and disposal of refuse shall be provided on the site at all times to the satisfaction of the Team Leader, Compliance Monitoring. Prior to the prior to the release of the architectural building consent, a copy of a waste management plan shall be lodged with the Team Leader, Compliance Monitoring by the consent holder, which shall include designated sites for refuse bins for the collection and storage of glass, paper, plastic and metal cans as outlined in the resource consent plans. The required plan shall be prepared to the satisfaction of

the Team Leader, Compliance Monitoring and shall be in accordance with the Council's waste reduction policy and indicate refuse collection times which shall be outside the hours of 7am to 9am and 4pm to 6pm Monday to Friday. Collection times should also avoid night hours so as not to interrupt sleep of occupants of buildings in the vicinity.

## **Heritage and Archaeology**

57. Prior to any development works commencing on the site, a formal archaeological excavation must be undertaken of all heritage features (identified on Figure 38, page 45, of the Clough and Associates November 2015 Heritage Impact Assessment submitted as Appendix H of the application AEE, in the Legend as "Demolished Features relating to Duder Brickworks identified from historic photography\*" and "Features relating to Duder Brickworks shown on 1927 DP"). This excavation must include an area of 20m around these features within the application area. The excavation must occur within one earthworks season.
58. All archaeological investigation will be carried out in accordance with current international best practice for the excavation and recording of industrial archaeological sites.
59. A Written Scheme of Investigation (WSI) shall be prepared prior to the consent being implemented and in consultation with the Auckland Council Heritage Unit and Heritage New Zealand Pouhere Taonga. The WSI shall outline details of known and potential historic heritage features (both pre- and post-1900) within the application area of the site and detail a process for investigating them within a controlled framework. As a minimum, the WSI should include the following:
  - i. Background information and context
  - ii. Detailed proposals for the investigation of the different historic heritage components across the application area
  - iii. Methods of demarcation for all historic heritage sites within the application area which are to be protected from any use or damage
  - iv. Accidental Discovery processes to be followed
  - v. Methods for recording all new and updating existing site record forms on the Auckland Council Cultural Heritage Inventory and New Zealand Archaeological Association ArchSite database
  - vi. Proposals for the analysis and publication of the results of all archaeological investigations
  - vii. Operational matters
  - viii. Provision shall be made, and expected, for regular compliance visits by statutory authorities

The WSI shall be submitted to the Team Leader, Compliance Monitoring and approved (in consultation with the Manager: Heritage Unit) prior to the archaeological excavation commencing.

60. The consent holder shall notify the Team Leader, Compliance Monitoring of its intention to commence the archaeological investigation at least 5 working days' in advance of commencement of the excavation. The Team Leader, Compliance Monitoring will advise the Manager: Heritage Unit immediately of this date and confirm all documentation requirements have been acquitted.
61. The consent holder shall hold one public open day of the archaeological excavation, on a Sunday during the duration of the archaeological excavation, if, in the opinion of the project archaeologist, the findings are sufficient to warrant it, and subject to the approval of the Auckland Council Heritage Unit.
62. All project earthworks outside of the formal archaeological excavation area will be monitored by an archaeologist until the earthworks reach natural stratum or, the archaeologist determines in consultation with the Auckland Council Heritage Unit, and approved by Team Leader, Compliance Monitoring (in consultation with the Manager: Heritage Unit), that the monitoring of earthworks will not provide any information on the historic use and occupation of the application area.
63. A representative sample of excavated features associated with the Duder Brickworks (i.e. flues; kilns) shall be reconstructed with the development. If, following the archaeological excavation, the project archaeologist, in consultation with the Auckland Council Heritage Unit, determines that there is insufficient quantity of material for reconstruction to occur, then intact Duder bricks or other heritage items shall be incorporated into landscaping that is in keeping with the historic heritage function of the site.
64. If a sufficient volume of in-tact Duder bricks or other heritage items of acceptable quality are available the consent holder shall incorporate them into landscaping, and site and building features within the Development in the following ways:
- a. Landscaping - primarily in garden retaining, paths and edging;
  - b. Brick fencing, or sections of brick fencing, along the street frontage of the site (Ngataranga Road);
  - c. Internal features within the atrium of the village (e.g. entranceways),
- and shall then maintain them, all to the satisfaction of the Auckland Council Heritage Unit.
65. The consent holder shall provide interpretation panels within the application area and at the Lake Road entrance of the Mary Barrett Glade walkway discussing the archaeological excavation and identifying remains associated with the Duder Brickworks. The interpretation panels must be approved by Team Leader, Compliance Monitoring (in consultation with the Manager: Heritage Unit) prior to installation and then implemented and maintained to their satisfaction
66. The consent holder shall provide for a public interpretation panel identifying remains associated with the Brickworks in the Mary Barrett Glade walkway. The interpretation panel must be approved by Team Leader, Compliance Monitoring (in consultation with the Manager: Heritage Unit) prior to installation and then implemented and maintained to their satisfaction.

