

BEFORE THE INVERCARGILL CITY COUNCIL HEARINGS COMMISSIONER

IN THE MATTER OF the Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER OF RMA/2020/80, being an application for resource consent to establish and operate a residential care facility at 40 Fairview Avenue and 32 Stuart Street.

BETWEEN The Hawthorndale Care Village Charitable Trust
Applicant

AND Invercargill City Council
Local Authority

**A REPORT PREPARED UNDER
SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991
BY
LISA STEELE, CONSULTANT PLANNER
DATED
27 OCTOBER 2020**

1 INTRODUCTION

PREAMBLE

1.1 This report reviews the application for resource consent to establish and operate a residential care facility at 40 Fairview Avenue and 32 Stuart Street and addresses the relevant information and issues raised. It sets out to provide an independent and objective assessment of the application in accordance with the Invercargill City Council's statutory responsibilities to consider and determine the application. It should be emphasised that any conclusions reached, or recommendations made in this report are not binding on the Commissioner. It should not be assumed that the Commissioner will reach the same conclusion or decision having considered all the evidence to be brought before them by the applicant and submitters.

QUALIFICATIONS AND EXPERIENCE OF THE REPORTING OFFICER

1.2 My full name is Lisa Kylie Steele. I am employed by a planning and resource management consulting firm Planz Consultants Limited. I have over 10 years of experience working as a planner in both the public and private sectors. This has included preparing and processing resource consent applications, the development of District Plans and preparation of s.32 assessments. I have a Bachelor of Environmental Management from Lincoln University, and I am an associate member of the New Zealand Planning Institute.

1.3 In preparing this evidence I have read and had regard to the following:

- The application and associated appendices;
- The further information received on 1 July and 28 July 2020
- The submissions received;
- The relevant provisions of the Invercargill District Plan (District Plan); the Southland Regional Policy Statement (SRPS); the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Contamination); the National Policy Statement on Urban Development.

1.4 While this is a Council Hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (updated 1st December 2014) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise.

1.5 The data, information, facts and assumptions I have considered in forming my opinions are set out in the report. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

2 THE APPLICATION

2.1 The Hawthorndale Care Village Charitable Trust is seeking resource consent to establish and operate an aged care facility on the site at 40 Fairview Avenue and 32 Stuart Street. Copies of the Records of Title for the site were attached in Appendix B of the application.

2.2 The proposed activity is described in detail in section 4 of the application (pages 10-15), and I adopt the applicant's description. Additional information was provided in the further information letters dated 1 July and 28 July. The proposal as described in the application was subsequently amended in accordance with the amended site plan and further information provided on 23 October. This information was received after the close of submissions and included an amended site plan with additional car parking, an acoustics report from Altissimo Consulting, and further clarification of staff numbers and shift change times. The key aspects of the proposal, as amended by the further information provided to date, include:

2.3 The key aspects of the proposal include:

- Thirteen single storey residential care homes, each containing 6-7 bedrooms, bathroom facilities and a communal kitchen/living area.
- A village centre containing a covered atrium surrounded by 'high street' style retail and commercial activities including a bakery, café/bar, dairy/post office, spa/hair salon, physiotherapy clinic and gymnasium that would be open to the public, but accessible only from within the complex. Opening hours for these activities would be between 8am and 5pm;
- 19 single-storey independent residential living units with associated outdoor living spaces and attached single garages;
- A two-storey apartment building containing 22 residential apartments and an attached 22 space covered car park;
- An internal secure perimeter surrounding the residential care homes and village centre, to prevent patients with advanced dementia from leaving the facility unsupervised. The secure perimeter would consist of fencing around the internal boundaries of the care homes and associated outdoor areas, and would be incorporated into the village centre buildings so that it is not visually discernible at the public interfaces.
- The care home would be staffed 24 hours per day, and staff would work in shifts, with a maximum of 18 staff on site per shift.
- The facility would provide medical assessment, treatment and care services to residents;

- A chapel, which would serve the needs of residents, but which members of the public would also be able to attend. Chapel services would include, (but not be limited to), religious ceremonies, prayer group meetings, funerals and memorial services.
- A 'blokes shed' for residents use only;
- An administration block containing a reception area, ancillary offices, and staff amenities;
- Associated 'back of house' facilities including kitchen, laundry, waste storage areas, loading areas and plant rooms.
- Vehicle access to the site will primarily be provided from Tay Street, with a secondary vehicle access to Fairview Avenue, and pedestrian access only from Stuart Street.
- In addition to resident garages and parking spaces a further 90 staff and visitor car parking spaces are proposed across the site. Visitor parking would be provided at the front of the site, and staff car parking would be provided along the main access through the site, and adjacent to the apartment building.
- Staff cycle parking provided at the rear of the building containing the 'back of house' services;

2.4 The development would be constructed in 3 stages, as shown in the staging plan submitted with the application. Stage 1 comprises the care home, village amenities and administration facilities, and 10 independent living units. Stage 2 comprises the remaining independent living units, including the 3 units at 32 Stuart Street. Stage 3 comprises the residential apartments. The application notes that the proposed staging may alter.

2.5 The applicant has requested that the consent be subject to a lapse period of 7 years.

3 DESCRIPTION OF SITE & SURROUNDING ENVIRONMENT

SITE LOCATION & DESCRIPTION

1.1 The application site is located at 40 Fairview Avenue and 32 Stuart Street, Invercargill. The site is described in section 3 of the application. I consider the applicant's description is correct and should be read in conjunction with this report. The site is shown in the aerial photo in Figure 1 below.



Figure 1 – the site and immediately surrounding area. Image – Google maps

- 1.2 The site comprises of the former Hawthorndale Primary School and the Hawthorndale Scout Hall. The previous school buildings have been demolished, and the site is now vacant except for the scout hall at 32 Stuart Street. The site has road frontage to Tay and Stuart Streets, and a vehicle access to Fairview Avenue.
- 1.3 The scout hall is a single storey building, sited close to the road boundary and the east and west internal boundaries, with a parapet wall extending along the length of the front façade. The side yards are fenced with corrugated iron fences extending from the building façade to the internal boundaries. The street facing façade has high windows providing limited outlook to the street. The hall is understood to be vacant.
- 1.4 Tay Street forms part of State Highway 1 and is designated for State Highway Purposes. In this location it is a four-lane road with a planted median strip, and on-street parking spaces on both sides of the street. Stuart Street and Fairview Avenue are both classed as access roads. There is angle parking provided on both sides of Fairview Street adjacent to the site access.
- 1.5 The surrounding area is an established residential neighbourhood characterised by predominantly 1-2 storey residential dwellings. There are several other non-residential activities in the surrounding area including a motel located adjacent to the site on the corner of Stuart and Tay Streets, a playground east of the site on Stuart Street, and a chapel adjacent to the Fairview Avenue site access.

- 1.6 There is a row of 3-4 formerly commercial buildings directly opposite the Fairview Avenue site access. These properties are now zoned Residential. The Southland Muslim Association occupies one of these properties, and none of the other buildings appear to be used for commercial activities at present.

4 THE PLANNING FRAMEWORK

THE INVERCARGILL CITY DISTRICT PLAN

Definitions

- 4.1 The application site is zoned Residential 1. This zone covers the greater part of the residential area of urban Invercargill and provides for residential development and redevelopment within it. The zone provisions generally seek to enable residential redevelopment, and to maintain a high level of residential amenity. Some non-residential activities are contemplated as being potentially appropriate in the zone, subject to a project-specific assessment through the resource consent process. The Plan anticipates that non-residential activities will be limited to those that require a residential location, are compatible with the character of the residential environment, and will not compromise residential amenity values.
- 4.2 Section 5.2 of the application identifies the District Plan definitions relevant to the proposal and provides a compliance assessment against the relevant rules. The application considers the care home activities to be a 'residential care' activity, except that the independent living units and apartment have been assessed as 'residential activities', and the ancillary retail and commercial have been assessed as a mix of communal, retail sales and commercial service activities. The application specifically states that the activity is not considered to be a hospital under the Plan definitions, although medical care would be provided to residents.
- 4.3 In my opinion all of the residential accommodation on site, including the dementia care homes, independent living units and apartments can be considered to fall within the definition of a residential care activity, and none of the units are required to be assessed separately as residential activities or residences. The applicant has confirmed that although the apartments and independent living units may be occupied by people who do not have dementia, and will generally not be serviced by care village staff, they will nevertheless operate as part of the wider care village. The land tenure for the site is yet to be finalised, but it is likely that the care village including the apartments and independent living units would utilise a model where residents hold a 'lease to occupy'. The landscaping across the site would be maintained by the care village. Care village staff would be able to provide care services to residents of the apartments and independent living units at times when this is necessary, (i.e. due to accidents or ill health). The apartments and residential care units will therefore not operate as stand-alone residences that could be owned individually or rented on the open market, and will to some extent be serviced by the care village.

- 4.4 The definition of a residential care activity is: *the provision of supervised residential accommodation, other than as provided for by a home occupation, for persons who are not living independently, including rest homes and persons with intellectual or physical disabilities, but excludes remand and other such institutions where people are not free to enter or leave the premises as they wish. Residential Care Activity also includes Day Care Activity*
- 4.5 Residential activity is defined as: *Means the use of land and buildings by an individual, a family unit or a group of unrelated individuals living together in a single household which is self-contained in respect of sleeping, cooking, dining, bathing and toilet facilities, and includes ancillary entertainment and recreation activities and home detention.*
- 4.6 Residence is defined as: *Means building(s) or part thereof and any accessory buildings associated with the use for the domestic purposes of a residential unit.*
- 4.7 Under the above definition, there are three characteristics that define a residential care activity:
1. The activity must provide supervised residential accommodation.
 2. The accommodation must be for persons who are not living independently.
 3. It does not include remand or other such institutions where people are not free to enter or leave the premises as they wish.
- 4.8 I agree that the proposed care home units, located within the secure perimeter, fall within the definition of a residential care activity. These units meet the first two parts of the definition as they would provide care for dementia patients who can no longer live independently. The care facility also meets the third part of the definition as residents would have the freedom to enter or leave the premises as they wish. While the secure perimeter would prevent dementia patients from leaving the site unsupervised, they would have freedom to leave when accompanied by a caregiver. The wording of the definition is clearly intended to exclude institutions that are similar to remand facilities, where residents are detained on the site.
- 4.9 I also consider that the proposed independent living units and apartments fall within the definition of a residential care home. The application (section 4.1) states that the care home is intended to function as a residential care village, and that *'all aspects of the development are connected and integral to the overall concept'*. These residential units would therefore be 'supervised,' as part of the management of the wider complex, and the availability of care home facilities and services to the residents, meeting part 1 of the definition. Residents of the self-contained units would therefore not be living independently, as the units form part of a care home that provides a range of services and facilities to support residents' needs, meeting part 2 of the definition. The residents would also be free to enter and leave the premises as they wish. The independent living units and apartments therefore meet all 3 parts of the definition of a residential care activity.

- 4.10 In my opinion there is some ambiguity in the 'residential activity' and 'residence' definition, as each apartment and independent living unit could be considered to form a self-contained single household, or a residential unit. However, the units are not intended to operate as individual self-contained residential units (i.e. they are not intended to be subdivided for individual sale, or rented on the open market). They form an integral part of a residential care village and would operate and be maintained as such. I also note that the apartment building is physically attached to the administration/village building by an enclosed access corridor.
- 4.11 I accept the applicant's interpretation of the other non-residential activities on site, and agree that these activities, which are open to the public, should be assessed as restaurant, communal, retail sales and commercial service activities. The only exception to this is the blokes shed, which is intended to cater to residents only, but which the applicant has considered a 'communal activity'. In my opinion the blokes shed can be considered to form part of the residential care home activity. However, as there are other communal activities on site (e.g. the chapel), this makes no material difference to the rules breached or the activity's overall activity status.

