

**REVISED (15 NOVEMBER 2018)**

# **ASSESSMENT OF EFFECTS ON THE ENVIRONMENT PROPOSED NEW 'CONSULTING ROOMS' BUILDING SOUTHERN CROSS HOSPITAL 90-114 HANSON STREET, NEWTOWN**

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## **1 INTRODUCTION**

### **1.1 BACKGROUND**

**Southern Cross Hospitals Ltd** (the "Applicant") has applied for resource consent for a new building on the existing Southern Cross Hospital 'campus' at 90-114 Hanson Street. The new building has a 'footprint' of some 972m<sup>2</sup> with the entrance positioned at approximately the mid-point of the hospital's Hanson Street frontage.

The building will be effectively 3 floors with ground level car parking, a second level of car parking and upper level consulting rooms.

Site works include earthworks to establish the building platform, and landscaping, notably to the street frontage.

The purpose of this report is to describe the proposal and provide an Assessment of Effects on the Environment (AEE) report in accordance with Schedule 4 of the Resource Management Act 1991.

### **1.2 REPORT STRUCTURE**

After this introduction, the report provides the following information:

- Section 2 provides a description of the application site and the proposal.
- Section 3 outlines the District Plan objectives, policies and rules applicable to the proposal and identifies the resource consents required.
- Section 4 describes the consultation undertaken.
- Section 5 provides a resource management assessment of the proposal.
- Section 6 provides a notification assessment.
- Section 6 provides a conclusion.

This AEE, plus the Application for Resource Consent (Form 9) and its attached drawings, addresses the requirements of Rule 3.2 of the District Plan, which identifies what information is to be supplied with a resource consent application.

### **1.3 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

An Assessment of Environmental Effects (AEE) is required under s88 of the Resource Management Act 1991 (the Act) for an application for resource consent, as specified in Schedule 4. In turn, Schedule 4 at Clause (3)(c) states that the AEE must include:

“... such detail as corresponds with the scale and significance of the effects that the activity may have on the environment”.

This AEE has been prepared in response to this requirement.

## 1.4 SCOPE OF ASSESSMENT OF ENVIRONMENTAL EFFECTS

Schedule 4, as amended by the Resource Management Amendment Act 2013, lists at Clause 6 the information required in an assessment of environmental effects as follows:

### 1.4.1 Clause 6 - Information Required

**1(a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity**

The new building is located within the existing hospital campus, and is needed to meet the requirement for additional consulting rooms. Alternative locations are not feasible. In any event, the new building will not result in any significant effects. Accordingly, it is not necessary to consider possible alternative locations or methods.

**1(b) an assessment of the actual and potential effects on the environment of the activity**

The AEE at Section 5.2 provides an assessment of the actual and potential effects on the environment in relation to:

- urban design and streetscape effects;
- visual amenity and landscape effects;
- traffic effects;
- effects on residential amenity;
- earthworks effects;
- contaminated land effects;
- temporary construction-related effects; and
- positive effects.

**1(c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use**

Not applicable. The proposed activities (consulting rooms and car parking) to be located in the proposed new building will not involve the storage and use of hazardous substances.

**1(d) if the activity includes the discharge of any contaminant. A description of -  
(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;  
and  
(ii) any possible alternative methods of discharge, including discharge into any other receiving environment**

Measures will be put in place to manage the potential for adverse effects / discharges of dust and or sediment during earthworks and building construction works.

**1(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to prevent or reduce the actual or potential effect**

Post construction, and following the occupation of the building for hospital purposes (consulting rooms), no ongoing mitigation measures will be necessary.

**1(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted**

This matter is addressed in Section 4 of the AEE.

**1(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved**

No on-going monitoring is considered necessary.

**1(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group)**

Not applicable. No protected customary rights will be affected.

#### **1.4.2 Clause 7 - Matters to be Addressed**

Schedule 4, as amended by the Resource Management Amendment Act 2013, lists at Clause 7 the matters that must be addressed by the assessment of environmental effects. They are:

**1(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects**

This matter is addressed in Section 5.2 of the AEE.

**1(b) any physical effect on the locality, including any landscape and visual effects**

This matter is addressed in Section 5.2 of the AEE in relation to streetscape, visual amenity and landscape effects.

**1(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity**

Not applicable. Notwithstanding that a small number of existing trees will be removed, there will be no material effect on any ecosystem or habitat. Indeed, the project will involve new site landscaping, using native species.

**1(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations**

The application site does not contain any resources of the type listed in clause 1(d) aside from the identification of a site of 'significance to tangata whenua or other Maori' (noteworthy site M63), which is addressed in Section 4.

**1(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and the options for the treatment and disposal of contaminants**

There will be no discharge of contaminants associated with the proposed new building. All fixed plant will be installed and operated to achieve full compliance with the noise standards applicable to the Inner Residential Area.

**1(f) any risk to the neighbourhood, the wider community, or the environment through natural hazard or the use of hazardous substances or hazardous installations**

This new building will not give rise to any increase in any risk in relation to natural hazards or hazardous substances or hazardous installations.

## 2 SITE AND PROPOSAL

### 2.1 SITE

The application site is the existing Southern Cross Hospital site at 90-114 Hanson Street, Newtown as shown on the aerial photograph attached as Annexure A to the application (Form 9).

To the north of the site is a 4-storey building occupied by Capital City Lodge.

To the rear of the site are buildings and car parking areas associated with the Wellington Indoor Sports Centre and Te Whaea National School of Dance and Drama. To the further west the land rises quite steeply to the Inner Town Belt and Brooklyn Ridge.

To the south of the site are residential cottages/villas fronting both Hanson Street and Hall Street.

On the eastern side of Hanson Street opposite the site are residential villas, several of which are elevated above street level, often with garages at street level 'dug into' the embankment.

The location of the new building is identified on Application Drawing - RC00-001 "Location Plan".



**PHOTO 1:** Southern Cross Hospital - 90-114 Hanson Street, Newtown

### 2.2 PROPOSAL

The proposal involves the construction of a new 3-story building (ground plus two levels) on the street frontage at about the mid-point of the site's frontage to Hanson Street.

The lower level provides car parking (33 spaces) and the upper level consulting rooms. There are 38 car park spaces at ground level.

The existing free-standing entrance signs will be retained, although the southern sign will be repositioned a small distance to the south of its current position.

Further detail is provided in the Architectural Statement - refer **Appendix 1**.

Enhanced landscaping is proposed, including the establishment of a 'green wall' to the lower carpark levels and the retention of the majority of the totara trees on the street frontage. Further detail is provided in the Landscape Architect's Statement and accompanying landscape drawings - refer **Appendix 2**.

Site earthworks will involve levelling the building footprint area, without changing in any measurable way the site's contour. The steep, vegetated embankment and open space in the south east corner, which is adjacent to the residential villas immediately south of the site, will be retained.

Further detail on the necessary site works is provided in the Construction Methodology Report prepared by Holmes Consulting - refer **Appendix 3**.

## 2.3 PLANNING HISTORY

The existing hospital was established in 1992 following a notified application and hearing and subsequent appeal decision by the (then) Planning Tribunal. At that time the zoning of the site under the Transitional District Plan was Industrial B2 - indeed, the site had had an industrial-type zoning since the first proposed District Scheme in 1966. At the time of purchase by the Applicant in 1989, the site was used for industrial storage purposes and included a number of 'dilapidated' buildings.

The 1991 Planning Tribunal decision to uphold the Council's decision to grant consent for the proposed hospital commented, inter alia, that:

*"... the application does no more than underscore the inappropriateness of the uses permitted under the out-of-date zoning".<sup>1</sup>*

In 1992-1993, as part of preparing the first District Plan under the Resource Management Act 1991, the Council changed the zoning from industrial to residential.<sup>2</sup> Under the new residential zoning the existing hospital was 'classified' as a 'non-residential activity', Discretionary Activity (Unrestricted), in the Inner Residential Activity Area.

The Inner Residential Area zoning has been retained following (in 2009) a comprehensive review of the Residential Area provisions under District Plan Change 72.

