

REVISED (26 JULY 2019)

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

1 INTRODUCTION

1.1 BACKGROUND

In November 2018 **Southern Cross Hospitals Ltd** (the "Applicant") applied for resource consent for a new building on the existing Southern Cross Hospital 'campus' at 90-114 Hanson Street. The application was publicly notified on 22 November 2018. Following public notification of the application a total of ten submissions were lodged, generally in opposition to the proposal.

On 19 March 2019 the Council released its "Section 42A Report on a Notified Resource Consent" as the first step in preparation for the hearing of the application.

The s42A Report recommended that consent not be granted principally on urban design (streetscape) and residential amenity (building bulk and dominance and shading) grounds.

Following a review of the s42A Report, the Applicant requested the Council to defer the scheduled hearing to enable a review of the proposal, with a view to addressing the concerns raised in the s42A Report.

As part of its review, the Applicant consulted with the submitters and other residents and meetings were held on 1 and 15 May 2019. The focus of the first meeting was on understanding the submitter's concerns. Prior to the second meeting, drawings of a revised proposal were circulated for discussion.

Following the 15 May 2019 meeting the Applicant sought advice from the Council regarding the process to progress the revised proposal to a hearing.

Subsequently, a Minute was issued by the Independent Commissioner (refer **Appendix 1**) advising, inter alia, that the revised proposal remained within scope, and requiring that:

"... the Applicant now provides plans and supporting documentation including a full Assessment of Environmental Effects of the revised proposal to the Council".

This revised assessment of environmental effects (AEE), plus Appendices, has been prepared in response to the Independent Commissioner's request.

1.2 REPORT STRUCTURE

After this introduction, the report provides the following information:

- Section 2 provides a description of the application site and the revised proposal.

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

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

1.3 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

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

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

This AEE has been prepared in response to this requirement.

1.4 SCOPE OF ASSESSMENT OF ENVIRONMENTAL EFFECTS

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

1.4.1 Clause 6 - Information Required

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

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

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

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

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

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

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

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

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

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

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

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

This matter is addressed in Section 4 of the AEE.

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

No on-going monitoring is considered necessary.

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

Not applicable. No protected customary rights will be affected.

1.4.2 Clause 7 - Matters to be Addressed

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

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

This matter is addressed in Section 5 of the AEE.

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

This matter is addressed in Section 5 of the AEE in relation to streetscape, visual amenity and landscape effects.

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

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

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

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

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

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

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

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

2 SITE AND PROPOSAL

2.1 SITE

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

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

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

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

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

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



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

2.2 PROPOSAL

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

The lower level provides car parking (27 spaces) and the upper level will be occupied as consulting rooms. There are 40 car park spaces at ground level.

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

Further detail is provided in the Architectural Statement - refer **Appendix 2**.

Enhanced landscaping is proposed, including the retention of the majority of the Totara trees on the street frontage. The existing Phoenix Palm trees will be removed. The existing elevated 'green mound' and open space at the south-end of the site is retained.

Further detail is provided in the Landscape Architect's Statement and accompanying landscape drawings - refer **Appendix 3**.

Site earthworks will involve levelling the building footprint area, without changing in any measurable way the site's contour.

Further detail on the necessary site works is provided in the Construction Methodology Report prepared by Holmes Consulting - refer **Appendix 4**.

2.3 PLANNING HISTORY

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

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

"... the application does no more than underscore the inappropriateness of the uses permitted under the out-of-date zoning".¹

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

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

2.3.1 Recent Resource Consents

SR 201303

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

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

Cities and suburbs are constantly evolving and the Wellington City District Plan actively encourages the development of Wellington City as a compact city. As a part of this, non-residential activities in residential areas are anticipated and provided for in the District Plan. We have assessed the relevant effects

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

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

associated with the proposal and, taking all evidence and information into account, have judged that these effects will be no more than minor.³

The new radiology facility building was not constructed and the consent lapsed on 21 May 2018.⁴

SR 227340

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

In the Decision Report it was concluded that:

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

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

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

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

2.3.2 Current Revised Proposal

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

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

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

³ Wellington City Council, Notice of Decision, SR 201303, page 61.

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

⁵ Wellington City Council, Notice of Decision, SR 227340, page 41.

3 DISTRICT PLAN PROVISIONS

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

3.0 DISTRICT PLAN MAPS / APPENDICES

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

The site is not subject to any designations.

The site is not included on the Greater Wellington Regional Council's contaminated site (SLUR) register - refer **Appendix 5**.

3.1 DISTRICT PLAN POLICY CONTEXT

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

3.1.1 Residential Area Objectives & Policies

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

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

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

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

Containment and Intensification

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

Policy 4.2.1.1 Encourage consolidation of the established urban area.

Urban Form

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

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

Activities

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

Policy 4.2.7.1 Control the potential adverse effects of residential activities.

Policy 4.2.7.2 Control adverse noise effects within Residential Areas.

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

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

Access

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

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

Tangata Whenua

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

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

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

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

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

3.1.2 Earthworks

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

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

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

Objective 29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

Policy 29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability.

Policy 29.2.1.7 Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.

Policy 29.2.1.10 Ensure the design of structures used to retain or stabilise landslips, reflect the character and visual amenity of the local area.

Policy 29.2.1.11 Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.

