Application for Mary Potter Hospice

Application for resource consent and assessment of environmental effects for the construction of 39 residential units at 48 Mein Street, Newtown

Prepared by Hill Young Cooper

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1. INTRODUCTION

The Mary Potter Hospice Foundation (the Applicant) is seeking resource consent under section 25 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) to construct 39 residential units in a multi-unit development at 48 Mein Street, Newtown (the Site), a café, provide on-site car parking, and provide a further 6 higher quality units through the renovation of existing residential units at 58, 60 and 62 Mein Street.

The main aspects of this application that require resource consent relate to:

- Building height; and
- Multi-unit development; and
- Alteration to a pre-1930s building;
- Car parking for the new apartments; and
- Earthworks in terms of area and maximum cut height.

The Site is described in detail in section 2 of this report.

The proposed development is detailed in section 3 of this report and the plans included in Appendix 1.

An assessment of the required resource consents, and the rule and standards of the Wellington District Plan is presented in section 4 of this report.

An assessment of environmental effects is described in section 5 of this report.

Comparison against relevant statutory documents including the Housing Accord and Special Housing Areas Act 2013 (HASHAA), the Resource Management Act 1991 (RMA) and the Operative Wellington District Plan (District Plan) is presented in section 6 of this report.

Consultation with adjacent land owners is explained in section 7.
2. SITE DESCRIPTION

2.1 SITE PLAN AND LEGAL DESCRIPTION

The “Site” is located at 48 Mein Street, Newtown, Wellington, consisting of four separate lots (including 58, 60 and 62 Mein Street). The four separate lots are legally described as:

- Lot 1 DP 76525;
- Pt Sec 790 City of Wellington, (consisting of three separate sites).

The registered owner of the properties is the Mary Potter Hospice Foundation. Copies of the Computer Freehold Registers for the Sites are included in Appendix 2. The Site is shown on the location Plan in Figure 1, below.

2.2 SITE DESCRIPTION

The Site is located on the southern side of Mein Street; within the inner-city suburb of Newtown. Mein Street is a mixed-use environment with two early education schools, Wellington Hospital and other health care facilities, commercial activities and residential activities.

The Site currently contains a large building that houses Mary Potter Hospice, which is bordered by residential houses on Mein Street and Owen Street; the total combined area of the Site (all four properties owned by the Applicant) is 6,300 m². The topography of the Site is moderately sloping down from a central ridgeline toward lower Mein Street and down to Owen Street (5m contour map shown below in Figure 2).

The area that is proposed for the multi-unit development is currently undeveloped, and is located to the east of the existing Mary Potter Hospice building and to the south of 58, 60 and 62 Mein Street (see Figure 1, below).
The existing Mary Potter Hospice buildings are located on the western side of the Site and covers the bulk of the Site (Figure 1). These buildings consist of care facilities for patients as well as administrative offices for the Foundation. Between the existing Hospice building on the western side of the Site and the neighbouring houses on the eastern boundary there is currently a grassed area (Photo 1) with a mature Pohutukawa trees (Figure 1: proposed building site black shape, existing tree green circle). Between the existing Hospice building and the Artificial Limb Centre (which is further to the west) is a car parking area and a small garden area that borders Mein Street. Most of the Site of the Hospice is bordered by vegetation (both native and exotic species).

The existing Mary Potter Hospice building is separated from Mein Street by three residential dwellings (58-62 Mein Street). These three pre-1930 buildings on the northern side of the Site fronting onto Mein Street (58A&B, 60 and 62A&B Mein Street) are owned by the Applicant and are used as residential dwellings by tenants (see Archaus Plan 00.10 & 00.11). These buildings are in a good condition, however, they have been significantly altered from their original state. The pre-1930’s style of these houses contributes to the character of the neighbourhood (Photo 2). 58 Mein Street is two separate 2-bedroom flats. 60 Mein Street is a four bedroom flat. 62 Mein Street is two separate 2-bedroom flats.
Figure 2: 5 metre contour map showing the central ridge of the Site (sourced from WCC GIS database 13/07/2016).

Photo 1: Site of proposed building
Photo 2: 58, 60 & 62 Mein Street, owned by the Applicant.

The existing Mary Potter Hospice building is currently accessed from both Mein Street and Owen Street. This arrangement works as a two-way system, with vehicles entering from either Mein Street or Owen Street. Foot traffic can use both entry/exit points, however, pedestrians are most likely to use the Mein Street entry/exit to visit the hospice because of the proximity to public transport networks on Riddiford Street. Car parking is currently provided on the western side of the Site; this car park is accessed from the Mein Street entrance (Photo 3). Further car parking areas are on the south of the Site and at the Owen Street access point (Photo 4).

Photo 3: Mein Street entrance to the Site, existing car parking on western side of site.
The existing Mary Potter Hospice building is currently serviced by water, stormwater and wastewater mains from both Mein Street and Owen Street (see Figure 3, below).

![Figure 3: Water services infrastructure available to the Site. Freshwater (blue), wastewater (red) and stormwater (green) (sourced from WCC GIS database 14/07/2016).](image)

2.3 SURROUNDING AREA

The area in the immediate vicinity of the Site is a mixed-use, transitional environment that is characterised by large scale hospital buildings, residential development and health care...
facilities, which includes a mix of original detached and semi-detached dwellings on Mein Street and Owen Street and more recent residential dwellings.

The surrounding environment to the east and south of the Site is predominantly residential; to the north is Wellington Hospital and other health care facilities, and to the west of the Site is a mixed-use zone with educational facilities, residential dwellings and the Newtown commercial area. Further east beyond the residential area is Open Space that forms part of the town belt. There are a number of buildings in the area that are substantial in bulk and dominance. These include the Wellington Regional Hospital, the Total Energy Centre and the existing Mary Potter Hospice building.

Notable key features in the surrounding environment include:

- The Mt Victoria and Town Belt open spaces, which run in a north-south direction, are approximately 300m to the east of the Site. Newtown is bordered by parks and green space to east, west and south, allowing residents access to high value open spaces and recreational areas.
- Wellington Regional Hospital, located approximately 20m north of the Site.
- St Anne’s School and Newtown School, located approximately 50m and 150m west of the Site, respectively.
- Newtown commercial area/ business centre (along Riddiford Street) is approximately 300m south-west of the Site.
- Adelaide Road and Riddiford Street are located approximately 300m and 450m (respectively) from the Site which offer access to a broad range of public transport options, including over 10 Wellington public transport bus routes and cycle-friendly routes to the inner city.
- Recreational facilities such as The Wellington Zoo and Newtown Park are 1.2km to the south of the Site.
- State Highway 1 is approximately 2km from the Site and Wellington International Airport is approximately 4km from the Site.

To the north and west of the Site is the Wellington Regional Hospital and other health care related buildings such as the Artificial Limb Centre, which neighbours Mary Potter Hospice to the west. The area to the north of the Hospice is intensely developed, with mixed building forms including large slab blocks and towers which contrast with nearby housing. These institutions also generate a large number of people and vehicle movements consistently throughout the day.

The Site is neighboured by residential houses to the north and east. The dwellings to the east of the Site located on Owen Street (22-28 Owen Street), are privately owned and are a mix of tenancy and owner-occupier (the proposed multi-unit development is between the existing Mary Potter Hospice building and the Owen Street dwellings, see Section 3.1 of this report for more details, also see Figure 1).

The dwellings on Owen Street are characteristic of the Newtown streetscape and have fully fenced, outdoor living areas that back onto the boundary with the Site (see figures 4 and 5).
Due the slope of the existing area, the adjacent properties on Owen Street are located on a lower ground level than the Mary Potter Hospice Site, which looks down into these outdoor spaces. The dwellings at 22 Owen Street (single storey) and 24 Owen Street (double storey) have outdoor areas and yard separation distances which are typical of the Newtown area. There are two double storey semi-detached dwellings across 26 and 28 Owen Street, which border land owned by the Mary Potter Hospice on their west and southern boundaries. 26 and 28 Owen Street is significantly lower than the Mary Potter Hospice Site and has a small outdoor area to the rear of the building. All four of these sections are fully fenced from the Site.

![Figure 4: Dwellings on Owen Street that are adjacent to the site. Photos taken from the existing Mary Potter Hospice Foundation building (figure extracted from full Plan set in Appendix 1).](image)

The Owen Street dwellings to the south-east of the Site (34-38 Owen Street) are privately owned. 34 Owen Street and 36 Owen Street are owner-occupied and 38 is tenanted. 34 and 36 Owen Street are single storey houses with high amenity outdoor areas to the rear of the lots because of the outdoor living areas such as decks and yards, and low value side yards which would only be used for access.
Figure 5: Dwellings on Owen Street that are adjacent to the south of the site. Photos taken from the existing Mary Potter Hospice Foundation building.

Photos 5 – 9 (below) show the existing and current Owen Street and Mein Street streetscapes and environmental context in relation to the proposed development. Directly across the road from the existing Mary Potter Hospice Owen Street vehicle access-way are single storey dwellings of similar age and design to the buildings described above (see Photo 5, below). 29 Owen Street has been constructed on its boundary and does not have a yard. Photo 6 shows the existing Hospice building and residential dwellings on Owen Street. Photo 7 shows the outlook from the intersection of Owen St and Mein St towards the Site. Photo 8 shows the Total Energy Centre which is less than 50 metres from the Site. Photo 9 shows one of the Wellington Hospital buildings as visible from Mein Street.
Photo 5: Single storey dwellings on opposite side of Owen Street from existing vehicle access-way. Photo taken from Mary Potter Hospice looking east at the corner of Owen Street and Picton Avenue (29 Owen Street).

Photo 6: View of existing Mary Potter Hospice building from 33 Owen Street looking north-west across 38 Owen Street, also refer to Figure 12.
Photo 7: Corner of Owen Street and Mein Street, looking south-west toward the Site, refer to Figure 13 for proposed development.

Photo 8: The Total Energy Centre on corner of Mein Street and Owen Street, adjacent to the Site. Photo looking north-west.
2.4 SPECIAL HOUSING AREA STATUS AND ZONING

SPECIAL HOUSING AREA

The Site for the proposed development is an approved special housing area, (SHA) under the HASHAA, for the purpose of providing affordable housing by increasing housing supply in Wellington. The Mein Street, Newtown SHA (covering the Site in its entirety) was declared a SHA under the Housing Accords and Special Housing Areas (Wellington—New December 2015 Areas) Order 2015 (Appendix 3), which was notified in the Gazette on 7 December 2015.

Under Clause 5 of the Housing Accords and Special Housing Areas (Wellington—New December 2015 Areas) Order 2015, the following criteria apply to qualifying developments in the Mein Street, Newtown SHA:

- Will be predominately residential;
- The maximum number of storeys that buildings may have is 6;
- The maximum calculated height of buildings is 27 metres; and
- The minimum number of dwellings that may be built is 2.

Further assessment of the special housing legislation is provided in section 4.1 and section 6 of this report.

DISTRICT PLAN ZONING

The Site is zoned ‘Inner Residential’ in the Operative Wellington City District Plan Map 6 and is not located in a Hazard (Fault Line) Area identified on District Plan Maps.
The site is also subject to the pre-1930s demolition overlay (Wellington District Plan, Chapter 5, Appendix 1, Page 5).

