

Publicly notified resource consent application by Summerset Villages (Hamilton) Limited for a change of consent conditions to change the layout and number/type of retirement units; and to establish 23 units partially with a Future Collector Road corridor shown in the Peacock Structure Plan of the Operative District Plan

Consent, pursuant to sections 127, 104, 104B and 108 of the Resource Management Act 1991 (RMA) is granted. The full decision is set out below.

APPLICATION AND PROPERTY DETAILS

Applicant	:	Summerset Villages (Hamilton) Ltd
Address	:	206 Dixon Road
Legal Description	:	Lot 2 DP 394745
Area	:	6.8998 ha

Certificate of Title	:	378803
Zone	:	Peacocke Future Urban (Operative Plan) General Residential (Proposed Plan, Appeals Version)

Surveyor/Agent	:	Urban Perspectives Limited (Peter Coop)
Site Plan #	:	Drawing # A003 Revision D
Original proposal	:	Establish Stage 2 of the retirements village consisting of 142 Residential units, 60 apartments, 44 care rooms and 10 care apartment
Easements	:	Yes (pedestrian and farm access easement)

Subject File#	:	11.2011.6283.002
Original Resource Consent File#	:	11.2011.6283.001 (granted on 4 May 2012)
Activity Status	:	Discretionary Activity

Adequacy of Information

The Commissioner had sufficient information to enable the consideration of all relevant matters on an informed basis.

THE PROPOSAL, SITE AND LOCALITY

Proposal - Change and Cancellation of Conditions Sought

The applicant seeks the following:

1. That Condition 1 be amended to refer to the revised site plan A003 Rev D, dated 18 July 2014. Condition 1 currently reads:

That the development be in general accordance with the plans and the information submitted with the application on 14 November 2011 and amended information received 21 December 2011 and amended site plan received 3 March 2012.

2. That Condition 8 be deleted. Condition 8 reads as follows:

'That all site works along the southern boundary shall be compatible with the reasonably anticipated construction levels of the proposed collector road along that corridor. (See advisory note re design levels of collector road).

The Advisory Note reads:

'It is acknowledged that the design of the collector road has not yet been carried out and finished design levels are not available. However it is expected that Stage 2 of the development will be constructed to a level along the southern boundary that can reasonably be expected to accommodate the construction of the collector road without the necessity of major earthworks or retaining walls.'

No other changes are contemplated as part of this application.

The changes are summarised as follows:

1. The original layout set aside a 9.5m wide strip (out of a total of 18m) of land for the construction and establishment of one half of a Future Collector Road. The corridor straddled the south-eastern boundary of the subject site. The applicant seeks to delete the reference to a Future Collector Road from the site plan.
2. The bottom row of residential Units (Units *NW* to *SS*) are proposed to be shifted marginally further to the south-east, to be located partly within the 9.5m wide strip, identified as an Indicative Future Collector Road corridor on the Peacocke Structure Plan in the Operative District Plan and in the notified version of the Proposed District Plan (December 2012). With the removal of the Indicative Future Collector Road corridor from the Peacocke Structure Plan (under the Appeals Version of the Proposed Plan), additional land is made available for a more even spread of the retirement units on the site.
3. The change to the location of the retirement units and the addition of one more unit does not introduce any new elements of non-compliance or exacerbate any existing areas of non-compliance with the Peacocke Future Urban Zone standards under the Operative District Plan or Proposed District Plan (Appeals Version). The Units will continue to comply with all the applicable bulk and location standards.

4. Minor changes in the layout that was the subject of the Stage 2 consent involves the design and orientation of the main buildings in the centre of the site containing the care apartments, apartments, main administration building and hospital facilities.
5. Apart from changes to the orientation of the buildings, the 60 originally consented apartments will be changed to more 'care' apartments and 'care rooms' (ie accommodation that does not include cooking facilities). There is no increase in the number of accommodation facilities, and changes to the orientation of some of these buildings has already occurred within the parameters of 'in general accordance' with the original land use consented plans.
6. A change in the shape of the stormwater pond in the southeast corner from a rectangle to a triangle.