### 2.3.1 Recent Resource Consents

#### SR 201303

In September 2009 the Applicant applied for resource consent for a proposed building to accommodate a new radiology facility. The application was notified to neighbours (limited notification) and following a hearing consent was granted on 21 May 2010.

In their Decision Report the Hearing Commissioners recorded, inter alia, that

*Cities and suburbs are constantly evolving and the Wellington City District Plan actively encourages the development of Wellington City as a compact city. As a part of this, non-residential activities in residential areas are anticipated and provided for in the District Plan. We have assessed the relevant effects associated with the proposal and, taking all evidence and information into account, have judged that these effects will be no more than minor.<sup>3</sup>*

The new radiology facility building was not constructed and the consent lapsed on 21 May 2018.<sup>4</sup>

#### SR 227340

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<sup>1</sup> Planning Tribunal, Decision No. W58/9, page 14.

<sup>2</sup> The first District Plan under the RMA was notified as a proposed plan on 27 July 1994.

<sup>3</sup> Wellington City Council, Notice of Decision, SR 201303, page 61.

<sup>4</sup> The initial 5-year lapse period was extended for three years (SR 328553).

In March 2012 consent was granted for “the construction of a new ward building, an extension to the western block of the building, and the construction of a car park building”.

In the Decision Report it was concluded that:

*[198] Changes are unavoidable in any growing economy and environment and can lead to positive outcomes. However, there are many factors that must be balanced when considering development and what impact it may have on the existing uses and activities within an area. In this instance, the factors that must be considered when deciding whether the proposed development is an acceptable change in respect to its environment are residential amenity, streetscape character, parking and traffic, construction and earthworks, contamination and cultural effects. The positive effects created by the proposal are also of note, such as providing a range of health services on one site and providing for further utilisation of an existing well-established non-residential site. The activity is also considered likely to create further employment opportunities and further enable the medical facility to meet the needs of its patients and staff (serving both city and region- wide populations).*

*[199] I consider that the proposed extension will not create adverse effects beyond those that are considered appropriate for the existing environment. Additionally, I consider the proposal to be in accordance with the Objectives and Policies of the Operative Plan and Plan Change 72, as well as meeting the stated intention of Part 2 of the Act.<sup>5</sup>*

The proposed car park building was located at the northern end of the site.

The development was not implemented and the consent lapsed on 29 March 2017.

### **2.3.2 Current Proposal**

Following a process of detailed design development and costing the Applicant has come to the conclusion that neither of the previous proposals would address the long-term needs of the hospital in a sustainable manner.

However, there is still the need for the additional consulting rooms.

The approach to the current application is to apply for the new building to house the consulting rooms and also to increase the car parking available on site.

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<sup>5</sup> Wellington City Council, Notice of Decision, SR 227340, page 41.

## 3 DISTRICT PLAN PROVISIONS

This section of the AEE provides a brief overview of the key District Plan objectives, policies and rules that are applicable to the proposal.

### 3.0 DISTRICT PLAN MAPS / APPENDICES

The site is located within the Inner Residential Area (Planning Map 6) and is identified as a 'noteworthy site' ("Te O") being a site of significance to tangata whenua or other Maori (Planning Map Reference M63).

The site is not subject to any designations.

The site is not included on the Greater Wellington Regional Council's contaminated site (SLUR) register - refer **Appendix 4**.

### 3.1 DISTRICT PLAN POLICY CONTEXT

As noted above, the site is within the Inner Residential Area, consequently the District Plan provisions for Residential Areas (Chapters 4 and 5) apply.

#### 3.1.1 Residential Area Objectives & Policies

Section 4.1 "Introduction" to the Residential Areas provisions states, inter alia, that:

*Residential Areas also accommodate non-residential uses. Many activities operate from existing houses or from purpose-built buildings in Residential Areas. Many of these activities provide essential community services including shops, churches, marae, schools, service stations, early childhood centres, kohanga reo and doctors' surgeries. In some areas, activities such as **hospitals**, parks or motels have been established to serve wider city or regional populations. Non-residential activities are generally appropriate provided they do not give rise to incompatible adverse effects.*

*Council also encourages mixed-use development in Residential Areas. Controls will ensure that residential amenities are reasonably protected. Residential Areas provide the place where most people sleep and enjoy their leisure time, and more peaceful, quieter surroundings are expected. However, it is not the Council's intention to "freeze" all residential neighbourhoods in their current state. A greater diversity of land use will be promoted.*

The objectives and policies for the Residential Area that are relevant to an assessment of the proposal are:

#### *Containment and Intensification*

*Objective 4.2.1 To enhance the City's natural containment, accessibility and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas.*

*Policy 4.2.1.1 Encourage consolidation of the established urban area.*

#### *Urban Form*

*Objective 4.2.3 Ensure that new development within Residential Areas is of a character and scale that is appropriate for the area and neighbourhood in which it is located.*

*Policy 4.2.3.1 Ensure that new developments in the Inner and Outer Residential Areas acknowledge and respect the character of the area in which they are located.*

## Activities

*Objective 4.2.7 To facilitate a range of activities within Residential Areas provided that adverse effects are sustainably avoided, remedied or mitigated, and amenity values are maintained or enhanced.*

*Policy 4.2.7.1 Control the potential adverse effects of residential activities.*

*Policy 4.2.7.2 Control adverse noise effects within Residential Areas.*

*Policy 4.2.7.3 Provide for a range of non-residential activities within Residential Areas, provided character and amenity standards are maintained, and any adverse effects are appropriately avoided, remedied or mitigated.*

*Policy 4.2.7.4 Ensure that non-residential activities in Residential Areas do not compromise the role and function of centres.*

## Access

*Objective 4.2.12 To enable efficient, convenient and safe access for people and goods with Residential Areas.*

*Policy 4.2.12.4 Require appropriate parking, loading and site access for activities in Residential Areas.*

## Tangata Whenua

*Objective 4.2.15 To facilitate and enable the exercise of tino rangatiratanga and kaitiaktanga by Wellington's tangata whenua and other Maori.*

*Policy 4.2.15.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.*

*Policy 4.2.15.3 In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.*

These objectives and policies for the Residential Areas assist in identifying the potential effects that need to be assessed. These effects potentially include:

- effects on the Hanson Street 'streetscape' and 'character' of the neighbourhood;
- effects on residential amenity values;
- traffic effects; and
- effects on values associated with an identified site of significance to tangata whenua and other Maori.

### 3.1.2 Earthworks

The District Plan provisions for earthworks are contained in Chapters 29 and 30. They address the following issues:

- stability
- erosion, dust and sediment control
- flood hazard areas
- character and amenity of streams and wetlands
- visually sensitive areas
- transport of material
- cultural and archaeological sites.

The principal objectives and policies relating to the issues relevant to earthworks in the Residential Areas are:



- Objective 29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.*
- Policy 29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability.*
- Policy 29.2.1.7 Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.*
- Policy 29.2.1.10 Ensure the design of structures used to retain or stabilise landslips, reflect the character and visual amenity of the local area.*
- Policy 29.2.1.11 Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.*
- Policy 29.2.1.12 Protect koiwi (human remains), taonga, Maori and Non-Maori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.*

## **3.2 DISTRICT PLAN RULES**

### **3.2.1 Residential Area Rules**

All non-residential activities in the Residential Areas require resource consent under Rule 5.4.1 for a Discretionary Activity (Unrestricted).

The rule states:

*5.4.1 Non residential activities not specifically provided for as Permitted or Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).*

*Relevant policies for preparing resource consent applications*

*See policies 4.2.3.1, 4.2.5.1, 4.2.7.2, 4.2.7.3, 4.2.7.4, 4.2.7.5, 4.2.7.6 and 4.2.7.7.*

*Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.*

Rule 5.4.1 does not contain any assessment criteria. However, some guidance on the matters that the Council will have regard to are contained in the explanation to Policy 4.2.7.3, which states, inter alia, that:

*From the earliest days of urban settlement, a wide variety of non-residential activities has been established in suburban residential neighbourhoods. These activities provide needed services, facilities or work opportunities for local residents. In some cases, the uses serve wider city or regional populations.*

...