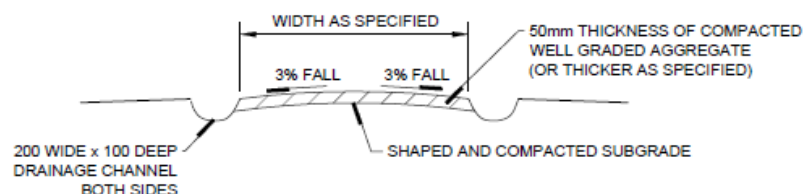
67. Finds/artefacts of public or academic interest that are recovered from investigation of the Duder Brickworks Site R11/1795 shall be offered to the Devonport Museum, to form part of their current display on the site.
68. The consent holder shall deposit a hard copy of the final archaeological investigation report with the Devonport Museum and Devonport Library.
69. Subject to obtaining all necessary statutory approvals, the consent holder shall provide an additional interpretation panel along the street frontage with Ngataranga Road which will provide the same information as the panel for the Mary Barrett Glade walkway (Condition 66). The interpretation panel must be approved by Team Leader, Compliance Monitoring (in consultation with the Manager: Heritage Unit) prior to installation and then implemented and maintained to their satisfaction.
70. The consent holder shall provide a permanent display in the retirement village library to acknowledge the Duder Brickworks.
71. The consent holder shall engage an archaeologist to identifying and protect the middens located along the Mary Barrett Glade walkway (R11/2181) and other features associated with the Duder Brickworks site in this area. The archaeologist shall also explore opportunities for enhancement of this area, including allowing for site interpretation, possible public access and improved signage, in addition to investigation and recording of any remains that might be affected within the main development area.

### **Mary Barrett Glade Walkway**

72. Subject to taking all reasonable steps to obtain all necessary statutory approvals, and then obtaining all such approvals, the consent holder shall upgrade the Mary Barrett Glade walkway between the site and the coastal margin from the Lake Road frontage to Wesley Street. The upgrade shall consist of a 1.5 metre wide track finished in compacted gravel and bordered with treated timber, together with the associated drainage. An indicative cross section is as follows:

#### **NOTES:**

1. MAXIMUM WALKING TRACK GRADE TO BE 1:6 UNLESS OTHERWISE STATED
2. ALL TIMBER IN CONTACT WITH GROUND TO BE H5 TREATED PINUS RADIATA
3. FOR RETAINED FORMATION OVER 400mm HIGH, USE SPECIFIC RETAINING WALL DESIGN



### **Specific conditions – Contamination LN2142200 (NES Regional Earthworks) & REG-2142205 (Regional Contaminated Site Discharge)**

73. Under Section 123 of the RMA, this consent REG-2142205 (Regional Contaminated Site Discharge) expires five (5) years after the date it is commenced, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

74. Prior to earthworks on site the applicant is required to submit to the Team Leader, Compliance Monitoring, a Site Management Plan (SMP), for approval. The SMP prepared in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines (2011) should address, but not be limited to the following:
- Site preparation
  - Excavation works
  - Soil management & disposal
  - Erosion & sediment control
  - Health & safety
  - Contingency plan measures for managing unexpected contamination conditions or accidental discharges
  - The site investigation works on Lot 4
  - Results of investigations within the archaeological exclusion zone on the development site
  - Dewatering of the potential perched groundwater and water pooling within the excavation voids, and disposal procedures, including testing of groundwater or surface run-off water if an option for disposal to the stormwater system is considered
  - Proposed sampling and analysis
  - Proposed Site Validation Reporting.

**Advice Note**

*The above-mentioned reports and plans should be prepared in accordance with the Contaminated Site Management Guidelines No. 1 Guidelines for Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2011.*

*The Health and Safety site specific plan for construction work shall include method statement for handling potentially contaminated soil and ground water.*

*All necessary WorkSafe NZ approvals and requirements relating to health and safety of workers should be obtained from WorkSafe NZ and kept on site all the time.*

75. If evidence of new contamination is discovered during removal of paving and/or earthworks the consent holder shall immediately cease the works within a 5 metre radius of the contamination and notify the Team Leader, Compliance Monitoring, and provide a site contamination report to the satisfaction of the Team Leader, Compliance Monitoring.
76. The consent holder shall ensure that the contamination level of any imported soil is below the acceptance criteria for high- density residential human health protection, NES 2011 and provide this evidence to the Team Leader, Compliance Monitoring Central.



77. The consent holder shall dispose of all the excavated contaminated soil to a licensed landfill site, and provide the landfill receipts to the Team Leader, Compliance Monitoring.
78. Stockpiling of contaminated soil shall be avoided if possible and if required, stockpiles shall be placed within the excavation foot print and fully covered with polythene or equivalent impermeable material and anchored at the edges.
79. All disturbance of the contaminated and potentially contaminated soil for the proposed activity shall be carried out in accordance with the Site Management Plan and any changes to the plan shall be approved in writing by the Team Leader, Compliance Monitoring, prior to the change being carried out.
80. All disturbance of potentially contaminated soil shall be supervised by a suitably qualified contaminated land professional, who shall ensure that all soil sampling, contamination management procedures, and contingency measures outlined in the Site Management Plan, and all relevant consent conditions are adhered to. Certification from the suitably qualified and experienced contaminated land specialist responsible for supervising the works shall be provided within the Site Validation Report.
81. All soil disturbance works shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from the subject site to either land, stormwater systems or receiving marine environment. Relevant erosion and sediment control measures shall be implemented and maintained for the duration of the works, in accordance with *Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region*, Auckland Regional Council (1999).