The basic roading system remains unchanged, as does the general distribution of residential units around the site. No changes are proposed to the access arrangements on Dixon Road.

All other aspects of the proposal remain unchanged.

Site and Locality

The site of 6.9 hectares is located on the southern side of the intersection of Dixon Road and Waterford Road.

The zoning for the site is *Peacockes Future Urban* under the Operative Plan and *General Residential* under the Appeals Version of the Proposed Plan.

Under the previously approved land use consent, a strip of land 9.5m in width along the south-eastern boundary was left undeveloped due to the location of an indicative Future Collector Road corridor identified on the Peacockes Structure Plan under the Operative District Plan, which straddles the south east boundary of the site with the adjacent properties.

There is an existing access easement from Dixon Road which provides legal access to a formed road for the adjoining kiwi fruit orchard property (27 Dixon Road) to the south-east of the site.

BACKGROUND

The subject site has seven consents previously approved in relation to the Summerset Retirement Village proposal as detailed in the section 42A planning report.

Consent was granted for the establishment of a retirement village with a mix of residential units/ apartments/ care rooms and care apartments. As at the date of this application, the construction and occupation of Stage 1 has been completed, as have portions of Stage 2. The proposal also involves landscape planting, fencing and the construction of a stormwater pond.

A 9.5m wide strip for the Future Collector Road corridor was delineated, clear of any consented development. This area was to incorporate landscape planting.

Environment Court Appeal (Env-2014-Akl-000137) and Section 274 Party to Proceedings

The Indicative Future Collector Road was retained and shown on the Peacocke Structure Plan in the notified version of the Proposed District Plan. The inclusion of the indicative road was subject to submissions. The Commissioners' decision on the submissions was to delete the road from the Structure Plan, as notified in the Decisions Version of the Proposed District Plan on 9th July 2014.

On 29 July 2014, Goan Holdings Limited and Dixon Homes Limited lodged an appeal to the Environment Court against parts of the Proposed Plan (Decisions Version) with the relief being sought to reinstate the indicative Future Collector Road corridor. If the Collector Road corridor is not reinstated by the Environment Court, the Appeal seeks to have the Proposed Plan amended or other arrangements to avoid, remedy or mitigate the adverse impact on the Appellants' subdivision consent approval (File #11/2011/22780), which relied in part on access to this proposed Future Collector Road.

The applicant is a section 274 party to the Environment Court Appeal proceedings, interested in ensuring that the Commissioners' decision is upheld in its entirety and opposing the relief sought on the basis that granting the relief sought could prevent the efficient use of Summerset's land, with no corresponding community benefit.

Neither Goan Holdings Limited nor Dixon Homes Limited has lodged a submission on this application. The Commissioner has approached the issue of the appeal on the basis that she has a duty to process this application and to make a decision on it. If that decision has the effect of reinstating Collector Road corridor more difficult, or of essentially rendering the appeal nugatory, that is part of the relevant factual matrix, but is not in itself determinative. While granting the consent may adversely impact on the ability to give effect to an appeal finding that the Collector Road corridor should be reinstated in the Proposed District Plan, other factors weigh in favour of making a decision on the application. These factors include:

- the obligation on the part of the Commissioner to provide a decision within statutory timeframes (referred to above);
- the right of the applicant to have its application decided in a timely matter;
- the fact that the appellants did not lodge a submission on this application;
- the fact that the latest subdivision consent lodged by Goan Holdings Limited and granted on 14 November 2014 does not include any access to the Collector Road corridor, indicating that it is not essential for the development of the neighbouring property; and
- the shift in Council policy from the Operative District Plan which did include the Collector Road corridor, to the Proposed District Plan, when the decision was made to delete it;

These are all matters which would indicate that this decision should not be deferred.

NOTIFICATION AND SUBMISSIONS

Notification

The application was publicly notified on 24 September 2014.