Policy 29.2.1.12 Protect koiwi (human remains), taonga, Maori and Non-Maori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.

3.2 DISTRICT PLAN RULES

3.2.1 Residential Area Rules

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

The rule states:

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

Relevant policies for preparing resource consent applications

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

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

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

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

...

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

[emphasis added]

Thus, the two key matters for assessment are:

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

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

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

Relevant policies for preparing resource consent applications

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

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

3.2.2 Earthworks Rules

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

- 30.1.3.1(i) the cut height or fill depth does not exceed 1.5m measured vertically; and
- 30.1.3.1(ii) the cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane; and
- 30.1.3.1(iii) the cut or fill is not on an existing slope angle exceeding 34 degrees, or
- 30.1.3.1(iv) the cut or fill to be retained by a structure or building authorised by a building consent (which is obtained prior to any earthworks commencing);
- 30.1.3.2 the area to be cut and filled does not exceed 250m²; and
- 30.1.3.3 the cut or fill is no closer than 5m to the coastal marine area (except for maintenance of reclamation facings and the maintenance of foundations which support existing equipment and structures in the Operation Port Area and the Port Redevelopment Precinct); and
- 30.1.3.4 there is no visible evidence of settled dust beyond the boundaries of the site.

The necessary site development earthworks will not comply with all of the above conditions (for example the area to be earth-worked exceeds 250m² and cuts will exceed 1.5m). Accordingly, consent will be required under Rule 30.2.1 for a Discretionary Activity (Restricted). The matters over which discretion is restricted are:

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

3.2.3 Contaminated Land Rules

Given the former industrial use of the site, notwithstanding that the site is not listed on the GWRC contaminated (SLUR) register (refer **Appendix 5**), there is the potential for some contaminated material to be encountered during site earthworks.

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

Rule 32.2.1 was introduced into the operative District Plan through DPC 69. The Plan Change introduced a 'standalone' chapter that includes specific contaminated land objectives, policies and rules, including Discretionary Activity (Restricted) status for any use, redevelopment, or subdivision of contaminated and potentially contaminated land.

The objective is:

Objective 31.2.1

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

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

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

3.2.3.1 National Environmental Standard

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

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

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

3.3 DISTRICT PLAN SUMMARY

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

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

Both rules are for a Discretionary Activity (Unrestricted)

In addition, consent is also required for:

- (a) the proposed earthworks under Rule 30.2.1 as a Discretionary Activity (Restricted); and
- (b) as noted above, consent is also sought under Rule 32.2.1 for a Discretionary Activity (Restricted) in relation to the use of potentially contaminated land. ⁶

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

Principal matters for assessment relate to:

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

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

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

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

3.4 PRELIMINARY EVALUATION

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

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

⁶ Consent is also sought under the NES.

Question 9: will the additions to the existing hospital and the expansion of activity on the hospital site result in any adverse effects on values of significance to tangata whenua or other Maori?

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

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

4 CONSULTATION

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

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

4.1 CONSULTATION UNDERTAKEN

Pre Application Meetings

A pre-application meeting was held on 13 December 2017 involving Council planning, traffic and urban design advisors. A copy of the Feedback Notes is attached - refer **Appendix 6**.

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

Iwi Consultation

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

At the time of the previous 2009 and 2011 applications, the Wellington Tenth Trust and Ngati Toa were consulted. In turn, both iwi advised that they had no concerns with the proposals, but (nevertheless) requested an accidental discovery protocol condition be imposed on the consent. Copies of the correspondence with both iwi are attached - refer **Appendix 7**.

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

Consultation with Submitters and Residents

As noted in Section 1 "Background", and following the receipt of the Council's s42A report on the November 2018 publicly notified application, consultation was undertaken with submitters and residents on two occasions at meetings held on 1 and 15 May 2019 (refer **Appendix 8**).

Discussion at the two meetings centred on revised options for the proposed new consulting building, including Option 3 which is now the revised proposal for which consent is sought.

Issues discussed included how the new revised proposal addressed submitter's / resident's concerns in relation to:

- building bulk and dominance, especially at the northern end of the building;
- streetscape generally;
- impact on residential amenities, especially shading, privacy and impact on outlook and views;
- parking and traffic effects associated with vehicle movement to and from the site; and
- fixed plant noise.

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

5 RESOURCE MANAGEMENT ASSESSMENT

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

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

5.1 SECTION 104 OF THE RMA

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

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

Each of these matters is now addressed in turn.

5.1.1 Scope of Assessment of Effects

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

The Applicant accepts that there is no permitted baseline that might warrant potential adverse effects being disregarded under s104(2) of the Act, on the basis that the District Plan permits those effects. Nevertheless, a ‘non-fanciful’ outcome, if residential development was to proceed on the site, would be structures to a height of 9m.

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

5.1.2 Assessment of Positive Effects

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

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

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

5.1.3 Overall Assessment Approach

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

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

5.2 ENVIRONMENTAL EFFECTS OF THE PROPOSAL

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

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

Note: in assessing the nature and degree of the 'environmental effects' associated with the revised proposal, where relevant, reference will be made to conclusions reached in the Council's 19 March 2019 s42A Report.

5.2.1 Streetscape / Urban Design Effects

An urban design (streetscape) assessment of the proposal was undertaken by urban designer Deyana Popova - refer **Appendix 9**.