The Site zoning is shown on Figure 6, below.

**Figure 6: Excerpt from District Plan Map 6 showing subject Site in red; Open Space B and Open Space C in the north-western corner of the Site; educational facilities to the west of the Site; health care facilities to the north of the Site.**

**THE INNER RESIDENTIAL ZONE**

The Residential Design Guide (that forms part of the District Plan) describes the character of the Inner Residential Area. The Inner Residential Area adjoins the Central Area and is generally contained by the Inner Town Belt. Most dwellings in the area were built around 1900 and development is intensive, with higher population densities than the Outer Residential Areas. Compared with the Outer Residential Area, there are more multiple units – often created by division of existing houses, and fewer family households. Its nineteenth century character and advantages of living close to the central city have made this area an attractive and popular location. The Inner Residential Area also provides a backdrop to the central city. The concentration of buildings built at the turn of the last century, the hilly topography and the inner town-belt form a combination that contributes to Wellington’s unique sense of place. The land directly surrounding the Site to the east and south is also zoned Inner Residential 4. The site is approximately 1.3km from the Te Aro Central Area. The Inner residential Zone in the vicinity of the Site (referred to in the District Plan as IR4) has a building height limit of 9 metres.
INSTITUTIONAL PRECINCT

The land to the north and west of the Site is zoned Institutional Precinct and its use is associated with Wellington Regional Hospital and other health care facilities such as the Artificial Limb Centre (which neighbours Mary Potter Hospice to the west). Wellington Hospital (along with Victoria and Massey universities) is identified as Institutional Precinct. The District Plan describes this zone as being characterised by the form and scale of buildings and activities that are on the Site which are intensely developed, with mixed building forms including large slab blocks and towers which contrast with nearby housing. These institutions generate large flows of people and vehicles both by day and night as well as affect surrounding residential neighbourhoods. Vehicle parking associated with the hospital occurs within this zone.

2.5 EXISTING RESOURCE CONSENTS

The Mary Potter Hospice Foundation holds a resource consent for the operation of the hospice on the site and exceedance of the zone height control by 2 metres for the main Hospice buildings. Resource consents were granted by Wellington City Council on 16 December 1988 (file reference TC6/1839) under the Town and Country Planning Act 1977. The Consent requires Mary Potter Hospice to provide a minimum of 25 parking spaces. An additional consent was obtained on 19 April 1989 (ref. TC 6/1839) to amend the vehicle access ways and provide 29 parking spaces on site (4 spaces more than the required minimum). A copy of the resource consents are attached as Appendix 4.
3. PROPOSAL

3.1 DESCRIPTION OF PROPOSED APARTMENT BUILDING

The ‘Proposal’ is for a new multi-unit development that has a ‘stepped’ height of up to 5 storeys; with thirty nine residential units comprising three two-bedroom, seven one-bedroom and twenty nine studio units with basement parking and a café space\(^1\). The apartments will be available to rent on the open-market and will not be available to visitors or patients for short-term, respite accommodation.

The proposed building will be up to 16.2 metres in height (up to five storeys) which is the highest point of the elevator shaft above ground level. The building will have its primary access from the private access-way off Owen Street, with a secondary egress on to Mein Street. The building will be split in to four defined blocks which are at different levels in respect of the surrounding context and the topography of the Site. These four blocks relate to Mein Street and the Mary Potter Hospice at the Northern end of the site, which is the ‘uphill’ portion of the scheme; and Owen Street to the south and east of the site respectively, which is the ‘downhill’ portion of the scheme. The Mein Street block is to be set behind the existing three houses on the site at numbers 58 – 62 Mein Street (which are owned by the Hospice).

The stepping of the building mass has been designed to fit the Proposal within the existing contours of the land, which slopes towards the southern and eastern sides of the site. The Proposal will also act as a partial visual break to the rear of the Hospice, which is dominated by columns and unsightly ‘back of house’ usage such as the bins and loading zones. The area on which the building is to be constructed is at the rear of the Hospice building, a largely unused grassland located behind the Hospice and behind the gardens of the houses on Mein Street and the adjacent properties on Owen Street.

\(^1\) Page 1 Mary Potter Hospice Design Statement from Archaus Architects
Balconies are proposed on the eastern and southern faces of the multi-unit development to provide residents with private “outdoor” space. In accordance with the District Plan Urban Design Guide the balconies will have a floor area of >10m² with no dimension less than 2m. This will provide high amenity spaces to the apartment residents. Screening will also be provided on these balconies to mitigate the potential loss of privacy experienced by those neighbouring dwellings to the east of the proposed development. Balcony balustrades on Level 1 will be 1,300mm high with balusters angled to 45° to provide screening of Owen Street dwellings (Archaus Plan 00.16, Appendix 1). Balcony balustrades on the Levels 2 – 4 will be 1,000mm high with balusters angled to 30° to provide further screening of Owen Street dwellings. Balconies on the north-eastern corner of the development will also be screened by the existing mature Pohutukawa tree.
Following engagement with the neighbouring landowners the wider community and the Council, the building form has been revised from the original design that was circulated for consultation with the Owen Street community. The revised design is now split in to four defined blocks which are at different levels in respect of the surrounding context, respecting the contour of the slope and reducing in size as they descend the hill to the south (Figures 8 and 9).
& 9). To reduce its overall scale and bulk, the ‘downhill’ portion of the building has been further set a half storey in to the ground to lessen the overall height. The mass of the three lower blocks are further broken down by the removal of sections of the building, to further reduce overshadowing, which are then expressed through the use of differing materials. The updated design acknowledges and responds to the concerns that were expressed by the neighbouring land-owners and avoids these effects as far as practicable. The description of the current proposal should be read in conjunction with the Mary Potter Hospice Design Statement from Archaus Architects that is attached as Appendix 5. An assessment of environmental effects is presented in section 5 of this report.

3.2 REFURBISHMENT OF 58 – 62 MEIN STREET
The three existing dwellings on Mein Street (58, 60 and 62 Mein Street) are to be retained and refurbished as part of the development; these works will restore their initial high streetscape value (pre-1930s buildings). These three dwellings are owned by the Applicant and are rented out. The more recent lean-to’s at the rear of these dwellings are to be demolished to provide space for the multi-unit development. This will require the internal reconfiguration and refurbishment of the dwellings to provide higher value spaces for residents, which will again be rented to tenants on the open market:

- 58 Mein Street contains two separate 2-bedroom flats that are to be refurbished and retained as two separate 2-bedroom units.
- 60 Mein Street is a four bedroom flat which will be refurbished to provide a higher value space for residents, possibly as two bedoomed apartments.
- 62 Mein Street contains two separate two-bedroom flats. At this stage there are two current proposals, either to maintain as existing, or to return the house to being a single dwelling of 4 bedrooms; either situation will not affect the primary façades and the historic streetscape value of the pre-1930s building.

The parts of these dwellings that are to be demolished are post-construction extensions and, therefore, provide no urban design value to the streetscape of Mein Street. No architectural features within the primary elevation (street-facing) are to be removed as part of the proposed refurbishments.

3.3 CAFÉ
A new café is also proposed as part of the multi-unit development. The café will cater to residents of the units as well as staff and visitors of the Hospice.

3.4 VEHICLE ACCESS AND PARKING
Vehicle access for the Site will continue to be provided via the two existing vehicle accesses; one access point is located on Mein Street while the other access point is located on Owen Street. Both of the vehicle access points will remain unchanged for the proposed development.

There are currently 55 car parks on the Site, which is an excess of 30 more than what is required by the existing resource consents for the Hospice (minimum of 29 is required). The 39 new apartments will require 49 car parks to comply with the District Plan standards, meaning that if the Site as a whole was to comply with the District Plan and existing

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2 Page 1 Mary Potter Hospice Design Statement from Archaus Architects
consents a total of 78 car parks would be required. The Proposal provides 26 spaces on the Site for use by the apartments. This is a shortfall of 23 spaces from what is required by the District Plan. Based on the Traffic Assessment [Appendix 6] however, 26 spaces will adequately supply the demand created by the apartments.

Parking for the apartments is provided by the provision of car parking adjacent to the new building closer to the Owen Street access. There are 4 car parking spaces to the east of the building, in addition to the 5 other carparks in the basement of the new building. These 26 spaces are intended to be used by apartment residents and apartment visitors (see Archaus Plan 01.05). 2 car parks are lost to provide access into the proposed development.

Parking on the remainder of the Hospice Site will remain unchanged and overall parking spaces available for the Hospice will decrease from 55 to 36, still ensuring the Hospice meets its consent requirements.

Earlier iterations of the Proposal included reconfiguring all parking on site and amendments to the vehicle access on Mein Street, these changes are no longer proposed.

![Figure 10: Proposed vehicle parking and access arrangements.](image)

Rubbish and recycling will be collected and serviced on-site in the space adjacent to the loading dock ramp and in-between the columns of the existing Hospice (Archaus Plans 01.05 and 02.00). Utilising this space for rubbish collection and servicing of the apartments will allow safe and efficient vehicle movement on the site.

3.5 EARTHWORKS

The proposed earthworks will cover an area of approximately 587m² and volume of 1354m³ and involve cuts of 1.75m – 7.05 metres high on the Site.

The construction activities for the development involve:

- Excavation of a partial basement for parking and retention of the existing site.
- Excavation for new parking and installation of new asphalt for parking at front and rear of site.
- Site set up and preparations for the construction of a new building, including erection of a crane, temporary hoardings, gantries, scaffolding and loading provisions.
• Retention of an existing Pohutukawa tree to the rear of Owen Street during and post construction.
• Refurbishment of the existing three (3) pre 1930 timber framed and clad buildings located at 58 - 62 Mein Street, including demolition of lean-to's and reinstatement of cladding and windows on the rear façade.
• Removal of existing concrete hardstanding to rear of Mein Street buildings.
• Landscaping works in and around the site.
• Construction of a new five storey steel framed and concrete floored building split in to two blocks on the site, with partial basement parking and glazed entrance lobby underneath.
• Site set up and preparations for the construction of a new building, including erection of a crane, temporary hoardings, gantries, scaffolding and loading provisions.
4. RESOURCE CONSENTS REQUIRED

4.1 HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013

The purpose of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) is “to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts identified as having housing supply and affordability issues”. HASHAA provides an optional alternative to the standard Resource Management Act 1991 (RMA) consent process for Qualifying Developments within Special Housing Areas. An application for resource consent is being made under section 25 of HASHAA, rather than under section 88 of the RMA. This application is consistent with section 88(2) to (5) of the RMA as if this application was being made under that Act.

Section 14 of HASHAA and Clause 5 of the HASHAA (Wellington—New December 2015 Areas) Order 2015 lists the following criteria for qualifying developments in special housing areas:

a) that will be predominately residential;
b) the maximum number of storeys that buildings may have is 6;
c) the maximum calculated height that buildings must not exceed is 27 metres; and
d) the minimum number of dwellings that must be built is two.

For the purposes of defining a qualifying development, a development is predominately residential if -

(a) the primary purpose of the development is to supply dwellings; and
(b) any non-residential activities provided for are ancillary to quality residential development.