Submissions

Three submissions were received:

Submission by Waikato-Tainui Kauhanganui Inc: The submission was 'neutral' and the submitter did not wish to be heard. The submission does not raise any specific matters of concern.

Submission by Troy Radovancich and Victoria Collins: The submission opposed the application and the submitters wished to be heard, asking that the application be rejected.

At the same time the submission sought the imposition of a number of conditions relating to formation of a new foot path along the Dixon Road frontage, formation of a new pedestrian crossing on Dixon Road, sealing of the unformed temporary construction access on Dixon Road and planting of the land within the proposed Future Collector Road corridor with native trees.

Although the points raised in the submission are not directly relevant or applicable to the proposed change in location of the row of units or the addition of a residential unit, the reporting planner spoke to Mr Radovancich, and as a consequence, the applicant undertook to modify the access and that compliance would be assessed by Council staff on an on-going basis.

The applicant has also advised that the following landscape planting and boundary treatment measures will be undertaken:

- A boundary fence using a 1.8m closed board unpainted timber paling fence;
- A hedgerow will be planted along the inside of the timber fence to soften its appearance;
- Specimen trees will be planted near to the boundary within the gaps between villas; and
- Areas of low amenity shrubs and ground covers will be planted strategically around the villa buildings.

This submission was formally withdrawn on 25 November 2014.

Submission by New Zealand Transport Agency: The submission was 'neutral' and the submitter did not wish to be heard. The submission states that NZTA does not oppose the proposed changes and advises that *"the scale of the resulting activity will be similar to that of the consented activity in terms of traffic generation, and therefore the proposal will have a less than minor adverse effect on the state highway network."*

Arrangements were made for a hearing; however, following advice from all submitters that they did not wish to be heard, pursuant to section 100 of the RMA, a hearing was not held and the application proceeded to be determined by a Commissioner.

CONSIDERATION OF APPLICATION TO CHANGE CONDITION

Statutory Considerations

Section 127(1) provides that the holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent (except for a change or cancellation of a condition on the duration of the consent).

The applicant in this case is the consent holder of the consent for which changes of conditions are sought.

Section 127(3) provides that sections 88 to 121 apply, with all necessary modifications, as if—

- (a) *The application were an application for a resource consent for a discretionary activity; and*
- (b) *The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*

Pursuant to section 127(3) of the Act, the consideration of effects has been limited to the effects of the change/cancellation only, and consequently the assessment which has been undertaken does not revisit or assess the original proposal in its entirety.

When considering an application for a discretionary activity regard must be had to Part 2 of the RMA, sections 104 and 104B and other relevant statutory provisions. The Commissioner has had regard to:

- The actual and potential effects on the environment of allowing the change / cancellation of consent conditions;
- Relevant provisions of statutory planning documents; and
- Any other matter considered relevant and reasonably necessary to determine the application. In this case, the Commissioner has considered it relevant and reasonably necessary to have regard to the circumstances in which the conditions were imposed and the environmental values sought to be protected.

Actual and Potential Effects on the Environment

Effects that must be disregarded - any effect on a person who has given written approval to the application - no written approvals were obtained.

Effects that may be disregarded – permitted baseline assessment - the permitted baseline refers to permitted activities on the subject site; in this case, the permitted baseline has been established with the grants of resource consent and their partial implementation.

The actual and potential effects of the proposal on the environment are acceptable and will maintain the level of amenity and environmental quality that is appropriate for the area.

The site plan approved as part of the original land use consent delineates a 9.5m wide strip of land than runs along the entire length of the south-eastern boundary of the site, providing a corridor for the formation of an Indicative Future Collector Road, as shown on the Peacocke Structure Plan in the Operative District Plan and in the notified version of the Proposed District Plan (December 2012).¹

¹ As background, where an indicative future collector road is shown on a structure plan, it is the intention that the road would be formed and vested in Council ownership by a developer at the time the land is subdivided for urban development. The location of the indicative collector road is also required to be taken into consideration as part of the assessment of a land use consent application.

