

**FURTHER FEEDBACK FROM THE ŌRĀKEI LOCAL BOARD ON A RESOURCE CONSENT
APPLICATION FOR A RETIREMENT VILLAGE AT 188-226 ST JOHNS ROAD AND 55-57 RIPON
CRESCENT, ST JOHNS, AUCKLAND**

1. The Ōrākei Local Board is appreciative of the opportunity to comment on the Reply Submissions of Counsel for the Applicant, and thanks the applicant's counsel for providing a summary of the chronology of the retirement village zone, the zoning of the St Johns site, and examples of retirement villages already consented under the Unitary Plan.
2. The Board wishes it noted that it was the understanding of the Board's representatives following the Board's presentation of its Feedback on 18 June, that the Commissioners had indicated that all submitters and the Ōrākei Local Board would be given an opportunity to provide written response to the counsel's summary document. The Board is therefore taking up that opportunity to respond briefly, in particular to the use of examples of retirement villages consented under the Unitary Plan.
3. As the Ōrākei Local Board has already stated, it is supportive of fit-for-purpose and well-designed retirement village developments. The Board's principal opposition to the St Johns proposal is that it infringes significantly the height provisions of the Unitary Plan's provisions.
4. The Board's position is that if infringements are allowed for this development to exceed the stated regulated heights, for example, a precedent is set for other developers to justify their future proposals to this level and thereby further endorse the contraventions.
5. The Ōrākei Local Board advocates for the integrity of the Unitary Plan to be maintained. What is approved now, in particular, if the development is permitted to exceed the regulated heights, will set a further precedent to determine what can be accepted in the future.
6. The Board's view is that each development must be treated on its merits taking into account its own unique site, including the contours of the site, and the consequent effect of the height and bulk of the development on the existing local communities. What might be acceptable by way of height for say, a site with significant changes in ground contour, is not necessarily acceptable for a site, such as the St Johns property which for most of its area is largely flat. What might be disguised by way of height and bulk due to the contours of another property cannot be justified when another site such as the St Johns site, is relatively flat. What the Board has seen from the plans shown for the St Johns site is that the height proposed together with the bulk of a number of buildings will have a significant negative effect on the immediate surrounding properties and would be clearly dominant when sighted from a distance.
7. The Board considers it is an important principle of not comparing this application with the examples given by counsel because this site is different with its own characteristics

and any development should respond to those. Further this proposal has its own unique effects. What may not have been sufficiently teased out is how this MHU zone (and therefore this proposal that arises from and goes beyond the MHU provisions) impacts upon the surrounding MHS zone.

8. Counsel has talked about what one might expect to be developed within the MHU zone. But an important question is how this might be at odds with what one might expect from the MHS zone which surrounds it. With regard to the examples given by counsel it would be of interest to learn whether they are within a wider MHU or MHS zone and whether those developments are on sites surrounded by zoning different to that of the development sites. The question must surely arise: “Is there a more adverse effect because the MHU zone is a spot zone within the MHS zoning, especially when provisions of that MHU zone have been infringed, exacerbating any adverse effects of height, bulk and reduced setbacks?”.
9. The Board understands that the interface of zones was quite a concern for submitters to the PAUP, especially those who found themselves next to a proposed THAB zone, for example.
10. Regarding site zoning, it is noted in paragraph 7 there is the 2015 statement of planning evidence of Clare Covington on behalf of the St Johns College Trust Board (starting at line 9): *“The key change sought is a zoning with a greater height limit that is more compatible with the type of development commonly found in retirement village developments (up to 3 – 5 storeys). The size of this site, its topography and the adjacent mature vegetation within an SEA provide the opportunity to minimise the effects of increased height.”* The Board submits it is evident from the site elevation plans there is very little height minimisation effect taking place – nor would the SEA offer any major mitigation of the design size, as most of it falls away from the applicant’s site. Further, the applicant seeks to remove vegetation from its site within the part of the SEA that is at a similar level to the proposal and still says the SEA will mitigate height and bulk effects. The Board has submitted that it does not support removal of any native vegetation from the SEA.
11. It is further noted under paragraph 10 (page 4) of counsel’s submission: *“The Independent Hearing Panel recommended that the site be zoned MHU, stating...”* at page 5 of the same paragraph: *“The maximum height in this zone is **11m** (with an allowance for a further 1m) which enables efficient use of these large sites.”* (emphasis added). The Board notes per the following summary table below, all seven buildings exceed this height.