Ms Popova concludes overall that:

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

The site planning, massing and design of the proposal have been guided by key District Plan requirements and constrained by the existing hospital layout in terms of available land for extension and location of vehicle and pedestrian entrances.

While the form and layout of the new building has been influenced by functional requirements (re number of carparking spaces and floor area needed for the consulting rooms), its design acknowledges the contextual differences around the development site and the scale and character of its residential neighbours.

Overall, I consider that the outcome is acceptable and can be supported on urban design grounds.

5.2.2 Landscape Effects

As part of the process leading to preparing the resource consent application, Southern Cross Hospitals commissioned the Local Landscape Architecture Collective to advise on a recommended landscape concept for the site. The Applicant also sought specialist advice from Arb innovations in relation to the protection of the existing Totara trees on the Hanson Street frontage.

5.2.2.1 Landscape Plans

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

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

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

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

It is our opinion that the landscape design approach outlined above and illustrated on the Local Drawings will help to appropriately integrate the new hospital building into the surrounding neighbourhood context, by facilitating a transition from the urban Hanson Street environment through to the residential villas to the south. Retention of the majority of the existing Totara’s will also minimise the building’s impact, while careful pruning of trees to the southern open space and the addition of other native planting will complement the street’s character and further enhance the pedestrian experience for those passing, or approaching the building.

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

- (a) retention of the majority of the existing ‘street frontage’ Totaras. The Totaras are an important streetscape feature;
- (b) a mix of lower level native planting along the street facing edge to complement the existing Totaras; and
- (c) the retention of the elevated area to the south of the new building which ‘protects’ the residential amenity of the residential villas to the south.

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

To the south east of the new building where its height appears reduced, low planting will continue along the street frontage connecting with the retained green space, offering a transition between the more urban segment of Hanson Street and the residential villas. The existing secluded lawn will be retained, with vegetation along its north and east sides carefully pruned and thinned. Pruning to the north will allow for construction of the new building, while pruning on the east to lift the canopy will allow views into the space, ensuring natural surveillance in line with good CPTED principles.

*Two Pohutukawa trees will be removed and additional planting including Lancewood (*Pseudopanax ferox*), Puka (*Meryta sinclairii*) and two new Pohutukawa trees (*Metrosideros* ‘Maungapiko’) will be planted away from the building, providing additional screening.*

Adjacent to the existing hospital building, planting will be maintained where appropriate and new gardens planted to ensure a soft buffer to the building and positive views from the hospital, larger plants will be positioned carefully to provide privacy where required.

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

5.2.2.2 Totara Tree Protection

In the Council’s 19 March 2019 s42A Report, it was recorded that:

108. *The proposal involves the removal of two Phoenix palm trees along the eastern boundary along with three Golden Totara trees: two close to the street edge in the north-eastern corner of the site (near the northern vehicle entrance) and the other to the north of the Phoenix palm tree. A number of trees near the main entrance will be removed, along with a number of low planting areas around*

the site. The removal of these trees is necessary in order to facilitate the construction of the new building and associated vehicle entry/exit areas.

- 109 *While some established trees are being removed, the applicant has advised that the remaining Golden Totara trees along the site's eastern boundary will be retained and protected. As part of this, the application included an arborist report prepared by Arb Innovations Limited (Arb henceforth) dated 3 September 2018, with its main purpose focused on the existing Golden Totara trees. As recommended by Arb, the substation has since been relocated to an alternate location since this report was prepared; Ms McArthur has acknowledged that this has been addressed (more details on the substation are discussed below). Ms McArthur, as well as a number of submitters, have concerns relating to the protection of the Golden Totara trees that are to be retained.*
110. *Ms McArthur advised that she does have reservations around the protection details for the trees within the narrow planting strip between the proposed building and the footpath, as the strip is approximately 1.9 metres wide and it is likely that the existing tree roots extend into the building construction zone. Additionally, Submitter 10 raised concerns relating to the lack of detail in the arborist report including that the extent of the tree protection zones had not been defined, that there was restricted space between the proposed building and the footpath, the potential construction effects on the long term health of the trees, and the management of the tree's canopies. Ms McArthur has confirmed that she too has similar views about the lack of details in the arborist report relating to the tree protection zone, the location of space between the proposed building and the footpath, and the edge of the proposed building. It is Ms McArthur's expert opinion that the impact of these Golden Totara trees along the eastern boundary will be "significant in helping to maintain street character and reduce visual dominance effects of the building" and that more detailed information is required in order to minimise the impact of construction activities on the health of these trees.*

Further comment was made at paragraph 115 as follows:

115. *I have relied on Ms McArthur's expert advice and, on balance, consider that more detailed information on the existing Golden Totara tree management and protection will need to be provided, that the long term health of these trees will need to be monitored after completion of construction, and that any trees that do not survive (in the short or long term) must be replanted and replaced. Based on the conditions recommended by Ms McArthur (through advice received from Mr Melville) I consider that the effects associated with the existing Golden Totara trees that are to be retained will be acceptable.*

The 3 September 2018 "Arboricultural Assessment" report prepared by Arb Innovations Limited is attached (refer **Appendix 10**). Further to the 3 September 2018 report, a Draft "Tree Protection Plan" has now been prepared (refer **Appendix 11**), which, inter alia, provides:

- specifications for tree protection measure, including establishing a tree protection zone;
- recommendations for site monitoring;
- recommendations for tree pruning; and
- recommendations for aftercare.