The Proposal (as described in Section 3) is five storeys, a total height of 16.2 metres and supplies 39 dwellings by way of rental to the open market. Parking that is provided with the proposed development is ancillary to quality residential development and will not be available to service the Hospice staff and visitors’. Ground level open spaces and lobby spaces are also ancillary to quality residential development and are not associated with the Hospice. Earthworks are required as part of the construction works and therefore enable, and are ancillary to, quality residential development.

The proposed café will service the residential development, as well as being available to Hospice staff and visitors. While not advertised on the street, the café will be available to any member of the public.

Staff car parking (including car stackers) that was included in earlier iterations of the Proposal has been removed from the application, following consultation with the owners of the land adjacent to the Site and Council.
The new apartments will be available for rent on the open market and will not be available to Hospice visitors or patients for short-term, respite accommodation. The proposed development is therefore a qualifying development because the primary purpose of the development is to supply dwellings and the proposed non-residential activities provided (car parking, associated earthworks and café) are ancillary to quality residential development.

4.2 WELLINGTON DISTRICT PLAN RULES

The following rules from the Wellington District Plan (the Plan) require the Applicant to obtain resource consent from Wellington City Council, which is the authorising agency pursuant to HASHAA.

Resource consents are being sought for the following activities:

- To construct a multi-unit development with 39 residential units;
- Breach the District Plan height limit of 9 metres by more than 20%;
- Modify three pre-1930 buildings;
- Provision of insufficient parking spaces
- Provision of insufficient ground level open space;
- Undertake earthworks required to establish building foundations.
- Non-residential activity - café

These resource consent requirements are discussed in more detail below.

VEHICLE PARKING

Rule 5.3.1; Residential activities which would be Permitted Activities but which do not comply with one or more of the standards outlined in sections 5.6.1 are Restricted Discretionary Activities. Discretion is limited to the effects generated by the standards not met:

- Rule 5.3.1.2 Vehicle Parking (Standard 5.6.1.3)

The District Plan states that the on-site vehicle parking shall be provided a follows:

- residential activities: minimum 1 space per household unit
- visitor parking for multi-unit developments: a minimum 1 dedicated space for every four household units for any proposal that results in 7 units or more
- all parking must be provided and maintained in accordance with sections 1, 2, and 5 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.

39 residential units would require 49 car parks. The proposed development provides 26 car parks, which is a deficit of 23 vehicle parks.

GROUND LEVEL OPEN SPACE

Rule 5.3.4; The construction of residential buildings, accessory buildings and residential structures which would be Permitted, Controlled or Discretionary (Restricted) Activities but which do not comply with one or more of the standards outlined in section 5.6.2 (Buildings
and Structures) are Discretionary Activities (Restricted). Unless otherwise stated, discretion is limited to the effects generated by the standard(s) not met:

- Ground level open space (standard 5.6.2.3)

Provided ground level open space is 485m², this gives an approximate open space quota for the new 39 new units of 12.4m²/ unit, which is below the required Standard of 35m²/ unit for the Inner Residential Area.

**ALTERATION OF A PRE-1930’S BUILDING**

Rule 5.3.6: the demolition of any building constructed prior to 1930 in the Inner Residential Areas is a Restricted Discretionary Activity in respect of:

- The contribution made by the existing building to the townscape character of the neighbourhood;
- The physical condition of the existing building; and
- The design of any proposed works (including any alterations to the existing building), and the impacts of these works on the townscape of the neighbourhood.

The proposed development includes the alteration and partial demolition of later additions to the rear of 58, 60 & 62 Mein Street.

**MULTI-UNIT DEVELOPMENT**

Rule 5.3.7 Multi-unit developments; the construction to residential buildings where the result will be a multi-unit development is a Restricted Discretionary Activity. Discretion is restricted to:

- 5.3.7.1 design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and Site access)
- 5.3.7.2 provision of parking and Site access
- 5.3.7.3 the efficient use of land on any Site within an Medium Density Residential Area
- 5.3.7.4 traffic effects

A Multi-Unit Development means “any development that will result in two or more household units on a site in the Inner Residential Area”. Therefore, the proposed development qualifies as a multi-unit development (with a total of 39 household units).

Design Guide Applications (Section 3.2.4) of the District Plan requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide. The Design Statement and Urban Design Statement for the Mary Potter Hospice Resource Consent Application is provided in Appendix 5 of this Application.

**MAXIMUM BUILDING HEIGHT EXCEEDANCE BY MORE THAN 20%**

Section 5.5 of the Wellington District Plan – Non-Complying Activities

Activities that contravene a rule in the Plan, and which have not been provided for as Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-
Complying Activities. Resource consents will be assessed in terms of section 104B and 104D of the RMA.

The height of the building approximately **16.2 metres**, breaches the permitted activity status of 9 metres (see DP 5.6.2.5) by approximately 55% and therefore also does not comply with the 20% exceedance provided by the Restricted Discretionary Activity (see DP 5.3.4.16). Therefore, the activity is a *non-complying activity* under section 5.5 of the Wellington District Plan.

**EARTHWORKS IN EXCEEDANCE OF PERMITTED ACTIVITY STANDARDS**

Section 30.2 Earthworks that are Restricted Discretionary Activities

Earthworks that exceed 1.5m in vertical change, and/or exceed 250m² of land in the Inner Residential Area is considered a **Restricted Discretionary Activity**.

Discretion is restricted to:

i. Earthworks stability

ii. Erosion, dust and sediment control

iii. Visual amenity

iv. Flooding hazard

v. Earthworks and structures in rivers and the CMA

vi. Transport of material where the following limit is exceeded: 200m³ in a Residential Area.

The proposed earthworks will disturb an area of approximately 587m² and remove a volume of 1354m³ and involve cuts of ≤7.05 metres in high.

**CAFÉ**

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

Section 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).

The proposal includes the construction and operation of a café. The construction of a non-residential building is a discretionary activity under Rule 5.4.4.A and a non-residential activity is a discretionary activity under Rule 5.4.1. Therefore, resource consent is required for the construction and operation of the kitchen of the proposed development.
### 4.3 WELLINGTON DISTRICT PLAN STANDARDS

Compliance of the proposed Multi-Unit Development with the Wellington District Plan Standards is shown in Table 1, below.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Standard</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.6.1</td>
<td>Residential Area Standards: These standards apply to all activities in Residential Areas.</td>
<td></td>
</tr>
<tr>
<td>5.6.1.1</td>
<td>Noise</td>
<td><strong>Complies</strong> – all works and operation of the Site will comply with these noise standards.</td>
</tr>
<tr>
<td></td>
<td>Monday to Sunday 7am – 10pm 50dB $L_{Aeq}$ (15min)</td>
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</tr>
<tr>
<td></td>
<td>Monday to Sunday 10pm – 7am 40dB $L_{Aeq}$ (15min)</td>
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</tr>
<tr>
<td></td>
<td>Monday to Sunday 10pm – 7am 70dB $L_{Aeq}$ (15min)</td>
<td></td>
</tr>
<tr>
<td>5.6.1.3</td>
<td>Vehicle Parking</td>
<td><strong>Does not comply</strong> – a total of 39 new units are proposed to be constructed on-Site. Therefore, 49 new carparks are required under the District Plan proposed development will provide 26 car parks for use by residents and their visitors. The 29 carparks that are required by the existing hospice consents are maintained on Site.</td>
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<td></td>
<td>On Site vehicle parking shall be provided as follows:</td>
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<tr>
<td></td>
<td>Minimum 1 space per residential household unit</td>
<td><strong>Complies</strong> – all car parks will comply the DP Standard and ANZS 2890.1 for carpark width</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 visitor space per four residential household units in a multi-unit development the 7 or more units.</td>
<td><strong>Complies</strong> – no changes to the vehicle access width of either the Owen Street or Mein Street entrances are proposed.</td>
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<tr>
<td></td>
<td>All parking must comply with ANZS 2890.1 – 2004</td>
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<tr>
<td></td>
<td>The maximum width of any vehicular access is 3.7m in the Inner Residential Area.</td>
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</tr>
<tr>
<td>5.6.1.4</td>
<td>Site Access</td>
<td><strong>Complies</strong> – the Site has two vehicle access points, one on Owen Street, one on Mein Street and therefore complies with the standard.</td>
</tr>
<tr>
<td></td>
<td>There shall be a maximum of one vehicular access to a Site, except that a Site with more than one road frontage which may have one access per frontage.</td>
<td></td>
</tr>
<tr>
<td>5.6.2</td>
<td>Residential Area Standards: These standards apply to the construction of buildings and structures in Residential Areas.</td>
<td></td>
</tr>
<tr>
<td>5.6.2.2</td>
<td>Yards</td>
<td><strong>Complies</strong> – Proposed building complies with all yard and balcony standards.</td>
</tr>
<tr>
<td></td>
<td>The minimum front yard standard for the inner residential area is 1 metre.</td>
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<td></td>
<td>There is no requirement for a side or rear yard in the inner residential area</td>
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<tr>
<td></td>
<td>On inner residential area Sites, outdoor access to any open area to the rear of a building is to be provided with a minimum width of 1m.</td>
<td></td>
</tr>
<tr>
<td>Subject</td>
<td>Standard</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------</td>
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<tr>
<td>5.6.2.3 Ground Level Open Space</td>
<td>Balconies with a finished floor of 1.5m or more above ground level at the boundary shall be located no closer than 2m to any side or rear boundary.</td>
<td>Does not comply – 485m² of shared open space is provided to residents; this gives an approximate open space quota for the new 39 new units of 12.4m², which is below the required District Plan standard of 35m². The open space has an area of over the required 30 square metres and width of 3 metres.</td>
</tr>
<tr>
<td>5.6.2.4 Site Coverage</td>
<td>Minimum ground level open space per unit in the inner residential area is 35 sq./ m. with no dimension less than 3m. No area of ground level open space shall be used for vehicle access ways/ parking/ manoeuvring or covered by buildings except for balconies &gt;1.5m and uncovered decks &lt;1m. This space may be provided as either private or shared open space.</td>
<td>Complies – combined Site coverage for the proposed and existing building is 35%.</td>
</tr>
<tr>
<td>5.6.2.5 Maximum Height</td>
<td>Inner Residential Area 4 (IR4 incl. Newtown) maximum building height is 9 metres.</td>
<td>Does not comply – the proposed building has a maximum height of 16.2 metres.</td>
</tr>
<tr>
<td>5.6.2.8 Building Recession Planes</td>
<td>All buildings and structures shall be contained within a building envelope. Each recession control line shall rise vertically for 2.5m from ground level at the boundary and then incline inwards, at 90° to the boundary in plan. For each boundary the angle of inclination to the horizontal is determined by the direction in which the boundary faces which is ascertained by the bearing of a line drawn outwards from the Site perpendicular to that boundary line. Inner Residential Area: Sector A 1:1 Sector B 1.5:1 Sector C 2:1 Sector D 3:1</td>
<td>Complies – All building recession planes comply with the District Plan requirements. See Plans 05.00, 05.01, 05.02 &amp; 05.03.</td>
</tr>
<tr>
<td>5.6.2.10 Maximum Fence Height</td>
<td>A fence or wall shall a maximum height of 2m measured from ground level at the boundary.</td>
<td>Complies – all fences as part of the Application will comply with the standard.</td>
</tr>
<tr>
<td>Subject</td>
<td>Standard</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td>5.6.2.13 Fixed Plant Noise</td>
<td>Noise emission levels from any residential activities occurring within a Residential Area resulting from noise associated with heating, ventilation or air conditioning systems, or other similar domestic installations when measured at or within the boundary of any Site, other than the Site from which the noise is generated, in a Residential Areas shall not exceed the following limits</td>
<td><strong>Complies</strong> – Fixed plant noise associated with the Hospice kitchen and building air conditioning will comply with the DP standards.</td>
</tr>
<tr>
<td>5.6.3 Signs</td>
<td>For permanent signs on residential Sites and buildings: the maximum area must not exceed 0.5m²; the maximum height must not exceed 2 metres; only one sign may be displayed on any Site; signs must denote only the name, character or purpose of any Permitted Activity on the Site; signs must not be illuminated.</td>
<td><strong>N/A</strong> – no signs are proposed as part of the Application.</td>
</tr>
</tbody>
</table>

Chapter 30 – Earthworks

30.1 Earthworks in the Residential Area are Permitted Activities provided they comply with:

i. The cut height or fill depth does not exceed 1.5m measured vertically; and

ii. The cut or fill is not on an existing slope angle exceeding 34 degrees; and

iii. Cut height will not exceed the distance from the nearest boundary; and

iv. The area to be cut or filled does not exceed 250m².