Activity status

- 4.12 The proposed development is a non-complying activity under the District Plan, with the topic areas and associated provisions triggering the need for consent as:
- Car parking design (Rule TRA – R4)
 - Vehicle access to a state highway – Discretionary (Rule TRA-R11)
 - Demolition – Controlled (Rule DERE-R2)
 - Noise (Rule Noise-R7)
 - Signs – Non-complying (Rule SIGN-R5)
 - Earthworks –Discretionary (Rule SOIL-R7)
 - Communal activities and residential care activities for 9 or more persons – Discretionary (Rule RES1Z-R2)
 - Restaurants, retail and commercial service activities – Non-complying (Rule RES1Z – R3)
 - Space around buildings – Discretionary (Rule RES1Z-R15)
- 4.13 A compliance assessment is attached in Appendix 1.

NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

- 4.14 The National Environmental Standard (NES) for assessing and managing contaminants in soil to protect human health came into force on 1 January 2012. Under the NES resource consent is required to disturb the soil or change the use of a piece of land containing contaminated soils. The proposal does not require resource consent under the NES regulations.
- 4.15 Under regulation 5(7) the NES provisions apply to any piece of land where a HAIL activity is, or is more likely than not, currently being undertaken, or has been undertaken. Regulation 5(9) states that the regulations do not apply to a piece of land where a detailed site investigation exists that demonstrates any contaminants are at or below background concentrations.
- 4.16 The Hawthorndale School site at 40 Fairview Avenue is listed as a HAIL site, so is a piece of land under regulation 5(7). A detailed site investigation, attached in Appendix D to the application, has confirmed that contaminants are below guideline levels and well below background levels. Under regulation 5(9) the NES provisions therefore do not apply to the proposed earthworks or change to the use of land at 40 Fairview Avenue.
- 4.17 The scout hall site at 32 Stuart Street is not listed as a contaminated site in Council records, and the scout hall activity is not a listed HAIL activity. The land at 32 Stuart Street is therefore not a piece of land under regulation 5(7), and the NES provisions also do not apply to the proposed earthworks or change to the use of land on this part of the application site.

5 NOTIFICATION

- 5.1 The applicant requested that the application be publicly notified under s95A(3)(a). The application was publicly notified on 17 August 2020, which included serving notice of the application on the owner/occupiers of the properties within and directly opposite the block bounded by Tay Street, Isla Street, Purdue Street, Fairview Avenue and Stuart Street. In addition, notice was also served on Waka Kotahi NZ Transport Agency, the Invercargill City Council Roading Manager, and Te Ao Marama Incorporated.
- 5.2 The table in Appendix 2 of this report lists the parties who were served notice as potentially affected parties.

SUBMISSIONS RECEIVED

- 5.3 6 submissions were received, of which 5 are in opposition to the proposal, and 1 is neutral. There were no late submissions. The location of the five submitter properties is shown in figure 2 below, with the sixth submission having been received by NZTA:



Figure 2 – Location of submitter properties.

5.4 The reasons for the submissions in opposition can broadly be summarised as follows:

- The management of the Fairview Avenue vehicle access, including during construction phase works;
- The impacts of the proposed main vehicle access and turning bay on Tay Street, and the increase in vehicle movements in this location, on safety, noise and access to the residential properties on the north side of Tay Street;
- The adequacy of on-site car parking to accommodate the parking demand of staff and visitors to the site, and the impacts of increased parking on the street;
- The impact of traffic generation from staff, visitors and deliveries to the site;
- Effects of construction phase work;
- Impacts on property values;

- 5.5 Waka Kotahi New Zealand Transport Agency has provided a neutral submission on the proposal. The submission confirms that the proposed Tay Street access and turning bay has resolved Waka Kotahi concerns about vehicles making u-turns at the Tay Street/Stuart Street intersection.
- 5.6 Copies of all submissions have been provided to the Commissioner.
- 5.7 The matters raised by the submitters have included concerns about the development affecting property values. Case law has determined that that impacts on property values occur as a result of adverse effects on the environment and that therefore the focus of assessment should be on these environmental effects. For this reason impacts on property values are not discussed further in this report.

6 STATUTORY CONSIDERATION

RESOURCE MANAGEMENT ACT 1991

SECTION 104, 104B, 104D

- 6.1 Subject to Part 2 of the Act, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:
- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (ab) Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) any relevant provisions of:*
 - (i) a national policy statement...*
 - (iii) a regional policy statement or proposed regional policy statement*
 - (iv) a plan or proposed plan; and*
 - (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.*
- 6.2 When forming an opinion for the purposes of actual and potential effects on the environment of allowing the activity, Subsection 104(2) of the Act states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the Plan permits an activity with that effect. I discuss the 'permitted baseline' in more detail below.
- 6.3 Subsection 104(3) of the Act states that a consent authority must not when considering an application have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application. No submissions have been received from parties that could be regarded as trade competitors, and likewise no written approvals have been obtained.

6.4 The application is classified as a non-complying activity therefore the provisions of s104(D) of the RMA are applicable. Section 104D sets out particular restrictions for non-complying activities, and a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity...

6.8 In the event that either limb of the ‘threshold test’ is met, being that the adverse effects on the environment will be minor and/ or that it is not contrary to the objectives and policies of the City Plan, then the application is eligible for approval under s.104 (set out above) and s.104B. Under Section 104B the Council may grant or refuse an application for a non-complying activity, and if it grants the application, may impose appropriate conditions in accordance with section 108.

7 ASSESSMENT OF EFFECTS

PERMITTED BASELINE

7.1 Prior to undertaking an assessment of the effects of this proposal it is useful to consider the discretion available under Section 104(2) of the Act whereby a consent authority may disregard an adverse effect of an activity on the environment if the Plan or national environmental standard permits an activity with that effect (referred to as the “permitted baseline”).

7.2 The application provides a discussion of the permitted baseline in Section 6, and notes that residential activities and residential care activities for up to 8 persons are permitted in the Residential 1 zone. The Plan permits educational activities on sites listed in Appendix 10 *Educational Activity (Existing)*. While the site was previously a primary school, it is not listed in Appendix 10 as an existing educational activity, so a new educational activity could not re-establish on the site as of right.

7.3 I accept that the site could be redeveloped for residential activities as of right, although a related subdivision to create single dwelling allotments would be a discretionary activity under the District Plan.

S104(1)(A) & S104D – ANY ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT OF ALLOWING THE ACTIVITY

7.4 As a non-complying activity the Council's assessment is unrestricted and all actual and potential effects of this proposal must be considered. I have considered the relevant issues and the matters raised by submitters. In my view they fall broadly into the following categories:

- On-site amenity
- Residential character and amenity
- Retail and commercial activities
- Signs
- Transport
- Servicing
- Demolition, construction and earthworks effects
- Positive effects

On-site amenity

7.5 Factors that influence the level of on-site amenity provided to future residents of the site include the provision of outdoor living space, the incidence of sunlight and daylight, and the ratio of built form to open space within the site.

7.6 The low-rise buildings would ensure that the site generally enables good access to sunlight and daylight within the site, both within the indoor living spaces and in the outdoor areas surrounding the residential accommodation. Some of the care home buildings are oriented to the south and east, but the living areas are generally positioned to enable outlook to the north and/or west and will be capable of receiving sunlight throughout the day. The independent living units and apartments also have living areas oriented to the north or west, with the exception of the east-facing apartments. The proposed communal lounge provides an alternative living space, and is positioned at the northern end of the building where it would provide access to sunlight and daylight.

7.7 The proposed development would result in a site coverage of 33.6%, which complies with the District Plan standards, and is in keeping with the ratio of buildings to open space in the surrounding residential area. Areas of landscaped open space are proposed throughout the secure care home complex. These areas would provide a pleasant outlook from the care homes and would provide for residents outdoor living needs, creating a pleasant living environment with a sense of spaciousness and a high level of amenity.

- 7.8 The District Plan requires residences to have outdoor living areas that are a minimum of 30m² in area with a minimum dimension of 5m. While this standard does not apply to residential care activities, it provides a useful comparison for assessing the proposed outdoor living areas. The ground floor residential apartments and independent living units will have landscaped outdoor living spaces adjacent to each unit, and directly accessible from the internal living areas. The size of these areas is generally in keeping with the minimum District Plan standards for outdoor living space, and in my opinion they will provide pleasant useable spaces to meet residents' outdoor living needs and provide space for gardens and landscaping.
- 7.9 The proposed first floor apartments would have private outdoor living areas in the form of balconies. The balconies are smaller than the ground floor living areas, being approximately 10m² in area, with a minimum dimension of 1.8m. The application states that the apartment balconies were designed to avoid undue shading of ground floor outdoor living spaces. It also notes that some elderly residents do not tend to use unenclosed balconies, and that the apartment building provides alternative communal outdoor living spaces including morning and evening courtyards.
- 7.10 In my opinion the apartment balconies would provide sufficient space for the occupants' day to day outdoor living requirements, being large enough to accommodate seating for 1-2 people. The proposed balconies are directly accessible from the living rooms and accessed via glass sliding doors. The balconies would therefore contribute to the perceived spaciousness of the internal living areas and would be able to be used in conjunction with the living rooms to provide access to fresh air and sunlight. The proposed communal morning and evening courtyards would provide alternative, larger outdoor areas that are easily accessible from the apartments.
- 7.11 Overall, I consider that the proposal would provide a high level of amenity for residents of the independent living units, apartments and dementia care homes. The development would maintain a sense of spaciousness on site that is comparable to that anticipated within the City's suburban residential environments. The internal living spaces of the units and the communal living areas would enable access to sunlight and daylight for residents, and the outdoor areas would provide a pleasant outlook from the buildings, and space for outdoor living.

Residential character and amenity

- 7.12 The District Plan anticipates the Residential 1 Zone to be developed primarily for residential dwellings at low densities. Other activities, including care homes, are anticipated to establish within the Residential 1 zone through the resource consent process.
- 7.13 The effects of the proposed care home on the residential character and amenity of the wider area are considered to include both positive and adverse effects.

Built form

- 7.14 The proposed buildings are generally consistent with the District Plan built form standards, complying with the maximum permitted building height of 10m, and being located within the recession planes applicable to all internal boundaries. The sole area of non-compliance with the built form standards relates to a reduced setback from the south and west internal boundaries. No submissions were received in relation to the impacts of the built form, however written approval has also not been provided by the owner/occupiers of the adjoining properties, so the effects on these properties must be assessed.
- 7.15 The District Plan requires a yard of at least 2m to be provided around the northernmost boundaries of any site. Non-residential activities are required to provide yards at least 4m deep along all side and rear boundaries. The care home buildings adjacent to the western internal boundary are set back approximately 1.8m from the boundary, when measured to the exterior walls. The independent living units on 40 Fairview Avenue also fail to comply with the minimum 4m setback, and are sited 2m from the southern internal boundary.
- 7.16 Although the care home is a non-residential activity, the care home buildings have a residential appearance and will be used for living accommodation. I therefore consider that a permitted baseline dwelling, which could be located a minimum of 2m from any part of the internal boundaries, provides a useful baseline for comparison with the visual impact of the reduced setbacks. Such a building could have a maximum height of 10m, subject to compliance with the relevant recession planes.
- 7.17 In comparison to this hypothetical permitted baseline, I consider that the adverse effects of the reduced building setbacks will be less than minor. The care home buildings and independent living units are single storey, with a maximum height of approximately 5.5m. The buildings have pitched roofs, and the height at the closest point to the boundary is approximately 3m, measured to the building eaves. In my opinion proposed setback from the internal boundaries and the low overall building height will ensure that the visual impact of the proposed buildings is comparable or less than that of a permitted residential dwelling. Any adverse visual effects on the adjoining properties are therefore considered to be less than minor and will be acceptable.
- 7.18 The village/administration building is single storey and is set back a generous distance from the internal boundaries, as are the other non-residential buildings on site, including the chapel, blokes shed and maintenance building, which are located centrally within the site. The apartment building is the only two storey building on site, and is also set back a generous distance from the internal boundaries.
- 7.19 The independent living units proposed to be developed at 32 Stuart Street units would be set back approximately 4.5m from the road boundary and 4m from the internal boundaries. The units would be located in a similar position on the site to the surrounding residential dwellings, and would have landscaped outdoor living areas. In comparison to the existing scout hall,

which is sited closer to the road boundary and internal boundaries, the independent living units would be less visually dominant, and would have less impact on the outlook and access to sunlight and daylight at the adjoining properties.