*Because non-residential activities can impact adversely on the amenities of Residential Areas, control over these has been maintained in the District Plan. Council aims **to ensure that any non-residential activity is of a scale and character that is in keeping with its surroundings as this is important to protect residential amenities.** The rules will enable the full effects of a proposal to be evaluated and, where necessary, protective measures to be sought.*

[emphasis added]

Thus, the two key matters for assessment are:

- the scale and character of the new building and its relationship to the surrounding context (“*building scale and character*”); and
- the protection of residential amenities.

In addition to Rule 5.4.1, Rule 5.4.4.A also applies:

*5.4.4.A Non-residential buildings and structures (including additions and alterations) not specifically provided for as permitted or Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).*

Relevant policies for preparing resource consent applications

See policies 4.2.3.1, 4.2.5.1, 4.2.7.2, 4.2.7.3, 4.2.7.4, 4.2.7.5, 4.2.7.6 and 4.2.7.7.

Note: these are the same policies as those listed under Rule 5.4.1.

### **3.2.2 Earthworks Rules**

Earthworks in the Residential Areas are Permitted Activities under Rule 30.1.3, provided that they comply with the following conditions:

- 30.1.3.1(i) the cut height or fill depth does not exceed 1.5m measured vertically; and
- 30.1.3.1(ii) the cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane; and
- 30.1.3.1(iii) the cut or fill is not on an existing slope angle exceeding 34 degrees, or
- 30.1.3.1(iv) the cut or fill to be retained by a structure or building authorised by a building consent (which is obtained prior to any earthworks commencing);
- 30.1.3.2 the area to be cut and filled does not exceed 250m<sup>2</sup>; and
- 30.1.3.3 the cut or fill is no closer than 5m to the coastal marine area (except for maintenance of reclamation facings and the maintenance of foundations which support existing equipment and structures in the Operation Port Area and the Port Redevelopment Precinct); and
- 30.1.3.4 there is no visible evidence of settled dust beyond the boundaries of the site.

The necessary site development earthworks will not comply with all of the above conditions (for example the area to be earth-worked exceeds 250m<sup>2</sup> and cuts will exceed 1.5m). Accordingly, consent will be required under Rule 30.2.1 for a Discretionary Activity (Restricted). The matters over which discretion is restricted are:

- earthworks stability
- erosion, dust and sediment control
- visual amenity
- the transport of material.

### **3.2.3 Contaminated Land Rules**

Given the former industrial use of the site, notwithstanding that the site is not listed on the GWRC contaminated (SLUR) register (refer **Appendix 4**), there is the potential for some contaminated material to be encountered during site earthworks.

Accordingly, and as a precaution, consent is sought under Rule 32.2.1 for a Discretionary Activity (Restricted) in relation to the use of potentially contaminated land.

Rule 32.2.1 was introduced into the operative District Plan through DPC 69. The Plan Change introduced a ‘stand alone’ chapter that includes specific contaminated land objectives, policies and rules, including

Discretionary Activity (Restricted) status for any use, redevelopment, or subdivision of contaminated and potentially contaminated land.

The objective is:

*Objective 31.2.1*

*To manage the remediation, use and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment.*

Rule 32.2.1 provides for the use of potentially contaminated land as a Discretionary Activity (Restricted) in respect of:

- 32.2.1.1 The level, nature and extent of contamination in relation to the proposed use, development or subdivision.
- 32.2.1.2 The methods to address the risks posed by contaminants to public health and safety.
- 32.2.1.3 The effects of contamination on built structures, ecological and amenity values, soil quality and the wider environment.
- 32.2.1.4 The approach to remediation and/or on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on public health, safety and the environment, including provision of a Remediation Plan or a Site Management Plan.

### **3.2.3.1 National Environmental Standard**

NOTE: The operative District Plan provisions are now subject to / have been superseded by the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES, 2011) Regulations*, which came into effect on 1 January 2012.

Section 43B of the Resource Management Act 1991 permits district or regional rules, or a consent condition, to be more stringent than a national environmental standard, but only if the standard expressly permits this. In this case the NES does not expressly permit this, which means that any rule in the District Plan, or a consent condition arising from the District Plan, cannot be more stringent than the NES.

Although it is uncertain if any contaminated fill will be encountered, given the quantum of earthworks involved the amount of contaminated material could exceed the NES permitted activity level under Regulation 8(3). Accordingly, as a precautionary measure, consent is being sought under both the District Plan's contaminated land rules and under the NES.

## **3.3 DISTRICT PLAN SUMMARY**

The proposal to add the proposed new building to the existing hospital 'campus' requires consent under:

- (a) Rule 5.4.1 (in relation to the proposed non-residential activities); and
- (b) Rule 5.4.4.A (in relation to the proposed non-residential building).

Both rules are for a Discretionary Activity (Unrestricted)

In addition, consent is also required for:

- (a) the proposed earthworks under Rule 30.2.1 as a Discretionary Activity (Restricted); and

(b) as noted above, consent is also sought under Rule 32.2.1 for a Discretionary Activity (Restricted) in relation to the use of potentially contaminated land.<sup>6</sup>

Overall, consent is required for a Discretionary Activity (Unrestricted).

Principal matters for assessment relate to:

- building scale and design, external appearance and siting, particularly in relation to streetscape;
- any impact on the residential amenity of properties in the near residential neighbourhood; and
- traffic and parking effects, particularly in relation to any impact on pedestrian safety and/or the safety and efficiency of traffic moving on Hanson Street.

Temporary construction-related effects, including earthworks effects, and the use of potentially contaminated land, also need to be assessed.

These areas of potential adverse environmental effects are addressed in Section 5 of this AEE

As a Discretionary Activity (Unrestricted) consent is required under s104(1) of the Resource Management Act 1991.

### **3.4 PRELIMINARY EVALUATION**

Drawing on the relevant objectives, policies and rules a number of questions can be 'posed' for s104 evaluation. Those questions are:

- Question 1: will the proposal represent an efficient use of the site?
- Question 2: will the new building be a scale and character that can be 'absorbed' (i.e. be compatible) with the existing environment on this part of Hanson Street?
- Question 3: will the new building establish/maintain an appropriate streetscape?
- Question 4: will the new building result in an unacceptable impact on the amenities enjoyed by Hanson Street residents?
- Question 5: is the level of on-site car parking proposed appropriate?
- Question 6: will the additional traffic likely to be generated result in any effects on the local roading network?
- Question 7: can the effects associated with the earthworks be appropriately avoided, remedied or mitigated?
- Question 8: will there be any adverse 'contaminated site' related environmental effects associated with the proposed earthworks?
- Question 9: will the additions to the existing hospital and the expansion of activity on the hospital site result in any adverse effects on values of significance to tangata whenua or other Maori?

'Answers' to these questions are provided in the resource management assessment to follow (refer Section 5). They will provide guidance as to the 'closeness of fit' between the proposal and the anticipated environmental result.

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<sup>6</sup> Consent is also sought under the NES.

*“ ... that Residential Areas are maintained primarily for residential purposes, **but a mix of activities will be allowed to a level that will not detract from amenity values.**” [emphases added]*

## 4 CONSULTATION

Clause 1(h) of Schedule 4 of the Act identifies that a matter to be included in an assessment of effects on the environment (AEE) report is:

*An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted.*

### 4.1 CONSULTATION UNDERTAKEN

#### ***Pre Application Meetings***

A pre-application meeting was held on 13 December 2017 involving Council planning, traffic and urban design advisors. A copy of the Feedback Notes is attached - refer **Appendix 5**.

Further discussion and consultation with Council's planning and urban design advisors was undertaken following lodgement of the application in April 2018.

#### ***Iwi Consultation***

As noted in Section 3.0 above, the site is identified as a 'noteworthy site' ("Te O") being a site of significance to tangata whenua or other Maori (Planning Map Reference M73).