**Does not comply** – the proposed earthworks will disturb an area of approximately 587m² and remove a volume of 1354m³ and involve cuts ranging from 1.75 metres – 7.05 m in height.

4.4 ACTIVITY STATUS

Under the District Plan Rules, the proposal has a non-complying activity status for the exceedance of the height limit; a discretionary (restricted) activity status for the multi-unit development and modification of pre-1930’s dwellings; and a discretionary (restricted) activity status for earthworks. As such, under the RMA, the activity status would be bundled and hence the overall activity status would be a non-complying activity. Sections 25(2) to (4) of HASHAA, does not alter the activity status.

In forming an opinion for the purposes of ss104(1)(a) of the RMA, which applies under s34(1)(d)(i) HASHAA, the consent authority may disregard an adverse effect of the activity on the environment if the District Plan permits an activity with that effect.
4.5 PERMITTED ACTIVITIES

As shown in section 4.3, the following aspects of the proposed development comply with the Residential Area Standards of the District Plan and therefore are permitted activities under Rule 5.1.7

- Noise (5.6.1.1);
- Yards (5.6.2.2);
- Site coverage (5.6.2.4);
- Building height recession planes (5.6.2.8), see Archaus Plans 05.00, 05.01, 05.02 & 05.03.
- Fence height (5.6.2.10);
- Fixed plant noise (5.6.1.2);
- Signs (5.6.1.6.9); and
- Site access (5.6.1.4).

4.6 ANTICIPATED DEVELOPMENT

The Wellington District Plan anticipates a development of the following standards in the Inner Residential zone:

- A building of up to 9 metres in height;
- With a front yard of 3 metres and no requirements for side and rear yards. However, outdoor access to any open area to the rear of a building must be provided with a minimum width of 1 metre;
- Ground level open space of 35 m² per unit with no dimension less than 3 metres;
- Site coverage of no more than 50%;
- A building that is contained within the sunlight recession planes that are specified in the Plan; and
- An allotment of ≥400 m² and shall contain a circle with a radius of 7 metres.

It is important to consider the development that is anticipated by the District Plan because a certain level of effect is created on neighbouring properties without the need for a Land Use Consent. This concept is emphasised in reference to the shading diagrams that accompany this application (Appendix 1 – noted as permissible volume). While a building of this bulk and shape is unlikely for the site, the anticipated development represents what volume could be built on the site and a building could occupy any part of that bulk without the need for a consent. Referencing this volume to understand the shading effects by the proposed development is considered useful. The anticipated development does not take into consideration aspects such as urban design and parking and should not be interpreted as a permitted baseline development.

4.7 DURATION AND LAPSE

The nature and duration of resource consents are provided for under section 50 of the HASHAA, which references sections 122 and 123 of the RMA. Pursuant to section 50 of HASHAA and section 123 of the Resource Management Act, the Resource Consent will have an unlimited duration.

Section 51 of the HASHAA relates to the lapsing of resource consents issued under the HASHAA. Significantly, section 51(a)(iii) of HASHAA amends section 125(1)(a) of the RMA
in that the lapse period of the resource consent is reduced from 5 years to 1 year unless an extended lapse period is sought. The Applicant is seeking an extension of the lapse period of the resource consent to a lapse period of 2 years.
5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 POSITIVE EFFECTS
The purpose of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts identified as having housing supply and affordability issues. The Special Housing Area status of the lot anticipates intensive development of the site, with qualifying developments of up to 27 metres (6 storeys) in height. A multi-unit development is the most efficient use of this space, which maximises its development potential. The Site is close to health care facilities, transport infrastructure, the Wellington Central Business District and open spaces and recreational facilities. Therefore, the proposed development will have a positive social impact on the Wellington District through the enhancement of housing affordability by facilitating an increase in affordable housing supply in an area that is dedicated for this type of development through the HASHAA legislation. The provision of housing is arranged as follows:

<table>
<thead>
<tr>
<th>Studios</th>
<th>1 bedroom</th>
<th>2 bedroom</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>7</td>
<td>3</td>
<td>39</td>
</tr>
</tbody>
</table>

Table 2: Units in proposed development

See section 3.2 of this report for the current and proposed arrangements of the properties at 58 – 62 Mein Street. The proposal will provide 39 new households to the Wellington rental market and 6 renovated units of improved quality in the Mein Street properties.

5.2 EFFECTS ON RESIDENTIAL AND VISUAL AMENITY
The Applicant consulted with the land-owners of properties that are adjacent to the Site. Records and outcomes of this consultation is presented in Section 7 and Appendix 10 of this Application. Effects on residential amenity (bulk and dominance of the building, shading and privacy) were commonly cited by the residents as being of concern. To avoid, and mitigate these adverse effects are far as practicable, the Applicant reviewed the design, layout and bulk of the proposed development. As a result of this process, the proposed building was significantly redesigned in order to reduce the adverse effects on neighbouring land-owners and property. Solar panels were removed from the rooftop of the proposed building to avoid adverse effects on the neighbouring residential environment. The below analysis of visual bulk and dominance, shading and privacy, is based on the site and building plans presented in Appendix 1 (i.e. the revised design). The original plans presented to the residents are now redundant. However, as reference point to changes to the proposal, the original plans are included as Appendix 11. It is considered that the new design proposal will have significantly lesser effect than the building that was originally proposed in Appendix 11.
5.2.1 VISUAL EFFECTS AND EXTERNAL APPEARANCE

This section should be read in conjunction with the Mary Potter Hospice Design Statement & Urban Design Statement that has been prepared by Archaus Architects (Appendix 5). The Archaus Design Statement states that:

“The Material palette is clearly defined for the two buildings to further break down the scale of the blocks and emphasise the individual identities. The split between the blocks occurs at the change of height, with the Mein Street block being vertical board cladding, white rendered facade with glazed balconies to the East with metal railings to the West. On the western elevation there’s a proposed canopy over the café area to help join the greenspace with the hospice and the café and make the space usable in all weathers.

The ‘downhill’ blocks contrasts in materials to the ‘uphill’ and are comprised of materials including, white render, vertical board cladding and terracotta cladding to the western and southern elevations which wrap around to the south west of the blocks, giving each an individual identity. This [sic] balcony elements on the eastern façade of the ‘downhill’ block are framed to the south for privacy and to express the elements on an individual scale. These balconies are comprised of heavy ‘slab’ form at the base, which wraps up on to the privacy wall to the south. These balconies have a strong expressed edge in white, with a timber plank facing on to the privacy wall on the inside with a timber deck to soften the spaces. The balconies are designed to protect privacy between the tenancies, and to further ensure privacy for the existing residents potentially overlooked by the proposal, on the rear of the property at Owen Street, vertical timber privacy louvres are proposed for the balustrading which are set at an angle to protect the privacy of new and existing residents alike.” (Mary Potter Hospice Design Statement, Archaus Architects, 2016, pg. 2).

The final design of the proposed development will have a no more than minor effect on the residential and visual amenity of the area; especially when compared to the nearby buildings in the Institutional Precinct (see section 2.4 of this report). It is considered that the proposed buildings provide a screen for views from Owen Street dwellings to the western façade of the existing Hospice building.

When considered in the wider context of the institutional precinct that is Wellington Hospital, the proposal is not out of place. The revised, proposed building is staged in four blocks that follow the natural topography of the site (south-sloping); this approach reduces the overall bulk and dominance, and effect on visual amenity as viewed from Owen Street.

The effect on visual amenity during earthworks and construction will be minimal to the wider environment, given the secluded location of the works in relation to roads and public spaces. Construction and earthworks are temporary and therefore will have no permanent effect on the visual amenity of the neighbourhood.

Car stackers were included as part of an earlier iteration of the Proposal. However, following consultation with the neighbouring landowners and discussions with the Council, these car stackers have been removed from the Proposal in order to avoid any potential adverse effects on the surrounding residential environment.

Residents’ parking will be provided on the existing Mary Potter vehicle access-way from Owen Street, in the north-western corner of the site; this area is accessed from Owen Street
and will be similar in nature to the surrounding environment (which is entirely Institutional Precinct). As a result of this design, there will be no effect on visual amenity from the car parking on the site.

Landscaping with some shared gardens space will soften the areas around the multi-unit development (see Archaus Plan 01.00 and Boffa Miskell Concept Landscape Plan [Appendix 9]). The retention of the Pohutukawa tree and proposed additional landscaping will contribute to the greening of the site and the softening of the appearance of the multi-unit development.

Mary Potter Hospice has taken considerable steps during the pre-application process of this project to significantly reduce the adverse effect of this development on residential amenity, including reducing the overall height of the development, splitting the initial block development into two blocks and now into four individual units, and sufficient provision of landscaping.

5.2.2 SHADING

As noted in section 5.2 of this application, the following assessment of the shading diagrams that were produced by Archaus Architects and represent a revised building design and layout (see Appendix 1). The previous building design (as described in Appendix 11) was circulated to the Owen Street community prior to this Application being lodged with the Council; this process identified a number of issues that the Applicant addressed in order to avoid, and/or mitigate adverse effects on the surrounding residential environment. This revision of the building layout and design included the removal of solar panels from the rooftop of the proposed building in order to avoid shading effects. It is considered that the actual effects that are experienced as a result of the final development would be significantly less than that shown in the plans in Appendix 11.

As discussed earlier, the anticipated development situation, provides a tool to assess the effects of shading by assessing a form of development permitted by the District Plan. The anticipated development situation in the shading diagrams (indicated as permissible volume) that are discussed in this section represent a building of the same footprint (410m²) and approximate position on the Site as the proposed development. Therefore, the anticipated development (see section 4.6) in this application replicates the proposed development as much as possible (i.e. approximate position on site and in relation to other features), rather than what could be fully anticipated by the District Plan. While the anticipated development in the shading diagrams does not represent a real development, it is important to consider that any part of that volume could be occupied by a building, as of right.