- 7.20 Overall, the adverse effects of the proposed built form on site will be comparable to that which would occur if the site were developed for permitted residential activities, and will be less than minor.

Visual amenity

- 7.21 The proposed care home would in my opinion maintain a high level of visual amenity at the public interfaces and would not appear out of place in the surrounding residential environment. The Tay Street road frontage is the site's primary interface, and the administration/village building facing Tay Street would be set back a generous distance from the road boundary, with car parking located in front of the building. Landscaping is proposed to be established along the road boundary and within the carpark, and includes hedging and trees planted at regular intervals along the road frontage.
- 7.22 The administration/village building has a large floor area, but would not appear visually dominant when viewed from the street due to its low overall height and generous setback from the road boundary. The building would have a non-residential appearance, but the building form has been designed to be in keeping with the character of the residential development in the surrounding area, with a pitched roof, and brick veneer, plaster and weatherboard cladding. The building and car park would be partially screened from the street and softened by the proposed landscaping along the site frontage. The proposed retail/commercial activities in the 'village centre' are located at the front of the site within the administration/village building, but will be oriented towards the internal atrium, and are not proposed to be directly accessible from the car park. When viewed from the street it would not be visually apparent that these activities are present on the site. Overall, I consider that the site will provide a high-quality interface with the street, will appear in keeping with the residential character of the surrounding area, and will maintain a high level of amenity at the Tay Street interface.
- 7.23 With respect to the Stuart Street road frontage, the existing scout hall building currently has a non-residential appearance that contrasts with the surrounding residential dwellings in the street. The proposed development would establish 3 independent living units in its place. The independent living units would have a residential appearance, and will be surrounded by landscaped outdoor living space. The units would generally be in keeping with the scale, character and appearance of the surrounding residential dwellings. In comparison to the existing scout hall building, I consider the proposal would result in positive effects on the visual amenity of Stuart Street.

7.24 In an overall sense, I consider that the proposal would maintain a high level of amenity at the interfaces with Tay Street and Stuart Street. I consider that any adverse visual effects on the streetscape would be no more than minor.

Noise and lightspill

7.25 The application does not seek approval for any breach of the Plan’s residential zone noise limits, and the further information submitted on 28 July confirmed that the activity would be designed and operated to comply with the District Plan’s maximum noise limits.

7.26 The maximum permitted noise levels in the Residential zones are detailed in rule Noise-R2 and are shown in table 1 below:

	L_{Aeq}	L_{Max}
Day time (0700-2200)	55dB	80dB
Night time (2200-0700)	40dB	70dB

7.27 The rule specifies that the noise limits shall be applied as follows:

- a. *Noise from any site shall comply with the relevant limits for all surrounding sites. Hence, at the boundaries of Zones, measurements of noise emissions will be based on the zoning of the site affected by the noise, not of the site generating the noise.*
- b. *N/A*
- c. *Where there are buildings within 1 metre of a site boundary, compliance with the noise limits will be assessed 1 metre from the façade of those buildings*
- d. *Day time noise limits are intended to provide amenity for outdoor activities. Assessment of compliance at upper levels of multi-storey buildings shall therefore be confined to balconies intended for outdoor living*
- e. *Night-time noise limits are intended to allow for sleep amenity. Assessment of compliance at upper levels of multi-storey buildings shall therefore include locations immediately outside bedrooms*
- f. *Where a fence or other noise control structure is erected on a site boundary, compliance assessment shall consider the effect of such a structure.*

- 7.28 On 23 October 2020 the applicant provided an acoustics assessment report, prepared by Michael Smith of Altissimo Consulting Limited. The Altissimo report confirms that noise from all sources can comply with the daytime noise limits, but identifies the potential for noise from vehicles in the eastern car parks to exceed the night time noise limits at the eastern internal boundary. At peak periods, noise from vehicles in these parking spaces is anticipated to result in noise levels of 48dB at the boundary, based on 20 movements in a 15-minute period. At other times, noise levels received at the boundary are anticipated to be 42dB, based on 5 vehicle movements occurring within a 15-minute period.
- 7.29 The applicant has provided details of the proposed staff numbers and shift change times, as shown in table 2 below, which is taken from the Altissimo report dated 23 October:

Shift	Start	Staff #	Finish
1	7am	18	1pm – 3pm*
2	8am – 9am	15	1pm – 5pm*
3	2.45pm	18	9pm – 11pm*
4	9pm	4 - 5	7am

**Staff finish times are staggered, staff leave at different times within these time periods.*

- 7.30 Based on the staff shift information provided, I consider that it is likely that all staff working on shift 1 would arrive at the site during night-time hours prior to 0700, and some staff working shift 3 would depart the site during night-time hours after 2200 (10pm).
- 7.31 The Altissimo report anticipates that vehicle movements in the eastern car parks could be avoided after 2200h by afternoon shift (shift 3) staff using the staff car parks adjacent to Tay Street and the Monarch Motel. Should unexpected vehicle movements occur in the eastern parking spaces during night-time hours, Altissimo estimate that although noise levels at the site boundary would exceed the District Plan noise limits, (by 2dB based on 5 vehicle movements within 15 minutes), the noise levels received at the dwelling facades would not exceed 37dB, and would be compliant. The report states that night shift, (shift 4), staff could use the visitor parking overnight.
- 7.32 The Altissimo report does not address staff arriving for the morning shift (shift 1), and there is some overlap between the start and finish times of shifts 1 and 3. Depending on the number of staff from shift 1 that remain on site until 3pm, there may not be sufficient parking spaces for all staff arriving and leaving outside of daytime hours to park at the front of the site. It is not clear from the report which of the parking spaces could be used during night-time hours.
- 7.33 The Altissimo report appears to accept that night-time parking could occur in the parking spaces adjacent to the Monarch Motel. The motel is zoned residential, so is subject to the same noise limits as the surrounding residential dwellings. Guest accommodation activities that provides sleeping accommodation are generally considered to be noise-sensitive activities. The motel may receive higher noise levels at the building façade than the adjoining dwellings as it is sited close to the application site boundary and has windows above the

height of the boundary fence facing the application site.

- 7.34 In my opinion a non-compliance of up to 2dB at the eastern internal boundary would be acceptable, since night-time noise standards are intended to provide sleep amenity and noise received at the dwelling facades is anticipated to be compliant. I am not an acoustic expert, but I understand that an increase in noise of 1-2dB is not audible to the human ear. The effects of the increased noise levels received at the boundaries of the adjoining residential properties would therefore not be audibly louder than complying noise levels. Noise received at the dwelling facades would be below permitted noise levels, so would not be expected to result in sleep disturbance. Although the application and further information available at the time of notification stated that noise levels would be compliant, the effects of this small non-compliance would not be noticeably different to noise at compliant levels, and in my opinion would be less than minor. None of the owner/occupiers of the properties adjacent to the eastern parking spaces have submitted on the application.
- 7.35 I consider that noise effects from vehicles within the site during night time hours would be acceptable if the site can be managed to ensure that noise received at the eastern internal boundary, including the boundary with the motel, does not exceed 42dB during night-time hours. Should consent be granted, I recommend that the conditions should require a noise management plan (NMP) to be prepared for the site, detailing how the car parking can be managed to achieve this. The Altissimo report notes that speed humps in the Fairview Avenue access would generate additional noise, and the NMP should also address the treatment of the Fairview Avenue access.
- 7.36 The Altissimo report indicates that the fence along the eastern internal boundary would mitigate the noise effects on the adjoining properties, providing a reduction in noise levels of 5dB. In my experience it is common for acoustic fences, with a height and mass designed to provide noise attenuation, to be constructed along property boundaries to reduce noise effects on adjoining neighbours. An acoustic fence along the eastern internal boundary may assist in ensuring noise received at the adjoining properties does not exceed 42dB, and the applicant may wish to address this at the hearing.
- 7.37 The Altissimo report (sections 5.2-5.4) confirms that noise from other sources can comply with the night-time noise limits as follows:
- Heat pump compressors at the independent living units can be specified to meet the night-time noise limit;
 - The boiler room and ventilation paths should be treated to ensure noise levels do not exceed 55dB at living spaces within the care village, and that noise received at the neighbouring properties does not exceed the permitted night-time noise limit;

- Condensers on the care home and village buildings should be screened visually and acoustically to ensure noise levels within the site do not exceed 55dB, and noise levels received at neighbouring properties does not exceed the permitted night-time noise levels.
- Loading and delivery activities and on-site rubbish collection would not occur during night-time hours;

7.38 In my opinion the above matters can appropriately be addressed through the consent conditions, and should form part of the NMP. I note that the Altissimo report does not address whether noise levels up to 55dB from mechanical plant could affect sleep amenity for residents at the care village. The applicant may wish to address this at the hearing.

7.39 The application confirms that any exterior lighting within the site will comply with the relevant District Plan light spill standards, which permit a maximum light spill of 5 lux, and offers a condition to this effect. This condition is included in the draft conditions in section 12 of this report.

7.40 In my opinion, the recommended conditions in section 12 of this report would ensure that noise from activities on site is appropriately managed so noise levels at night would not audibly exceed the District Plan noise limits, and noise during daytime hours would comply with the permitted noise standards when measured at the site boundaries.

Conclusion on residential amenity

7.41 Overall, I consider that the adverse effects on residential amenity anticipated to arise as a result of the development would be no more than minor, and would be acceptable. In my opinion the proposed development would maintain the residential character and amenity of the surrounding area.

Retail and commercial activities

7.42 The proposed care home includes a range of non-residential activities in the 'village centre,' including a café, retail activities, salon, physiotherapist and a gym. The application states that these activities are primarily intended to serve the care home residents, but will also be open to the public. Retail and commercial service activities are non-complying in the residential zones, and the inclusion of these activities is a key trigger of the proposal's non-complying activity status. The care home also includes a chapel and theatre which are discretionary activities in the residential zones.

7.43 The District Plan seeks that retail and commercial activities are located in the city's business zones, and that non-residential activities in the residential zones are limited to those that require a residential location. The Plan rules are intended to prevent new commercial activities from establishing outside the city's existing commercial centres in order to maintain the viability, vitality and critical mass of the existing centres, and protect the amenity of other

zones.

- 7.44 In my opinion the proposed village centre will not result in any adverse effects on the viability of the city's existing commercial centres, and will not operate as a new commercial centre. Although open to the public, the proposed village centre activities are intended to primarily serve the care home residents and are an integral part of the dementia care facility. The application states that the purpose of the village is to replicate community life within a safe, secure environment, and enable residents with dementia to continue to carry out a range of normal everyday activities. This is reflected in the design and layout of the site, as the retail and commercial activities are oriented inwards, and are not directly accessible from outside the secure perimeter. Any visitors to the site wishing to use the village facilities must enter the care home through the main entrance to the administration building. In my opinion this access arrangement reduces the accessibility, visibility and attractiveness of the village to the general public and is likely to result in patronage being largely limited to care home staff, residents and visitors.
- 7.45 When viewed from the street it would not be visually apparent to passers-by that the retail and commercial activities are present. While the café has a large window facing the car park, the building is set back over 20m from the street and will be partially screened by the proposed landscaping. The application also does not include advertising signage relating to any of the proposed village centre activities.
- 7.46 I consider that the proposed village centre would function as an ancillary activity to the care home, and that any adverse effects on the viability of the city centre or other commercial centres within the City would be negligible.