**Advice Note:**

*Measures such as covering excavations overnight and during heavy rainfall, diverting overland flow around the works area, and appropriate disposal of any water collected in the excavation voids may be required to comply with this condition.*

82. All earthworks shall be managed to avoid the potential for cross-contamination of materials to occur, in particular movement of contaminated soil around the site and/or deposition of contaminated soil on other parts of the site shall be avoided. Where soils are identified for off-site disposal, they shall be loaded directly for removal, where possible, and all material shall be covered during transportation off site.
83. Any perched groundwater, or surface run-off water, encountered within the excavation area requiring removal shall be considered as potentially contaminated, and shall be:
  - a. Allowed to soak into the ground, provided it is free from separate phase hydrocarbons; or
  - b. Removed off site by a licensed liquid waste contractor; or
  - c. pumped to sewer, providing relevant permits are obtained; or
  - d. discharged to the stormwater system or surface waters, provided testing demonstrates compliance with the Australian and New Zealand Environment

Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95 percent of marine water species, and the discharge is free from separate phase hydrocarbons.

84. All imported fill shall:

- a. Comply with the definition of 'cleanfill' in the Ministry for the Environment publication 'A Guide to the Management of Cleanfills' (2002); and
- b. Be solid material of an inert nature; and
- c. Not contain hazardous substances or contaminants above recorded natural background levels of the receiving site.

**Advice Note:**

*Background contamination levels for the site receiving cleanfill can be found in the Technical Publication No. 153, Background concentrations of inorganic elements in soils from the Auckland Region, Auckland Regional Council (2001)*

85. All sampling and testing of contamination on the site shall be overseen by a suitably qualified and experienced contaminated land professional. All sampling shall be undertaken in accordance with Contaminated Land Management Guidelines, No.5: Site Investigation and Analysis of Soils, Ministry for the Environment (revised 2011).

**Advice Note:**

*All testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.*

86. Within three months of the completion of land disturbance activity on the site, a Site Validation Report (SVR) shall be provided to the Team Leader, Compliance Monitoring. The SVR shall be prepared by a suitably qualified and experienced contaminated land professional in accordance with Schedule 13 (A5) of the Auckland Council Regional Plan: Air, Land and Water and Contaminated Land Management Guidelines, No.1 - Reporting on Contaminated Sites in New Zealand, Ministry for the Environment (revised 2011).

**Advice Note:**

*The Site Validation Report should contain sufficient detail to address the following matters as a minimum:*

- i. *a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the Site Management Plan.*
- ii. *the location and dimensions of the excavations carried out, including a relevant site plan*
- iii. *a summary of testing of soil, perched groundwater, and/or water ponding within the excavation voids undertaken, if applicable, including tabulated analytical results, and interpretation of the results in the context of the Contaminated*

*Land Rules of the Auckland Council Regional Plan: Air, Land and Water, the Proposed Auckland Unitary Plan*

- iv. *copies of the disposal dockets for the material removed from the site*
- v. *records of any unexpected contamination encountered during the works and contingency measures undertaken, if applicable*
- vi. *details regarding any complaints and/or breaches of the procedures set out in the Site Management Plan and the conditions of this consent*
- vii. *results of testing of any imported fill material to ensure compliance with the definition of 'cleanfill', as per 'A Guide to the Management of Cleanfills', Ministry for the Environment (2002).*

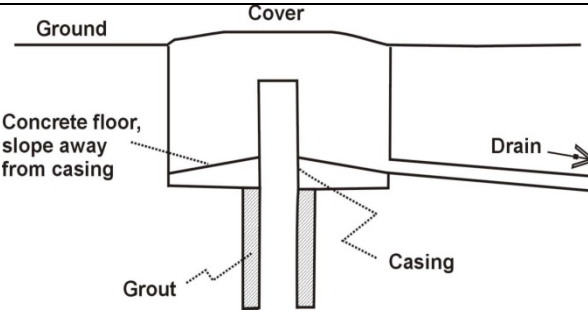
**Specific conditions – Landuse Consent REG-2142199 (Bores only)**

- 87. This consent shall expire 35 years from the date of commencement of this consent unless it has lapsed, been surrendered or been cancelled at an earlier date, pursuant to the RMA 1991.
- 88. The drilling and construction shall be carried out in accordance with the plans and all information submitted with the application and NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and:
  - (i) shall be for irrigation water supply purposes,
  - (ii) constructed to 150 mm diameter, to a depth of 50-250 m, steel casing to a minimum of 25-100m depth and grouted to 25m
  - (iii) to be completed into the Waitemata Sandstone aquifer at:
    - Bore 1: 1759627 mE, 5923902 mN map reference
    - Bore 2: 1759706 mE, 5923930 mN map reference.
    - Bore 3: 1759772 mE, 5923953 mN map reference.
    - Bore 4: 1759852 mE, 5923981 mN map reference.
  - (iv) there shall be no variation due to unforeseen site conditions unless prior written approval of the Team Leader, Water Allocation is obtained.
- 89. The bore shall be completed within 30 days of commencement of the construction of it.
- 90. The bore identification number shall be permanently affixed to the bore head construction and a digital photograph of the constructed bore shall be taken and forwarded to the Team Leader, Water Allocation which clearly demonstrates compliance.