At the time of the previous 2009 and 2011 applications, the Wellington Tenth Trust and Ngati Toa were consulted. In turn, both iwi advised that they had no concerns with the proposals, but (nevertheless) requested an accidental discovery protocol condition be imposed on the consent. Copies of the correspondence with both iwi are attached - refer **Appendix 6**.

The Applicant accepts that it is appropriate to impose a consent condition for an accidental discovery protocol.

#### ***Persons who may be Affected***

For the present application the Applicant has not consulted with the owners/occupiers of any of the adjacent residential properties.

Nevertheless, the Applicant has been cognisant of the matters raised during the consultation leading up to the 2009 and 2011 applications, and the issues subsequently raised in submissions. The issues were principally in relation to:

- impact on residential amenities (shading, loss of privacy and noise);
- impact on outlook and view;
- bulk and 'dominance' / streetscape; and
- traffic and parking.

Comment is made on each of these issues in the resource management assessment to follow (refer Section 5 below).

## 5 RESOURCE MANAGEMENT ASSESSMENT

This section of the AEE presents an assessment of the proposed new building in relation to:

- the District Plan provisions; and
- the statutory requirements of the Act.

### 5.1 SECTION 104 OF THE RMA

Section 104(1) of the Act states that, subject to Part 2 and any submissions, when considering an application for resource consent the consent authority must have regard to:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of a national policy statement, New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, and a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Each of these matters is now addressed in turn.

#### 5.1.1 Scope of Assessment of Effects

Section 104(2) states that when forming an opinion as to any actual or potential effects a consent authority may disregard an adverse effect “if the plan permits an activity with that effect”.

The Applicant accepts that there is no relevant permitted baseline that might warrant potential adverse effects being disregarded on the basis that such effects are anticipated and provided for under a permitted activity scenario.

However, the “existing environment” which includes the long-established existing hospital buildings is, in the opinion of the Applicant, a relevant ‘baseline’ for assessing effects.

#### 5.1.2 Assessment of Positive Effects

When assessing the effects of an activity, there can be a tendency to focus on the negative or adverse effects. However, effects include positive effects. The High Court in its decision in *Elderslie Park v Timaru District Council* stated that:

*To ignore real benefits that an activity for which resource consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity.*

Accordingly, the assessment below identifies the positive effects of granting resource consent to the proposal.

#### 5.1.3 Overall Assessment Approach

In view of the above matters, the approach taken in this AEE report is as follows:

- Assess the Environmental Effects of the Proposal (5.2 below)
- Comment on Matters of National and Regional Significance (5.3 below)
- Address District Plan Objectives and Policies (5.4 below)
- Address Part 2 Matters (5.5 below)
- Assess Any “Other Matters” (5.6 below)
- Provide a Summary s104 Assessment (5.7 below)
- Outline Potential Consent Conditions / s104B Considerations (5.8 below)

## 5.2 ENVIRONMENTAL EFFECTS OF THE PROPOSAL

In terms of actual and potential effects, it is considered that the following matters are relevant and require assessment:

- urban design and streetscape effects
- visual amenity and landscape effects
- traffic effects
- effects on residential amenities
- potential cultural effects (matters of interest to tangata whenua)
- earthworks effects
- contaminated land effects
- temporary construction effects
- positive effects

### 5.2.1 Streetscape / Urban Design Effects

An urban design (streetscape) assessment of the proposal was undertaken by urban designer Deyana Popova - refer **Appendix 7**.

Ms Popova concludes overall that:

*The proposal is for a hospital-related building on a site that has been long associated with hospital activity. The development site has a residential zoning located close to the commercial areas of Adelaide Road and Riddiford Street. The context of the site is mixed, including the typical residential character of the existing Newtown residential area to the east and south of the development site and some larger-scale residential and non-residential buildings to the north and west.*

*The site planning, massing and design of the proposal have been guided by key District Plan requirements and constrained by the existing hospital layout in terms of available land for extension and location of vehicle and pedestrian entrances. The form and design of the new building has to address certain functional requirements (re number of carparking and floor area needed for the consulting rooms) but needs also to acknowledge the character/scale of its townscape context and maintain the amenity of the immediately surrounding residential properties. This means that the proposal as whole has to reconcile multiple and, sometimes conflicting, objectives. Based on the assessment carried out to evaluate the overall urban design quality of the proposal, it is considered that that as a whole the proposed new building provides a balanced response to those objectives through its siting, form and design of high architectural quality supported by integrated landscape work.*

### 5.2.2 Visual Amenity and Landscape Effects

As part of the process leading to preparing the resource consent application, Southern Cross Hospitals commissioned the Local Landscape Architecture Collective to advise on a recommended landscape concept for the site.

The resulting landscape concept plans are attached (refer **Appendix 2**) along with the Landscape Design Statement and the recommended planting plan and plant schedule.

In the Landscape Design Statement under the heading "Design Response", it is commented that:

*The proposed landscape aims to provide a quality environment for the users of the site and to ensure a positive relationship to the street and neighbouring properties. This will be achieved through maintaining as much of the existing vegetation as possible, supplementing this with native planting and providing clear pedestrian connections to both Hanson Street and the parking areas.*

Then, in the "Conclusion" to the statement, it is recorded that:

*It is our opinion that the landscape design approach outlined above and illustrated on the Local Drawings will appropriately integrate the new hospital building into the surrounding neighbourhood context by facilitating a transition from the urban Hanson Street environment through to the residential villas to the south. Retention of the existing Totara's will also minimise the building's impact, while additional native planting will complement*



*the street's character and further enhance the pedestrian experience for those passing or approaching the building.*

Drawing on the Landscape Design Statement and accompanying landscape and planting plans, the conclusion reached is that the new building is appropriately integrated into its neighbourhood context through three key 'initiatives':

- (a) retention of the majority of the existing 'street frontage' totaras. The totaras are an important streetscape feature;
- (b) the creation of a 'green wall' on the Hanson Street and northern frontages of the new building, which will screen the otherwise open carparking levels; and
- (c) the retention of the elevated area to the south of the new building which 'protects' the residential amenity of the residential villas to the south.

In relation to elevated area to the south of the new building, the Landscape Design Statement records that:

*To the south of the new building the existing carpark will be releveled and new totara trees planted along the street frontage to continue the rhythm of the existing trees. This planting will connect the built segment of the site into the retained green space that offers a transition between the more urban segment of Hanson Street and the residential villas. The existing secluded lawn will be retained with vegetation along the street carefully pruned to lift the canopy and understorey planting removed to allow views into the space ensuring natural surveillance in line with good CPTED principles.*

The overall conclusion reached is that given the integrated approach to the landscape concept, the outcome in terms of street visual amenities is positive and an enhancement of/improvement on the current situation - i.e. the 'existing environment'.

### **5.2.3 Traffic Effects**

A comprehensive transportation assessment has been undertaken by Traffic Design Group (TDG). The full report is attached - refer **Appendix 8**.

The TDG assessment concludes that:

*The proposed expansion of the current Southern Cross Hospital, on Hanson Street in Newtown, has been assessed with respect to traffic generation, parking and compliance with the District Plan.*

*Traffic generation will vary somewhat on a daily basis, subject to patient scheduling, but assessment of associated vehicle trips during the site's peak activity periods (which typically lie outside of the peak commuter periods on the adjacent network) shows the additional vehicle movements are modest (less than one vehicle per minute).*

*The proposed on-site parking provision has been subject to a detailed demand-based assessment, to determine the relative increase in site parking demand that can be attributed to the proposed activity expansion. This shows that with the new building in place, and taking account of the additional carparking that will be provided on-site, the level of kerbside parking use in the vicinity of the hospital by visitors / staff, will not be substantially different to that which occurs at present, and is equivalent to that associated with a previous consented expansion of the hospital site (that has not materialised).*

*Overall, the assessment has concluded that the proposed access, carparking and servicing arrangements are suitable and adequate to enable the effective development of the proposed new building, within the existing hospital site in the manner proposed.*

The technical assessment to support this overall conclusion is contained in the body of the TDG report, to which reference should be made.