Signs

- 7.47 The signage associated with the proposal includes a building sign attached to the village/administration building, and free-standing signs at each site entrance. The District Plan rules permit signage attached (and parallel to) buildings in the residential zones to have a maximum area of 0.25m². Free-standing signs are permitted to have a maximum combined area of 0.25m² and a maximum height of 2m. The proposed care home signs exceed the maximum permitted area, and the free-standing signs exceed the maximum height permitted by the Plan rules. The non-compliances with the sign rules are one of the triggers of the proposal's non-complying activity status. None of the submissions received addressed matters relating to the proposed signs.
- 7.48 The free-standing signs are proposed to have a maximum area of 5m², and a maximum height of 10m. Any free-standing sign more than 2m in height also meets the definition of a 'building' under the District Plan, and is subject to the zone rules for buildings including recession planes and minimum setbacks from boundaries.

- 7.49 The proposed building sign would have a maximum area of 10m² and would be displayed on the northern façade of the administration building, facing Tay Street and the main visitor car park. The application (section 4.17) states that the proposed building sign would be attached to the administration building above the main entrance, but the further information shows the building sign displayed on the exterior wall to the west of the main building entrance.
- 7.50 The 5m², 10m high free-standing sign proposed to be displayed adjacent to the Tay Street road boundary would be positioned adjacent to the pedestrian entrance, within an area of landscaping between the car park and the road boundary. The structure would be within the 4.5m building setback from the street, and oriented at right angles to the road boundary in order to be visible to people travelling east and west along Tay Street.
- 7.51 In my opinion, although the Tay Street frontage is capable of visually ‘absorbing’ a larger scale sign than the site’s other frontages to lower order roads, the proposed sign would be visually dominant, would appear out of scale with the built form on site, and would detract from the residential amenity of the surrounding area. The proposed care home is a large-scale development, but the buildings are predominantly single storey, set back a generous distance from the road boundary, and would be screened and softened by landscaping. The proposed free-standing sign would be twice the height of the building it is to be displayed in front of, and located in a prominent position at the road frontage. I consider that the sign would not be compatible with the scale of the proposed development, or the residential character and amenity of the surrounding area.
- 7.52 In my opinion the adverse effects of the sign would be acceptable if the maximum area were limited to 1m², and the height were limited to 2m. This is consistent with the maximum permitted height of signs in the zone, and would ensure that the sign remains in keeping with the low-rise building heights within the site, consistent with the scale of other advertising signs in the vicinity, and would not appear visually dominant.
- 7.53 Residents of the dwellings opposite the site on the north side of Tay Street will view the sign ‘end-on,’ and will have only oblique views of the display. Given the orientation of the sign and the separation distance provided by the width of the frontage road, I consider that any visual impacts on these dwellings will be no more than minor. None of the submissions from Tay Street residents have addressed the proposed sign.
- 7.54 The sign displayed on the building façade will primarily be visible from the car park and is likely to be at least partially obscured from the street and the properties opposite by the entry veranda, vehicles in the car park, and the landscaping along the road frontage. In my opinion the proposed building sign, as shown on the 3D images provided on 28 July 2020, would not appear visually dominant when viewed from the street, and the scale of the sign is in proportion to the scale of the building it is attached to.

- 7.55 Overall, I consider that the adverse effects of the proposed signs facing Tay Street will be no more than minor, subject to the proposed free-standing sign being a maximum of 1m² in area and 2m in height. I recommended that, should consent be granted, a condition be imposed to this effect.
- 7.56 The application does not provide any details of the proposed 5m² free-standing sign at the Stuart Street access, and it is not clear where it is intended to be located. In my opinion it is reasonable for the applicant to display signage that identifies the residential units and access at 32 Stuart Street as part of the Hawthorndale Care Village. However the proposed sign would be out of scale with the small residential units proposed to be located at 32 Stuart Street, and would not be in keeping with the street's residential character, or the scale of the surrounding built form. Such a sign would be visually dominant, and in my opinion would have a more than minor impact on the streetscape. Given that Stuart Street is a relatively quiet residential street, and that the Stuart Street access will provide for pedestrians only, it is unclear what benefit a large-scale sign would provide in this location. In my opinion any free-standing signs displayed on the Stuart Street should be limited to a maximum area of 0.25m², and a maximum height of 2m, in keeping with the District Plan's maximum permitted standards for the zone. I recommended that, should consent be granted, a condition be imposed to this effect.
- 7.57 The application similarly provides no details of where the proposed 5m² freestanding sign at the Fairview Avenue site entrance would be located. It appears that the sign would have to be flush with the boundary fence, to avoid conflict with vehicles and people within the access. Any sign exceeding 2m in height in this location would intrude the recession plane taken from the adjacent boundary and has the potential to result in shading and adverse visual effects on the adjoining properties, particularly the residential property at 44 Stuart Street.
- 7.58 The application states that the Fairview Avenue access is intended to serve residents vehicles and pedestrians only. Given this intended use, it is unclear why such a large sign is proposed in this location. In my opinion a 5m² sign with a maximum height of 10m would be visually dominant in this location and would likely result in more than minor effects on the amenity of the adjoining residential property at 44 Stuart Street, and the wider streetscape. In my opinion it would be appropriate for any advertising signs at the Fairview Avenue access to be no more than 0.25m² in area, with a maximum height not exceeding 2m. Should consent be granted, I recommend that a condition of consent should be imposed to this effect.
- 7.59 Overall I consider that the recommended conditions would ensure that the adverse effects relating to the signs displayed on site would be no more than minor.

Transport

Traffic generation and access

- 7.60 The proposed development would result in increased traffic generation on the frontage roads, particularly on Tay Street, where the main site access would be located. Increased traffic generation has the potential to impact the safety and efficiency of the road network, and can affect residential amenity. A Traffic Impact Assessment (TIA) has been submitted with the application, and includes an assessment of the traffic impacts on the frontage roads and the surrounding road network.
- 7.61 The submissions raised the following matters in relation to traffic generation:
- Concerns about impacts on amenity generally as a result of the volume of traffic and pedestrian movements;
 - Noise from traffic movements causing sleep disturbance and impacting amenity;
 - The access should be moved to Stuart Street;
 - Additional traffic on the road will increase difficulty for residents entering and exiting driveways;
 - The Fairview Avenue access should be gated to ensure that it cannot be used by construction traffic, or non-resident vehicles.
- 7.62 The majority of vehicle movements are anticipated to occur at the main site access, located on Tay Street, approximately 45m from the eastern internal boundary. Tay Street is an arterial road forming part of the State Highway network, and is estimated to carry 11,380 vehicles per day. At peak periods Tay Street carries around 600 vehicles per hour in each direction. The TIA estimates that the proposal would generate between 380 – 440 vehicle trips per day and 67 vehicles per hour in peak periods. These figures are based on NZTA data and traffic counts from the existing Calvary Hospital rest home.
- 7.63 The TIA notes that the anticipated traffic generation associated with the proposed development can be absorbed, and that any impact on the safety and efficiency of the road network will be minimal.
- 7.64 The proposed access arrangements include the installation of a right turn bay within the median barrier on Tay Street, to enable people travelling east to make right hand turns into the site. The plans submitted with the application originally showed the main vehicle access located on the west side of the Tay Street frontage, and providing for left-in-left-out movements only. The access was amended to its current location in response to NZTA concerns the risk of increasing numbers of vehicles performing U-turns at the intersection.
- 7.65 NZTA have made a neutral submission on the proposal and have confirmed that they have *'no opposition to the operation of the proposed activity, or the obtaining of direct access from*

the state highway'. The submission confirms that the revised access arrangements, reflected in the plans as notified, suitably address NZTA's concerns. NZTA have recommended that, should consent be granted, conditions should require the Tay St vehicle crossing to be formed prior to the care home commencing operations, and for the consent holder to provide the Council with confirmation that NZTA approval for works on the state highway prior to constructing the vehicle crossing. They have also requested that advice notes regarding the approval process be included.

- 7.66 The proposed alterations to the median barrier, and installation of the right turn bay on Tay Street fall outside the scope of the resource consent, being located outside the boundaries of the application site, on land that is controlled by NZTA. The applicant cannot undertake this work without further approval from NZTA. In my opinion the conditions recommended by NZTA are appropriate, and would ensure that the vehicle crossing to Tay Street could not be installed until the detailed design for the work on the road has been approved.
- 7.67 Council Roding Manager Russell Pearson has advised that right turns at the Lithgow and Stuart Street intersections will become more complex as a result of the increased traffic generation and a lower level of service will result, which may require treatment in time. Any upgrades or alterations to these intersections would however be the future responsibility of NZTA, and needs to be agreed with the Council. I note that NZTA have not raised any concerns about the operation of these intersections.
- 7.68 In my opinion, any adverse effects on the safe, efficient functioning of Tay Street would be adequately mitigated through the design and installation of the right turn bay. NZTA have accepted the proposed access to Tay Street, subject to the right turn bay being installed, and approval of the vehicle crossing design. I consider that the NZTA approval process will be sufficient to ensure that the access is designed to operate safely and efficiently.
- 7.69 Mr Pearson also raised concerns about the existing pedestrian refuge /'pram crossing' being removed. The amended access design has enabled this crossing to be retained. In addition, there is a marked pedestrian crossing 180m west of the site, adjacent to the entrance to Ascot School. The submission from NZTA has not raised any concerns about pedestrian safety, and I consider that any impacts on pedestrian safety will be less than minor.
- 7.70 With respect to the impacts of the traffic generation on residential amenity, I acknowledge that an increase in vehicle volumes result increased noise and disturbance from traffic on the road, and inconvenience and difficulty for residents exiting driveways. However, as an arterial road and a State Highway Tay Street is anticipated to carry high traffic volumes, including heavy vehicles. Some resulting impacts on residential amenity from traffic noise are therefore also anticipated in the locality. I note that the increase in vehicle movements on the road will be a small portion of the total traffic volumes currently occurring on this part of the road, and will largely be private passenger vehicles. The Altissimo acoustic report confirms that any noise from passenger vehicles in the right turn bay would be negligible. In my opinion any impacts on residential amenity will be no more than minor.

- 7.71 With respect to noise effects, the District Plan rules exempt vehicles on public roads from compliance with the District Plan noise standards (Rule NOISE-R3 3.b.). Noise from vehicles manoeuvring at the access and within the site is anticipated to comply with the District Plan daytime noise limits. The noise management plan required by the recommended conditions would ensure that noise from vehicles on site at night time is managed to
- 7.72 Turning to the vehicle access to Fairview Avenue, the application states that this access will operate as a secondary access to the site, serving residents' vehicles and pedestrians only. The Traffic Impact Assessment estimates traffic generation at this access would be less than 10 resident vehicles per day, on the basis that all visitor, delivery and staff vehicles would be restricted to using the Tay Street access. The applicant confirmed in the further information letter dated 1 July that the access would not be gated, so in practice it is not clear how access would be restricted to resident vehicles only. There is potential that traffic movements at the access could be higher than the TIA estimates if access is not restricted to residents only.
- 7.73 The TIA does not provide an estimate of the anticipated traffic generation that would occur if access were unrestricted to enable the effects to be assessed. However, I consider that there is potential for noise and disturbance from vehicle movements within the access to impact the amenity of the adjoining properties. The submission from the owner/occupiers of the property at 44 Stuart Street, which adjoins the Fairview Avenue access, opposes those parts of the application that seek to manage the Fairview Avenue access. The submission seeks that should consent be granted, conditions be imposed as follows:
1. *requiring that the access to the site at 40 Fairview Avenue have a permanent gate (or other effective barrier to vehicles) installed before commencement of construction, and that that gate (or barrier) remain closed and locked for the duration of the construction programme.*
 2. *precluding construction traffic from using the Fairview Avenue access to the site.*
 3. *requiring that a maximum speed limit of 25 km per hour be maintained and enforced on the Fairview Avenue access to the site, and that traffic calming measures/speed bumps be installed sufficient to ensure that the maximum speed cannot comfortably be exceeded by vehicular traffic.*
 4. *requiring that practical measures are implemented to ensure only residents on the site have vehicular access to it via the entrance at 40 Fairview Avenue post construction.*
- 7.74 From discussions with the applicant following the close of submissions, I understand that they may be willing to accept conditions to this effect and may wish to address this at the hearing.
- 7.75 Mr Pearson has advised that he considers it appropriate for the Fairview Avenue access to be controlled to ensure access is limited to resident vehicles only. I concur with this advice, and note that, in the absence of information to confirm the traffic generation that would occur if access was unrestricted, this would ensure that the number of vehicle movements at the Fairview Avenue site entrance would remain low. I also consider that it would be appropriate

for the access design to include traffic calming measures to encourage low vehicle speeds. Should consent be granted, I recommend that consent conditions be imposed to this effect.