The proposed development breaches the District Plan permitted height restrictions and there is an effect of shading on Owen Street dwellings. However, the proposed development does comply with the recession planes from the boundary. Shading diagrams from Archaus (Appendix 1) present the difference in shading between the proposed development and the anticipated development (see Section 3.1 for a description of the proposed development and Section 4.6 for the anticipated development). The shading that is represented in the Archaus Plans as being anticipated by the District Plan is relative to the proposed development. That is, a building that complies with the District Plan standards for height, sunlight recession planes, and site coverage however mimics the proposed development as much as possible (see Archaus Plans 00.30 & 00.31). Therefore, the shading that is represented by the
anticipated volume (a hatched blue colour in Archaus Plans) is the result of a theoretical building on the same location within the Site that complies with the permitted activity standards of the District Plan. The Wellington District Plan could anticipate this theoretical building much closer to the property boundary of 22-28 Owen Street.

For the purpose of the assessment of shading effects, the assessment has been split into three sections:

- Properties north of the Mary Potter Hospice access way on Owen Street; and
- Properties south of the Mary Potter Hospice access way on Owen Street; and
- Properties across Owen Street from the Mary Potter Hospice access way.

North of Owen Street Access way (22-28 Owen Street)

The shadow from the anticipated volume building reaches the eastern boundary at 2:48pm on the summer solstice; compared to the proposed building which reaches the eastern boundary at 3:24pm. The shadow from the anticipated volume building reaches the eastern boundary at 1:37pm on the winter solstice; compared to the proposed building which reaches the eastern boundary at 11:45am. During the spring/autumn equinoxes the anticipated volume building reaches the eastern boundary at 1:48pm and the proposed building which reaches the eastern boundary at 2:05pm.

The five residences located at 22 Owen Street, 24A/24B Owen Street (24A & B are not legally separate), 26 Owen Street and 28 Owen Street may receive shading effects from both the proposed multi-unit development and the anticipated baseline from the District Plan. The Archaus Plans 00.50 – 00.56 show the potential and actual effect on shading of 22 Owen Street – 28 Owen Street. Archaus Plans 00.51 and 00.52 compare the shadow effect between the anticipated and proposed volume during the summer solstice at 4pm, 5pm, 6pm and 7pm. There is no effect on the Owen Street dwellings on the Summer Solstice at 4pm. The proposed building will have a minor shading effect on 22 – 28 Owen Street at 5pm and 6pm on the summer solstice; with the difference between the anticipated and proposed effects being minimal, and both being much less than the original design (broken red line). At 7pm on the summer solstice, the proposed building will have an increased effect on the properties at 22 – 28 Owen Street when compared to the anticipated baseline volume. However, this increased shading effect falls on low amenity value areas such as the roofs of the buildings. Therefore, the shading effect of the proposed development will have a minor effect on 22-28 Owen Street at 5pm and 6pm on the summer solstice and a less than minor shading effect at 7pm on the summer solstice.

Archaus Plans 00.53 and 00.54 show no shading effect on the properties at 22 – 28 Owen Street during the winter solstice at 1pm, 2pm, 3pm and 4pm.

Archaus Plans 00.54a, 00.55 and 00.56 show a minor increase in shading effect on 22 – 28 Owen Street during the spring and autumn equinox at 4pm and 5pm. However, the increased shading created by the proposed bulk (as compared to the anticipated bulk) falls on low amenity value areas such as the roofs of the buildings. There is no effect on the Owen Street dwellings at 2pm, 6pm and 7pm on the spring and autumn equinox.

Overall when comparing the anticipated development and proposed development, the difference in effect of shading on the Owen Street dwellings during spring and autumn equinoxes will be less than minor and has been significantly reduced following consultation.
South of Owen Street Access Way (34-38 Owen Street)

The three residences located on the far side of the Owen Street access-way, to Mary Potter Hospice, could receive potential shading effects from both the proposed multi-unit development and the anticipated development of the District Plan. The Archaus Plans 00.60 – 00.67 show the potential and actual effects on shading of this section of Owen Street. Archaus Plans 00.61 and 00.62 compare the shadow effect between the anticipated and proposed volume during the summer solstice at 4pm, 5pm, 6pm and 7pm. From these Plans, the proposed building will have no effect on the properties at 34 – 38 Owen Street at any time on the summer solstice. All shading produced by the proposed building during the summer solstice (plans 00.61 and 00.62) falls on land owned by the Applicant. Therefore, there is no shading effect on these properties during the summer solstice.

Archaus Plans 00.63 and 00.64 show potential shading effects on 34 – 38 Owen Street during the winter solstice at 1pm, 2pm, 3pm and 4pm. As shown on Plan 00.63, the proposed building will have no effect on 34 & 36 Owen Street at 1pm.

As shown on Plan 00.64, the proposed building will have a minor effect on the rear yards of 34-38 Owen Street at 2pm on the winter solstice. However, the broken red line on Archaus Plans 00.63 and 00.64 shows that this shading effect has been reduced following consultation with these land owners; the proposed building will no longer have a minor effect on the western face of 38 Owen Street at 2pm on the winter solstice as the previous design had. The proposed building will have a minor increase on the shading effect on 36 & 38 Owen Street at 3pm on the Winter Solstice; this shading falls on high value areas such as windows of living spaces and also low value areas such as roofs. Shading on 34 Owen Street at 3pm on the Winter Solstice is anticipated by the District Plan. There is no effect on 34-38 Owen Street at 4pm on the Winter Solstice. Therefore, the shading effect on 36 & 38 Owen Street during the Winter Solstice is minor and the effect on 34 Owen Street is considered to be less than minor.

Archaus Plans 00.65 and 00.66 show no shadowing effect is present on 34 - 38 Owen Street during the spring and autumn equinox from 2pm until 7pm (on the hour). Following consultation and revision of the building, there is no longer a shading effect on the north-western corner of 34 Owen Street at 3pm & 4pm on the spring/ autumn equinox (as shown by the broken red line). Therefore, the proposed development will no longer have a minor effect on this property, there is now no effect. At 5pm, 6pm and 7pm on the spring and autumn equinoxes, there is no shading of 34 - 38 Owen Street.

Across Owen Street (27-31 Owen Street)

Archaus Plans 00.70 – 00.74 show the shading effect of the anticipated and proposed buildings on 27 – 31 Owen Street. At 7pm on the summer solstice, the proposed building will no longer shadow the window of 27 Owen Street and therefore has no effect on this property. Archaus Plans 00.70 - 00.71 show that there are no effects on 27-31 Owen Street during the Summer Solstice (6:30pm-8:00pm). Archaus Plans 00.72 shows that there are no effects on 27-31 Owen Street during the Winter Solstice (3:00pm – 3:30pm). Shading from the Proposed Building reaches the boundary of 29 Owen Street after 4:30pm but before 5pm on the spring/ autumn equinox (Archaus Plan 00.73 – 00.74). Shading from the proposed building will have a minor effect on 29 Owen Street at 5pm on the spring/ autumn equinox and a less than minor effect at 5:30pm; this effect is significantly less than the original
building, as shown by the broken red line. The proposed building will have no effect on 31 Owen Street at any time of the year.

Conclusion

Overall, the proposed building is likely to have a minor shading effect on the Owen Street properties to the south of the Site in the afternoons during winter but have no shading effect in summer and the equinoxes. The proposed building is likely to have a minor shading effect on the Owen Street properties to the east of the Site in the afternoons during summer but have a less than minor effect during the equinoxes and no shading effect in winter. The proposed building is likely to have a minor shading effect on properties on the other side of Owen Street during the equinoxes but no shading effect during the summer and winter solstice. There are no shading effects to the north or west of the Site. It is considered that the final design and layout of the building has significantly reduced the shading effect on the neighbouring Owen Street properties, compared to the original design.

5.2.3 PRIVACY

As noted in section 5.2 of this application, the following assessment of the neighbouring privacy effects represent a revised building design and layout (see Appendices 1 & 11). The previous building design (as described in Appendix 11) was circulated to the Owen Street community prior to this Application being lodged with the Council; this process identified a number of issues that the Applicant has reworked in order to address the adverse effects on the residential environment.

Given the location and orientation of the proposed development, loss of privacy is a potential effect on the neighbouring dwellings of Owen Street. The proposed building is approximately 9 metres from the eastern site boundary. Privacy will not be an issue when residents are inside their units. However, outdoor balconies are proposed on the new development which could have a potential effect on privacy of neighbouring properties. Mitigation of this potential privacy effect is discussed below. See the Archaus Design Statement (Appendix 5) for further detail on the design and visual amenity of the balconies.

Archaus Plans 00.80, 00.81 and 00.82 show the potential outlook from the ground floor apartments onto the houses at 22, 24 and 26/28 Owen Street. Archaus Plan 00.80 shows that the outlook from ground level apartments into 22 Owen Street is largely screened by the mature Pohutukawa tree that is present in the northern corner of the Site. The outlook from the proposed apartments into 24 Owen Street is significant from the ground level and less of an effect is observed from the second floor (Archaus Plan 00.81). Screening placed on the balconies will mitigate this effect on neighbouring Owen Street residences. Given the natural topography of the Site and the proposed balcony screening, the outlook from the proposed ground level apartments into 26/28 Owen Street is minimal. Outdoor open spaces at 26/28 Owen Street sit lower than the existing ground level and fence line at the property boundary (Archaus Plan 00.82).

A large Pohutukawa tree (*Metrosideros spp.* is a native, evergreen tree species) is present in the north-east corner of the development area, which will be retained to mitigate the privacy effect on 22 Owen Street. The Site topography and location of 26 and 28 Owen Street, a semi-detached unit, means that it is unlikely that any indoor or outdoor areas would lose significant privacy. The height of the balconies means that the sight line of occupants on the balconies would be above the roofs of the dwellings on Owen Street. Further to this, the
existing Hospice building look down into these properties, therefore, the net loss of privacy is minimal when compared to the existing environment.

The loss of privacy would be further mitigated by the use of screening on the balconies. Balcony balustrades on the level 1 will be 1.3m high with balusters angled to 45° to provide screening of Owen Street dwellings (similar to that shown in Appendix 11). Balcony balustrades will be 1.0m high with balusters angled to 30° to provide further screening of Owen Street dwellings. Screening on the balconies will mitigate the effect on privacy of neighbouring dwellings while providing a private outdoor space to the residents of the apartments. The Residential Design Guide (page 20) recommends that balconies have an area of 10m² with no dimension less than 2 metres; a balcony of this size would enable occupants to place a table and chairs on the balcony which would further alter (raise) the sight line of persons on the balcony to further mitigate the loss of privacy on Owen Street residents. The retention of a mature Pohutukawa tree in the north-eastern corner of the development will also mitigate the potential effect on Owen Street residences.

![Figure 11: Mature Pohutukawa tree that is being retained as part of the development and the outlook from Level 2 showing a less than minor effect on privacy of Owen Street.](image)

While these balconies on the eastern side of the development are the main source of the potential loss of privacy, they remain essential to the provision of private outdoor open spaces amenity for residents. This effect is mitigated by the provision of balcony size and screening to improve sightlines of residents over the top of Owen Street dwellings, and the retention of the mature Pohutukawa tree (see Figure 11, above).