In terms of effects, however, the following statement made at page 20 is important:

*“... with the proposed consulting rooms expansion in place the site is expected to generate a total demand for around 137 car parks. Noting that the proposed new building includes an increase to the site’s parking capacity (up to a total of 117 on-site car parks), it is assessed that on occasion the hospital may generate demand for up to 20 kerbside carparks, during peak activity (assuming no leased off-site carparking). This aligns with the previously consented (Radiology Building) proposal, which also assumed use of up to 20 kerbside spaces (by hospital staff / visitors) at peak times, and does not differ significantly from the present hospital use of adjacent on-street parking.*

The overall conclusion reached by the Hearing Commissioners on the 2009 radiology building application was:

*281. ... the proposal’s provision of car parking is acceptable and will not create additional pressures on on-street car parking. We conclude that any effects in relation to car parking will be no more than minor.*

In the Applicant’s opinion, this conclusion remains valid in relation to the current proposal.

#### **5.2.4 Residential Amenities**

Unlike the 2009 radiology building, the current proposal for the new building is ‘pulled back’ significantly (i.e. around 50 metres) from the southern boundary and therefore significantly separated from the residential villas to the south. Consequently, there will be no shading, loss of privacy or ‘bulk and dominance’ effects for these residential properties south of the Southern Cross Hospital site’s southern boundary.<sup>7</sup>

In relation to the residential properties on the opposite (east) side of Hanson Street - see photographs on following page - these properties will experience a change in outlook and view. However, given that the view is currently of a ‘complex’ of buildings with foreground surface car parking - the change is not considered to be significant in terms of building ‘bulk and dominance’ or loss of view; nor will there be any loss of privacy given the separation distance of around 15 metres between the new building and the residential properties opposite.

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<sup>7</sup> 116 Hanson Street is the immediately adjacent residential property to the southern boundary. In relation to the 2009 radiology building application, which was set back only 3.5 metres from the southern boundary, the Hearing Commissioners concluded:

*2.54. It is our conclusion that the shading effects created by the proposal will be no more than minor and that residential amenity values will not be adversely affected to an unacceptable level.*



**PHOTO 4:** 113-123 Hanson Street (125-127 Hanson Street see Photo 5 below)



**PHOTO 5:** 125-127 Hanson Street (129 Hanson Street behind vegetation on right margin)

Although it is accepted that there is no 'permitted baseline' reference given that consent is required under Rule for a Discretionary Activity (Unrestricted), some reference can reasonably be had to the permitted activity 9m height that applies to residential development in the Inner Residential Area.

At its northern end the building does exceed the 9m reference point by a maximum of 2.717m - refer Drawing A02.002; while at the southern end the exceedence is 542mm.

The downward sloping nature of the site (from south to north) is the reason for the building being higher at the northern end.

A 'question' that arises is: will the building's 'bulk and scale' result in any significant additional shading on the residential properties on the opposite side of Hanson Street?

An analysis of the shading patterns associated with the new building is illustrated on Drawings RC03.020-RC03.023 - refer **Appendix 9**.

The only time when shadows will reach across Hanson Street and onto the residential properties opposite is at the Winter Solstice during mid-to-late afternoon and during the Equinox in late afternoon.

The conclusion, therefore, is that the shading effects from the proposed new building are not significant when regard is had to the layout of the front yards of the residential properties, which are set back from the street edge and contain significant on-site vegetation.

The matter for assessment reference in the explanation to Policy 4.2.4.1 is:

- *“whether new building work will cause significant loss of sunlight and daylight to adjoining sites”* [emphasis added]

The shading associated with the proposed building will not result in a *“significant”* loss of sunlight to the residential properties on the opposite side of Hanson Street.

In relation to ‘bulk and dominance’, a question to poses is: does the proposed building, given its bulk and size, become ‘over bearing’ and therefore adversely affect the amenities of the residential properties opposite.

Given the distance separation between the new building and the residential properties opposite, several of which are elevated above street level, it is considered that any sense of the proposed building being ‘over bearing’ is very limited.

As the photographs below demonstrate, residential buildings in the Inner Residential Area can result in a sense of building dominance and yet be deemed to be acceptable.



**PHOTO 6:** Rintoul Street, Newtown



**PHOTO 7:** Hankey Street, Te Aro

The use of the proposed Southern Cross building for non-residential purposes does not change the sense of building bulk and dominance (i.e. the building becoming 'over-bearing'), compared to the above residential buildings at Rintoul Street (Photo 6) or Hankey Street (Photo 7) respectively, both of which are opposite residential dwellings and have been found to be 'acceptable' in terms of building bulk and dominance.

Consequently, it is concluded that any effects associated with the proposed building in terms of building 'bulk and dominance' are less than minor.

### 5.2.5 Cultural Effects

The Southern Cross Hospital site is identified on the Planning Maps as being a "note worthy" site in terms of Maori heritage.

In relation to the 2009 and 2011 applications, consultation was undertaken with local iwi (Wellington Tenth's Trust and Ngati Toa). No issues were raised by either iwi. Nevertheless, an accidental discovery protocol was considered appropriate and was imposed as a consent condition.

The same consent condition is again proposed by the Applicant.

### 5.2.6 Earthworks

The proposed earthworks to be undertaken are those necessary to create the level building platform for the proposed new building.

Potential effects include:

- earthworks stability;
- noise for contractors equipment;
- dust and silt; and
- transportation of material off site.

In terms of stability, this is a matter that will be subject to geotechnical and engineering investigation and design as part of the detailed design phase. Proposed excavation and retaining methodologies are outlined in the Holmes Consulting Report - refer **Appendix 3**

Detail of the areas of cut/fill, retaining and area disturbed is provided in the Holmes Consulting Drawings - refer **Appendix 10**

All construction noise, including earthworks machinery, will be required to comply with the Construction Noise Standard provisions (NZS 6803:1999). A quiet night-time would be paramount, with construction hours being restricted to daylight hours

The earthworks will be of reasonably short duration, approximately 12-15 weeks.

Appropriate dust and silt control methods will be implemented, including truck wash-down areas and construction hoardings with dust protection mesh.

In terms of off-site transportation effects, approximately 675 truck loads (12 tonne trucks)<sup>8</sup> will be necessary to remove the surplus material to an approved landfill.<sup>9</sup> It is probable that the material will be taken to one of the

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<sup>8</sup> Refer Construction Effects report (Appendix 3) at page 3.

<sup>9</sup> This compares to the 718 truck loads associated with the earthworks for the proposed radiology building development (SR 201303) where the Commissioners found that:

*Hanson Street will be able to absorb the additional traffic movements that will be created by construction traffic with any effects being no more than minor.*

approved landfills in Owhiro/Happy Valley. Accordingly, the route will use mainly principal and collector roads (Hanson Street/John Street/Wallace Street/Webb Street/Brooklyn Road/Ohiro Road, thus avoiding low capacity (residential) streets.

Once the development is completed there will be no visible scar faces.

The earthworks are, therefore, a necessary component of site development, as is the case with most significant building projects.

In relation to the earthworks associated with the 2009 application, the Hearing Commissioners concluded that:

299 ... *We believe that given the temporary nature of the earthworks and the management that will be implemented through the construction management plan and the consent conditions imposed, that any adverse effects created by the earthworks will be no more than minor*

[added emphasis]

Although the location of the earthworks associated with the current proposal is different from the 2009 application - i.e. they are now significantly setback from the southern boundary - the above conclusion reached by the Hearing Commissioners is nevertheless equally valid in relation to the current proposal, particularly given that:

(a) the quantum of material to be excavated and removed from the site is less (4,200m<sup>3</sup> for the current proposal / 5,030m<sup>3</sup> for the radiology building proposal), and therefore the number of truck movements is also reduced; and

(b) the maximum cut is also considerably less - 3.8m compared to 6.1m.

## 5.2.7 Contaminated Land Effects

If contaminated material is exposed during site earthworks, such material should be managed in accordance with approved guidelines.

To assess the potential for contaminated soil, ENGEO were commissioned to prepare a "Preliminary Environmental Site Investigation" report - refer **Appendix 11**.