The applicant owns a half share of the indicative future collector corridor and a substantial part of the site has been developed for the consented retirement village. The only mechanism for the formation of the road is as a condition of subdivision consent, where the indicative alignment of the road is required to be taken into account. However, no such subdivision is contemplated as part of the retirement village development.

Originally, none of the proposed retirement units was located within the indicative road corridor: and thus the proposed development did not compromise the ability of the Collector Road to be formed at a future date. The revised site layout shows some units located partially within the 9.5m wide strip.

The Proposed District Plan (Decisions Version) has removed the Indicative Future Collector Road corridor from the Peacocke Structure Plan over the entire south eastern boundary of the subject site, and adjacent land. As noted above, the removal of the Indicative Future Collector Road has been appealed to the Environment Court and this appeal is yet to be determined. As part of the relevant matters for assessment under section 104, it is necessary to consider the transportation effects of building within that part of the site that is Indicative Future Collector Road, and the consequential effects on the environment.

The applicant's Traffic Impact Report of 22 July 2014 prepared by John Burgess, Director of Traffic Planning Consultants Limited, concluded that

- the parking that is to be provided as part of the proposed amended development will continue to be appropriate and sufficient to meet all of the parking demands of the Village;
- there will be no effect on the surrounding transport environment; and
- the proposed changes to the consented development for the retirement village will have minimal impact on the transport environment, and will be acceptable insofar as transport planning matters are concerned.

The reporting planner has relied on opinions and comments from staff from the City Planning Unit, City Development Unit, Proposed District Plan Hearings Commissioners, the Transportation Engineer and the applicant and these are summarised below:

- The parking that is to be provided as part of the proposed amended development will continue to be appropriate and sufficient to meet all of the parking demands of the Village, and that there will be no effect on the surrounding transport environment.
- The consented development for the retirement village did not rely or require access to the Indicative Future Collector Road, and the approved access arrangement to the road network is not affected by the proposed change in position for Units *NN* to *SS*.
- The removal of the Future Indicative Collector Road will generate limited adverse transport effects on the road network as an alternative collector road as shown on the Peacocke Structure Plan will provide adequate connectivity within the locality for the future urban development.
- Whilst the removal of the Future Indicative Collector Road will necessitate changes to a 35-lot residential subdivision by Goan Holdings Limited granted by the Council in December 2011, feasible alternative access arrangements can be made. Only 8 of the 35 allotments rely on the formation of the Indicative Collector Road corridor and its vesting as public road.

- Goan Holdings Limited lodged a new subdivision consent application on 25 September 2014 for 27 residential lots. The scheme plan for the new application does not include any access to the indicative Future Collector Road. The subdivision consent was granted on 14 November 2014.

The Commissioner agrees with the reporting planner that these reasons are integral to an assessment of this application, the key issue being the effect of the proposed shift in the location of some retirement units to be partially within the indicative Future Collector Road.

The Commissioner considers that all the actual and potential effects on the environment of the changes in consent conditions will be less than minor or beneficial.

Relevant Statutory Policy Statements & Plans

National Environmental Standards

Matters relating to compliance with NES standards have already been addressed under the original land use consent process. No further assessment is required against the National Environmental Standards Contaminants Soil.

Operative Plan Objectives and Policies

Relevant objectives and policies in the Operative District Plan² are referred to in the planning report and include:

Objective 4.1.4 - Urban Development within the Peacocke Future Urban Area

To ensure urban development within the Peacocke Future Urban area is sustainable, integrated, and delivers high levels of residential amenity.