7.76 With respect to construction traffic, the application states that construction traffic will be limited to utilising the proposed access to Tay Street. In my opinion it is appropriate for a condition to be imposed to this effect, as offered by the applicant. I also consider that it is appropriate for a barrier to be erected at the Fairview Avenue access to prevent construction vehicles using this access to enter or exit the site. I note that the construction work is proposed to be undertaken in stages, and that once the gate has been installed restricting access to resident's vehicles only, an additional barrier to construction vehicles would be unnecessary, and would have the effect of preventing residents from utilising this access. For this reason I recommend that the consent conditions should only require a temporary barrier to be in place until such time that the permanent gate restricting access to residents only is installed.

7.77 Overall, I consider that the adverse effects of traffic generation at the Fairview Avenue access can be appropriately mitigated by ensuring that access is limited to residents vehicles only.

Parking

7.78 The application as notified included 41 resident parking spaces, and 71 staff and visitor carparks provided across the site. The amended site plan received on 23 October, after the close of submissions, increased the on-site carparking to 131 spaces, including 41 resident spaces and 90 staff and visitor spaces. Resident parking is provided in individual garages attached to the independent living units, and in the shared, covered carpark attached to the apartment building.

7.79 Staff and visitor parking is provided at in front of the care village building and east of the care village and apartment buildings. Additional visitor parking is also provided adjacent to the access serving the independent care units. While the site plan indicates that the parking spaces would be allocated as either staff or visitor parking spaces, the applicant's letter dated 1 July 2020 (point 10) confirmed that the intention is for all car parking spaces to be available to staff or visitors on site.

7.80 The submissions raised the following matters in relation to car parking at the site:

- There will not be enough car parking at staff shift changes;
- Residents are likely to lose the ability to park outside their properties for large parts of the day;
- Additional vehicles parked on the street would make exiting driveways more dangerous and challenging;
- The area cannot accommodate overflow parking on the street.
- 16 visitor car parks is not sufficient to meet the village's needs;

- Yellow 'no parking' lines marked on the street outside residential properties would remove parking for residents and visitors;

- 7.81 The amended site plan provides sufficient on-site parking to accommodate all staff parking demand on site. Staff employed on site would work in shifts, with a maximum of 18 staff members per shift. The maximum number of staff on site at any one time would exceed 18 people at shift change times, if staff for one shift arrive before those in the previous shift have left. The applicant's letter dated 23 October notes that a maximum of 33 staff could be on site at one time if staff for shift 3 arrive before staff from shift 2 have departed. In a 'worst case scenario' where all staff arrive at the site individually in private vehicles, the 62 staff parking spaces proposed would accommodate all all staff vehicles on site.
- 7.82 With respect to visitor carparking, the District Plan requires a minimum of 22 visitor spaces to be provided for the dementia care units. The proposal would provide 28 visitor parking spaces. Given the oversupply of staff parking spaces, it is likely that a minimum of 29 staff spaces would also be available to accommodate visitor vehicles.
- 7.83 In my opinion the amendments to the site plan would provide sufficient carparking to accommodate staff and visitor parking demand at the site, and any overflow parking demand occurring on the street is likely to be minimal and occasional. I consider that the additional parking spaces shown on the amended site plan would address the submitters' concerns about increased on-street parking occurring in the vicinity of the site. In my opinion any adverse effects on residential amenity, or on the safe efficient operation of the frontage roads in relation to on-street parking would be less than minor.

Queue Space

- 7.84 The District Plan requires access to sites with over 50 parking spaces to provide a minimum of 15m queue space. The site provides 10.5m of queue space, measured from the site boundary to the first point of potential conflict with a vehicle reversing out of one of the spaces directly opposite the access. If vehicles are queued in the access, those waiting to turn right into the site can safely wait in the right turn bay until the access is clear. Vehicles turning left into the site may queue at the vehicle crossing, and there is space for vehicles to wait at the site entrance without blocking the traffic lanes, although this may result in vehicles blocking the footpath for a brief period. I also consider that the turnover of vehicles at the care home is likely to be relatively low, reducing the potential for conflict to arise at the site entrance.

Design and location of parking spaces

- 7.85 There are several parking spaces on the site that cannot easily be accessed, or that are likely to require vehicles to make additional reverse manoeuvres to enter and exit.

- 7.86 There are 6 visitor parking spaces proposed to be located west of the main building entrance and fountain. Vehicles accessing these parks must manoeuvre around the fountain in front of the building, and between the support posts for the entrance veranda. The access around the fountain is narrow, with a tight turning circle, and vehicles are likely to require additional reverse manoeuvres to move through this area. There is potential for vehicles attempting to manoeuvre around the fountain to conflict with pedestrians at the building entrance. The applicant has also provided manoeuvring diagrams showing that vehicle could not turn from the circular access into the parking space closest to the fountain without multiple manoeuvres.
- 7.87 In my opinion the circular access around the fountain should be designed to ensure that a vehicle can move from the site entrance to the visitor parking spaces west of the fountain without undertaking a reverse manoeuvre, and can exit these parking spaces and move to the site entrance with no more than one reverse manoeuvre. I also consider that allocating the parking spaces west of the fountain as staff parking spaces would ensure these spaces are utilised, while maintaining a low turnover of vehicles, and reducing the potential for conflict between vehicles and pedestrians at the main building entrance. The applicant may wish to provide amended plans at the hearing that address these matters. Alternatively, I recommend that, should consent be granted, conditions should be imposed to this effect.
- 7.88 The applicant has also provided manoeuvring diagrams illustrating that the manoeuvring space at the independent living units is very tight, particularly for vehicles reversing out of the garages. It is likely that a vehicle entering and exiting the northern units would be required to undertake additional reverse manoeuvres. While this is an internal issue, and any adverse effects are likely to relate only to inconvenience for residents, I recommend that the applicant review the design and layout of the access to the garages to ensure that sufficient manoeuvring space is provided at all of the units.
- 7.89 Overall, I consider that the adverse effects of the car park design will be no more than minor, and will largely relate to inconvenience for residents, staff and visitors, and effects on pedestrian safety at the main building entrance. The car park design would not result in vehicles being forced to reverse off the site, nor would it have any impact on the safety or efficiency of the frontage road. In my opinion these adverse effects would be acceptable, subject to the recommended changes being made to minimise impacts on pedestrian safety.

Servicing

- 7.90 The proposed development would connect to the Council's reticulated infrastructure networks for water supply, sewer and stormwater. Council Engineering Services Manager Jeremy Rees has advised that although the applicant has confirmed the site will provide a minimum of 30% permeable surfaces, stormwater runoff will increase significantly, and on-site stormwater attenuation will be required.

- 7.91 The applicant has confirmed that two 30,000 litre above ground stormwater attenuation tanks would be installed on the site, but have not confirmed where on the site they would be located. Tanks of this size are buildings under the District Plan definition, and are therefore subject to the District Plan built form standards. If the location of the attenuation tanks is not confirmed prior to consent being granted, there is potential that the applicant may need to apply for a change to the consent conditions under s.127 to accommodate them at a later date. To avoid this the applicant may wish to confirm the location of the tanks prior to the hearing.
- 7.92 The applicant has also confirmed that stormwater treatment is proposed for internal roads and car parking area drainage. Mr Rees has confirmed that he is satisfied with the applicant's responses. He has requested that consent conditions should require the location of the stormwater retention tanks, the outlet configuration and the proposed treatment of the runoff from the internal access and car parking areas be confirmed to the Drainage Manager at the time of building consent. These matters have been included in the recommended conditions in section 12.
- 7.93 Overall, I consider that the proposed development can be appropriately serviced, and that any adverse effects on the Council's infrastructure networks can be mitigated.

Demolition, construction and earthworks

- 7.94 The proposed construction phase works associated with the proposed development include demolition of the existing scout hall building, the earthworks required to form the vehicle accesses, car parking, landscaping and building foundations, and the construction of the proposed buildings. The construction phase works are temporary, but, given the scale of the proposed development, are likely to be undertaken over a period of some months. Adverse effects relating to the proposed demolition, construction and earthworks include nuisance effects, disturbance and loss of amenity for residents of the surrounding area, and environmental effects. Nuisance effects and effects that impact on residential amenity include noise and vibration, dust emissions and heavy vehicle movements to and from the site. Dust emissions and sedimentation can also impact air and water quality.
- 7.95 The applicant has offered the following conditions to mitigate the effects of the construction phase works:
- A Construction Noise Management Plan shall be prepared and approved by the Council prior to construction works commencing.
 - An Earthworks Management Plan shall be provided for approval by Council prior to earthworks commencing.
 - Machinery shall generally operate only during normal daylight hours and contractors will comply with NZS 6803:1999 'Acoustics - Construction Noise'.

- All construction traffic entering and exiting the site shall use the Tay Street State highway 1 access.
- The building contractor(s) will undertake dust suppression as necessary during the construction period

7.96 I agree that it is appropriate for the adverse effects relating to construction and earthworks to be controlled through the implementation of construction and earthworks management plans, and for these requirements to be imposed through conditions of consent. The conditions should clearly set out what matters the management plans are required to address in order to provide certainty for both the consent holder in preparing the plans, and the Council in approving them. These matters include management of construction noise, traffic management, erosion and sediment control and dust suppression,

7.97 The application states that the proposal will comply with the relevant District Plan noise standards. Rule Noise-R4 applies to construction noise, and sets the following maximum noise limits:

Days and Times	Noise Limit
<i>Monday to Saturday 0730 – 1800</i>	<i>70dB L_{Aeq} and 85 L_{Amax}</i>
<i>All other times L_{Amax}</i>	<i>45dB L_{Aeq} and 75 dB L_{Amax}</i>

7.98 I note that the construction noise limits in New Zealand Standard NZS 6803:1999, which is referenced in the conditions offered by the applicant, exceed the noise limits in rule Noise – R4. The consent conditions relating to construction noise must therefore require construction noise to be managed to comply with the District Plan standard rather than NZS 6803:1999.

7.99 The application states that construction work would be limited to ‘normal daylight hours.’ While the noise standards would restrict any work undertaken outside the hours of 0730-1800 Monday – Saturday to quiet activities, I note that there is significant variation in daylight hours throughout the course of the year. To ensure that adjoining residents are given sufficient respite from disturbance associated with construction activities I recommend that demolition or construction work on site shall generally be undertaken within the hours of 0730-1800 Monday – Saturday.