With the detail now provided, and given the Ms McArthur recommended consent conditions, the conclusion reached in the s42A report that:

"the effects associated with the existing Golden Totara trees that are to be retained will be acceptable"

Is, in the Applicant's opinion, reasonable.

5.2.3 Traffic Effects

The revised proposal does not in any material way change the proposal in relation to vehicle access to and from the site or the provision of on-site parking.

A comprehensive transportation assessment was previously undertaken by Traffic Design Group (TDG) - now Stantec - to support the previous (proposal). The full report is attached - refer **Appendix 12**.⁷

That assessment concluded that:

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

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

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

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

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

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

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

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

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

In the Applicant's opinion, this conclusion remains valid in relation to the current proposal based on the conclusions reached in the 19 July 2019 Addendum report (refer **Appendix 13**), which are that:

With the decrease in floor area as now proposed (compared to the original application), there will be some reduction in the site traffic generation to that which was set out and described in the TAR, as a result of

⁷ An Addendum dated 20 November 2018, which is also included at Appendix 10, updated some aspects of the April 2018 Report.

some reduced staff and visitor vehicle movements to and from the site, leading to associated benefits on the adjacent network.

The revised on-site parking provision (again, illustrated separately in the fuller development plans), provides an equivalent arrangement as that included in the previous plans, noting that two additional car parks are now provided within the existing rear staff carpark. The vehicle access arrangements off Hanson Street remain unchanged, with compliant pedestrian visibility splays able to be achieved at each of these two driveways, as well as where the internal circulation routes intersect with pedestrian paths.

Overall, and as described above, the revised application plans provide for a slightly reduced quantum of activity at the site as provided for under the original scheme, and an essentially equivalent arrangement as that described in the November 2018 addendum to the TAR. This revised application proposal can therefore continue to be supported from a traffic engineering perspective.

19 March 2019 s42A Report

In the Council's March 2019 s42A report it was recorded that:

133. *While I acknowledge the concerns raised by the submitters, in determining my conclusions I have relied on expert advice of TDG and Mr Rowe. Mr Rowe has confirmed that the proposal is acceptable from a traffic perspective and based on the assessments prepared by TDG and Mr Rowe, and on the conditions volunteered by the applicant (as originally recommended by Mr Rowe), I consider any actual or potential traffic and vehicle access effects will be acceptable.*⁸

For the reasons stated in the 19 July 2019 Addendum prepared by Stantec, the above conclusion, in the opinion of the Applicant, remains valid.

5.2.4 Residential Amenity Effects

In the July 2019 s42A Report recorded that:

32. *The development has the potential to affect the residential amenity of nearby residential properties and on this basis an assessment must be undertaken to determine the scale of effects. Residential amenity includes factors such as shading, privacy, character and bulk and dominance.*⁹

In turn, the s42A report assessed residential amenity under each of these headings. These same headings are now used to assess the effects of the revised proposal.

Firstly, it is noted that the revised proposal was developed to specifically address what were understood to be the principal matters of concern - namely, bulk and dominance and shading

5.2.4.1 Shading

The Applicant commissioned Spencer Holmes to undertake an assessment of the actual shading effects associated with the revised proposal - refer **Appendix 14**.

Note: the use of the word "actual" is deliberate as the sun transit method used to assess shading is both more accurate and more informative than the more commonly used method which relies on shadow drawings showing shading for different times of the day for selected days of the year.

⁸ SR No. 4147490, s42A Report, 19 March 2019, page 32

⁹ SR No. 414740, s42A Report, 19 March 2019, page 17

On the other hand, the sun transit method has the advantage of being able to provide a complete picture of when and for how long shading may occur throughout the entire year.

The matter for assessment is referenced in the explanation to Policy 4.2.7.3:¹⁰

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

Spencer Holmes Shading Assessment

The Spencer Holmes shading assessment is of the building as proposed. Although the Applicant accepts the Council’s position as stated in its 19 March 2019 s42A report, namely that there is no permitted baseline to which regard can be had under s104(2) of the Act, given that resource consent is required for a ‘non-residential’ activity and building, the Spencer Holmes shading assessment does nevertheless refer to the 9m height standard that would apply to a residential development of the site, as this does provide a reference point to assess the scale of shading effects that would likely be associated with a ‘non-fanciful’ residential development of the site.

Turning to the Spencer Holmes assessment, the following key conclusions drawn are:

1. of the nine residential properties that were covered by the assessment (115 to 131 Hanson Street), shading from the proposed building extended onto only five properties (115 to 123 Hanson Street);
2. in relation to the individual properties it was found that:

- 115 Hanson Street: shading will amount to no more than about 10 minutes a day for a week or two either side of the December 23 solstice. It is noted that this shading is attributable to the building volume below 9m

Comment: this degree of shading is assessed as being negligible and not readily detectable.

- 117 Hanson Street: the proposed building will create a small amount of late afternoon shading ranging from 15 minutes at 6.00pm in mid-February through to about 40 minutes over the summer solstice. It is noted that this shading is attributable to the building volume below 9m

Comment: this degree of shading is assessed as being a less than minor effect.