- Bore 1: 29991
  - Bore 2: 29993.
  - Bore 3: 29994.
  - Bore 4: 29995.
91. Confirmation of the final location of the bore in the form an annotated map or aerial photograph\* shall be supplied to the Team Leader, Water Allocation within a month of completion of the bore.
- \* can be downloaded from the Auckland Council viewer
92. If, during preparation for or drilling of the bore, archaeological evidence is uncovered (e.g.: shell midden, hangi or ovens, or human bones), work shall cease immediately. The Team Leader Water Allocation and the Team Leader AC Cultural Heritage Implementation shall be notified and contacted to ensure that the appropriate action is undertaken, (see Advice Note 1).
93. A Drilling Log, shall be recorded, as specified in NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and shall be supplied to the Team Leader, Water All, within one month of final completion of the bore.

**Advice Notes:**

- i. *The drilling and construction shall be carried out in accordance with the plans and all information submitted with the application and NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock*
- ii. *The following bore headworks are considered acceptable to meet the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock.*

<u>Above ground</u>	<u>below ground</u>
<ul style="list-style-type: none"> <li>The top of the casing shall extend at least 0.3m above the natural ground level or pump house floor</li> <li>A concrete pad of 0.3m radius and 0.1m thick, graded to drain surface water away from the bore, is to be constructed around the bore head</li> </ul>	

- iii. *Regarding access for water level measurement, as required in the NZS 4411:2001 Section 2.5.5.7, the following is considered to meet the standard: the strapping of a 20mm (minimum) tube (polypipe) to the main riser, power and support stay for the pump; the provision of a hole in the headworks of a minimum of 20mm diameter; and a removable, screw-type cap.*

- iv. *Groundwater supplied for human consumption should meet the requirements of the Drinking Water Standards for New Zealand (2005), and any other Ministry of Health requirements, such as those contained in the Health (Drinking Water) Amendment Act 2007.*

### **Specific conditions – Water Permit REG-2142203**

94. Under Section 123 of the RMA, this consent expires 35 years from the date of commencement of this consent, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.
95. The take and use shall be in accordance with the plans and information submitted with the application, subject to such amendments as may be required by the following conditions of this consent; and from
96. The take and use of groundwater from the North Shore Waitemata Aquifer, from:
- Bore ID 29991 at NZTM 1759627 mE, 5923902 mN
  - Bore ID 29993 at NZTM 1759706 mE, 5923930 mN
  - Bore ID 29994 at NZTM 1759772 mE, 5923953 mN
  - Bore ID 29995 at NZTM 1759852 mE, 5923981 mN

on land legally described as Lots 4 and 5 DP 20927 to supply water for irrigation on land legally described as Lots 4 and 5 DP 20927, shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number REG-2142203.

### **Authorised Quantities**

97. The extraction shall not exceed 90 cubic metres per day. The annual extraction over the 12-month period commencing 1 June every year and ending 31 May of the following year shall not exceed 13,000 cubic metres.

### **Installation of Water Meter**

98. A water meter shall be installed and maintained at the head of each bore to the satisfaction of the Team Leader Consents and Compliance – Water Allocation. The water meter and recording device/system shall:
- Be fit for the purpose and water it is measuring;
  - Measure the volume of water taken, with an accuracy of +/- 5% of the actual volume taken;
  - Be tamper-proof and sealed;
  - Be installed and maintained in accordance to the manufacturer's specifications.

### **Verification of Water Meter/device accuracy**

99. The water meter, and any device or system used to record water take volume, shall be verified insitu as accurate by a suitably qualified professional at the following times:

- Prior to the exercise of this permit
- Within 5 working days of the water meter being serviced or replaced;
- By 30 June of the fifth year, from the commencement of this consent, and thereafter at five yearly intervals

The water meter, its verification and evidence of its accuracy shall be in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (or any equivalent regulations that may replace them) and a copy of verification shall be provided to the Team Leader Consents and Compliance – Water Allocation within 10 working days of the meter/devices being verified as accurate.

### **Bore Construction for Water Level Measurements**

100. Provision at the top of one of the bores for water level measurements shall be made and maintained so that a probe can be lowered vertically into the bore between the riser tube and casing to measure the static water level in the bore.