Policies

- a) *Enable development to occur in general accordance with the Peacocke Structure Plan.*
- c) *Require a master plan to demonstrate how an appropriate nature, scale and intensity of urban development within the Peacocke Future Urban area will be undertaken in a coordinated manner that ensures that integrated and efficient development occurs within and between the neighbourhoods and the adjacent City.*
- d) *Ensure that all urban development responds positively to the identified character areas within the Peacocke area and to the natural environment.*
- e) *Enable the transition from rural to urban to be managed over an extended period recognising the diversity of environments and the varying patterns of land use and ownership throughout the area.*

The Commissioner agrees with the reporting planner that the retirement village (including the proposal to re-locate a row of units) recognises the desirability of enabling the provision of community facilities for the elderly, and effective transport networks within and beyond Stage 1 in the Peacocke area.

² which became operative on 28 July 2012

The proposed changes will ensure that the development of this area occurs in an economic and sustainable manner; and that key environmental and amenity resources of Stage 1 of the Peacockes area are not compromised as the land is converted to future urban use. The integrity and viability of the Peacocke Structure Plan is not compromised.

The design of the units located partially within the proposed Future Collector Road corridor is appropriate and will ensure a visually interesting environment. They will not be bulky or dominant in appearance and the character and amenity of the streetscape along the Dixon Road neighbourhood will be maintained.

Objective 4.1.5 Integration of the Peacocke Future Urban Area with City Wide Infrastructure

To ensure urban development within the Peacocke Future Urban area occurs at a rate, and in a manner, which is integrated with, and does not compromise the city wide trunk infrastructure.

Policies

- a) Infrastructure is to be developed in general accordance with the Peacocke Structure Plan*
- b) Ensure that urban residential development in the Peacocke Future Urban area is connected to wastewater, stormwater and water supply infrastructure which is integrated with and connected to the city wide reticulated infrastructure.*
- c) Wastewater, stormwater and water supply infrastructure within the Peacocke Future Urban area is to be developed in a manner which gives effect to the Waikato River vision and strategy.*
- d) Ensure that wastewater, stormwater and water supply infrastructure is integrated and connected between neighbourhoods and developments within the Peacocke Future Urban area so as to achieve an efficient and effective reticulated infrastructure network.*
- f) The transportation network, within the Peacocke Future Urban area is to be integrated with the city wide and regional transportation networks to ensure a safe and efficient network.*

The Commissioner agrees with the reporting planner that the proposal to add one additional unit and re-locate the row of 23-units will continue to maintain a high quality urban environment that is based on best practice urban design principles.

The Village has access to the necessary infrastructure provisions and staging (Stage 1 of Peacockes growth cell) is integrated with development while enabling flexibility and innovation in design. The necessary bulk trunk infrastructure and transport networks have been established to join Stage 1 of Peacocke to the city's existing infrastructure networks.

The proposal involves associated effects that are anticipated in Stage 1 of the Peacockes Future Urban Zone. The effects of the proposed row of units within the Corridor can be effectively managed by the design and location of the structures, internal access formation and the previously imposed consent conditions.

The partial location of some of the units within the alignment of the indicative Future Collector Road will generate limited adverse transport effects on the wider road network, including the regional transport network as confirmed in the submission from the New Zealand Land Transport Agency.

This is because there is an alternative collector road shown on the Structure Plan which will provide adequate connectivity for this locality.³

For the above reasons, this change to the original consent is not contrary to the above objectives and their associated policies.

Operative Plan Rules – Peacockes Future Urban Zone

In his section 42A report, the reporting planner has identified the relevant rules and assessed the application against these provisions, determining either that the matters identified have already been assessed and consented or that the proposal complies or that the proposal is considered favourably against assessment criteria.

Proposed Plan Provisions (Appeals Version) Objectives and Policies

Decisions on the Proposed District Plan were released on 9 July 2014. With the lodgment of appeals in the Environment Court, no relevant rules in the Proposed District Plan can be treated as operative at this point in time.

In accordance with Section 86B(1) of the RMA, the rules in the Proposed Plan on which decisions have been made have legal effect from the 9 July 2014. However when the application was accepted by Council under section 88 on 24 February 2014, the only Proposed Plan rules that had legal effect related to those covered by Section 86B of the Act (of which there are none relevant to this application).