7.100 With respect to the proposed demolition of the scout hall, I note that there is potential for the demolition work to be undertaken some time prior to the construction of the proposed independent living units at 32 Stuart Street. To ensure that the amenity of the surrounding area is maintained in the interim, I recommend that the consent conditions should require that the site be left clear and tidy following the demolition, and that any damage sustained to the footpath, vehicle crossing or road frontage be reinstated as soon as practicable.

7.101 Overall, I consider that the recommended conditions would ensure that the effects of the demolition and construction phase works are appropriately managed to minimise disturbance and disruption to the residents of adjoining properties.

POSITIVE EFFECTS

7.102 The consideration of positive effects is relevant under s104, and the non-complying status of the application also means that all effects, including positive ones, are able to be considered. The Applicant provides an assessment of the positive effects of the proposal in Section 7.14 of the AEE. In addition, two of the submissions received refer to the benefits the proposed development would provide in terms of providing aged care, and care of people with dementia and Alzheimer's.

7.103 The application site has been vacant for some time. The application notes that the former Hawthorndale School was closed in 2005, and the school buildings remained unused until 2015 when they were demolished. The Hawthorndale Scout Hall is the only remaining building on site, and is also understood to be vacant. The application does not state when the hall was last in use, or what its current condition is, but it has a disused appearance. The proposed activity would replace the existing vacant school site and scout hall with a high quality residential care home including residential units, dementia care facilities and ancillary retail and commercial activities. Overall, I consider the positive effects of the proposed development to include:

- Redeveloping a site that has been vacant or unused for approximately 15 years, including the removal of a disused building that currently detracts from the amenity of the surrounding residential area;
- Providing a high-quality development with modern, well-designed buildings that will provide a safe, healthy and pleasant living environment for residents of the care home and the residential dwellings on site;
- Increasing the number of people living in the local neighbourhood, thereby contributing to the critical mass of the surrounding area;
- Contributing to the provision of accommodation for elderly people, and dementia patients, to cater to the needs of an aging population in Invercargill and the wider region;
- Providing an alternative care model to traditional dementia care offered in other aged care facilities throughout the country;
- Providing increased safety and a sense of security for residents of adjoining properties by establishing an activity that will be occupied 24 hours per day. The existing site is vacant, with limited road frontage and little opportunity for passive surveillance from adjoining sites, providing the potential for anti-social activity to take place, and providing little security for adjoining properties.

- Providing employment opportunities in the local area both in the construction phase and once the Care Home is operational.

CONCLUSION ON EFFECTS

- 7.104 In an overall sense, the adverse effects of the proposal are considered to relate to effects on residential character and amenity, impacts from the proposed signage, transport effects, and effects of construction phase work. In my opinion the adverse effects can be adequately mitigated to ensure that the surrounding area maintains a high level of residential amenity. The proposal will also result in some positive social, economic and amenity-related effects.

8 DISTRICT PLAN OBJECTIVES AND POLICIES (SECTION 104(1)(B)(VI)) & S104D

TRANSPORT

- 8.1 **The relevant transport objectives and policies include those relating to impacts of development on the road network and state highways.**

TRA-P3 Rooding Hierarchy: To have regard to the Council's Rooding Hierarchy when considering subdivision, use and development of land.

TRA-P5 Adverse Effects: To manage subdivision, use and development adjacent to transport infrastructure in such a way as to avoid, remedy or mitigate potential effects, including reverse sensitivity effects on transportation infrastructure.

TRA-P9 Integration: To integrate the planning of land use with existing transport infrastructure and provide for future transportation requirements.

TRA-P11 Significant Transportation Networks: To recognise that the Invercargill Airport, seaport, railway, State Highways, and the arterial roads which link this infrastructure are regionally significant transportation networks and are essential to the ongoing viability and functioning of the District.

- 8.2 The proposed development has access to Tay Street, which is an arterial road and forms part of State Highway 1. NZTA have confirmed in their submission that the proposed access arrangements are acceptable, subject to the vehicle crossing design being submitted for approval. The proposed right hand turn bay, which NZTA support, is considered to mitigate adverse effects on the safety and efficiency of the road network including the state highway. Overall, the proposal is considered consistent with the above policies.

TRA-P4 Standards: To set development standards for vehicle access, loading, parking and manoeuvring facilities.

- 8.3 The above policy is given effect to through the District Plan rules relating to vehicle access, loading, parking and manoeuvring standards. Therefore, although the proposal does not comply with the Plan's minimum standards, this does not create any conflict with policy TRA-P4.

TRA-P10 Public Transport, Walking and Cycling: To promote the use of public transport, and walking and cycling networks

- 8.4 The proposed development provides pedestrian access from all three frontage roads, and staff cycle parking is proposed to be provided on site. The site is also located near an existing public transport route. These aspects of the proposed development are considered to be consistent with the promotion of public and active transport.

RESIDENTIAL

- 8.5 The relevant residential objectives and policies relate to maintaining a high standard of residential amenity in the residential zones, and maintaining the critical mass of the city's existing suburban areas.

Residential zones

RES-O1 *Critical mass is maintained within the defined residential areas.*

RES-O2 *A range of housing types is available, meeting the housing needs of a population that is growing only slowly and ageing.*

RES-P1 *Existing Residential Areas: To encourage infill development, use of vacant allotments and upgrading/redevelopment of existing houses in the Invercargill and Bluff urban areas.*

- 8.6 The proposed development is located within the existing Residential 1 Zone, and involves the redevelopment of two brownfield sites, one of which is a vacant allotment. The proposal would increase the number of residential units and contribute to maintaining critical mass in the City's existing residential areas by enabling an increase in the number of people residing in the local area. It would also contribute to providing a range of housing types to meet the needs of an aging population. The proposal is therefore consistent with RES-O1, RES-O2 and RES-P1.

RES-O3 *A high standard of residential amenity is maintained.*

RES-P4 *Residential Amenity: To require a high standard of residential amenity in new development, particularly with respect to space for outdoor living.*

RES-P7 *Residential Amenity: To advocate for and encourage the site layout and design of residential buildings so as to provide as far as practical sunlight access and opportunity for solar gain.*

8.7 The proposed development will maintain a high standard of residential amenity for residents and provides private outdoor living spaces for each apartment and independent living units in addition to communal areas. The development is generally consistent with the Plan standards relating to built form and will maintain a ratio of built form to open space that is in keeping with that anticipated in a residential environment. The site is proposed to be landscaped, and overall would provide a pleasant living environment for residents. The care home and residential units have been designed to enable sunlight access, particularly within living rooms and communal living spaces, and these spaces are generally oriented northward.

RES-P6 Non-residential Activities: *To enable non-residential activities when it can be demonstrated that they:*

1. *Are in keeping with the character anticipated in a residential area; and*
2. *Will not compromise the health, safety and amenity values enjoyed by residents; and*
3. *Cannot be practically located in other zones where such activities are anticipated.*

8.8 In my opinion the non-residential activities that form part of the proposal can meet the criteria set out in policy RES-P6 1-3. The proposal's non-complying activity status is partially triggered by the inclusion of retail and commercial activities, and this policy provides explicit direction on this key non-compliance.

8.9 The commercial and retail activities are proposed to be located at the front of the site, but are oriented towards the internal atrium, and are accessible only from within the care home complex. The site will have a somewhat non-residential appearance when viewed from Tay Street, but it would not be visually apparent that the retail and commercial activities are present on the site. The care home is residential in that it provides permanent living accommodation for residents, albeit at a scale and design that differs from the detached housing in the surrounding area. The buildings have been designed to be in keeping with the character of the surrounding residential area, being largely single storey, with a low overall height, generous setback from the street and pitched rooves. The extent of open space within the site and the proposed landscaping are also generally in keeping with the character anticipated in a residential area.

8.10 I consider that, subject to the recommended conditions, the development would not compromise the health, safety or amenity values enjoyed by residents, including future residents of the site itself and those residing in the surrounding area. The report from Altissimo Consulting confirms that noise levels during daytime hours would comply with the District Plan noise limits. The NMP required by the recommended consent conditions would ensure that noise during night-time hours can be managed appropriately, and that noise would not be audibly different to that of a complying activity.

8.11 The applicant has also offered a consent condition requiring light spill to comply with the District Plan standards. The development would not compromise the safe operation of the road network, and NZTA have not raised any concerns about safety effects on the state

highway. The development has a residential scale, and the built form is generally in keeping with that of the surrounding area. The adverse effects of the proposal on residential amenity values are considered to be minor and acceptable, subject to the conditions recommended in section 12 of this report, including limitations on the size of the proposed advertising signage.

8.12 The care home activity itself is largely a residential activity, which is anticipated in the residential zones, and provided for through a Discretionary activity status. The associated non-residential retail and commercial activities are ancillary to the care home activity, and, although open to the public, their primary purpose is to enable residents with dementia to carry out everyday activities within a secure and safe environment. The village centre activities would be staffed by care home staff, and can be accessed from within the care home only. These activities must form part of the care home facility in order to be accessible to residents with dementia, and cannot practically be located off-site or in other zones.

8.13 The proposal is therefore consistent with objective RES-O3 and policies RES-P4, P6 and P7.

Residential 1 zone

The objectives and policies specific to the residential 1 zone seek to provide for the ongoing development of the zone while maintaining a high level of amenity.

RES1Z-P4 Stormwater Runoff: *To require site and building development to incorporate methods to: 1. Minimise loadings on stormwater runoff networks and reticulation systems caused by rainfall events; and 2. Improve the water quality of stormwater flows.*

8.14 The recommended conditions of consent would require the development to provide on-site stormwater attenuation and treatment to ensure that runoff from the site is maintained at levels that are compatible with the capacity of the stormwater network, and that runoff from car parking and access areas is treated to the Council's required standards. Subject to these conditions, I consider the proposal to be consistent with RES1Z-P4.

RES1Z-O4 Provision is made for good accessibility to service and retail activities, educational establishments, and to places of employment.

RES1Z-P2 Connectivity: *To require that provision is made for safe, logical, and direct access by the variety of transportation modes in common use (pedestrian, cycle, mobility scooter, motor vehicle, public transport) from dwellings to service and retail activities, educational establishments, and places of employment.*

8.15 The proposal development would have vehicle and pedestrian access from Tay Street and Fairview Avenue, and pedestrian access from Stuart Street. The proposed access arrangements would result in the site being easily accessible to pedestrians and cyclists who would be able to utilise any of the 3 site accesses. The proposed village centre provides on-site retail and commercial services in order to ensure that these facilities are accessible to

residents, including those who cannot safely leave the site alone. The proposal is therefore considered consistent with RES1Z-O4 and RES1Z-P2.