#### ***Advice Note:***

*Access to the wellhead for water level measurement can be achieved by having an access hole of at least 2 centimetres in diameter at the top of the bore. In order to keep out foreign matter, the hole should be fitted with an easily removed plug.*

### **Bore Construction for Sampling**

101. Provision at the top of one of the bores for water quality sampling shall be made and maintained so that a sample of water can be taken from the bore for water quality analysis. A tap or hand valve shall be fitted as close to the pump outlet as possible and before the water ends any storage tank or filter. The tap or valve should have at least 0.3 metre clearance above ground level or any other obstruction to allow a sample bottle to be filled.

### **Water Meter Readings**

102. Water meter readings shall be taken at weekly intervals consistently at one of these times:
- a) Before pumping starts for the day
  - b) At the end of pumping for that day

The time, date and the water meter readings shall be recorded and supplied to the Council in accordance with the reporting condition below.

### **Water Level Readings**

103. Groundwater levels in one of the bores shall be measured and recorded at quarterly intervals from the date on which exercise of this permit commences. The water level

shall be measured from the top of the casing, and shall be recorded to the nearest centimetre. The bore/s should not be pumped for at least 24 hours prior to the water level measurement being taken.

## Monitoring

104. The Consent Holder shall provide to the Team Leader Water Allocation – Consents and Compliance in writing, for the Team Leader's approval, the consent holders proposed programme to monitor the actual/potential of saltwater intrusion to the aquifer. The saltwater intrusion monitoring programme is to be provided within six months of commencement of consent, and implemented within 12 months of commencement of consent.

## Water Reporting

105. The following information is to be submitted, at the frequency and date specified, to the council's Water Use Data Management System OR (if telemetered) to the council's water portal of the Hydrotel Database or to any replacement database identified in writing by the Team Leader Consents and Compliance – Water Allocation.

Information	Frequency of Recording	Due Dates for reporting
Water meter reading and date	Weekly	By the 15 <sup>th</sup> day of March, June, September and December
Water level readings and water quality monitoring	Quarterly	By the 15 <sup>th</sup> day of March, June, September and December

## Advice Note

1. You can report your water use online, <http://wdms.arc.govt.nz>.
2. Water quality monitoring records (saline intrusion) is to be reported as per approval.

## Review Condition

106. Pursuant to Section 128 of the RMA, the conditions of this consent may be reviewed by the Team Leader at the Consent Holder's cost:
- a) In June 2021 and subsequently at intervals of not less than five years thereafter in order to:
    - i. deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage or
    - ii. vary the quantities, monitoring and reporting requirements and performance standards in order to take account of information, including the results of previous monitoring and changed environmental knowledge, on: water use efficiency; water availability, including alternative water sources; actual and potential water use; water flow and

level regimes; and water quality; the relationship of Maori with water

- iii. In the case of a coastal, water or discharge permit, to provide compliance with rules in any regional plan relating to use of water, water or air quality etc. (refer section 128(1)(b) of the RMA) that have been made operative since the commencement of consent.
- iv. In the case of a coastal, water or discharge permit, to provide compliance with any relevant National Environmental Standard that has been made since the commencement of consent.
- v. At any time, if it is found that the information made available to the council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate condition.

### **Specific conditions – Stormwater Discharge Permit REG-2142201**

107. Under Section 123 of the RMA, this consent (stormwater discharge permit REG-2142201) expires 35 years from the date of commencement of this consent, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

### **Stormwater management works**

108. The following stormwater management works shall be constructed for the following catchment areas and design requirements, and shall be completed prior to construction of further impervious surfaces:

<b>Works to be undertaken</b>	<b>Catchment area impervious</b>	<b>Design requirement(s)</b>
<i>Stormwater 360Stormfilter</i>	4054m <sup>2</sup>	TP10, 75% TSS removal, on a long term average basis.
<i>Outfall structure (Gabion Headwall/rock rip – rap)</i>	All impervious areas	TP10, <u>HEC14, HEC22, AC2013/018 or other recognised guidelines</u>

### **Modifications approval**

109. In the event that any modifications to the stormwater management system are required, that will not result in an application pursuant to Section 127 of the RMA, the following information shall be provided:
- Plans and drawings outlining the details of the modifications; and
  - Supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system.
- All information shall be submitted to, and approved by the Team Leader Compliance Monitoring, prior to implementation.



**Advice Note:**

*All proposed changes must be discussed with the Team Leader Compliance Monitoring, prior to implementation. Any changes to the proposal which will affect the capacity or performance of the stormwater management system will require an application to Council pursuant to Section 127 of the RMA.*

**Post-construction meeting**

110. A post-construction meeting shall be held by the consent holder, within 20 working days of completion of the stormwater management works, that:
- a) is located on the subject area;
  - b) includes representation from the Team Leader Northern Monitoring; and
  - c) includes representation from the site stormwater engineer or contractors who have undertaken the works and any other relevant parties

**Advice Note:**

*To arrange the post-construction meeting required by this consent, please contact the Team Leader Northern Monitoring.*

**Certification of stormwater management works (As-Built Plans)**

111. As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified registered surveyor as a true record of the stormwater management system, shall be provided to the Team Leader Northern Monitoring for approval.