Overall, the proposal will have a minor effect on the privacy of residences to the east and south-east of the Site and less than minor effect on properties to the south of the site. There is no privacy effect to the west or north of the Site.
5.2.4 OPEN SPACE
The proposed development does not comply with the District Plan standard of ground level open space per unit of 35 m² per unit (with a minimum dimension 3 metres). As shown on Archaus Plan 02.02, 485m² of ground level open space is provided in the proposed development. This gives an open space quota for the new 39 new units of 12.4m², which is below the required Standard. Although, an additional 3m², or more, of non-ground level open space is provided by the individual balconies. The development site is also within 140m walk to a park at the northern end of Owen Street or a 350m walk to the Mt Victoria Reserve at the end of Daniell Street and at the end of Mein Street. The residents also have the option of a 400 metre walk to the Newtown commercial area/ business centre (along Riddiford Street). Therefore, the overall effect of the lack of provision of ground level open space is less than minor on the residents.

5.2.5 PROPOSED CAFÉ
The proposed development includes the construction and operation of a café that will service apartment residents as well as the hospice patients, staff and visitors.

The café will provide a high amenity area (including a landscaped outdoor area) to the residents and visitors and Hospice staff. As shown on Archaus Plan 02.02, the proposed café is to be located on the second-floor and is centralised in the development; with existing Hospice buildings to the west and south, and the multi-unit development to the east. Given the proposed location of the new café, which will be surrounded by existing Hospice buildings and the proposed development, there will be no effect on the Owen Street neighbours or the streetscape environment.

5.3 EFFECTS ON STREETSCAPE HERITAGE AND CHARACTER
The proposed development will result in the alterations and partial demolition of lean-to’s to the rear of two existing dwellings that are understood to have been constructed prior to 1930. The District Plan focuses on buildings constructed prior to 1930 because of the character and ‘sense of place’ that they lend to central Wellington City as a whole. Further to this, new multi-unit development can significantly alter townscape character, particularly where smaller sites are amalgamated and established development patterns are changed. The proposed development will alter the rear of existing pre-1930 buildings, however, this will not affect the primary elevations which contribute to the streetscape and heritage values. The retention and refurbishment of the existing dwellings at 58 – 62 Mein Street is a positive effect from an urban design perspective.

The proposed development is located on a rear Site and is separated from both Mein Street and Owen Street by a line of residential houses. These residential houses are currently in a modified state from their original form. As part of this proposed development, the three pre-1930’s buildings that are present on the Site are being renovated to restore their initial heritage value. All partial demolition of these houses is restricted to the rear of the houses and consists of removing the post-construction additions. No alterations will be made to the front of these houses. The retention and refurbishment of the existing dwellings at 58 – 62 Mein Street is positive from an urban design perspective. These renovations will also mitigate the effect on streetscape character associated with the bulk and height of the multi-unit development.
The attached figures from (see Figures 12 - 15 [below] and Archaus Plans 04.00 & 04.01) show that the proposed development will have a less than minor visible effect on streetscape character, especially when considered in relation to other bulky and dominant buildings in the immediate vicinity of the proposed development Site. Solar panels have been removed from earlier designs of the proposed apartment building in order to avoid adverse effects on streetscape and character.

Figure 12: Street view of the proposed development from Owen Street. Also refer to Photos 4 & 6.

Figure 13: Street view of the proposed development from the corner of Owen Street and Mein Street. Also refer to Photo 7.
5.4 EFFECTS ON TRAFFIC AND PARKING

This application document should be read in conjunction with the report from Traffic Concepts Limited, dated December 2016 (Appendix 6). This report discusses the effects and mitigation of traffic effects on the Site and therefore is not discussed in greater detail here.

A development that provides 39 new apartments will require 49 new car parks to meet the District Plan Standard for parking spaces (1 space per apartment and 1 visitor space per 4 apartments). The Proposal provides 26 on-site carparks for the apartment residents and their visitors. The existing resource consents for the Hospice require a minimum of 29 spaces to be provided. Accordingly, the redeveloped site would require 78 spaces (49 residential/visitors + 29 Hospice staff/visitors) in order to comply with the District Plan and existing consents. However, it is proposed to only include 26 carparks for the residential...
development. Census data that is presented in the Traffic Concepts report shows that the parking demand across the Site is expected to be considerably less than that of the District Plan requirements. Visitor parking will be accommodated on-site.

Any potential adverse effects on parking are further mitigated by the provision of frequent and reliable public transport within 400 metres of the Site; this translates to approximately 3 - 5 minutes of walking at an average pace. Therefore, the effect of car parking in the proposed development will be less than minor on the Hospice and on the wider community.

Based on the census data, and the provision of public transport, the supply of on-site parking is expected to meet the day to day demands of the new residential development with a minor impact on other road users in the surrounding area.

Figure 16: Proposed car parking on the site.

Reconfiguration of the Mein Street car parking area was included in an earlier iteration of the proposed development. However, following consultation with the neighbouring landowners and discussions with the Council, this reconfiguration has been removed from the proposal in order to avoid any potential adverse effects on the surrounding residential environment. There will be no changes to the site access arrangements for the site. Residents will primarily use the Owen Street driveway access as this will provide direct access to the parking closest to the new development. Two-way access is important to provide for the health and safety of Mary Potter staff and residents of the proposed building, given the quantity of car parks available on Site (62 car parks).

Loading and servicing of the proposed café can be safely and efficiently accommodated on-site. Rubbish and recycling will be collected and serviced on-site in the space adjacent to the loading dock ramp and in-between the columns of the existing Hospice (Archaus Plans 01.05 and 02.00 [excerpt above as Figure 16]). This will allow safe and efficient vehicle movement on the site, and therefore the effects of apartment refuge and servicing will be less than minor on Owen Street.

The Traffic Concepts report concludes that the parking demand across the site is expected to meet the requirements of the residents for the new residential building with less than minor changes to the parking on the adjoining road network. Overall, the proposed
development can be accommodated within the surrounding road environment with no more than minor impacts on road users.

5.5 EFFECTS OF EARTHWORKS

The proposed activity includes earthworks. The proposed earthworks will disturb an area of approximately 587m² and remove a volume of 1354m³ and involve cuts ranging from 1.75m – 7.05 metres in height. The proposed earthworks do not comply with the District Plan permitted activity standards relating to cut height of 1.5 metres and area to be cut exceeding 250m² (30.1.1.1(a)(i) and (iv) respectively). Therefore, the works are a Restricted Discretionary Activity. The Site is not a listed as contaminated land in Greater Wellington Regional Council’s Selected Land Use Register (SLUR) database.

A draft Construction Management Plan (CMP) has been prepared (See Appendix 7) to manage construction related effects on neighbourhood amenity, noise, dust and public health and safety. The CMP includes methods to avoid or mitigate these effects, including:

- Erosion and sediment control to prevent sediment from entering stormwater and minimising the transportation of sediment off site.
- Procedures and restrictions to regulate noise and dust emission from the operations on site during construction.
- A loading zone will be located for the duration of the construction on the private access road adjacent the site in spaces currently occupied by parking bays.
- The 'site' compound will have sufficient space for site storage and cabins.
- The scaffolding to the perimeter of the building on all sides will be covered by mesh ‘scrim’ to avoid hazards to the public from falling debris.
- All boundaries of the site will be fenced with a minimum 1.8 metre high temporary protection to ensure that there is no unauthorised access by the public on to the site.
- A site hazard board with the main contractors details and contact name and number, will be displayed at all times on the Owen Street side of the site hoarding, adjacent to the main site entrance.
- A full complaints procedure will be listed adjacent the hazard board in full public view and adjacent to the main entrance.

Other than during the delivery of goods to the site and during vehicle movements to and from the site, the public will not be affected outside the site boundary during the construction. The neighbours adjacent to and directly affected by the works on the site will be notified by the contractor of the impending works, prior to commencement of those works. Further detail is provided in the draft Construction Management Plan (Appendix 7).

During construction, the earthworks will be visible from 24 and 34 Owen Street. However, given the short duration of the construction works the existing fencing and vegetation, any effects are considered to be less than minor. All earthworks will either be covered by the footprint of the final development, or rehabilitated following the completion of construction. In addition, the CMP addresses methods to control sediment in order to prevent it entering stormwater. The proposed earthworks will also have a less than minor effect on water quality and neighbourhood visual amenity given the isolated location of the earthworks in relation to public spaces and roads.
Wellington Water Ltd modelling data indicates that the south-west corner of the Site (adjoining 36 and 38 Owen Street) forms a secondary overland flow path for stormwater. No earthworks will be conducted in this part of the Site. No flooding hazard is identified for the remainder of the Site. A 5,000 litre (5 m$^3$) and a 10,000L (10 m$^3$) stormwater attenuation tank are being installed as part of the proposal and this will mitigate any effect of stormwater and flooding. The Site is also not located near a watercourse or coastal marine area. There is no effect of earthworks on flooding.

The Council has discretion over the transport of material over 200m$^3$. Considering that approximately 1354m$^3$ of material will be transported off-site, the Construction Management Plan will address the safe and efficient procedures for the transport of this material (pursuant to ss30.2.1.1(vi) in the District Plan).

Given that the effects will be temporary, and mitigated by the methods in the CMP, the earthworks and construction required for the development will be less than minor.

5.6 EFFECTS ON STORMWATER

This application document should be read in conjunction with the report from Spencer Holmes Limited, dated June 2016 (Appendix 8). This report discusses the effects and mitigation of stormwater on the Site and therefore is not discussed in detail here. It is proposed that the increase in stormwater runoff from the will be mitigated by the installation of stormwater attenuation tanks on the site in order to create stormwater neutrality for the site. The attenuation tanks would discharge water at the same or lesser rate than the existing surface water run-off rates, however for a longer period of time. The tank near Mein Street will have a 5,000L (5m$^3$) capacity and the tank near Owen Street will have a 10,000L (10m$^3$) capacity. This effectively reduces the peak rate from the Site, and enables the public stormwater network to convey the stormwater over a longer period when the system has suitable capacity.

Attenuation runoff designed not to exceed the existing stormwater discharge from the Site will ensure the downstream stormwater network from the Site is alleviated to lesser runoff flows than existed prior to the proposed development, meeting the Wellington Water requirement for stormwater “neutrality”. Overall, the Spencer Holmes report concludes that the effects of the proposal on stormwater will be less than minor on the environmental and surrounding properties.

5.7 SUMMARY

The main effects of the Proposal are shading, privacy and visual dominance on the adjacent properties. The Proposal is likely to have a minor shading effect on the Owen Street properties to the south of the Site in the afternoons during winter but have no shading effect in summer and the equinoxes when compared to the anticipated development. The Proposal is likely to have a minor shading effect on the Owen Street properties to the east of the Site in the afternoons during summer but have a less than minor effect during the equinoxes and no shading effect in winter. The Proposal is likely to have a minor shading effect on properties on the other side of Owen Street during the equinoxes but no shading effect during the summer and winter solstice. There are no shading effects to the north or west of the Site.

Likewise, privacy effects are minor to the east of the site and less than minor to the south of the Site. These effects of the revised Proposal are likely to be significantly less than the
Preferably, proposed building, due to the new design and layout of the building which more accurately follows the natural fall of the land.