Relevant objectives and policies in the Proposed District Plan are also referred to in the planning report and include:

Objective 4.2.2 - Efficient use of land and infrastructure.

Policy 4.2.2a Residential development shall use land and infrastructure efficiently by:

- i. Delivering target yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or Structure Plans.*
- ii. Staging and sequencing the development as indicated by rules or Structure Plans.*
- iii. Otherwise complying with relevant Structure Plans.*

As the reporting planner has noted, the proposed development has access to an adequate level of infrastructure servicing, and responds to regionally significant infrastructure, such as the various elements shown on the Peacockes Structure Plan. The Retirement Village itself, including the change in the location of the row of units complies with the staging sequence in the Peacockes Growth Cell and therefore ensures that infrastructure can be planned in advance of development and the effects of changed densities are able to be managed.

With regard to the quoted policies, the effects of the proposed change on infrastructure do not result in new issues, and are addressed by the engineering conditions in the original land use consent.

Objective 4.2.3 - Residential development produces good on-site amenity.

Policy 4.2.3a - Residential design shall achieve quality on-site amenity by providing:

³ as confirmed by expert independent traffic advice presented at the Proposed District Plan hearings, in response to submissions seeking the removal of the indicative Future Collector Road over the application site

- i. *Private, useable outdoor living areas.*
- ii. *Access to sunlight and daylight throughout the year.*
- iii. *Adequate storage space and service areas to accommodate typical residential living requirements.*
- iv. *Insulation to minimise adverse noise effects between residential units.*
- v. *Parking and manoeuvring areas on-site to meet the needs, safety and convenience of residents.*
- vi. *Energy-efficient and sustainable design technologies where compatible with the scale and form of residential development.*

Policy 4.2.3c - *Building design and location shall protect the privacy of adjoining dwellings.*

Objective 4.2.4 - *The development contributes to good neighbourhood amenity as the area matures.*

Policy 4.2.4a - *The size and scale of buildings and structures shall be compatible with the locality.*

Policy 4.2.4b - *Buildings should be designed so they do not physically dominate or adversely affect the residential character of the neighbourhood.*

The re-positioning of a row of units has limited impacts on the environment. The site plan indicates that the site will include landscape planting and the effects on visual amenity values will be appropriately mitigated. The scale of relocation of the row of units is such that important design features – access to sunlight, outdoor living space, visual connectivity to public spaces (Dixon Road) remain.

In summary, the Proposal is consistent with the relevant objectives and policies of the Appeals Version of the Proposed Plan.

Proposed District Plan Standards Assessment

‘Rest homes’ are listed as a Restricted Discretionary activity under the Proposed Plan (Appeals Version) in the General Residential Zone. The reporting planner has undertaken an assessment of the proposal against the relevant standards applicable to the change as a guide and determined that there is ‘full compliance with the standards applicable to ‘rest home’ in the General Residential Zone.

The only other provision relevant to this proposal is the ‘city wide’ chapter, with which the proposal complies in full. Rule 25.13.4.5 requires new residential units to provide at least one water-sensitive technique for each water type to be incorporated into the development. The proposed development will comply with this standard, and expected to be assessed at the time of building consent.

Any Other Matters Considered Relevant and Reasonably Necessary

The Commissioner has had regard to any other relevant matters, including the following:

Submissions: The three submissions received have been reviewed and considered; and the matters raised have been addressed in this decision.

Council Strategies: The Commissioner has noted the strategies in Access Hamilton and Future Proof as well as Hamilton City's other relevant Strategies⁴ and determined that the application is consistent with their provisions.

Regional Land Transport Strategy: The site is located close to a number of public bus routes (on Dixon Road). This will encourage the use of public transport to the site by the public and a possible overall reduction in vehicle trips to the site.

Building, Engineering and Development Contributions: These have all been referred to and no issues have arisen.