**Contents of As-Built Plans**

112. As-Built Plans shall be provided to the Team Leader, Compliance Monitoring, 5 working days prior to the post-construction meeting required by this consent. The As-Built plans shall display the entirety of the stormwater management system, and shall include:
- a) the surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
  - b) documentation of any discrepancies between the design plans and the As-Built plans approved by the Modifications Approval condition.

**Operation and Maintenance Plan**

113. Final Operation and Maintenance Plan shall be provided to the Team Leader, Compliance Monitoring, 5 working days prior to the post-construction meeting required by this consent. The Operation and Maintenance Plan shall set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The plan shall include:
- a) details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process;

- b) a programme for regular maintenance and inspection of the stormwater management system;
- c) a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
- d) a programme for post storm inspection and maintenance;
- e) general inspection checklists for all aspects of the stormwater management system.

### **Operation and Maintenance Plan Implementation**

114. The stormwater management system shall be managed in accordance with the approved Operation and Maintenance Plan.

### **Amendments to the Operation and Maintenance Plan**

115. Any amendments or alterations to the Operation and Maintenance Plan shall be submitted to, and approved by the Team Leader, Compliance Monitoring, in writing prior to implementation. The Operation and Maintenance Plan shall be updated and submitted to the Team Leader Northern Monitoring for approval, upon request.

### **Maintenance Report**

116. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, shall be retained. A maintenance report shall be provided to the Team Leader, Compliance Monitoring, on request.

### **Contents of Maintenance Report**

117. The maintenance report shall include the following information:
- a) details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
  - b) details of any maintenance undertaken; and
  - c) details of any inspections completed.

### **Specific conditions – Coastal Permit REG-2142204**

118. Under Section 123 of the RMA, this consent (coastal permit REG-2142204 to occupy the common marine and coastal area with the stormwater outfall and the rip-rap structure, and to use the outfall to discharge stormwater) expires 35 years from the date of commencement of this consent, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.
119. The Team Leader, Compliance Monitoring, shall be notified in writing of the date of completion of the works, within one week of the completion date.
120. The consent holder shall, within one week following the completion of the works remove all construction materials from the coastal marine area, to the satisfaction of the Team Leader, Compliance Monitoring.

121. Within one month of the completion of the proposed works, a complete set of “as built” plans shall be supplied to the Team Leader, Compliance Monitoring.
122. A copy of the “as built” plans shall be supplied to the Hydrographic Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box 5501, Wellington) within one month of the completion of the works.

### **Maintenance Requirements**

123. The structure permitted to occupy the coastal marine area by this consent shall be maintained in a good and sound condition, and any repairs that are necessary shall be made, subject to obtaining any necessary resource consents.

### **Removal**

124. Within forty (40) working days of the expiry, termination or surrender of this consent, or within a period as otherwise agreed in writing by the Team Leader, Compliance Monitoring, the consent holder shall, at their own expense, entirely remove the structure(s) authorised by this consent from the coastal marine area, to the satisfaction of the Team Leader, Compliance Monitoring, unless an application for a replacement consent has been approved before this date.

### **Advice notes**

1. *A copy of this consent shall be held on site at all times during the establishment and construction phase of the activity.*
2. *The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*
3. *The consent holder is advised that groundwater supplied for human consumption should meet the requirements of the Drinking Water Standards for New Zealand (2005), and any other Ministry of Health requirements, such as those contained in the Health (Drinking Water) Amendment Act 2007.*
4. *No signs have been approved as part of this application. Any future signs on the subject site shall comply with the Part 27 of the Auckland City Consolidated Bylaw 1998 or will be the subject of a separate application and form part of a comprehensive site signs plan.*
5. *Any administrative charge fixed in accordance with Section 36(1) of the Resource Management Act 1991 and any additional charge required pursuant to Section 36(3) of the Act in respect of this consent shall be paid to Auckland Council*
6. *This resource consent will lapse five years after the date of Council’s decision unless:*
  - a. *It is given effect to before the end of that period. To give effect to this consent, the activity allowed by this consent must be established and the conditions contained in the consent complied with. Please note that there must be compliance with all of the consent conditions once the land use has been established, or*
  - b. *An application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in Section 125 of the RMA.*

7. *Pursuant to Section 126 of the Resource Management Act 1991, which provides for Auckland Council to cancel a resource consent by written notice, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the Council unless other criteria contained within Section 126 are met.*
8. *This consent does not relieve the consent holder of his/her responsibility to apply for any other consents which may be required by Heritage New Zealand. This consent is issued under the Resource Management Act 1991 and does not remove the need to comply with all other applicable Acts (including the Property Law Act), regulations, Bylaws, and rules of law.*
9. *All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga 2014 (HNZPT). It is an offence under this Act to destroy, damage or modify any archaeological site, whether or not the site is recorded or on the New Zealand Heritage List/Rarangi Korero or the Landmarks list. Under sections 44 and 45 of the Act, applications must be made to the Heritage New Zealand for an authority to destroy, damage or modify an archaeological site(s) where avoidance of effect is not practicable. It is the responsibility of the applicant (consent holder) to consult with Heritage New Zealand about the requirements of the HNZPT and to obtain the necessary Authorities under the HNZPT should these become necessary as a result of any activity associated with the proposed development.*
10. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and Heritage New Zealand Pouhere Taonga 2014 (HNZPT). This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required. If not all resource consents have been applied for, it remains the responsibility of the consent holder to obtain any and all necessary resource consents required under the relevant requirements of the Resource Management Act 1991.*
11. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to Sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*
12. *Compliance with the consent conditions will be monitored by Council in accordance with Section 35(d) of the Resource Management Act. This will typically include site visits to verify compliance (or non compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time.*
13. *The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological*

