

Before the Hearing Panel for Wellington City Council

In the matter of: an application by Ryman Healthcare Limited for resource consent to construct, operate and maintain a comprehensive care retirement village at 26 Donald Street and 37 Campbell Street, Karori, Wellington

Summary Statement of **Laura Brownlie** on behalf of the Wellington City Council

Dated: 16 September 2022

- 1 My full name is Laura Michelle Brownlie.
- 2 My qualifications and experience are set out in my section 42A report, dated 22 August 2022.

Corrections

- 3 I would like to make a correction to paragraph 427 of my section 42A report to remove reference to the statement “*however, I consider the proposal needs to be assessed on the framework that existed at the time of the application being submitted.*” The sentence should be amended as follows:

The proposal does not meet the minimum car parking requirements (one per ‘household unit’ and one visitor car park per four units where there are seven units or more). It is acknowledged that since the application was submitted in September 2020, the minimum car parking requirements have been removed from the District Plan. Due consideration can be given to traffic effects as this is as listed as a specific matter of discretion under Rules 5.3.7 and 5.3.10A and as the proposal is a Non-Complying Activity there is no restriction on the matters which have to be considered.

- 4 At paragraph 495 of my section 42A, the sentence is incorrect and should be amended as follows:

Taking into account the assessment above of the actual and potential effects of the development (not including positive effects).

For clarity, I did not consider positive effects for the purpose of the section 104D(1)(a) assessment but did consider them under the section 104 assessment.

Purpose

- 5 This statement is a summary of the findings of my section 42A report. It also addresses the relevant matters raised in the pre-circulated evidence by the applicant. It is noted that there was no pre-circulated evidence from any submitter, but I will address Submitter 67 submission as they changed their submission on the proposal after the completion of my section 42A assessment.
- 6 For the purposes of completion, this statement does not address matters that have been raised through the course of the hearing. These will be addressed in my right of reply which is scheduled for Tuesday.

Response to Lina and Cheng Hao, submitter 67 – 40 Campbell Street

- 7 The submitters provided a submission in support on 17 May 2022 which stated that they support the application and that the reasons for their submission are “support for the community.”
- 8 On 4 September 2022, the submitters emailed the Hearings Advisors and sought to change their submission from being in support to being opposed.

- 9 I have reviewed the revised submission and do not consider the matters raised change the conclusions reached in my section 42A report. Visual bulk and dominance and shading effects on the property at 40 Campbell Street have been addressed at paragraphs 285-288 (shading) in my section 42A report and I consider these to be less than minor on this property. Visual bulk effects are addressed at paragraph 94 in my section 42A report and are determined to be no more than minor.
- 10 Mr Burns' provides an assessment of visual bulk and shading effects on this property at the Appendix in his summary statement which I agree with. I also agree with Mr Burns' response relating to headlight glare from vehicles.
- 11 Ms Wilkening provides an assessment of noise effects on this property and I note Ms Wilkening comment *"inside the dwelling, even with windows open for ventilation, the noise from vehicles entering or leaving the Campbell Street entrance will be well below any noise level that would cause sleep disturbance. The noise will be similar in character to, an of a lower level than, traffic passing on Campbell Street."* It is important to remember that the proposed activity is a residential activity which is anticipated in this zone. Furthermore, Campbell Street is a Collector Road in the District Plan and collector roads accommodate greater volumes of traffic than sub-collector or local roads, for example. I also note that Campbell Street is on a bus route so there would be noise associated with buses along this street as well. I do not consider there to be adverse noise effects on this submitter.
- 12 Mr and Mrs Hao said in their revised submission that if they were aware of this proposal they would not have purchased the house. I note that resource consents applications are public information and when a request is made for a resource consent application, Council provides this information to the requestee.
- 13 I note the submitters request to now 'oppose' the application. As such, the updated number of submitters are 38 are in opposition (which includes the late submission from Heritage New Zealand Pouhere Taonga), 37 are in support, and one is neutral. This may wish to be treated as a formal correction.

Environmental Effects

- 14 My section 42A report identifies the effects associated with the proposal, which fall into the following categories:
- Residential amenity effects (bulk and dominance, shading, privacy and overlooking)
 - Wind effects
 - Streetscape, character, and visual effects
 - Landscape effects
 - Arboricultural effects
 - Heritage
 - Construction effects
 - Earthworks and geotechnical effects
 - Contamination effects
 - Traffic effects
 - Noise effects
 - Servicing / three waters effects

- Flooding effects
- Effects on water quality
- Signage effects
- Lighting effects
- Open space and recreation

15 I consider that, for the most part, there is general alignment between Council experts' assessments and the applicant's experts' assessments and evidence. Where there is a more discernible difference in opinion is between the wind experts, Dr Donn and Mr Jaimeson. This will be addressed further on Tuesday in my reply where I will provide a response on the draft conditions (which were presented to the Hearing Panel on Friday morning). I will also provide a response to Panel's questions about including reference to wind lobbies into a condition of consent and in addition to a recommendation on where this would be best placed within the condition set.