	Proposed Height	Infringement	Number of storeys
Building A	14.7m	3.73m	3 storeys

	Proposed Height	Infringement	Number of storeys
		Infringes over entire footprint	
Building B	15m	4.15m Infringes over entire footprint	3 (4 storeys) This building approaches 4-storeys in real height due to a retained parking podium facing the western boundary
Building C	13m	2.82m	3-4 storeys
Building D	19.8m	8.8m Infringes over entire footprint	5 storeys
Building E	22.65m	11.65m Infringes over entire footprint	6 storeys
Building F	24.15m	13.15m Infringes over entire footprint	7 storeys (this is actually up to 8-storeys in height)
Building G (Suburban zone)	11.45m	3.4m Infringes 8m building height under Mixed Housing Suburban Zone	2-3 storeys

12. Regarding the retirement village zone, paragraphs 12-15 of counsel's submission summarise the process of argument which led to the agreement *"that retirement villages would be provided for through the existing residential and business zones."* (paragraph 16)
13. Counsel continues at paragraph 17: *"Evidence presented on behalf of retirement village operators highlighted the scale and necessity for this kind of development. (It is recognised that much of the debate focussed on carrying the **11m permitted height for retirement villages** [emphasis added] that was proposed in the RVZ through to the residential zones (within which retirement villages would now be provided for) in order*

to at least retain the position proposed in the PAUP.)” There is no reference to the advocacy or endorsement to go beyond 11m.

14. Paragraph 21 sums up the IHP recommendation (starting at line 4 of the second paragraph): *“The Panel considers that in terms of built form and the likely larger site sizes, a retirement village complex and a larger-scale residential development are likely to have similar effects and should therefore be subject to similar assessment matters.”*
15. The Board submits the point of difference between the applicant’s design and a large residential development is that the applicant’s proposed retirement village has 344 units across 7 individual buildings. In the Board’s opinion this materially surpasses a large residential development.
16. Turning now to the applicant’s counsel’s four examples of retirement village consents granted under the AUP. There is insufficient information immediately available to ascertain height in relation to boundary and whether or not these buildings breach the 11 metre height restriction.

Summerset at Heritage Park

There is reference to part of the complex being up to six storeys in part. However, this may not be a fair comparison to Building E of the applicant’s design which extends significantly at 6 storeys on the eastern side.

Ryman Hillsborough

Consent was obtained for eight buildings, with a range of heights from two to six levels, on a site zoned MHU. Again without seeing the full design and impact on the landscape and other environmental/height implications, the Board cannot accept the complex as a fair comparison.

Metlifecare Greenwich Park

This is a retirement village of up to six storeys located on land within the MHS zone. The final three to five floor stage was consented in August 2017. It is not clear whether Metlifecare has actually built to six storeys or whether consent was granted. Again a fair comparison cannot be made without viewing the architectural design, height in relation to boundary and other environmental impacts.

Ryman Devonport

This retirement village is on a site zoned MHS, with buildings planned up to five storeys. It received consent in 2016, was appealed to the Environment Court, and was settled through a Court-led mediation process and Consent Order in June 2017.

The fact that this complex was contested in the Environment Court suggests that similar concepts that we are encountering with the applicant’s design may also have been prevalent. And the height did not go beyond five storeys.

17. The Ōrākei Local Board reiterates the position that the application, as submitted, be declined. If the Commissioners are of a mind to grant the application the Board submits that the development, which is intended to be predominantly residential in nature, should be better integrated with the residential character of the immediate neighbourhoods, and the proposed heights lowered and bulk reduced, rather than the proposed dominant development as proposed.

Ōrākei Local Board of the Auckland Council

3 July 2018