- 119 Hanson Street: shading will range from about 20 minutes at 6.00pm in mid-February through to about 50 minutes at the summer solstice. There will be no change in shading from

¹⁰It is acknowledged that Policy 4.2.4.1 seeks to:

Manage adverse effects on residential amenity values by ensuring that the siting, scale and intensity of new residential development is compatible with surrounding developments.

Although the proposal is for a non-residential activity, it does not seem unreasonable to use the matter for assessment under Policy 4.2.4.1 to assess the ‘acceptability’ of shading of non-residential buildings located in the Residential Area.

This conclusion is supported by the comment in the explanation to Policy 4.2.7.3 which states that when considering applications for non-residential activities within Residential Areas, regard will be had to :

“... whether existing residential amenities are lessened to any significant extent ...”

Thus, the explanation/reference under both policies is to any significant change.

early March through winter to the beginning of October. It is noted that approximately two-thirds of the overall shading is attributable to the building volume below 9m.

Comment: this degree of shading is assessed as being a no more than minor effect.

- 121 Hanson Street: this property will experience late afternoon/evening shading over the summer from early September through to the end of March. The duration of shading will range from approximately 30 minutes in late March up to a maximum of 1 hour 20 minutes during late February and early March. It is noted that at least three-quarters of the overall shading is attributable to the building volume below 9m.

Comment: as depicted in the photograph below, the front yard of the property is a hard surfaced area, principally used for car parking, with a slightly elevated deck behind. The dwelling itself has a significant street facing verandah which would create some shading on the street-facing windows.

From an aerial photograph it is apparent that the main outdoor areas are to the rear of the property.

Given the specifics of the property, it is assessed that the degree of shading from the new building is no more than minor.



PHOTO 2: 121 Hanson Street

- 123 Hanson Street: due principally to its higher elevation above the street, shading on this property is down to about 10 minutes in summer, 30-40 minutes through autumn and spring and about 50 minutes through winter. At least two-thirds of the overall shading is attributable to the building volume below 9m.

Comment: given that this property only has two small windows facing the street, any loss of amenity due to the additional shading is assessed as being less than minor.

In the conclusion to the Spencer Holmes assessment it is recorded that:

Of the neighbouring properties along the eastern side of Hanson Street, Nos 121 and 123 are arguably affected to a greater degree than the others. However, the degree of shading associated with the construction of the proposed building will not result in a significant loss of amenity as those property will continue to receive more than adequate direct sun at other times of the day throughout the year.

Based on the findings of the Spencer Holmes analysis, it is concluded that the shading associated with the proposed building will not result in a “*significant*” loss of sunlight to the residential properties on the opposite side of Hanson Street.

5.2.4.2 Bulk and Dominance

As detailed in the Architect’s Statement, the upper floor of the new building is shifted two ‘bays’ or approximately 17m to the south, and the first floor one bay (8.5m). As a consequence, the building’s height and scale at the northern end, and therefore its perceived ‘bulk and dominance’ on the neighbouring properties, especially those at 115, 117, 119 and 121 Hanson Street, is significantly reduced.

The maximum height relative to ground level at the northern end is reduced to 10.8m, and at a point 17m to the south than previously proposed.

The comment in the March 2019 s42A report that:

“... the proposed building at 12.7m high, will tower over the property at 115 Hanson Street ...”

no longer applies, as from this property the view to the existing hospital buildings remains essentially as it is, given the southward shift of the upper floor of the consulting building by 17m.

At the south end, a very minor intrusion above 9m by the northern of the ‘framed façade elements’ is *de minimis*. Given the elevated nature of the residential properties opposite, the revised proposal will not give rise to unacceptable bulk and dominance effects, including loss of outlook. This conclusion is reached having regard to the potential height of residential development on the site which, in all probability, would be in the form of two or three storey townhouse development similar to that in the photograph below:



PHOTO 3: Rintoul Street, Newtown

In relation to the properties located directly to the south of the application site (116 Hanson Street being the property immediately adjacent) given the separation distance of slightly more than 40m, along with the partial screening provided by the vegetation in the south-eastern corner of the site, any building bulk and dominance effects will be less than minor and therefore will be acceptable.

5.1.1.3 Privacy

In a residential context residential amenity includes privacy and overlooking effects. Although there will be some overlooking of sites opposite from the upper level consulting rooms, these effects will not be significant for the following principal reasons:

- (a) the separation distance which is in the order of 17m; and
- (b) the rear yards of the properties opposite, where the more significant outdoor space(s) are located, are even more distant and 'separated' by the existing dwellings on the respective properties.

In a residential context, the District Plan sets a 2m setback from a boundary as a satisfactory separation to 'protect' privacy and overlooking.¹¹ The proposal achieves a separation distance of at least 8 times the separation distance considered to be acceptable to protect privacy and overlooking in a residential context.

19 March 2019 s42A Report

In the Council's March 2019 s42A report it was recorded that:

"... any privacy and overlooking effects will be acceptable".

The movement of the upper floor 17m to the south will significantly mitigate the potential of any privacy and overlook effects of the residential properties at 115, 117 and 119 Hanson Street, while for the properties to the south of 119 Hanson Street, and notwithstanding the southward shift of the upper floor, any privacy and overlooking effects will continue to be acceptable given the significant separation distance.