*site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans.*

*According to the Act (section 6) archaeological site means, subject to section 42(–*

- 1) any place in New Zealand, including any building or structure (or part of a building or structure), that –*
  - I. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
  - II. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- 2) includes a site for which a declaration is made under section 43(1)*

*It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.*

*For information please contact the Heritage New Zealand Pouhere Taonga Northern Regional Archaeologist – 09 307 0413 / [archaeologistMN@historic.org.nz](mailto:archaeologistMN@historic.org.nz).*

#### **14. Protected Objects Act 1975**

*Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).*

*According to the Act (section 2) taonga tūturu means an object that –*

- a) relates to Māori culture, history, or society; and*
- b) was, or appears to have been –*
  - i. manufactured or modified in New Zealand by Māori; or*
  - ii. brought into New Zealand by Māori; or*
  - iii. used by Māori; and*
- c) is more than 50 years old*

*The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts, but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should to be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.*

*It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum, which shall notify the*

*chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.*

*Under section 11 of the Act, newly found tāonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.*

*For information please contact the Ministry of Culture and Heritage – 04 499 4229 / [protected-objects@mch.govt.nz](mailto:protected-objects@mch.govt.nz).*

### **Annexure “C”**

A list of names and addresses of persons to be served with a copy of this notice

Name	Property Address	Email
Marc Michel	25 Tainui Road, Devonport	michels@orcon.net.nz
Geoff Mead	10B Patuone Ave Devonport Auckland	mead10b@gmail.com
Ian Ferguson	33 Aramoana Ave, Devonport	iangferguson@gmail.com
Elaine Sawyer	211 Victoria Road, Devonport, Auckland 0624	elainesawyer@gmail.com
Michael Pleciak	13 Dorset Street, Westmere	michael@legacypartners.co.nz
Sandra-Leigh Johnson	Ngataringa Road Narrow Neck	sanleigh@xtra.co.nz
Blair Hilditch	9 Wesley street, Devonport, Auckland 0624	blair.hilditch@windowslive.com
Dr Andy Standley	39 Ngataringa Road, Devonport, Auckland 0624	andy.standley@gmail.com
Margaret Meulen	20 Walter Street, Hauraki, Auckland 0622	peggyvandermeulen@gmail.com
Ruth Penton & Vaughan Tabuteau	59a Churchill Road, Murrays Bay, Auckland 0630	elcctt@xtra.co.nz
Peter Wakeman	1/98 Office Road, Merivale, Christchurch 8014	peterpapamo@gmail.com
Murray Leith	67 Aramoana Ave , Devonport, Auckland 0624	leith@actrix.co.nz
Clinton & June Brock	8 Sylvan Park Avenue, Milford, Auckland 0620	abadger@xtra.co.nz
Eric Ritchie	53 Motutapu Ave, Manly, Auckland 0930	eric.alannah@xtra.co.nz
Lynette Percival	2/5 Waterloo Road, Milford, Auckland 0620	lp2014@xtra.co.nz
Christine Richardson	32 Wairoa Road, Narrow Neck, Auckland 0624	
Robert & Maxilyn Tudman	15a Onepoto Road, Hauraki, Auckland 0622	tudman@xtra.co.nz
Alexander Giles	14 Duders Avenue, Devonport, Auckland 0624	
Christine Glew	88 Ngataringa Road, Narrow Neck, Auckland 0624	chris@glew.co.nz
Michael & Lesley Crang	3 Coromandel Cres, Mairangi Bay, Auckland 0630	mike.crang@gmail.com
Yvonne Cardno	47 Ngataringa Road, Devonport, Auckland 0624	