Purpose And Principles of the RMA: The Commissioner concludes that the proposed changes to the consent will provide for the economic and social well-being of members of the local community and promote the efficient use of the residential land available. There are no matters of national importance that arise as a result of this application, and as the changes are consistent with the scale of the original land use consent the proposal will, in terms of section 7 matters, promote the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment.

DECISION & REASONS

Pursuant to section 127 of the RMA, consent is granted to the application by Summerset Village (Hamilton) Limited to amend condition 1 and deleted condition 8 of resource consent 11.2011.6283.001, on Lot 2 DPS 394745 at 206 Dixon Road, Hamilton, as follows:

A. Condition 1 to be amended to read (amendments shown in bold italics):

Condition (1):

"That the development be in general accordance with the following:

- *plans and the information submitted with the application on 14 November 2011;*
- *amended information received 21 December 2011;*
- *amended site plan received 3 March 2012 and*
- ***the site plan (copy attached - Ref #A003 Rev D) received on 23 July 2014, for Units NN to SS.***

B. Condition 8 (and associated advisory note) to be deleted:

Condition (8):

~~*"That all site works along the southern boundary shall be compatible with the reasonably anticipated construction levels of the proposed collector road along that corridor. (See advisory note re design levels of collector road)."*~~

~~It is acknowledged that the design of the collector road has not yet been carried out and finished design levels are not available. However it is expected that Stage 2 of the development will be constructed to a level along the southern boundary that can~~

⁴ See planning report, paragraph 8.1.1

reasonably be expected to accommodate the construction of the collector road without the necessity of major earthworks or retaining walls.”

C. Other Conditions

All the other conditions of resource consent 11.2011.6283.001 remain unchanged.

Advice notes:

1. *This consent should be read in conjunction with consent 11.2011.6283.001 granted on 2 May 2012.*
2. *Financial – Planning Guidance*
 - *The initial non-refundable City Infrastructure Group Fee has already been used in processing this resource consent application.*
 - *Based on the complexity of the consent, the multiple changes and the historical DC remission agreement DCs will be advised based on the confirmed plans provided in the building consent application.*

Reasons for the Decision

1. The amendment to condition 1 will enable an adjustment to the location of a row of retirement units, utilizing land on the site without impeding the amenity values of land use activities on adjacent properties. The effects of the changes will have less than minor or positive effects consistent with the relevant objectives and policies of the Operative and Proposed District Plans (Appeals Version).
2. The change of consent conditions will enable the reasonable and efficient use of the available land within the site and the completion of the partially developed retirement village.
3. The changes to the consent conditions are consistent with the intent of the substantive consent and do not give rise to environmental effects that were not contemplated at the time the substantive consent was granted.
4. The design of the individual units and the apartments will be consistent with the design of the units already constructed or under construction.
5. The proposed change to establish one additional unit and shift existing units closer to the southern boundary is minor in the context of the overall consented development on the site.
6. New Zealand Transport Authority has confirmed that the scale of the activity will be similar to that of the consented activity in terms of traffic generation, and therefore the proposal will have a less than minor adverse effect on the state highway network.
7. The proposed changes to the consented development for the retirement village will have minimal impact on the transport environment, and will not compromise the provision of a safe and efficient roading network for the Peacocke area integrating with the city-wide and regional transportation network.
8. The Appeals Version of the Proposed District Plan does not show the indicative Future Collector Road corridor on either the Consent Holder’s site at 206 Dixon Road or the neighbouring site at 238 Dixon Road, and the Council has no plans to seek a future collector road in the vicinity by way of designation.

9. The Retirement Village is largely complete and does not require a subdivision consent to give effect to all the activities authorised under the land use consent. Thus without a designation for the indicative Future Collector Road, there is no legal obligation for the Collector Road to be formed along the southern boundary by either Council or the land owners. It has no prospect of ever being realised.

A handwritten signature in blue ink that reads "Rebecca Madg". The signature is written in a cursive style with a large initial 'R'.

Commissioner

Date:

9 December 2014