16 My effects assessment draws the conclusions that the actual and potential effects of the respective effects categories will be either be less than minor or no more than minor. Mr Turner and I are both in agreement that the effects of the proposal will be no more than minor and therefore passes through the first 'limb' of the section 104D gateway test (section 104D(1)(a)).

Relevant Plans

16 For the purposes of the section 104D(1)(b) assessment, as the Proposed District Plan was notified on 18 July 2022, the proposal requires an assessment against the objectives and policies in the Operative District Plan and the Proposal Plan (section 104D(1)(b)(iii)).

17 Paragraphs 496 to 541 of my section 42A report provide an assessment of the proposal against the relevant objectives and policies of the Operative District Plan. I consider that while the proposal is inconsistent with or not entirely consistent with policies 4.2.4.1, 4.2.4.2, and 4.2.3.6 of the Operative District Plan, for the reasons assessed in my section 42A I did not consider the proposal to be contrary to objectives and policies.

18 Paragraphs 545 – 589 of my section 42A report provide an assessment of the proposal against the relevant objective and policies of the Proposed District Plan. I consider that the proposal is consistent with the relevant objectives and policies of the Proposed District Plan.

19 Mr Turner and I have differing views on applying the Medium Density Residential Standards (MDRS) to the site where a qualifying matter exists. With respect to MRZ-P4 we both conclude the proposal is consistent with this policy, but for different reasons. Notwithstanding, this does not change the assessment I have made.

20 I have assessed the proposal against the relevant objectives and policies of the Operative District Plan and the Proposed District Plan under my section 104D(1)(b)(iii) assessment above and conclude that while there are some inconsistencies with the Operative District Plan the proposal will not be contrary to the objectives and policies of the Operative District Plan or the Proposal District Plan.

21 Mr Turner and I agree that the proposal can pass either test of the section 104D test and can be considered under section 104B of the Act.

22 My section 42A report addresses the submissions in support and positive effects of the proposal for the purpose of section 104(1)(a). I consider the proposal will have significant positive effects and overall effects will be acceptable. My section 42A report also provides an assessment of the NPS-UD and RPS and I consider the proposal aligns with the strategic intent of these higher policy documents and I consider that the proposal achieves the outcomes sought by the NPS-UD.

Part 2

23 I consider that the proposal is consistent Part 2 of the Act.

24 Conclusion

For the reasons assessed in my section 42A report, my recommendation to the Hearing Panel that they grant consent for the proposal to establish a comprehensive care on site at 26 Donald Street and 37 Campbell Street. There has been no new information or expert evidence that has eventuated in the pre-circulated evidence that has changed my recommendation to the panel. I recommended consent be granted subject to the imposition of conditions of consent to manage and mitigate effects. I do, however, note that I have not seen the updated shading diagrams the applicant has been asked to prepare and I will provide a response to this in my reply.

Application of the MDRS and the removal of minimum car parking

25 There are two areas where Mr Turner and I have differing views in approach and application. The first relates to the MDRS. Mr Turner submits that the MDRS can be applied across the entirety of the site whereas it is Council's position that the MDRS cannot be applied to the parts of the site that are subject to a qualifying matter - in this case there are three qualifying matters on the site. I will provide a response to this on Tuesday in my reply. The second relates to the consideration of parking related effects in light of the removal of minimum car parking standards as directed by the NPS-UD. I will provide a response to this in my reply on Tuesday.

Conditions

26 Appendix 1 of my section 42A report (dated 22 August 2022) contains a list of draft recommended conditions that should be imposed should the Hearing Panel be of a mind to grant consent. As Mr Turner advised earlier this morning, the Council and applicant had a conferencing session yesterday on the draft conditions. I also note that on Thursday 8th September 2022 we had the first conferencing session on the conditions, although this session did not include experts. The conditions presented and talked to this morning are a further refinement of the draft conditions from 8 September 2022. I agree with Mr Tuner in that there is around 95% agreement with the conditions, however, as Mr Turner noted myself and Council experts have not had the opportunity to review this set, along with further edits made since the session ended yesterday. I intend on providing an update on the conditions in my reply on Tuesday.