Following pre-application consultation with neighbouring landowners, the Applicant has significantly reduced the bulk and dominance of the proposed building to avoid and remedy adverse effects on Owen Street landowners. Bulk and dominance of the Proposal is also significantly less than the existing Mary Potter Hospice building and will have a minor effect on residents to the east of the Site. The effect of the proposed development on streetscape and character will be less than minor considering the design of the building and the retention of a visually prominent tree and restoration and renovation of older buildings on Mein Street.

Stormwater generation and flow rates on the Site will be mitigated and neutralised through the use of two detention tanks; there will be no effect on stormwater contamination or discharge.

The Proposal will supply 39 new residential units and 5 renovated stand-alone properties to the Wellington inner residential area that will promote affordable and sustainable housing; this is a significant positive effect of the Proposal.
6. STATUTORY ASSESSMENT

This section describes the Special Housing legislation applicable to the proposal. A description of the proposal can be found in Section 3 of this report, and an assessment of any potential or actual effects in Section 5.

6.1 SECTION 34 OF HASHAA

Section 34(1) of the Housing Accord and Special Housing Areas Act 2013 states that:

An authorised agency, when considering an application for a resource consent under HASHAA, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:

a) The purpose of this Act [HASHAA]
c) Any relevant proposed plan
d) The other matters that would arise for consideration under –
   i. sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:
   ii. any other relevant enactment:

Below, an assessment of the proposed activities against section 34(1) is provided. There is no relevant proposed plan, however, the relevant statutory context is the Wellington District Plan (the Plan) and any relevant Plan changes.

6.1.1 HASHAA SECTION 34(1)(a) – PURPOSE OF HASHAA

The purpose of the HASHAA is to “enhance housing affordability by facilitating an increase in land and housing supply” in certain regions or districts that are “identified as having housing supply and affordability issues”; Schedule 1 of the Act identifies Wellington City as such a district.

The proposal facilitates the supply of 39 new residential units on the Site. This will address an increased demand for affordable housing in Wellington City. This development is designed for the public housing market, therefore, it will address housing affordability and supply.

The primary purpose of the proposed development is residential use. The building height is 16.2 metres with 5 storeys (HASHAA maximum calculated height is 27 metres and 6 storeys) and will contain 39 residential units (the Housing Accords and Special Housing Areas (Wellington—New December 2015 Areas) Order 2015 prescribes the minimum number of dwellings as 2). There are no other prescribed criteria in the HASHAA (Wellington – New December 2015 Areas) Order 2015 (Appendix 3). Therefore, the proposed multi-unit development is a qualifying development under section 14 of HASHAA.
Given that the Proposal will facilitate an increase of housing supply in Wellington, the purpose of the HASHAA under section 34(1)(a) is met.

6.1.2 HASHAA SECTION 34(1)(b) - PART II OF THE RMA
There are no matters of national importance associated with this proposal. In terms of section 6, of the RMA, the proposal is not inconsistent with any matters of national importance, including the protection of historic heritage from inappropriate subdivision, use, and development (s6(e)) because the pre-1930’s dwellings on Mein Street are being refurbished as part of the development.

In terms of section 7 of the RMA, the proposed development represents an efficient use and development of natural and physical resources (s7(b)) by intensifying residential use within an existing urban area (as opposed to urban sprawl). The proposal maintains amenity values in terms of s7(c) of the RMA by developing a multi-unit development based on good urban design principles.

In terms of section 8 of the RMA, the proposal is not inconsistent with any of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

With regard to section 5 of the RMA, the proposal represents the use, development and protection of natural and physical resources in a way that enables people and communities of Wellington City to provide for their social and economic well-being. The potential of natural and physical resources to meet the reasonably foreseeable needs of future generations is sustained, the life-supporting capacity of air, water, soil and ecosystems is safeguarded, and any adverse effects on the environment are avoided, remedied or mitigated, as outlined in section 5 of this report.

On this basis, it is considered that Part II of the Resource Management Act 1991, under section 34(1)(b) of HASHAA is met.

6.1.3 HASHAA SECTION 34(1)(c) – PROPOSED PLANS
There are no relevant proposed plans.

6.1.4 HASHAA SECTION 34(1)(d) – SECTIONS 104 – 104F OF THE RMA
Section 104 of the Resource Management Act 1991 states that

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and
(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

RMA Section 104(1)(a) - Actual and potential effects are assessed in Section 5 of this report. In summary the actual and potential adverse effects relate to:

- Shading of neighbouring dwellings on the east and south-east boundaries as a result of a breach of the permitted height limit.
- Potential privacy impacts of neighbouring dwellings on the east and south-east boundaries as a result of a breach of the permitted height limit and balconies.
- Potential impact on visual and residential amenity values.
- Under supply of carparking for residential development.

Mitigation measures have been provided to avoid, minimise and mitigate these potential and actual effects including reducing the height and bulk of the initial building design, providing off-street parking for both bicycles and vehicles, and ensuring that the design of the building provides an aesthetically pleasing outlook for residents while reducing sight lines. Mitigation measures are discussed in more detail in the assessment of effects (Section 5).

The Proposal will provide a social benefit to the Wellington District through the provision of housing affordability and choice, which is consistent with the sustainable management purpose of the Resource Management Act, the housing supply and affordability purpose of the Special Housing Areas Act and the Residential Objectives of the Wellington District Plan.

RMA Section 104(1)(b) relevant provisions

i. There are no national environmental standards that are considered relevant to this application;
ii. There are no other regulations that are considered relevant to this application;
iii. There is one national policy statement that is considered relevant to this application, The National Policy Statement on Urban Development Capacity 2016;
iv. The New Zealand Coastal Policy Statement is not considered relevant to this application;
v. The proposal is consistent with the general guidance of the Wellington Regional Policy Statement (see Table 3 below);
vi. The operative Wellington District Plan is relevant to this proposal and is discussed below. Overall, the proposed activities are consistent with the supply of affordable housing and protection of historical and amenity values in the Inner Residential area.

NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT CAPACITY 2016


The NPS-UDC sets out objectives and policies regarding:

- Outcomes for planning decisions OA1 – OA4 and PA1-PA4
- Evidence and monitoring to support planning decisions OB1 and PB1 – PB7
- Responsive planning OC1 – OC2 and PC1 – PC14
- Coordinated planning evidence and decision-making OD1 – OD2 and PD1 – PD4

The objective and policies relating the Outcomes for planning decisions are particularly relevant to this proposal in regard to the provision of sufficient opportunities development
and provision of a range of choices in dwelling types. It is considered that this proposal is consistent with the objectives and policies of the NPS-UDC.

WELLINGTON REGIONAL POLICY STATEMENT

The Wellington Regional Policy Statement (RPS) became operative on 24 April 2013. The following analyses the relevant objectives and policies of the Wellington RPS, shown below in Table 3.

<table>
<thead>
<tr>
<th>WELLINGTON REGIONAL POLICY STATEMENT</th>
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<tr>
<td><strong>Objectives</strong></td>
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<tr>
<td>Objective 12: The quantity and quality of freshwater meet the range of users, safeguard water bodies and allow for future growth</td>
</tr>
<tr>
<td>Objective 15: Historical heritage is identified and protected from inappropriate modification, use and development.</td>
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<td>Objective 22: A compact, well designed and sustainable regional form.</td>
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WELLINGTON DISTRICT PLAN OBJECTIVES AND POLICIES

The Wellington District Plan became operative on 27 July 2000 and is the relevant Plan to this proposal and provides the following rule framework. Plan Change 72 (residential review) became operative on 19 November 2014 and amended Chapters 3, 4 & 5, the Residential Design Guide and Planning Maps 1 – 34. The Wellington District Plan used for this analysis is dated 5 October 2015 and therefore has incorporated Plan Change 72 and no further analysis of the Plan Change is required.
The relevant objectives and policies of the Wellington District Plan are present in Table 4, below.

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>POLICY</th>
<th>PROPOSAL</th>
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| 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  
Policy 4.2.1.5: Enable residential intensification within the Inner and Outer Residential Areas provided that it does not detract from the character and amenity of the neighbourhood in which it is located  
Policy 4.2.1.6: Encourage the retention and adaptive re-use of existing houses in the Inner and Outer Residential Areas | The proposed development will allow for consolidation and intensification of the inner residential area while employing modern design techniques to provide character and maintain amenity values. The proposal is consistent with Objective 4.2.1. |
| Objective 4.2.2: To recognise and enhance those characteristics, features and areas of the Residential Area that contribute positively to the City’s distinctive physical character and sense of place. | Policy 4.2.2.1: Maintain the character of Wellington’s inner city suburbs.                                                                                                      | The refurbishment of pre 1930’s houses on Mein Street will increase character and amenity to the neighbourhood and contribute to the City’s sense of place. The proposal is consistent with Objective 4.2.2. |
| 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.  
Policy 4.2.3.7: Encourage the retention of mature, visually prominent trees and bush in association with Site redevelopment | Given that the Site is in the Inner Residential Area and shares a boundary with the Institutional Precinct Area (which is characterised by large, bulky buildings with intensive use), the proposed development is of a character and scale that is appropriate. The proposed development represents a transitional area between the residential dwellings of east Newtown and the dominant buildings of the Wellington Hospital area and the Newtown commercial area/ business centre.  
A mature and visually prominent Pohutukawa tree is being retained on the development Site to provide |
## WELLINGTON DISTRICT PLAN OBJECTIVES AND POLICIES