RES1Z-O5 *High quality urban design is incorporated into new development and redevelopment.*

RES1Z-P3 *Urban Design: To encourage good urban design in terms of: 1. Context 2. Character 3. Choice 4. Connections 5. Creativity 6. Custodianship 7. Collaboration.*

- 8.16 The 7 design qualities listed in the above policy are high-level, and do not provide strong direction for assessing the design of a proposed development. The proposed development is not considered to conflict with any aspect of this policy. Whilst clearly having a different built form to detached suburban dwellings, the care home is nonetheless generally in keeping with the scale and character of the development in the surrounding residential area, and would integrate well into its surroundings.
- 8.17 The development would contribute to providing choice in terms of housing for elderly people and those suffering from dementia. The access arrangements through the site provide appropriate connections to the frontage roads, while ensuring that the bulk of vehicle movements would occur at the Tay Street access. The proposed stormwater treatment is consistent with environmentally sustainable design, and the care home will provide for the health and safety of residents. Overall, the proposal is generally consistent with RES1Z-O5 and RES1Z-P3.
- 8.18 **RES1Z-O3** *Opportunities for urban intensification and redevelopment are encouraged within Invercargill's existing urban areas.*
- 8.19 **RES1Z-O7** *Urban growth and development is managed in ways that:*
1. *Support existing urban area*
 2. *Promote development of existing urban areas ahead of greenfield development*
 3. *Promote urban growth and development within areas that have existing infrastructure capacity*
 4. *Plan ahead for the expansion of urban areas*
 5. *Promote compact urban form.*
- 8.20 The application site is located within the existing urban area, and has existing infrastructure capacity. The development of this existing vacant site is consistent with the promotion of a compact urban form, and development of existing urban areas ahead of greenfield development. The proposal is therefore consistent with RES1Z-03 and RES1Z-07.
- 9** **RES1Z-O1** *The maintenance and ongoing development of the zoned areas as residential neighbourhoods offering a high degree of amenity to their inhabitants is provided for and encouraged.*

RES1Z-O8 *The amenity values of the Residential 1 Zone are maintained and enhanced.*

RES1Z-P6 *Outdoor Living: To require the provision of practical outdoor private open space as an important dimension of amenity.*

RES1Z-P7 *Space Around Buildings: To maintain the residential scale and amenity of space around and between buildings.*

RES1Z-P10 *Odour: To ensure absence of nuisance from objectionable odour*

RES1Z-P11 *Glare: To ensure freedom of nuisance from glare.*

RES1Z-P13 *Lightspill: To avoid, remedy or mitigate the adverse effects of lightspill*

RES1Z-P14 *Wind: To encourage the provision of shelter from wind as an important dimension of residential amenity.*

9.1 **RES1Z-P20** *Height and Location of Structures: To maintain a 1-2 storey scale for development.*

9.2 The proposed development is considered to be consistent with the objective and policies above. The care home has been designed to maintain a high level of residential amenity within the site, with buildings surrounded by open space and landscape planting, and provision of shared and private outdoor living spaces.

9.3 The development does not include any odour discharge, and exterior lighting is to be designed to ensure that glare and light spill are controlled in accordance with the District Plan rules. The applicant has offered conditions to this effect.

9.4 The proposed development does not include any structures specifically designed to provide shelter from wind, but nor is it considered likely to exacerbate wind effects for surrounding properties. The proposal therefore does not conflict with this policy.

9.5 The proposed buildings are 1-2 storeys in height, and are consistent with the District Plan's maximum permitted height limits, and the height of buildings in the surrounding residential environment.

9.6 Overall, the proposal is considered to be consistent with the above objective and policies, and not contrary to any policy.

RES1Z-P8 *Ambient Noise: To maintain low daytime ambient noise levels and lower night-time ambient noise levels consistent with residential use of the area.*

RES1Z-P9 *Noise from Transportation Networks: To recognise that some parts of the zone are subject to higher levels of noise generated by the transportation networks and to avoid, or mitigate reverse sensitivity effects associated with those activities.*

9.7 The proposal is anticipated to comply with the District Plan daytime noise standards, and would therefore maintain low daytime ambient noise levels. Noise levels at night-time are anticipated to be lower, and the NMP required by the recommended consent conditions would ensure that night-time noise levels are consistent with residential use. While the noise from vehicles on site outside of night-time hours is anticipated to exceed the permitted noise limits by up to 2dB when measured at the adjacent properties, this exceedance is understood to be imperceptible. Noise received at the facades of the adjoining residential dwellings is anticipated to comply with the night-time noise standards, so is not expected to result in sleep disturbance.

9.8 Policy P9 anticipates that higher noise levels will occur adjacent to transport networks. Tay Street is an arterial road, and forms part of State Highway 1, so is anticipated to carry relatively high traffic volumes. The Altissimo noise report confirms that any noise from passenger vehicles braking to turn into the site would be negligible, and are appropriate in this location. The proposal does not conflict with this policy, and in my opinion the proposal is consistent with RES1A-P8 and P9.

RES1Z-P15 Signage: *To protect residential amenity by controlling the size and nature of signage.*

9.9 The explanation for policy RES1Z-P15 notes that signage of sufficient size and clarity to enable people to find someone offering a professional service from home is appropriate, but signs that hint at a residential property being used for predominantly non-residential activities is likely to be seen as a visual intrusion. The proposed care home activity provides permanent residential accommodation, so the associated signs are not an indication that the property is predominantly residential. However, I consider that this explanation confirms that signage in the residential zones would be appropriately limited to the size needed to ensure that a site can be easily identified.

9.10 In my opinion the signs proposed by the applicant would not protect the residential amenity of the surrounding area, particularly in Stuart Street and Fairview Avenue, and would be contrary to this policy. However, subject to the proposed conditions limiting the size and height of the proposed signage, I consider that the signs would be consistent with RES1Z-P15.

RES1Z-P17 Demolition or Removal Activities: *To manage the adverse effects of demolition or removal activities on amenity values by ensuring the clean-up, screening and maintenance of sites.*

9.11 The proposed demolition of the scout hall building is anticipated to take 1-2 days, and screening is not considered necessary during this relatively short timeframe. The scout hall site is proposed to be redeveloped as part of the care home, so on-going maintenance of the site is not of concern.

RES1Z-P21 *To maintain road safety by providing for residents to park their vehicle(s) on site and to manoeuvre them safely on and off the formed road.*

- 9.12 The application site provides on-site car parking for the residential units, at a rate that is consistent with the District Plan requirements. While on-site manoeuvring space at the independent living units is limited, this is unlikely to result in any impacts on the frontage roads, and residents will not be forced to reverse off the site. The proposal is therefore consistent with RES1Z-P21.

Conclusion on residential objectives and policies

- 9.13 Overall, the proposed development is considered to be consistent with the relevant objectives and policies, subject to the recommended conditions being imposed. The proposal would redevelop an existing vacant site and contribute to maintaining the critical mass of the residential areas, while maintaining a high level of residential amenity in the surrounding area and providing for specific housing needs of an aging population.

EARTHWORKS

- 9.14 The relevant earthworks objectives and policies seek to control the effects of earthworks.
- SOIL-O3 Earthworks in Invercargill are carried out in such a way as to avoid, remedy or mitigate adverse environmental effects.*
- SOIL-P6 To control land use activities and development which propose to fill or re-contour land, or move or remove significant quantities of soil.*
- 9.15 The proposed earthworks required to develop the site would involve significant quantities of fill and excavation, however the application site is flat and the finished contours will not change significantly. The earthworks will be limited to those necessary to construct building foundations and form the landscaping, vehicle access and car parking. The adverse effects of the earthworks can effectively be controlled through implementing best practice measures to control erosion and sedimentation, dust emissions, noise and vehicle movements. Subject to the recommended consent conditions relating to the construction phase works, the proposal is considered to be consistent with the above objective and policy.

CONCLUSION ON OBJECTIVES AND POLICIES

- 9.16 Overall, I consider the proposal to be generally consistent with the relevant objectives and policies of the District Plan, and not contrary to any single objective or policy or to the provisions as a whole.

10 RELEVANT OBJECTIVES, POLICIES, RULES AND OTHER PROVISIONS OF A REGIONAL POLICY STATEMENT [SECTION 104(1)(B)(V)]

- 10.1 Section 9 of the AEE addresses the Southland Regional Policy Statement, and concludes that the proposal is generally consistent with the relevant objectives and policies relating to urban development, lwi management plans, and infrastructure.
- 10.2 The Regional Policy Statement is given effect to through the District Plan provisions. The assessment in sections 7 and 8 of this report has concluded that the adverse effects of the proposal are acceptable, and that the proposal is consistent with the District Plan objectives and policies. The District Plan does not contain any errors or omissions in relation to the matters relevant to this application, and is considered to appropriately give effect to the Regional Policy Statement. The proposal is therefore also considered to be consistent with the objectives and policies of the Regional Policy Statement.

11 SECTION 104D GATEWAY TEST

- 11.1 Section 104D sets out particular restrictions for non-complying activities, and states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity

- 11.2 I have concluded that the adverse effects of the activity will be no more than minor, and that the proposal is not contrary to the objectives and policies of the Plan. The proposed development therefore meets both limbs of the gateway test, and the Council has discretion to grant the consent.

12 SECTION 104(1)(C) – RELEVANT OTHER MATTERS

NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

- 12.1 The National Policy Statement on Urban Development (NPSUD) came into effect in August 2020, after the application for the care village had been lodged, and is a relevant matter that must be had regard to under s.104(1)(b) of the Act. The NPSUD contains objectives and policies that seek to ensure that urban areas are well-functioning and provide sufficient development capacity to meet the needs of people and communities. The NPSUD groups territorial authorities into tiers, and Invercargill District is classed as a ‘Tier 3’ authority.

- 12.2 Policy 11 is that District Plans do not set minimum car parking rate requirements, and encourages local authorities to manage carparking through comprehensive parking management plans. Policy 11 must be implemented by the Council within 18 months (i.e. by 20 February 2022). All objectives, policies, rules and assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use or activity being removed from the District Plan, except for provisions relating to accessible parking spaces. By the time the development is operative the District Plan will have been amended and will no longer contain any minimum car parking requirements.
- 12.3 The proposed care village provides on-site car parking in excess of the minimum District Plan standards, so the anticipated removal of these standards would have little bearing on the assessment of the effects of the parking demand at the site. The intention of the NPSUD is to ensure that parking is provided at the developers discretion, and in response to anticipated demand, rather than to comply with Council requirements. The applicant has chosen to increase the on-site car parking in response to the concerns raised by submitters. In my opinion this is consistent with the outcome the NPSUD seeks in relation to carparking, and the proposal does not conflict with the Policy 11.
- 12.4 There are no other NPSUD objectives or policies that are considered to have particular relevance to this project.

PRECEDENT AND PLAN INTEGRITY

- 12.5 The proposal is for a non-complying activity, and it is therefore relevant to consider whether a decision to grant consent would set a precedent for other similar activities to establish in the Residential zone, or whether it would undermine the integrity of the District Plan.
- 12.6 Care home activities are anticipated to establish in the residential zones, subject to the granting of a resource consent for a Discretionary activity. The proposed development is a non-complying activity under the District Plan due to the inclusion of ancillary retail and commercial activities, and non-compliant signage. The primary activity, being the care home, is therefore anticipated in the zone, with the retail elements ancillary to and integrated within the wider care home activity. I have concluded in sections 7 and 8 of this report that the adverse effects of the proposal will be no more than minor, and that the proposal is generally consistent with, and not contrary to, the District Plan objectives and policies.
- 12.7 Given that the proposal is generally consistent with the outcomes the District Plan seeks, I consider that a decision to grant consent would not undermine the integrity of the Plan.

LAPSE DATE

12.8 In the further information letter dated 1 July 2020 the applicant requested that the resource consent be subject to a lapsing period of 7 years. Under s.125 a lapse period of 5 years would apply if no other date is specified. The applicant has advised that the extended period would provide additional time for funding arrangements to be finalised and for any unforeseen circumstances that could delay the project.

12.9 Section 125 does not set out any specific matters that need to be taken into account when considering an application for an extended lapse date. In this case, I consider the following matters relevant to the consideration of the lapsing period:

- An additional two years is not a significant extension to the lapse date. Invercargill is a relatively low-growth District, and the surrounding area is not likely to change significantly within the additional timeframe.
- The application site has remained vacant for an extended period of time, and it is unlikely that an extended lapsing period would prevent other development from occurring within the 7 year timeframe;
- Given the low-growth nature of the District, an extended time period may be necessary to secure funding necessary for the project to proceed;
- The adverse effects of the proposal are relatively benign, and primarily relate to transport matters, as the care home activity primarily provides for permanent living accommodation within a residential zone;
- No submissions have been received in relation to the extended lapse period;
- The extended lapse period would not conflict with the objectives and policies of the District Plan.
- The proposed care home is a relatively large-scale development, intended to be constructed in stages.

Taking into account the matters listed above, I consider that the 7 year lapse period requested by the applicant is acceptable.