5.2.4.4 Summary - Residential Amenity Effects

As a direct consequence of shifting the upper floor 17m to the south (and the first floor 8.5m to the south) the potential for adverse effects on residential amenities is significantly reduced to the point where they are considered to be acceptable given the long-standing use of the site for non-residential (hospital) purposes.

In summary, residential amenity effects for the properties at 115 to 123 Hanson Street and 116 Hanson Street are no more than minor, and for residential properties further to the south of 123 Hanson Street, are less than minor to negligible.

5.2.5 Fixed Plant Noise Effects

With the exception of an extract fan, the additional fixed plant to service the new building is to be located in the existing plant room of the established hospital - and not within the new building or on its roof - refer Marshall Day "Noise Effects Assessment Fixed Plant" attached at **Appendix 15**.

Consent is not being sought to 'depart' from the permitted activity standards that apply to fixed plant associated with non-residential activities in the Residential Areas.

19 March 2019 s42A Report

In Appendix 9 to the Council's March 2019 s42A Report, the Council's Senior Environmental Noise Officer, Mr Ryan Cameron, commented that:

¹¹ Residential Area standard 5.6.2.2.9 requires "decks, terraces or balconies with a finished floor level of 1.5m or more to be located no closer than 2m from any side or rear boundary."

*“The applicant is proposing to comply with the Inner Residential Noise Activity Standards of the District Plan. That being true, then it should be noted that consent would not be required in a noise context, since these are permitted activity standards. Consent would otherwise be required if a proposal sought to exceed these levels. Therefore, demonstrating that this application can comply with those Standards confirms it will produce noise no greater than any other surrounding site could produce ‘as of right’, and therefore noise effects to that extent can be argued to be reasonable”.*¹²

The above statement accords with the Applicant’s approach and understanding. Any effects associated with the new fixed plant will not exceed the permitted activity and will therefore be acceptable.

5.2.6 Cultural Effects

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

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

The same consent condition is again proposed by the Applicant.

19 March 2019 s42A Report

In the Council’s March 2019 s42A report it was noted that:

“When the applicant requested public notification, notice was served on both Ngati Toa and Port Nicholson. Mr Love confirmed there are no issues and that Port Nicholson will not be making a submission on the proposal and no response was received from Ngati Toa”

with the further comment that:

*“Through the imposition of an accidental discovery protocol condition, as recommended by Ms Karu and the applicant, should the Commissioner be of a mind to grant consent, I consider the cultural effects will be acceptable”.*¹³

In the Applicant’s opinion, this conclusion remains valid for the revised proposal.

5.2.7 Earthworks

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

Potential effects include:

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

¹² SR No. 414749, 19 March 2019, Appendix 6

¹³ SR No. 414749, s42A Report, 19 March 2019, page 38

In terms of stability, this is a matter that will be subject to geotechnical¹⁴ and engineering investigation and design as part of the detailed design phase. Proposed excavation and retaining methodologies are outlined in the Holmes Consulting Report - refer **Appendix 4**.

Detail of the areas of cut/fill, retaining and area disturbed is provided in the Holmes Consulting Drawings - refer **Appendix 17**.

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

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

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

In terms of off-site transportation effects, approximately 585 truckloads (12 tonne trucks)¹⁵ will be necessary to remove the surplus material to an approved landfill.¹⁶ It is probable that the material will be taken to one of the approved landfills in Owhiro/Happy Valley. Accordingly, the route will use mainly principal and collector roads (Hanson Street/John Street/Wallace Street/Webb Street/Brooklyn Road/Ohiro Road, thus avoiding low capacity (residential) streets.

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

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

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

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

[added emphasis]

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

- (a) the quantum of material to be excavated and removed from the site is less (3,630m³ for the current proposal / 5,030m³ for the radiology building proposal), and therefore the number of truck movements is also reduced; and
- (b) the maximum cut is also significantly less - 4.0m compared to 6.1m.

¹⁴ A geotechnical report has been prepared by Tonkin and Taylor (dated July 2008) - refer **Appendix 16**. This report was referenced in the recommended consent conditions (Condition 25) - Appendix 9 to the 19 March 2019 s42A Report.

¹⁵ Refer Construction Effects report (Appendix 3) at page 3.

¹⁶ This compares to the 718 truck loads associated with the earthworks for the proposed radiology building development (SR 201303) where the Commissioners found that:

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

19 March 2019 s42A Report

In the Council's March 2019 s42A Report it was concluded that in terms of stability, visual effects and the transportation of material, any effects associated with the necessary earthworks, subject to the recommended consent conditions, would be acceptable.¹⁷

Given that there is no material change to the proposed earthworks, the above conclusion, in the Applicant's opinion, remains valid.

5.2.8 Contaminated Land Effects

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

To assess the potential for contaminated soil, ENGEO were commissioned to prepare a "Preliminary Environmental Site Investigation" report - refer **Appendix 18**.