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<th>OBJECTIVE</th>
<th>POLICY</th>
<th>PROPOSAL</th>
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<tr>
<td>Objective 4.2.4: Ensure that all residential properties have access to reasonable levels of residential amenity.</td>
<td>Policy 4.2.4.1: Manage adverse effects on residential amenity values by ensuring that the siting, scale and intensity of new residential development is compatible with surrounding development patterns. Policy 4.2.4.2: Manage the design and layout of new infill and multi-unit developments to ensure that they provide high quality living environments and avoid or mitigate any adverse effects on neighbouring properties. Policy 4.2.4.4 Ensure that new residential developments recognise and provide for the health and safety of people.</td>
<td>The proposed development has been sited back from the boundary with the Owen Street properties (#22-28) and privacy effects on neighbours is being avoided through the design of the development and mitigated with the use of screening and landscaping. The proposed development has been designed in a way to ensure the health and safety of people including links to open spaces, town centres, public transport and facilities and secure home units. The proposal is consistent with Objective 4.2.4.</td>
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<tr>
<td>Objective 4.2.5: To encourage the energy efficiency and sustainability of buildings and subdivisions in Residential Areas</td>
<td>Policy 4.2.5.1: To promote a sustainable built environment in the Residential Area.</td>
<td>The development will neutralise all stormwater through the use of storage buffer tanks. The proposal is consistent with Objective 4.2.5.</td>
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<td>Objective 4.2.7: To facilitate a range of activities within Residential Areas provided that adverse effects are suitably avoided, remedied or mitigated, and amenity values are maintained or enhanced.</td>
<td>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.</td>
<td>Given the residential nature of the development there are no anticipated effects (including noise) beyond what is expected in an inner residential zone and within such a distance to the Wellington Hospital. The café in the proposed development is a non-residential activity. The café is located on the Site in a way that character and amenity values are provided for and there will be no adverse effects on neighbours or the</td>
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<td>OBJECTIVE</td>
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<td>Policy 4.2.7.4 Ensure that non-residential activities in Residential Areas do not compromise the role and function of centres.</td>
<td>environment.</td>
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<td>Objective 4.2.8 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.</td>
<td>Policy 4.2.8.3 Encourage retention of existing vegetation, especially established trees and existing native vegetation.</td>
<td>Existing native vegetation, including an established Pohutukawa tree, is being retained on Site. Proposed landscaping will provide an enhancement of natural features.</td>
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<td>Objective 4.2.12: To enable efficient, convenient and safe access for people and goods within Residential Areas.</td>
<td>Policy 4.2.12.1: Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions. Policy 4.2.12.4: Require appropriate parking, loading and site access for activities in Residential Areas.</td>
<td>The proposal does not comply with the parking requirements of the District Plan (DP), however the parking provided is considered consistent with Objective 4.2.12 as it will meet the demands of the multi-unit development. The proposed development is within comfortable walking distance of public transport infrastructure and will support cycle and foot traffic. Loading and site access complies with the District Plan Standards.</td>
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<tr>
<td>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.</td>
<td>Policy 29.2.1.2: Provide for minor earthworks to allow the use and development of land where the risk of instability is minimal. Policy 29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability. Policy 29.2.1.4 Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work. 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</td>
<td>A construction management Plan will be developed, which will include an erosion and sediment control Plan for the earthworks on this Site. Earthworks will be designed to manage the movement of sediment and dust, avoid contamination and operate in a safe manner. Effects visual amenity and noise caused by earthworks will only be in place during the construction phase. The final situation will include landscaping and will not have any effect on neighbourhood</td>
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WELLINGTON DISTRICT PLAN OBJECTIVES AND POLICIES

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<th>OBJECTIVE</th>
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<td>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.</td>
<td>amenity, dust or noise.</td>
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RMA Section 104(1)(c) other matters – Wellington City Housing Accord

The purpose of the Wellington City Housing Accord is:

To help Wellingtonians with their current housing issues and to lay foundations for a thriving housing market to complement the City’s economic growth objectives by increasing the supply of housing and improving housing affordability.

The proposal will increase the supply of affordable housing in Wellington City. These units are compact, affordable homes that will be available at different price points. For this reason, the Application is consistent with the Wellington City Housing Accord.

Section 104D Non-complying activities – For an application for resource consent under the RMA a non-complying activity is considered with respect to Section 104D.

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

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

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

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

An analysis of the relevant objectives and policies of the Wellington District Plan are presented above in Table 4, above. The proposed development will allow for consolidation and intensification of the inner residential area while employing modern design techniques to provide character and maintain amenity values. Given that the Site is in the inner residential area and shares a boundary with the institutional precinct area (which is characterised by large, bulky buildings with intensive use), the proposed development is of a character and scale that is considered appropriate. The proposed development represents a transitional area between the residential dwellings of east Newtown and the dominant buildings of the Wellington Hospital area and the Newtown commercial area/business centre. Sufficient car parking is proposed to meet the residential demand and the proposed development is within comfortable walking distance of public transport infrastructure and will support cycle and foot traffic. Existing native vegetation (including an established Pohutukawa tree) is being
retained on-site; the proposed landscaping will provide an enhancement of natural features and mitigate effects on amenity. For the reasons identified above, it is considered that, the adverse effects of the activity will be minor and that the proposal is not be contrary to the relevant objectives and policies.

6.1.5 HASHAA SECTION 34(1)(e) – NZ URBAN DESIGN PROTOCOL (2005)

The New Zealand Urban Design Protocol (2005) (Urban Design Protocol) identifies seven essential design qualities that together create quality urban design, being:

- Context – Seeing buildings, places, and spaces as part of whole towns and cities;
- Character – Reflecting and enhancing the distinctive character, heritage and identity of our urban environment;
- Choice – Ensuring diversity and choice for people;
- Connections – Enhancing how different networks link together for people;
- Creativity – Encouraging innovative and imaginative solutions;
- Custodianship – Ensuring design is environmentally sustainable, safe and healthy; and
- Collaboration – Communications and sharing knowledge across sectors, professions and with communities.

An assessment against the MfE Urban Design Protocol is included in the Mary Potter Hospice Urban Design Statement from Archaus Architects (Appendix 5), and should be read in conjunction with this report. The Urban Design Statement concludes that the design process for this project has been robust and well thought out; making thorough use of the Urban design principals as set out in the 'New Zealand Urban Design Protocol' as a basis for the design. From an urban design perspective the proposal addresses the social and contextual aspects of urban design through a collaborative and inclusive approach to architecture.

6.1.6 HASHAA SECTION 34 (2) & (3)

(2) An authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.

(3) For the purposes of subsection (2), in order to be satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development, the matters that the authorised agency must take into account, without limitation, are—

(a) compatibility of infrastructure proposed as part of the qualifying development with existing infrastructure; and

(b) compliance of the proposed infrastructure with relevant standards for infrastructure published by relevant local authorities and infrastructure companies; and

(c) the capacity for the infrastructure proposed as part of the qualifying development and any existing infrastructure to support that development.
Wellington Water has been consulted in the pre-application process of this application, and the design of this system has incorporated the feedback that was received from Wellington Water. A 5,000 litre (5 m$^3$) and a 10,000L (10 m$^3$) stormwater attenuation tank have been incorporated into the design for the purpose of buffering stormwater flows and achieving stormwater neutrality on the Site. During the pre-application process, Wellington Water also indicated that a single-sized wastewater connection to sewer mains is acceptable for a unit-title development. Although unit-titling is not part of this proposal. Therefore, it is considered that the infrastructure associated with the proposed development is compatible and compliance with sufficient capacity to service the multi-unit development both efficiently and safely.
7. CONSULTATION

7.1 PRE-APPLICATION MEETINGS
Pre-application meetings were held between the Applicant, and its consultants, and the Wellington City Council on 2 March 2016, 26 April 2016 and 16 May 2016. Wellington City Council staff attended a site visit on 27 May 2016.

7.2 AFFECTED PARTIES AND WRITTEN APPROVAL

7.2.1 SECTION 29(3)(a) OWNERS OF ADJACENT LAND
Adjacent land is not defined in HASHAA. Therefore, case law from the RMA was relied upon in identifying adjacent land owners. A number of neighbouring properties owners were consulted. These properties were identified as potentially affected following completion of the shading diagram analysis which indicated some shading effects from the proposed apartment building. The identified properties and owners are;

- 22 Owen Street, Peter Leslie and John Grigg;
- 24 Owen Street, Brian McKeown;
- 26 Owen Street (semi-detached), Joycelyn Raffills (née Foo);
- 28 Owen Street (semi-detached), James Rogers and Janine Rogers;
- 29 Owen Street, Sepp Sumtinger;
- 34 Owen Street, Alex and Nick Granville;
- 36 Owen Street, Neil Thornton and Stephen Pool and
- 38 Owen Street, Kent Chow and Georgina Chan.

Initial consultation took place between 26 July to 27 August 2016 and a detailed summary of the consultation undertaken can be found in Appendix 10 (Sheet 1). The consultation consisted primarily of individual meetings with the land owners. Two owners advised that they were not willing to meet. Following the initial round of consultation, a public meeting, arranged by elected representatives took place on 28 August 2016 in the Newtown Community Hall. The key concerns of residents’ summarised under the following headings:

1) Building bulk and height
2) Effects of shading
3) Effects of privacy
4) Parking
5) Building appearance and urban design
6) Impact on property values
7) Construction noise
8) Tenant Management
9) Demolishing the pre-1930 houses on the northern side of the site create more space on the site and allow for the proposed apartment block to be lower and less visible.

It is considered that many of these concerns were already addressed in the application, such as the effects on privacy, parking and construction noise. The table indicates which issues the applicant considered unable to change and for what the reasons. As a result of the

3 Ports of Auckland Limited v Auckland City Council HC Auckland, M2020/97, 31 August 1999, Williams J, at 44
consultation, the Applicant has addressed the residents’ concerns and improved the design as follows;

1) Revised to building design and layout from the plans that were consulted with to the final plans that form part of this application to reduce the height, bulk and dominance of the proposed building and to ensure the residents’ concerns are addressed.

2) Landscaping by placing more planting on the southern boundary of the site between the apartment building and No. 34 Owen Street. As well as new fencing and greening between the proposed apartment building and the properties to the east (Numbers 22-24 Owen Street).

3) Changed the colour of the proposed apartment building on the southern side of the development to terracotta, resulting in an improved the building appearance.

Following the initial consultation from late July to late August and the public meeting in late August, the Applicant revised the design and layout of the proposed building in order to address the concerns and needs of the adjacent landowners and the wider community. This process resulted in an updated building design with significantly reduced effects on the environment, especially in regard to shading and design. The Applicant then invited the adjacent land owners to a meeting at the main Hospice building on 21 September 2016 to present the new building design to the neighbours, receive feedback and make any further changes. Three of the potentially affected land owners attended the meeting (see notes of this meeting in Appendix 10) and the Newtown Residents’ Association also attended. In summary the outcome of this meeting can be described as follows;

- One of the residents indicated that they appreciated that the Applicant had revised the design.
- Overall the residents were still of the opinion that the proposed apartments are still too big and are still causing effects that are unacceptable to them.
- The Newtown Residents’ Association (Mr Martin Hanley) were trying to determine where the residents might see compromise, by suggesting a building of three storeys. Residents did not give a confident indication that they would accept such a significant reduction to the building height.
- It was concluded that should any further consultation take place it will be initially through the residents’ Resource Management Planner (Lindsay Daysh).

A meeting was conducted with the residents’ Resource Management Planner (Lindsay Daysh, Director of Incite Ltd) on 5 October 2016 to present the revised apartment design that was submitted to the 21 September meeting and receive feedback.

No written approvals were obtained from any of the adjacent landowners consulted.

7.2.2 SECTION 29(3)(b) LOCAL AUTHORITIES

There are no other Local Authorities that are considered as affected parties.

7.2.3 SECTION 29(3)(c) INFRASTRUCTURE PROVIDER

There are no Infrastructure Providers that are considered as affected parties. Wellington Water was consulted and provided input to the proposal through the pre-application process.
7.2.4 SECTION 29(3)(d) REQUIRING AUTHORITY FOR A DESIGNATION

There are no requiring authorities that are considered as affected parties, as there are no designations over the Site or adjacent land.
8. CONCLUSION

This application is being made under Section 25 of the HASHAA for resource consent to construct 39 residential units in a multi-unit development at 48 Mein Street, Newtown (the Site) including a café, provide on-site car parking, and provide a further 6 higher quality units through the renovation of existing residential units at 58, 60 and 62 Mein Street.

The application details the description of the proposal, the key consent requirements, details an assessment of the effects of the overall development, addresses the statutory considerations and details the consultation undertaken.

For the reasons set out in this application, it is considered that the environmental effects from this application are acceptable in terms of HASHAA. As such, the application satisfies the statutory tests of HASHAA and consent should be granted.