In the report's "Conclusions and Recommendations" at Section 6 it is concluded, inter alia, that:

*As the redevelopment of the site involves soil disturbance, it is possible that soils required to be disturbed have been impacted by the identified potential sources of contamination. It is recommended that further intrusive investigations are completed across the development site with respect to the potential sources of contamination mentioned above with respect to soil, groundwater, and soil vapour. It is likely that Wellington City Council will require a Detained Site Investigation as part of the resource consent conditions prior to development.*

For the 2011 application (SR 227340) the following consent conditions were imposed:<sup>10</sup>

### Contamination

(12) *If any contamination is discovered during the works (eg by the presence of odour and/or staining, or the presence of anthropogenic fill materials) the consent holder must immediately cease works and contact Wellington City Council and the Greater Wellington Regional Council. The soil must be sampled for analysis to determine the extent and nature of contamination, in accordance with the Ministry for the Environment (MfE) Guidelines.*

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<sup>10</sup> There were no contaminated land consent conditions on the 2009 application (SR 201303).



- (13) *If contaminated soil is discovered and sampling is undertaken the consent holder must provide a Validation Report prepared by a suitably qualified environmental scientist to the Council's Compliance Monitoring Officer. The Validation Report must outline the testing undertaken, compliance or otherwise with MfE Guidelines and any further recommendations required.*
- (14) *If soil analysis show levels of contamination that exceed the relevant MfE Guidelines, a Remediation Action Pan must be prepared and submitted to Council's Compliance Monitoring Officer for approval.*
- (15) *Any contaminated excavated material that is to be removed from the site must be disposed of to a suitable disposal or treatment facility licensed to accept the waste. The consent holder must maintain records of disposal / treatment, quantities and locations and this must be provided to the Council's Compliance Monitoring Officer on request.*

The Applicant accepts that the same or similar conditions would again be appropriate.

However, given the comment in the ENGEO report that:

*"... it is likely that Wellington City Council will require a Detailed Site Investigation as part of the resource consent conditions prior to development"*

the Applicant accepts that such a consent condition would be appropriate - refer Section 5.8 below.

### **5.2.8 Temporary Construction Effects**

Construction effects will be temporary and largely limited to potential dust, sediment discharge, construction traffic and construction noise effects.

Notwithstanding that such effects are temporary, it is important that appropriate mitigation measures are implemented to reduce such effects to the greatest extent practicable.

The most common approach to mitigation of construction-related effects is the preparation and implementation of a construction management plan which:<sup>11</sup>

- identifies areas of potential adverse effects; and
- identifies appropriate mitigation measures.

Against this background a "construction effects report" was commissioned by the Applicant. The report prepared by Holmes Consulting (refer **Appendix 3**) identifies a number of matters that will need to be addressed.

It is envisaged that the construction management plan will address the following matters:

- health and safety and associated signage
- complaints procedure
- plant and equipment
- earthworks procedures
- location of disposal sites of surplus material
- construction procedures
- construction noise
- hours of work
- inspection, reporting and records.

In relation to hours of work, these are anticipated to be:

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<sup>11</sup> A DRAFT construction management plan (CMP) is attached - refer **Appendix 12**. This should be read in conjunction with the Construction Effects Report attached at **Appendix 3**.

Monday to Friday	7.30am to 5.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holidays	no work allowed except by special WCC dispensation.

It is anticipated that construction of the new building will take in the order of 15 months.

A consent condition requiring the preparation and approval of a final construction management plan addressing each of these aspects is recommended.

The conditions imposed on the 2010 consent (SR 201303) were:

*Construction and Earthworks*

d) *A further and final Construction Environment Management Plan (CEMP) must be submitted to the satisfaction of the Council's Compliance and Monitoring Officer prior to works commencing on the site. The CEMP must address, but is not limited to, those issues raised in the Construction Effects Report prepared by Holmes Consulting Group, dated [17 September 2009 and 12 March 2010].<sup>12</sup> The CEMP must also include:*

- *a contact (mobile) telephone number(s) for the on-site manager where contact can be made 24 hours a day / 7 days a week;*
- *details of appropriate local signage / information on the proposed work including the location of a large (greater than 1m<sup>2</sup>) notice board on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;*
- *a communications and complaints procedure for adjoining property owners/occupiers, passer-bys and the like;*
- *safety fencing and associated signage for the construction site;*
- *a Construction Noise Management Plan that must describe the methods by which noise associated with the work will comply in all aspects with the controls set out in NZS 6803:1999 Acoustics Construction Noise and how persons undertaking day-to-day activity management will adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with Section 16 of the Act; and*
- *an Erosion and Sediment Control Plan conforming to the requirements of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington region. This must include keeping the adjacent streets and footpath safe, clean and clear and available for normal use at all times as well as ensuring sediment does not enter neighbouring properties or the Council's stormwater system.*

e) *The final CEMP approved under condition (d) above must be implemented and maintained throughout the entire construction period **AND** modified as directed by the Compliance and Monitoring Officer to deal with any deficiencies in their operation.*

f) *The consent holder's engineer must provide to the satisfaction of the Compliance and monitoring officer, in consultation with the Council's Earthworks Engineer, a brief design statement confirming how all geotechnical issues will be remedied by design and construction prior to construction commencing on the site. In particular this statement must outline the methods of support or stability (without failure) during construction of all cuts and the protection of underground services and neighbouring dwellings and property.*

*The design statement must focus on engineering methodology that would satisfy consent documentation and ensure a successful development, not specific details of the design.*

g) *The consent holder's nominated Chartered Engineer "Holmes Consulting Group", must supervise all engineering aspects of construction of the earthworks and retaining and on completion of construction provide the Compliance and Monitoring Officer with a completion statement / certification (PS4).*

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<sup>12</sup> Replaced with "20 April 2018"



*Note: if the consent holder wishes to change Engineer they must advise the Compliance and Monitoring Officer in writing.*

*The design and construction of earthworks and retaining systems on the site must be based on Geotechnical soils investigations of the area covering the final location of the new building*

The same or similar consent conditions relating to construction and earthworks would be appropriate and acceptable to the Applicant.

### **5.2.9 Positive Effects**

As noted above, the Act requires an overall judgment to be made regarding both adverse and positive effects.

The proposal will result in enhanced health services being provided from a site that is well established as a hospital. This is considered to be a significant positive effect - namely, making more efficient use of a site well established as a hospital 'campus' delivering services that will contribute to the health and well-being of the community.

At the time of the 2009 application there was submitter comment that the proposed development of the radiology facilities and car park building in the south east corner of the site represented an "excessive use" of the site. The Hearing Commissioners expressed the opinion that:

*We do not consider that this 'efficient use' of the site is an 'excessive use' as has been suggested; instead it is our view that the proposal is more of an 'appropriate maximisation' of use [emphasis added]*

This conclusion is equally valid in relation to the current proposal. Thus, the proposal is consistent with s.7(b) of the Act which focuses on the efficient use and development of natural and physical resources - in this case a well-established hospital campus which has the ability to appropriately expand the level of service delivered from the site to the community in a manner that does not result in adverse effects on the more immediate neighbourhood that are more than minor.

### **5.2.10 Environmental Effects Conclusion**

Overall, where there is the potential for adverse effects (eg in relation to traffic and parking, streetscape, neighbourhood character, residential amenity, earthworks and temporary construction effects), given the scale and location of the new building, the considered design approach, including the integrated landscaping, and the proposed consent conditions, the conclusion reached is that any adverse effects will not be more than minor, and indeed will generally be less than minor once the construction phase is completed.

On the other hand, using a site, which accommodates a well-established hospital, in a more efficient manner, which in turn enables the more efficient delivery of health/hospital services, is a positive effect.

## **5.3 MATTERS OF NATIONAL & REGIONAL SIGNIFICANCE**

The District Plan was prepared to be consistent with and to take account of applicable national and regional policy statements. As the proposed development requires consent as a discretionary activity it is a form of development contemplated by the District Plan for the Residential Areas; and, therefore, is generally consistent with national and regional policy.