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

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

For the 2011 application (SR 227340) the following consent conditions were imposed:¹⁸

Contamination

- (12) *If any contamination is discovered during the works (e.g. by the presence of odour and/or staining, or the presence of anthropogenic fill materials) the consent holder must immediately cease works and contact Wellington City Council and the Greater Wellington Regional Council. The soil must be sampled for analysis to determine the extent and nature of contamination, in accordance with the Ministry for the Environment (MfE) Guidelines.*
- (13) *If contaminated soil is discovered and sampling is undertaken the consent holder must provide a Validation Report prepared by a suitably qualified environmental scientist to the Council's Compliance Monitoring Officer. The Validation Report must outline the testing undertaken, compliance or otherwise with MfE Guidelines and any further recommendations required.*
- (14) *If soil analysis show levels of contamination that exceed the relevant MfE Guidelines, a Remediation Action Plan must be prepared and submitted to Council's Compliance Monitoring Officer for approval.*
- (15) *Any contaminated excavated material that is to be removed from the site must be disposed of to a suitable disposal or treatment facility licensed to accept the waste. The consent holder must maintain records of disposal / treatment, quantities and locations and this must be provided to the Council's Compliance Monitoring Officer on request.*

The Applicant accepts that the same or similar conditions (as now proposed - refer **Appendix 20**) would be appropriate.

¹⁷ SR No. 414740, s42A Report, 19 March 2019, page 33.

¹⁸ There were no contaminated land consent conditions on the 2009 application (SR 201303).

However, given the comment in the ENGEO report that:

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

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

19 March 2019 s42A Report

In the Council’s March 2019 s42A Report in relation to any site contamination it was recorded that:

Based on the information provided in the application, the DSI report prepared by GEO Limited, the report prepared by Mr Hartley (AECOM) and his recommended conditions, and the volunteered conditions of consent I consider any actual or potential contamination effects will be adequately managed and will be acceptable”¹⁹

In the Applicant’s opinion, this conclusion remains valid.

5.2.9 Temporary Construction Effects

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

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

The most common approach to mitigation of construction-related effects is the preparation and implementation of a construction management plan which:²⁰

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

Against this background a “construction effects report” was commissioned by the Applicant. The report prepared by Holmes Consulting (refer **Appendix 4**) identifies a number of matters that will need to be addressed.

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

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

¹⁹ SR No. 414740, s42A Report, 19 March 2019, page 34.

²⁰ A DRAFT construction management plan (CMP) is attached - refer **Appendix 19**. This should be read in conjunction with the Construction Effects Report attached at **Appendix 4**.

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

Monday to Friday	7.30am to 6.00pm
Saturday	7.30am to 1.00pm
Sunday & Public Holidays	no work allowed except by special WCC dispensation.

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

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

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

Construction and Earthworks

d) *A further and final Construction Environment Management Plan (CEMP) must be submitted to the satisfaction of the Council's Compliance and Monitoring Officer prior to works commencing on the site. The CEMP must address, but is not limited to, those issues raised in the Construction Effects Report prepared by Holmes Consulting Group, dated [17 September 2009 and 12 March 2010].²¹ The CEMP must also include:*

- *a contact (mobile) telephone number(s) for the on-site manager where contact can be made 24 hours a day / 7 days a week;*
- *details of appropriate local signage / information on the proposed work including the location of a large (greater than 1m²) notice board on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;*
- *a communications and complaints procedure for adjoining property owners/occupiers, passers-by and the like;*
- *safety fencing and associated signage for the construction site;*
- *a Construction Noise Management Plan that must describe the methods by which noise associated with the work will comply in all aspects with the controls set out in NZS 6803:1999 Acoustics Construction Noise and how persons undertaking day-to-day activity management will adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with Section 16 of the Act; and*
- *an Erosion and Sediment Control Plan conforming to the requirements of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington region. This must include keeping the adjacent streets and footpath safe, clean and clear and available for normal use at all times as well as ensuring sediment does not enter neighbouring properties or the Council's stormwater system.*

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

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

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

²¹ Replaced with "20 April 2018"

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

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

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

The Applicant accepts that the same or similar conditions (as now proposed - refer **Appendix 20**) would be appropriate.

19 March 2019 s42A Report

In the Council's March 2019 s42A Report in relation to contamination it was recorded that:

"I agree with the applicant that through the implementation of the consent conditions volunteered (as appropriately amended or separated out to address the specific aspects of this proposal), the effects associated with the construction will be acceptable. I have drafted conditions of consent to address submitters' concerns where reasonable and practicable, should the Commissioner be of mind to grant consent".²²

Given that the construction activities associated with the revised proposal will be essentially the same as those associated with the earlier proposal, in the Applicant's opinion, the above conclusion remains valid.

5.2.10 Positive Effects

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

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

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

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

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

²² SR No. 414740, s42A Report, 19 March 2019, page 36.

5.2.11 Environmental Effects Conclusion

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

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

5.3 MATTERS OF NATIONAL & REGIONAL SIGNIFICANCE

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

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

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

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

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

5.4 DISTRICT PLAN OBJECTIVES AND POLICIES

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

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

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

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

The site is effectively a ‘transition site’ between the smaller-scale (residential) buildings to the south and the larger-scale buildings to the north - refer photograph on the following page.