David Canning & Jennifer Taylor	10/46 King Edward Parade, Devonport, Auckland 0624	jennavid@clear.net.nz
Coralie & Philip Luffman	82 Wairoa Road, Devonport, Auckland 0624	ivho@xtra.co.nz
Dorothy Norris	376A Lake Road, Narrow Neck, Auckland 0624	anne.norris@xtra.co.nz
Patricia Coll	38 Ngahere Views, Orewa, Auckland 0931	p.coll@xtra.co.nz
Anne Baulcomb	20 O'Neills Ave, Takapuna, Auckland 0622	baulcomb@xtra.co.nz
Alana Ryder	401/45 Stanley Point Road, Devonport, Auckland 0624	pat.ryder@xtra.co.nz
Claire & Michael Fisher	21 Hart Road, Hauraki, Auckland 0622	clairef@xtra.co.nz
Brian Watson	2/7 Eton Ave, Devonport, Auckland 0624	
Lynne Barbara & Antony Lewis Knott	24 Grove Road, Narrow Neck, Auckland 0624	l.knott@xtra.co.nz
Ian Nunn	1C Aramoana Avenue, Devonport, Auckland 0624	selecthomenz@gmail.com
Leigh & Katharine Elder	52/12 Maunganui Road, Mt Maunganui, Tauranga 3116	katlee@xtra.co.nz
Brenda Howard	1a Park Ave, Takapuna, Auckland 0622	bkhoward@xtra.co.nz
Stephen Paul Stonehewer Newbold & Fiona Paiena Newbold	2/39 Lake Road, Devonport, Auckland 0624	snewbold@hotmail.co.nz
Claire Donaldson	30 Aramoana Ave, Devonport, Auckland 0624	claire@onelovelyday.co.nz
Christopher Simcock	13 Macky Ave, Devonport, Auckland 0624	christopher.simcock@ubs.com
Georgia Smith	25 Hastings parade, Devonport, Auckland 0624	sweetgeorgia@vodafone.co.nz
Barbara Bradbury	55 Hanlon Crescent, Devonport, Auckland 0624	barbara.bradbury@gmail.com
Richard Hale	58 Ngataranga Road, Devonport, Auckland 0624	richard.h.hale@gmail.com
Lyndsay & Lianne Brock	10 Bulwer Street, Devonport, Auckland 0624	artist@kiwilink.co.nz
Paul Burge	71 Ngataranga Road, Devonport, Auckland 0624	burges@orcon.net.nz

Alfred Clarke	SA/201 Ambassador Glade, Orewa, Auckland 0931	vicclarke@xtra.co.nz
Gillian & Kenneth Milne	10/1 Marine Parade, Paraparaumu Beach	ashmilne@paradise.net.nz
Dr Ripley & Mrs Rosemary Jones	10 Jutland Road, Hauraki, Auckland 0622	ripleyjones@xtra.co.nz
William & Leone Bronlund	7 Kiwi Road, Devonport, Auckland	
Patricia McKay	9a Opuia Street, Belmont, Auckland 0622	
Judith McGrath	10a Wesley Street, Devonport, Auckland 0624	rainbowvilla@xtra.co.nz
Joseph & Raewyn Whitham	23 Wigmore Crescent, Hahei RD1, Whitianga	raewynwhitham@xtra.co.nz
Beverley Diggle	18 Niccol Ave, Narrowneck, Auckland 0624	diggle@vodafone.co.nz
Christine & Mark Robinson	79 Ngataranga Road, Devonport, Auckland 0624	Makaira.Rob@gmail.com
Carolyn M F Lawrence	28 Kawerau Ave, Devonport, Auckland, 0624	cazarts@yahoo.co.nz
Mark & Jane Van Strieland	3a Wesley Street, Devonport, Auckland 0624	markvs@xtra.co.nz
Martin Edwards	36 Hastings Parade, Devonport, Auckland, 0624	martinje@ihug.co.nz
Susan Davis	36 Hastings Parade, Devonport, Auckland, 0624	s.davis@vodafone.co.nz
Matt Yallop	11 Ewen Alison Ave, Devonport, Auckland, 0624	matt@rmltd.co.nz
Maurice & Dale Swann	16 Hemi Street, Narrow Neck, Auckland, 0622	daleandpaul@ihug.co.nz
Brian & Sally Dewar	15 Aramoana Ave, Devonport, Auckland 0624	dewarsalbri@xtra.co.nz
Jacqui & Richard Anderson	5 Hemi Street, Narrow Neck, Auckland, 0622	jacqs.a@hotmail.com
Malcolm Clive Fort	34D Seabreeze Road, Narrow Neck, Auckland, 0624	malcolmfort@xtra.co.nz
Ann Busse	D1-27 Inverness Road, Browns Bay, Auckland 0630	
Rosemarie Vincent	16a Brook Street, Milford, Auckland 0620	rosevin@xtra.co.nz

Marian Nicholls	4/276 Hurstmere Road, Takapuna, Auckland 0624	
Patricia Kalaugher	120a Vauxhall Road, Devonport, Auckland 0624	devonportcouple@hotmail.com
Philippa Grattan	43 Woodstock Road, Forrest Hill, Auckland 0620	philippagrattan@gmail.com
Elisabeth Wilson	50 Waterview Road, Devonport, Auckland 0624	eoldswilson@gmail.com
Colleen & Bruce Drummond	21 Karaka Road, Beachlands, Auckland 2018	cdrummond@xtra.co.nz
David Mason	6A King Edward Parade, Devonport, Auckland, 0604	dj.mason@xtra.co.nz
Sheila Copus	5b Abbotsford Terrace, Devonport, Auckland 0624	
Linda Smallwood	4/8 Bayswater Ave, Bayswater, Auckland 0622	lindasmallwoodnz@xtra.co.nz
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