As already noted, the Applicant accepts that the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES, 2011) Regulations* is a relevant national environmental standard and consent has been sought accordingly.

In terms of regional policy, the most directly relevant policies are those in relating to "Regional Form, Design and Function", including:

*Policy 33: Supporting a compact, well designed and sustainable regional form*

which includes the efficient use of existing infrastructure, in this case a well-established hospital facility that serves the needs of the city and region.

## 5.4 DISTRICT PLAN OBJECTIVES AND POLICIES

The relevant District Plan objectives and policies were identified in Section 3.1 of this assessment.

Referring to them, it is considered that the proposal to expand facilities at the existing Southern Cross Hospital is consistent with:

Objective 4.2.1, Policy 4.2.1.1, Objective 4.2.7 and Policy 4.2.7.3: in the Inner Residential Area the District Plan strategy provides for a mixture of residential and non-residential activities within the established urban area. This is consistent with the District Plan's urban containment/sustainable city emphasis.

Objective 4.2.3 and Policy 4.2.3.1: in relation to enhancing the physical character of the neighbourhood and the site generally, the new building is well integrated into the site and streetscape environment.

The site is effectively a 'transition site' between the smaller-scale (residential) buildings to the south and the larger-scale buildings to the north - refer photograph below.



**PHOTO 8:** 'larger scale buildings to the north'

Objective 4.2.7, Policy 4.2.7.2 and Policy 4.2.7.3: in relation to mitigating adverse environmental effects, a key feature has been to provide sufficient on-site car parking to meet the demands generated by the expanded facility. Also, as the hospital is essentially a 'daytime' facility Monday to Friday, a quiet night-time environment will be maintained.

Overall, residential amenity standards are maintained at an acceptable level when assessed against the District Plan provisions, provisions which anticipate larger-scale buildings associated with non-residential activities being established on appropriate sites - which the Southern Cross Hospital clearly is; and in a manner that does not result in an unacceptable impact on the neighbourhood's residential amenity.

Objective 4.2.12 and Policy 4.2.12.4: the increase in on-site car parking is commensurate with the assessed demand.

For these reasons, it is the Applicant's assessment that the proposal to provide the additional consulting rooms, along with the new, expanded car park facility, is consistent with the relevant District Plan objectives and policies for the Inner Residential Area, which include provision being made for non-residential buildings and activities, subject to any effects on residential amenities being appropriately avoided, remedied or mitigated.

## 5.5 PART 2 RMA

Part 2 of the Act “Purpose and Principles” comprises sections 5 to 8.

Section 5 sets out the Act’s purpose as follows:

- (1) *The overall purpose of the Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In turn, sections 6 to 8 set out ‘principles’ relating to:

- Matters of National Importance (s6)
- Other Matters (s7)
- Treaty of Waitangi (s8)

Although until recently there has been some uncertainty as to the application of Part 2 to resource consent applications, the Court of Appeal in its 21 August 2018 judgment R J Davidson Family trust v Marlborough District Council stated that:

*[51] In the case of applications for resource consent however, it cannot be assumed that particular proposals will reflect outcomes envisaged by pt 2. Such applications are not the consequence of a planning processes envisaged by pt 4 of the Act for the making of planning documents. Further, the planning documents may not furnish a clear answer as to whether consent should be granted or declined. And while s104, the key machinery provision for dealing with applications for resource consent, requires they be considered having regard to the relevant planning documents, it plainly contemplates reference to pt 2.<sup>13</sup>*

Thus, any previous uncertainty has now been removed.

In respect of Part 2 (s5 to s8), it is the Applicant’s opinion that the proposal is consistent with making more efficient use of physical resources (i.e. the ‘site’) in a manner that will make a contribution to the District Plan’s principal objective of providing for non-residential activities in Residential Areas in appropriate situations.

Providing for additional consulting rooms at the established hospital, in addition to enabling a more efficient use of the site, it will also enable the hospital to more effectively deliver health/hospital services and meet demand. This is consistent with the overall purpose of the Act, and, in particular, with enabling people and communities to better provide for their social and economic wellbeing, and their health and safety.

At the same time, any adverse environmental effects, particularly in relation to streetscape, effects on residential amenities, and traffic and parking, have been appropriately avoided or mitigated.

Thus, the proposal is generally consistent with:

- S7(b) the efficient use and development of natural and physical resources;
- S7(c) the maintenance and enhancement of amenity values; and
- s7(f) the maintenance and enhancement of the quality of the environment.

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<sup>13</sup> R J Davidson Family Trust v Marlborough District Council, CA97/2017

The assessment (and conclusion) in its simplest form involves a weighting of the positive effects of the proposal against the adverse effects (post mitigation) to arrive at an overall assessment as to whether the proposal should be approved and, if so, what conditions if any should be imposed to mitigate actual adverse effects.

In making such an assessment, the High Court in *Elderslie Park v Timaru District Council* stated that:

*“To ignore real benefits that an activity for which resource consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity”.*<sup>14</sup>

For the reasons outlined above, it is considered that providing the additional facilities at Southern Cross Hospital will result in an overall positive outcome. It will enable the hospital to better meet the increased demand for health/hospital services.

## 5.6 OTHER MATTERS

It is the Applicant’s assessment that there are no “other matters” under s.104(1)(c) of the Act relevant to this application.

## 5.7 SUMMARY S.104 ASSESSMENT

In Section 3.4 of this assessment ten questions were posed. These questions were in turn developed from the relevant Residential Area objectives and policies and assessment criteria for non-residential development in the Residential Areas.

It was noted that ‘answers’ would be provided as part of the overall summary of the s104 assessment.

The questions were:

### *Question 1*

*Will the proposal represent an efficient use of the site?*

Yes. The provision of the additional consulting rooms, and associated on-site car parking, will enhance the overall level of service that can be provided. This is consistent with making more efficient use of the site in a manner that does not adversely impact on residential amenities in any significant manner.

### *Question 2*

*will the new building be a scale and character that can be ‘absorbed’ (i.e. be compatible) with the existing environment on this part of Hanson Street?*

Yes. The urban design/streetscape assessment concludes:

*The proposal will change the existing situation by introducing a new building over an existing open carpark area along the street frontage of the development site. While the building will be more prominent and taller than the existing hospital buildings, it will replace an open carpark and existing older building of no special design quality with view of a new architecturally-designed building supported by an integrated and well-considered landscape work.*

### *Question 3*

*Will the new building establish/maintain an appropriate streetscape?*

Yes. The positive is the replacement of a street frontage open car park area with an architecturally designed building which reflects the existing pattern of frontage setbacks both to the north and the south. The new building is appropriately located to the northern end of the hospital site where it abuts an area of larger-scale

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<sup>14</sup> *Elderslie Park v Timaru District Council* [1995] NZRMA 433 (HC).

buildings and in this respects establishes an appropriate transition from the northern large-scale buildings to the smaller-scale residential buildings to the south.

Question 4:

*Will the new building result in an unacceptable impact on the amenities enjoyed by Hanson Street residents?*

No. For the reasons summarised above in Section 5.1.4, it is considered that any adverse effects on the amenities enjoyed by adjacent and nearby residential properties will not be significant.

Question 5

*Is the level of on-site car parking proposed appropriate?*

Yes. This is confirmed by the independent traffic assessment that has been undertaken.

Question 6

*Will the additional traffic likely to be generated result in any effects on the local roading network?*

No. The independent traffic assessment concludes that the proposal will generate an additional 45 vph to and from the site during the site's peak periods adding that:

*Such additions, which translate to around 1 extra vehicle every 1-1.5 minutes, are not of a quantum that would significantly affect the performance of the adjacent road network, and indeed the change is unlikely to be distinguishable to existing road users.<sup>15</sup>*

Question 7

*Can the effects associated with the earthworks be appropriately avoided, remedied or mitigated?*

Yes. The necessary earthworks will be managed through the implementation of a construction and earthworks management plan. The effects will be principally in relation to excavation noise and potential dust, earthworks stability and the transport of surplus material off-site for disposal at an approved landfill.