13 RECOMMENDATION

13.1 Having considered all the matters relevant to this application, I recommend that this application be granted pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991 subject to the following conditions:

General

- 1 The development shall proceed in general accordance with the information and plans submitted with the application and as amended by the further information and amended plans. The approved consent documentation has been entered into Council records as number RMA/2020/80.
- 2 The opening hours that the retail, commercial and hospitality activities on site are open to visitors and the public shall be limited to 8am – 5pm.
- 3 A minimum of 30% of the gross site area shall be maintained as permeable surfacing.
- 4 No trees are to be planted on the development site adjacent to the rear (northern) boundary of the property at 26 Fairview Avenue (Lot 4 DP 4928).
- 5 Any fences on the boundary of the Fairview Avenue accessway that are damaged during construction shall be repaired or replaced at the consent holder's cost
- 6 Landscaping shall be established and maintained in general accordance with the landscaping plan submitted with the application, except for amendments necessary to reflect changes to the site plan submitted on 23 October 2020.
- 7 The landscaping associated with each stage of the development shall be established on site prior to the buildings within that stage being occupied by residents.

Stormwater

- 8 Stormwater from all access and car parking areas on site shall be treated for a design flow of 6mm/hr using stormfilter or filterra devices or approved alternatives subject to certification by the Drainage Manager at the time of building consent.
- 9 Two stormwater attenuation tanks, each with a volume of 30,000 litres, shall be provided on the site. The tanks shall meet the District Plan rules relating to minimum building heights, setbacks from boundaries and recession planes. The location and outlet configuration shall be confirmed to the Drainage Manager at the time of building consent.

Signs

- 10 A maximum of one free-standing sign shall be displayed at each of the Stuart Street and Fairview Avenue. Each of these signs shall not exceed 0.25m² in area, and 2m in height.
- 11 A maximum of one free-standing sign shall be erected adjacent to the Tay Street road boundary, as indicated on the site plan. This sign shall have a maximum area of 1m² and a maximum hight of 2m.
- 12 Any sign displayed on the building façade facing Tay Street shall not exceed 10m² in total area.

Noise

- 13 Prior to the building consent for the construction of stage 1 of the care home being issued, the consent holder shall submit to the Council a noise management plan (NMP) for the site. The NMP shall be prepared or certified by a suitably qualified acoustic expert and shall include:
- a. Details of how the staff and visitor car parking will be managed to ensure that noise does not exceed 42dB during night-time hours when measured at any point within any adjoining residential zoned property.
 - b. Details of how the Fairview Avenue access and gate will be designed and operated to ensure noise does not exceed 55dB during daytime hours, or 42dB during night-time hours when measured at any point within the adjoining residential zoned properties.
 - c. Confirmation that all mechanical plant on site, including heat pump condenser units, shall be calibrated to ensure that noise received at the adjoining residential properties does not exceed 40dB.
 - d. Details of how the boiler room and any ventilation paths will be treated to ensure that noise levels received at living spaces within the village do not exceed 55dB, and do not exceed 40dB when measured at any point within the boundaries of the adjoining residential properties.
 - e. Confirmation that no rubbish collection, delivery or loading activities shall take place on site outside of daytime hours, being 0700-2200.
- 14 The Consent Holder shall not commence construction of the buildings authorised by this consent until the Council has certified in writing that the NMP fulfils the requirements of Condition 13. The NMP may be reviewed and amended as required to achieve the outcomes of this consent, with any amended plan to be submitted to and certified by the Council.

Lighting

- 15 All interior and exterior lighting on site shall be designed, constructed, and operated to ensure that light spill beyond the site boundaries does not exceed 5 Lux;
- 16 Light spill is to be measured and assessed in accordance with the Australian Standard AS 4282 1997: Control of the Obtrusive Effects of Outdoor Lighting.

Transport

- 17 The circular vehicle access around the fountain in front of the main pedestrian entrance to the administration building shall be designed to ensure that:

- a. vehicles can move from the Tay Street access to the parking spaces west of the fountain without undertaking a reverse manoeuvre.
 - b. Vehicles can move from any of the parking spaces west of the fountain to the Tay Street site access without undertaking more than one reverse manoeuvre.
- 18 The parking spaces west of the fountain shall be marked for staff only.
- 19 The operation of the consented care facility shall not commence until the vehicle crossing providing direct access to Tay Street has been formed in accordance with the vehicle crossing layout plans (subject to any amendments required by way of condition 21) submitted by the consent holder in the Architectural Plans dated 5 October 2020 and labelled as "RC - 01: Concept Site Plan".
- 20 Prior to vehicle crossing formation works occurring, the consent holder shall submit to the Invercargill City Council a copy of the NZ Transport Agency's approval to undertake works on the State Highway (as detailed in advice notes 2 and 3 below).
- 21 Traffic calming measures shall be installed along the Fairview Avenue access to ensure that vehicles cannot comfortably exceed 25km per hour.
- 22 Prior to the care home being occupied by staff or residents, a gate or other physical vehicle barrier shall be installed at the entrance to the Fairview Avenue access, and shall be designed and operated to restrict vehicle access to residents' vehicles only;

Construction

- 23 Prior to construction works commencing on site, a gate or other effective vehicle barrier shall be installed at the entrance to the Fairview Avenue site access. The gate or barrier shall remain in place and shall be closed and locked until the gate required by condition 22 is installed.
- 24 Prior to the construction of each stage of the development commencing, the consent holder shall provide to the Council a Construction Management Plan (CMP) for certification that it provides suitable measures to avoid or mitigate the effects of construction activity on neighbouring sites and the adjacent streets. The CMP shall include, but not be limited to, the following matters:
- a. A Traffic Management Plan that has attained approval from Waka Kotahi including measures to control construction traffic at the site access to Tay Street and ensure the continued safe operation of the road network. The TMP shall demonstrate how Fairview Avenue will be managed in accordance with condition 23 above.
 - b. Measures for erosion and sediment control and prevention of sediment being carted onto roads, or entering the public stormwater system

- c. Measures for the suppression of dust to be employed during construction activity to ensure dust emissions beyond the site boundary are not offensive or objectionable to residents of adjoining properties.
- d. A Construction Noise and Vibration Management Plan (CNVMP) outlining how noise and vibration nuisance will be mitigated during construction activities, and managed to comply with the following District Plan construction noise standards:

<i>Days and Times</i>	<i>Noise Limit</i>
<i>Monday to Saturday 0730 – 1800</i>	<i>0730 – 1800 70dB L_{Aeq} and 85 L_{Amax}</i>
<i>All other times L_{Amax}</i>	<i>45dB L_{Aeq} and 75 dB L_{Amax}</i>

- 25 The Consent Holder shall not commence construction of the buildings authorised by this consent until the Council has certified in writing that the CMP fulfils the requirements of Condition 23. The CMP may be reviewed and amended as required to achieve the outcomes of this consent, with any amended plan to be submitted to and certified by Council.
- 26 The CMP certified by the Council under Condition 25 shall be implemented for the duration of the construction activity occurring on the site and a copy shall be held on site at all times.
- 27 No construction activities shall occur outside the hours of 0700-1800 Monday – Saturday, or on Sundays or public holidays except in cases of operational necessity.
- 28 In the event of the discovery or disturbance of any archaeological material the consent holder shall implement the procedures of the Ngāi Tahu ki Murihiku Accidental Discovery Protocol.

Demolition

- 29 The scout hall sewer and stormwater drains are to be sealed off by a certified drain layer. The drain layer is to complete the Council’s “Drainage Information Sheet” form and return a copy of it to the Council.
- 30 The site is to be left clear and tidy with all demolition material removed, including foundations, concrete pads, piles etc., within six weeks of the demolition or removal of the building.
- 31 Dust suppression measures shall be employed to ensure that dust emissions from the site are not offensive or objectionable to residents of adjoining properties.

- 32 No demolition activities shall occur outside the hours of 0700-1800 Monday – Saturday, or on Sundays or public holidays except in cases of operational necessity.
- 33 No work within the road reserve is to commence until written approval is obtained from the Roothing Department of the Council. The consent holder, or their contractor, is to submit details of how they will protect Council assets.
- 34 Footpaths, vehicle crossings, and road frontages are to be inspected by the Council's Roothing Manager prior to commencement and after completion of the demolition/removal.
- 35 Footpaths, vehicle crossings and road frontages must be protected from damage by covering with heavy timbers or similar. All sites must be safe for pedestrians and people with disabilities.
- 36 Damaged footpaths, vehicle crossings and road frontages must be immediately reported to the Council's Roothing Department and then reinstated, top soiled and grassed as soon as practicable within twelve (12) months. The consent holder is liable and responsible for the contractors undertaking the work, including any damage caused to the footpath, road frontage or vehicle crossing. Any damage is to be repaired by an approved contractor to the satisfaction of the Council's Roothing Manager.

Advice notes:

1. *This resource consent will lapse **seven years** from the date of granting unless it is given effect to (i.e. the activity is established) before then. Application may be made under Section 125 of the Resource Management Act 1991 to extend the period for giving effect to the resource consent, and this must be submitted and approved prior to the consent lapsing.*
2. *It is the consent holder's responsibility to comply with all the conditions imposed on this resource consent during the exercise of it.*
3. *It is a requirement of the Government Roothing Powers Act 1989 that any person wanting to carry out works on a state highway first gain the approval of the NZ Transport Agency for the works and that a Corridor Access Request (CAR) is applied for and approved before any works commence.*
4. *A Corridor Access Request should be made online via www.beforeudig.co.nz and/or www.submitica.co.nz. A copy should also be sent to the NZ Transport Agency System Design and Delivery Planning Team at consentsandapprovals@nzta.govt.nz. The Corridor Access Request will need to include:*
 - a. *The approved detailed design which shall include the following:*

- *The full design of the vehicle crossing including alterations to the median area;*
 - *Identification of any changes to or addition of line marking; and*
 - *Identification of any street lighting proposed to be relocated.*
- b. A Construction Traffic Management Plan that has attained approval from NZ Transport Agency Systems Design and Delivery through the Manager, System Management – Southland.*
- 5. All demolition material (solid waste) should be either recycled or disposed of at an authorised landfill which has a resource consent for that purpose.*
- 6. Demolition material falls into two categories, the first is Cleanfill, which can be disposed of at an authorised cleanfill site. Cleanfill material is material that does not undergo any physical, chemical, or biological transformations that will cause adverse environmental effects or health effects once it is placed in a cleanfill.*
- a. Any other non cleanfill waste material will need to be disposed of at an authorised landfill. A guide to such material is attached in Appendix B.*
- b. To avoid any confusion you may wish to advise Council where the demolition material from your site is going. Most of the Cleanfill Sites within the Invercargill City District are required to keep logbooks of incoming material, including the origin of the material. You are reminded that any disposal of material in an unauthorised manner may result in enforcement action against you by Council.*
- 7. This consent does not authorise the incineration of any demolition material (solid waste).*
- 8. Legislation controlling demolition/removal work includes the Resource Management Act 1991, the Building Act 2004, Health and Safety at Work Act (Asbestos) Regulations 2016 and the Historic Places Act 1980. This resource consent is approved under the Resource Management Act 1991. The applicant is to take all practicable steps to ensure compliance with other legislative requirements.*
- 9. Your building may contain asbestos, which must be disposed of in a safe and legal manner. For further information regarding this, please contact the Environmental Protection Agency on 04 916 2426 email info@epa.govt.nz*

10. *Suitable protection barriers to the footpath may be necessary and temporary traffic management implemented, depending on the site and the proposed works. Approval is to be sought from the Council's Roading Manager for any hoarding or fencing necessary for the protection of the public within the legal road reserve (which includes footpaths and berms).*

11. *No vehicles are to be parked or loaded on or over the footpath or crossing during the demolition or construction phase works.*

12. *Temporary traffic management will be required where machinery is being operated close to or across the footpath area. Please contact the Council Engineering Services Group, phone 2111777.*