

Notes for Consent Hearing from Roy Medlicott and Jeanette Marie Swift.

Opening

Whilst there are many areas of non-compliance in this Consent application, my primary objection is the development of the planned commercial care facility building in this newly proposed location.

I accept the total land area may be developed, I accept there may be residential development and some mixed use as population and demands grow, but the 4400m², 100m long, over-height care facility, is clearly not an activity that should be considered in a residential zone. Whilst the TRMP caters for community activities in residential zones, it's clear that the impact on the amenity values of the residential neighbours to all sides will be significantly adverse.

This is not a District Health Board community hospital, this is a private commercial enterprise for paying residents, in a building with sheer bulk, height and dominance that will affect multiple neighbours outside of the immediate footprint and boundary area that this facility would itself occupy.

I note there have been a large number of submissions in opposition, involving several areas of concern. The quantity and inundation of the applicant's submission documents have made it difficult for me to understand and articulate my concerns, maybe my layperson and uneducated view is appropriate in just establishing what is right and wrong....I'll try and make you aware of my main concerns for your more professional consideration.

Detail Headlines

The Care Facility Building

- The Proposed relocation of a Care Facility Building planned at almost 4500m², 100m long, up to three storeys and 10.56m high is not compliant with the allowed building height requirements.
- This is a commercial operation with a three storey building, a dementia ward with 70 beds, dining room, an outdoor deck, a laundry, a kitchen, club room, restaurant and 20 serviced apartments, up to 95 staff on different roster movements and all the associated operational requirements of what is clearly a commercial operation despite being described as part of community activity.
- I understand that consent had previously been considered and accepted for a large commercial building in a more central location to the whole site and business development and potential residents knew that from then on when buying property.
- I can see how that may have been consented given that location impacts less on Olive Estate's neighbours and has a less adverse effect on the existing and longstanding residential areas and amenity values surrounding this whole commercial development
- There has been comment in the planners report about the "receiving environment", mitigation and that Consent already exists, but we shouldn't forget that Consent was for a completely different location with less impact on the residential neighbours and amenity values outside of Olive Estate's land footprint.
- The mitigation actions of planting and trees have been noted by the planners as not having a significant impact until 10 years time when that foliage has grown, so we're talking about a significant impact on the amenity values of those neighbours for 10 years, then maybe lessened to a slightly lesser impact after those 10 years.
- It would seem appropriate to ask the Commissioners to consider the scale, bulk, dominance, outlook, privacy, safety and daylight implications of the care facility and its location in this revised application and note what is a non-compliant building and application. I ask the Commissioners to consider whether it meets the TRMP and Residential Zone requirements and to consider the significant impact this plan will have on the residential neighbours and amenity values.

The specific details of my concern include:

Design

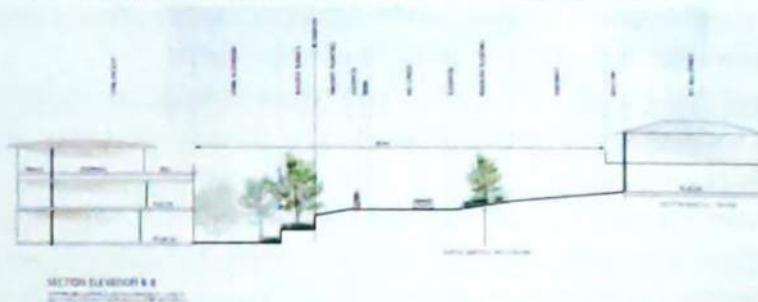
- The application includes the main care facility module being located closest to Brenda Lawson Way and Hill Street means the largest component of the commercial care facility is being pushed to the perimeter of the owners total land area.
- That is inconsistent with the previous consent application that included a concept of single-storey residential villas throughout the site perimeter with larger buildings being more central in the overall land plot.
- This application pushes the larger, commercial building closer to existing residential neighbours vs the original plan where it was more central to the whole site.

Height Restrictions

- Council Planners have clearly stated the care facility will be non-compliant due to its excessive height (as per page 25 Commissioners Hearing Agenda).
 - Planned at 10.56m, that clearly exceeds the requirement of a maximum 7.5m height allowance a big impact being such a large footprint building.
 - It is inappropriate to 'excuse' the non-compliance of the height of the care facility by stating as it does in the application that *"this is the only one which exceeds the height limit and is the exception"*, it's either compliant or it isn't.
- Given one of the main concerns of the neighbours appears to be the location and size of the care facility and its impact on the surrounds, it would be completely unacceptable to allow the height to exceed the clearly defined maximum.
- Council Planners have also indicated the Fences will be over allowable heights and also non-compliant (as per page 25 Commissioners Hearing Agenda).

Boundary and Setback

- It appears that the care facility does not comply with height or boundary and set back and daylight admission controls in the TRMP being only 8.8m from Hill Street (as per page 14 Commissioners Hearing Agenda) and exceeding allowable height by being up to 10.56m high (as per page 25 Commissioners Hearing Agenda).
 - The applicant's evidence supplied by Elizabeth Gavin details a building that at three storeys will be in direct line of sight & daylight obstruction of 381 Hill St.