The effects will be not too dissimilar to, and on some measures less than, the effects associated with the previous proposals for which consent was granted (e.g. the transport of material off site).

Question 8

*Will there be any adverse 'contaminated site' related environmental effects associated with the proposed earthworks?*

No. Given the implementation of appropriate procedures (and consent conditions) to address any contaminated material that may be encountered during earthworks, there will be no public health risk through exposure from contaminants. Nor will there be any adverse effects on the wider environment.

Question 9

*Will the additions to the existing hospital and the expansion of activity on the hospital site result in any adverse effects on values of significance to tangata whenua or other Maori?*

Based on responses to consultation with iwi at the time of the 2009 application for the radiology facilities building, and subject to the imposition of an accidental discovery protocol, there are not expected to be any effects on cultural values.

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<sup>15</sup> Transportation Assessment Report, April 2018, page17.

## 5.8 SECTION 104B CONSIDERATIONS / PROPOSED CONSENT CONDITIONS

Section 104B of the Act states that:

*When considering an application for a resource consent for a discretionary or non-complying activity, a consent authority –*

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

Accordingly, the issue is whether or not conditions should be imposed under s108 in respect of this resource consent application.

In the Applicant's opinion, the only matters that need to be covered by consent conditions are:

- the proposal proceeding in general accordance with the supporting information and plans supplied with the application;
- 
- the preparation and approval of a parking management plan;
- the preparation and approval of Final Construction Management and Earthworks Management Plans;
- preparation and approval of a Detailed Site Investigation Plan;
- an accidental discovery protocol; and
- standard monitoring conditions.

More specifically in relation to traffic and contaminated land matters, the following consent conditions are offered by the Applicant:

### Traffic:

1. The applicant must have a plan to manage the long stay and short stay parking demand of the visitors and staff e.g. where parking for staff and visitors will be allocated. This plan must be available for review, where this parking plan can be modified to mitigate potential future parking issues to prevent parking demand overflowing onto the adjacent roads.
2. A detailed Construction Traffic Plan (CTP) must be prepared, submitted to and assessed for approval by the Compliance Monitoring Officer prior to the commencement of all work on site. The CTP must include methods to avoid, remedy or mitigate adverse construction traffic effects during the development of the site. The CTP must include, but not be limited to, the following matters:
  - Times and frequency of heavy vehicle movements.
  - Locations where construction vehicles will park, wait, turn and carry out loading and unloading of materials.
  - Methods for public to contact the site manager for complaints. There should be a 1m<sup>2</sup> sign facing the public footpath with contact details.
  - Mitigations for pedestrian safety.

Note - The contractor must get a corridor access request approved via <https://www.submitica.com/> before trucks and heavy vehicles arrive on-site.

3. All vehicle crossings must be constructed to be heavy duty.
4. There must be arrow pavement markings with "No entry" and "No exit" signs showing the direction of 1-way circulation at the vehicle crossings.

5. The site's one-way vehicle circulation must be controlled using pavement markings and signs (e.g. one-way and "NO ENTRY").
6. There must be signs next to the vehicle entrance ways advising large vehicles entering these areas of the minimum height clearance.
7. There must be speed calming measures to mitigate the pedestrian safety risk next to the internal pedestrian path on the upper level parking building are not shown.
8. The proposed driveway gradient and level must match the existing levels on Hanson Street.

Contaminated Land Management:

9. Prior to earthworks commencing, a 'Detailed Site Investigation' (DSI) report must be prepared by a suitably qualified and experienced practitioner in accordance with the Ministry for the Environment guidelines "Contaminated Land Management Guidelines No.1 (2011)". The DSI Report must be submitted to CMO prior to earthworks commencing.
10. If remedial work onsite is specified by either the DSI Report or CSMP, a 'Site Validation Report' prepared by a Suitably Qualified & Experienced Practitioner in accordance with Ministry for the Environment guidelines "Contaminated Land Management Guidelines No.1 (2011)", must be submitted to the Council's Compliance Monitoring Officer upon completion of the earthworks.
11. If the DSI Report required under condition (9) above confirms contaminated material is found onsite, a 'Contaminated Site Management Plan' (CSMP) shall be prepared by a suitably qualified and experienced practitioner in accordance with the Ministry for the Environment guidelines "Contaminated Land Management Guidelines No.1 (2011)". The CSMP must be submitted to the CMO prior to earthworks commencing.

Note:

If no contaminated material is found in the DSI, the proposed earthworks can commence and conditions (10) and (11) do not apply.

## **6 NOTIFICATION ASSESSMENT**

### **6.1 The RMA and Notification**

Notification of resource consent applications under the RMA is governed by ss95A to 95E of the Act.

### **6.2 Applicant's Request**

The Applicant has requested, pursuant to s95A(3)(a), that the application be publicly notified.



## 6 CONCLUSION

The proposal by Southern Cross Hospitals Ltd is to construct, occupy and maintain a new 'consulting rooms' building as an addition to the existing hospital at 90-114 Hanson Street, Newtown. The proposal constitutes an intensification of an existing non-residential activity in the Residential Areas.

Resource consent is principally required for the expansion of a non-residential activity and building for hospital purposes on the site under Rule 5.4.1 and Rule 5.4.4.A. The consent is for a Discretionary Activity (Unrestricted).

The necessary earthworks require consent under Rule 30.2.1 for a Discretionary Activity (Restricted); and the use of potentially contaminated land also requires consent for a Discretionary Activity (Restricted), the applicable rule being Rule 32.2.1.

Consent is also sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES, 2011) Regulations.

Overall, consent is required for a Discretionary Activity (Unrestricted).

The principal conclusions of this assessment of effects on the environment (AEE) report are:

1. There will clearly be change, principally in relation to streetscape as a result of the new building.
2. While the District Plan envisages non-residential buildings (and activities, including hospitals) establishing in the Residential Area, a key objective is to ensure that no significant impact on residential amenities occurs.
3. The assessment that has been undertaken has considered the potential for adverse effects in terms of:
  - neighbourhood character and streetscape
  - landscape and visual amenities
  - traffic and parking
  - residential amenities
  - cultural impacts
  - earthworks
  - temporary construction activities
  - use of potentially contaminated land.

The conclusion reached overall is that any adverse effects consequent upon the proposed new building will be no more than minor, when regard is had to:

- (a) the form and scale of development (and associated activities) envisaged for Residential Areas;
- (b) the nature of the 'existing environment' which includes a well-established hospital campus; and
- (c) the proposed consent conditions.

The conclusion reached has also had regard to the positive effects that will result through the more efficient utilisation of the site for hospital services, which in turn will enable the Applicant to offer an enhanced level of service consistent with s5 of the Act.

4. For these reasons, and for the further reasons recorded in this AEE report, it is considered that the addition of the proposed new building to the existing hospital is:
  - (a) appropriate given its context;
  - (b) consistent with the environmental results anticipated for the Residential Areas; and
  - (c) consistent with the 'sustainable management' purpose of the Act.

Although the current proposal differs from the still 'extant' 2009 consent for the radiology building, nevertheless the overall conclusion reached by the Hearing Commissioners on the 2009 application, namely that:

*“... the character and scale of the proposal means that acceptable levels of amenity can be provided to residents of the surrounding environment. We feel that the proposal will maintain the quality of the streetscape and that it will not detract from the character of the area. It is our opinion that the proposal makes adequate allowance for traffic and parking. Providing that conditions of consent are met, it has been judged to have acceptable effects with regards to construction, earthworks and health”*

is equally valid in relation to the current proposal.

Alistair Aburn  
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Director  
**Urban Perspectives Ltd**

30 April 2018

Revised 15 November 2018

#### **APPENDICES**

1. Architectural Statement
2. Landscape Statement and Landscape Plans
3. Construction Effects Report
4. SLUR Certificate
5. Pre-Application Meeting Notes
6. Correspondence with Iwi
7. Urban Design Assessment
8. Transportation Assessment
9. Shading Assessment Drawings
10. Earthworks Drawings
11. Preliminary Site Investigation Report
12. Draft Construction Management Plan