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

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



PHOTO 4: 'larger scale buildings to the north'

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

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

5.5 PART 2 RMA

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

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

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

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

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

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

[51] *In the case of applications for resource consent however, it cannot be assumed that particular proposals will reflect outcomes envisaged by pt 2. Such applications are not the consequence of a planning processes envisaged by pt 4 of the Act for the making of planning documents. Further, the planning documents may not furnish a clear answer as to whether consent should be granted or declined. And while s104, the key machinery provision for dealing with applications for resource consent, requires they be considered having regard to the relevant planning documents, it plainly contemplates reference to pt 2.*²³

Thus, any previous uncertainty has now been removed. Such that there is now no need to refer to Part 2 of the Act, where the plan provisions are clear, to form an overall judgement on the application.

However, given that s104 does refer to “subject to Part 2”, brief comment is made as follows:

1. the proposal is consistent with making more efficient use of physical resources (i.e. the ‘site’) in a manner that will make a contribution to the District Plan’s principal objective of providing for non-residential activities in Residential Areas in appropriate situations;
2. providing for additional consulting rooms at the established hospital, in addition to enabling a more efficient use of the site, it will also enable the hospital to more effectively deliver health/hospital services and meet demand. This is consistent with the overall purpose of the Act, and, in particular, with enabling people and communities to better provide for their social and economic wellbeing, and their health and safety; and
3. at the same time, any adverse environmental effects, particularly in relation to streetscape, effects on residential amenities, and traffic and parking, have been appropriately avoided or mitigated.

Thus, the proposal is generally consistent with:

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

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

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

*“To ignore real benefits that an activity for which resource consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity”.*²⁴

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

5.6 OTHER MATTERS

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

²³ R J Davidson Family Trust v Marlborough District Council, CA97/2017

²⁴ *Elderslie Park v Timaru District Council* [1995] NZRMA 433 (HC).

5.7 SUMMARY S.104 ASSESSMENT

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

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

The questions were:

Question 1

Will the proposal represent an efficient use of the site?

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

Question 2

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

Yes. The urban design/streetscape assessment concludes:

The proposal will change the existing streetscape by introducing a new taller building which sits closer to the street edge compared to the existing hospital building. The new building, while taller and more prominent than the existing hospital, will replace the view of an open carpark along the street edge and an existing older building of no special design quality with a view of a new architecturally-designed building with a well-articulated street façade with vertical rhythm and design treatment that provides visual interest and reflects the scale of its residential context.

Question 3

Will the new building establish/maintain an appropriate streetscape?

Yes. The positive is the replacement of a street frontage open car park area with an architecturally designed building which reflects the existing pattern of frontage setbacks both to the north and the south. The new building is appropriately located toward the northern end of the hospital site where it abuts an area of larger-scale buildings and in this respect establishes an appropriate transition from the northern large-scale buildings to the smaller-scale residential buildings to the south.

Question 4:

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

No. For the reasons summarised above in Section 5.2.4, it is considered that any adverse effects on the amenities enjoyed by adjacent and nearby residential properties will not be significant.

Question 5

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

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

Question 6

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

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

Such additions, which translate to around 1 extra vehicle every 1-1.5 minutes, are not of a quantum that would significantly affect the performance of the adjacent road network, and indeed the change is unlikely to be distinguishable to existing road users.²⁵

Question 7

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

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

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

Question 8

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

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

Question 9

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

Subject to the imposition of an accidental discovery protocol, there are not expected to be any effects on cultural values.

5.8 SECTION 104B CONSIDERATIONS / PROPOSED CONSENT CONDITIONS

Section 104B of the Act states that:

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

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

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

The consent conditions recommended in the Council's 19 March 2019 s42A Report have been reviewed by the Applicant. Those recommended consent conditions were prepared by the Council on the basis that the Hearing Commissioner might *"be of a mind to grant consent"*.

Following receipt of the s42A Report the Applicant choose to review the proposal and has now submitted a revised proposal.

Having reviewed the (then) recommended consent conditions, and in relation to the revised proposal, the Applicant confirms that recommended consent conditions (Appendix 9 to the s42A Report) continue to

²⁵ Transportation Assessment Report, April 2018, page17.

be largely appropriate and 'fit for purpose' in relation to the revised proposal, and accordingly, subject to some minor amendments, are generally adopted by the Applicant.

The Council's recommended consent conditions, with amendments proposed by the Applicant, are attached - refer **Appendix 20**.

6 CONCLUSION

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

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

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

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

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

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

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

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

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

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

For these reasons, and for the further reasons recorded in this AEE report, and accompanying Appendices, it is considered that the addition of the proposed new building to the existing hospital is:

- (a) appropriate given its context;

- (b) consistent with the environmental results anticipated for the Residential Areas; and
- (c) consistent with the 'sustainable management' purpose of the Act.

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

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

is equally valid in relation to the current proposal.



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26 July 2019

APPENDICES

1. Hearing Commissioner's Minute No 3
2. Architectural Statement
3. Landscape Statement and Landscape Plans
4. Construction Effects Report
5. SLUR Certificate
6. Pre-Application Meeting Notes
7. Correspondence with Iwi
8. Consultation with Submitters and Residents
9. Urban Design Assessment
10. Arboricultural Assessment
11. Tree Protection Plan
12. Transportation Assessment Report
13. Transportation Assessment Addendum
14. Shading Assessment Report
15. Fixed Plant Noise Report
16. Geotechnical Report
17. Earthworks Drawings
18. Preliminary Site Investigation Report
19. Draft Construction Management Plan
20. Recommended Consent Conditions