- The Council Planners have indicated another non-compliance issue with the plan including details to build other buildings within the required 10m setback of roads or reserves (as per page 24 Commissioners Hearing Agenda).
- The Council Planners have indicated the step back of outside walls of adjacent detached dwellings will also be non-compliant (as per page 25 Commissioners Hearing Agenda).

of Dwellings and Private Outdoor Living

- The Council Planners acknowledge that the maximum number of dwellings per title is non-compliant (as per page 24 Commissioners Hearing Agenda)
- The Council Planners acknowledge that the private outdoor living spaces do not comply with the TRMP conditions for private outdoor living spaces (as per page 24 Commissioners Hearing Agenda)

- Clearly the application includes the planned outdoor living spaces are not screened from the private outdoor living space of other household units, it's not clear how much of this consideration is including the impact on non-Olive Estate properties and neighbours.

Acoustic Requirements

- It seems clear that the total acoustic effect on the adjacent and opposite properties is not yet known which is clearly a concern
- Whilst the access from Brenda Lawson Way has been removed from the application, it is still not clear that the day time and night time noise standards will be met for those and other residential neighbours, another non-compliant part of the application
- Council Planners have indicated the applicant has not confirmed the noise standards will be met (as per page 24 Commissioners Hearing Agenda) & if not, to breach them, a Resource Consent will be required.
 - Plant & machinery is indicated as being located on the roof, again clearly directly impacting adjacent properties regardless of current diffusion methods.
 - Shift changes and traffic movements for a significant number of workers appear to be contrary to residential zone activities requirement.
 - Despite total effects being unknown, It appears the application already accepts it will not comply with noise requirements due to nighttime car movements
- Clearly that non-compliance will have an adverse effect on neighbours and has been accepted as such by the applicant but is still in this application.

Light Impact and Light Overspill

- The provision of lighting to the development will significantly change the current outlook & vista of adjacent & opposite properties impacting those neighbours and the amenity values of the residential zone.

HAIL Site and Re-Contouring

- Council Planners have indicated the re-contouring will be non-compliant in both scale and time (as per page 24 Commissioners Hearing Agenda).
- I note the elevated levels of hazardous substances in the acquired Hill Street block, the planners don't appear to be clear that the quantity of soil disturbance and associated risk to health will be managed
- Clearly there is greater risk for large construction project, relative to for example single-storey villas with less soil disturbance as part of foundation requirements.
- I ask the Council to adapt a common sense approach to not allow such large scale disturbance on a notified HAIL site, when an alternate option of less disturbance and risk to human health would be an obvious more appropriate plan.
- The Earthworks requirements are seemingly not being met & are accepted as non-compliant, clearly due to the bulk & scale of development inside a residential zone.

Non Residential Activities

- I am concerned in general about the non-residential activities and the times they will be occurring in what is a residential zone.

Commercial Activity

- The application claims there is no commercial activity and therefore considerations are relative to 'Community Activity' only, I don't believe that assessment is correct.
- The care facility's size and dominance on the residential area, whilst providing services to be paid for, is clearly a commercial development now being pushed closer to the neighbours in a residential zone.

Reserve and Access

- The Council Planners seem to highlight the lack of vested reserve makes this plan non-compliant (page 27 Commissioners Hearing Agenda).
- I'm just as concerned about the lack of clarity over whether access to any green spaces are in fact open or closed to the public.
- It was noticed during Covid Alert Levels that access to the estate was restricted confirming this is considered by the applicant as a private space.
- Clearly a 'private only' green space with no vested reserve has a significant adverse effect on the residential neighbours and the amenity values, in that they may be excluded from this site partially or completely.

Transport, Road Links and Traffic Flows

- Allowing the move to the revised consent application location, at one perimeter of the total land owned, would surely determine that all traffic would use the same one access and egress road causing more congestion and disturbance for local residents particularly Hill Street and Brenda Lawson Way residents.
- Council Planners indicate traffic movements are non-compliant in that movements will far exceed the 30 per day allowed (page 22 Commissioners Hearing Agenda).
- Council Planners also indicate the extension of Fairose Drive will be non-compliant with the permitted activity standards (page 27 Commissioners Hearing Agenda) and will be narrower & non-compliant with the TRMP (page 15 Commissioners Hearing Agenda).
- I am concerned about the busy-ness of Hill Street, the joining of Fairose Drive, the RH turn bay and the egress from Hillplough Heights and can only hope the professional road planners know what they're doing here to mitigate the risk associated with making that part of Hill St even busier.

Summary

- In looking for an appropriate summary, page 38 of the Commissioners Hearing Agenda states...
 - "The TRMP anticipates and permits the effects associated with a compact density residential development...However the TRMP does not anticipate or permit the effects associated with the construction and use of the care facility building. Further it does not permit the effects associated with this particular development as there are several aspects that do not comply with the TRMP."

In Closing

- There appear to be notable requirements in the TRMP that demand the avoidance and/or mitigation of the effects of: noise, contaminant, glare, vehicles, and buildings and structures.....beyond the boundaries of the site generating the effect..... which I don't believe are being met in this application.
- I understand the Commissioners should consider all aspects of the proposal not just the non-compliant aspects, but it would appear there are so many concerns and considerations relating to the TRMP requirements and non-compliance examples, that have been submitted in opposition, some of which are being heard today, that the appropriateness of this consent application should be carefully questioned.
 - In recognition of my and other issues clearly created by this application, I ask the Commissioners to decline the application and if guidance is needed, give guidance to the applicant to return to a proposal that is actually compliant in large, as opposed to frequently non-compliant and one that has a less significant effect on the amenity values and existing residential neighbours. After all they do have a Consent to fall back to.